

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

The Faculty Council on Faculty Affairs met Thursday, **October 12, 2000** in 36 Gerberding. Chair Robert Holzworth presided.

PRESENT: *Professors* Carr, Haley, Holzworth, Hunn, Luchtel, O'Brien, Riley and Roberts. *Ex Officio* *Adman (*with vote), Ludwig, Olswang and Sjøvik. *Regular Guest* Lea Vaughn.

ABSENT: *Professors* Fox and Poznanski. *Ex Officio* Fabien, *Rickerson (*with vote) and Rose. *Regular Guest* Coney.

Minutes from September 28, 2000 were approved as written.

Voting Rights for ALUW and Research Reps.

Chair Holzworth announced that the Senate Executive Committee (SEC) had approved faculty council voting rights for Research Faculty representatives. He submitted that ALUW (Association of Librarians of the University of Washington) representative Carla Rickerson would retain voting rights per FCFA's decision from last year. FCFA also has the option to grant voting rights to its Emeritus representative Norman Rose and will do so if the council deems it to be appropriate.

Reports from Subcommittees

Carr reported that the Tri-Campus Subcommittee had circulated the document drafted last year by Brad Holt and Robert Crawford. He noted that Bothell and Tacoma's roles have changed over time and added that he felt Bothell needed to be brought up to speed on the document's contents, as well as its intent. The subcommittee felt that the draft legislation would be ready for a November reading by the Faculty Senate.

Haley reported that the Emeritus Faculty Voting Rights Subcommittee had come to the consensus that nothing should be done about the matter at this time. The impetus for FCFA to address the voting rights of retired faculty came from two Emeritus faculty, but the problem with granting retired faculty voting rights is the quorum issues it will raise. The subcommittee felt that many retired faculty would not be able to attend meetings and would complicate the already difficult task of raising a quorum. Though the designation of "part time" is a somewhat ambiguous one in the *Faculty Code*, the subcommittee felt it was not a big enough issue at this time to warrant a change in the *Code*.

Olswang added that there are some 2000 retired faculty at the UW and that current voting rights are reserved for those retirees still on salary. Since there are no indications that this is a big problem, the potential troubles with quorums must take precedence. He noted that there was nothing to prevent retired faculty from participating in departmental discussions--they were welcome to come and express their opinions.

Enabling Legislation (EL)

Hunn advised that the Subcommittee on Enabling Legislation met last Thursday, Oct. 5, and went over the history of the issue and the current legislation that will be submitted to the State Legislature. Ludwig has informed the council that this EL will be nearly identical to last year's SB 6346. The subcommittee discussed what to include in its draft and decided to keep it as simple as possible and to address the fundamental principles which it would like any future EL to cover. They were able to work through Olswang's "talking points," which he provided FCFA last year,

and reach a consensus which Vaughn crafted into a draft version. Hunn presented the draft to the council for consideration, along with an alternative draft which he composed and which offered a "less complicated" approach. Holzworth and Hunn submitted that Vaughn's draft was too complicated while Luchtel and Adman stated that they preferred Vaughn's draft.

Discussion of Draft Legislation

Vaughn explained that she had drafted the legislation with two primary things in mind: the audience (State Legislature), and the philosophy that good legislation should address only one point per paragraph. Hunn stated that his draft reversed the order of Vaughn's first two paragraphs, included fewer sections, and included extra emphasis on the efficacy of the existing system of shared governance.

The council discussed the merits of combining the first two paragraphs of Vaughn's draft and focused on whether to designate a campus-wide bargaining unit. Vaughn cautioned that lumping all faculty into the same bargaining unit would not allow certain factions of the UW faculty to bargain on their own and could create a situation where certain schools (the Medical School, for instance) might vote against collective bargaining in a consistent manner, thereby negating any chance of a union ever existing at the University. She pointed out that this would be a huge advantage for the Administration since she did not foresee a time when enough full professors or medical faculty would vote in favor of collective bargaining given that those faculty would very likely have little to gain from unionizing.

Olswang countered this position by noting that FCFA had gone on record that they were seeking a way to preserve shared governance and were hoping to find a way that EL could co-exist with the University's current governance system. He pointed out that the *Faculty Code* already treats all faculty as one group and asked if the council really wanted separate rules for different kinds of faculty. In his view, any EL should define faculty as one bargaining unit, just as the *Faculty Code* treats all faculty as one unit. The essence of this legislation is to treat all faculty the same way, one way or the other. Holzworth suggested drafting the legislation so that all faculty were included in the same bargaining unit and letting the Faculty Senate argue its merits and amend the bill if it thought necessary.

Ludwig pointed out that the term "enabling legislation" might need some clarification because it could mean "enabling" all sorts of things, not just collective bargaining. However, the council felt that the title of the legislation, "Public Sector Enabling Legislation for Higher Education" was sufficient to identify what kind of legislation the bill intended to enable. Riley asked about the phrase in paragraph two of Vaughn's draft which read: ". . . or refrain from joining" and wondered if it should be left out. Vaughn and Olswang explained that, from a legal standpoint, this needed to be left in so that those faculty who were adamantly opposed to unionization would have a way to opt out. They noted, however, that this provision usually meant that a conscientious dissenter would still have to pay some type of dues (usually a reduced percentage of regular dues) since unions often establish "closed shops" where employees are required to contribute.

Riley wished to make clear to the State Legislature that UW faculty do not want them to interfere with shared governance until the faculty actually certifies a union. Olswang revealed that once a bargaining unit is certified, administration cannot talk to anyone else--the Faculty Senate would quite likely cease to exist in its current form as the administration would have to end talks with it until it was bargained back in.

Holzworth acknowledged this potentiality and reminded the council that he did not plan to call for a vote on the EL draft today but wanted to give council members a week to review it before

making their decision. He also asked Olswang and Vaughn if this EL would preclude binding arbitration. Olswang replied that it would.

Holzworth noted the "no strike" clause in the draft and submitted that, if the bill had a no-strike clause, it should also have a "no-lockout" clause. Olswang and Ludwig both agreed that both provisions should be included. After all, the University's ultimate obligation is to the students and it is not the desire of the faculty or administration to disrupt or give the appearance of threatening to disrupt the educational experiences of UW students.

Vaughn reminded the council that Senate Bill 6346 (last year's EL that was introduced in the State Legislature) spoke to how the union would collect its dues in the first portion of the bill. She advised, and Olswang agreed, that most good EL waits until the end of its provisions before speaking to such matters. Vaughn advised that she chose not to address these provisions in her draft but chose instead to leave these matters to the Public Employment Relations Commission (PERC) to decide. She noted that sections eight and nine of her draft speak more to PERC than to the State Legislature. Roberts asked if PERC would still exist if faculty unionized; Vaughn replied that it would exist and that it would "run" the faculty at that point.

The council argued that the legislation needed a strong close and should include language addressing the faculty's desire to retain shared governance until it was deemed to be ineffective and to express to the State Legislature the need to recognize, respect, and preserve the unique culture at major research Universities like the UW. Olswang drafted additional language to serve as a conclusion to the draft and the council reviewed and edited it. Vaughn said she would incorporate the language into the next version of the draft which she would distribute to FCFA later in the day.

Chair Holzworth commented that he thought the council had written a proposal which he could defend to the Faculty Senate and AAUP. Luchtel remarked that he liked some of the more direct language of Vaughn's original draft but thought the new draft to be a good compromise between Vaughn and Hunn's drafts.

The next FCFA meeting is scheduled for next Thursday, October 19 from 9:00 to 10:30 am in 36 Gerberding.

Meeting adjourned at 10:20 a.m. Minutes by Todd Reid, Recorder.