

**University of Puget Sound**  
**Faculty Meeting Minutes**  
**December 6, 2005**

1. President Thomas called the meeting to order 4:05 p.m. Forty-three voting members of the faculty were present.
2. The minutes of the October 24, 2005 faculty meeting were approved as posted.
3. There were no announcements.
4. President Thomas reported on his recent travels to Los Angeles, where he secured a \$250,000 grant from the Leavey Foundation in support of the science center, and to New York, where former ASUPS President Darrel Frost brought some 35 alumni and alumnae together for a very successful event.

President Thomas reported that planning this fall for the new Center for Health Sciences has gone well, with the programming phase complete. He said this is an exciting project that will now move into the actual design phase.

He reported having hosted on campus a recent meeting of the board of the Independent Colleges of Washington. He said the college presidents who attended this meeting expressed “admiration and some envy” for our new science building.

President Thomas also reported that we appear to be having a strong admission year for fall 2006, and that our web site was recently given an “A” rating, one of only 130 to receive this rating out of 3000 colleges. He said that soon four short video clips will be posted to the web site, dealing with the academic program, the residential life program, the athletic program, and our general region.

He said he has noticed a number of end-of-semester projects, posters, festivals, etc. that our students are doing and he thanked the faculty for their good work with students. He said he was very pleased with this work

President Thomas said he looked forward to seeing all of us at the President’s Holiday Reception next Monday, December 12, 2005, from 2:30 – 4:30 in the Wheelock Student Center Rotunda. He also mentioned that he and Mary will be spending Christmas with the Pacific Rim study abroad students in Kuala Lumpur.

5. Academic Vice President’s Report

Dean Bartanen highlighted recent faculty accomplishments and extended congratulations and good wishes to: Eric Orlin, our nominee for a Graves Award; Doug Edwards, applicant for an American Council of Learned Societies grant to create a web-accessible GIS-format archive of his archaeological work in Khirbet Qana, Greece, and the Ukraine; Elizabeth Benard and Mikiko Ludden, who each have applied for an AsiaNetwork summer fellowship

for research with students on Pacific Rim; Professor Emeritus Al Eggers, who has applied to NSF to serve as principal investigator to complete the research cut short by the recent tragic death of UPS alumnus Dan Johnson; Christine Smith, who received a Research Corporation award to support her research; Suzanne Holland, who received a Greenwall Foundation award in collaboration with colleagues in the departments of philosophy and ethics at the University of Washington; and Peter Wimberger, who has received word that the NSF will recommend funding for replacement of the Slater Museum cases in order to protect the collection in its new home in the science center.

## 6. Faculty Senate Chair's Report

Faculty Senate Chair Barry Anton announced that the Faculty Senate, whose responsibilities include evaluating faculty committees on a regular basis, has convened an *ad hoc* committee on professional standards consisting of Nancy Bristow (chair), John Hanson, and David Sousa to look at procedural issues that have come before the Professional Standards Committee (PSC). He thanked PSC chair Carolyn Weisz and former PSC chair Bill Breitenbach for attending Faculty Senate meetings this fall to help senators understand the issues the PSC is dealing with.

Chair Anton requested that, as we later in this meeting review the proposed amendment to the Faculty Code, we not try to amend the code “on the fly on the floor of a faculty meeting.” He asked that we refer substantive issues back to the PSC for consideration so that we don’t act hastily and end up with inconsistent Code provisions.

## 8. Faculty Senate recommendations regarding a change to the academic calendar.

We agreed at this point to consider a proposed change to the academic calendar ahead of discussion of the proposed code amendment. President Thomas asked Barry Anton to introduce the calendar proposal. Anton conveyed the Faculty Senate’s recommendation that the Wednesday before Thanksgiving be added to Thanksgiving break as a safety/travel day, and that fall break in October be extended by one day to include the Tuesday of that week. He said the senate was proposing no changes to spring semester.

**Anton M/S/P “that the Wednesday before Thanksgiving be a safety/travel day and that fall break be extended by one day.”**

Suzanne Barnett asked if we could make these change as early as next year, fall 2006. Anton said we could, and Registrar John Finney and Associate Registrar Brad Tomhave agreed. David Scott asked how many days we would then have in each semester and Anton said there would continue to be a disparity in the number of days (with spring term having more than fall term), but the senate felt this was okay.

