

C.K. Gunsalus Intro

(*Gun-SAY-Liss*)



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Gunsalus is PI for projects funded by Howard Hughes Medical Institute (HHMI), Nanyang Technological University in Singapore, and the Sloan Foundation (with the American Geophysical Union). She served on the Committee on Responsible Science of the National Academy of Sciences that produced the consensus report *Fostering Integrity in Research* (2017). In 2004, she was elected a Fellow of the AAAS in recognition of her “sustained contributions to the national debate over improving the practical handling of ethical, legal, professional and administrative issues as they affect scientific research.” She served on the Illinois Supreme Court’s Commission on Professionalism from 2005 through 2013, was a member of the United States Commission on Research Integrity and served for four years as chair of the American Association for the Advancement of Science (AAAS) Committee on Scientific Freedom and Responsibility. She also served on the Committee on Research Integrity of the Association of American Medical Colleges and the Government-University-Industry Research Roundtable *Ad Hoc* Group on Conflict of Interest.

A licensed attorney, Ms. Gunsalus graduated Magna Cum Laude from the University of Illinois College of Law and has an AB with Distinction in History from the University of Illinois at Urbana-Champaign. She has been on the faculty of the colleges of Business, Law, and Medicine at the University of Illinois at Urbana-Champaign and served as Special Counsel in the Office of University Counsel. In

the College of Business, she taught Leadership and Ethics in the MBA program and was the director of the required Professional Responsibility course for all undergraduates in the college. She was a member of the faculty of the Medical Humanities/Social Sciences program in the College of Medicine, where she taught communication, conflict resolution skills and ethics. She has also taught courses on change management and leadership in the College of Engineering.

For many years as an Associate Provost, Gunsalus was responsible for a range of academic policy and administrative duties, including department head training/support and academic policy interpretations and revision. During that time, she was known as the “department of yucky problems,” with duties encompassing oversight of the discrimination and harassment grievance procedure, problem personnel cases, and membership on the workplace violence team. Before that, her experience at the University included technology transfer, management of conflicts of interest, human subject protection, and long-term service as the inaugural campus Research Standards Officer with responsibility for responding to allegations of professional misconduct by faculty and students.

She has written a book on survival skills for academic leaders published by the Harvard University Press entitled *The College Administrator’s Survival Guide* (2006), and one about preventing and responding to workplace challenges entitled *The Young Professional’s Survival Guide: From Cab Fares to Moral Snares* (Harvard Press, 2012). In her spare time, Ms. Gunsalus also served 12 years on the Urbana Board of Education (school board), eight of those years as its President.

1940 Statement of Principles on Academic Freedom and Tenure

With 1970 Interpretive Comments

In 1940, following a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American Colleges (now the Association of American Colleges and Universities) agreed upon a restatement of principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure. This restatement is known to the profession as the 1940 Statement of Principles on Academic Freedom and Tenure.

The 1940 Statement is printed below, followed by Interpretive Comments as developed by representatives of the American Association of University Professors and the Association of American Colleges in 1969. The governing bodies of the two associations, meeting respectively in November 1989 and January 1990, adopted several changes in language in order to remove gender-specific references from the original text.

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to ensure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher¹ or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.[1]²

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

ACADEMIC FREEDOM

- (a) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- (b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.[2] Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.[3]

¹The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

²Bold-face numbers in brackets refer to Interpretive Comments which follow.

- (c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.[4]

ACADEMIC TENURE

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
2. Beginning with appointment to the rank of full-time instructor or a higher rank,[5] the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution, it may be agreed in writing that the new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years.[6] Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.[7]
3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.[8]
4. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from the teacher's own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.[9]
5. Termination of a continuous appointment because of financial exigency should be demonstrably *bona fide*.

1940 INTERPRETATIONS

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 *Statement of Principles on Academic Freedom and Tenure* were agreed upon:

1. That its operation should not be retroactive.

2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 *Conference Statement on Academic Freedom and Tenure*.
3. If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher's fitness for his or her position, it may proceed to file charges under paragraph (a)(4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

1970 INTERPRETIVE COMMENTS

Following extensive discussions on the 1940 Statement of Principles on Academic Freedom and Tenure with leading educational associations and with individual faculty members and administrators, a joint committee of the AAUP and the Association of American Colleges met during 1969 to reevaluate this key policy statement. On the basis of the comments received, and the discussions that ensued, the joint committee felt the preferable approach was to formulate interpretations of the Statement in terms of the experience gained in implementing and applying the Statement for over thirty years and of adapting it to current needs.

The committee submitted to the two associations for their consideration the following "Interpretive Comments." These interpretations were adopted by the Council of the American Association of University Professors in April 1970 and endorsed by the Fifty-sixth Annual Meeting as Association policy.

In the thirty years since their promulgation, the principles of the 1940 *Statement of Principles on Academic Freedom and Tenure* have undergone a substantial amount of refinement. This has evolved through a variety of processes, including customary acceptance, understandings mutually arrived at between institutions and professors or their representatives, investigations and reports by the American Association of University Professors, and formulations of statements by that association either alone or in conjunction with the Association of American Colleges. These comments represent the attempt of the two associations, as the original sponsors of the 1940 *Statement*, to formulate the most important of these refinements. Their incorporation here as Interpretive Comments is based upon the premise that the 1940 *Statement* is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.

