



Department Faculty Meeting
Friday, May 6, 2022, 3:30-5:00pm
Location: Zoom, <https://washington.zoom.us/j/96244333095>

Minutes Draft 2022.05.31

I. **Call to Order**

II. **Vote:** Approval of Minutes (April) (*standing item*; Hamm) 3:30-3:35

Faculty member requests amendment to minutes. Minutes are passed as amended by unanimous consent.

III. **Update:** Brief Announcements (*standing item*; Hamm) 3:35-3:45

1. Korean Movie Night, May 12, 5-7 pm, Gowen Hall 301

Faculty Member: On May 12th 5-7pm. Purpose is to promote Korean program. Gowen 301.

Faculty member: Seattle x Southeast Asia film festival (SEA x SEA) organized by Southeast Asia Center, May 2-15. Can catch them online. Has been involved in curating. They had a literary panel yesterday and will have another one next Friday. All events are free.

<https://jsis.washington.edu/seac/seaxsea-filmfest/2022-edition/>

2. Markus Lecture, Monday, May 9

3. Convocation, Friday, June 10

Invitations have gone out. Award recipients have been selected.

4. Retirement books

Available in the main office. Please sign them for our two colleagues who are retiring.

5. Merit review reports due May 9, meetings May 13 and 27

No clarity on exactly what money will be available. State legislature has approved 3.25% but the University has not yet determined how it will be distributed. Only full professors need to attend the second meeting on the 27th.

6. Teaching in Autumn 2022

Remarks from Zev: expects to be issuing Covid-related hybrid teaching guidance on or about Sept. 1. For now faculty should plan for in-person teaching, or whatever mode they usually teach. Things are expected to be back to normal in fall. Will want to have a discussion about hybrid teaching going forward. There are no university-level guidelines about hybrid teaching. Department has the freedom to set policy on hybrid teaching. We might be able to start discussions about this at our next faculty meeting; hopefully can continue discussions in fall.

7. Summer.

Will look over current enrollments next week and dept. will begin to decide which courses are viable or not. Please circulate advertisements to students in your current courses.

8. Personnel updates

Search for Teaching Professor in Chinese proceeding.

Search for Teaching Professor in Korean proceeding. Final word on this depends on money coming from Ctr for Korean Studies in summer.

Chris will be out of town May 16-May 20. Heekyoung will serve as acting chair over that period.

Update on Bill Boltz. We previously resolved to revoke Boltz's emeritus status. Deans are gathering information on steps to take to make this happen. They are looking for ways to respond to the resolution but no final word yet.

IV. **Update, discussion, vote:** Humanities data search (Hamm) *3:45-3:55*

Chair: Provost has approved an assistant professor in digital humanities, specializing in non-anglophone research. This is the second divisional hire in digital humanities. The process involves having each dept vote on whether they want to be involved in the search. If we decide to be involved, the chair would be responsible for suggesting people to appoint to the hiring committee. The committee will be appointed by the divisional dean, composed of people from departments who have expressed interest in the position. Also, if the person eventually hired fits with in our department, we would be asked/expected to host the person.

Faculty member: Can we review the advantages/disadvantages?

Chair: If we are involved we get a voice in the process and potentially we would have a new faculty member working in the digital humanities. Not aware of downsides.

Faculty member: Does it have implications for other prioritized hires?

Chair: The official answer is “no” - it doesn’t affect the other hiring priorities. But there is always doubt about whether it might.

Faculty member: Historically there has been resistance in the department to this kind of opportunity. The idea being that it will interfere with our priorities. But in the end our priorities have not really been fulfilled (like a Tibetanist, for example). Thinks there isn’t really a downside.

Motion to vote, with second.

