

University of Washington  
Faculty Council on Faculty Affairs  
Tuesday, March 8, 2011, 9:00 a.m.  
142 Gerberding Hall

**Meeting synopsis:**

1. Review of Minutes
  2. Lecturer-related revisions to Faculty Code
  3. Scientific Misconduct issues
  4. Adjournment
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**Call to Order**

Council Chair Rich Christie called the meeting to order at 9:05 a.m.

**Review of Minutes**

The notes of the February 8, 2011 meeting were approved as written.

**Lecturer-related revisions to Faculty Code**

The council continued its review of lecturer-related revisions to the Faculty Code. Christie said that an email survey of the council had produced a preference for the introductory paragraph of Section 24-54, dealing with promotions:

“Annually, all eligible members of the faculty shall be informed of the opportunity to be considered for promotion by their department chair (or chair's designee or the dean of an undepartmentalized school or college, or the dean's designee). At the request of the faculty member, or if the promotion decision is mandatory, a promotion review shall be conducted following the procedure below:”

Christie noted that this revision would codify current practice: “eligible” takes care of the issue dealing with lecturers and “shall be informed” reduces the burden and workload of chairs (or others as specified), while “at the request” gives an eligible faculty member the right to a full consideration.

With consensus reached on that point, the council completed its language review of the proposed changes, adding explanatory notes and making revisions. Time was spent on ensuring that rank and title were used consistently throughout the code, and that the code was consistent with respect to the instructor title, which is still used, but only with clinical, affiliate, or acting titles.

Having completed the language review and reached consensus, the proposed changes were to be sent for individual review, approved finally by the council, and sent to the Senate Executive Committee.

***[The full set of revisions, approved by electronic vote of the council on March 15, 2011, is attached as Appendix A.]***

**Scientific Misconduct Issues**

Christie gave an overview of issues regarding scientific misconduct, based on his review of the Department of Health and Human Services Public Health Service Policies on Research Misconduct; Final Rule (42 CFR Parts 50 and 93) [[http://ori.hhs.gov/documents/FR\\_Doc\\_05-9643.shtml](http://ori.hhs.gov/documents/FR_Doc_05-9643.shtml)]. Major issues include whether to use the Health and Human Services (HHS) process for all academic misconduct, the potential for breached confidentiality, the

requirement to investigate all credible allegations and determine credibility, and the appeal of a finding of scientific misconduct.

***[Christie's full document is attached as Appendix B.]***

**Adjournment**

The meeting ended at 10:30 a.m.

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*Minutes by Craig Bosman, Faculty Council Support Analyst. <cbosman@uw.edu>*

**Present:**

Faculty:	Christie (Chair), O'Brien, Vaughn
President's Designee:	Cameron
Ex Officio:	Drieling
Guests:	Marcia Killien

**Absent:**

Faculty:	Phillips, Wilcock
Ex Officio:	Anderson, Fauchald, Nordquist

## Class A Legislation

### Faculty Council on Faculty Affairs

Revisions to Chapters 21, 24 and 25: Code revisions related to lecturer and instructor issues.

#### Rationale:

This code revision originated when a principal lecturer pointed out that senior and principal lecturers were required (by that person's college) to have an annual collegial evaluation of teaching, while associate and full professors were only required to have such an evaluation every three years. In addition there was some concern over whether lecturers were promotable, or were simply occupying appointed positions.

FCFA consulted with the Faculty Council on Teaching and Learning (FCTL) about the frequency of collegial evaluation of teaching for senior and principal lecturers. FCTL expressed the opinion that once every three years was a suitable interval for these positions. The code (24-67A) has been changed to reflect this.

Reviewing the code, it was clear that, although all lecturer positions are limited term appointments, it was still intended that lecturers could be promoted to senior lecturers, and senior lecturers could be promoted to principal lecturers. No substantive change was required.

However, the review also turned up a number of inconsistencies in the code related to lecturers and instructors. For example, principal lecturers were omitted from some places where they should have been listed, the term "instructor" was used where "lecturer" was more appropriate, etc. There were also inconsistencies in the use of the terms "rank" and "title". Minor, non-substantive changes to correct these inconsistencies and reflect existing practice were made throughout the code.

During review of the changes, it was proposed that a title of "principal artist in residence" be added to parallel the principal lecturer title, since we have senior artist in residence and artist in residence titles that parallel the senior lecturer and lecturer titles. After input from the Divisional Dean of the Arts, we decided not to add this title. Principal lecturer is a title that can only be achieved by promotion from senior lecturer. The artists in residence and senior artists in residence are appointed, only, and are not promoted.

During review of the changes, we noted that the instructor rank is described in the existing faculty code as the first step in the tenure track ladder. That is, the code envisioned that someone could be hired as an instructor, and promoted to assistant professor. However, the University has not hired instructors for this purpose for some time, using assistant professor as the first step in the tenure ladder, so this use of the rank of instructor is defunct. We did determine that the Medical School, in particular, uses the title "acting instructor" for post-doctoral researchers who have run out the time limits on the research associate title, and also uses the affiliate instructor and clinical instructor titles. We decided to eliminate the instructor rank in the tenure track ladder and add the titles that are actually in use in the appropriate places (24-34 and other places).

Finally, in the course of reviewing the change language, FCFA noted that the existing language governing the initiation of a promotion process (24-54) actually requires a full promotion process (packet, letters, department faculty vote) for every faculty member below the rank of professor every year. Clearly we do not do this, nor should we. Although changing this language went well beyond the original purpose of the revision, the Council decided that a revision reflecting current practice was necessary. Our revision permits eligible faculty to forgo the promotion process, unless the case is mandatory, but ensures that a full case will go forward if the faculty member so desires.

## Chapter 21

## Section 21-31. Membership in the Faculty

The University faculty consists of:

the president,  
 the vice presidents,  
 the professors,  
 the associate professors,  
 the assistant professors,  
~~the instructors,~~  
~~the teaching and research associates,~~  
 the principal lecturers and principal artists in residence,  
 the senior lecturers and senior artists in residence,  
~~the senior artists in residence~~  
 the lecturers and artists in residence,  
~~the instructors,~~  
~~the artists in residence,~~ the teaching and research associates,

whether serving under visiting, acting, research, clinical or affiliate appointment, whether serving part-time or full-time, and whether serving in an active or emeritus capacity. The faculty, beginning with the professor, are listed in order for purposes of determining voting eligibility based on superior rank.

