Minutes
Senate Executive Committee Meeting
Monday, January 4, 2021, 2:30 p.m.
Zoom

Present: Robin Angotti, Chris Laws, Joseph Janes, Ana Mari Cauce, Mark Richards, Sarah Hampson, Jack Lee, Lauren Montgomery, Ann Huppert, Ann Frost, Maya Sonenberg, Kristiina Vogt, Kimberly Muczynski, Kenneth Steinberg, Whasun Chung, Angel Fettig, Mike Townsend, Jacob Vigdor, JoAnn Taricani, Camille Hatwig
Absent: Keith Nitta, Aaron Yared
Guests: Gautham Reddy, Cheryl Cameron, Daniel Schwartz

1. Call to Order and Approval of Agenda.

The meeting was called to order at 2:30 P.M.

A typographical error was noted in the agenda; item 7a is from the Faculty Council on Multicultural Affairs. Subject to the correction, which is reflected below, the agenda was approved.

2. Senate Chair’s Remarks – Robin Angotti. [Exhibit A]

Chair Angotti summarized the remarks in the Exhibit and added some comments on “zoom fatigue” and the importance of staying healthy and engaged.

   a. Report of the Secretary of the Faculty. [Exhibit B]
   b. Report of the Chair of the Senate Committee on Planning and Budgeting. [Exhibit C]
   c. Report of the Faculty Legislative Representative. [Exhibit D]

Questions were posed to Jacob Vigdor, the Faculty Legislative Representative, about how budget issues might play out in terms of furloughs, pay cuts, and the like. Vigdor noted that UW faculty employment is fundamentally different from the types of employment otherwise covered by those proposals. He said it is apparent that those differences have not been fully considered by the budget makers, and he remarked there would be time to explain the unique status of faculty to the relevant state officials as the budget process unfolds.

4. President’s Remarks – Ana Mari Cauce.

President Cauce began by expressing general hope that 2021 would be an improvement over 2020, but she noted that one can’t simply turn a switch. She said there will be challenges ahead.

Cauce had several things to say about the COVID situation. One positive note is that the UW teaching hospital is not overwhelmed, and it is prepared for what might come. There was a mild post-Thanksgiving surge in COVID cases, but things have since flattened out. However, more cases are expected as the holiday season draws to a close and people return from traveling. The UW is starting its testing program which should provide more information about where things stand. Discussions are starting about vaccination, including the extent to which it will be mandated. Cauce said that if vaccinations are required in K-12, then it is likely the UW will follow suit.

With respect to the legislature, Cauce made several points. The Governor's budget is important because it is the first one out and it sets the tone. The proposed budget is positive in terms of new investment with respect to UW medicine and capital projects, but compensation remains an issue. No money was budgeted for raises, and there is a salary freeze even if agencies can self-fund. Cauce said that higher-education leaders will try to make the case that past instances of salary freezes made it very difficult for higher-education institutions to recover from past economic downturns. Moreover, the general ability of the state to recover is dependent on the ability of higher-education institutions to recover because of the
critical role they play in economic growth. Cauce said that the UW will argue for compensation increases at the 2% level for faculty and staff, but it must be remembered that the general budget picture depends on the general revenue stream, which is hard to forecast at this time. In any case, Cauce does not anticipate faculty furloughs.

Cauce said that he UW has weathered the financial fallout from the COVID crisis. But she noted that the UW has not had to deal with major state budget cuts. Moreover, many services, such as food and housing, were able to save money by furloughing in the face of a lack of demand. The President and Provost will be working with academic units on their forthcoming budgets.

Cauce said that the UW must start thinking about shifting from the current remote-working situation. Although no major changes are anticipated for the Spring Quarter, things might well be different later on as the vaccination program is implemented. It is hoped that there can be a return to more on-campus activities by the fall. Cauce said that there may some adjustment required because many have rearranged their schedules around remote teaching, learning, and working.

Cauce closed by saying that the UW must be serious about following through on equity issues of equity. She emphasized that the UW must turn from consideration and discussion to action.

5. Consent Agenda.
   a. Approve the November 16, 2020, SEC minutes.
   b. Approve the December 3, 2020, Faculty Senate minutes.

The consent agenda was approved.

6. Announcements.

There were no announcements.

   a. Class A Legislation – Diversity Statement – second consideration. [Exhibit E]
      Faculty Council on Multicultural Affairs.
      Action: Approve for Faculty Senate consideration.

      A motion was made and seconded to submit the legislation to the Faculty Senate for second consideration.

      There was no discussion.

      The motion to submit the legislation to the Faculty Senate for second consideration was approved.

   b. Class A Legislation – Title Cleanup – second consideration. [Exhibit F]
      Faculty Council on Faculty Affairs.
      Action: Approve for Faculty Senate consideration.

      A motion was made and seconded to submit the legislation to the Faculty Senate for second consideration.

      There was no discussion.

      The motion to submit the legislation to the Faculty Senate for second consideration was approved.

   c. Class A Legislation – Voting Time Limits – second consideration. [Exhibit G]
      Faculty Council on Faculty Affairs.
      Action: Approve for Faculty Senate consideration.

      A motion was made and seconded to submit the legislation to the Faculty Senate for second consideration.

      There was no discussion.
The motion to submit the legislation to the Faculty Senate for second consideration was approved.

d. Class A Legislation – Clinical Appointment Lengths – second consideration. [Exhibit H]  
Faculty Council on Faculty Affairs.  
Action: Approve for Faculty Senate consideration.

A motion was made and seconded to submit the legislation to the Faculty Senate for second consideration.

During discussion, several points were made. President Cauce noted that the legislation could not be implemented overnight. Cauce also said it might be possible to make very limited exceptions to the competitive-search requirement for extant long-standing senior faculty, but there are equity concerns when positions aren’t opened.

There was no further discussion.

The motion to submit the legislation to the Faculty Senate for second consideration was approved.

e. Class B Legislation – Medical Excuse Notes. [Exhibit I]  
Faculty Council on Student Affairs.  
Action: Approve for Faculty Senate consideration.

A motion was made and seconded to submit the legislation to the Faculty Senate for first consideration. Ann Culligan, Chair of the Faculty Council on Student Affairs, spoke to the motion, summarizing the material presented in the Exhibit.

