Meeting Synopsis

1. Call to order
2. Announcements
3. Review of the minutes from January 12, 2021
4. Revised code changes for faculty ADR & grievance (attachments to come; Zoe Barsness & Amanda Paye, guests)
5. Report from the task force on housekeeping changes
6. Good of the Order
7. Adjourn

1. Call to order

The meeting was called to order 11:00 a.m.

2. Announcements

Chair Lee noted the remaining FCFA legislation passed the SEC with no comments. Three pieces will be brought to the Faculty Senate.

The survey to lecturers has received a 40% response rate. Statistics will be brought back to the council with survey response analysis.

3. Review of the minutes from January 12, 2021

The minutes from January 12, 2021 were approved as written.

4. Revised code changes for faculty ADR & grievance (attachments to come; Zoe Barsness & Amanda Paye, guests)

Zoe Barsness updated the council on the changes since FCFA last reviewed the legislative draft and Amanda Paye shared the latest draft (Exhibit 1). This version reflects discussions with FCFA and other stakeholders. The Jan 26 meeting will be the final opportunity for FCFA to have a chance to review the draft before SEC discussion.

A member examined the mechanism of accountability and questioned if faculty know that the president considered all fund types. Barsness noted the justification of any presidential decision would be made available to the Secretary of the Faculty and all involved parties.

Another member shared an example of a faculty member’s problematic experience with the merit review process and asked Barsness to consider this example within the new grievance policy.
Paye shared the draft Class C resolution (Exhibit 2) regarding interim revisions to the faculty code Chapter 25 and Chapter 28. The Class C aims to make intent explicit and to describe the ways in which the Class A revised Chapter 27 will be operationalized while the permanent revisions to Chapter 28 are still pending.

Chair Lee called for a motion to endorse the revised code changes for Chapter 27. The council voted to endorse the changes.

5. Report from the task force on housekeeping changes

Mike Townsend (Secretary of the Faculty) provided an explanation of current housekeeping practices and suggested changes by the council task force (Exhibit 3).

Members were asked to provide feedback and consider revisions for a future council meeting.

6. Good of the order

Nothing was stated.

7. Adjourn

The meeting was adjourned at 12:27 p.m.

Minutes by Alexandra Portillo, xanport@uw.edu, council analyst

Present: Faculty Code Section 21-61 A: Megan Callow, Gregory Lund, Aaron Katz, Jack Lee (chair), Jacob Vigdor, Teresa Ward, Karam Dana
Faculty Code Section 21-61 B: Cass Hartnett, Miċeál Vaughan
President’s designee: Cheryl Cameron
Guests: Amanda Paye, Zoe Barsness, Mike Townsend, James Gregory

Absent: Faculty Code Section 21-61 A: Mary Pat Wenderoth
Faculty Code Section 21-61 B: Xin Ying Hsu, Jennette Kachmar

Exhibits
Exhibit 1 – 21-1-19 FCTCP presentation
Exhibit 2 – 21-1-20 Class C Resolution
Exhibit 3 – Faculty Code Housekeeping Dec 20, 2020
Overview of Class A Legislation
Revising Chapter 27: ADR and Faculty Grievances

Faculty Senate Task Force on Faculty Discipline and Dispute Resolution

Faculty Council on Tri-Campus Policy
January 28, 2021
TIMELINE FOR CLASS A LEGISLATION

- **January**
  - Draft to SEC
    - Due February 2 for February 8
  - FCTCP Meeting
    - February 25

- **February**
  - Draft to Faculty Senate
    - Due February 18 for February 25
  - Mid-March (special/off-line to review Class A legislation)?

- **March**
  - Legislation to SEC
    - Due March 23 for March 29
  - FCFA Meetings
    - March 9
    - March 16 (special)?
  - FCTCP Meeting
    - February 25
    - Mid-March (special/off-line to review Class A legislation)?

