

University of Puget Sound Faculty Senate
January 23, 2017 McCormick Room 4:00 pm

Present: Kris Bartanen, Nancy Bristow, Gwynne Brown, David Chiu, Sara Freeman, Bill Haltom, Robin Jacobsen, Kristin Johnson, Alisa Kessel, Andrea Kueter, Brendan Lanctot, Noah Lumbantobing, Pierre Ly, Siddharth Ramakrishnan, Mike Segawa, Lilian Wang, Peter Wimberger

Guests: Kyle Chong, Liz Collins, Megan Gessel, Elise Richman, Stuart Smithers, Jonathan Stockdale, Jason Struna

1) Senate Chair Kessel called the meeting to order. Approval of the minutes of 12/5/2016 was postponed pending clarification on a few points.

2) Updates from liaisons to standing committees:

* The UEC is working on a policy to support faculty requests for funds to publish in online journals, etc., that charge for publication.

* Jo Crane will serve as chair of the ASC and Alyce DeMarais will serve as secretary.

* The Staff Senate has asked the Faculty Senate keep the SS informed of discussions regarding the potential ramifications of shortening of Spring semester.

3) Updates from the ASUPS President and the Staff Senate representative

ASUPS President Lumbantobing shared some thoughts as his term nears its end, particularly with respect to his hopes for continued conversations and collaboration with faculty and his appreciation for events like the recent SJC Wed conversations. He called for the faculty to use their positionalities to push the university even further toward justice, radical inclusivity, and equity, in order to reflect the true role of the liberal arts. He encouraged senators to think about how Puget Sound as an institution can unpack the complexities and pursue radical liberation for all, and how faculty can use the space they occupy to push the university toward further equity. He noted that he was energized by recent conversations with faculty, particularly the image of students as the moral compass of the university, and the faculty as guiding stars of those students.

Staff Senate Rep. Kueter shared that the Staff Senate endorsed the draft "Campus Policy Prohibiting Sexual Misconduct" which the Sexual and Gender Violence Committee: Subcommittee for Policy is presenting to the campus community.

4) Vice Chair Lanctot ran the closed session regarding the presentation of candidates for Honorary Degrees.

MSP to endorse the recommendation of the Committee of Honorary Degrees

5) Chair Kessel opened a discussion of suggested changes to the standing charges of the International Education Committee (requested by the IEC)

IEC Liaison Wimberger explained the context of suggestions (see Appendix). Bartanen pointed out that given the revision involves a change to the Bylaws and thus requires approval by the faculty and the board, it would make sense to postpone bringing the changes forward until they can be combined with the Study Abroad Work Group's report to both bodies.

6) Discussion of community standards, conduct processes, and the role of the faculty.

Chair Kessel explained the context of the need for a conversation (including the November flyer). She encouraged the Senate to think about how the Senate can play a role in facilitating conversations, and shared a series of questions raised thus far:

- when and why questions of privacy are in place and where faculty stand given FERPA,
- whether the definition of harassment in the Student Integrity Code is precise enough,
- whether and how faculty can support the educational responses of BHERT,
- whether sanctions are disproportionately applied to students of color,
- how and when information is shared with faculty, amid a sense of not knowing about incidents and a lack of preparedness for responding,
- whether faculty should be concerned with and involved in conduct processes and how,
- whether there are plans to review the conduct process,
- what measures have been taking in Security Services to deal with concerns,
- whether there should be a continued conversation through Senate or otherwise.

In the context of a question regarding the university's policy on making the content of the November flyer known, Dean Segawa explained that while his office is willing to engage with questions within the purview of Student Affairs, they are often unable to do so given federal laws. In response to a suggestion that, given it is difficult to assess relative sanctions, a table with the category of violation next to the sanction handed down would be useful, he explained that the office can not divulge information that might be personally identifiable.

The following points were raised during the ensuing discussion:

- One of the main inspirations of the flyer was the apparent failure of the reporting system, and those need to be addressed.
- BHERT needs to be reviewed in order to ensure that it is accomplishing both what it set out to do (to respond to events immediately via a team of people ready to do the kind of opening up of community dialogue needed at a moment like this) and what we need it to be. We need to think carefully about what it means when students say they have not been heard. The intent of BHERT was for it to be a big listener, and develop programming in response. Perhaps we need to use its capacity more effectively.
- Both of the above need to be placed within the broader context of developing a better understanding of why some students find this campus a difficult place and within the context of campus life; to this end, we need to be moving on multiple planes at once. The conduct process and the student integrity code both need to be reexamined to ensure both are working for everyone in our community.
- Attention should be paid to recent studies of bias-hate response teams on university campuses, for example, conclusions that such programs tend to (1) emphasize punishment rather than educative sanctions, 2) respond to individual incidents, thus stifling systemic change, and 3) be run by mid-level administrators who, given institutional incentives, tend to emphasize individual punitive measures rather than educative or restorative justice and systemic change. The point being: the more people focus on individual acts, the more they are a) distracted from underlying conditions and b) tend to emphasize punishment and vengeance.
- The problematic role of digital media and communities, how we can help students live with such forums while thinking critically and ethically, and how we can have a productive conversation about privilege in a social media environment.
- The tension between a need for privacy for those concerned and the desire and need

