

UNIVERSITY OF WASHINGTON
FACULTY SENATE EXECUTIVE COMMITTEE

Continued meeting of 4 April 1994

The Faculty Senate Executive Committee met at 2:30 p.m. on Monday, 4 April 1994, in Room 142 Administration Building. Chair Ronald Dear presided.

PRESENT: Chair Dear, Vice Chair Junker, Secretary of the Faculty Bollard, and President Gerberding; Group Representatives Gowing (I), Goldblatt (II), Hartman (IV), Vaughn (V), Nece (VI), Guntheroth (VII), Koenig (VII), and Wolf-Wilets (VIII); Council Chairs Kalonji (FCIQ), Lamont (FCSA), Novack (FCUF&S), Fassett (FCAS), Smith (FCR), Stewart (FCFA), and Taricani (FCCS&UR); Faculty Legislative Representative Zagona, Deputy Legislative Representative Egan, and GPSS President Turner; regularly invited guests Provost Clough, Special Assistant to the President Ferrill; guest Professor Tom Andrews (Law), Karen Boxx (Attorney).

ABSENT: Group Representative Burnett*; Council Chairs Fassett*, Craven, and Coldewey; ASUW President Gheewala; Special Assistant to the Provost Flores, and Branch Campus Representative Kalton.

CONTINUED DISCUSSION OF STANDARD OF PROOF ISSUE ("Junker Amendment")

Chair Dear reported that, in accordance with the Faculty Code, legislation up for a second reading in either the Senate or the SEC cannot normally be amended except as provided in the Faculty Code. The Faculty Senate could, however, vote down legislation returned by the SEC for a second reading and reintroduce it as new legislation for a first reading at the same meeting. This would require that the Class "A" legislation be started over from the beginning as a first reading. In order to make the legislative process clear to everyone, Secretary of the Faculty Bollard read the following statement:

According to Section 29-34 of the Faculty Code the Senate, having sent to the Senate Executive Committee a proposal to amend the Code by passing a vote on the first reading, has no further opportunity to amend that proposal. The Senate Executive Committee can amend the proposal only to comply with recommendations of the Code and Regulations Committee or to overcome disapproval of the proposal by the President, and submits to the Senate such an amended proposal along with the proposal originally received. The Senate considers the amended or original proposal, in that order, for the second reading and votes on forwarding one to the faculty for a vote on adoption. If the Senate vote to forward fails in both forms, the proposal dies.

Concern was expressed that the SEC might have acted in violation of the Faculty Code in the handling of the "Junker Amendment" (Section 28-54A) which broadened the super majority vote by stating that two-thirds of the members of the Panel (no distinction is made between non faculty and faculty members) shall be required to vote affirmatively in cases where a faculty member might be suspended or dismissed from the university. Professor Bollard gave assurance that the SEC acted in compliance with the Code because, at its 17 February continued meeting, the Senate voted to remand the Junker amendment back to the SEC for further discussion and clarification based on the comments made at the Senate meeting. The SEC was therefore acting under direction from the Faculty Senate.

Chair Dear distributed letters from Professor Gerberding and from Professors Aronson and Andrews expressing disapproval of the "Junker Amendment." He also distributed the "Junker Amendment" in Code language as prepared by Karen Boxx. President Gerberding summarized his letter by stating that he opposes the Junker amendment mainly because: 1) it significantly increases the protection for faculty in cases of adjudication beyond that used in past years; 2) it requires a two-thirds majority vote which, after changing the composition of the panel to make it more impartial and diversified, dilutes the effect of the change; and 3) the proposed revisions provide adequate protection for faculty members by providing that two of the three faculty members on a panel including students or staff must vote to convict.

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