Motion text: Do you approve that the Department of Asian Languages and Literature participate in the Humanities Division search for an Assistant Professor position in Non-Angolophone Data Science and Humanities? 20 Y / 2 N / 2 A

Do you delegate authority to the department chair to work with other Humanities division chairs and divisional dean to appoint a search committee? 21 Y / 2 N / 1 A

V. **Update:** Ad hoc committee on communications (Bhowmik) *3:55-4:05*

Faculty member: Have been meeting as committee. On the question on mandatoriness, committee has discussed the guidelines. In discussions to date, have concluded that they will propose a set of guidelines, but not more than guidelines. Committee is not making decisions about whether the guidelines will be binding. That discussion will be taken up at the faculty meeting. Currently conducting revisions. Concerns have been raised about guidelines being an infringement on academic freedom: have heard those concerns and have discussed them. The guidelines are intended to address the method of communication, not content, which can include dissent.

Faculty member: Concerned not only on infringement on faculty freedom. Has concerns about how the process has been put together. Shares documents [attached below]. Fundamental principle established in state law is that the faculty and president are in charge of running the university. This is the basis for shared governance at the university. From 13-31 A-3 of the faculty code. Individuals - even the chair - do not have the authority to make decisions about governance by themselves. That is the legal basis for shared governance, and the process that has led to the forming of this committee has not followed it. Chapter 24-33 on academic freedom is where it’s most likely to conflict with the faculty code. Federal court case decided in the 9th circuit. Professor at WSU sued WSU for retaliation when they were discussing reorganization of the journalism school and the

court sided with the professor. The opinion indicated that the court makes a distinction between university faculty and typical state employees. Thinks the proposed guidelines are a bad precedent for our department and the way they were put together is problematic.

Faculty member: Feels that ad-hoc committees are created all the time. What is special about this?

Faculty member: We form ad-hoc committees for personnel all the time. But this is about faculty communication. But we weren't allowed to participate in the decision.

Faculty member: Feels that the entire process is abusive. Feels personally attacked by the process. Shares other faculty member's concerns for the legality of the process. Points out that faculty communications was never discussed in the department prior to the chair's announcement of this committee. In the initial announcement, the chair gave a one-day deadline for faculty to volunteer to participate. Faculty member says they volunteered and were not selected; have never gotten satisfactory explanation for why not selected. Shares that they had an email altercation with the Chair over DEI issues in relation to endowment spending approx. two weeks before the committee was announced. The department recently received an endowment to support students studying Japanese and the DEI-related intent of the grant was important to the donor. When the faculty member criticized the chair for failing to live up to the obligations of the grant, the Chair criticized the faculty member's tone. The faculty member replied that the chair should not be tone policing. This kind of discussion needs to be taking place in our department: we should not be considering rules that silence or cow faculty members to keep quiet. Faculty member believes the entire project is a committee-washed attempt to retaliate against them. Feels alienated from the department. No longer a place where they feel welcome or able to pursue their work according to own values. The initiative is a disgrace to the department and a low point.

Chair: Understands that it is important that procedures be followed. As interim chair, feels that his role is to shepherd the process that Chair has set in motion. Dean doesn't feel he has authority to make decisions on department-level faculty governance, but his opinion was that there doesn't seem to be a procedural problem. But he is not the final word - just his opinion. There is a university-level committee, the Advisory Committee on Faculty Code and Regulations (code cops) that may be able to review the matter.

VI. **Update, discussion:** UEC (Jesty) *4:05-4:15*

Will be reaching out to people who submitted new course and new program proposals to undergrad. ed. committee this year. Interested in their experience of the process. In particular, interested in their experience in subsequent rounds of review. Would like to know if people received basically same points, over and over at successive levels of review process. If that turns out

to be the case would like to reconsider the utility of the UEC's involvement in review. If information gathered merits it, will make presentation at final faculty meeting in June.

VII. Update, discussion: Withered courses (A. Ohta) *4:15-4:25*

We don't have a lot of graduate courses compared to undergraduate courses. Has started linking foreign language teaching methods course for grad students and undergrads together: 344 and 544. The course content is slightly different and the graduate students have their own group. 5 grad students in 544: more than what would be possible if handled informally. Has been successful in increasing graduate student learning opportunities. Plans to this with other 300-level undergraduate course too. Is happy to consult or collaborate if any other faculty are interested in trying it—please get in touch.

