

Minutes for the Faculty Senate Meeting of March 27, 2006

Members Present: Barry Anton, Kris Bartnanen, Nancy Bristow, Bill Haltom, Suzanne Holland, Jean Kim, John Lear, Keith Maxwell, Eric Orlin, Barbara Racine, Ross Singleton, Peter Wimberger

Guests: Hans Ostrom, Lipika Choudhury, Rachel Decker

Announcements

1. Anton announced that the elections for the Faculty Advancement Committee and the Faculty Senate will be electronic this year though a paper ballot can be requested.
2. Kim encourages members of the Senate to respond to the Diversity Survey currently being administered. (Only a 10% response rate as of this date.)
3. Orlin announced that he and Bill Beardsley had been asked by Sherry Mondou to serve on a committee to review the Code of Conduct created by the Board of Trustees. Orlin pointed out minor revisions suggested by that committee [see Attachment A – a revised copy of the Code of Conduct]. The Code of Conduct will be considered at the Faculty Meeting of April 11. Kris Bartanen offered to take the Code of Conduct to the Professional Standards Committee (in part to remind the Trustee’s Audit Committee that measures such as these normally start with the PSC).
4. Kim announced that a Retirement Reception for Jim Davis will be held Wednesday, April 26 in the Rotunda.

Orlin’s Report on the Meeting of Junior Faculty Called to Discuss the Report of the Ad Hoc Committee on Tenure

Orlin summarized the comments made by junior faculty members in response to the Report of the Ad Hoc Committee on Tenure. The meeting called by Senators Orlin and Buescher was attended by somewhere between 8 and 12 junior faculty members. [See Attachment B for a record of the comments made at this meeting.]

Further Consideration of the Recommendations of the Ad Hoc Committee on Tenure

A document created by Anton and Haltom which summarizes the current status of the various recommendations made by Ad Hoc Committee on Tenure was considered. Various modifications to this document were made as a result of Senate discussion. [See Attachment C – the revised version of this document.]

Recommendation 15

Orlin made a motion to charge the PSC to review the specific department and/or program evaluation guidelines identified by Ad Hoc Committee on Tenure in response to Recommendation 15. The motion passed with one abstention.

Role of First Year Faculty

Bartanen noted that the Professional Standards Committee is currently considering the role of first year faculty in the evaluation process.

Teaching Evaluations

Holland wondered whether the form used in and the process of student evaluations of teaching is contributing to the “culture of fear”.

Ostrom commented that the Ad Hoc Committee on Tenure found no evidence that the form or the process contribute to the “culture of fear”.

Decker noted that she feels students do not have much power regarding the evaluation process – that some professors do not take student comments to heart. She also felt the evaluation form currently in use is too constraining.

Recommendation B6

Holland in response to Recommendation B6 wondered whether the Senate needs to hear from legal counsel regarding the legal rationale for removing the “personal and professional characteristics” criterion from the Code.

Ostrom noted that personal and professional characteristics have crept into at least one evaluation and that some faculty do not really agree with the removal of this criterion. Ostrom reminded the Senate that Susan Pierce recommended the removal of this provision. Ostrom supported the notion of hearing from legal counsel in order to gain a better understanding of the legal issues surrounding this provision.

Haltom agreed with Ostrom suggesting there exists a “disgruntled minority” that continue to question the wisdom of removing this provision. He also noted that the FAC does a good job of filtering out statements in letters that introduce personal and professional characteristics.

Discussion ensued regarding the optimal time, place and audience for a discussion with legal counsel regarding this provision. Bartanen volunteered to investigate the optimal forum for this discussion and make a recommendation at a future Senate meeting.

Anton adjourned the meeting at 5:55pm.

Respectfully submitted,

Ross Singleton

University of Puget Sound Code of Conduct

Authority: The Board of Trustees adopted this Code of Conduct on May 13, 2005

Applicability: This Code of Conduct applies to:

- a) all University of Puget Sound employees, including faculty, staff and student-staff, when working for the university or otherwise engaged in activities that are in the course and scope of their employment;
- b) consultants, vendors, and contractors as they do business with the university;
- c) individuals who perform services for the university as volunteers, including the trustees, and those who assert an association with the university; and
- d) students.

