

PROPOSED FACULTY CODE OF RIGHTS, RESPONSIBILITIES, AND CONDUCT

Recommended by the FRPR Committee (Faculty Rights, Privileges & Responsibilities), 12/2011
Discussed and amended by FacEx on 1/31, 2/14, 2/28, 3/13, 3/27/2011, and at May 3, 2012
Faculty Senate Meeting. **Amended by FacEx 11/18/14, 2/10/15**



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Staff--Workplace Rules & Guidelines

POLICY
STATUS: Pending Review

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

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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.~~ 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. Except as otherwise provided by federal or state law, Board of Regents Policy, or provisions of the University Senate Code, University Senate Rules and Regulations, and Faculty Senate Rules and Regulations, no policy or action by the University or its faculty and staff may violate the rights, responsibilities, and standards of conduct established by this code. Substantive changes to this Code will be made only after ~~consideration~~ **approval** by the Provost's Office and Faculty Governance Senate.

Commented [A1]: 11/18/14-FacEx added "Except as otherwise...established by this code." Replaced "consideration" with "approval" in the last sentence.

FACULTY CODE OF RIGHTS, RESPONSIBILITIES, AND CONDUCT (with FacEx changes) 2/20/2015

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; 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.

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

1. Faculty shall have the legal rights and privileges of citizens, faculty members have the right to academic freedom, and the right to freedom of inquiry, expression, and assembly.
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.
4. Faculty members have the right to provide information to assist 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. This right recognizes that the 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 non-discriminatory 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
5. The confidentiality of all faculty personnel files will be maintained in accordance with University policy and Faculty Senate Rules & Regulations.
6. Faculty members have a right to be secure in their persons, offices, papers, and effects against unlawful searches and seizures.

Commented [A2]: 02/10/15 - FacEx restored this last sentence and changed "fair" to "non-discriminatory."

7. Faculty members have a right to due process in all disciplinary matters. Faculty members have the opportunity to request 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. 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 the rights of third parties and University and Board of Regents policy, including policies on written or electronic communication for solicitation or political purposes. 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 the best interests of the University.
12. Faculty members have the right to request approval 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 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 unit expectations, the position, and approved allocation of effort.

Commented [A3]: 02/10/15-FacEx added right 11, except deleted the last part of the sentence "and the best interest of the University."

14. Tenured faculty may be removed only for the reasons specified in University and Board of Regents policy. In these cases, the University has the burden of proof to establish grounds for dismissal.
15. Compensation of tenured and tenure-track faculty may be reduced only as specified in University and Board of Regents policy or as may be required by state law.
16. Faculty members have the right to utilize applicable grievance procedures without fear of retaliation.

Commented [A4]: 02/10/15 – FacEx deleted "University and".

Article IV. Faculty Responsibilities.

The responsibilities of the faculty as a whole are multiple and are not to be construed as 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. These are the criteria used in awarding promotion and tenure, and they are also the criteria used in faculty evaluations. 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 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; 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.
- 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 ~~but substitute~~ 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. Each department or school must define what alternative arrangements are considered "satisfactory" in that unit, and appropriately publicize its definition.~~

Commented [A5]: 02/10/15 – FacEx added "With the exception of illness or family emergency,"

Commented [A6]: 02/10/15 – FacEx deleted the sentence beginning with "Such approval" and ending with "publicize its definition."

- 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.

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 positive examples of responsible scholarship for students and developing scholars.

3. Service

Service is expected of all faculty and covers activities in a number of different areas.

- a. Service to the Academic Department or Research Unit. It is essential that all members of the 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 **in that unit.** ~~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.
- 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

Commented [A7]: 02/10/15 – FacEx added "in that unit".

Commented [A8]: 02/10/15 – FacEx deleted everything after "in that unit".

professional activities of their field on the local, regional, national or international levels, as appropriate to the discipline.

- d. Service to the Community, State, Nation, World. The use of one's 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** unit expectations ~~and for the position associated with their position~~. Faculty members are expected to perform professional responsibilities satisfactorily, with due diligence, and in conformance with professional standards.

Commented [A9]: 02/10/15 – FacEx added “stated” and changed “and” to “for”.

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. ¹ 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 ~~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** ~~that is contrary to justice, honesty, or morality,~~ **constituting involving moral turpitude means intentional conduct, prohibited by law, which is gravely 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

Commented [A10]: 02/10/15 – FacEx changed I, back to the original version in the current Faculty Code found on-line.

Article V. Administrative Leave ~~Without Pay~~

Commented [A11]: 02/10/15 – FacEx deleted “without pay” in Article V.

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 **Administrative 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.

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 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 or costs incurred by the University as a result of the misconduct. 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. **Administrative Leave Without Pay. Recommendation to the Chancellor that a faculty member be excluded from teaching and other specified privileges or activities without pay for a definite period not in excess of two years.**
- e. 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.
- f. Recommendation of Dismissal. Recommendation to the Chancellor that a faculty member be dismissed from the University staff.

Commented [A12]: 12/9/14-FacEx added a new Sanction d) Administrative Leave Without Pay.

Footnotes:

¹The 73rd Annual Meeting of the AAUP (1987) endorsed the following "Statement on Professional Ethics" and it was revised in 2009. 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.

1. 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.

2. 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.

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.