During discussion, several points were made. The legislation does not specifically address long-term illnesses, but the registrar has processes for dealing with protracted situations. The legislation does not cover disciplinary proceedings. Further investigation would be made about whether the legislation covers graduate and professional students. Members suggested some things that would help foster the climate change envisioned by the legislation, especially with respect to large classes. These included support for faculty in developing make-up work, and the implementation of routine methods of student communication, such as standardized attestation forms. It was agreed that an investigation be made to see if the reference to religious obligations would cause a problem vis-a-vis the recent state legislation. Members said there might be confusion about several things, including what was within the discretion of the instructor. Members argued that confusion could be limited if the legislation is accompanied by specific guidelines.

A motion was made and seconded to move the proposed additional text to after the word “competition” in line 19.

During discussion of the amendment several points were made. Some members argued that this would remove confusion about what was within the instructor’s discretion. Other members wondered whether it would then make sense to retain the phase “in such cases.”

There was no further discussion.

The motion to amend was approved.

Discussion resumed on the main motion as amended. Some members felt that faculty should be able to require documentation in cases other than illness. They noted further that the illness situation formed the basis of the rationale for the legislation in the first place. Others argued that students are not here to cheat. Still others reiterated previously stated concerns about confusion during the roll-out.

A motion was made and seconded to refer the legislation back to the Faculty Council on Student Affairs.

During discussion, several points were made. There was general support for the idea underlying the legislation, but it was argued in favor of the motion that enough issues had been raised that further investigation and clarification was indicated. On the other hand, other members were concerned about more delay for students who are already facing COVID stresses and further noted that the state legislature stepped into the religious-accommodation arena when the University did not act.
There was no further discussion.

The motion to refer was approved.

f. Approval of the January 21, 2021, Faculty Senate Agenda. [Exhibit J]
   
   **Action:** Approve for distribution to Faculty Senators.

A motion was made and seconded to approve the agenda for distribution to Faculty Senators.

A motion was made and seconded to amend by removing item 9e.

There was no discussion.

The motion to amend was approved.

There was no further discussion of the main motion as amended.

As amended, the motion to distribute the Agenda to Faculty Senators was approved.

8. Adjournment.

The meeting adjourned at 4:00 P.M.

NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Monday, January 11 at 2:30 p.m. via Zoom.
Although I recognize that numerical dates are abstract, I have to admit that I am glad 2020 is now hindsight. At the University of Washington, we have fallen into some semblance of routine with virtual classes and meetings and the online format is growing more familiar to us, although is not entirely comfortable. There is hope on the horizon with two approved vaccines and a number of future vaccines lined up for future consideration. There is much to be optimistic about as we head into 2021. There is also much work to be done.

After the whirlwind finish to 2020 with 10 pieces of legislation discussed at the final Senate meeting, I hope everyone took a little pause. This first meeting for winter quarter is a little lighter, yet no less important. We have the second consideration of four pieces of class A legislation that passed the Senate in December as well as new class B legislation to discuss regarding medical excuse notes.

There is a considerable amount of work ongoing in the faculty councils, which bodes for a busy winter and spring. The Faculty Council on Faculty Affairs is considering the legislation on the faculty grievance and discipline policy, the Faculty Council on Tri-Campus Policy continues to discuss potential legislation to fix inconsistencies in code language as a result of Bothell and Tacoma now having schools and Deans, the Faculty Council on Academic Standards continues its work to address issues affecting scholastic regulations which affect all the campuses. These are just a few examples of the work of the councils in this new year. All of the 11 councils are equally hard at work to improve the function of the academic enterprise of the university.

The state legislative session is about to begin which will have huge implications for the budget for the upcoming biennium. Senate leadership looks forward to regular updates from our faculty legislative rep, Jake Vigdor and deputy rep, JoAnn Taricani.

All of the things mentioned above are forward thinking items. I know that it is hard right now to think about the future, some days it is all we can do to get through the day. But it is imperative right now to be bold. Many of the problems we face didn’t start with the pandemic, there were cracks in the foundation of higher education before 2020 and if we continue to ignore them, they will make the structure crumble. These issues include funding, diversity, equity, tenure, enrollment, and include challenges from outside entities such as big tech who are dipping into the education arena to think of different ways to educate for the job market. We have this moment to face these challenges and to creatively think about how to move the academy and the university forward for the 22nd century. Let’s not throw away our shot. We can be leaders or we can follow others who will chart the course for the future of higher education.
Report of the Secretary of the Faculty  
Mike Townsend, Associate Professor, School of Law  

1. Faculty Senate Vice Chair Search Update: The Senate Vice Chair Nominating Committee will soon be interviewing nominees for the 2021-22 Vice Chair. The ideal candidate would be an accomplished senior faculty member who has served in leadership roles within the university and who has the breadth of understanding to speak for the faculty across the university. If you are interested or know someone who would be well qualified for the position, please contact Joey Burgess (jmbg@uw.edu) in the Faculty Senate Office.  

2. Committee on Committees: The Committee on Committees will soon be seeking candidates for membership on various Faculty Councils and Committees. Contact Joey Burgess (jmbg@uw.edu) for further information.  

3. Annual Faculty Lecture: The University Faculty Lecture Award Selection Committee is currently accepting nominations for the 2020-2021 University Faculty Lecture. Please send applications to secfac@uw.edu. The purpose of the University Faculty Lecture Award is twofold: to honor University of Washington faculty members whose scholarship or creative work is widely respected by their colleagues as original and important, and to share those accomplishments with the community, both on and off the campus, through a public lecture. Each year since 1974, a distinguished member of our faculty has been chosen for this honor.
Report of the Chair of the Senate Committee on Planning and Budgeting
Joseph Janes, Associate Professor, Information School

The Senate Committee on Planning and Budget meets weekly with the Provost, the Vice-Provost for Planning and Budget, and the head of the Board of Deans. SCPB is charged with consulting on all matters relating to the University budget and on a wide range of program and policy decisions.

Since our last report, SCPB has met once and discussed the following topics:

- A status report and in-depth discussion with leadership and staff from the Office of Global Affairs, focusing on faculty-led study-abroad programs, as well as their overall financial position, reserves, outlook, and future strategy
- Continuing detailed discussion of an administration plan for bridge funding and hiring to diversify the faculty, yielding recommendations and suggestions for implementation and assessment
Report of the Faculty Legislative Representative
Jacob Vigdor, Professor, Evans School of Public Policy & Governance

This report includes commentary on Governor Inslee’s proposed budget for the 2021-23 fiscal biennium, as well as an update on the faculty regent bill (HB 1051).