The code refers to all these persons as “members of the university community” or “community members.”

Section Headings:

1. INTRODUCTION AND PURPOSE
2. STANDARDS OF INTEGRITY AND QUALITY
3. CONFIDENTIALITY AND PRIVACY
4. CONFLICT OF INTEREST/CONFLICT OF COMMITMENT
5. HUMAN RESOURCES
6. FINANCIAL REPORTING
7. COMPLIANCE WITH LAWS
8. USE OF UNIVERSITY RESOURCES
9. REPORTING POSSIBLE VIOLATIONS

1. INTRODUCTION AND PURPOSE

a. Introduction – As members of the university community, all faculty, staff, students, members of the Board of Trustees, university officers, and affiliates are responsible for sustaining the highest ethical standards of this institution, and of the broader community in which we function. The university values honesty, integrity, fairness and responsible stewardship, and strives to integrate these values into all that we do, as reflected in the Faculty Code, Student Integrity Code, Staff Policies and Procedures Manual, Campus Policy Prohibiting Harassment, and all other published university policies. This Code of Conduct is intended to provide an overarching general statement that supplements but does not replace existing published university policies and codes. Other published university policies and codes provide more specific guidance and must be used whenever appropriate.

b. Purpose – In this spirit, this Code of Conduct (the “Code”) is a shared statement of our commitment to upholding the ethical, professional and legal standards we use as the basis for our daily and long-term decisions and actions. We will all be cognizant of and

comply with the relevant policies, standards, laws, regulations, and policies that guide our efforts. We are each individually accountable for our own actions and, as members of the university community, are collectively accountable for upholding these standards and for compliance with all applicable laws and policies.

c. Violations – Adherence to this Code also makes us responsible for bringing possible violations of applicable standards, policies, laws or regulations to the attention of the appropriate office. Raising such concerns is a service to the university and will not jeopardize one’s position or employment. Alleged violations will be pursued according to the established processes for faculty, staff, and students respectively.

d. Questions – Please direct questions regarding the intent or applicability of this Code to the Executive Assistant to the President/Secretary of the Board.

2. STANDARDS OF INTEGRITY AND QUALITY

The University of Puget Sound recognizes the importance of maintaining a reputation for integrity that includes, but is not limited to, compliance with laws and regulations and its contractual obligations. The University of Puget Sound strives at all times to maintain the highest standards of quality and integrity.

Frequently, the University of Puget Sound’s operating activities and conduct of its community members are not governed by specific laws or regulations. In these instances, rules of fairness, honesty, and respect for the rights of others govern our conduct at all times.

In addition, each individual is required to conduct university business transactions with the utmost honesty, accuracy and fairness. Each situation is examined in accordance with this standard. No unethical practice is tolerated on the grounds that it is “customary” outside of the University of Puget Sound or that it serves other worthy goals. Expediency should never compromise integrity.

3. CONFIDENTIALITY AND PRIVACY

Community members receive and generate on behalf of the university various types of confidential, proprietary and private information. Each community member will comply with all federal laws, state laws, agreements with third parties, and university policies and principles pertaining to the use, protection and disclosure of such information, and such policies apply even after the community member’s relationship with the university ends.

4. CONFLICT OF INTEREST

Community members are responsible for being familiar with, and are bound by, applicable conflict of interest policies. Outside professional activities, private financial interests or the receipt of benefits from third parties can sometimes cause an actual or

perceived divergence between the university mission and an individual's private interests.

5. HUMAN RESOURCES

University of Puget Sound is an institution dedicated to the pursuit of excellence and facilitation of an environment that fosters this goal. Central to that institutional commitment is the principle of treating each community member fairly and with respect. To encourage such behavior, the university prohibits discrimination and harassment and provides equal opportunities for all community members and applicants regardless of their sex, race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran status, gender identity, or any other basis prohibited by local, state, or federal laws. Where actions are found to have occurred that violate this standard the university will take prompt action to cease the offending conduct, prevent its recurrence and discipline those responsible.

