

Faculty Code

**University of Puget Sound
Tacoma, Washington 98416**

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UNIVERSITY OF PUGET SOUND FACULTY CODE

CHAPTER I

GENERAL POLICIES

PART A - INTRODUCTORY STATEMENT

The objectives of the University of Puget Sound are to maintain a university of excellence devoted to liberal education, to foster instruction in branches of learning which promote the student's mental, moral, and physical development, and to confer degrees, both earned and honorary, on properly qualified individuals. The university was founded in 1888 by what is now The United Methodist Church and is governed today by a wholly independent Board of Trustees. The university guarantees academic freedom and fosters scholarly excellence, humane ideals in teaching and administration, and an atmosphere conducive to an understanding of all beliefs. As an institution whose primary aim is to provide an excellent liberal education, the University of Puget Sound emphasizes training in rational thinking and disciplined expression, the systematic pursuit of knowledge in the humanities, fine arts, sciences and social sciences, and a ceaseless examination of values and assumptions. The university also maintains graduate and professional programs, appropriately founded on a liberal education.

PART B – CATEGORIES OF THE FACULTY

Section 1 – Tenure-line Faculty

Tenure-line faculty members are those appointed to the ranks of assistant professor, associate professor, or professor, who are eligible for reappointment and promotion to higher rank, and who are eligible for tenure consideration.

- a. An appointment without tenure is subject to renewal on an annual basis. Initial tenure-line faculty appointments are usually without tenure.
- b. An appointment with tenure is continuous unless terminated for reasons specified in Chapter V.

Section 2 – Non-tenure-line Faculty

Non-tenure-line faculty members are those appointed as instructor, adjunct faculty, visiting faculty, or other positions that might be created. Non-tenure-line faculty are appointed on a contract basis. Such contractual relations may continue indefinitely but shall not lead to tenure. Non-tenure-line faculty members' roles, rights, and responsibilities are the same as those of tenure-line faculty as described in Chapter 1 of the Faculty Code with exceptions as noted in this code.

- a. Instructors are full-time or part-time faculty members in departments, schools, or programs where class load requires teaching service greater than can be accommodated by tenure-line faculty. Instructors are employed essentially as teachers, typically to teach lower level or prerequisite courses.

- b. Visiting faculty are temporary faculty members, who may be appointed visitors in any rank for a specified period.
- c. Adjunct faculty are those persons appointed, usually part-time and usually temporarily, to fill specific needs in the curriculum and those persons who, because of particular professional skills and stature, are appointed to specific teaching and/or research responsibilities. This appointment may be honorary and may be continuous at the discretion of the university.

Section 3 – Faculty emeriti/emeritae

Faculty emeriti and emeritae are former tenure-line faculty who have retired in good standing from the university. Faculty emeriti and emeritae may be employed as adjunct faculty or according to policies approved by the Board of Trustees.

PART C - ROLE OF THE FACULTY

Section 1 - Faculty as Scholars

Faculty, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subjects is to seek and to state the truth as they see it. To this end, professors devote their energies to developing their scholarly competence. They accept the obligation to exercise critical self-discipline and honesty. Although professors may follow subsidiary interests, these interests must never seriously compromise their freedom of inquiry.

Section 2 - Faculty as Teachers

- a. As teachers, faculty encourage the free pursuit of learning in students. They hold before their students the best scholarly standards of personal discipline. They demonstrate respect for the student as an individual, and serve as intellectual guides and counselors. Faculty make every reasonable effort to foster honest academic conduct and to assure that the evaluation of students reflects each student's academic achievement. Faculty respect the private nature of the relationship between instructor and student, avoid any exploitation of students for private advantage, acknowledge significant assistance from them, and protect their academic freedom.
- b. Faculty members may not refuse to teach students properly enrolled in class by the university. However, a faculty member may challenge the enrollment of a student should that student be a disruptive influence to the class.

Section 3 - Faculty as Colleagues

As colleagues, faculty members have obligations that derive from common membership in the community of scholars. Faculty respect and defend the free inquiry of associates and the exchange of criticism and ideas, showing due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in professional judgment of colleagues. Tenure-line faculty accept a personal share of faculty responsibilities for the governance of the institution.

Section 4 - Relations with University

- a. Upon appointment to the faculty, a faculty member accepts responsibility for the advancement of the university as a teaching-learning center and accepts the authority of the university, its government and governing procedures.
- b. Membership in the academic community obliges each person to respect the right of others to express differing opinions, to insist on intellectual honesty, to promote free inquiry, and to participate in that community with fairness, integrity and respect for others.
- c. The expression of dissent and the attempt to produce change should not be carried out in ways which impede the functions of the university, injure individuals, damage institutional facilities or disrupt the classes of one's students or colleagues.
- d. The university does not discriminate in its relations with faculty on account of matters having no bearing on academic performance.

Section 5 - Faculty as Citizens

- a. The faculty member is a private citizen, a member of a learned profession, and an officer of an educational institution. When one speaks or writes as a citizen, one should be free from institutional censorship or discipline, but one's special position in the community imposes obligations. As a learned person and educator, the faculty member should remember that the public may judge the profession and the institution by personal utterances. Therefore, the faculty member should at all times be accurate, exercise appropriate restraint, and make every effort to indicate that a faculty member is not an institutional spokesperson.
- b. As members of the community, faculty have the rights and obligations of all citizens.

PART D - PROFESSIONAL DUTIES AND RESPONSIBILITIES

Section 1 - General

All faculty members have responsibilities to the university community in the areas of teaching, advising, and departmental service. Tenure-line faculty are also responsible for university service and to their particular disciplines in scholarly activities and consulting. The University of Puget Sound insists upon a standard of excellence in teaching. Therefore, all professional activities of a faculty member are expected to contribute to the achievement and maintenance of that standard.

Section 2 - Specific Duties

- a. Academic year. Faculty are to be available for normal duties in connection with the arrival of the students for advising and registration for fall term and until after commencement and final submission of grades for spring term. Faculty members are to use fully the academic term by meeting all classes through the final exam week, keeping office hours, meeting students for scheduled appointments, and fulfilling other duties that support the teaching-learning environment. During the remainder of the summer months, faculty members are free to engage in scholarly research and study or to pursue non-university activities.
- b. Teaching load. The normal teaching load is six units per year.

- c. Academic advising. Faculty members are expected to advise a reasonable number of students. Thus, they shall be available at appropriate times and show the interest essential to good advising.
- d. Scholarly activities. The faculty member's professional development has a direct bearing not only on the person's expertise, but also on the quality and effectiveness of the person's teaching. The university encourages creative work such as research, publication, and performance in the arts. Instructors are expected to remain current in the relevant parts of their discipline which bear upon their teaching duties. They are not required to engage in scholarly research and writing; however, the department may encourage them to do those things which will add to their repertoire of professional awareness and abilities.
- e. University service. Reasonable participation in university service is expected of tenure-line faculty members. Service that advances the mission of the university includes participation in departmental and university governance, in co-curricular programs, in promoting intellectual vitality and a high quality of life on the campus, and in activities which help convey the nature and purpose of the university to its constituencies.
- f. Adjustments. Unusual requirements of a particular discipline and/or duties assigned by the university may necessitate adjustments in the normal balance of teaching and other duties. Each department, school, and program may propose guidelines for load differentials based upon the nature of teaching and other professional activities. These guidelines must be approved by the Professional Standards Committee and the Academic Vice President and Dean of the university (hereinafter referred to as the dean). Individual cases of differential professional load within departments, professional schools or programs shall be approved by the dean of the university.

Section 3 - Extra Employment

- a. Extra teaching. Off-campus teaching and overload teaching within the university may not be undertaken to such an extent as to interfere with the faculty member's performance of regular university duties during the academic year. A full-time faculty member shall not engage in teaching courses at other institutions where the effect is direct competition with the university.
- b. Consulting. The university recognizes that faculty members sometimes act as professional consultants. Such activity reflects favorably on the quality of the faculty and on the importance of the university to the community. However, consulting should not be undertaken if it might weaken or interfere with a faculty member's university duties.
- c. Relation to university advancement. Extra employment, whether as off-campus or overload teaching, as a consultant, or otherwise, cannot compensate for a lack of teaching excellence, professional development, or scholarly attainment when a faculty member is evaluated for purposes of promotion, tenure, retention, or increases in salary. Therefore, faculty members must exercise discretion in engaging in such employment and must bear the risk that it might harm university advancement.

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, take steps required by public law as implemented in university policies.
- b. Second, when there is no relevant public law, notify the faculty member of suspected misconduct on his or her part. There may be an explanation that resolves the matter satisfactorily.
- c. Failing to receive an explanation that is satisfactory, or not wishing to deal directly with the person that is 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.
- d. 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 the grievance, faculty members retain the right to do so.

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

PART E - ACADEMIC FREEDOM

Section 1 - Definition

- a. Academic freedom is the right of all members of the academic community to study, discuss, investigate, teach, conduct research, publish or administer freely as appropriate to their respective roles and responsibilities. It is the obligation of all members of the university academic community to protect and assure these rights within the governing framework of the institution.
- b. Academic freedom should be distinguished clearly from constitutional freedom, which all citizens enjoy equally under the law. Academic freedom is an additional assurance to those who teach and pursue knowledge, and, thus, properly should be restricted to rights of expression pertaining to teaching and research within their areas of recognized professional competencies. Beyond this, expressions by members of the academic community should carry no more weight or protection than that accorded any other citizen under the guarantee of constitutional rights. That is, outside of one's professional field, one must accept the same responsibility which all other individuals bear for their acts and utterances.

Section 2 - Specific Applications

- a. A faculty member must be able to participate in the democratic process of the institution, must be able to learn and teach what scholarship suggests is the truth, must be able to question even what is believed to have been settled, and must be able to publish what scholarship has discovered without fear of reprisal.
- b. A faculty member is entitled to freedom in research and in publication of the results, subject to the adequate performance of the faculty member's other academic duties.

- c. A faculty member is entitled to freedom in the classroom in discussing the relevant subject matter. It is the faculty member's mastery of the subject and scholarship which entitles him or her to the classroom and this freedom in the presentation of the subject. Thus, it is improper for faculty persistently to intrude material which has no relationship to the subject, or to fail to present the subject matter of the course.

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. 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.

PART F - AMENDMENTS TO FACULTY CODE

Section 1 - Initiation

Amendments to this code may be proposed by either the faculty or the Board of Trustees. Initial amendments proposed by the faculty shall be presented to each faculty member, in writing, at least two weeks before a final vote is taken on same. Such changes shall be read in a faculty meeting prior to the meeting at which the final vote is taken. The body proposing the amendment shall adopt by a majority vote a motion to that effect and shall transmit a copy of that motion, together with a summary of the reasons therefore, to the other body.

Section 2 - Agreed Amendment

An amendment initiated by either the faculty or the Board of Trustees becomes effective if the body receiving the amendment from the proposing body adopts it by a majority vote in the same form as it is received.

Section 3 - Conference Committee

Should the receiving body not adopt the amendment in the form originally proposed then it shall (a) so notify the proposing body and (b) designate some of its members or one of its standing committees to confer with persons or committee similarly designated by the proposing body. The persons or committee so designated shall constitute an ad hoc conference committee, which shall meet, organize itself as it sees fit, and discuss the proposed amendment. A majority of the representatives of the faculty shall together have one vote, and a majority of the representatives of the trustees one vote. If possible, the two groups shall conclude upon a common proposal to report to their parent bodies. Otherwise, they shall conclude upon separate proposals and shall note the proposals of the other group.

Section 4 - Reports by Conference Committee

The groups from the conference committee described in the preceding section shall report to their parent bodies any proposal for amendment upon which they have concluded. They shall also make suitable explanation of the deliberations of the conference committee and shall describe any conclusions of the other group that differ from their own, so that the parent bodies may be fully informed. If the parent bodies both see fit, they may refer the matter to the conference committee for further deliberation and report.

