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**MINUTES of AAUP & Faculty Forward meeting**

**1 March 2022, 11:30 am to 1:00 pm**

Three priorities in the current AAUP strategic plan:

1.     the escalating division of insecure academic labor

2.     reductions and restructuring of public funding and budgeting processes

3.     the increasingly hostile environment affecting students and faculty

Our mantra is “refuse austerity.”

#### Via zoom <https://washington.zoom.us/j/93610086550> or One tap mobile

#### +12063379723,,93610086550# (Seattle)

**Present:** Eva Cherniavsky (president), Abraham Flaxman (VP), Amy Hagopian (Secretary), Diane Morrison (treasurer), Jay Johnson, Ann Mescher, Rachel Chapman, Rob Wood (30 minutes in).

#### **Missing**: Nora Kenworthy, Aaron Katz, Louisa Mackenzie, Duane Storti, Annie Nguyen (membership secretary), Charlie Collins, Jim Gregory

Agenda

1.     Announcements and updates

a.      Brief report on 2/23 Organizing Committee meeting.

b.     Updates on full professor performance evaluation process – what next?

Provost’s proposal for evaluating full professors is still tabled, no updates available.

2.     Discussion of our UW’s decision to terminate the Israeli Studies Program in response to donor pressure.  This seems like a cut and dried AAUP issue; how do we respond? For details, please see the statement/petition:

<https://docs.google.com/forms/d/e/1FAIpQLSe0kFYoGibEuKd1m9FmFxlDtyEMiwxoCxW2n-GHIyXguAx28g/viewform>

**Minutes**

We’re in conversation with Liora Halperin, the chair of the Israel Studies Program, and have drafted an open letter to Ana Mari Cauce, see appendix. We’ve also drafted a Freedom of Information Act request for related information.

We note a donor was allowed to interfere in University decisions on program organization and personnel evaluation. We ask for a reconsideration, based on the Faculty Code and basic academic principles. We are in effect appealing the decisions, which violate the Code.

Apparently the UW is going to argue that its moves were a way of protecting Professor Halperin from donor interference. But the donor is not supposed to be able to impose political litmus tests for its donation.

The UW should not have returned the endowment. It was a gift. And it shouldn’t be engaging in donor relationships that demand ideological purity on the part of faculty employed through these endowments. We discussed counter-examples, for example the endowment being negotiated with the Sam Dubal family, that has different ideological priorities.

UW released a five-paragraph statement yesterday. <https://www.washington.edu/news/2022/02/28/uw-statement-on-recent-gift-return-status-of-israel-studies-program/>

We are particularly concerned about why was the donor permitted to ask for meetings with the ideological group, Stand With Us, or otherwise permitted to voice her political differences.

This endowment was constituted in a particular way. Nothing about the terms were violated. (If a progressive group wanted to make an endowment, for example, terms should be written that are legal and communicate intent.) There’s an ongoing relationship with Becky Benaroya and her rich friends, and the UW protected its relationship with them at the expense of faculty. That’s what’s wrong with donor-driven program development. The same is true for Gates.

This money should probably never have been accepted in the first place, and came about after the donor was angry about a Simpson Center activity called “[Palestine and the Public Sphere](https://simpsoncenter.org/projects/palestine-and-public-sphere).”

A consultative process with faculty would avoid these problems. Some faculty view the UW as its administration, Ann pointed out, and some view the faculty as the UW.

Those on all sides of the Israel issue should be able to agree about the role of donors in dictating UW policy.

We agreed to send the open letter to President Cauce on our list server, and

3.     Agenda item: AAUP input on conduct/grievance legislation:  In the wake of follow-up conversations to our 2/2 EB meeting between Rachel and Mike Townsend, Mike has now asked Rachel and AAUP to develop a description of a restorative justice process through which both the proposed new conduct and grievance legislation might be reframed.  Rachel will summarize in further detail her conversation with Mike.  She also will draw from the report she prepared for UW Medicine to produce a draft of this restorative justice reframing for discussion.

