

**University of Puget Sound
Faculty Meeting Minutes
March 11, 2008**

1. President Thomas called the meeting to order at 4:05 p.m. Twenty-two members of the faculty were in attendance at 4:30 p.m.
2. The minutes of January 28, 2008 were approved as received.
3. There were no announcements.
4. President Thomas reported that the Board of Trustees had met in February, but the report of that meeting had been delayed due to staff illness. The major event at the meeting was a workshop on financial aid strategies and pricing. Workshop participants examined best practices of institutions of higher education, current market practices, and the challenges facing Puget Sound in the marketplace. The workshop was well-received. This workshop was the first of three scheduled to address the challenges of student recruiting. The next two will feature a consultant who is working with the university to assess current recruitment materials and recommend a new package of recruitment materials which we expect will lead to a larger communication package. Those workshops will occur in May and October.

The issues are complicated, especially given the moves by institutions such as Harvard, Stanford, and MIT to significantly increase financial aid to middle-class families. These widely-publicized moves have affected us. In particular, they have shifted the expectations of prospective students' family members regarding available financial aid. This is a good time for a capital campaign to focus on endowment for financial aid.

The Trustees approved the budget for 2008-2009; tenure was awarded to several deserving candidates.

We have a strong class in terms of admitted students, but don't yet know what the "yield" of enrolled students will be. The admitted class is our second largest ever as far as number of students from underrepresented groups. SAT scores, as one measure of students' preparation for college, are the highest ever, 4 points above last year's record year. We will be working on the actual enrolled class from now on. Promising new enrollment strategies are in place, some under the leadership of Fumio Sugihara, the New Director of Admissions.

Visitors from foundations have visited or will be visiting in the near future, including a first-ever visit from the Mellon Foundation.

One meeting some may have heard of has occurred on Monday and another is scheduled for Thursday. The meeting began with members of the Black Student Union and allies expressing concerns about progress we have been making on diversity initiatives across the board, from curriculum to mission to staff hiring, campus climate, and resolution of

particular occasions. President Thomas felt the conversation was positive and constructive. He expressed his appreciation to faculty who had been involved and especially to Kim Bobby, Chief Diversity Officer, who has been working to develop priorities and action plans implementing the University's Diversity Strategic Plan. This is an opportunity to help move those plans forward. Although Kim will be taking a leadership role, participation of all members of the University community is essential to move the agenda forward. President Thomas thanked those faculty who had been working with the students and concluded by informing the faculty that more information on these initiatives would be forthcoming.

The capital campaign progressing. Reception is good among donors. We are on target in meeting the goals, but the work will get tougher.

We traveled to Denver this week and in April will be in Chicago and Minneapolis. These trips will inaugurate the year's tour of alumni clubs that will feature faculty presentations.

5. Academic Vice-President Kristine Bartanen reported that Andreus Madlung, Biology; Brad Richards, Computer Science; Fred Hamel, School of Education; Maria Sampen, School of Music; Mark Harpring, Foreign Languages and Literature; Julie Nelson Christoph, English; and Derek Buescher, Communication Studies had been awarded tenure at the Board of Trustees' meeting. One tenure file had been submitted this Spring and was under review.

Several cases for promotion reached the Faculty Advancement Committee after the beginning of Spring 2008. Since the Committee's practice has been to move forward all promotion recommendations at the same time, no letters to candidates for promotion will be sent out until all of the cases have been reviewed

Dean Bartanen expressed her thanks for all those who were working on searches for tenure-line positions. Twelve of the fifteen searches have been completed, and more visiting positions are being added to the vacancy roster.

The salary pool for next year is 4.25%; it is anticipated that 1.25% of the pool will be needed for steps and promotions, resulting in a 3% increase in the scale. The full salary scale will be coming soon.

6. Senate Chair Doug Cannon reported that the Trustees had affirmed the two code amendments approved by the faculty on December 4, 2007 and January 28, 2008 respectively. He indicated his willingness to talk with any faculty member about the most recent board meeting.

The Senate would be sending to faculty members an electronic survey regarding the current Instructor Evaluation Form. Discussion regarding the form has been occurring for the last two years, but the form itself has not been examined for over 10 years.

The Senate has also requested that the Professional Standards Committee examine those parts of the Faculty Code that relate to early tenure. The issue centers on whether those who ask to come up early for tenure should be required to meet a higher standard than those who stand for tenure in the sixth year.

7. Old business

Professor John Hanson M/S adoption of the Code amendments proposed by the Faculty Senate. (See attachments *CodeChangesRationale3* and *CodeRevisions_Feb2008*).

Hanson reviewed the history of these proposed amendments. Two ad hoc committees had been charged by the Senate with examining evaluation and tenure as well as considering the grievance procedures outlined in the Faculty Code. The committees reported to the Senate, which then deliberated on their proposals. The current set of amendments represent a consensus from that body. Some proposals from the ad hoc committees failed to gain Senate support, while others await further Senate deliberation.

Hanson stated his plan to review all of the proposals and answer questions, hoping to proceed to a vote on the entire set. Should questions or disagreements arise, however, the motion could be divided and the proposed amendments considered separately.

Hanson described the first set of changes proposed in the *CodeChangesRationale3* document and asked for questions. Hearing none, he moved on to the second proposed change, a new subsection b under Chapter VI, section 4. This language was adapted from the Faculty By-Laws, Article V, Section 6.E.b.

In response to a query, Hanson indicated that the new language does not automatically recuse witnesses who are not “parties to the grievance,” but that such recusal could occur.

