THE FACULTY CODE OF CONDUCT -- WHAT CHAIRS NEED TO KNOW

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WHY IT'S IMPORTANT

Tool to preserve an environment conducive to meeting the University's mission.

"It is the intent of the Faculty Code of Conduct 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." (Preamble)

Central functions of the University are "*to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom."* (Preamble)

Faculty conduct "*which significantly impairs the University's central functions"* is subject to discipline. (Part II.)

SESSION TAKEAWAYS

- Pick ... up .... the ....phone! Early and often. We are here to help.
- "A stitch in time ...." Early intervention often avoids or significantly limits damage caused by faculty conduct.
  - Our office provides support on dealing with early issues, e.g., providing talking points for a conversation with you and the faculty of concern, that then gets documented back to the faculty member. Often this type of conversation can resolve the issue. If not, however, having this documentation helps with managing behavior that continues and may require more serious next steps.
- Understand the basics of the FCC: it's utility and it's limitations.
- Conduct prohibited by the FCC.
- Understand the basics of the Faculty Discipline Process.
- Worst response to misconduct is no response.

HOW THE FACULTY CODE OF CONDUCT IS ORGANIZED

- Preamble
- Part I – Professional Rights of Faculty
- Part II – Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct
  - Divided into 5 Sections:
    - A. Teaching and Students
    - B. Scholarship
    - C. The University
    - D. Colleagues
    - E. The Community
- Part III – Enforcement and Sanctions

"TYPES OF UNACCEPTABLE CONDUCT" ARE NOT EXHAUSTIVE

- The "Types of Unacceptable Faculty Conduct" are examples and are not exhaustive. Conduct violates the Faculty Code of Conduct if:
  - I. It is not justified by the Ethical Principles listed in Part II, and
  - II. It *"significantly impairs the University's central functions as set forth in the Preamble."*

- "University's central functions" from the Preamble:
  - *"The University seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom."*

ACTIONABLE CONDUCT CAN TAKE MANY FORMS

- "1,000 cuts." Discipline may be imposed for an action that is serious by itself, and also for actions that are made serious by repetition. (APM 015, Part II)
- It is the effect of the conduct, more than its nature, that is determinative ("significantly impairs the University's central functions")
- Administrative action, short of disciplinary action, is always available to address problematic conduct.

  "In addition, faculty members may be subject to certain administrative actions which are outside the scope of faculty discipline. For example, like all other members of the University community, faculty members are subject to the general rules and regulations of the University such as those pertaining to parking, library privileges, health and safety, and use of University facilities." APM 016, Section 1.

When you first

FACULTY DISCIPLINARY PROCESS

- Anyone can file a complaint; discretion of administration to pursue discipline; complainant doesn't control.
- Other processes may lead to discipline (SVSH, IGA/retaliation, research misconduct, harassment/discrimination)
- Early resolution, short of formal investigation and subsequent hearings, always sought (if goals can be achieved)
- Preliminary inquiry: often conducted first to assess if formal investigation is merited; documented meeting option.
- Formal investigation to determine "probable cause;" preponderance of evidence the practical standard.

FACULTY DISCIPLINARY PROCESS (CONT.)

- Chancellor/VP-AA have discretion to propose discipline. If faculty member accepts, process ends; if declines:
- Formal hearings conducted by Senate Privilege and Tenure Committee; findings of fact; recommended discipline;
- Administration has burden of proving violation of the FCC by "clear and convincing evidence" = "highly probable"
- Possible sanctions (combine): letter of censure; salary reduction; demotion; suspension w/o pay; loss of emeritus status; dismissal
- Chancellor makes final determination for most; Exceptions:
- Dismissal – Regents; Emeritus – President; Demotion in rank if tenured - President

CASE STUDY – PROFESSOR SKITTLE

- Professor Skittle is a senior faculty member who is rude and dismissive, especially to younger faculty and staff. He has angry outbursts, refers to colleagues as "idiots" and loudly publicizes his belief that your department is "awash in mediocrity." Several of your faculty feel intimidated and fearful and refuse to attend meetings or serve on committees if Professor Skittle will be present. You fear that Professor Skittle's abrasive demeanor is causing a couple of your most promising young faculty to seek faculty positions elsewhere.

- Has Professor Skittle violated the Faculty Code of Conduct?

CASE STUDY – PROFESSOR LANTERN

- Professor Lantern supervises a large laboratory of graduate students and postdoctoral scholars who engage in rigorous field research. When one of her postdocs mentions to her that she is pregnant, Professor Lantern becomes concerned that she should not be exposing herself to the difficult environment of field research. Over the postdoc's objections, Professor Lantern pulls her from the field and gives her assignments to do at the computer in the laboratory.
- Has Professor Lantern violated the Faculty Code of Conduct?

CASE STUDY – PROFESSOR DANNON

- As Department Chair, you receive a visit from a student who complains that Professor Dannon spends too much class time discussing politics. Furthermore, Professor Dannon treats students who seem to disagree with him in a rude and hostile manner. This student believes he may have been graded more harshly because of his political views. Finally, he complains that Professor Dannon is almost always at least ten minutes late to class, and twice during the quarter he did not show up at all.

- Has Professor Dannon violated the Faculty Code of Conduct?

CASE STUDY – PROFESSOR PENROSE

- A member of your faculty informs you that Professor Penrose is romantically involved with an undergraduate from another college on campus. The two had been seen walking arm-in-arm through the arboretum last fall. Now rumor has it that the undergraduate has moved in with Professor Penrose.
- Has Professor Penrose violated the Faculty Code of Conduct?

CASE STUDY – PROFESSOR PLACID

- Professor Placid's lab frequently gathers at a local bar on Friday evenings for happy hour. One Friday evening, after several drinks, Professor P invites one of his postdoctoral scholars, Shannon, to go for a walk with him. While on the walk, Professor P discloses to Shannon that he is unhappy in his marriage. He mistakes her empathy for requited sexual interest, embraces her suddenly and tries to kiss her. Before she can pull herself away, his hand briefly touches an intimate body part of hers, over her clothes.
- Later, Shannon insists that, although unwelcome, Professor P's advance did not offend her at all, and had no negative impact on her ability to continue her work in his lab.
- Has Professor Placid violated the Faculty Code of Conduct?

CASE STUDY – PROFESSOR SUNSET

- Professor Sunset in your department has not had a successful merit review in more than a dozen years. His research program has stalled. He has no active grants and has not applied for any grants in many years. He mentors no graduate students. He is rarely seen on campus except to teach his classes and hold office hours, and his teaching evaluations are by far the weakest in the department.
- Has Professor Sunset violated the Faculty Code of Conduct?

CASE STUDY – PROFESSOR WALTEROPE

- A member of your faculty complains to you that Professor Waltrope in your department disclosed to one of her graduate students how individual faculty voted on a contentious tenure review case. Furthermore, this faculty complains that Professor Waltrope is advertising her spouse's latest novel on her department faculty web page, including a link to a site where it can be purchased.

- Has Professor Waltrope violated the Faculty Code of Conduct?

QUESTIONS?

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