

**Report to the Faculty Senate
Professional Standards Committee
Academic Year 2005-2006
April 27, 2006**

The members of the Professional Standards Committee (hereafter PSC) are William Breitenbach, Karl Fields, Grace Kirchner, Sarah Moore, John Riegsecker, Don Share, Carolyn Weisz (chair), and Kristine Bartanen (ex officio).

The PSC met twenty-eight times during the 2005-2006 academic year. Additionally, representatives from the PSC attended Faculty Senate meetings on September 26, November 14 and 21, December 5, January 23, and February 13.

A summary of the most important work of the PSC in 2005-2006 appears below.

Review of Departmental Guidelines

The PSC discussed and approved evaluation guidelines for the Biology Department. (September 21 and October 12 and 26, November 2, 2005, and January 26, 2005)

The PSC discussed and approved revised evaluation guidelines for the School of Music. (October 12, 2005)

The PSC discussed and approved evaluation guidelines for the School of Business. (November 9, 2005, and April 27, 2006)

The PSC discussed evaluation guidelines for the Theater Arts Department and is awaiting submission of a revised version of the document. (March 9 and 23, 2006)

During the year, the PSC did not receive a response from the Environmental Studies Program regarding suggestions from the PSC provided in 2004-2005.

Confidential Matters

The chair of the PSC and the chair of the Faculty Senate formed a hearing board.

There were no grievances submitted during the year.

Code Amendment

Across many meetings (September 28, October 5, 12, and 19, November 30, December 7, January 19 and 26, February 2 and 23, and March 2 and 23) the PSC continued work on a proposed Code amendment to Chapter III, Sections 6 and 7, which pertains to appeals of faculty evaluations. The 2004-2005 PSC created an initial draft of the amendment in order to address a variety of questions that had been raised related to appeals of faculty evaluations since the implementation of major revisions to the Code in 2002. Rather than develop a complex set of

piecemeal amendments and formal and informal interpretations, the PSC, with input from the Faculty Senate, created a proposal for a comprehensive revision of Ch. III, Sections 6 and 7. The revisions include a limited number of changes to current policy and practice (e.g., enlarging the hearing board roster, specifying respondents in appeals and procedures for transmission of information) that the PSC discussed in its review of the two sections, and changes to organization and language intended to make the material more accessible. The first reading of the amendment occurred at the Faculty Meeting on October 24, 2005. Amendments to the amendment were proposed, discussed, and voted on at subsequent meetings (see minutes of Faculty Meetings on December 6, 2005, and January 31, March 6, and April 11, 2006). Considerable discussion occurred about policy and language regarding confidentiality of appeals and hearings. On March 6, 2006, by a majority vote of the faculty, the proposed language of the amendment (Chapter III, Section 6.c.(8)) was amended so that the language is now identical to that in the current Code (Section 7.i.). Among other amendments to the amendment, the faculty voted on December 6, 2005, to add to the motion the following statement: "Adoption of this amendment shall authorize the modification of Code citations so as to bring those citations into conformity with changes in the Code occasioned by the adoption of this amendment."

At the Faculty Meeting on April 11, 2006, it became clear that some faculty members wanted to see additional changes to the proposed language before the Faculty voted on the amendment. This desire reflected concerns raised about whether the Code granted decisions by a Hearing Board "enough teeth." Specifically, it was proposed that the new language should make clear what opportunities an evaluatee has for repeated appeals after a hearing board finds that a Code violation has occurred. To the extent that some faculty may continue to be dissatisfied with the balance of power granted to various bodies involved in evaluations and appeals, these issues may warrant further discussion by the Senate or the Faculty before the Faculty is ready to vote on the amendment. At the Faculty Meeting on April 11, one faculty member suggested that a committee of faculty members who have served on FAC in the past might consider how the language in the amendment would play out in various hypothetical situations. A summary of major differences between the amendment language and current Code language and a document with side-by-side versions of the language (including amendments to the amendment that were approved by the Faculty) were distributed to the Faculty prior to the meeting April 11, 2006.

Formal Interpretations of the Code

None.

