Meeting Synopsis

1. Call to order
2. Review of the minutes from May 14, 2019
3. Update on the revamp of faculty discipline procedures (guest: Zoe Barsness)
4. Recap subcommittee activities:
   - Gathering data on lecturers (Jack Lee)
   - EFC membership (Jack Lee)
   - Equity & inclusion (Purnima Dhavan)
   - P&T procedures in non-departmentalized colleges (Jack Lee; see attachment)
5. Teaching Professor proposal (attachment to come)
   - Guest: Jeremy Davis, co-chair of the UWT Lecturer Affairs Committee
6. Good of the order
7. Adjourn

1. Call to order

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

2. Review of the minutes from May 14, 2019

The Council Analyst will set up an electronic vote for the minutes from May 14, 2019.

3. Update on the revamp of faculty discipline procedures (guest: Zoe Barsness)

Zoe Barsness, Associate Professor UW Tacoma Business, attended the council and presented an update on faculty discipline procedures (Exhibit 1). In her presentation she provided several explanatory documents (Exhibits 2-5).

A member asked about the interim level of discipline measures (gray text) and who has authority to reassign duties, place restrictions, postpone merit. Barsness responded that these measures are only temporary and administrators (i.e. deans) have this authority. Townsend further commented that this procedure follows Washington state law. The member further asked if a chair could take action without consultation.

A member asked who conducts investigations. Barsness responded that this has not yet been determined. The Values and Principles committee is currently considering three models. Challenges with the current model include outside findings by UCIRO. UCIRO may find other violations that are not part of their initial investigation. As a matter of timeliness, this is not ideal.
Barsness noted that they will need to evaluate resource constraints. Lee, the chair, commented that there is consensus among the Values and Principles committee that it is better to have a professional investigatory committee rather than an ad hoc faculty committee.

Another member asked for clarification around the documented verbal reprimand. Barsness responded that a verbal reprimand is a sanction and thus there is written documentation.

A member asked if there was an outreach and education plan for how to handle complaints. Barsness responded that training has not yet been determined. The Values and Principles committee has discussed this; however, there is currently more discretion at the intake phase. Moving to a new model will provide more clarity.

A member asked what actions could stay at the department level. Barsness responded that verbal and written reprimands also stay at the department level. Appeals of verbal and written reprimands would be elevated to the next administrative level.

A member asked if the committee has discussed the current composition of UCIRO. Barsness responded that there is an advisory group of faculty and key stakeholders to monitor the system and create accountability. The member also asked how a new discipline process would impact merit. Barsness responded that the committee is trying to create distinctions between grievances and discipline. They have not yet discussed merit.

A member asked how this process addresses contract lengths for WOT faculty members and if an administrator could wait to deal with complaints after a faculty member’s contract ended. Barsness responded that administrators may be doing this because there are not currently enough disciplinary measures in place, but the committee has not yet discussed this specific situation.

One faculty member expressed a reservation in changing the current disciplinary model and felt that it reduced the faculty role in the process. Barsness and Townsend disagreed and responded that the faculty role will still be essential to the disciplinary process.

Barsness offered to answer additional questions via email.

4. Recap subcommittee activities:
   - Gathering data on lecturers (Jack Lee)
     The chair will meet with Joe Janes, acting Faculty Senate Chair, before sending a request to the Provost’s office.
   - EFC membership (Jack Lee)
     Currently being voted on by the faculty.
   - Equity & inclusion (Purnima Dhavan)
     Dhavan commented that a point that surfaced in discussions involved the discretion of chairs and deans. Dhavan recommended that the council formally request that chairs and deans receive awareness training around service requirements.
5. Teaching Professor proposal (attachment to come)
   - Guest: Jeremy Davis, co-chair of the UWT Lecturer Affairs Committee

Jeremy Davis, Senior Lecturer at UW Tacoma in the School of Interdisciplinary Arts and Sciences, attended the council and provided feedback Tacoma. Davis shared that lecturers at UW Tacoma are very supportive of the title change and the contract length change.

The chair commented that there are still substantive issues dealing with requirements around appointments at various ranks. Due to the nature of these changes, the chair recommended that the council form a subcommittee over the summer to discuss how to address these issues in the Faculty Code.

Chair will set up an online discussion board, and disseminate it to faculty senators, deans, etc.

6. Good of the order

Nothing was stated.

7. Adjourn

The meeting was adjourned at 12:35 p.m.

