

UNIVERSITY OF WASHINGTON
FACULTY COUNCIL ON FACULTY AFFAIRS

The Faculty Council on Faculty Affairs met on **Monday, January 13, 1992** at 12:10 p.m. in the Faculty Club. Chair Charles Hirschman presided.

PRESENT: Professors Hirschman (Chair), Ammerlahn, Andrews, Benjamin, Brandt, Gale, Hopkins, and Zagona; ex officio members Ehreth, Helleloid, Johnson, McFeron, and Olswang; guests: Professor Robert Aronson (Law School), Senior Assistant Attorney General Lloyd Peterson, and Assistant Provost for Human Rights and Affirmative Action Helen Remick.

ABSENT: Professor Martin* and ex officio members Spratlen* and Yung.*

* Excused.

Report of the Faculty Code Procedure Task Force (Adjudication Procedures)

Comments by Mr. Peterson

Mr. Peterson discussed the role of his office as legal counsel to all units of the University, including the Regents, the President, administrators, and the Faculty Senate. He expressed appreciation to the Council for inviting him to discuss this important issue. He said that more contact with faculty will provide him with a greater understanding of faculty concerns and thus influence him as he deals with the issues he encounters.

Mr. Peterson discussed the history of the APA and noted that since the 1989 revisions to it the University has been vulnerable to suit because its system does not meet the due process and other requirements of the new APA. The new APA calls for a process that will:

1. Conduct due process type hearings that allow sufficient time to prepare a defense
2. Make rules on evidence that provide for discovery and subpoena power to compel witnesses and gather information
3. Provide guidelines for the conduct of the hearings combining a standard and a record that will withstand external review

Mr. Peterson discussed the following policy questions to be considered by the faculty in addressing those requirements:

Composition of the panel. Who will comprise the panel? Part time faculty? Law School faculty? If not Law School faculty how will they be trained? Other State agencies use the Office of Administrative Hearings. Mr. Peterson did not recommend that process.

Administrative questions. (i) Should there be an office of hearings? Should there be an administrative group responsible for the handling of the records and the conduct of these procedures something on the order of the City Clerk? Is permanent type expertise like a hearings officer needed on campus? (ii) the question of the need for legal advise to the hearing panels and to the hearings officer. Who pays for it? (iii) Should there be access to legal counsel for those accused of offenses in the system? If so, who? And who will pay for it? And how should it be administered?

Mr. Peterson expressed the view that the University would be much better served to have a simplified process with some kind of hearing officer or permanently employed person or group of persons who are legally trained in the conduct of these proceedings.

Comments by Dr. Remick

Dr. Remick discussed the role of the Human Rights Office (HRO) specifically as to sexual harassment complaints. She distributed relevant mandates, statistics, articles and a chart processing discrimination complaints through the

1

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