

Utah Tech University Policy

633: Faculty Rights & Responsibilities



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I. Purpose

- 1.1 Utah Tech University (“the University”) Faculty members possess all the legal rights and responsibilities of citizens; however, because of their position as seekers and promulgators of knowledge and because that position can often come under social, religious, political, or economic pressures, they must, for the common good of society at large, be guaranteed certain rights. This policy will be interpreted consistently with employment, governance, and other applicable policies and procedures at the University.
- 1.2 Faculty also hold specific responsibilities to the University, their colleagues, students, and the community. This policy outlines those responsibilities in broad terms, subject to Annual Faculty Activity Plan (AFAP) and field specific responsibilities. (See Policy 641)
- 1.3 The University is committed to conducting its affairs according to the highest ethical principles, including compliance with all laws, regulations, statutes, and policies designed to promote and ensure high ethical standards.

II. Scope

- 2.1 This policy outlines the specific professional responsibilities and rights for all faculty (See Policy 631). These rights and responsibilities also apply to part-time instructors except where specified here or in other policy.
- 2.2 Nothing in this policy serves to replace or supplant any other rights or responsibilities to which faculty and the University are subject under any other University policies.

III. Definitions

- 3.1 **Academic Freedom:** Academic freedom is the right to teach, study, discuss, investigate, discover, create, and publish freely as related to academic responsibilities. Academic freedom protects the rights of faculty members in teaching and of students in learning. Freedom in research is fundamental to the advancement of truth. The faculty member is entitled to freedom in teaching, research, and creative activities, subject to the limitations imposed by professional responsibility.
- 3.2 **Annual Faculty Activity Plan (AFAP):** The AFAP is a document developed by faculty in conjunction with leadership to describe the intended activities for the subsequent year in the areas of student learning and success, scholarly and creative activities, and service, and to establish a plan for professional growth. These activities should align with the Faculty Performance Standards defined in this policy and advance professional growth. The AFAP should also include any unique responsibilities or expectations that were described in the initial position description.
- 3.3 **Day:** Within this policy, “day” refers to a “business day.” A day is when the University is open for business, excluding weekends and holidays.
- 3.4 **Faculty:** The terms faculty or faculty member mean all those who teach at the University, and include part-time instructors with teaching responsibilities and other instructional personnel as defined in Policy 631.
- 3.5 **Shared Governance:** Shared governance is meaningful participation in institutional governance. It is a collaborative process founded on the cornerstone principles of partnership, equity, accountability, and ownership that forms a culturally sensitive and empowering framework at the University. Shared governance functions best when based on the principles of transparency, open communication and discussion, and mutual respect, all of which help establish a healthy and open environment at the University.

IV. Policy

4.1 Faculty Rights

4.1.1 Academic Freedom

- 4.1.1.1 The principle of academic freedom does not prohibit academic departments or programs from developing curricular standards, materials lists, guidelines for course content, andragogical strategies, or other guidelines designed

to most effectively meet course goals, objectives, or student learning outcomes.

4.1.1.2 Other limits to academic freedom include restrictions imposed by any and all applicable federal and state laws or regulations, University policies, and institutional requirements for review and approval of research involving human or animal subjects and other University compliance and ethics obligations.

4.1.1.3 The University specifically endorses the American Association of University Professors (AAUP) 1940 Statement on Academic Freedom, and the University supports the 2005 American Council on Education (ACE) statement endorsed by the American Association of Universities (AAU) and many other higher education associations.

4.1.1.3.1 Such endorsement and support do not mean that any specific policies or procedures from AAUP, ACE, AAU, or other similar organizations are incorporated into the University policy to the extent that they are not incorporated into Utah Board of Higher Education Policy R481. The University is not bound by position statements or external interpretation of such policies and procedures.

4.1.2 Members of the faculty retain all legal rights and privileges afforded to them by the constitutions of the United States and the State of Utah as private citizens. Faculty members will not be subject to punishment or reprisal for the legal exercise of such rights and privileges.

4.1.3 Faculty should reasonably expect a safe work environment, free from harassment, discrimination, or violence. In addition, faculty members should reasonably expect a work environment with adequate resources necessary for them to perform their assigned duties.

4.1.4 Faculty members have the right to be evaluated within a consistent and equitable process as defined in Policy 641.

4.1.5 Faculty members have the right to clear professional expectations as members of the University or any University team (i.e. department, committee, taskforce, etc.). Duties and expectations will be agreed upon with the AFAP. All other obligations of

employment not specific to such appointment need not be agreed upon with the AFAP.

