POLICY TITLE: Faculty Code of Rights, Responsibilities, and Conduct

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FACULTY SENATE RULES AND REGULATIONS (FSRR)
Article VII. Faculty Rights and Responsibilities
Section 1. Code of Rights, Responsibilities, and Conduct

7.1.1 Article I. Title. This code shall be known as the Code of Faculty Rights, Responsibilities, and Conduct. Nothing in this document shall contravene the federal and state law, University policy, University Senate Code, University Senate Rules and Regulations, the Faculty Senate Rules and Regulations, or duly published Board of Regents policy regulations on conduct. This code is based on the premise that both administrators and faculty share responsibility to create a climate suitable for scholarship, research, effective teaching and learning, and service. Substantive changes to this Code will be made only after consideration by the Provost's Office and Faculty Governance.

7.1.2 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 with a tenured, tenure-track, or non-tenured faculty appointment; unclassified academic staff; specified in Article II, Section 1, of the University Senate.
Definitions. (current Article II) A "faculty member" or a "student" in a particular situation shall be determined by the surrounding facts.

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. (current Article III) Subject to and to the extent permitted by law, and Board of Regents, and University policy, faculty shall have the following rights:

1. In addition to Faculty shall have the legal rights and privileges of citizens, faculty members have the right to academic freedom, including freedom of inquiry, expression, and assembly. (current Article III #1)

2. Faculty members shall have the right to the application of unit/department, school, and University policies in a non-discriminatory manner.

3. Faculty members shall have the right to provide input in the development of school, department, and University policies and procedures consistent with the principles of shared governance. (current Article III #6)

2.4. Faculty members have the right to participate in the determination of their teaching, administrative, and other university assignments and responsibilities subject to University policy and the needs of the University as determined by the appropriate administrator. In recognition that proportions of time and energy devoted to teaching, advising, research, service, administration, and other responsibilities may vary from individual to individual, and for the same individual over time, faculty members have the right to fair treatment in the application of university policies and procedures for the evaluation of their performance of these responsibilities, including the right to participate in that evaluation.

3. Faculty members shall have the right to participate in the determination of school, department, and University policies and procedures. (current Article III #6) Faculty members have the right to fair treatment in the application of school, department, and university policies and decisions.

4.4. Faculty members have the right to be informed about files that contain information about them and that are possessed by the University or one of its units. With the exception of files listed in FSRR 7.2.1, the faculty member shall have the right to examine the contents of such files, and challenge the accuracy and completeness of the information in the file. (FSRR 7.2 has a section on Confidentiality of Personnel Records) The confidentiality of all faculty personnel files will be maintained in accordance with University policy and Faculty Senate Rules & Regulations.

5.6. Faculty members have the right to be secure in their persons, offices, papers, and effects against unlawful searches and seizures. (Article III #9)

6. Faculty members shall be sanctioned only for breach of the duties specified in Section 7.1.4 of this Article, and only the informal and formal sanctions specified in Section 7.1.5 of this Article may be imposed.

7. Faculty members have a right to due process and peer judgment in all disciplinary matters. Faculty members have the opportunity to request peer judgment through the hearing process. No formal hearing shall be imposed upon a faculty member without notice of the charges against him or her and the right to opportunity to request a hearing before the Judicial Board or the Faculty Senate.

Comment [A1]: Though highlighted, this was not the wording of the current policy. The changes largely restore the current language.

Comment [A2]: Deleted because duplicative of the university policy on non-discrimination, #2 above, and the university policy on faculty evaluation. All university policies were referenced in the paragraph under Title.

Comment [A3]: Deleted because duplicative of the confidentiality policy in the faculty senate rules and regulations.

Comment [A4]: This is established in the introduction to administrative leave. The limitations on the sanctions that can be imposed is established by the list in Article VI.

Comment [A5]: Deleted but addressed in the next sentence which reflects the right to request peer judgment.

Comment [A6]: Though the next sentences were highlighted to indicate that they were exactly the same as in the current code, they were not. These sentences were revised to conform to the current language and to remove references to specific articles in the university and faculty senate codes.
Rights Board. The Judicial Board shall have jurisdiction if the recommended sanction is an informal sanction or is a “warning” or “restitution.” The Faculty Rights Board shall have jurisdiction in all other cases. 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. The right of a faculty member to a hearing is subject to Article XIV of the University Senate Code, Article VI of the University Senate Rules and Regulations, and Articles VI and VII of the Faculty Senate Rules and Regulations. (part of current Article III #4)

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, and the Board of Regents policies on political activity and solicitation, and other relevant policies. (Current Article III #5)

9. Subject to reasonable conditions imposed to regulate the timeliness of requests, to determine the appropriateness of 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 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. (Current Article III #7)

10. Consistent with copyright law, if faculty members, groups, or organizations may distribute written or electronic material on campus without prior approval, so long as the distribution is consistent with the rights of third parties and University and Board of Regents policy, including but not limited to policies on written or electronic communication for solicitation or political purposes. The person or persons responsible for such material must be clearly indicated. (Current Article III #8)

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 the best interests of the University.