*Section 13-31, April 16, 1956; S-A 29, June 8, 1964; S-A 32, May 8, 1967; S-A 78, December 14, 1988: all with Presidential approval; RC, February 1, 2008.*

## Section 21-32. Voting Membership in the Faculty

A. Except as provided in paragraph B of this Section the voting members of the University faculty are those faculty members holding the rank and/or title of:

professor, 50% appointment or greater  
 research professor, 50% appointment or greater  
 associate professor, 50% appointment or greater  
 research associate professor, 50% appointment or greater  
 assistant professor, 50% appointment or greater  
 research assistant professor, 50% appointment or greater  
~~full time instructor~~  
 full-time principal lecturer,  
 full-time senior lecturer,  
 full-time senior artist in residence,  
 full-time lecturer,  
 full-time artist in residence, or  
 a retired assistant professor, associate professor, or  
 professor during the Quarter(s) he or she is serving on a part-time basis, or  
 a retired research assistant professor, research associate professor or  
 research professor during the Quarter(s) he or she is serving on a part-time basis.

B. Notwithstanding the rank or title held, the following are not voting members of the faculty:

persons serving under acting or visiting appointments;  
 persons on leave of absence;  
 persons serving under clinical or affiliate appointments;  
 persons of emeritus status unless serving on a part-time basis;  
 persons serving under adjunct appointments insofar as their adjunct appointments are concerned.

[For definitions of faculty titles, see Section 24-34.]

- C. Research faculty may vote on all personnel matters as described in the *Faculty Code* except those relating to the promotion to and/or tenure of faculty to the following ranks and titles:

Senior Artist in Residence

Senior Lecturer

Principal Lecturer

~~Assistant Professor~~

Associate Professor

Professor

Associate Professor WOT

Professor WOT

*Section 13-31, April 16, 1956; S-A 32, May 8, 1967; S-A 37, February 8, 1971; S-A 45, January 17, 1975; S-A 78, December 14, 1988; S-A 98, May 12, 1998; S-A 103, March 6, 2001; S-A 108, June 21, 2002: all with Presidential approval.*

## Chapter 24

### Section 24-34. Qualifications for Appointment at Specific Ranks and Titles

#### A. Qualifications for Appointment at Specific Ranks

- ~~1.~~ Appointment to the rank of instructor normally requires completion of professional training, in many fields marked by the Ph.D., and the promise of a successful career in teaching and research.
1. ~~2.~~ Appointment with the rank of assistant professor requires completion of professional training, in many fields marked by the Ph.D., and a demonstration of teaching and research ability beyond that ordinarily required of an instructor that evidences promise of a successful career.
2. ~~3.~~ Appointment to the rank of associate professor requires a record of substantial success in both teaching and research, except that in unusual cases an outstanding record in one of these activities may be considered sufficient.
3. ~~4.~~ Appointment to the rank of professor requires outstanding, mature scholarship as evidenced by accomplishments in teaching, and in research as evaluated in terms of national or international recognition.

#### B. Qualifications for Appointments with Specific Titles

1. Lecturer and artist in residence are *instructional titles* that may be conferred on persons who have special instructional roles. Appointments may be renewed pursuant to Section 24-53.
2. Senior lecturer and senior artist in residence are *instructional titles* that may be conferred on persons who have special instructional roles and who have extensive training, competence, and experience in their discipline. Appointments may be renewed pursuant to Section 24-53.
3. Principal ~~L~~ecturer is an *instructional title* that may be conferred on persons whose excellence in instruction is recognized through appropriate awards, distinctions, or major contributions to their field. Appointments may be renewed pursuant to Section 24-53.

4. Appointment to one of the ranks in Section A with a *research* title requires qualifications corresponding to those prescribed for that rank, with primary emphasis upon research. Tenure is not acquired through service in research appointments.

Research professor and research associate professor appointments are term appointments for a period not to exceed five years. The question of their renewal shall be considered by the voting faculty who are superior in academic rank to the person being considered and are faculty of the department (or undepartmentalized college or school) in which the appointments are held, except that the voting faculty at rank of ~~P~~ professor shall consider whether to recommend renewal or non-renewal of the appointment of a ~~R~~ research ~~P~~ professor. Such consideration shall be conducted in accord with the provisions of Section 24-53.

Research assistant professor appointments are for a term not to exceed three years with renewals and extensions to a maximum of eight years. (See Section 24-41, Subsection H). The question of their renewal shall be considered by the faculty who are superior in academic rank to the person being considered and are faculty of the department (or undepartmentalized college or school) in which the appointments are held. Such consideration shall be conducted in accord with the provisions of Section 24-41.

Research associate appointments are for a term not to exceed three years, with renewals to a maximum of six years. The question of their renewal shall be considered by the faculty who are superior in academic rank to the person being considered and are faculty of the department (or undepartmentalized college or school) in which the appointments are held. Such consideration shall be conducted in accord with the provisions of Section 24-53.

Research faculty titles and the qualifications for them are described in Section 24-35.