Section 5 - Adoption of Amendment

Following deliberation and report by the conference committee, as provided for in Section 4 amendments to this faculty code may be adopted by majority vote of the faculty and majority vote for the same amendment by the Board of Trustees. The amendment shall be effective when adopted by both bodies.

PART G - INTERPRETATION OF THE FACULTY CODE

Section 1 - Responsibility

It shall be the duty of the Professional Standards Committee to issue interpretations of the faculty code. Any member or members of the academic community may request an interpretation of the faculty code, and/or the Professional Standards Committee may initiate the interpretation. If the Professional Standards Committee deems an interpretation to be of significant merit it shall issue a formal written interpretation which shall be delivered to the Faculty Senate for inclusion within the Senate minutes. Such interpretations shall also be forwarded to the Academic and Student Affairs Committee of the Board of Trustees for its concurrence. If there is a disagreement, the two committees, or their representatives, shall meet to formulate a unified interpretation. If they cannot agree, the matter shall be submitted for binding arbitration under the rules of the American Arbitration Association.

Section 2 - Appeal

Any member or members of the university community who are aggrieved by an interpretation of the faculty code by the Professional Standards Committee may appeal that interpretation to the Faculty Senate. Initiation of an appeal, in writing, shall take place within ten (10) working days following publication of the interpretation in the Senate minutes. Findings of the Faculty Senate shall be forwarded to the Academic and Student Affairs Committee of the Board of Trustees for its concurrence. If there is disagreement, the provisions of Chapter 1, Part F, Section 1 shall apply.

CHAPTER II

FACULTY APPOINTMENTS

Section 1 - General Rules

Rules governing all appointments are:

- a. Faculty members are appointed on the basis of their qualifications as professionals in their fields.
- b. The terms and conditions of faculty appointment shall be as provided in this faculty code and as contained in an annual written contract signed by the president or the dean, and by the faculty member. This code and the contract shall comprise the entire agreement between the parties. Extensions or modifications of the terms of an appointment or special understandings shall be in writing and become part of the contract. In case the provisions of a contract conflict with this code, the contract shall control. Specific exceptions to the code shall be identified in the contract and be made known to the faculty member and the head officer.
- c. Schools, departments and programs shall develop criteria for all faculty appointments and work closely with the president and the dean in developing policies in this area.

Section 2 - Initial Appointment

- a. Initial faculty appointments at the university may be for periods of one, two, or three years.
- b. Qualifications for initial appointment include earned degrees appropriate to the position to be filled, promise in teaching and professional growth, successful participation in professional activities, and qualities conducive to success in performing the duties for which appointed. (See Section 1, c.)

Section 3 - Initial Appointment Procedure

Initial appointment is made by the president after the following actions have been taken.

- a. Before the search begins, the head officer (refers to a department chairperson, school director, director of a program or a dean of a school) must consult the dean concerning: (1) The level of the appointment; (2) appropriate salary range and fringe benefits; (3) a job description, including the areas of expertise needed and course load; and (4) possible recruitment activities, attempting to identify recruitment sources which might effectively generate minority and female candidates in addition to traditional recruitment sources.
- b. When the dean has approved the search, faculty recruitment will proceed according to guidelines prepared by the Professional Standards Committee and the dean of the university. Changes in these guidelines require the approval of the Professional Standards Committee and the dean of the university.
- c. At the conclusion of the search the head officer or search committee chairperson, in consultation with department faculty and students, should select an individual and

make a recommendation to the dean and the president. The president shall normally adopt the recommendation of the head officer or search committee chairperson. If such adoption is not forthcoming, the president shall forward the reason for not doing so to the school, department, program or search committee. After further review, the head officer or search committee chairperson shall resubmit a recommendation from the school, department, program or search committee. The president will be responsible for the final decision.

Section 4 - Reappointment

Tenure-line faculty members serving on appointments without tenure shall be considered for reappointment by the dean during the term of appointment. The provisions of this section shall also apply to faculty members who are full-time instructors except those holding appointments as visiting faculty. If the decision is reached not to reappoint (See Chapter III, Section 2), the dean will notify the faculty member in writing at the earliest possible time, and in accordance with the following standards:

- a. Not later than March 1 of the first year of academic service.
- b. Not later than December 15 of the second consecutive year of academic service.
- c. Not later than June 30 preceding the final contract year, after two or more consecutive years of academic service.

Section 5 - Grounds for Non-Reappointment

The university may refuse to reappoint faculty without tenure for any reason not forbidden by this faculty code. Upon written request by faculty members who are not reappointed, the dean shall inform them in writing of the reason they were not reappointed.

Non-reappointment of tenured faculty members is governed by Chapter V of this faculty code.

CHAPTER III EVALUATION OF FACULTY

Section 1 - The Purposes of Evaluation

The purposes of evaluation are to develop and maintain university excellence and a high degree of professional competence in the individual faculty member. The evaluation process shall be directed to (1) providing documentation necessary for achieving a fair and impartial decision when the faculty member is eligible for a change of status and (2) providing timely and accurate assessment of faculty performance and any suggestions for improvement.

Section 2 - When Faculty are Evaluated

Faculty shall be evaluated at specified points in their careers with the university, in the manner provided in this chapter.

- a. Evaluation shall occur prior to all decisions to: (1) promote a faculty member; (2) grant or deny tenure to a faculty member without tenure; and (3) not reappoint a tenure-line faculty member without tenure.
- b. An evaluation by the head officer shall be made at the conclusion of each year for the first two years of the appointment of a faculty member without tenure, or earlier if a question of non-reappointment is at stake. An evaluation by the head officer shall also be made after each three year period of service for those at the rank of associate professor who are not candidates for tenure or promotion unless the evaluatee elects to proceed with a full review in accord with the procedures detailed in Chapter III, Section 4. A copy of the head officer's report shall be sent to the individual under evaluation and to the dean. A copy of the head officer's report shall be placed in the faculty member's evaluation file (Chapter III, Section 8). Except in cases of non-reappointment (Chapter II, Section 5), no further action is required.

Persons in the rank of instructor, assistant professor, and associate professor normally shall be evaluated every three years, and professors normally shall be evaluated every five years unless an earlier evaluation is requested by the faculty member, the head officer, or the dean. Unless a more frequent evaluation schedule is specified in the initial appointment letter, evaluations after the third year of employment normally will not be undertaken at intervals shorter than three years. At least one year shall pass between the completion of a normally scheduled evaluation and any new evaluation undertaken solely at the request of the evaluatee.

Section 3 - Evaluation Standards and Criteria

- a. The Professional Standards Committee, in consultation with the Faculty Advancement Committee (hereinafter referred to as the Advancement Committee) and the dean, shall agree upon and publish periodically a statement of university evaluation standards.
- b. Departments shall state in writing the criteria, standards and needs of the department used in departmental evaluation process in relation to the University's standards and needs. The Professional Standards Committee shall approve departmental criteria and standards.

- c. In all reviews, the provisions of Faculty Code, Chapter I, Parts B and C shall serve as fundamental definitions of faculty responsibility.
- d. The essential criterion for the awarding of tenure is the appraisal of excellence as a professional, rather than measurement of the faculty member's ability to avoid some deficiency. Specifically, the factors to be considered in making the tenure decision are: 1) proven excellence in teaching, (2) distinct evidence of professional growth, (3) a record of service to the university and (4) the needs of the department, school, or program and the university. Unless there is affirmative evidence of excellence in areas (1) and (2), a record of service in area (3) and demonstrated need in area (4) of this paragraph, tenure should not be granted. All persons participating in the evaluation for tenure and in the tenure decision shall be guided by these criteria. Responsibility for demonstrating he or she meets the standards for tenure or promotion rests with the evaluatee.
- e. Faculty promotion shall be based upon the quality of a person's performance of academic duties. Specifically, decisions whether to promote shall be based upon the quality of the faculty member's performance in the following areas, listed in order of importance: (1) teaching; (2) professional growth; (3) advising students; (4) participation in university service; and (5) community service related to professional interests and expertise. Because the university seeks the highest standards for faculty advancement, mere satisfactory performance is no guarantee of promotion. In addition, appointment in the rank of associate professor and professor normally requires a doctoral, or other equivalent terminal degree. Advancement to the rank of full professor is contingent upon evidence of distinguished service in addition to sustained growth in the above-mentioned areas

Section 4 - Evaluation Procedure

Evaluation begins at the department, school, or program level and proceeds through the Faculty Advancement Committee and the dean to the president. When Board action is required, the president forwards a recommendation and the evaluation file to the Academic and Student Affairs Committee of the Board of Trustees. The evaluation process is designed to provide a substantial body of credible evidence in writing as the basis for a fair and impartial review.

The evaluation process should be fair and ensure that adequate consideration is given the faculty member involved. Fairness and adequate consideration shall be achieved consistent with the criteria and procedures outlined in Chapter III, Sections 2-4.

- a. Evaluation within the department, school or program is a significant professional responsibility, and the departmental evaluation process should be an ongoing one. When a faculty member is subject to review, the departmental evaluation normally proceeds as follows. Any exception or addition to these procedures must be approved by the Professional Standards Committee:
 - (1) The head officer shall gather information in writing about the faculty member being evaluated from the faculty member; from colleagues in the department, school or program; and from other sources if they seem relevant. Examples of information from other sources include statements about the evaluatee's teaching from colleagues with whom the evaluatee team-teaches in interdisciplinary programs, statements from university colleagues about the evaluatee's university service contribution, or statements from outside the university about an

evaluatee's professional growth or community service. Within the department, written information is gathered through the following process:

- (a) The evaluatee prepares a file for departmental review. The evaluatee is responsible for providing for review a statement of professional goals and objectives, teaching materials, documentation of scholarly and professional activity, and evidence of university service, student advising, and community service related to professional interests and expertise. The file shall also include student evaluations from the evaluatee's most recent two semesters of teaching; in the case of a tenure evaluation, student evaluations shall be from the most recent four semesters of teaching.
 - (b) Departmental colleagues review the evaluatee's file. Faculty should be familiar with (1) the evaluatee's professional objectives and philosophy, both as outlined in the evaluatee's statement and as demonstrated in practice; (2) the evaluatee's teaching performance/effectiveness, including the organization and construction of courses and the exhibition of pedagogical skill, as assessed through examination of course materials, an ongoing process of class visitation, and the careful review of student evaluations; (3) the evaluatee's record of professional growth, as assessed through examination of evidence in the evaluation file and ongoing attendance to the evaluatee's scholarly and creative activity; (4) the evaluatee's contributions through university service, as documented in the evaluatee's file; (5) the evaluatee's service as an advisor; and (6) the evaluatee's involvement in community service related to professional interests and expertise.
 - (c) Departmental colleagues participating in the evaluation write letters. The letters of colleagues shall be substantive assessments of the evaluatee's performance based on the factors in paragraph (b). When the evaluatee is eligible for a change in status, the letters shall forward the writers' independent recommendations. Normally, letters are forwarded to the head officer; individual faculty members may send their observations and recommendations directly to the dean.
 - (d) The faculty member being evaluated shall have the right to examine letters of evaluation. The faculty member may choose to waive this access. The decision of the faculty member to waive or not waive confidentiality shall not be a factor in evaluating the faculty member.
- (2) When the information has been assembled and evaluated by the department, a departmental recommendation shall be reached by members of the department other than the evaluatee through a deliberative procedure based upon the above information considered in light of departmental and university needs (tenure cases only) and standards. There should be evidence that the department had available the necessary materials and documentation and that adequate consideration has been given to the candidate's qualifications.
 - (3) Variations in the department, school or program evaluation process:
 - (a) If the head officer wishes, he or she may appoint two faculty members from the department, school, or program to assist in the departmental evaluation. In small departments, one or both of these assistants may be appointed from the faculty of a related department or school.