12. Faculty members have a right to support and assistance from the university in maintaining a climate suitable for scholarship, research, effective teaching and learning, and service. Faculty members are entitled to a teaching environment adequately equipped for meeting the teaching mission of the university. Faculty members are entitled to an academic environment free from violence or systematic disruption. For example, this includes assurance that to the extent permitted by law, the University will prohibit carrying weapons on campus.

13. Faculty have the right to maintain continuous administrator-level access to computers that are exclusively used by them and/or in the conduct of their research. For research and teaching purposes, faculty members also have a right to receive proper support from IT. Such rights may be challenged only under a circumstance where the security and privacy of others are significantly violated as a result of faculty action. In such cases, a proper committee represented by both IT and faculty members will evaluate the severity of the violation.

14. Consistent with law, faculty members have a right to university support of academic activities related to their University responsibilities inside and outside the classroom, whether on or off campus, both in defense of academic freedom, and in defense of any resulting litigation, including funds for legal assistance.
14. Faculty members have a right to support and assistance from the university in improving their skills and developing their talents as teachers and scholars.

15. Faculty members have a right to fair financial remuneration commensurate with their rank, duties, performance, and professional stature.

16. Faculty members have a right to adequate resources to conduct teaching and research.

17. Faculty members have a right to fair treatment in the allocation of these resources.

18. Faculty members can serve as valuable resources and provide services by working with government, industry, public or not-for-profit organizations, and others off-campus. Faculty members have the right to have the right to request approval to may 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 conflict of interest, consulting, and other employment, in accordance with University policies and regulations.

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

20. Tenured faculty may be removed only for the reasons specified in University and Board of Regents policy, cause, in cases of program discontinuation, or in cases of bona fide financial exigency. In all of these cases, the University has the burden of proof to establish grounds for dismissal. Only as a last resort after all possible alternatives calculated to preserve the survival of the University as a quality institution of higher learning have been in good faith examined, utilized, and rejected, may the University consider the removal of faculty.

21. Compensation of tenured and tenure-track faculty may be reduced only in cases of financial exigency, as outlined in University and Board of Regents policy or as may be required by state law, as a last resort after all possible alternatives calculated to preserve the survival of the University as a quality institution of higher learning have been in good faith examined, utilized, and rejected. In cases of the reduction of compensation the University has the burden of proof to establish grounds for such a reduction. Subject to Article XIV of the University Senate Code, Article VI of the University Senate Rules and Regulations, and Articles VI and VII of the Faculty Senate Rules and Regulations, a faculty member claiming a violation of any of the above-listed rights has the right to due process, a right to peer judgment, and a right to initiate a hearing before the Judicial Board or the Faculty Rights Board.

22. Faculty members have the right to utilize applicable grievance procedures without fear of retaliation may not be subject to punishment or reprisal for the exercise of such rights and privileges.

The above list of rights is not exhaustive.
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, scholarship, service, and/or professional performance consistent with unit expectations, the position, and approved allocation of effort (as appropriate to the unit and position). These are the criteria used in awarding promotion and tenure, and they are also the criteria used in faculty evaluations. (current Article IV. Faculty Responsibilities) Each faculty member is expected to meet academic responsibilities at an acceptable level in all areas over time, including the additional faculty responsibilities outlined in Section 5 of this article.

1. Teaching

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

b) 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.

c) Teaching duties of a professor include planning classroom and/or online activities as appropriate to the method of course delivery; preparing course syllabi; designing assignments and/or examinations; lectures and examinations; being available for consultation; supervising independent work undertaken by students; directing theses and dissertations; evaluating students; assessing and documenting student learning; advising; and participating in curriculum planning.

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. (current Article IV #1)

d) 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 some forms of online course delivery that do not involve regular meeting times for the entire class, teaching responsibilities include meeting unit expectations for, but substitute other forms of student—teacher and student—student interaction, in line with unit expectations. 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, and within the limits of established policies, 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 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 alternative arrangements for class meetings must be made in advance for sound academic reasons and 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.
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 other his/her online teaching responsibilities in an online class, 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. Each department or school must define what alternative arrangements are considered “satisfactory” in that unit, and appropriately publicize its definition.

e) 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. (current Article IV. 4. c)

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.

Faculty members have a responsibility to demonstrate ethical and responsible behavior in the design, conduct, and reporting of academic scholarship consistent with the standards of their disciplines. Faculty have a responsibility to act as a positive example of responsible scholarship for students and developing scholars.

3. Service
Service is expected of all faculty and covers faculty activity in a number of different areas:

a. Service to the Academic Department or Research Unit. It is essential that all members of the academic unit share in the work necessary for the effective functioning of the unit. Thus, each faculty member has the responsibility to participate regularly and fully, 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 the operations of the academic unit.

b. Service to the School and the University. Faculty members are expected to serve on school and University committees, 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.

c. 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, although not all faculty will be active on all these levels or to the discipline.

d. Service to the Community, State, Nation, World. This is use of one’s academic expertise to help community, state, nation and world is appropriate service.
4. Professional Performance
For library faculty and some unclassified academic staff with faculty equivalent rank, responsibilities include the performance of professional activities consistent with unit expectations and the position associated with their position. Such responsibilities for professional performance shall be clearly outlined in the position description and communicated clearly to the faculty member. Faculty members are expected to perform professional responsibilities effectively, satisfactorily, with due diligence, and in conformance with professional standards.

