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**WEB MINUTES of AAUP Executive Board meeting**

**2/14/2024 9 to 10:30**

We work to advance the power of faculty at UW to protect the public goods of higher education and academic freedom;

Our mantra is “refuse austerity.”

#### https://washington.zoom.us/j/93610086550 or One tap mobile +12063379723,,93610086550# (Seattle)

#### Board member attendance (all zoom): Eva Cherniavsky (president), Abie Flaxman (VP), Diane Morrison (treasurer), Amy Hagopian (Secretary), Jay Johnson, Ann Mescher, Rachel Chapman Jim Gregory

#### Guests: JF; Note Malori Musselman, national AAUP, has been assigned to another campaign in another state for the time being. She says, “Please leave me on the listserv and exec email lists.”

#### Absent: Nora Kenworthy (on leave for rest of year from our board), Louisa Mackenzie (on leave), Annie Nguyen, Rob Wood, Duane Storti (we miss you!) Charlie Collins

Our next meeting is March 6, 9 am; forum 3/8 at 3:30 – all on zoom

***MINUTES***

 Agenda:

I.     Announcements and Updates

II.       Planning for meeting with Serio: We have been asked for agenda and list of attendees.

[NB:  Provost referenced reading [Canceling of the American Mind](https://www.simonandschuster.com/books/The-Canceling-of-the-American-Mind/Greg-Lukianoff/9781668019146) and finding it thought-provoking.]

III.     Review spring quarter plans/priorities

IV.    Potential new board members:  whom should we invite to run?

1. **Announcement and Updates**

Jack Johnson, JD, PhD at Whitman College (former lawyer, now in Poli Sci) called Eva, he saw an ACLU communication to the US Dept of Education about efforts to equate anti-Zionism with anti-semitism. He wondered of we’d like to co-author a one-page statement to the Wa Congressional delegation on why that’s a bad idea. We agreed to work with him on that.

Ben Wirth, PhD, a part-time lecturer in English, is updating and rearranging our website. YAY! (He should run for the board, maybe!)

Amy reported on an uproar in the iSchool, per professor Hans Jochen Scholl, see appendix 1.

Faculty Senate and departmental statements

AMC is obsessed with the Students for Justice in Palestine (SUPER) sit-in sequala. We learned that Nora is concerned there is legislation coming (either from AMC or through acquiesce by the Senate). She wants a statement restricting what departments can say in statements, to go through channels. Curiously, with an “All viewpoints are welcome here” tagline. Nora is the lone voice on the SEC to push back.

Abie was at the Faculty Senate meeting where this discussion took place, and many Senators/toadies seemed to welcome restrictions. She wants whatever statements to indicate the level of support for the statement (unanimous/divided/vote tally). Nick Steinmetz (Department of Biological Structure) seemed to be on the right track. AMC seems to be pursuing a Class C resolution, but it’s more likely to be a joint statement. Oddly, it seems okay to issue statements on Black Lives Matter (as deans of Schools of Health Sciences did), but not Ceasefire. Can Senate tell the Deans what they can and can’t do?

National AAUP is monitoring cumulative restrictions on student gatherings and faculty statements around the country. Diane proposed we stake a strategic advantage by having a post on the list server about all this before AMC issues her ruling/proposal. We all agreed.

Rachel proposed we ask the Faculty Council on Race, Equity and Justice to be out front on this. Rania, who chairs that, hasn’t spoken up so far. Rachel will reach out to Rania on this.

We have an “academic freedom” standing committee, formed last summer at our retreat, and we’ll involve them in formulating the response (Jay and Abie and Eva). Eva will draft a response to what we think is coming.

# Pertinent information:

# NY Times: [**https://www.nytimes.com/2024/01/24/nyregion/barnard-college-free-speech-restrictions-israel-hamas-war.html?smid=nytcore-ios-share&referringSource=articleShare**](https://urldefense.com/v3/__https:/www.nytimes.com/2024/01/24/nyregion/barnard-college-free-speech-restrictions-israel-hamas-war.html?smid=nytcore-ios-share&referringSource=articleShare__;!!K-Hz7m0Vt54!hy0UrbcLQQka_563RQJ5LXZ4almoq7T0o-FT5GcDiTg54ZmRMEjXmDRrRdVLcfU-KDqNG6Hrvf1yYce8wS2aDSo$)

Inside Higher Ed:

<https://www.insidehighered.com/news/2022/12/15/when-and-how-departments-should-make-political-statements>

University of Illinois at Urbana-Champaign’s Academic Senate approved guidelines that included: “Departments as such should avoid statements on what we call here ‘external’ matters (state, national, or international policy matters),” the guidelines say. Any such declarations, where deemed necessary, should instead be signed by specific professors. Those in the department with dissenting views should be able to express them in the same forum, the guidance also says.