Governor Inslee’s Proposed Budget

The State of Washington operates using a two-year budget cycle. Our current cycle will end on June 30, 2021. In the upcoming legislative session the state will adopt a budget for the period from July 1, 2021 to June 30, 2023. As is customary, this process kicks off with a proposed budget from the governor’s office. This is only a proposal and the final version passed by the legislature could look quite different. Nonetheless, this document serves as a starting point for negotiations.

Higher Education

The governor’s proposed budget calls out several initiatives to support the higher education sector in general, and the University of Washington in particular. The broad initiatives center on advancing equity through improving student access to financial aid and non-financial resources to students who have experienced homelessness or foster care. Here at UW, the governor seeks to commit $112 million over two years to support care for Medicaid patients and the uninsured at UW Medicine, Harborview, and UW Dentistry. There are smaller proposals to fund mental health faculty and fellowships ($2.4M), and a new debt-financed Interdisciplinary Education Research Center for the College of Engineering ($70.4M). If passed as proposed, the budget would result in a net increase of $40M/year in support flowing from the state’s “near general fund” to UW, thanks largely to the uncompensated care provisions.

All that said, the governor’s proposal would result in a net cut of $118 million to UW’s operating budget over two years ($59M/year). I know this sounds strange. “How can a budget simultaneously forward more state money to the University and cause it to have a smaller operating budget?” It’s because beyond sending resources to our three campuses, the state has the power to influence how we spend money we earn elsewhere – through tuition, grants, contracts, patient care, and so forth.

The bulk of the UW budget reductions would accrue through cuts in employment, salaries, and benefits. The proposal calls for a two-year salary freeze, following the de facto freeze in place for 2020/21. The proposal also calls for one-day-a-month involuntary furloughs, translating into a 4.6% pay cut in effect for the next two years, as well as reduced benefit spending. These actions would reduce UW’s operating budget by $63.5 million over two years ($31.8M/year). The governor’s budget also calls for $171M in savings from “temporary layoffs and other savings” ($85.5M/year).

These cuts are proposed in an environment where revenue for the 2021-23 cycle is projected to be over 7% higher than the current cycle, and in a budget document that also proposed to enact a new capital gains tax, discussed further below, to boost revenues another 2%. The bulk of salaries and benefits at UW are not directly supported by state funds; only about 19% of the projected savings associated with involuntary furloughs would translate into a reduction in the state’s operating budget. Put another way, for every $5 in reduced salary generated by furloughs, $1 would be returned to the state and $4 to the University.

Clearly, the state has many pressing priorities to address with limited funds. We have fared better than our siblings in the 4-year system in terms of enrollment and finances. Some of our colleagues on other campuses have already endured involuntary furloughs. One could look upon our relative good fortune and conclude that we would be all right with a little bit less. It will be important to remind our representatives in state government that our success reflects the hard work and ingenuity of our faculty, who derive most of their compensation from tuition, fees, grants, and contracts rather than the state budget. Our efforts bring hundreds of millions of dollars into the state of Washington each year, from research sponsors and out-of-state students, that might otherwise be spent elsewhere.

The Proposed Capital Gains Tax
Results from the faculty survey I circulated at the beginning of the academic year indicate that improving the progressivity of Washington’s tax regime is a significant priority for many. Governor Inslee’s budget includes a proposal for a capital gains tax. The proposed tax rate of 9% would apply to gains over $25,000 for individuals and over $50,000 for joint filing households. The tax would apply only to gains on financial assets, not homes.

Taxpayers realize a capital gain upon selling an asset worth more than what they paid for it. So, if you bought a single share of Amazon stock five years ago for $600 and sold it today for $3,300, your realized capital gain would be $2,700. If you had bought and sold ten shares instead of one, and file your income taxes as a single person, your capital gain of $27,000 would result in a state tax bill (to go alongside Federal capital gains taxes). The 9% rate would apply to the portion of your gain over $25,000. So the check you’d write to the State of Washington would amount to $(27,000 − 25,000) \times 0.09 = $180$.

Capital gains taxes are considered progressive because lower-income households tend to have few assets to their name, particularly once you rule out home equity. The proposal to exempt capital gains below $25,000 for single individuals increases the progressivity still further. Capital gains are subject to state taxation in 41 states.

There’s one essential drawback to the capital gains tax: it’s not the most dependable source of revenue, particularly during economic downturns. When the stock market is down, investors may be less likely to sell – and if you do sell, your realized capital gain is likely to be smaller than it otherwise would be. Other things equal, it’s better to have sources of revenue that don’t dry up in a recession. Property taxes, for example, are pretty dependable in good times and bad. But they aren’t as progressive as a capital gains tax.

If you’ve followed Washington state tax policy for a long time, you probably know that the state operates under a court precedent, dating to 1933, that interprets our state constitution as requiring taxes to be levied at a uniform rate. That’s the main reason why we don’t have an income tax today – voters actually passed a progressive income tax ballot proposition in 1932 by a 70-30 margin. Efforts to amend the state constitution to allow a progressive income tax via a ballot proposition have failed five times since 1933, most recently in 2010.

Interpreted strictly, a tax that exempts the first $25,000 of income from a specific source would not pass muster, whereas a tax with no exemption would be fine. This raises some question as to why the governor wouldn’t just propose a simpler 9% tax on all capital gains with no exemption. It would still be a progressive tax because the wealthy are much more likely to have capital gains.

If the tax proposal were to pass the legislature in its current form, it would almost certainly be challenged in court, where its fate would be uncertain. Defenders of the tax might point to Washington’s estate tax, which features an exemption as well as a progressive rate structure (higher tax rates for more valuable estates) yet passed muster in the courts.

**Faculty Regent Bill**

The University of Washington and Washington State University have repeatedly supported a bill that would create an 11th position on the UW Board of Regents, reserved for a member of the faculty. This bill has been introduced in multiple legislative sessions, made some progress toward being enacted as law, but fallen short each time.