Minutes by Lauren Hatchett, lehatch@uw.edu, council analyst

Present: Faculty: Jack Lee (chair), Steve Buck, Aaron Katz, Purnima Dhavan, Jacob Vigdor, Kamran Nemati, Tom Hazlet, Mary Pat Wenderoth, Lauren Montgomery, Dan Jacoby, Margaret Adam, Mícheál Vaughan, James Gregory
President’s designee: Cheryl Cameron
Ex-officio reps: Judith Henchy, Padmaja Vrudhula
Guests: Mike Townsend

Absent: Faculty: Joseph Janes, Dawn Lehman
Ex-officio reps: JoAnn Taricani, Bryan Crockett

Exhibits

Exhibit 1 – 20190503 ProgDiscipline Goals Summary.docx
Exhibit 2 – 20190526 ProgDiscipline Table.docx
Exhibit 3 – Proposed Faculty Adjudicative Process DRAFT May 21 2019.pptx
Exhibit 4 – DisputeBuckets ValuesPrinciples Framework FINAL.pdf
Exhibit 5 – Discipline PPT.pptx
Exhibit 6 – mail to EFC chairs.pdf
Goals Progressive Discipline

- Retain employee
- Develop/facilitate performance

Purpose of Intervention/Discipline/Sanction

- **Behavior modification/rehabilitation (individual level)**
  - Educate, foster learning, develop/facilitate performance
  - Arrest undesired/violating behaviors (behavior modification)
  - Encourage/elicit desired behaviors
  - **NOTE**: Punishment works to stop undesired behaviors BUT doesn’t elicit desired behaviors.
  - Ensure community well-being and safety
  - Reduce institutional risk (Unstated: protect institution from liability)
  - Overlaps with administrative/institutional efforts to make sure unit operations run as they should

- **Punishment for violation of community and professional standards (e.g., SOM professional standards) or violation of university policy, state law, or federal law (e.g., EO31, research misconduct, audit/finance, etc.)**
  - Ensuring accountability to each other and community as a whole
  - Mitigation of wrong-doing/harm caused

- **Deterrence and reinforcement (collective level)**
  - Preventive focus (cautionary for other members of the community)
  - Communication, affirmation and enforcement of community norms and expectations

Reasons for Intervention

- Performance deficits: Not meeting community or professional conduct expectations
- Violations of university policy, state law, federal law
- Situations in which an underlying mental illness or problem with substance abuse interferes with performance and needs to be consideration of ADA and health issues – limited by those statues in terms of disciplinary options

What constitutes “due process”?

Under the Washington Administrative Procedures Act (WAPA), formal due process is required, and takes a particular form of either a Brief Adjudicated Procedure (BAP) or Full Adjudicative Procedure (FAP, e.g., involves hearing officers) for serious transgressions (i.e., where there is an implicated property right). The WAPA otherwise leaves room for a variety of processes so long as such processes provide the following:

- **NOTIFICATION**: Faculty member must be informed of the complaint/charge/concern/issue
- **OPPORTUNITY TO RESPOND**: Faculty member must have an opportunity to respond to the complaint/charge/concern about which they have been notified
- **APPEAL**: Faculty member may have the opportunity to appeal depending on the severity of the disciplinary outcome or sanction within the ladder of discipline.

**BAP or FAP is evoked anytime there is a material alteration or deprivation of title, pay, salary, or status** (e.g., loss of emeritus status), such as:

- Has the disciplinary action caused material harm?
- When there is a material deprivation of property, then the WAPA adjudication provisions and the Arichi decision apply (i.e., BAP or FAP is required, think hearing officers)
- If there is no deprivation of a property right, then there is no requirement to invoke a lot of process such as a BAP (e.g., more formal process, however shorter than FAP, with a hearing officer, etc.) or FAP to address the situation.

**Suspension with reduced or no pay is bright line where a clear violation of property right has occurred that requires some variation of a formal process (i.e., FAP) under the WAPA**

Prior to that bright line (i.e., suspension with reduced or no pay), we can institutionally make a decision--as a matter of policy --where we want to provide access to BAP or FAP.
# PROGRESSIVE DISCIPLINE LADDER: Presented in order of severity

