

University of Puget Sound
Faculty Meeting Minutes
April 11, 2006

1. President Thomas called the meeting to order at 4:08 p.m. in McIntyre 103. Twenty-six voting members of the faculty were in attendance by 4:15 p.m.

2. The minutes of the March 6, 2006 faculty meeting were approved as posted.

3. There were no announcements.

4. President Thomas reported on his recent travels to Portland, San Francisco, Minneapolis, and Chicago to meet with alumni and parents. He said he would also meet with alums and parents in Tacoma and Washington, D.C. before the end of the year, and with the other alumni clubs next year. He reported great attendance at these events so far.

He announced that the ribbon cutting ceremony for Harned Hall would occur next fall during Homecoming, and he asked us to plan to attend.

President Thomas announced that Bill Neukom will be the 2006 commencement speaker. He said that Neukom, an outgoing trustee of the university, was formerly chair of the Preston, Gates, and Ellis law firm in Seattle. He is an expert on intellectual and property rights, was chief counsel to Microsoft, is an active philanthropist and advocate of human rights, is the president-elect of the American Bar Association, and “is a smart guy who will give a good speech.”

5. Academic Vice President Kris Bartanen thanked faculty for the time and energy they put into writing letters of support for students applying for scholarships and fellowships and for summer research grants, 49 of which were recently awarded for 2006. She asked us to remind second-year faculty of the upcoming meeting on preparation of third year review files, to be held Friday April 14, 2006 in Trimble Forum at 8:00 a.m. Dean Bartanen ended by saying about the upcoming May 14 graduation ceremony that, “commencement is good, please come.” She asked us also to attend the Lavender Graduates Celebration on May 12 and Academic Convocation and the Graduates of Color Celebration on May 13.

6. Faculty Senate Chair Barry Anton announced that the elections of faculty senators and Faculty Advancement Committee (FAC) members to begin later this week will be done electronically. He said that 50 faculty were nominated for faculty senate seats and about twenty agreed to run in the primary. Forty faculty were nominated for the FAC and about a dozen will run in the primary. Anton thanked Eric Orlin and ASUPS technology services for coordinating the on-line elections.

7. We continued discussion of the proposed amendment to sections 6 and 7 of chapter III of the Faculty Code, concerning procedures for appeals and hearings. Two relevant documents were attached to the agenda for today’s meeting, were available in hard copy at the meeting,

and are attached to these minutes. One document provides a side-by-side comparison of proposed language and current language, and the other provides background and a summary of the changes.

President Thomas turned to Professional Standards Committee (PSC) chair Carolyn Weisz, who gave a very short history of the current version of the proposed amendment.

John Hanson kicked off a lengthy discussion about the role of hearing boards following determinations that code infractions have occurred. Hanson said he was concerned about this language in proposed section 7i: “A hearing board may suggest, but cannot dictate or enforce, methods for correction of deficiencies.” He said we ought to discuss giving the hearing board “a little teeth to do more than just suggest a correction and to do something about it if possible.” He said he did not like language preventing the hearing board from having the power to enforce its suggestions for remedies. He said we ought at least to give the hearing board the opportunity to put into the file a record of its judgment that its suggestions were not followed up on.

Most of the remainder of the meeting was spent discussing this issue, with the eventual outcome being that the PSC agreed to work on new language. Highlights of the discussion leading up to that outcome follow.

Weisz, in conveying the thinking of the PSC in proposing the language Hanson objected to, said that the PSC “tried to decipher the intentions of the existing code.” Currently the only articulated role of the hearing board is to decide whether the code has been violated as alleged. PSC members felt that it was a serious business to make this determination, and that the FAC was the group best able to evaluate remedies and to consider the range of responsive options. There was among the PSC a feeling that members of the hearing board may have less familiarity with the code/process/file than FAC members.

Bill Breitenbach added that, with a second level of appeal possible, the PSC wanted to expedite the process by having the outcome of the hearing board added to the evaluation file as it went forward. This material would then be available to the FAC as it determined whether the file was ready to proceed.

Bill Haltom said that Hanson was advocating only that the hearing board have a chance to comment on whether what it asked to be done was in fact done. He said that Hanson was not asking for enforcement, merely for the hearing board’s right to comment. Haltom said he thought the FAC would benefit from the advice “of five members of the faculty who do not have a dog in the fight.” He said, for example, that if a hearing board determined that a department had made mistakes, the department would be more accountable for correcting those mistakes if the department knew the hearing board would report to the FAC whether or not the department had followed the hearing board’s suggestions for correcting the mistakes. Haltom said he thought Hanson’s suggestion was a good one.

Terry Cooney said he could see the appeal of having the hearing board comment but that this would then be a very different kind of document than exists anywhere else in the file. He said that in no other context would any person or group get to write a commentary on the people involved in the process. Florence Sandler suggested that this might be a reason the hearing board commentary would in fact be useful. She said that, because we cannot ask the FAC to provide that kind of commentary, it could be helpful to have it from the hearing board. Martin Jackson wondered if having such a document in the file from the hearing board could perhaps drag the hearing board into any appeal process that might develop as a result of the commentary.