There was some speculation that this might be a good year to take a break from advocating for this bill. The legislature, working remotely for this session, will likely consider fewer bills than in a typical session. Nonetheless, the bill’s perennial sponsor in the House, Rep. Gerry Pollet of the 46th district, has filed HB 1051 to be considered in the 2021 session. If you know Rep. Pollet or are his constituent (the 46th district includes the Seattle neighborhoods of Laurelhurst, Wedgwood, Maple Leaf, Lake City, along with Lake Forest Park and Kenmore), it would certainly be appropriate to thank him for his support of shared governance. I will be working with legislators in the House and Senate to try to get this bill across the finish line this session.
Class A legislation proposing changes to the Faculty Code, Chapter 24

To: Senate Chair Robin Angotti
From: Gautham Reddy, Chair, Faculty Council on Multicultural Affairs
CC: Faculty Council on Multicultural Affairs
Date: November 9, 2020
Re: Proposed Class A Legislation to require that candidates for certain initial faculty appointments submit a statement of contributions to diversity, equity, and inclusion

Introduction

In the 2018-19 academic year, the Faculty Council on Multicultural Affairs (FCMA) discussed a proposal to require that prospective and current faculty members submit a statement of contributions to diversity, equity, and inclusion. Following the circulation in the spring of 2019 of the draft legislation that contemplated changes applicable to both initial faculty appointments and promotion, the FCMA refined the proposal and provided responses to questions raised following circulation of the initial draft.

Additionally, the prior FCMA chair, Brenda Williams, met individually with numerous members of campus leadership in October and November 2019, to solicit feedback about the impact of the proposed change on both appointment and promotion.

In consideration of the questions raised, the feedback provided, and the continued discussion and debate during FCMA’s regularly scheduled meetings, the FCMA voted to amend the proposed legislation to clarify that the legislation requiring a diversity statement should apply prospectively only to new faculty appointments.

The proposed legislation was unanimously passed by the FCMA in February 2020; because of the Covid-19 pandemic, the SEC and the Senate could not consider the proposal in the spring quarter of 2020. In October 2020, the FCMA revived the proposal and voted unanimously to forward proposed Class A legislation amending Faculty code section 24-32 to the Senate Executive Committee for ultimate consideration by the Faculty Senate.

Reasons for Proposed Changes

President Cauce described the University’s mission in the UW Diversity Blueprint 2017 – 2021 as one that values diversity in perspectives, creates a welcoming learning environment for all students and promotes broad access and equal opportunity. The Blueprint articulates diversity goals, recommended priorities and suggested action steps in support of the University’s mission, including the goal and recommended priority to attract and retain diverse faculty. The plan provides the following suggested action steps in support of this goal:

1. Strengthen and diversify faculty hiring practices;
2. Utilize best practices to improve the recruitment of underrepresented faculty; and
3. Develop school/college practices that support the retention and advancement of underrepresented faculty.

Through this proposed change, the Faculty Council on Multicultural Affairs supports the University’s mission to strengthen the recruitment of diverse faculty and to ensure that efforts at retention and advancement become central to the university. Moreover, FCMA seeks to support the recruitment of faculty who contribute to the University’s diversity and equity mission through the implementation of a diversity statement requirement for initial appointment and to encourage all faculty to support the development of diverse faculty members and students.

Over the course of this and the previous Academic year, the FCMA reviewed and ultimately selected Faculty Code Chapter 24.32 (Appointment and Promotion of Faculty Members) for proposed revision to
support the University’s ongoing effort to attract and retain diverse faculty in new appointments. Requiring new faculty applicants to provide a statement of past and proposed contributions to diversity, equity, and inclusion strengthens faculty hiring practices by providing additional information to appointment committees that allows for more informed decisions when deliberating on the hiring of new faculty.

Procedural Background

At the initial meeting of the Faculty Council on Multicultural Affairs in October 2018, the council reviewed goals provided by then Senate Chair George Sandison. Among the goals was a mandate to continue to evaluate relevant sections of the Faculty Code and associated practices through the lens of multicultural affairs, diversity, and difference, with the objectives of strengthening equity and fairness.

During the course of the fall (2018) and winter (2019) quarter meetings, the Council engaged in a discussion regarding the practice on other campuses to require a statement regarding contributions to diversity for all faculty hiring. A similar policy requiring a personal statement detailing contributions to diversity exists at all University of California campuses, prior to consideration for hiring. Many of the UC campuses also consider the diversity statement during the promotion review process. The FCMA proposal includes the option to provide a statement of proposed contributions to diversity in order to include all candidates in the overall mission of the University. During the fall (2019) quarter meetings, the FCMA amended the proposed legislation to its current form, rendering the requirement applicable to initial appointments only. In the fall quarter of 2020, the FCMA unanimously reaffirmed its commitment to the proposed legislation.

Sample Diversity Statements:
See Appendix A for a local sample diversity statement:

Appendix A Sample

See below links for models from other schools:

Berkeley recommendations on Diversity Statements
UC Davis describes various types of contributions to diversity
UC San Diego offers examples of diversity statements
Six examples of submitted Diversity Statements

Overview of Questions Considered before December 2019 amendment:

- Is this intending to add “diversity” to the existing 3 aspects of appointment/promotion/tenure (scholarship, teaching, service)? Cut across them? And since we do articulate what we mean by those, why not also do so for diversity?
  
  i. The FCMA proposed legislation intends to incorporate diversity, equity, and inclusion into each of the three existing aspects of appointment (scholarship, teaching and service);
  
  ii. The FCMA is unaware of a University wide definition of diversity. Individual schools and units do have local definitions of diversity and the definitions are not uniform across the campus. This Class A legislation does not propose a definition for diversity.

- Why add to this section rather than 24-52?
  
  i. 24-52 appears to provide procedural guidance to appointment committees, whereas 24-32 provides for the Scholarly and Professional Qualifications of faculty members.
• Would this also impact merit reviews (24-57)?
  i. The FCMA proposed legislation intends to amend section 24-32 as it relates to new faculty appointments only.

• I also think there are political considerations, per Mike’s comment (the prior revision was explicitly described as “not” requiring this, which might raise concerns among many).
  i. The FCMA discussed, drafted and ultimately recommended this proposed legislation following a motion by a member of the Council made during the 2018-19 Academic year.

• In a future holistic evaluation of a candidate does council anticipate just an evaluation of a personal statement assuming the candidate does not have a significant contribution in any of the three traditional areas of evaluation for appointment and promotion. Just wondering how junior faculty might respond to this requirement. (Can council members easily give example responses for themselves?)
  i. The FCMA proposed legislation intends to amend section 24-32 as it relates to new faculty appointments only. The legislation contemplates an opportunity by candidates to present on their planned contributions where past contributions are lacking.
  ii. The FCMA provides a model Diversity Statement in the appendix and also provides links to models statements from other campuses.

Following discussion of the questions raised and the feedback provided by campus leadership, in December of 2019, the FCMA voted unanimously to amend the proposed legislation, clarifying that the legislation requiring a diversity statement applies to new faculty appointments only.

