

**University of Washington
Faculty Council on Faculty Affairs**

The Faculty Council on Faculty Affairs met on Tuesday, October 5, 1999, at 9:00 a.m. in 36 Gerberding. Chair Robert Holzworth presided.

PRESENT: **Professors** Alexandro, Luchtel, Holt, Holzworth (Chair), Hunn, Roberts; *ex-officio* **members** Adman*, Rickerson*, Olswang.

ABSENT: **Professors** Carr, Kushmerick; *ex-officio* **members** Fabien, Taricani

**ex-officio* with vote

Actions Taken

- The Chair moved to grant Prof. Adman voting privileges; the motion was seconded and passed unanimously.
- Prof. Holt moved that Prof. Rickerson be granted voting rights as well; the motion was seconded and also passed unanimously. The Chair requested that the Recorder clarify whether this was proper procedure.
- The Chair moved to create a subcommittee on WOT consisting of himself, Profs. Roberts, Kushmerick, Olswang and Adman. All subcommittee members present agreed to the motion.
- Regarding proposed revisions to Chapter 28 of the *Faculty Code 28-31, sec.K*, the Council agreed to the amendment as follows:

Faculty member is any person who, at the time of the decision, action or inaction being contested, meets the definition of faculty member as set forth in Section 21-31 and would be eligible to invoke the adjudication procedures of this chapter for resolution of a grievance described in Section 28-32, Subsection B.

Introductions and Announcements

The Chair suggested that, since many Council members did not know one another, a general introduction was in order. Council members told who they were, which department they came from and in what area of research they were currently involved. The Chair, by way of introducing his "style" of conducting business, volunteered that he liked to have a consensus on all issues, for, if the FCFA could not come to unanimous agreement on an issue, how could they expect the SEC and Senate to reach a consensus and eventually pass their proposed legislation?

Approval of Voting Rights for FCFA Research Faculty Representative

The Chair then called for a motion granting voting rights to Prof. Adman; as noted above, the motion was made and seconded and opened for discussion. The Chair offered his opinion that Prof. Adman had proven to be one of the most devoted FCFA members as well as one of the best attendees of meetings. Prof. Holt asked if Prof. Adman formally represented the Research Faculty of the University or an Organization of Research Faculty. Prof. Adman explained that there was no Organization, per se, and this issue had been a bit of a problem in the past. She was given a list of other Research Faculty representatives by (former Secretary of the Faculty Senate) Míceál Vaughn but only keeps in touch with them once a year or so--there is no organizational structure to their communications, though they do touch base at least annually. Prof. Holt stated that the only reason he was asking was for clarification of how Research Faculty representatives are selected to serve on the Councils. The Chair clarified that they are appointed by the SEC.

Approval of Voting Rights for ALUW Representatives

After some discussion regarding who has voting rights on a "Faculty Council," Prof. Holt informed the Council that the SEC had granted ALUW representatives the right to vote on Faculty Councils. Prof. Rickerson offered that Librarians are in a "no-man's land" when it comes to their classification--they aren't Faculty or Staff but are classified as "Academic Staff." Prof. Olswang clarified by noting that the Librarians' function at the University as well as the process by which they are promoted bears a much stronger resemblance to Faculty than it does to Staff. Prof. Roberts questioned why, if a Council member

was active in the organization, shouldn't they be allowed to vote? Prof. Holt advised that he thought the SEC's concern was that the more voting members there are, the more difficult it is to reach a quorum. Prof. Rickerson offered that she had attended a majority of the meetings last year and would make every effort to attend this year. The Chair asked for a show of hands and it was unanimously approved. The Chair also requested that the Recorder check to see that this was in keeping with proper procedure.

Approval of Minutes

The minutes of May 24, 1999 were approved with corrections to the members who were actually present and absent: Profs. Holzworth, Luchtel, Bowen, Adman and Olswang were present, along with **Guest**, Prof. Jeanne Heuving, Joint Council Chair of the Tri-Campus Committee. Prof. Hunn was absent. Prof. Adman also wanted to note that the Feb. 11 minutes had been amended via an e-mail exchange among herself, Lea Vaughn and Míceál Vaughan. A copy of the Feb. 11 minutes were examined by Prof. Adman and the Recorder subsequent to the meeting and it was determined that the appropriate changes had indeed been made.