5. Appointment with the title of instructor is made to a person who has completed professional training, in many fields marked by the Ph.D., and is fulfilling a temporary, clinical, or affiliate instructional need, or is in a temporary transition period between post-doctoral training and mentoring and entry into the professorial ranks. These appointments are limited to acting, affiliate, or clinical.
6. ~~5.~~ Appointment with a An affiliate appointment rank requires qualifications comparable to those required for appointment to the corresponding rank or title. It recognizes the professional contribution of an individual whose principal employment responsibilities lie outside the colleges or schools of the University. Affiliate 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.
7. ~~6.~~ An adjunct appointment is made only to a faculty member (including one in a research professorial rank) already holding a primary appointment in another department. This ~~title~~ appointment recognizes the contributions of a member of the faculty to a secondary department. Adjunct appointments do not confer governance or voting privileges or eligibility for tenure in the secondary department. These appointments are annual; the question of their renewal shall be considered each year by the faculty of the secondary department.
8. ~~7.~~ A joint appointment recognizes a faculty member's long-term commitment to, and participation in, two or more departments. A joint appointment may be discontinued only with the concurrence of the faculty member and the appointing departments. One department shall be designated the primary department and the others secondary, and this designation can be changed only with the concurrence of the faculty member and the appointing departments. Personnel determinations (salaries, promotions, leave, etc.) originate with the primary department, but may be proposed by the secondary department(s), and all actions must have the concurrence of the secondary department(s). A faculty member who has the privilege of participation in governance and voting in the primary department may arrange with the secondary department(s) either to participate or

not to participate in governance and voting in the secondary department(s). This agreement must be in writing and will be used for determining the quorum for faculty votes. The agreement can be revised with the concurrence of the faculty member and the department involved.

9. ~~8.~~—A *clinical* 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.
10. ~~9.~~—Appointment with the title of *teaching associate* is made to a non-student with credentials more limited than those required of an instructor. Teaching associate appointments are annual, or shorter; 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.
11. ~~10.~~—The *emeritus* appointment is recommended by departmental action for a regular, WOT, research or clinical faculty member who has retired under the UW Retirement Plan or is receiving benefits as if he or she retired under another State of Washington retirement plan and whose scholarly, teaching, or service record has been meritorious. Such a recommendation requires approval by the college dean and the President of the University. The normal criteria for appointment with the emeritus title are at least ten years of prior service as a member of the faculty and achievement of the rank of professor or associate professor. Under certain circumstances the President may grant emeritus status to an administrator at the level of ~~D~~dean or ~~V~~vice ~~P~~resident, or at other levels if deemed appropriate.
12. ~~11.~~—The *Acting* title denotes a temporary appointment for properly qualified persons ~~at~~ in the instructor title or at the professorial ranks. It commonly is used for persons who are on the faculty for a year or less or for persons who have not yet completed the requirements for a regular appointment. In the latter case, the acting title is dropped when the requirements are completed. The total service of a faculty member with an acting appointment may not exceed four years in any single rank or title, or six years in any combination of ranks or titles. A faculty member whose appointment as ~~instructor~~ or assistant professor has not been renewed may not be given an acting appointment.
13. ~~12.~~—Appointment to one of the ranks in Subsection A with a *visiting* title indicates that the appointee holds a professorial position at another institution of higher learning and is temporarily employed by the University. An employee who does not hold a professorial position elsewhere, but who is otherwise qualified, may be designated as a visiting ~~L~~ecturer.
14. ~~13.~~—The *visiting scholar* title is an honorary title awarded to persons who hold professorial (including research titles) positions at other institutions and who are visiting the University but who are not employed by the University during their stay. The purpose of this title is recognition of the visitor's presence at the University, and to make University facilities and privileges (library, etc.) available.

*Section 13-31, April 16, 1956; S-A 23, February 22, 1959; S-A 32, May 8, 1967; S-A 33, June 13, 1967; S-A 37, February 8, 1971; S-A 64, May 29, 1981; S-A 78, December 14, 1988; S-A 81, January 30, 1990; S-A 94, October 24, 1995; S-A 97, January 10, 1997; S-A 103, March 6, 2001; S-A 108, June 21, 2002; S-A 109, June 5, 2003: all with Presidential approval; RC, April 18, 2006.*

#### Section 24-41. Duration of Nontenure Appointments

~~A.~~—The first appointment of an instructor is for one academic year. The dean of the instructor's college or school may renew this appointment annually at the same rank for a total period of not more than five

~~years. If the instructor's appointment is to be continued beyond a fourth year his or her reappointment must be accompanied by either a notice of termination effective at the end of the fifth academic year at that rank or a recommendation to the President for an advancement in rank concurrent with the fifth year of his or her appointment.~~

- B. A. The first appointment or the reappointment of an assistant professor is for a basic period of three years, subject to earlier dismissal for cause. Although neither appointment period shall extend beyond the academic year in which a decision on tenure is required, the year in which a negative tenure decision is made must be followed by a terminal year of appointment. If the assistant professor is reappointed, the period of reappointment must include a tenure decision. Assistant professors holding positions funded by other than state funds shall be treated in the same way except that the appointment may be to a position without tenure by reason of funding as provided in Subsection E. Procedures governing the reappointment of assistant professors are as follows:

1. During the second year of the initial appointment, the dean of the assistant professor's college or school shall decide whether: a) the appointment is to be renewed under the above provision for reappointment; b) the appointment is not to be renewed beyond the initial three-year period, in which case the appointment will terminate at the end of the third year; or c) the decision concerning the appointment is to be postponed to the following year.
2. Should the above decision result in a postponement, during the third year of the initial appointment the dean shall decide whether: a) the appointment is to be renewed under the above provision for reappointment, or b) the appointment is not to be renewed; if it is not, the basic appointment is extended to include a fourth and terminal year.
3. The dean shall inform the professor in writing within 30 days of any decision made pursuant to this section.

C. ~~Instructor,~~ Lecturer and Artist in Residence

1. Appointment as a full-time lecturer or artist in residence shall be for a term not to exceed five years. Appointment as a part-time lecturer or artist in residence shall be for one year or less.
2. Appointment as a full-time senior lecturer, principal lecturer, or senior artist in residence shall be for a term not to exceed five years. The normal appointment period of senior and principal lecturers shall be for a minimum of three years with exceptions to be reviewed by the Provost. Appointment as a part-time senior lecturer, principal lecturer, or senior artist in residence shall be for one year or less.
3. Except as provided in Subsection 4 below, at least six months (or three months in the case of an initial annual appointment) before the expiration date of an appointment of a full-time lecturer, ~~instructor,~~ artist in residence, senior lecturer, principal lecturer, or senior artist in residence, the dean shall determine, pursuant to Section 24-53, whether this appointment shall be renewed and shall inform the faculty member in writing of the decision.
4. A renewal decision in accord with Subsection 3 above is not required where an initial appointment of a full-time ~~instructor,~~ lecturer, artist in residence, senior artist in residence, senior lecturer, or principal lecturer is for one year or less and the appointment is identified at the time of appointment as not eligible for renewal.
5. Part-time appointments ~~at the rank of as~~ lecturer, ~~instructor,~~ artist in residence, senior lecturer, principal lecturer, and senior artist in residence are for the period stated in the letter of appointment. If such appointments are to be renewed the procedures in Section 24-53 shall be followed in a timely manner with knowledge of funding availability and staffing needs.

