

UNIVERSITY OF WASHINGTON
FACULTY SENATE EXECUTIVE COMMITTEE

Continued Meeting of 25 October 1993

The Faculty Senate Executive Committee met at 2:30 p.m. on Monday, 25 October 1993, in Room 142 Administration Building. Chair Ronald B. Dear presided.

PRESENT: Chair Dear, Secretary of the Faculty Bollard, and President Gerberding; Group Representatives Gowing (I), Goldblatt (II), Burnett (III), Dull (IV), Vaughn (V), Nece (VI), Guntheroth (VII), Koenig (VII), and Wolf-Wilets (VIII); Council Chairs Craven (FCCE), Lamont (FCSA), Smith (FCR), Stewart (FCFA), and Taricani (FCCS&UR); Faculty Legislative Representative Zagona; GPSS President Turner; regularly invited guests Special Assistant to the President Ferrill, Special Assistant to the Provost Flores, CFR Delegate Junker; guests Professors Bill Anderson (Law), Tom Andrews (Law), Rob Aronson (Law), and Miceal Vaughan (English), Ms. Karen Boxx (attorney), and Stanley Johnson (parliamentarian).

ABSENT: Council Chairs Coldewey, Kalonji, Novack*, and Purcell*; Deputy Faculty Representative Egan; ASUW President Gheewala; regularly invited guests Provost Clough* and Branch Campus Representative Kalton. (*excused)

REPLACEMENT OF SENATE VICE CHAIR

Chair Dear asked SEC members how to best proceed with the appointment of a vice chair to fill the vacant position. He pointed out that the Faculty Senate will be operating without a vice chair until one is officially elected at the 2 December Senate meeting. According to Section 22-53.E. of the Faculty Code (a copy was distributed), the SEC can designate one of its own voting members to serve as a temporary vice chair until the December election; however, that person cannot succeed to the chair.

Questions arose as to whether the vice chair would serve one or two years, and what would happen if the newly-elected vice chair was unable to serve for longer than one year. There was also confusion as to the timing of vice chair elections because this is the first year the new bylaws are in effect and the vice chair is being elected during Fall Quarter instead later during Spring Quarter. Professor Aronson said that the Code is ambiguous in regards to the present situation and that the SEC should do what makes the best sense at this time for faculty governance. It is always important to maintain the spirit of succession provisions. He also pointed out that the reason the temporary vice chair, chosen by the SEC, cannot succeed to the position of chair is that a Senate election would be bypassed. He suggested that the SEC either elect a temporary vice chair today, or wait until the 2 December Senate election. After some discussion, the following motion was made:

1. That the two current vice chair candidates be invited to begin attending the Senate Committee on Planning and Budgeting immediately;
2. That no vice chair be appointed before the regular 2 December election of the next vice chair;
3. Once elected, the next vice chair be given the option to serve out the remainder of this academic year, in addition to his regular year as vice chair;
4. If he declines, a temporary vice chair be designated from among the elected representatives of the SEC to serve the remainder of this academic year.

The motion passed with one abstention.

CONTINUED DISCUSSION OF THE ADJUDICATION REVISIONS

Ms. Boxx reported that she had been asked a question about whether the current Faculty Code, which was adopted before the state Administrative Procedures Act (APA) went into effect on 1 July 1989, is exempt from the APA requirements regarding agency adjudications by application of RCW 34.05.375. In response, Ms. Boxx distributed a memo regarding revisions to the Faculty Code adjudicative provisions, dated October 25, 1993, explaining in detail why RCW 34.05.375 does not grandfather agency rules adopted before the APA was revised. The main purpose of RCW 34.05.375 was to provide a sanction against agencies that were lax in following rule-making procedures. Ms. Boxx also pointed out that one of the original goals of the Faculty Code adjudication revision project was to bring the hearing procedures into compliance with the state APA. Until the present Code is officially revised, adjudications must now be conducted following the APA rather than the Code. This means, for instance, that the administration maintains the right

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