

UNIVERSITY OF WASHINGTON
FACULTY SENATE EXECUTIVE COMMITTEE

Continued Meeting of 1 March, 1993, to Discuss the Revision of Chapter 28

The Faculty Senate Executive Committee met at 2:30 p.m. on Monday, 1 March, 1993 in the Regent's Room, Administration Building. Senate Chair Miceal Vaughan presided.

PRESENT: Chair Vaughan, Vice Chair Worthington-Roberts, Secretary of the Faculty Bollard, and President Gerberding; Group Representatives Bell, Billingsley, Guntheroth, Kukull, Sjavik, and Slutsky; Faculty Council Chairs Andrews and Taricani; GPSS President Turner; regular invited guests Special Assistant to the President Johnson, CFR Lead Junker; Special Assistant to the Provost Flores, and Provost Wilkening.

ABSENT: Group Representatives Blackburn*, O'Neil, and Eberhardt; Faculty Council Chairs Benson, Schoenknecht, Dimond*, Philipsen, Thouless, Novack, and Sullivan; Faculty Legislative Representative Spratlen, Deputy Legislative Representative Zagona, and ASUW President Nicastro. (* excused)

GENERAL COMMENTS

Vice Chair Worthington-Roberts asked if the adjudication revisions could address the problem of hearings that are cancelled at the last minute. At present there seems to be a question of where the authority resides for enforcing procedural time tables. Delays caused by cancellations of this type often cause weeks, sometimes months, of delay in the adjudication process. Ms. Boxx said that if a party does not show up for a hearing, he/she can be defaulted; the head of the proceeding can make this decision. It was also pointed out that the APA addresses subpoena power and enumerates penalties at all levels. Chair Vaughan suggested that this concern be noted and addressed at a later discussion.

Professor Guntheroth reported that he had complied with a request to prepare a minority opinion regarding the proposed changes in the adjudication process. He distributed copies to the group.

CONTINUED DISCUSSION OF CHAPTER 28, ADJUDICATIVE PROCEEDINGS FOR RESOLUTION OF DIFFERENCES (Major Principles)

Appointment of Hearing Officers: Professor Andrews explained that hearing officers are to be licensed attorneys with knowledge of hearing procedures and University and faculty matters. Three officers (at least) will be available at any given time and they will be appointed jointly by the president and the chair of the Faculty Senate. The hearing officers cannot be deans or anyone involved with administration to the extent that even the appearance of conflict of interest might exist. They will have two roles: 1) as the sole decision maker on brief adjudication panels; and 2) as the coordinator and/or administrator on comprehensive adjudication panels. Any decisions made by the hearing officer on the comprehensive adjudication panel can be overruled by members of the hearing panel.

As rationale for the introduction of hearing officers, Professor Andrews said it is to respond to concerns that adjudicative issues have become so complex that professional legal advise is now needed on hearing panels. The Council discussed whether or not the hearing officer should have a vote and it was decided that he/she could vote only in the event of a tie. This would eliminate the present practice of having to choose an alternate panel member for each hearing. Professor Taricani suggested that, because the use of the term "alternate" might be confusing in Section 28-37D of the Table of Contents, it should be replaced with "Replacement Members."

During discussion, it was generally agreed that it would be a good idea to have an impartial person with legal knowledge on hearing panels. Concern was expressed that added responsibilities required by the new adjudication process (i.e., being involved with the selection process of hearing officers) might make the position of Faculty Senate chair too burdensome.

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