- (b) When the head officer is the subject of the evaluation, the other tenure-line faculty of that unit shall select some person to perform the functions the head officer performs. Such person may be a member of that unit or may, in the case of a small department, be a faculty member of a related department.
 - (c) When a faculty member being evaluated is jointly appointed in more than one department, or has significant teaching responsibility in an interdisciplinary program, there may be more than one evaluation committee.
 - (d) Where a faculty member is appointed fully in an interdisciplinary position, composition of an evaluation committee and selection of the person who will function as head officer will be determined by the dean in consultation with the evaluatee.
 - (e) Other variations in procedure are permitted provided they are mutually agreed to by the evaluatee, head officer, the dean, and the Advancement Committee. At any time during the evaluation, these same parties may resolve questions about the departmental review process by mutual agreement in writing.
- b. Process governing progress of the evaluation from the department, school or program to the Advancement Committee: Transitional steps in the evaluation process enable the evaluatee to receive the departmental recommendation, to review the file, and to raise concerns about the fairness and adequacy of the evaluation.
- (1) The departmental recommendation shall be forwarded by the head officer to the dean and the Advancement Committee, together with all written materials used in reaching that recommendation.
 - (a) The criteria used in the deliberative process shall be stated in writing and also forwarded to the dean to become part of the evaluatee's file.
 - (b) A copy of all documents listed in Section 4.b.(2) below shall be forwarded.
 - (c) If the head officer disagrees with the department, school, or program recommendation, that individual shall submit a minority recommendation.
 - (2) At the time the file and departmental recommendation are forwarded to the dean and the Advancement Committee, the head officer, in writing, shall provide the evaluatee with:
 - (a) a list of those individuals participating in the department's deliberative process and those who submitted letters to the head officer;
 - (b) a summary of the department's deliberations;
 - (c) the departmental recommendation; and a list of those individuals whose recommendations served as bases for the departmental recommendation

- (d) and, when applicable, notification that the chair has made a minority recommendation.
- (e) The head officer also shall provide an evaluatee who has chosen confidential letters (see Chapter III, Sections 4.a.(1)(d) and section 8), with a summary of the letters submitted to the head officer.

Prior to the review of the Advancement Committee, the faculty member is responsible for inventorying the contents of the evaluation file. The office of the dean shall notify the faculty member when the file is complete and ready for review. The faculty member shall have five (5) working days from the date of notification to review the non-confidential materials in the file.

If after reviewing the file (non-confidential letters) or reviewing the file and receiving the head officer's summary of letters (confidential letters) the individual faculty member feels that he or she has been unfairly or inadequately evaluated by the department, school or program, that individual has the right to pursue those concerns (1) informally or (2) formally. (1) The evaluatee may pursue a challenge informally within five (5) working days of reviewing the file by notifying the head officer in writing of concerns about the departmental process and the contents of the file that are relevant to questions of fairness and adequacy. The head officer and the evaluatee shall attempt to resolve issues informally. A copy of the evaluatee's statement of concerns and a written statement on the results of the informal resolution process prepared by the head officer shall be forwarded to the Advancement Committee and included in the evaluatee's file. No informal resolution between the head officer and the evaluatee may remove materials from the file or set aside the provisions of this Code. (2) The evaluatee may pursue a challenge to the departmental evaluation formally by initiating an appeal as provided for in Section 6 of this chapter within ten (10) working days of reviewing the file. The appeal is limited to issues affecting fairness, completeness, and adequacy of consideration by the department in conducting the evaluation. If no challenge is raised informally or formally within the time limits specified, the Advancement Committee shall proceed with its deliberations.

c. Evaluation by the Advancement Committee, including the Dean:

- (1) In cases with confidential letters, the Advancement Committee must make the affirmative determination that the head officer's summary of the departmental letters is a fair and accurate reflection of the letters involved. If necessary, the Committee may consult with the head officer and evaluatee concerning changes in the summary, and shall inform the evaluatee when the summary is determined to be fair and adequate.
- (2) The Committee shall provide the evaluatee with the revised summary and, if the evaluatee feels that he or she has been unfairly or inadequately evaluated by the department, school, or program, he or she shall have five working days after receipt of this summary to issue notification in writing to the Faculty Advancement Committee, if desired.
- (3) The Committee shall provide the evaluatee with a summary of letters sent directly to the Advancement Committee. If the evaluatee feels that he or she has been unfairly or inadequately evaluated by one or more of these letters, he or she shall have five working days after receipt of this summary to issue notification in writing to the Faculty Advancement Committee, if desired. Letters sent

directly to the Advancement Committee and received after the due date of the file shall not be included in the file.

- (4) Before proceeding to a recommendation, the Advancement Committee through the Committee's careful review of the evaluation file shall determine whether the department, school, or program gave adequate consideration to the evaluatee. The candidate's file, when considered as a whole, must indicate that faculty involved in the departmental evaluation process had a sufficient degree of familiarity with the candidate's professional performance.
 - (a) The Advancement Committee shall consult with the head officer from the department, school or program or the person(s) serving as head officer for the evaluation, as provided for in Section 4.a.(3)(b) through (d) above:
 - if the Committee is not assured that the department, school, or program gave adequate consideration of the faculty member involved;
 - or if the committee feels that additional information is needed.
 - (b) In any of these instances, the Advancement Committee shall raise its concerns regarding the department/school evaluation process and, when appropriate, suggest remedies in writing. The department may then respond. The Committee's concerns, suggested remedies (if any), and the department response shall be included in the faculty member's evaluation file. A copy of all written documents will be provided to the evaluatee.
 - (c) If, after consultation, the Committee and the department, school, or program continue to disagree about the adequacy of consideration given the evaluatee, all written materials related to the issue, including minority reports, shall be forwarded to the president at the completion of the Advancement Committee's evaluation, along with the Committee's recommendation, for consideration as part of the president's review of the file.
 - (d) In the case of a dispute under 4.c.(4)(a) the Advancement Committee shall notify the evaluatee and the head officer when it has determined that adequate consideration has been given to the faculty member or that the best possible resolution has been reached.

At any stage of the process described in Section 4.c.(4), the Advancement Committee, the department, and the evaluatee may resolve issues by mutual agreement in writing.

- (5) Having determined that it has the materials and documentation necessary for making a fair and impartial evaluation, or at the conclusion of the dispute process in Section 4.c.(4) above, the Advancement Committee shall proceed to a recommendation based on the evidence at hand. This recommendation shall reflect the independent judgment of the Committee. The committee's recommendation shall be based on the criteria for reappointment, tenure, and promotion, as called for in Chapter III, Section 3 and be made in light of department/school/program needs, criteria and standards and their consistency with university standards. The recommendation of the Advancement Committee shall be based upon the candidate's record of performance as measured against appropriate University and department/school standards for reappointment/tenure/promotion.

- (a) If the Advancement Committee's majority recommendation is contrary to that of the department, school, or program, department representative(s) shall be consulted formally. If the consultation leads to a unified position, no further action is necessary. If, after consultation, the Committee and the department, school, or program continue to disagree, all recommendations, including those of any minority, and all information gathered in Chapter III, Section 4 shall be forwarded to the president.
 - (b) If the Advancement Committee's majority recommendation is negative or if the Committee is evenly divided and cannot make a positive recommendation, the dean shall notify the evaluatee of the right to request a meeting with the Advancement Committee prior to the transmittal of the recommendation of the Advancement Committee to the president. The purpose of this meeting is to discuss the recommendation based upon the written record of the file.
 - (c) The Advancement Committee shall then transmit to the head officer and the evaluatee a final recommendation.
- (6) The evaluatee, after receiving a copy of the final recommendation, may within five (5) working days initiate an appeal as provided in Section 6 below. This appeal is limited to questions of fairness, completeness, and adequacy of consideration of the evaluatee during review by the Advancement Committee and may not consider questions about the review at the departmental level. The Advancement Committee must hold in abeyance forwarding its recommendation to the president until the hearing board has reached a decision.
- (7) If there is no appeal within the required time, the Advancement Committee shall then transmit to the president its final recommendation. In addition, the president shall receive any minority recommendation(s) from the Advancement Committee and all information gathered in the evaluation process. Any minority recommendation(s) from the Advancement Committee should be shared in writing with the Committee before the committee's recommendation goes forward to the president.
- d. Process of the evaluation after review by the Advancement Committee:
- (1) Since a primary function of the evaluation process is to develop and maintain a high degree of professional competence in the individual faculty member, timely and accurate feedback is essential. Within a reasonable period, but no later than four months after receiving the report of the evaluation from the Advancement Committee--or in the case of a tenure decision, upon report of a favorable decision by the Board of Trustees--the head officer shall review with each evaluatee the results of the evaluation.
 - (2) If the evaluation was not made for the purpose of altering the status of the evaluated faculty member's appointment, no presidential action shall be called for. In that event, the President shall take note of the evaluation and accompanying information and shall return the same to the dean, to be included in the faculty member's ongoing evaluation file (see Section 8 below).

- e. Evaluation and Decision by the President: If the particular case requires a recommendation on promotion or tenure, the president shall review the file forwarded by the Advancement Committee and formulate an independent judgment.
 - (1) If the president believes that there is inadequate information upon which to base the recommendation or has questions concerning the prior consideration of the file, the president may return the file to the Advancement Committee. The president shall raise any questions in writing and the Advancement Committee will respond in writing. The president's questions and the Advancement Committee's response shall be included in the faculty member's evaluation file.
 - (2) The president shall notify the evaluatee of the recommendation the president intends to submit to the Board of Trustees. Within five working days of notification, the evaluatee may request a conference with the president.
 - (3) If, after meeting with the president, the evaluatee believes that the president has acted with abuse of discretion or unlawful discrimination in reaching a decision, the evaluatee may prepare within five (5) working days a statement addressed to the Board of Trustees specifying the grounds for such a charge. When the conference has been completed or when the time period for the request has lapsed, the president's recommendation and other evaluation materials shall be forwarded to the Board of Trustees. If there is a statement from the evaluatee as provided for in the previous paragraph, that statement shall be forwarded along with the president's recommendation.

- 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.

Section 5 - Evaluation by Head Officer and Dean

In certain circumstances evaluation of senior faculty may proceed under an alternative process involving only the head officer and the dean. As is the case with the process described in Chapter III section 4, this alternative process is designed to provide a substantial body of evidence in writing as the basis for a fair and impartial review.

- a. Professors 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.

- b. Faculty members who are eligible and choose to be evaluated under the process described in this section must consult with their head officer at least two months prior to the start of the semester in which the evaluation is scheduled. The head officer shall determine whether a full review under Chapter III, section 4 is warranted or if the review will proceed under the procedures described in this section. In making this decision the head officer shall consider information gathered from student evaluations of teaching, evidence gathered from any class visitations and the results of previous evaluations. Selection of a mode of review will neither presume nor preclude any assessments as to the merits of the file. The head officer shall report the decision to the dean. Unless the head officer or the dean calls for a full review, the process shall proceed under the procedures described in this section.
- c. The evaluatee shall prepare a file as described in Chapter III, section 4a and submit it to his or her department one month before the review date. All departmental colleagues eligible to participate in evaluations, under standards approved by the Professional Standards Committee under Chapter III, section 3b of the Faculty Code, will have the option of reading the file.
- d. After reviewing the file the head officer shall write a letter of evaluation and forward the file and letter to the dean. The dean or a designated member of the Advancement Committee shall review the file, write a letter of evaluation and forward it to the head officer. Copies of both letters shall be forwarded to the evaluatee.
- e. At the conclusion of this review process, the evaluatee, the head officer or the dean may call for a full review under the procedures of Chapter III section 4 to be conducted during the subsequent academic year. In such a case the faculty evaluatee shall prepare a file as described in Chapter III, section 4a. The head officer shall add to this file, for departmental review, all of the materials from the previous file, including the evaluation letters of the head officer and the dean.
- f. Evaluations conducted under the procedures described in the section are not subject to the process described in Chapter III section 6 and may not be appealed.
- g. No evaluation conducted under the procedures described in this section may be used in a determination of adequate cause for dismissal as described in Chapter V, Part A, Section 2.a.

