Article I. Title

This code shall be known as the Code of Faculty Rights, Responsibilities, and Conduct. Nothing in this document shall contravene the University Senate Code, University Senate Rules and Regulations, the Faculty Senate Rules and Regulations, or duly published Board of Regents regulations on conduct.

- END ARTICLE I -

Article II. Definitions

When used in this Code:

1. The term “University” means the University of Kansas, and collectively, those responsible for its control and operation.

2. The term “student” includes all persons taking courses at the institution, both full-time and part-time, pursuing undergraduate, graduate or extension studies.

3. The term “faculty member” includes all persons specified in Article IV, Section 1, of the University Senate Code as it may be amended from time to time, other professional members of the library staff, instructors, research personnel of rank comparable to those above enumerated, and any person hired by the University to conduct classroom activities. Determination of a person’s status as a “faculty member” or a “student” in a particular situation shall be determined by the surrounding facts.

4. All other terms have their conventional meaning unless the text dictates otherwise.

- END ARTICLE II -
Article III. Faculty Rights

The following enumeration of rights shall not be construed to deny or disparage others retained by faculty members as members of the University community or as citizens of the community at large:

Freedom of inquiry, expression, and assembly are guaranteed to all faculty members.

The right of faculty members to be secure in their persons, offices, papers, and effects against unlawful searches and seizures is guaranteed.

Faculty members shall be exempt from disciplinary action except for conduct proscribed in Article V.

No disciplinary sanctions listed in Article VI may be imposed upon a faculty member without notice of the charges against him or her and the opportunity for a hearing before the Judicial Board or before the Faculty Senate Faculty Rights Board. The Judicial Board shall have jurisdiction if the recommended sanction is a “warning” or “restitution.” The Faculty Senate Faculty Rights Board shall have jurisdiction in all other cases. At any such hearing, the faculty member shall have all rights afforded under the University Senate Code and the University Senate Rules and Regulations to a party before the Judicial Board.

Faculty members, groups, and organizations may invite and hear any persons of their own choosing, subject only to the requirements for use of University facilities.

Faculty members shall have the right to participate in the determination of school, department and University policies as stated in Article I, Section 1, of the Faculty Senate Rules and Regulations.

Subject to reasonable conditions imposed to regulate the timeliness of requests, to determine the appropriateness of the space and time of use requested, and to insure proper maintenance, University facilities shall be made available for assignment to faculty members, individually or in groups, even though not formally orga-
nized; preference may be given to programs designed for audiences consisting of members of the University community.

Faculty members, groups, or organizations may distribute written material on campus without prior approval. The person or persons responsible for such material must be clearly indicated. The use of campus mail for political purposes is not permitted. Its use for solicitation requires prior approval by the Office of the Chancellor.

- END ARTICLE III -

the provisions of FSRR 7.2, the faculty member shall have the right to examine the contents of such files and notify the Provost of any inaccuracies or missing information in the files.

6. Faculty members have a right to be secure in their persons, offices, papers, and effects against unlawful searches and seizures.

7. Faculty members have a right to due process in all disciplinary matters. Faculty members have the right to peer judgment through the hearing process. The sanctions listed in Article VI of this Code may not be imposed upon a faculty member without notice of the charges against him or her and the opportunity to request a hearing before the Judicial Board or the Faculty Rights Board. The Judicial Board shall have jurisdiction if the recommended sanction is a “warning” or “restitution.” The Faculty Rights Board shall have jurisdiction in all other cases. If the faculty member requests a hearing, the University will stay imposition of the sanction pending disposition of the request. The opportunity for a faculty member to request a hearing before the Judicial Board or the Faculty Rights Board is subject to University Senate Code, University Senate Rules & Regulations, and Faculty Senate Rules & Regulations as applicable. The Office of University Governance can provide further information.

8. Faculty members, groups, and organizations may invite and hear any persons of their own choosing, subject only to the requirements for use of University facilities, the University policies on fundraising, political activity, and solicitation, the Board of Regents policies on political activity and solicitation, and other relevant policies.

9. University facilities shall be made available for assignment to faculty members, individually or in groups, even though not formally organized, subject to University and Board of Regents policies on facilities use. Preference may be given to programs designed for audiences consisting of members of the University community.

10. Faculty members, groups, or organizations may distribute written or electronic material on campus without
prior approval so long as the distribution is consistent with University and Board of Regents policy and state and federal law. The person or persons responsible for such material must be clearly indicated.

