

Faculty Code

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

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- 1 b. Visiting faculty are temporary faculty members, who may be appointed visitors in
2 any rank for a specified period.
3
- 4 c. Adjunct faculty are those persons appointed, usually part-time and usually
5 temporarily, to fill specific needs in the curriculum and those persons who, because of
6 particular professional skills and stature, are appointed to specific teaching and/or
7 research responsibilities. This appointment may be honorary and may be continuous
8 at the discretion of the university.
9

10 Section 3 – Faculty emerti/emeritae

11
12 Faculty emeriti and emeritae are former tenure-line faculty who have retired in good
13 standing from the university. Faculty emeriti and emeritae may be employed as adjunct
14 faculty or according to policies approved by the Board of Trustees.
15

16 PART C - ROLE OF THE FACULTY

17 18 Section 1 - Faculty as Scholars

19
20 Faculty, guided by a deep conviction of the worth and dignity of the advancement of
21 knowledge, recognize the special responsibilities placed upon them. Their primary
22 responsibility to their subjects is to seek and to state the truth as they see it. To this end,
23 professors devote their energies to developing their scholarly competence. They accept
24 the obligation to exercise critical self-discipline and honesty. Although professors may
25 follow subsidiary interests, these interests must never seriously compromise their
26 freedom of inquiry.
27

28 Section 2 - Faculty as Teachers

- 29
30 a. As teachers, faculty encourage the free pursuit of learning in students. They hold
31 before their students the best scholarly standards of personal discipline. They
32 demonstrate respect for the student as an individual, and serve as intellectual guides
33 and counselors. Faculty make every reasonable effort to foster honest academic
34 conduct and to assure that the evaluation of students reflects each student's academic
35 achievement. Faculty respect the private nature of the relationship between instructor
36 and student, avoid any exploitation of students for private advantage, acknowledge
37 significant assistance from them, and protect their academic freedom.
38
- 39 b. Faculty members may not refuse to teach students properly enrolled in class by the
40 university. However, a faculty member may challenge the enrollment of a student
41 should that student be a disruptive influence to the class.
42

43 Section 3 - Faculty as Colleagues

44
45 As colleagues, faculty members have obligations that derive from common membership
46 in the community of scholars. Faculty respect and defend the free inquiry of associates
47 and the exchange of criticism and ideas, showing due respect for the opinions of others.
48 Professors acknowledge academic debts and strive to be objective in professional
49 judgment of colleagues. Tenure-line faculty accept a personal share of faculty
50 responsibilities for the governance of the institution.
51

52 Section 4 - Relations with University

53

- 1 a. Upon appointment to the faculty, a faculty member accepts responsibility for the
2 advancement of the university as a teaching-learning center and accepts the authority
3 of the university, its government and governing procedures.
4
- 5 b. Membership in the academic community obliges each person to respect the right of
6 others to express differing opinions, to insist on intellectual honesty, to promote free
7 inquiry, and to participate in that community with fairness, integrity and respect for
8 others.
9
- 10 c. The expression of dissent and the attempt to produce change should not be carried out
11 in ways which impede the functions of the university, injure individuals, damage
12 institutional facilities or disrupt the classes of one's students or colleagues.
13
- 14 d. The university does not discriminate in its relations with faculty on account of matters
15 having no bearing on academic performance.
16

17 Section 5 - Faculty as Citizens

- 18
- 19 a. The faculty member is a private citizen, a member of a learned profession, and an
20 officer of an educational institution. When one speaks or writes as a citizen, one
21 should be free from institutional censorship or discipline, but one's special position in
22 the community imposes obligations. As a learned person and educator, the faculty
23 member should remember that the public may judge the profession and the institution
24 by personal utterances. Therefore, the faculty member should at all times be accurate,
25 exercise appropriate restraint, and make every effort to indicate that a faculty member
26 is not an institutional spokesperson.
27
- 28 b. As members of the community, faculty have the rights and obligations of all citizens.
29

30 PART D - PROFESSIONAL DUTIES AND RESPONSIBILITIES

31 Section 1 - General

32
33
34 All faculty members have responsibilities to the university community in the areas of
35 teaching, advising, and departmental service. Tenure-line faculty are also responsible for
36 university service and to their particular disciplines in scholarly activities and consulting.
37 The University of Puget Sound insists upon a standard of excellence in teaching.
38 Therefore, all professional activities of a faculty member are expected to contribute to the
39 achievement and maintenance of that standard.
40

41 Section 2 - Specific Duties

- 42
- 43 a. Academic year. Faculty are to be available for normal duties in connection with the
44 arrival of the students for advising and registration for fall term and until after
45 commencement and final submission of grades for spring term. Faculty members are
46 to use fully the academic term by meeting all classes through the final exam week,
47 keeping office hours, meeting students for scheduled appointments, and fulfilling
48 other duties that support the teaching-learning environment. During the remainder of
49 the summer months, faculty members are free to engage in scholarly research and
50 study or to pursue non-university activities.
51
- 52 b. Teaching load. The normal teaching load is six units per year.
53

- 1 c. Academic advising. Faculty members are expected to advise a reasonable number of
2 students. Thus, they shall be available at appropriate times and show the interest
3 essential to good advising.
4
- 5 d. Scholarly activities. The faculty member's professional development has a direct
6 bearing not only on the person's expertise, but also on the quality and effectiveness of
7 the person's teaching. The university encourages creative work such as research,
8 publication, and performance in the arts. Instructors are expected to remain current in
9 the relevant parts of their discipline which bear upon their teaching duties. They are
10 not required to engage in scholarly research and writing; however, the department
11 may encourage them to do those things which will add to their repertoire of
12 professional awareness and abilities.
13
- 14 e. University service. Reasonable participation in university service is expected of
15 tenure-line faculty members. Service that advances the mission of the university
16 includes participation in departmental and university governance, in co-curricular
17 programs, in promoting intellectual vitality and a high quality of life on the campus,
18 and in activities which help convey the nature and purpose of the university to its
19 constituencies.
20
- 21 f. Adjustments. Unusual requirements of a particular discipline and/or duties assigned
22 by the university may necessitate adjustments in the normal balance of teaching and
23 other duties. Each department, school, and program may propose guidelines for load
24 differentials based upon the nature of teaching and other professional activities.
25 These guidelines must be approved by the Professional Standards Committee and the
26 Academic Vice President and Dean of the university (hereinafter referred to as the
27 dean). Individual cases of differential professional load within departments,
28 professional schools or programs shall be approved by the dean of the university.
29

30 Section 3 - Extra Employment

31

- 32 a. Extra teaching. Off-campus teaching and overload teaching within the university
33 may not be undertaken to such an extent as to interfere with the faculty member's
34 performance of regular university duties during the academic year. A full-time faculty
35 member shall not engage in teaching courses at other institutions where the effect is
36 direct competition with the university.
37
- 38 b. Consulting. The university recognizes that faculty members sometimes act as
39 professional consultants. Such activity reflects favorably on the quality of the faculty
40 and on the importance of the university to the community. However, consulting
41 should not be undertaken if it might weaken or interfere with a faculty member's
42 university duties.
43
- 44 c. Relation to university advancement. Extra employment, whether as off-campus or
45 overload teaching, as a consultant, or otherwise, cannot compensate for a lack of
46 teaching excellence, professional development, or scholarly attainment when a
47 faculty member is evaluated for purposes of promotion, tenure, retention, or increases
48 in salary. Therefore, faculty members must exercise discretion in engaging in such
49 employment and must bear the risk that it might harm university advancement.
50

51 Section 4 - Professional Ethics

52

53 Professors are bound to observe acceptable standards of professional ethics. In general, a
54 professor should not compromise the interests of the university or of one's students in

1 favor of one's own. Questions related to violations of professional ethics should be
2 handled in the following manner:

- 3
- 4 a. First, take steps required by public law as implemented in university policies.
- 5
- 6 b. Second, when there is no relevant public law, notify the faculty member of
7 suspected misconduct on his or her part. There may be an explanation that
8 resolves the matter satisfactorily.
- 9
- 10 c. Failing to receive an explanation that is satisfactory, or not wishing to deal
11 directly with the person that is suspected of misconduct, one should take the
12 matter to the Chair of that person's department. (If the Chair is the person
13 suspected of misconduct one should take the matter to the Dean.) The Chair may
14 resolve the matter to everyone's satisfaction.
- 15
- 16 d. If these steps do not resolve the problem, the matter should normally be referred
17 to the Dean and handled through the grievance process as provided in Chapter
18 VI, with the Dean responsible for filing the grievance. In the event that the Dean
19 does not file the grievance, faculty members retain the right to do so.
- 20

21 Grievances must be filed according to the timeline outlined in Chapter VI.
22

23 **PART E - ACADEMIC FREEDOM**

24 Section 1 - Definition

- 25
- 26
- 27 a. Academic freedom is the right of all members of the academic community to study,
28 discuss, investigate, teach, conduct research, publish or administer freely as
29 appropriate to their respective roles and responsibilities. It is the obligation of all
30 members of the university academic community to protect and assure these rights
31 within the governing framework of the institution.
- 32
- 33 b. Academic freedom should be distinguished clearly from constitutional freedom,
34 which all citizens enjoy equally under the law. Academic freedom is an additional
35 assurance to those who teach and pursue knowledge, and, thus, properly should be
36 restricted to rights of expression pertaining to teaching and research within their areas
37 of recognized professional competencies. Beyond this, expressions by members of
38 the academic community should carry no more weight or protection than that
39 accorded any other citizen under the guarantee of constitutional rights. That is,
40 outside of one's professional field, one must accept the same responsibility which all
41 other individuals bear for their acts and utterances.
- 42

43 Section 2 - Specific Applications

- 44
- 45 a. A faculty member must be able to participate in the democratic process of the
46 institution, must be able to learn and teach what scholarship suggests is the truth,
47 must be able to question even what is believed to have been settled, and must be able
48 to publish what scholarship has discovered without fear of reprisal.
- 49
- 50 b. A faculty member is entitled to freedom in research and in publication of the results,
51 subject to the adequate performance of the faculty member's other academic duties.
52

- 1 c. A faculty member is entitled to freedom in the classroom in discussing the relevant
2 subject matter. It is the faculty member's mastery of the subject and scholarship
3 which entitles him or her to the classroom and this freedom in the presentation of the
4 subject. Thus, it is improper for faculty persistently to intrude material which has no
5 relationship to the subject, or to fail to present the subject matter of the course.
6

7 Section 3 - Enforcement
8

9 If a faculty member believes that his or her rights regarding academic freedom, as
10 provided in this part of the faculty code, have been denied, that faculty member may
11 initiate a grievance action as provided in Chapter VI. In case of a dismissal, the faculty
12 member may request a hearing board to review the case as provided in Chapter V of this
13 code.
14

15 PART F - AMENDMENTS TO FACULTY CODE
16

17 Section 1 - Initiation
18

19 Amendments to this code may be proposed by either the faculty or the Board of Trustees.
20 Initial amendments proposed by the faculty shall be presented to each faculty member, in
21 writing, at least two weeks before a final vote is taken on same. Such changes shall be
22 read in a faculty meeting prior to the meeting at which the final vote is taken. The body
23 proposing the amendment shall adopt by a majority vote a motion to that effect and shall
24 transmit a copy of that motion, together with a summary of the reasons therefore, to the
25 other body.
26

27 Section 2 - Agreed Amendment
28

29 An amendment initiated by either the faculty or the Board of Trustees becomes effective
30 if the body receiving the amendment from the proposing body adopts it by a majority
31 vote in the same form as it is received.
32