- D. A full-time lecturer, ~~or~~ artist in residence, or senior lecturer may, prior to expiration of an existing appointment, be considered for appointment as, or promotion to a senior lecturer, ~~or~~ senior artist in residence, or principal lecturer respectively.
- E. Notwithstanding the provisions of Section 24-41, Subsection B, appointments of assistant professors who are supported by other than state-appropriated funds are subject to termination should the supporting agency fail to continue the funding for the appointment, provided that the assistant professor supported by other than state-appropriated funds is advised in writing prior to commencement of his or her appointment that such appointment is at all times subject to the continued availability of grant or contract funds.
- F. The first appointment or the reappointment of a faculty member to less than 50 percent of full-time status shall be made on an annual, or shorter, basis. A faculty member who is appointed to a position with less than 50 percent of full-time status shall not accumulate eligibility toward tenure.
- G. The first appointment or the reappointment of a research assistant professor is for a basic period of three years, subject to earlier dismissal for cause. Research assistant professors may not be reappointed more than once, except that a research assistant professor who does not receive promotion in rank must receive a terminal year of appointment. Procedures governing the reappointment of research assistant professors are as follows:
1. During the second year of the initial appointment, the dean of the research assistant professor's college or school shall decide whether a) the appointment is to be renewed under the above provision for reappointment; b) the appointment is not to be renewed beyond the initial three-year period, in which case the appointment will cease at the end of the third year; or c) the decision concerning the appointment is to be postponed to the following year.
  2. Should the above decision result in a postponement, during the third year of the initial appointment the dean shall decide whether a) the appointment is to be renewed under the above provision for reappointment or b) the appointment is not to be renewed; if it is not renewed, the basic appointment is extended to include a fourth and terminal year.
  3. Not later than the end of the third year of a second appointment, the dean of the research assistant professor's college or school shall decide whether a) the research assistant professor is to be appointed as research associate professor, associate professor without tenure by reason of funding or associate professor with tenure; b) the appointment is to cease at the end of the following year; or c) the decision concerning the appointment is to be postponed to the following year. In cases b) and c) the appointment is extended by one year.
  4. Should the above decision result in a postponement, during the extension year of a second appointment, the dean of the research assistant professor's college or school shall decide whether a) the research assistant professor is to be appointed as research associate professor, associate professor without tenure by reason of funding or associate professor with tenure, or b) the appointment is to cease; in which case the basic appointment is extended by one year.
  5. The dean shall inform the professor in writing within 30 days of any decision made pursuant to this section.
- H. Notwithstanding the provisions of Section 24-41, Subsection H, research assistant professors are subject to removal during the term of their appointment for cause (see Section 25-51), for termination of funding, or for reasons of program elimination (see Section 25-52).
- I. Research professors and research associate professors are not subject to removal during the term of their appointment except by removal for cause (see Section 25-51), for termination of

funding as defined in Section 24-41, Subsection J, or for reasons of program elimination (see Section 25-52).

- J. Termination of funding is defined as failure, for a continuous period of more than 12 months, to obtain funding sufficient to provide at least 50 percent of the faculty member's base annual salary. The University is not obligated to provide replacement funding during lapses of a faculty member's external support.
- K. In unusual cases, an individual may be appointed to the title of research assistant professor when there is no known funding to support the appointment. The department and dean shall determine that the individual will seek external funding to support his or her appointment. Such appointments shall be made on an annual or shorter basis, and may be renewed annually upon evidence of research grant or contract pursuit activity. Upon receipt of salary funding support, said appointments shall be converted to initial three-year appointments in conformance with Section 24-41, Subsection H.
- L. The procedures prescribed in Section 24-53 for renewal of appointments and in Section 24-54 for Procedure for Promotion shall govern actions taken under this section.

*Section 13-31, April 16, 1956; S-A 31, December 28, 1966; S-A 41, April 3, 1972; S-A 42, June 9, 1972; S-A 49, December 4, 1975; S-A 62, December 2, 1980; S-A 64, May 29, 1981; S-A 67, December 5, 1983; S-A 68, April 19, 1984; S-A 81, January 30, 1990; S-A 98, May 12, 1998; S-A 102, July 7, 2000; S-A 108, June 21, 2002: all with Presidential approval; RC June 19, 2008.*

#### Section 24-53. Procedure for Renewal of Appointments

When it is time to decide upon renewal of a nontenure appointment to the faculty (Section 24-41), the procedure described below shall be followed.

- A. The voting members of the appropriate department (or undepartmentalized college or school) who are superior in academic rank or title to the person under consideration shall decide whether to recommend renewal or termination of the appointment. Research faculty shall be considered by voting faculty who are superior in rank to the person under consideration, except that the voting faculty at rank of Pprofessor shall consider whether to recommend renewal or non-renewal of the appointment of a Rresearch Pprofessor. Faculty with instructional titles outlined in Section 24-34, Subsection B shall be considered by voting faculty who hold a professorial rank or instructional title superior to the person under consideration.
- B. If this recommendation is a departmental one, the chair shall transmit it to the dean. If the chair does not concur in the recommendation he or she may also submit a separate recommendation.
- C. The dean shall decide the matter within the time prescribed in Section 24-41 and inform the faculty member concerned of the decision.
- D. If a faculty member requests a written statement of the reasons for the non-renewal of his or her appointment, the dean shall supply such a written statement within 30 days.

