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Code of Faculty Rights, Responsibilities, and Conduct

PURPOSE:

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Faculty Code of Rights, Responsibilities, and Conduct

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POLICY STATEMENT:

Faculty Code of Rights, Responsibilities, and Conduct

Article I. Title.

This code shall be known as the Code of Faculty Rights, Responsibilities, and Conduct. Nothing in this document shall contravene the University Senate Code, University Senate Rules and Regulations, the Faculty Senate Rules and Regulations, or duly published Board of Regents regulations on conduct.

Article II.

Definitions. When used in this Code:

- I. The term "University" means the University of Kansas, and collectively, those responsible for its control and operation.
- II. The term "student" includes all persons taking courses at the institution, both full-time and part-time, pursuing undergraduate, graduate or extension studies.
- III. The term "faculty member" includes all persons specified in Article IV, Section 1, of the University

Senate Code as it may be amended from time to time, other professional members of the library staff, instructors, research personnel of rank comparable to those above enumerated, 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.

IV. 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:

- I. Freedom of inquiry, expression, and assembly are guaranteed to all faculty members.
- II. The right of faculty members to be secure in their persons, offices, papers, and effects against unlawful searches and seizures is guaranteed.
- III. Faculty members shall be exempt from disciplinary action except for conduct proscribed in Article V.
- IV. No disciplinary sanctions listed in Article VI may be imposed upon a faculty member without notice of the charges against him or her and the opportunity for a hearing before the Judicial Board or before the Faculty Senate Faculty Rights Board. The Judicial Board shall have jurisdiction if the recommended sanction is a "warning" or "restitution." The Faculty Senate Faculty Rights Board shall have jurisdiction in all other cases. At any such hearing, the faculty member shall have all rights afforded under the University Senate Code and the University Senate Rules and Regulations to a party before the Judicial Board.
- V. 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.
- VI. Faculty members shall have the right to participate in the determination of school, department and University policies as stated in Article I, Section 1, of the Faculty Senate Rules and Regulations.
- VII. Subject to reasonable conditions imposed to regulate the timeliness of requests, to determine the appropriateness of the space and time of use requested, and to insure proper maintenance, University facilities shall be made available for assignment to faculty members, individually or in groups, even though not formally organized; preference may be given to programs designed for audiences consisting of members of the University community.
- VIII. Faculty members, groups, or organizations may distribute written material on campus without prior approval. The person or persons responsible for such material must be clearly indicated. The use of campus mail for political purposes is not permitted. Its use for solicitation requires prior approval by the Office of the Chancellor.

Article IV. Faculty Responsibilities

The responsibilities of the faculty as a whole are multiple and are not to be construed as narrowly 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 or its professional equivalent, research, and service. These are the criteria used in awarding promotion and tenure, and they are also the criteria used in faculty evaluations. Each faculty member shall be evaluated annually and shall receive from his/her departmental chairperson or dean a written statement evaluating the performance of the faculty member during the preceding year. Typically the faculty member will be evaluated on teaching or its professional equivalent, research and service. Although each faculty member is expected to perform at least adequately in all three areas over time, outstanding effort or performance in any one area because of institutional needs or personal inclinations may, with the approval of the departmental chairperson or dean, offset less effort (but not below acceptable performance) in another area in any given year or approved period of time.

I. Teaching

Faculty who teach are expected to teach courses in their department or school in accordance with the needs, requirements and expectations thereof 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 duties of a professor include not only classroom activities, but also such duties as preparing course syllabi, lectures and examinations; being available for consultation; supervising independent work undertaken by students; directing theses and dissertations; evaluating students; advising; and participating in curriculum planning. A professor is expected to treat students with 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.

Academic advising is a part of the teaching responsibility of faculty who teach. In the case of non-teaching faculty, comparable professional responsibilities shall be those defined by their departments and the relevant standards of their disciplines.

II. Research

Research includes critical evaluation, artistic creation, and performance, as well as discovery and interpretation. Research appropriate to one's department and field is more specifically defined by each department or field in its criteria for promotion and tenure. [Note: For current information about scholarship, consult the electronic Handbook for Faculty and Other Unclassified Staff at <https://policy.drupal.ku.edu/provost/faculty-and-unclassified-staff-handbook>. See in particular Part V, Policies Relating to Scholarship.]

Publication is the normal outlet for research in many areas other than the visual and performing arts. Scholarship that does not result in publication or public performance may be valuable for keeping one's teaching current, but it does not subject one's ideas or performance to the critical scrutiny of peers necessary for expanding the frontiers of knowledge and culture.

III. Service

Service covers faculty activity in a number of different areas.

- I. Service to the academic unit. Service to the academic unit is expected of all faculty. It is essential that all members of the academic unit participate in the decision-making necessary for the working, and ultimately, the health of the academic unit. Ideally each faculty member participates regularly and fully in the academic unit's activities. 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 operations of the academic unit.
- II. Service to the School and the University. Faculty members are expected during the period of their employment at the University to bear their fair share of committee work on the levels of the school and the University.
- III. Service to the Profession. Faculty members are expected to be active in their professional fields. This includes belonging to and taking part in the professional activities of their field on the local,

regional, national and international levels, although not all faculty will be active on all these levels.