VIII. Discussion: Merit review procedures (Jesty) *4:25-4:40*

Postponed to future date.

IX. Adjournment to Personnel Meeting *4:40*

Attendees: Ahmad, Atkins, Bahrawi, Bhowmik, Cao, Cho, Dubrow, Fowler, Hamm, Iwata, Jesty, Kim, Lu, Mack, Marino, Matsuda-Kiami, Nguyen, Nishikawa, Ohta, A., Ohta, K., Pauwels, Sandjaja, Van Scoyoc, Takeda, Turner, Wang, Won, Yoon, Yu



RCW 28B.20.200

Faculty—Composition—General powers.

The faculty of the University of Washington shall consist of the president of the university and the professors and the said faculty shall have charge of the immediate government of the institution under such rules as may be prescribed by the board of regents.

[**1969 ex.s. c 223 § 28B.20.200**. Prior: 1909 c 97 p 241 § 6; RRS § 4558; prior: **1897 c 118 § 187**. Formerly RCW **28.77.120**.]

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Faculty Code and Governance

University Faculty

Chapter 13

The University Faculty

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Section 13-01 Statutory Provisions Relating to the Faculty

[For the text of statutory provisions relating to the faculty and its powers see RCW [28B.20.020](#), [28B.20.130](#)(2) and (5), and [28B.20.200](#); and other statutes in Chapters [28B.10](#) and [28B.20](#) RCW.]

Section 13-20 General Policy

A university is a community of scholars contributing, each according to his or her own talents and interests, to the transmission and advancement of knowledge. Because of its diversity of interests a university is a complex organization, not quite like any other in its management, which requires the understanding and good faith of people dedicated to a common purpose. A university administration must seek wisely and diligently to advance the common effort, and the strength of a university is greatest when its faculty and administration join for the advancement of common objectives. Much of the faculty-administration relationship has been established through long experience, and has the weight and good sense of academic form and tradition. But the terms of this relationship are essentially those of spirit, mutual respect, and good faith, and thus must be flexible to meet changing needs. Some of the traditions of the University of Washington are given expression in the pages that follow. Yet these and other common understandings have meaning only to the extent that they reflect the integrity and faith of administration and faculty in the day by day accomplishment of

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their joint effort.

Carl Allendoerfer
 Alfred Harsch
 William S. Hopkins
 Brent Stirling
 E. Roscoe Wilcox, *on behalf of the faculty*

Henry Schmitz, *President, on behalf of the administration*

[Undated: About April 16, 1956]

Section 13-21 Authorization for the Faculty to Share in the Formulation of Rules

[This section was entitled "Delegation of Rule-Making Powers to the Faculty" in 1956, 1964, 1969. See Executive Order [No. II](#), Authorization for the Faculty to Share in the Formulation of Rules.]

Section 13-22 Organization of the Faculty

[See Executive Order [No. III](#), Organization of the Faculty.]

Section 13-23 Legislative Authority of the Faculty

[See Executive Order [No. IV](#), Legislative Authority of the Faculty.]

Section 13-24 Faculty Authority Concerning Appointment, Promotion, and Tenure

[See Executive Order [No. V](#), Faculty Authority Concerning Appointment, Promotion, and Tenure.]

