

Faculty Code

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

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- 44 b. Visiting faculty are temporary faculty members, who may be appointed visitors in
45 any rank for a specified period.
46
47 c. Adjunct faculty are those persons appointed, usually part-time and usually
48 temporarily, to fill specific needs in the curriculum and those persons who, because of
49 particular professional skills and stature, are appointed to specific teaching and/or
50 research responsibilities. This appointment may be honorary and may be continuous
51 at the discretion of the university.

52 Section 3 – Faculty emeriti/emeritae

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

56 PART C - ROLE OF THE FACULTY

57 Section 1 - Faculty as Scholars

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

65 Section 2 - Faculty as Teachers

- 66 a. As teachers, faculty encourage the free pursuit of learning in students. They hold
67 before their students the best scholarly standards of personal discipline. They
68 demonstrate respect for the student as an individual, and serve as intellectual guides
69 and counselors. Faculty make every reasonable effort to foster honest academic
70 conduct and to assure that the evaluation of students reflects each student's academic
71 achievement. Faculty respect the private nature of the relationship between instructor
72 and student, avoid any exploitation of students for private advantage, acknowledge
73 significant assistance from them, and protect their academic freedom.
74
75 b. Faculty members may not refuse to teach students properly enrolled in class by the
76 university. However, a faculty member may challenge the enrollment of a student
77 should that student be a disruptive influence to the class.

78 Section 3 - Faculty as Colleagues

79
80 As colleagues, faculty members have obligations that derive from common membership
81 in the community of scholars. Faculty respect and defend the free inquiry of associates
82 and the exchange of criticism and ideas, showing due respect for the opinions of others.
83 Professors acknowledge academic debts and strive to be objective in professional
84 judgment of colleagues. Tenure-line faculty accept a personal share of faculty
85 responsibilities for the governance of the institution.

86 Section 4 - Relations with University

- 87 a. Upon appointment to the faculty, a faculty member accepts responsibility for the
88 advancement of the university as a teaching-learning center and accepts the authority
89 of the university, its government and governing procedures.
90
91 b. Membership in the academic community obliges each person to respect the right of
92 others to express differing opinions, to insist on intellectual honesty, to promote free
93 inquiry, and to participate in that community with fairness, integrity and respect for
94 others.
95
96 c. The expression of dissent and the attempt to produce change should not be carried out
97 in ways which impede the functions of the university, injure individuals, damage
98 institutional facilities or disrupt the classes of one's students or colleagues.
99
100 d. The university does not discriminate in its relations with faculty on account of matters
101 having no bearing on academic performance.

102 Section 5 - Faculty as Citizens

- 103 a. The faculty member is a private citizen, a member of a learned profession, and an
104 officer of an educational institution. When one speaks or writes as a citizen, one
105 should be free from institutional censorship or discipline, but one's special position in
106 the community imposes obligations. As a learned person and educator, the faculty
107 member should remember that the public may judge the profession and the institution
108 by personal utterances. Therefore, the faculty member should at all times be accurate,
109 exercise appropriate restraint, and make every effort to indicate that a faculty member
110 is not an institutional spokesperson.
111
112 b. As members of the community, faculty have the rights and obligations of all citizens.

112 PART D - PROFESSIONAL DUTIES AND RESPONSIBILITIES

113 Section 1 - General

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

120 Section 2 - Specific Duties

- 121 a. Academic year. Faculty are to be available for normal duties in connection with the
122 arrival of the students for advising and registration for fall term and until after
123 commencement and final submission of grades for spring term. Faculty members are
124 to use fully the academic term by meeting all classes through the final exam week,
125 keeping office hours, meeting students for scheduled appointments, and fulfilling
126 other duties that support the teaching-learning environment. During the remainder of
127 the summer months, faculty members are free to engage in scholarly research and
128 study or to pursue non-university activities.
129
130 b. Teaching load. The normal teaching load is six units per year.

- 130 c. Academic advising. Faculty members are expected to advise a reasonable number of
131 students. Thus, they shall be available at appropriate times and show the interest
132 essential to good advising.
133
- 134 d. Scholarly activities. The faculty member's professional development has a direct
135 bearing not only on the person's expertise, but also on the quality and effectiveness of
136 the person's teaching. The university encourages creative work such as research,
137 publication, and performance in the arts. Instructors are expected to remain current in
138 the relevant parts of their discipline which bear upon their teaching duties. They are
139 not required to engage in scholarly research and writing; however, the department
140 may encourage them to do those things which will add to their repertoire of
141 professional awareness and abilities.
142
- 143 e. University service. Reasonable participation in university service is expected of
144 tenure-line faculty members. Service that advances the mission of the university
145 includes participation in departmental and university governance, in co-curricular
146 programs, in promoting intellectual vitality and a high quality of life on the campus,
147 and in activities which help convey the nature and purpose of the university to its
148 constituencies.
149
- 150 f. Adjustments. Unusual requirements of a particular discipline and/or duties assigned
151 by the university may necessitate adjustments in the normal balance of teaching and
152 other duties. Each department, school, and program may propose guidelines for load
153 differentials based upon the nature of teaching and other professional activities.
154 These guidelines must be approved by the Professional Standards Committee and the
155 Academic Vice President and Dean of the university (hereinafter referred to as the
156 dean). Individual cases of differential professional load within departments,
157 professional schools or programs shall be approved by the dean of the university.

158 Section 3 - Extra Employment

- 159 a. Extra teaching. Off-campus teaching and overload teaching within the university
160 may not be undertaken to such an extent as to interfere with the faculty member's
161 performance of regular university duties during the academic year. A full-time faculty
162 member shall not engage in teaching courses at other institutions where the effect is
163 direct competition with the university.
164
- 165 b. Consulting. The university recognizes that faculty members sometimes act as
166 professional consultants. Such activity reflects favorably on the quality of the faculty
167 and on the importance of the university to the community. However, consulting
168 should not be undertaken if it might weaken or interfere with a faculty member's
169 university duties.
170
- 171 c. Relation to university advancement. Extra employment, whether as off-campus or
172 overload teaching, as a consultant, or otherwise, cannot compensate for a lack of
173 teaching excellence, professional development, or scholarly attainment when a
174 faculty member is evaluated for purposes of promotion, tenure, retention, or increases
175 in salary. Therefore, faculty members must exercise discretion in engaging in such
176 employment and must bear the risk that it might harm university advancement.

177 Section 4 - Professional Ethics

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

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

- 182 a. First, take steps required by public law as implemented in university policies.
- 183 b. Second, when there is no relevant public law, notify the faculty member of
184 suspected misconduct on his or her part. There may be an explanation that
185 resolves the matter satisfactorily.
- 186 c. Failing to receive an explanation that is satisfactory, or not wishing to deal
187 directly with the person that is suspected of misconduct, one should take the
188 matter to the Chair of that person's department. (If the Chair is the person
189 suspected of misconduct one should take the matter to the Dean.) The Chair may
190 resolve the matter to everyone's satisfaction.
- 191 d. If these steps do not resolve the problem, the matter should normally be referred
192 to the Dean and handled through the grievance process as provided in Chapter
193 VI, with the Dean responsible for filing the grievance. In the event that the Dean
194 does not file the grievance, faculty members retain the right to do so.

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

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199 **PART E - ACADEMIC FREEDOM**

200 Section 1 - Definition

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

216 Section 2 - Specific Applications

217

- 218 a. A faculty member must be able to participate in the democratic process of the
219 institution, must be able to learn and teach what scholarship suggests is the truth,
220 must be able to question even what is believed to have been settled, and must be able
221 to publish what scholarship has discovered without fear of reprisal.
- 222 b. A faculty member is entitled to freedom in research and in publication of the results,
223 subject to the adequate performance of the faculty member's other academic duties.
- 224

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

230 Section 3 - Enforcement

231 If a faculty member believes that his or her rights regarding academic freedom, as
232 provided in this part of the faculty code, have been denied, that faculty member may
233 initiate a grievance action as provided in Chapter VI. In case of a dismissal, the faculty
234 member may request a hearing board to review the case as provided in Chapter V of this
235 code.

236 PART F - AMENDMENTS TO FACULTY CODE

237 Section 1 - Initiation

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

245 Section 2 - Agreed Amendment

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

249 Section 3 - Conference Committee

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

260 Section 4 - Reports by Conference Committee

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

267 Section 5 - Adoption of Amendment

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

272 PART G - INTERPRETATION OF THE FACULTY CODE

273 Section 1 - Responsibility

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

285 Section 2 - Appeal

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

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CHAPTER II

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FACULTY APPOINTMENTS

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Section 1 - General Rules

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Rules governing all appointments are:

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- 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.

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Section 2 - Initial Appointment

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- 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.)

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Section 3 - Initial Appointment Procedure

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

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- 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

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

345 Section 4 - Reappointment

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

- 352 a. Not later than March 1 of the first year of academic service.
- 353 b. Not later than December 15 of the second consecutive year of academic service.
- 354 c. Not later than June 30 preceding the final contract year, after two or more consecutive
355 years of academic service.
- 356

357 Section 5 - Grounds for Non-Reappointment

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

363

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

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CHAPTER III

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EVALUATION OF FACULTY

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Section 1 - The Purposes of Evaluation

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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.

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Section 2 - When Faculty are Evaluated

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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.

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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.

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Section 3 - Evaluation Standards and Criteria

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- 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.

414

- 415 c. In all reviews, the provisions of Faculty Code, Chapter I, Parts B and C shall serve as
416 fundamental definitions of faculty responsibility.
417
- 418 d. The essential criterion for the awarding of tenure is the appraisal of excellence as a
419 professional, rather than measurement of the faculty member's ability to avoid some
420 deficiency. Specifically, the factors to be considered in making the tenure decision
421 are: 1) proven excellence in teaching, (2) distinct evidence of professional growth,
422 (3) a record of service to the university and (4) the needs of the department, school, or
423 program and the university. Unless there is affirmative evidence of excellence in
424 areas (1) and (2), a record of service in area (3) and demonstrated need in area (4) of
425 this paragraph, tenure should not be granted. All persons participating in the
426 evaluation for tenure and in the tenure decision shall be guided by these criteria.
427 Responsibility for demonstrating he or she meets the standards for tenure or
428 promotion rests with the evaluatee.
429
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- 431
- 432 e. Faculty promotion shall be based upon the quality of a person's performance of
433 academic duties. Specifically, decisions whether to promote shall be based upon the
434 quality of the faculty member's performance in the following areas, listed in order of
435 importance: (1) teaching; (2) professional growth; (3) advising students; (4)
436 participation in university service; and (5) community service related to professional
437 interests and expertise. Because the university seeks the highest standards for faculty
438 advancement, mere satisfactory performance is no guarantee of promotion. In
439 addition, appointment in the rank of associate professor and professor normally
440 requires a doctoral, or other equivalent terminal degree. Advancement to the rank of
441 full professor is contingent upon evidence of distinguished service in addition to
442 sustained growth in the above-mentioned areas.

443 Approved November 4, 2020 by the Faculty; approved by the Board of
444 Trustees February 26, 2021:

445 Changes in the *Code* regarding evaluation criteria for promotion that
446 were approved by the faculty on January 20th, 2020 should go into effect
447 at the beginning of the fifth academic year following approval by the
448 Board of Trustees.