6. FINANCIAL REPORTING

All university accounting entries, accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents, including supporting documentation, are to be accurate, clear and complete, and in accordance with applicable policies, agreements, standards and regulations.

7. COMPLIANCE WITH LAWS

Members of the university community will conduct university activities in compliance with applicable laws, regulations, and university policy and procedure. Managers and supervisors are responsible for teaching and monitoring compliance. When questions arise pertaining to interpretation or applicability of policy, the individual with a question should contact the appropriate individual or office.

- a. Contractual Obligations – The acceptance of an agreement may create a legal obligation on the part of the University of Puget Sound to comply with the terms and conditions of the agreement and applicable laws and regulations. Therefore, only individuals who have authority delegated by an appropriate university official are authorized to enter into agreements on behalf of the university.
- b. Environmental Health & Safety, including Workplace Health and Safety – Members of the university community are committed to protecting the health and safety of its members by providing safe workplaces. The university will provide information and training about health and safety hazards and safeguards. Community members will adhere to good health and safety practices and comply with all environmental health and safety laws and regulations.
- c. Professional-Specific Standards – Some professions and disciplines represented at the university are governed by standards and codes specific to their profession. Those

professional standards generally advance the quality of the profession and/or discipline by developing codes of ethics, conduct, and professional responsibility and standards by which their members are guided. Those belonging to such organizations are expected to adhere to university policies and codes of conduct in addition to any professional standards. If a community member believes there is a conflict between a professional standard and university policy, he/she will consult with the appropriate Vice President.

8. USE OF UNIVERSITY RESOURCES

University resources are reserved for operating purposes on behalf of the university in the pursuit of its mission. They may not be used for personal gain, and may not be used for personal use except in a manner that is incidental, and reasonable in light of the person's role and responsibilities. University resources include, but are not limited to, the use of university systems, such as telephone systems, data communication and networking services, and the University of Puget Sound domain for electronic communication forums; and the use of university equipment, such as computers and peripherals, university vehicles and other equipment; and the use of procurement tools such as credit/purchasing cards and petty cash; and the time and effort of other staff, students and others at the university.

9. REPORTING POSSIBLE VIOLATIONS

Members of the University of Puget Sound community should report possible violations of applicable laws, regulations, contractual requirements or other violations of this Code through avenues specified in applicable published university policies and codes. In the absence of applicable published university policies and reporting processes, possible violations should be reported to the University Compliance Helpline. Contact information is available on the Human Resources Website or in the Human Resources office. Reports may be made confidentially, and even anonymously, although the more information given, the easier it is to investigate the reports. The university will make every effort to honor confidentiality and anonymity to the extent it does not conflict with external regulations and laws. Each report will be reviewed as timely as possible, and at the appropriate level within the university. If a report is made through this avenue, but involves an issue that should be dealt with through processes identified in other published university policies and codes, an appropriate and timely referral will be made. The Audit Committee of the Board of Trustees will receive regular reports from the University Compliance Helpline.

Origination Date: 5/2005

Revised: 2005

In an attempt to save senators some time and bother, Professors Anton and Haltom have “inventoried” the recommendations in the final report of the Ad Hoc Committee on Tenure (released 22 January 2006). Professors Anton and Haltom welcome corrections and propose that this “inventory,” once vetted by the Faculty Senate, be posted at the Faculty Senate’s Suggestion Box at blackboard.ups.edu.

The AHCT’s Prefatory Recommendation

“The committee recommends that the Faculty Senate focus on a future in which evaluation at the University is consistently fair, adequate, egalitarian, and humane. What are the best means by which the faculty and the University can realize such a future? This question characterizes the spirit in which the committee presents its final report to the Faculty Senate.” **The Senate has adopted this as a working presumption.**