<table>
<thead>
<tr>
<th>Discipline</th>
<th>Definition/Purpose</th>
<th>Procedure/Process</th>
<th>Recourse/Appeal</th>
<th>Examples</th>
<th>Peer Comparisons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corrective Intervention</td>
<td><strong>Verbal Feedback</strong></td>
<td>Definition: Informal verbal feedback that is not intended or meant to be disciplinary, but is focused on correcting or modifying behavior</td>
<td>Conversation, Inquiry, explanation and provision of feedback</td>
<td>None</td>
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<td>Purpose: Interventions/outcomes are educational and developmental in focus. E.g., they might fall in domain of:</td>
<td>Due Process requirements:</td>
<td></td>
<td>&quot;Ted, I want to talk about something with you. I don't want it to be a formal thing, but I just want to alert you that your behavior X was inappropriate or problematic, just want you to be aware of this. &quot;</td>
<td>Unknown; this may simply fall under informal resolution practices/processes and might not be included in sanctions described in official policy</td>
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<td></td>
<td>• Educating/informing faculty member about policies and procedures and standards of conduct that appear to be misunderstood or of which the faculty member is unaware</td>
<td>• Investigatory Conversation or Meeting (or exploratory conversation or exploratory meeting) takes place with Chair/Dean</td>
<td></td>
<td>&quot;Your lectures are un-focused; we'd like you to visit the TLC for support and assistance.&quot;</td>
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<td>• Making suggestions for coaching or for faculty member to seek out additional training or support.</td>
<td>• No formal record of conversation made or retained in the employee file</td>
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<td>• Doesn't preclude chair/administrator or faculty member from taking their own notes</td>
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<td>Minor Sanctions</td>
<td><strong>Verbal Reprimand</strong></td>
<td>Definition: Explicit reprimand that is verbally delivered</td>
<td>Informational discussion (e.g., educational focus, enhance awareness of community or institutional norms, rules, policies or procedures that may have been infringed or violated)</td>
<td>None</td>
<td>Ohio State</td>
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<td>Purpose: Formal notice that the behavior is unacceptable and needs to be modified</td>
<td>Written document of the conversation occurs so that a record of problematic behavior is formally established. Record includes:</td>
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<td>&quot;TED/ANNE, just following up with an email the conversation we had about the joke that you made, that was problematic. Know you intended it as a joke, but not everyone felt so, we agreed that you would do X going forward . . .&quot;</td>
<td>WSU (“warning”)</td>
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<td>• May be elicited when individual has not adjusted or modified behavior on the basis of informal verbal feedback,</td>
<td>• Description of the behavior</td>
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<td>&quot;We did have a conversation about this last spring in a related situation. I chalked it up to informal verbal feedback, but now it’s happened again so I’m going to write this up as a verbal reprimand. “You really must work on this and here is a coach you might want to use . . .”</td>
<td>AAUP</td>
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<td></td>
<td>• Steps up level of concern, more attention getting in regard to faculty respondent</td>
<td>• Synopsis of the conversation</td>
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<td>• May still be considered developmental, not disciplinary, if coaching or training is required</td>
<td>• Summary of warning and confirmation of next steps if the behavior is not corrected/changed. (i.e., detail contingencies “If X happens again, then Y will occur.”).</td>
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<td>• Description of any differences of opinion between administrator and faculty member.</td>
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<td>Due Process requirements:</td>
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<td>• Written communication to the faculty member, such as email, summarizing the conversation that occurred, any differences of opinion and any agreements that have been made.</td>
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<td>• Request Faculty acknowledge receipt and has opportunity to respond to the communication summarizing conversation should they have any clarifications, additions or revisions.</td>
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<td>Minor Sanctions</td>
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<td>Written Reprimand</td>
<td>Definition: Formal notice that the behavior is unacceptable and must be modified. Violation of professional, university policy or legal standards of conduct has occurred. Purpose: Formal documentation of the behavior and consequences should the behavior continue are stipulated. • Steps up a level of formality; less person-to-person • Indicates higher level of severity of violation • Written Reprimand is entered into the employee’s employment file</td>