Hanson turned to change #3 in the *CodeChangesRationale3* document. This change requires that reports of decisions in grievances, as well as the President’s reasons for making a determination contrary to the decision of the committee, be made available to parties in the grievance.

In response to a faculty member’s question Hanson indicated that the requirement of confidentiality was addressed in the Chapter VI, Section 4 d (8) regarding Public Statements about a hearing.

After further discussion, Hanson accepted as a friendly amendment the addition to Ch. VI.4.e/(d)(8) “or reports generated from the grievance process” as well as a reversal of the original sections (8) and (9). Professor Nancy Bristow, as seconder of the original motion, also agreed.

Hanson next reviewed change #4 in the *CodeChangesRationale3* document, explaining that the proposed language in Chapter I, Part D.4 specifies a process to be followed

regarding questions of professional ethics; the proposed language is consistent with a 1990 PSC Code interpretation.

Change #5 amends Chapter III, Section 4 by adding a new part f which specifies a procedure to be followed when a question of professional ethics arises during an evaluation.

In response to questions from faculty members, Hanson clarified the relationship of this language to other Chapters in the Code.

The following amendments to the Faculty Code were approved by voice vote (added language is in italics; removed language is indicated by ~~striketrough~~).

CHAPTER I, PART D

Section 4 - Professional Ethics

Professors are bound to observe acceptable standards of professional ethics. In general, a professor should not compromise the interests of the university or of one's students in favor of one's own. *Questions related to violations of professional ethics should be handled in the following manner:*

- a. *First notify the faculty member of suspected misconduct on his or her part. There may be an explanation that resolves the matter satisfactorily.*
- b. *Failing to receive an explanation that is satisfactory, or not wishing to deal directly with the person suspected of misconduct, one should take the matter to the Chair of that person's department. (If the Chair is the person suspected of misconduct one should take the matter to the Dean.) The Chair may resolve the matter to everyone's satisfaction.*
- c. *If these steps do not resolve the problem, the matter should normally be referred to the Dean and handled through the grievance process as provided in Chapter VI, with the Dean responsible for filing the grievance. In the event that the Dean does not file a grievance, faculty members retain the right to do so.*

~~If questions of professional ethical import arise which cannot be resolved, the party or parties may refer the issue to the Professional Standards Committee for recommendation to the parties.~~

Grievances must be filed according to the timeline outlined in Chapter VI.

PART E - ACADEMIC FREEDOM

Section 3 - Enforcement

If a faculty member believes that his or her rights regarding academic freedom, as provided in this part of the faculty code, have been denied, that faculty member may initiate a grievance action as provided in Chapter VI. ~~If a faculty member's rights as provided by Chapter 1, Part D (p.4) of the faculty code have been denied, that faculty member may initiate a grievance action as provided in Chapter VI hereof.~~ In case of a dismissal, the faculty member may request a hearing board to review the case as provided in Chapter V of this code.

Chapter III

Section 4 - Evaluation Procedure (new section added)

- f. Process for dealing with questions of professional ethics that arise during an evaluation.*
- (1) If, during an evaluation, a member of the faculty raises a question or a concern regarding the professional ethical behavior of an evaluatee, or regarding the professional ethical behavior of an evaluator (related to this person's role as an evaluator), the faculty member shall initiate a grievance process as described in Chapter I, Part D, Section 4, and the evaluation -- whether at the department, program, school, or Faculty Advancement Committee level -- shall be suspended until the grievance process concludes.*
 - (2) If the outcome of the grievance process has bearing on the evaluation, the President may direct the Dean to add information to the evaluation file regarding the result of the grievance.*

Chapter VI

Section 3—Grievance Hearing

- a. If the prehearing settlement conference is terminated without settlement of the grievance, then within five working days of said termination the grievant may serve the written notice required in Section 2 ~~(p.26)~~ to the dean. Included with said notice shall be identification of the individuals who attended the conference and a demand for a grievance hearing.

Section 4—Grievance Procedure

- a. *Upon receipt of the grievance from the dean, the committee shall schedule a hearing to begin within fifteen (15) working days and give the dean, the grievant, and respondent at least five working days notice thereof. ~~Upon receipt of the grievance the committee shall fix a time, not later than fifteen (15) days of receipt for a hearing and shall give the dean, the grievant, and respondent five days notice thereof.~~*

- b. *In grievances brought before the committee, the individuals involved or any committee member may raise the issue of a conflict of interest concerning a member of the committee. If the conflict of interest is disputed, those members of the committee who are not involved in the alleged conflict of interest shall conduct a confidential, written vote to determine if a conflict of interest may exist. If it is determined that a member of the committee may have a conflict of interest, that member shall be recused from deliberating and voting. If a member of the committee is recused because of an apparent conflict of interest, the committee, at its discretion, may appoint a substitute to participate in the case. Parties to the grievance are automatically recused from serving on the grievance committee.*
- b c. The function of the hearing committee shall be to determine whether there have been violations of the code *or contract of employment*, as alleged by the grievant, and to recommend what sanctions, if any, should be imposed upon the respondent(s).

e d.Procedures

- (4) Records. In all cases, the university shall ~~make provide~~ an electronic verbatim record *of the hearing, and provide to either party, upon their request, a copy of that verbatim recording or a verbatim transcript paid for by the requesting party.*, and if requested by either party, a verbatim transcript of the proceedings ~~paid for by the requesting party.~~ Records made of the hearing shall be retained by the university for six years after the committee makes its report.
- (6) Evidence. Each party shall offer such evidence as the committee deems relevant, and each party may cross-examine the other's witnesses. Witnesses may be allowed to testify by affidavit if, in the committee's discretion, that is the most feasible way of presenting their evidence and if the opposing party is not substantially prejudiced by lack of cross examination. The committee shall have no duty to seek or to present evidence but may do so if, in its judgment, justice requires. In such a case, the committee shall have right of access to all pertinent materials, ~~regardless of classification.~~ The hearsay rule or other exclusionary rules of evidence used in courts of law shall not apply.