Enumerated Recommendations in the Main Sections of the Report

1. “The committee recommends that the Faculty Senate distribute this report and its appendices to all members of the faculty and to the President.” **Accomplished**
2. “The committee recommends that the Faculty Senate deliberate about the findings and recommendations in this report, about the material in the appendices (including recommendations in Appendix B), but also about its own individual and collective concerns with regard to tenure and evaluation.” **In Process**
3. “The committee recommends that the Faculty Senate consider what should be done if, hypothetically, the Professional Standards Committee is perceived to have violated the Faculty Code. What mechanism is there, or what productive mechanism might be created, whereby a concern about such a violation can be adequately addressed, and addressed in a way that protects the integrity of the Code, the integrity of the evaluation and hearing processes, and the normal functioning of the PSC? Obviously, one of the PSC’s purposes is to insure that the faculty adheres to the Faculty Code, but what is supposed to be done if the PSC itself is perceived to have violated the Code?” **On hold for AHCPS**

“Broadening this recommendation, the committee suggests that the Faculty Senate review the checks and balances among individuals, departments & programs, chairs & directors, the Faculty Advancement Committee, the Professional Standards Committee, the Dean/Academic Vice President, and the President. The Senate might, for example, invent several scenarios of evaluation, test them against the provisions of the Faculty Code, and test them against well accepted ideas about conflict-of-roles, if not conflict-of-interests, per se.” **To Do**

4. “The committee recommends that the Faculty Senate deliberate about the Senate’s role in connection with the PSC and the FAC, committees that have often been perceived to have more autonomy than other standing committees of the Senate. To what degree and

in what sense do these committees report to the Senate? What is the Senate's supervisory role over these committees? Should the FAC appoint a chair, who might communicate regularly with the Chair of the Faculty Senate and/or the Senate itself?" **To Do**

5. "The committee recommends that the Faculty Senate investigate further why the rate of attrition among the junior faculty has been at the levels we have described." **To Do**
6. "The committee recommends that the Faculty Senate offer to work with the President and the Dean to create a gathering of tenure-line faculty members in their second year. Such a gathering would be devoted chiefly to making the evaluation process as transparent, adequate, and fair as possible. It would also be an opportunity for second-year colleagues to ask questions and voice concerns. How to create an atmosphere in which second-year colleagues are comfortable in expressing concerns and asking questions is something we recommend the Senate consider as well. The committee sees this gathering as a way to educate junior-faculty about the evaluation process and as a way to address the problem of fear." **Dean Bartanen Has Taken Up**
7. "The committee recommends that the Faculty Senate discuss additional ways to educate and train head officers with regard to the evaluation process. We further recommend that the Senate look to the Academic Vice President for leadership and advice concerning such education." **Dean Bartanen Has Taken Up**
8. "The committee recommends that the Faculty Senate discuss ways of cultivating the mentoring of junior faculty but that the Senate also be alert to ways in which mentoring can be perceived as coercion and otherwise go awry." **Action to Date partially addresses the former clause but not the latter; Professor Curley will Construct an Archetypical Evaluation File; more to do**
9. "The committee recommends that the Faculty Senate discuss whether the evaluation process (third-year and tenure/promotion) should include an external participant. **To Do**

"Alternatively or simultaneously, the Faculty Senate may want to discuss the possibility of creating an Ombudsperson-position; such an ombudsperson could be available to answer questions and hear concerns with regard to third-year, promotion, and tenure evaluations—questions and concerns having to do with processes and the Code, not ones having to do with professional assessments of teaching, professional growth, and service." **To Do**
10. "The committee recommends that the Senate and the Academic Vice President amicably discuss the advisability of pursuing any changes to the By Laws with regard to finding #10, which concerns the fact that the By Laws assign the dean many different roles and responsibilities in the evaluation process (FAC, PSC, supervising head officers, selecting hearing-boards in grievances connected to evaluation, etc.). However, the committee sees this strictly as a structural issue, not as one that concerns a particular dean/vice president, nor as one that the Senate and the Academic Vice President should approach antagonistically. Perhaps the most reasonable first step is to hear the Academic Vice

President’s views on her several roles and points of responsibility in the evaluation process.” **To Do after Other Recommendations, which may Call for Other Changes in the Faculty Code or the By-Laws, have been Considered**

11. “The committee recommends that the Faculty Senate explore the possibility of dividing the PSC into two independently functioning committees[,] one that handles interpretations of the Faculty Code and the standards of evaluation and another that handles appeals and grievances.” **On hold for AHCPs**

