

MINUTES FOR SENATE EXECUTIVE COMMITTEE MEETING

October 6, 2008, 2:30 p.m.

142 Gerberding

Present: Lovell, Balick, Emmert, Ahmad, Rahn, Wilcock, Harrington, Zahorjan, Jaffe, Reusch (for Forman), Schaufelberger, Breitner, Kaminsky, Sjavik, Haselkorn, Fabien, Primomo, Rorabaugh, Wilkinson, Odegaard, Silberstein, Luchtel, Killien, Wise.

Absent: Chew, Landis, Huber, Van Voorhis, Forman, Faleschini, Bennett.

Faculty Senate Chair David Lovell called the meeting to order at 2:35 p.m. and welcomed participants to the first meeting of the year.

1. Approval of Agenda: Approved.

2. Approval of Minutes.

Chair Lovell noted that the minutes from the May 5 SEC meeting and the May 22 Faculty Senate meeting were approved by the SEC via E-mail over the summer.

3. Opening Remarks from the Chair.
David Lovell, Chair of the Faculty Senate.

The Chair reminded SEC members that fate and various on-going initiatives have contributed to a very large agenda for faculty governance this year. It will require strategic thinking about priorities, and it will involve working closely with the Senate Committee on Planning and Budgeting (SCPB). Each SEC member, with departmental affiliations, will play an important role in bringing Senate issues to your constituents – and bringing their issues to this body.

He noted that the Faculty Council on Faculty Affairs (FCFA) will be playing a large role in providing draft legislation for the SEC to consider – including changes to conciliation procedure; changes to the way the University reorganizes, consolidates and eliminates programs (RCEP); and a proposal to restructure the Faculty Senate.

Finally, the College of the Environment will be the focus of our attention at various stages of its evolution. Interim Dean Dennis Hartmann is currently in the process of establishing a committee to meet with affected schools and colleges to talk about organizational and curriculum issues. One of the goals of that Committee is to resolve and clarify enough of the issues that the formal pathway for moving units into the new college will be clearer. The expectation is that formal RCEP procedures will begin in January.

4. Report from the President.
Mark A. Emmert, President.

President Emmert welcomed SEC members to the new academic year and noted that there will be many issues to wrestle with going forward this year. Most of these issues will require fast and hard work – but along with the challenges will be opportunities for building on the progress made over the past several years.

He began his remarks with an enrollment update. Although community college transfers have leveled off, this has been an extraordinarily good year for enrollment at the UW. A record number of applications was received – many more applications than positions available, resulting in an extremely well-qualified entering class of freshman. The only downside to this is the necessity of having to turn down many highly qualified students. He also noted that minority applications and admissions were up this year.

With the market so much in the news of the day, he then turned his attention to the investment situation at the UW. He reviewed the very complex way some of the UW holdings are kept and described how alert staff in Financial Management were able to recognize a potential future situation that could have resulted in significant losses for the UW. A timely law suit was filed, the UW holdings

were withdrawn and reinvested safely elsewhere. Unfortunately, many other universities and colleges have assets in banks where funds have been frozen, and the President is grateful that UW staff were able to keep the University from a similar situation.

He then turned his attention to the State budget. This morning the state announced a \$3.2 billion deficit – one which may grow to \$4.0 billion in subsequent reports due out soon. The volatile nature of the current situation makes it imperative for us to focus on strategic planning, salaries and other priorities issues – while not losing momentum on current initiatives. The UW needs to be looking “further down the road” in order to grow and flourish. We need to be at the top of our game – especially now when it’s going to be difficult.

Transitions: The President reported that he had appointed Scott Woodward to the permanent position of Athletic Director. His only misgiving is losing the contributions Woodward had been making as Vice President of External Affairs. Randy Hodgins, Director of State Relations, has temporarily stepped into Woodward’s previous position. Hodgins is very solid representing the UW in Olympia, and he will be doing both jobs, at least through the end of the current legislative session. Finally, Barbara Perry, Associate Vice President and Director of Federal Relations, has accepted another position which will take her back to the University of California system. The President will be addressing the need to fill that position shortly.

In response to a question about Bothell and Tacoma campuses – and how to make them as attractive (in terms of enrollment) as the Seattle campus – the President suggested that next year’s demands for higher education may be even higher than they were this year. At the very least, some “spill-over” can be expected, but he emphasized that the UW’s goals need to be long-term. We cannot get bogged down with a 24-month horizon, but must stay focused on long-term goals.