- 4.1.6 Faculty members have the right to due process for corrective and disciplinary action consistent with Human Resources policy as outlined in Policy 371.
- 4.1.7 Faculty members have the right to financial remuneration commensurate with their discipline, rank, duties, and performance according to Policy 341.
- 4.1.8 Faculty members should reasonably expect the University to provide faculty with appropriate opportunities and support for professional growth and development to enhance their effectiveness in fulfilling their roles, duties, and responsibilities, and full-time faculty can apply to receive assistance in such efforts as defined in Policy 634.
- 4.1.9 Upon written request, faculty members, as employees, can reasonably expect University support, including legal assistance and/or representation, in defending any litigation resulting from an act or omission that occurs during the performance of an employee's duties, within the scope of employment, unless the employee acted or failed to act through fraud, deceit, or willful misconduct; in disobedience to applicable extant laws, regulations, or policies; or as limited by Utah Code, Governmental Immunity Act of Utah, 63G-7-202 or other applicable legislation or regulation.
- 4.1.10 Faculty members have the right to be considered professionals competent to observe and judge all aspects of a student's academic performance, including demonstrated knowledge, technical and interpersonal skills, attitudes and professional character, and ability to master the required curriculum unless specific faculty actions delineated through Policy 641, Policy 341, and/or Policy 371.
- 4.1.11 As appropriate to appointment, rank, and status, faculty members have the right to vote on faculty retention, promotion, tenure, and appeals as outlined in Policy 641, and to elect representatives to University and college committees.
- 4.1.12 Full-time faculty members have the right to participate in the formation of an AFAP including clear, enumerated, and evaluable teaching and non-teaching responsibilities that are consistent with University and Utah State Board of Education workload statements and Policy 635.

- 4.1.13 Faculty, as organized into programs and departments, have the right to participate in faculty appointments, establishment of educational standards for faculty appointments in that discipline, and the selection of department chairs. Standards for faculty involvement should be decided at the college level in a manner that shares the opportunities for input equitably across all tenure-track and tenured faculty unless otherwise determined by policy.
- 4.1.14 Faculty as organized into divisions, colleges, or other academic units have the right to participate in the selection of deans and/or be consulted regarding any proposed academic reorganization. Search committees formed for the purposes of hiring a dean should include members representing individual college departments. Any proposed academic reorganization requires faculty approval through the Faculty Senate.
- 4.1.15 The faculty as a whole, through the Faculty Senate, has the right to shared governance of the University, including the formation and revision of policies.
 - 4.1.15.1 Shared governance affords those who may be impacted by a decision to have an opportunity to express opinions and participate in the policy process.
- 4.1.16 The faculty as a whole has the primary right to create, control, and assess degree, program, and course curricula, graduation requirements, and course content and materials. However, such actions must be within established Utah Board of Higher Education, University, and accreditation body regulations, policies, and criteria.
- 4.1.17 The faculty as a whole has the right to set academic standards and have input in the administration of academic discipline, except as the faculty as a whole or within departments see fit to delegate that right.
- 4.1.18 The faculty as a whole has the right to serve as advisors to University administrators on matters involving University planning processes, the budget process, the distribution and implementation of faculty workload, and the development of new and replacement faculty positions. Faculty must be kept informed of pertinent information as decisions are made and at a minimum of a semi-annual basis either through direct communication or through the Faculty Senate. Faculty must be invited to participate in relevant committees through appointment of the Faculty Senate.

4.1.19 Priorities for faculty hiring will be based on the University's strategic plan and relevant data. Decisions should be in consultation within each college and deans should solicit faculty input in this process. Such priorities will be communicated to the faculty through Faculty Senate whenever major changes are made and at least once a year.

4.1.20 The Faculty Senate

4.1.20.1 Authority and senate structure are defined in Policy 640.

4.2 Faculty Responsibilities

4.2.1 Professional Duties

4.2.1.1 Each member of the faculty has a role in supporting and fulfilling the mission of the University, and full-time faculty members are expected to devote working time appropriate to their professional responsibilities as detailed in each faculty member's AFAP.

4.2.1.2 Each full-time faculty member, in conjunction with their supervisor(s), will update and submit an AFAP to the department chair by the first official day of each fall semester. This plan outlines the duties and professional development goals for the upcoming academic year, showing alignment with department, college, and University goals and mission. The Department Chair submits the plan to the Dean and upon the Dean's approval; the plan is placed in the faculty member's personnel file and made available to all review committees through the faculty e-portfolio. See Policies 641 and 642.

4.2.1.3 Tenure-Track faculty workload will consist of student learning and success, scholarly and creative activities, and service.