*Section 13-31, April 16, 1956; S-A 41, April 3, 1972; S-A 60, June 25, 1979; S-A 81, January 30, 1990; S-A 94, October 24, 1995: all with Presidential approval.*

#### Section 24-54. Procedure for Promotions

~~Each member of the faculty below the rank of professor shall be considered annually for possible promotion. The procedure described below shall be followed.~~

Annually, all eligible members of the faculty shall be informed of the opportunity to be considered for promotion by their department chair (or chair's designee or the dean of an undepartmentalized school or college, or the dean's designee). At the request of the faculty member, or if the promotion decision is mandatory, a promotion review shall be conducted following the procedure below.

- A. The voting members of the appropriate department (or undepartmentalized college or school) who are superior in academic rank or title to the person under consideration shall decide whether to recommend the promotion. Research faculty shall be considered by voting members of the appropriate department, or undepartmentalized college or school, who are superior in academic rank to the person under consideration. Faculty with instructional titles outlined in Section 24-34 Subsection B shall be considered by voting members of the appropriate department or undepartmentalized college or school who hold an eligible professorial appointment or an instructional title superior to that of the candidate being considered. In this decision they shall take into account the qualifications prescribed in Sections 24-32, 24-33, 24-34, and 24-35 for the various academic ranks and titles. Promotion shall be based upon the attainment of these qualifications and not upon length of service. In arriving at recommendations for promotion, faculty, chairs, and deans are directed to study the whole record of candidates' qualifications described in Section 24-32.
- B. The record of the candidate being considered for promotion shall be assembled following the guidelines of the candidate's college and unit. The candidate is responsible for assembling the promotion record, which shall include a self-assessment of the candidate's qualifications for promotion. External letters of review shall be kept confidential from the candidate.

For departments (or college/school if undepartmentalized) where an initial report and/or recommendation on the qualifications of the candidate for promotion is produced by a subcommittee of the faculty senior in rank and title, the report shall be written. The department chair (or chair's designee or the dean of an undepartmentalized school or college, or the dean's designee) shall provide the candidate with a written summary of the committee's report and recommendation. For purposes of confidentiality, all names shall be omitted and vote counts may be omitted from the candidate's summary. The candidate may respond in writing within seven calendar days. The chair or dean shall forward the candidate's response, if any, together with the committee's report to the voting faculty.

The voting faculty of the candidate's department (or college/school ~~is if~~ undepartmentalized) superior in rank and title to the candidate shall then meet to discuss the candidate's record and to vote on the promotion question.

The department chair (or the chair's designee or the dean of an undepartmentalized school or college or the dean's designee) shall write a formal report of these proceedings for the candidate, summarizing the discussion and recommendation. For purposes of confidentiality, all names shall be omitted and vote counts may be omitted from this report. The candidate may then respond in writing to the department chair (or dean in an undepartmentalized school or college) within seven calendar days.

If this recommendation is a departmental one, and is favorable, or if the promotion decision is mandatory, or if the candidate has written a response to the departmental vote, the chair shall transmit all documents produced in this promotion process to the appropriate dean, with his or her independent analysis and recommendation.

- C. The dean shall be advised by a committee or council of the college or school. This advisory group, elected by the faculty of the college or school, shall consider each case presented to it and submit its recommendations with reasons therefore to the dean. In a departmentalized school or college, when a candidate for promotion is under consideration, any member of the committee or council who is also a member of the candidate's department may be excused.

- D. After receiving the recommendation of this committee or council the dean shall decide the matter, and if the decision is favorable shall transmit his or her recommendation to the President.

*Section 13-31, April 16, 1956; S-A 22, April 18, 1958; S-A 59, April 23, 1979; S-A 64, May 29, 1981; S-A 81, January 30, 1990; S-A 94, October 24, 1995, S-A 100 April 25, 2000: all with Presidential approval. [See Footnote #1 on Documentation following Section 24-57]*

#### Section 24-55. Procedure for Salary Increases Based Upon Merit

Faculty at the University of Washington shall be reviewed annually by their colleagues, according to the procedures detailed in this Section, to evaluate their merit and to arrive at a recommendation for an appropriate merit salary increase. Such reviews shall consider the faculty member's cumulative record, including contributions to research/scholarship, teaching, and service, and their impact on the department, school/college, university, and appropriate regional, national, and international communities.

The evaluation of a faculty member's merit and salary shall be arrived at after review of the individual's performance in relation to that of their colleagues and by comparison of individuals' present salaries to those of their peers. In evaluating a faculty member's eligibility for merit-based salary increases (Section 24-70.B.1 and 4; Section 24-71.A.1 and [B.1](#)) and for "market gap" salary increases (Section 24-71.B.2), the following procedure shall be followed.

- A. In arriving at their recommendations for salary decisions the appropriate faculty, department (unit) chairs, and deans shall each consider the following:
1. the cumulative record of the candidate, taking into account the qualifications prescribed in Sections 24-32, 24-33, 24-34, and 24-35 for the various academic ranks and titles;
  2. the candidate's current salary;
  3. documentation of the review conference required by Section 24-57.D ; and
  4. any documents produced under Section 24-55.H
- Salary recommendations shall seek to minimize salary inequities. Salary compression and other inequities, including those resulting from variations in the level of merit funds available over time, may be considered in making merit salary recommendations.
- B. The merit and salary of each faculty member below the rank and title of professor shall be considered by the voting members of the department, or undepartmentalized college or school, who are his or her superiors in academic rank and title, and they shall recommend any salary increase which they deem merited.
- C. The chair of a department, or the dean of an undepartmentalized school/college, shall consider the merit and salary of each full professor in his or her unit. Before forwarding his/her recommendations the chair (or dean in an undepartmentalized school/college) shall seek the advice of the full professors according to a procedure approved by the voting members of the unit.
- D. If the recommendation is a departmental one, the chair shall transmit it to the dean with any supporting data the dean may request. If the chair does not concur in the recommendations he or she may also submit a separate recommendation.
- E. The dean shall review the department's recommendation and forward his or her recommendation regarding faculty merit and salary to the President.