5. Report from the Senate Committee on Planning and Budgeting.
Dan Luchtel, Faculty Senate Past Chair and Committee Chair.

In preparing his remarks for the meeting today, SCPB Chair Dan Luchtel reported that, like the President, he wanted to give a bigger picture of the current situation, rather than getting buried in the details of the state budget. He noted that the strength and size of the institution will go far in carrying it through hard times. The state contribution to the University’s budget is less than 10%. That’s not an insignificant sum, but it allows for a different perspective when considering the strength and financial health of the UW.

Luchtel is especially concerned about the students, who now pay more in tuition and fees than the amount the state pays for their education. This happened for the first time in 2007. Graduating seniors carry away an average debt of over \$16,000 along with their diplomas.

Even so, given the financial statements from the past five years, this University is doing very well financially and has been very well-managed. There will certainly be financial challenges ahead for the University, but it’s starting from a position of strength. The SCPB will be working with administration on setting priorities and strategic planning for the near term.

6. Report on Legislative Affairs.
JW Harrington, Faculty Legislative Representative.

Harrington reported that the University’s Performance Agreement proposal has been approved by the Regents and submitted to the state’s committee that will review these proposals. The UW proposal developed a 10-year plan for enrollment growth and performance measures that include students’ financial backgrounds, faculty research, program rankings, etc – all predicated on financial support from the state. The proposal is available on the Faculty Senate’s website:

<http://www.washington.edu/faculty/facsen/issues.html>

The state’s revenue and budget forecast is quite bleak. No legislators are willing to venture any guesses regarding how it will be handled, except:

- to look for savings and efficiency in social service administration and delivery,

- there is no stomach for explicit tax increases (except among a very few legislators and candidates),
- to note ruefully that higher education (community/technical colleges and universities) is the “budget balancer,” and
- that \$3 billion is about the threshold beyond which the legislature will have to make cuts rather than curb growth or suspend agreed-to programmatic increases (the projected biennial deficit is \$3.2 billion and growing).

Harrington is currently developing a legislative agenda, in consultation with the Faculty Senate leadership, the statewide Council of Faculty Representatives, and the University administration. He will confer with the Senate leadership to determine whether any formal resolutions would be useful. Issues that are clearly key include:

- Overall budget: student enrollment, per-student funding (including expensive high-state-need programs), resident undergrad tuition,
- Faculty/librarian/professional staff salaries (each university’s request of the Governor is a 5% increase in each year of the biennium,
- Reauthorization of institutions’ tuition setting for all except resident undergraduates,
- Faculty participation in governing boards.

Patricia Brandt, elected by the Faculty Senate as Deputy Faculty Legislative Representative for 2008-09, cannot serve. Senate leadership and Harrington are still searching for and negotiating with potential Deputies, and hope to bring a nomination to you next month.

From discussions with legislators, Harrington has learned some important lessons regarding advocacy:

- Identify what state problem any proposed measure will solve (or harm), and exactly how it will do so.
- Develop easy-to-read, very short position statements.
- Organize or catalyze constituent meetings during the interim.
- Encourage direct and *ad hoc* communication from, or appearances by constituents during the session.

7. Report from the Secretary of the Faculty.
Marcia Killien, Secretary of the Faculty.

Killien expressed appreciation to those who had been able to attend the SEC Orientation the previous Monday. She encouraged SEC members to pick up an information sheet about Senate Office listservs as a means of sharing ideas and issues with Faculty Senate colleagues from each of the ten faculty groups.

She announced that for the first time in a number of years, the Faculty Senate office will be fully staffed this coming year and able to support the work of the Faculty Councils entirely with staff within the office. Several of the Faculty Councils have been relying on recorders who have been brought into service along with the President’s designees. Although the work these “outside” recorders have done in keeping the record complete is greatly appreciated, she looks forward to providing a more consistent product as far as minutes of the Councils are concerned.

8. Group Representatives: Concerns and Issues.

William Wilcock raised a concern about the speed of the evolution of the College of the Environment and his sense that faculty have not been as involved as they have wanted to be.

Chair Lovell recounted that the idea had been under discussion for at least the past fifteen months, and had been the focus of discussion for a number of *ad hoc* committees and groups of stakeholders. Last Spring the Board of Regents approved the formation of a College as a “shell” to be filled with programs as time allowed.