4.2.1.3.1 This will include but not be limited to holding office hours; serving on committees; student advisement; participating in department, division, University, and statewide meetings and training sessions; curriculum development; program review; course, program, department, and University assessment activities; accreditation activities; commencement ceremonies; maintaining professional competencies; and being available to students and colleagues to conduct

University business. (See Policy 635)

4.2.1.4 Professional track and Clinical-track faculty may be expected to perform one or more of the above duties based on the AFAP. (See Policy 635, Addendum 635a)

4.2.2 Standards of Conduct

4.2.2.1 Decisions and judgments related to a faculty member's competence and performance will be based specifically on the following standards of conduct as appropriate to the individual's appointment and AFAP, consistent with relevant department and college criteria.

4.2.2.2 Faculty members must abide by the following standards of conduct:

4.2.2.2.1 Work in conjunction with faculty and staff colleagues to fulfill the mission of the University, as determined by their AFAP.

4.2.2.2.2 Abide by all University policies, Utah Board of Higher Education policies, and State and Federal laws and regulations.

4.2.2.2.3 Understand and act in accordance with the limits of Academic Freedom as outlined in section 4.1 of this policy, including respecting and supporting the academic freedom of all members of the University community and of the University itself.

4.2.2.2.4 Demonstrate professional standards of behavior, including collegiality and the open exchange of ideas through civil discourse.

4.2.2.2.5 Strive to achieve the purpose of the University when serving in administrative posts or on committees, with due consideration for other persons involved.

4.2.2.2.6 Equitably participate in the appointments and rigorous peer review, evaluation, and discipline of fellow faculty, including the annual review and retention, tenure, and promotion review processes, as described in Policy 641.

- 4.2.2.2.7 Attend and participate in department meetings, and, as appropriate, contribute to program goals and objectives, develop curriculum, work on program development, and undertake assessment activities.
- 4.2.2.2.8 Fulfill or exceed the expectations agreed upon in their AFAP, including fostering student learning and success, scholarly and creative activity, and service as required in Policy 641, and submission of portfolios and other documentation as required in that policy.
- 4.2.2.2.9 Use University resources ethically for approved purposes.
- 4.2.2.2.10 Be available to teach classes as assigned within a disciplinary, programmatic, or department class schedule responsive to student needs, including weekday, evening, weekend, and online classes as assigned in their AFAP. This availability includes the need for courses taught at other locations outside University premises.
- 4.2.2.2.11 Make available a reasonable number of office hours for student consultation or otherwise assure accessibility to students (For example: A full-time faculty member teaching 12 credits a semester will have a minimum of five office hours spread out over at least three days). Faculty office hours should generally be scheduled at convenient times for students and will be posted on the faculty member's office door and online in the course within the Learning Management System. Requirements for office hours are in consultation with department chair and/or college dean.
- 4.2.2.2.12 Provide a level of availability and interaction with administrators, departments, and faculty and staff colleagues sufficient to conduct University business.
- 4.2.2.2.13 Maintain competency and currency in their discipline(s) of appointment, including acknowledgement of the accepted and potentially varied body of knowledge pertinent to course content and contemporary andragogical strategies and techniques.

- 4.2.2.2.14 Engage in substantial teaching preparation appropriate to the approved learning outcomes and program objectives in assigned courses.
- 4.2.2.2.15 Ensure that the content and rigor of each course is consistent with benchmarked academic, University, college, program, department, and accreditation standards.
- 4.2.2.2.16 Meet all scheduled classes and uphold standards for instructional contact time, promptly according to the published class schedule, for the full class period, and ending at the appropriate time, unless arrangement has been made to substitute meaningful learning activities with the approval of the department chair and/or dean; arrange for a qualified substitute instructor for expected absences from class, and inform the department chair and/or dean of all absences.
- 4.2.2.2.17 Require students to perform a meaningful, graded learning activity during the scheduled final examination period for each course, unless valid andragogical reasons exist for alternate evaluative measures. A course activity must be held during the final exam period if necessitated by the University and external student contact/credit hour requirements (see Policy 602). Exceptions must be approved by the appropriate department chair or dean. During the final exam period, faculty members are prohibited from scheduling any class activity, including exams or meetings, outside the final exam period scheduled for that class
- 4.2.2.2.18 Avoid discrimination, harassment, or prejudicial treatment of students, faculty, staff, or participants because of race / ethnicity, color, national origin, age, religion, gender, sexual orientation, gender identity / expression, pregnancy, disability, protected veteran status, marital status, or otherwise, as provided by law.
- 4.2.2.2.19 Hold themselves and students to the highest scholarly and ethical standards, including those of academic integrity.