12. “With regard to our finding concerning insufficient separation of the grievance process from the evaluation process, the committee recommends that the Faculty Senate consider the following two sets of questions:
 - A. “To what extent does the grievance process at the University ensure not only the proper and fair hearing and adjudication of grievances but also the protection of the person(s) lodging the grievance (whether informal or formal)? That is, to what extent is there an adequate buffer between the grievance process and the evaluation process? What safeguards exist to prevent colleagues from using the evaluation process as a means of retribution for a legitimate grievance process (regardless of the outcome of the process)?” **On hold for AHCPs**

 - B. “What measures should be taken when a disruptive departmental ‘event’ takes place and when hostility springing from this event undermines or has the clear potential to undermine the fairness and adequacy of an evaluation or multiple evaluations in the department? Additionally, what measures should be taken in cases where, hypothetically, a departmental culture—regardless of a precipitating event—is chronically hostile, vengeful, and/or corrupt?” **To Do**

13. “The committee recommends that the Faculty Senate discuss the relatively recent phenomenon of composite tenure-line positions, whereby a colleague is a member of both a department and a program and whereby a colleague may in fact have no single ‘home’ department. Does the Faculty Code address sufficiently how such colleagues should be evaluated? Might unforeseen tensions between and among departments and programs affect the evaluation of such colleagues? What problems might spring from a colleague’s being evaluated by a committee as opposed to a whole department or a whole program?” **To Do**

14. “With regard to its findings concerning fear, (see # 6 under **Findings**) the committee has asked itself, and asks the Senate, to consider the extent to which this fear may affect the morale of junior colleagues and the morale of the faculty in general.” **To Do**

“The committee has asked itself, and asks the Senate, to consider whether this fear contributes to the attrition-rates noted above.” **To be Combined with #5 *supra***

“The committee has asked itself, and asks the Senate, to consider whether this fear may alter the professional performance of junior colleagues and indirectly contribute to

unsatisfactory evaluations; that is, to what extent does this fear determine behavior, undermine confidence, and erode productivity?” **To Do**

15. “The committee recommends that the Senate charge the Professional Standards Committee with reviewing all departmental and program evaluation guidelines to identify irregularities, such as Code-violations, instances of selective empowerment, and instances of non-objective evaluation criteria.” **To Do (AHCTenure will send 5 specific eggs to Psi)**

The AHCT’s Concluding Recommendation

“The committee notes that, with the presidency of Ron Thomas, the deanship of Kris Bartanen, and other changes on campus, a new era has begun. Consequently, the committee recommends that the Faculty Senate approach the issues of tenure and evaluation in the context of this new era and in forward-looking, inventive, cooperative ways.” **Adopted as Working Presumption**

Recommendations in Appendix B

B1 “The Ad Hoc Committee recommends that the Faculty Senate pass a ‘sense of the faculty’ motion to reaffirm what the Faculty Code explicitly directs the FAC to do in cases where ‘additional information is needed’ in an evaluation. The Committee further recommends, respectfully, that the Academic Vice President, in the evaluation-guidelines sent to chairs & directors each year,* highlight this part of the Code.” **To Do**

B2 “The Committee recommends that the Senate ask three former members of the FAC to draft a document which *concisely* describes what steps the FAC ought to take in cases where it has found procedural violations to have occurred, the purpose of these steps being to insure adequate consideration of the evaluatee’s file and case and to redress the specific violations the FAC determined probably to have occurred. The Committee respectfully suggests that when the Senate is satisfied that the steps described are sensible and follow the Faculty Code, it should approve the document and transmit it to the FAC.” **To Do**

B3 “The Committee respectively recommends that the Academic Vice President, in the evaluation-document she sends out each year to departmental heads,* include a reminder about the requirements (a) to reach a recommendation in all evaluation-cases, and (b) to include in the process by which a recommendation is reached in the evaluations all those members of the department who are available and who wish to participate. The reminder should reiterate that excluding colleagues-in-good-standing from the process is a violation of the Faculty Code, and that one chief purpose of departments’ (and schools’ & programs’) meeting is to use the meeting to arrive at a recommendation.” **Dean Bartanen has Undertaken This Task**