<td>Written Reprimand Document stipulates: • Description of the behavior • Summary of which policies, standards have been violated • Summary of warning and confirmation of next steps if the behavior is not corrected/changed. (i.e., detail contingencies “if X happens again, then Y will occur.”)</td>
<td>Recourse: Mediation Appeal: Next administrative level • Dean, if Chair is recording the reprimand • EVCAA at UWB/UWT and Provost, if Dean of undepartmentalized unit at UWS is recording the reprimand</td>
<td>Examples: • Written Reprimand • Due process requirements: • Provide opportunity for faculty to respond to the written reprimand. • Faculty response to be included in the file as part of the permanent record • Written Reprimand may be reviewed and considered for removal from the file at request of faculty member if behavior improves/changes etc. • If matter is determined to be closed, then the written reprimand is removed from the file. • NOTE: Does not require BAP as it does not change conditions or terms of employment.</td>
<td>Peer Comparisons: • UC System • Michigan • Minnesota • Ohio State • Wisconsin (“official reprimand,” presumably written) • AAUP</td>
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<td>Interim Measures</td>
<td>Reassignment of Duties or Other Restrictions on Duties or Privileges Definition: Immediate suspension with pay, pending ultimate determination of matter. Purpose: Compelling circumstances and concerns for community health and well-being present that require community response, yet time is required for situation to be mitigated or addressed (e.g., has been used in EO31 situations for safety reason). • Concerns are of such a magnitude (e.g., “pulled a knife”) that can’t take risk of leaving person in that position even during period of fact finding after complaint has been made</td>
<td>Reassignment/restrictions for duration of evaluation, investigation/fact finding and sanctioning processes</td>
<td>None</td>
<td>Removal from the classroom until there can be an intervention to correct behavior/problematic issues that create risk (e.g., has been used in EO31 situations for safety reasons)</td>
<td>Home assignment (e.g., in some clinical settings or arts units there is a lot of one-on-one work such as patient care or music instruction, so removal from these types of patient care/mentoring/teaching situations may be required)</td>
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<td>Postponement of Merit</td>
<td>Definition: Suspension of merit until investigation and fact finding completed (e.g., by UCIRO, Office of Research Misconduct Proceedings, Audit or Special Investigatory Committee)</td>
<td>Proceed with annual merit evaluation by academic unit colleagues As unable to assemble the record, administrative merit recommendation held in abeyance during period of fact finding and determination.</td>
<td>None</td>
<td>• AAUP</td>
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<tr>
<td>Interim Measures</td>
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<td>Ineligible for Prospective Benefits for a Stated Period</td>
<td>Definition: Loss of eligibility for a specified period of duration for honorific appointments/positions (e.g., chaired professorships, award of emeritus status), professional leave (e.g., sabbatical), approval of outside work, non-mandatory promotion, or to serve in a new administrative capacity or elected faculty governance role or position (e.g., senate or elected faculty council leadership roles, senator, member of university or unit shared governance committees or councils)</td>
<td>Due Process Requirements: BAP Standing university level Faculty committee (subset of FAP) to serve in advisory role and to provide sanctioning recommendation for deans/administrators</td>
<td>Recourse: Mediation or Conciliation Appeal: Administrative/ Paper Review by Faculty Adjudication Panel</td>
<td>• UC system some points of comparison, but focus is on loss of existing status rather than prospective (e.g., loss of emeritus status) • AAUP generally views reductions/demotions in faculty rank (e.g., from associate to assistant professor), as an inappropriate sanction, except in situations where the promotion is obtained by fraud or dishonesty.</td>
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<td>Moderate Sanctions</td>
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<td>Suspension with Reduced or No Pay</td>
<td>Definition: Suspended, removal from duties with reduced pay or no pay</td>
<td>1. Conference with appropriate administrative officer (e.g., chair, Dean) 2. Fact Finding and Evaluation conducted by appropriate bodies (e.g., UCIRO, Special Investigation Committee, Research Misconduct, Audit) 3. Determination and administrative receipt of initial order 4. Dean consults faculty panel for sanctioning advice OR determination of the sanction Due Process Requirements: FAP</td>
<td>Recourse: Mediation or Conciliation Appeal: Administrative/ Paper Review by Provost or President</td>
<td>• Illinois • Minnesota • Texas (only under limited circumstances) • Utah • UC system (always without pay) • WSU (suspension appears to be accompanied by a reduction in pay) • Wisconsin (suspension is “usually” without pay, and occurs where dismissal proceedings are pending, and substantial harm may result without it)</td>
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<td>Major Sanctions</td>
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Exhibit 2
Q: Exclusivity of the progressive discipline/sanction list?