Non-Formal Interpretations of the Code, Applications of the Code, and Responses to Other Inquiries

The PSC is often asked to respond to inquiries related to the Code. In responding to such inquiries, the PSC sometimes issues interpretations of Code language that do not reach the level of formal interpretations. On October 21, 2004, the PSC submitted to the Faculty Senate a memorandum that explains the criteria used by the PSC in deciding whether an interpretation should take the form of a formal written interpretation or the form of a non-formal interpretation. This memorandum was published with the Faculty Senate minutes for November 1, 2004. Some of the following PSC responses involve decisions that might be considered non-formal interpretations. In other cases, the sense of the PSC is that in responding to these inquiries, it was not issuing new interpretations but rather applying the provisions of the Code and existing Code interpretations to particular situations. Because the line between non-formal

interpretations on the one hand and advice and applications on the other hand is a blurry one, the PSC is providing this list of its Code-related actions.

Dean Bartanen brought an inquiry to the PSC on October 19, 2005, asking for clarification regarding a non-formal interpretation issued by the PSC on September 23, 2004, concerning participation in evaluations by colleagues with inveterate hostility for one another. Specifically, the inquiry involved whether the provision in Chapter III, Section 4.a.(3)(e) of the Code could be used to compel the recusal of a departmental colleague who desires to participate in an evaluation. Consistent with its response in 2004 (see PSC minutes of September 23, 2004, and the PSC's 2004-2005 Final Report), the PSC concluded that the Code provision could be so used to exclude the departmental colleague from the department, school, or program's evaluation process, if all four named parties (the evaluatee, head officer, the dean, and the Advancement Committee) agreed that the circumstances merited such a grave remedy. However, the PSC further concluded that neither the Code nor the non-formal interpretation of the Code would bar the departmental colleague from participating in the evaluation outside the departmental process by reading the evaluatee's file, attending the evaluatee's classes, and/or sending an evaluation letter directly to the dean (as permitted in Chapter III, Section 4.a.(1)(c)). 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. A grievance, as defined in Chapter VI, Section 1.b., must allege a violation by act or omission of the obligations accorded the faculty member by contract of employment or by the Code. The PSC believes this to mean the allegation of an actual violation and not merely the suspicion or apprehension that such a violation might occur in the future. This same section also restricts faculty members from grieving violations of obligations conferred by Chapter I, Part F, and Chapters III, IV, and V of the Code.

The PSC expressed satisfaction with Dean Bartanen's response to an alumnus about submitting a letter for an evaluation file. Her reply was that outside letters were to be sent to head officers, who could include them in evaluation files if they deemed the letters "relevant" (Faculty Code, Chap. III, Section 4.a.(1)). (September 7, 2005)

Dean Bartanen received an inquiry from a departmental chair concerning the appropriateness of having a departmental secretary take notes during departmental evaluation deliberations. The committee discussed the issue and concluded that while the Code is silent on the issue, the practice seems inadvisable for a number of reasons. (September 14, 2005)

The LMAC chair contacted the PSC chair to inquire whether the PSC could offer guidance regarding issues concerning intellectual property rights of faculty authors. The committee concluded that this was a legal issue that was best directed to the Dean and University attorneys. (February 9, 2006)

Additional Code-Related Issues

The PSC spent a good deal of time across a number of meetings discussing issues of importance to faculty that might warrant attention in the form of Code interpretations or amendments. PSC deliberations highlighted the complexity of the issues and some PSC members were concerned that the issues were more a matter of shaping policy than interpreting, applying, or merely clarifying the Code (and thus might require broader input). The committee did not feel it was able to devote sufficient time to the issues to move forward with formal interpretations or

proposals for amendments. We anticipate that work may continue by the PSC, the Senate, and/or ad hoc committees. A summary of key issues related to these items appears below.

First year participation in faculty evaluations. In the context of reviewing a department's evaluation guidelines on September 21 and October 26, 2005, the committee noted that there is variation across departments in the nature of first-year participation in faculty evaluations and that reasonable people might differ in their interpretation of Code language related to participation. The committee affirmed that the Code is clear in stating that "(d)epartmental colleagues participating in the evaluation write letters" that are "substantive assessments" and that "(w)hen the evaluatee is eligible for a change in status, the letters shall forward the writers' independent recommendations." (Chapter III, Section 4.a.(1)(c)). The committee also noted that some departments excuse first-year faculty from participation or allow them to participate in various ways without voting. A number of concerns and questions were raised.

