



POLICY MANUAL

FACULTY

Number 403

Subject: Academic Freedom and Professional Responsibility

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403.1 INTRODUCTION

The university is operated for the common good which depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to teaching, research, and service. (See policy 401.8.1 (1) regarding provisions which are the same or similar to certain statements of the American Association of University Professors).

The university is a community dedicated, through promulgation of thought, truth, and understanding, to teaching, research, and service. It must therefore, be a place where innovative ideas, original experiments, creative activities, and independence of thought are not merely tolerated but actively encouraged. Thought and understanding flourish only in a climate of academic freedom and integrity, expressed collectively by colleges and departments as well as individually through research and teaching and as they exist within the wider context of advanced study as commonly understood by all universities. The community also values diversity and respect, without which there can be no collegiality among faculty and students. In addition, the university community values individual rights and freedoms, including the right of each community member to adhere to individual systems of conscience, religion, and ethics. Finally, the university recognizes that with all rights come responsibilities.

Because the pursuit of truth is fundamentally a personal enterprise, a statement of faculty responsibility must be strongly anchored to principles of intellectual freedom and personal autonomy. While faculty must abide by standards of professional responsibility, the university must provide and safeguard a climate of intellectual freedom. Relationships within the university should consist of shared confidence, mutual loyalty, and trust. Dealings should be conducted with courtesy, civility, decency, and a concern for personal dignity. Such an atmosphere can be achieved only when all concerned behave responsibly. While the right of

academic freedom is respected, the exercise of the right cannot be through disruptive actions or physical force. The university works to uphold its collective values by fostering free speech, broadening fields of inquiry, and encouraging the generation of new knowledge that challenges, shapes, and enriches our collective and individual understandings.

403.2 ACADEMIC FREEDOM

Academic freedom is the right to teach, study, discuss, investigate, discover, create, and publish freely. 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 full freedom in teaching, research, and creative activities, subject to the limitations imposed by professional responsibility.

2.1 Freedom and Responsibilities of the University

Subject to the power and authority of the Board of Regents to control, manage, and supervise the Utah System of Higher Education, and Utah State University as a member institution, the university has the freedom to pursue its ends without interference from government. Included therein are the four essential freedoms of the university to determine for itself on academic grounds: (1) who may teach; (2) what may be taught; (3) how it shall be taught; and (4) who may be admitted to study. Consistent with principles of academic freedom, the faculty, individually and collectively, has the responsibility for determining the content of the curriculum.

The university consists of many components all of which support the interactive, collegial enterprise that exists in the quest for knowledge and its transmittal. The university has the general responsibility to protect the academic freedom of every faculty member and the freedom of every student to learn. The university itself shall not violate the academic freedom of any faculty member or the freedom of any student to learn and shall use its powers and resources to defend its faculty and students from unjustified attempts to compromise or restrict those freedoms, even should the exercise of those freedoms generate hostility.

2.2 Freedom and Course Requirements

Students are expected to take courses that will challenge them intellectually and personally. Students must understand and be able to articulate the ideas and theories that are important to the discourse within and among academic disciplines. Personal disagreement with these ideas and theories or their implications is not sufficient grounds for requesting an alternative course requirement. Alternative requirements requested on such grounds will not necessarily be granted. The university recognizes that students' sincerely held core beliefs may make it difficult for students to fulfill some requirements of some courses or majors (see policy 403.4). The university assumes no obligation to ensure that all students will be able to complete any course or major.

2.3 Violations of Academic Freedom or Standards and Regulations

Persons having a formal association with the university shall not be involved in acts which violate the academic freedom or constitutional rights of others, or the standards and regulations of the university or the State Board of Regents.

403.3 PROFESSIONAL RESPONSIBILITY; STANDARDS OF CONDUCT

The concept of academic freedom is accompanied by an equally demanding concept of professional responsibility. The standards for professional responsibility listed in the following subsections are standards to which faculty members are expected to adhere. University faculty members are citizens, members of learned professions, and officers of an educational institution. When speaking or writing as citizens, faculty members are free from institutional censorship or discipline, but their special position in the community imposes special obligations. As individuals of learning and as educational officers, they should understand that the public may judge their profession and their institution by their individual utterances. Hence, they should at all times strive to be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that they are not speaking for the institution.

3.1 Standards of Conduct - Faculty Responsibilities to Student

- (1) Faculty members engage in reasonable and substantial preparation for the teaching of their courses, appropriate to the educational objectives to be achieved and consistent with the standards of the discipline.
- (2) Faculty members meet scheduled classes. Schedules are altered or classes canceled only for valid reasons and only after adequate notice is given to students and the faculty member's direct academic supervisor. Failure to meet a class without prior notice to students is excusable only for reasons beyond the control of the faculty member.
- (3) Faculty members shall select course requirements based on the legitimate pedagogical goals of the course and discipline, and inform students of the general content and evaluation criteria in the syllabus or comparable documentation at the beginning of any course they teach. Faculty members evaluate student course work promptly, conscientiously, without prejudice or favoritism, and consistently with the criteria stated at the beginning of the course in the course documentation and related to the legitimate pedagogical goals of the course. The documentation for the course should identify, to the extent possible, the writings, lectures, films, presentations, performances, or other course requirements in sufficient detail to allow the student to identify requirements that may conflict with the student's sincerely held core beliefs. Faculty will not always be able to predict in advance requirements that may conflict with the sincerely held core beliefs of a given student or group of students. If conflicts arise, Procedures for Alternative Course Requirements due to Conflicts with Sincerely Held Core Beliefs (403.4) provides guidance to students and faculty for the resolution of conflicts.

