

Report:

1. Dual Career Task Force

A motion passed at the faculty senate to charge Dual Career Task Force with dual career policy. Current members of the Task Force include Esra Ozdenerol from Earth Sciences, Jeni Loftus from Sociology, Diana Mabel Ruggiero for Foreign Languages, Abby L Parrill-Baker from CAS, Amanda Rockinson-Szapkiw from Education College and James Orr from Provost's office and Gena Watson from Human Resources. The Task Force will pursue reporting their tasks to the Faculty Senate continued next fall.

2. Code of Conduct

Committee wishes to enter on the record a version that we received after review by Office of Legal Council

Faculty Code of Conduct

I. Policy Statement, Purpose and Applicability

This **Faculty Code of Conduct** (“Code”) shall be known as the University of Memphis Faculty Code of Conduct. The purpose of the University of Memphis Faculty Code of Conduct is to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning. **The principles and types of unacceptable behavior delineated herein are intended to govern conduct by faculty and any corresponding corrective action, with the understanding corrective action should be reserved for misconduct that is either serious in itself, or is made serious through its repetition or its consequences.** In the event of any conflict between this Code or University policy or applicable law, University policy or the applicable law shall govern.

This Code applies to all faculty as defined herein.

II. Commitment to the Principles of Academic Freedom

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. **Academic freedom, the freedom to discuss in the classroom matters deemed relevant to the business of a given class, is essential to fulfill the ultimate objectives of the University of Memphis. Intellectual inquiry, which sometimes results in disagreements or controversy, is essential both to the pursuit of knowledge, and to production of valuable work. Additionally, faculty members are entitled to their political rights, and to all the prerogatives of United States citizens. This Code is not intended to interfere with any of the principles included in the University’s Academic Freedom policy.**

III. Definitions

1. The term “faculty member” or “faculty” means all University administrators with faculty appointments; 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.
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 “teacher” mean anyone who holds a faculty position described in the Faculty Handbook and who teaches students or supervises trainees.
4. The term “trainee” refers to students engaged in graduate or post-doctoral activities supervised by faculty members.
5. The term “unit” means a faculty member’s assigned department, school or college.
6. The term “University” means the University of Memphis, and collectively, those responsible for its control and operation.
7. All other terms have their conventional meaning unless the text dictates otherwise. Determination of a person's status as a "faculty member" or a "student" in a particular situation shall be determined by the surrounding facts.

Commented [LD1]: This was added to address some of the issues that were implied by some of the excluded content (e.g. particular rights of faculty)

Commented [LD2]: You had a similar statement which I have rewritten and broadened to clarify that law also supersedes.

Commented [LD3]: This section is intended to incorporate and/or address the principles that were covered in Professional Rights of Faculty. There were many legal issues with that section and thus it was omitted entirely but with language like this and that above included to address those principles from a general standpoint.

Commented [LD4]: I made an attempt to make this more of a definition than a statement.

IV. Ethical Principles and Unacceptable Behavior

This Code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all that departures from these minimal standards may give rise to disciplinary proceedings.

The following subsections detail the responsibilities and expectations for faculty as it relates to their roles as educators, scholars, colleagues, members of the university and overall community and is followed by a non-exhaustive listing and illustrative examples of unacceptable behavior.

A. Faculty as Educators

The integrity of the teacher-student relationship is crucial to the University's educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. When acting in their role as teachers, members of the University of Memphis faculty treat students with professional courtesy and respect their rights, including, but not limited to, academic freedom and those rights as outlined in the Student Code of Rights and Responsibilities. They set an example of academic integrity and educate their students and trainees in the requirements of honest scholarship. They evaluate their students' and trainees' work solely based on its intellectual merit and adherence to course or program requirements. They maintain proper professional boundaries and never exploit the unequal institutional power inherent in the relationship between faculty member and student and trainee.

Faculty who teach are expected to teach courses in their unit 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. 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 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.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Failure to meet the responsibilities of instruction, including, but not limited to:
 - a. arbitrary denial of access to instruction.
 - b. significant intrusion of material unrelated to the course.
 - c. significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled.
 - d. evaluation of student work by criteria not directly reflective of course performance.

Commented [LD5]: When applicable, I referred to existing University policy (which you can hyperlink to) instead of listing out particular infractions in the way they were originally laid out. Part of the concern is that some of your statements conflicted with University policy. Also, you would be required to monitor and make changes to comply with University policy if it changes which is an administrative burden.

I also omitted the entire section titled Standards of Conduct. Many of those statements were redundant of principles that had been stated elsewhere and also there was not much differentiation between those standards and the ethical principles.

- e. undue and unexcused delay in evaluating student work.
- 2. Violation of University policies related to equal educational opportunity, discrimination, harassment and disability accommodations.
- 3. Entering into a relationship with a student in violation of the University's Nepotism and Personal Relationship Policy.
- 4. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student.
- 5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
- 6. Breach of the privacy rights of students in violation of the Family Educational Rights and Privacy Act.
- 7. Unauthorized or inappropriate use of self-authored instructional materials in violation of the Faculty Authored Educational Material policy.

Commented [LD6]: This was #7 under Community. It is just reworded and moved to the Educator's section.

B. Faculty as Scholars

As scholars, members of the University of Memphis faculty devote their professional lives to seeking and disseminating knowledge, using the tools and resources provided by the University and the larger community. To protect their colleagues, their students, their trainees, the University, and the record of knowledge in their field, and to preserve respect for scholarship in the larger community, members of the University of Memphis faculty conduct and publish their research and writing with scrupulous honesty, and they do not allow pecuniary or other improper influences to compromise the integrity of their scholarship.