Discussion continued on November 2, 2005, regarding whether or not it is reasonable or even possible for first-year faculty members to make "substantive assessments"; whether letters reporting abstentions constitute "independent recommendations; and whether or not the recent amendment allowing open files in tenure evaluations creates an increased need for uniformity or clarity regarding the issue of first-year participation. At its meeting on November 9, 2005, the committee decided to use an e-mail survey to collect information from faculty chairs about current practices involving first-year faculty participation. The committee discussed the results of the survey on November 23, 2005, and noted that in most but not all departments, first-year faculty participate in evaluations, and that participation typically involves writing brief letters that do not necessarily include a clear recommendation. At the request of the committee, Dean Bartanen had asked the FAC about its view of letters by first-year faculty members and she reported that the FAC said that it viewed such letters discerningly in their proper context and that the FAC preferred to view the question of participation of first-year faculty members in evaluations as a departmental matter. The PSC concluded that there is a contradiction between the requirement that letters include a recommendation (when an evaluation involves a change in status) and the practice of most departments to permit first-year faculty members to submit letters without making recommendations. The PSC asked Dean Bartanen to canvass department chairs at the next chairs meeting to determine whether these matters were a concern.

At the PSC meeting on November 30, 2005, Weisz reported back that some chairs, especially those from smaller departments, wanted further clarification from the PSC and a policy that is consistent across the university. The PSC was able to return to the issue on March 30 and April 6, 2006, and lively discussion ensued. A draft of a possible interpretation of Chapter II, Section 4.a.(1)(c) was discussed that would (1) allow abstentions to be considered "independent recommendations" in evaluation letters, and (2) allow departments to establish provisions for certain department members to observe the deliberative process without having to write evaluation letters. PSC members could not come to consensus about a number of issues raised by the proposed interpretation nor about how to proceed, with various committee members favoring a Code interpretation, a Code amendment, a paragraph in the buff document, Faculty Senate action, or no action at all.

Definition of tenure-line faculty. In recent years, questions have emerged regarding the exact definition of the term "tenure-line faculty" prompting a discussion of this issue by the PSC on February 9, 2006. For example, the committee noted that it is not clear whether the concept refers to the position or the person who occupies the position. It is also unclear whether faculty members cease to be tenure-line once they are no longer eligible for tenure (e.g., after being denied tenure by the Trustees); and if so, when exactly this would occur (e.g., before or after a

terminal year of service). Moreover, the wording in Chapter I, Part B, Section 1, implies that full professors are no longer tenure-line because they are not eligible for promotion to higher rank or for tenure consideration. The committee agreed that a revision to the current Code language in Chapter 1, Part B, Section 1 would be useful. These issues are relevant to faculty participation in searches, faculty evaluations, revision of faculty evaluation guidelines, and department meetings.

Evaluation of three-year visiting faculty members. At the PSC meeting on March 23, 2006, the PSC briefly discussed the lack of clarity regarding the evaluation process for three-year visiting faculty members, which is currently not addressed in the Code. The committee recommends that the Senate charge the PSC to examine this issue next year.

List of proposed “Housekeeping” amendments to the Code: Across the last few years, PSC members have noted the need for many “housekeeping” amendments to the Code (primarily errors in internal Code citations and typos), resulting from the revision of the Code in 2002. A list appears here an Appendix for a future PSC to address.

Other Administrative Business

The committee discussed expectations for minutes and agreed that minutes of PSC meetings should be sufficiently detailed (except in confidential matters) to permit faculty colleagues to understand the issues under discussion and to be made aware of any non-formal Code interpretations issued by the committee. (September 7, 2005)

The committee discussed ways to promote communication and sharing of information between the PSC and Senate and decided to send the revised and approved minutes to Senate Chair Anton and Senate PSC Liaison Bristow at the same time they were sent to Facultycoms for posting. After consultation with the Senate, it was further decided that it would be the posting of the minutes to the faculty at large, rather than the transmission of the minutes to the Senate, that would start the 30-day clock for written notification to the Senate as described in the Faculty Bylaws, Article 5, Section 5.a. (October 26 and November 2, 2005)