- **April**
  - Legislation to SEC
    - Due April 27 for May 3
  - Legislation to Faculty Senate (w/ any amendments)
    - Due April 8 for April 15
  - Legislation to Faculty Senate (w/ any amendments)
    - Due May 6 for May 13

- **May**
  - Faculty Vote
    - Begin May 20
**STRUCTURE OF DRAFT**

Current Chapter 27
Administrative and Conciliatory Proceedings

- Administrative Proceeding
- Conciliation

Current Chapter 28
Adjudicative Proceedings for the Resolution of Differences

- Discipline and Grievance
  - Brief
    - Hearing by Hearing Officer
    - Appeal to Faculty Review Panel
  - Comprehensive
    - Adjudication by Faculty Hearing Panel
    - Appeal to President

Revised Chapter 27
ADR and Faculty Grievances

- Informal Resolution
- ADR and Conciliation
- Grievance
- Unit-level Review*
- Institutional Review by Faculty Grievance Panel
- Discretionary Review by President

(Interim) Chapter 28
Adjudicative Proceedings

- Discipline
  - Brief
    - Hearing by Hearing Officer
    - Appeal to Faculty Review Panel
  - Comprehensive
    - Adjudication by Faculty Hearing Panel
    - Appeal to President

*Certain grievances advance directly to Institutional Review
FCTCP FEEDBACK

- **Diversity, Equity, and Inclusion**
  - Added structure and clarity, especially in the Unit-level Review process, will promote consistency and efficacy in the process and outcomes
  - Additional structure creates opportunity to collect data and monitor outcomes to identify concerns and process-improvement opportunities, including in regard to diversity, equity, and inclusion
  - Faculty and administration committee created and explicitly charged with this role and these responsibilities.
OTHER SIGNIFICANT FEEDBACK

- **Complexity and Organization**
  - Reorganized so that how to file a grievance is closer to the top of the grievance section
  - Number of different roles reduced

- **Faculty Grievance Panel and Faculty Administrator Pool**
  - Requirement of selecting a current faculty administrator for the panel removed
  - Faculty Administrator Pool removed

- **Remedy for Tenure and/or Promotion, Merit or Salary Increase, Non-Renewal, or Removal Due to Program Elimination**
  - Sole remedy of referral retained, but back to decision maker
  - Panel must provide instructions on how to correct process
  - In a mandatory tenure and/or promotion case, a provision added that the panel may extend the faculty appointment for the purpose of completing the decision-making process
OTHER SIGNIFICANT FEEDBACK (Cont.)

• Economic Relief and Attorney’s Fees
  • Ability for the panel to recommend economic relief stated in the positive
  • Clarification that economic relief must be within the legal authority of University retained
  • The President is given the responsibility to make that determination, including considering all possible sources of funding

• Discretionary Review
  • Procedural requirements added to increase transparency
    • President must consult with Chair of Faculty Senate prior to initiating and explain reasons for initiating
    • In all reviews, current process borrowed that President may only affirm or must refer decision to panel and after panel reviews, then President makes final decision
    • Must describe reasoning if final decision not an affirmation of the panel’s decision
OTHER LEGISLATION

• **Chapter 28**
  - Minimal revisions to un-intertwine grievances (Chapter 27) from adjudications relating to charges of faculty misconduct (Chapter 28)

• **Chapter 25**
  - Minimal revisions to references to Chapters 27 and 28

• **Class C Resolution**
  - Clarifies that as of effective date of Chapter 27, the Chair must decline any petitions filed under Chapter 28 that would fall under the Chapter 27 definition of a grievance
  - If the faculty member files a petition under Chapter 27 after the effective date, it is considered timely if filed within the time limit in Chapter 28
  - Any petitions filed prior to the effective date will advance through the current process
WHEREAS the Faculty Senate passed a Class C Resolution regarding faculty disciplinary and dispute resolution processes on May 14, 2020, which supported “the development of Class A Legislation revising the Faculty Code to create separate processes and enhanced tools to address distinct faculty issues, categorized for the purposes of the project as: faculty grievances, faculty misconduct, and interpersonal conflict between faculty colleagues;”

WHEREAS the Drafting Committee of the Task Force on Faculty Dispute Resolution and Faculty Discipline has engaged in drafting such Class A Legislation;

WHEREAS given the extent of the necessary revisions, the Class A Legislation will be presented in two separate parts:

• revisions to Chapter 27 to address interpersonal conflict and faculty grievances, which is currently before the Senate;
• revisions to Chapter 28 to address faculty misconduct which is anticipated to be presented in Academic Year 2021-2022;

WHEREAS in order to achieve the implementation of the Class A Legislation relating to Chapter 27, if passed by the faculty, interim revisions to other Chapters of the Faculty Code are necessary to effectuate the intent of the resolution and the Class A Legislation relating to Chapter 27;

