

University Of Washington  
Faculty Council on Faculty Affairs  
9:00 a.m. – 10:30 a.m., January 8, 2013  
Gerberding 142

**Meeting Synopsis:**

1. Call to Order and Approval of the agenda
2. Approval of minutes from December 4th 2012
3. Openness in the Promotion and Tenure Process
4. Class A Legislation - Academic Freedom
5. Adjourn

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**1. Call to Order and Approval of Agenda**

The meeting was called to order at 9:16 a.m. by Chair Gail Stygall, and the agenda was approved. Two new members were introduced to the Council.

**2. Approval of minutes from December 4th 2012**

Minutes from the December 4th meeting were approved as written.

**3. Openness in the Promotion and Tenure Process**

The Council reviewed the flowchart created by Marcia Killien, which described the proposed policy being considered by FCFA. Changes have been in the requiring of an in-person meeting with the Department Chair, and the shifting of the timing of opportunities for candidates' responses.

It was noted that some departmentalized units do not have a Subcommittee, and in this case, the Chairs would not have the benefit to see a candidate's response to such subcommittee's decision prior to the drafting of the Chair's independent recommendation. The rationale for this shift is to defer such a response until both the departmental response and the Chair's recommendation were made. This was done in order to provide candidates with feedback, after visibility of the characterization of faculty discussion and the tone of Chair's recommendation, prior to the faculty vote. It was suggested that this would be ideal for large departments, but a slightly different process should occur for smaller departments.

The Council described the process with a subcommittee: The subcommittee makes a presentation to department, with a full, written report signed off by the committee members. Then the department takes a vote. Currently, the candidate can respond up to 7 days after the subcommittee's recommendation. In the case of either the subcommittee or department vote is positive, candidate simply responds that they agree. Should either then the department vote or the Chair's report be negative, this raises the potential issue that a candidate may have not taken the opportunity to respond, as they had thought this to be positive. The response after the Chair's recommendation was suggested as they have a very strong voice in the process. Suggested language mandates a discussion with the

Chair, after the faculty meeting and before the Chair's independent recommendation, to provide the candidate with perspective on this discussion.

The driver for additional discussion or feedback was to provide candidates the opportunity to correct error, and to understand the discussion within the process. An additional opportunity for candidates to respond at the Department Vote was suggested for a departmentalized unit, for consistency between departmentalized and undepartmentalized units. This process is not as linear as it may appear, with much feedback for candidates over the years from mentoring and annual reviews by Chairs. Debate followed on whether current policy is working, if adjudications are too few or whether faculty concerns are great enough to warrant such policy change.

Another issue, which is attempted to be addressed, is regarding the transparency of Chair recommendations to the candidate. Departments operationalize the *Faculty Code* very differently, between a subcommittee serving as a "mentoring body" or a "critiquing body." FCFA was requested by Killien to investigate this issue due to the notification of candidates within the process. The suggestion was made to increase transparency throughout the process, even should the feedback be uncomfortable to hear, to ensure fairness. Another suggestion was to differentiate the process based on whether there is a positive or negative response. The use of response being "allowed" provides candidates with the discretion on whether or not to respond, but it was cautioned that within adjudications, non-responses are important. Other concerns may exist if mandating too many responses, as this extends the time needed for making promotion and tenure decisions. Discussion followed on the use of time in responses, within positive and negative decisions.

The question was posed whether to allow candidates the opportunity to respond at the departmental voting level, within *Faculty Code Section* § 24–54 B. The language regarding a "face to face" meeting with the Chair after the faculty vote was cautioned to allow virtual meetings, such as "discuss with the candidate" to allow email, Skype and otherwise. Language was changed from "The chair (or the chair's designee or the dean of an undepartmentalized school or college or the dean's designee) shall then discuss the report with the candidate..."

On the following paragraph ("If the faculty recommendation is a departmental one, and is favorable, or if the promotion decision is mandatory, or if..."), the question was raised if Chairs should be required to both create an independent analysis and an independent recommendation, noting that such an analysis may simply be reused, and thus may not be a new, independent analysis. Past FCFA determined that some Chairs may not wish to create a personal recommendation, and thus language required at least analysis of the faculty recommendation. Removal of "independent" from "independent analysis" could allow the same report to be used, but this removal would require justification. This was retained, but the Council removed the new language "of the case" in "independent analysis of the case." The Council will resume discussion of this language at the Dean's decision at its next meeting.

#### 4. Class A Legislation - Academic Freedom

Stygall noted that one of her goals for the remainder of the year was to strengthen the UW's statement on academic freedom. The *Garcetti v. Ceballos* case involved a deputy prosecutor who criticized his boss outside of work, and claimed freedom of speech, but was fired.<sup>1</sup> The court found that public employees do not have First Amendment protections for statements made outside their professional responsibilities. This has had implications on another case at Washington State University, where a faculty member had made a proposal that a department be rearranged to address budget cuts. AAUP is suggesting language to be added to the *Faculty Code*. FCFA will investigate if UW is protected for such instances, and Janelle Taylor, a Faculty Senate Senator has proposed language to be reviewed. To pass by the end of the year, this legislation will need to be proposed by the end of this quarter.

#### 5. Adjournment

Chair Stygall adjourned the meeting at 10:20 a.m.

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*Minutes by Jay Freistadt, Faculty Council Support Analyst, [jayf@u.washington.edu](mailto:jayf@u.washington.edu)*

**Present:**       **Faculty:** Stygall (Chair), Landis, Buck, O'Brien, Vaughn, Watts  
                  **President's Designee:** Cameron  
                  **Ex-Officio:** Sukol, Rees (GPSS), McNerney (ASUW), Henchy  
                  **Guests:** Killien

**Absent:**       **Faculty:** Huber, Johnson, Ricker (on-leave)

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<sup>1</sup> [http://www.mla.org/garcetti\\_ceballos](http://www.mla.org/garcetti_ceballos)