(Punctuation added in (8)—comma after “indirectly”)
(Order of (8) and (9) reversed)

~~(9)~~ Public Statements. No person involved in the hearing's proceedings shall make public statements, directly or indirectly, about the matters in the hearings *or reports generated from the grievance process.*

(8) ~~(9)~~ Final Report. After completion of the hearing, the members of the committee shall meet in executive session to consider their decision on the matters before them. The committee may consider only evidence presented to it in hearing. The decision of the majority shall be transmitted to the president as the committee's decision, but dissenting members may also transmit statements of their position. Said report(s) shall be delivered to the president within ten (10) working days of the termination of the hearing unless the committee extends the time. The committee shall send the president a copy of the grievant's notice of complaint, a summary of their hearings, and tangible items of evidence they received in their hearings. *The committee will send copies of its report(s) to the parties in the grievance at the same time that it sends them to the president.*

Section 5 - President's Action

- c. transmit to the committee *and the other parties to the grievance*, should the final determination *be* ~~by~~ contrary to that reached by the committee, the reasons for the determination.

8. New business

- a. Academic Vice-President Kristine Bartanen provided an update and review of issues related to Study Abroad at the University. She began by identifying three groups that had been working on this topic.

First, an Interim Study Abroad Committee (ISAC) has been meeting since 2003 and considering the role of the faculty in this area, establishing criteria for program review, and reviewing the 155 “partner” and “approved” programs. Second, a Study Abroad Work Group (SAWG) began meeting in 2007 to examine the financial viability of an academically sound study abroad program. Finally, the Student Life Committee has recently begun examining the learning outcomes for study abroad programs, focusing in particular on integrating students’ learning and activities both before and after their study abroad experiences.

The University offers two kinds of Study Abroad programs. In “approved” programs students pay no tuition to the university; rather, they pay the program costs directly. They may use State and Federal financial aid for these programs, but not aid awarded by the University. The University’s costs for these programs equals the loss of net tuition revenue from each student. In “partner” programs student pay their tuition to the

University. The students may apply State, Federal, and University-provided financial aid for these programs. The University's costs for these programs equals tuition minus financial aid (both need- and merit-based) less program costs paid to the provider.

Student participation in Study Abroad has increased significantly since 1992. In addition, students with higher financial need have increased their participation in partner programs.

Vice-President Bartanen presented a series of financial projections demonstrating the increasing financial costs of study abroad programs. With these projections as background, she reviewed some of the recommendations of the Study Abroad Work group, including: reducing the number of programs, eliminating redundancy, and ensuring a global and disciplinary balance of offerings; limiting students to one program in each academic year; balancing participation in study abroad between Fall and Spring semesters; setting standard application deadlines; requiring minimum academic requirements for participation; restructuring summer pricing (to begin Summer 2008) to make summer programs more affordable; and implementing a standard program type with a single academic year pricing structure.

ISAC has worked with SAWG on a common set of recommendations; ISAC also has recommended consideration of a move to an all-partner model—which may face a legal challenge—and development of a database of courses approved for transfer to the University. In addition, ISAC has begun a thorough program review, addressing the topics of academic priorities, global coverage, and fiscal responsibility. SAWG has more recently been considering a financial model with one program type as well as examining additional methods for managing the cost of study abroad programs. Wider discussion is invited regarding fundamental questions, e.g., what is our fundamental academic rationale for study abroad? Are there alternatives in addition to semester- or year-long program which would allow us to meet our academic goals?

Today's report is presented to inform the faculty of on-going work; recommendations will occur after further examination of these topics.

Dean Bartanen then invited questions from the assembled faculty. Questions regarding enrollment goals, geographic diversity of programs, and the role of study abroad in the university's recruiting efforts were raised. Faculty were urged to address the pedagogical justification for international study and consider how that rationale would affect program implementation in light of the increasing student interest in study/travel opportunities.

8b. Professor George Tomlin from the Professional Standards Committee introduced for a first reading the following amendment to Chapter III, Section 5 (a) of the Faculty Code (added language in italics):

Persons in the rank of associate professor who are not candidates for tenure or promotion and professors in years 5, 15, 25, *and* 35 of service in that rank may elect to bypass the procedures for evaluation detailed in Chapter III, section 4 and have their next scheduled review conducted by the head officer and dean under the procedures described in this

section. *Instructors who have served 17 years or more in that rank may establish an alternating schedule of full and alternative reviews in consultation with the head officer and the dean under the procedures described in this section.*

Tomlin explained that the request for this amendment had come from the Faculty Advancement Committee as way of extending the alternative evaluation process to long-term instructors. In addition, the PSC recognized that some faculty members may serve for 35 years in the rank of professor and brought the additional phrase to the amendment to make it consistent with the other specified years for the alternative evaluation process.

The seventeenth year was chosen because other alternative formulas for calculating years of service encountered the complex history of policy changes regarding instructors; the seventeen the year is the first opportunity for the first eligible cohort of long-term instructors, who have completed their fifth three-year evaluation.