Section 6 – Procedure for an Appeal

An evaluatee may allege that there have been violations of the code during the evaluation process. A duly-constituted hearing board shall determine whether such violations have, in fact, occurred. Unless otherwise stated, the provisions of this section apply to all appeals authorized in Chapter III, Section 4.

a. Initiation of an Appeal:

(1) An evaluatee may initiate a formal appeal at two stages in the evaluation process:

- (a) After the evaluation by the department, school, or program.
- (b) After the evaluation by the Advancement Committee.

(2) Grounds and deadlines for formal appeals:

- (a) A formal appeal of the evaluation conducted by the department, school, or program is limited to issues affecting fairness, completeness, or adequacy of consideration by the department, school, or program in conducting the evaluation. The appeal must be initiated within ten (10) working days after the evaluatee has completed reviewing the evaluation file that the department, school, or program forwarded to the dean and the Advancement Committee (Chapter III, Section 4.b).
 - (b) A formal appeal of the evaluation conducted by the Advancement Committee is limited to questions of fairness, completeness, or adequacy of consideration by the Advancement Committee in conducting the evaluation. It may not raise questions about the evaluation at the departmental level unless the questions pertain to duties of the Advancement Committee specified in the code. The appeal must be initiated by the evaluatee within five (5) working days after receiving the Advancement Committee's recommendation (Chapter III, Section 4.c.(6)).
- (3) To initiate a formal appeal, the evaluatee must submit a list specifying alleged violations of the code to the chairperson of the Professional Standards Committee within the time limits specified above.
- (4) Upon receipt the chairperson of the Professional Standards Committee shall provide a copy of the list of alleged code violations to the department, school, or program (if the evaluatee is appealing its evaluation) or to the Advancement Committee (if the evaluatee is appealing its evaluation).
- (5) Response to an appeal:
- (a) In a formal appeal of an evaluation conducted by a department, school, or program, the head officer (or the person performing the functions of the head officer in the evaluation, as provided by Chapter III, section 4.a (3)(a)) will serve as the respondent for the department, school, or program. If the head officer (or the person performing the functions of the head officer in the evaluation) is unable to so serve, the other members of the department, school, or program will select a person to serve as the respondent.
 - (b) In an appeal of an evaluation conducted by the Advancement Committee, the Advancement Committee will designate one of its members as the respondent.
 - (c) Any response from the department, school, or program to an appeal shall be submitted in writing to the chairperson of the Professional Standards Committee within ten (10) working days of the receipt of the list of alleged code violations. In formulating this response, the respondent (as defined above) shall consult with the members of the department, school, or program who participated in the evaluation conducted by the department, school, or program. The document shall represent the response of the

department, school, or program, and not the personal response of the respondent. Any member of the department, school, or program who participated in the evaluation and who dissents from the departmental response may submit a written dissent, which shall be provided to the respondent to forward, along with the response of the department, school, or program, to the chairperson of the Professional Standards Committee. The chairperson of the Professional Standards Committee shall transmit the response and any dissent to the appellant and to the hearing board.

- (d) Any response to an appeal from the Advancement Committee and any dissent to that response shall be submitted in writing to the chairperson of the Professional Standards Committee within ten (10) working days of the receipt of the list of alleged code violations. The chairperson of the Professional Standards Committee shall transmit the response and any dissent to the appellant and to the hearing board.
- (e) An extension for submission of a response or a dissent from either a department, school, or program or the Advancement Committee may be granted if a respondent or a dissenter demonstrates that he or she was unable, due to circumstances beyond his or her control, to complete the response or dissent within the ten (10) working day limit. The chairperson of the Professional Standards Committee and the chairperson of the hearing board must both concur that the extension is warranted.

b. Hearing Board Roster: A hearing board roster will be established annually by the Faculty Senate executive officers. The hearing board roster will consist of all tenured members of the faculty, subject to their consent and to the following exclusions. The chairperson of the Faculty Senate, members of the Faculty Advancement Committee, and members of the Professional Standards Committee are excluded from the hearing board roster. Faculty members who are on leave are excluded from service on a hearing board.

c. Formation of a Hearing Board: Upon receipt of the list of alleged code violations, the chairperson of the Professional Standards Committee shall meet with the chairperson of the Faculty Senate, the appellant, and the respondent within five (5) working days to form a hearing board composed of five (5) members from the hearing board roster.

- (1) Excluded from the hearing board will be members of the appellant's department, school, or program, and all others with direct interest in the matter as determined by the chairperson of the Professional Standards Committee and the chairperson of the Faculty Senate (or by a designated member of the appropriate body if its chairperson may be affected by the exclusion principle noted above). If either chairperson (or designee) votes for elimination, the faculty member is not selected to the hearing board.

- (2) Excluded from selection are members of the hearing board roster in current service on another hearing board.
- (3) If in the same evaluation process an evaluatee appeals the evaluation conducted by the department, school, or program *and* the evaluation conducted by the Advancement Committee, faculty members who served on the first hearing board are excluded from service on the second hearing board.
- (4) The following process shall be used to constitute a hearing board:
 - (a) The chairpersons of the Faculty Senate and the Professional Standards Committee shall jointly select eight names at random from those names remaining on the hearing board roster after the exclusions noted above have been taken into account.
 - (b) The appellant and the respondent may then challenge any name on the list of eight on account of interest or bias. Who may challenge first shall be determined by lot, with each side alternating thereafter. Challenges on account of interest or bias shall be ruled upon jointly by the chairperson (or designee) of the Professional Standards Committee and the chairperson (or designee) of the Faculty Senate. If either votes for elimination, the faculty member is eliminated, and an additional name is selected from the hearing board roster. The additional name may also be challenged on account of interest or bias.
 - (c) The appellant and the respondent may then exercise no more than two challenges each against the eight names remaining on the list without stating cause. If any person is eliminated, an additional name shall be selected from the hearing board roster. The additional name may be challenged on account of interest or bias. The appellant or the respondent may also challenge the additional name without stating cause, until the two permitted challenges without stating cause have been exercised.
 - (d) The first five faculty members selected to the list shall constitute the hearing board. The sixth, seventh, and eighth named faculty members will stand, in that order, as alternates. Alternates will not participate in the appeal unless one or more of the five hearing board members cannot serve from the beginning of the hearing board process.
- (5) The normal presumption is that the faculty members will serve on a hearing board to which they are selected. The chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee may, if both agree, exclude a faculty member from service based on a self-disclosed conflict of interest, hardship, or other good cause shown.

- (6) In the event that any member of a hearing board is unable to complete service after the hearing board process has begun, a new hearing board shall be formed, using the process outlined above, to conduct the hearing.
- (7) The hearing board shall hold its first meeting within five (5) working days of its selection and shall elect a chairperson. At this initial meeting the hearing board shall also elect a secretary to record the actions of the hearing board. The chairperson of the Professional Standards Committee or designee shall attend this initial meeting and shall give the appellant's list of alleged code violations to the chairperson of the hearing board as soon as that person is elected.
- (8) No person involved in the hearing shall make public statements, directly or indirectly, about matters presented in the hearing.

d. Determination of Probable Cause:

- (1) The hearing board shall meet without the presence of the appellant and respondent in order to determine whether there exists probable cause for an appeal. In making that determination, the hearing board shall review the appellant's list of alleged code violations, the respondent's response, and any dissents, and shall have access to all files and records involved in the evaluation process.
- (2) Within ten (10) working days of receipt of the respondent's response and any dissents, the hearing board shall determine, based on its review of the written materials, whether or not there exists probable cause for an appeal and shall so notify the appellant, the respondent, the dean, and the chairpersons of the Faculty Senate and the Professional Standards Committee of the decision.
- (3) If two (2) or more members of the hearing board determine that probable cause for an appeal exists, a hearing shall be held by the hearing board pursuant to Chapter III, Section 7.
- (4) If the hearing board determines that probable cause for an appeal does not exist, the hearing board's written determination of no probable cause shall be included in the evaluation file, along with the appellant's list of alleged code violations, the respondent's response, and any dissents. The evaluation file, with these items included, then moves to the next stage of the evaluation process.

Section 7 – Procedure for a Hearing

- a. A hearing may extend over more than one meeting of a hearing board. The appellant and the respondent may be present at all meetings of a hearing. The respondent may be assisted at a hearing by legal counsel or by non-lawyer counsel. The appellant may also be assisted by an academic colleague and acted for by legal or non-lawyer counsel chosen by the faculty member.

- b. Hearings shall not be open to the public. The only persons present shall be those persons whose presence is allowed by the sections of this chapter pertaining to appeals and hearings. However, at the request of either the appellant or respondent, and subject to the concurrence of the hearing board, a representative of an educational association or other appropriate association shall be allowed to observe a hearing.
- c. In all cases, the university shall make an electronic record of a hearing. If requested by the appellant or respondent, the university shall provide a copy of the electronic record or a verbatim transcript of the hearing paid for by the requesting party. The electronic record made of a hearing shall be retained by the university for six years after the hearing board makes its report.
- d. The chairperson of the hearing board shall preside at a hearing and shall handle administrative duties, such as giving notices and speaking for the hearing board. He or she shall rule on matters of procedure and evidence, subject to being overruled by a majority of the hearing board.
- e. The hearsay rule or other exclusionary rules of evidence used in courts of law shall not apply.
- f. The hearing board shall confine its review and its judgments to the stage of evaluation that is under appeal. The evidence on review in a hearing shall be substantially confined to the written record on which the department, school, or program or the Advancement Committee made its decision. This evidence should not be significantly expanded at the hearing by the admission of testimony and information not previously considered by the department, school, or program or by the Advancement Committee. The appellant or the respondent may offer to present additional evidence deemed relevant, and the hearing board at its discretion may hear or decline to hear such additional evidence. If witnesses testify, they may be cross-examined by the opposing party. Witnesses may be permitted to testify by signed written statements if, in the hearing board's judgment, that is the most feasible way of presenting their evidence and if the opposing party is not substantially prejudiced by the lack of opportunity to cross-examine. The hearing board shall have no duty to seek or to present evidence but may do so if, in its judgment, justice requires it.
- g. Insofar as practicable, each party shall assist the other in obtaining witnesses and evidence when the party's assistance is necessary or helpful. Each party shall make specifically requested and relevant documents or other tangible evidence in its possession available, where possible, to the other party for presentation to the hearing board.
- h. After completion of a hearing, the hearing board shall meet to deliberate and come to a decision. Deliberative meetings shall be conducted without the appellant and respondent present and without making an electronic record. The decision of the hearing board will be limited to questions of the fairness, completeness, or adequacy of consideration in the evaluation conducted by the department, school, or program or

by the Advancement Committee. The decision shall be based on whether the evidence in the written record and the evidence received during the appeal process and the hearing clearly show that there have been violations of the code as alleged by the appellant.

