

UNIVERSITY OF WASHINGTON

FACULTY COUNCIL ON FACULTY AFFAIRS

The Faculty Council on Faculty Affairs met on **Tuesday, December 17, 1991** at 10:30 a.m. in the Faculty Club. Chair Charles Hirschman presided.

PRESENT: Professors Hirschman (Chair), Ammerlahn, Andrews, Benjamin, Brandt, Gale, Hopkins and Martin; ex officio members Ehreth, Johnson, McFeron, Olswang, and Spratlen; guests: Secretary of the Faculty Professor John Bollard and Faculty Senate Vice Chair Miceal Vaughan.

ABSENT: Professor Zagona;\* ex officio members Helleloid,\* Pilat,\* and Yung.\*

\* Excused.

Report of the Faculty Code Procedures Task Force

The Council began consideration of the report. The Chair briefly recalled that the Task Force was appointed jointly by the President and the Faculty Senate Chair last spring to make recommendations addressing the shortfalls of the current adjudication procedures.

Task Force member Professor Vaughan and Task Force Co-Chair Associate Dean Johnson noted that the report contains only recommended changes to the procedures and does not address the specifics of them. FCFA will address the specifics. They discussed the most significant changes proposed in the report as follows:

- the proposed revision to the role of the hearing panel from that of reviewer of an administrative decision to one which calls the panel into earlier participation in an investigative role and eventually go to the Provost with action.
- burden of proof
- legal advice to faculty
- the proposed reduction of hearing officers on a panel to three.
- the introduction of the Brief Adjudicative Procedures
- the recommendation to use mediation as an alternative dispute mechanism.
- the possibility of hiring a professional hearing officer to oversee the procedures.

The composition of the panels was not addressed by the Task Force, however, Drs. Johnson and Vaughan both expressed personal opinions on the question. Dr. Johnson said that the Task Force recommendation that the panel be changed to an investigatory body is a fundamental change. The constitution of that body must be fair and the question of including students and staff must be addressed. He said the committee should be composed of faculty for consideration of faculty rights questions but if it addresses student issues it might be appropriate to have student representation. Federal law requires that questions of scientific misconduct be considered by a panel including an outside expert.

Professor Vaughan said that the Council should address this question in the context of whether the faculty should continue to imagine its procedures as an intra faculty matter and forget about for a moment the issues involving students directly as plaintiffs or defendants and to continue to see the adjudication process as faculty against faculty. At some point not everything faculty deal with is really subject to faculty discussion. There are some things that the civil courts might better address. If the University is required by law to address broader issues then perhaps a completely different

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