

Principles of Professional and Ethical Responsibilities¹

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Preamble. The University of Colorado endeavors to sustain an academic community committed to sharing, extending, and critically examining knowledge and values, and to furthering the search for truth. Sustaining this core mission requires that faculty members be free within their respective fields of competence to pursue and teach the truth in accord with appropriate standards of scholarly inquiry. The faculty's rights and privileges, including that of tenure, rest on a mutually supportive structure of faculty's special professional competence, the academic freedom of the University and its faculty, and the mission of the University. The purposes of this Principles of Professional and Ethical Responsibilities document ("document") are to protect academic freedom as set forth in [Regent Law 5.D.1](#), to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning. This document shall apply to all general faculty as described in [Regent Law 5.A.1.\(A\)](#).²

Organization. Part I of this document sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's mission. Faculty members' professional responsibilities typically include teaching, research or creative work, clinical practice, and service. Part II of this document articulates standards of professional conduct, derived from general professional consensus concerning acceptable or unacceptable faculty behavior. Part III of this document addresses the enforcement process applicable to unacceptable faculty conduct. That process must meet basic standards of fairness and due process. Each campus may develop more detailed disciplinary procedures that align with Part III of this document.

Faculty conduct that departs from the principles articulated below in Section II is viewed by the University of Colorado community 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 minimum standards may give rise to disciplinary action. In Part II a clear distinction is made between statements of (1) ethical principles and (2) types of unacceptable behavior.

Ethical Principles. The Ethical Principles described in this document are drawn primarily from the 1966 *Statement on Professional Ethics*, as revised and issued

¹ Based on University of California System, Office of the President, The Faculty Code of Conduct: found at <http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf>.

² Regent Law 5.A.1.(A) provides the following definition: "Members of the general faculty shall be those individuals who hold the title or acting title of dean, associate or assistant dean, professor, associate professor, assistant professor, senior instructor, instructor, lecturer, artist in residence, scholar in residence, professor adjoint, associate professor adjoint, assistant professor adjoint, visiting and part-time appointments in the above-named titles, professional librarian, curator, and any other such title identified as a faculty title under applicable policies of the Board of Regents."

by the American Association of University Professors. The Ethical Principles affirm important professional ideals. They are aspirational in character, and represent objectives toward which faculty members should strive. Behavior in accordance with these principles clearly precludes the application of a disciplinary consequence. These Ethical Principles are to be distinguished from *Types of Unacceptable Faculty Conduct* referred to in the following paragraph. The *Types of Unacceptable Faculty Conduct* state minimum levels of conduct below which a faculty member cannot fall without being subject to University discipline.

Types of Unacceptable Faculty Conduct. Derived from the Ethical Principles, these statements specify examples of types of unacceptable faculty behavior which may be subject to University discipline. The Ethical Principles encompass major concerns traditionally and currently important to the profession. The examples of types of unacceptable faculty conduct set forth below are not exhaustive and are likely to be augmented by campus, college, and primary unit disciplinary codes. It is expected that the disciplinary process, the lessons of experience, and evolving standards of the profession will promote reasoned adaptation and change of this document. Faculty may be subjected to disciplinary action under this document for any type of conduct which, although not specifically enumerated herein, falls below the acceptable faculty standard of responsibility set forth in this document.

Part I. Professional Rights of Faculty. In furtherance of the University's central functions as an institution of higher education, major responsibilities of the administration include protecting and encouraging the faculty in its teaching, learning, research, creative work, clinical practice and public service and preserving and ensuring the role and importance of shared governance, as described in [Regent Law 5.E.5.B](#). Moreover, [Regent Law 5.D.2](#). provides, in relevant part, as follows:

- A. Faculty members can meet their responsibilities only when they have confidence that their work will be judged on its merits alone. For this reason the appointment, reappointment, promotion, and tenure of faculty members should be based on the individual's ability in teaching, research/creative work, and service (and assessment should not be influenced by such extrinsic considerations as political, social, or religious views, or views concerning departmental or university operation or administration.) A disciplinary action against a faculty member, including dismissal for cause, should not be influenced by such extrinsic considerations.
- B. The faculty member is entitled to freedom in the classroom in discussing the subject, but should be careful not to introduce into teaching controversial material that has no relation to the subject.

