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**MINUTES of AAUP & Faculty Forward meeting**

**4 April 2022, 2pm to 3:30 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), Aaron Katz, Rob Wood, Ann Mescher, Rachel Chapman, Annie Nguyen (membership secretary), Louisa Mackenzie, Jay Johnson,Nora Kenworthy

#### **Missing**: Diane Morrison (treasurer), Duane Storti, Charlie Collins, Jim Gregory

**Minutes**

1.     **Announcements and updates**

a.   AAUP banner is now in Eva’s hands

b. Brief report on Eva’s conversation with Med School faculty member (David Dichek) who is the target of a 25-71 process, the usual UW admin bad behavior is in progress. Amy reported Dolphine Oda, faculty in the Dental School, is suing the UW for discrimination.

Rachel noted the current 25-71 rules are likely not legal, per law school faculty.

d.      Brief check-in: how hybrid teaching (and improvised student accommodation) has been going? How might we want to weigh in around workload escalation issues?

Is the university open? Conversation follows:

We are told we don’t have to teach hybrid, but students expect us to (and will file teaching evaluations accordingly). So many of us are teaching hybrid. What about intellectual property? Is there compensation for developing all this new hybrid material? At Western it’s part of their faculty collective bargaining agreement.

On south campus, everything is locked down (all exterior doors are locked), there are no food services, and staff don’t come to work. All decisions are centralized, yet weirdly outsourced to local unit leaders.

Shall we do a survey? The Center for Teaching and Learning could help us with this, perhaps, Louisa suggested. This could show the extent of the “workplace abuse,” and we could use the information in argumentation around the need for a union contract.

Abie suggested we go bigger. We are being exploited for our dedication to our students. The survey should investigate how current policy is limiting student success. What does it mean for research if we double the teaching load? Rob suggested we collect stories.

Jay asked about the role of the new variant in driving policy. Are we going to pretend it’s just not there? What are the uncertainties and risk assessment?

1. Discussion of **Faculty Regent Bill**

Amy’s summary of changes to the existing Board of Regents bill:

      Governor appoints a faculty member to the board of regents at the research universities (UW and WSU, presumably), with the approval of the State Senate.

      Governor will choose a faculty member from a list of 2-5 candidates provided by the Faculty Senate

      Board of Regents expands from 10 to 11 with the addition of a full-time or emeritus faculty member six members is a quorum)

      Faculty member shall hold a 6-year term

      Faculty member may not vote on hiring, discipline or tenure of specific faculty members

 There is no treatment of how the faculty member, if they are working full time as faculty, would cover the cost of their time.

FEC is considering how to nominate candidates. It plans a May 9 meeting on this (to advance names?). Who would be the ideal faculty profile? Emeritus status has its limitations. The UW needs to provide course release. AAUP should draft a process or counter proposal to the Senate’s scheme.

Crucial questions remain unanswered. How should we continue to press these questions? We would like to build consensus on qualifications and a job description. Who’s in charge? Chris Laws? Always the question at UW. Rob will launch a conversation on the list server. What do we want? People who aren’t afraid of the corporate class on the board now. People with board experience. People committed to represent the faculty’s interests, recognizing that the faculty ARE the university. People actively engaged in the core activities of faculty work: teaching, research, practice/service. People who can figure out who to do this big job in their spare time.

We acknowledge others on the Board of Regents are there because of their power, prestige and connections; so it’s an odd milieu for a faculty member. Finding someone who can manage to do this without compensation implies they won’t fit the other criteria.

1. Debrief on return of the **Benaroya Israel Studies endowment**: While UW has back-pedaled, created a new chair for Professor Halperin, and secured funding for the program, this case has spotlighted the problem of private research (and program) funding.

Abie noted Paul Burstein’s post on the listserver claimed the issue was the UW took money and then didn’t deliver on the expectation for that money. Abie takes exception, this was about free speech, about whether professors are allowed to express opinions on topics the donors disagree with.

There was no official response to AAUP’s letter to administration. (President Cauce sent a private message to Eva, and offered to meet with us; that is not an appropriate response.) Did the History Dept get an official response? We didn’t get a response to our public records act request either. We could post a simple note to the list server noting we never received a response to our concerns, there are core principles still at issue. Actually, people probably still don’t know the current status of the case.