- F. The dean of each college/school shall review the record and salary of the chair of each department and shall recommend an appropriate salary increase to the President.
- G. The President shall authorize the salary increases of the faculty, and of each dean.
- H. At the option of the faculty member affected, and mandatorily in the event of two consecutive annual ratings of no merit (as a result of reviews under 24-55), the chair of the faculty member's department (or dean of an undepartmentalized school or college) shall, after consultation with the faculty member, appoint an ad hoc committee of department (or school/college) faculty superior (or, in the case of full professors, equal) in rank or title to the faculty member. This committee shall meet at its earliest convenience with the faculty member and review more fully the record and merit of that faculty member.

The committee shall, upon completion of its review, report in writing the results to the faculty member and to his or her department chair (or dean in an undepartmentalized school/college) and the committee shall advise them what actions, if any, should be undertaken to enhance the contributions and improve the merit ranking of this colleague, or to rectify existing misjudgments of his/her merit and make adjustments to correct any salary inequity. The faculty member may respond in writing to this report and advice within twenty- one calendar days to the department chair (or dean) and committee (unless upon the faculty member's request and for good cause the response period is extended by the chair or dean). The committee's report and advice, the faculty member's written response (if any), the response by the chair, and any agreement reached by the faculty member and the chair shall be incorporated into a written report.

*Section 13-31, April 16, 1956; S-A 58, May 16, 1978; S-A 75, April 6, 1987; S-A 82, November 21, 1990; S-A 99, July 9, 1999: all with Presidential approval. [See Footnote #1 on Documentation following Section 24-57]*

#### Section 24-57. Procedural Safeguards for Promotion, Merit-Based Salary, and Tenure Considerations

All procedures regarding promotion, merit-based salary, and tenure considerations outlined in the relevant sections of the *Faculty Code* must be followed. Open communication among faculty, and between faculty and administration, must be maintained in order to insure informed decision making, to protect the rights of the individual and to aid the faculty in the development of their professional and scholarly careers.

Each faculty member must be allowed to pursue those areas of inquiry which are of personal scholarly interest; at the same time, however, each faculty member must be informed of the expectations a department holds for him or her and of the manner in which his or her activities contribute to the current and future goals of the department, school, college, and University. In order to enable the faculty member to establish priorities in the overall effort of professional career development and to fulfill the University's obligations of fair appraisal and continual monitoring of faculty development, the following procedural safeguards shall be adopted in each department, school, or college.

##### A. Assessment of Teaching Effectiveness

To implement the provision stipulated in Section 24-32.C, the standardized student assessment of teaching procedure which the University makes available may be used for obtaining student evaluation of teaching effectiveness, unless the college, school, or department has adopted an alternate procedure for student evaluation, in which case the latter may be used. Each faculty member shall have at least one course evaluated by students in any academic year during which that member teaches one or more courses. The teaching effectiveness of each faculty member also shall be evaluated by colleagues using procedures adopted within the appropriate department, school, or college.

The collegial evaluation of teaching effectiveness shall be conducted prior to recommending any renewal of appointment or promotion of a faculty member. In addition, for faculty at the rank of instructor or assistant professor or with the instructional title of lecturer the collegial evaluation shall be conducted every year. For faculty at the rank of associate professor or professor or with the instructional title of senior lecturer or principal lecturer the collegial evaluation shall be conducted at least every three years. A written report of this evaluation shall be maintained and shared with the faculty member.

#### B. Yearly Activity Report

Each department (or undepartmentalized college) shall adopt a suggested format by which each faculty member will have the opportunity to provide information on professional activities carried out during the prior year. These reports shall be prepared in writing by each faculty member and submitted to the chair (or dean) in a timely fashion each year, and shall be used as reference and as a source of information for consideration of promotion, merit salary, or tenure. These forms shall be used as evidence for recommendations of promotion, merit salary, or tenure. Such information may be updated by a faculty member at any time during the academic year.

#### C. Regular Conference with Faculty

Each year the chair, or where appropriate the dean or his/her designee, shall confer individually with all full-time lecturers and assistant professors. The chair (or dean or his/her designee) shall confer individually with the Associate Professors and senior lecturers at least every two years, and with the Professors and principal lecturers at least every three years. The purpose of the regular conference is to help individual faculty members plan and document their career goals. While the documentation of those goals will be part of the faculty member's record for subsequent determinations of merit, the regular conference should be distinct from the merit review pursuant to Section 24-55.

At each such conference, the chair, dean, or his/her designee, and the faculty members shall discuss 1) the department's present needs and goals with respect to the department's mission statement and the faculty member's present teaching, scholarly and service responsibilities and accomplishments; 2) shared goals for the faculty member's teaching, scholarship and service in the forthcoming year (or years, as appropriate) in keeping with the department's needs and goals for the same period; and 3) a shared strategy for achieving those goals.

The chair, dean, or his/her designee and the faculty member shall discuss and identify any specific duties and responsibilities expected of, and resources available to, the faculty member during the coming year(s), taking into account the academic functions described in Section 24-32. The chair, dean or his/her designee should make specific suggestions, as necessary, to improve or aid the faculty member's work.

#### D. Documentation

The chair, dean or his/her designee, shall, in a timely manner, document in writing, with a copy to the faculty member, that such conferences occurred, and shall list the subject matter discussed.

This conference document shall also articulate in sufficient detail the discussed commitments and responsibilities of the faculty member for the coming year(s) and how these commitments and responsibilities are consistent with institutional standards for promotion and tenure as defined in Chapter 24.

Should the faculty member not agree with the summary or statements in this conference document, he or she shall indicate so in writing. The failure of a faculty member to object in writing to the chair's (or dean's) conference document within ten days of receiving it (unless upon the faculty member's

request and for good cause the period is extended by the chair or dean) shall constitute his or her official acceptance of its terms and conditions.

If the faculty member disagrees with the conference document, the chair (or dean) shall either withdraw it and issue a revised one to which both parties can agree, or reaffirm the accuracy of the original conference document.