8b. Senate Chair Douglas Cannon introduced for a first reading two proposed amendments to the Faculty By-Laws (see attached *Senate Proposed By-laws changes.doc*), The first amendment to Article V, Section 6. H. changes the title of one ex-officio member of the Faculty Diversity Committee from “Affirmative Action Officer” to “Chief Diversity Officer,” reflecting a change in administrative duties. The second proposed amendment adds to Article V, Section 6 a new subsection J, which adds a faculty standing Committee on International Education. Formation of this committee was recommended to the Faculty Senate by ISAC (see section 8a above) and recommended for faculty approval by the Senate.

Cannon then introduced Professor David Balaam, Chair of ISAC, who outlined the duties of the proposed committee the opportunities afforded faculty through the initiation of this standing committee. In addition to general policy review, this committee could provide opportunities to inform faculty regarding changes in programs or policies, could review applications for study abroad for students asking for exceptions to participation requirements, and could provide support for administrative staff in the International Programs Office in dealing with difficult situations.

5:30 having arrived, the meeting adjourned.

Respectfully Submitted,

David Droge, Secretary to the Faculty

**Description and Rationale for
Proposed Changes to the Faculty Code Endorsed by the Faculty Senate on 12/10/07
Revised after the January 28, 2008 Faculty Meeting**

At the January 28, 2008 faculty meeting several suggestions were made regarding this proposal. After consideration of these suggestions we have made some modifications to our proposal. Those changes are described in the underlined sections below and have been incorporated into the document containing the proposed code changes.

1. The Ad Hoc Committee on Professional Standards (AHCPS) proposed a number of minor "housekeeping" changes to the Faculty Code to clean up awkward language and correct obvious errors surrounding the grievance process. These changes are described below and were part of recommendation 6 in the AHCPS report. Item d in the original report has been omitted since it involved possibly substantive changes to the code.

a) We recommend that the first sentence of Chapter I, Part E, Section 3 of the Faculty Code be revised to read "If a faculty member's rights regarding academic freedom, as provided in this part of the faculty code, have been denied, that faculty member may initiate a grievance action as provided in Chapter VI."

1/28/08 -- We have incorporated the suggestion that this sentence should be modified to read "If a faculty member believes that his or her rights regarding academic freedom, as provided in this part of the faculty code, have been denied, that faculty member may initiate a grievance action as provided in Chapter VI."

The only direct reference in the Faculty Code to the current grievance process (outside of Chapter VI) states "If a faculty member's rights as provided by Chapter 1, Part D (p.4) of the faculty code have been denied, that faculty member may initiate a grievance action as provided in Chapter VI herof" (Chapter 1, Part E, Section 3). This reference occurs in a part of the code dealing with academic freedom, and this seems appropriate since a faculty member might wish to file a grievance if he or she feels his or her academic freedom has been abridged. But the reference to Part D and page 4 of the code is harder to understand since Part D deals with "Professional Duties and Responsibilities," not rights of the faculty member. Also, page numbers in documents are hard to keep current and should generally be avoided in the case of the Faculty Code.

b) We recommend that the parenthetical phrase "or could not have known," be removed from Chapter VI, Section 2a.

1/28/08 -- There was some concern voiced about this change, so we've put the phrase back in.

It doesn't seem necessary to include this phrase, since by demonstrating that they could not have known they would also be demonstrating that they did not know about an alleged violation. Thus this phrase doesn't add any additional meaning.

c) We recommend that the reference to "p.26" in Chapter VI, Section 3a be removed. (This has also been included in the PSC's "Housekeeping Ammendments" dated November 2007.)

Again, references to page numbers in documents are hard to keep current, as evidenced by the observation that this should now read p. 31.

e) We recommend that Chapter VI, Section 4a be revised to read "Upon receipt of the grievance from the dean, the committee shall schedule a hearing to begin within fifteen (15) working days and give the dean, the grievant, and respondent at least five working days notice thereof."

The current language is garbled.

f) We recommend that Chapter VI, Section 4b be revised to read "The function of the hearing committee shall be to determine whether there have been violations of the code or contract of employment, as alleged by the grievant, and to recommend what sanctions, if any, should be imposed upon the respondent(s)."

The current language lacks the phrase "or contract of employment." This phrase has been added to make it parallel with the language in Section 1 of Chapter VI.

g) We recommend that the second sentence of Chapter VI, Section 4c(4) be revised to read "In all cases, the university shall make an electronic verbatim record of the hearing, and provide to either party, upon their request, a copy of that verbatim recording or a verbatim transcript paid for by the requesting party."

The original sentence is unclear.

h) We recommend that Chapter VI, Section 4c(8) be revised to read "Public Statements. No person involved in the hearing's proceedings shall make public statements, directly or indirectly, about the matters in the hearings."

This simply adds a missing comma after the word indirectly. We have chosen not to revisit the faculty's lengthy discussions in the spring of 2006 about the phrasing in this section.

i) We recommend that the phrase "regardless of classification" be dropped from the penultimate sentence in Chapter VI, Section 4c(6).

There is no reference to classes of information elsewhere in this section, so it is unclear what this means.

j) We recommend changing the word "by" to "be" in Chapter VI, Section 5c.

This is a simple typographical error. It will already be fixed if recommendation 5b [of the AHCPs] is adopted.

2. Moving language regarding recusal from a grievance from the bylaws to the code. This was recommendation 2 of the AHCPs. (See page 6 of the proposed faculty code revisions document endorsed by the Faculty Senate on 12/10/07.)

We recommend that the existing language regarding recusal of PSC members during consideration of matters in which they have a conflict of interest (Faculty Bylaws, Article V, Section 6.E.b) should be included in Chapter VI of the Faculty Code. In addition we recommend that any parties to the grievance be automatically recused from serving on the grievance hearing committee.