Wilcock responded that it appears that another committee is now being convened to produce a recommendation by the end of the quarter. He stated that it is the first representative committee of the units that have been slated to join. He is concerned that one quarter is not long enough to accommodate hearing the concerns of the number of people who will be affected by this change. He is concerned that the composition of this committee has not yet been announced. Although he is a member of one of the affected colleges, he has not even heard informally who the members are. If units vote against joining the college, will administration still run an RCEP to force the issue? Certainly that would be a cause of confusion and anxiety, and it would be useful to have some clarity about the process as well as sufficient time for discussion.

The President agreed with Wilcock's last sentiment and emphasized that in order to be successful with the College, administration cannot be driving people to it under duress. He is committed to finding ways to have good, thoughtful discussions. Doing an RCEP over the objections of a college or unit is not at all desirable. On the other hand, there are people who will drag and stall in order to avoid any conversation. We cannot allow those actions, or inactions, to freeze the process. A resolution of this within the year is the current goal, but taking longer, if necessary, is definitely an option. He is committed to finding the best possible structure and bringing faculty who want to into that structure. He doesn't assume that the final plan will have unanimity, but if successful, it should be accomplished without undue strife.

The Provost reported on the many and diverse discussions she has had with potentially affected units over the past year. The Interim Dean, Dennis Hartman, has also been engaging in conversations. It's been difficult to carry on these efforts over the summer months since so many of the faculty are on nine-month positions, but she is confident that discussions over the next few months will clarify what the opportunities are with regard to the College. She emphasized her sensitivity to the need for balance between moving forward with the majority, while honoring the ideas and concerns of the minority.

Wilcock reiterated that the process will be taking a significant step forward within the next few months. There are 100 faculty members in his unit and they would all like to be heard.

The Provost assured him that she agreed with that concern.

9. Nominations and Appointments.
 - a. **Information:** Nominations and appointments adopted by the SEC over the summer. **{Exhibit A}**
 - b. Nominees for Faculty Councils and Committees. **{Exhibit B}**
Action: Approve for Faculty Senate consideration.

Chair Lovell reported that Exhibit A attached to the agenda is the nominations and appointments adopted by the SEC over the summer. He then turned his attention to Exhibit B and asked if there were any additional nominations from the floor. There were none. A motion was made, seconded, and approved to adopt the nominations for Senate consideration.

10. Reports from Councils and Committees. **{Exhibit C}**
 - Faculty Council on University Libraries.
Charles Wilkinson, Chair, Faculty Council on University Libraries.
Action: Approve formation of an *ad hoc* Scholarly Communication Committee.

Lovell explained that the motion attached to agenda as Exhibit C comes from the Faculty Council on University Libraries and the Faculty Council on Research.

A motion was made to approve the formation of an *ad hoc* Scholarly Communication Committee.

Mark Haselkorn, Chair of the Faculty Council on Research (FCR), began by noting that the recommendation should be amended by naming Richard Wright as the FCR member on the Committee.

Charles Wilkinson then reviewed the proposal, point-by-point, as noted in the attachment.

Discussion focused on concerns about the issues raised in the body of the recommendation until Chair Lovell reminded the SEC that the motion on the table was to approve the formation of a committee to address these concerns, not to resolve them at this meeting.

A friendly amendment was accepted that changes the last sentence of the first paragraph as follows:

“... I am requesting the formation of an ad hoc Scholarly Communication Committee to draft a resolution ~~in support of~~ about open access and the faculty author rights, the committee to consist of...”

The motion to approve the *ad hoc* committee (as documented in Exhibit C, attached) was approved with two abstentions and none opposed.

11. Information. There were no items of information.

12. Announcements.

Mark Haselkorn, Chair of FCR, announced that Provost Phyllis Wise had just been elected into the Institute of Medicine – a very high honor. The Council expressed its congratulations to the Provost.

13. Unfinished Business. There was none.

14. New Business.

a. October 23, 2008 Faculty Senate Agenda.