449 Approved January 20, 2020 by the Faculty; approved by the Board of Trustees February
450 26, 2021 to go into effect AY 2025-26:

451 Faculty promotion shall be based upon the quality of a person's performance of
452 academic duties. Because the university seeks the highest standards for faculty
453 advancement, mere satisfactory performance is no guarantee of promotion.
454 Appointment in the rank of associate professor and professor normally requires a
455 doctoral or other equivalent terminal degree.
456

457 Decisions whether to promote shall be based upon the quality of the faculty member's
458 performance in the following areas, listed in order of importance:

- 459 (1) teaching and related responsibilities, including the mentoring and advising
460 of students;
461 (2) professional growth;
462 (3) participation in service a) to the university, and b) to one's profession or, in ways
463 related to one's professional interests and expertise, to the larger community.
464

465 Promotion to the rank of full professor requires a candidate to have maintained
466 excellence in teaching and related responsibilities, and demonstrated significant
467
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469 professional growth since promotion to associate. Within the category of service,
470 candidates for promotion to the rank of full professor must provide evidence of a
471 continued and significant contribution to the university.
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473 Section 4 - Evaluation Procedure

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

481
482 The evaluation process should be fair and ensure that adequate consideration is given the
483 faculty member involved. Fairness and adequate consideration shall be achieved
484 consistent with the criteria and procedures outlined in Chapter III, Sections 2-4.

485
486 a. Evaluation within the department, school or program is a significant professional
487 responsibility, and the departmental evaluation process should be an ongoing one.
488 When a faculty member is subject to review, the departmental evaluation normally
489 proceeds as follows. Any exception or addition to these procedures must be approved
490 by the Professional Standards Committee:

491
492 (1) The head officer shall gather information in writing about the faculty member
493 being evaluated from the faculty member; from colleagues in the department,
494 school or program; and from other sources if they seem relevant. Examples of
495 information from other sources include statements about the evaluatee's teaching
496 from colleagues with whom the evaluatee team-teaches in interdisciplinary
497 programs, statements from university colleagues about the evaluatee's university
498 service contribution, or statements from outside the university about an

- 499 evaluatee's professional growth or community service. Within the department,
500 written information is gathered through the following process:
501
- 502 (a) The evaluatee prepares a file for departmental review. The evaluatee is
503 responsible for providing for review a statement of professional goals and
504 objectives, teaching materials, documentation of scholarly and
505 professional activity, and evidence of university service, student advising,
506 and community service related to professional interests and expertise. The
507 file shall also include student evaluations from the evaluatee's most recent
508 two semesters of teaching; in the case of a tenure evaluation, student
509 evaluations shall be from the most recent four semesters of teaching.
510
- 511 (b) Departmental colleagues review the evaluatee's file. Faculty should be
512 familiar with (1) the evaluatee's professional objectives and philosophy,
513 both as outlined in the evaluatee's statement and as demonstrated in
514 practice; (2) the evaluatee's teaching performance/effectiveness, including
515 the organization and construction of courses and the exhibition of
516 pedagogical skill, as assessed through examination of course materials, an
517 ongoing process of class visitation, and the careful review of student
518 evaluations; (3) the evaluatee's record of professional growth, as assessed
519 through examination of evidence in the evaluation file and ongoing
520 attendance to the evaluatee's scholarly and creative activity; (4) the
521 evaluatee's contributions through university service, as documented in the
522 evaluatee's file; (5) the evaluatee's service as an advisor; and (6) the evaluatee's
523 involvement in community service related to professional interests and
524 expertise.
525
- 526 (c) Departmental colleagues participating in the evaluation write letters. The
527 letters of colleagues shall be substantive assessments of the evaluatee's
528 performance based on the factors in paragraph (b). When the evaluatee is
529 eligible for a change in status, the letters shall forward the writers'
530 independent recommendations. Normally, letters are forwarded to the
531 head officer; individual faculty members may send their observations and
532 recommendations directly to the dean.
533
- 534 (d) The faculty member being evaluated shall have the right to examine letters
535 of evaluation. The faculty member may choose to waive this access. The
536 decision of the faculty member to waive or not waive confidentiality shall
537 not be a factor in evaluating the faculty member.
538
- 539 (2) When the information has been assembled and evaluated by the department, a
540 departmental recommendation shall be reached by members of the department
541 other than the evaluatee through a deliberative procedure based upon the above
542 information considered in light of departmental and university needs (tenure
543 cases only) and standards. There should be evidence that the department had
544 available the necessary materials and documentation and that adequate
545 consideration has been given to the candidate's qualifications.
- 546 (3) Variations in the department, school or program evaluation process:
- 547 (a) If the head officer wishes, he or she may appoint two faculty members
548 from the department, school, or program to assist in the departmental
549 evaluation. In small departments, one or both of these assistants may be
550 appointed from the faculty of a related department or school.

551

552 (b) When the head officer is the subject of the evaluation, the other tenure-line
553 faculty of that unit shall select some person to perform the functions the
554 head officer performs. Such person may be a member of that unit or may,
555 in the case of a small department, be a faculty member of a related
556 department.

557

558 (c) When a faculty member being evaluated is jointly appointed in more than
559 one department, or has significant teaching responsibility in an
560 interdisciplinary program, there may be more than one evaluation
561 committee.

562

563 (d) Where a faculty member is appointed fully in an interdisciplinary position,
564 composition of an evaluation committee and selection of the person who
565 will function as head officer will be determined by the dean in
566 consultation with the evaluatee.

567

568 (e) Other variations in procedure are permitted provided they are mutually
569 agreed to by the evaluatee, head officer, the dean, and the Advancement
570 Committee. At any time during the evaluation, these same parties may
571 resolve questions about the departmental review process by mutual
572 agreement in writing.

573

574 b. Process governing progress of the evaluation from the department, school or program
575 to the Advancement Committee: Transitional steps in the evaluation process enable
576 the evaluatee to receive the departmental recommendation, to review the file, and to
577 raise concerns about the fairness and adequacy of the evaluation.

578

579 (1) The departmental recommendation shall be forwarded by the head officer to the
580 dean and the Advancement Committee, together with all written materials used
581 in reaching that recommendation.

582

583 (a) The criteria used in the deliberative process shall be stated in writing and
584 also forwarded to the dean to become part of the evaluatee's file.

585

586 (b) A copy of all documents listed in Section 4.b.(2) below shall be
587 forwarded.

588

589 (c) If the head officer disagrees with the department, school, or program
590 recommendation, that individual shall submit a minority recommendation.

591

592 (2) At the time the file and departmental recommendation are forwarded to the dean
593 and the Advancement Committee, the head officer, in writing, shall provide the
594 evaluatee with:

595

596 (a) a list of those individuals participating in the department's deliberative
597 process and those who submitted letters to the head officer;

598

(b) a summary of the department's deliberations;

599

(c) the departmental recommendation; and a list of those individuals whose
600 recommendations served as bases for the departmental recommendation

- 601 (d) and, when applicable, notification that the chair has made a minority
602 recommendation.
603
604 (e) The head officer also shall provide an evaluatee who has chosen
605 confidential letters (see Chapter III, Sections 4.a.(1)(d) and section 8),
606 with a summary of the letters submitted to the head officer.
607

608 Prior to the review of the Advancement Committee, the faculty member is
609 responsible for inventorying the contents of the evaluation file. The office of the
610 dean shall notify the faculty member when the file is complete and ready for review.
611 The faculty member shall have five (5) working days from the date of notification to
612 review the non-confidential materials in the file.
613

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

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

- 635 (1) In cases with confidential letters, the Advancement Committee must make the
636 affirmative determination that the head officer's summary of the departmental
637 letters is a fair and accurate reflection of the letters involved. If necessary, the
638 Committee may consult with the head officer and evaluatee concerning changes
639 in the summary, and shall inform the evaluatee when the summary is determined
640 to be fair and adequate.
641
642 (2) The Committee shall provide the evaluatee with the revised summary and, if the
643 evaluatee feels that he or she has been unfairly or inadequately evaluated by the
644 department, school, or program, he or she shall have five working days after
645 receipt of this summary to issue notification in writing to the Faculty
646 Advancement Committee, if desired.
647
648 (3) The Committee shall provide the evaluatee with a summary of letters sent directly
649 to the Advancement Committee. If the evaluatee feels that he or she has been
650 unfairly or inadequately evaluated by one or more of these letters, he or she
651 shall have five working days after receipt of this summary to issue notification
652 in writing to the Faculty Advancement Committee, if desired. Letters sent

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

655
656 (4) Before proceeding to a recommendation, the Advancement Committee through
657 the Committee's careful review of the evaluation file shall determine whether
658 the department, school, or program gave adequate consideration to the evaluatee.
659 The candidate's file, when considered as a whole, must indicate that faculty
660 involved in the departmental evaluation process had a sufficient degree of
661 familiarity with the candidate's professional performance.

662
663 (a) The Advancement Committee shall consult with the head officer from the
664 department, school or program or the person(s) serving as head officer for
665 the evaluation, as provided for in Section 4.a.(3)(b) through (d) above:

- 666
667
668
- if the Committee is not assured that the department, school, or
program gave adequate consideration of the faculty member involved;
 - or if the committee feels that additional information is needed.

669
670 (b) In any of these instances, the Advancement Committee shall raise its
671 concerns regarding the department/school evaluation process and, when
672 appropriate, suggest remedies in writing. The department may then
673 respond. The Committee's concerns, suggested remedies (if any), and the
674 department response shall be included in the faculty member's evaluation
675 file. A copy of all written documents will be provided to the evaluatee.

676
677 (c) If, after consultation, the Committee and the department, school, or
678 program continue to disagree about the adequacy of consideration given
679 the evaluatee, all written materials related to the issue, including minority
680 reports, shall be forwarded to the president at the completion of the
681 Advancement Committee's evaluation, along with the Committee's
682 recommendation, for consideration as part of the president's review of the
683 file.

684
685 (d) In the case of a dispute under 4.c.(4)(a) the Advancement Committee shall
686 notify the evaluatee and the head officer when it has determined that
687 adequate consideration has been given to the faculty member or that the
688 best possible resolution has been reached.

689
690 At any stage of the process described in Section 4.c.(4), the Advancement
691 Committee, the department, and the evaluatee may resolve issues by mutual
692 agreement in writing.

693
694 (5) Having determined that it has the materials and documentation necessary for
695 making a fair and impartial evaluation, or at the conclusion of the dispute
696 process in Section 4.c.(4) above, the Advancement Committee shall proceed to
697 a recommendation based on the evidence at hand. This recommendation shall
698 reflect the independent judgment of the Committee. The committee's
699 recommendation shall be based on the criteria for reappointment, tenure, and
700 promotion, as called for in Chapter III, Section 3 and be made in light of
701 department/school/program needs, criteria and standards and their consistency
702 with university standards. The recommendation of the Advancement
703 Committee shall be based upon the candidate's record of performance as
704 measured against appropriate University and department/school standards for
reappointment/tenure/promotion.

705

706 (a) If the Advancement Committee's majority recommendation is contrary to
707 that of the department, school, or program, department representative(s)
708 shall be consulted formally. If the consultation leads to a unified position,
709 no further action is necessary. If, after consultation, the Committee and
710 the department, school, or program continue to disagree, all
711 recommendations, including those of any minority, and all information
712 gathered in Chapter III, Section 4 shall be forwarded to the president.
713

714 (b) If the Advancement Committee's majority recommendation is negative or
715 if the Committee is evenly divided and cannot make a positive
716 recommendation, the dean shall notify the evaluatee of the right to request a
717 meeting with the Advancement Committee prior to the transmittal of the
718 recommendation of the Advancement Committee to the president. The
719 purpose of this meeting is to discuss the recommendation based upon the
720 written record of the file.
721

722 (c) The Advancement Committee shall then transmit to the head officer and
723 the evaluatee a final recommendation.
724

725 (6) The evaluatee, after receiving a copy of the final recommendation, may within
726 five (5) working days initiate an appeal as provided in Section 6 below. This
727 appeal is limited to questions of fairness, completeness, and adequacy of
728 consideration of the evaluatee during review by the Advancement Committee and
729 may not consider questions about the review at the departmental level. The
730 Advancement Committee must hold in abeyance forwarding its
731 recommendation to the president until the hearing board has reached a decision.
732

733 (7) If there is no appeal within the required time, the Advancement Committee shall
734 then transmit to the president its final recommendation. In addition, the
735 president shall receive any minority recommendation(s) from the Advancement
736 Committee and all information gathered in the evaluation process. Any
737 minority recommendation(s) from the Advancement Committee should be
738 shared in writing with the Committee before the committee's recommendation
739 goes forward to the president.
740

741 d. Process of the evaluation after review by the Advancement Committee:

742 (1) Since a primary function of the evaluation process is to develop and maintain a
743 high degree of professional competence in the individual faculty member,
744 timely and accurate feedback is essential. Within a reasonable period, but no
745 later than four months after receiving the report of the evaluation from the
746 Advancement Committee--or in the case of a tenure decision, upon report of a
747 favorable decision by the Board of Trustees--the head officer shall review with
748 each evaluatee the results of the evaluation.
749

750 (2) If the evaluation was not made for the purpose of altering the status of the
751 evaluated faculty member's appointment, no presidential action shall be called
752 for. In that event, the President shall take note of the evaluation and
753 accompanying information and shall return the same to the dean, to be included
754 in the faculty member's ongoing evaluation file (see Section 8 below).

