

University of Washington
Faculty Council on Faculty Affairs
May 22nd, 2018
11:00 a.m. – 12:30 p.m.
Odegaard Undergraduate Library 320

Meeting Synopsis:

1. Call to order
 2. Review of the minutes from April 24th, 2018
 3. Briefing/background discussion on clinical faculty
 4. EFCs and the Faculty Code – Report from Advisory Committee on Faculty Code and Regulations (attachment)
 5. Good of the order
 6. Adjourn
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1) Call to order

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

2) Review of the minutes from April 24th, 2018

The minutes from April 24th, 2018 were approved as written.

3) Chair's report

FCFA's Class A legislation on lecturer voting eligibility (approved by the Faculty Senate on April 19) has passed the vote of the full voting university with widespread support and now must be signed by the President before implementation. FCFA's Class A legislation on faculty lecturer issues (approved by the Faculty Senate on May 17) is within the legislative approval stage of full faculty vote, currently.

4) Briefing/background discussion on clinical faculty

Janes explained several members raised "clinical faculty issues" as a topic for FCFA consideration in a recent council interest survey meant to discover new topics for the FCFA to consider in the next academic year. He noted the discussion is meant to provide some background information on UW's clinical faculty and issues relevant to them at the university.

Overview

It was noted Faculty Code Chapter 24.34.B.11 provides guiding principles and other formal information on clinical faculty at the UW. A member provided a general background on employment parameters for clinical faculty. There are two appointment profiles for clinical faculty: 1) clinical salaried and 2) clinical courtesy. A faculty member appointed as clinical salaried has their primary employment at the

University of Washington should receive 50% or more funding for 6 months or more during an academic year. A faculty member appointed as clinical courtesy may receive compensation but not at a level that triggers benefits eligibility. Clinical courtesy appointees hold a primary appointment with an outside agency or non-academic unit of the university or are in private practice. Both clinical salaried and clinical courtesy faculty are promotion-eligible, non-voting type appointments. Clinical appointments are at the ranks of instructor, assistant professor, associate professor, and professor. There are roughly 5000 clinical courtesy faculty and just over 700 clinical salaried faculty currently employed by the university in various schools and colleges. Clinical faculty appointments are on an annual basis. Clinical faculty appointments are distinguished from faculty appointed in clinical departments in the without tenure by reason of funding (WOT) ranks.

Discussion

A member led a portion of discussion using a handout (Exhibit 1). He noted the question of what exactly constitutes a clinical appointment is vague, as affiliate appointments are also often used interchangeably in various units. He explained clinical faculty in the School of Pharmacy possess enormous responsibilities within the unit but do not possess voting rights (Exhibit 1). He summarized there are two issues associated with clinical faculty: the need to modernize the clinical faculty definition within the Faculty Code, and the question of granting voting rights for clinical faculty (or a subset thereof).

A member explained the issue appears to be that UW units are using clinical titles differently from each other. Another member explained there are 25-50 clinical faculty appointments in his unit who supervise clinical students, may lecture, or be hired to teach a specialized graduate course, however the idea that they be granted voting rights is not accepted by other faculty in his unit.

A member felt there should be an attempt by the FCFA to rework the definition for clinical faculty within the Faculty Code, but that the voting rights issue is a non-starter, as other faculty are unlikely to vote in favor of such a change.

Janes explained it sounds like the broader related question concerns the definition of clinical faculty within the Faculty Code (Section 24.34), and revising, rewriting, or adding a modifier is an issue for the FCFA to consider taking up in the next academic year.

EFCs and the Faculty Code – Report from Advisory Committee on Faculty Code and Regulations (attachment)

Janes explained each of the bylaws for all of the UW schools and colleges were evaluated by the Advisory Committee on Faculty Code and Regulations (aka. The Code Cops) in a recently-completed effort (Exhibit 2). The evaluation revealed that a range of practices are employed around the university for various mechanisms pertaining to faculty governance, specifically for the makeup of Elected Faculty Councils (EFCs). The Code Cops recently informed the Senate Executive Committee they felt that no units were in violation of the Faculty Code despite disparate practices because the Code itself is not

especially prescriptive. SEC has asked the FCFA to look at the code sections in question and make its own determination.