11. Faculty members have the right to pursue opportunities for improving their skills and developing their talents related to their responsibilities as teachers and scholars contingent upon the availability of resources and compliance with applicable University and Board of Regents policies (e.g., travel, conflict of interest, leaves, class schedules, etc.).

12. Faculty members have the right to engage in a limited amount of outside work, for pay or without pay, in accordance with state ethics laws and Board of Regents and University policy on commitment of time, conflict of interest, consulting, and other employment.

13. Faculty members have a right to legal defense as specified by the Kansas Tort Claims Act.

14. Faculty members have the right to be evaluated annually according to University policy. Each faculty member shall receive from the departmental chairperson or dean a written statement evaluating his/her performance during the preceding year. Typically, the faculty member will be evaluated on teaching, scholarship, service, and/or professional performance consistent with University and unit expectations, the position, and approved allocation of effort.

15. Tenured faculty may be removed only for cause, in cases of program discontinuation, or in cases of bona fide financial exigency consistent with FSRR 6.1.2. The University will follow established policies and procedures in such cases.

16. Faculty members have the right to utilize applicable grievance procedures without retaliation.

- END ARTICLE III -
Article IV. Faculty Responsibilities

The responsibilities of the faculty as a whole are multiple and are not to be construed as narrowly limited to any specific list. The same is true of the responsibilities of individual faculty members. Nonetheless the major responsibilities are traditionally divided into teaching or its professional equivalent, research, and service. These are the criteria used in awarding promotion and tenure, and they are also the criteria used in faculty evaluations. Each faculty member shall be evaluated annually and shall receive from his/her departmental chairperson or dean a written statement evaluating the performance of the faculty member during the preceding year. Typically the faculty member will be evaluated on teaching or its professional equivalent, research and service. Although each faculty member is expected to perform at least adequately in all three areas over time, outstanding effort or performance in any one area because of institutional needs or personal inclinations may, with the approval of the departmental chairperson or dean, offset less effort (but not below acceptable performance) in another area in any given year or approved period of time.

Teaching

Faculty who teach are expected to teach courses in their department or school in accordance with the needs, requirements and expectations thereof and the general requirements concerning the conduct of classes specified in various University regulations.

Good teaching requires continual application and effort. Faculty who teach are expected to keep abreast of new developments in their fields and must maintain credentials as scholars so that they are part of the creative process by which the frontiers of knowledge and culture are continually being expanded. A teacher should be engaged with his/her particular discipline and should be able to convey to the students the value of the subject.

Teaching duties of a professor include not only classroom activities, but also such duties as preparing course syllabi, lectures and examinations; being available for...
consultation; supervising independent work undertaken by students; directing theses and dissertations; evaluating students; advising; and participating in curriculum planning. A professor is expected to treat students with courtesy and to respect their rights, including, but not limited to, academic freedom and those rights as outlined in the Student Code of Rights and Responsibilities.

Academic advising is a part of the teaching responsibility of faculty who teach. In the case of non-teaching faculty, comparable professional responsibilities shall be those defined by their departments and the relevant standards of their disciplines.

d. A professor is expected to treat students with professional courtesy and to respect their rights, including, but not limited to, academic freedom and those rights as outlined in the Student Code of Rights and Responsibilities.

e. Teaching responsibilities include prompt and regular presence during scheduled class hours whether in a physical classroom or online, as appropriate to the mode of course delivery. In the case of forms of online course delivery that do not involve regular meeting times for the entire class, teaching responsibilities include meeting unit expectations for other forms of student – teacher and student – student interaction. With the exception of illness or family emergency, a faculty member must make satisfactory advance arrangements and obtain his/her chair’s or dean’s approval if he/she will be absent from class or unable to meet his/her online teaching responsibilities, or if he/she needs to change a class time or location. Such approval will be granted only if it is determined that these arrangements are made for sound academic reasons and do not cause undue hardship for any student and will be timely communicated to the students by the faculty member.

f. Academic advising is a part of the teaching responsibility of faculty who teach.

2. Scholarship

Faculty members have the responsibility to engage continuously in scholarship consistent with University and unit expectations, the position, and approved allocation of effort. Scholarship encompasses not only traditional academic research and publication but also the creation of artistic works or performances and any other products or activities accepted by the academic or professional discipline as reflecting scholarly effort and achievement. Scholarship should be subject to the critical scrutiny of peers and should expand the frontiers of knowledge and culture.
Publication is the normal outlet for research in many areas other than the visual and performing arts. Scholarship that does not result in publication or public performance may be valuable for keeping one’s teaching current, but it does not subject one’s ideas or performance to the critical scrutiny of peers necessary for expanding the frontiers of knowledge and culture.