Also, there have been relevant developments in the law itself reflecting a growing insistence by the courts on due process within the academic community which parallels the essential concepts of the 1940 *Statement*; particularly relevant is the identification by the Supreme Court of academic freedom as a right protected by the First Amendment. As the Supreme Court said in *Keyishian v. Board of Regents* 385 U.S. 589 (1967), "Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

The numbers refer to the designated portion of the 1940 *Statement* on which interpretive comment is made.

1. The Association of American Colleges and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to professors in their utterances as citizens, in the exercise of their responsibilities to the institution and to students, and in their conduct when resigning from their institution or when undertaking government-sponsored research. Of particular relevance is the *Statement on Professional Ethics*, adopted in 1966 as Associ-

ation policy. (A revision, adopted in 1987, was published in *Academe: Bulletin of the AAUP* 73 [July-August 1987]: 49.)

2. The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.

3. Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 *Statement*, and we do not now endorse such a departure.

4. This paragraph is the subject of an interpretation adopted by the sponsors of the 1940 *Statement* immediately following its endorsement which reads as follows:

If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher's fitness for his or her position, it may proceed to file charges under paragraph (a)(4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

Paragraph (c) of the section on Academic Freedom in the 1940 *Statement* should also be interpreted in keeping with the 1964 "Committee A Statement on Extramural Utterances" (*AAUP Bulletin* 51 [1965]: 29), which states *inter alia*: "The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Extramural utterances rarely bear upon the faculty member's fitness for the position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar."

Paragraph V of the *Statement on Professional Ethics* also deals with the nature of the "special obligations" of the teacher. The paragraph reads as follows:

As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of other obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Both the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary and the tenured teacher, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities.

5. The concept of "rank of full-time instructor or a higher rank" is intended to include any person who teaches a full-time load regardless of the teacher's specific title. *

6. In calling for an agreement "in writing" on the amount of credit given for a faculty member's prior service at other institutions, the *Statement* furthers the general policy of full understanding by the professor of the terms and conditions of the appointment. It does not necessarily follow that a professor's tenure rights have been violated because of the absence of a written agreement on this matter. Nonetheless, especially because of the variation in permissible institutional practices, a written understanding concerning these matters at the time of appointment is particularly appropriate and advantageous to both the individual and the institution. **

* For a discussion of this question, see the "Report of the Special Committee on Academic Personnel Ineligible for Tenure," *AAUP Bulletin* 52 (1966): 280-82.

**For a more detailed statement on this question, see "On Crediting Prior Service Elsewhere as Part of the Probationary Period," *AAUP Bulletin* 64 (1978): 274-75.

7. The effect of this subparagraph is that a decision on tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one. If the decision is affirmative, the provisions in the 1940 *Statement* with respect to the termination of service of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.

The general principle of notice contained in this paragraph is developed with greater specificity in the *Standards for Notice of Nonreappointment*, endorsed by the Fiftieth Annual Meeting of the American Association of University Professors (1964). These standards are:

Notice of nonreappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

- (1) *Not later than March 1 of the first academic year of service*, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- (2) *Not later than December 15 of the second academic year of service*, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- (3) At least twelve months before the expiration of an appointment after two or more years in the institution.

Other obligations, both of institutions and of individuals, are described in the *Statement on Recruitment and Resignation of Faculty Members*, as endorsed by the Association of American Colleges and the American Association of University Professors in 1961.

8. The freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher's academic performance during probationary status. Provision should be made for regularized procedures for the consideration of complaints by probationary teachers that their academic freedom has been violated. One suggested procedure to serve these purposes is contained in the *Recommended Institutional Regulations on Academic Freedom and Tenure*, prepared by the American Association of University Professors.

9. A further specification of the academic due process to which the teacher is entitled under this paragraph is contained in the *Statement on Procedural Standards in Faculty Dismissal Proceedings*, jointly approved by the American Association of University Professors and the Association of American Colleges in 1958. This interpretive document deals with the issue of suspension, about which the 1940 *Statement* is silent.

The 1958 *Statement* provides: "Suspension of the faculty member during the proceedings is justified only if immediate harm to the faculty member or others is threatened by the faculty member's continuance. Unless legal considerations forbid, any such suspension should be with pay." A suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

The concept of "moral turpitude" identifies the exceptional case in which the professor may be denied a year's teaching or pay in whole or in part. The statement applies to that kind of behavior which goes beyond simply warranting discharge and is so utterly blameworthy as to make it inappropriate to require the offering of a year's teaching or pay. The standard is not that the moral sensibilities of persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally.

Statement on Professional Ethics

The statement which follows, a revision of a statement originally adopted in 1966, was approved by the Association's Committee B on Professional Ethics, adopted by the Association's Council in June 1987, and endorsed by the Seventy-third Annual Meeting.

INTRODUCTION

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research. The *Statement on Professional Ethics* that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and Committee B, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, or the applicable provisions of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*.