- List to be constrained with defined “off ramp”
- If employing one of the articulated tools/processes in the list, administrator must follow processes and procedures as outlined in the code.
- If seeking to depart from the list of prescribed corrective interventions and disciplinary sanctions, administrator must consult with chair of the faculty senate (or standing subset of faculty adjudication panel) for advice on appropriateness of intervention/sanction envisioned.
- Administrator retains decision rights on sanctioning after consulting with required faculty sanctioning advisory entity.

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<td>Disciplinary Freeze or Reduction in Pay for Stated Period or Permanently</td>
<td>Definition: Freeze of base salary at current rate, or percentage reduction in base salary, for a period of specified duration or permanently. Purpose: Determination to eliminate merit in current year or reduce current base salary (which reflects prior merit raises) is based on the updated and revised understanding of the cumulative record.</td>
<td>1. Conference with appropriate administrative officer (e.g., chair, Dean) 2. Fact Finding and Evaluation conducted by appropriate bodies (e.g., UCIRO, Special Investigation Committee, Research Misconduct, Audit) 3. Determination and administrative receipt of initial order 4. Dean consults faculty panel for sanctioning advice OR determination of the sanction</td>
<td>Recourse: Mediation or Conciliation Appeal: Administrative/ Paper Review by Provost or President</td>
<td>Refers to your nominal salary as in Workday To assure base salary appropriately reflects actual performance in prior year(s). It does sometimes happen that bad behavior is discovered that should have negatively influenced a faculty member’s merit/raise situation in the past, but because the information wasn’t available at the time, it that impact did not happen.</td>
<td>• UC System (“reduction in salary”)  • Ohio State (“reduction of base salary not to exceed thirty-three percent for one year”)  • Wisconsin (also “reduction of a departmentally recommended increase in salary”)  • AAUP (only for a stated period; no permanent reduction in pay)  •</td>
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<td>Major Sanction</td>
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<td>Due Process Requirements: FAP</td>
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<tr>
<td>Dismissal</td>
<td>Definition: Dismissal from the university</td>
<td>1. Conference with appropriate administrative officer (E.g., chair, Dean) 2. Fact Finding and Evaluation conducted by appropriate bodies (e.g., UCIRO, Special Investigation Committee, Research Misconduct, Audit) 3. Determination and administrative receipt of initial order 4. Dean consults faculty panel for sanctioning advice OR determination of the sanction</td>
<td>Appeal: Administrative/ Paper Review by Provost or President</td>
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<td>• All peers (sometimes referred to as “termination” or “discharge”)  • AAUP  •</td>
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</table>
DRAFT Revised Adjudicative Processes for Faculty Misconduct

**Corrective Intervention/Action**

- Department/College
- Coaching
- Verbal Reprimand
- Written Reprimand
- Appeal of Written Reprimand
- Next level administrator review
- Uphold, alter or 'remand'
- Implement corrective action (unless 'remand')

**Brief Adjudication Process**

- Initial fact finding/investigation
- Initial Order
- Finding
- Sanction
- Administrative Review (if requested)
- Final Order or remand

For further fact finding:

(if sanction might be increased to the FAP level)

**Full Adjudication Process**

- Hearing
- Initial Order
- Finding
- Sanction
- Administrative Review (if requested)
- Final Order or remand
- Reconsideration (if requested)
- Final Order

For further proceedings:

**Assessment**

- Assessment, i.e., do facts and circumstances suggest that appropriate process is being utilized

Exhibit 3
Brief Adjudicative Procedure (BAP)

ASSESSMENT
- Dean/Chair to consult with the Faculty Sanctioning Subcommittee (FSS) when considering imposition of moderate or major sanctions (i.e., before sending to fact finding/investigation); Help to determine appropriate adjudicative process (BAP or FAP)

INITIAL ORDER
- Contains both findings and sanction (APA requirement)
- Depending on the initial allegations and who is deemed to be appropriate fact finder (e.g., SIC, UCIRO, ORMP, or Internal Audit), the initial order is written by the fact finder
- Dean will take the facts as found by the fact finding entity and issue a decision on discipline
- There could be additional fact finding after the conversion decision, but it will be conducted by the same body that conducted the initial fact finding
- Dean determines the sanction after consultation with Faculty Sanctioning Subcommittee (FSS)
  - Sits down with FSS committee to discuss options for sanctions
  - There will be discussion at conversion point with the FSS about what Dean is thinking of doing and a vetting of moderate or major sanction details with the FSS committee (e.g., “Given facts, is this a level of penalty you would support?”)
- NO non-faculty fact finder can SANCTION (i.e., UCIRO, ORMP, Internal Audit)

ADMINISTRATIVE REVIEW
- Paper review only
- Conducted by the Faculty Adjudication Panel (3-member)
- Faculty Adjudication Panel can remand to fact-finding entity
- Faculty Adjudication Panel can determine sanction is inappropriate – too much
  - E.g., two years of ineligibility too long, must be 1 year
  - APA would allow the Administrative review to deem that the moderate sanction is TOO much and impose a less severe/minor sanction rather than the moderate

Full Adjudicative Procedure (FAP)

ASSESSMENT
- Dean/Chair to consult with the Faculty Sanctioning Subcommittee (FSS) when considering imposition of moderate or major sanctions (i.e., before sending to fact finding/investigation); Help to determine appropriate adjudicative process (BAP or FAP)

HEARING PROCESS
- Hearing Officer (HO) to conduct hearing; acts as administrative support NOT as presiding officer (e.g., plays central role similar to civil law judge)
- HO decides hearing process; APA provides for a pre-hearing to work with parties to streamline process
- Role of initial fact finding conclusions come into the record
  - Give “XX” weight to initial fact finding conclusions and record that come into the hearing from the investigatory body – “substantial” rather than limited.
  - APA allows for record to come in as long as it’s converted to a full adjudication.
- Assures hearing is more streamlined – doesn’t redo all initial fact-finding
- Faculty Adjudication Panel Composition: 3 members (rather than 5) Faculty
- Adjudication Panel members participate in the hearing in a way that is consistent with their role as currently described in the code
  - Ensure that the panel members can ask questions
  - Assure training/education of panelists
  - Assure selection of panelists is consistent with requirements of case
- Counsels and panel members can propose questions; questions channeled through HO
  - Assures consistency
  - Assures equitable/fair treatment (i.e., no bullying intimidation, illegal phrasing by the panelists)
  - Take this approach as much to protect the faculty member respondent as to assure that their peers can ask questions.
  - Counsel of faculty respondent has right to ask questions and challenge the decision of the HO regarding questions