Proposed Change
The FCMA proposes one change to the section governing the appointment and promotion of faculty members, specifically to the Section 24-32, governing the Scholarly and Professional Qualification of Faculty members.
Section 24-32 Scholarly and Professional Qualifications of Faculty Members

The University faculty is committed to the full range of academic responsibilities: scholarship and research, teaching, and service. Individual faculty will, in the ordinary course of their development, determine the weight of these various commitments, and adjust them from time to time during their careers, in response to their individual, professional development and the changing needs of their profession, their programs, departments, schools and colleges, and the University. Such versatility and flexibility are hallmarks of respected institutions of higher education because they are conducive to establishing and maintaining the excellence of a university and to fulfilling the educational and social role of the institution. All candidates for initial faculty appointment to the ranks and/or titles listed in Section 21-32.A (Voting Membership in the Faculty) shall submit a statement of past and planned contributions to diversity, equity, and inclusion. Academic units and search committees shall consider a candidate’s statement as part of a comprehensive evaluation of scholarship and research, teaching, and service. In accord with the University’s expressed commitment to excellence and equity, any contributions in scholarship and research, teaching, and service that address diversity and equal opportunity shall be included and considered among the professional and scholarly qualifications for appointment and promotion outlined below.

A. Scholarship, the essence of effective teaching and research, is the obligation of all members of the faculty. The scholarship of faculty members may be judged by the character of their advanced degrees and by their contribution to knowledge in the form of publication and instruction; it is reflected not only in their reputation among other scholars and professionals but in the performance of their students.

B. The creative function of a university requires faculty devoted to inquiry and research, whose attainment may be in the realm of scholarly investigation, in constructive contributions in professional fields, or in the creative arts, such as musical composition, creative writing, or original design in engineering or architecture. While numbers (publications, grant dollars, students) provide some measure of such accomplishment, more important is the quality of the faculty member’s published or other creative work.

Important elements in evaluating the scholarly ability and attainments of faculty members include the range and variety of their intellectual interests; the receipt of grants, awards, and fellowships; the professional and/or public impact of their work; and their success in directing productive work by advanced students and in training graduate and professional students in scholarly methods. Other important elements of scholarly achievement include involvement in and contributions to interdisciplinary research and teaching; participation and leadership in professional associations and in the editing of professional journals; the judgment of professional colleagues; and membership on boards and committees.

C. The scope of faculty teaching is broader than conventional classroom instruction; it comprises a variety of teaching formats and media, including undergraduate and graduate instruction for matriculated students, and special training or continuing education. The educational function of a university requires faculty who can teach effectively. Instruction must be judged according to its essential purposes and the conditions which they impose. Some elements in assessing effective teaching include:

- The ability to organize and conduct a course of study appropriate to the level of instruction and the nature of the subject matter;
- The consistency with which the teacher brings to the students 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 which enables the students to articulate the ideas they are exploring;
• The degree to which teaching strategies that encourage the educational advancement of students from all backgrounds and life experiences are utilized;
• The availability of the teacher to the student beyond the classroom environment; and
• The regularity with which the teacher examines or reexamines the organization and readings for a course of study and explores new approaches to effective educational methods.

A major activity related to teaching is the instructor's participation in academic advising and counseling, whether this takes the form of assisting students to select courses or discussing the students' long-range goals. The assessment of teaching effectiveness shall include student and faculty evaluation. Where possible, measures of student achievements in terms of their academic and professional careers, life skills, and citizenship should be considered.

D. Contributions to a profession through published discussion of methods or through public demonstration of an achieved skill should be recognized as furthering the University's educational function. Included among these contributions are professional service activities that address the professional advancement of individuals from underrepresented groups from the faculty member's field.

E. The University encourages faculty participation in public service. Such professional and scholarly service to schools, business and industry, and local, state, national, and international organizations is an integral part of the University's mission. Of similar importance to the University is faculty participation in University committee work and other administrative tasks and clinical duties, including the faculty member's involvement in the recruitment, retention, and mentoring of scholars and students in an effort to promote diversity and equal opportunity. Both types of service make an important contribution and should be included in the individual faculty profile.

F. Competence in professional service to the University and the public should be considered in judging a faculty member's qualifications, but except in unusual circumstances skill in instruction and research should be deemed of greater importance.


Approved by:
Senate Executive Committee
November 16, 2020

Approved by:
Faculty Senate
December 3, 2020
Class A legislation proposing changes to the Faculty Code, Chapters 21, 24, and 25

Proposed Amendments to the Faculty Code: Title Cleanup

On October 27, 2020, the Faculty Council on Faculty Affairs approved the following proposed Class A legislation for submission to the faculty senate.

Background and Rationale

There are three faculty titles in the code that do not reflect current practice: Research Associate, Senior Lecturer, and Full-Time Lecturer. This is a minor revision of the code to bring it in line with current practice.

What We Propose to Do

1. Delete the Research Associate title: The union contract for postdoctoral scholars made this title obsolete, so we are proposing to remove all references to it from the code.

2. Delete the Senior Lecturer title: As a result of the faculty vote to establish the Teaching Professor titles last year, all Senior Lecturers who were either full-time or on annual contracts at 50% FTE or more were converted to Associate Teaching Professors. However, there were a few part-time Senior Lecturers hired at less than 50% who were not converted, so we left that title in the code. As of now, there are no longer any faculty members with that title, and no further hires will be made with that title, so we are proposing to remove all references to it from the code.

3. Eliminate voting rights for Temporary Full-time Lecturers: All full-time lecturers have been converted to Assistant Teaching Professors except those designated by the Office of Academic Personnel as “Lecturer Full-Time Temporary.” This is a job title that can be conferred without a competitive search, intended to address unanticipated short-term instructional needs. Individuals with this title are limited to annual appointments for up to 3 consecutive years. It never made much sense for individuals with this title to be given voting rights, but the faculty code did not distinguish between temporary and non-temporary full-time lecturers. Now that the only remaining full-time lecturers are in the “temporary” category, we propose to remove voting rights from this title.

Operative Date of This Legislation

This proposal stipulates that the specific part of the legislation regarding voting rights for full-time lecturers (in Section 21-32) will not become operative until September 16, 2021. This is because temporary full-time lecturers already serving on full-year contracts might have been hired with the understanding that they would have voting rights. This legislation keeps those voting rights in place through the end of current contracts, but eliminates them for any future contracts.