33 Section 3 - Conference Committee
34

35 Should the receiving body not adopt the amendment in the form originally proposed then
36 it shall (a) so notify the proposing body and (b) designate some of its members or one of
37 its standing committees to confer with persons or committee similarly designated by the
38 proposing body. The persons or committee so designated shall constitute an ad hoc
39 conference committee, which shall meet, organize itself as it sees fit, and discuss the
40 proposed amendment. A majority of the representatives of the faculty shall together have
41 one vote, and a majority of the representatives of the trustees one vote. If possible, the
42 two groups shall conclude upon a common proposal to report to their parent bodies.
43 Otherwise, they shall conclude upon separate proposals and shall note the proposals of
44 the other group.
45

46 Section 4 - Reports by Conference Committee
47

48 The groups from the conference committee described in the preceding section shall report
49 to their parent bodies any proposal for amendment upon which they have concluded.
50 They shall also make suitable explanation of the deliberations of the conference
51 committee and shall describe any conclusions of the other group that differ from their
52 own, so that the parent bodies may be fully informed. If the parent bodies both see fit,
53 they may refer the matter to the conference committee for further deliberation and report.
54

1 Section 5 - Adoption of Amendment
2

3 Following deliberation and report by the conference committee, as provided for in
4 Section 4 amendments to this faculty code may be adopted by majority vote of the faculty
5 and majority vote for the same amendment by the Board of Trustees. The amendment
6 shall be effective when adopted by both bodies.
7

8 PART G - INTERPRETATION OF THE FACULTY CODE
9

10 Section 1 - Responsibility
11

12 It shall be the duty of the Professional Standards Committee to issue interpretations of the
13 faculty code. Any member or members of the academic community may request an
14 interpretation of the faculty code, and/or the Professional Standards Committee may
15 initiate the interpretation. If the Professional Standards Committee deems an
16 interpretation to be of significant merit it shall issue a formal written interpretation which
17 shall be delivered to the Faculty Senate for inclusion within the Senate minutes. Such
18 interpretations shall also be forwarded to the Academic and Student Affairs Committee of
19 the Board of Trustees for its concurrence. If there is a disagreement, the two committees,
20 or their representatives, shall meet to formulate a unified interpretation. If they cannot
21 agree, the matter shall be submitted for binding arbitration under the rules of the
22 American Arbitration Association.
23

24 Section 2 - Appeal
25

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

1 make a recommendation to the dean and the president. The president shall normally
2 adopt the recommendation of the head officer or search committee chairperson. If
3 such adoption is not forthcoming, the president shall forward the reason for not doing
4 so to the school, department, program or search committee. After further review, the
5 head officer or search committee chairperson shall resubmit a recommendation from
6 the school, department, program or search committee. The president will be
7 responsible for the final decision.
8

9 Section 4 - Reappointment

10
11 Tenure-line faculty members serving on appointments without tenure shall be considered
12 for reappointment by the dean during the term of appointment. The provisions of this
13 section shall also apply to faculty members who are full-time instructors except those
14 holding appointments as visiting faculty. If the decision is reached not to reappoint (See
15 Chapter III, Section 2), the dean will notify the faculty member in writing at the earliest
16 possible time, and in accordance with the following standards:
17

- 18 a. Not later than March 1 of the first year of academic service.
- 19
- 20 b. Not later than December 15 of the second consecutive year of academic service.
- 21
- 22 c. Not later than June 30 preceding the final contract year, after two or more consecutive
23 years of academic service.
24

25 Section 5 - Grounds for Non-Reappointment

26
27 The university may refuse to reappoint faculty without tenure for any reason not
28 forbidden by this faculty code. Upon written request by faculty members who are not
29 reappointed, the dean shall inform them in writing of the reason they were not
30 reappointed.
31

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

- 1
2 c. In all reviews, the provisions of Faculty Code, Chapter I, Parts B and C shall serve as
3 fundamental definitions of faculty responsibility.
4
5 d. The essential criterion for the awarding of tenure is the appraisal of excellence as a
6 professional, rather than measurement of the faculty member's ability to avoid some
7 deficiency. Specifically, the factors to be considered in making the tenure decision
8 are: 1) proven excellence in teaching, (2) distinct evidence of professional growth,
9 (3) a record of service to the university and (4) the needs of the department, school, or
10 program and the university. Unless there is affirmative evidence of excellence in
11 areas (1) and (2), a record of service in area (3) and demonstrated need in area (4) of
12 this paragraph, tenure should not be granted. All persons participating in the
13 evaluation for tenure and in the tenure decision shall be guided by these criteria.
14 Responsibility for demonstrating he or she meets the standards for tenure or
15 promotion rests with the evaluatee.
16
17 e. Faculty promotion shall be based upon the quality of a person's performance of
18 academic duties. Specifically, decisions whether to promote shall be based upon the
19 quality of the faculty member's performance in the following areas, listed in order of
20 importance: (1) teaching; (2) professional growth; (3) advising students; (4)
21 participation in university service; and (5) community service related to professional
22 interests and expertise. Because the university seeks the highest standards for faculty
23 advancement, mere satisfactory performance is no guarantee of promotion. In
24 addition, appointment in the rank of associate professor and professor normally
25 requires a doctoral, or other equivalent terminal degree. Advancement to the rank of
26 full professor is contingent upon evidence of distinguished service in addition to
27 sustained growth in the above-mentioned areas
28

29 Section 4 - Evaluation Procedure

30
31 Evaluation begins at the department, school, or program level and proceeds through the
32 Faculty Advancement Committee and the dean to the president. When Board action is
33 required, the president forwards a recommendation and the evaluation file to the
34 Academic and Student Affairs Committee of the Board of Trustees. The evaluation
35 process is designed to provide a substantial body of credible evidence in writing as the
36 basis for a fair and impartial review.
37

38 The evaluation process should be fair and ensure that adequate consideration is given the
39 faculty member involved. Fairness and adequate consideration shall be achieved
40 consistent with the criteria and procedures outlined in Chapter III, Sections 2-4.
41

- 42 a. Evaluation within the department, school or program is a significant professional
43 responsibility, and the departmental evaluation process should be an ongoing one.
44 When a faculty member is subject to review, the departmental evaluation normally
45 proceeds as follows. Any exception or addition to these procedures must be approved
46 by the Professional Standards Committee:
47
48 (1) The head officer shall gather information in writing about the faculty member
49 being evaluated from the faculty member; from colleagues in the department,
50 school or program; and from other sources if they seem relevant. Examples of
51 information from other sources include statements about the evaluatee's teaching
52 from colleagues with whom the evaluatee team-teaches in interdisciplinary
53 programs, statements from university colleagues about the evaluatee's university
54 service contribution, or statements from outside the university about an

1 evaluatee's professional growth or community service. Within the department,
2 written information is gathered through the following process:
3

4 (a) The evaluatee prepares a file for departmental review. The evaluatee is
5 responsible for providing for review a statement of professional goals and
6 objectives, teaching materials, documentation of scholarly and
7 professional activity, and evidence of university service, student advising,
8 and community service related to professional interests and expertise. The
9 file shall also include student evaluations from the evaluatee's most recent
10 two semesters of teaching; in the case of a tenure evaluation, student
11 evaluations shall be from the most recent four semesters of teaching.
12

13 (b) Departmental colleagues review the evaluatee's file. Faculty should be
14 familiar with (1) the evaluatee's professional objectives and philosophy,
15 both as outlined in the evaluatee's statement and as demonstrated in
16 practice; (2) the evaluatee's teaching performance/effectiveness, including
17 the organization and construction of courses and the exhibition of
18 pedagogical skill, as assessed through examination of course materials, an
19 ongoing process of class visitation, and the careful review of student
20 evaluations; (3) the evaluatee's record of professional growth, as assessed
21 through examination of evidence in the evaluation file and ongoing
22 attendance to the evaluatee's scholarly and creative activity; (4) the
23 evaluatee's contributions through university service, as documented in the
24 evaluatee's file; (5) the evaluatee's service as an advisor; and (6) the evaluatee's
25 involvement in community service related to professional interests and
26 expertise.
27

28 (c) Departmental colleagues participating in the evaluation write letters. The
29 letters of colleagues shall be substantive assessments of the evaluatee's
30 performance based on the factors in paragraph (b). When the evaluatee is
31 eligible for a change in status, the letters shall forward the writers'
32 independent recommendations. Normally, letters are forwarded to the
33 head officer; individual faculty members may send their observations and
34 recommendations directly to the dean.
35

36 (d) The faculty member being evaluated shall have the right to examine letters
37 of evaluation. The faculty member may choose to waive this access. The
38 decision of the faculty member to waive or not waive confidentiality shall
39 not be a factor in evaluating the faculty member.
40

41 (2) When the information has been assembled and evaluated by the department, a
42 departmental recommendation shall be reached by members of the department
43 other than the evaluatee through a deliberative procedure based upon the above
44 information considered in light of departmental and university needs (tenure
45 cases only) and standards. There should be evidence that the department had
46 available the necessary materials and documentation and that adequate
47 consideration has been given to the candidate's qualifications.
48

49 (3) Variations in the department, school or program evaluation process:
50

51 (a) If the head officer wishes, he or she may appoint two faculty members
52 from the department, school, or program to assist in the departmental
53 evaluation. In small departments, one or both of these assistants may be
54 appointed from the faculty of a related department or school.

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- (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

- 1 (d) and, when applicable, notification that the chair has made a minority
2 recommendation.
- 3
- 4 (e) The head officer also shall provide an evaluatee who has chosen
5 confidential letters (see Chapter III, Sections 4.a.(1)(d) and section 8),
6 with a summary of the letters submitted to the head officer.
7

8 Prior to the review of the Advancement Committee, the faculty member is
9 responsible for inventorying the contents of the evaluation file. The office of the
10 dean shall notify the faculty member when the file is complete and ready for review.
11 The faculty member shall have five (5) working days from the date of notification to
12 review the non-confidential materials in the file.
13

14 If after reviewing the file (non-confidential letters) or reviewing the file and receiving
15 the head officer's summary of letters (confidential letters) the individual faculty
16 member feels that he or she has been unfairly or inadequately evaluated by the
17 department, school or program, that individual has the right to pursue those concerns
18 (1) informally or (2) formally. (1) The evaluatee may pursue a challenge informally
19 within five (5) working days of reviewing the file by notifying the head officer in
20 writing of concerns about the departmental process and the contents of the file that
21 are relevant to questions of fairness and adequacy. The head officer and the evaluatee
22 shall attempt to resolve issues informally. A copy of the evaluatee's statement of
23 concerns and a written statement on the results of the informal resolution process
24 prepared by the head officer shall be forwarded to the Advancement Committee and
25 included in the evaluatee's file. No informal resolution between the head officer and
26 the evaluatee may remove materials from the file or set aside the provisions of this
27 Code. (2) The evaluatee may pursue a challenge to the departmental evaluation
28 formally by initiating an appeal as provided for in Section 6 of this chapter within ten
29 (10) working days of reviewing the file. The appeal is limited to issues affecting
30 fairness, completeness, and adequacy of consideration by the department in
31 conducting the evaluation. If no challenge is raised informally or formally within the
32 time limits specified, the Advancement Committee shall proceed with its
33 deliberations.
34

35 c. Evaluation by the Advancement Committee, including the Dean:
36

- 37 (1) In cases with confidential letters, the Advancement Committee must make the
38 affirmative determination that the head officer's summary of the departmental
39 letters is a fair and accurate reflection of the letters involved. If necessary, the
40 Committee may consult with the head officer and evaluatee concerning changes
41 in the summary, and shall inform the evaluatee when the summary is determined
42 to be fair and adequate.
43
- 44 (2) The Committee shall provide the evaluatee with the revised summary and, if the
45 evaluatee feels that he or she has been unfairly or inadequately evaluated by the
46 department, school, or program, he or she shall have five working days after
47 receipt of this summary to issue notification in writing to the Faculty
48 Advancement Committee, if desired.
49
- 50 (3) The Committee shall provide the evaluatee with a summary of letters sent directly
51 to the Advancement Committee. If the evaluatee feels that he or she has been
52 unfairly or inadequately evaluated by one or more of these letters, he or she
53 shall have five working days after receipt of this summary to issue notification
54 in writing to the Faculty Advancement Committee, if desired. Letters sent

1 directly to the Advancement Committee and received after the due date of the
2 file shall not be included in the file.
3

4 (4) Before proceeding to a recommendation, the Advancement Committee through
5 the Committee's careful review of the evaluation file shall determine whether
6 the department, school, or program gave adequate consideration to the evaluatee.
7 The candidate's file, when considered as a whole, must indicate that faculty
8 involved in the departmental evaluation process had a sufficient degree of
9 familiarity with the candidate's professional performance.