Review the [recommendations of the Faculty Senate’s disciplinary task force](https://www.washington.edu/faculty/senate/faculty-disciplinary-task-force/)

A copy of the current draft of the proposed legislation to revise Chapter 27 of the Faculty Code can be viewed below. This draft may be revised by the Drafting Committee at any time with the expectation that a final version of the legislation will be brought forward to the legislative process in March 2022.

[Proposed Chapter 27: Alternative Dispute Resolution and Faculty Grievances (with commentary)](https://uw-s3-cdn.s3.us-west-2.amazonaws.com/wp-content/uploads/sites/71/2020/02/19151804/21-10-18-v.-21.0-ADR-and-Grievances-for-FCFA.pdf)

[Proposed Chapter 27: Alternative Dispute Resolution and Faculty Grievances (without commentary)](https://uw-s3-cdn.s3.us-west-2.amazonaws.com/wp-content/uploads/sites/71/2020/02/29095951/21-10-18-v.-21.0-ADR-and-Grievances-w-out-commentary.pdf)

Discussion: Rachel met with Mike Townsend after his last meeting with us, where we pointed out the shortcomings of both the process and outcome of the revised disciplinary code language. Rachel shared her/our concerns about the punitive nature of the disciplinary section of the Code. He was remarkably open to the conversation about how Code language signals that faculty need to be controlled through the disciplinary policy. She proposed a method to comb through the code to reframe and insert abundant resources for exhaustive processes for restorative justice rather than starting with a punitive framework. Bad actors of course can happen, people with ill intent or who are harmful, but the punitive methods we’re using now are unlikely to reform them. The task force was looking at punishment.

Mike promised he would give a vague report to the Senate, that will result in stalling the progress of the current highly flawed revisions of the Code. He wants to add a competing visual using a “competing” Amanda diagram.

A small group is needed to advance Rachel’s ideas, see appendix below.

Eva asked everyone to look at Rachel’s language to see if we generally agree. If there’s agreement, a few of us will sit down next week with Amanda Taylor to create a presentation about what’s needed, to share with the task force (March 11?). Rachel will inform us of the time constraints.

SEE APPENDICES BELOW.

**Appendix #1**

March 1, 2022

Dear President Cauce,

Not quite a week ago, several of us on the UW-AAUP Executive Board were astonished to receive a barrage of email from colleagues at other institutions across the U.S. These messages expressed concern and dismay at the news that UW had returned to the donor, Becky Benaroya, the endowment that, since 2016, has supported the UW’s Israel Studies Program. As a result, the program’s director, Liora Halperin, was stripped of her chaired position and the program itself was essentially stripped of funding.

We believe [chapter 26 of the Faculty Code](https://www.washington.edu/admin/rules/policies/FCG/FCCH26.html) requires that appropriate faculty governance bodies review any decision to eliminate or reorganize a program. It is our understanding that representatives of the organization Stand with Us Israel (a political advocacy group with no ties to or standing within the university) *were involved* in the discussion of the decision to return to the endowment, and even invited into negotiations about the matter. However, it would appear that faculty governance bodies *were not* consulted.

***Moreover, the facts of the case raise serious concerns about the violation of Professor Halperin’s academic freedom and, indeed, of the crucial principle that academic programs are not beholden to the ideological positions of university donors.***

Here are the facts as we understand them: In 2016, Seattle philanthropist Becky Benaroya donated five million dollars to the UW to create an Israel Studies Program that would be housed within the UW’s already highly reputed Stroum Center for Jewish Studies. The UW provided a 2.5 million dollar match. This endowment supported the creation of the Jack and Rebecca Benaroya endowed chair in Israel Studies, to which Professor Halperin was recruited in 2017, and provided funds for vibrant public programming. In addition, endowment revenue was used to hire a part-time staff person, provide graduate student support, create a post-doctoral position, and support the training of undergraduate students in Hebrew.

In May 2021 Professor Halperin (as well as several other faculty at UW), signed a letter along with several hundred Jewish Studies and Israel Studies scholars nation-wide, condemning the renewed Israeli bombardment of Gaza, the evictions of Palestinians from their homes in East Jerusalem, and other ongoing acts of state violence. The content of this public letter did not accord with Ms. Benaroya’s views and, as a result, Professor Halperin was summoned to a series of meetings to discuss the direction of the program. Reporting in the publication [Jewish Telegraphic Agency](https://www.jta.org/2022/02/24/united-states/israel-studies-endowment-revoked-over-professors-israel-criticism-at-university-of-washington) suggests that the donor was also unhappy with the use of the term “Israel/Palestine” in course descriptions and other program materials – a term (and a concept) widely employed within scholarly work on modern Israel.