All other parts of the legislation will become operative according to the usual timeline (as soon as the legislation is signed by the president).
The Proposed Class A Legislation:

Be it resolved by the Faculty Senate to submit to the faculty for approval or rejection:

1. That Chapters 21, 24, and 25 of the Faculty Code be amended to read as shown below.
2. That the amendment to Section 21-32 shall become operative on September 16, 2021.
3. That all other amendments in this legislation shall become operative in accordance with the provisions of Section 29-38 A of the Faculty Code.
Chapter 21
Organization of the University Faculty

Section 21-31 Membership in the Faculty

The University faculty consists of:

- The President,
- The Provost,
- The professors,
- The associate professors,
- The assistant professors,
- The senior lecturers and senior artists in residence,
- The professors of practice,
- The lecturers and artists in residence,
- The instructors,
- The teaching and research associates,

whether serving under visiting, acting, research, teaching, 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 21-32 Voting Membership in the Faculty

Since the establishment of the teaching professor titles, the only full-time lecturers remaining on the faculty are those designated “temporary.” The following change will eliminate their voting rights as of September 16, 2021.

A. Except as provided in Subsection 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
- Teaching professor, 50% appointment or greater,
- Associate professor, 50% appointment or greater,
- Research associate professor, 50% appointment or greater,
- Associate teaching professor, 50% appointment or greater,
- Assistant professor, 50% appointment or greater,
- Research assistant professor, 50% appointment or greater,
- Assistant teaching professor, 50% appointment or greater,
- Full-time senior artist in residence,
- Full-time lecturer,
Appointment and Promotion of Faculty Members

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

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.

5. Appointment to one of the ranks in Subsection A above with a research title requires qualifications corresponding to those prescribed for that rank, with primary emphasis upon research. Tenure is not acquired under 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 professor shall consider whether to recommend renewal or non-renewal of the appointment of a research 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 24-53.

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.
Section 24-35 Research Personnel Appointments

A. Research titles designate appointments for faculty whose primary responsibility is research. The research titles are:

- Research professor
- Research associate professor
- Research assistant professor
- Research associate

B. Research professors, research associate professors, and research assistant professors are eligible for appointment to the graduate faculty, are expected to take active roles in generating research funding, and are eligible to act as principal investigators for grants and contracts. Research faculty may participate in the regular instructional program but are not required to do so, except insofar as required by their funding source.

C. Research associate is considered a junior rank equivalent to instructor. This junior faculty appointment, which requires the same qualifications as those of an instructor, normally serves to advance the competence of a person who has recently completed higher professional training, in most fields marked by a doctoral degree. Appointees will work under the direction of principal investigators for the benefit of the research programs, the department’s educational program, and their own professional growth. Research associates may not be principal investigators on research grants or contracts.

Section 24-41 Duration of Nontenure Appointments

B. Lecturer, Artist Residence, and Professor of Practice

1. Appointment as a full-time artist in residence shall be for a term not to exceed five years.

Appointment as a full-time lecturer shall be for a term not to exceed one year. Such appointments are limited to three consecutive years.

The normal appointment period of a part-time lecturer or artist in residence shall be for one year or less with exceptions to be reviewed by the Provost.

2. Appointment as a full-time senior artist in residence shall be for a term not to exceed five years.

The normal appointment period of a part-time senior lecturer or senior artist in residence shall be for one year or less with exceptions to be reviewed by the Provost.

3. Except as provided in Subsection B.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, artist in residence, senior artist in residence, or professor of practice, 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 B.3 above is not required where an initial appointment of a full-time lecturer, artist in residence, senior artist in residence, or professor of practice, 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 as lecturer, artist in residence, senior 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.

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 78, December 14, 1988; S-A 81, January 30, 1990; S-A 98, May 12,
S-A 124, July 5, 2011; S-A 127, June 11, 2012; S-A 133, June 11, 2014; S-A 147, September 16, 2020:
all with Presidential approval.

Section 24-52 Procedure for New Appointments

C. In making new appointments administrative officers shall act in the manner prescribed below.

1. If the appointment is to be a departmental one other than that of chair, the chair shall submit all
available information concerning candidates suggested by the department, the chair, or the dean
to the voting members of the department faculty. The voting faculty of an academic unit may, by
majority vote, delegate authority to recommend the appointment of affiliate or clinical faculty,
research associates, or annual or quarterly part-time lecturers to an elected committee of its
voting faculty. In an undepartmentalized college or school, this delegation may be made to an
elected committee of its voting faculty. The delegation shall expire one calendar year after it is
made.

Section 13-31, April 16, 1956; S-A 24, June 23, 1959; S-A 126, June 11, 2012: all with Presidential
approval.

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 and teaching 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 professor shall consider whether to recommend renewal or non-renewal
of the appointment of a research professor or teaching professor. Faculty with instructional titles
outlined in Section 24-34, Subsections B.1 and B.2 shall be considered by voting faculty who hold a
professorial rank or instructional title superior to the person under consideration. The voting faculty of
an academic unit may, by majority vote, delegate authority to recommend the renewal of affiliate or
clinical faculty, research associates, or annual or quarterly part-time lecturer appointments to an
elected committee of its voting faculty.

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; S-A 124, July 5, 2011; S-A 126, June 11, 2012; S-A 147, September 16, 2020:
all with Presidential approval.

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, Subsection 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 reference to lecturers is removed from the following paragraph because all remaining lecturers are on at most one-year contracts, and the first sentence below already requires an evaluation of teaching effectiveness before renewal. Thus it is not necessary to stipulate separately that lecturers need to have a collegial teaching evaluation annually.

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 assistant professor, or associate professor or professor “without tenure” under Chapter 25, Section 25-32, Subsection D, or with the instructional title of lecturer, the collegial evaluation shall be conducted every year. For other faculty at the rank of associate professor or professor or with the title of senior lecturer, or professor of practice 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 or her designee, shall confer individually with all full-time lecturers, assistant professors, and associate professors and professors “without tenure” appointed under Chapter 25, Section 25-32, Subsection D. The chair (or dean or his or her designee) shall confer individually with the other associate professors and senior lecturers at least every two years, and with the other professors and professors of practice 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 or 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 or 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 or her designee should make specific suggestions, as necessary, to improve or aid the faculty member’s work.