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

758
759 (1) If the president believes that there is inadequate information upon which to base
760 the recommendation or has questions concerning the prior consideration of the
761 file, the president may return the file to the Advancement Committee. The
762 president shall raise any questions in writing and the Advancement Committee
763 will respond in writing. The president's questions and the Advancement
764 Committee's response shall be included in the faculty member's evaluation file.

765
766 (2) The president shall notify the evaluatee of the recommendation the president
767 intends to submit to the Board of Trustees. Within five working days of
768 notification, the evaluatee may request a conference with the president.

769
770 (3) If, after meeting with the president, the evaluatee believes that the president has
771 acted with abuse of discretion or unlawful discrimination in reaching a decision,
772 the evaluatee may prepare within five (5) working days a statement addressed to
773 the Board of Trustees specifying the grounds for such a charge. When the
774 conference has been completed or when the time period for the request has
775 lapsed, the president's recommendation and other evaluation materials shall be
776 forwarded to the Board of Trustees. If there is a statement from the evaluatee as
777 provided for in the previous paragraph, that statement shall be forwarded along
778 with the president's recommendation.

779

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

782
783 (1) If, during an evaluation, a member of the faculty raises a question or a concern
784 regarding the professional ethical behavior of an evaluatee, or regarding the
785 professional ethical behavior of an evaluator (related to this person's role as an
786 evaluator), the faculty member shall initiate a grievance process as described in
787 Chapter I, Part D, Section 4, and the evaluation—whether at the department,
788 program, school, or Faculty Advancement Committee level—shall be
789 suspended until the grievance process concludes.

790
791 (2) If the outcome of the grievance process has bearing on the evaluation, the
792 President may direct the Dean to add information to the evaluation file
793 regarding the result of the grievance.

794

795

796 Section 5 - Evaluation by Head Officer and Dean

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

801

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

- 806 reviews in consultation with the head officer and the dean under the procedures
807 described in this section.
808
- 809 b. Faculty members who are eligible and choose to be evaluated under the process
810 described in this section must consult with their head officer at least two months prior
811 to the start of the semester in which the evaluation is scheduled. The head officer
812 shall determine whether a full review under Chapter III, section 4 is warranted or if
813 the review will proceed under the procedures described in this section. In making this
814 decision the head officer shall consider information gathered from student evaluations
815 of teaching, evidence gathered from any class visitations and the results of previous
816 evaluations. Selection of a mode of review will neither presume nor preclude any
817 assessments as to the merits of the file. The head officer shall report the decision to
818 the dean. Unless the head officer or the dean calls for a full review, the process shall
819 proceed under the procedures described in this section.
820
- 821 c. The evaluatee shall prepare a file as described in Chapter III, section 4a and submit it to
822 his or her department one month before the review date. All departmental colleagues
823 eligible to participate in evaluations, under standards approved by the Professional
824 Standards Committee under Chapter III, section 3b of the Faculty Code, will have the
825 option of reading the file.
826
- 827 d. After reviewing the file the head officer shall write a letter of evaluation and forward
828 the file and letter to the dean. The dean or a designated member of the Advancement
829 Committee shall review the file, write a letter of evaluation and forward it to the head
830 officer. Copies of both letters shall be forwarded to the evaluatee.
831
- 832 e. At the conclusion of this review process, the evaluatee, the head officer or the dean
833 may call for a full review under the procedures of Chapter III section 4 to be
834 conducted during the subsequent academic year. In such a case the faculty evaluatee
835 shall prepare a file as described in Chapter III, section 4a. The head officer shall add
836 to this file, for departmental review, all of the materials from the previous file,
837 including the evaluation letters of the head officer and the dean.
838
- 839 f. Evaluations conducted under the procedures described in the section are not subject to
840 the process described in Chapter III section 6 and may not be appealed.
841
- 842 g. No evaluation conducted under the procedures described in this section may be used
843 in a determination of adequate cause for dismissal as described in Chapter V, Part A,
844 Section 2.a.
845

846 Section 6 – Procedure for an Appeal

847 An evaluatee may allege that there have been violations of the code during the evaluation
848 process. A duly-constituted hearing board shall determine whether such violations have,
849 in fact, occurred. Unless otherwise stated, the provisions of this section apply to all
850 appeals authorized in Chapter III, Section 4.
851

852 a. Initiation of an Appeal:

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

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

855 (b) After the evaluation by the Advancement Committee.
856

857 (2) Grounds and deadlines for formal appeals:

- 858 (a) A formal appeal of the evaluation conducted by the department, school, or
859 program is limited to issues affecting fairness, completeness, or adequacy
860 of consideration by the department, school, or program in conducting the
861 evaluation. The appeal must be initiated within ten (10) working days after
862 the evaluatee has completed reviewing the evaluation file that the department,
863 school, or program forwarded to the dean and the Advancement Committee
864 (Chapter III, Section 4.b).
865
- 866 (b) A formal appeal of the evaluation conducted by the Advancement Committee
867 is limited to questions of fairness, completeness, or adequacy of
868 consideration by the Advancement Committee in conducting the evaluation.
869 It may not raise questions about the evaluation at the departmental level
870 unless the questions pertain to duties of the Advancement Committee
871 specified in the code. The appeal must be initiated by the evaluatee within
872 five (5) working days after receiving the Advancement Committee's
873 recommendation (Chapter III, Section 4.c.(6)).
874
- 875 (3) To initiate a formal appeal, the evaluatee must submit a list specifying alleged
876 violations of the code to the chairperson of the Professional Standards
877 Committee within the time limits specified above.
878
- 879 (4) Upon receipt the chairperson of the Professional Standards Committee shall
880 provide a copy of the list of alleged code violations to the department, school, or
881 program (if the evaluatee is appealing its evaluation) or to the Advancement
882 Committee (if the evaluatee is appealing its evaluation).
883
- 884 (5) Response to an appeal:
- 885 (a) In a formal appeal of an evaluation conducted by a department, school, or
886 program, the head officer (or the person performing the functions of the
887 head officer in the evaluation, as provided by Chapter III, section 4.a (3)(a))
888 will serve as the respondent for the department, school, or program. If the
889 head officer (or the person performing the functions of the head officer in
890 the evaluation) is unable to so serve, the other members of the department,
891 school, or program will select a person to serve as the respondent.
892
- 893 (b) In an appeal of an evaluation conducted by the Advancement Committee, the
894 Advancement Committee will designate one of its members as the
895 respondent.
896
- 897 (c) Any response from the department, school, or program to an appeal shall be
898 submitted in writing to the chairperson of the Professional Standards
899 Committee within ten (10) working days of the receipt of the list of alleged
900 code violations. In formulating this response, the respondent (as defined
901 above) shall consult with the members of the department, school, or
902 program who participated in the evaluation conducted by the department,
903 school, or program. The document shall represent the response of the

904 department, school, or program, and not the personal response of the
905 respondent. Any member of the department, school, or program who
906 participated in the evaluation and who dissents from the departmental
907 response may submit a written dissent, which shall be provided to the
908 respondent to forward, along with the response of the department, school, or
909 program, to the chairperson of the Professional Standards Committee. The
910 chairperson of the Professional Standards Committee shall transmit the
911 response and any dissent to the appellant and to the hearing board.
912

913 (d) Any response to an appeal from the Advancement Committee and any
914 dissent to that response shall be submitted in writing to the chairperson of
915 the Professional Standards Committee within ten (10) working days of the
916 receipt of the list of alleged code violations. The chairperson of the
917 Professional Standards Committee shall transmit the response and any
918 dissent to the appellant and to the hearing board.
919

920 (e) An extension for submission of a response or a dissent from either a
921 department, school, or program or the Advancement Committee may be
922 granted if a respondent or a dissenter demonstrates that he or she was
923 unable, due to circumstances beyond his or her control, to complete the
924 response or dissent within the ten (10) working day limit. The chairperson of
925 the Professional Standards Committee and the chairperson of the hearing
926 board must both concur that the extension is warranted.
927

928
929 b. Hearing Board Roster: A hearing board roster will be established annually by the
930 Faculty Senate executive officers. The hearing board roster will consist of all tenured
931 members of the faculty, subject to their consent and to the following exclusions. The
932 chairperson of the Faculty Senate, members of the Faculty Advancement Committee,
933 and members of the Professional Standards Committee are excluded from the hearing
934 board roster. Faculty members who are on leave are excluded from service on a hearing
935 board.
936

937 c. Formation of a Hearing Board: Upon receipt of the list of alleged code violations, the
938 chairperson of the Professional Standards Committee shall meet with the chairperson
939 of the Faculty Senate, the appellant, and the respondent within five (5) working days
940 to form a hearing board composed of five (5) members from the hearing board roster.
941

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

- 949 (2) Excluded from selection are members of the hearing board roster in current
950 service on another hearing board.
951
- 952 (3) If in the same evaluation process an evaluatee appeals the evaluation conducted by
953 the department, school, or program *and* the evaluation conducted by the
954 Advancement Committee, faculty members who served on the first hearing board
955 are excluded from service on the second hearing board.
956
- 957 (4) The following process shall be used to constitute a hearing board:
958 (a) The chairpersons of the Faculty Senate and the Professional Standards
959 Committee shall jointly select eight names at random from those names
960 remaining on the hearing board roster after the exclusions noted above have
961 been taken into account.
962
- 963 (b) The appellant and the respondent may then challenge any name on the list of
964 eight on account of interest or bias. Who may challenge first shall be
965 determined by lot, with each side alternating thereafter. Challenges on
966 account of interest or bias shall be ruled upon jointly by the chairperson (or
967 designee) of the Professional Standards Committee and the chairperson (or
968 designee) of the Faculty Senate. If either votes for elimination, the faculty
969 member is eliminated, and an additional name is selected from the hearing
970 board roster. The additional name may also be challenged on account of
971 interest or bias.
972
- 973 (c) The appellant and the respondent may then exercise no more than two
974 challenges each against the eight names remaining on the list without stating
975 cause. If any person is eliminated, an additional name shall be selected from
976 the hearing board roster. The additional name may be challenged on account
977 of interest or bias. The appellant or the respondent may also challenge the
978 additional name without stating cause, until the two permitted challenges
979 without stating cause have been exercised.
980
- 981 (d) The first five faculty members selected to the list shall constitute the hearing
982 board. The sixth, seventh, and eighth named faculty members will stand, in
983 that order, as alternates. Alternates will not participate in the appeal unless
984 one or more of the five hearing board members cannot serve from the
985 beginning of the hearing board process.
986
- 987 (5) The normal presumption is that the faculty members will serve on a hearing
988 board to which they are selected. The chairperson of the Faculty Senate and the
989 chairperson of the Professional Standards Committee may, if both agree, exclude
990 a faculty member from service based on a self-disclosed conflict of interest,
991 hardship, or other good cause shown.