Dean Bartanen said that one of the questions the PSC addressed was: when would the hearing board finish its work? She said that if suggestions for remediation go from the hearing board to the department and then the hearing board has to be reconvened in order to evaluate whether those suggestions were acted on, this drags out the life of the hearing board. She also observed that this role would be duplicative of the FAC 's responsibility to determine when the file is ready to go forward.

Hanson voiced an additional concern about the role of the hearing board: what should happen if the hearing board decided that the process was not fair, complete, and adequate, but that it did not violate the code? This would seem to involve competing obligations: (1) to look for violations of the code and (2) to decide whether the process was fair, complete, and adequate. If there is a process that wasn't fair that doesn't violate the code, when then? Hanson said that it seemed to him that the hearing board was the one place where there could be comment on such a thing. Wouldn't it be good, he asked, for an independent body of the faculty to stand up and make a statement that could be helpful in this regard to the FAC or to the president?

President Thomas asked if a hearing board's finding goes into the appellant's file, and the answer was yes. But Hanson responded that that doesn't address the issue if the problem identified by the hearing board wasn't fixed.

David Droge said that the purpose of the hearing board is to determine if there has been a code violation at the department or the FAC levels. That determination then accompanies the file. Droge suggested that if the hearing board discovers flaws in department or FAC procedures we have other vehicles that can be implemented to ensure they don't occur in the future. Droge said he wondered therefore how the current idea improves on that. Hans Ostrom responded that the hearing board only passes judgment on the current case and not broader issues that then get acted on. Juli McGruder said that the reason we now allow for a hearing board review at the department level is because there might be things that can be done remedially at that level. She said she thought that Hanson's idea was a good one.

Derek Buescher said that we were leaving out of the discussion recognition of the opportunity the appellant has to make another appeal after the department level of review if deficiencies are not remedied at that level.

Breitenbach said he wasn't sure how the idea of having the hearing board provide commentary on a problem would provide any more teeth for getting the problem resolved. Hanson said he agreed but, because he couldn't figure out how to provide those teeth, didn't suggest anything in that regard.

Weisz argued that unfairness is a code violation by virtue of language in section 4 of Chapter III that gives the evaluatee the right to appeal. The hearing board then decides whether the unfairness the evaluatee alleges is there or not.

Haltom suggested addressing simply whether the hearing board should be able to comment on whether a suggestion for correction has been fulfilled or not and that we not attempt right now to address the notion of having the hearing board comment on the fairness of the procedures, because that is more controversial and will take more time to talk through.

President Thomas clarified that at this point we had a motion to approve the amendment on the floor with no motion in response to the issue Hanson raised.

Bill Beardsley then introduced a new topic having to do with the language in 7j and 7k. Beardsley pointed out that the language in both sections was parallel except that in 7j the hearing board refers the matter for correction, whereas in 7k the FAC attempts to correct deficiencies. He asked what the reason was for the difference between the two in this regard. Terry Beck responded that in 7j if deficiencies can be corrected they're referred but if they cannot be they aren't; the hearing board determines whether deficiencies are correctable or not.

Haltom M/S/motion withdrawn later “to amend section 7i by adding after the word ‘deficiencies’ the words ‘and may comment upon whether those suggestions have been followed.’ The revised sentence would then read, ‘A hearing board may suggest, but cannot dictate or enforce, methods for correction of deficiencies and may comment upon whether those suggestions have been followed.’”

Several faculty did not like the idea of the hearing board commenting on whether suggestions were followed and not also on whether deficiencies were corrected. Cooney said that because the appellant has a certain number of days to make an appeal, the hearing board should not comment until it knows whether the appellant is going to make an appeal of the department's new effort. He added that correcting some deficiencies takes months because the department in effect “starts over.” This introduces the problem of getting the hearing board back together, which may not always be possible.

The question then arose as to whether a second appeal at the same level was allowed under section 6a(1) of the code. Cooney said that actual practice has been that the evaluatee can make a new appeal at the same level. Haltom argued we should not proceed until we determine whether under the code the appellant does in fact have a second chance to appeal at the same level. He said that the fact that this has been done in the past doesn't mean it will

be in the future. He offered to withdraw his amendment until that issue was researched and determined.

Buescher said that his reading of 7i and 7k in conjunction with 6a is that once the hearing board sends the matter back to the department and the department convenes to discuss it a new evaluation is initiated that then goes to the candidate who can make an appeal of that evaluation. Cooney agreed, saying an appeal may occur after deficiencies have been remedied because we're at the same spot in the process. But Cooney agreed with Haltom that this needs to be clarified in code language. Cooney asked if a formal PSC interpretation of the code would provide the clarification that Haltom suggested we pursue; Haltom said yes, but that he wanted this to be done first, before the change in code language is approved.