AAUP has a web page on academic freedom and departmental speech <https://www.aaup.org/article/academic-freedom-and-departmental-speech>

How is collective faculty identity is distinct from individual faculty rights?

Is AAUP organizing a response across the country?

Any updates on the Wa State Executive Ethics Board cases against a couple of our board members? None.

List server

Richard Cordova’s post on the list server (see Appendix 3) was helpful, thanks to Abie for prompting him.

Cliff Mass has a new set of talking points, calling out James Pfeiffer personally. It seems his messaging has shifted, perhaps he’s getting new guidance. We agreed we should no longer approve messages that target specific faculty in the subject line.

**II.                   Planning** for meeting with Serio: We have been asked for agenda and list of attendees.

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Here’s our agenda with Serio: 1) UW AAUP chapter history and priorities  (state of the faculty report -salary, workload, administrative bloat and power-Eva; academic freedom at this time of contentious views, resulting in attacks on higher ed-Abie or Amy; faculty discipline-Rachel & Diane)

2) Provost’s priorities (what is she working to improve?), especially in relation to shared governance; how will you be an antidote to your predecessor? He acted very unilaterally and didn’t answer our email.

3) What are Serio’s views on shared governance, and how shall we communicate going forward? How can we collaborate (she’s sensitive to being told what to do)?

Likely attendance: Eva, Amy, Diane, Jim (although he’s out of town), Abie (double-booked, though), Jay, Ann, maybe Nora Kenworthy

1. Review spring quarter plans/priorities
2. Rachel proposed Class C protocol, we all agreed to support Rachel’s submission to SEC
3. We agreed to paying artists for flyer designs from our $7500 grant from AAUP national-we agreed to let grant administrators Rachel, Abie and Nora decide; there was no dissent.
4. Potential new board members:  whom should we invite to run?

III. Here are the names in our list of potential nominees for board membership (add departments) 1. Janelle Hawes, UWT social work/criminal justice faculty,

2. Gordon Barnes (UWT), he’s on OC; https://www.tacoma.uw.edu/news/new-faculty-uw-tacoma-2022-23

3. Katie Baird, UWT economist (writes op-eds), married to Dave Corbett, the atty who represented Steve Schwartz, https://www.kebaird.com

4. Jason Daniel Ullola, HS Pop, <https://hspop.uw.edu/about/faculty/member/?faculty_id=Daniel-Ulloa_Jason>

5. Menaka Abraham (ask Nora), <https://directory.tacoma.uw.edu/employee/mmuppa>

6. Leslie Gascon,  Collection & Research Services Librarian of the University of Washington (UW) Health Sciences Library (HSL).

7. Charity Urbanski, senator, History <https://history.washington.edu/people/charity-urbanski>

8. Arbella Bet-Shlimon, History, <https://history.washington.edu/people/arbella-bet-shlimon> (Dolphine Oda’s daughter)

9. Nathalie Williams, sociology, https://soc.washington.edu/people/nathalie-williams

10. Justin Jesty, https://asian.washington.edu/people/justin-jesty

11. Peter H Byers [pbyers@uw.edu](mailto:pbyers@uw.edu), Medicine, <https://www.uwmedicine.org/bios/peter-byers>

12. Christophe L M J Verlinde [verlinde@uw.edu](mailto:verlinde@uw.edu), emeritus, <https://sites.uw.edu/biochemistry/faculty/christophe-verlinde/>

13. Marshall S Horwitz [horwitz@uw.edu](mailto:horwitz@uw.edu), <https://dlmp.uw.edu/faculty/horwitz>, who dug up the retirement account problems

14. romich@uw.edu Jennie Romich, social work, https://socialwork.uw.edu/faculty/professors/jennifer-romich