Research Faculty

The Chair advised members that legislation granting Research Faculty the right to vote had not been received by the SEC and he would need to contact (former FCFA Chair) Vandra Huber to find out the status of that legislation. The Chair also noted that he did not believe the legislation had been given sufficient attention and likely needed further clarification. The Chair emphasized, however, that all FCFA members were more or less in agreement that the issue was worthy of wider University discussion--the idea being that all Research Faculty were essentially involved in the University at a higher level than they were currently being recognized for. The Chair further advised the Council that if the piece of legislation could not be located then, obviously, redrafting would need to be a priority for the next FCFA meeting agenda. In any case, though, the FCFA members need to be prepared to discuss, in a broader forum, the ramifications of allowing Research Faculty to vote and be able to express what they think the meaning of this legislation really is.

Openness in Tenure

The Chair reminded members that the FCFA's proposal regarding Openness in Tenure had gone forward to the SEC for consideration but it is likely that it will be returned to the Council, unless the SEC can come to some quick agreement. The Chair offered that he had heard some discussion about how Openness in Tenure "strings things out too much," with all the time periods allowed for comment and such--that somehow that would slow down the process. But, if the SEC could come to an agreement that "this is the new time schedule that everyone agrees upon and it's just the technical details that need to be dealt with," then perhaps the proposed legislation can move forward to the Senate. Prof. Roberts asked if the concern with slowing down the process was the main issue. The Chair responded that it might be what is covering up the main issue--maybe there's something more fundamental below that. What the SEC is doing is putting it on the agenda for their next Meeting as a discussion item. At the same time they have, or are going to, set up a Subcommittee to examine the timeline more thoroughly. Prof. Holt advised the Council that the Subcommittee had been set up and was supposed to come up with a report--Prof. Olswang interjected that this had not, in fact, taken place but it has been duly noted that it needs to take place soon. The Chair continued by commenting that the logical thing to happen, then, since the proposed legislation is already going to the SEC, is that the subcommittee would make a recommendation to the SEC that the proposal either had only minor adjustments to be made and could go forward or that there were a whole lot of issues to be resolved, and send it back to the FCFA.

WOT

The Chair proposed that, before the Council began to address Ch. 28 issues, the matter of WOT be discussed briefly. Prof. Roberts asked if the Chair thought Ch. 28 issues were going to crowd out WOT issues like last year, or if the FCFA was going to make WOT one of its primary agenda items? The Chair commented that there was no issue like the Ch. 24 issue of last year that was going to dominate the proceedings of this year's Council and that, in his mind, the Council had plenty of extra time to devote to WOT issues unless some drastic change were to occur. Prof. Roberts stated she felt the WOT issues were important enough that they should be given priority over other agenda items as the WOT has been "sitting in limbo" now for a number of years and needed to be addressed.

The Chair asked if he might give his impression of what the WOT issue really was: that, several years ago when the issue really came to the fore, a whole raft of things was done--there was a survey taken of WOT faculty and a number of issues were identified from the results of that survey and the FCFA tried to draft legislation to deal with many of those concerns but especially the "Fairness Issue": i.e. that WOT faculty are often in the University system for years, but if they run out of funding . . . all of a sudden they're gone! They don't even have the cushion that the University grants its junior faculty (who don't get tenure), but who get an extra year before they have to leave. In attempting to draft legislation that dealt with WOT faculty, which at one point included giving credit for the number of years a WOT faculty member had served, the Council concluded that the real issue was--when the faculty member's money begins to run out, his or her respective Chair seems to be able to control his or her life in a way that is deemed unfair by the faculty member. Mainly, this perceived unfairness is caused by the Chair's insistence that the faculty member bring in more money, say 120% to 150%, than the faculty member thinks is reasonable or even possible.

Much of this problem was addressed in the legislation that was drafted and approved by the Senate, which established that a signed contract must exist between each WOT faculty and his or her Chair that clearly outlines the terms of employment and how much funding the faculty will be required to bring in and in what timeframe. The Chair emphasized that, while there was now a plan in effect to deal with those issues, the problem remains that the *Code* still isn't very clear as to what a professor WOT actually is and how it is distinguished from Research faculty on the one hand and Academic faculty on the other. The Chair asserted that, somehow, WOT need to be inserted into the University system in a manner distinct from either Research faculty and Academic faculty and it was going to be the job of the FCFA this year to decide how best to accomplish this.