The PSC discussed, revised, and approval the annual memorandum sent to all faculty members describing the guidelines for administration of student evaluations (September 7, 2005)

The PSC reviewed and approved the instructions provided to students on the first page of the Instructor Evaluation Form. (September 14, 2005)

At the request of the Faculty Diversity Committee (FDC), the PSC met with representatives from the FDC on November 9, 2006, to discuss ways to make the campus more welcoming to minority students, faculty, and staff and to bolster diversity-related initiatives. Specifically, the FDC inquired about ways of incorporating language in the Code that would recognize faculty work on such efforts. A discussion ensued about the advantages and disadvantages of various changes that might be made to the Code or the document entitled “Faculty Evaluation Criteria and Procedures” (hereafter, the buff document). At the PSC Meeting on February 16, 2006, the committee discussed text proposed by the FDC for inclusion in the buff document. A number of questions and concerns were raised. Representatives from the FDC attended the PSC meeting on March 2, 2006, where discussion continued, and the FDC was invited to submit a revised version of the document to the PSC for consideration. The FDC submitted a document which was discussed at PSC meetings on April 13 and 20, 2006. The PSC decided to include in the buff

document for 2006-2007, the University Mission Statement, the University Diversity Statement, and a slightly revised version of the statement by the FDC.

At meetings on March 23 and April 20, 2006, the PSC discussed additional changes that might be made to the buff document that came from FAC observations or questions to the Dean. It was decided that language should be added to the buff document to a) clarify that untenured associate professors would not normally use the streamlined evaluation process; b) alert faculty being evaluated for promotion to full professor that they should include in their curriculum vitae or statement their full career of service at Puget Sound; c) remind head officers to address “departmental need” in tenure evaluations and “advising” in promotion evaluations; d) reference the interpretation on “early promotion” that notes that the standard is higher than for regularly scheduled promotion evaluations; and e) suggest 12-point font and no duplexed pages for statements, vita, and letters. It was also suggested that internal page references be removed from the buff document for ease of annual updating and that the document be consistently buff in color.

At its meeting on April 27, 2006, the PSC discussed a statement written by Beverly Smith concerning restrictions on participation by internal candidates in faculty search processes. The committee suggested changes to the language and expressed approval for its inclusion in the *Faculty Recruitment Guidelines* for 2006-2007.

At its meeting on April 27, 2006, the PSC briefly discussed problems with the University Evaluation Standards (revised 5/99) published in the buff document. Specifically, there are errors in page number citations to the *Bulletin*, inconsistencies in capitalization of “University”, and an inconsistency with the Code regarding the relative importance of service in the case of tenure evaluations.

Miscellaneous

The PSC responded to the Senate in writing to questions A1-6 and 8A of the Senate “Working Document” dated February 28th, 2005. (September 24 and 28 and October 5, 2005)

The Senate asked the PSC for suggestions regarding charges to a task group set up by the Senate to review the grievance process. The minutes of November 16, 2005, summarize issues raised in the conversation that ensued. It was suggested that the Senate task group might seek the perspective of former members of the PSC about whether the Code was adequate for handling cases of plagiarism and dishonesty and how the Code might be improved.

The PSC reviewed a document entitled “University of Puget Sound Code of Conduct” adopted by the Trustees and the changes recommended by the faculty-staff work group that had been examining document in light of questions raised about the intersection of the Code of Conduct and the Faculty Code. The proposed changes had been brought before the Faculty Senate, which recommended that the PSC review the document and proposed changes. PSC members noted that possible confusion that might arise from the use of the term “code” in both this document and the Faculty Code, that the relationship of the section on confidentiality to the Faculty Code should be considered carefully, and that it was unclear who would have access to the new document and how that access would occur.

Query to the Senate

PSC members thought it would be useful to ask the Faculty Senate whether or not it would be helpful to include notification in the minutes of the Senate or PSC when an appeal begins and ends (although under the current Code, neither the PSC chair nor Senate chair would necessarily know the status of an appeal after a hearing board had been convened). This note and the minutes of March 23, 2006, are intended to convey the inquiry to the Senate for consideration.

Suggested Charges for Next Year's Committee

Continue efforts to facilitate faculty discussion of the amendment to Chapter III, Sections 6 and 7, on procedures for appeals and procedures for hearings.