- i. Within ten (10) working days after completion of a hearing, the hearing board shall render its decision about whether violations of the code, as alleged by the appellant, have occurred. The decision of the majority of the hearing board and any dissent by a minority of the hearing board shall be transmitted in writing to the appellant, the respondent, and the dean. The hearing board's decision, any dissents, and any exhibits received in the hearing, along with the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee, are added to the evaluation file.
- j. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the department, school, or program, the hearing board's decision may include a direction that the matter be returned to the department, school, or program for correction of deficiencies.
- k. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the evaluation by the Advancement Committee, the hearing board's decision may include a direction that the matter be returned to the Advancement Committee for correction of deficiencies.
- l. If a hearing board does not find that the code has been violated as alleged by the appellant or, even though it finds code violations, does not direct that the file be returned to an earlier stage, then the file moves forward to the next stage of the evaluation process.
- m. The chairperson of the hearing board shall deliver to the dean in a sealed envelope the electronic record of the hearing and copies of the hearing board's majority decision, any minority dissents, any exhibits received in the hearing, the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee. The dean shall retain these materials for six years after the hearing board makes its report. After a hearing board has rendered its decision and transmitted its reports, the chairperson of the hearing board shall notify the chairpersons of the Faculty Senate and the Professional Standards Committee.

Section 8: Faculty Evaluation Files

- a. The dean shall maintain an ongoing evaluation file on each faculty member.
- b. This file shall be used only in the evaluation process and shall contain only information pertinent to that process, such as (1) a statement of department, school, or program evaluation criteria and standards; (2) the evaluatee's evaluation statement and

curriculum vita; (3) student evaluations submitted as part of the evaluation process; (4) evaluation letters prepared by colleagues; (5) the department summary of deliberation and recommendation; (6) the Advancement Committee's recommendation; (7) if applicable, the president's recommendation to the Board of Trustees; and (8) other material clearly relevant to the faculty member's role as a professional educator which may be the result of the Professional Standards Committee's or the Dean's application of other university policies, provided that the faculty member is notified that the material is being added to the file.

- c. The file shall not include unattributed materials except for student course evaluations.
- d. The file shall not accumulate materials for more than two consecutive evaluations.

All materials in the faculty member's evaluation file shall be open to the Advancement Committee, the dean, the president, and the Board of Trustees. The file shall be open to the faculty member involved, except when the faculty member has waived access to letters of evaluation as provided for in Section 4.a.1.(d), in which case confidential letters may not be read by the faculty member. Without the express consent of the faculty member, the evaluation file shall be closed to all others.

CHAPTER IV TENURE AND PROMOTION OF FACULTY

Section 1 - Tenure

- a. "Tenure" is the right of faculty members to hold their positions until retirement, resignation or dismissal from the university without reduction of salary, without demotion in rank and without termination, unless such reduction, demotion or termination be for adequate cause (see Chapter V, Part A, Section 2a) for discontinuation of an existing program, school, or department; (see Chapter V, Part A, Section 2b) or for institutional financial exigencies (see Chapter V, Part A, Section 2c); or unless other sanctions be the result of the grievance process (see Chapter VI, Section 4c) as provided for in this faculty code.
- b. Tenure offers protection for academic freedom and security. It must be earned through superior professional achievement. Tenure is a career-long commitment by the university to the faculty member and should be regarded by both parties with great care. The tenure decision is usually the most important decision the university makes concerning a faculty member's entire career.
- c. Tenure may be conferred only by action of the university Board of Trustees. Such action occurs upon recommendation by the president, following the completion of the evaluation procedure provided for in Chapter III of this faculty code.
- d. The service previous to tenure is a trial period in which the faculty member's fitness for tenure is tested. The criteria for the awarding of tenure are contained in Chapter III, Section 3 d.
- e. If a decision is made to grant tenure, it must be made not later than during a tenure-line faculty member's sixth year of tenure-line service at the University of Puget Sound. If tenure is not granted after any evaluation for tenure, the next year's contract shall be terminal.
 - (1) Upon application of a faculty member and agreement of both the dean and the head officer of the faculty member's program department, or school, faculty may be considered for tenure before the sixth year of tenure-line service at the University of Puget Sound. Upon such application and agreement, faculty may be considered for tenure before a time specified in the faculty member's initial contract. No matter when a faculty member is considered for tenure, the decision shall be governed by Chapter IV, Section 1, b and d.
 - (2) Approved leaves may be exempted from computation time for tenure consideration in accordance with published university policies or by agreement between the faculty member and the dean.
- f. Faculty members who have had full-time faculty service in other institutions before employment by the University of Puget Sound shall be evaluated for tenure by a time to be specified in the faculty member's initial contract. If tenure is not granted by the time specified in the initial contract, the next year's contract shall be terminal. In no case shall the time for consideration of tenure exceed the time set in Chapter IV, Section 1 e.

- g. Dismissal of tenured faculty shall occur only under the following conditions:
- (1) A faculty member who has tenure may be dismissed by the university only for adequate cause, for institutional financial exigencies, or for discontinuation of an existing program, school, or department, as provided for in Chapter V of this code.
 - (2) A tenured faculty member who is dismissed by the university shall receive salary through the academic year following the academic year in which the dismissal notice is given, whether or not that person is assigned appropriate duties in the university for that year. However, salary shall not be paid or owing if the termination was for cause as defined in Chapter V, Part A, Section 2.a., (2) or (3) of this code.

Section 2 - Promotion

- a. Promotion is advancement in rank by a tenure-line faculty member. As outlined below, tenure-line assistant professors are eligible for promotion to the rank of associate professor and tenure-line associate professors are eligible for promotion to the rank of professor.
- b. Tenure-line faculty are considered for promotion to the next higher rank at the following points in their time of service at the University of Puget Sound.
 - (1) Assistant professors are normally considered for promotion during their sixth year in that rank at the university unless otherwise specified in their letter of appointment; and
 - (2) Associate professors are most often considered for promotion during their sixth year in that rank at the university, but the decision when to request consideration for promotion rests with the faculty member.
 - (3) Approved leaves are generally included in computing time for promotion provided that the work done on leave has a direct correlation to one's academic and professional responsibilities. This procedure must be approved in advance by the faculty member's head officer and the dean.
 - (4) A faculty member who wishes early promotion and believes grounds exist for it may request it in writing to the head officer and the dean. The dean may then initiate the evaluation proceedings. No matter when a faculty member is considered for promotion, the grounds shall be as set out in Chapter IV, Section. 2 c.
- c. Faculty promotion shall be based upon the quality of a person's performance of academic duties. The criteria for promotion are specified in Chapter III, Section 3 e. Promotion shall be made only after evaluation of the faculty member in the manner provided in Chapter III of this code.

CHAPTER V

SEPARATION FROM THE UNIVERSITY

PART A - DISMISSAL

Section 1 - Dismissal Defined

Dismissal is the termination of a tenured faculty member at any time or of a non-tenured faculty member before the end of the contract term of employment. Dismissal does not include the non-reappointment of a non-tenured faculty member (see Chapter II) or separation from the university as a result of suspension, resignation or retirement (see Chapter V, Parts B-D).

Section 2 - Grounds for Dismissal

The only grounds for dismissal are those specified in this section.

- a. Adequate cause. Adequate cause for dismissal may be found to exist in the following categories: (1) professional incompetence; (2) serious departure from appropriate professional role (see Chapter I, Part C); and (3) failure to perform university duties as provided in the faculty member's contract, whether due to volition or physical/mental dysfunction.
- b. Discontinuation of a department, school, or program. The decision to discontinue a department, school, or program rests with the Board of Trustees upon recommendation by the president. The president shall consult with the Faculty Senate prior to making such recommendation. Among those questions to be addressed by the president before the Faculty Senate shall be: (1) the basis upon which discontinuation of the program, department or school was deemed necessary, and (2) whether discontinuation, though necessary, requires any faculty member to be dismissed. If a faculty member's program, department, or school has been discontinued, the university shall make reasonable efforts to place the faculty member in other suitable employment within the university before deciding to dismiss the person from university employment. When possible, placement shall be in a vacant faculty position similar to that discontinued, but if that is not possible, then placement may be offered in other faculty positions or in vacant administrative or staff positions, provided the faculty member is qualified for any such position. If more than one position is available for which the faculty member is qualified, he or she shall be allowed to state a preference for a new position. If placement in another position would be facilitated by a reasonable period of training, the university shall offer financial and other support for that purpose.
- c. Financial Exigency. As used herein, a "financial exigency" exists within the university when lack of expendable funds forces the university to curtail aspects of its academic program to an extent that selected faculty members must be dismissed, as that term is defined and used in this chapter.
 - (1) Before determining that faculty shall be dismissed on account of a financial exigency, the university shall make reasonable efforts to reduce expenditures in every other way, including curtailing hiring of new faculty, non-reappointment of faculty, and encouraging early retirement.

- (2) The determination that a financial exigency exists shall be made by the president after a thorough consideration of other alternatives. Prior to making a recommendation to the Board of Trustees the president shall inform the Faculty Senate of his/her intention in writing.
- (3) Upon receipt of the president's letter the Faculty Senate has twenty (20) working days within which to consider if in their judgment a financial exigency does exist and to forward that judgment to the president.
- (4) The final decision regarding the declaration of a state of financial exigency is made by the Board of Trustees upon recommendation by the president.
- (5) If a state of financial exigency is declared, the Faculty Senate shall recommend criteria to be used in selecting programs to be curtailed or individuals to be dismissed. The Faculty Senate may make specific recommendations as to programs or individual faculty to be thus affected. While the Faculty Senate's recommendations shall not bind the president and the trustees, they shall be accorded great weight.
- (6) If the university dismisses faculty for financial exigency, it shall not at the same time renew non-tenured appointments or make new appointments except in extraordinary circumstances where serious distortion of the academic program would otherwise result.
- (7) If the university dismisses faculty members for financial exigency, it shall not fill their positions with other persons for a period of three years without first offering the dismissed members reinstatement to their former positions and giving them reasonable time to accept the offers.

Section 3 - Procedures for Dismissal

- a. Adequate cause as defined in Chapter V, Part A, Section 2.a.(1) and as applied to tenured faculty is established through a procedure employing the evaluation process described in Chapter III . When a faculty member has received an evaluation which clearly shows a lack of competency to the extent that it brings into question the faculty member's continued employment with the university (i.e., an evaluation which shows severe inadequacy in (1) currency in several aspects of the person's stated area of expertise and/or (2) effectiveness in teaching methods), the following process shall ensue:
 - (1) The dean shall give the faculty member written notice of the same.
 - (2) If requested by the faculty member, the dean shall hold a conference with the faculty member and the head officer to discuss the reasons for the unsatisfactory evaluation.
 - (3) If the faculty member is not in agreement with the decision of the department and the Advancement Committee, he or she may request an appeal at this time (see Chapter III, Sections 7 and 8).
 - (4) If the faculty member does not appeal, or if an appeal is not upheld, then the faculty member, the head officer, and the dean shall draw up an agreement which includes a specific faculty development plan, including goals and a

schedule for performance appraisal with specific criteria for the evaluation clearly stated.