4.2.2.3 In specific matters of instruction and management of

University learning environments, faculty members must:

- 4.2.2.3.1 Use a University-supported learning management system according to approved use standards, including instructor contact information, course requirement (Syllabus), and posting of grades, independent of course delivery type.
- 4.2.2.3.2 Provide, at the beginning of the semester, in each course, students with a syllabus. The syllabus must contain the general content of the course and what will be required of students, including the specific means and standards by which student learning, knowledge, performance, and/or skills will be determined, which must be relevant to the legitimate academic purposes of the course.
- 4.2.2.3.3 Respect students' rights to engage in educational pursuits, and encourage student development while safeguarding students' academic freedom and respecting students' right to freedom of thought, feeling, conviction, inquiry, and expression.
- 4.2.2.3.4 Manage the classroom or learning environment to provide an academic environment and climate conducive to teaching, learning, and thinking so that it is free from discrimination, harassment, sexual harassment, prejudicial treatment, or conflict of interest.
 - 4.2.2.3.4.1 Instructors in University classes have the right and responsibility to manage the classroom/learning environment to ensure an appropriate atmosphere for academic work, including prohibiting individuals not registered in the course from attending except by invitation of the instructor as part of an academic activity.
 - 4.2.2.3.4.2 Instructors have the right and responsibility to temporarily dismiss and/or remove a student from the classroom/learning environment for that day if that student disrupts teaching-learning activities as outlined in Policy 552. The instructor also has the right and responsibility to

involve University public safety personnel or the Dean of Students Office as desired or warranted.

- 4.2.2.3.5 Evaluate student work and performance promptly, conscientiously, without prejudice or favoritism, and consistent with the criteria stated in the syllabus, including providing timely and meaningful feedback appropriate to the discipline. Faculty members are generally expected to return work to students in a reasonable amount of time according to the size and academic depth of the project by determination by academic college.
- 4.2.2.3.6 Ensure that personal research and student research under their supervision is properly approved by the Institutional Review Board.
- 4.2.2.3.7 Make reasonable scheduling, content, and legislated accommodations for students as well as other University policies and State and Federal laws and regulations.
- 4.2.2.3.8 Create, manage, and retain accurate student records according to Policy 551.
- 4.2.2.4 Faculty are expected to complete an online teaching certificate program to be eligible to teach online. Faculty may provide evidence of prior certification and teaching experience to be considered for certification.
- 4.2.2.5 In addition, faculty members must not engage in the following:
 - 4.2.2.5.1 Misuse the classroom and class time for activities or discussion unrelated to the approved course content and objectives.
 - 4.2.2.5.2 Exploit or coerce students. This includes asking students to perform services unrelated to the legitimate academic requirements of a course unless the student is not coerced and is adequately compensated for such activities.
 - 4.2.2.5.3 Plagiarize or fail to acknowledge student work.

- 4.2.2.5.4 Seek gifts or favors from students, or accept gifts or favors if there is a reason to believe such gift or favor is designed to secure an advantage.
- 4.2.2.5.5 Act in any way as an official spokesperson of the University unless explicitly authorized to do so. Faculty members may represent themselves, but may not represent the University unless specifically directed to do so by a dean or higher-level University administrator. (See Policy 147)

4.2.3 Conflicts of Interest

- 4.2.3.1 The University expects full-time employees, including faculty, to apportion sufficient time and primary employment toward fulfilling their professional responsibilities to the University. Part-Time Instructor track faculty are required to devote the percentage of their professional responsibilities reflected in their level of employment. (See Policy 157)

4.2.4 Dual-Role Relationships

- 4.2.4.1 A faculty member may not engage in a dual-role relationship with a student that is likely to distract from student development, impair the faculty member's objectivity, and/or lead to actual or perceived favoritism on the part of the faculty member, except in limited circumstances as outlined in Policy 157 and Policy 302.
 - 4.2.4.1.1 Common dual-role relationships may include any form of sexual or close personal relationship with a current student; accepting a teaching, grading, evaluative, or other role of significant influence with respect to a member of one's immediate family, a close friend, or an individual who is also a client, patient, or business partner; excessive socializing with students outside of class, either individually or as a group; lending money to or borrowing money from students; giving gifts to or accepting gifts from students; and introducing a course requirement that students participate in a political or religious activity advocated by the instructor.
 - 4.2.4.1.2 Even if a faculty member believes that they are maintaining objectivity and maintaining compliance

with policy in situations such as these, the perception of favoritism can be as educationally detrimental as actual favoritism or unfairness.