- (4) Faculty members with teaching responsibilities maintain regular office hours for consultation with students, or they otherwise assure accessibility to students.
- (5) Faculty members do not plagiarize the work of students. When faculty members and students work together, appropriate credit is given to the students. Faculty members do not limit or curtail the right of any student to publish or otherwise communicate the result of the student's own independent scholarly activities.
- (6) Faculty members do not use their positions and authority to obtain uncompensated labor or to solicit gifts or favors from students. Faculty members do not ask students to perform services unrelated to legitimate requirements of a course unless the student is adequately compensated for such services.
- (7) Faculty members do not reveal matters told to them in confidence by students except as required by law, and then only to persons entitled to such information by law or institutional regulation. Faculty members may, however, report their assessment of a student's performance and ability to persons logically and legitimately entitled to receive such reports.
- (8) Faculty members create and maintain environments in which students are provided the opportunity to do original thinking, research, and writing.
- (9) Faculty members avoid the misuse of the classroom by preempting substantial portions of class time for the presentation of views on topics unrelated to the subject matter of the course. Faculty members do not reward agreement or penalize disagreement with his or her views on controversial topics.
- (10) Faculty members do not engage in the sexual harassment of students (policy 407.9).

3.2 Standards of Conduct - Professional Obligations

- (1) Faculty members do not plagiarize nor do they permit the appearance that they are the author of work done by others.
- (2) Faculty members do not falsify data either by deliberate fabrication or selective reporting with the intent to deceive.
- (3) Faculty members do not misappropriate other's ideas.
- (4) Faculty members do not misuse privileged or otherwise confidential information.
- (5) Faculty members exercise "reasonable care" (policy 403.3.5) in meeting their obligations to their associates when they are engaged in joint research or other professional effort.
- (6) Faculty members do not exploit their positions for personal or pecuniary gain when supervising the professional work of others. Research for pecuniary return should be conditional upon disclosure to and consent of the vice president for research.

(7) Faculty members exercise "reasonable care" (policy 403.3.5) in meeting their commitments to the institution and to funding agencies where appropriate in research, publication, or other professional endeavors.

(8) Faculty members keep informed and knowledgeable about developments in their fields.

(9) Faculty members do not engage in the sexual harassment of other faculty members or any employee of the university (policy 407.9).

3.3 Standards of Conduct - Responsibilities to the Institution

(1) Faculty members conduct themselves in an open, fair, civil, and humane manner both in general and when making decisions or recommendations concerning admissions, employment, promotion, retention, tenure, and other professional matters. Faculty members do not harass or discriminate against anyone on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, veteran status, or marital or parental status; the presence of any sensory, physical or mental disability or handicap; or for any other reason impermissible under applicable constitutional or statutory provisions.

(2) Faculty members may engage in outside professional activities that improve their academic skills and have a legitimate relationship to their academic service; however, faculty members must comply with policies 376 and 377, restricting the amount of time spent on non-institutional commitments, including outside consulting and other non-institutional employment. They also must comply with state law and institutional regulations relating to conflicts of interest.

(3) Faculty members do not exploit the institution's name or their relationship to the institution for personal reasons unrelated to their legitimate academic or professional activities. They avoid creating the impression that they are representing the institution in public appearances or statements, unless in fact they are.

(4) Faculty members do not purposely destroy institutional property, purposely disrupt institutional programs, purposely inflict physical injury or threaten such injury to other persons on campus, or purposely interfere with the legitimate activities of other persons on the institution's campus, nor do they purposely and unlawfully incite others to engage in such destruction, disruption, injury, or interference. Provided however:

(a) Non-violent reaction from members of an audience at a meeting or program open to the public shall not be considered disruption or interference of legitimate activities, unless such reaction occurs for the purpose of preventing the continuation of the program and has a reasonable likelihood of succeeding.

(b) Mere advocacy or expression shall not be considered incitement, unless the advocacy or expression poses a clear and present danger of the imminent occurrence of destruction, disruption, injury, or interference.

(5) Faculty members do not misappropriate institutional property or knowingly use it in violation of state or federal law.

(6) Faculty members do not knowingly mislead the institution by falsely asserting facts relevant to their qualifications as faculty members or their eligibility for institutional benefits.

(7) Faculty members adhere to the drug- and alcohol-free workplace policy (policy 313).

