

# INTERDEPARTMENTAL

DATE: 15 November 1993

TO: John Stewart, Chair, Faculty Council on Faculty Affairs

CC: Ron Dear, Chair, Senate Executive Committee  
Regular and ex officio members of the Senate Executive Committee

FROM: Special Committees on Faculty Women and Minority Faculty Affairs  
Prepared by Jenifer Ehrenfeld, Dolphine Oda, and James Morishima

RE: Guntheroth Amendments to the adjudication proposal

The receipt of Guntheroth's suggested amendments did not provide us with sufficient time to convene meetings to include all members reactions of the Special Committee on Faculty Women and the Special Committee on Minority Faculty Affairs. While we do not believe the Special Committees will differ in the substance of our remarks, we must emphasize that the reactions that follow do not necessarily reflect the full committees' responses.

**28-32.A.** He recommends that all charges of faculty misconduct be subjected to an additional preliminary faculty hearing to determine "probable cause" instead of having the Provost assess "reasonable cause" prior to initiating an adjudication procedure. We oppose this amendment.

**Reasoning.** The proposed amendment would add unnecessary bureaucracy and affect the impartiality of the investigative process. One purpose of changing the adjudication procedures is to provide an impartial determination that includes faculty input as to whether or not misconduct has occurred prior to any decision by administration on the matter. The proposal is now designed to encourage negotiated resolutions and provides opportunities for faculty to dismiss charges of misconduct directly after initiation of adjudication by the Provost. The Provost's recommendation for adjudicative review only suggests that there is sufficient reason to proceed with a faculty-sponsored fact finding process. In addition, the proposal provides for a preliminary hearing at which time the charges again may be dismissed by faculty. It is essential to the impartiality of the process that the Human Rights Office continue to be independent of faculty as, with this proposal, the faculty will determine the facts and make the judgments.

**28-33.E.** He recommends increasing all the proposed adjudication panels to five members. We support the efforts of the proposal to streamline the process by providing for smaller, three member panels for less complex matters.

**Reasoning.** Testimony before the Faculty Council on Faculty Affairs by those involved in administrating the current process and by the committee initially established to recommend changes in the process, indicated that the current process is too cumbersome and too slow for resolution of simple disputes. It was particularly difficult to convene five faculty for meetings. The proposal makes substantive changes to address this problem by distinguishing between types

UW Faculty Senate Records  
Accession 04-92  
Box 4