THE STATEMENT

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

II. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation,

harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

III. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

IV. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

V. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Challenges to Your Authority and Boundaries



How would you respond to these statements?

1. Faculty Member: "I see Mark doing the same thing all the time. Are you having this conversation with him, too?"

You:

2. Business Manager: "There are stories I could tell about this unit."

You:

3. Faculty Member: "You know, if we can't work this out, I may be forced to go public."

You:

4. Staff Member: "I have a cousin who is an attorney."

You:

5. Senior Technician: "There's no telling what I could do if I go off my medications."

You:

6. Senior Faculty Member: "This is incredible; who would have guessed that the power would go to your head like this? Does the Dean [President] know you're doing this to me?"
You:

7. Faculty Member: "Believe me, you don't want to see what I'm like when I'm angry."
You:

8. Faculty Member: "Don't I have the right to do as I please in my free time? Last I heard, this was a free country."
You:

9. Faculty Member After a Department Meeting About Equalizing Teaching Loads: "You're all ganging up on me because you know how fragile I am right now. I just can't take much more of this kind of treatment."
You:

10. Graduate Student Complainant: "What do you think I should do in this situation?"
You:

11. Faculty Member After Evaluation: "I thought you were my friend. Just where do your loyalties lie, anyway?"
You:

As the new department head, you have just finished your evaluation of the staff. You call the human resources office to ask about the possibility of transferring the longtime business/office manager, Bob Johansen, out of your unit. He is a twenty-two year employee of the institution, the last seventeen in your department.

You have concluded that Johansen must go for a variety of reasons. He is a disruptive force in the office. He is abrupt and condescending with the staff (a strong and good group of employees, in your assessment), sometimes berating them in a loud voice, and he sometimes refuses to perform certain assigned tasks, citing “previous practice” in the department. You often have to check to be sure he has carried out his responsibilities, and you have been chastised by the college office because reports for which he is responsible have been submitted late and often have been incomplete.

The HR staff member queries you about Johansen’s personnel file. You have not previously seen it, but when you retrieve

it, you discover two nominations for the campus Professional Excellence Award (copies of which were provided to Johansen), two annual evaluations rating Johansen’s performance as “superior,” and three rating it as “good.” There are no other evaluations over his entire time in your department, and no indications of any concern about Johansen’s performance, although your associate head tells you that your two immediate predecessors expressed reservations about him. The associate head offers to write down these concerns so you can use them as documentation.

It’s clear to you that Bob is a real problem. One reason you took on these administrative responsibilities was to improve the research profile of the department, and one factor in that is the ease (or difficulty) of getting work done. You know the department has a bad reputation in this area, and you think some aspects of it should be simple to fix, but Bob is stubbornly resistant to the changes you want to introduce. Further, you can see that he’s causing problems for productive staff members. Moving him out seems like the right thing to do.

*What is your next step?
What factors should you consider?
With whom should you consult?*

Moving to the *And Stance*

Inspired by and with permission from William Ury.



Rephrase each of the following prompts to use "and" instead of "but" without changing the fundamental meaning.

1. The first five pages are very good, but your organization and argument deteriorate after that.
2. I'd like to be able to grant your request for a day off, but we will be short-staffed that day already.
3. That sounds like a fascinating story, but I just don't have time to listen.
4. This really shouldn't be turned into a legal situation, but we don't have a good solution yet.
5. I really thought it was going to be a terrible night, but it was actually quite nice.

6. I'm very supportive of your candidacy, but I don't think I will be able to write a letter for you.

7. I did agree you could start looking at conferences, but not that many.

8. I have had terrible experiences with him in the past, but it sounds like a great opportunity for you.

9. I cannot agree with you, but you make a good point.

10. I appreciate your interest in the position but you don't meet our minimum requirements.

11. Thank you for your interest in my work, but I'm unable to accept your invitation.

Besieged by Complaints

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SCENARIO

You are now the head of a large unit in which you have been a faculty member for many years. Until you became head, you were not fully aware of the problems with one of your colleagues, Professor Choler. Now you feel besieged by complaints from staff members about his treatment of them.

You remember, over the years, having received Choler's periodic email messages—sent to the whole department—complaining about one matter or another, but since most of them didn't affect you directly, you paid little attention. You also knew that Choler could be unpleasant at faculty meetings, but he didn't attend very often, and most of his complaints were ruled out of order.

Now, however, both the messages and the conduct at faculty meetings have become your business. In his typical email message, Choler describes a problem, personalizes the fault to a single individual, and recommends a solution that usually involves humiliation, if not discipline, for that person. The people he targets (or, in some cases, their union representatives) are the ones complaining to you and demanding that you take action. In addition, a few faculty members have asked you to "get this

email thing under control" because they don't want to be bothered by any more of his messages.

At meetings Choler uses the same general tactic, usually going out after a particular person with strong language and in a loud voice. This makes some people so uncomfortable that they will not attend if they see him in the room. His victims have been known to leave meetings shaking, or even in tears, after his verbal assaults.