Code cops recommendations

Janes noted the Code Cops made recommendations on two separate questions related to bylaws and EFC makeup (Exhibit 2):

- I. Barring administrators from EFC membership
- II. Requiring that EFC members be elected by the voting faculty

Discussion

A member felt administrators should not be barred from EFCs, but did believe they should not be appointed solely by merit of their position. He noted many faculty hold dual faculty-administrative positions. Another member made a comment that if EFCs are created to represent faculty views for management of the unit, how can an administrator contribute to this task. The views of an administrator should not be included with that of the EFC, he explained, due to the spirit of the body's function. Another member agreed, and noted that someone seeking advice from an EFC should not themselves be on the EFC.

Another member noted administrators should be able to sit on EFCs if voted on by the voting faculty of the unit. Another member noted he would allow this if the Faculty Code allowed for the local faculty to make that decision. Members felt preserving local decision-making should be protected within the EFC framework.

A member noted the sections should be rewritten to add more information on how EFCs are populated and their overall structure. A member pointed out that if the Faculty Code is too exclusive/prescriptive concerning who may and may not serve it presents an issue for smaller units with less faculty.

It was pointed out that the Provost is a voting member of the SCPB, a body meant to advise the Provost on university budgetary matters. It was noted the roles of EFCs have begun to become more important in recent years as efforts to strengthen faculty governance at the local level has been taken on by both the Faculty Senate and Provost.

Janes summarized that the topic is ripe for discussion in the next academic year. He explained there are several options before the council: adding "teeth" to the electoral process for EFCs, excluding deans from membership/chairing the body, excluding other administrators from EFCs at a defined threshold, and other considerations. Janes noted not only is the language under written, FCFA could also look at the jobs/ roles prescribed in the Code might be done, as well.

5) Good of the order

Janes noted Zoe Barsness (Chair, Senate Committee on Planning and Budgeting) will join the next FCFA meeting to discuss the rewrite of the Faculty Code relating to revising faculty disciplinary processes. Janes noted that meeting (June 5) will end at noon rather than at the regular 12:30 p.m. so that members can attend a retirement party for a staff person in the Faculty Senate & Governance Office.

6) Adjourn

The meeting was adjourned at 12:30 p.m.

Minutes by Joey Burgess, jmbg@uw.edu, council support analyst

Present: **Faculty:** Steve Buck, Joseph Janes (chair), Aaron Katz, Purnima Dhavan, Kamran Nemati, Dan Jacoby, Tom Hazlet, Miceal Vaughan, Jacob Vigdor, Margaret Adam, Kurt Johnson, Gordon Watts

Ex-officio reps: Judith Henchy

President's designee: Cheryl Cameron

Guests: Mike Townsend, George Sandison

Absent: **Faculty:** Eric Buggyis

Ex-officio reps: Ziyang Bai, Bryan Crockett

Exhibits

Exhibit 1 – 18 FSFA Clinical Appointments.pdf

Exhibit 2 – Bylaw Review Report final.pdf

FCFA – Clinical Faculty Title

Two major issues:

- (1) Voting rights
- (2) Faculty Code description vs. Contemporary Roles

Section 24-34 Qualifications for Appointment at Specific Ranks and Titles	Current School/Department of Pharmacy Appointments
<p>(B)(11) A <i>clinical</i> appointment in the appropriate rank or title is usually made to a person who holds a primary appointment with an outside agency or non-academic unit of the University, or who is in private practice. Clinical faculty make substantial contributions to University programs through their expertise, interest, and motivation to work with the faculty in preparing and assisting with the instruction of students in practicum settings. Clinical appointments are annual; the question of their renewal shall be considered each year by the faculty of the department (or undepartmentalized college or school) in which they are held</p>	<p>AHR Academic Title / Rank Clinical Professor – salaried Appointment Details</p> <p>Title: Clinical Professor – salaried Service Period: 12 months Limitations on Appointment: Should receive 50% or more funding for 6 months or more to be considered for Clinical salaried appointment. Primary employment is at the University of Washington. Length of Appointment: Annual appointment, with indefinite reappointments Eligible for tenure: No Voting Rights: No Salary Requirements: Must meet University minimum Full-time/Part-time: Both Promotable Title: No Competitive Recruitment Required: No</p> <p>Current Activities in UWSOP</p> <ul style="list-style-type: none"> • Student counseling and advising • Outreach precepting • Committee involvement • Curriculum revision (accreditation) • Geriatric Teaching Certificate • Residency training • Clinical practice / experiential education presenting • Research • Scholarship