Nora suggested one way to shut down off-line communication is to reply that we will consider these responses public and publish them on the list server.

We could suggest to the AAUP rep that it’s Liora Halperin who deserves the Marilyn Sternberg award. https://www.aaup.org/biennial-meeting/awards/marilyn-sternberg-award

1. UW-AAUP proposal re: Faculty Conduct/Grievance Legislation. The revised UW-AAUP proposal, which Rachel presented to Mike Townsend’s taskforce just before the break, is in Appendix 1, below. <https://docs.google.com/forms/d/e/1FAIpQLSe0kFYoGibEuKd1m9FmFxlDtyEMiwxoCxW2n-GHIyXguAx28g/viewform>

The issue was supposed to come to the full Senate, but has been put on hold because the President believes it revokes her power too much, and is costly. Others think it needs work, too. On hold till fall. The current policy is illegal, and yet there’s little sense of urgency since no one has sued.

Rachel met with Mike Townsend and was persuasive in convincing him the process and proposed new policy was problematic.

Reframing to separate grievance and conduct. AAUP proposed adding a transformative justice strand, and moving away from the punitive/carceral approach. Escalation ends in punishment. The task force agrees a reframing would be useful to aim abundant resources at restorative justice. The committee wants to keep the Code they’ve written. The UW president can veto any decisions, still; that should outrage people.

The committee is open to a Class C resolution to say the framing should be changed, to push back on the harsh carceral language. A draft would need to be ready by Friday 4/15. Would the task force advance this resolution, or would it come from AAUP?

Rachel is meeting tomorrow morning with Mike and Amanda, who does the diagrams for the task force’s descriptions of what the policy does.

To do: Write a Class C Resolution that can gather support from the leaders of the relevant councils. The Whereases can address why the current grievance policy is terrible. The Therefores need to protect faculty autonomy, removing presidential veto power. We are not throwing out everything that was done before. Everyone should agree the “too expensive” argument is bogus. The first lawsuit on this will prove that so. Here’s our drafting space:

<https://docs.google.com/document/d/1rHg5lTTKcHytddrYrf8JHvj4DVwCGIwqz6oBrvpkGNg/edit>

**Appendix #1**

**(DRAFT)**

**Uprooting Hierarchies of Harm and Punishment to Face Systemic Conflict:**

**A Restorative, Transformative Framework for Faculty Equity and Justice**

*The UW’s chapter of the American Association of University Professors upholds the core value that change can occur only when there is deep commitment from all stakeholders to community accountability.\**

**\*What is Community Accountability?**

[(Transformative Justice Kollective Berlin)](https://www.transformativejustice.eu/en/what-are-ca-and-tj/)

**UW AAUP Executive Board commentary on the proposed revisions to the UW’s Faculty Code on faculty discipline and grievance policies**

**March 11, 2022**

**Rehistoricizing the Background**

The current draft of the UW Faculty Disciplinary Taskforce neglects to mention events critical to fully understanding a key motivator for the faculty code revision process now underway. Under the guise of “house-keeping,” UW administrators, including the President, improperly tampered with the UW Faculty Code (and, thus, state law) without involving official shared government structures, including the SEC and the full Senate. These revisions curtailed processes for faculty to challenge allegations of misconduct and pursue grievances. This act was censured by the full Faculty Senate, which passed a (nonbinding) [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) rejecting the changes (***Concerning faculty disciplinary and dispute resolution processes*, passed** May 14, 2020). This led to a faculty-led process to recommend comprehensive revisions to the faculty code in relation to faculty grievances, allegations of misconduct and interpersonal conflict.

**Uprooting Hierarchies of Harm and Punishment**

The *Faculty Disciplinary Task Force* has worked diligently for nearly two years 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 mechanisms of feedback and evaluation of outcomes for consistency and fairness.

On careful review, the AAUP Executive Board finds embedded at the heart of both the original and revised chapters of the Faculty Code, six core contradictions that undermine Senate objectives, and prevent proposed changes from truly protecting faculty from present or 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 title of the task force and the current approach 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 sites and actors, and to be accurately and evenly deployed, especially by administrators, to initiate, implement and escalate processes of evaluation and sanction. This makes inconsistent and capricious any evaluation or assessment of allegations, or pursuit of sanctions for allegations, for conduct that 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). We believe the proposed (and existing) language risks the perpetuation of deep structural and institutional inequities along all axes of devalued difference, regardless of intentions.