992 (6) In the event that any member of a hearing board is unable to complete service
993 after the hearing board process has begun, a new hearing board shall be formed,
994 using the process outlined above, to conduct the hearing.
995

996 (7) The hearing board shall hold its first meeting within five (5) working days of its
997 selection and shall elect a chairperson. At this initial meeting the hearing board
998 shall also elect a secretary to record the actions of the hearing board. The
999 chairperson of the Professional Standards Committee or designee shall attend
1000 this initial meeting and shall give the appellant's list of alleged code violations to
1001 the chairperson of the hearing board as soon as that person is elected.
1002

1003 (8) No person involved in the hearing shall make public statements, directly or
1004 indirectly, about matters presented in the hearing.
1005

1006 d. Determination of Probable Cause:

1007
1008 (1) The hearing board shall meet without the presence of the appellant and
1009 respondent in order to determine whether there exists probable cause for an
1010 appeal. In making that determination, the hearing board shall review the
1011 appellant's list of alleged code violations, the respondent's response, and any
1012 dissents, and shall have access to all files and records involved in the evaluation
1013 process.
1014

1015 (2) Within ten (10) working days of receipt of the respondent's response and any
1016 dissents, the hearing board shall determine, based on its review of the written
1017 materials, whether or not there exists probable cause for an appeal and shall so
1018 notify the appellant, the respondent, the dean, and the chairpersons of the Faculty
1019 Senate and the Professional Standards Committee of the decision.
1020

1021 (3) If two (2) or more members of the hearing board determine that probable cause
1022 for an appeal exists, a hearing shall be held by the hearing board pursuant to
1023 Chapter III, Section 7.
1024

1025 (4) If the hearing board determines that probable cause for an appeal does not exist,
1026 the hearing board's written determination of no probable cause shall be included
1027 in the evaluation file, along with the appellant's list of alleged code violations, the
1028 respondent's response, and any dissents. The evaluation file, with these items
1029 included, then moves to the next stage of the evaluation process.
1030

1031 Section 7 – Procedure for a Hearing

1032 a. A hearing may extend over more than one meeting of a hearing board. The appellant
1033 and the respondent may be present at all meetings of a hearing. The respondent may
1034 be assisted at a hearing by legal counsel or by non-lawyer counsel. The appellant may
1035 also be assisted by an academic colleague and acted for by legal or non-lawyer
1036 counsel chosen by the faculty member.

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- b. Hearings shall not be open to the public. The only persons present shall be those persons whose presence is allowed by the sections of this chapter pertaining to appeals and hearings. However, at the request of either the appellant or respondent, and subject to the concurrence of the hearing board, a representative of an educational association or other appropriate association shall be allowed to observe a hearing.
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- c. In all cases, the university shall make an electronic record of a hearing. If requested by the appellant or respondent, the university shall provide a copy of the electronic record or a verbatim transcript of the hearing paid for by the requesting party. The electronic record made of a hearing shall be retained by the university for six years after the hearing board makes its report.
- 1049
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1053
- d. The chairperson of the hearing board shall preside at a hearing and shall handle administrative duties, such as giving notices and speaking for the hearing board. He or she shall rule on matters of procedure and evidence, subject to being overruled by a majority of the hearing board.
- 1054
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- e. The hearsay rule or other exclusionary rules of evidence used in courts of law shall not apply.
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- f. The hearing board shall confine its review and its judgments to the stage of evaluation that is under appeal. The evidence on review in a hearing shall be substantially confined to the written record on which the department, school, or program or the Advancement Committee made its decision. This evidence should not be significantly expanded at the hearing by the admission of testimony and information not previously considered by the department, school, or program or by the Advancement Committee. The appellant or the respondent may offer to present additional evidence deemed relevant, and the hearing board at its discretion may hear or decline to hear such additional evidence. If witnesses testify, they may be cross-examined by the opposing party. Witnesses may be permitted to testify by signed written statements if, in the hearing board's judgment, that is the most feasible way of presenting their evidence and if the opposing party is not substantially prejudiced by the lack of opportunity to cross-examine. The hearing board shall have no duty to seek or to present evidence but may do so if, in its judgment, justice requires it.
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- g. Insofar as practicable, each party shall assist the other in obtaining witnesses and evidence when the party's assistance is necessary or helpful. Each party shall make specifically requested and relevant documents or other tangible evidence in its possession available, where possible, to the other party for presentation to the hearing board.
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- h. After completion of a hearing, the hearing board shall meet to deliberate and come to a decision. Deliberative meetings shall be conducted without the appellant and respondent present and without making an electronic record. The decision of the hearing board will be limited to questions of the fairness, completeness, or adequacy of consideration in the evaluation conducted by the department, school, or program or

1083 by the Advancement Committee. The decision shall be based on whether the evidence
1084 in the written record and the evidence received during the appeal process and the
1085 hearing clearly show that there have been violations of the code as alleged by the
1086 appellant.

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1088 i. Within ten (10) working days after completion of a hearing, the hearing board shall
1089 render its decision about whether violations of the code, as alleged by the appellant,
1090 have occurred. The decision of the majority of the hearing board and any dissent by a
1091 minority of the hearing board shall be transmitted in writing to the appellant, the
1092 respondent, and the dean. The hearing board's decision, any dissents, and any exhibits
1093 received in the hearing, along with the appellant's list of alleged code violations, the
1094 respondent's response, and any dissents by members of the department, school, or
1095 program or by members of the Advancement Committee, are added to the evaluation
1096 file.

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1098 j. If a hearing board determines that the code has been violated as alleged by the
1099 appellant in an appeal of the department, school, or program, the hearing board's
1100 decision may include a direction that the matter be returned to the department, school,
1101 or program for correction of deficiencies.

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1103 k. If a hearing board determines that the code has been violated as alleged by the
1104 appellant in an appeal of the evaluation by the Advancement Committee, the hearing
1105 board's decision may include a direction that the matter be returned to the
1106 Advancement Committee for correction of deficiencies.

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1108 l. If a hearing board does not find that the code has been violated as alleged by the
1109 appellant or, even though it finds code violations, does not direct that the file be
1110 returned to an earlier stage, then the file moves forward to the next stage of the
1111 evaluation process.

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1113 m. The chairperson of the hearing board shall deliver to the dean in a sealed envelope the
1114 electronic record of the hearing and copies of the hearing board's majority decision,
1115 any minority dissents, any exhibits received in the hearing, the appellant's list of
1116 alleged code violations, the respondent's response, and any dissents by members of
1117 the department, school, or program or by members of the Advancement Committee.
1118 The dean shall retain these materials for six years after the hearing board makes its
1119 report. After a hearing board has rendered its decision and transmitted its reports, the
1120 chairperson of the hearing board shall notify the chairpersons of the Faculty Senate
1121 and the Professional Standards Committee.

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1123 Section 8: Faculty Evaluation Files

1124 a. The dean shall maintain an ongoing evaluation file on each faculty member.

1125 b. This file shall be used only in the evaluation process and shall contain only
1126 information pertinent to that process, such as (1) a statement of department, school, or
1127 program evaluation criteria and standards; (2) the evaluatee's evaluation statement and

1128 curriculum vita; (3) student evaluations submitted as part of the evaluation process;
1129 (4) evaluation letters prepared by colleagues; (5) the department summary of
1130 deliberation and recommendation; (6) the Advancement Committee's
1131 recommendation; (7) if applicable, the president's recommendation to the Board of
1132 Trustees; and (8) other material clearly relevant to the faculty member's role as a
1133 professional educator which may be the result of the Professional Standards
1134 Committee's or the Dean's application of other university policies, provided that the
1135 faculty member is notified that the material is being added to the file.

1136 c. The file shall not include unattributed materials except for student course evaluations.

1137 d. The file shall not accumulate materials for more than two consecutive evaluations.

1138 All materials in the faculty member's evaluation file shall be open to the Advancement
1139 Committee, the dean, the president, and the Board of Trustees. The file shall be open to
1140 the faculty member involved, except when the faculty member has waived access to
1141 letters of evaluation as provided for in Section 4.a.1.(d), in which case confidential letters
1142 may not be read by the faculty member. Without the express consent of the faculty
1143 member, the evaluation file shall be closed to all others.

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CHAPTER IV

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TENURE AND PROMOTION OF FACULTY

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Section 1 - Tenure

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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.

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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.

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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.

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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.

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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.

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(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.

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(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.

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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.

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- 1192 g. Dismissal of tenured faculty shall occur only under the following conditions:
- 1193 (1) A faculty member who has tenure may be dismissed by the university only for
1194 adequate cause, for institutional financial exigencies, or for discontinuation of
1195 an existing program, school, or department, as provided for in Chapter V of this
1196 code.
- 1197 (2) A tenured faculty member who is dismissed by the university shall receive
1198 salary through the academic year following the academic year in which the
1199 dismissal notice is given, whether or not that person is assigned appropriate
1200 duties in the university for that year. However, salary shall not be paid or owing
1201 if the termination was for cause as defined in Chapter V, Part A, Section 2.a.,
1202 (2) or (3) of this code.
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1205 Section 2 - Promotion

- 1206 a. Promotion is advancement in rank by a tenure-line faculty member. As outlined
1207 below, tenure-line assistant professors are eligible for promotion to the rank of
1208 associate professor and tenure-line associate professors are eligible for promotion to
1209 the rank of professor.
- 1210 b. Tenure-line faculty are considered for promotion to the next higher rank at the
1211 following points in their time of service at the University of Puget Sound.
- 1212 (1) Assistant professors are normally considered for promotion during their sixth
1213 year in that rank at the university unless otherwise specified in their letter of
1214 appointment; and
- 1215 (2) Associate professors are most often considered for promotion during their sixth
1216 year in that rank at the university, but the decision when to request
1217 consideration for promotion rests with the faculty member.
- 1218 (3) Approved leaves are generally included in computing time for promotion
1219 provided that the work done on leave has a direct correlation to one's academic
1220 and professional responsibilities. This procedure must be approved in advance
1221 by the faculty member's head officer and the dean.
- 1222 (4) A faculty member who wishes early promotion and believes grounds exist for it
1223 may request it in writing to the head officer and the dean. The dean may then
1224 initiate the evaluation proceedings. No matter when a faculty member is
1225 considered for promotion, the grounds shall be as set out in Chapter IV, Section.
1226 2 c.
- 1227 c. Faculty promotion shall be based upon the quality of a person's performance of
1228 academic duties. The criteria for promotion are specified in Chapter III, Section 3 e.
1229 Promotion shall be made only after evaluation of the faculty member in the manner
1230 provided in Chapter III of this code.
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CHAPTER V

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SEPARATION FROM THE UNIVERSITY

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PART A - DISMISSAL

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Section 1 - Dismissal Defined

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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).

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Section 2 - Grounds for Dismissal

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

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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.

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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.

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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.

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(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.

- 1283 (2) The determination that a financial exigency exists shall be made by the
1284 president after a thorough consideration of other alternatives. Prior to making a
1285 recommendation to the Board of Trustees the president shall inform the Faculty
1286 Senate of his/her intention in writing.
1287
1288 (3) Upon receipt of the president's letter the Faculty Senate has twenty (20) working
1289 days within which to consider if in their judgment a financial exigency does
1290 exist and to forward that judgment to the president.
1291
1292 (4) The final decision regarding the declaration of a state of financial exigency is
1293 made by the Board of Trustees upon recommendation by the president.
1294
1295 (5) If a state of financial exigency is declared, the Faculty Senate shall recommend
1296 criteria to be used in selecting programs to be curtailed or individuals to be
1297 dismissed. The Faculty Senate may make specific recommendations as to
1298 programs or individual faculty to be thus affected. While the Faculty Senate's
1299 recommendations shall not bind the president and the trustees, they shall be
1300 accorded great weight.
1301
1302 (6) If the university dismisses faculty for financial exigency, it shall not at the same
1303 time renew non-tenured appointments or make new appointments except in
1304 extraordinary circumstances where serious distortion of the academic program
1305 would otherwise result.
1306
1307 (7) If the university dismisses faculty members for financial exigency, it shall not
1308 fill their positions with other persons for a period of three years without first
1309 offering the dismissed members reinstatement to their former positions and
1310 giving them reasonable time to accept the offers.