Reviewing the collection of email messages, plus other letters Choler sent to your predecessor, you have noticed a pattern to the situations. Generally he identifies a real problem. For example, his complaint about cumbersome and slow processing of travel vouchers was accurate, but his assignment of blame to a clerk in the business office was (in your opinion, and according to the clerk and her union steward) disproportionate to the problem and her role in processing vouchers. Once Professor Choler picks a target, he rarely lets up until that person leaves the department.

There is no evidence in the files that anyone has ever spoken to Professor Choler about his email tirades or his conduct in meetings.

*What are the issues?
What steps should you take?*

Situation Analysis



Change the Environment: Protect the productivity, creativity of the members of your unit from impairment by the conduct of others.

1. Characterize the Problem

- What are the symptoms?
- How far back do they go?
- How many people are affected?
- Is there a pattern in the target/s?
(Status? Power level? Location? Sex? Nationality?)
- What efforts have been undertaken?
- What were the results?
- Is this a person who is capable of conforming his or her behavior to expectations if it is required?

2. Know your Goal

- What do you realistically hope to achieve?
- What does “success” look like for you?
- How will you know if you achieve it?
- Can you identify milestones for tracking progress?

3. Inventory Support

- What support is there from above?
- What support is there in your unit?
- Where can you turn for personal support?
- What policies or procedures might apply?
- What is your authority in this situation?

4. Review Options

- Speaking out (*How? What? Practice? Participants?*)
- What are logical consequences of the conduct?
(imposing limits on options, time, contacts, etc.)
- Oversight in specific areas, and if so, which ones? (*financial, students, etc.*)
- Develop a letter of expectations: what can and should be expected?
- To respond each and every time, what can and should you be doing?
- What is your authority in this situation?

5. Make a Plan

- Who is on your team?
- How are you characterizing the situation?
- Are the goals shared?
- What are the steps?
- Who does what, and when?

Guidelines for Developing Personal Scripts



Personal scripts are words you prepare in advance—and practice—for predictable or anticipated situations that arise at work.

1. Prepare: be ready to consider alternative explanations, especially that you might be wrong. Be as calm as possible. Assess your goals and match your actions to your goals.
2. Leave time and conversational openings for the other to respond:
"I'd like to explain my concerns and then I hope you will be willing to share your reactions with me."
3. Use neutral language to describe the situation:
"I'd like to understand more about why..."
4. Soften your introductory phrases to leave room for a misunderstanding:
"I might have misunderstood. Could you explain the policy to me again?"
"Maybe I'm confused. As I understood the regulation, it would lead to a different outcome. Could you help me understand where I've gone wrong?"
"At the training session, the handouts we received provided a different interpretation. Do they not apply in this situation?"
5. Use very low-key language. Strip all accusatory, blaming or angry words out of anything you say. Avoid adjectives.
You stated... *I saw/noticed/observed...*
6. Stay factual.
"The records show you arriving late six times this month."
"I noticed a strong smell of alcohol on you on Wednesday afternoon at 2:30; others have reported the same to me. I have seen you apparently having difficulty navigating your lab."
7. "Use "I" not "you" messages:
I'm confused; *I wonder...?*
I'm concerned;
8. Ask questions, do not make charges.
Why do we do it this way? *Who else does it this way?*
How will this affect ... ? *Have I understood properly?*
"Is there someone who could help me understand?"
"Did I receive a copy of that? My records do not show receipt."
9. Thank the other person for listening, for reflecting on the situation with you, for making recommendations and for taking time to help you find an answer to your question.
10. If followup is desirable or required, set a time, place and method. Say "thank you" again!

Generally useful:

I'm not comfortable discussing that.

Can you help me understand?

"I hear what you're saying and I respect how strongly you feel."

Let's agree to disagree for now and both go have a good think about this. Let's try again tomorrow

To buy time to think:

Could I get back to you on that in just a bit?

May I take a moment to think this through?

That's more complicated than what the time available will permit. How about tomorrow at 2?

I'd like to make sure I you a carefully considered response; could I get back to you in X minutes?

Wow, I really need time to reflect on that one. Will it be ok to tell you in 20 minutes?"

In an awkward situation, focus on the interests of the other person:

I want to be sure that I do the very best job for you so. . .

You're testing me, right?

It seems really important to get this right the first time so the paperwork doesn't get kicked back and the job stays done.

Oh I'd be so uncomfortable I know I couldn't do the job well. Let me think of another way to do it so it reflects really well on our group.

Remember The Rules for Having Disputes at Work

1. Consider alternative explanations (especially that you may be wrong)
2. In light of rule one, ask questions, do not make charges
3. Figure out what documentation supports your concerns and where it is
4. Separate your personal and professional concerns
5. Assess your goals
6. Seek advice and listen to it

Complaint-Handling Guidelines



Basic tips and hints for fielding complaints, whether you are responsible for a lab group of three or a department of 100 faculty members.

Many people become scholars or scientists because they are more comfortable dealing with ideas than with people. But it turns out that laboratories and departments are full of people and, where people work together, frictions and complaints arise. Dealing with these problems falls into the category of administrative work—it's certainly not scholarship or research. This work is complicated by the fact that when someone first comes in the door with a complaint, it is not always easy to tell what the problem is (the person him- or herself might not even know) or what resolution might be appropriate.