Haltom then withdrew his motion. But he argued that Hanson had identified an ambiguity "that endures" and that we should resolve it.

Weisz urged us to approve the amendment before us, saying that although it was not perfect it would give us a better code. She said it would be good to have more faculty present at the meeting at which we vote on the final amendment. She said the issue of multiple appeals at the same level could be addressed by language tweaking, while the issue of the hearing board providing commentary on the degree to which deficiencies were corrected was more difficult. She asked for a straw vote on whether we want to go down that road or not. Dean Bartanen suggested that the language tweaking to address the former issue might also address the latter issue.

Buescher said that if the appellant can appeal a second time it puts the onus on the appellant. Therefore a second issue is that if there is a second appeal it's to a new hearing board with different voices. Is there some value, he asked, in reconvening the original hearing board?

Haltom agreed that it would be good for the PSC to give an interpretation on the issue of second appeals at the same level. We could then decide whether there are teeth enough in the process to satisfy those who seek further commentary from the hearing board. Beardsley said he wasn't sure a formal code interpretation would suffice. Breitenbach said that we were assuming that the department actually produces something when it's asked to correct deficiencies. What if the department says it's not going to do a thing? That would be bad, he said, because then there's no basis for a new appeal. Haltom responded that then the recourse is to the FAC. Jackson wondered if we could force the department to do something. Weisz suggested that perhaps there could be language to ensure that when the department resubmits the file to the dean with or without corrections, a new time period for appellant review begins.

President Thomas asked if there were objections to returning this matter to the PSC. There were no objections.

8. We then received an update from the working group formed to address questions raised in the October 24, 2005 faculty meeting about the relationship of the Faculty Code to the Code

of Conduct adopted by the board last May. Sherry Mondou passed out copies of the Code of Conduct (also attached to these minutes) containing the revisions made by the working group.

Beardsley reported for the working group. He said that new language makes it clear there's nothing in the Code of Conduct that supersedes the Faculty Code. Changes included replacing "should" with "must" in section 1a, adding a new sentence to the end of 1c, and eliminating the notion of "Conflict of Commitment" from section 4. Beardsley reported that the work group is "completely convinced" that this version of the Code of Conduct does not affect the degree to which the Faculty Code governs faculty affairs.

Terry Cooney, as his last act at his last faculty meeting before departing the university after thirty years' service to become dean of the College of Liberal Arts at Towson University, moved that we adjourn, and we did adjourn at 5:23 p.m.

Respectfully submitted,

John M. Finney
Secretary of the faculty

Summary of changes to the Code created by the proposed amendment to Ch. III, Sections 6 and 7, concerning procedures for appeals and hearings.

(3/24/06)

The Motion:

The Professional Standards Committee proposes an amendment to the Faculty Code to strike the current language in Chapter III, sections 6 and 7, and to substitute the language in the previously submitted document in its place.

Adoption of this amendment shall authorize the modification of the Code citations so as to bring those citations into conformity with changes in the Code occasioned by the adoption of this amendment.

Background:

Since the implementation of major revisions to the Code in 2002, many questions have been raised regarding issues addressed in Ch. III, sections 6 and 7. Some of these questions reflect differences between levels of appeals (department, school, or program versus Advancement Committee) that were not clarified in the development of the current Code language. Other questions pertain to the identities of parties referred to in the Code (e.g., Who is the respondent?), the role of hearing boards, materials to be transmitted to various parties, and other issues.

Rather than develop a complex set of piecemeal amendments and formal and informal interpretations, the PSC, with some input from the Faculty Senate, created a proposal for a comprehensive revision of Ch. III, sections 6 and 7, to address the many issues that have been raised. The revisions include a limited number of changes to current policy and practice that the PSC discussed in its review of the two sections, and changes to organization and language intended to make the material more accessible. The first reading of the amendment occurred at the Faculty Meeting on October 24, 2005. Amendments to the amendment were proposed, discussed, and voted on at subsequent meetings (12/6/05, 1/31/06, 3/6/06).

Summary of Changes by sections/subsections in the proposed language:

Section 6 now includes the statement describing the function of a hearing board that has been moved from section 7.e. in the current code.

Section 6.a. has been reorganized to clarify differences between appeals at the two levels. Changes in content attempt to clarify grounds for appeals at the two levels (i.e., the department, school, or program and the FAC), to define the identity of respondents at each level, and to specify processes by which respondents and dissenters formulate and transmit information. The revision also calls for the PSC chair, rather than the appellant, to deliver the list of alleged violations to the department, school, or program or to the Advancement Committee, as appropriate. Finally, the instructions for transmitting the appellant's list of alleged code violations to the chairperson of the hearing board has been moved to **Section 6.c.7.**

Section 6.b. includes changes to allow for a larger hearing board roster now that there can be appeals at two stages in the evaluation process. Also new is the exclusion of PSC members from the hearing board roster.