Propose “housekeeping amendments” to the Code to correct typos and inaccurate internal Code citations and to replace “days” with “working days.”

Consider revising formal Code interpretations to include “partners” in places where “spouses” are mentioned.

Revise the formal Code interpretation of Chapter III, Section 6, in the old Code (“Whether a five-year evaluation of a full professor entails ‘altering the status of the evaluated faculty member’s appointment’ so as to be subject to appeals procedures”) to update internal Code citations. This formal interpretation was approved in 1997, but was inadvertently omitted from the appendix of formal Code interpretations and consequently was not revised last year along with the other formal interpretations.

Examine the evaluation process for three-year visiting faculty members, which is not currently addressed in the Code. The committee recommends that the Senate charge the PSC to examine this issue next year.

Revise the University Evaluation Standards published in the buff document to correct errors.

Clarify the definition of “tenure-line faculty” by a Code amendment or formal interpretation.

Examine Chapter III, Section 4.b.(4), with reference to the relationship between the informal and the formal challenges that an evaluatee may make to an evaluation conducted by a department, school, or program.

Examine Chapter III, Section 5, to consider questions that have arisen about the so-called streamlined five-year evaluations of full professors (for example, questions about classroom visitation and about the participation of departmental colleagues in these evaluations).

Examine how departments, schools, and programs in their statements of evaluation guidelines handle the assessment of an evaluatee’s teaching in non-departmental courses.

Respectfully submitted,

Carolyn Weisz
Chair, Professional Standards Committee

APPENDIX: Running List of Proposed Housekeeping Amendments to the Code

Following up on the PSC interpretation regarding working days, “working days” should replace “days” in the following places:

- p. 17. Chap. III, Section 4. e. (3)
- p. 28. Chap. V, Part A, Sec. 3. c. (4) [this could be read to mean “working days”]
- p. 32. Chap. VI, Section 3. b
- p. 32. Chap. VI, Section 4. a. [“days” appears twice in this subsection]

- p. 5. Chap I, Part E. Section 3. change internal citation: “Chapter 1, Part D (p. 4)” to “Chapter 1, Part E” or “Chapter 1, Part E. Sections 1 and 2” or “above”.

- p. 10. Chap. III, Section 2. b. change internal citation: “Chapter III, Section 9” to “Chapter III, Section 8”

- p. 10. Chap III, Section 2, paragraph after b: change “associate professors” to “associate professor”

- p. 14. Chap. III, Section 4. b (2) e. change internal citation from “7” to “8” (perhaps provide full citation of section 7).

- p. 14. Chap. III, Section 4. b, second unnumbered paragraph. change internal citation from “Section 5” to “Section 6.”

- p. 16. Chap. III, Section 4. c. (6). change typo: “initiate and appeal” to “initiate an appeal”

- p. 16. Chap. III, Section 4. c. (6). change internal citation from “Section 5 below” to “Section 6 below.”

- p. 16. Chap. III, Section 4. d (2). change internal citation from “Section 7 below” to “Section 8 below.”

- p. 18. Chapter III, Section 5. g. change internal citation from “Chapter II, section a (1)” to “Chapter V, Part A, Section 2. a.”

- p. 25. Chapter V. Part A, Section 2. a (2). change internal citation from “see Chapter I, Part B” to “see Chapter I, Part C.”

- p. 32. Chapter VI, Section 3. a. remove page reference to “(p. 26).”

- p. 33. Chapter VI, Section 5. c. correct typo: change “by contrary” to “be contrary.”

Other suggestions

1. Add the list of formal Code interpretations to the online version of the Code.
2. Add running heads of chapter and section to the paper version of the Code.
3. Change the terms “spouse(s)” and “mate” to “partner(s)” in the following two formal Code interpretations.

Page #	Line #'s	Content
36 and 37	p. 36, 50 p. 37, 2,3, 8,39	Interpretation concerning spouses/children taking courses from faculty
40	20, 24, 25	Interpretation regarding role of spouses/mate in the same department, during evaluations.

4. Include in future Code amendments the following provision: *Adoption of this amendment shall authorize the modification of the Code citations so as to bring those citations into conformity with changes in the Code occasioned by the adoption of this amendment.*