Action: Approve for distribution to Faculty Senators. **{Exhibit D}**

Chair Lovell noted that the order of the Senate agenda has been amended to accommodate State Representative and Speaker of the House Frank Chopp's schedule. Chopp had asked him to solicit and convey to him particular faculty concerns. That will certainly be the budget, but Lovell encouraged SEC members to submit any further concerns or inquiries to him so that he can transmit those to Chopp before the Senate meeting. He noted that Representative Chopp is the second most important policy maker in the State, especially with regard to the budget. This will be an opportunity to convey and demonstrate the University's values and priorities to a very influential legislator. Lovell encouraged SEC members to convey to their fellow Senators the importance of showing up and communicating the importance of higher education at the University of Washington.

A motion to approve the Faculty Senate agenda was made.

JW Harrington requested that item 11.b. be removed, as recruitment deliberations were on-going.

The motion was approved as amended.

b. **Class A Legislation – First Consideration. {Exhibit E}**

Jan Sjøvik, Chair, Faculty Council on Faculty Affairs.

Title: Proposed changes to the Administrative and Conciliatory Proceedings

Action: Decide whether to forward legislation for Faculty Senate consideration.

Lovell then introduced Class A legislation changing the *Faculty Code* that would amend Administrative and Conciliatory Proceedings. He explained the process required for the adoption of Class A legislation and asked for a motion to submit the legislation to the Faculty Senate for consideration. A motion was made.

Jan Sjøvik, Chair of the Faculty Council on Faculty Affairs, addressed the SEC, explaining that this is a draft prepared last year and submitted to the SEC at the end of last Spring quarter. The major changes made by the FCFA were to increase the number of conciliation officers from six to twelve and to anchor the promise of confidentiality made in Section 27.41.D to the Universal Mediation Law, now a part of the Washington State RCW. Other changes of lesser import are shown in the *Rationale* found in the final page of Exhibit E.

He went on to explain that the FCFA includes new members this fall, including a new member from the Law School whose work focuses on mediation and negotiations. This new member has reservations about the draft legislation as it appears on today's agenda. At this morning's FCFA meeting this member presented his concerns to the Council, who in turn asked Sjøvik, as Chair, to request that the SEC return the legislation to the Council for further consideration.

A motion was made, seconded, and approved, to return the legislation to the Faculty Council on Faculty Affairs for further consideration.

c. Class C Resolution. {Exhibit F}

Werner Kaminsky, Chair, Faculty Council on Educational Technology.

Title: Resolution Concerning Live Webcams on UW campuses.

Action: Approve for Faculty Senate Consideration.

Chair Lovell then referred to Exhibit F, a Class C Resolution Concerning Live Webcams on the UW Campuses. A motion was made to submit the resolution to the Faculty Senate for consideration and approval.

Werner Kaminsky, Chair of the Faculty Council on Educational Technology (FCET), began discussion of this resolution by saying that this is a protection – a recommendation on the safe use of webcams through adherence to the seven practices listed under the “resolved” section of the resolution. He then reviewed each of the practices.

To avoid confusion, a friendly amendment was accepted to change the title as follows:

Class C Resolution Concerning Live Webcams on UW Websites on UW Campuses.

Kaminsky reiterated that this resolution does not establish rules, but is only a recommendation of best practices with the intent of promoting caution.

Nevertheless questions and concerns continued to arise: If a faculty member obeys these recommendations, might they still be in violation of some laws or regulations? Has the Council looked into this? Does this guarantee indemnification for faculty using webcams on websites?

For clarification, practice #5 was changed in a friendly amendment as follows:

“Consideration should be given to not identify, on the website, the location of the Webcam...”

In response to another concern the term “best” was stricken from the “be it resolved” clause.

Other issues of legality, the possible institution of training for those who manage websites with webcams, applicable federal and state laws, and privacy issues were discussed.

Finally, a motion to refer this resolution back to the Faculty Council on Educational Technology for further consideration was approved with only one abstention.

- A motion to take both the Class A (Senate Agenda Item 13.a.) and Class C (Senate Agenda Item 13.b.) items off the Senate agenda was approved.

15. Adjournment. The meeting was adjourned at 4:30 p.m.

PREPARED BY: Marcia Killien, Secretary of the Faculty

APPROVED BY: David Lovell, Chair, Faculty Senate

Acting for the Faculty Senate between spring term 2008 and fall term 2008, the following nominees were approved for appointment to University Faculty Councils and Senate Committees.

2008-2011 Faculty Member Appointments to University Faculty Councils and Senate Committees.

Faculty Council on Benefits and Retirement

William Bradford, Group 5, School of Business, for a term September 16, 2008 – September 15, 2011.