INITIAL ORDER
- Contains both findings and sanction (APA requirement)
- HO officer is the administrative support for the process; asks panel what they want the findings to be, as well as what the sanction is to be
- Panel says what they want, HO writes the initial order
- Faculty panel votes on Initial order and signed signs the initial order.

ADMINISTRATIVE REVIEW
- Paper review by President for all major sanctions (i.e., suspension without pay or no pay; freeze or reduction in base pay, dismissal
## Motivating Values for Faculty Disciplinary Code and Dispute Resolution Systems

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<th>COMMUNITY VALUES</th>
<th>DISPUTE RESOLUTION PROCESSES</th>
<th>DISPUTE OUTCOMES</th>
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<tbody>
<tr>
<td></td>
<td>Clear</td>
<td><strong>Efficacy</strong></td>
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<tr>
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<td>People know what to expect</td>
<td>• Seek to achieve resolution at the lowest level of dispute intervention possible</td>
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<td>Processes are understandable and navigable</td>
<td>• Strive to address all parties’ concerns</td>
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<td>Equitable</td>
<td><strong>Alignment &amp; Consistency</strong></td>
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<td>Equal access to process for everyone</td>
<td>• Outcomes are aligned/consistent with community values as well as the values of the appointing academic unit</td>
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<td>Processes and procedures are conducted in a consistent and uniform manner across time, disputes and institutional units</td>
<td><strong>Accountability</strong></td>
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<td></td>
<td>Processes are neutral/lack bias:</td>
<td>• Decision makers are responsible for exercising their roles with integrity, in a manner consistent with the faculty code and our community values and are responsible for the consequences associated with implementing decision outcomes.</td>
</tr>
<tr>
<td></td>
<td>• No person or group is singled out for discrimination or ill-treatment</td>
<td>• Community members are held responsible for their behaviors and outcomes.</td>
</tr>
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<td></td>
<td>• Provide protections for all community members regardless of status or power (e.g. tenure/non-tenure track faculty, faculty of different rank, staff, students, etc.)</td>
<td><strong>Proportionality</strong></td>
</tr>
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<td></td>
<td>Fair</td>
<td>• A range of disciplinary actions is available</td>
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<tr>
<td></td>
<td>• Assures appropriate levels of due process</td>
<td>• Disciplinary action matches the presenting transgression and considers relevant history</td>
</tr>
<tr>
<td></td>
<td>• All appropriate parties are included in the process</td>
<td>• Appointment, promotion and merit outcomes match responsibilities and performance expectations</td>
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<tr>
<td></td>
<td>• Parties are treated with dignity, courtesy, and respect</td>
<td><strong>Accuracy</strong></td>
</tr>
<tr>
<td></td>
<td>• Mechanisms are available for fixing mistakes</td>
<td>• Decisions are based on accurate and available information</td>
</tr>
<tr>
<td></td>
<td>Transparent</td>
<td><strong>Educational</strong></td>
</tr>
<tr>
<td></td>
<td>• Relevant information is shared with appropriate parties in a timely manner</td>
<td>• Decisions are shared to assure broad understanding of community values, expectations and norms</td>
</tr>
<tr>
<td></td>
<td>• Decision making process and criteria are communicated; parties know:</td>
<td>• Opportunities for learning, reconciliation and grace are provided as appropriate (e.g., decision outcomes promote a culture that creates space for people to make honest mistakes and come back from them)</td>
</tr>
<tr>
<td></td>
<td>• What is happening, when;</td>
<td><strong>Exhibit 4</strong></td>
</tr>
<tr>
<td></td>
<td>• The outcome received;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Why decision outcome occurred</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ethical</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Norms of professional conduct are not violated</td>
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</tr>
<tr>
<td></td>
<td>Timely</td>
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<tr>
<td></td>
<td>• Seek to address disputes at earliest point of intervention possible</td>
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<td></td>
<td>• Disputes are resolved as quickly as practicable given the nature of the dispute and dispute resolution procedure employed</td>
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</tbody>
</table>
### Dispute Types & Current Approaches