- IV. Service to the Community, State, Nation, World. This 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.

IV. Additional Faculty Responsibilities

Of the many responsibilities of faculty members, the following are enumerated because of their importance for the maintenance of appropriate faculty-student relations:

- I. Protection Against Improper Disclosure. Information about student views, beliefs, and political association that professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.¹
- II. Faculty members shall accord respect to the essentially confidential relationship between the University and its students by preserving to the maximum extent possible the privacy of all records relating to students.
- III. A member of the faculty is expected to meet classes at the regularly scheduled hour and to carry out his or her other academic responsibilities. If a faculty member considers it necessary, for sound academic reasons, to move a class to another time, advance notice must be given to the class and arrangements must be made to assure that the change does not work undue hardship on any member of the class. If prevented from meeting classes or carrying out other academic responsibilities, a faculty member must, if physically able to do so, make satisfactory advance arrangements and communicate, preferably in writing, the nature of these arrangements to his/her chairperson (or dean, if the school in question is not organized departmentally). Such arrangements are subject to the approval of the appropriate chairperson or dean. Each department or school must define what arrangements are considered "satisfactory" in that unit, and appropriately publicize its definition.

Failure to comply with the procedures outlined in the preceding paragraph may result in the placement of the faculty member on administratively determined Leave Without Pay by the Provost. When such Leave Without Pay is imposed, the Provost shall notify the faculty member of the action and provide the reasons therefore. In addition, the notice shall advise the faculty member that the Leave Without Pay shall cease, and the faculty member shall resume pay status, upon the faculty member's notification to the Provost that the faculty member has resumed his/her attendance or academic responsibilities or otherwise made satisfactory arrangements, which resumption or satisfactory arrangements shall be confirmed by the chairperson or dean. Finally, the notice shall advise the faculty member that if he/she believes the Leave Without Pay to have been improperly imposed, review may be sought by requesting a hearing before the Faculty Senate Faculty Rights Board pursuant to Article XV, Section 3, item (vi) of the University Senate Code.

Article V. Proscribed Conduct.

Such conduct includes the following categories:

- I. Willful failure of a faculty member to carry out his/her academic responsibilities. The gravity of such failures may vary. The failure to meet a class is more serious, as a rule, than failure to attend a committee meeting. Cumulative absences or failures to perform even in less grievous matters are more serious than occasional lapses over long periods of time.
- II. Violation of lawful published University regulations.

- III. Knowingly furnishing false information to the University, or forging, altering, or misusing University documents or instruments of identification with intent to defraud.
- IV. Failure to respect the rights or academic freedom of students, staff or of other faculty members.
- V. Behavior in the discharge of his/her 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. ² (See also the University of Kansas Policy on Consenting Relationships.) Abusive or unprofessional treatment of students, faculty, or other members of the University fall within this category. Repeated infractions of one's responsibilities, whether informal and/or formal admonitions, warnings or reprimands have occurred, are more serious than initial infractions of the same type. Also proscribed is any form of sexual harassment or discrimination on the basis of sex, race, religion, age, national origin, disability, or sexual orientation.
- VI. Plagiarism, misrepresentation or fraud in classroom presentations, published works, or published presentations.
- VII. 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 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.
- VIII. If another University tribunal or body exists which might properly entertain a claim or charge of conduct proscribed in Article V, the processes of that body or tribunal normally must first be exhausted before the jurisdiction of the Judicial Board can be invoked. However, in extraordinary circumstances the Judicial Board may exercise original jurisdiction notwithstanding failure to exhaust remedies available in other University tribunals. Whether such extraordinary circumstances exist as warrant the exercise of original jurisdiction by the Judicial Board shall be determined by such Board.

Article VI. Sanctions.

The sanctions listed here are formal sanctions and are steps taken beyond informal complaints about one's performance, verbal admonitions to improve or change one's behavior, and negative comments concerning one's performance as stated in the annual evaluations.

One or more of the following sanctions, listed in order of increasing severity, may be imposed for proscribed conduct by a faculty member. Although listed in order of severity, the sanctions need not be applied serially, and a more serious sanction may be applied without a less serious one having been previously applied.

- I. 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.
- II. Restitution. Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.
- III. Recommendation of Censure. Recommendation to the Chancellor that a faculty member be formally reprimanded.
- IV. 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.
- V. Recommendation of Dismissal. Recommendation to the Chancellor that a faculty member be dismissed from the University staff for an indefinite period.

Footnotes:

[1]Endorsed by the AAUP in 1968 (54th Annual Meeting) and revised in 1990. The statement was formulated and endorsed by the AAUP, the United States National Student Association (now the United States Student Association), the Association of American Colleges (now the Association of American Colleges and Universities) the National Association of Student Personnel Administrators, and the National Association of Women Deans and Counselors (now the National Association for Women in Education) and by a number of other professional bodies.

²The 73rd Annual Meeting of the AAUP (1987) endorsed the following "Statement on Professional Ethics." 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.

- I. 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.
- II. 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 role as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure 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.
- III. 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 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.
- IV. 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.
- V. 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.

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Faculty Senate, Chancellor

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Academic Categories: *Governance, Misconduct*

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