1311 Section 3 - Procedures for Dismissal
1312

- 1313 a. Adequate cause as defined in Chapter V, Part A, Section 2.a.(1) and as applied to
1314 tenured faculty is established through a procedure employing the evaluation process
1315 described in Chapter III . When a faculty member has received an evaluation which
1316 clearly shows a lack of competency to the extent that it brings into question the
1317 faculty member's continued employment with the university (i.e., an evaluation which
1318 shows severe inadequacy in (1) currency in several aspects of the person's stated area
1319 of expertise and/or (2) effectiveness in teaching methods), the following process shall
1320 ensue:
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1322 (1) The dean shall give the faculty member written notice of the same.
1323
1324 (2) If requested by the faculty member, the dean shall hold a conference with the
1325 faculty member and the head officer to discuss the reasons for the unsatisfactory
1326 evaluation.
1327
1328 (3) If the faculty member is not in agreement with the decision of the department
1329 and the Advancement Committee, he or she may request an appeal at this time
1330 (see Chapter III, Sections 7 and 8).
1331
1332 (4) If the faculty member does not appeal, or if an appeal is not upheld, then the
1333 faculty member, the head officer, and the dean shall draw up an agreement
1334 which includes a specific faculty development plan, including goals and a

- 1333 schedule for performance appraisal with specific criteria for the evaluation
1334 clearly stated.
- 1335
- 1336 (5) The performance appraisal shall include an annual review of progress with the
1337 dean and the head officer.
- 1338
- 1339 (6) Three years after the unsatisfactory evaluation (or earlier if requested by the
1340 individual), a second evaluation shall be conducted and the department and
1341 Advancement Committee shall be made aware of the seriousness of this
1342 evaluation. If the second evaluation is also unsatisfactory, the university may
1343 continue the individual if it is in the best interests of the university to do so; the
1344 university may ask the individual to resign or retire; or the university may give
1345 the individual notice of dismissal. If notice of dismissal is given, the faculty
1346 member may ask for a hearing as provided in Chapter III, Sections 7 and 8.
- 1347
- 1348 b. When the dean alleges there exists adequate cause for the dismissal of a tenured or
1349 non-tenured faculty member under Chapter V, Part A, Section 2.a. (2) or (3), or of a
1350 non-tenured faculty member under Chapter V, Part A, Section 2.a. (1) , the dean shall
1351 present to the faculty member a written charge specifying the grounds which form the
1352 basis for the allegations, including a list of the specific acts or actions relevant to the
1353 allegations. The faculty member shall, within five (5) working days, have the right to
1354 request consultation with the Professional Standards Committee. If no request is
1355 forthcoming, the dean is free to notify the faculty member of his/her dismissal. If a
1356 request is made, the Professional Standards Committee shall consult with the parties
1357 involved and attempt to resolve the problem. If no resolution is possible, then the
1358 faculty member may request a hearing as described in Section 4 of this chapter. In
1359 dismissals made under this section (Section 3) the question before the hearing board
1360 shall be whether "adequate cause," as defined in this chapter, exists for dismissal of
1361 the faculty member. The dean or the dean's designee shall present to the hearing
1362 board the written charge of the notice-of-intent to dismiss, listing the ground or
1363 grounds upon which the university intends a dismissal for adequate cause and
1364 specifying with reasonable particularity the alleged facts in support thereof. In
1365 proceedings before the board, the university shall have the burden of proving facts
1366 sufficient to sustain the charges made. In particular, if the alleged cause for
1367 professional incompetency involves physical or mental inability to perform duties,
1368 there shall be medical evidence of the same. The university shall present evidence of
1369 consultation with one or more licensed physicians or licensed psychologists, as
1370 appropriate. Additional medical reports from licensed professionals may be
1371 presented by the faculty member. The hearing board may, at university expense, have
1372 examinations made by licensed physicians or licensed psychologists, and the faculty
1373 member shall consent to such examinations.
- 1374
- 1375 c. Dismissal on account of discontinuation of department, school, or program.
1376 Whenever it becomes necessary for the university to dismiss a faculty member on
1377 account of discontinuance of his or her program, department, or school and efforts to
1378 place the person in another vacant university position are unsuccessful, the following
1379 steps shall be taken:
- 1380
- 1381 (1) The dean shall notify the faculty member in writing of the intended dismissal,
1382 giving a statement of the reasons therefore.
- 1383
- 1384 (2) The notified faculty member shall have ten (10) working days from receipt of
1385 the dismissal notice to give the dean written notice that the faculty member
1386 requests a review of the matter through the process described in Part A,

1387 Section 4 of this chapter and to submit the list of alleged code violations. Upon
1388 receipt of the request, the dean shall refer the matter to a hearing board, sending
1389 the board such materials pertaining to the matter as are in the dean's possession.
1390 The university shall take no further action to dismiss until the hearing board has
1391 reported to the president.
1392

1393 (3) The function of the hearing shall be as specified in Chapter III, Section 8.e.
1394 Among the questions before the hearing board shall be: (1) whether
1395 discontinuation of the program, department, or school was necessary; (2)
1396 whether discontinuation, though necessary, requires the faculty member to be
1397 dismissed; and (3) whether the faculty member should be placed in other
1398 university employment. The university shall have the burden of producing
1399 evidence to sustain its decision to dismiss on the second and third questions. On
1400 the first question the determination by the trustees that discontinuation was
1401 necessary shall create a presumption to that effect, so that the faculty member
1402 shall have the burden of producing evidence to overcome such presumption.
1403

1404 (4) If the notified member makes no request for appeal within the ten working days
1405 referred to above, the dean shall forward the recommendation for dismissal and
1406 materials in support thereof to the president. The president shall consider the
1407 recommendation and materials and shall recommend to the Board of Trustees
1408 that they dismiss the faculty member if the president determines upon that
1409 disposition of the matter.
1410

1411 (5) Whenever the Board of Trustees has acted to dismiss a faculty member on
1412 account of discontinuation of the member's program, department, or school,
1413 such faculty member shall receive salary through the academic year following
1414 the academic year in which the dismissal notice is given whether or not that
1415 person is assigned appropriate duties in the university for that year.

1416 d. Dismissal on account of financial exigency.

1417 (1) Whenever it becomes necessary for the university to dismiss a faculty member
1418 on account of financial exigency the steps and procedure outlined in Section 3.c.
1419 (1), (2), (4) and (5) of this part, pertaining to dismissal for discontinuation of a
1420 program, department, or school, shall be followed. In applying Section 3.c. (1),
1421 (2), (4) and (5) , due and reasonable allowance shall be made for obvious
1422 differences in language, reading "dismissal on account of financial exigency" in
1423 place of "dismissal for discontinuation of a program, department, or school" and
1424 the like.
1425

1426 (2) The function of the hearing shall be as specified in Chapter III, Sections 6 and 7.
1427 Among the questions before the hearing board shall be: (1) whether a bona fide
1428 financial exigency exists; (2) whether, though a financial exigency exists, it
1429 justifies dismissal of the particular faculty member; (3) whether the university is
1430 renewing fixed-term appointments, except in extraordinary circumstances where
1431 serious distortion of the academic program would otherwise result; and (4)
1432 whether the university has engaged, or attempted to engage, other persons for
1433 the faculty member's position. The university shall have the burden of
1434 producing evidence to prove the affirmative of questions 1 and 2; provided that
1435 if the university Faculty Senate has advised the president in the affirmative on
1436 either of these questions, that shall create a presumption to that effect, so that
1437 the faculty member shall have the burden of producing evidence to overcome

1438 such presumption. The faculty member shall have the burden of producing
1439 evidence to prove the affirmative of questions 3 and 4, but if evidence is
1440 introduced that the university is renewing fixed-term appointments (Question
1441 3), the university shall have the burden of proving the existence of the exception
1442 stated.

1443 Section 4 - Appeals Procedures

- 1444 a. The composition of, and procedures followed by, the hearing board shall conform to
1445 those described in Chapter III, Sections 7 and 8 a-i (p.14), with due and reasonable
1446 allowance made for obvious differences in language, reading "faculty member" for
1447 "appellant," "dismissal" for "evaluation," and "university" for "department" or
1448 "Advancement Committee."
1449
1450 b. The decision of the majority of the hearing board, and any dissent, shall be
1451 transmitted in writing to the president.
1452
1453 c. Upon receiving the report from the hearing board, the president shall submit the full
1454 report to the Board of Trustees, along with his/her own recommendation.
1455
1456 d. The review by the Board of Trustees shall be based on the record of the previous
1457 hearing. The board shall provide an opportunity for written statements to be
1458 submitted by the parties and may, at its discretion, hear oral argument.
1459
1460 e. The decision of the hearing board either shall be sustained or the matter returned to
1461 the hearing board with specified objections.
1462
1463 f. The hearing board shall then reconsider the matter, taking into account the stated
1464 objections of the Board of Trustees and receiving new evidence if necessary. It shall
1465 then submit its decision to the Board of Trustees.
1466
1467 g. The Board of Trustees shall make a final decision after reviewing the decision of the
1468 hearing board.

1469 PART B - SUSPENSION

1470 Section 1 - Suspension Defined

1471 If a faculty member is relieved temporarily of his/her duties, the faculty member is
1472 considered suspended. Salary is continued during the period of suspension.

1473 Section 2 - Grounds

1474 A faculty member is suspended only if immediate harm to the university, the faculty
1475 member, or others is threatened by the member's continuance.

1476 Section 3 - Procedure

1477 Suspension is made by the dean with the concurrence of the Professional Standards
1478 Committee.

- 1479
1480 a. The Professional Standards Committee shall determine, based on the evidence
1481 presented to it, including the advice of appropriate professionals, if the dean's
1482 decision to suspend a faculty member is justified. The Professional Standards

- 1483 Committee shall also determine the time period for which the suspension is to be
1484 effective and on what basis the decision to reinstate shall be made. In developing the
1485 criteria for reinstatement, the committee shall describe specific aspects of the faculty
1486 member's behavior to be changed.
- 1487
- 1488 b. The faculty member shall be notified in writing of (1) the suspension, (2) grounds for
1489 the suspension, (3) period of the suspension, and (4) criteria for reinstatement.
- 1490
- 1491 c. The faculty member has five (5) working days within which to request an appeal of
1492 the suspension. This request shall be processed using the procedure described in
1493 Part A, Section 4 of this chapter. The question before the hearing board shall be
1494 whether the decision to suspend was made in conformity with this Chapter V, Part B .
1495 If the board finds that there is a code violation, the matter shall be referred back to the
1496 Professional Standards Committee.

1497 PART C - RESIGNATION

1498 A faculty member may separate from university employment at the end of any academic
1499 year. To do so, the faculty member shall notify the dean no later than May 15 of that
1500 year, or no later than 20 working days after receiving the university's notice of the terms
1501 of his or her faculty reappointment for the next academic year, whichever time occurs
1502 first. If a faculty member feels that observance of these time limits would, because of
1503 unusual circumstances, cause undue hardship or cause loss of professional advancement
1504 or opportunity, the faculty member may request the dean to waive the limits.