The Faculty Bylaws (Article V, Section 6.E.b) state:

In matters brought before the Professional Standards Committee (PSC), the individuals involved or any PSC member may raise the issue of a conflict of interest concerning a member of the Committee. If the conflict of interest is disputed, those members of the PSC who are not involved in the alleged conflict of interest shall conduct a confidential, written vote to determine if a conflict of interest may exist. If it is determined that a member of the PSC may have a conflict of interest, that member shall be recused from deliberating and voting. If a member of the PSC is recused because of an apparent conflict of interest, the PSC, at its discretion, may appoint a substitute to participate in the case.

We think that it is important to have this recusal process described in the section of the Faculty Code dealing with grievances since individuals involved in a grievance might not know to look in the Faculty Bylaws. We wish to emphasize that this recommendation is not a response to any concerns on our part that there have been conflicts of interest in grievance hearings in the past. It is simply surprising that the Code's description of the grievance process makes no mention of the mechanism by which an individual could be recused from the grievance hearing committee. We note that the Code description of the appeals hearing board process includes language on recusals.

We recommend inserting this language into Chapter VI. Section 4 between items a and b. This necessitates renumbering of the later sections. The term PSC has been changed to "committee" so that in the future any changes to the body charged with conducting the hearing will only require editing Section 1g. The following sentence has also been added to the end of this recusal section: "Parties to the grievance are automatically recused from serving on the grievance committee."

3. Adding language that has the reports of grievance decisions at the PSC and Presidential levels sent to all parties involved in the grievance. This was recommendations 5a and 5b of the AHCPS. (See pages 5 and 6 of the proposed faculty code revisions document endorsed by the Faculty Senate on 12/10/07.)

a) We recommend that Chapter VI. Section 4.c(9) be revised by adding a final sentence that reads "The PSC [committee] will send copies of its report(s), and other materials transmitted to the president, to the parties in the grievance at the same time that it sends them to the president."

1/28/08 -- There didn't seem to be any concern about having the report sent to both parties, but Weisz questioned whether the "other materials transmitted to the president" should also be sent to both parties. We decided to drop the phrase "and other materials transmitted to the president".

The code currently states that the PSC report is sent only to the president. But it seems reasonable that the parties to the grievance should also be able to learn what the PSC decided in the grievance. The FAC is required to send its evaluation letters to evaluatees as well as the president, and this seems a better model than one in which the faculty body reports only to the president.

b) We recommend that Chapter VI. Section 5.c be revised to read "transmit to the committee and the other parties to the grievance, should the final determination be contrary to that reached by the committee, the reasons for the determination."

Section 5 requires the president to transmit his or her final determination to all parties to the grievance as well as the PSC, but requires the president to inform only the PSC of the reasons that he or she reached a decision contrary to that of the committee. We think that all parties should be informed of the reasons for the president's decision to set aside the PSC's recommendation.

4. Specifying that questions of professional ethics of a faculty member should be resolved through the grievance process. This was recommendation 1a of the AHCPS. (See page 1 of the proposed faculty code revisions document endorsed by the Faculty Senate on 12/10/07.)

We recommend that Chapter I, Part D, Section 4 of the Faculty Code be modified to clearly indicate that alleged violations of professional ethics offenses should be handled through the grievance process. We also recommend that in most cases the university, rather than an individual faculty member, file the grievance since a violation of professional ethics is a concern for the whole university community, not just one individual.

1/28/08 -- Based on a suggestion at the meeting we have added a reference to the timeline for filing a grievance.

This section currently reads "If questions of professional ethical import arise which cannot be resolved, the party or parties may refer the issue to the Professional Standards Committee for recommendation to the parties." This language is unnecessarily vague, and creates a process without providing adequate guidance for that process.

In an interpretation in 1990 (PSC Memorandum, 13 November 1990) the PSC attempted to clarify the appropriate procedures for "those making complaints or allegations" regarding both Chapter I, Part D, Section 4 (Professional Ethics) and Chapter I, Part E, Section 3 (Academic Freedom—Enforcement).

In the spirit of preserving the individual rights of all parties concerned in cases of alleged professional ethical misconduct, the Professional Standards Committee recommends that the following procedures be followed by those making complaints or allegations:

- a. First notify the faculty member of suspected misconduct on his or her part. There may be an explanation that resolves the matter satisfactorily.
- b. Failing to receive an explanation that is satisfactory, or not wishing to deal directly with the person suspected of misconduct, one should take the matter to the Chair of that person's department. The Chair may resolve the matter to everyone's satisfaction.
- c. If these steps do not resolve the problem, the matter may be brought to the attention of the Professional Standards Committee.

Even if a faculty member does not choose to follow steps a. and b., the matter may be brought directly, and in confidence, to the Professional Standards Committee. The Committee considers that every attempt ought to be made to resolve questions of ethical conduct within the procedures established by the Professional Standards Committee.

Unfortunately this interpretation does not clarify the procedure that the PSC should follow in resolving an issue of professional ethical misconduct should it get to part c. Thus we have added language that indicates that it should then be handled through the grievance process.

5. Specifying a process for dealing with a question of professional ethics that arises during an evaluation. These were recommendations 1b and 1c from the AHCPs and recommendations 12A and 12B from the Ad Hoc Committee on Evaluation. (See page 2 of the proposed faculty code revisions document endorsed by the Faculty Senate on 12/10/07.)