- 4.2.4.1.3 If a faculty member wishes to or does become involved in a dual-role relationship with a student, it is the responsibility of the faculty member to follow all disclosure and agreement procedures required by Policy 157 and Policy 302. If the dual-role relationship is not contemplated under either of these policies, but has the potential to result in actual or perceived favoritism or bias, the faculty member must notify their department chair and dean in writing of the situation as soon as possible for approval by the chair and so that alternative arrangements can be made for supervision or evaluation of the student if possible. Such approval and alternative arrangements are not guaranteed. Failure to notify and/or follow an approved alternative arrangement are grounds for disciplinary action.
- 4.2.4.1.4 In the event that a dual-role relationship is unavoidable (for example, if the parent of a student is the only available instructor of a course required in the student's major) and no other University policies are implicated, the faculty member must submit written notification to the appropriate department chair and dean prior to the initiation of the dual-role relationship. The chair and dean will work with the Vice President of Academic Affairs and Provost and the faculty member to ensure the mitigation of any potential harm to the student or to other students, including alleviating any perception of bias or favoritism to the extent possible.
- 4.2.4.1.5 Any faculty member that occupies a position of Special Trust Employee (see Policy 302) may not engage in any sexual conduct with that student or engage in sharing of any sexually explicit or lewd communication, image, or photograph. Faculty are always considered Special Trust Employees for their current students or advisees. Department chairs are always considered Special Trust Employees for students currently taking classes in their department and students with a major or minor in their department. These identified Special Trust Employee

roles are not exhaustive. Whether a faculty member is considered a Special Trust Employee outside of these roles will depend on the facts and circumstances of the particular relationship.

V. References

- 5.1 Utah Code, Governmental Immunity Act of Utah, 63G-7-202
<http://le.utah.gov/xcode/Title63G/Chapter7/63G-7.html>
- 5.2 AAUP 1940 Statement on Academic Freedom
<http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>
- 5.3 ACE Statement on Academic Rights and Responsibilities
<https://www.acenet.edu/Documents/Statement-on-Academic-Rights-and-Responsibilities-2005.pdf>
- 5.4 Utah Public Officers' and Employees' Ethics Act. Utah Code Title 67 Chapter 16 §1 – 15 <http://le.utah.gov/xcode/Title67/Chapter16/67-16.html>
- 5.5 U.C.A. Title 63G, Chapter 7, Governmental Immunity Act of Utah, § 202
<http://le.utah.gov:443/xcode/Title63G/Chapter7/63G-7-S202.html>
- 5.6 Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- 5.7 University Policy 101: Policy Process
- 5.8 University Policy 147: Media
- 5.9 University Policy 154: Student Discrimination/Sexual Harassment
- 5.10 University Policy 157: Personal Conduct / Conflict of Interest
- 5.11 University Policy 302: Professional Boundaries in Relationships
- 5.12 University Policy 341: Faculty Salaries.
- 5.13 University Policy 371: Faculty Termination
- 5.14 University Policy 551: Confidentiality of Records
- 5.15 University Policy 552: Student Conduct Code
- 5.16 University Policy 602: Curriculum Approval and Revision

- 5.17 University Policy 631: Faculty Categories
- 5.18 University Policy 634: Faculty Professional Development
- 5.19 University Policy 635: Faculty Workload
- 5.20 University Policy 640: Constitution and Bylaws of the Faculty Senate
- 5.21 University Policy 641: Faculty Retention, Promotion and Tenure
- 5.22 Utah Board of Higher Education Policy R481: Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review

VI. Procedures

- 6.1 Removing a student from a classroom or learning environment:
 - 6.1.1 Faculty who dismiss a student from a class session must document the incident and make every effort to inform their department chair and dean in writing before the end of the workday if possible and no later than five days from the day when the student was removed from the classroom.
 - 6.1.2 Faculty shall submit a complaint or notify the Dean of Students about a student whose conduct is disruptive and/or in violation of the Student Conduct section of 552 Student Conduct Code as specified in that policy.
 - 6.1.3 If a student's behavior continues to disrupt teaching-learning activities from the classroom/learning environment after being removed at least once, or if the student's behavior disrupts the environment to the extent that other students' ability to accomplish course objectives is compromised, the instructor may request the dean to direct the Registrar's Office to permanently remove the student from the course. The faculty member must act in accordance with all University policies and other applicable laws and regulations in taking this action.
 - 6.1.4 Faculty who request the removal of a student from a course must submit a written report to their department chair and dean, including documentation of the causes and actions prior to the removal of the student and no later than ten days from a disruptive incident.
 - 6.1.5 Any such action requires that the faculty also submit a conduct or academic integrity complaint under the provisions of the Student

Code. (See Policy 552)

VII. Addenda – N/A

Policy Owner: Vice President of Academic Affairs and Provost
Policy Steward: Faculty Senate

History:

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