<table>
<thead>
<tr>
<th>Areas</th>
<th>Bucket #1</th>
<th>Bucket #2</th>
<th>Bucket #3</th>
<th>Bucket #4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Areas</strong></td>
<td>Interpersonal Conflict</td>
<td>The “In-Between:”</td>
<td>Violation of Standards</td>
<td>Work Performance &amp; Professional Advancement</td>
</tr>
<tr>
<td><strong>Broad Types</strong></td>
<td>Faculty work relationships with fellow faculty, leadership, staff, students and trainees etc.</td>
<td>Related to Buckets 1 &amp; 3 but details may be nebulous and/or context dependent. Types are too numerous to describe here.</td>
<td>Research Misconduct, Harassment, Sexual Harassment, Retaliation, Discrimination, Financial fraud, other policies and regulatory violations, etc.</td>
<td>Appointment/Reappointment, Mid-Appointment Review, Tenure and Promotion, Annual Review and Merit Evaluation, Teaching Evaluation, Salary etc.</td>
</tr>
<tr>
<td><strong>Specific Example</strong></td>
<td>Colleagues haven’t gotten along for years and snipe at each other in faculty meetings, now won’t speak and are spreading malicious rumors</td>
<td>Faculty publicly berates a professional staff member in a hostile and denigrating manner</td>
<td>Faculty member made sexually charged comments toward and then touched a graduate student who had previously made it clear she wasn’t interested</td>
<td>Faculty member is denied tenure; Faculty argues he/she received biased annual review or evaluation of merit.</td>
</tr>
<tr>
<td><strong>Applicable written policies, standards or code (within UW)</strong></td>
<td>Principles of Conduct for UW Community EO 31, 51, 54, Faculty Code: Chapter 24, 27</td>
<td>Principles of Conduct for UW Community EO 31, 51, 54, Faculty Code: Chapter 24, 25, 27, 28 [Note: 25-71 = “Standard of Conduct”] Workplace Violence Policy, Domestic Violence Policy (APS 11.7)</td>
<td>Principles of Conduct for UW Community EO 31, 45, 51, 54, 57, 61 Faculty Code: Chapter 24, 25, 27, 28 [Note: 25-71 = “Standard of Conduct”]</td>
<td>Principles of Conduct for UW Community Faculty Code: Chapter 21, 23, 24, 25, 27, 28</td>
</tr>
<tr>
<td><strong>Offices/Entities likely to be involved:</strong></td>
<td>Chair, Dean</td>
<td>Chair, Dean</td>
<td>Provost</td>
<td>Provost</td>
</tr>
<tr>
<td></td>
<td>Ombud</td>
<td>Ombud/Conciliation</td>
<td>Academic Personnel/HR</td>
<td>Academic Personnel/HR</td>
</tr>
<tr>
<td><strong>Add’l Offices/Entities that may be involved</strong></td>
<td>Academic Personnel/HR, Colleagues, POD, Sec Fac, Provost, Graduate School, Student Life</td>
<td>Academic Personnel/HR, UCIRO, Title IX, Safe Campus, Colleagues, Sec Fac, Provost, Office of Research Misconduct Proceedings, Graduate School, Student Life</td>
<td>UCIRO/Title IX/Office of Research Misconduct Proceedings</td>
<td>Secretary of Faculty/Adjudication Panel</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ombud/Conciliation, Safe Campus, Office of Research, Graduate School, AG’s Office</td>
</tr>
<tr>
<td><strong>Goals/Interests</strong></td>
<td>Education and reconciliation; reduction of disruption; promotion of community health and well-being; early intervention; mitigates/reduces fear of retaliation; training for faculty, chairs and deans</td>
<td>Education and reconciliation; ensuring health and safety; reduction of disruption; promotion of community health and well-being; upholding university policies and standards; commitment to exhaust interest-based approaches before recourse to formal grievance/discipline procedures; early intervention</td>
<td>Upholding university policies and standards, safeguarding academic freedom and integrity; ensuring health and safety; assuring timely, clear, equitable, fair and transparent and ethical procedures; imposition of proportional discipline; mitigating/reducing institutional risk; taking appropriate corrective action</td>
<td>Education and mentoring; upholding university policies and standards, safeguarding academic freedom and integrity; assuring timely, clear, equitable, fair and transparent and ethical procedures; assuring fair and equitable personnel decisions; taking appropriate corrective action</td>
</tr>
<tr>
<td><strong>Approaches Used</strong></td>
<td>Facilitation</td>
<td>Interest-Based</td>
<td>Rights-Based procedures</td>
<td>Interest-Based</td>
</tr>
<tr>
<td></td>
<td>Interest-Based</td>
<td>Rights-Based procedures</td>
<td>Rights-Based procedures</td>
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</tr>
</tbody>
</table>
Task Force on the Disciplinary Code and Process

Zoe Barsness - Co-chair
Why Tackle This Work?