Here are some basic tips and hints for fielding complaints gleaned from the experiences of others, whether you are responsible for a lab group of three or a department of 100 faculty members, support staff and students.

Setting Boundaries

Many people will seek your guidance about problems that you didn't cause and probably cannot fix. If you have the time to spend listening, that's great. If you do not, you'll need to focus the time you are able to allocate to the topic. There are occasions when you will have the time to deal with the problem immediately. Other times, however, you may be in the middle of something, or have other obligations. In those circumstances, do not hesitate to ask the individual to set up an appointment for another time. Acknowledge your interest in the topic, as well as your desire to have adequate time and focus to have a discussion; then excuse yourself. It often helps to stand up and walk the person out of your office if you are having difficulty bringing the interaction to a close.

Beyond time-based boundaries, it's also useful to develop a concept of topical boundaries. Be wary of confusing personal and professional roles. You can be cordial and warm without

offering or receiving confidences that are more appropriately shared with friends, family member and therapists. If the person meeting with you appears to be seeking advice more normally offered by people in those roles, refer them to available resources; do not take on the role yourself. In turn, you need to establish your own boundaries and not bring your personal problems into workplace interactions, especially with those subordinate to you.

Finally, you will need to learn the boundaries of privacy and confidences. Unhappy people will sometimes tell you things you wish they hadn't. (How much did you really want to know about her ex-husband's peculiar sexual habits?) When that happens, you may want to talk about it with someone else, either to help you work out a good approach to the situation or simply to express your amazement at the range of human conduct. Curb that impulse to the maximum possible extent. If you must seek counsel, find the most discreet person you can, preferably

someone outside your immediate context. Academic departments are very small communities, and even veiled comments can start the grapevine in ways that will be damaging over time both to the person who offered the confidence and to your own reputation. Cultivate a reputation for trustworthiness by keeping confidences. If your role requires you to act upon information you receive—for example, if someone reports mistreatment of human subjects in an experiment in your department—tell the person that you will be unable to keep that information confidential. Say whom you must tell and why. Offer to protect the source only if that is truly within your abilities.

Key Sentences

A good friend of mine prepares for every contentious meeting by knowing what her first sentence is going to be. If she knows that, she says, she can wing it from there. Picking up on that idea, here are some handy sentences to have on hand:

“What action do you seek from me?”

If the person you’re meeting with is upset, you may need to keep repeating this question. The goal here is to set boundaries on both your time and the topic, as well as to focus on the desired outcome. You may be surprised at how little the person actually seeks or how simple the problem may be to resolve to mutual satisfaction. If the person simply seeks to be heard out, and neither wants nor expects action from you, it is best to confirm that directly. Often, talking through the problem will help clarify a course of action for the person to follow on his or her own. If, on the other hand, the person does seek action from you, seek the most direct statement possible of that is sought. In that case, the second sentence is often useful.

“Just as I listened carefully to your presentation, I need to find out how the other

people involved perceive this matter. I will get back to you after I have done that.”

This is an application of one of the most critical of the guidelines for handling complaints, namely that you should never act after having heard only one side of a story. (And sometimes, no action at all is the best response). You can stress that you have no reason not to believe what the person has told you, but that you have an obligation to hear more before acting. It is useful to provide an indication of when you expect to be able to get back to the person with whom you are speaking. If it takes longer than you expect, notify the person of the delay.

If someone threatens to sue you, the University and everyone you ever met, smile calmly and say

“You need to do what you need to do.”

It is not your job to provide advice or counsel to someone wishing to pursue legal options, or even to consult on whether to obtain legal advice. Explain that you don’t handle legal complaints and see if there are other items that can be constructively discussed. Call the University’s lawyer to explain the situation as soon as the meeting is over if you think legal consequences are a real possibility.

With these sentences in your pocket ready for use, here are the guidelines for handling complaints:

Guidelines for Handling Complaints

1. Don't Take it Personally.

To the maximum extent possible, do not take problems and complaints personally. Do not get defensive when people complain, and do not jump to conclusions about their causes or solutions. Explore whether the person actually seeks any action from you (remember the key sentences) or whether talking with you is as much as is necessary for the time being. Thank the person for reporting the problem—better you know about it than you don’t, especially if

it turns out to be a misunderstanding—and then set about collecting the facts. Keep your demeanor cordial and courteous. Focus on understatement, not emphatic rhetoric. Replace “that’s the stupidest idea I’ve ever heard” with the phrase “I am having trouble understanding this; can you explain it again for me, please?”

Remember that in your administrative role, you may need to attend to issues against your wishes or your natural inclinations. While some problems may go away if ignored, the serious ones rarely do. Those are almost always more easily resolved when caught early. Thus, you need to find out what the person seeks as economically as possible (in time as well as emotional energy), see who is the appropriate person to act (if at all), and use key sentence number two (“I must find out how others perceive this matter..”). Then go on to the next step.

2. Never Act on a Complaint Without Hearing (At Least) Two Sides to the Story.

Most complaints and problems stem from different perceptions of subsets of the same facts. Arm yourself with as complete a sense of the situation as you can get before you commit to a course of action. Do not accuse people when you ask; simply inform them in a low-key way that a problem has been brought to your attention and you need to collect basic information on it.