Chapter 25

Tenure of the Faculty

Section 25-32 Criteria for Tenure

C. A faculty member does not acquire tenure under:

1. An acting appointment, or

2. A visiting appointment, or

3. Any appointment as lecturer, artist in residence, senior lecturer, senior artist in residence, or

4. An appointment as teaching associate, or

5. An appointment as professor of practice, or

6. Any appointment specified to be without tenure, or

7. An adjunct appointment, or

8. A research appointment, or

9. A teaching appointment, or

10. A clinical appointment, or

11. An affiliate appointment, or

12. 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.

Approved by:
Senate Executive Committee
November 16, 2020
Approved by:
Faculty Senate
December 3, 2020
Class A legislation proposing changes to the Faculty Code, Chapter 29

Proposed Amendment to the Faculty Code: Time Limits for Class A Legislation

On November 10, 2020, the Faculty Council on Faculty Affairs approved the following proposed Class A legislation for submission to the faculty senate.

Background and Rationale

The process for amending the Faculty Code (Class A Legislation by the Faculty Senate) is deliberately long and involved, because such actions should not be taken hastily. But there’s one part of the process that is longer than it needs to be – after the second senate vote on an amendment, the Secretary of the Faculty is given 14 days to send out the text of the amendment and a ballot, and then voting faculty are given 21 days to send back their votes. This made sense when all of these things had to be done by snail mail, but now that these votes are handled electronically, such long time limits are unnecessary. Reducing them will make the amendment process a little less cumbersome and time-consuming, without undermining the deliberateness with which such amendments should be undertaken.

What We Propose to Do

Primarily, this amendment will reduce the time limit for faculty to submit their votes on Class A legislation from 21 calendar days to 14 calendar days. In addition, the time limit for the Secretary of the Faculty to send out the (electronic) ballots is reduced from 14 days to 7, and we are proposing to codify the Secretary’s current practice of sending out a reminder a few days before the voting deadline. A study of recent voting patterns has revealed that the vast majority of votes on Class A legislation are cast either during the few days after the ballots are sent out, or during the last couple of days after the reminder is sent.

The current time limit for faculty to respond to Class B legislation (everything other than amendments to the Faculty Code) is 14 days, and we are not proposing to change that, so the time limits for both classes of legislation will be the same.

The Proposed Class A Legislation

Be it resolved by the Faculty Senate to submit to the faculty for approval or rejection that Chapter 29 of the Faculty Code be amended to read as shown below.
Chapter 21

Amendment of the Faculty Code

Section 29-36 Faculty Vote on Amendments

A. Within 44 7 calendar days after the Senate approves a proposed amendment to the Faculty Code, the Secretary shall send to each voting member of the faculty:

1. A statement:
   a. Setting forth the text of the proposed amendment;
   b. Presenting the arguments for the amendment and, if any, the arguments against it; and
   c. Specifying the final date upon which ballots may be cast; and

2. A ballot upon which a vote may be cast either for or against the proposal.

B. Not less than 2 calendar days nor more than 5 calendar days before the end of the voting period, the Secretary shall send a reminder about the voting deadline to voting members who have not yet voted.

B-C. Following the voting instructions provided by the Secretary, eligible faculty shall vote on the proposed amendment. In order to be counted, the vote shall be submitted no later than the 21st calendar day after the date on which the Secretary distributed ballots to the faculty.

C-D. To become effective, a proposed amendment to the Faculty Code shall require either an affirmative majority vote of the eligible voting members of the faculty, or a two-thirds majority vote of those casting ballots.


Approved by:
Senate Executive Committee
November 16, 2020

Approved by:
Faculty Senate
December 3, 2020
Class A legislation proposing changes to the Faculty Code, Chapter 24

**Proposed Amendment to the Faculty Code: Appointment Lengths for Clinical Faculty**

On November 10, 2020, the Faculty Council on Faculty Affairs approved the following proposed Class A legislation for submission to the faculty senate.

**Background and Rationale**

The current faculty code limits faculty members with Clinical titles to annual appointments only. This limitation seems to have originally been established when the Clinical title was used only as a courtesy title for clinicians who received their salaries from other sources. But now there are other types of clinical faculty, and the one-year limitation applies to all of them, whether in unpaid courtesy positions or full-time or part-time salaried positions. Many physicians are hired by the School of Medicine as full-time salaried faculty members with the titles of Clinical Assistant Professor, Clinical Associate Professor, or Clinical Professor, and the faculty code limits them all to one year appointments at a time. These faculty members are playing an essential role in the COVID-19 pandemic response, and School of Medicine has observed that these limited contract terms cause severe difficulties in recruitment and retention. A joint SOM task force including representatives of the Dean’s office and the elected faculty councils has requested that we modify the code to create a pathway for multi-year appointments for salaried clinical faculty.

**What We Propose to Do**

There are many clinical faculty members in many units throughout the university, and there are many complicated issues that need to be addressed regarding them. In the coming year, FCFA expects to consult with all the units that hire clinical faculty and explore what comprehensive changes might need to be made to the sections of code governing their appointments. But the issue of contract lengths is an immediate problem, especially during a pandemic, so we are proposing a stopgap measure to allow multi-year appointments for clinical faculty under limited circumstances with approval of the Provost.

The new language in Section 24-34 B.11 below ("with exceptions to be reviewed by the Provost") is copied from the section on part-time lecturer appointments (24-41 B.1). It retains the default appointment length of one year, but allows the Provost to approve exceptions. Our discussions with Academic Human Resources have led to a tentative agreement on the following conditions for approval of multi-year appointments:

- Salaried Clinical Assistant, Associate, or Full Professor at 50% FTE or more
- Hired after a competitive search
- Departmental commitment to a contract of 2 to 5 years

In addition to providing the possibility for longer contracts, this amendment stipulates that appointments and reappointments of clinical faculty on multi-year contracts must be voted on by all eligible faculty, not just a subcommittee (see the changes to Sections 24-52 and 24-53 below).

These changes will affect clinical faculty in all units of the university, not only in the School of Medicine.

**The Proposed Class A Legislation**

Be it resolved by the Faculty Senate to submit to the faculty for approval or rejection that Chapter 24 of the Faculty Code be amended to read as shown below.
Section 24-34  Qualifications for Appointment at Specific Ranks and Titles

B.  Qualifications for Appointments with Specific Titles

11.  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 normal appointment period of a clinical faculty member shall be one year with exceptions to be reviewed by the Provost; 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.