The authority to discipline faculty members in appropriate cases derives from the shared recognition by the faculty and the administration that the purpose of disciplinary action is to preserve and advance an environment that supports teaching, learning, research, creative work, clinical practice and public service. Rights, as they relate to the faculty, include, for example:

1. The right to free inquiry and exchange of ideas;
2. The right to present controversial material relevant to a course of instruction;
3. The enjoyment of constitutionally protected freedom of expression;
4. The participation in the shared governance of the University, as provided in Regent law and policy, as well as general academic rights including, but not limited to:
 - a. set standards associated with their area of expertise,
 - b. lead in curricular matters,
 - c. develop course content and manner of instruction,
 - d. establish norms, and standards, for teaching responsibilities and for evaluation of both faculty performance and student achievement,
 - e. establish requirements for matriculation and for degrees,
 - f. recommend reappointment, promotion, and tenure of faculty, and
 - g. lead in establishing norms and standards for faculty participation in shared governance.
5. The right to be judged by one's colleagues, in accordance with fair procedures and due process, in matters of promotion, and tenure, solely on the basis of the faculty members' professional qualifications and professional conduct.

Part II. Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct.

This listing of faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. As set

forth in [Regent Law 5.D.2.](#), “[f]aculty members have the responsibility to maintain competence, exert themselves to the limit of their intellectual capacities in scholarship, research, writing, and speaking; and to act on and off the campus with integrity and in accordance with the highest standards of their profession.” University disciplinary action should be reserved for faculty misconduct that is either serious in itself or is made serious through its repetition or its consequences. The following general principle is intended to govern all instances of its application: University discipline under this document may be imposed on a faculty member only for conduct which is not justified by the ethical principles and which significantly impairs the University’s central functions as set forth in the Preamble. The *Types of Unacceptable Conduct* listed below are presumptively subject to University discipline. Other types of serious misconduct, not specifically enumerated herein, may nonetheless be the basis for disciplinary action if they also fall below minimum standards.

- A. Teaching and Students: Ethical Principles. “As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles 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.” (AAUP Statement, 1966; Revised, 1987).

The integrity of the faculty-student relationship is the foundation of 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. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University and consistent with the [Conflict of Interest in Cases of Amorous Relationships Administrative Policy Statement](#) (“APS”). Relationships contrary to this APS jeopardize the integrity of the educational process. In this section, the term “student” refers to all individuals under the academic supervision of faculty.

1. *Faculty Member Responsibilities to Students and Unacceptable Faculty Conduct.*
 - a. Teaching faculty members are expected to meet their regularly scheduled classes. Failure to meet scheduled classes without prior notice to students is excusable only for reasons beyond the control of faculty members. Alteration of schedules, cancellation or rescheduling of classes may be done only for valid reasons and after adequate notice to at least students.

- b. Faculty members shall engage in reasonable and substantial preparation for the teaching of courses assigned to them, consistent with their scope and nature and appropriate to the educational objectives to be achieved.
 - c. Faculty members teaching courses and/or supervising students must assure reasonable accessibility by students.
 - d. Faculty members must, at the beginning of a course, give reasonable notice to students of the general content of the course, what will be required of the students, and the criteria upon which their performance will be evaluated. Evaluations must be performed, conscientiously, without prejudice or favoritism, and consistent with the criteria presented in the syllabus and provided in the course. The criteria for evaluating student performance must relate to the legitimate academic purposes of the course.
 - e. Faculty members must not use their position, authority, or relationship with students to obtain uncompensated labor for their own personal or pecuniary gain. They may not ask students to perform services unrelated to legitimate academic requirements of a course unless the student is adequately compensated for such services. Faculty members must not solicit gifts or favors from students. They must not accept gifts or favors where they have reason to believe that such gift or favor is motivated by a desire to secure some academic advantage.
 - f. Faculty members must not engage in discrimination against a student on political grounds, or on the basis of race, color, ethnicity, national origin, age, religion, sex, sexual orientation, creed, marital status, disability, status as a covered veteran, or any other unlawful reason, as provided in [Regent Law 10](#).
- B. Scholarship: Ethical Principles. “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.” (AAUP Statement, 1966; Revised, 1987).
- 1. *Faculty Member Scholarship Responsibilities and Unacceptable Faculty Conduct.*