In the event the faculty member disagrees with the resulting conference document, the chair of the faculty member's department (or dean of an un-departmentalized school or college) shall appoint an *ad hoc* committee comprised of three department (or school/college) faculty superior (or in the case of full professors, equal) in rank or title to the faculty member, or faculty members from the Conciliation Board, and selected in the following manner. The faculty member and the chair, or dean, shall each select one member of the *ad hoc* committee and those two members shall select the third member. At its earliest convenience, the *ad hoc* committee shall review fully the records relating to the conference, meet with the faculty member, and meet with the chair, dean, or his/her designee.

The chair, dean, or his/her designee, and the faculty member shall then meet with the *ad hoc* committee to discuss the issues, with the purpose of achieving a resolution. In the event resolution is not achieved, the committee shall, in a timely manner, report in writing the results of its review to the faculty member, to his or her department chair or dean, and to the designee, if any. The committee's report and advice, if any; the faculty member's written response, if any; the response by the chair, dean, or his/her designee, if any; and any agreement between the faculty member and chair, dean, or his/her designee shall be incorporated into a written report that shall be placed in the faculty member's personnel file.

A faculty member's record upon the stated duties and responsibilities in the conference document will be assessed in accordance with Section 24-55. Nothing in Section 24-57 is intended to alter the institutional standards for promotion and tenure as defined in Chapter 24.

*S-A 64, May 29, 1981; S-A 79, May 31, 1989; S-A 99, July 9, 1999; S-A 107, June 20, 2002: all with Presidential approval.*

Footnote #1: *Documentation for Recommendations for Promotions, Tenure, and Merit Increases* In submitting to the President's Office a recommendation for promotion ~~in rank~~ or the granting of tenure or merit salary increase, the dean of the school or college is requested to present a detailed documentation of the recommendation. The primary data would originate from the department. Faculty and chairs are directed to give careful attention to all phases of the candidate's service to the school or college and the University. Characteristic types of contributions to the University are described in the following terms:

*Teaching.* An essential qualification for the granting of tenure or for promotion is the ability to teach effectively. Some elements in assessing effective teaching are: the ability to organize and conduct a course appropriate to the level of instruction and the nature of the subject matter; the consistency with which the teacher brings to the classroom the latest research findings and professional debates within the discipline; the ability to stimulate intellectual inquiry so that students develop the skills to examine and evaluate ideas and arguments; the extent to which the teacher encourages discussion and debate within the course to enable students to articulate the ideas they are exploring; the availability of the teacher to the students beyond the classroom environment; the regularity with which the teacher examines or re-examines the organization and readings for a course and explores new approaches to effective educational methods. A major activity related to teaching is the instructor's ability to participate in academic advising and counseling, whether this takes the form of assisting students select courses or discussing the students' long-range goals. The faculty member's concern for the progress and well being of the students is an inseparable adjunct to the classroom.

*Research.* All members of the faculties must demonstrate scholarly ability and attainments. Their qualifications are to be evaluated on the quality of their published and other creative work, the range

and variety of their intellectual interests, their success in training graduate and professional students in scholarly methods, and their participation and leadership in professional associations and in the editing of professional journals. Attainment may be in the realm of scholarly investigation in the realm of constructive contributions in professional fields, or in the realm of the creative arts.

*Service.* The scope of the University's activities makes it necessary for members of the staff to engage in many activities outside of the fields of teaching and research. These may include participation in University committee work and other administrative tasks, clinical duties, and special training programs. The University recognizes the value of its staff in rendering these internal services as well as extramural professional services to schools, to industry, and to local, state and national organizations.

*Other Considerations.* In arriving at recommendations for promotion or tenure, faculty and chairs are directed to study the whole record of candidates. To warrant recommendation for the granting of tenure or for promotion in the professorial ranks, a candidate must have shown outstanding ability in teaching or research, an ability of such an order as to command obvious respect from colleagues and from professionals at other universities; and substantial contribution in other phases. The qualifications of teaching and research must remain unequivocally the central functions of the faculty, but administrative and other internal and extramural professional services must also be recognized.

The factors with reference to the granting of tenure or for promotion thus far mentioned have to do with the qualifications of the candidate as an individual and may be regarded as the intrinsic factors. Consideration must also be given to the way in which the candidate will fit into the present and foreseeable future of the department. Does there appear to be a place for a candidate with these special interests? Will a given candidate help to bring the department into balance or throw it out of balance? It does happen that individuals whose performance would otherwise warrant the granting of tenure should not, and cannot, become tenured here because the special nature of staff requirements in the department makes it impractical.

*Executive Order No. 45 of the President, June 1, 1972 (formerly University Memorandum No. 70, June 15, 1964); revised March 21, 1978; April 20, 1979.*

## Chapter 25

### Section 25-32. Criteria for Tenure

- A. Unless he or she is disqualified under any other provision of this section, a full-time member of the faculty has tenure if:
  1. he or she is a professor or associate professor; or
  2. he or she has held full-time rank as ~~instructor~~ or assistant professor in the University for a ~~combined accumulation of seven or more years~~ and has not received the prescribed notice terminating his or her appointment.
- B. Generally, recommendation for tenure (Section 25-41) is made concurrently with recommendation for promotion to the rank of associate professor (except in the circumstances listed in the subsequent paragraphs of this section). Only under exceptional circumstances may a faculty member with the rank of assistant professor be recommended for tenure without promotion.
- C. A faculty member does not acquire tenure:
  1. under an acting appointment, or
  2. under a visiting appointment, or
  3. under any appointment as lecturer, artist in residence, senior lecturer, senior artist in residence, or principal lecturer, or

4. under any initial appointment specified to be without tenure, or
  5. under an adjunct appointment, or
  6. under a research appointment, or
  7. under a clinical appointment, or
  8. under an affiliate appointment, or
  9. under any other appointment for which the University does not provide the salary from its regularly appropriated funds, unless the President notifies the appointee in writing that tenure may be acquired under such appointment. Each appointment governed by this provision shall contain notice whether tenure may or may not be acquired.
- D. Appointments to the rank of associate professor or full professor "without tenure," as specified under C.4 above, are limited to not more than three years. Appointments to the rank of associate professor or full professor "without tenure by reason of funding," as specified under C.9 above, are continuing appointments governed by Section 24-41.
- E. A faculty member with tenure may resign a portion of his or her appointment with the agreement of his or her department chair, dean, and the President, while retaining tenure in his or her part-time appointment.
- F. A part-time assistant professor appointed pursuant to Section 24-45 accumulates eligibility for tenure under Subsection A of this section.
- G. Time spent on leaves of absence from the University does not count in the accumulation of time toward tenure.