15. Linh Nguyen, American Ethnic Studies, https://aes.washington.edu/people/linh-thuy-nguyen

16. Melissa Martinson, social work, https://socialwork.uw.edu/faculty/professors/melissa-l-martinson

17. Dan Raftery, anesthesiology, https://sites.uw.edu/mmcslu/faculty/daniel-raftery-phd/

**Retreat to do list, keeping track**

Amy & Eva are tracking it. See here: <https://docs.google.com/document/d/1g2ePJJFNDF9nJ7yJJyoLCT3qsKPon6AE/edit>

Outstanding items from our Retreat to do list:

1. Invite Alexes Harris to work with us in her capacity as faculty Regent rep
2. AAUP swag production
3. Get new faculty lists to invite to join AAUP
4. Submit the Schedule C resolution on faculty discipline/disputes
5. Assemble names of prospective new AAUP board members for spring elections

**Appendix 1 – iSchool drama**

It looks like panels for four comprehensive adjudications are set up this week. One case is pending due to the uniqueness of the contract, which appears to be in part outside of the UW Faculty Code.

Below you find a “media brief,” which we have crafted.

Up to now, we are confident that we can win all four adjudication cases.

However, we are also preparing for the possibility that we do not prevail, in which case this will go the courts with certainty.

At one point in time, we would also begin to inform various media outlets. We are looking for a person who is willing to serve as our contact, which preserves our anonymity for the time being, and, in particular, if the adjudications are still ongoing.

However, if we get under the impression during the adjudication that this was going South, we would then distribute the media brief below.

Thank you for considering to be our contact and initial media go-in-between.

Looking forward to hearing back from you.

Cheers,

Jochen

Media Brief  (Not for public consumption until further notice)

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***Is UW Facing Yet Another Serious Discrimination Case?***

Only last December a King County jury hit the University of Washington with a $16m damage verdict for discrimination against five Black police officers. Now the next discrimination case, this time about age discrimination, appears to be looming.

A group of four professors, aged between 50 and 74, all at the university's Information School, have filed UW-internal petitions under the UW Faculty Code requesting adjudication to protect them against unfair treatment, biased performance evaluations, harassment by a supervisor, salary discrimination, and age discrimination. Another professor, age 77, at the same UW school is preparing a lawsuit along similar lines.

The professors, two of whom are female and three male, have been with the university for decades with the exception of one female who is with UW for nine years and happens to be a North American Tribe member.

How well professors perform is measured by research productivity and teaching effectiveness but even more so by impact on a field and by international reputation.

High performance in higher education manifests itself through tenure and promotion initially to the rank of associate professor. Further promotion to the rank of full professor happens only in cases of exceptional performance over many years.

What makes this case a stunner is the fact that of the five academics fighting against supervisor harassment and age discrimination three are tenured full professors and one associate professor. Before this backdrop, how the supervisor arrived at assessing the Five as "non-meritorious” is wondrous and appears to also trouble the UW administration.

Annual evaluations of "meritorious" regularly lead to salary increases of 2 to 3 percent to adjust for inflation, nothing more, nothing less meaning job done, period. More than an estimated 99 percent of UW faculty receive this annual rating. Not only is a "no-merit" assessment of, particularly, senior faculty extremely rare. But at a minimum it rather requires a significant and persistent dereliction of duties. Once found non-meritorious a professor immediately faces a salary freeze and the loss of monetary funds and other support.

Equally, if not more, important, however, is the reputational damage inflicted on these individuals in a profession that heavily relies on internal and external peer reviewing for quality control.

While the four UW-internal adjudication cases are still pending, the last thing that the UW can afford at this moment is another external jury verdict and damage charges for continued employee discrimination and harassment.

Does UW have a general discrimination problem? And, if so, what needs to happen to stop it?

For more information contact

Firstname Lastname

[name@email.com](mailto:name@email.com)

phone (206) 333-3333

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**Appendix 2-statements and academic freedom**

Note:

From: Ana Mari Cauce <cauce@uw.edu>

Sent: Friday, February 9, 2024 10:38 AM

To: Abraham D Flaxman <abie@uw.edu>

Subject: FYI

I’ve added the statement below in a section called About My Blog which is where I put all my statements.

The idea is to encourage free speech.

