

DAVID CORBETT PLLC

David J. Corbett
2106 N. Steele St.
Tacoma, WA 98406
(253) 414-5235
david@davidcorbettlaw.com

January 21, 2011

Professor Miceal F. Vaughan
Chair, Advisory Committee on Faculty Code and Regulations
University of Washington

Via e-mail

Dear Professor Vaughan,

The *Draft Response of the Advisory Committee on Faculty Code and Regulations to the Senate Executive Committee's Questions (from its meeting of 15 November 2010)*, to which you were a contributor, primarily focuses on three questions arising from the case of former Research Assistant Professor Dr. Andrew Aprikyan.¹ However, it also addresses an issue that was not raised by the Aprikyan matter, and for which I bear some credit (or blame) for bringing to the attention of the SEC. I refer in particular to Question 4 as set forth in your cover letter of January 6, 2011 to Professor Harrington. That question states as follows:

4. Must an adjudication hearing (or any other faculty review hearing) be held before a dean or Provost can impose any disciplinary or punitive actions against a faculty member? Or is this required just in cases that meet the standards appearing in 25-71.D?

Although the Advisory Committee's position on this question is internally contradictory, its "final answer" to the first part of question 4 appears to be "No." With all due respect to the Committee, this answer is demonstrably incorrect. From the point of view of the UW faculty this is not a harmless error, as it contributes to the erosion of one of their most important procedural rights.

A. The Advisory's Committee's Position is Internally Contradictory.

The Advisory Committee starts off on sound footing by noting that "[t]he Faculty Code is quite explicit in requiring that *any* disciplinary or punitive action against a faculty member (28-32.A) can occur *only* as a result of an adjudication initiated by the Provost."²

¹The Draft Response of the Advisory Committee is available on the web at http://www.washington.edu/faculty/facsen/sec_minutes/10-11/sec_011011.pdf. I am addressing this letter to you because the names of the other members of the Advisory Committee are not readily available on the web.

² Advisory Committee Response, p. 3 (p. 14 of the SEC Agenda for 1/10/11) (emphasis added).