Section 6.c. includes more detail and some logistical changes to clarify processes used to form hearing boards and to allow for selection of three names rather than one as alternates. The section also bars individuals from serving on hearing boards at both levels for the same appellant. Additionally, the new language specifies that the PSC chair or designate shall attend the first hearing board meeting (a current practice not described in the Code).

Section 6.c.(8), describing restrictions on public statements, is exactly the same as in the existing code (Section 7.i). (At the 3/6/06 meeting, the Faculty voted to replace the language in the original version of the proposed amendment with the current code language.)

Section 6.d. has been revised to specify that the appellant and respondent are not present during the hearing board's discussion of probable cause. The changes also specify the appropriate recipients of reports regarding probable cause at each level and indicate that all appeal materials, including a hearing board decision regarding absence of probable cause, should be included in the file before it moves on. The new language also indicates that the chairpersons of the Faculty Senate and Professional Standards should be notified regarding the decision about probable cause. This information simply keeps the chairpersons of the Senate and PSC apprised of the status of the process (i.e., whether or not a hearing is to take place).

Section 7 attempts to clarify the format of the hearing and the sequence and purpose of hearing board activities following a hearing, to specify who may and may not attend the hearing, and to describe processes through which dissenting opinions may be transmitted. **Section 7.i.** explains that a hearing board may suggest, but cannot dictate or enforce, methods for correction of deficiencies. **Sections 7. j. and k.** clarify different processes for appeals at the different levels if the hearing board finds that the code has been violated as alleged. Specifically, for appeals at the department, school, or program level, the hearing board has the option of either forwarding the file on to the FAC, or referring the matter back to the department, school, or program for correction of deficiencies. For appeals of FAC evaluations, the FAC shall attempt to correct any correctable deficiencies before forwarding the file and its recommendation to the President. **Section 7.i.** clarifies which written materials from an appeal are added to the file and transmitted to the dean for retention. A new statement also indicates that the chairpersons of the Faculty Senate and PSC should be notified when the hearing board completes its work.

Section 6 – Procedure for an Appeal

An appeal is decided by a hearing board. The function of a hearing board shall be to determine whether there have been violations of the code, as alleged by the appellant. Unless otherwise stated, the provisions of this section apply to all appeals authorized in Chapter III, Section 4.

Section 6 - Procedure for an Appeal

Unless otherwise provided, the provisions of this section apply to all appeals authorized in Chapter III, Section 4.

a. Initiation of an Appeal:

- (1) An evaluatee may initiate a formal appeal to a hearing board at two stages in the evaluation process:
 - (a) After the evaluation by the department, school, or program.
 - (b) After the evaluation by the Advancement Committee.
- (2) Grounds and deadlines for formal appeals:
 - (a) A formal appeal of the evaluation conducted by the department, school, or program is limited to issues affecting fairness, completeness, or adequacy of consideration by the department, school, or program in conducting the evaluation. The appeal must be initiated within ten (10) working days after the evaluatee has completed reviewing the evaluation file that the department, school, or program forwarded to the dean and the Advancement Committee (Chapter III, Section 4.b.(3) and 4.b.(4)).
 - (b) A formal appeal of the evaluation conducted by the Advancement Committee is limited to questions of fairness, completeness, or adequacy of consideration by the Advancement Committee in conducting the evaluation. It may not raise questions about the evaluation at the departmental level unless the questions pertain to duties of the Advancement Committee specified in the code. The appeal must be initiated by the evaluatee within five (5) working days after receiving the Advancement Committee’s recommendation (Chapter III, Section 4.c.(6)).
- (3) To initiate a formal appeal, the evaluatee must submit a list specifying alleged violations of the code to the chairperson of the Professional Standards Committee within the time limits specified above.
- (4) The chairperson of the Professional Standards Committee shall provide a copy of the list of alleged code violations to the department, school, or program (if the evaluatee is appealing its evaluation) or to the Advancement Committee (if the evaluatee is appealing its evaluation).

a. Initiation of an Appeal:

- (1) The evaluatee must submit a list specifying alleged violations of the code to the chairperson of the Professional Standards Committee within the time limits provided in section 4.b.(4) or 4.c.(6), whichever is applicable.
- (2) At the time the list of alleged violations is submitted to the chairperson of the Professional Standards Committee, the evaluatee must provide a copy of the list of alleged violations to either the department, school, or program or the Advancement Committee as appropriate to the violations specified. The chairperson of the Professional Standards Committee shall confirm with respondent(s) their timely receipt of the list of alleged violations.
- (3) Any response(s) from the department, school, or program; the Advancement Committee; or the president shall be submitted to the chairperson of the Professional Standards Committee within ten (10) working days of the respondent(s)' receipt of the list of alleged violations. The chairperson of the Professional Standards Committee and the chair of the hearing board may grant an extension for submission of a response if a respondent demonstrates that s/he was unable to take receipt of the list of alleged violations at the time they were provided by the evaluatee due to circumstances beyond his or her control. Any respondent(s) who respond(s) must provide the evaluatee with a copy of the response.
- (4) The chairperson of the Professional Standards Committee shall transmit the list of alleged violations to the chairperson of the hearing board as soon as that person is elected.