> **System is out of date**

> **Current system**

  – Lacks clarity and transparency
  – Fails to encourage and facilitate early intervention
  – Relies heavily on protracted, legalistic processes
  – Is difficult to navigate
  – Doesn’t foster timely resolution
Why Do Problems Fester?

- Limited disciplinary tool box available
- Weak scaffolding for progressive discipline
- Current procedures (e.g., 25-71)
  - Encourage adversarial tone and approach
  - Engender reluctance to intervene or initiate early
- Understanding of and access to alternative dispute resolution resources limited
- Training, education and information deficits pervasive
Initial Tasks

> Map dispute types and current procedures
  – Interpersonal conflict
  – Problematic behavioral conduct (e.g., not meeting community or professional conduct expectations)
  – Violation of standards (e.g., research misconduct, sexual harassment or discrimination, financial fraud)
  – Work performance & professional advancement

> Articulate motivating values framework
## Motivating Values Framework

<table>
<thead>
<tr>
<th>COMMUNITY VALUES</th>
<th>DISPUTE RESOLUTION PROCESSES</th>
<th>DISPUTE OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>The process and outcomes aspire to promote and uphold our shared values, including:</td>
<td>Clear</td>
<td>Efficacy</td>
</tr>
<tr>
<td>Academic &amp; Intellectual Freedom</td>
<td>Equitable</td>
<td>Alignment &amp; Consistency</td>
</tr>
<tr>
<td>Academic, Research &amp; Professional Integrity</td>
<td>Fair</td>
<td>Accountability</td>
</tr>
<tr>
<td>Equity &amp; Inclusion</td>
<td>Transparent</td>
<td>Proportionality</td>
</tr>
<tr>
<td>Ethical Behavior, Fairness &amp; Respect</td>
<td>Ethical</td>
<td>Accuracy</td>
</tr>
<tr>
<td>Individual &amp; Community Health &amp; Well-being</td>
<td>Timely</td>
<td>Educational</td>
</tr>
<tr>
<td>Accountability to Each Other &amp; the Community as a Whole</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Learning &amp; Improvement</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Focus This Year

> Review of Peer Institution Disciplinary, Dispute and Grievance Systems

> Articulate progressive discipline framework and ladder

> Review and revise processes and procedures
  - Informal dispute resolution procedures (e.g., corrective action, mediation)
  - Brief adjudicative procedure (BAP)
  - Full adjudicative procedure (FAP)
Progressive Discipline Purpose

> **Behavior modification and rehabilitation**
  > Educate, foster learning and development
  > Facilitate performance
  > Enhance community well-being and safety

> **Ensure accountability and mitigate wrong-doing/harm**

> **Deter misconduct, communicate and reinforce community values**
Progressive Discipline Ladder

- Verbal Feedback
- Verbal Reprimand
- Written Reprimand
- Reassignment of Duties or Other Restrictions on Duties or Privileges
- Postponement of Merit
- Ineligible for Prospective Benefits for a Stated Period
- Suspension with Reduced or No Pay
- Disciplinary Freeze or Reduction in Pay for a Stated Period
- Dismissal
Next Steps

> Wrap up design specification phase
> Draft code revisions and policy documents
> Vetting and review of revised system Fall AY 2019-2020
> Launch legislative review Winter-Spring AY 2019-2020
Dear EFC chairs,

I promised to write back to you about FCFA's discussion of the document you sent us describing the tenure and promotion procedures in your colleges -- sorry for my delay in replying.

Although FCFA members appreciated the effort you put into this document, and the measures your colleges have taken to try to ensure that promotion and tenure recommendations get a fair second-level review, I think it's fair to say that quite a few council members were still not convinced that the second-level reviews as currently carried out are sufficiently independent to meet the spirit of the faculty code. In particular, several members expressed concern that these processes seem to present an appearance of potential conflict of interest, a concern that they felt was almost as important as the substance of the process.

However, the council learned that the provost has recently undertaken a project of gathering information on merit, promotion, and tenure procedures in all of the colleges and campuses of the university, with an eye toward exploring whether changes need to be made to make the processes more consistent, inclusive, and fair. In view of that, the council decided to put our concerns on hold for the present, and communicate them to the provost with a suggestion to add this issue to the ones he is currently exploring.

If FCFA decides to restart discussions about these issues in the future, we will let you know right away.

Thanks again for your patience and your efforts to help us understand your procedures.

Jack Lee

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Seattle, WA 98195-4350
johnmlee@uw.edu, 206-543-1735

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