

UNIVERSITY OF WASHINGTON
FACULTY SENATE EXECUTIVE COMMITTEE

Continued meeting of 11 April 1994

The Faculty Senate Executive Committee met at 2:30 p.m. on Monday, 11 April 1994, in the southeast dining room of the Faculty Club. Chair Ronald Dear presided.

PRESENT: Chair Dear, Vice Chair Junker, Secretary of the Faculty Bollard, and President Gerberding; Group Representatives Gowing (I), Goldblatt (II), Burnett (III), Hartman (IV), Vaughn (V), Nece (VI), Guntheroth (VII), Koenig (VII), and Wolf-Wilets (VIII); Council Chairs Lamont (FCSA), Stewart (FCFA), and Taricani (FCCS&UR); Faculty Legislative Representative Zagona and GPSS President Turner; regularly invited guests Provost Clough and Special Assistant to the President Ferrill; guests Karen Boxx (Attorney), Professors Tom Andrews (Law), Rob Aronson (Law), and James Morishima (Education).

ABSENT: Council Chairs Fassett (FCAS), Craven* (FCCE), Smith (FCR), Kalonji* (FCIQ), Coldewey (FCUL) and Novack* (FCUF&S); Deputy Legislative Representative Egan, ASUW President Gheewala, Special Assistant to the Provost Flores, and Branch Campus Representative Kalton.

CONTINUED DISCUSSION OF ADJUDICATION ISSUES

A new version of Chapter 28 that included the "Junker Amendment" passed at the 4 April meeting was distributed to SEC members. The changes recommended by the Advisory Committee on Faculty Code and Regulations were also incorporated into this version. Chair Dear reported that an April 4 letter from President Gerberding opposed the "Junker Amendment." The President has also said that he opposes the implementation of a higher standard of proof than is currently being used in adjudication cases. Thus, any adjudicative legislation that includes a higher standard of proof or a super majority vote will likely be vetoed by the President.

Concern was expressed that the faculty was being required to modify its views because of the President's opinion. In answer to this concern, several expressed doubts about the legality of the "Junker Amendment" and the propriety of its passage at a second reading; others felt the changes made in the legislation were in accordance with the wishes of the majority of the Senate. It is important that the SEC be responsive to the requests of the Senate. A suggestion was made that the whole adjudication package, including the amendment made at the 4 April meeting to Section 28-54A, be presented to the Senate for a vote and let the faculty resolve the issue there. Professor Stewart warned that presenting a document that is strongly opposed by the President might cause many to vote against the package.

In answer to a question regarding how strongly he felt about a higher standard of proof or a super majority vote, President Gerberding pointed out that his objection was supported by many faculty as well as the administration. The original document as presented by the Faculty Council on Faculty Affairs was well balanced [in regards to the rights of all litigants]. Because of concern for more protection of faculty members in adjudication cases where the penalty might be suspension or dismissal, three different revisions to the original document have been proposed. First, an amendment was approved to require that any decision to suspend or dismiss a faculty member on a panel that includes non faculty members shall require the affirmative vote of at least two faculty members. The second amendment (known as the "Junker Amendment" and approved on 28 March) 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. This served to tilt the balance of rights further towards the accused members of the faculty. The last revision for consideration is proposed in a memo dated 4 April 1994 prepared by Professors Andrews and Aronson. In it they express disappointment with the "Junker Amendment" and ask instead that the level of proof be raised to a higher level and that the super-majority

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