Faculty members have the responsibility to engage continuously in scholarship consistent with University and unit expectations as set forth in Faculty Handbook Chapter 4, 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.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

- 1. Violation of canons of intellectual honesty.
- 2. Intentional misappropriation of the writings, research, and findings of others.
- 3. Research misconduct as prohibited by the University's Research Misconduct policy.
- 4. Engaging in any activities which may constitute a violation of the University's Conflict of Interest policy.

Commented [LD7]: This will cover conflict of commitment too which is in the University community section of the original draft

C. Faculty as Colleagues

"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 debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution." (AAUP Statement, 1966; Revised, 1987.)

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
2. Violation of University policies related to equal employment opportunity, discrimination and harassment.
3. Interfering with the academic freedom of faculty members.
4. Knowingly violating any academic unit, college, or University policy.
5. Using the creative achievements of colleagues without appropriate consultation and credit.

Commented [EHB(8)]: Steven Nelson is concerned that sometimes a faculty member justly needs to adapt their instructional or research practices; not every policy is applicable to every situation.

D. Faculty as Members of the University Community

The overriding professional obligation of all full-time faculty members is to the University of Memphis and to its mission. Faculty members recognize that the preservation of the University as a self-sustaining community of scholars requires that they accept their share of responsibility for University governance and that they comply with University policies. Faculty members participate constructively and without discrimination in hiring and promotion decisions. By freely associating themselves with the University, members of the faculty affirm their commitment to a philosophy of mutual tolerance and respect. In furtherance of University of Memphis's mission, they have the right and obligation to criticize their colleagues, staff members, and the University, but they endeavor to do so without personal animus and without seeking to intimidate or coerce. Faculty members act as stewards of University of Memphis's resources and treat University of Memphis property and funds with care and prudence.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Intentional disruption of functions or activities sponsored or authorized by the University.
2. Unauthorized use of University resources or facilities in violation of state or federal law or University policy.
3. Threats of physical harm, verbal threats or gestures that would suggest physical harm, and other similar acts in violation of the University's Workplace Violence Prevention policy.
4. Discrimination, harassment, or retaliation against another member of the university in violation of University policy.
5. Violation of University policy at a level that would warrant discipline if engaged in by any member of the University community.
6. Knowingly furnishing false information to the University, or forging, altering, or misusing University documents or instruments of identification.
7. Plagiarism, misrepresentation, and fraud in performance of responsibilities.
8. 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.
9. Any grounds as enumerated in the State of Tennessee tenure statute, Tenn. Code Ann. 49-8-302.
10. Disclosure of confidential information acquired by virtue of employment or other confidential sources, except as allowed by law.

Commented [LD9]: This was an attempt to incorporate all of the many listings you had where you used qualifiers (e.g. significant, serious) that were not used by our actual University policies.

E. Faculty as Members of the Greater Community

“Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community. When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the University.” (U.C. Academic Council Statement, 1971.) **Faculty should strive to conduct themselves as a responsible, productive member of the community.**

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Intentional misrepresentation of personal views as a statement of position of the University or any of its agencies. (An institutional affiliation appended to a faculty member’s name in a public statement or appearance is permissible, if used solely for purposes of identification.)
2. **Using the university’s name or logo to create the impression of university sanction for private activity.**
3. **Conviction for** a criminal act which clearly demonstrates unfitness to continue as a member of the faculty.

V. Resolution of Allegations of Violations of Ethical Principles or Unacceptable Behavior

A. Interactions with Colleagues

When faced with significant ethical issues involving other faculty members, faculty should consider the following courses of action:

1. It is advised that before any action is taken, Faculty seeks advice from the Faculty Ombudsperson. The University of Memphis Faculty Ombudsperson is available to all members of the University faculty, including all tenured, tenure-track, clinical, research, one-year instructors and administrators such as chairs and directors, to facilitate dispute resolution through cooperation, consensus, education and mediation.
2. **If the issue cannot be resolved through the Faculty Ombudsperson**, faculty should discuss the issue with their immediate supervisor (e.g. department chair or director), except when it appears the immediate supervisor is involved. If the immediate supervisor is involved, the problem should be presented initially to the next higher managerial or administrative level.
3. If the ethical problem or conflict still exists, faculty should contact the appropriate University department such as the **Provost’s Office**, Human Resources, or OIE (Office of Institutional Equity). **Faculty may also consult** the Faculty Grievance Committee.

B. Reports of Code Violations

Any member of the University community that believes a faculty member has violated the Faculty Code of Conduct should make a written allegation to the appropriate academic administrator (e.g., department chair or relevant unit head, dean or Provost). The formal complaint shall be in writing and shall identify the relevant section(s) of the Faculty Code of Conduct and a full statement of the facts that allegedly constitute a violation. Materials elaborating on the evidence may be appended.

The academic administrator will conduct a careful investigation to determine whether an infraction has occurred. If possible, the matter should be resolved by the faculty member’s direct academic administrator. **Imposition of corrective action, other than suspension (with or without pay), reduction of salary, and termination with adequate cause, should be carried out by the appropriate academic administrator in accordance with applicable policy.**

Commented [LD(10): The resolution provisions in the draft didn’t provide any guidance for how to report by third parties who are uninvolved. Here I have combined some language from your document as well as other information to address the gap.

Commented [LD(11): This needs to be discussed as there is no applicable policy except for de-tenure. And any such policy would have to be approved by the Board per statute. I have a draft one that I have shared.

Recommendation:

The Faculty Policies Committee recommends that discussions continue with incoming Chair of Faculty Policies Committee the Human Resources Director of Employee Relations, the Ombudsperson, members of the Senate Executive Committee, and the Provost's Office, regarding the need for a University Grievance Policies (similar to HR 5052 only for Faculty), specifically referencing peer-to-peer-resolution processes operated by Senate in light of code of conduct language, but in collaboration with HR.