It bears emphasis that nothing in the terms of the endowment stipulated that the program (or its faculty) were committed to the support of Israeli state policy – and of course, the endowment agreement could not legally have done so. As the JTA article notes, “the endowment language instructs the program ‘to promote the study of Israel through multiple disciplinary perspectives’ and ‘to integrate the study of Israel into a global context, highlighting the comparative and international relevance of Israel in the Middle East and beyond.’” The program unquestionably met this mandate – indeed, no one would seem to be disputing this point. ***Inasmuch as the terms of the agreement were met, we can see no grounds for the donor’s intervention in the Israel Studies curriculum, its programming, or in Professor Halperin’s statements of conscience on Israeli state policy,*** and we are simply astounded and alarmed that Professor Halperin would have been summoned to what amount to disciplinary meetings with the donor’s ideological partner (Stand With Us).

***Still more alarming is what ensued – an event that to the best of our knowledge is without precedent at this institution:*** Although the terms of the endowment had been honored and, in fact, under Professor Halperin’s able and innovative direction, the Israel Studies program had flourished, you made the decision, on behalf of the UW, to return the endowment to the donor without a concomitant agreement to make the program whole with institutional or other donor resources.

The effect of this decision is plainly punitive: Professor Halperin loses her chair and (after a period of three years) will lose her research funding; the funding for the Israel studies program is gutted and while it may perhaps continue to exist on paper, in the absence of actual resources, the students it supported financially and the faculty it supported intellectually are arbitrarily stripped of what the program afforded, and indeed stripped of the confidence in a collaborative endeavor that accrues when one knows that resources are not contingent from year to year. In this context, it is especially disturbing to hear that the return of the endowment has been described to Professor Halperin as an effort to *protect* her from outside interference in her work. Had the UW opted to fund the program by other means, such a rationale might have some credibility. ***But something is seriously amiss at the UW if we are now “protecting” donor-supported researchers and programs by defunding them.***

In an [open letter](file:///C:\Users\mac\Library\Containers\com.apple.mail\Data\Library\Mail%20Downloads\937E3186-3A2D-4451-9492-B7689CE198FC\open%20letterhttps:\docs.google.com\forms\d\e\1FAIpQLSe0kFYoGibEuKd1m9FmFxlDtyEMiwxoCxW2n-GHIyXguAx28g\viewform) in support of Professor Halperin now accumulating signatures from faculty across the country, the authors write:

***The right to free expression is the foundation of the modern university. But the actions of the University of Washington administration in response to donor discontent over the letter Prof. Halperin signed marks a dangerous capitulation and violation of that bedrock principle.*** Ideas generated within the academy—and by academics outside of the university--may break with received patterns of thought. That kind of iconoclasm is not to be discouraged or penalized; it is a key part of the advancement of knowledge for the betterment of society.

We can hardly put the case better than that. In this context, then, we write to request an explanation.

1. *As all terms of the endowment were met, we ask on what grounds was this wholly exceptional decision made to return the endowment?*
2. *Why were outside political and ideological organizations invited into the conversations?*
3. *Once the decision was made to return the endowment, was the UW concerned to honor the commitments made to Professor Halperin, to the students in the program, and to the program’s other constituents and therefore to support their work by other means? And if so, why have these commitments not been honored?*
4. *Was there any consultation with appropriate faculty governance bodies in this decision to effectively terminate a program?*

We acknowledge the increasingly bold and intrusive power of donors in the era of insufficient public support for higher education. Nonetheless, this decision will undoubtedly prove highly damaging to the University of Washington’s academic reputation, marking us an institution where ideologically-driven donors can first create academic units to suit their interests, and then withdraw funding from such units when the faculty fail to jump to their demands. This was a highly ill-advised set of decisions, and the AAUP urges an immediate review and reconsideration of the entire matter.