10
11 (a) The Advancement Committee shall consult with the head officer from the
12 department, school or program or the person(s) serving as head officer for
13 the evaluation, as provided for in Section 4.a.(3)(b) through (d) above:

- 14 • if the Committee is not assured that the department, school, or
- 15 program gave adequate consideration of the faculty member involved;
- 16 • or if the committee feels that additional information is needed.
- 17

18
19 (b) In any of these instances, the Advancement Committee shall raise its
20 concerns regarding the department/school evaluation process and, when
21 appropriate, suggest remedies in writing. The department may then
22 respond. The Committee's concerns, suggested remedies (if any), and the
23 department response shall be included in the faculty member's evaluation
24 file. A copy of all written documents will be provided to the evaluatee.
25

26 (c) If, after consultation, the Committee and the department, school, or
27 program continue to disagree about the adequacy of consideration given
28 the evaluatee, all written materials related to the issue, including minority
29 reports, shall be forwarded to the president at the completion of the
30 Advancement Committee's evaluation, along with the Committee's
31 recommendation, for consideration as part of the president's review of the
32 file.
33

34 (d) In the case of a dispute under 4.c.(4)(a) the Advancement Committee shall
35 notify the evaluatee and the head officer when it has determined that
36 adequate consideration has been given to the faculty member or that the
37 best possible resolution has been reached.
38

39 At any stage of the process described in Section 4.c.(4), the Advancement
40 Committee, the department, and the evaluatee may resolve issues by mutual
41 agreement in writing.
42

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

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- (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).

1 e. Evaluation and Decision by the President: If the particular case requires a
2 recommendation on promotion or tenure, the president shall review the file forwarded
3 by the Advancement Committee and formulate an independent judgment.

4
5 (1) If the president believes that there is inadequate information upon which to base
6 the recommendation or has questions concerning the prior consideration of the
7 file, the president may return the file to the Advancement Committee. The
8 president shall raise any questions in writing and the Advancement Committee
9 will respond in writing. The president's questions and the Advancement
10 Committee's response shall be included in the faculty member's evaluation file.

11
12 (2) The president shall notify the evaluatee of the recommendation the president
13 intends to submit to the Board of Trustees. Within five working days of
14 notification, the evaluatee may request a conference with the president.

15
16 (3) If, after meeting with the president, the evaluatee believes that the president has
17 acted with abuse of discretion or unlawful discrimination in reaching a decision,
18 the evaluatee may prepare within five (5) working days a statement addressed to
19 the Board of Trustees specifying the grounds for such a charge. When the
20 conference has been completed or when the time period for the request has
21 lapsed, the president's recommendation and other evaluation materials shall be
22 forwarded to the Board of Trustees. If there is a statement from the evaluatee as
23 provided for in the previous paragraph, that statement shall be forwarded along
24 with the president's recommendation.

25
26
27 f. Process for dealing with questions of professional ethics that arise during an
28 evaluation.

29
30 (1) If, during an evaluation, a member of the faculty raises a question or a concern
31 regarding the professional ethical behavior of an evaluatee, or regarding the
32 professional ethical behavior of an evaluator (related to this person's role as an
33 evaluator), the faculty member shall initiate a grievance process as described in
34 Chapter I, Part D, Section 4, and the evaluation—whether at the department,
35 program, school, or Faculty Advancement Committee level—shall be
36 suspended until the grievance process concludes.

37
38 (2) If the outcome of the grievance process has bearing on the evaluation, the
39 President may direct the Dean to add information to the evaluation file
40 regarding the result of the grievance.

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44 Section 5 - Evaluation by Head Officer and Dean

45
46 In certain circumstances evaluation of senior faculty may proceed under an alternative
47 process involving only the head officer and the dean. As is the case with the process
48 described in Chapter III section 4, this alternative process is designed to provide a
49 substantial body of evidence in writing as the basis for a fair and impartial review.

50
51 a. Professors may elect to bypass the procedures for evaluation detailed in Chapter III,
52 section 4 and have their next scheduled review conducted by the head officer and
53 dean under the procedures described in this section. Instructors who have served 17
54 years or more in that rank may establish an alternating schedule of full and alternative

1 reviews in consultation with the head officer and the dean under the procedures
2 described in this section.

- 3
- 4 b. Faculty members who are eligible and choose to be evaluated under the process
5 described in this section must consult with their head officer at least two months prior
6 to the start of the semester in which the evaluation is scheduled. The head officer
7 shall determine whether a full review under Chapter III, section 4 is warranted or if
8 the review will proceed under the procedures described in this section. In making this
9 decision the head officer shall consider information gathered from student evaluations
10 of teaching, evidence gathered from any class visitations and the results of previous
11 evaluations. Selection of a mode of review will neither presume nor preclude any
12 assessments as to the merits of the file. The head officer shall report the decision to
13 the dean. Unless the head officer or the dean calls for a full review, the process shall
14 proceed under the procedures described in this section.
- 15
- 16 c. The evaluatee shall prepare a file as described in Chapter III, section 4a and submit it to
17 his or her department one month before the review date. All departmental colleagues
18 eligible to participate in evaluations, under standards approved by the Professional
19 Standards Committee under Chapter III, section 3b of the Faculty Code, will have the
20 option of reading the file.
- 21
- 22 d. After reviewing the file the head officer shall write a letter of evaluation and forward
23 the file and letter to the dean. The dean or a designated member of the Advancement
24 Committee shall review the file, write a letter of evaluation and forward it to the head
25 officer. Copies of both letters shall be forwarded to the evaluatee.
- 26
- 27 e. At the conclusion of this review process, the evaluatee, the head officer or the dean
28 may call for a full review under the procedures of Chapter III section 4 to be
29 conducted during the subsequent academic year. In such a case the faculty evaluatee
30 shall prepare a file as described in Chapter III, section 4a. The head officer shall add
31 to this file, for departmental review, all of the materials from the previous file,
32 including the evaluation letters of the head officer and the dean.
- 33
- 34 f. Evaluations conducted under the procedures described in the section are not subject to
35 the process described in Chapter III section 6 and may not be appealed.
- 36
- 37 g. No evaluation conducted under the procedures described in this section may be used
38 in a determination of adequate cause for dismissal as described in Chapter V, Part A,
39 Section 2.a.
- 40

41 Section 6 – Procedure for an Appeal

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

46 a. Initiation of an Appeal:

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

48 (a) After the evaluation by the department, school, or program.

49 (b) After the evaluation by the Advancement Committee.

50 (2) Grounds and deadlines for formal appeals:

51

52

1 (a) A formal appeal of the evaluation conducted by the department, school, or
2 program is limited to issues affecting fairness, completeness, or adequacy
3 of consideration by the department, school, or program in conducting the
4 evaluation. The appeal must be initiated within ten (10) working days after
5 the evaluatee has completed reviewing the evaluation file that the department,
6 school, or program forwarded to the dean and the Advancement Committee
7 (Chapter III, Section 4.b).

8
9 (b) A formal appeal of the evaluation conducted by the Advancement Committee
10 is limited to questions of fairness, completeness, or adequacy of
11 consideration by the Advancement Committee in conducting the evaluation.
12 It may not raise questions about the evaluation at the departmental level
13 unless the questions pertain to duties of the Advancement Committee
14 specified in the code. The appeal must be initiated by the evaluatee within
15 five (5) working days after receiving the Advancement Committee's
16 recommendation (Chapter III, Section 4.c.(6)).

17
18 (3) To initiate a formal appeal, the evaluatee must submit a list specifying alleged
19 violations of the code to the chairperson of the Professional Standards
20 Committee within the time limits specified above.

21
22 (4) Upon receipt the chairperson of the Professional Standards Committee shall
23 provide a copy of the list of alleged code violations to the department, school, or
24 program (if the evaluatee is appealing its evaluation) or to the Advancement
25 Committee (if the evaluatee is appealing its evaluation).

26
27 (5) Response to an appeal:

28 (a) In a formal appeal of an evaluation conducted by a department, school, or
29 program, the head officer (or the person performing the functions of the
30 head officer in the evaluation, as provided by Chapter III, section 4.a (3)(a))
31 will serve as the respondent for the department, school, or program. If the
32 head officer (or the person performing the functions of the head officer in
33 the evaluation) is unable to so serve, the other members of the department,
34 school, or program will select a person to serve as the respondent.

35
36 (b) In an appeal of an evaluation conducted by the Advancement Committee, the
37 Advancement Committee will designate one of its members as the
38 respondent.

39
40 (c) Any response from the department, school, or program to an appeal shall be
41 submitted in writing to the chairperson of the Professional Standards
42 Committee within ten (10) working days of the receipt of the list of alleged
43 code violations. In formulating this response, the respondent (as defined
44 above) shall consult with the members of the department, school, or
45 program who participated in the evaluation conducted by the department,
46 school, or program. The document shall represent the response of the

1 department, school, or program, and not the personal response of the
2 respondent. Any member of the department, school, or program who
3 participated in the evaluation and who dissents from the departmental
4 response may submit a written dissent, which shall be provided to the
5 respondent to forward, along with the response of the department, school, or
6 program, to the chairperson of the Professional Standards Committee. The
7 chairperson of the Professional Standards Committee shall transmit the
8 response and any dissent to the appellant and to the hearing board.
9

10 (d) Any response to an appeal from the Advancement Committee and any
11 dissent to that response shall be submitted in writing to the chairperson of
12 the Professional Standards Committee within ten (10) working days of the
13 receipt of the list of alleged code violations. The chairperson of the
14 Professional Standards Committee shall transmit the response and any
15 dissent to the appellant and to the hearing board.
16

17 (e) An extension for submission of a response or a dissent from either a
18 department, school, or program or the Advancement Committee may be
19 granted if a respondent or a dissenter demonstrates that he or she was
20 unable, due to circumstances beyond his or her control, to complete the
21 response or dissent within the ten (10) working day limit. The chairperson of
22 the Professional Standards Committee and the chairperson of the hearing
23 board must both concur that the extension is warranted.
24
25

26 b. Hearing Board Roster: A hearing board roster will be established annually by the
27 Faculty Senate executive officers. The hearing board roster will consist of all tenured
28 members of the faculty, subject to their consent and to the following exclusions. The
29 chairperson of the Faculty Senate, members of the Faculty Advancement Committee,
30 and members of the Professional Standards Committee are excluded from the hearing
31 board roster. Faculty members who are on leave are excluded from service on a hearing
32 board.
33