- (5) The performance appraisal shall include an annual review of progress with the dean and the head officer.
 - (6) Three years after the unsatisfactory evaluation (or earlier if requested by the individual), a second evaluation shall be conducted and the department and Advancement Committee shall be made aware of the seriousness of this evaluation. If the second evaluation is also unsatisfactory, the university may continue the individual if it is in the best interests of the university to do so; the university may ask the individual to resign or retire; or the university may give the individual notice of dismissal. If notice of dismissal is given, the faculty member may ask for a hearing as provided in Chapter III, Sections 7 and 8.
- b. When the dean alleges there exists adequate cause for the dismissal of a tenured or non-tenured faculty member under Chapter V, Part A, Section 2.a. (2) or (3), or of a non-tenured faculty member under Chapter V, Part A, Section 2.a. (1), the dean shall present to the faculty member a written charge specifying the grounds which form the basis for the allegations, including a list of the specific acts or actions relevant to the allegations. The faculty member shall, within five (5) working days, have the right to request consultation with the Professional Standards Committee. If no request is forthcoming, the dean is free to notify the faculty member of his/her dismissal. If a request is made, the Professional Standards Committee shall consult with the parties involved and attempt to resolve the problem. If no resolution is possible, then the faculty member may request a hearing as described in Section 4 of this chapter. In dismissals made under this section (Section 3) the question before the hearing board shall be whether "adequate cause," as defined in this chapter, exists for dismissal of the faculty member. The dean or the dean's designee shall present to the hearing board the written charge of the notice-of-intent to dismiss, listing the ground or grounds upon which the university intends a dismissal for adequate cause and specifying with reasonable particularity the alleged facts in support thereof. In proceedings before the board, the university shall have the burden of proving facts sufficient to sustain the charges made. In particular, if the alleged cause for professional incompetency involves physical or mental inability to perform duties, there shall be medical evidence of the same. The university shall present evidence of consultation with one or more licensed physicians or licensed psychologists, as appropriate. Additional medical reports from licensed professionals may be presented by the faculty member. The hearing board may, at university expense, have examinations made by licensed physicians or licensed psychologists, and the faculty member shall consent to such examinations.
- c. Dismissal on account of discontinuation of department, school, or program. Whenever it becomes necessary for the university to dismiss a faculty member on account of discontinuance of his or her program, department, or school and efforts to place the person in another vacant university position are unsuccessful, the following steps shall be taken:
- (1) The dean shall notify the faculty member in writing of the intended dismissal, giving a statement of the reasons therefore.
 - (2) The notified faculty member shall have ten (10) working days from receipt of the dismissal notice to give the dean written notice that the faculty member requests a review of the matter through the process described in Part A,

Section 4 of this chapter and to submit the list of alleged code violations. Upon receipt of the request, the dean shall refer the matter to a hearing board, sending the board such materials pertaining to the matter as are in the dean's possession. The university shall take no further action to dismiss until the hearing board has reported to the president.

- (3) The function of the hearing shall be as specified in Chapter III, Section 8.e. Among the questions before the hearing board shall be: (1) whether discontinuation of the program, department, or school was necessary; (2) whether discontinuation, though necessary, requires the faculty member to be dismissed; and (3) whether the faculty member should be placed in other university employment. The university shall have the burden of producing evidence to sustain its decision to dismiss on the second and third questions. On the first question the determination by the trustees that discontinuation was necessary shall create a presumption to that effect, so that the faculty member shall have the burden of producing evidence to overcome such presumption.
- (4) If the notified member makes no request for appeal within the ten working days referred to above, the dean shall forward the recommendation for dismissal and materials in support thereof to the president. The president shall consider the recommendation and materials and shall recommend to the Board of Trustees that they dismiss the faculty member if the president determines upon that disposition of the matter.
- (5) Whenever the Board of Trustees has acted to dismiss a faculty member on account of discontinuation of the member's program, department, or school, such faculty member shall receive salary through the academic year following the academic year in which the dismissal notice is given whether or not that person is assigned appropriate duties in the university for that year.

d. Dismissal on account of financial exigency.

- (1) Whenever it becomes necessary for the university to dismiss a faculty member on account of financial exigency the steps and procedure outlined in Section 3.c. (1), (2), (4) and (5) of this part, pertaining to dismissal for discontinuation of a program, department, or school, shall be followed. In applying Section 3.c. (1), (2), (4) and (5), due and reasonable allowance shall be made for obvious differences in language, reading "dismissal on account of financial exigency" in place of "dismissal for discontinuation of a program, department, or school" and the like.
- (2) The function of the hearing shall be as specified in Chapter III, Sections 6 and 7. Among the questions before the hearing board shall be: (1) whether a bona fide financial exigency exists; (2) whether, though a financial exigency exists, it justifies dismissal of the particular faculty member; (3) whether the university is renewing fixed-term appointments, except in extraordinary circumstances where serious distortion of the academic program would otherwise result; and (4) whether the university has engaged, or attempted to engage, other persons for the faculty member's position. The university shall have the burden of producing evidence to prove the affirmative of questions 1 and 2; provided that if the university Faculty Senate has advised the president in the affirmative on either of these questions, that shall create a presumption to that effect, so that the faculty member shall have the burden of producing evidence to overcome

such presumption. The faculty member shall have the burden of producing evidence to prove the affirmative of questions 3 and 4, but if evidence is introduced that the university is renewing fixed-term appointments (Question 3), the university shall have the burden of proving the existence of the exception stated.

Section 4 - Appeals Procedures

- a. The composition of, and procedures followed by, the hearing board shall conform to those described in Chapter III, Sections 7 and 8 a-i (p.14), with due and reasonable allowance made for obvious differences in language, reading "faculty member" for "appellant," "dismissal" for "evaluation," and "university" for "department" or "Advancement Committee."
- b. The decision of the majority of the hearing board, and any dissent, shall be transmitted in writing to the president.
- c. Upon receiving the report from the hearing board, the president shall submit the full report to the Board of Trustees, along with his/her own recommendation.
- d. The review by the Board of Trustees shall be based on the record of the previous hearing. The board shall provide an opportunity for written statements to be submitted by the parties and may, at its discretion, hear oral argument.
- e. The decision of the hearing board either shall be sustained or the matter returned to the hearing board with specified objections.
- f. The hearing board shall then reconsider the matter, taking into account the stated objections of the Board of Trustees and receiving new evidence if necessary. It shall then submit its decision to the Board of Trustees.
- g. The Board of Trustees shall make a final decision after reviewing the decision of the hearing board.

PART B - SUSPENSION

Section 1 - Suspension Defined

If a faculty member is relieved temporarily of his/her duties, the faculty member is considered suspended. Salary is continued during the period of suspension.

Section 2 - Grounds

A faculty member is suspended only if immediate harm to the university, the faculty member, or others is threatened by the member's continuance.

Section 3 - Procedure

Suspension is made by the dean with the concurrence of the Professional Standards Committee.

- a. The Professional Standards Committee shall determine, based on the evidence presented to it, including the advice of appropriate professionals, if the dean's decision to suspend a faculty member is justified. The Professional Standards

Committee shall also determine the time period for which the suspension is to be effective and on what basis the decision to reinstate shall be made. In developing the criteria for reinstatement, the committee shall describe specific aspects of the faculty member's behavior to be changed.

- b. The faculty member shall be notified in writing of (1) the suspension, (2) grounds for the suspension, (3) period of the suspension, and (4) criteria for reinstatement.
- c. The faculty member has five (5) working days within which to request an appeal of the suspension. This request shall be processed using the procedure described in Part A, Section 4 of this chapter. The question before the hearing board shall be whether the decision to suspend was made in conformity with this Chapter V, Part B. If the board finds that there is a code violation, the matter shall be referred back to the Professional Standards Committee.

PART C - RESIGNATION

A faculty member may separate from university employment at the end of any academic year. To do so, the faculty member shall notify the dean no later than May 15 of that year, or no later than 20 working days after receiving the university's notice of the terms of his or her faculty reappointment for the next academic year, whichever time occurs first. If a faculty member feels that observance of these time limits would, because of unusual circumstances, cause undue hardship or cause loss of professional advancement or opportunity, the faculty member may request the dean to waive the limits.

PART D - RETIREMENT

Section 1 - Normal Retirement

Normal retirement for a faculty member is at the end of the contract year in which age 65 is attained.

Section 2 - Early Retirement

Tenured faculty members may retire and receive early retirement benefits at the end of the academic year or semester provided they have at least attained the age of 55, as of that date. Tenured faculty members with ten academic years in the rank of professor may retire and receive early retirement benefits at the end of any academic year or semester regardless of age.

The early retirement benefit is based on a percentage of total compensation and such percentage is multiplied by the number of academic years and half academic years by which early retirement precedes normal retirement, up to a maximum of five years. Tenured faculty members with fewer than 20 years of service at the university will receive 30% of total compensation multiplied by the number of academic years by which early retirement precedes normal retirement, to a maximum of five years. Tenured faculty members with 20 or more years of service at the university will receive 35% of total compensation multiplied by each such year, to a maximum of five years.

Total compensation is calculated using the contract salary amount specified on the faculty salary schedule for persons of the same rank and level as the individual electing early retirement and such value includes the value of certain associated benefits.

All early retirement and career change benefits will be paid in the time and manner specified by the Early Retirement and Career Change Policy, which is hereby incorporated by reference.

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 identity of the respondent.

A grievance notice presented after thirty working days of the alleged violation will be considered only if: (1) an alternative process is required by public law as implemented in university policies; or (2) the grievant demonstrates that he or she did not know, or could not have known, about the alleged violation until a later time. In the second 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

- 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 to the dean. Included with said notice shall be identification of the individuals who attended the conference and a demand for a grievance hearing.
- b. The dean shall, within five (5) working days of the service of said notice, forward the notice and all attendant materials to the committee.

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.
- 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.
- 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).
- d. Procedures
 - (1) Presiding Officer. The committee chairperson shall preside, handle administrative duties, and rule on matters of procedure and evidence; provided that decisions by the chairperson are subject to being overruled by a majority of the committee.
 - (2) Representation. The university shall be represented by person(s) designated by the dean. The grievant and respondent may attend all hearings in person and be acted for by lawyer or non-lawyer counsel chosen by the grievant/respondent.
 - (3) Closed Hearings. Hearings shall not be open to the public, and the only persons present shall be those whose presence is allowed by this chapter. However, at the request of either party, and with the concurrence of the committee, a representative of an educational association or other appropriate association shall be allowed to observe hearings.
 - (4) Records. 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. Records made of the hearing shall be retained by the university for six years after the committee makes its report.

- (5) Order of Presentation. The grievant shall make the initial presentation to the committee. At the conclusion of that presentation any party may request that the hearing be terminated for lack of any probable merit for the grievance. The committee shall then meet in executive session to approve or reject the request. If the request is approved by a majority of the committee then the grievance shall be dismissed and such dismissal is final. If the request is denied by a majority of the committee then the respondent shall go forward with the respondent's presentation.
- (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. The hearsay rule or other exclusionary rules of evidence used in courts of law shall not apply.
- (7) Discovery. Insofar as practicable, each party shall assist the other in obtaining witnesses and evidence when the party's assistance is necessary or helpful. Each party shall make specifically requested and relevant documents or other tangible evidence in its possession available to the other for presentation to the committee.
- (8) 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.
- (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.

Section 5 - President's Action

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

- a. finally determine what action, if any, the university shall take in response to the grievance complaint;
- b. transmit the final determination to the committee, to the grievant and to the university officer or employees whose actions gave rise to the grievance complaint;

- c. 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;
- d. direct appropriate university officers to take any required action.

Section 6 - Respondent's Action

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

APPENDIX

PROFESSIONAL STANDARDS COMMITTEE INTERPRETATIONS OF THE FACULTY CODE

The Faculty Code (Chapter I, Part G, Sections 1 and 2) provides that the Professional Standards Committee shall make interpretations of the provisions of the Code as necessary. This Appendix contains such interpretations.

Interpretation of “working days” in the Faculty Code (citations provided below); (Report to Faculty Senate 31 January 2005; Revised May 2015): **Current**

Many processes described in the Code (such as but not limited to processes for appealing interpretations of the Code; for conducting evaluations, appeals of evaluations, and hearing boards; for dismissing a faculty member; and for conducting grievances) specify a particular number of "working days" during which a stage of the process is to be completed. In these Code processes, "working days" means those weekdays during the regular academic year (i.e., fall and spring semesters) when classes are in session, plus the weekdays of reading and final examination periods. If all parties consent, Code processes can proceed on non-working days. Completing one stage of a process during non-working days does not, however, oblige parties to complete all subsequent stages of the process during non-working days.