<p>(5) Response to an appeal:</p> <ul style="list-style-type: none">(a) In a formal appeal of an evaluation conducted by a department, school, or program, the head officer (or the person performing the functions of the head officer in the evaluation, as provided by Chapter III, section 4.a (3)(a)) will serve as the respondent for the department, school, or program. If the head officer (or the person performing the functions of the head officer in the evaluation) is unable to so serve, the dean will appoint a person to serve as the respondent for the department, school, or program.(b) In an appeal of an evaluation conducted by the Advancement Committee, the Advancement Committee will designate one of its members as the respondent.(c) Any response from the department, school, or program to an appeal shall be submitted in writing to the chairperson of the Professional Standards Committee within ten (10) working days of the receipt of the list of alleged code violations. In formulating this response, the respondent (as defined above) shall consult with the members of the department, school, or program who participated in the evaluation conducted by the department, school, or program. The document shall represent the response of the department, school, or program, and not the personal response of the respondent. Any member of the department, school, or program who participated in the evaluation and who dissents from the departmental response may submit a written dissent, which shall be provided to the respondent to forward, along with the response of the department, school, or program, to the chairperson of the Professional Standards Committee. The chairperson of the Professional Standards Committee shall transmit the response and any dissent to the appellant and to the hearing board.(d) Any response to an appeal from the Advancement Committee and any dissent to that response shall be submitted in writing to the chairperson of the Professional Standards Committee within ten (10) working days of the receipt of the list of alleged code violations. The chairperson of the Professional Standards Committee shall transmit the response and any dissent to the appellant and to the hearing board.(e) The chairperson of the Professional Standards Committee and the chairperson of the hearing board may jointly grant an extension for submission of a response or a dissent from either a department, school, or program or the Advancement Committee if a respondent or a dissenter demonstrates that he or she was unable, due to	
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<p>circumstances beyond his or her control, to complete the response or dissent within the ten (10) working day limit.</p>	
<p>b. Hearing Board Roster: A hearing board roster will be established annually by the Faculty Senate executive officers. The hearing board roster will consist of all tenured members of the faculty, subject to their consent and to the following exclusions. The chairperson of the Faculty Senate, members of the Faculty Advancement Committee, and members of the Professional Standards Committee are excluded from the hearing board roster. Faculty members who are on leave are excluded from service on a hearing board.</p>	<p>b. Hearing Board Roster: A hearing board roster will be established annually by the Faculty Senate executive officers. The Board will consist of 42 tenured faculty members selected at random, subject to their consent.</p> <ol style="list-style-type: none"> (1) Members will serve staggered three-year terms with 14 members selected each year. (2) Faculty who are on leave remain on the roster but are not considered for service on a hearing board. However, members who go on leave in the third year of their term or members who resign from the roster will be replaced for full three-year terms using the process described above. (3) If a faculty member is selected to the Advancement Committee during a term of service on the hearing board roster, s/he will be replaced for a full three-year term using the process described above.
<p>c. Formation of a Hearing Board: Upon receipt of the list of alleged code violations, the chairperson of the Professional Standards Committee shall meet with the chairperson of the Faculty Senate, the appellant, and the respondent within five (5) working days to form a hearing board composed of five (5) members from the hearing board roster.</p> <ol style="list-style-type: none"> (1) Excluded from the hearing board will be members of the appellant's department, school, or program, and all others with direct interest in the matter as determined by the chairperson of the Professional Standards Committee and the chairperson of the Faculty Senate (or by a designated member of the appropriate body if its chairperson may be affected by the exclusion principle noted above). If either chairperson (or designee) votes for elimination, the faculty member is not selected to the hearing board. (2) Excluded from selection are members of the hearing board roster in current service on another hearing board. (3) If in the same evaluation process an evaluatee appeals the evaluation conducted by the department, school, or program <i>and</i> the evaluation conducted by the Advancement Committee, faculty members who served on the first hearing board are excluded from service on the second hearing board. (4) The following process shall be used to constitute a hearing board: <ol style="list-style-type: none"> (a) The chairpersons of the Faculty Senate and the Professional Standards Committee shall jointly select eight names at random from those names remaining on the hearing board roster after the exclusions noted above have been taken into account. 	<p>c. Formation of a Hearing Board: Upon receipt of the list of alleged violations (Section 5.a(2)), the chairperson of the Professional Standards Committee shall form within five (5) working days a hearing board composed of five (5) members from the hearing board roster.</p> <ol style="list-style-type: none"> (1) Excluded from the hearing board will be members of the appellant's department and all others with direct interest in the matter as determined jointly by the chairperson of the Professional Standards Committee and chairperson of the Faculty Senate (or a designated member of the above mentioned bodies if the chairperson(s) may be affected by the exclusion principle). If either of the chairpersons or designees votes for elimination, the faculty member is not selected. (2) Also exempt from selection are members of the hearing board roster in current service on a hearing board. (3) The following process shall be used to constitute a hearing board: <ol style="list-style-type: none"> (a) Six names shall be selected at random by the chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee from those names remaining on the hearing board roster after the exclusions noted in paragraphs (1) and (2) have been taken into account. (b) The parties may then challenge any name on the list on account of interest or bias. The order of challenge shall be determined by lot, with each side alternating. Challenges on account of interest or bias shall be ruled upon jointly by the chairperson of the Professional Standards Committee and the chairperson of the Faculty Senate. If either votes for elimination, the person is eliminated, and an additional name is selected from the hearing board roster. (c) The parties may then exercise no more than two challenges against the six names remaining on the list without stating cause. If any person is eliminated, an additional name shall be selected from the hearing board roster.