Bylaw Review Report

March 6, 2018

Rich Christie, Chair, Advisory Committee on Faculty Code and Regulations

These comments represent the views of the Advisory Committee on Faculty Code and Regulations, having been circulated to the members and revised based on their comments.

Summary

In the fall quarter of 2017 the Advisory Committee on Faculty Code and Regulations (ACFCR) received a request from the Senate Executive Committee (SEC) to “engage in a thorough review of each campus’s, college’s, or school’s procedure to assure that the councils are established in conformity with the requirements of [Faculty Code] Section 23-45.” The request specifically noted “... it is critical that the composition of Elected Faculty councils are elected faculty only” and states that there have been instances in the past decade where “units have included Chairs, Directors, and other administrators on EFCs [Elected Faculty Councils]” and where “the Dean appoints members of the EFC or where Chairs self-appoint.” The request states “Such practices are not in accordance with the spirit or letter of the Code.”

The ACFCR therefore reviewed the bylaws of the 27 campuses, colleges and schools listed in Executive Order IX as having been established by the Board of Regents against the provisions of Faculty Code Section 23-45 (FC 23-45). Executive Order IX is found at

<http://www.washington.edu/admin/rules/policies/PO/EOIX.html>

The bylaws reviewed were those posted on the Faculty Governance web site at

<http://www.washington.edu/faculty/schools-colleges-campuses/>

The Faculty Code section 23 is found at

<http://www.washington.edu/admin/rules/policies/FCG/FCGTOC.html>

A rubric, attached as an appendix, was used for initial review the bylaws.

Seventeen sets of bylaws were reviewed, raising general issues discussed below and with individual comments also listed below. Seven schools, recently created at Bothell and Tacoma, did not have bylaws posted. One school, ROTC, does not require bylaws. A comprehensive review of the School of Nursing bylaws has been recently completed and is not replicated here. A comprehensive review of the School of Medicine bylaws is pending on completion of their accreditation, and not done here.

The ACFCR recommends that the SEC consider changes to the Faculty Code to explicitly bar administrators from voting membership on EFCs and to clarify that EFC members must be are elected by the voting faculty of the campus, school or college without administrative involvement in the nomination process. The ACFCR recommends that the Secretary of the Faculty follow up with specific units about specific comments or missing bylaws.

Issues

The Faculty Code Does Not Bar Administrators From EFC Membership

FC 23-45C provides that “Each school or college shall have an elected faculty council or councils which shall advise the dean on matters of faculty promotion and tenure, and advise the dean on matters involving academic policy, including priorities, resource and salary allocation, and budgets. In accord with Subsection A, the faculty of each school or college shall determine for itself the organization and structure of its council or councils and the procedure by which the members are elected.”

Similar language for the Bothell and Tacoma campuses appears in FC 23-45B.

FC 23-45A states “Subject to the provisions of Section 23-46, the faculty of each campus, college, or school other than the Graduate School shall determine its own organization and rules of procedure except as stipulated in Subsections B and C of this section. The organization and rules of procedure of a department may be determined by the department faculty, but shall be subject to review by the appropriate campus, school, or college faculty.”

FC 23-46 deals principally with voting mechanisms for establishing and changing bylaws and for P&T and faculty employment votes. Election of faculty councils is not specifically mentioned.

Thus there is no specific language in the Faculty Code barring faculty in administrative positions (Chairs, Directors, etc.) from serving as members of Elected Faculty Councils (EFCs). Campuses, schools, and colleges are free to bar or permit this practice.