34 c. Formation of a Hearing Board: Upon receipt of the list of alleged code violations, the
35 chairperson of the Professional Standards Committee shall meet with the chairperson
36 of the Faculty Senate, the appellant, and the respondent within five (5) working days
37 to form a hearing board composed of five (5) members from the hearing board roster.
38

39 (1) Excluded from the hearing board will be members of the appellant's department,
40 school, or program, and all others with direct interest in the matter as determined
41 by the chairperson of the Professional Standards Committee and the chairperson
42 of the Faculty Senate (or by a designated member of the appropriate body if its
43 chairperson may be affected by the exclusion principle noted above). If either
44 chairperson (or designee) votes for elimination, the faculty member is not selected
45 to the hearing board.
46

- 1 (2) Excluded from selection are members of the hearing board roster in current
2 service on another hearing board.
3
- 4 (3) If in the same evaluation process an evaluatee appeals the evaluation conducted by
5 the department, school, or program *and* the evaluation conducted by the
6 Advancement Committee, faculty members who served on the first hearing board
7 are excluded from service on the second hearing board.
8
- 9 (4) The following process shall be used to constitute a hearing board:
10 (a) The chairpersons of the Faculty Senate and the Professional Standards
11 Committee shall jointly select eight names at random from those names
12 remaining on the hearing board roster after the exclusions noted above have
13 been taken into account.
14
- 15 (b) The appellant and the respondent may then challenge any name on the list of
16 eight on account of interest or bias. Who may challenge first shall be
17 determined by lot, with each side alternating thereafter. Challenges on
18 account of interest or bias shall be ruled upon jointly by the chairperson (or
19 designee) of the Professional Standards Committee and the chairperson (or
20 designee) of the Faculty Senate. If either votes for elimination, the faculty
21 member is eliminated, and an additional name is selected from the hearing
22 board roster. The additional name may also be challenged on account of
23 interest or bias.
24
- 25 (c) The appellant and the respondent may then exercise no more than two
26 challenges each against the eight names remaining on the list without stating
27 cause. If any person is eliminated, an additional name shall be selected from
28 the hearing board roster. The additional name may be challenged on account
29 of interest or bias. The appellant or the respondent may also challenge the
30 additional name without stating cause, until the two permitted challenges
31 without stating cause have been exercised.
32
- 33 (d) The first five faculty members selected to the list shall constitute the hearing
34 board. The sixth, seventh, and eighth named faculty members will stand, in
35 that order, as alternates. Alternates will not participate in the appeal unless
36 one or more of the five hearing board members cannot serve from the
37 beginning of the hearing board process.
38
- 39 (5) The normal presumption is that the faculty members will serve on a hearing
40 board to which they are selected. The chairperson of the Faculty Senate and the
41 chairperson of the Professional Standards Committee may, if both agree, exclude
42 a faculty member from service based on a self-disclosed conflict of interest,
43 hardship, or other good cause shown.
44

1 (6) In the event that any member of a hearing board is unable to complete service
2 after the hearing board process has begun, a new hearing board shall be formed,
3 using the process outlined above, to conduct the hearing.
4

5 (7) The hearing board shall hold its first meeting within five (5) working days of its
6 selection and shall elect a chairperson. At this initial meeting the hearing board
7 shall also elect a secretary to record the actions of the hearing board. The
8 chairperson of the Professional Standards Committee or designee shall attend
9 this initial meeting and shall give the appellant's list of alleged code violations to
10 the chairperson of the hearing board as soon as that person is elected.
11

12 (8) No person involved in the hearing shall make public statements, directly or
13 indirectly, about matters presented in the hearing.
14

15 d. Determination of Probable Cause:

16 (1) The hearing board shall meet without the presence of the appellant and
17 respondent in order to determine whether there exists probable cause for an
18 appeal. In making that determination, the hearing board shall review the
19 appellant's list of alleged code violations, the respondent's response, and any
20 dissents, and shall have access to all files and records involved in the evaluation
21 process.
22

23 (2) Within ten (10) working days of receipt of the respondent's response and any
24 dissents, the hearing board shall determine, based on its review of the written
25 materials, whether or not there exists probable cause for an appeal and shall so
26 notify the appellant, the respondent, the dean, and the chairpersons of the Faculty
27 Senate and the Professional Standards Committee of the decision.
28

29 (3) If two (2) or more members of the hearing board determine that probable cause
30 for an appeal exists, a hearing shall be held by the hearing board pursuant to
31 Chapter III, Section 7.
32

33 (4) If the hearing board determines that probable cause for an appeal does not exist,
34 the hearing board's written determination of no probable cause shall be included
35 in the evaluation file, along with the appellant's list of alleged code violations, the
36 respondent's response, and any dissents. The evaluation file, with these items
37 included, then moves to the next stage of the evaluation process.
38
39

40 Section 7 – Procedure for a Hearing

41 a. A hearing may extend over more than one meeting of a hearing board. The appellant
42 and the respondent may be present at all meetings of a hearing. The respondent may
43 be assisted at a hearing by legal counsel or by non-lawyer counsel. The appellant may
44 also be assisted by an academic colleague and acted for by legal or non-lawyer
45 counsel chosen by the faculty member.
46

- 1 b. Hearings shall not be open to the public. The only persons present shall be those
2 persons whose presence is allowed by the sections of this chapter pertaining to
3 appeals and hearings. However, at the request of either the appellant or respondent,
4 and subject to the concurrence of the hearing board, a representative of an educational
5 association or other appropriate association shall be allowed to observe a hearing.
6
- 7 c. In all cases, the university shall make an electronic record of a hearing. If requested
8 by the appellant or respondent, the university shall provide a copy of the electronic
9 record or a verbatim transcript of the hearing paid for by the requesting party. The
10 electronic record made of a hearing shall be retained by the university for six years
11 after the hearing board makes its report.
12
- 13 d. The chairperson of the hearing board shall preside at a hearing and shall handle
14 administrative duties, such as giving notices and speaking for the hearing board. He
15 or she shall rule on matters of procedure and evidence, subject to being overruled by a
16 majority of the hearing board.
17
- 18 e. The hearsay rule or other exclusionary rules of evidence used in courts of law shall
19 not apply.
20
- 21 f. The hearing board shall confine its review and its judgments to the stage of evaluation
22 that is under appeal. The evidence on review in a hearing shall be substantially
23 confined to the written record on which the department, school, or program or the
24 Advancement Committee made its decision. This evidence should not be significantly
25 expanded at the hearing by the admission of testimony and information not previously
26 considered by the department, school, or program or by the Advancement Committee.
27 The appellant or the respondent may offer to present additional evidence deemed
28 relevant, and the hearing board at its discretion may hear or decline to hear such
29 additional evidence. If witnesses testify, they may be cross-examined by the opposing
30 party. Witnesses may be permitted to testify by signed written statements if, in the
31 hearing board's judgment, that is the most feasible way of presenting their evidence
32 and if the opposing party is not substantially prejudiced by the lack of opportunity to
33 cross-examine. The hearing board shall have no duty to seek or to present evidence
34 but may do so if, in its judgment, justice requires it.
35
- 36 g. Insofar as practicable, each party shall assist the other in obtaining witnesses and
37 evidence when the party's assistance is necessary or helpful. Each party shall make
38 specifically requested and relevant documents or other tangible evidence in its
39 possession available, where possible, to the other party for presentation to the hearing
40 board.
41
- 42 h. After completion of a hearing, the hearing board shall meet to deliberate and come to
43 a decision. Deliberative meetings shall be conducted without the appellant and
44 respondent present and without making an electronic record. The decision of the
45 hearing board will be limited to questions of the fairness, completeness, or adequacy
46 of consideration in the evaluation conducted by the department, school, or program or

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

- 5
- 6 i. Within ten (10) working days after completion of a hearing, the hearing board shall
7 render its decision about whether violations of the code, as alleged by the appellant,
8 have occurred. The decision of the majority of the hearing board and any dissent by a
9 minority of the hearing board shall be transmitted in writing to the appellant, the
10 respondent, and the dean. The hearing board's decision, any dissents, and any exhibits
11 received in the hearing, along with the appellant's list of alleged code violations, the
12 respondent's response, and any dissents by members of the department, school, or
13 program or by members of the Advancement Committee, are added to the evaluation
14 file.
- 15
- 16 j. If a hearing board determines that the code has been violated as alleged by the
17 appellant in an appeal of the department, school, or program, the hearing board's
18 decision may include a direction that the matter be returned to the department, school,
19 or program for correction of deficiencies.
- 20
- 21 k. If a hearing board determines that the code has been violated as alleged by the
22 appellant in an appeal of the evaluation by the Advancement Committee, the hearing
23 board's decision may include a direction that the matter be returned to the
24 Advancement Committee for correction of deficiencies.
- 25
- 26 l. If a hearing board does not find that the code has been violated as alleged by the
27 appellant or, even though it finds code violations, does not direct that the file be
28 returned to an earlier stage, then the file moves forward to the next stage of the
29 evaluation process.
- 30
- 31 m. The chairperson of the hearing board shall deliver to the dean in a sealed envelope the
32 electronic record of the hearing and copies of the hearing board's majority decision,
33 any minority dissents, any exhibits received in the hearing, the appellant's list of
34 alleged code violations, the respondent's response, and any dissents by members of
35 the department, school, or program or by members of the Advancement Committee.
36 The dean shall retain these materials for six years after the hearing board makes its
37 report. After a hearing board has rendered its decision and transmitted its reports, the
38 chairperson of the hearing board shall notify the chairpersons of the Faculty Senate
39 and the Professional Standards Committee.
- 40
- 41

42 Section 8: Faculty Evaluation Files

43

- 44 a. The dean shall maintain an ongoing evaluation file on each faculty member.
- 45
- 46 b. This file shall be used only in the evaluation process and shall contain only
47 information pertinent to that process, such as (1) a statement of department, school, or
48 program evaluation criteria and standards; (2) the evaluatee's evaluation statement and

1 curriculum vita; (3) student evaluations submitted as part of the evaluation process;
2 (4) evaluation letters prepared by colleagues; (5) the department summary of
3 deliberation and recommendation; (6) the Advancement Committee's
4 recommendation; (7) if applicable, the president's recommendation to the Board of
5 Trustees; and (8) other material clearly relevant to the faculty member's role as a
6 professional educator which may be the result of the Professional Standards
7 Committee's or the Dean's application of other university policies, provided that the
8 faculty member is notified that the material is being added to the file.
9

10 c. The file shall not include unattributed materials except for student course evaluations.
11

12 d. The file shall not accumulate materials for more than two consecutive evaluations.
13

14 All materials in the faculty member's evaluation file shall be open to the Advancement
15 Committee, the dean, the president, and the Board of Trustees. The file shall be open to
16 the faculty member involved, except when the faculty member has waived access to
17 letters of evaluation as provided for in Section 4.a.1.(d), in which case confidential letters
18 may not be read by the faculty member. Without the express consent of the faculty
19 member, the evaluation file shall be closed to all others.
20

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.