WHEREAS such interim revisions have been presented with the Class A Legislation to revise Chapter 27 as follows:

• Revisions to the current Chapter 28 so any petitions filed that would fall within the faculty grievance process are appropriately addressed through the process described in Chapter 27; and
• Revisions to Chapter 25 solely for the purpose of reconciling references to Chapter 27 and Chapter 28; therefore

BE IT RESOLVED that if the pending Class A Legislation is passed and becomes effective, then for any petitions filed under Chapter 28 on or after the effective date, the following actions will be taken:

• when the Secretary of the Faculty receives a petition from a faculty member for an adjudication under Chapter 28, the Secretary of the Faculty must inform the faculty member of the option to file a petition for a grievance under Chapter 27 and, also, of the dispute resolution options described in Chapter 27; and
• the Chair will deny a petition under Section 28-36, Subsection C that would otherwise fall within the new faculty grievance process under Chapter 27 and inform the faculty member how to file or request that the petition be considered as a petition for a grievance under the revised Chapter 27 and, if the petition is timely under Chapter 28, it will be considered timely under Chapter 27.

BE IT FURTHER RESOLVED that any petitions filed before the effective date proceed under the provisions of the current Faculty Code.
A. From the Introduction to the Faculty Code and Governance: “The University Policy & Rules Office publishes simple housekeeping amendments to the Faculty Code and Governance that correct typographical errors; make address, name, or contact information changes; or clarify language without changing its effect. All housekeeping amendments to the Faculty Code and Governance are first reviewed and approved by the Secretary of the Faculty.”

B. 

C. Below are the suggestions from the subcommittee.

Commented [MET1]: Note (1) Housekeeping is not in code per se. 
(2) Covers indicated purposes. 
(3) Changes treated as (permanent) amendments. 
(4) Sole discretion of Secretary of the Faculty.
Faculty Code: “Introduction,” Housekeeping, and Amendments
December 20, 2020

1. Introduction to the Faculty Code & Governance
https://www.washington.edu/admin/rules/policies/FCG/FCGIntro.html

   a. Delete by SEC vote
   b. Modify introduction and place into Faculty Code by Class A legislation
   c. Prohibit any other introduction that is not part of the Faculty Code

2. Faculty Code: Permanent changes
   a. By vote of Housekeeping Committee
      Purposes include:
      (1) To correct inaccurately transcribed text of the Faculty Code, including amendments
      (2) To update names of officials or addresses
   b. By Class A legislation
      Purpose is to amend the Faculty Code in any other permanent way, including modification of wording, punctuation, and/or spelling that are not mis-transcriptions

Faculty Code, Temporary amendments
By vote of Senate Executive Committee
Purposes include:
(1) To meet a deadline to comply with federal, state, or local laws or regulations
(2) To address a state of emergency declared by the governor

OPTION 1
(3) Change would last for exactly 180 days
(4) Amendment cannot be renewed, and a similar temporary amendment cannot be passed with the intention of extending the temporary legislation

OPTION 2
(3) Change would last for no more than 180 days
(4) Amendment cannot be renewed, and a similar temporary amendment cannot be passed with the intention of extending the temporary legislation
(5) By majority vote, Faculty Senate can repeal the temporary amendment

OPTION 3
(3) Change would last for no more than 180 days
(4) Amendment cannot be renewed, and a similar temporary amendment cannot be passed with the intention of extending the temporary legislation
(6) By majority vote, Faculty Senate must affirm the temporary amendment at its first (or second) subsequent meeting or the amendment shall be void

Commented [MET2]: We may want to have an introduction that has things like a description of the abbreviations used in the legislative history that appears on the website.

Commented [MET3]: Or to a delegated person such as the Secretary of the Faculty. Idea is that these purposes reflect changes that could not have any untoward consequences. Put another way, these purposes provide our definition of (true) housekeeping.

Commented [MET4]: Any permanent changes not listed in (a) must go thru Class A. Put another way, such changes are not housekeeping. Current housekeeping allows for clarification; this does not. That is, clarification is to be done either as “interpretation” or as Class A.

Commented [MET5]: These purposes not allowed under current housekeeping. But such changes would be temporary in nature.

Commented [MET6]: The subcommittee does not favor this approach.

Commented [MET7]: In essence, Senate must “opt out” in order to “overrule” SEC.

Commented [MET8]: In essence, Senate must “opt in” or SEC automatically overruled.