We recommend adding a new part f to Chapter III, Section 4 of the Faculty Code:

1/28/08 -- We have combined parts (1) and (2) below. The resulting language reads:

- (1) If, during an evaluation, a member of the faculty raises a question or a concern regarding the professional ethical behavior of an evaluatee, or regarding the professional ethical behavior of an evaluator (related to this person's role as an evaluator), the faculty member shall initiate a grievance process as described in Chapter I, Part D, Section 4, and the evaluation -- whether at the department, program, school, or Faculty Advancement Committee level -- shall be suspended until the grievance process concludes.

We have also incorporated a suggestion to clarify part the last part below to read:

- (2) If the outcome of the grievance process has bearing on the evaluation, the President may direct the Dean to add information to the evaluation file regarding the result of the grievance.

f. Process for dealing with questions of professional ethics that arise during an evaluation.

- (1) *If, during an evaluation, a member of the faculty raises a question or a concern regarding the professional ethical behavior of an evaluatee, the faculty member shall initiate a grievance process as described in Chapter I, Part D, Section 4, and the evaluation -- whether at the department, program, school, or Faculty Advancement Committee level -- shall be suspended until the grievance process concludes.*
- (2) *If, during an evaluation, a member of the faculty raises a question or a concern regarding the professional ethical behavior of an evaluator (related to this person's role as an evaluator), the faculty member shall initiate a grievance process as described in Chapter I, Part D, Section 4, and the evaluation -- whether at the department, program, school, or Faculty Advancement Committee level -- shall be suspended until the grievance process concludes.*
- (3) *If the outcome of the grievance process has bearing on the evaluation, the Dean may add information to the evaluation file regarding the result of the grievance.*

Rationale for part (1)

It is unlikely that an evaluation can proceed adequately and fairly if questions regarding the professional ethical behavior of an evaluatee are raised and remain unresolved. Thus, if any questions of professional ethics relating to any of the criteria for evaluation (teaching, professional growth, service, advising) arise during an evaluation, there should be a process for resolving them before the evaluation proceeds. This process protects the evaluatee against unsubstantiated charges polluting his or her evaluation, and protects the integrity of the evaluation process. However difficult it may be, the grievance process is

the best process the faculty has for addressing questions about professional ethics and ensuring that those questions are resolved.

The grievance process is a good mechanism for deciding these issues because it allows all parties a chance to present evidence, and an impartial third party, the PSC, to investigate and decide on these matters. If the evaluatee is found not to have made any professional ethical violations, then the president can inform the evaluators that the charges were unsubstantiated and that they should not consider them in their deliberations. On the other hand, if ethical violations have occurred, the president can take appropriate action and inform the evaluators.

Rationale for part (2) -- what was part (2) is now combined in part (1)

The language about when the grievance process should be used is a bit difficult to interpret when it refers to "violated obligations accorded that faculty member" or "violated obligations conferred by." But there doesn't seem to be much debate that this means that if a member of the university violates a provision in the faculty code or a provision in a contract of employment, then a grievance may be filed against him or her. However, there is an important exception -- a faculty-originated complaint may not "include obligations conferred by Chapter 1, Part F, and Chapters III, IV, and V of this Code. Those chapters provide for appeal of the alleged violations." This exception suggests that the grievance process is not used if a faculty member is filing a complaint regarding his or her evaluation, tenure and promotion, or separation from the University. The appeals process is used instead.

However, the appeals process differs from the grievance process in that once a decision is made the appeals board may "include a direction that the matter be returned to the department or Advancement Committee for correction of deficiencies." But the appeals board does not have the ability to "take action" the way the president does in the grievance process. In addition, if there is evidence of egregious unprofessional behavior on the part of a faculty evaluator, the appeals process is not designed to reprimand or otherwise deal with that behavior. This would seem to be a situation where a grievance would be more appropriate than an appeal.

The PSC acknowledges this sort of possibility in its year-end report to the Faculty Senate dated April 27, 2006. In a section addressing the question of whether colleagues with inveterate hostility for one another may be recused from participating in the departmental evaluation of each other, the PSC noted that the provision in Chapter III, Section 4.a.(3)(e) could be used for this purpose, but then went on to state:

PSC members also noted that when no agreement can be reached through the formal process described in Chapter III, Section 4.a.(3)(e), a faculty member who feels harmed by a colleague's participation in an evaluation can file a formal grievance.

We want to emphasize that allegations by the evaluatee of violations of the evaluation procedures are not normally grievable; they should go through the appeals process. In addition, an evaluator's professional assessments of a colleague's research, teaching, advising, and university service are neither grievable nor appealable. The types of violations that would be grievable would be those in which an evaluator is alleged to have lied or tried to sabotage the evaluation by subverting the process.

This raises the question of who decides whether an allegation of a violation should be resolved through the appeals process or through the grievance process. We conclude that the best body to decide this issue is the PSC. After receiving a request for a grievance hearing regarding an evaluator the PSC would meet and make a determination as to whether this should be handled as a grievance or whether it should be handled as an appeal.

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**UNIVERSITY OF PUGET SOUND
FACULTY CODE**

CHAPTER I

GENERAL POLICIES

PART D - PROFESSIONAL DUTIES AND RESPONSIBILITIES

Section 4 - Professional Ethics

Professors are bound to observe acceptable standards of professional ethics. In general, a professor should not compromise the interests of the university or of one's students in favor of one's own. **Questions related to violations of professional ethics should be handled in the following manner:**

- a. **First notify the faculty member of suspected misconduct on his or her part. There may be an explanation that resolves the matter satisfactorily.**
- b. **Failing to receive an explanation that is satisfactory, or not wishing to deal directly with the person suspected of misconduct, one should take the matter to the Chair of that person's department. (If the Chair is the person suspected of misconduct one should take the matter to the Dean.) The Chair may resolve the matter to everyone's satisfaction.**
- c. **If these steps do not resolve the problem, the matter should normally be referred to the Dean and handled through the grievance process as provided in Chapter VI, with the Dean responsible for filing the grievance. In the event that the Dean does not file a grievance, faculty members retain the right to do so.**

~~If questions of professional ethical import arise which cannot be resolved, the party or parties may refer the issue to the Professional Standards Committee for recommendation to the parties.~~

Grievances must be filed according to the timeline outlined in Chapter VI.