- 1 g. Dismissal of tenured faculty shall occur only under the following conditions:
2
3 (1) A faculty member who has tenure may be dismissed by the university only for
4 adequate cause, for institutional financial exigencies, or for discontinuation of
5 an existing program, school, or department, as provided for in Chapter V of this
6 code.
7
8 (2) A tenured faculty member who is dismissed by the university shall receive
9 salary through the academic year following the academic year in which the
10 dismissal notice is given, whether or not that person is assigned appropriate
11 duties in the university for that year. However, salary shall not be paid or owing
12 if the termination was for cause as defined in Chapter V, Part A, Section 2.a.,
13 (2) or (3) of this code.
14

15 Section 2 - Promotion

- 16
17 a. Promotion is advancement in rank by a tenure-line faculty member. As outlined
18 below, tenure-line assistant professors are eligible for promotion to the rank of
19 associate professor and tenure-line associate professors are eligible for promotion to
20 the rank of professor.
21
22 b. Tenure-line faculty are considered for promotion to the next higher rank at the
23 following points in their time of service at the University of Puget Sound.
24
25 (1) Assistant professors are normally considered for promotion during their sixth
26 year in that rank at the university unless otherwise specified in their letter of
27 appointment; and
28
29 (2) Associate professors are most often considered for promotion during their sixth
30 year in that rank at the university, but the decision when to request
31 consideration for promotion rests with the faculty member.
32
33 (3) Approved leaves are generally included in computing time for promotion
34 provided that the work done on leave has a direct correlation to one's academic
35 and professional responsibilities. This procedure must be approved in advance
36 by the faculty member's head officer and the dean.
37
38 (4) A faculty member who wishes early promotion and believes grounds exist for it
39 may request it in writing to the head officer and the dean. The dean may then
40 initiate the evaluation proceedings. No matter when a faculty member is
41 considered for promotion, the grounds shall be as set out in Chapter IV, Section.
42 2 c.
43
44 c. Faculty promotion shall be based upon the quality of a person's performance of
45 academic duties. The criteria for promotion are specified in Chapter III, Section 3 e.
46 Promotion shall be made only after evaluation of the faculty member in the manner
47 provided in Chapter III of this code.
48

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.

- 1 (2) The determination that a financial exigency exists shall be made by the
2 president after a thorough consideration of other alternatives. Prior to making a
3 recommendation to the Board of Trustees the president shall inform the Faculty
4 Senate of his/her intention in writing.
5
- 6 (3) Upon receipt of the president's letter the Faculty Senate has twenty (20) working
7 days within which to consider if in their judgment a financial exigency does
8 exist and to forward that judgment to the president.
9
- 10 (4) The final decision regarding the declaration of a state of financial exigency is
11 made by the Board of Trustees upon recommendation by the president.
12
- 13 (5) If a state of financial exigency is declared, the Faculty Senate shall recommend
14 criteria to be used in selecting programs to be curtailed or individuals to be
15 dismissed. The Faculty Senate may make specific recommendations as to
16 programs or individual faculty to be thus affected. While the Faculty Senate's
17 recommendations shall not bind the president and the trustees, they shall be
18 accorded great weight.
19
- 20 (6) If the university dismisses faculty for financial exigency, it shall not at the same
21 time renew non-tenured appointments or make new appointments except in
22 extraordinary circumstances where serious distortion of the academic program
23 would otherwise result.
24
- 25 (7) If the university dismisses faculty members for financial exigency, it shall not
26 fill their positions with other persons for a period of three years without first
27 offering the dismissed members reinstatement to their former positions and
28 giving them reasonable time to accept the offers.
29

30 Section 3 - Procedures for Dismissal

- 31
- 32 a. Adequate cause as defined in Chapter V, Part A, Section 2.a.(1) and as applied to
33 tenured faculty is established through a procedure employing the evaluation process
34 described in Chapter III . When a faculty member has received an evaluation which
35 clearly shows a lack of competency to the extent that it brings into question the
36 faculty member's continued employment with the university (i.e., an evaluation which
37 shows severe inadequacy in (1) currency in several aspects of the person's stated area
38 of expertise and/or (2) effectiveness in teaching methods), the following process shall
39 ensue:
40
- 41 (1) The dean shall give the faculty member written notice of the same.
42
- 43 (2) If requested by the faculty member, the dean shall hold a conference with the
44 faculty member and the head officer to discuss the reasons for the unsatisfactory
45 evaluation.
46
- 47 (3) If the faculty member is not in agreement with the decision of the department
48 and the Advancement Committee, he or she may request an appeal at this time
49 (see Chapter III, Sections 7 and 8).
50
- 51 (4) If the faculty member does not appeal, or if an appeal is not upheld, then the
52 faculty member, the head officer, and the dean shall draw up an agreement
53 which includes a specific faculty development plan, including goals and a

1 schedule for performance appraisal with specific criteria for the evaluation
2 clearly stated.
3

4 (5) The performance appraisal shall include an annual review of progress with the
5 dean and the head officer.
6

7 (6) Three years after the unsatisfactory evaluation (or earlier if requested by the
8 individual), a second evaluation shall be conducted and the department and
9 Advancement Committee shall be made aware of the seriousness of this
10 evaluation. If the second evaluation is also unsatisfactory, the university may
11 continue the individual if it is in the best interests of the university to do so; the
12 university may ask the individual to resign or retire; or the university may give
13 the individual notice of dismissal. If notice of dismissal is given, the faculty
14 member may ask for a hearing as provided in Chapter III, Sections 7 and 8.
15

16 b. When the dean alleges there exists adequate cause for the dismissal of a tenured or
17 non-tenured faculty member under Chapter V, Part A, Section 2.a. (2) or (3), or of a
18 non-tenured faculty member under Chapter V, Part A, Section 2.a. (1) , the dean shall
19 present to the faculty member a written charge specifying the grounds which form the
20 basis for the allegations, including a list of the specific acts or actions relevant to the
21 allegations. The faculty member shall, within five (5) working days, have the right to
22 request consultation with the Professional Standards Committee. If no request is
23 forthcoming, the dean is free to notify the faculty member of his/her dismissal. If a
24 request is made, the Professional Standards Committee shall consult with the parties
25 involved and attempt to resolve the problem. If no resolution is possible, then the
26 faculty member may request a hearing as described in Section 4 of this chapter. In
27 dismissals made under this section (Section 3) the question before the hearing board
28 shall be whether "adequate cause," as defined in this chapter, exists for dismissal of
29 the faculty member. The dean or the dean's designee shall present to the hearing
30 board the written charge of the notice-of-intent to dismiss, listing the ground or
31 grounds upon which the university intends a dismissal for adequate cause and
32 specifying with reasonable particularity the alleged facts in support thereof. In
33 proceedings before the board, the university shall have the burden of proving facts
34 sufficient to sustain the charges made. In particular, if the alleged cause for
35 professional incompetency involves physical or mental inability to perform duties,
36 there shall be medical evidence of the same. The university shall present evidence of
37 consultation with one or more licensed physicians or licensed psychologists, as
38 appropriate. Additional medical reports from licensed professionals may be
39 presented by the faculty member. The hearing board may, at university expense, have
40 examinations made by licensed physicians or licensed psychologists, and the faculty
41 member shall consent to such examinations.
42

43 c. Dismissal on account of discontinuation of department, school, or program.
44 Whenever it becomes necessary for the university to dismiss a faculty member on
45 account of discontinuance of his or her program, department, or school and efforts to
46 place the person in another vacant university position are unsuccessful, the following
47 steps shall be taken:
48

49 (1) The dean shall notify the faculty member in writing of the intended dismissal,
50 giving a statement of the reasons therefore.
51

52 (2) The notified faculty member shall have ten (10) working days from receipt of
53 the dismissal notice to give the dean written notice that the faculty member
54 requests a review of the matter through the process described in Part A,

1 Section 4 of this chapter and to submit the list of alleged code violations. Upon
2 receipt of the request, the dean shall refer the matter to a hearing board, sending
3 the board such materials pertaining to the matter as are in the dean's possession.
4 The university shall take no further action to dismiss until the hearing board has
5 reported to the president.
6

- 7
- 8 (3) The function of the hearing shall be as specified in Chapter III, Section 8.e.
9 Among the questions before the hearing board shall be: (1) whether
10 discontinuation of the program, department, or school was necessary; (2)
11 whether discontinuation, though necessary, requires the faculty member to be
12 dismissed; and (3) whether the faculty member should be placed in other
13 university employment. The university shall have the burden of producing
14 evidence to sustain its decision to dismiss on the second and third questions. On
15 the first question the determination by the trustees that discontinuation was
16 necessary shall create a presumption to that effect, so that the faculty member
17 shall have the burden of producing evidence to overcome such presumption.
18
- 19 (4) If the notified member makes no request for appeal within the ten working days
20 referred to above, the dean shall forward the recommendation for dismissal and
21 materials in support thereof to the president. The president shall consider the
22 recommendation and materials and shall recommend to the Board of Trustees
23 that they dismiss the faculty member if the president determines upon that
24 disposition of the matter.
25
- 26 (5) Whenever the Board of Trustees has acted to dismiss a faculty member on
27 account of discontinuation of the member's program, department, or school,
28 such faculty member shall receive salary through the academic year following
29 the academic year in which the dismissal notice is given whether or not that
30 person is assigned appropriate duties in the university for that year.
31

32 d. Dismissal on account of financial exigency.
33

- 34 (1) Whenever it becomes necessary for the university to dismiss a faculty member
35 on account of financial exigency the steps and procedure outlined in Section 3.c.
36 (1), (2), (4) and (5) of this part, pertaining to dismissal for discontinuation of a
37 program, department, or school, shall be followed. In applying Section 3.c. (1),
38 (2), (4) and (5), due and reasonable allowance shall be made for obvious
39 differences in language, reading "dismissal on account of financial exigency" in
40 place of "dismissal for discontinuation of a program, department, or school" and
41 the like.
42
- 43 (2) The function of the hearing shall be as specified in Chapter III, Sections 6 and 7.
44 Among the questions before the hearing board shall be: (1) whether a bona fide
45 financial exigency exists; (2) whether, though a financial exigency exists, it
46 justifies dismissal of the particular faculty member; (3) whether the university is
47 renewing fixed-term appointments, except in extraordinary circumstances where
48 serious distortion of the academic program would otherwise result; and (4)
49 whether the university has engaged, or attempted to engage, other persons for
50 the faculty member's position. The university shall have the burden of
51 producing evidence to prove the affirmative of questions 1 and 2; provided that
52 if the university Faculty Senate has advised the president in the affirmative on
53 either of these questions, that shall create a presumption to that effect, so that
54 the faculty member shall have the burden of producing evidence to overcome

1 such presumption. The faculty member shall have the burden of producing
2 evidence to prove the affirmative of questions 3 and 4, but if evidence is
3 introduced that the university is renewing fixed-term appointments (Question
4 3), the university shall have the burden of proving the existence of the exception
5 stated.
6

7 Section 4 - Appeals Procedures

8

- 9 a. The composition of, and procedures followed by, the hearing board shall conform to
10 those described in Chapter III, Sections 7 and 8 a-i (p.14), with due and reasonable
11 allowance made for obvious differences in language, reading "faculty member" for
12 "appellant," "dismissal" for "evaluation," and "university" for "department" or
13 "Advancement Committee."
14
15 b. The decision of the majority of the hearing board, and any dissent, shall be
16 transmitted in writing to the president.
17
18 c. Upon receiving the report from the hearing board, the president shall submit the full
19 report to the Board of Trustees, along with his/her own recommendation.
20
21 d. The review by the Board of Trustees shall be based on the record of the previous
22 hearing. The board shall provide an opportunity for written statements to be
23 submitted by the parties and may, at its discretion, hear oral argument.
24
25 e. The decision of the hearing board either shall be sustained or the matter returned to
26 the hearing board with specified objections.
27
28 f. The hearing board shall then reconsider the matter, taking into account the stated
29 objections of the Board of Trustees and receiving new evidence if necessary. It shall
30 then submit its decision to the Board of Trustees.
31
32 g. The Board of Trustees shall make a final decision after reviewing the decision of the
33 hearing board.
34