1505 PART D - RETIREMENT

1506 Section 1 - Normal Retirement

1507 Normal retirement for a faculty member is at the end of the contract year in which age 65
1508 is attained.

1509 Section 2 - Early Retirement

1510 Tenured faculty members may retire and receive early retirement benefits at the end of
1511 the academic year or semester provided they have at least attained the age of 55, as of
1512 that date. Tenured faculty members with ten academic years in the rank of professor may
1513 retire and receive early retirement benefits at the end of any academic year or semester
1514 regardless of age.

1515

1516 The early retirement benefit is based on a percentage of total compensation and such
1517 percentage is multiplied by the number of academic years and half academic years by
1518 which early retirement precedes normal retirement, up to a maximum of five years.
1519 Tenured faculty members with fewer than 20 years of service at the university will
1520 receive 30% of total compensation multiplied by the number of academic years by which
1521 early retirement precedes normal retirement, to a maximum of five years. Tenured
1522 faculty members with 20 or more years of service at the university will receive 35% of
1523 total compensation multiplied by each such year, to a maximum of five years.

1524

1525 Total compensation is calculated using the contract salary amount specified on the faculty
1526 salary schedule for persons of the same rank and level as the individual electing early
1527 retirement and such value includes the value of certain associated benefits.

1528 All early retirement and career change benefits will be paid in the time and manner
1529 specified by the Early Retirement and Career Change Policy, which is hereby
1530 incorporated by reference.

1531 CHAPTER VI
1532 GRIEVANCES

1533
1534 Section 1 - When Used in this Chapter

- 1535 a. The term "grievance" includes a faculty originated complaint or a university
1536 originated complaint.
1537
1538 b. The term "faculty originated complaint" is a complaint by a faculty member that the
1539 university, an officer including another faculty member, or an official body thereof
1540 has, by act or omission, violated obligations accorded that faculty member by the
1541 contract of employment or by provisions of this faculty code; provided, that a faculty
1542 originated complaint does not include obligations conferred by Chapter I, Part F, and
1543 Chapters III, IV, and V of this code. Those chapters provide for appeal of the alleged
1544 violations.
1545
1546 c. The term "university administration originated complaint" is a complaint by the
1547 university alleging that a faculty member has by act or omission violated obligations
1548 conferred by contract of employment with the university or by provisions of this
1549 code.

1550 d. The term "grievant" refers to the originator of the complaint.

1551 e. The term "respondent" refers to the person(s) complained against.

1552 f. The term "parties" refers to the grievant, the respondent, and the university.

1553 g. The term "committee" refers to the Professional Standards Committee.

1554 Section 2 - Prehearing Settlement Conference

- 1555 a. Within thirty (30) working days of the alleged violation, the grievant shall give
1556 written notice thereof to the respondent; provided, that the notice may be served on
1557 the dean if the grievant is without knowledge of the identity of the respondent.
1558
1559 A grievance notice presented after thirty working days of the alleged violation will be
1560 considered only if: (1) an alternative process is required by public law as
1561 implemented in university policies; or (2) the grievant demonstrates that he or she did
1562 not know, or could not have known, about the alleged violation until a later time. In
1563 the second instance, the grievance notice must be given within thirty working days of
1564 the date upon which the grievant gained knowledge of the alleged violation.
1565
1566 b. The notice shall state the relevant facts with reasonable particularity, cite those
1567 portions of the appointment contract or the faculty code alleged to be violated, and
1568 include proposed remedies.
1569
1570 c. Within five (5) working days of notice the respondent shall conduct formal
1571 discussions with the grievant and other appropriate persons with the intent of reaching
1572 a satisfactory settlement of the grievance, and which, if found, shall terminate the
1573 grievance process. Any party may terminate the prehearing settlement conference if
1574 they feel that further discussions will be unsuccessful.

1575 Section 3 - Grievance Hearing

- 1576 a. If the prehearing settlement conference is terminated without settlement of the
1577 grievance, then within five working days of said termination the grievant may serve
1578 the written notice required in Section 2 to the dean. Included with said notice shall be
1579 identification of the individuals who attended the conference and a demand for a
1580 grievance hearing.
1581
1582 b. The dean shall, within five (5) working days of the service of said notice, forward the
1583 notice and all attendant materials to the committee.

1584 Section 4 - Grievance Procedure

- 1585 a. Upon receipt of the grievance from the dean, the committee shall schedule a hearing
1586 to begin within fifteen (15) working days and give the dean, the grievant, and
1587 respondent at least five working days notice thereof.
1588
1589 b. In grievances brought before the committee, the individuals involved or any
1590 committee member may raise the issue of a conflict of interest concerning a member
1591 of the committee. If the conflict of interest is disputed, those members of the
1592 committee who are not involved in the alleged conflict of interest shall conduct a
1593 confidential, written vote to determine if a conflict of interest may exist. If it is
1594 determined that a member of the committee may have a conflict of interest, that
1595 member shall be recused from deliberating and voting. If a member of the committee
1596 is recused because of an apparent conflict of interest, the committee, at its discretion,
1597 may appoint a substitute to participate in the case. Parties to the grievance are
1598 automatically recused from serving on the grievance committee.
1599
1600 c. The function of the hearing committee shall be to determine whether there have been
1601 violations of the code or contract of employment, as alleged by the grievant, and to
1602 recommend what sanctions, if any, should be imposed upon the respondent(s).
1603
1604 d. Procedures
1605
1606 (1) Presiding Officer. The committee chairperson shall preside, handle
1607 administrative duties, and rule on matters of procedure and evidence; provided
1608 that decisions by the chairperson are subject to being overruled by a majority of
1609 the committee.
1610 (2) Representation. The university shall be represented by person(s) designated by
1611 the dean. The grievant and respondent may attend all hearings in person and be
1612 acted for by lawyer or non-lawyer counsel chosen by the grievant/respondent.
1613 (3) Closed Hearings. Hearings shall not be open to the public, and the only persons
1614 present shall be those whose presence is allowed by this chapter. However, at
1615 the request of either party, and with the concurrence of the committee, a
1616 representative of an educational association or other appropriate association
1617 shall be allowed to observe hearings.
1618
1619 (4) Records. In all cases, the university shall make an electronic verbatim record of
1620 the hearing, and provide to either party, upon their request, a copy of that
1621 verbatim recording or a verbatim transcript paid for by the requesting party.
1622 Records made of the hearing shall be retained by the university for six years
1623 after the committee makes its report.

1624

- 1625 (5) Order of Presentation. The grievant shall make the initial presentation to the
1626 committee. At the conclusion of that presentation any party may request that
1627 the hearing be terminated for lack of any probable merit for the grievance. The
1628 committee shall then meet in executive session to approve or reject the request.
1629 If the request is approved by a majority of the committee then the grievance
1630 shall be dismissed and such dismissal is final. If the request is denied by a
1631 majority of the committee then the respondent shall go forward with the
1632 respondent's presentation.
1633
- 1634 (6) Evidence. Each party shall offer such evidence as the committee deems
1635 relevant, and each party may cross-examine the other's witnesses. Witnesses
1636 may be allowed to testify by affidavit if, in the committee's discretion, that is the
1637 most feasible way of presenting their evidence and if the opposing party is not
1638 substantially prejudiced by lack of cross examination. The committee shall
1639 have no duty to seek or to present evidence but may do so if, in its judgment,
1640 justice requires. In such a case, the committee shall have right of access to all
1641 pertinent materials. The hearsay rule or other exclusionary rules of evidence
1642 used in courts of law shall not apply.
1643
- 1644 (7) Discovery. Insofar as practicable, each party shall assist the other in obtaining
1645 witnesses and evidence when the party's assistance is necessary or helpful.
1646 Each party shall make specifically requested and relevant documents or other
1647 tangible evidence in its possession available to the other for presentation to the
1648 committee.
1649
- 1650 (8) Final Report. After completion of the hearing, the members of the committee
1651 shall meet in executive session to consider their decision on the matters before
1652 them. The committee may consider only evidence presented to it in hearing.
1653 The decision of the majority shall be transmitted to the president as the
1654 committee's decision, but dissenting members may also transmit statements of
1655 their position. Said report(s) shall be delivered to the president within ten (10)
1656 working days of the termination of the hearing unless the committee extends the
1657 time. The committee shall send the president a copy of the grievant's notice of
1658 complaint, a summary of their hearings, and tangible items of evidence they
1659 received in their hearings. The committee will send copies of its report(s) to the
1660 parties in the grievance at the same time that it sends them to the president.
1661
- 1662 (9) Public Statements. No person involved in the hearing's proceedings shall make
1663 public statements, directly or indirectly about the matters in the hearings or
1664 reports generated from the grievance process.
1665

1666

Section 5 - President's Action

- 1667 The president shall consider the report and materials submitted therewith. Within twenty
1668 (20) working days of receiving the committee's report, the president shall do the
1669 following:
1670
- 1671 a. finally determine what action, if any, the university shall take in response to the
1672 grievance complaint;
 - 1673 b. transmit the final determination to the committee, to the grievant and to the
1674 university officer or employees whose actions gave rise to the grievance complaint;
1675

1676

1677 c. transmit to the committee and the other parties to the grievance, should the final
1678 determination be contrary to that reached by the committee, the reasons for the
1679 determination;

1680 d. direct appropriate university officers to take any required action.

1681 Section 6 - Respondent's Action

1682 The respondent shall comply with the decision within thirty (30) working days or sooner.
1683 Failure to comply may be considered a violation of contract, and Chapter I, Part C of the
1684 faculty code.

1685

APPENDIX

1686

PROFESSIONAL STANDARDS COMMITTEE INTERPRETATIONS OF THE FACULTY CODE

1687

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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.

1693

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

1694

1695

Current

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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.

1708

CHAPTER I

1709

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**

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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.

1721

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**

1722

1723

1724

Definition of Course Assistants

1725

1726

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

1727

Responsibilities

1728

1729 The responsibility for teaching and instruction at the University of Puget Sound
1730 resides with the faculty members. The university recognizes, however, that in special
1731 cases it is appropriate or necessary to utilize the services of students as course assistants.
1732 Course assistants do not replace full or part time faculty. Rather they extend and
1733 augment the ability of a faculty member to fulfill the objectives of a particular class. The
1734 use of course assistants in no way reduces, replaces, or eliminates the authority or
1735 responsibility a faculty member has for a course as specified in the Faculty Code.

1736 Requirements for Departmental Guidelines for Course Assistants

1737 Specific activities for course assistants will of necessity vary (from department to
1738 department and from course to course). Each department must develop a clear statement
1739 for each course concerning the use of course assistants. The statement should discuss, at
1740 least, the following: (1) faculty supervision, (2) the role of course assistants in the
1741 classroom or laboratory, (3) the specific tasks assigned to course assistants, (4) the degree
1742 and type of interaction between the course assistants and students, (5) the role of course
1743 assistants in grading and evaluating student work, (6) the expected number of hours of
1744 work, (7) the method of evaluating performance of the CA, (8) how confidentiality of
1745 sensitive material is ensured (in some cases course assistants will have access to
1746 confidential information e.g., grades, performance records, or evaluations about the
1747 students enrolled in the class. The department and the supervisor must make every effort
1748 to restrict course assistants' access to such information to a minimum. Course assistants
1749 must be made aware of the sensitive nature of such information and should be required to
1750 sign a non-disclosure agreement. Abuse of this privilege should be grounds for dismissal
1751 of a course assistant from employment.), and (9) the process of selection of course
1752 assistants.

