

INTERDEPARTMENTAL

FACULTY SENATE  
AD-20

21 May 1992

Professor Charles Hirschman, Chair  
Faculty Council on Faculty Affairs  
Sociology, DK-40

Dear Charlie:

Enclosed is a copy of a proposed revision of Faculty Code Section 28-31.E describing cases which may be brought before the Adjudication Panel. As you will recall, this was a subject for considerable discussion at the continued Executive Committee meeting of 11 May 1992. The Executive Committee seemed to be on the verge of sending this proposal directly to the Faculty Senate for its next meeting and then decided that the topic should be discussed by the Faculty Council on Faculty Affairs.

I feel that the discussion at the Executive Committee was very profitable in that the central issue received critical attention and was understood by all. That central issue can be phrased in the form of the following question (hereafter referred to as "the question" in this document):

Can faculty envision injustices involving denial of tenure or involving discriminatory reduction in salary upon reappointment where any such injustice does not involve:

- a. alleged violations of a provision of one or more sections of the Faculty Code; or
- b. unlawful discrimination; or
- c. merit or quality judgements about the faculty member's performance?

If the answer to "the question" is NO, then the proposed change in the Code is NOT justified. If the answer to "the question" is YES, then the proposed change is justified. As indicated above, my reading of the Executive Committee is that they were inclined toward the answer YES.

Given the anticipated revision of Chapter 28, it is imperative that the Code drafter be made aware of this issue and hear faculty discussion about it. I trust, therefore, that discussion of "the question" can appear on the agenda of your Council's June 8 meeting with her.

There is also a timing issue which we must address. If the Code drafter and the Council are going to work through the summer of 1992 with a view to having a revision which will come before the Faculty Senate in the Autumn Quarter 1992, then it is important that the faculty's view of the issue raised above be reflected in the new Code and we, in good conscience, will not need to modify the current Code.

However, if the process of getting a revision acceptable to the Faculty Senate is going to go beyond Autumn Quarter, then I think we have an obligation to the faculty who have raised "the question" to move with dispatch on the merits of the proposed change to the Code. Accordingly

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