Section 13-31 Organization of the Faculty and the Allocation of Powers and Duties

By authority derived from statutes of the state, from resolutions of the Board of Regents, and from executive orders of the President, the University faculty:

- A. Enacts Sections -31 to -99 in each Chapter of the *Faculty Code* and thereby:
 1. Establishes its own organization as set forth in [Chapter 21](#);
 2. Establishes the Faculty Senate and Senate Executive Committee as its legislative and executive agency operative under the powers and duties set forth in [Chapter 22](#);
 3. **Confers upon the chancellors, deans, and faculties of the**

independently organized campuses, colleges, and schools, and the departments thereof, the powers and duties set forth in [Chapter 23](#), and authorizes the faculty in each of these to effect its own organization and to delegate to committees, councils, or departments such of its powers and duties as it deems appropriate;

4. Establishes the rules and procedures governing faculty appointment and promotion which are set forth in [Chapter 24](#);
 5. Establishes rules and procedures governing faculty tenure which are set forth in [Chapter 25](#);
 6. Authorizes the Faculty Senate to initiate amendment of the *Faculty Code* in the manner set forth in [Chapter 29](#).
- B.** Establishes standing committees of the University faculty, and defines the powers and duties of each as set forth in Part IV of this *Faculty Handbook*, (now included as the [Faculty Councils, Committees, and Representatives](#) Section of the *Faculty Code and Governance*), and vests in the Faculty Senate authority to establish or abolish standing or other committees of the faculty, and to define or redefine their powers and duties;
- C.** Establishes the rules which are set forth in Parts V and VI of this *Faculty Handbook*.*

S-A 20, April 16, 1956; S-A 50, January 22, 1976; S-A 115, June 15, 2007: all with Presidential approval.

*In 1956, with conformity to state statutes and with approval of the Board of Regents and the President, the then *Faculty Handbook* underwent a major revision, the format of which has been the base for all later sectional revisions and additions. Section 13-31 was the "enacting clause [to] establish all provisions of the new *Handbook* which are subject to faculty approval," passage of which through Class A legislation (S-A 20) brought the entire revision into being as Volume One, Parts I-IV of the *Handbook* on April 16, 1956. Section 13-31.C, which referred to Faculty Regulations and University Regulations, was never implemented as the proposed Parts V and VI, but was approximated in Volume Two of the *Handbook* (Volume Four of the 1972 and later editions.) In 2010, this chapter, along with the *Faculty Code*, the Senate By-Laws, and the section on Faculty Councils, Committees, and Representatives was retitled the *Faculty Code and Governance*. Other materials previously part of Volume Two of the *University Handbook* were Executive Orders and Administrative Orders of the President and were moved to the *Presidential Orders* resource.

For related information, see:

- Executive Order [No. II](#), "Authorization for the Faculty to Share in the Formulation of Rules"
- Executive Order [No. III](#), "Organization of the Faculty"
- Executive Order [No. IV](#), "Legislative Authority of the Faculty"
- Executive Order [No. V](#), "Faculty Authority Concerning Appointment, Promotion, and Tenure"

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Faculty Code and Governance

Faculty Code

Chapter 24

Appointment and Promotion of Faculty Members

Section 24-33 A Statement of Principle: Academic Freedom and Responsibility

Section 24-31 General Appointment Policy

The principal functions of a university are to preserve, to increase, and to transmit knowledge. Its chief instrument for performing these functions is its faculty, and its success in doing so depends largely on the quality of its faculty. The policy of this University should be to enlist and retain distinguished faculty members with outstanding qualifications.

Section 13-31, April 16, 1956 with Presidential approval.

Section 24-32 Scholarly and Professional Qualifications of Faculty Members

The University faculty is committed to the full range of academic responsibilities: scholarship and research, teaching, and service. Individual faculty will, in the ordinary course of their development, determine the weight of these various commitments, and adjust them from time to time during their careers, in response to their individual, professional development and the changing needs of their profession, their programs, departments, schools and colleges, and the University. Such versatility and flexibility are hallmarks of respected institutions of higher education because they are conducive to establishing and maintaining the excellence of a university and to fulfilling the educational and social role of the institution. All candidates for initial faculty appointment to the ranks and/or titles listed in Chapter 21, [Section 21-32.A](#)

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recruitment, retention, and mentoring of scholars and students in an effort to promote diversity and equal opportunity. Both types of service make an important contribution and should be included in the individual faculty profile.