Service

Service covers faculty activity in a number of different areas.

Service to the academic unit. Service to the academic unit is expected of all faculty. It is essential that all members of the academic unit participate in the decision-making necessary for the working, and ultimately, the health of the academic unit. Ideally each faculty member participates regularly and fully in the academic unit’s activities. Faculty members are typically expected to attend faculty and unit meetings; to serve on committees; to contribute to planning, development and scheduling activities of the academic unit; where appropriate, to review graduate students; and to refrain from activities that disrupt proper operations of the academic unit.

Service to the School and the University. Faculty members are expected during the period of their employment at the University to bear their fair share of committee work on the levels of the school and the University.

Service to the Profession. Faculty members are expected to be active in their professional fields. This includes belonging to and taking part in the professional activities of their field on the local, regional, national or international levels, as appropriate to the discipline.

Service to the community, state, Nation, World. The use of academic expertise to help community, state, nation and world is appropriate service, although the extent to which one contributes outside the University depends on one’s field, inclination, opportunity, and other relevant factors.

4. Professional Performance

For library faculty and some unclassified academic staff with faculty equivalent rank, responsibilities include the performance of professional activities consistent with stated University and unit expectations for the position. Faculty members are expected to perform professional responsibilities satisfactorily, with due diligence, and in conformance with professional standards.
Additional Faculty Responsibilities

Of the many responsibilities of faculty members, the following are enumerated because of their importance for the maintenance of appropriate faculty-student relations:

Protection Against Improper Disclosure. Information about student views, beliefs, and political association that professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student. 1

5. Additional Faculty Responsibilities

In addition to the responsibilities listed above, faculty members shall:

a. Be aware of federal and state law, Board of Regents, and University policies and regulations and comply with them.

b. Respect the confidential relationship between the University and its students by preserving the privacy of all records relating to students and protecting student information from improper disclosure.

c. Receive prior approval from the Office of the Chancellor when distributing written or electronic materials for solicitation purposes. Refrain from the use of campus mail and campus electronic communications devices for political purposes.

d. Use technology in a responsible manner in accordance with guidelines and policies.

e. Refrain from knowingly furnishing false information to the University, or forging, altering, or misusing University documents or instruments of identification.

f. Respect the rights and academic freedom of students, staff, and faculty members.

g. Refrain from engaging in behavior in the discharge of duties that violates commonly accepted standards of professional ethics as defined, for example, in the statement of professional ethics adopted by the 52nd Annual Meeting of the AAUP, April, 1966. Abusive or unprofessional treatment of students, faculty, or other members of the University falls within this category, e.g., see the University policy on consenting relationships. Also proscribed is any form of discrimination, including sexual harassment, as outlined in federal and state law and University policy.

h. Refrain from plagiarism, misrepresentation, and fraud in performance of responsibilities.
i. Refrain from committing an act that involves such moral turpitude as to render the faculty member unfit for his/her position. As used in this section, conduct involving moral turpitude means intentional conduct, prohibited by law, which is injurious to another person or to society and which constitutes a substantial deviation from the accepted standards of duty owed by a person to other persons and society.

- END ARTICLE IV-

*NOTE - Article V in the Proposed 2016 Code describes specific actions related to Administrative Leave Without Pay. This information was included in Article IV of the 1971 Code.*
Faculty members shall accord respect to the essentially confidential relationship between the University and its students by preserving to the maximum extent possible the privacy of all records relating to students.

A member of the faculty is expected to meet classes at the regularly scheduled hour and to carry out his or her other academic responsibilities. If a faculty member considers it necessary, for sound academic reasons, to move a class to another time, advance notice must be given to the class and arrangements must be made to assure that the change does not work undue hardship on any member of the class.

If prevented from meeting classes or carrying out other academic responsibilities, a faculty member must, if physically able to do so, make satisfactory advance arrangements and communicate, preferably in writing, the nature of these arrangements to his/her chairperson (or dean if the school in question is not organized departmentally). Such arrangements are subject to the approval of the appropriate chairperson or dean. Each department or school must define what arrangements are considered “satisfactory” in that unit, and appropriately publicize its definition.