1753
1754 (Each department must develop a procedure for selecting course assistants which is
1755 consistent with both the needs of the department and with the prevailing regulations and
1756 rules applicable to equal employment. Selection criteria should correspond to the
1757 departmental statements about the duties and responsibilities of the course assistant
1758 position. The primary concern of the department in selecting course assistants must be
1759 the ability of individuals to perform satisfactorily the expected functions of a course
1760 assistant. To the extent possible, departments should select students who qualify for
1761 university matching funds under existing work-study programs. Applications for
1762 positions should be solicited from all qualified students. Notification to both selected
1763 individuals and unsuccessful applicants should be in writing. The department should
1764 ensure that each selection is based on rational criteria and procedures so that they are not
1765 perceived as arbitrary or capricious. The department should be willing to discuss its
1766 decisions with unsuccessful applicants. After the selection process is completed the
1767 department is responsible for working with the university's Office of Student
1768 Employment to execute the appropriate documents as applicable).

1769
1770 This statement should be made available to all prospective course assistants and reviewed
1771 specifically with all course assistants at the beginning of their employment.

1772 Supervision and Responsibility of Course Assistants

1773 Each course assistant must be under the direct guidance and supervision of a
1774 faculty member. All course assistant duties with respect to grading must be limited to
1775 objective evaluation. It is the responsibility of the supervisor to see that the course
1776 assistant successfully fulfills the requirements of the job. The supervisor will meet in a

1777 timely fashion with the course assistant to develop appropriate material for the course and
1778 to assess the course assistant's performance.

1779
1780 The supervisor, or faculty member responsible for the course, should inform the
1781 students enrolled in the course about the role and duties of each course assistant.
1782 Students should also be informed that they have the right to appeal decisions made by
1783 any course assistant to the faculty member or supervisor.

1784 Role of Professional Standards Committee

1785 Since course assistants perform some of the activities and have some of the
1786 responsibilities of faculty members, it is in the interest of the university to monitor their
1787 use. Thus each department employing course assistants should submit to the Professional
1788 Standards Committee a document that explains the duties, responsibilities, and
1789 supervision of course assistants. The PSC will review departmental statements for
1790 agreement with the guidelines. Upon obtaining committee approval, the department may
1791 then employ course assistants in accordance with the departmental document and need
1792 not submit the document again for PSC review until the guidelines in the Code or the
1793 departmental document are revised.

1794
1795 **Interpretation of Chapter I, Part C, Section 2, and Chapter I, Part D, Section 4.**
1796 **Partners/Dependent Children Taking Courses from Faculty (PSC made voluntary**
1797 **26 September 1986; accepted by Faculty Senate 3 November 1986; Revised May**
1798 **2015): Current**

1799 Background: The University of Puget Sound provides tuition-free enrollment for
1800 dependent children and partners of faculty members. While those family members
1801 seldom register for a course taught by their parent or partner, they may choose to do so or
1802 need to do so as part of a program of study. The University acknowledges that such
1803 situations exist or may exist. These guidelines are intended to apply in such cases.

1804
1805 There is no presumption that a faculty member will give favored treatment to a
1806 partner or dependent child in their courses. Indeed, the opposite may be a more likely
1807 result. Other students, however, may perceive that the relative may receive, or is
1808 receiving, favored consideration. In order to protect the integrity of individual faculty
1809 members, the following recommendations are given:

- 1810
1811 1. When a partner or dependent child is enrolled in a faculty member's
1812 course, that relationship should be openly acknowledged.
- 1813 2. Significant papers, exams, or other course assignments should be
1814 evaluated by the process of "blind review," as follows:
- 1815 a. A department colleague should be asked to serve as a reviewer of
1816 evaluations/grades.
- 1817 b. Papers/projects should be first graded and critiqued by the
1818 instructor of record, but with grades for a selected group of papers
1819 not yet recorded.
- 1820 c. That selected group of papers/projects should be submitted to the
1821 "blind review" colleague. All references to names of the
1822 paper/project authors should be deleted.
- 1823 d. The selected group of papers/projects should include the partner or
1824 dependent child's effort.
- 1825 e. The selected group of papers/projects should include a range of
1826 grades or scores for comparison purposes.

- 1827 f. The "blind review" colleague should acknowledge that similarities
1828 or differences in grading/evaluation show consistency. (The
1829 reviewer should not be asked to certify that he/she would grade the
1830 same way.)
1831 g. This "blind review" acknowledgement should be recorded by the
1832 instructor of record and by the reviewer.
1833 h. The "blind review" procedure should be announced to other
1834 students in the class.
1835

1836 If there are questions or concerns about instructor objectivity in evaluating
1837 partner/dependent child efforts, the Professional Standards Committee is available for
1838 consultation. Serious challenges should follow university procedures for grievances.

1839 **Interpretation of Chapter I, Part C, Section 3, Chapter I, Part D, Section 2**
1840 **(e), and Chapter I, Part D, Section 4. Professional Ethics of Faculty and**
1841 **Relationships of a Consensual Sexual Nature. (Approved by the Professional**
1842 **Standards Committee, February 18, 2013; Revised May 2015): Current**
1843

1844 It is in the best interest of the university and all individuals associated with the
1845 university that there be no real or perceived bias in situations where one individual exerts
1846 influence over another colleague or staff member. Situations of direct supervision or
1847 when one has the ability to advance, promote, recommend, or in any other way directly
1848 influence the academic or work status of the colleague are the times when transparency is
1849 required.

1850
1851 The existence of a consensual sexual relationship constitutes a conflict of interest, and
1852 can create a real or perceived bias. Therefore, it is the policy of the university that such
1853 relationships should be disclosed when there is any possibility of a supervisory or career
1854 influencing role between the parties. When faculty or staff members enter into a
1855 consensual sexual relationship where one party has supervisory or career influence over
1856 the other, each party is required to promptly disclose the relationship to his/her
1857 superior(s) so that reassignment, alternative supervision processes, or other arrangements
1858 can be facilitated and documented.
1859

1860 The following scenarios are presented as examples where a faculty member must disclose
1861 the existence of a consensual sexual relationship. They are not intended to be exclusive,
1862 and faculty members should exercise judgment when faced with a similar situation.
1863

1864 • The evaluation process is clearly career-influencing. No faculty member should
1865 participate in the evaluation of another faculty member with whom he or she is involved
1866 in a consensual sexual relationship and all faculty members, including head officers, are
1867 expected to recuse themselves from such situations.
1868

1869 • Hiring decisions are also understood to involve the exercise of judgment and may result
1870 in a work- or career-influencing relationship. No faculty member should participate in the
1871 search or hiring process when a person with whom he or she is involved in a consensual
1872 sexual relationship is an applicant and all faculty members, including head officers, are
1873 expected to recuse themselves from such situations.

1874 • The responsibilities of serving as department chair or program director may also, at
1875 times, require supervising or making decisions about the academic or work status of other
1876 departmental members. Departmental chairs should be aware of when their duties place
1877 them in a career-influencing relationship to a colleague with whom they are involved in a
1878 consensual sexual relationship. If and when such situations should arise, chairs should
1879 take care to put alternative processes in place to avoid conflicts of interest or other
1880 improprieties.

1881
1882 This policy aligns with the university's conflict of interest provisions in the Code of
1883 Conduct as well as Section II, Part E ("Consensual Sexual Relationship") of the Campus
1884 Policy Prohibiting Harassment and Sexual Misconduct.

1885 If you have concerns regarding obligations under this policy, please refer to Chapter 1,
1886 Part D, Section 4 of the *Faculty Code* ("Professional Ethics"), and/or speak with your
1887 head of department, school, or program or the Academic Vice President.

1888
1889 **Updated Interpretation of Chapter I, Part C, Section 2 and Chapter I,**
1890 **Part D, Section 4. Faculty as Teachers, Professional Ethics, and**
1891 **Relationships between Faculty and Students. (Approved by the**
1892 **Professional Standards Committee, April 3, 2017): Current**

1893
1894 *Intimate relationships (including romantic and sexual relationships)*
1895 *between a faculty member and a student violate acceptable standards of*
1896 *professional ethics as required by the Faculty Code, Chapter I, Part D, Section 4*
1897 *and impair the role of teacher as defined in Chapter I, Part C, Section 2. This*
1898 *policy statement aligns with the university's conflict of interest provisions in the*
1899 *Code of Conduct as well the Prohibited Relations section of the Campus Policy*
1900 *Prohibiting Sexual Misconduct.*

1901 **Interpretation of Chapter I, Part D, Section 4.a. Professional Ethics.**
1902 **(Approved by the Professional Standards Committee, April 3, 2017):**
1903 **Current**

1904
1905 *The term "public law" includes applicable statutes, ordinances and*
1906 *regulations. In addition to public law, the university also applies university*
1907 *policies, including but not limited to current university policies on*
1908 *discriminatory harassment and sexual misconduct.*

1909 **Interpretation of Chapter I, Part D, Section 4, and Chapter I, Part E, Section**
1910 **3. Procedures to Follow in Cases of Faculty Misconduct (PSC Memorandum**
1911 **13 November 1990): No longer active**

1912
1913 In the spirit of preserving the individual rights of all parties concerned in cases of
1914 alleged professional ethical misconduct, the Professional Standards Committee
1915 recommends that the following procedures be followed by those making complaints or
1916 allegations:

- 1917 a. First notify the faculty member of suspected misconduct on his or her part.
1918 There may be an explanation that resolves the matter satisfactorily.
1919 b. Failing to receive an explanation that is satisfactory, or not wishing to deal
1920 directly with the person suspected of misconduct, one should take the matter
1921 to the Chair of that person's department. The Chair may resolve the matter to
1922 everyone's satisfaction.
1923 c. If these steps do not resolve the problem, the matter may be brought to the
1924 attention of the Professional Standards Committee.
1925

1926 Even if a faculty member does not choose to follow steps a. and b., the matter
1927 may be brought directly, and in confidence, to the Professional Standards Committee.
1928 The Committee considers that every attempt ought to be made to resolve questions of
1929 ethical conduct within the procedures established by the Professional Standards
1930 Committee.
1931

1932 **CHAPTER III**

1933 **Interpretation of Chapter III, Section 2. Delaying a Scheduled Evaluation** 1934 **(Report to Faculty Senate 18 November 2004): No longer active** 1935

1936 In this section, the Code describes the normal intervals for scheduled evaluations
1937 and provides for the possibility of early evaluations. There may also be circumstances in
1938 which a faculty member requests a delayed evaluation. Over the years, practice has
1939 evolved to allow the Academic Vice President discretionary authority to permit the
1940 postponement of a scheduled evaluation. This informal arrangement has received formal
1941 expression with reference to the particular circumstances covered by the University's
1942 "Faculty Medical and Family Leave Policy and Faculty Disability Policy." That
1943 document states, "The request for the delay in evaluation will be submitted in writing to
1944 the department chair. The chair will make a recommendation to the Academic Vice
1945 President, who will review the request and approve the delay when circumstances
1946 warrant."