- F.** Competence in professional service to the University and the public should be considered in judging a faculty member's qualifications, but except in unusual circumstances skill in instruction and research should be deemed of greater importance.

Section 13-31, April 16, 1956; S-A 58, May 16, 1978; S-A 64, May 29, 1981; S-A 71, February 5, 1985; S-A 75, April 6, 1987; S-A 86, December 8, 1992; S-A 99, July 9, 1999; S-A 125, June 11, 2012: all with Presidential approval; RC, October 27, 2017; S-A 143, June 22, 2018; S-A 153, April 22, 2021: both with Presidential approval.

Section 24-33 A Statement of Principle: Academic Freedom and Responsibility

Academic freedom is the freedom to discuss all relevant matters in teaching, to explore all avenues of scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to shared governance and the general welfare of the University.

Faculty members have the right to academic freedom and the right to examine and communicate ideas by any lawful means even should such activities generate hostility or pressure against the faculty member or the University. Their exercise of constitutionally protected freedom of association, assembly, and expression, including participation in political activities, does not constitute a violation of duties to the University, to their profession, or to students and may not result in disciplinary action or adverse merit evaluation.

A faculty member's academic responsibility requires the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

Membership in the academic community imposes on students, faculty members, administrators, and regents an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways that injure individuals and damage institutional facilities or disrupt the classes of one's instructors or colleagues. Speakers on campus must not only be protected from violence, but also be given an opportunity to be heard. Those who seek to call

attention to grievances must not do so in ways that clearly and significantly impede the functions of the University.

Students and faculty are entitled to an atmosphere conducive to learning and to evenhanded treatment in all aspects of the instructor-student relationship. Faculty members may not refuse to enroll or teach a student because of the student's beliefs or the possible uses to which the student may put the knowledge to be gained in a course. Students should not be forced by the authority inherent in the instructional relationship to make particular personal choices as to political action or their own roles in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance. (Examples of such matters include but are not limited to personality, personal beliefs, race, sex, gender, religion, political activity, sexual orientation, or sexual, romantic, familial, or other personal relationships.)

It is the responsibility of the faculty members to present the subject matter of their courses as approved by the faculty in their collective responsibility for the curriculum. Within the approved curriculum, faculty members are free to express ideas and teach as they see fit, based on their mastery of their subjects and their own scholarship.

Section 13-31, April 16, 1956 [formerly Section 24-37]; S-A 83, April 30, 1991; S-A 85, May 27, 1992; S-A 131, January 9, 2014: all with Presidential approval.

Section 24-34 Qualifications for Appointment at Specific Ranks and Titles

A. Qualifications for Appointment at Specific Ranks

- 1.** Appointment with the rank of assistant professor requires completion of professional training, in many fields marked by the Ph.D., and a demonstration of teaching and/or research ability that evidences promise of a successful career. For tenure-eligible or WOT appointments, both of these shall be required.
- 2.** Appointment to the rank of associate professor requires a record of substantial success in teaching and/or research. For tenured, tenure-eligible, or WOT appointments, both of these shall be required, except that in unusual cases an outstanding record in one of these activities may be considered sufficient.
- 3.** Appointment to the rank of professor requires outstanding, mature scholarship as evidenced by accomplishments in teaching, and/or accomplishments in research as evaluated in terms of national or



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Demers v. Austin, 746 F.3d 402 (9th Cir. Wash. Jan. 29, 2014)

In this important decision, the Ninth Circuit Court of Appeals reinforced the First Amendment protections for academic speech by faculty members. Adopting an approach advanced in AAUP's *amicus* brief, the court emphasized the seminal importance of academic speech. Accordingly, the court concluded that the *Garcetti* analysis did not apply to "speech related to scholarship or teaching," and therefore the First Amendment could protect this speech even when undertaken "pursuant to the official duties" of a teacher and professor.