<p>(b) The appellant and the respondent may then challenge any name on the list of eight on account of interest or bias. The order of challenge shall be determined by lot, with each side alternating. Challenges on account of interest or bias shall be ruled upon jointly by the chairperson (or designee) of the Professional Standards Committee and the chairperson (or designee) of the Faculty Senate. If either votes for elimination, the faculty member is eliminated, and an additional name is selected from the hearing board roster. The additional name may also be challenged on account of interest or bias.</p> <p>(c) The appellant and the respondent may then exercise no more than two challenges against the eight names remaining on the list without stating cause. If any person is eliminated, an additional name shall be selected from the hearing board roster. The additional name may be challenged on account of interest or bias. The appellant or the respondent may also challenge the additional name without stating cause, until the two permitted challenges without stating cause have been exercised.</p> <p>(d) The first five faculty members selected to the list shall constitute the hearing board. The sixth, seventh, and eighth named faculty members will stand, in that order, as alternates. Alternates will not participate in the appeal unless one or more of the five hearing board members cannot serve from the beginning of the hearing board process.</p> <p>(5) The normal presumption is that the faculty members will serve on a hearing board to which they are selected. The chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee may, if both agree, exclude a faculty member from service based on a self-disclosed conflict of interest, hardship, or other good cause shown.</p> <p>(6) In the event that one member of a hearing board is unable to complete service after the hearing board process has begun, the hearing board shall continue with four members if the appellant and the respondent agree. If either the appellant or the respondent objects, a new hearing board will be formed. If more than one member is unable to complete service, a new hearing board will be formed, using the process outlined above.</p> <p>(7) The hearing board shall hold its first meeting within five (5) working days of its selection and shall elect a chairperson. At this initial meeting the hearing board shall also elect a secretary to record the actions of the hearing board. The chairperson of the Professional Standards Committee or designee shall attend this initial meeting and shall give the appellant's</p>	<p>(d) The first five faculty members selected to the list shall constitute the hearing board. The sixth named faculty member will stand as an alternate. This faculty member will not participate in the appeal unless one of the five hearing board members is unable to serve from the beginning of the hearing board process (Section 5.c(6) below).</p> <p>(4) The normal presumption is that faculty members will serve on a hearing board to which they are selected. The chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee may, if both agree, exempt a faculty member from service based on (1) a self-disclosed conflict of interest, (2) hardship, (3) other good cause shown.</p> <p>(5) In the event that one member is unable to complete service after the hearing board process has begun, the hearing board shall continue with four members if the appellant and the university representative agree. If either party objects, a new hearing board will be formed. If more than one member is unable to complete service, a new hearing board will be formed using the process outlined in Section c above.</p> <p>(6) The hearing board shall hold its first meeting within five (5) working days of its selection and shall elect a chairperson. The board shall also select a secretary to record the actions of the board.</p>
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list of alleged code violations to the chairperson of the hearing board as soon as that person is elected.	
(8) No person involved in the hearing shall make public statements, directly or indirectly, about matters presented in the hearing.	(Exact wording from Section 7, i. below.)
<p>d. Determination of Probable Cause:</p> <p>(1) The hearing board shall meet without the presence of the appellant and respondent in order to determine whether there exists probable cause for an appeal. In making that determination, the hearing board shall review the appellant's list of alleged code violations, the respondent's response, and any dissents, and shall have access to all files and records involved in the evaluation process.</p> <p>(2) Within ten (10) working days of receipt of the respondent's response and any dissents, the hearing board shall determine, based on its review of the written materials, whether there exists probable cause for an appeal and shall so notify the appellant, the respondent, the dean, and the chairpersons of the Faculty Senate and the Professional Standards Committee of the decision.</p> <p>(3) If the hearing board determines that probable cause for an appeal does not exist, it shall so notify the appellant, the respondent, the dean, and the chairpersons of the Faculty Senate and the Professional Standards Committee. The hearing board's written determination of no probable cause shall be included in the evaluation file, along with the appellant's list of alleged code violations, the respondent's response, and any dissents. The evaluation file, with these items included, then moves to the next stage of the evaluation process.</p> <p>(4) If two (2) or more members of the hearing board determine that probable cause for an appeal exists, a hearing shall be held by the hearing board pursuant to Chapter III, Section 7.</p>	<p>d. Determination of Probable Cause:</p> <p>(1) The board shall have access to all files and records involved in the evaluation process together with a list of violations alleged by the evaluatee and any responses by the department, school, or program or the Advancement Committee.</p> <p>(2) Within ten (10) working days of receipt of any and all responses under Section 5.a(3), the hearing board shall determine whether, based on the record and the allegations of violations, there exists probable cause for an appeal.</p> <p>(3) If the hearing board decides that probable cause for an appeal does not exist, it shall so notify the appellant and the president, at which time the president will forward the recommendations and evaluation materials to the Board of Trustees as specified in Section 4.e.(4).</p> <p>(4) If two (2) or more members of the hearing board determine that probable cause for an appeal exists, a hearing will be held by the hearing board pursuant to Chapter III, Section 6.</p>
<p><u>Section 7 – Procedure for a Hearing</u></p> <p>a. A hearing may extend over more than one meeting of a hearing board. The appellant and the respondent may be present at all meetings of a hearing. The appellant and the respondent may be assisted at a hearing by legal counsel or by non-lawyer counsel. The appellant may also be assisted by an academic colleague.</p> <p>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</p>	<p><u>Section 7 - Procedure for a Hearing</u></p> <p>a. The chairperson of the board shall preside and shall handle administrative duties, such as giving notices and speaking for the committee. He or she shall rule on matters of procedure and evidence, subject to being overruled by a majority of the committee.</p> <p>b. In proceedings before the board, the respondent shall be represented by a person or persons designated by the president or the dean. The appellant may attend all hearings in person and may be assisted by an academic advisor and acted for by lawyer or non-lawyer counsel chosen by the faculty member.</p>