35 PART B - SUSPENSION

36 Section 1 - Suspension Defined

37

38 If a faculty member is relieved temporarily of his/her duties, the faculty member is
39 considered suspended. Salary is continued during the period of suspension.
40
41

42 Section 2 - Grounds

43

44 A faculty member is suspended only if immediate harm to the university, the faculty
45 member, or others is threatened by the member's continuance.
46

47 Section 3 - Procedure

48

49 Suspension is made by the dean with the concurrence of the Professional Standards
50 Committee.
51

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

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

- 5
- 6 b. The faculty member shall be notified in writing of (1) the suspension, (2) grounds for
7 the suspension, (3) period of the suspension, and (4) criteria for reinstatement.
8
- 9 c. The faculty member has five (5) working days within which to request an appeal of
10 the suspension. This request shall be processed using the procedure described in
11 Part A, Section 4 of this chapter. The question before the hearing board shall be
12 whether the decision to suspend was made in conformity with this Chapter V, Part B .
13 If the board finds that there is a code violation, the matter shall be referred back to the
14 Professional Standards Committee.
15

16 PART C - RESIGNATION

17

18 A faculty member may separate from university employment at the end of any academic
19 year. To do so, the faculty member shall notify the dean no later than May 15 of that
20 year, or no later than 20 working days after receiving the university's notice of the terms
21 of his or her faculty reappointment for the next academic year, whichever time occurs
22 first. If a faculty member feels that observance of these time limits would, because of
23 unusual circumstances, cause undue hardship or cause loss of professional advancement
24 or opportunity, the faculty member may request the dean to waive the limits.
25

26 PART D - RETIREMENT

27

28 Section 1 - Normal Retirement

29

30 Normal retirement for a faculty member is at the end of the contract year in which age 65
31 is attained.
32

33 Section 2 - Early Retirement

34

35 Tenured faculty members may retire and receive early retirement benefits at the end of
36 the academic year or semester provided they have at least attained the age of 55, as of
37 that date. Tenured faculty members with ten academic years in the rank of professor may
38 retire and receive early retirement benefits at the end of any academic year or semester
39 regardless of age.
40

41 The early retirement benefit is based on a percentage of total compensation and such
42 percentage is multiplied by the number of academic years and half academic years by
43 which early retirement precedes normal retirement, up to a maximum of five years.
44 Tenured faculty members with fewer than 20 years of service at the university will
45 receive 30% of total compensation multiplied by the number of academic years by which
46 early retirement precedes normal retirement, to a maximum of five years. Tenured
47 faculty members with 20 or more years of service at the university will receive 35% of
48 total compensation multiplied by each such year, to a maximum of five years.
49

50 Total compensation is calculated using the contract salary amount specified on the faculty
51 salary schedule for persons of the same rank and level as the individual electing early
52 retirement and such value includes the value of certain associated benefits.
53
54

1 All early retirement and career change benefits will be paid in the time and manner
2 specified by the Early Retirement and Career Change Policy, which is hereby
3 incorporated by reference.
4

1 CHAPTER VI
2
3 GRIEVANCES
4

5
6 Section 1 - When Used in this Chapter
7

- 8 a. The term "grievance" includes a faculty originated complaint or a university
9 originated complaint.
10
11 b. The term "faculty originated complaint" is a complaint by a faculty member that the
12 university, an officer including another faculty member, or an official body thereof
13 has, by act or omission, violated obligations accorded that faculty member by the
14 contract of employment or by provisions of this faculty code; provided, that a faculty
15 originated complaint does not include obligations conferred by Chapter I, Part F, and
16 Chapters III, IV, and V of this code. Those chapters provide for appeal of the alleged
17 violations.
18
19 c. The term "university administration originated complaint" is a complaint by the
20 university alleging that a faculty member has by act or omission violated obligations
21 conferred by contract of employment with the university or by provisions of this
22 code.
23
24 d. The term "grievant" refers to the originator of the complaint.
25
26 e. The term "respondent" refers to the person(s) complained against.
27
28 f. The term "parties" refers to the grievant, the respondent, and the university.
29
30 g. The term "committee" refers to the Professional Standards Committee.
31

32 Section 2 - Prehearing Settlement Conference
33

- 34 a. Within thirty (30) working days of the alleged violation, the grievant shall give
35 written notice thereof to the respondent; provided, that the notice may be served on
36 the dean if the grievant is without knowledge of the identity of the respondent.
37
38 A grievance notice presented after thirty working days of the alleged violation will be
39 considered only if: (1) an alternative process is required by public law as
40 implemented in university policies; or (2) the grievant demonstrates that he or she did
41 not know, or could not have known, about the alleged violation until a later time. In
42 the second instance, the grievance notice must be given within thirty working days of
43 the date upon which the grievant gained knowledge of the alleged violation.
44
45 b. The notice shall state the relevant facts with reasonable particularity, cite those
46 portions of the appointment contract or the faculty code alleged to be violated, and
47 include proposed remedies.
48
49 c. Within five (5) working days of notice the respondent shall conduct formal
50 discussions with the grievant and other appropriate persons with the intent of reaching
51 a satisfactory settlement of the grievance, and which, if found, shall terminate the
52 grievance process. Any party may terminate the prehearing settlement conference if
53 they feel that further discussions will be unsuccessful.
54

1 Section 3 - Grievance Hearing

- 2
- 3 a. If the prehearing settlement conference is terminated without settlement of the
4 grievance, then within five working days of said termination the grievant may serve
5 the written notice required in Section 2 to the dean. Included with said notice shall be
6 identification of the individuals who attended the conference and a demand for a
7 grievance hearing.
8
- 9 b. The dean shall, within five (5) working days of the service of said notice, forward the
10 notice and all attendant materials to the committee.
11

12 Section 4 - Grievance Procedure

- 13
- 14 a. Upon receipt of the grievance from the dean, the committee shall schedule a hearing
15 to begin within fifteen (15) working days and give the dean, the grievant, and
16 respondent at least five working days notice thereof.
17
- 18 b. In grievances brought before the committee, the individuals involved or any
19 committee member may raise the issue of a conflict of interest concerning a member
20 of the committee. If the conflict of interest is disputed, those members of the
21 committee who are not involved in the alleged conflict of interest shall conduct a
22 confidential, written vote to determine if a conflict of interest may exist. If it is
23 determined that a member of the committee may have a conflict of interest, that
24 member shall be recused from deliberating and voting. If a member of the committee
25 is recused because of an apparent conflict of interest, the committee, at its discretion,
26 may appoint a substitute to participate in the case. Parties to the grievance are
27 automatically recused from serving on the grievance committee.
28
- 29 c. The function of the hearing committee shall be to determine whether there have been
30 violations of the code or contract of employment, as alleged by the grievant, and to
31 recommend what sanctions, if any, should be imposed upon the respondent(s).
32
- 33 d. Procedures
- 34
- 35 (1) Presiding Officer. The committee chairperson shall preside, handle
36 administrative duties, and rule on matters of procedure and evidence; provided
37 that decisions by the chairperson are subject to being overruled by a majority of
38 the committee.
39
- 40 (2) Representation. The university shall be represented by person(s) designated by
41 the dean. The grievant and respondent may attend all hearings in person and be
42 acted for by lawyer or non-lawyer counsel chosen by the grievant/respondent.
43
- 44 (3) Closed Hearings. Hearings shall not be open to the public, and the only persons
45 present shall be those whose presence is allowed by this chapter. However, at
46 the request of either party, and with the concurrence of the committee, a
47 representative of an educational association or other appropriate association
48 shall be allowed to observe hearings.
49
- 50 (4) Records. In all cases, the university shall make an electronic verbatim record of
51 the hearing, and provide to either party, upon their request, a copy of that
52 verbatim recording or a verbatim transcript paid for by the requesting party.
53 Records made of the hearing shall be retained by the university for six years
54 after the committee makes its report.

- 1
2 (5) Order of Presentation. The grievant shall make the initial presentation to the
3 committee. At the conclusion of that presentation any party may request that
4 the hearing be terminated for lack of any probable merit for the grievance. The
5 committee shall then meet in executive session to approve or reject the request.
6 If the request is approved by a majority of the committee then the grievance
7 shall be dismissed and such dismissal is final. If the request is denied by a
8 majority of the committee then the respondent shall go forward with the
9 respondent's presentation.
10
- 11 (6) Evidence. Each party shall offer such evidence as the committee deems
12 relevant, and each party may cross-examine the other's witnesses. Witnesses
13 may be allowed to testify by affidavit if, in the committee's discretion, that is the
14 most feasible way of presenting their evidence and if the opposing party is not
15 substantially prejudiced by lack of cross examination. The committee shall
16 have no duty to seek or to present evidence but may do so if, in its judgment,
17 justice requires. In such a case, the committee shall have right of access to all
18 pertinent materials. The hearsay rule or other exclusionary rules of evidence
19 used in courts of law shall not apply.
20
- 21 (7) Discovery. Insofar as practicable, each party shall assist the other in obtaining
22 witnesses and evidence when the party's assistance is necessary or helpful.
23 Each party shall make specifically requested and relevant documents or other
24 tangible evidence in its possession available to the other for presentation to the
25 committee.
26
- 27 (8) Final Report. After completion of the hearing, the members of the committee
28 shall meet in executive session to consider their decision on the matters before
29 them. The committee may consider only evidence presented to it in hearing.
30 The decision of the majority shall be transmitted to the president as the
31 committee's decision, but dissenting members may also transmit statements of
32 their position. Said report(s) shall be delivered to the president within ten (10)
33 working days of the termination of the hearing unless the committee extends the
34 time. The committee shall send the president a copy of the grievant's notice of
35 complaint, a summary of their hearings, and tangible items of evidence they
36 received in their hearings. The committee will send copies of its report(s) to the
37 parties in the grievance at the same time that it sends them to the president.
38
- 39 (9) Public Statements. No person involved in the hearing's proceedings shall make
40 public statements, directly or indirectly about the matters in the hearings or
41 reports generated from the grievance process.
42
43

44 Section 5 - President's Action

45
46 The president shall consider the report and materials submitted therewith. Within twenty
47 (20) working days of receiving the committee's report, the president shall do the
48 following:
49

- 50 a. finally determine what action, if any, the university shall take in response to the
51 grievance complaint;
52
53 b. transmit the final determination to the committee, to the grievant and to the
54 university officer or employees whose actions gave rise to the grievance complaint;

- 1
2 c. transmit to the committee and the other parties to the grievance, should the final
3 determination be contrary to that reached by the committee, the reasons for the
4 determination;
5
6 d. direct appropriate university officers to take any required action.
7

8 Section 6 - Respondent's Action
9

10 The respondent shall comply with the decision within thirty (30) working days or sooner.
11 Failure to comply may be considered a violation of contract, and Chapter I, Part C of the
12 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

1
2 The responsibility for teaching and instruction at the University of Puget Sound
3 resides with the faculty members. The university recognizes, however, that in special
4 cases it is appropriate or necessary to utilize the services of students as course assistants.
5 Course assistants do not replace full or part time faculty. Rather they extend and
6 augment the ability of a faculty member to fulfill the objectives of a particular class. The
7 use of course assistants in no way reduces, replaces, or eliminates the authority or
8 responsibility a faculty member has for a course as specified in the Faculty Code.
9