The SEC clearly has an expectation, which is shared by the ACFCR, that faculty in administrative positions should not serve on EFCs, as they have a separate path to advise the dean and different interests than the general faculty. The ACFCR recommends that the SEC consider changes to FC 23-45 to explicitly bar administrators from serving on EFCs. In doing so, the SEC may wish to consider the range of administrators to be barred (for example, Associate Deans, Associate Chairs), to bear in mind the endless creativity of administrative titles, to consider the case of departments with very few faculty. Language barring administrative membership on EFCs can be found in several sets of bylaws, as noted below.

The Faculty Code Does Not Require That EFC Members be Elected by the Voting Faculty

FC 23-45 requires that EFCs be elected, and that the campus, school or college “shall determine for itself ... the procedure by which the members are elected.” As written, bylaws could allow some members to be elected by, for example, other elected committees (there is one such instance), or theoretically even “elected” by the Dean. Moreover, the nomination process is completely determined by the campus, school, or college, and may involve the Dean, Chairs or other administrators.

The ACFCR recommends that the SEC consider changes to FC 23-45 to specify that EFC members are elected by the voting faculty and that the nomination process not involve administrators.

Ex-Officio EFC Membership

Some bylaws list the Dean and/or Associate Deans as ex officio members of the EFC. This seems acceptable provided the membership is specified to be without vote.

Standing Committees

Many bylaws establish standing committees to deal with subsets of the EFC responsibilities. For example, there is often a separate committee to deal with P&T cases, and also often a separate committee to deal with academic issues like course changes and graduation requirements. In most cases

these committees operate in parallel with the EFC, that is, the EFC is charged with advising the Dean on P&T in general, while the P&T committee advises the Dean on specific P&T cases. The Faculty Code is silent on the specific topic of standing committees at the campus, school or college level.

The ACFCR considers that if the EFC is authorized to advise the Dean on, e.g., P&T in the bylaws, the existence of a parallel advice path is not prohibited by the Faculty Code. Best practice would be for the EFC to have some interaction with the standing committee, such as an annual report, but this is not required.

Similarly, while the P&T committee composition and election is prescribed elsewhere in the Faculty Code, the ACFCR considers that other standing committees may be appointed or elected, and may include non-faculty voting members such as advisors and students. While there is an expectation that these committees would be elected by the voting faculty or appointed by the EFC without administrative involvement, appointment by the Dean (one case exists) is not prohibited by FC 23-45. ACFCR considers that the latter practice should be discouraged, but that amending the Faculty Code to deal with standing committees would become too complicated.

Individual Review Comments

College of Arts and Sciences

Bylaws do not explicitly exclude Deans, Divisional Deans, Associate Deans and Chairs from voting membership in the College Council.

(Astonishing that eight Council members can substantively review all P&T cases and all education policy actions in the huge College of Arts and Sciences.)

College of Built Environments

No issues.

College of Education

Although not as clearly expressed as they could be, the basic topics on which the College Council (the EFC) advises the Dean are present: P&T, academics and budgets. It would be better to quote FC 23-45C.

Bylaws do not explicitly exclude Associate Deans and Division Directors (administrators) from voting membership in the College Council (the EFC).

The Director of the Division of Teacher Education (or designee) is specifically a College Council member ex officio, and the voting status of this position is unclear. As student positions are explicitly described as non-voting, the implication is that the Director can vote. This would be a violation of the FC 23-45C requirement that EFC members be elected.

College of Engineering

Bylaws do not explicitly exclude Associate Deans and Department Chairs from voting membership in the College Councils.

College of the Environment

Bylaws do not explicitly exclude Associate Deans and Department Chairs from voting membership in the College Councils.

Evans School of Public Policy and Governance

No explicit exclusion of administrators from Council positions, but Dean and Associate Dean are explicitly ex officio members without vote, and the school is non-departmentalized, so all administrators appear to be accounted for.

It appears that the actual work of curricular review and P&T review is performed by committees of faculty appointed by the Faculty Council. The committees are described as reporting to the Faculty Council, which is described as advising the Dean.

