

University of Washington
Faculty Council on Faculty Affairs
March 5, 2013, 9:00-10:30 a.m.
142 Gerberding Hall

Meeting Synopsis:

1. Call to Order
2. Review of the Minutes from February 5 and 19, 2013
3. Report on Deans' comments on Openness in the Promotion and Tenure Process
4. Class A Legislation – Academic Freedom
5. Adjourn

1. Call to Order

The meeting was called to order by Chair Stygall at 9:10 a.m.

2. Review of the Minutes from February 5 and 19, 2013

The minutes from the February 5 and 19 meetings were approved as corrected.

3. Report on Deans' comments on Openness in the Promotion and Tenure Process

Chair Stygall began with a review of the status of this proposed legislation. It was presented at the last SEC meeting where there were a number of comments from faculty who had been (or were currently) chairs and who were concerned about the position chairs would be in if the legislation were approved. At the same meeting, Rich Christie's survey of chairs of small departments was reviewed. Ultimately the proposal was remanded to Council for further consideration primarily because of strong reservations expressed by the Provost. Stygall then reported that she would be talking with the Provost this afternoon about her ideas for a compromise with the legislation.

She also referred to the March 4 letter from Dean Stacey, which has been distributed by email to Council members. She was surprised by the tone of the letter and its failure to acknowledge that there are any issues of concern about the promotion and tenure process worth discussion, let alone legislation.

Secretary of the Faculty Killien also expressed her surprise and dismay that the proposal met with such aggressive opposition. Based on her experiences with colleagues on campus who are troubled by their experience with this process, she was disappointed by resistance to this proposal and troubled by seeming avoidance of accountability to candidates for evaluative decisions and recommendations. As a result she reported questioning if this is the time to present such legislation or if there needs to first be an open discussion among the faculty and administration about the values, climate, and culture of the academic community at the University of Washington.

Killien suggest that the Council recommend initiating discussions at all levels of academia to address how this community could move effectively toward more openness and honest debate on all issues, including promotion and tenure questions.

Stytall agreed that recommending the legislation be tabled should be seriously considered, but she also suggested that the Stacey letter calls for a response – objecting to its lack of consideration of a faculty perspective or even that there’s an issue worth discussing.

Council member Vaughn recalled the Leadership and Values Initiative (in which the current Provost was integrally involved) that stressed the importance of training for those in leadership positions – Chairs and Deans – who need to be able to have those “uncomfortable” but honest conversations that come up in the promotion and tenure process. She said the UW falls short by pressing faculty members into serving as chair and leaving them to learn on the job. Difficult conversations, if needed, should be initiated at annual reviews so that it’s not a surprise when it comes to reviews for promotion and tenure.

Other Council members recounted that there are many differences among schools and colleges as to how chairs are appointed and how they are viewed by deans and faculty. Some chairs are rotated through senior faculty on a regular schedule; others are appointed “for life.” In some cases the chair is elected by departmental faculty; in others he or she is appointed by the dean.

Killien feels that at the heart of the issue is the tension between faculty members’ collective commitment to a very high standard of teaching, service and research on the one hand – and the collective reluctance to be perceived as uncollegial on the other – which can result in a faculty member voting (publically) in favor of another faculty member’s promotion or tenure – but then going to the chair or dean to say privately that he or she is actually NOT in favor. Given this sort of climate and culture she invited Council members to consider how best to begin discussions aimed at unraveling how this evolved, how to reverse it and begin again with an authentically collegial way of making these decisions.

Vice Provost Cheryl Cameron distributed graphic representations of how proposed legislation would work as proposed – one that addresses departmentalized units and one for non-departmentalized units (see attachments following). She talked through the process for both, and was thanked roundly by the Council for taking time to make this complex legislation easier to understand for those working on it, as well as for those who may eventually be considering it as a change in policy.

