

UNIVERSITY OF WASHINGTON

FACULTY COUNCIL ON FACULTY AFFAIRS

The Faculty Council on Faculty Affairs met on **Monday, January 27, 1992** at 12 p.m. in the Faculty Club. Vice Chair Thomas Andrews.

PRESENT: Professors Andrews (Acting Chair), Ammerlahn, Benjamin, Brandt, Gale, Hopkins, Martin and Zagona; ex officio members Ehreth, Helleloid, Johnson, McFeron, Olswang and Yung; guests: Professors William Andersen, Robert Aronson, Cornelius Peck (Law School) and Senior Assistant Attorney General Lloyd Peterson.

ABSENT: Professors Hirschman\* and Spratlen.\*

\* Excused.

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

The Council continued consideration of the item. The Chair called members' attention to the revised schedule of meetings for this item which includes a meeting with Law School Professors Kirtley and McCormick on the subject of mediation in relation to the Task Force report, and a meeting on February 24 to seek agreement on the issues.

President Gerberding and Senate Chair Rose have appointed Professors Bill Andersen and Bonnie Worthington-Roberts and Associate Dean Dale Johnson and Senior Assistant Attorney General Lloyd Peterson to appoint and advise the Faculty Code drafter. The Advisory Committee and the Code drafter will be invited to attend all Council meetings on this item. It is hoped that the Advisory Committee will appoint the Code drafter during the week of February 3.

**Discussion with Professors Andersen and Peck**

**Brief Adjudicative Procedures**

Professor Andersen said that his December 16, 1991 memo (circulated at the January 13 meeting) expresses his concerns with the Task Force report, which are particularly in relation to the use of the new Administrative Procedures Act's (APA) Brief Adjudicative Procedures (BAPs). In light of his role in drafting the APA Professor Andersen was able to provide a clearer picture of the intent of its authors. He said the APA, in providing for BAPs, attempts to induce government agencies to proceed with the most informal and fairest process in matters of relatively small import. "Small import" is meant to include such things as library fines, issues not necessarily accusative or punitive in nature, and having little permanent consequence. Prof. Andersen expressed concern that the issues the Task Force indicated as appropriate for BAPs were not so much minor as highly discretionary. He said salaries and support staff are hardly minor matters to academics. He expressed the hope that the BAPs be used as fully as possible, but only for relatively low level matters.

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