

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

The Faculty Council on Faculty Affairs met Thursday, **October 19, 2000** at 9:00 a.m. in 36 Gerberding. Chair Robert Holzworth presided.

**Present:** *Faculty* Haley, Holzworth, Luchtel and Roberts. *Ex Officio* \*Adman, Olswang, \*Rickerson and Sjøvik (\*with vote). *Regular Guest* Lea Vaughn.

**Absent:** *Faculty* Carr, Hunn, O'Brien, Poznanski and Riley. *Ex Officio* Fabien, Ludwig and Rose. *Regular Guest* Coney.

**Action Items:**

- 1) **Minutes from October 12, 2000** approved with corrections.
- 2) The council voted to approve the most recent draft of the Class C resolution regarding Enabling Legislation. The resolution will appear as a discussion item at the October 26 Faculty Senate meeting.

**Review of Class C Resolution Regarding Enabling Legislation**

The Council began its review of the draft legislation regarding enabling legislation that was composed at the October 12, 2000 FCFA meeting. Provision 1 of the draft concerns the Faculty Bargaining Unit and Chair Holzworth asked who, of the UW faculty, might argue against the language in this section. Roberts responded that Arts and Sciences might object because this would "lump" them into a bargaining unit with the Medical School, which is not likely to vote for collective bargaining. Vaughn agreed that professional schools like the Medical School would probably vote against collective bargaining since it would not be in their best interest.

Sjøvik distributed copies of the Special Committee on Legislative Matters' (SCLM) comments regarding this draft legislation and pointed to a suggestion made by Thaddeus Spratlin in reference to Provision 2 of the resolution. The council agreed to implement the following changes to Provision 2: "Absent a collective bargaining agreement or contractual terms that supercede or replace the *Faculty Code*, the latter shall govern the faculty employment relationship."

Vaughn explained that the AAUP wishes to have interest arbitration as part of the enabling legislation agreement; this would allow an outside party to decide the contract terms between UW faculty and administration should the two parties reach an impasse. Olswang added that interest arbitration is often used with police and firefighters to keep them from striking. Vaughn also stated that AAUP is certainly entitled to think that interest arbitration is a "bigger stick" than just having enabling legislation for collective bargaining. Holzworth asked what stance the council thought faculty should take regarding interest arbitration: should they argue to keep it in, or leave it out? Olswang advised that the key was not to make interest arbitration *mandatory*--it could be left in as an option, but should not be mandated by an enabling legislation agreement.

The council discussed the merits of interest arbitration and agreed that, while it did not want mandatory interest arbitration--it did not want a third party deciding disputes between faculty and the University--it did wish to leave the door open for the parties to consent to interest arbitration. Sjøvik pointed out SCLM's item #7 which called for including binding arbitration in enabling legislation if there is also to be a "no strike" clause; otherwise, all efforts to resolve disputes could be stonewalled interminably. Vaughn advised that stonewalling by either party would constitute a violation of fair labor law and would go before the Public Employee Relations Committee

(PERC). Haley echoed the sentiments of the council by stating that, while faculty endorse various forms of dispute resolution, they do not want it mandated.

Regarding Provision 4 of the resolution concerning strikes and resolutions, Roberts asked how this would affect Research Faculty whose salaries come from the National Institute of Health (NIH) and other such granting institution. Olswang and Vaughn advised that, in the event of a strike or lockout, Research Faculty would likely have to sue the University for breach of contract in order to avoid being in violation of the terms of their grant agreements. Vaughn added that it would be up to the union to discipline members who violated the strike agreement. Olswang reminded the council that, at the last FCFA meeting, they talked about honoring their commitment to UW students by including a "no-strike/no lockout" clause in the Class C resolution. Vaughn advised that her draft was an attempt to make the resolution more palatable.

Sjåvik asked if it was advisable, though, for faculty to go on record saying they do not want to strike under any circumstances. The Chair submitted that the whole exercise of drafting the resolution is one of last resort measures and he echoed Sjåvik's concerns: should the resolution's language be so cut and dried that it says "faculty will not strike." Luchtel asked what the laws were in Washington state regarding public employee strikes. Olswang responded that police, firefighters and public school teachers cannot strike--University faculty are not prohibited from striking but there is not legislation presently that allows them to do so. Vaughn added that the *Faculty Code* mandates that faculty act in the best interest of the University; she further advised that FCFA could send its resolution to the Senate Executive Committee (SEC) with several options on Provision 4. The Chair remarked that FCFA should do its best to work out the details of the resolution before sending it to the SEC.

Adman asked, "if faculty give up their right to strike, what tools do they have to bargain with?" Olswang replied that faculty have the option to leave the door open to binding arbitration as well as other forms of dispute resolution such as filing suits with PERC. He stressed that unions do not strike over deals that are on the table; they strike over the inability to get to the table. For arguments' sake, the Chair asked why faculty should be concerned about striking. The council agreed that, while some faculty may take issue with the "no strike/ no lockout" provision, faculty need to keep students' interest foremost in their minds. Olswang offered a few different scenarios for drafting Provision 4: FCFA could delete all reference to strikes and lockouts; it could choose to allow strikes and lockouts; or, it could choose to disallow them altogether.

The council discussed the possibility of faculty strikes at Bothell or Tacoma--UW Seattle would likely be deemed responsible for establishing the basis for striking if UWB or UWT should strike. Vaughn asked council members to think about the continuing ramifications of the Air Traffic Controllers strike of the 1980's--society still holds a grudge against controllers for their actions--are faculty willing to accept the negative press which may be heaped upon them should a strike ever occur? Most citizens of Washington state will only notice one thing if a strike were to occur--that their sons and daughters are being denied the opportunity to attend their classes; all faculty's concerns will be lost amid the deluge of negative public opinion. Roberts remarked that K-12 teachers are not supposed to strike but they did anyway, just last year. Several council members replied that the public does not have the same perception of University faculty as they do K-12 teachers and are more apt to be supportive of K-12 teachers efforts to raise their salaries and improve their working conditions.

Haley declared that he thought it was an important political statement on the part of faculty to include a "no strike" provision in the resolution. Olswang noted that he had never seen an AAUP document that said a strike was a viable option for dispute resolution; they usually regard it as an

important bargaining chip and a tactic to be used only as a last resort. Luchtel said he agreed that strikes are not a viable option for public employees; he feels that public employees essentially give up that right. *The council agreed to leave Provision 4 as-is, with the no strike/no lockout clause intact.*

*Having reviewed the draft Class C resolution regarding enabling legislation, the council voted unanimously to approve it and to send it to the SEC for first review.*

Chair Holzworth asked that the final document be emailed to FCFA members prior to next Thursday's Faculty Senate meeting. He also said that he felt confident about being able to defend the resolution on the Senate floor and asked if anyone knew of any concepts or ideas relating to enabling legislation that had not been included in FCFA's deliberations. No one had anything to add. Haley asked if there would be extensive discussion of the legislation at the 10/26 Senate meeting. The Chair replied that, since the item was on the Senate agenda as a discussion item, the resolution would very likely generate a good deal of discussion at the meeting; however, the resolution would not be open to amendment until it appears on the Senate agenda as a voting item.

Meeting adjourned at 10:30 a.m. Minutes by Todd Reid, Recorder.