In the Curriculum and Student Affairs Committee, the Associate Dean for Academic Affairs and the Director of Student Services (the latter a staff position) are described as ex officio members, but with or without vote is not specified. This should be specified. (In fact no Director of Student Services is listed on the Evans School Web site. The top listing on the Student Services web page is Carrie Evans, Assistant Dean of Students, who is not faculty.)

Foster School of Business

The Dean is an ex officio member of the Faculty Council. With or without vote is not specified. Without vote should be specified.

Associate Deans are explicitly not eligible for the Faculty Council, but Department Chairs are. While legal under the Faculty Code, this is not desirable.

Department Chairs nominate two candidates for the Faculty Council from the department faculty, who then vote on them. The involvement of Department Chairs in the nomination process is legal under the Faculty Code but not desirable. Note that the separate P&T committee is carefully elected without the involvement of Department Chairs.

P&T committee membership does not explicitly exclude the Dean, Associate Deans or Department Chairs. It should, although this is not a FC 23-45 issue.

Information School

The iSchool Bylaws posted on the faculty governance web site at

<http://www.washington.edu/faculty/schools-colleges-campuses/>

are not current. Joe Janes provided a current copy dated May 19, 2017. The comments below apply to the current version.

Associate Deans are not explicitly excluded from membership in the Elected Faculty Council.

Program Committees (which deal with academic issues) and the Academics Committee are appointed by the EFC and do not always report back to the EFC. Program advisors and student members are voting members of the Program Committees. This is acceptable.

The Article III Preamble says that standing committees are appointed by the EFC. The Personnel Committee is a standing committee, but it is elected. The Bylaws should be revised to be consistent.

The Personnel Committee does the P&T work and is elected from the faculty. Only the Chair of the Committee is explicitly not allowed to be an Associate Dean. This should probably be extended to all members. The membership of the Extended Personnel Committee (which appears to evaluate specific P&T cases) is not specified in the bylaws, with the exception of its chair. The complete membership should be described.

Ex officio members of the Academics Committee are not specified as with or without vote. This should be specified.

ROTC

Bylaws not required, according to the web site. ROTC faculty are not tenure track and do not do P&T. The faculty are militarily subordinate to administration of the Department, which ill-accords with the notion of an elected group of them advising senior officers.

Dentistry

No explicit exclusion of administrators (Associate Deans, Department Chairs) from elected Faculty Council positions.

The ex officio graduate faculty position on the Faculty Council should specify non-voting. If voting, the position must be elective to comply with the Faculty Code.

The discussion of mail ballots is out of date.

School of Law

No explicit exclusion of administrators from Council and standing committee voting positions.

The elected faculty council (the Executive Council, or EC) delegates the appointment of standing committee members to the Dean or Dean's designee in the bylaws. While permitted under the Faculty Code this is inappropriate. The EC should retain the power to appoint committee members. Perhaps the EC should consider the Dean's recommendations when making appointments. That way when a conflict between EC and Dean arises, the EC would prevail. (Note that the P&T Council is elected, but see below.)

The Curriculum standing committee, and other standing committees, do not report through the EC. Best practice would be to retain a channel of reporting from standing committees to the EFC, in addition to interaction between the standing committees and the Dean or Associate Deans.

The Admissions standing committee has an Associate Dean ex officio. With or without vote is not specified.

The candidates for the elected P&T council are proposed by the Dean! This is permitted under the Faculty Code but clearly inappropriate. The EC should propose the slate of P&T candidates, perhaps after considering the Dean's recommendations.

The process followed by the P&T committee is not described in the School of Law bylaws, but rather in a separate policy document. This process should be included in the bylaws.

School of Medicine

A complete review of the School of Medicine bylaws is awaiting completion of accreditation. Therefore no thorough review is done here. However, it is known that the School of Medicine bylaws explicitly allow Department Chairs to serve on the elected faculty council(s).

School of Nursing

ACFCR has recently completed a comprehensive review of School of Nursing bylaws.

School of Pharmacy

No explicit exclusion of faculty in administrative roles from the EFCs.

