

**Faculty Rights, Privileges and Responsibilities (FRPR) Committee  
September 24, 2013  
Meeting Minutes**

Present: Rick Hale, Kirk McClure, Jerry Mikkelson, Amalia Monroe-Gulick, Jan Sheldon, Jim Thorp,

Absent: Mario Medina

The FRPR Committee met on September 24, 2013 at 3:00 pm in 4070 Dole Human Development Center.

**Welcome to New and Returning Members:**

The following are the members of 2013-2014 FRPR committee.

Returning Members:     Mario Medina, Civil/Environ/ Arch Engineering  
                                  Kirk McClure, Urban Planning  
                                  Jerry Mikkelson, Russian, East European and  
  Eurasian Studies  
                                  Jan Sheldon, Applied Behavioral Science  
                                  James Thorp, Ecology & Evolutionary Biology

New Members:           Rick Hale, Aerospace Engineering  
                                  Amalia Monroe-Gulick, Libraries

Jan Sheldon welcomed Rick Hale and Amalia Monroe-Gulick who are joining the FRPR committee this year. She noted that Diane Fourny, Humanities and Western Civ, was asked to join the committee, but she accepted another committee appointment and regrettably will not be joining the FRPR committee this year. Mario Medina was unable to attend the meeting because of a previously scheduled appointment. Jan expressed her appreciation to all members for serving on the committee this year.

**2013-2014 FacEx Charges to the FRPR Committee**

The following are the 2013-2014 charges:

Standing charges:

As circumstances require:

1. Monitor the implementation of university policies related to the rights and responsibilities of the faculty, including the following general areas (1) appointments, promotions, granting of tenure, and non-reappointments; (2) merit evaluations, rewards and sabbatical leaves; (3) protection of the faculty's right to privacy; and (4) intellectual property. Review all current policy statements regarding these matters to ensure that they are adequate, appropriate, and

- readily available to all faculty members. Report issues, problems, and recommendations to FacEx (ongoing).
2. Respond to inquiries and address issues regarding faculty rights, privileges, and responsibilities (as they arise).
  3. Communicate with representatives of the AAUP regarding their concerns relating to faculty rights, privileges and responsibilities. Report issues, problems, and recommendations to FacEx (ongoing).

Specific charges:

1. Gather information on the Core Curriculum course nomination, review, approval, and appeal processes. Consider how policies and procedures might facilitate implementation of the Core Curriculum while also ensuring that the Core is ideally compatible with academic freedom. Report findings and recommendations to FacEx.
2. Gather information on KU's Intellectual Property Policy as it relates to faculty and the patenting of inventions, including issues such as transparency and consulting. Report any issues, findings, and/or recommendations to FacEx.
3. Be prepared to revisit the Faculty Code of Rights, Responsibilities, and Conduct.

### **Discussion of the Issue Involving Professor David Guth**

At the request of Jerry Mikkleson, on Sunday, September 22, 2013, Jan asked committee members to meet to discuss the issue that arose involving a Journalism professor, David Guth, who sent a tweet, on his private twitter account, regarding the shooting at the Navy Yard in Washington, D.C. On Monday, Jan spoke with Chris Steadham, FacEx president, about the issue and the scheduled meeting and asked his opinion of what our committee should consider. He asked that we examine the relevant University codes and regulations and report our views on the situation.

Committee members reviewed the various codes including the Faculty Senate Rules and Regulations, the Faculty Handbook, the Faculty Code of Rights, Responsibilities, and Conduct, and the AAUP "1940 Statement of Principles on Academic Freedom and Tenure." There was unanimous agreement that this issue was serious and that the University administration's response had serious implications for academic freedom at the University of Kansas. After much discussion, the committee agreed on the content of a statement that would be sent to Chris Steadham and FacEx. Jan and Jerry agreed to draft the statement and send it for review by the full committee. Jan sent the proposed statement out later in the afternoon and received comments and edits from committee members. The following is what was sent to Chris Steadham and FacEx.

The Committee on Faculty Rights, Privileges, and Responsibilities (FRPR) met on Tuesday, September 24, 2013, to address the issue of Professor David Guth and the tweet that he made on his private twitter account regarding the Navy Yard shooting in Washington, D.C. The committee members who were present unanimously agreed that the following should be communicated to FacEx:

1. Faculty Senate Rules and Regulations (FSRR) (6.1.2) guarantee academic freedom for all faculty members. The Faculty Code of Rights, Responsibilities, and Conduct guarantees freedom of inquiry, expression, and assembly. Academic freedom and the First Amendment Right of Freedom of Speech are also acknowledged in the Faculty Handbook. Additionally, FSRR 6.1.2 states that the University of Kansas subscribes to the 1940 American Association of University Professors (AAUP) statement on Academic Freedom and Tenure, and this statement has been adopted by the Kansas Board of Regents. The AAUP statement not only addresses academic freedom in a faculty member's professional capacity but also freedom of expression as a private citizen: "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 the 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." Professor Guth made a comment on his private Twitter account and was, in no way, indicating that he was speaking for the University. Thus, the committee believes that Professor Guth, as any faculty member, has the right to freedom of speech and expression.
2. Although the University administration states that Professor Guth was not sanctioned for his comments, he was placed on indefinite administrative leave. This has the appearance of being a sanction applied without compliance with University Rules and Regulations or with the Faculty Code of Rights, Responsibilities, and Conduct. The action of the Chancellor appeared pre-emptive and may have serious consequences including negatively affecting Professor Guth's professional reputation and having a stifling effect on free speech at the University of Kansas.
3. Evidently, a group or committee is to be formed to advise the Provost on "its assessment of whether or not 'the conditions and concerns have changed enough to allow for (Guth's) return in a way that is not disruptive'" (Lawrence Journal World, September 24, 2013). It is unclear what the relationship of that committee is to faculty governance, but since the topic of assessment appears to be related to the initiation or continuation of sanctions against a faculty member, we strongly assert that this is a matter for faculty governance. Processes for faculty sanctions are defined in Article III of the Faculty Code of Rights, Responsibilities, and Conduct, and it is paramount that the University respect due process in evaluating the ability of a faculty colleague to meet University obligations in teaching, scholarship, and service.

## **Future Meetings**

Committee members sent Kathy Reed in University Governance their schedules, and Jan indicated that the only free time for all members was Tuesday afternoon. Jim Thorp has

departmental seminars scheduled at 3:45, so meetings will begin at 2 pm when all committee members are available. The next meeting will be October 8, 2013 at 2 pm, and the primary topic of discussion will be Charge 1 regarding the Core Curriculum. Additional meetings are scheduled for October 22, 2013 and November 5, 2013. All meetings will be held in 4070 Dole.

The committee adjourned at 4:15 pm.

**Our next meeting will be on Tuesday, October 8, 2013, at 2:00 pm in 4070 Dole.**