10 Requirements for Departmental Guidelines for Course Assistants

11
12 Specific activities for course assistants will of necessity vary (from department to
13 department and from course to course). Each department must develop a clear statement
14 for each course concerning the use of course assistants. The statement should discuss, at
15 least, the following: (1) faculty supervision, (2) the role of course assistants in the
16 classroom or laboratory, (3) the specific tasks assigned to course assistants, (4) the degree
17 and type of interaction between the course assistants and students, (5) the role of course
18 assistants in grading and evaluating student work, (6) the expected number of hours of
19 work, (7) the method of evaluating performance of the CA, (8) how confidentiality of
20 sensitive material is ensured (in some cases course assistants will have access to
21 confidential information e.g., grades, performance records, or evaluations about the
22 students enrolled in the class. The department and the supervisor must make every effort
23 to restrict course assistants' access to such information to a minimum. Course assistants
24 must be made aware of the sensitive nature of such information and should be required to
25 sign a non-disclosure agreement. Abuse of this privilege should be grounds for dismissal
26 of a course assistant from employment.), and (9) the process of selection of course
27 assistants.
28

29 (Each department must develop a procedure for selecting course assistants which is
30 consistent with both the needs of the department and with the prevailing regulations and
31 rules applicable to equal employment. Selection criteria should correspond to the
32 departmental statements about the duties and responsibilities of the course assistant
33 position. The primary concern of the department in selecting course assistants must be
34 the ability of individuals to perform satisfactorily the expected functions of a course
35 assistant. To the extent possible, departments should select students who qualify for
36 university matching funds under existing work-study programs. Applications for
37 positions should be solicited from all qualified students. Notification to both selected
38 individuals and unsuccessful applicants should be in writing. The department should
39 ensure that each selection is based on rational criteria and procedures so that they are not
40 perceived as arbitrary or capricious. The department should be willing to discuss its
41 decisions with unsuccessful applicants. After the selection process is completed the
42 department is responsible for working with the university's Office of Student
43 Employment to execute the appropriate documents as applicable).
44

45 This statement should be made available to all prospective course assistants and reviewed
46 specifically with all course assistants at the beginning of their employment.
47

48 Supervision and Responsibility of Course Assistants

49
50 Each course assistant must be under the direct guidance and supervision of a
51 faculty member. All course assistant duties with respect to grading must be limited to
52 objective evaluation. It is the responsibility of the supervisor to see that the course
53 assistant successfully fulfills the requirements of the job. The supervisor will meet in a

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

3
4 The supervisor, or faculty member responsible for the course, should inform the
5 students enrolled in the course about the role and duties of each course assistant.
6 Students should also be informed that they have the right to appeal decisions made by
7 any course assistant to the faculty member or supervisor.

8
9 Role of Professional Standards Committee

10
11 Since course assistants perform some of the activities and have some of the
12 responsibilities of faculty members, it is in the interest of the university to monitor their
13 use. Thus each department employing course assistants should submit to the Professional
14 Standards Committee a document that explains the duties, responsibilities, and
15 supervision of course assistants. The PSC will review departmental statements for
16 agreement with the guidelines. Upon obtaining committee approval, the department may
17 then employ course assistants in accordance with the departmental document and need
18 not submit the document again for PSC review until the guidelines in the Code or the
19 departmental document are revised.

20
21 **Interpretation of Chapter I, Part C, Section 2, and Chapter I, Part D, Section 4.**
22 **Partners/Dependent Children Taking Courses from Faculty (PSC made voluntary**
23 **26 September 1986; accepted by Faculty Senate 3 November 1986; Revised May**
24 **2015): Current**

25
26 Background: The University of Puget Sound provides tuition-free enrollment for
27 dependent children and partners of faculty members. While those family members
28 seldom register for a course taught by their parent or partner, they may choose to do so or
29 need to do so as part of a program of study. The University acknowledges that such
30 situations exist or may exist. These guidelines are intended to apply in such cases.

31
32 There is no presumption that a faculty member will give favored treatment to a
33 partner or dependent child in their courses. Indeed, the opposite may be a more likely
34 result. Other students, however, may perceive that the relative may receive, or is
35 receiving, favored consideration. In order to protect the integrity of individual faculty
36 members, the following recommendations are given:

- 37
38 1. When a partner or dependent child is enrolled in a faculty member's
39 course, that relationship should be openly acknowledged.
40 2. Significant papers, exams, or other course assignments should be
41 evaluated by the process of "blind review," as follows:
42 a. A department colleague should be asked to serve as a reviewer of
43 evaluations/grades.
44 b. Papers/projects should be first graded and critiqued by the
45 instructor of record, but with grades for a selected group of papers
46 not yet recorded.
47 c. That selected group of papers/projects should be submitted to the
48 "blind review" colleague. All references to names of the
49 paper/project authors should be deleted.
50 d. The selected group of papers/projects should include the partner or
51 dependent child's effort.
52 e. The selected group of papers/projects should include a range of
53 grades or scores for comparison purposes.

- 1 f. The "blind review" colleague should acknowledge that similarities
2 or differences in grading/evaluation show consistency. (The
3 reviewer should not be asked to certify that he/she would grade the
4 same way.)
5 g. This "blind review" acknowledgement should be recorded by the
6 instructor of record and by the reviewer.
7 h. The "blind review" procedure should be announced to other
8 students in the class.
9

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

13 **Interpretation of Chapter I, Part C, Section 3, Chapter 1, Part D, Section 2**
14 **(e), and Chapter I, Part D, Section 4. Professional Ethics of Faculty and**
15 **Relationships of a Consensual Sexual Nature. (Approved by the Professional**
16 **Standards Committee, February 18, 2013; Revised May 2015): Current**
17

18 It is in the best interest of the university and all individuals associated with the
19 university that there be no real or perceived bias in situations where one individual exerts
20 influence over another colleague or staff member. Situations of direct supervision or
21 when one has the ability to advance, promote, recommend, or in any other way directly
22 influence the academic or work status of the colleague are the times when transparency is
23 required.
24

25 The existence of a consensual sexual relationship constitutes a conflict of interest, and
26 can create a real or perceived bias. Therefore, it is the policy of the university that such
27 relationships should be disclosed when there is any possibility of a supervisory or career
28 influencing role between the parties. When faculty or staff members enter into a
29 consensual sexual relationship where one party has supervisory or career influence over
30 the other, each party is required to promptly disclose the relationship to his/her
31 superior(s) so that reassignment, alternative supervision processes, or other arrangements
32 can be facilitated and documented.
33

34 The following scenarios are presented as examples where a faculty member must disclose
35 the existence of a consensual sexual relationship. They are not intended to be exclusive,
36 and faculty members should exercise judgment when faced with a similar situation.
37

38 • The evaluation process is clearly career-influencing. No faculty member should
39 participate in the evaluation of another faculty member with whom he or she is involved
40 in a consensual sexual relationship and all faculty members, including head officers, are
41 expected to recuse themselves from such situations.
42

43 • Hiring decisions are also understood to involve the exercise of judgment and may result
44 in a work- or career-influencing relationship. No faculty member should participate in the
45 search or hiring process when a person with whom he or she is involved in a consensual
46 sexual relationship is an applicant and all faculty members, including head officers, are
47 expected to recuse themselves from such situations.
48

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

8
9 This policy aligns with the university's conflict of interest provisions in the Code of
10 Conduct as well as Section II, Part E ("Consensual Sexual Relationship") of the Campus
11 Policy Prohibiting Harassment and Sexual Misconduct.

12
13 If you have concerns regarding obligations under this policy, please refer to Chapter 1,
14 Part D, Section 4 of the *Faculty Code* ("Professional Ethics"), and/or speak with your
15 head of department, school, or program or the Academic Vice President.

16
17 **Updated Interpretation of Chapter I, Part C, Section 2 and Chapter I,**
18 **Part D, Section 4. Faculty as Teachers, Professional Ethics, and**
19 **Relationships between Faculty and Students. (Approved by the**
20 **Professional Standards Committee, April 3, 2017): **Current****

21
22 *Intimate relationships (including romantic and sexual relationships)*
23 *between a faculty member and a student violate acceptable standards of*
24 *professional ethics as required by the Faculty Code, Chapter I, Part D, Section 4*
25 *and impair the role of teacher as defined in Chapter I, Part C, Section 2. This*
26 *policy statement aligns with the university's conflict of interest provisions in the*
27 *Code of Conduct as well the Prohibited Relations section of the Campus Policy*
28 *Prohibiting Sexual Misconduct.*

29
30 **Interpretation of Chapter I, Part D, Section 4.a. Professional Ethics.**
31 **(Approved by the Professional Standards Committee, April 3, 2017):**
32 ****Current****

33
34 *The term "public law" includes applicable statutes, ordinances and*
35 *regulations. In addition to public law, the university also applies university*
36 *policies, including but not limited to current university policies on*
37 *discriminatory harassment and sexual misconduct.*

38
39 **Interpretation of Chapter I, Part D, Section 4, and Chapter I, Part E, Section**
40 **3. Procedures to Follow in Cases of Faculty Misconduct (PSC Memorandum**
41 **13 November 1990): **No longer active****

42
43 In the spirit of preserving the individual rights of all parties concerned in cases of
44 alleged professional ethical misconduct, the Professional Standards Committee
45 recommends that the following procedures be followed by those making complaints or
46 allegations:
47

- 1 a. First notify the faculty member of suspected misconduct on his or her part.
2 There may be an explanation that resolves the matter satisfactorily.
- 3 b. Failing to receive an explanation that is satisfactory, or not wishing to deal
4 directly with the person suspected of misconduct, one should take the matter
5 to the Chair of that person's department. The Chair may resolve the matter to
6 everyone's satisfaction.
- 7 c. If these steps do not resolve the problem, the matter may be brought to the
8 attention of the Professional Standards Committee.
9

10 Even if a faculty member does not choose to follow steps a. and b., the matter
11 may be brought directly, and in confidence, to the Professional Standards Committee.
12 The Committee considers that every attempt ought to be made to resolve questions of
13 ethical conduct within the procedures established by the Professional Standards
14 Committee.
15

16 **CHAPTER III**

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

19
20
21
22 In this section, the Code describes the normal intervals for scheduled evaluations
23 and provides for the possibility of early evaluations. There may also be circumstances in
24 which a faculty member requests a delayed evaluation. Over the years, practice has
25 evolved to allow the Academic Vice President discretionary authority to permit the
26 postponement of a scheduled evaluation. This informal arrangement has received formal
27 expression with reference to the particular circumstances covered by the University's
28 "Faculty Medical and Family Leave Policy and Faculty Disability Policy." That
29 document states, "The request for the delay in evaluation will be submitted in writing to
30 the department chair. The chair will make a recommendation to the Academic Vice
31 President, who will review the request and approve the delay when circumstances
32 warrant."
33

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

40 **Interpretation of Chapter III, Section 2, Delaying a Scheduled Evaluation** 41 **(PSC Minutes, 4 April 2012; Revised May 2015): Current**

42
43 In this section, the Code describes the normal intervals for scheduled evaluations
44 and provides for the possibility of early evaluations. A faculty member will automatically
45 receive a delayed evaluation when granted leave under the "Faculty Medical and Family
46 Leave Policy and Faculty Disability Policy"; delay will be proportionate to the amount of
47 leave granted, e.g., a faculty member on two-thirds contract could delay a three-year
48 evaluation by a maximum of one year. If a faculty member does not wish to have a
49 delayed evaluation schedule he/she must opt out of the delay as specified in the "Faculty
50 Medical and Family Leave Policy and Faculty Disability Policy."
51

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

1 that there be a delay in consideration for tenure or promotion by writing to the head of
2 department, school, or program and the Academic Vice President, normally no later than
3 one semester before the scheduled evaluation
4