Faculty Council on Education Technology

Gerald Seidler, Group 3, Physics, for a term September 16, 2008 – September 15, 2011.

Faculty Council on Faculty Affairs

Alan Kirtley, Group 5, Law, for a term September 16, 2008 – September 15, 2011.

Faculty Council on Research

Susan Spieker, Group 8, Family and Child Nursing, for a term September 16, 2008 – September 15, 2011.

Faculty Council on Student Affairs

Brian Fabien, Group 6, Mechanical Engineer, as Chair, September 16, 2008 – September 15, 2009.

Gabrielle Rocap, Group 3, Oceanography, for a term September 16, 2008 – September 15, 2011.

Faculty Council on Tri-Campus Policy

Zoe Barsness, Group 10, Milgard School of Business, for a term September 16, 2008 – September 15, 2009.

Faculty Council on University Facilities and Services

Janelle Taylor, Group 4, Anthropology, for a term September 16, 2008 – September 15, 2011.

Faculty Council on University Libraries

Joyce Cooper, Group 6, Mechanical Engineering, for a term September 16, 2008 – September 15, 2011.

Adjudication Panel

Lea Vaughn, Group 5, Law, for a term September 16, 2008 – September 15, 2011.

Jose Rios, Group 10, UWT Education, for a term September 16, 2008 – September 15, 2011.

Marcia Killien, Group 8, Nursing, for a term September 16, 2008 – September 15, 2009.

Advisory Committee on Faculty Code and Regulations

Richard Christie, Group 6, Electrical Engineering, for a term September 16, 2008 – September 15, 2011.

Michael Townsend, Group 5, Law, for a term September 16, 2008 – September 15, 2011.

2008-2011 Faculty Member Appointments to University and Senate Committees.

Faculty Council on Education Outreach

William Wells, Group 5, Accounting, for a term beginning September 16, 2008 and ending September 15, 2011.

Faculty Council on Research

Sara Curran, Group 4, Jackson School, for a term beginning September 16, 2008 and ending September 15, 2011.

Apurva Jain, Group 5, Information Systems and Operations Management, for a term beginning September 16, 2008 and ending September 15, 2011.

University Disciplinary Committee

Jane Sullivan, Group 7, Physiology and Biophysics, for a term beginning immediately and ending January 4, 2010. (First day of Winter Quarter 2010.)

2008-2009 Representative Faculty Council Nominations:

Nominate, for Senate appointment, effective immediately, representative *ex-officio* members of Faculty Councils and Committees for terms ending September 15, 2009, with voting rights to be determined by the SEC through the faculty councils:

Professional Staff Organization

<u>Council</u>	<u>Representative</u>	<u>Alternate</u>
Academic Standards-----	Dina Meske	
Benefits and Retirement -----	Karen Russell-----	Anne Doherty Renz
Educational Outreach -----	Lavelle Brown-----	Ethan Allen
Educational Technology -----	Sharon Minton-----	Bayta Maring
Faculty Affairs -----	Robert Corbett-----	Don Berg
Instructional Quality -----	Namura Nkeze	
Multicultural Affairs -----	Bob Roseth-----	Judith Yarro
Research -----	Carol Rhodes -----	Jeanne Small
Student Affairs-----	Carrie Perrin -----	Brooke Miller
Tri-Campus Policy-----	Lynda West -----	Dina Meske, Shelby Fritz
University Facilities & Services-----	Paul Zuchowski -----	Hollye Keister
University Libraries-----	Ellen Barker -----	Jeanette Mills
University Relations-----	Ann Guss -----	Tom Nash
Women in Academia-----	Ann Guss -----	Adelia Yee

Association of Librarians of the University of Washington

<u>Council</u>	<u>Representative</u>
Academic Standards-----	Cynthia Fugate
Benefits and Retirement -----	Charles Chamberlin
Educational Outreach -----	Lauren Ray
Educational Technology -----	Anjanette Young
Faculty Affairs -----	John Vallier
Instructional Quality -----	Deborah Raftus
Multicultural Affairs -----	Harry Murphy
Research -----	Susanne Redalje