3. What “Everybody Knows, Nobody Knows.”

This is a corollary to the preceding precept. If someone tells you about a problem and asserts that “everybody knows” that it is happening, this is a good time to start asking how the person reporting it comes to know about it, and also for dates, times, places and the names of other people who have relevant information. It is remarkable how many widely known “truths” have no factual basis.

4. When in Doubt, Leave it Out.

If the sentence about to come out of your mouth begins “I know you won’t like hearing this, but...” or if your better judgment is telling you not to say something, don’t say it. This rule also applies to written communications. Short is better than long in contentious situations. The more words you offer, the more there is to nit-pick. Emphasize facts and decisions, ask quiet questions, and avoid explanations of motives.

5. Never Attribute to Malice that Which Incompetence Will Explain.

We are far too fast to attribute bad motives to others when, most of the time, bad things happen through inattention, inaction, or miscommunication. The first step when concerned about something that’s going on is to ask about it: “Is this right?” “I must not understand fully; can you help me?” “How can this be reconciled with our decision to do X?” Quite often, we haven’t understood. Another useful technique is to repeat back what you have heard the person say until you’ve got it right. Sometimes, miscommunication is complicating the situation. Other times, more rarely in my experience, something is truly amiss and requires action. But asking first, and applying the Golden Rule (“Do unto others as you would have others do unto you”), will together resolve an extraordinary number of apparent problems.

6. Say What You’ll Do and Do What You Say; Set the Time Frame.

Once you’ve decided upon a course of action, even if it’s just to talk to various people to gather information, follow through on it. Nothing will compromise your credibility more than to make commitments you do not fulfill or to declare boundaries you do not enforce. Just as some parents unintentionally train their children to have temper tantrums in grocery stores by providing candy to calm public misbehavior, you too can train people to behave

inappropriately if by doing so they can get you to bend or break announced rules.

For example, every now and then, you may encounter a person who has become a committed (or even an obsessed) grievancer: every possible waiver or exception is sought and every denial or other incident becomes the basis for a formal grievance pursued to the maximum possible extent. If, through exhaustion or a wish for a simple solution, you grant an exception or waiver to such a person when you normally would not, you may find that you have simply reinforced the grievancing habit, and actually made your job harder, rather than easier.

7. In the Absence of Facts, People Make Them Up.

What they imagine is usually worse than the reality. Don't leave people who are distraught or worried hanging for long periods of time. (The definition of a "long" period of time will vary proportionately with how upset the person is.) Form the practice of telling people what steps you will take; when you will get back to them; and that you will notify them if your concept of the time frame alters. Then stick to your word. You may also want to invite the person to contact you if circumstances, including his or her level of anxiety, changes in any way before you are scheduled to respond.

8. Keep Notes.

You do not have to transcribe meetings word-by-word, but have some reasonably orderly system for noting the date, who was present and the gist of meetings that involve complaints. The longer you leave matters unrecorded, the more creative later renditions will become. Contemporaneous notes are much more useful than subsequent recreations.

If a problem escalates and comes under scrutiny from an external agency or becomes the subject of a lawsuit, these notes may later be made public or be given to others through the

operation of freedom of information acts, laws permitting of employees to inspect personnel records, or the discovery process associated with lawsuits. That does not mean you should not take and keep notes; it merely makes it all the more important that the notes are confined to factual matters. If you have stray judgments or editorial comments upon the complaint or person before you, these notes are not the place to record them. (An attorney representing a university [not my own!] in a sticky case once told me about the dilemma presented by a department head's notes of a pivotal telephone conversation that contained marginal doodling and comments like "what a jerk!" and a drawing of a firing squad. Do not put yourself in such a position.)

If you're worried that your advice wasn't clearly heard, send a short note—even by email—confirming that you met and sketching out the kinds of things you said. Your note can read like this: "Thank you for coming to see me. I found it useful to hear about your concerns. As I said in our meeting, I will seek additional information on this situation because I had no previous knowledge of it. I expect to get back to you by a week from Thursday. If there is any change in this schedule, I will notify you." Follow the maxim that good news can be put in writing, but bad news should be delivered in person (even if sensible practice often requires that it be confirmed after the fact in writing).

9. Trust Your Instincts.

If you feel anxious or fearful when dealing with a situation, trust your instincts and call upon someone else in the university for help—but choose someone who will not talk about the situation beyond appropriate boundaries. Unfortunately, we live in a world where troubled people sometimes cause harm to themselves or others. Most places have people who deal with difficult problems and people, who will be able to help you—but only if you call upon them. No one will think less of you

for asking, and it is far better to be safe (or even to feel foolish) than to be sorry.

10. Some Problems Require Formal Process.

There are some situations you should not try to handle informally or by yourself. Virtually all formal personnel actions (reprimands, discipline, terminations, etc.) fall into this category. Beyond that, use formal process if:

- 1) the situation involves people who are extremely volatile or where the power differences are unusually large—for example, a starting student is complaining about the conduct of the star faculty member in a department,
- 2) the problem has deep roots (when people start to tell you about it, the first event they want to describe is five or ten years ago);
- 3) it involves allegations that, if true, are extremely serious or possibly criminal; or
- 4) three or more of the people in the situation have sexual relationships with each other.

