

**UNIVERSITY OF WASHINGTON  
FACULTY COUNCIL ON FACULTY AFFAIRS**

The Faculty Council on Faculty Affairs met on December 21, 2004 at 1:00 p.m., in 26 Gerberding Hall. Chair Dan Luchtel called the meeting to order at 1:08 p.m.

**Synopsis:**

1. Minutes
2. Formulate questions for meeting with Dean Ramsey
3. Other pending agenda items

**Minutes**

November 30 and December 7 minutes documenting guest comments were discussed, refined, and approved, pending circulation to the guests for review and confirmation of titles before being posted.

**Formulate questions for meeting with Dean Ramsey**

In response to a Class C Resolution passed by the Faculty Senate, Faculty Affairs has looked into the Winn/Couser Medicare billing investigation and subsequent fines and costs in the Medical School, and has drafted a report for the Dean's response. Because the Dean's written response to the draft report, coupled with subsequent faculty interviews, has left the Council with many unanswered questions, FCFA has asked the Dean to meet with FCFA in person before the Council's report is submitted to the Faculty Senate. FCFA met to formulate questions to ask Dean Ramsey, beginning with the following proposed questions:

1. How would you describe the current state of faculty morale in the Medical School?
2. What control do faculty have over their worklife/work environment?
3. What avenues of recourse do faculty have when they believe their rights have been abused?
4. What are the respective roles or the relationship between the UWP vs. UW for formulating faculty roles/responsibilities in the medical school?
5. Who is ultimately responsible for the Medicare over-billing issue?
6. When did the Dean's office discover that there was an over-billing problem?
7. How are faculty searches conducted?
8. What role do senior faculty have in faculty searches?
9. What is the reason for the huge difference in the settlement terms for Couser (\$100,000) vs. Winn (\$3 million)?
10. How have the faculty been impacted by the \$36 million fine for Medicare over-billing?
11. Why wasn't the Dean's fund, reported to have \$180 million, used to pay the over-billing fine?

During discussion, the above questions were critiqued and revised, and the following additional questions and concerns were raised:

- FCFA has created a draft report and has received input from Dean Ramsey on that draft report. Did the information he provided resolve anything? And does the report reflect what FCFA wants it to reflect?
- It would be helpful for the Council to revisit Kate O'Neill's written response to Dean Ramsey's input.
- At least one Council member commented that the Winn/Couser settlement is an accomplished fact that can't be changed or fixed, and that the faculty might be better served by FCFA calling for an ethics audit in the Medical School.
- The Code should be scrutinized to make sure faculty rights, responsibilities, oversight and input in the case of illegal behavior are clear. If these are not clear, they should be delineated and added to the Code.
- It was suggested that the proposed questions, and any additional questions, be grouped together by subject (Med School, UWP, the billing investigation) so Dean Ramsey can respond coherently to the Council's questions.
- The role of, and adherence to, the Faculty Code in shared governance (searches, etc.) in the Medical School should be ascertained.

- A desire was expressed for determining why Dean Ramsey was appointed chair of the UW's Presidential Search Committee while he presided over a major fraud scandal in the School of Medicine. This may not be possible to determine, however, and may be beyond the jurisdiction of the Council.
- FCFA should ask how the Medicare fraud fine is actually being paid, since faculty have said that they are no longer receiving their normal incentive pay from the UWP.
- There appears to be a perception that faculty have no recourse in this situation. What is being done to correct that perception and apprise faculty of their rights?
- The makeup and scope of the UWP Board of Trustees should be determined, and it should be made clear to all faculty that the Board exists and that it is providing oversight (if that is in fact the case).
- If a faculty member's rights are violated by the UWP, what recourse does the faculty member have? How are faculty made aware of the rights and recourse that do exist?
- What is the relationship of the Regents to the UWP?

After discussion, it was determined that the questions for Dean Ramsey should fall into the following three groups:

- Institutional Structure
- The UWP
- Medicare Fraud Fallout

It was also suggested that the draft report to the Faculty Senate should focus on the following areas of concern:

- the legality of the Medicare fraud settlement
- the transparency of organization, governance, and avenues for remedies in the Medical School
- an examination of the culture in the Medical School, which some faculty say is intimidating

Cheryl Cameron urged that FCFA review the Institutional Compliance Agreement arising from the investigation, to know what's been done in the Medical School to date. Katherine Graubard disagreed, commenting that compliance between the UW and the Federal government is not FCFA's concern. Graubard asserted that issues of transparency and informed consent in governance are FCFA's province.

It was suggested that Barbara Van Ess, Director of Personnel Policy and Faculty Administration for the School of Medicine, be contacted to determine what, if any, in-house methods the School of Medicine uses to address faculty grievances. Do the faculty know what remedies exist? How many grievances, if any, have been initiated and/or resolved within the School of Medicine? How does the School of Medicine view the employment relationship with faculty? Is faculty employment with the UWP, UW, or both? It might be possible for Lea Vaughn to consult with Van Ess and communicate the results of her conversation to FCFA.

Should FCFA poll faculty, via the Faculty Senate, to determine levels of morale. Joe Janes recommended that such a poll ask for "artifacts" rather than opinions: emails sent to faculty in the month preceding the survey, minutes of faculty councils in the Med School, etc. Vaughn pointed out that this may be more work that FCFA can possibly do, and that there are cultural differences between upper campus and the Med School. The norm in (for example) Arts and Sciences may not be the norm in the Med School, and one school should not necessarily impose its culture or assumptions on another. In response to a question about the UWP agreement (Does it contravene the Faculty Code?) Vaughn commented that the Faculty Code has no jurisdiction over the UWP.

### **Pending Agenda items**

- After assessing the project, Alan Kirtley says it is not possible at this time to revise the Appropriate Dispute Resolution (ADR) processes on campus. Luchtel and Vaughn will meet with Kirtley about this.
- A/B Salary Report, Chapter 24 legislation, and Retention Funds will be continued on the FCFA agenda .

**Present:** Graubard, Hildebrandt, Janes, Kolko, Luchtel, Scheuer, Wilson, Cameron, Blumenthal, Vaughn, Anderson **Absent:** Ceccarelli, Demorest, Hadjimichalikis, Kirtley, Lydon-Rochelle, Sjavik, Fabien, Mandoli, Roy, Walker, Johnson, Stygall