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. (Current Article IV. 3a)

b. Accurately respect 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 and protecting student information from improper disclosure. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student. (Current Article IV. Additional Faculty Responsibilities #4)

c. Receive prior approval from the Office of the Chancellor when distributing written or electronic materials for solicitation purposes. (Current Article III #8)

d. Refrain from the use of campus mail and campus electronic communications devices for political purposes. (Current Article III #8)

e. Use computers in a responsible manner in accordance with guidelines and policies and follow the guidelines of IT so that privacy of others and security of the network can be maintained. (Current Article IV. Additional Faculty Responsibilities #6)

f. Refrain from knowingly furnishing false information to the University, or forging, altering, or misusing University documents or instruments of identification with intent to defraud. (Current Article V. #3)

g. Respect the rights and academic freedom of students, staff, or faculty members. (Current Article V. #4)

h. Refrain from engaging in 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. (See also the University of Kansas Policy on Consenting Relationships.) 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, e.g., including sexual harassment, or discrimination on the basis of sex, race, religion, age, national origin, disability, or sexual orientation as outlined in federal law and University policy. (Current Article V. #5)

i. Avoid plagiarism, misrepresentation, or fraud in classroom presentations, published works, or published presentations. (Current Article IV. 3b)

j. Refrain from conduct that renders the faculty member unfit for his/her position, including, but not limited to, acts of moral turpitude—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 gravely injurious to another person or to society. (Current Article IV. 3b)
that is contrary to justice, honesty, or morality, constituting a substantial deviation from the accepted standards of duty owed by a person to other persons and society. (Current Article V. 7)

Article V. Administrative Leave Without Pay

The operation of the University requires professional and reliable performance of faculty responsibilities. When a faculty member's failure to perform a primary job responsibility creates a threat of irreparable harm to the University or member(s) of the University community, the University may put the faculty member on Administrative Leave Without Pay.

When Administrative Leave Without Pay is imposed, the Provost shall notify the faculty member of the action and the reasons for the action. The notice shall also advise the faculty member that the Administrative Leave Without Pay shall cease upon notification to the Provost from the chair or dean that the circumstances meriting leave without pay have been satisfactorily resolved. Finally, the notice shall advise the faculty member that if he/she believes the Administrative Leave Without Pay to have been improperly imposed, review may be sought by requesting a hearing before the Faculty Senate Faculty Rights Board as outlined in the University Senate Code. However, such a request shall not delay the imposition of the Administrative Leave Without Pay. In addition, imposition of leave without pay does not preclude other administrative or disciplinary action.

7.1.5 Article VI. Sanctions. 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.

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, whether informal and/or formal admonitions, warnings, or reprimands have occurred, are responsibilities are more serious than initial infractions of the same type. Sanctions shall be commensurate with the severity of the offense.

Section 7.1.5.1. Informal Sanctions. Informal sanctions include, but are not limited to, sanctions such as an administrator’s feedback regarding a faculty member’s performance, verbal admonitions to improve or change one’s behavior, and negative comments concerning one’s performance as stated in the annual evaluations. (Current Article VI. Sanctions paragraph 1)

2. Section 7.1.5.2. Formal Sanctions. One or more of the following sanctions may be imposed. The sanctions listed below (1-5) are formal sanctions and are steps taken beyond informal sanctions. Formal 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. (Current Article VI. Sanctions paragraph 2)

   a)1. 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. (Article VI. Sanctions 1)

   b)2. Restitution. Reimbursement for damage to or misappropriation of property or costs incurred by the University as a result of the misconduct. This may take the form of appropriate service or other compensation. (Article VI. Sanctions 2)

   c)3. Recommendation of Censure. Recommendation to the Chancellor that a faculty member be formally reprimanded. (Article VI. Sanctions 3)
d) Recommendation of Suspension With or Without Pay. Recommendation to the Chancellor that a faculty member be excluded from teaching and other specified privileges or activities (with or without pay) for a definite period not in excess of two years. (Article VI, Sanctions)

e) Recommendation of Dismissal. Recommendation to the Chancellor that a faculty member be dismissed from the University staff for an indefinite period. (current Article VI Sanctions items 1-5)

Section 7.1.5.3 Additional Sanctions. Failure to comply with the procedures outlined in 7.1.4.1.d. 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 of the action and provide the reasons for it. In addition, the notice shall advise 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, which resumption or satisfactory arrangements shall be confirmed by the chairperson or dean. Finally, 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. (Current Article IV. Faculty Responsibilities # 4)
3. 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, even when it leads to findings and conclusions that differ from their own. 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.

4. 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.

5. 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.