Formation of an *ad hoc* Scholarly Communication Committee

The increasing concentration of scholarly journal publishing in the hands of a small number of commercial publishers has resulted in significant concerns in the academic community regarding rapidly escalating costs of online and print journal subscriptions for libraries and individuals and restrictive copyright agreements that limit the rights of authors of scholarly publications to make use of their work. One response to these concerns has been the growth of "open access publishing" in which scholarly publications are made freely available to all users, and the costs of publication are shifted from a "pay to read" to a "pay to publish" model. This move toward open access publishing has also been driven by public and legislative calls for public access to publicly funded research. These issues have led the faculty senates of several major universities to adopt resolutions in favor of the concept of open access and in support of faculty understanding and retention of their rights as authors. The most far-reaching action thus far has been the unanimous vote by the Harvard Faculty of Arts and Sciences to require all faculty members to: 1) grant permission to Harvard to exercise the copyright of their scholarly journal articles, and 2) provide an electronic copy of their articles to be placed in Harvard's freely accessible institutional repository. The University of Washington Faculty Senate has yet to address these issues of scholarly communication directly, although the Office of Research issued a Statement of Position in support of open access in 2007 (<http://www.washington.edu/research/main.php?page=openAccess>). After discussion at meetings of the Faculty Council on University Libraries and the Faculty Council on Research during Spring Quarter of 2007, I am requesting the formation of an ad hoc Scholarly Communication Committee to draft a resolution ~~in support of~~ about open access and faculty author rights, the committee to consist of members of the FCUL, FCR, and Libraries' staff.

The resolution would serve three purposes: 1. to put the UW faculty on record with the faculties of other universities concerning the issue of open access and preservation of authors' rights; 2. to educate faculty members regarding these issues through the process of SEC and Faculty Senate discussion of the resolution; 3. to assess support for and/or resistance to a self-mandated open access policy similar to the Harvard model and, if warranted, begin the process of creating such a policy.

Two tiers of potential activity for the subcommittee are envisioned: the short-term process of drafting a resolution and shepherding it through the Senate, and, if favorable faculty opinion can be generated, a long-term, multi-year process of mandating the deposit of faculty journal articles in a UW open access repository. The latter would necessarily involve coordination with many stakeholders in addition to the SEC and Faculty Senate, including the Libraries and multiple levels of the UW administration.

The proposed members of the Scholarly Communication Committee are:

- Richard Wright, Linguistics, and FCR member
- Mark Haselkorn, Technical Communication, and Chair, FCR
- Charles Wilkinson, Psychiatry and Behavioral Sciences, and Chair, FCUL
- Mark Kot, Applied Mathematics, and FCUL member
- Katherine Thornton, graduate student, Asian Languages and Literature, and GPSS representative to FCUL
- Tim Jewell, Libraries Director of Information Resources, Collections and Scholarly Communication
- Mel DeSart, Head, Engineering Library, and Chair, Scholarly Communication Steering Committee

AGENDA
FACULTY SENATE MEETING
THURSDAY, 23 OCTOBER 2008
Gowen Hall, Room 301, 2:30 p.m.

1. Faculty Senate Orientation – Professor Marcia Killien, Secretary of the Faculty.
2. Call to Order and Approval of Agenda.
3. Introductory Comments – Professor David Lovell, Chair, Faculty Senate.
4. Discussion with Representative and Speaker of the House Frank Chopp, 43rd Legislative District.
5. Report of the President / Opportunity for Questions – President Mark A. Emmert.
6. Report from the Senate Committee on Planning and Budgeting – Professor Dan Luchtel, Committee Chair.
7. Legislative Report – Professor James “JW” Harrington, Faculty Legislative Representative.
8. Summary of Executive Committee Actions and Upcoming Issues and Actions of October 6, 2008.
9. Announcements.
10. Requests for Information.
Senators are encouraged to submit requests for information in writing to the Senate Chair prior to meetings. Responses will be provided by the appropriate persons.
11. Nominations and Appointments.
 - a. **Action:** Approve Nominees for Faculty Councils and Committees.
12. Memorial Resolution.
13. Adjournment.

PREPARED BY: Marcia Killien, Secretary of the Faculty

APPROVED BY: David Lovell, Chair, Faculty Senate

NOTE: If a continuation meeting is necessary, it will be held on Thursday, October 30 at 2:30 p.m. in Gowen 301.