This vacuum of clarity leaves the process open for weaponization by those with power over others as a form of control, harm and retaliation based on the consolidation and production of domination, pleasure in some cases, community, prestige, self-worth and self-promotion through control and punishment.

1. 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, is very prescriptive and narrowly defined. The language throughout the proposed changes is biased towards administrative and management perspectives, and is not open to 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 professional staff administrators or Unit faculty administrators (such as department chairs) who are also a source of harm to faculty.

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1. While what is labeled "faculty-conduct-" related procedures has now been separated from "faculty grievance processes," this separation tends to overlook the interconnections between them: after all, an important category of grievance involves faculty who have been wrongly and harmfully charged with "misconduct" by faculty administrators abusing their power.

The overarching umbrella of faculty safety and harm, moving in whichever direction it is being alleged, is the umbrella under which misconduct, grievances and interpersonal conflict all fall. We call for a new, overarching framework to hold these related and often overlapping processes. Through such a framework we can imagine a restorative and transformative justice approach to all breaches of safety, loss of affinity and experiences of harm and conflict 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 counterclaims of harm/conflict are part of each protocol, are currently the first step of dealing with making reports and allegations, processes which may, themselves, be the site of faculty conflict and harm. Therefore, the Unit, whether department, program or Dean’s level, may need to recuse themselves or be removed in the presence of other resources for establishing the legitimacy of any allegation of harm/conflict/grievance. Another step for reporting 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. Simultaneously, both processes facilitate and focus escalation of avoiding sanction of the institution and its administrators for harm they perpetrate on faculty. This observation can be widened to include the orientation of the current UCIRO and Ombud’s Office towards protection of administrative interests at the expense of faculty, and whose ultimate objectives seem to be geared to avoidance of legal suit against the institutional and not faculty protection, restoration, reconciliation, repair or transformation in the face of and aftermath of institutional and interpersonal harm and conflict.

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. This system must be 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. At this moment, by revisioning the Faculty Code we have such an opportunity.

**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 of academic freedom that is race, 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 or impossible.

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 oriented approach to harm and conflict, we must also shift language throughout the faculty code in consistent ways to reflect this new orientation. Such revisions are needed to help align the structure and content of the Faculty Code policies with the overall reframing of the processes. Below are the kinds of systemic changes needed to realign, restructure and integrate the values and practical implications of the new framework into the Faculty Code..

1. In every place where there is an assumption that sanctions are the only option, there should be a preliminary 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 offer RRRT and de-escalation to all parties.
3. All processes that end with decision-making power in the hands of administration that may itself be the source of conflict and harm to faculty must be revised to allow for true shared governance between faculty and administration. In this context, shared governance means implementation of restorative, transformative justice pathways where faculty and administration participate on equal terms and in which both faculty and administration are held accountable.
4. All steps and processes that outline escalation of sanctions and formalization of punishment and isolation of faculty (including written warnings) must have the formal mandate to option RRRT and de-escalation to all parties first until exhausted before any escalation or punishment.
5. Prevent processes where administrative decision-makers or offices who are the source of faculty harm and conflict retain decision-making power or have the capacity to protect other administrative decision-makers who have caused harm or conflict.

All processes that begin or end with decision-making power in the hands of administration that may itself be the source of conflict and harm to faculty must be revised to allow for true shared governance between faculty and administration, and for implementation of an equally shared accountability process for assessing and addressing harm and conflict through restorative, transformative justice pathways in which both faculty and administrative actors (faculty or non-faculty) are held accountable to center faculty self-determination and accountability to the collective good,

1. All instances of administrative acts that de facto create further harm to any faculty pursuing a claim or claims of harm must be removed and revised to be an opportunity for exhaustive for restorative and transformative justice leading to community accountability through reconciliation, restoration, reparation and transformation (RRRT).
2. Upend administrative domination and violence masquerading as administrative responsibility substitute steps in the process that override faculty autonomy with administrative decision-making power with processes that require mutual accountability.

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