George Tomlin asked if he was correct then that the motion would simply shorten the fall semester by two days and Anton said that he was.

There was no further discussion. The motion passed on a unanimous voice vote.

7. We moved to the second reading and discussion of the proposed amendment to sections 6 and 7 of chapter III of the Faculty Code, concerning procedures for appeals and hearings. The proposal had its first reading at the October 24, 2005 faculty meeting. Copies of the proposal were attached to the agenda for and the minutes of that meeting.

President Thomas turned to PSC chair Carolyn Weisz who began by saying this issue is important for us to address because the evaluation process affects all of us, either as persons being evaluated or as persons serving as evaluators of others. She reported on the continuing discussions that have occurred this semester between members of the PSC and the Faculty Senate that have resulted in suggested changes to the proposed code amendment. Reiterating a point made earlier by Barry Anton, she suggested that before voting on the amendment, we send any changes to the amendment that we make today back to the PSC for one last check for consistency across all the language. Weisz then projected onto a screen the proposed changes to the amendment as she went through them one by one.

Suggested Change #1: Add the word “conducted” to the following sentence in Section 6.a.(2)(a): “A formal appeal of the evaluation conducted by the department, school, or program is limited to . . . .”

Suggested Change #2: Add the word “conducted” to the following sentence in Section 6.a.(2)(b): “A formal appeal of the evaluation conducted by Advancement Committee is limited to . . . .”

Suggested Change #3: In Section 6.c.(4)(a) change “Eight names shall be selected at random by the chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee . . . .” to: “The chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee shall jointly select eight names at random . . . .”

Suggested Change #4: Add to the motion the following statement: “Adoption of this amendment shall authorize the modification of Code citations so as to bring those citations into conformity with changes in the Code occasioned by the adoption of this amendment.”

Bill Beardsley suggested that, since these four suggested changes were not controversial, we vote on them now. **Breitenbach M/S/P “to adopt these four changes to the proposed amendment of the Code.” There was no discussion and the motion passed on a unanimous voice vote.**

Weisz then introduced the next suggested change.

Suggested Change #5: In Section 7.i. and j: Drop the phrase “moves forward to the next stage of the evaluation process” from 7.i. and revise 7.j. by keeping the first two sentences, making the fourth sentence the third sentence and, as the fourth sentence, replacing “A hearing board is disbanded once it has performed its function of deciding whether there have been violations of the code, as alleged by the appellant.” with the following sentence: “A hearing board is disbanded once it has decided whether there have been violations of the

code as alleged by the appellant, the decision has been transmitted in writing to the appellant, the respondent, and the dean, and the file has been either moved forward to the next stage of the evaluation process or returned for correction of deficiencies to the department, school, or program in the case of an appeal at that level, or to the Advancement Committee.”

Weisz said that what happens at the end of a hearing is unclear in the original motion and that this suggested change clarifies that. Breitenbach added that the PSC is not at this time proposing suggested change #5 as an amendment to the main motion, because there is disagreement on this issue. The PSC wanted at this time merely to raise the issue for discussion in the faculty meeting.

Weisz then presented Suggested Change #6.

Suggested Change #6: Section 6.c.(8) in the amendment: The original code language (from Chapter III Section 7.i. is “No person involved in the hearing shall make public statements, directly or indirectly, about matters presented in the hearing.” The language in the proposed amendment to the code (Section 6.c.(8)) is, “Hearing board members are to treat the proceedings as confidential.” Today’s suggested change is either Suggestion A, “Hearing board members shall make no public statements, directly or indirectly, about matters presented in the hearing,” or Suggestion B, “Hearing board members shall make no public statements, directly or indirectly, about matters of the appeal.”

President Thomas asked if the PSC was looking for direction from the faculty. Breitenbach responded yes, that the PSC wants full and open conversation about any controversial issues and to move toward language that is acceptable to all. The PSC proposes to take the proposal back to the PSC for scrutiny one more time for problems, and then to return to the faculty for a vote.

President Thomas suggested that the “public statement” language (in Suggested Change #6) seemed less restrictive than the “confidential” language. “So one can make private statements, but not public statements, is that it?” he asked. Weisz said both sets of language were “fuzzy” and that information could be shared only on a need-to-know basis. President Thomas asked the group what the common understanding of the phrases is. Judith Kay said that only those with a need to know can talk about the documents. If we tell each other in private confidences, she said, that’s a violation of confidentiality because soon everyone knows; the current language of “public statements” is less restrictive.