CHAPTER I

Interpretation of Chapter I, Part C, Section 2, and Chapter I, Part D, Section 4. Professional Ethics of Faculty and Relationships of a Sexual Nature (Report to Faculty Senate 18 April 1984; Revised May 2015): **Current**

In those cases where the faculty member is in a position of professional responsibility with respect to the student, the Professional Standards Committee rules that sexual relationships violate acceptable standards of professional ethics as required by the Faculty Code, Chapter I, Part D, Section 4 and impair the role of teacher as defined in Chapter I, Part C, Section 2. This policy aligns with the university's conflict of interest provisions in the Code of Conduct as well as Section II, Part E (“Consensual Sexual Relationship”) of the Campus Policy Prohibiting Harassment and Sexual Misconduct.

Interpretation of Chapter I, Part C, Section 2, a. Guidelines for the Use of Course Assistants (Report to Faculty Senate 9 December 2013; Revised May 2015): **Current**

Definition of Course Assistants

Course Assistants are either paid employees of the university or students receiving compensation in a different form for their assistance in coursework.

Responsibilities

The responsibility for teaching and instruction at the University of Puget Sound resides with the faculty members. The university recognizes, however, that in special cases it is appropriate or necessary to utilize the services of students as course assistants. Course assistants do not replace full or part time faculty. Rather they extend and augment the ability of a faculty member to fulfill the objectives of a particular class. The use of course assistants in no way reduces, replaces, or eliminates the authority or responsibility a faculty member has for a course as specified in the Faculty Code.

Requirements for Departmental Guidelines for Course Assistants

Specific activities for course assistants will of necessity vary (from department to department and from course to course). Each department must develop a clear statement for each course concerning the use of course assistants. The statement should discuss, at least, the following: (1) faculty supervision, (2) the role of course assistants in the classroom or laboratory, (3) the specific tasks assigned to course assistants, (4) the degree and type of interaction between the course assistants and students, (5) the role of course assistants in grading and evaluating student work, (6) the expected number of hours of work, (7) the method of evaluating performance of the CA, (8) how confidentiality of sensitive material is ensured (in some cases course assistants will have access to confidential information e.g., grades, performance records, or evaluations about the students enrolled in the class. The department and the supervisor must make every effort to restrict course assistants' access to such information to a minimum. Course assistants must be made aware of the sensitive nature of such information and should be required to sign a non-disclosure agreement. Abuse of this privilege should be grounds for dismissal of a course assistant from employment.), and (9) the process of selection of course assistants.

(Each department must develop a procedure for selecting course assistants which is consistent with both the needs of the department and with the prevailing regulations and rules applicable to equal employment. Selection criteria should correspond to the departmental statements about the duties and responsibilities of the course assistant position. The primary concern of the department in selecting course assistants must be the ability of individuals to perform satisfactorily the expected functions of a course assistant. To the extent possible, departments should select students who qualify for university matching funds under existing work-study programs. Applications for positions should be solicited from all qualified students. Notification to both selected individuals and unsuccessful applicants should be in writing. The department should ensure that each selection is based on rational criteria and procedures so that they are not perceived as arbitrary or capricious. The department should be willing to discuss its decisions with unsuccessful applicants. After the selection process is completed the department is responsible for working with the university's Office of Student Employment to execute the appropriate documents as applicable).

This statement should be made available to all prospective course assistants and reviewed specifically with all course assistants at the beginning of their employment.

Supervision and Responsibility of Course Assistants

Each course assistant must be under the direct guidance and supervision of a faculty member. All course assistant duties with respect to grading must be limited to objective evaluation. It is the responsibility of the supervisor to see that the course assistant successfully fulfills the requirements of the job. The supervisor will meet in a

timely fashion with the course assistant to develop appropriate material for the course and to assess the course assistant's performance.

The supervisor, or faculty member responsible for the course, should inform the students enrolled in the course about the role and duties of each course assistant. Students should also be informed that they have the right to appeal decisions made by any course assistant to the faculty member or supervisor.

Role of Professional Standards Committee

Since course assistants perform some of the activities and have some of the responsibilities of faculty members, it is in the interest of the university to monitor their use. Thus each department employing course assistants should submit to the Professional Standards Committee a document that explains the duties, responsibilities, and supervision of course assistants. The PSC will review departmental statements for agreement with the guidelines. Upon obtaining committee approval, the department may then employ course assistants in accordance with the departmental document and need not submit the document again for PSC review until the guidelines in the Code or the departmental document are revised.

Interpretation of Chapter I, Part C, Section 2, and Chapter I, Part D, Section 4. Partners/Dependent Children Taking Courses from Faculty (PSC made voluntary 26 September 1986; accepted by Faculty Senate 3 November 1986; Revised May 2015): Current

Background: The University of Puget Sound provides tuition-free enrollment for dependent children and partners of faculty members. While those family members seldom register for a course taught by their parent or partner, they may choose to do so or need to do so as part of a program of study. The University acknowledges that such situations exist or may exist. These guidelines are intended to apply in such cases.

There is no presumption that a faculty member will give favored treatment to a partner or dependent child in their courses. Indeed, the opposite may be a more likely result. Other students, however, may perceive that the relative may receive, or is receiving, favored consideration. In order to protect the integrity of individual faculty members, the following recommendations are given:

1. When a partner or dependent child is enrolled in a faculty member's course, that relationship should be openly acknowledged.
2. Significant papers, exams, or other course assignments should be evaluated by the process of "blind review," as follows:
 - a. A department colleague should be asked to serve as a reviewer of evaluations/grades.
 - b. Papers/projects should be first graded and critiqued by the instructor of record, but with grades for a selected group of papers not yet recorded.
 - c. That selected group of papers/projects should be submitted to the "blind review" colleague. All references to names of the paper/project authors should be deleted.
 - d. The selected group of papers/projects should include the partner or dependent child's effort.
 - e. The selected group of papers/projects should include a range of grades or scores for comparison purposes.

- f. The "blind review" colleague should acknowledge that similarities or differences in grading/evaluation show consistency. (The reviewer should not be asked to certify that he/she would grade the same way.)
- g. This "blind review" acknowledgement should be recorded by the instructor of record and by the reviewer.
- h. The "blind review" procedure should be announced to other students in the class.

If there are questions or concerns about instructor objectivity in evaluating partner/dependent child efforts, the Professional Standards Committee is available for consultation. Serious challenges should follow university procedures for grievances.

Interpretation of Chapter I, Part C, Section 3, Chapter 1, Part D, Section 2 (e), and Chapter I, Part D, Section 4. Professional Ethics of Faculty and Relationships of a Consensual Sexual Nature. (Approved by the Professional Standards Committee, February 18, 2013; Revised May 2015): Current

It is in the best interest of the university and all individuals associated with the university that there be no real or perceived bias in situations where one individual exerts influence over another colleague or staff member. Situations of direct supervision or when one has the ability to advance, promote, recommend, or in any other way directly influence the academic or work status of the colleague are the times when transparency is required.

The existence of a consensual sexual relationship constitutes a conflict of interest, and can create a real or perceived bias. Therefore, it is the policy of the university that such relationships should be disclosed when there is any possibility of a supervisory or career influencing role between the parties. When faculty or staff members enter into a consensual sexual relationship where one party has supervisory or career influence over the other, each party is required to promptly disclose the relationship to his/her superior(s) so that reassignment, alternative supervision processes, or other arrangements can be facilitated and documented.

The following scenarios are presented as examples where a faculty member must disclose the existence of a consensual sexual relationship. They are not intended to be exclusive, and faculty members should exercise judgment when faced with a similar situation.

- The evaluation process is clearly career-influencing. No faculty member should participate in the evaluation of another faculty member with whom he or she is involved in a consensual sexual relationship and all faculty members, including head officers, are expected to recuse themselves from such situations.
- Hiring decisions are also understood to involve the exercise of judgment and may result in a work- or career-influencing relationship. No faculty member should participate in the search or hiring process when a person with whom he or she is involved in a consensual sexual relationship is an applicant and all faculty members, including head officers, are expected to recuse themselves from such situations.

- The responsibilities of serving as department chair or program director may also, at times, require supervising or making decisions about the academic or work status of other departmental members. Departmental chairs should be aware of when their duties place them in a career-influencing relationship to a colleague with whom they are involved in a consensual sexual relationship. If and when such situations should arise, chairs should take care to put alternative processes in place to avoid conflicts of interest or other improprieties.

This policy aligns with the university's conflict of interest provisions in the Code of Conduct as well as Section II, Part E ("Consensual Sexual Relationship") of the Campus Policy Prohibiting Harassment and Sexual Misconduct.

If you have concerns regarding obligations under this policy, please refer to Chapter 1, Part D, Section 4 of the *Faculty Code* ("Professional Ethics"), and/or speak with your head of department, school, or program or the Academic Vice President.

Updated Interpretation of Chapter I, Part C, Section 2 and Chapter I, Part D, Section 4. Faculty as Teachers, Professional Ethics, and Relationships between Faculty and Students. (Approved by the Professional Standards Committee, April 3, 2017): Current

Intimate relationships (including romantic and sexual relationships) between a faculty member and a student violate acceptable standards of professional ethics as required by the Faculty Code, Chapter I, Part D, Section 4 and impair the role of teacher as defined in Chapter I, Part C, Section 2. This policy statement aligns with the university's conflict of interest provisions in the Code of Conduct as well the Prohibited Relations section of the Campus Policy Prohibiting Sexual Misconduct.

Interpretation of Chapter I, Part D, Section 4.a. Professional Ethics. (Approved by the Professional Standards Committee, April 3, 2017): Current

The term "public law" includes applicable statutes, ordinances and regulations. In addition to public law, the university also applies university policies, including but not limited to current university policies on discriminatory harassment and sexual misconduct.

Interpretation of Chapter I, Part D, Section 4, and Chapter I, Part E, Section 3. Procedures to Follow in Cases of Faculty Misconduct (PSC Memorandum 13 November 1990): No longer active

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.

CHAPTER III

Interpretation of Chapter III, Section 2. Delaying a Scheduled Evaluation (Report to Faculty Senate 18 November 2004): **No longer active**

In this section, the Code describes the normal intervals for scheduled evaluations and provides for the possibility of early evaluations. There may also be circumstances in which a faculty member requests a delayed evaluation. Over the years, practice has evolved to allow the Academic Vice President discretionary authority to permit the postponement of a scheduled evaluation. This informal arrangement has received formal expression with reference to the particular circumstances covered by the University's "Faculty Medical and Family Leave Policy and Faculty Disability Policy." That document states, "The request for the delay in evaluation will be submitted in writing to the department chair. The chair will make a recommendation to the Academic Vice President, who will review the request and approve the delay when circumstances warrant."

To maintain consistency in the handling of requests for delayed evaluations, the procedures quoted above should be followed in all cases. Whenever possible, faculty members should anticipate the need for a delayed evaluation, take steps to insure that student evaluations are administered as required, and seek the recommendation of the department chair and the approval of the Academic Vice President well in advance of the time for the normally scheduled evaluation.

Interpretation of Chapter III, Section 2. Delaying a Scheduled Evaluation (PSC Minutes, 4 April 2012; Revised May 2015): **Current**

In this section, the Code describes the normal intervals for scheduled evaluations and provides for the possibility of early evaluations. A faculty member will automatically receive a delayed evaluation when granted leave under the "Faculty Medical and Family Leave Policy and Faculty Disability Policy"; delay will be proportionate to the amount of leave granted, e.g., a faculty member on two-thirds contract could delay a three-year evaluation by a maximum of one year. If a faculty member does not wish to have a delayed evaluation schedule he/she must opt out of the delay as specified in the "Faculty Medical and Family Leave Policy and Faculty Disability Policy."

There may also be circumstances other than FMLA in which a faculty member requests a delayed evaluation. The Academic Vice President has discretionary authority to permit the postponement of a scheduled evaluation. The faculty member must request

that there be a delay in consideration for tenure or promotion by writing to the head of department, school, or program and the Academic Vice President, normally no later than one semester before the scheduled evaluation

In all cases faculty members should anticipate the need for a delayed evaluation and take steps to insure that student evaluations are administered as required.