1947 To maintain consistency in the handling of requests for delayed evaluations, the
1948 procedures quoted above should be followed in all cases. Whenever possible, faculty
1949 members should anticipate the need for a delayed evaluation, take steps to insure that
1950 student evaluations are administered as required, and seek the recommendation of the
1951 department chair and the approval of the Academic Vice President well in advance of the
1952 time for the normally scheduled evaluation.
1953

1954 **Interpretation of Chapter III, Section 2. Delaying a Scheduled Evaluation** 1955 **(PSC Minutes, 4 April 2012; Revised May 2015): Current** 1956

1957 In this section, the Code describes the normal intervals for scheduled evaluations
1958 and provides for the possibility of early evaluations. A faculty member will automatically
1959 receive a delayed evaluation when granted leave under the "Faculty Medical and Family
1960 Leave Policy and Faculty Disability Policy"; delay will be proportionate to the amount of
1961 leave granted, e.g., a faculty member on two-thirds contract could delay a three-year
1962 evaluation by a maximum of one year. If a faculty member does not wish to have a
1963 delayed evaluation schedule he/she must opt out of the delay as specified in the "Faculty
1964 Medical and Family Leave Policy and Faculty Disability Policy."
1965

1966 There may also be circumstances other than FMLA in which a faculty member
1967 requests a delayed evaluation. The Academic Vice President has discretionary authority
1968 to permit the postponement of a scheduled evaluation. The faculty member must request

1969 that there be a delay in consideration for tenure or promotion by writing to the head of
1970 department, school, or program and the Academic Vice President, normally no later than
1971 one semester before the scheduled evaluation

1972
1973 In all cases faculty members should anticipate the need for a delayed evaluation
1974 and take steps to insure that student evaluations are administered as required.
1975

1976 **Interpretation of Chapter III, Sections 3 and 4, and Chapter I, Part B,**
1977 **Section 2. a. Evaluation of Instructors (Report to Faculty Senate 5 May**
1978 **1986): Current**

1979
1980 The evaluation procedure to be followed (for instructors) is roughly the procedure
1981 outlined in the Faculty Code, Chapter III. An informal evaluation is to be done within the
1982 department in each of the first two years, with a summary report sent to the Dean for
1983 information. In the third year, and every third year thereafter, a formal evaluation, as
1984 outlined in the Code, will be held. The evaluation of instructors will be based upon the
1985 quality of their performance in the following areas, listed in order of importance:

- 1986 1. Teaching
1987 2. Professional Development: Instructors are expected to remain current in the
1988 relevant parts of the discipline and to keep abreast of those developments in
1989 the discipline which bear upon their teaching duties. They are not required to
1990 engage in scholarly research and writing; however, the department may
1991 encourage them to do those things which will add to their repertoire of
1992 professional awareness and abilities.
1993 3. Advising Students
1994 4. Participation in Departmental Service

1995 Finally, the standards to be employed in assessing professional performance will
1996 be those used for all other evaluations in the department, except as they pertain to
1997 scholarly work and University service.
1998

1999 **Interpretation of Chapter III, Sections 2, 3 and 4. Sequence of Evaluation**
2000 **(PSC approved 30 April 1986; approved by Faculty Senate, 5 May 1986):**
2001 **Current**

2002 Evaluations of career faculty* are made:

- 2003 1. at the conclusion of each year for the first two years of a non-tenured
2004 appointment,
2005 2. every three years for assistant and associate professors,
2006 3. every five years for full professors, and
2007 4. prior to decisions to: (a) promote a faculty member, b) grant or deny tenure, or
2008 (c) not reappoint a non-tenured faculty member.

2009 * [Now called tenure-line faculty.]

2010 PROCEDURES OF EVALUATION

2011 (A) The annual evaluations during the first two years of a non-tenured appointment are
2012 made by the head officer of the Department, School, or Program. A copy of the
2013 report will be sent to the individual evaluated, the Dean, and the Faculty
2014 Advancement Committee. This document is for informational purposes and no

2015 further action is required; however, the Professional Standards Committee urges
2016 evaluatees to initiate interaction with the head officer and/or colleagues for
2017 constructive utilization of this evaluation process.
2018 (B) All other evaluation procedures are amply outlined in the Faculty Advancement
2019 Committee document and the Faculty Code.

2020 ADDITIONAL COMMENTS

2021 (A) Each Department, School, or Program should have on file with the Dean a written
2022 statement of the criteria, standards, and needs of the Department which are used in
2023 the deliberation. This statement includes criteria for faculty teaching, professional
2024 growth, and service. This document is written with respect to the University's
2025 standards and needs. Evaluatees are encouraged to obtain this document early in their
2026 first year from their Department, School, or Program and to discuss its meaning
2027 with the head officer.
2028 (B) The first annual evaluations and the first three year evaluation are important events.
2029 These evaluations constitute the only official feedback from the Department, School
2030 or Program and from the University that the evaluatee will get prior to being
2031 considered for tenure. For the three year evaluation, great care should be taken on
2032 the part of the evaluatee in preparing the documents for submission to the
2033 Department, School, or Program and it is incumbent upon the evaluatee to initiate a
2034 dialogue with the head officer and/or colleagues upon receipt of the Faculty
2035 Advancement Committee's letter in order to maximize the constructiveness of the
2036 evaluation process.
2037 (C) Neither this document nor the Faculty Advancement Committee's document is to be
2038 considered definitive. For the complete explanation of the sequence and procedures
2039 of faculty evaluation at the University of Puget Sound, faculty are referred to the
2040 Faculty Code, particularly Chapter 3. Finally, we would like to stress that although
2041 the process of faculty evaluation is set forth in the Faculty Code, the evaluation
2042 itself is a subjective evaluation on the part of the Department, School, or Program,
2043 the Faculty Advancement Committee, the President, and finally the Board of
2044 Trustees.

2045 **Interpretation of Chapter III, Section 4, a (1) (b). Class Visitation (PSC**
2046 **Minutes 22 March 1993): Current**

2047
2048 Although "an ongoing process of class visitation" allows flexible implementation,
2049 an evaluation without a reasonable number of class visitations by members of the
2050 evaluatee's department, school, or program is in violation of the Code.
2051

2052
2053 **Interpretation of Chapter III, Section 4. Department Discussion of**
2054 **Candidate's Evaluation Being Attended by Candidate or Candidate's**
2055 **Partner who is also a Member of the Department (PSC Minutes 16 October**
2056 **1989; Revised April 2015): Current**

2057
2058 Candidates should not be present during the department's discussion of their
2059 evaluation. Also, the proper approach would be for partners to excuse themselves from
2060 the departmental meeting deliberating the case of their partners.
2061

2062 **Interpretation of Chapter III, Section 4 - The Role of "Colleagues" in the**
2063 **Evaluation Process. (PSC minutes 28 March 2012) Current**

2064 Background: In Chapter I, Section 2, non-tenure-line faculty members are
2065 identified as instructor, adjunct faculty, visiting faculty, or other positions that might be
2066 created. The code goes on to specify “Non-tenure-line faculty members’ roles, rights and
2067 responsibilities are the same as those of tenure-line faculty as described in Chapter 1 of
2068 the Faculty Code with exceptions as noted in this code.”

2069 An exception in rights and responsibilities exists in Chapter III with respect to
2070 evaluation. In Chapter III, Section 4, those performing the evaluation are referred to as
2071 “colleagues.” There is no formal evaluation of adjuncts and visiting faculty by other
2072 colleagues in the department. Adjuncts and visiting faculty are evaluated by the
2073 department chair. Therefore, adjuncts and visiting faculty are not “colleagues” with
2074 respect to evaluation and should not participate in the evaluation of faculty.
2075

2076 **Interpretation of Faculty Chapter III, Section 4. Evaluation Procedure (PSC**
2077 **Meeting February 16 2018, as noted in Faculty Senate Minutes March 19**
2078 **2018): Current**

- 2079
- 2080 1. The evaluation process is considered ongoing until the Board of Trustees has
2081 rendered a final decision.
2082

2083 **Interpretation of Chapter III, Section 4, f (1). Process for Dealing with**
2084 **Questions of Professional Ethics that Arise During an Evaluation: Current**

- 2085
- 2086 1. The evaluation process can be suspended at any time until the evaluation is
2087 complete, including at the level of the President and Board of Trustees, when
2088 due to a grievance arising from concerns of professional ethical behavior of an
2089 evaluator at the departmental or Faculty Advancement Committee levels.
 - 2090 2. This interpretation applies just to grievances of professional ethical behavior,
2091 as referred to in Chapter III, Section 4 f (1), and does not supersede the
2092 process the code provides for other sorts of appeal.
2093

2094 **Interpretation of Chapter III, Section 6. c. Time Frame for Setting Up a**
2095 **Hearing Board (PSC Minutes 8 February 1993): No longer active**

2096 An appeal begins at the moment the chair of the Professional Standards
2097 Committee receives in writing from the evaluatee the specified alleged violations of the
2098 Faculty Code. The Committee understands that even under conditions of best effort the
2099 process of forming a hearing board may press the five-day limit, but this will not negate
2100 proper procedure.
2101
2102

2103 **Interpretation of Chapter III, Section 8. Access to Letters in Open**
2104 **Evaluation Files (PSC Minutes 6 May 1993; Revised May 2015): Current**

2105

2106 In the case of an open file, the faculty member being evaluated has access to
2107 letters in the evaluation file and may take notes while reviewing the file. If the faculty
2108 member desires copies of the letters, the faculty member must seek copies from the
2109 writers.
2110

2111 **Unified Interpretation of Chapter III, Sections 4, a (1) and 4, a (1) (c). Letters**
2112 **of Evaluation from Persons Outside the Department (Approved 14 February**

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

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

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

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

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

2158 **CHAPTER IV**

2159 **Interpretation of Chapter IV, Section 2, b (4). Expectations for Early**
2160 **Promotion (Memorandum to Professional Standards Committee from**
2161 **Faculty Advancement Committee, 9 February 1987 requesting discussion**
2162 **and approval): No longer active**
2163

2164 Early promotion is an unusual and exceptional circumstance in the process of
2165 advancement. The schedule for advancement and tenure as outlined in the Faculty Code
2166 represents the agreement of the faculty on when its members ought to come up for
2167 evaluation. If, however, an individual has assembled a sustained record of achievement
2168 of exceptional merit in all the categories by which a faculty member is evaluated, he or
2169 she might request to be promoted or granted tenure before the usual time as stipulated by
2170 the Faculty Code. In such instances, the university might well wish to consider early
2171 promotion as an indication of its special appreciation for and commitment to faculty
2172 members of exceptional achievement. In any case, it is incumbent upon the faculty
2173 member and his/her department in cases of early promotion to demonstrate that the
2174 above-mentioned criteria have been met.
2175

2176 **CHAPTER V**

2177 **Unified Interpretation of Chapter V, Part A, Section 2, b. Discontinuation of**
2178 **a department, school, or program (Approved 3 May 1995 by the Professional**
2179 **Standards Committee and 12 May 1995 by the Trustee Academic and**
2180 **Student Affairs Committee): Current**
2181

2182 From this date forward discontinuation of a department, school, or program shall
2183 be taken to mean that the unit is no longer operated by the University. In each such case,
2184 the consultation stipulated in this paragraph shall be required, regardless of whether
2185 dismissal of faculty is involved.
2186

2187 **CHAPTER VI**

2188 **Interpretation of Chapter VI. Grievances arising from allegations of sexual**
2189 **harassment. (Sexual Harassment Policy adopted by Faculty Senate 17**
2190 **January 1983): Current**
2191

2192 The University of Puget Sound reaffirms the principle that its students, faculty,
2193 and staff have a right to be free from sex discrimination in the form of sexual harassment
2194 by any member of the academic community.

2195 Sexual harassment is defined as actions intended to coerce an unwilling person
2196 into a sexual relationship, to subject a person to unwanted sexual advances, to punish a
2197 refusal to comply with such intentions or to create a sexually intimidating or hostile
2198 working or educational environment. This definition will be interpreted and applied
2199 consistent with accepted standards of mature behavior, academic freedom, and freedom
2200 of expression.

2201 Situations believed to involve sexual harassment may be discussed in confidence
2202 with the Director of Human Resources and Affirmative Action, the Dean of Students, the
2203 Dean of the University, or any member of the above named staffs. If the complaint
2204 requires a formal or informal hearing, the appropriate procedures of the Academic
2205 Handbook, the Faculty Code, the Personnel Policies and Procedures Manual, or the
2206 Student Conduct Code may be applied.

2207 Complaints about sexual harassment will be responded to promptly and equitably.
2208 University policy explicitly prohibits retaliation against individuals for bringing
2209 complaints of sexual harassment. Formal procedures will not be initiated without a
2210 written, signed complaint. An individual found to be guilty of sexual harassment is
2211 subject to disciplinary action for violations of this policy, consistent with existing
2212 procedures.