<p>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.</p> <p>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.</p> <p>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.</p> <p>e. The hearsay rule or other exclusionary rules of evidence used in courts of law shall not apply.</p> <p>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.</p> <p>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.</p>	<p>c. Hearings shall not be open to the public, and the only persons present shall be those persons whose presence is allowed by these sections of this chapter pertaining to the appeal. However, at the request of either party, a representative of an educational association or other appropriate association shall be allowed to observe hearings with the concurrence of the board.</p> <p>d. In all cases, the university shall provide an electronic record and, if requested by either party, a verbatim transcript of the proceedings paid for by the requesting party. Records made of the hearings shall be retained by the university for six years after the committee makes its report.</p> <p>e. The function of the hearing board shall be to determine whether there have been violations of the code, as alleged by the appellant.</p> <p>f. The evidence on review shall be substantially confined to the written record that has been compiled in the evaluatee's file through the point at which the review occurs. This is the material upon which the decision has been made to this point, and it should not be significantly expanded at the hearing by the admission of testimony and information not previously considered. Parties may offer to present additional evidence that they deem relevant and the hearing board in its discretion may hear or decline to hear such additional evidence. The hearing board shall base its decision preponderantly upon the written record on which the matter has earlier been decided by the department or school or the Advancement Committee, confining its review and its judgments to the stage of evaluation that is under appeal. If witnesses testify, they may be cross-examined by other parties present. Testimony of witnesses by signed written statements may be allowed if, in the Board's discretion, that is the most feasible way of presenting their evidence and if the opposing party is not substantially prejudiced by lack of the ability to cross examine. The board shall have no duty to seek or to present evidence but may do so if, in its judgment, justice requires.</p> <p>g. The hearsay rule or the other exclusionary rules of evidence used in courts of law shall not apply.</p> <p>h. Insofar as practicable, each party shall assist the other in obtaining witnesses and evidence when the party's assistance is necessary or helpful. Each party shall make specifically requested and relevant documents or other tangible evidence in its possession available to the other for presentation to the Board.</p> <p>i. No person involved in the hearing shall make public statements, directly or indirectly, about matters presented in the hearing.</p>
<p>h. After completion of a hearing, the hearing board shall meet to deliberate and come to a decision. Deliberative meetings shall be conducted without the appellant and respondent present and without making an electronic record. The decision of the hearing board will be limited to questions of the fairness, completeness, or adequacy of consideration in the evaluation conducted by the department, school, or program or by the Advancement Committee. The</p>	<p>j. Within ten (10) working days after completion of the hearing, the Board shall make its decision. The decision shall be based on whether the evidence in the record and that received at the hearing clearly shows that there have been violations of the code as alleged by the appellant. The decision of the hearing board will be limited to issues affecting the fairness, completeness, and adequacy of consideration of the evaluatee.</p>

