

INTERDEPARTMENTAL

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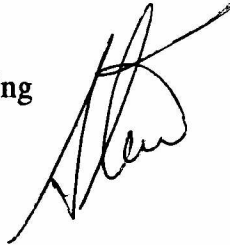
OFFICE OF THE
PRESIDENT

Office of the Provost

May 12, 1993

TO: Dr. William P. Gerberding
President

FROM: Dr. Steven G. Olswang
Vice Provost



W: DEU

EP 5-14

RE: Legal counsel for faculty members in adjudication

At your request, I have contacted the Legal Reference Service of the National Association of College and University Attorneys to seek information about practices at other universities relative to providing legal counsel for faculty in adjudication disputes. My initial contact was with the Associate Director of NACUA who had not heard of any such practice. Thereafter, I talked directly to the Director of the Legal Reference Service.

After my initial conversation with Dr. Mills of Legal Reference Service, he called back to clarify the question. Despite our early conversations and his being unsuccessful in his finding any examples of universities paying for legal counsel of faculty members in adjudications, he called to assure he understood the question. In his view, it was such an unusual question that he wanted to be sure that he clearly knew what we were asking. When it was clear that I had, indeed, asked whether he had any records of universities paying for legal counsel in internal disputes, he did additional investigations of policies of all the institutions that have membership in the National Association of College and University Attorneys. He thereafter confirmed that he could find no examples where a university funded an attorney or created an office of attorneys which would represent faculty members either in grievances they pursue against the University and/or which would provide defense for a faculty member charged with misconduct under university rules.

The only possible examples that would have some relevance are the following:

1. Where faculty are represented by a collective bargaining agent, it is not uncommon for the collective bargaining agent to provide an attorney for faculty members in grievances against the institution. However, bargaining agent provided attorneys are not funded by the institution.
2. There are institutions, primarily private universities, which as part of their benefit package, offer to faculty members a prepaid legal services plan. Under these insurance programs, faculty members who subscribe have

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