The Chair then proposed to set up a subcommittee on WOT which would draft legislation to move forward to the SEC. The Chair further suggested that this subcommittee present its draft to the FCFA for discussion either during the next Council meeting or the one after (10/19 or 11/9) and advised that he would be contacting Prof. Kushmerick to see if he too would serve on the subcommittee. Profs. Adman and Roberts agreed to serve, with Prof. Roberts agreeing to produce copies of the legislation that was drafted and approved last year by the Senate, so the subcommittee could begin to clarify the definition of Professor WOT. In addition, Prof. Roberts agreed to schedule the subcommittee meetings and contact the individual members by e-mail. The subcommittee was officially established with the Chair, and Profs. Adman, Kushmerick and Roberts serving.

Tri-Campus Commission

Chair Holzworth addressed the issue of the inclusion of the Bothell and Tacoma campuses into the UW system. As he sees it, these two campuses are fully part of the University of WA and, as such, are governed by the *Faculty Handbook* and *Faculty Code* as it now exists and can only be changed through the processes of Councils like the FCFA, in conjunction with the SEC and Faculty Senate. However, both the Bothell and Tacoma campuses have created their own versions of the Faculty Senate and they are proceeding to govern themselves on some level. The question, then, becomes whether we are, in fact, one University with one set of controls over Academic issues or are we three different universities with three separate sets of governing bodies? And, if the two joint-campuses are going to issue diplomas with University of Washington on them, we should agree on a structure and organization. In other words, we need to maintain control over academic quality--"we" being the body of the faculty of the UW. The issue that specifically needs to be addressed, again, is how the Bothell and Tacoma campuses can exercise their autonomy while still operating under a single system?

Prof. Roberts asked if the branch campuses' diplomas designated the specific city from which the they were issued? Prof. Olswang clarified that, yes, our diplomas read: "University of Washington, Seattle" and the branch campuses are designated by "Bothell" and "Tacoma" respectively. Prof. Roberts also inquired if there was a timeline in which the branch campuses were going to want separation? The Chair answered, "No," he didn't think Pres. McCormick is at all interested, at this time, in devolving the other campuses and having them cut off from this one. The Chair continued that he thinks this campus instituted the branch campuses to address a particular issue about place-bound people who needed access to our high-quality research institution and we need to service those campuses to the best of our ability, as they have critical problems in terms of being way overworked right now.

Prof. Luchtel wanted to know if the University currently has any control over the branch campuses academic programs? The Chair answered that, as far as he knew, they were still governed by the *Faculty*

Code and the Faculty Handbook. Prof. Luchtel also asked if their tenure and promotion procedures were reviewed by the Provost on our campus. The Chair responded, "yes." Prof. Olswang affirmed that all Faculty appointments there follow the exact same procedure as they do here. The branch campuses are treated, in effect, in the same way that a College is treated--they have an elected College Council, which in their case is a Campus Council, which advises the Chancellor (who used to be the Dean). Prof. Luchtel then wanted to know if they had representatives on the Faculty Senate. The Chair responded, "yes," and this is one of the issues we need to clarify--their Campus Council nominates one (or it could be more than one) person (or persons) that is then a voting member of the Faculty Senate. Jeanne Heuving, who was a guest at an FCFA meeting last year, is a voting member of the Faculty Senate. One of the problems with representation from the branch campuses, The Chair continued, is that Bothell, for instance, only has about thirty full-time Faculty and only about fifteen of them are tenured. So, there is a real problem of availability of representation on the Faculty Senate and they are, thus, numerically disadvantaged.

The Chair further advised that he understood there was even some hostility from the Tacoma campus to the "big bear to the North," though the Chair admitted that he did not know all the details of this problem. But, what he (The Chair) is suggesting is that the FCFA invite representatives from both branch campuses to come and speak to the Council to address some of these issues and discuss the idea to implement a Tri-Campus Commission and see what ideas they might have. Prof. Roberts wanted to know if the Council was going to invite Administration as well as Faculty? The Chair advised that they could invite whomever they wished. Prof. Roberts commented that a forum was held last year with both the Chancellor and Faculty members of the branch campuses and it was clear to her that the Administration had a decidedly different view of what the major issues were. The Chair agreed that this was a good idea. Prof. Olswang suggested that the FCFA might also want to invite Norm Rose, retired Chancellor of the Bothell campus, who is currently the Chair of the Tri-Campus Coordinating Committee and that "probably no one knows more about these coordinating issues than Norm Rose."