Respectfully,

The UW-AAUP Executive Board

**Appendix #2**

AAUP memo DRAFT

UW Public Records and Open Meetings

4311 11th Ave NE  
Suite 360 Box 354997  
Seattle, WA 98105

28 February 2022

Dear Public Disclosure Officer,

Pursuant to the Public Records Act (RCW 42.56), the University of Washington chapter of the American Association of University Professors requests public records concerning all information related to the decision to return an endowment from the prominent Benaroya Family to the donor, and terminate the UW’s Israel Studies Program, which it had established in 2017.

We request information from all UW-affiliated administrators, staff and faculty who were involved in the discussions about this matter. We request the following:

1. Information related to the original endowment and its terms, including documents and correspondence related to the motives for establishing the program (we understand it was related to the Simpson Center decision to establish a small grant for “Palestine and the Public Sphere”), the amounts of money negotiated, the requirements established by the donor, the monitoring and reporting requirements, and related matters. This should include email, memos and formal documents.
2. All correspondence and minutes of meetings since May 1, 2021,with the Benaroya Family about its past and future donations to the UW for any program or purpose. This should include email, memos and formal documents.
3. A list of donations that the Benaroya family made to the University of Washington, at any time and for any program or purpose, including the sum and purpose of the donation.
4. All correspondence and minutes of meetings with the organization, Stand with Us Israel or its affiliates and representatives since 2010. This should include email, memos and formal documents.
5. Any documentation of Professor Liora Halperin’s terms of employment in relation to the Benaroya grant, and her role as chair of the Israel Studies Program, including email, memos and formal documents.
6. Any correspondence concerning the Benaroya Family’s concerns about the position of Professor Halperin in relation to Israel’s bombing of Gaza in 2021. This should include email, memos and formal documents.

Please do not hesitate to contact us if you have clarifying questions about any part of this request.

Regards,

**Appendix #3 UW statement on the Benaroya gift**

February 28, 2022

# UW statement on recent gift return, status of Israel Studies program

[Victor Balta](https://www.washington.edu/news/author/victor-balta/)

UW News

“University of Washington Professor Liora Halperin, supported by the Benaroya endowment, expressed views in a statement that were not shared by the donor, Becky Benaroya. Our mission as a university demands that our scholars have the freedom to pursue their scholarship where it leads them and to freely express their views as academics and as individuals. After several months of good faith conversations between University and Stroum Center leadership, Prof. Halperin and the donor, Mrs. Benaroya requested that her gift be returned, and it was determined that returning the gift was the best path forward.

“Mrs. Benaroya initially asked to amend the endowment agreement in several ways, including to prohibit the holder from making political statements or signing agreements seen as hostile to Israel. The UW would not agree to these amendments. Further good-faith discussions did not lead to a resolution. The return of the original $5 million gift was, in the UW’s view, the best way to protect academic freedom, to make clear that endowment agreements cannot limit academic freedom in any way, and to maintain the program free from external influence and pressure to adopt any specific positions.

“The original Benaroya endowment had grown to nearly $11 million through accrued interest, university matching funds of $2.5 million and other investments that were not returned. Following the return of the $5 million gift, nearly $6 million for Israel studies remains in an endowment. Distributions from this new endowment will continue to support Prof. Halperin’s new endowed chair, along with additional funds to provide benefits equal to what Prof. Halperin received as the Benaroya chair.

“The Benaroya endowed chair was dissolved as part of the return of the gift; however, again, Prof. Halperin will be the holder of a new endowed chair in Jewish Studies created with the funds that remain in a new endowment. This chair will have the same salary and research benefits as her previous endowed chair. Prof. Halperin’s tenured professorship is in place and fully supported. The implication in the claim that ‘the university stripped Halperin of her chair position and halted programming related to Israel studies’ is thus not accurate.

“Furthermore, the Israel Studies program, with Prof. Halperin as its chair, continues as a program within the Stroum Center with dedicated funds allocated to support students, faculty research, language instructions and public programs. This has been made possible through additional investments from the University, and the Stroum Center for Jewish Studies. The Stroum Center, the College of Arts and Sciences and the University are committed to these critical areas and will continue to develop the short-term and long-term path to sustain and continue to build the Israel studies program. The University is committed to supporting Israel Studies, including through additional community fundraising.”