Bill Haltom said that the current “literal” code has always said “public statements,” but we have in practice acted as though the common understanding of the code is closer to “confidentiality.” In fact the code actually says that one cannot make public statements, and the issue of making private statements is not covered. Ted Taranovski said that there has to be clear definition of these terms, even if only in a footnote. He pointed out additional confusion raised by suggested change #6: what does “proceedings” mean? Does this refer to procedures or the substance of the decision?

Nancy Bristow said there were in fact three issues contained in the various language options

in suggested change #6: (1) who would be included in the restriction—hearing board members or a more inclusive group? (2) what would be included—the proceedings only or all information related to the appeal? and (3) the extent and nature of the restriction—“confidential” or a prohibition on “public statements.” Breitenbach added a fourth issue: whether confidentiality applies just to the hearing itself or to the entire appeal from the time it is initiated to the time it is concluded.

Terry Cooney reminded us that the current proposal concerns hearing boards, not the PSC. He said that in the code there is little about procedures for hearing boards. This, he said, is a first effort to spell out procedures for hearing boards.

Beardsley objected to the proposed language because it would allow, for example, a department chair who was not a member of the hearing board to make statements on the floor of the faculty. He said there are potentially many people who would be allowed to make public statements if the restriction against making public statements applies to hearing board members only, and not also to others who may have been participants in the hearing.

Tomlin asked whether the very existence of a hearing board is to be kept confidential. He said this should be clarified, especially if we go with the “confidentiality” rather than “public statements” language. And, we need to define “need to know,” he said. For example, if there are problems in the procedures, one might feel that the entire faculty has a need to know that. Tomlin also suggested that making indirect public statements was an issue to be considered. He said that if someone tells someone something privately who then goes on to make a public statement, then the original person has made an indirect public statement.

Cooney argued that we would never be able to write a code that isn’t subject to certain kinds of ambiguities. He cited uncertainty two years ago about what the word “or” means. He said that, while we cannot escape some ambiguities, other parts of the code address some of these same questions, such as confidentiality for example. He suggested that perhaps the confidentiality issue could be addressed by enumerating the persons who may receive information. He said that, while there has in the past been an absence of mechanisms for pursuing questions about procedures for hearing boards, we need to think about what mechanisms are workable.

Doug Cannon objected to current code language because it prevents the subject of the hearing from being able to talk. He argued that “if that person wants to blab they ought to be able to blab.” He said he favored one of the revisions rather than the original language.

Terry Beck said that the whole process is intimidating for the person initiating the appeal and that to take away the confidential nature of the process “opens the appellant up to even more indignities.” He said he therefore believes the entire appeal process should be confidential and that the confidentiality requirement should be extended to all persons participating in the hearing, not just hearing board members.

Ted Taranovski argued that the problem with “confidentiality” is that “it allows for gray areas, but that it should not. We all know what confidential means,” said Taranovski, adding

that you can't be just a little bit pregnant.

Weisz asked what ideas we had about a process for engaging these issues. Beardsley suggested that we approve certain things piecemeal rather than going with the whole as the PSC had originally wanted. Weisz said perhaps we could consider passing the entire amendment proposal and then come back and amend the difficult issues.

Beardsley said that one change "that has gone unremarked" is that the PSC chair would have a larger role under proposed language than is true currently. He asked if there were a rationale for that. He said he thought the PSC chair job is tough enough already.

Breitenbach responded that the changes weren't that significant for the PSC chair and in fact there were only two: (1) the PSC chair delivers material, and (2) the PSC chair receives notification from the chair of the hearing board at the end of a hearing that the process is concluded. He said these were not an undue burden. Weisz added that the PSC chair has always attended the first meeting of a hearing board, and the proposed revision just makes that explicit.