Prof. Luchtel wanted to know if the five or six paragraph proposal drawn up by last year's FCFA is a proposed first-step solution to the Tri-Campus coordinating problems? The Chair responded that the proposal was actually presented to the FCFA last year--it is an "A" through "E" paragraph on an actual Tri-Campus Conference. The Chair commented that he had spoken to Jeanne Hueving and, personally, he does not believe this document will "fly" by itself and that is why he did not want to bring it before the FCFA until it could be strengthened by more discussion with various parties. Prof. Olswang asked why this issue was even being dealt with in the FCFA and not by the SEC? Prof. Roberts commented that the Tri-Campus issues mostly affect Faculty concerns and what the FCFA is going to address are the Faculty components and not the money componentsetc. Prof. Holt commented that if the matter was sent to the SEC it would likely be sent back to the FCFA to be dealt with anyway. Prof. Luchtel wanted to know if the proposal had, in fact, ever been sent to the SEC? The Chair responded that a letter from Jeanne Heuving and Gerry Philipsen went to Norm Rose regarding this proposal and was then, in turn, given to Vandra Huber and it was discussed somewhat in the FCFA; Prof. Holzworth didn't think they had gotten very far with it and had decided that Ch. 28 issues were more organized and should be dealt with first--so, "No," the matter has never officially gone before the SEC. The Chair moved that the Council turn its attention to Ch. 28.

Chapter 28

Prof. Holt asked if the goal of FCFA in regard to Ch. 28 was to handle some minor bookkeeping issues or to really take a look at the content of the proposed changes. Prof. Olswang offered that perhaps he could answer the question as he and Míceál Vaughan worked on this issue all summer. Prof. Holt stated he had read Míceál's proposed changes to Ch. 28 but was concerned about comments from former Chair of the Adjudication Panel, Eugene Silverberg, to the effect that the process did not do what it was intended to do and should be "blown up." Prof. Olswang responded that he was aware of these comments but the fact is that the State of WA has an Administrative Procedures Act which mandates, in effect, that we have a structure in place to provide an internal adjudicative process to handle grievances within a certain gamut. Prof. Olswang further stated that, while he agreed in large part with Prof. Silverberg, the University must have a structure in place to handle these grievances, as mandated by State law. In fact, he continued, Karen Boxx was brought in to rewrite the University's adjudication procedure to incorporate the revisions to the 1994 Administrative Procedures Act and that's what this resulted in--that three or so years down the road, Prof. Olswang and Míceál Vaughan sat down and scrutinized the adjudicative process, looking for "glitches" in the process that could be improved without rewriting the whole chapter. Prof. Holt agreed that "blowing it up" was not an option, though he was concerned that Prof. Silverberg did not think the system

worked and was likely in a good position to judge that accurately. Prof. Olswang suggested perhaps they should invite Prof. Silverberg in and get his opinion.

The Chair commented that those comments from Prof. Silverberg generated a great deal of discussion and debate and were given a very thorough examination. Prof. Alexandro asked if the present version before the Council is the actual revision of Ch. 28 done five years ago? The Chair responded, "yes." Prof. Olswang commented that he thought Prof. Silverberg's analysis is correct--that is, we have very few people using the process and most of them do end up taking a lot longer than they should and some of these suggestions before us now try to smooth some of this over. He further stated that the University has two or three cases that go through the adjudication process each year and that's not very many; so the question is, then, why do we have a mechanism in place that takes a year process to solve the problems of just a very few people when you could just use outside sources? And the answer is that we really don't have any choice as this is mandated by state law, and this system is about as collegial as you can have without involving the State Hearing Office. Prof. Olswang added that there is another option and that is to concede that the UW does not have an internal dispute resolution process in effect and defer to the State Hearing Office procedure so everything gets "kicked outside." That was part of the discussion five years ago and the conclusion that was reached then was-- if the process were deferred to an outside agent, they would not understand the culture of the University and we were better off having our own Faculty involved in adjudication decisions.