5 In all cases faculty members should anticipate the need for a delayed evaluation
6 and take steps to insure that student evaluations are administered as required.
7

8
9 **Interpretation of Chapter III, Sections 3 and 4, and Chapter I, Part B,**
10 **Section 2, a. Evaluation of Instructors (Report to Faculty Senate 5 May**
11 **1986): Current**
12

13 The evaluation procedure to be followed (for instructors) is roughly the procedure
14 outlined in the Faculty Code, Chapter III. An informal evaluation is to be done within the
15 department in each of the first two years, with a summary report sent to the Dean for
16 information. In the third year, and every third year thereafter, a formal evaluation, as
17 outlined in the Code, will be held. The evaluation of instructors will be based upon the
18 quality of their performance in the following areas, listed in order of importance:
19

- 20 1. Teaching
- 21 2. Professional Development: Instructors are expected to remain current in the
22 relevant parts of the discipline and to keep abreast of those developments in
23 the discipline which bear upon their teaching duties. They are not required to
24 engage in scholarly research and writing; however, the department may
25 encourage them to do those things which will add to their repertoire of
26 professional awareness and abilities.
- 27 3. Advising Students
- 28 4. Participation in Departmental Service
29

30 Finally, the standards to be employed in assessing professional performance will
31 be those used for all other evaluations in the department, except as they pertain to
32 scholarly work and University service.
33

34 **Interpretation of Chapter III, Sections 2, 3 and 4. Sequence of Evaluation**
35 **(PSC approved 30 April 1986; approved by Faculty Senate, 5 May 1986):**
36 **Current**
37

38 Evaluations of career faculty* are made:
39

- 40 1. at the conclusion of each year for the first two years of a non-tenured
41 appointment,
- 42 2. every three years for assistant and associate professors,
- 43 3. every five years for full professors, and
- 44 4. prior to decisions to: (a) promote a faculty member, b) grant or deny tenure, or
45 (c) not reappoint a non-tenured faculty member.
46

47 * [Now called tenure-line faculty.]
48

49 PROCEDURES OF EVALUATION
50

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

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

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

6
7 **ADDITIONAL COMMENTS**

8
9 (A) Each Department, School, or Program should have on file with the Dean a written
10 statement of the criteria, standards, and needs of the Department which are used in
11 the deliberation. This statement includes criteria for faculty teaching, professional
12 growth, and service. This document is written with respect to the University's
13 standards and needs. Evaluatees are encouraged to obtain this document early in their
14 first year from their Department, School, or Program and to discuss its meaning
15 with the head officer.

16 (B) The first annual evaluations and the first three year evaluation are important events.
17 These evaluations constitute the only official feedback from the Department, School
18 or Program and from the University that the evaluatee will get prior to being
19 considered for tenure. For the three year evaluation, great care should be taken on
20 the part of the evaluatee in preparing the documents for submission to the
21 Department, School, or Program and it is incumbent upon the evaluatee to initiate a
22 dialogue with the head officer and/or colleagues upon receipt of the Faculty
23 Advancement Committee's letter in order to maximize the constructiveness of the
24 evaluation process.

25 (C) Neither this document nor the Faculty Advancement Committee's document is to be
26 considered definitive. For the complete explanation of the sequence and procedures
27 of faculty evaluation at the University of Puget Sound, faculty are referred to the
28 Faculty Code, particularly Chapter 3. Finally, we would like to stress that although
29 the process of faculty evaluation is set forth in the Faculty Code, the evaluation
30 itself is a subjective evaluation on the part of the Department, School, or Program,
31 the Faculty Advancement Committee, the President, and finally the Board of
32 Trustees.

33
34 **Interpretation of Chapter III, Section 4, a (1) (b). Class Visitation (PSC**
35 **Minutes 22 March 1993): Current**

36
37 Although "an ongoing process of class visitation" allows flexible implementation,
38 an evaluation without a reasonable number of class visitations by members of the
39 evaluatee's department, school, or program is in violation of the Code.

40
41 **Interpretation of Chapter III, Section 4. Department Discussion of**
42 **Candidate's Evaluation Being Attended by Candidate or Candidate's**
43 **Partner who is also a Member of the Department (PSC Minutes 16 October**
44 **1989; Revised April 2015): Current**

45
46 Candidates should not be present during the department's discussion of their
47 evaluation. Also, the proper approach would be for partners to excuse themselves from
48 the departmental meeting deliberating the case of their partners.

49
50
51 **Interpretation of Chapter III, Section 4 - The Role of "Colleagues" in the**
52 **Evaluation Process. (PSC minutes 28 March 2012) Current**

1 Background: In Chapter I, Section 2, non-tenure-line faculty members are
2 identified as instructor, adjunct faculty, visiting faculty, or other positions that might be
3 created. The code goes on to specify “Non-tenure-line faculty members’ roles, rights and
4 responsibilities are the same as those of tenure-line faculty as described in Chapter 1 of
5 the Faculty Code with exceptions as noted in this code.”
6

7 An exception in rights and responsibilities exists in Chapter III with respect to
8 evaluation. In Chapter III, Section 4, those performing the evaluation are referred to as
9 “colleagues.” There is no formal evaluation of adjuncts and visiting faculty by other
10 colleagues in the department. Adjuncts and visiting faculty are evaluated by the
11 department chair. Therefore, adjuncts and visiting faculty are not “colleagues” with
12 respect to evaluation and should not participate in the evaluation of faculty.
13

14
15 **Interpretation of Faculty Chapter III, Section 4. Evaluation Procedure (PSC**
16 **Meeting February 16 2018, as noted in Faculty Senate Minutes March 19**
17 **2018): Current**
18

- 19 1. The evaluation process is considered ongoing until the Board of Trustees has
20 rendered a final decision.
21

22 **Interpretation of Chapter III, Section 4, f (1). Process for Dealing with**
23 **Questions of Professional Ethics that Arise During an Evaluation: Current**
24

- 25 1. The evaluation process can be suspended at any time until the evaluation is
26 complete, including at the level of the President and Board of Trustees, when
27 due to a grievance arising from concerns of professional ethical behavior of an
28 evaluator at the departmental or Faculty Advancement Committee levels.
29 2. This interpretation applies just to grievances of professional ethical behavior,
30 as referred to in Chapter III, Section 4 f (1), and does not supersede the
31 process the code provides for other sorts of appeal.
32

33 **Interpretation of Chapter III, Section 6, c. Time Frame for Setting Up a**
34 **Hearing Board (PSC Minutes 8 February 1993): No longer active**
35

36 An appeal begins at the moment the chair of the Professional Standards
37 Committee receives in writing from the evaluatee the specified alleged violations of the
38 Faculty Code. The Committee understands that even under conditions of best effort the
39 process of forming a hearing board may press the five-day limit, but this will not negate
40 proper procedure.
41

42
43 **Interpretation of Chapter III, Section 8. Access to Letters in Open**
44 **Evaluation Files (PSC Minutes 6 May 1993; Revised May 2015): Current**
45

46 In the case of an open file, the faculty member being evaluated has access to
47 letters in the evaluation file and may take notes while reviewing the file. If the faculty
48 member desires copies of the letters, the faculty member must seek copies from the
49 writers.
50

51
52 **Unified Interpretation of Chapter III, Sections 4, a (1) and 4, a (1) (c). Letters**
53 **of Evaluation from Persons Outside the Department (Approved 14 February**

1 **2000 by the Professional Standards Committee and 12 May 2000 by the**
2 **Board of Trustees; Revised May 2015): Current**
3

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

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

- 15
16 1. The faculty member being evaluated may include any documents she or he wishes
17 into the evaluation file. Thus, evaluatees wishing to guarantee the inclusion of outside
18 letters into the evaluation file can receive those letters and put them in the file before
19 it is submitted for consideration by departmental colleagues.
20
- 21 2. Any persons who wish may submit letters directly to the head officer. The head
22 officer may then include the materials from this person "if they seem relevant." In
23 consultation with the evaluatee, the head officer may also solicit appropriate letters
24 from outside the department or university. When soliciting the letters the head officer
25 will notify the letter writers of the status of the file as open or closed. All materials
26 must be received at least ten working days before the deadline for submission of the
27 completed file to the Academic Vice President's Office to allow department members
28 the time to review these materials prior to the department deliberation. Letters
29 arriving after that deadline will not be included in the evaluatee's file. (The deadline for
30 submission of files is established each fall in a document that is distributed to all
31 faculty members.) Head officers are reminded that, if the evaluatee has chosen a closed
32 file, the head officer must provide the evaluatee with a list of those individuals who
33 submitted letters to the head officer and a summary of the substance of the letters
34 (Faculty Code: Chapter III, Section 4, b (2) (a) and Section 4, b (2) (e)).
35
- 36 3. Any University of Puget Sound faculty member may submit letters directly to the
37 Academic Vice President's office as long as those letters are received by the date of
38 the deadline for departmental submission of a completed file to the Academic Vice
39 President's office. Letters arriving after that deadline will not be included in the
40 evaluatee's file. Any letters other than those from UPS faculty members that are sent to
41 the Academic Vice President's Office will be forwarded to the head officer and will
42 be handled according to the provisions in part 2 above.
43

44 * [Note: As defined for purposes of interpretation, a letter of evaluation is a signed
45 document (PSC, April 2003; Revised May 2015).]
46
47

1 **CHAPTER IV**

2
3 **Interpretation of Chapter IV, Section 2, b (4). Expectations for Early**
4 **Promotion (Memorandum to Professional Standards Committee from**
5 **Faculty Advancement Committee, 9 February 1987 requesting discussion**
6 **and approval): No longer active**
7

8 Early promotion is an unusual and exceptional circumstance in the process of
9 advancement. The schedule for advancement and tenure as outlined in the Faculty Code
10 represents the agreement of the faculty on when its members ought to come up for
11 evaluation. If, however, an individual has assembled a sustained record of achievement
12 of exceptional merit in all the categories by which a faculty member is evaluated, he or
13 she might request to be promoted or granted tenure before the usual time as stipulated by
14 the Faculty Code. In such instances, the university might well wish to consider early
15 promotion as an indication of its special appreciation for and commitment to faculty
16 members of exceptional achievement. In any case, it is incumbent upon the faculty
17 member and his/her department in cases of early promotion to demonstrate that the
18 above-mentioned criteria have been met.
19

20
21 **CHAPTER V**

22
23 **Unified Interpretation of Chapter V, Part A, Section 2, b. Discontinuation of**
24 **a department, school, or program (Approved 3 May 1995 by the Professional**
25 **Standards Committee and 12 May 1995 by the Trustee Academic and**
26 **Student Affairs Committee): Current**
27

28 From this date forward discontinuation of a department, school, or program shall
29 be taken to mean that the unit is no longer operated by the University. In each such case,
30 the consultation stipulated in this paragraph shall be required, regardless of whether
31 dismissal of faculty is involved.
32

33
34 **CHAPTER VI**

35
36 **Interpretation of Chapter VI. Grievances arising from allegations of sexual**
37 **harassment. (Sexual Harassment Policy adopted by Faculty Senate 17**
38 **January 1983): Current**
39

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

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

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

1 Complaints about sexual harassment will be responded to promptly and equitably.
2 University policy explicitly prohibits retaliation against individuals for bringing
3 complaints of sexual harassment. Formal procedures will not be initiated without a
4 written, signed complaint. An individual found to be guilty of sexual harassment is
5 subject to disciplinary action for violations of this policy, consistent with existing
6 procedures.
7
8
9