The role of the department chair in this consideration is complex and controversial. Although not immediately clear, the new handout more clearly shows just how much influence the Chair actually has. Chairs have a lot of discretion in summarizing committee discussions and disclosing information directly to the Dean. The council agreed that the greater the position of influence, the greater the need for accountability.

In discussing what the council should advise in terms of next steps, one suggestion was to recommend that the SEC table the proposal. Another suggested simply moving forward – perhaps using the historical record that points toward future “tune-ups” of this policy in support of the proposal. A third suggestion is somewhere in between – taking a very partial step as a part of this historical process of Code revision.

Faculty Senate Chair Jim Gregory suggested that the way forward might evolve from Stygall’s discussion with the Provost this afternoon. He felt there may be some flexibility with the Stacey letter’s approach protecting chairs, but not deans.

Although Stacey's letter implies that all Deans are opposed, Council members' impression is that might not be the case outside Arts and Sciences.

Council member Vaughn anticipates there may be resistance to changing policy and/or practices in general. Current policies regarding Promotion and Tenure in the Law School (which work well in her estimation) don't necessarily follow current Code procedures or the proposed revised Code.

Stygall will report back on her meeting with Provost, and the discussion will continue next time the Council meets.

4. Class A Legislation – Academic Freedom

Chair Stygall explained that Janelle Taylor, who had been asked to address the Council on the AAUP's Academic Freedom Proposal, was out of town this week and that Jim Gregory would be filling in for her today. Gregory thanked the Council for the opportunity to speak to them about this proposal. He feels quite strongly that it would be a good thing to get this legislation approved this year. President Young seems open to this, and universities across the country are actively pursuing similar legislative proposals.

Gregory reviewed the handouts for the meeting on this subject:

- From University of Utah Academic Policies...
- What Language can be used to Protect Faculty Speech (4/6/10)
- Report: Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Caballos
- Academic Freedom, Shared Governance and the First Amendment after Garcetti v. Caballos

Gregory explained that Taylor had extracted the proposed language on academic freedom and responsibility from the third document bulleted above (page 88) as a starting point for discussion. He also suggested taking a careful look at the excerpt from the University of Utah Faculty Code (first bullet). This is just one section of a very lengthy and detailed Code.

What's important, he feels, is that we address and fine tune these protections at a time when they are not necessarily needed – noting that there have been very few free speech cases involving faculty recently. The AAUP was founded in 1915 to advance the concept of academic freedom. In the early days these protections were more likely to be used by those closer to the left wing, politically. Now they are also used frequently by those at the other end of the spectrum. In the past twenty years, there have been an increasing number of problems arising from research that some (usually big donors to universities) find objectionable.

Now, other kinds of issues are coming up. The most well-known example is the Storti case. The Garcetti case now opens the door to penalizing the Storties among the faculty. Gregory urged the Council to consider this legislation now, while there is a President at the UW who supports academic freedom. It's important to do this now, providing a clearly worded policy statement on academic freedom before the time comes when it will be needed.

Conversation then turned to the pros and cons of the Taylor proposal. A clearly stated policy on academic freedom would give our University Presidents something to point to when confronted by the

legislature about faculty activities. Some of the proposed language is confusing, too broad, and some goes too far and appears to give license to commit a crime.

The Council was clearly not ready to move on the proposal. Stygall will look again at the language and the options suggested in the Report. She will draft an alternative proposal for the Council's consideration at the next meeting.

Cameron reported that someone from the Attorney General's Office will be able to address to the Council on questions of academic freedom at its meeting of April 2.

5. Adjourn

The meeting was adjourned at 10:19 a.m.

Minutes by Jay Freistadt, Faculty Council Support, jayf@uw.edu

Present: **Faculty:** Stygall (Chair), O'Brien, Landis, Vaughn, Buck, Watts, Johnson
 President's Designee: Cheryl Cameron
 Ex Officio: Gregory, Sukol, Killien, Rees (GPSS)

Absent **Faculty:** Huber
 Ex Officio: McNerney (ASUW), Henchy