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The University of Washington is a community of tens of thousands of students, scholars and staff who have a range of views on the topics and issues discussed in this blog. We welcome open dialogue as part of our University’s commitment to free inquiry and academic freedom.

**Appendix 3, Cordova statement on the list server**

On Feb 2, 2024, at 5:09 PM, Richard Cordova <rcordova@uw.edu> wrote:

Dear Faculty,

I was asked by the AAUP Leadership team to address a number of questions regarding “Use of State Resources” related to activities on the List Server over the past few weeks in response to the January 18, 2024 post “Faculty Letter to Northwest Senators regarding Gaza”.  I will not be addressing the subject of the post/letter, but the basic content of the post, the links in the post and my interpretation of how the post would be viewed by the WA State Ethics Board, if forwarded to them for review.

My role here at the University of Washington is as the Executive Director of Internal Audit; however, I also serve in the role of the University’s “Designated Ethics Advisor”.  Each state agency must designate a point person to serve as a resource for employees as it relates to the WA State Ethics Act.

The role of Designated Ethics Advisor means that I interact regularly with the Executive Director of the WA State Executive Ethics Board (EEB); review proposed changes to the WA State Ethics Act and assist in the University’s response to the legislature; provide the EEB with UW policies related to the Ethics Act; respond on behalf of the University to inquiries of University personnel by the EEB; and finally am required to provide the EEB with University documents when requested by their investigation staff.  As such I have become familiar with the law and the nuance within which the EEB applies the law.

In this case, how might the EEB looks at the AAUP List Server post titled “Faculty Letter to Northwest Senators regarding Gaza”?  My thoughts are as follows:

1. The EEB would take a look at the post and evaluate it against the relevant sections of RCW 42.52 – most likely sections .160 and .180 – Use of state resources for private gain or Use of state resources for political campaigns.
2. The EEB would look at the purpose of the AAUP List Server and any University policies around it’s use.
3. The EEB would ask for confirmation that the University agreed to provide the AAUP with a communication channel (a UW resource) to support the effective communication to and between members of this faculty group on information needed to be shared with the group related to University business, operations, issues or concerns, etc.  This process led to creation of the List Server in its current configuration.
4. The EEB would ask to confirm how the list server is managed and how it is governed.  In the past we have provided the EEB with links to the AAUP website which provides this information.  See those guidelines at [AAUP Listserver](http://depts.washington.edu/uwaaup/wordpress/listserver/).
5. The EEB would then review the post based on the above and the potential complaint that it was a violation of the “Use of State Resources” sections of the Act.

After reviewing this information and the post, I believe they would conclude something along the following:

1. The post violated neither section .160 or .180 of the WA State Ethics Act.
   1. The evaluation would consider the following:

                                                               i.      the post was related to a Faculty Issue or Concern – which is the stated purpose for the listserver use – “Faculty Issue or Concern” can have a very broad interpretation;

                                                             ii.      the post did not request Faculty violate any State laws – specifically the WA State Ethics Act – there is no legislation or candidate being directly supported by the letter;

                                                           iii.      the post stated a Faculty concern from of a number of Faculty and then requested readers of the AAUP listserver to sign a google docs letter which stated that a position in the letter was one’s personal opinion and did not represent nor purport to represent the position of the University from which the Faculty was employed, and

                                                           iv.      the post did not request Faculty to donate money to an organization via the link in the post – this final step could lead to a conclusion that the communication was to directly or indirectly support an outside organization (section .160).

Finally, I recommended to the members of the UW AAUP Board – that when moderating content on the listserver, I would expect that whether or not a potential post is created by a Board Member, a Board Member who is currently tasked with moderation, or any other Faculty/AAUP reader; that all potential posts be reviewed and evaluated for adherence to the policies elaborated on the website.  It is always best to be consistent in application of policies irrespective of who may wish to post, to eliminate the potential for someone to assert inappropriate favoritism or editorial slant.

Hope this is a helpful clarification versus the WA State Ethics Act provisions related to “Use of State Resources”.  If you have any questions on any aspect of the WA State Ethics Act, I am always happy to respond to specific inquiries related to specific situations.

Regards,

Richard Cordova

Richard N Cordova

Executive Director, UW Internal Audit

pronouns: *he/him*

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