For various reasons, each of these situations will be so complex that you will benefit from the application—and protection—of prescribed procedures. For circumstances falling into these categories, it is a good practice to acquaint yourself in advance with the resource people on your campus. They may be in an employee assistance program, a human resources office, the counseling center, or even the provost's office. Find out who they are and what they have to offer before you have an emergency on your hands.

There are also circumstances in which you should not meet one-on-one with another person. It pays to have a witness or another participant in a meeting when emotions are running very high, when you are delivering bad

news, when the individual with whom you are meeting is extremely volatile, or when your experience with the person is that he or she has selective hearing. For example, if you've found that saying "I can not make any promises, but I will inquire into the situation" turns into "You promised you would have that result changed," then do not meet with that person again alone. If the person has a history of turning against those who have tried to help (e.g., by filing charges against them), then don't meet that person alone. In those situations, having a witness to what was actually said (and who notes it down at the time or immediately afterward) is a sensible precaution.

Two concluding thoughts for handling problems as you reach the conclusion of your process:

No Good Deed Goes Unpunished: The Doctrine of False Compassion

Mostly, you cannot rescue people from the natural consequences of their own bad choices. It pays to give extra chances to the young, especially in an educational institution. Compassion is misguided, however, when it keeps people from experiencing the serious consequences of their own actions (especially repeated ones), or when its overall effect disadvantages someone else. Recall that unreasonably extending the extra chances of a person with marginal qualifications or achievements is likely to be leaving another more qualified person without a seat in an educational program or a chance at a tenured position.

Even worse than the disadvantage to another is the likelihood that false compassion will cost time and money. Remarkably often, a person who is granted an exception against good practice and good judgment will become a repeat customer, seeking one compromise after another. When the line is finally drawn, it will incur unpleasant consequences, and even wrath. The resulting problem will be much more

difficult to handle than the outcome of an even-handed application of the rules. Even worse, granting exceptions to well-designed rules may, over time, make those rules unenforceable and open the institution to claims that exceptions are granted arbitrarily or in a discriminatory fashion. If a rule is so harsh in its effect that those responsible for its enforcement are constantly seeking ways not to enforce it, it is far better to re-examine and revise the rule than to apply it (or not) on an ad hoc basis.

After a Transgression, Assess Comprehension, Responsibility and Remorse

At the conclusion of an internal review of conduct, if the result is a finding that rules have been broken, especially in the case of serious violations, it is critical to assess three factors before deciding upon the actions to take against the violator. Educational institutions should believe in the value of forgiveness and rehabilitation, but must do so in a clear-sighted way. In many circumstances, there will be an intuitive identification with the violator, especially if that person is young, much like those responsible for imposing sanctions, or has received many years of advanced (and expensive) training. The impulse will be to preserve that person's career, if possible. The following three factors must be carefully assessed before moving in that direction:

- a) Does the transgressor understand the nature of the offense? That is, is there understanding of the rule, why it

exists, and why it matters that it was broken? Or is the transgressor's response that the rule did not really matter, that it only applied to others anyway?

- b) Is there an acceptance of responsibility? Does the rule-breaker agree that he or she is the one who took the action in question, or is it someone else's fault? Or was it really the fault of the secretary, the student, the colleagues, or the system, which imposed so many pressures, that the rule had to be broken? Without an acceptance that he or she is responsible for his or her own conduct, rehabilitation cannot take root.
- c) Has the rule breaker said he's sorry for breaking the rule, taken any action to prevent recurrence or to apologize? Or is he mostly sorry he got caught?

Without comprehension of the import of the rule, acceptance of responsibility for its violation and remorse for the actions at the root of the situation, as well as for their effects, a rehabilitation plan will be a waste of time. In that situation, the institution should consider imposing a meaningful penalty, with the goal of reinforcing its overall ethical environment: the message to all those who do not commit serious transgressions should not be that crime does pay, after all.

In all of these situations, think about what a university is (or should be) trying to achieve from the perspective of its multiple constituencies. In its educational mission, it must do more than provide topic-specific instruction and training. Undergraduates care about the totality of their experience, especially on residential campuses, including being treated consistently with respect. Graduate education must provide the tools for students to undertake a complex transformation from being consumers of knowledge to becoming creators of knowledge. In turn, this requires personalized guidance throughout a student's time at the University. Faculty and professional employees care not only about their paychecks but seek interesting colleagues, good facilities, and intellectual stimulation.

All employees care about fair and even-handed treatment. External constituencies seek value for their investments in the university (whether through state allocations for public universities or through federal research funding for all universities), and they seek accountability. Alumni seek to be proud of their home institution—and not to read about its scandals in the newspaper. The list could go on. This multiplicity of constituencies means that it is worthwhile thinking in a very broad sense about what constitutes an ethical environment, and how to meet those expectations.