*Section 13-31, April 16, 1956; S-A 22, April 18, 1958; S-A 25, October 29, 1959; S-A 26, December 19, 1960; S-A 32, May 8, 1967; S-A 37, February 8, 1971; S-A 41, April 3, 1972; S-A 61, February 22, 1980; S-A 67, December 5, 1983; S-A 78, December 14, 1988; S-A 81, January 30, 1990; S-A 98, June 2, 1998: all with Presidential approval.*

**Comments from review of 42 CFR Parts 50 and 93**

(Federal Regulations pertaining to scientific misconduct during research supported by federal health money)

Rich Christie  
March 9, 2011

This document was supplied, in .pdf form, to the Secretary of the Faculty by the director of the UW Office of Scholarly Integrity. SecFac in turn passed it to me, and I have forwarded copies to FCFA.

The first half of the document consists of responses to discussion comments. The actual regulations begin about half way through the document around page 17.

In general the document describes the process to be used in the Department of Health and Human Services (HHS) to resolve allegations of scientific misconduct connected to HHS research money. Institutions receiving such money are also required to follow the same regulations (with a few differences, see below). In general, the process consists of an inquiry phase, followed by an investigation phase which may make a finding of scientific misconduct. Administrative actions, such as firing someone found to have committed scientific misconduct, are considered separate and outside these regulations.

Below I list points from the document that I found to raise issues related to EO 61 and the faculty code sections 25-71 (dispute resolution) and 28 (adjudication). I do not claim that this is a complete list of all possible issues, and encourage other members of FCFA to conduct their own review.

**1. Scope Issue**

93.102 limits the applicability of the regulations to research in some way connected to funding from the Public Health Service (PHS), which is basically any research funded through the Department of Health and Human Services. This includes National Institute of Health (NIH) money. It does not include, e.g. NSF money, DARPA money, money from industry or money from private donors. The regulations specifically do not apply to non-PHS funded research.

The net is cast widely – research funded from other sources using data from PHS funded research, for example, would be covered. Nevertheless a significant amount of research on campus is not subject to this federal regulation.

The provisions of EO 61 closely track the process described in these regulations, but apply to all cases of scientific and scholarly misconduct.

Questions:

- a. Are there other regulations that impose similar processes on, e.g. NSF or DARPA money?
- b. Does the UW faculty want the rigorous process of EO 61 to be applied to all misconduct proceedings, or only those required by Federal Regulations?

**2. Potential for Breached Confidentiality**

93.108 has strong provisions for confidentiality, including the confidentiality of the accuser. EO 61 has similar provisions for confidentiality, but the informal process in 25-71 does not have statements about confidentiality. The concern is that a well-meaning department chair or dean, being made away of an allegation of misconduct, may try to follow the 25-71 process and in the course of it violate the confidentiality guidelines in EO 61. See also further discussion about action on allegations below.

### **3. Requirement to investigate all credible allegations, and determination of credibility**

93.201 Defines an allegation as ANY report of misconduct to any institutional official, including oral reports. 93.307 requires an inquiry for ANY allegation that is credible. (The inquiry is where people start taking hard disks away, etc.)

The danger here is that 25-71 does not recognize this requirement and has the possibility that an administrator – chair or dean – could discard or resolve a credible allegation as part of the informal resolution process, without an inquiry.

It seems likely that a requirement that all allegations of scientific and scholarly misconduct should immediately be reported in writing to OSI should appear in 25-71.

There is an inverse problem. EO 61 requires OSI to initiate an inquiry for ANY allegation. The language in EO 61 implies but does not require that the inquiry first find that the allegation is valid, and permits measures such as taking custody of research materials independent of any determination of validity. It seems likely that EO 61 should be revised to require an explicit determination of credibility of an allegation before commencing an inquiry, with its attendant disruption.

### **4. Appeal of finding of scientific misconduct**

93.106(c) implies that administrative actions such as firing someone occur after a finding of scientific misconduct (a finding made within the process controlled by the regulations), and these administrative actions are not subject to the regulations. 93.314 states that institutions are not required to have an appeals process for findings of scientific misconduct, but can have one if they want (and imposes time limits on the appeals process). 63.500 is a whole section on the appeals process for findings of scientific misconduct made by HHS. Notably, the appeal is conducted by an Administrative Law Judge (ALJ). The ALJ apparently has no scientific expertise, as shown by the provision to appoint scientific experts to provide the ALJ with advice. The appeal result is reviewed by an Assistant Secretary of Health, who can overturn it.

EO 61 has no provision for appeal of a finding of scientific misconduct. The President's decision in the Aprikyan case asserts that the adjudication process cannot be used to appeal such findings, and further questions the qualifications of the adjudication panel to make decisions about scientific misconduct. The language in the Faculty Code is vague enough for the President's position to be somewhat plausible.

The expectations of the faculty are clear: They expect that there should be an appeals process for findings of scientific misconduct, and that the primary decision maker should be fellow faculty who have been appointed by a process outside the immediate control of the administration.

The fact that the Federal Regulations have an appeals process for HHS misconduct findings, and the fact that a non-scientist ALJ is the decision maker in the HHS process indicate that UW should also have such a process, and that the adjudication process is well suited to this purpose. Any uncertainty as to the appeals route should be eradicated from both the faculty code and EO 61.

#### **5. Selection of the Investigating Committee**

This thought derives from item 4. Under EO 61 the Dean selects the three-faculty member investigating committee. The faculty is generally suspicious of faculty committees selected by the administration, believing that the administration will select people who conform to administration viewpoints rather than representatives of the faculty. Perhaps the College Council should select the three faculty member investigating committee. The Dean would still be able to review and disagree with their findings. This would be more consistent with the theory of shared governance than current practice.

DRAFT