But Haltom said he shared Beardsley's concerns. He said he thought there were a number of reasons to prefer that the chair of the Faculty Senate did these things rather than the PSC chair. He said he dreaded the possibility that the hearing board would refer something to the PSC. He said he would prefer, if there was even a remote possibility that the PSC will be consulted by a hearing board, that the PSC chair not be a go-between between the PSC and the hearing board. He said that, while the chair of the Faculty Senate is elected by the faculty, the chair of the PSC is not, and that while there are designees for the Faculty Senate chair, there are none specified for the PSC chair, who selects whomever he or she pleases. He said we need to get the PSC out of the business of having anything to do with hearing boards.

Beck, referring to section 6.e.4, asked why is there no timeline specified for notifying someone once a hearing board has made a decision. He said there were timelines for other actions in the code, but not for this.

Beardsley, referring to the proposed revision to 7.j., said that, when working out code language with trustees, we had agreed that the appellant could not appeal the decision, but now the proposed revised language creates grounds for complaining about what the president does. Haltom pointed out that there is already a right of the appellant to appeal; that currently the appellant can appeal to the Board of Trustees if the president has abused his powers or has discriminated against the appellant.

Weisz then put up Suggested Change #7, concerning section 7.j, which was that the current section 7.j. be replaced by: "If a hearing board determines that the code has been violated, it has the option of referring the matter for correction of deficiencies to the school, department, or program in the case of an appeal at that level, or to the Advancement Committee in the case of an appeal at that level. A hearing board may suggest, but cannot dictate or enforce, methods for correction of deficiencies. It is the responsibility of the body or individual at the next stage of the evaluation process to insure that correctable deficiencies have been

corrected. A hearing board is disbanded once it has decided whether there have been violations of the code as alleged by the appellant, the decision has been transmitted in writing to the appellant, the respondent, and the dean, and the file has been either moved forward to the next stage of the evaluation process or returned for correction of deficiencies to the department, school, or program in the case of an appeal at that level, or to the Advancement Committee.”

Cooney said he liked this language better, as did Haltom, although Haltom said he didn't like the idea that the board would disband before anyone had an opportunity to ask questions of board members. He also didn't like the idea that hearing board members, who had identified deficiencies, would have no say on whether the deficiencies have been corrected. Haltom argued that it “wouldn't harm” the Faculty Advancement Committee (FAC) to have the judgment of the hearing board as to whether the deficiencies were ignored or addressed by the department; nor would there be harm in giving the president their considered judgment as to whether any correctable deficiencies that were identified have in fact been corrected. He said it makes sense to consider the judgment of colleagues after they've gone through the file “rather than to see how quickly we can get them out of the room and disband them”

Weisz agreed that much of Haltom's argument was reasonable, but pointed out that the PSC's thinking was that it shouldn't be the hearing board's job to be involved in the process of correcting deficiencies, especially insofar as the next level up will see the recommendations. She said the PSC “didn't want an enforcement process run amok.”

Ken Rousslang suggested that the word “insured” in the proposed section 7.j. be changed to “ensured.”

President Thomas asked, “Who defines correctable deficiencies?” Weisz responded that the hearing board does. He asked if the president would then be guided by the hearing board as to whether the deficiencies have been corrected. Weisz responded that the hearing board is a committee of members selected at random and may not have the background of PSC members or others to offer ideas about how deficiencies might be corrected, in which case it is the responsibility of the next level body to address that.

Haltom argued it was not helpful “to raise the specter of a hearing board running amok.” He said he simply wants the hearing board to exist long enough to offer advice to the department or to the next level body as to whether the correctable deficiencies have or have not been corrected. He said that this would be valuable because it brings “a second set of eyes to bear” and prevents departments or the FAC from proceeding in a way that is not at least modestly convincing to the hearing board. Haltom reiterated that he was not talking here about enforcement.

Cooney agreed with Haltom that there would be no problem for a department to consult a hearing board regarding any message they delivered, but disagreed that the hearing board should be given any larger role. If we do, he said, “We're going to have to write another code chapter on hearing boards.” He argued that the role of hearing boards is to decide whether any code issue has been violated and that we shouldn't be defining any larger role

for hearing boards.

President Thomas asked Weisz and Breitenbach if, from today's conversation, the PSC understood the concerns of the faculty and both nodded yes. Weisz said the PSC would also welcome any additional input faculty might have.

At 5:30, the normal time for adjournment, President Thomas invited a motion to extend the length of the meeting. No such motion was made, and we adjourned.

Respectfully submitted,

John M. Finney  
Secretary of the Faculty