The good news is that a little common sense goes a long way in dealing with problems, especially if you apply these rules relatively consistently. When you lapse, don't beat yourself up; accept that you goofed and try to figure out how to set about fixing what can be fixed. And because you've managed such good boundaries, try not to take the problems home with you—have a personal life that you enjoy.

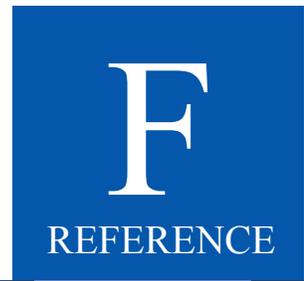
Vibrant Units (0 to 5)

Warning Signs (0-3)

Challenged Units (0 to 5)

_____	Respectful dealings among colleagues, department	_____	Complaints disproportionate to other units, campus	_____	Serious misconduct: discrimination; sexual; financial; criminal, etc. (arrests, lawsuits...)
_____	Openness, transparency, shared governance	_____	Email and/or social media wars, harassment, silos, conflict aversion	_____	Culture that suppresses or hides problems; punishes reporting; faculty schisms, battles, flareups
_____	Culture of excellence and quality; strong candidates	_____	Weak or ineffective hiring, requests for transfers, departures	_____	Repeated inability to hire, retain quality faculty, staff
_____	Support and mentoring for faculty and students alike	_____	Weak P&T practices; many terminal associate professors	_____	Toxic atmosphere, especially for junior faculty, students
_____	Open discussion of ideas and research; high productivity	_____	Declining scholarly indicators (productivity, PhDs, PhD placement, time to degree...)	_____	Scholarly standing below university's; uneven in unit
_____	Distributed service responsibilities, aligned with faculty strengths	_____	Financial disarray	_____	Departmental business at a standstill; in gridlock
_____	High level of communication — willingness to listen, compromise; problems addressed, not submerged	_____	<i>Ad hoc</i> practices; forum-shopping; seeking desired answers from different officers; hiding problems	_____	Lack of transparency, hidden agendas; faculty involve students in disputes
_____	Curricular innovations, adaptations to meet changing student, campus, needs	_____	Enrollment declines, lack of curricular innovation	_____	Curricular stagnation, lack of student interest in offerings; outdated curriculum
_____	Leadership has high expectations, uses policies, makes decisions, builds community	_____	Bimodal evaluations; generational discord; externalizing problems	_____	Weak or autocratic leadership; different messages to different audiences; meddling by previous leader of unit
_____	Collective vision of goals and priorities.	_____	Limited sense of priorities	_____	Many individual priorities without shared purpose
_____	TOTAL _____	_____	TOTAL _____ (subtract)	_____	TOTAL _____ (subtract)

Data Points to Consider



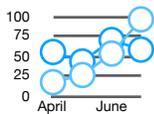
Graduate Environments



PhD throughput and graduation rates



Exit surveys



Transfer rates

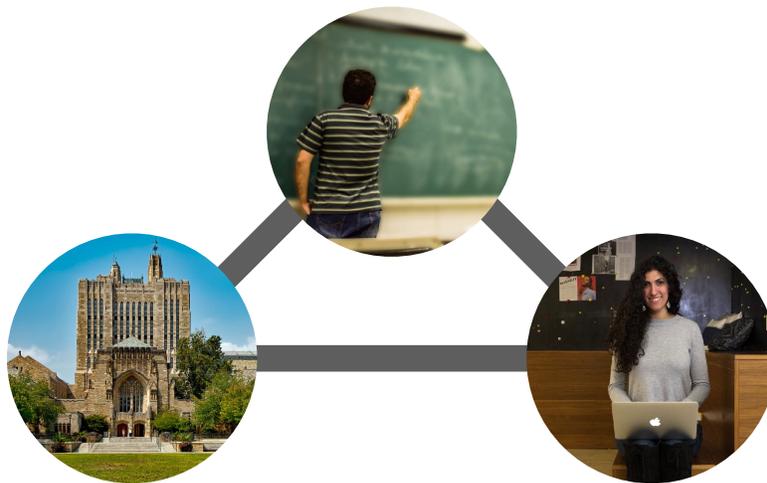


Participation in publication and authorship



Climate surveys with safeguards for power imbalances, adapting SOURCE scales

Interlocking Roles & Responsibilities



Institutional Leadership

- 📈 Monitor appropriate institutional data sources
- 🌐 Multiple entry points for problem situations
- 🔧 Right-sizing programs: future careers
- 🐷 Benefits and resources
- 🎓 Professional development programming, support
- 🛡️ Mentoring committee and structures



Faculty

Leadership development for conflict, lab management 

Overcome “hazing” mentality 

Knowledgeable about motivation and constructive feedback 

Mentoring skills, responsibilities 

Transparency; accountability; rigorous science; authorship 

Roles and responsibilities; boundaries 



Students

- ⚙️ Take responsibility for careers
- 🏆 Choose colleagues and mentors for character
- ⚡ Have disputes professionally
- 🔍 Know, guard against Career TRAGEDIES
- 🔌 Build a network
- 🗣️ Self advocacy; seek help for problems; sounding boards
- 📖 Take advantage of resources
- ⬛ Don't pass on bad treatment you received