Chapter 27

ADMINISTRATIVE AND CONCILIATORY PROCEEDINGS FOR THE RESOLUTION OF DIFFERENCES

This chapter describes the informal proceedings available for the resolution of differences as described in Section [25-62](#). The proceedings set forth in this chapter are forms of mediation/conciliation that are permissive, not mandatory. A faculty member may instead initiate a request for adjudicative proceedings, keeping in mind the time limits of Section [28-35](#). Should the faculty member choose to engage in administrative and/or conciliatory proceedings prior to seeking adjudication, time limits provided in Section [28-35](#) shall be extended for the period required for completion of such proceedings. Administrative and conciliatory proceedings are always available, with no time limits.

Section 27-31. Administrative Proceedings

The faculty member ~~may~~ is encouraged first to discuss the issue about which he or she is concerned with the appropriate department chair ~~person or equivalent~~ and, if the faculty member so wishes, ~~the academic dean~~ then with another appropriate academic administrator. The matter may be concluded by mutual consent at ~~this~~ any point.

Section 27-41. Conciliatory Proceedings

- A. If the process of resolution by mutual consent under Section [27-31](#) does not take place or fails, the faculty member or the dean may request the assistance of a conciliation officer as a neutral third party by applying to the University Ombudsman for the assignment of a conciliation officer. Conciliatory proceedings aim at resolving problems by informal means without resorting to the more formal adjudicative proceedings provided in [Chapter 28](#).
1. Conciliation officers shall be ~~tenured~~ voting members of the faculty, ~~associate and full professors without tenure for reasons of funding,~~ or emeritus faculty, who are familiar with procedures and opportunities for the resolution of disputes or complaints involving faculty members. During their selection and appointment, the commitment of the University to diversity shall be adhered to.
 2. There shall be not more than ~~six~~ twelve conciliation officers who shall serve three-year ~~staggered~~ terms ~~commencing on September 16.~~
 3. Conciliation officers shall be selected by the President from a list of names ~~equal to twice the number of vacancies,~~ prepared by the Secretary of the Faculty and approved by the Senate Executive Committee. Vacancies for the remainder of unexpired terms shall be filled according to this same procedure. Conciliation officers may be reappointed to successive terms by mutual consent of the President and the Senate Executive Committee.
 4. Any conciliation officer may be removed during his or her term of office by concurrent decision of the President and the Senate Executive Committee.
 5. Conciliation officers shall be attached to the Office of the University Ombudsman but shall be limited in their activity to disagreements arising among faculty members or between individual faculty members and the University administration.
 6. The Ombudsman, who may consult with the other ~~members of the conciliation Board (Section [27-42](#))~~ Officers, shall determine which conciliation officer(s) shall be assigned to a case, and shall inform the Secretary of the Faculty of appointments made. No conciliation officer shall be assigned to a case arising within his or her own school or college in which he or she is perceived by either party to have a conflict of interest.

- B. The assigned conciliation officer is authorized ~~to investigate the matter~~, to examine and collect documents and other information, and to discuss the issues with both all sides with a view to achieving a mutually agreeable resolution. ~~In discussions with the conciliation officers, only the parties may participate. Legal representatives of or any advisors to the parties are excluded from discussions with the conciliation officer.~~
- C. The assigned conciliation officer shall act as an intermediary. Although free to advise and assist the parties to the dispute in analyzing the situation and in crystallizing the issues, the officer does not serve as a representative or counsel for any party.
- D. As a condition to undertaking the conciliation, the conciliation officer will require that the parties enter into a conciliation/mediation agreement as provided by Chapter 7.07 RCW to assure that communications made ~~Statements and information divulged~~ in the course of the conciliatory proceedings are ~~shall be~~ privileged and confidential. ~~They may be shared by the conciliation officer only in the course of consultation with the Ombudsman and the Conciliation Board. They shall not be used for impeachment purposes nor shall they be discoverable or subject to subpoena or disclosed to anyone else, including the Hearing Committee conducting a subsequent adjudicative hearing, or the other parties involved, or in any other adjudicative or judicial proceeding, without the written permission of the individual who divulged the original information. All materials shall be returned to the appropriate parties at the conclusion of the conciliatory proceedings.~~
- E. In attempts to achieve conciliation of differences (~~Section 27-41~~), the conciliation officer assigned to a case shall have the confidential assistance and advice of a Conciliation Board, consisting of the Ombudsman or another conciliation officer identified by the Ombudsman ~~and the other conciliation officers.~~
- FE. Either party may decide to end conciliatory proceedings at any time. Ordinarily, the conciliation effort shall conclude within sixty days of the request for conciliation. The Secretary of the Faculty shall keep the parties informed of these time limits. Upon completion or breaking off of the proceedings, the conciliation officer shall take one of two possible actions:

1. If a voluntary disposition was achieved, its results and terms shall be given in writing to the parties to the conciliation and filed with ~~the Ombudsman and the~~ Secretary of the Faculty.
2. If a voluntary disposition was not achieved, the officer shall notify the parties that the conciliatory proceedings have ended and that adjudicative proceedings may be available, as described in Chapter 28. ~~The faculty member may seek advice from the Ombudsman about these procedures.~~

F. ~~At the termination of a conciliation proceeding, the conciliation officer shall report to the Conciliation Board the general nature of the dispute and whether a mutually agreeable resolution was or was not achieved.~~

~~Section 27-42. Conciliation Board~~

A. ~~In attempts to achieve conciliation of differences (Section 27-41), the conciliation officer assigned to a case shall have the assistance and advice of a Conciliation Board, consisting of the Ombudsman and the other conciliation officers. [Revised and moved to Section 27-41.E]~~

B. ~~The Conciliation Board shall~~

1. ~~advise or assist the conciliation officer, at his or her request, on conciliation efforts in which he or she is engaged; and~~
2. ~~report annually to the President and the Senate Executive Committee as to observed patterns of disputes which have occurred, together with any recommendations to be studied by the appropriate Faculty Council for legislative consideration.~~

S-A 73, May 24, 1985; S-A 78, December 14, 1988: both with Presidential approval.

Rationale:

Early in the tenure of the current Secretary of the Faculty, Professor Gerry Philipsen, it was noted that little use had recently been made of the proceedings for the resolution of differences described in Chapter 27 of the University Handbook. As part of an attempt to bring these proceedings back into use, Professor Philipsen gave the FCFA a list of suggested changes, most of which were fairly minor. As the FCFA discussed the matter, however, it seemed desirable to further revise Chapter 27 so as to increase its effectiveness.

The most important changes are as follows:

1. Section 27-41.D (the confidentiality clause), which currently contains promises that it would be difficult for the University to keep, has in the proposal been anchored in the Uniform Mediation Law, which became part of the RCW as of 1 January 2006.
2. It was felt that the Conciliation Board is unnecessary and just adds another administrative layer to a process that should be as nimble and uncomplicated as possible. Individual Conciliation Officers will still be able to receive peer assistance—a function previously assigned to the Conciliation Board—and the necessary reporting functions currently assigned to the Conciliation Board are in effect already handled by the Ombudsman.
3. We have followed Professor Philipsen's suggestion and are proposing that the maximum number of conciliation officers should be increased from 6 to 12.

Class C Resolution Concerning Live Webcams on UW Campuses.

WHEREAS, the University of Washington encourages the use of educational technology to benefit teaching and learning; and

WHEREAS, educational technology includes websites published on the internet showing output from digital cameras in regular intervals or on request (Webcams); and

WHEREAS, digital cameras can help students to see research environments, experimental settings, equipment, buildings, specialists at work, or lectures in real time, and

WHEREAS, additional information given on such websites will enhance the learning experience; and

WHEREAS, published recommendations could assist in helping to prevent inappropriate use of cameras when connected with the internet (such as people being seen on the internet without their consent, unwelcome interactions initiated at people seen on the internet, or restricted equipment and locations being seen publicly and worldwide), and

WHEREAS, the individuals running UW-Webcams could become subject of retaliations or complaints; therefore

BE IT RESOLVED, that the following best practices should be readily available to UW faculty, staff, and students:

1. The content seen through the camera should be beneficial to the mission of the University of Washington to serve education and research.
2. The content seen on a webpage must not be restricted by Federal Export Control laws (restricted technology).
3. If the UW-Webcam is capable of identifying individual persons, either a sign should notify of its existence or those individuals should be asked for their consent to be seen (if no consent is given, the location of the camera should be revised accordingly).
4. Records Retention laws must be considered if UW-Webcam images are recorded.
5. Consideration should be given to not identifying the location of the Webcam to reduce the chances of unwelcome visitors.
6. Help in establishing a Webcam might be found with unit Webmasters or at help@cac.washington.edu.
7. A link to the webmaster responsible for the website should be included on the UW-Webcam website.

*Submitted by:
Faculty Council on Educational Technology
Werner Kaminsky, Chair*