— Victor Balta, UW Spokesperson

**Appendix #4 Proposed comment on the UW Faculty Disciplinary Taskforce**

**Re-historicizing the Background**

The current draft of the UW Faculty Disciplinary Taskforce omits from its background a set of events critical to fully understanding the current faculty code revision process. Under the guise of “house-keeping” UW administrators including the President tampered with and changed the faculty code (and, thus, state law) without the official shared government structures, including the SEC and Senate involvement, in ways that curtailed processes for faculty to challenge allegations of misconduct and pursue grievances. This act was censured by the full Faculty Senate, which rejected the changes and eventually authorized, through [Class C Resolution](https://uw-s3-cdn.s3.us-west-2.amazonaws.com/wp-content/uploads/sites/71/2020/02/20163619/classc_601_withmodels.pdf) (**Concerning faculty disciplinary and dispute resolution processes**. Result: Received Faculty Senate Approval on May 14, 2020), a faculty-led revision process to review and improve the faculty code procedures outlining the options for faculty recourse in the cases of faculty grievances, allegations of misconduct and interpersonal conflict.

**Uprooting Hierarchies of Harm and Punishment**

The Task Force has worked hard to achieve five key objectives: 1) separate the faculty grievance process from the faculty misconduct process and establish separate kinds of sanctions and structures; 2) clarify transitions between procedural steps and stages of each protocol; 3) outline clear structures and actions within each protocol; 4) identify decision-makers at each stage of each protocol; and 5) create mechanisms to engage in continuous improvement of processes and policies while implementing the protocol outlined in the faculty code. Through feedback and evaluation of outcomes for consistency and fairness.

On careful review, the AAUP executive Committee finds embedded at the heart of both the original and revised chapters of the Faculty Code, six core contradictions that undermine these objectives, and prevent minimal changes to the language from truly addressing and protecting faculty from future harm and restoring affinity when it has been broken by conflict and unaddressed grievances. Rather, we assert that a complete reframing of the endeavor is needed, a reframing which will facilitate addressing, undoing and even preventing some of the harm built into the current vision itself.

1. Throughout the Code, the definitions of “University rules and regulations”, and definitions of “faculty misconduct”, “wrong-doing” and “seriousness” of both, are vague, subjective or absent altogether, yet these concepts are assumed to have shared meaning across all actors, and to be accurately used, especially by administrators, to initiate, implement and escalate processes of evaluation and sanction. This makes any evaluation or assessment of allegations, or pursuit of sanctions for allegations that conduct has broken university rules or regulations (25-51), is “repeated or escalating” or, “as alleged, negatively impacts the work or academic environment (28-56A 71-21: 871-1) inconsistent, capricious at best, regardless of intentions. This context leaves the process open for weaponization by those with power over others as a form of harm and retaliation.
2. Meanwhile, the list of “grievances” that faculty can bring forward regarding harmful treatment by administrative policies, and the actions and inactions of non-faculty administrative actors are very prescriptive and narrowly defined from administrative and management perspectives, and not open to reflect faculty experience or autonomy to define harm. The protocol for controlling faculty grievance options does not make adequate space for addressing harm to faculty by faculty administrators or adequately address the frequency with which Unit faculty administrators are a source of faculty harm.
3. While what is labeled “faculty conduct”-related procedures has been separated by faculty code chapter from faculty grievance processes, interpersonal conflict between faculty is embedded within the grievance process, thus, undermining the case for the objective of separating the conduct and grievance cycles which are explicitly linked when either kind of complaint of harm involve faculty who are administrators.

The overarching umbrella of faculty safety and harm, whichever direction it is being alleged, is the umbrella under which misconduct, grievances and interpersonal conflict all fall. This supports the case we make for creating a new overarching framework to hold these related and often overlapping processes and through which to imagine a restorative and transformative justice approach to all breaches of safety and experiences of harm related to faculty at UW.