B4 “Of course, any colleagues who believe they have been inappropriately excluded from a departmental deliberation on a colleague’s evaluation should contact the Head Officer, the

Academic Vice President, the Chair of the Faculty Senate, and/or a member of the Faculty Advancement Committee as soon as possible concerning the exclusion.” **PSC’s Amendment to Chapter III, currently before the Faculty**

B5 “1) The Committee respectfully recommends that the Academic Vice President, in the evaluation-guidelines she distributes each year,* explain that inducing or inviting students to write letters or emails on behalf of or against faculty-members who are up for evaluation is unprofessional and inappropriate behavior and will likely render the evaluation process unfair and inadequate. In the guidelines,* the Academic Vice President may also want to remind head officers that coaching students in what to write in letters and emails of this kind is also unprofessional. In other words, the Academic Vice President should, in effect, remind all members of the faculty not to do these sorts of thing. 2) The Committee respectfully recommends that the Academic Vice President, in the evaluation-guidelines she distributes each year,*explain that any faculty-member’s coaching of students in the way students complete course-evaluation forms is also unprofessional. 3) The Committee recommends that the Senate discuss the following question: Should there be a standardized set of guidelines available to students in those relatively rare instances when students want to write a letter to contribute to a faculty-member’s evaluation? Such a form might be distributed to students, upon request, by a head officer or a departmental secretary. Such a form might help to avoid even the appearance of faculty-members’ coaching students to write (or in the writing of) letters. 4) The Committee nonetheless strongly urges the Senate, departments, programs, the FAC, and other entities to do *nothing* to make students’ letters in faculty-evaluations anything more than a rare occurrence springing from extraordinary professional collaborations between faculty-members and students.” **To Do**

B6 “The Committee urges the faculty to adhere to the Faculty Code in all matters of faculty-evaluation, and to evaluate colleagues based on the well established criteria of evaluation: teaching; professional growth; contributions to university governance; advising; and contributions to the community. Further, the Committee recommends that the Faculty Senate ask a representative of the University’s legal counsel to visit the Senate to explain why removing the “personal and professional characteristics” criterion from the Code was arguably in the best interests of the University. The Committee understands that the Senate will need to seek the Trustees’ approval for such a conversation with counsel, and it understands that the University’s counsel will be speaking on behalf of the University’s interests. Nonetheless, the Committee believes that such a conversation may have significant educational value for the senators and their constituents.” **To Do**

*Technically, this is a PSC document that Dean Bartanen may not alter at will.

Here are some basics from the meeting with the untenured faculty--in more discussion than import order:

1. expressed concern over attrition rates of women and would like to see this contextualized with other universities/peer institutions.
2. concern over mixing of evaluation and development. Since the third year review, in the words of one member present, is more of a legal process/document, the current evaluation model does not advance junior faculty career development, contains no structures for mentoring, and, in some's eyes, skews toward ambiguity to protect the institution not the evaluatee. General concern that the letters for "feedback" do not assist development.
3. concern over lack of mentoring on the process itself--some participated in evaluations of colleagues and felt lost in the process--others not clear on how to put their own file together, what the standards constitute, how the standards will be interpreted, etc. This related to concern over being exposed as junior faculty to the potential struggles of senior faculty and caught in those struggles. This concern also relates to culture of fear and wondering how/if that culture can be altered.
4. concern over departmental dysfunction--partly want to know if they are in such a department; what are their recourses; feeling of not being in control of their own fate.
5. significant concern post-participation in reviews of colleagues where they interpreted standards were applied differently, instructed how to interpret the evaluation standards, and that the standards enabled significant ambiguity that enabled faculty to "find other ways to evaluate the person" and to "evaluate so as to create standards" by which others are to be judged/evaluated.
6. Related to #5--concern over "where the bar" is.
7. sense of a lack of operational words/standards--i.e. what is "excellence in teaching."

One suggestion was to allow 1st year faculty to sit in on process but not write letters for the file.