School of Public Health

No explicit exclusion of faculty in administrative roles from the EFCs.

The elected Curriculum Committee has membership criteria set by the EFC in a document outside the bylaws. As the document is not in the bylaws, it is not available for convenient review. These criteria be incorporated in the bylaws.

School of Social Work

There is a reference to FC 23-45 in the preamble, but the specific duties of the Faculty Council do not include advising the Dean on P&T or academic policy.

The Section 1 preamble states that the Faculty Council (the EFC) is responsible for the election of the chairs of the standing committees, but Section 1.d.(1) states that the Faculty Council proposes a slate of candidates for the (complete membership of the) standing committees. Probably the preamble is incorrect.

The Dean is an ex officio member of the Faculty Council. With or without vote is unspecified. Later, other ex officio standing committee membership is specified without vote. The Dean's membership on the FC should be specified as being without vote.

There is no explicit exclusion of administrators from the Faculty Council or standing committee positions, except that the Dean is specifically excluded from election to the Faculty Council, implying that Associate Deans and Chairs can be so elected.

UW Bothell

The explicit bar on administrators being GFO chair or vice chair is a best practice.

For EC membership, the list of administrative positions that are ineligible to serve does not include the general "other faculty holding ... administrative positions" language used for the GFO positions. The two constraints should be consistent and the GFO language is preferred. (In practice, at present, no administrators could serve on the EC. However, if department chairs start to appear, they would be covered by the GFO language but not by the EC language.)

The elected P&T committee (called CCPTF) explicitly excludes only the Chancellor, Vice Chancellor and Deans from membership. Program Heads, School Directors, future Department Chairs and Associate Deans could therefore serve.

UW Bothell – School of Business

No bylaws posted.

UW Bothell – School of Interdisciplinary Arts & Sciences

No bylaws posted.

UW Bothell – School of Science, Technology, Engineering, and Mathematics

No bylaws posted.

UW Bothell – School of Educational Studies

No bylaws posted.

UW Bothell – School of Nursing and Health Studies

No bylaws posted.

UW Tacoma

The explicit bar on administrators being Faculty Assembly chair or vice chair (and thus EFC chair) is a best practice.

The presence of standing committee chairs as voting members of the Executive Council (the EFC) is mildly concerning. The standing committee chairs are elected to that position by standing committee members who have in turn been elected to their positions by the faculty. Thus the standing committee chairs are not directly elected to the EFC by the faculty. However, Faculty Code section 23-45B permits Tacoma to determine the “procedure by which the (EFC) members are elected.”

UW Tacoma – Milgard School of Business

The Faculty Council is the EFC of the Milgard School of Business. In Section III.1.A the Faculty Council “advises the Dean on pending matters.” The complete list of topics from FC 23.45C should be listed, perhaps concluding with “and other pending matters.”

UW Tacoma – Institute of Technology

Article V cites FC 23-45B for the advisory duties of the Faculty Council. FC 23-45B applies to the EFC advising the Chancellor at Bothell or Tacoma. As a school the Institute of Technology Faculty Council is controlled by FC 23-45C. The language is the same, so it’s just a citation issue.

UW Tacoma – School of Interdisciplinary Arts & Sciences

No bylaws posted.

UW Tacoma – School of Education

No bylaws posted.

Appendix: Bylaw Review Rubric

School or College _____

Pursuant to the SEC request to review school and college bylaws to “assure that the councils are established in conformity with the requirements of 23-45”, and to limit the review solely to that issue, this rubric is applied.

Does the School or College have bylaws? Yes No (Circle one)

Do elected faculty council(s) exist to cover advising the Dean on:

P&T	Yes	No
Academic Policy	Yes	No
Budgets	Yes	No

Remark on any No answers:

Do any of the elected faculty council(s) have impermissible involvement by the administration e.g.

Dean appoints members or chair	Yes	No
Department chairs appoint representatives to college councils	Yes	No
Dean or Associate Dean are voting members	Yes	No
Dean or Associate Dean schedules council meetings	Yes	No
Other impermissible involvement of administrators	Yes	No

Remark on any Yes answers:

Make any additional general comments on back.