Prof. Holt responded that he was personally aware of two adjudications and had been "unimpressed" by the process as a whole--deadlines were routinely ignored and the basic format of the system was completely out of control. Prof. Olswang agreed that there was not a problem with the system but with the administration of the system and it is equally frustrating from the Administration standpoint when you can't even get five Faculty members together to have one meeting a Quarter. In his opinion, if you serve on an adjudication panel then you make yourself available; the problem arises when you try to schedule five people's calendars--inevitably this causes enormous, even unconscionable, delays in the process. Prof. Holt responded by saying that in one of the adjudications he was aware of, people did make themselves available, hearings were held but still nothing was done. Prof. Olswang commented that there is an adjudication out there right now where they have been waiting six months for the Committee to issue its report--the hearing has been completed but they are waiting on the Committee.

Prof. Roberts asked, since she had not yet served on an adjudication panel, for clarification of the adjudication procedure. Prof. Olswang proceeded to explain the various stages of the process and commented that, in his opinion, the system was arranged so that it could be resolved in one Quarter. Prof. Roberts asked if the proposed revisions were designed to streamline the process? The Chair responded that, while this was the main goal of the revisions, there were other issues regarding clarification of sections of the *Code* that needed to be dealt with. Prof. Roberts wanted to know if there were anything that could be written into the proposal that could force parties involved in the adjudication to adhere to the deadlines? Prof. Olswang pointed out that these are Faculty members who are volunteering their time to serve on a committee and more often than not the Adjudication Committee is not their highest priority. Prof. Roberts then asked if there weren't some way of compensating the Faculty involved in some manner to make the Committee a higher priority? Prof. Olswang agreed that "we ought to be taking a look" at ideas like this as the process is a frustrating one for Faculty and Administration alike, and anything that could be done to make it less frustrating would be doing everyone a great service.

Prof. Roberts proposed the idea that perhaps release time be granted to members who serve on these panels. Prof. Olswang remarked that Faculty members typically serve on one Adjudication Panel, if that, compared to the number of meetings the FCFA and similar councils attend every Quarter. Prof. Roberts offered that perhaps the adjudication process was more pressing or serious in that they were under a timeline, while councils like the FCFA had some flexibility in regard to issues of time. The Chair offered a suggestion that the Council might want to turn, now, keeping in mind the need to streamline the process whenever possible, to the suggestions Míceál and Steve have made. There was some further discussion of the contentiousness of the issues of non-renewal, discrimination and salary dispute and the issue of having adjudications involving people who were no longer employed at the University by Profs. Holt, Adman, Roberts and Olswang. It was agreed by the Council members that the sections of the proposal dealing with the more contentious issues, then, should be left for later and the more simple areas that called for mere "bookkeeping" be dealt with first.

Council discussion turned to proposed revisions to *Faculty Code* 28-31, sec. K. Prof. Alexandro argued that the process should be available to ex-Faculty to air grievances pertaining to events that

occurred **while the person was a Faculty member**, though the amount of time allowed for filing should not be so generous--perhaps thirty days or so. Prof. Olswang agreed. Prof. Roberts questioned whether the proposed revisions actually clarified the issue rather than muddying it further. Several Council members, including The Chair, voiced their belief that they clarified the issue. Prof. Luchtel asked for clarification as to whether the wording in the proposed revisions disallowed or allowed those who are no longer employed with the University to use the adjudication process. The Chair clarified that the wording **allows** former employees to use the adjudication procedure. Prof. Holt added, that when something happens that you are unhappy with and you are a Faculty member, then you are a Faculty member in terms of the adjudication procedure. Profs. Luchtel, Olswang, Holt, The Chair, and Prof. Roberts discussed possible filing timelines for the Faculty member in question to be eligible to use the adjudication process but all agreed that this was better left for subsequent Council meetings. The Chair then moved to vote on approving the revision to sec. K of the *Faculty Code 28-31* as transcribed above. There was no further discussion of the matter and no disagreement. The revision passed unanimously and the Chair moved to adjourn.

The meeting adjourned at 10:25 a.m.

Minutes by Todd Reid, Recorder.