Failure to comply with the procedures outlined in the preceding paragraph may result in the placement of the faculty member on administratively determined Leave Without Pay by the Provost. When such Leave Without Pay is imposed, the Provost shall notify the faculty member that the Leave Without Pay shall cease, and the faculty member shall resume pay status, upon the faculty member’s notification to the Provost that the faculty member has resumed his/her attendance or academic responsibilities or otherwise made satisfactory arrangements that have been confirmed by the chairperson or dean. Upon receiving notice from the Provost that a faculty member has been placed on Leave Without Pay, the Faculty Rights Board shall immediately begin an expedited review to determine whether the Leave Without Pay was properly imposed. The Faculty Rights Board shall make its determination no later than 10 working days from the date it was notified.
the notice shall advise the faculty member that if he/she believes the Leave Without Pay to have been improperly imposed, review may be sought by requesting a hearing before the Faculty Senate Faculty Rights Board pursuant to Article XV, Section 3, item (vi) of the University Senate Code.

- END ARTICLE IV -

Article V. Proscribed Conduct
Such conduct includes the following categories:

Willful failure of a faculty member to carry out his/her academic responsibilities. The gravity of such failures may vary. The failure to meet a class is more serious, as a rule, than failure to attend a committee meeting. Cumulative absences or failures to perform even in less grievous matters are more serious than occasional lapses over long periods of time.

Violation of lawful published University regulations.

Knowingly furnishing false information to the University, or forging, altering, or misusing University documents or instruments of identification with intent to defraud.

Failure to respect the rights or academic freedom of students, staff or of other faculty members.

Behavior in the discharge of his/her duties that violates commonly accepted standards of professional ethics as defined, for example, in the statement of professional ethics adopted by the 52nd Annual Meeting of the AAUP, April, 1966. 2 (See also the University of Kansas Policy on Consenting Relationships.)

Abusive or unprofessional treatment of students, faculty, or other members of the University fall within this category. Repeated infractions of one’s responsibilities, whether informal and/or formal admonitions, warnings or reprimands have occurred, are more serious than initial infractions of the same type. Also proscribed is any form of sexual harassment or discrimination on the basis

DOCUMENT CONTINUES TO NEXT ARTICLE
Article VI. Sanctions

The sanctions listed here are formal sanctions and are steps taken beyond informal complaints about one’s performance, verbal admonitions to improve or change one’s behavior, and negative comments concerning one’s performance as stated in the annual evaluations.

One or more of the following sanctions, listed in order of increasing severity, may be imposed for proscribed conduct by a faculty member. Although listed in order of severity, the sanctions need not be applied serially, and a more serious sanction may be applied without a less serious one having been previously applied.

Sanctions constitute disciplinary action. Sanctions therefore do not include written or verbal feedback from an administrator concerning one’s performance or behavior such as those resulting from annual or other University performance evaluations. Faculty who fail to fulfill the responsibilities specified in Article IV of this Code may be subject to sanction.

As stated in Article III.7 of this code, sanctions may not be imposed upon a faculty member without notice of the charges against him or her and the opportunity to request a hearing before the Judicial Board or the Faculty
Rights Board. The Judicial Board shall have jurisdiction if the recommended sanction is a “warning” or “restitution.” The Faculty Rights Board shall have jurisdiction in all other cases. If the faculty member requests a hearing, the University will stay imposition of the sanction pending disposition of the request.

1. Sanctions shall be commensurate with the severity of the offense. Accordingly, determination of appropriate sanctions should take into account whether a faculty member intentionally and willfully failed to meet a responsibility or whether a faculty member made a good faith attempt to meet a responsibility. Repeated infractions of one’s responsibilities are more serious than initial infractions of the same type.

2. One or more of the following sanctions may be imposed. Sanctions, listed below in order of severity, need not be applied serially, and a more serious sanction may be applied without a less serious one having been previously applied.

a. **Warning.** Notice in writing that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

b. **Restitution.** Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

c. **Recommendation of Censure.** Recommendation to the Chancellor that a faculty member be formally reprimanded.

d. **Recommendation of Suspension.** Recommendation to the Chancellor that a faculty member be excluded from teaching and other specified privileges or activities for a definite period not in excess of two years.

e. **Recommendation of Dismissal.** Recommendation to the Chancellor that a faculty member be dismissed from the University.

- END CODE -
Footnotes:

1. Endorsed by the AAUP in 1968 (54th Annual Meeting) and revised in 1990. The statement was formulated and endorsed by the AAUP, the United States National Student Association (now the United States Student Association), the Association of American Colleges (now the Association of American Colleges and Universities) the National Association of Student Personnel Administrators, and the National Association of Women Deans and Counselors (now the National Association for Women in Education) and by a number of other professional bodies.

2. The 73rd Annual Meeting of the AAUP (1987) endorsed the following “Statement on Professional Ethics.” It is a revision of a statement originally adopted in 1966. Many other professional organizations also have adopted codes by which unethical conduct can be judged.

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 assure 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

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
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.