- for more information given the impact on the community.
- The nature of the conduct hearing and appeal process (including whether hearings and appeals should be handled by the same office, and whether the conduct process could be revised to change the boundaries of who can talk and when, so that those who can best guide conversations can actually speak - i.e. aren't involved in conduct procedures).
 - How do we deal with the fact many students may not have been engaging in activism yet felt similarly to those who produced the flyer, and then saw the sanctions as an institutional rebuke of their concerns?

Chair Kessel synthesized the conversation into a series of possible actions, while Dean Segawa advised that we be very cognizant of the fact that the burden of doing this work would inevitably fall disproportionately on the usual faculty and staff members who work on issues of Social Justice and Diversity:

- Revision of the Student Integrity Code
- Revision of the conduct hearing procedures
- Review of BHERT and its role
- Examine the potential for a stronger role for faculty in supporting a culture of restorative and educative justice rather than a culture of punishment and shame
- Examine the impact of digital learning on community building

MSP to extend the meeting by 5 minutes.

Chair Kessel noted that we need to bring more people into the work involved and continue the conversation, but perhaps by taking the above action-points one by one.

MSP to adjourn at 5:35 pm.

Minutes prepared by Kristin Johnson.

Respectfully submitted,
Pierre Ly
Secretary of the Faculty Senate

Appendix A: IEC proposed revisions to standing charges
Appendix B: Community Standards Overview for Faculty

Proposed Revisions to the standing charges of the IEC

The current standing charges are as follows:

1. Establish criteria and assessment procedures for international education programs.
2. Review and approve new and existing international education programs and program proposals, including programs led by University faculty.

We propose:

1. Changing the language of the first charge to:

Establish **and review** criteria and assessment procedures for **evaluating** international education programs.

2. Change the language of the second standing charge to:

Maintain an institutionally sustainable number of international education programs that are consistent with, and that promote the goals and objectives of international education at Puget Sound, through the review of new and existing programs.

3. Switch the order of the above charges, so Charge 1 would be "Maintain an institutionally sustainable..." and Charge 2 would be "Establish and review..."

Motivation for changes

1) The IEC anticipates that by the end of the year the Study Abroad Working Group, with input from the IEC, will have an updated set of criteria that will be used as the standard for reviewing and evaluating study abroad programs. The IEC plans to use these criteria to evaluate the current list of programs as well as newly proposed programs. Once these criteria have been established, we believe moving forward, the main role of the IEC will be to continually *review* the criteria and make sure it continues to align with the goals and objectives of study abroad at Puget Sound and update the criteria as needed.

Note to Peter – We decided to take out the word “periodically” from the charge altogether and leave it open. We see the criteria as more of a living document that will evolve over time and part of the charge to the IEC will be to continually review and update it as needed.

2) We revised the second charge to include language that incorporates the additional job of cutting redundant or underutilized programs by "maintaining a sustainable number" of programs from year to year. We believe that this should be a standard part of the work of the IEC but the current language in the standing charges does not specifically acknowledge this. As a result, recurring charges to the IEC dating back to its creation as a standing committee in 2008 have been to “review and eliminate programs that do not provide something distinctive...” or

“consult with departments to find out if there are programs that they think we should have, or have additional insights about programs we have that they don't think we should keep.”

Furthermore, the standing charges for the IEC were initially created along with the committee in 2008, and have not been revised since. Reflecting on the evolving role of the IEC over these past eight years, we feel that updating the standing charges in this manner is a better reflection of the work the committee has been doing and will continue to do.

We recognize that changes to the Bylaws requires two readings and a 75% vote in favor of the changes by the faculty. If approved by the Senate, the IEC will make plans to introduce the new standing charges at a faculty meeting early in the spring semester to ensure that there is enough time to allow for discussion and a second reading before the vote takes place.