Professor Demers became a faculty member at Washington State University (WSU) in 1996 and he obtained tenure in 1999. Demers taught journalism and mass communications studies at the university in the Edward R. Murrow School of Communication. Starting in 2008, Demers took issue with certain practices and policies of the School of Communication. Demers began to voice his criticism of the college and authored two publications entitled *7-Step Plan for Improving the Quality of the Edward R. Murrow School of Communication* and *The Ivory Tower of Babel*. Demers sued the university and claimed that the university retaliated against him by lowering his rating in his annual performance evaluations and subjected him to an unwarranted internal audit in response to his open criticisms of administration decisions and because of his publications.

The district court dismissed Demers' First Amendment claim on the ground that Demers made his comments in connection with his duties as a faculty member. Unlike most recent cases involving free speech infringement at public universities, the district court's analysis did not center on the language from *Garcetti v. Ceballos*, 547 U.S. 410 (2006). Instead, the court applied a five part test set out by the Ninth Circuit in a series of public employee speech cases and found that Demers was not speaking as a private citizen on matters of public concern. Therefore, the district court found his speech was not protected by the First Amendment.

Demers appealed to the Ninth Circuit. The AAUP joined with the Thomas Jefferson Center for the Protection of Free Expression to file an *amicus* brief in support of Demers. The *amicus* brief argued that academic speech was not governed by the *Garcetti* analysis, but instead was governed by the balancing test established in *Pickering v. Board of Education*, 391 US 563 (1968). In two opinions, the Ninth Circuit agreed and issued a ruling that vigorously affirmed that the First Amendment protects the academic speech of faculty members.

In an initial opinion issued on September 4, 2013, the Ninth Circuit held that *Garcetti* did not apply to "teaching and writing on academic matters by teachers employed by the state," even when undertaken "pursuant to the official duties" of a teacher or professor. *Demers v. Austin*, 729 F.3d 1011 (September 4, 2013). Instead, as argued in the *amicus* brief, the court held that academic employee speech on such matters was protected under the *Pickering* balancing test. The court found that the pamphlet prepared by Demers was protected as it addressed a matter of public concern but remanded the case for further proceedings. The University filed a petition for panel rehearing and a petition for rehearing *en banc*.

On January 29, 2014, the U.S. Court of Appeals for the Ninth Circuit issued an opinion denying the petition for panel rehearing and the petition for rehearing *en banc* and withdrawing and modifying its previous opinion. Originally, the court held that "teaching and writing on academic matters" by publicly-employed teachers could be protected by the First Amendment because they are governed by *Pickering v. Board of Education*, not by *Garcetti v. Ceballos*. In its 2014 superseding opinion, the Ninth Circuit expanded that ruling to hold that *Garcetti* does not apply to "speech related to scholarship or teaching" and reaffirmed that "*Garcetti* does not – indeed, consistent with the First Amendment, cannot – apply to teaching and academic writing that are performed 'pursuant to the official duties' of a teacher and professor."

The Ninth Circuit held specifically that the 7-Step plan was "related to scholarship or teaching" within the meaning of *Garcetti* because "it was a proposal to implement a change at the Murrow School that, if implemented, would have substantially altered the nature of what was taught at the school, as well as the composition of the faculty that would teach it." The court thus considered whether the Demers

pamphlet was protected under the *Pickering* balancing test. Academic employee speech is protected under the First Amendment by the *Pickering* analysis if it is a (1) matter of public concern, and (2) outweighs the interest of the state in promoting efficiency of service. The court held that the pamphlet addressed a matter of “public concern” within the meaning of *Pickering* because it was broadly distributed and “contained serious suggestions about the future course of an important department of WSU.” The case was remanded to the district court, however, to determine (1) whether WSU had a “sufficient interest in controlling” the circulation of the plan, (2) whether the circulation was a substantial motivating factor in any adverse employment action, and (3) whether the University would have taken the action in the absence of protected speech.

Amicus Brief Topics:

[Academic Freedom and Employee Speech](#)