PART E - ACADEMIC FREEDOM

Section 3 - Enforcement

If a faculty member believes that his or her rights regarding academic freedom, as provided in this part of the faculty code, have been denied, that faculty member may initiate a grievance action as provided in Chapter VI. ~~If a faculty member's rights as provided by Chapter I, Part D (p.4) of the faculty code have been denied, that faculty member may initiate a grievance action as provided in Chapter VI hereof.~~ In case of a dismissal, the faculty member may request a hearing board to review the case as provided in Chapter V of this code.

CHAPTER III
EVALUATION OF FACULTY

Section 4 - Evaluation Procedure

- f. Process for dealing with questions of professional ethics that arise during an evaluation.**
- (1) If, during an evaluation, a member of the faculty raises a question or a concern regarding the professional ethical behavior of an evaluatee, or regarding the professional ethical behavior of an evaluator (related to this person's role as an evaluator), the faculty member shall initiate a grievance process as described in Chapter I, Part D, Section 4, and the evaluation -- whether at the department, program, school, or Faculty Advancement Committee level -- shall be suspended until the grievance process concludes.**
 - (2) If the outcome of the grievance process has bearing on the evaluation, the President may direct the Dean to add information to the evaluation file regarding the result of the grievance.**

CHAPTER VI

GRIEVANCES

Section 1 - When Used in this Chapter

- a. The term "grievance" includes a faculty originated complaint or a university originated complaint.
- b. The term "faculty originated complaint" is a complaint by a faculty member that the university, an officer including another faculty member, or an official body thereof has, by act or omission, violated obligations accorded that faculty member by the contract of employment or by provisions of this faculty code; provided, that a faculty originated complaint does not include obligations conferred by Chapter I, Part F, and Chapters III, IV, and V of this code. Those chapters provide for appeal of the alleged violations.
- c. The term "university administration originated complaint" is a complaint by the university alleging that a faculty member has by act or omission violated obligations conferred by contract of employment with the university or by provisions of this code.
- d. The term "grievant" refers to the originator of the complaint.
- e. The term "respondent" refers to the person(s) complained against.
- f. The term "parties" refers to the grievant, the respondent, and the university.
- g. The term "committee" refers to the Professional Standards Committee.

Section 2 - Prehearing Settlement Conference

- a. Within thirty (30) working days of the alleged violation, the grievant shall give written notice thereof to the respondent; provided, that the notice may be served on the dean if the grievant is without knowledge of the identify of the respondent.

A grievance notice presented after thirty working days of the alleged violation will be considered only if the grievant demonstrates that he or she did not know, or could not have known, about the alleged violation until a later time. In such an instance, the grievance notice must be given within thirty working days of the date upon which the grievant gained knowledge of the alleged violation.

- b. The notice shall state the relevant facts with reasonable particularity, cite those portions of the appointment contract or the faculty code alleged to be violated, and include proposed remedies.
- c. Within five (5) working days of notice the respondent shall conduct formal discussions with the grievant and other appropriate persons with the intent of reaching a satisfactory settlement of the grievance, and which, if found, shall terminate the grievance process. Any party may terminate the prehearing settlement conference if they feel that further discussions will be unsuccessful.

Section 3 - Grievance Hearing

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2 a. If the prehearing settlement conference is terminated without settlement of the
3 grievance, then within five working days of said termination the grievant may serve
4 the written notice required in Section 2-~~(p-26)~~ to the dean. Included with said notice
5 shall be identification of the individuals who attended the conference and a demand
6 for a grievance hearing.
7
8 b. The dean shall, within five (5) days of the service of said notice, forward the notice
9 and all attendant materials to the committee.

10
11 Section 4 - Grievance Procedure

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13 a. **Upon receipt of the grievance from the dean, the committee shall schedule a**
14 **hearing to begin within fifteen (15) working days and give the dean, the grievant,**
15 **and respondent at least five working days notice thereof.** ~~Upon receipt of the~~
16 ~~grievance the committee shall fix a time, not later than fifteen (15) days of receipt for~~
17 ~~a hearing and shall give the dean, the grievant, and respondent five days notice~~
18 ~~thereof.~~

19
20 b. **In grievances brought before the committee, the individuals involved or any**
21 **committee member may raise the issue of a conflict of interest concerning a**
22 **member of the committee. If the conflict of interest is disputed, those members**
23 **of the committee who are not involved in the alleged conflict of interest shall**
24 **conduct a confidential, written vote to determine if a conflict of interest may**
25 **exist. If it is determined that a member of the committee may have a conflict of**
26 **interest, that member shall be recused from deliberating and voting. If a**
27 **member of the committee is recused because of an apparent conflict of interest,**
28 **the committee, at its discretion, may appoint a substitute to participate in the**
29 **case. Parties to the grievance are automatically recused from serving on the**
30 **grievance committee.**

31
32 ~~b~~c. The function of the hearing committee shall be to determine whether there have
33 been violations of the code **or contract of employment**, as alleged by the grievant,
34 and to recommend what sanctions, if any, should be imposed upon the respondent(s).