Interpretation of Chapter III, Sections 3 and 4, and Chapter I, Part B, Section 2, a. Evaluation of Instructors (Report to Faculty Senate 5 May 1986): Current

The evaluation procedure to be followed (for instructors) is roughly the procedure outlined in the Faculty Code, Chapter III. An informal evaluation is to be done within the department in each of the first two years, with a summary report sent to the Dean for information. In the third year, and every third year thereafter, a formal evaluation, as outlined in the Code, will be held. The evaluation of instructors will be based upon the quality of their performance in the following areas, listed in order of importance:

1. Teaching
2. Professional Development: Instructors are expected to remain current in the relevant parts of the discipline and to keep abreast of those developments in the discipline which bear upon their teaching duties. They are not required to engage in scholarly research and writing; however, the department may encourage them to do those things which will add to their repertoire of professional awareness and abilities.
3. Advising Students
4. Participation in Departmental Service

Finally, the standards to be employed in assessing professional performance will be those used for all other evaluations in the department, except as they pertain to scholarly work and University service.

Interpretation of Chapter III, Sections 2, 3 and 4. Sequence of Evaluation (PSC approved 30 April 1986; approved by Faculty Senate, 5 May 1986): Current

Evaluations of career faculty* are made:

1. at the conclusion of each year for the first two years of a non-tenured appointment,
2. every three years for assistant and associate professors,
3. every five years for full professors, and
4. prior to decisions to: (a) promote a faculty member, b) grant or deny tenure, or (c) not reappoint a non-tenured faculty member.

* [Now called tenure-line faculty.]

PROCEDURES OF EVALUATION

- (A) The annual evaluations during the first two years of a non-tenured appointment are made by the head officer of the Department, School, or Program. A copy of the report will be sent to the individual evaluated, the Dean, and the Faculty Advancement Committee. This document is for informational purposes and no

further action is required; however, the Professional Standards Committee urges evaluatees to initiate interaction with the head officer and/or colleagues for constructive utilization of this evaluation process.

- (B) All other evaluation procedures are amply outlined in the Faculty Advancement Committee document and the Faculty Code.

ADDITIONAL COMMENTS

- (A) Each Department, School, or Program should have on file with the Dean a written statement of the criteria, standards, and needs of the Department which are used in the deliberation. This statement includes criteria for faculty teaching, professional growth, and service. This document is written with respect to the University's standards and needs. Evaluatees are encouraged to obtain this document early in their first year from their Department, School, or Program and to discuss its meaning with the head officer.
- (B) The first annual evaluations and the first three year evaluation are important events. These evaluations constitute the only official feedback from the Department, School or Program and from the University that the evaluatee will get prior to being considered for tenure. For the three year evaluation, great care should be taken on the part of the evaluatee in preparing the documents for submission to the Department, School, or Program and it is incumbent upon the evaluatee to initiate a dialogue with the head officer and/or colleagues upon receipt of the Faculty Advancement Committee's letter in order to maximize the constructiveness of the evaluation process.
- (C) Neither this document nor the Faculty Advancement Committee's document is to be considered definitive. For the complete explanation of the sequence and procedures of faculty evaluation at the University of Puget Sound, faculty are referred to the Faculty Code, particularly Chapter 3. Finally, we would like to stress that although the process of faculty evaluation is set forth in the Faculty Code, the evaluation itself is a subjective evaluation on the part of the Department, School, or Program, the Faculty Advancement Committee, the President, and finally the Board of Trustees.

Interpretation of Chapter III, Section 4, a (1) (b). Class Visitation (PSC Minutes 22 March 1993): **Current**

Although "an ongoing process of class visitation" allows flexible implementation, an evaluation without a reasonable number of class visitations by members of the evaluatee's department, school, or program is in violation of the Code.

Interpretation of Chapter III, Section 4. Department Discussion of Candidate's Evaluation Being Attended by Candidate or Candidate's Partner who is also a Member of the Department (PSC Minutes 16 October 1989; Revised April 2015): **Current**

Candidates should not be present during the department's discussion of their evaluation. Also, the proper approach would be for partners to excuse themselves from the departmental meeting deliberating the case of their partners.

Interpretation of Chapter III, Section 4 - The Role of "Colleagues" in the Evaluation Process. (PSC minutes 28 March 2012) **Current**

Background: In Chapter I, Section 2, non-tenure-line faculty members are identified as instructor, adjunct faculty, visiting faculty, or other positions that might be created. The code goes on to specify “Non-tenure-line faculty members’ roles, rights and responsibilities are the same as those of tenure-line faculty as described in Chapter 1 of the Faculty Code with exceptions as noted in this code.”

An exception in rights and responsibilities exists in Chapter III with respect to evaluation. In Chapter III, Section 4, those performing the evaluation are referred to as “colleagues.” There is no formal evaluation of adjuncts and visiting faculty by other colleagues in the department. Adjuncts and visiting faculty are evaluated by the department chair. Therefore, adjuncts and visiting faculty are not “colleagues” with respect to evaluation and should not participate in the evaluation of faculty.

Interpretation of Faculty Chapter III, Section 4. Evaluation Procedure (PSC Meeting February 16 2018, as noted in Faculty Senate Minutes March 19 2018): **Current**

1. The evaluation process is considered ongoing until the Board of Trustees has rendered a final decision.

Interpretation of Chapter III, Section 4, f (1). Process for Dealing with Questions of Professional Ethics that Arise During an Evaluation: **Current**

1. The evaluation process can be suspended at any time until the evaluation is complete, including at the level of the President and Board of Trustees, when due to a grievance arising from concerns of professional ethical behavior of an evaluator at the departmental or Faculty Advancement Committee levels.
2. This interpretation applies just to grievances of professional ethical behavior, as referred to in Chapter III, Section 4 f (1), and does not supersede the process the code provides for other sorts of appeal.

Interpretation of Chapter III, Section 6, c. Time Frame for Setting Up a Hearing Board (PSC Minutes 8 February 1993): **No longer active**

An appeal begins at the moment the chair of the Professional Standards Committee receives in writing from the evaluatee the specified alleged violations of the Faculty Code. The Committee understands that even under conditions of best effort the process of forming a hearing board may press the five-day limit, but this will not negate proper procedure.

Interpretation of Chapter III, Section 8. Access to Letters in Open Evaluation Files (PSC Minutes 6 May 1993; Revised May 2015): **Current**

In the case of an open file, the faculty member being evaluated has access to letters in the evaluation file and may take notes while reviewing the file. If the faculty member desires copies of the letters, the faculty member must seek copies from the writers.

Unified Interpretation of Chapter III, Sections 4, a (1) and 4, a (1) (c). Letters of Evaluation from Persons Outside the Department (Approved 14 February

2000 by the Professional Standards Committee and 12 May 2000 by the Board of Trustees; Revised May 2015): Current

The Professional Standards Committee offers the following interpretation of the procedures regarding submission of letters of evaluation* (or any other written material) from persons outside the department during the process of faculty evaluations.

The Faculty Code (Chapter III, section 4, a (1)) states that "the head officer shall gather information in writing about the faculty member being evaluated from the faculty member; from colleagues in the department, school or program; and from other sources if they seem relevant." It further states (Chapter III, Section 4, a (1) (c)) that "individual faculty members may send their observations and recommendations directly to the dean." The PSC interprets these comments to provide for three ways in which letters (or other written material) from persons outside the department may be included in faculty evaluations.

1. The faculty member being evaluated may include any documents she or he wishes into the evaluation file. Thus, evaluatees wishing to guarantee the inclusion of outside letters into the evaluation file can receive those letters and put them in the file before it is submitted for consideration by departmental colleagues.
2. Any persons who wish may submit letters directly to the head officer. The head officer may then include the materials from this person "if they seem relevant." In consultation with the evaluatee, the head officer may also solicit appropriate letters from outside the department or university. When soliciting the letters the head officer will notify the letter writers of the status of the file as open or closed. All materials must be received at least ten working days before the deadline for submission of the completed file to the Academic Vice President's Office to allow department members the time to review these materials prior to the department deliberation. Letters arriving after that deadline will not be included in the evaluatee's file. (The deadline for submission of files is established each fall in a document that is distributed to all faculty members.) Head officers are reminded that, if the evaluatee has chosen a closed file, the head officer must provide the evaluatee with a list of those individuals who submitted letters to the head officer and a summary of the substance of the letters (Faculty Code: Chapter III, Section 4, b (2) (a) and Section 4, b (2) (e)).
3. Any University of Puget Sound faculty member may submit letters directly to the Academic Vice President's office as long as those letters are received by the date of the deadline for departmental submission of a completed file to the Academic Vice President's office. Letters arriving after that deadline will not be included in the evaluatee's file. Any letters other than those from UPS faculty members that are sent to the Academic Vice President's Office will be forwarded to the head officer and will be handled according to the provisions in part 2 above.

* [Note: As defined for purposes of interpretation, a letter of evaluation is a signed document (PSC, April 2003; Revised May 2015).]

CHAPTER IV

Interpretation of Chapter IV, Section 2, b (4). Expectations for Early Promotion (Memorandum to Professional Standards Committee from Faculty Advancement Committee, 9 February 1987 requesting discussion and approval): **No longer active**

Early promotion is an unusual and exceptional circumstance in the process of advancement. The schedule for advancement and tenure as outlined in the Faculty Code represents the agreement of the faculty on when its members ought to come up for evaluation. If, however, an individual has assembled a sustained record of achievement of exceptional merit in all the categories by which a faculty member is evaluated, he or she might request to be promoted or granted tenure before the usual time as stipulated by the Faculty Code. In such instances, the university might well wish to consider early promotion as an indication of its special appreciation for and commitment to faculty members of exceptional achievement. In any case, it is incumbent upon the faculty member and his/her department in cases of early promotion to demonstrate that the above-mentioned criteria have been met.

CHAPTER V

Unified Interpretation of Chapter V, Part A, Section 2, b. Discontinuation of a department, school, or program (Approved 3 May 1995 by the Professional Standards Committee and 12 May 1995 by the Trustee Academic and Student Affairs Committee): **Current**

From this date forward discontinuation of a department, school, or program shall be taken to mean that the unit is no longer operated by the University. In each such case, the consultation stipulated in this paragraph shall be required, regardless of whether dismissal of faculty is involved.

CHAPTER VI

Interpretation of Chapter VI. Grievances arising from allegations of sexual harassment. (Sexual Harassment Policy adopted by Faculty Senate 17 January 1983): **Current**

The University of Puget Sound reaffirms the principle that its students, faculty, and staff have a right to be free from sex discrimination in the form of sexual harassment by any member of the academic community.

Sexual harassment is defined as actions intended to coerce an unwilling person into a sexual relationship, to subject a person to unwanted sexual advances, to punish a refusal to comply with such intentions or to create a sexually intimidating or hostile working or educational environment. This definition will be interpreted and applied consistent with accepted standards of mature behavior, academic freedom, and freedom of expression.

Situations believed to involve sexual harassment may be discussed in confidence with the Director of Human Resources and Affirmative Action, the Dean of Students, the Dean of the University, or any member of the above named staffs. If the complaint requires a formal or informal hearing, the appropriate procedures of the Academic Handbook, the Faculty Code, the Personnel Policies and Procedures Manual, or the Student Conduct Code may be applied.

Complaints about sexual harassment will be responded to promptly and equitably. University policy explicitly prohibits retaliation against individuals for bringing complaints of sexual harassment. Formal procedures will not be initiated without a written, signed complaint. An individual found to be guilty of sexual harassment is subject to disciplinary action for violations of this policy, consistent with existing procedures.