Building Shared Understanding

On our campus, four primary arenas in which community standards are articulated include: academic standards, student integrity standards, the policy on harassment and sexual misconduct, and the bias-hate education response team. Each of them involves an educationally-based process. While a [website \(http://www.pugetsound.edu/student-life/fall-2016-flyer-incident/\)](http://www.pugetsound.edu/student-life/fall-2016-flyer-incident/) with relevant information and links regarding some of these processes has been available for several weeks, I suspect that not all readers have drilled down into the links in order to gain a good understanding of the standards, the processes, or the potential outcomes. Thus, with recognition of (and due apology for) the length of even a brief synopsis of the four arenas, I offer some clarification so that we can begin the collaborative work ahead with a shared understanding.

Academic Honesty: <http://www.pugetsound.edu/student-life/personal-safety/student-handbook/academic-handbook/academic-integrity/>

Standards: “The University of Puget Sound is a community of faculty, students, and staff engaged in the exchange of ideas contributing to intellectual growth and development. Essential to the mission of the academic community is a shared commitment to scholarly values, intellectual integrity, and respect for the ideas and work of others. At Puget Sound, we share an assumption of academic integrity at all levels. Violations of academic integrity are a serious matter because they threaten the atmosphere of trust, fairness, and respect essential to learning and the dissemination of knowledge.”

Violations: include matters of plagiarism, misrepresenting one’s own work, unauthorized collaboration in completing assigned work, cheating on tests, falsifying research, violating copyright, forgery, misuse of academic computing resources.

Process: First violation is addressed between a student and a faculty member; subsequent alleged violations are addressed by an Academic Standards Committee Hearing Board comprised of designees of the Academic Dean and of the Dean of Students, two faculty members, and two students.

“The Hearing Board functions as a fact-finding group so that it may determine an appropriate resolution to the charge of a violation of academic integrity. Its hearings are informal, and the parties directly involved are expected to participate. To make knowingly false statements or to otherwise act with malicious intent within the provisions of Hearing Board procedures shall constitute grounds for further charges of violations of academic integrity.”

“The Hearing Board may find the allegations not to be factual, or the Hearing Board may impose sanctions. Sanctions include, but are not limited to, warning, reprimand, grade penalty, removal from the course or major, disqualification from receiving university honors, probation, dismissal, suspension, and/or expulsion. . . . The decision of the Hearing Board is final.”

Student Integrity Code:

Standards: “On the most basic level, adherence to the Student Integrity Code is necessary for any student to remain a member in good standing of the university community. However, an understanding of the Integrity Principle will encourage students to move beyond simple compliance to the Standards to develop sound personal judgment, ethical thinking, and habits that lead to ethical behavior.

The need for exercising thoughtful and tolerant judgment is particularly important, as our society searches for ways to acknowledge the diversity of its members and their contributions. The Principle and Standards require tolerance of and respect for the abundant

ideas and systems of belief brought to the university by its members, who emerge from differing pasts, but also demand that students move beyond intellectual tolerance and respect, to a coherent appreciation of the intrinsic value of pluralism in the university community.

When students enroll in the university and promise to subscribe to the Integrity Principle, they pledge themselves to three attendant principles:

- self-governance, guided by the Student Integrity Code and personal values;
- honesty, which will impel students to report themselves when they have violated any provision of the Principle and Standards;
- mutual obligation, which requires students who are aware of others' violation of any Standard to either request that these others report themselves, or, especially if there is risk to others, undertake to make such a report themselves.

The practical aim of the Student Integrity Code is to create educational experiences from which students develop both skill and confidence in making personal judgments and appreciating their consequences."

Violations: The six standards of integrity are detailed here:
<http://www.pugetsound.edu/student-life/personal-safety/student-handbook/student-integrity-code/university-standards-of-integr/>

"A finding of a violation of this policy requires proof that the allegations are more likely true than not true (preponderance of the evidence)."

Process: An initial investigation determines whether an alleged violation is minor or major. If further investigation warrants charge of a minor violation, the student(s) so charged may choose an administrative hearing (typically a Resident Director), peer board (three students), or an informal resolution (including mediation); if further investigation warrants charge of a major violation, the student(s) so charged may choose an Integrity Code Board (student, faculty member, staff member), administrative hearing (Dean of Students staff member), Honor Court (seven students, faculty member, staff member), informal resolution, voluntary withdrawal, or conditional suspension. Appeal of findings and/or sanction, on grounds outlined in the Code, is to the Dean of Students.

Harassment and Sexual Misconduct: <http://www.pugetsound.edu/about/offices-services/human-resources/policies/campus-policies/campus-policy-prohibiting-hara/>

Standards: "The University of Puget Sound prohibits discrimination in education or employment on the basis of sex, race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any characteristic that is legally protected under applicable local, state or federal law. This Campus Policy Prohibiting Harassment and Sexual Misconduct explicitly defines harassment, including sexual harassment, as a prohibited form of discrimination. In addition, the university prohibits consensual sexual relationships between a faculty or staff member and a student whenever the faculty or staff member is in a position of professional responsibility with respect to the student. The University of Puget Sound also prohibits sexual misconduct in any form including sexual assault and other forms of nonconsensual sexual conduct. Sexual misconduct will not be tolerated within the college community as it is harmful to both the learning environment and the sense of community the college fosters among students, faculty, staff, and administrators."

