

University of Washington  
Faculty Council on Faculty Affairs  
Wednesday, April 9, 2008  
36 Gerberding Hall

Council Chair Jan Sjøvik called the meeting to order at 11:40 a.m.

**Meeting synopsis:**

1. Approval of agenda and the minutes of the previous meeting.
2. Conciliation (continued discussion).
3. RCEP (continued discussion).

**1. Approval of agenda and minutes.**

The agenda and the minutes of the March 12, 2008, meeting were approved as corrected.

**2. Conciliation – continued discussion.**

Sjøvik distributed a handout which included the most recent draft of proposed FCFA revisions to Chapter 27 and a copy of the Uniform Mediation Act to ensure that the Council is mindful that any proposed revisions should not conflict with the newly enacted RCW.

Vice Provost Cheryl Cameron reported that she had been in touch with the office of the Attorney General regarding a draft Conciliation-Mediation Agreement. The draft she distributed was based on the agreement that had been drawn up for use by the Ombudsman's Office for Mediation. This was revised for purposes of Conciliation and addresses the issue of confidentiality in a more realistic way.

Issues raised included confusion about what was meant by "nonverbal statements." After some discussion it was decided that this might include gestures and body language. Also discussed was whether all participants should sign one agreement – instead of each participant signing an agreement with the conciliation officer. The assumption is that if two signed forms do not exist, there is no conciliation happening. Cameron noted that the agreement has been in use by the Ombudsman for almost two years, and she has not received any negative feedback on its usefulness.

The following recommendation was made to revise the Conciliation-Mediation Agreement:

Final Paragraph: I understand the other participants in this conciliation-mediation will be required to sign this conciliation-mediation agreement or a matching copy of it as a condition of the conciliation proceedings moving forward. I agree that...

Rich Christie questioned the necessity and usefulness of maintaining a conciliation board as it seems immaterial to the process and may act as a deterrent to success in a number of ways. In addition, all the functions of the Board could be carried out in other ways. Following further discussions about how this might be done, the following recommendations were made to further revise Chapter 27:

Section 27-41.B: The assigned conciliation officer is authorized to ~~investigate the matter~~, to examine and collect documents and other information and to discuss the issue with ~~both~~ all sides

with a view to achieving a mutually agreeable resolution. ~~In discussions with the conciliation officers, only the parties may participate.~~ Legal representatives of or any advisors to the parties are excluded from discussions with the conciliation officer.

Section 27-41.E.2: Delete the final sentence (~~The faculty member may seek advice from the Ombudsman about these procedures.~~)

Section 27-41.F: Delete the entire section.

Section 27-42.A.: Revise as follows and insert this as Section 27-41.E:

In attempts to achieve conciliation of differences (~~Section 27-41~~), the conciliation officer assigned to a case shall have the confidential assistance and advice of ~~a Conciliation Board the Ombudsman or another Conciliation Officer identified by the Ombudsman. Consisting of the Ombudsman and the other conciliation officers and the Ombudsman who shall chair the Board.~~

Delete all of Section 27-42

Section 27-41.E should then be renumbered Section 27-41.F.

Finally Sjøvik asked for direction from the Council on the disposition of the draft at this stage. The Council decided they would like to see it one more time as a draft before sending it to the Senate Executive Committee for consideration.

### **3. RCEP – continued discussion.**

Sjøvik reported that he had e-mailed the Council's RCEP revisions to chairs of elected councils of all the Colleges, Schools and Campuses – asking for feedback either in writing or by visiting a meeting of FCFA. He had also requested feedback from the Board of Deans. So far he has received nothing except for an e-mail (attached to his handout) from Michael Stiber at UW Bothell.

The meeting was adjourned at 1:07 p.m.

Minutes by Susan Folk  
Assistant to the Secretary of the Faculty  
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Present:

Regular: Callis, Carline, Christie, Di Stefano, Hildebrandt, Phillips, Ricker, Scheuer, Sjøvik, Vaughan

President's Designee: Cameron

Absent:

Regular: Bryant-Bertail, Gill

Ex Officio: Bazarnic, Hahn, Cook