

UNIVERSITY OF WASHINGTON
FACULTY SENATE EXECUTIVE COMMITTEE

Continued Meeting of 9 December 1993
(amended)

The Faculty Senate Executive Committee met at 2:30 p.m. on Monday, 9 December 1993, in the Regent's Room, Administration Building. Chair Ronald B. Dear presided.

PRESENT: Chair Dear, Vice Chair Junker; Group Representatives Gowing (I), Goldblatt (II), Burnett (III), Dull (IV), Vaughn (V), Nece (VI), Koenig (VII), and Wolf-Wilets (VIII); Council Chairs Lamont (FCSA), Stewart (FCFA), and Taricani (FCCS&UR); Faculty Legislative Representative Zagona; ASUW President Gheewala; regularly invited guests Special Assistant to the President Ferrill, Special Assistant to the Provost Flores; guests Professor Tom Andrews (Law), Karen Boxx (Attorney), Caroleen Dineen (GPSS).

ABSENT: Secretary of the Faculty Bollard*, President Gerberding*; Group Representative Guntheroth; Council Chairs Coldewey*, Craven*, Kalonji, Novack*, Purcell, Smith*; Deputy Faculty Representative Egan; GPSS President Turner*; regularly invited guest Provost Clough*, Branch Campus Representative Kalton*. (*excused)

CONTINUED DISCUSSION OF ADJUDICATION REVISIONS

Memos addressed to the SEC regarding adjudication issues were distributed as information from: Professor Gene L. Woodruff, Parag Gheewala (ASUW President) and Karen Turner (GPSS). A memo from Professor Rob Aronson was mailed earlier. A memorandum from Karen Boxx was also distributed detailing the sections in the revised code affected by Professor Guntheroth's proposed amendments. Professor Stewart asked that discussion be continued on the remaining amendments presented by Professor Guntheroth. In his absence, Professor Stewart presented the motions in accordance with a memo from Professor Guntheroth dated 10 November 1993, entitled "Proposed Revisions with background."

Deletion of student and staff participation from hearing panels (Section 28-33F.2): A motion was made to prohibit students and staff from participation on hearing panels. Several SEC members urged that this amendment be defeated because it might give the perception of unfairness to students and staff, and the adjudication system has already been provided with enough safeguards to assure fairness to faculty. As a compromise, Professor Wolf-Wilets presented an amendment to Professor Guntheroth's proposed amendment as follows: "For any case with a nonparty participant of right who is either a student or a staff member, ~~the five~~ a seven member Hearing Panel members shall consist of ~~three~~ five members of the faculty from the Adjudication Panel, and two members of the student body..." During discussion, it was pointed out that it is very difficult to convene five faculty members together at one time for a hearing panel that could conceivably need to meet over a two or three-year period. Thus, a seven member panel could extend the adjudication process and make it difficult to meet the Code's prescribed time lines. A vote on the Wolf-Wilets amendment failed (2-6). A vote on the main motion failed unanimously.

Deletion of nonparty participants (Section 28-51): A motion was made to delete nonparty participants of right from the adjudication process. During discussion, Professor Andrews said that all rights of nonparty participants are discretionary. He also reminded everyone that on 25 October the Executive Committee voted to convert the rights listed in 4 through 9 (see 28-51B, page 37 of the revisions) from guaranteed rights given to nonparty participants of right to rights granted only at the discretion of the hearing officer and panel. The motion failed unanimously.

Professor Wolf-Wilets presented a motion to add the following sentence to Section 28-32G (page 44 of the revisions) in regards to the issue of nonparty participants: "...except in cases where the faculty member is an attorney. **Where neither the administration nor the faculty member has chosen to be represented by an attorney at the hearing, any nonparty participants will be barred from having an attorney at the hearing.**" During discussion, few examples arose as to when a nonparty participant might use an attorney; several expressed the importance of maintaining trust in the hearing panel to take the right action in accordance with the individual case involved. The motion failed (2-6).

UW Faculty Senate Records
Accession # 04-92
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