Section 24-52  Procedure for New Appointments

C.  In making new appointments administrative officers shall act in the manner prescribed below.

1.  If the appointment is to be a departmental one other than that of chair, the chair shall submit all available information concerning candidates suggested by the department, the chair, or the dean to the voting members of the department faculty. The voting faculty of an academic unit may, by majority vote, delegate authority to recommend the appointment of affiliate or clinical faculty, annual clinical faculty, or annual or quarterly part-time lecturers to an elected committee of its voting faculty. In an undepartmentalized college or school, this delegation may be made to an elected committee of its voting faculty. The delegation shall expire one calendar year after it is made.

Section 13-31, April 16, 1956; S-A 24, June 23, 1959; S-A 126, June 11, 2012: all with Presidential approval.

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 and teaching 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 professor shall consider whether to recommend renewal or non-renewal of the appointment of a research professor or teaching professor. Faculty with instructional titles outlined in Section 24-34, Subsections B.1 and B.2 shall be considered by voting faculty who hold a professorial rank or instructional title superior to the person under consideration. The voting faculty of an academic unit may, by majority vote, delegate authority to recommend the renewal of affiliate or clinical faculty, annual clinical faculty, or annual or quarterly part-time lecturer appointments to an elected committee of its voting faculty. In an undepartmentalized college or school, this delegation may be made to an elected committee of its voting faculty. The delegation:

1.  Does not alter faculty rank requirements for considering appointment renewals, and

2.  Shall expire one calendar year after it is made.

Approved by:
Senate Executive Committee
November 16, 2020

Approved by:
Faculty Senate
December 3, 2020
Class B Legislation  
Student Governance and Policies  
Scholastic Regulations  
Chapter 112; Section 1 (General Requirements)

Background and Rationale

Current UW policies regarding student absences for short-term illnesses allow instructors to require that students provide "medical excuse notes" which are documents from a medical provider attesting to the severity of a short-term illness and the need for a student to be absent from class as a result. Unfortunately, a curricular strategy of routinely requiring students to obtain medical excuse notes provides little or no value and has unintended, adverse consequences for the student, the University, and medical providers. Medical providers want to help students with their health needs, but students who visit a medical provider purely to obtain a document regarding illness have been pressured into entering into a costly and potentially risky provider-patient relationship without a true medical need.

Faculty Senate and ASUW leadership, in conjunction with colleagues at Hall Health, have identified several key areas of concern:

- Hall Health Access and Resources — Hall Health is often (over) filled to capacity. Students who don’t really want to be a patient are diminishing access for those who do have a medical need to seek care and wish to be seen. The generation of excuse notes is a wasteful use of expensive and limited health care staff time and resources. Estimates from Hall Health suggest as much as $250,000 annually is spent attending to some 2,500 note requests, and that visits for such requests represent approximately 5 percent of total student visits.
- Financial Burdens and Inequities – Students who are uninsured/underinsured, including low income students, DACA students, and minority students are at a financial disadvantage when seeking medical care. Policies that require a student to seek care for an administrative reason place a financial burden on these students and affect students in extremely unequal ways.
- Student Safety — Students who see a provider to get a note have a specific objective: get the note. There is pressure to make sure that the symptoms are described in such a way that the provider will generate a note. Exaggeration of symptoms leads to testing or procedures that have risk, and patients may be harmed as a result. The risk/benefit ratio in these cases is extreme.
- Unrealistic expectation of provider-patient relationship — Lacking omniscience, a provider must rely on the patient’s description of the symptoms. Sometimes this is after the illness has already resolved. Providers are trained to be advocates for their patients and so a note will be generated almost 100 percent of the time. Thus, requiring a student to obtain a medical excuse note has no value as an actual check on student behavior.
- Education — The academic relationship between instructors and students belongs in the classroom. Instructors are in the best position to judge academic performance by students. Further, as students develop and prepare for their careers later in life, they should experience an environment that reflects the realities that will be experienced after graduation. Hall Health in particular wants to promote responsible self-care for minor ailments and health concerns, an important educational component that encourages self-reliance and resilience.

Given these serious concerns, Faculty Senate and ASUW leadership have begun efforts to discourage requests for medical excuse notes by instructors. Of note is that limiting routine medical excuse notes would not have any bearing on documentation needed for disability, hardship, or other significant circumstances (including medical conditions) requiring longer term absences from the University; nor would such limitations prevent instructors from requiring students to justify the unavoidable nature of an absence, or require that instructors develop new accommodations.

Nevertheless, changing faculty use of medical excuse notes will have meaningful impacts on virtually every classroom across campus and will require broad discussion of the impact of the use of medical excuse notes and the reasons to change current practices, along with development and dissemination of best practices guidelines that both protect students and maintain instructor rights and authority, and clear communication of guidelines to students and to current and future instructors.
1. **General Requirements**

   B. A student absent from any examination or class activity through sickness or other cause judged by the instructor to be unavoidable shall be given an opportunity to take a rescheduled examination or perform work judged by the instructor to be the equivalent. If the instructor determines that neither alternative is feasible during the current quarter, the instructor may exempt the student from the requirement. Examples of unavoidable cause include death or serious illness in the immediate family, illness of the student, and, provided previous notification is given, observance of regularly scheduled religious obligations and might possibly include attendance at academic conferences or field trips, or participation in University-sponsored activities such as debating contests or athletic competition. Instructors are prohibited from requiring students to provide medical or legal documentation as proof in such cases. The regulations for Incompletes in Scholastic Regulations, Chapter 110, Subsection 1.A.3 shall apply.

1. Call to Order and Approval of Agenda.

2. Faculty Senate Chair’s Remarks – Professor Robin Angotti.

   a. Report of the Secretary of the Faculty.
   b. Report of the Chair of the Senate on Planning and Budgeting.
   c. Report of the Faculty Legislative Representative.

4. President’s Remarks – Ana Mari Cauce.

5. Requests for Information.
   a. Approval of the November 16, 2020, Senate Executive Committee minutes.
   b. Approval of the December 3, 2020, Faculty Senate minutes.

6. Memorial Resolution.

7. Consent Agenda.

8. Announcements.

9. New Business
   a. Class A Legislation – Title Cleanup – second consideration.
      Action: Approve for faculty vote.
      Action: Approve for faculty vote.
      Action: Approve for faculty vote.
      Action: Approve for faculty vote.

10. Discussion Items.
    a. Finance Transformation update

11. Good of the Order.


Prepared by: Mike Townsend
Approved by: Robin Angotti, Chair
Secretary of the Faculty
Faculty Senate

NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Thursday, January 28, at 2:30 p.m. via Zoom.