Violations: "Discriminatory harassment consists of conduct of any type (e.g., oral, written, graphic, or physical) directed against a person (or group of persons) because of his or her (or their) race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any protected characteristic, which is sufficiently severe, persistent or pervasive as to limit or deny a student's ability to

participate in or benefit from an educational program or a faculty, staff or student staff member's ability to perform or participate in a work environment."

"Sexual harassment is a form of discriminatory harassment and is defined by this policy to include unwelcome verbal or physical conduct of a sexual or nonsexual nature that is directed toward a person because of the person's sex, when: 1. submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment or education, or the person's submission to or rejection of the conduct is used as a basis for a decision affecting the person's employment or education (quid pro quo harassment); or 2. the conduct has the purpose or effect of unreasonably interfering with a person's work or educational performance or creating a working or learning environment that a reasonable person of the same sex and in the same circumstances as the person would find intimidating, hostile, or offensive (hostile environment harassment)."

"Sexual misconduct is defined as actual or attempted sexual activity that is forced upon another without the clear consent of that person. Sexual misconduct may vary in its severity and can range from unwanted touching or physical contact of a personal nature to unwanted, coerced or forced penetration. Sexual misconduct can include, but is not limited to, indecent liberties, rape and sexual exploitation."

Process: Complainants and respondents are treated with parity in investigation and support processes. Complainants choose an informal resolution process or a formal resolution through the *Student Integrity Code, Faculty Code, or Staff Policies and Procedures*.

"A complainant may prefer to seek an informal resolution of a discriminatory harassment or sexual misconduct including sexual harassment problem, especially if the purpose in bringing the complaint is simply to put a stop to the offending behavior. A variety of informal methods may empower the complainant to achieve an effective resolution of the problem without becoming involved in a formal process. However, the use of an informal process is entirely voluntary. A complainant may instead request a formal resolution procedure or terminate an informal process once it is begun and then seek a formal resolution."

In a formal procedure, "a finding of a violation of this policy requires proof that the allegations are more likely true than not true (preponderance of the evidence)."

In formal resolution of complaints involving students, a Sexual Misconduct Board comprised of a faculty member, a staff member, and a student determines the finding of responsibility and sanction, both of which are subject to the appeal process outlined in the *Student Integrity Code*. Sanctions include official reprimand; conduct probation; eviction from university housing; conduct suspension, consisting of a temporary separation of the student from the university; any one or more other corrective sanctions as appropriate, such as an apology to persons harmed, or participation in an appropriately designed educational or other appropriate counseling program; or permanent expulsion from the university.

Bias-Hate Education Response Team (BHERT):

BHERT is not an adjudicator of campus conduct. Rather, this group reviews aggregate data in order to address, through educational means, incidents of bias and hate on the campus. BHERT is comprised of ten staff members from across the campus, as well as three faculty members. <http://www.pugetsound.edu/about/diversity-at-puget-sound/dean-of-diversity-inclusion-and-chief-diversity-officer/bias-hate-education-response-team-bhert/bhert-members/>. The group's objectives include:

- provide a means whereby faculty, staff, and students on campus can report incidents of bias and hate;

- monitor incidents and share aggregate data with the campus community to raise awareness about patterns and trends of bias and hate;
- provide support and resources for individual(s) and/or groups impacted by creating educational opportunities for dialogue, reflection, understanding, and action;
- assure institutional accountability and responsiveness in addressing bias and hate.

Relevant Reports

In 2015-16, members of the university community responded to 105 reports of discriminatory harassment or sexual misconduct (see <http://www.pugetsound.edu/files/resources/hro-2015-161.pdf>). This list includes all inquiries or reports to Harassment Response Officers, the Chief Diversity/Title IX Officer, and the Bias Hate Education Response Team – not just those that resulted in official actions – in order to provide the campus community a more comprehensive picture of expressed concerns.

Note: The above report includes *only* reports of potentially *discriminatory* harassment or sexual misconduct. It does not include all violations or alleged violations of the Student Integrity Code. Violations of the Student Integrity Code, which also might result in sanctions up to and including separation from the university, include alcohol violations, drug violations, and other actions that are outlined in the six standards of the code.

The annual Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics is available here: <http://www.pugetsound.edu/about/offices-services/security-services/annual-security-report/>.