<p>decision shall be based on whether the evidence in the written record and the evidence received during the appeal process and the hearing clearly show that there have been violations of the code as alleged by the appellant.</p> <p>i. Within ten (10) working days after completion of a hearing, the hearing board shall render its decision about whether violations of the code, as alleged by the appellant, have occurred. A hearing board may suggest, but cannot dictate or enforce, methods for correction of deficiencies. The decision of the majority of the hearing board and any dissent by a minority of the hearing board shall be transmitted in writing to the appellant, the respondent, and the dean. The hearing board's majority decision, any minority dissents, and any exhibits received in the hearing, along with the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee, are added to the evaluation file. If a hearing board does not find that there have been code violations, as alleged by the appellant, then the file moves forward to the next stage of the evaluation process.</p> <p>j. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the department, school, or program, the hearing board shall either refer the matter to the department, school, or program for correction of deficiencies or move the file forward to the Advancement Committee.</p> <p>k. If a hearing board determines that the code has been violated as alleged by the appellant in an appeal of the evaluation by the Advancement Committee, the Advancement Committee shall attempt to correct any correctable deficiencies before forwarding its final recommendation, any minority recommendations, and the file to the President.</p> <p>l. The chairperson of the hearing board shall deliver to the dean in a sealed envelope the electronic record of the hearing and copies of the hearing board's majority decision, any minority dissents, any exhibits received in the hearing, the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee. The dean shall retain these materials for six years after the hearing board makes its report. After a hearing board has rendered its decision and transmitted its reports, the chairperson of the hearing board shall notify the chairpersons of the Faculty Senate and the Professional Standards Committee that the work of the hearing board has been completed.</p>	<p>k. The decision of the majority of the hearing board, and any dissent, shall be transmitted in writing to all parties to the appeal. That decision may include a direction that the matter be returned to the department or Advancement Committee for correction of deficiencies. 1 The board chair will enclose in a sealed envelop the exhibits received in the hearing and the electronic record and deliver the envelop to the dean for the preparation of transcripts or retention as required in Section 6.d.</p>
<p>The faculty also voted to include the following statement in the motion:</p> <p><i>Adoption of this amendment shall authorize the modification of the Code citations so as to bring those citations into conformity with changes in the Code occasioned by the adoption of this amendment.</i></p>	

DRAFT
PROPOSED CHANGES NOTED

**University of Puget Sound
Code of Conduct**

Authority: The Board of Trustees adopted this Code of Conduct on May 13, 2005, and most recently reviewed and modified it on May 12, 2006.

Applicability: This Code of Conduct applies to:

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

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

Section Headings:

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

1. INTRODUCTION AND PURPOSE

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

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b. Purpose – In this spirit, this Code of Conduct (the “Code”) is a shared statement of our commitment to upholding the ethical, professional and legal standards we use as the basis for our daily and long-term decisions and actions. We will all be cognizant of and comply with the relevant policies, standards, laws, regulations, and policies that guide our efforts. We are each individually accountable for our own actions and, as members of the university community, are collectively accountable for upholding these standards and for compliance with all applicable laws and policies.

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

Alleged violations will be pursued according to the established processes for faculty, staff, students, and others, respectively.

Deleted: Violations confirmed through established processes will result in appropriate corrective action.

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

2. STANDARDS OF INTEGRITY AND QUALITY

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

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

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

3. CONFIDENTIALITY AND PRIVACY

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

4. CONFLICT OF INTEREST

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

Deleted: /CONFLICT OF COMMITMENT

Deleted: Community members who are University of Puget Sound faculty and staff owe their primary professional allegiance to the university and the fulfillment of its mission.

Deleted: Community members are responsible for being familiar with applicable conflict of interest policies

5. HUMAN RESOURCES

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

6. FINANCIAL REPORTING

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

7. COMPLIANCE WITH LAWS

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

a. Contractual Obligations – The acceptance of an agreement may create a legal obligation on the part of the University of Puget Sound to comply with the terms and conditions of the agreement and applicable laws and regulations. Therefore, only individuals who have authority delegated by an appropriate university official are authorized to enter into agreements on behalf of the university.

b. Environmental Health & Safety, including Workplace Health and Safety – Members of the university community are committed to protecting the health and safety of its members by providing safe workplaces. The university will provide information and training about health and safety hazards and safeguards. Community members will adhere to good health and safety practices and comply with all environmental health and safety laws and regulations.

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

8. USE OF UNIVERSITY RESOURCES

University resources are reserved for operating purposes on behalf of the university in the pursuit of its mission. They may not be used for personal gain, and may not be used for personal use except in a manner that is incidental, and reasonable in light of the person's role and responsibilities.

University resources include, but are not limited to, the use of university systems, such as telephone systems, data communication and networking services, and the University of Puget Sound domain for electronic communication forums; and the use of university equipment, such as computers and peripherals, university vehicles and other equipment; and the use of procurement tools such as credit/purchasing cards and petty cash; and the time and effort of other staff, students and others at the university.

9. REPORTING POSSIBLE VIOLATIONS

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