1. Despite the existence of “faculty panels”, and the role of Conciliators and Conciliator Boards in “University Alternative Dispute Resolution Resources” (27-42 D), both ultimately serve at the behest of the administration who can assign and remove conciliators without any clear set of reasons or faculty or conciliator recourse. Administrative decision-makers continue to wield decision-making power in and control over most, and especially major sanctioning stages of both processes.
2. There is a missing, critical first stage before any informal or formal processes are engendered by an allegation of harm or conflict, that leads immediately to a restorative and transformative process to evaluate the nature of the allegations, which themselves may be a mechanism and site of harm to faculty. Instead, Unit Level review processes, the level where a large percentage of faculty claims and counter claims of harm are part of each protocol, are currently the first step of dealing making reports and allegations, and may be the site of conflict and harm. Therefore, the Unit, whether department, program or Dean’s level may need to recuse themselves in the presence of other resources for establishing the legitimacy of any allegation. Another step for reporting harm and reviewing allegations must be available to all faculty,
3. The current “grievance” and “conduct” processes facilitate and focus on the escalation of imposing sanction in the case of misconduct procedures, while they facilitate and focus escalation of avoiding sanction of the institution and its administrators for harm they perpetrate on faculty.

In the current moment of reckoning with, analysis and critique of the US prison industrial complex and carceral injustice system, we are called to build new systems of community safety for the survival and thriving of all people, based on “radical freedom, mutual accountability, and passionate reciprocity” instead of dehumanization, isolation, punishment and disposability. In order to achieve this goal, it is crucial to challenge not only existing, but new and emerging forms of domination, discipline and escalation of punishment, and to take up new tools and approaches that center de-escalation, reconciliation, restoration, reparation and transformation.

**Reframing for Processes Faculty Equity and Justice**

The following framework institutionalizes an equity-based framework of restorative and transformative justice for addressing faculty conflict and harm. This framework is centered on creating and sustaining an environment at UW that is racially, gender, class and disability accessible, equitable, just, safe and welcoming for all faculty in all their endeavors, including research, teaching, learning and service. It acknowledges as foundational that claims and experiences of, and responses to conflict and harm emerge in historically patterned ways. These patterns are perpetuated by new and longstanding institutional practices of social hierarchy and affect members of a community in uneven and inequitable ways.

Therefore, this approach seeks to address the structural and systemic issues underlying faculty conflict and harm that arise in relationships and communities at UW with a commitment to transforming them - Transformative Justice (TJ). A Transformative Justice approach to conflict and harm necessitates committing to the institutionalization of expert resources and to the exhaustive pursuit of restorative justice for those who experience harm, cause harm, and the communities affected by the identified harm and conflict. Restorative Justice (RJ) is a term that includes a broad range of approaches, activities and applications, but all of which have at the core, commitment to bringing together those who have been harmed with those who have done harm in the presence of community members affected by the conflict and committed to accountability, to see if there can be a mutual process of accountability, reconciliation, restoration and reparation, but minimally accountability and reparation, even when reconciliation and restoration are elusive.

Through truth-telling and listening to understand and contextualize, restorative justice sessions can: 1) surface remorse, empathy, responsibility, accountability as well as the structures of inequity that condition them; 2) enable interactions that tend to the wounds of the wounded and begin healing processes for what can be healed; 3) inspire imaginative proposals for restoration of what has been lost and repair for what has been damaged; and 4) whenever possible, facilitate wounded and wounders working together to build bridges that create conditions to prevent future harm.

This last step in the work that seeks to transform conditions that led to conflict and harm and co-create means for equity, dignity, justice and collective action, rather than restoring oppressive inequitable conditions to what they were before the harm, is what is increasingly called Transformative Justice (TJ).

**Growing Affinity**

Given the above framing considerations, we suggest that besides embedding the two protocols for addressing faculty harm in a restorative, transformative justice orientated approach to harm and conflict, we also shift language throughout the faculty code in consistent ways to reflect this new orientation. This will help structure into the policies the reframing of the processes. Below are the kinds of systemic changes a reframing can help structure and integrate.

1. In every place that there is the assumption that sanctions are the only options, there should be a primary step that assumes the potential for restorative and transformative justice leading to community accountability through reconciliation, restoration, reparation and transformation (RRRT).
2. All steps and processes that outline escalation of sanctions and formalization of punishment and isolation of faculty (including written warnings) must have the concrete mandate to option RRRT and de-escalation to all parties.

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