3.4 Standards of Conduct - Responsibilities of Citizenship

Faculty members share the general legal duties of citizenship. Faculty members who violate state or federal law may expect no immunity or special protection by reason of faculty status. As with other citizens, breaches of legal duty by faculty members are matters for disposition by the legal system. The university will not commence disciplinary proceedings for violations of law unless such violations directly relate to the university or adversely impact on the university's purposes and mission. The university reserves the right to bring disciplinary proceedings against faculty members who are charged with unlawful conduct which also constitutes a violation of a standard of conduct of this policy.

3.5 Definition of Reasonable Care

This term, which is familiar to the law, means that the level of performance required of a faculty member is that which is recognized in the profession as reasonable in the light of the obligations which he or she has assumed, competing demands upon his or her energy and time, nature and quality of his or her work, and all other circumstances which the academic community would properly take into account in determining whether he or she was discharging his or her responsibilities at an acceptable level.

403.4 PROCEDURES FOR ALTERNATIVE COURSE REQUIREMENTS DUE TO CONFLICTS WITH SINCERELY HELD CORE BELIEFS

It is the student's obligation to determine, before the last day to submit a petition for late course drop without penalty, when course requirements conflict with the student's sincerely held core beliefs. The class should be dropped if a conflict exists. A student who finds this solution impractical may request an alternative requirement from the instructor. Though the university provides, through this policy, a process by which a student may make such a request, the policy does not oblige the instructor to grant the request, except in those cases when a denial would be arbitrary and capricious or illegal. A request for an alternative requirement must be made to the instructor in writing or email, and the student must deliver a copy of the request to the office of the department head. The request must articulate the burden the requirement would place on the student's sincerely held core beliefs.

The instructor must respond to any request for an alternative requirement within two school days of receiving it. The response must be made in writing and a copy must be delivered to the office of the department head. In the event that the class does not meet on the day by which the instructor must respond, the student must make arrangements to receive the response in a timely manner. Instructors are not required to provide an alternative requirement, as long as the original course requirement has a reasonable relationship to a legitimate pedagogical goal. They may do so only if a reasonable alternative means of satisfying the course requirement is available and only if that alternative is fully appropriate for meeting the academic objectives of the course, after considering (1) the fundamental importance of the particular requirement to the legitimate pedagogical requirements of the course; (2) the burden on the student's sincerely held core beliefs; and (3) the difficulty of administering the alternative requirement.

In considering whether or not to provide an alternative requirement, the instructor may evaluate the sincerity but not the validity of the student's beliefs. If an instructor in a course provides an alternative requirement, the instructor must similarly consider all other requests made during the same semester for the same course for alternative requirements to address all students' sincerely held core beliefs. Requests will be individually evaluated in relation to the same considerations; however, the granting of one such request will not guarantee that all requests will be granted. Because the criteria and requirements for granting requests will apply differently to each instructor and to each section of each course, decisions made by an instructor in one course will not affect decisions by the same instructor in other courses or by other instructors in the same or other courses.

If an instructor does not grant a request for an alternative requirement, the student may appeal that denial in writing to the department head. If the department head is the instructor of the course, the student may appeal the denial to the academic dean of the college. The department head will, in consultation with the faculty member, act within two school days. The department head will uphold the denial unless she or he finds that the denial was arbitrary and capricious or illegal. The student may appeal the department head's decision to the academic dean of the college. The academic dean's determination shall be final as it pertains to the specific request for an alternative requirement. Faculty challenges to the appropriateness of this decision should follow established grievance procedures. The student may but is not required to participate in these further reviews.

If the faculty instructor disagrees with the dean's decision that the instructor's denial of the student's request was arbitrary and capricious or illegal, the faculty instructor may not be compelled against his/her professional judgment to administer the requested alternative requirement for the student. If the faculty instructor declines to administer the alternative requirement, it will be the responsibility of the dean in consultation with the department head to design and administer the alternative requirement for the student in order to satisfy the student's request. The dean (or dean's appropriate designee) will determine the student's grade on that specific alternative requirement and will report that grade to the course instructor, who will incorporate that grade for the requirement into the total grade for the course. The final grade in the course will be determined by the faculty instructor and will be calculated in the same way as the final grade is determined for all other students in the course.

A student in good standing may determine, after the last day to submit a petition for late course drop without penalty, that a course requirement conflicts with the student's sincerely held core beliefs. If the instructor has denied the student's written request for an alternative requirement, the student may seek permission in writing from the dean to withdraw without receiving a W on his/her transcript and to receive a refund of tuition for that class. It is the student's responsibility to determine any effect withdrawing from the course may have on the student's financial aid. In making this request the student must demonstrate that he or she could not have made this determination prior to the last day to drop courses without penalty, or that the request was made prior to the last day to drop a course and a decision was made after the drop date. The dean's determination shall be final.

Decisions on requests for alternative requirements shall not be considered adversely to a faculty member in retention, promotion and tenure, or other proceedings as long as those decisions are made in good faith. Faculty shall not take adverse academic action against students requesting alternative requirements. The academic college dean, campus dean, vice chancellor for academic affairs or department head shall not take any adverse action against an instructor based on his/her decision to provide or not to provide an alternative requirement for a student.