35
36 ~~e~~d. Procedures

- 37
38 (1) Presiding Officer. The committee chairperson shall preside, handle
39 administrative duties, and rule on matters of procedure and evidence; provided
40 that decisions by the chairperson are subject to being overruled by a majority of
41 the committee.
42
43 (2) Representation. The university shall be represented by person(s) designated by
44 the dean. The grievant and respondent may attend all hearings in person and be
45 acted for by lawyer or non-lawyer counsel chosen by the grievant/respondent.
46
47 (3) Closed Hearings. Hearings shall not be open to the public, and the only persons
48 present shall be those whose presence is allowed by this chapter. However, at
49 the request of either party, and with the concurrence of the committee, a
50 representative of an educational association or other appropriate association
51 shall be allowed to observe hearings.
52
53 (4) Records. In all cases, the university shall ~~provide~~**make** an electronic verbatim
54 record **of the hearing, and provide to either party, upon their request, a**

1 ~~copy of that verbatim recording or a verbatim transcript paid for by the~~
2 ~~requesting party. ,and if requested by either party, a verbatim transcript of the~~
3 ~~proceedings paid for by the requesting party.~~ Records made of the hearing
4 shall be retained by the university for six years after the committee makes its
5 report.

- 6
- 7 (5) Order of Presentation. The grievant shall make the initial presentation to the
8 committee. At the conclusion of that presentation any party may request that
9 the hearing be terminated for lack of any probable merit for the grievance. The
10 committee shall then meet in executive session to approve or reject the request.
11 If the request is approved by a majority of the committee then the grievance
12 shall be dismissed and such dismissal is final. If the request is denied by a
13 majority of the committee then the respondent shall go forward with the
14 respondent's presentation.
- 15
- 16 (6) Evidence. Each party shall offer such evidence as the committee deems
17 relevant, and each party may cross-examine the other's witnesses. Witnesses
18 may be allowed to testify by affidavit if, in the committee's discretion, that is the
19 most feasible way of presenting their evidence and if the opposing party is not
20 substantially prejudiced by lack of cross examination. The committee shall
21 have no duty to seek or to present evidence but may do so if, in its judgment,
22 justice requires. In such a case, the committee shall have right of access to all
23 pertinent materials, ~~regardless of classification~~. The hearsay rule or other
24 exclusionary rules of evidence used in courts of law shall not apply.
- 25
- 26 (7) Discovery. Insofar as practicable, each party shall assist the other in obtaining
27 witnesses and evidence when the party's assistance is necessary or helpful.
28 Each party shall make specifically requested and relevant documents or other
29 tangible evidence in its possession available to the other for presentation to the
30 committee.
- 31
- 32 (8) Public Statements. No person involved in the hearing's proceedings shall make
33 public statements, directly or indirectly, about the matters in the hearings.
- 34
- 35 (9) Final Report. After completion of the hearing, the members of the committee
36 shall meet in executive session to consider their decision on the matters before
37 them. The committee may consider only evidence presented to it in hearing.
38 The decision of the majority shall be transmitted to the president as the
39 committee's decision, but dissenting members may also transmit statements of
40 their position. Said report(s) shall be delivered to the president within ten (10)
41 working days of the termination of the hearing unless the committee extends the
42 time. The committee shall send the president a copy of the grievant's notice of
43 complaint, a summary of their hearings, and tangible items of evidence they
44 received in their hearings. **The committee will send copies of its report(s) to**
45 **the parties in the grievance at the same time that it sends them to the**
46 **president.**

47

48 Section 5 - President's Action

49

50 The president shall consider the report and materials submitted therewith. Within twenty
51 (20) working days of receiving the committee's report, the president shall do the
52 following:
53

- 1 a. finally determine what action, if any, the university shall take in response to the
2 grievance complaint;
- 3
- 4 b. transmit the final determination to the committee, to the grievant and to the
5 university officer or employees whose actions gave rise to the grievance complaint;
- 6
- 7 c. **transmit to the committee and the other parties to the grievance, should the final**
8 **determination be contrary to that reached by the committee, the reasons for the**
9 **determination**~~transmit to the committee, should the final determination by contrary~~
10 ~~to that reached by the committee, the reasons for the determination;~~
- 11
- 12 d. direct appropriate university officers to take any required action.
- 13

14 Section 6 - Respondent's Action

15
16 The respondent shall comply with the decision within thirty (30) working days or sooner.
17 Failure to comply may be considered a violation of contract, and Chapter I, Part C of the
18 faculty code.
19

Faculty Senate
November 26, 2007

A proposed change to the Faculty Bylaw, to replace the ~~stricken words~~ with the words in **bold lettering** below.

Article V. Section 6. H. The Committee on Diversity.

a. The Committee shall consist of the Dean of the University (ex-officio); the Dean of Students (ex-officio); the Dean of Admission (ex-officio); the ~~Affirmative Action Officer~~ **Chief Diversity Officer** (ex officio); no fewer than five appointed faculty members; a maximum of three members of the staff, to be selected by the Staff Senate; and four students.

Faculty Senate
February 25, 2008

A proposed change to the Faculty Bylaws, to add the following.

Article V. Section 6. J. The International Education Committee

- a. The Committee shall consist of the Dean of the University (ex-officio), the Dean of Students (ex-officio), the Director of International Programs (ex-officio), no fewer than seven appointed members of the Faculty, and two students.
- b. The duties of the Committee shall be:
 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.
 3. Assist the Office of International Programs in selecting students for study abroad.
 4. Represent the interests of the Faculty in international education.
 5. Such other duties as may be assigned to it.