Faculty shall adhere to the canons of intellectual honesty and shall not engage in misconduct in research or authorship as described in the [Misconduct in Research and Authorship APS](#), nor shall faculty intentionally misappropriate the writings, research, and findings of others.

- C. The University: Ethical Principles. “As a member 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 the 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.” (AAUP Statement, 1966; Revised, 1987).
1. *Faculty Member Responsibilities to the University and Unacceptable Faculty Conduct*.

Faculty members shall abide by Regent Law 11, which requires that they:

- A. Shall adhere to Board of Regents *laws* and policies and state and federal laws and regulations related to: sexual harassment, political activities, academic freedom, nepotism, conflict of interest, conflict of commitment, nondiscrimination, and diversity.
- B. Shall refrain from conduct disruptive of university functions; from injury to persons or damage to property in university programs or on university owned or controlled property; and from impeding freedom of movement of students, school officials, employees, and invited guests to all facilities of the university. Interference in any manner with the public or private rights of citizens, conduct that threatens or endangers the health or safety of any person, and damage to property are prohibited in university programs or on university owned or controlled property.

Additionally, faculty members shall not:

- c. Engage in discrimination contrary to [Regent Law 10](#), or sexual harassment contrary to [Regent Policy 2-J](#).
- d. Engage in serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research such as the [Misconduct in Research and Authorship APS](#), outside professional activities, conflicts of interest and commitment, clinical practices, violence in the workplace, preservation of University

property under [Regent Law 14.A.4.](#), fiscal misconduct under Regent [Policy 13-R](#), and whistleblower protections.

- e. Fail or refuse to comply with reasonable and appropriate instructions of their chair, dean, or chancellor respecting the timely performance of their essential job responsibilities.
- D. Colleagues: Ethical Principles. “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).
1. *Faculty Member Responsibilities to Colleagues and Unacceptable Faculty Conduct.*

Faculty members shall not:

- a. Make evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
 - b. Engage in discrimination contrary to [Regent Law 10](#).
- E. The Community: Ethical Principles. “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.” (AAUP Statement, 1966; Revised, 1987).
1. *Faculty Member Responsibilities to the Community and Unacceptable Faculty Conduct.*

Faculty member responsibilities to the community include the following:

- a. [Regent Law 5.D.2.](#) provides, in relevant part, that “[f]aculty members are citizens, members of learned professions, and members of the academic leadership of an educational institution. When speaking or writing as citizens, they should be free from university censorship or discipline, but their special position in the community imposes special obligations. As faculty members however, they should remember that the public may judge their profession and institution by their utterances. Hence faculty

members should be accurate at all times, should exercise appropriate restraint and show respect for the opinions of others, and when speaking or writing as private citizens should make every effort to indicate that they are not speaking for the institution.”

- b. [Regent Law 5.D.2](#) also provides that “[w]hile they fulfill [their professional] responsibility, their efforts should not be subjected to direct or indirect pressures or interference from within the university, and the university will resist to the utmost such pressures or interference when exerted from without.”
- c. Faculty members shall conduct themselves in accordance with [Regent Policy 10-I](#) and the [Political Participation by Members of the University Community APS](#).

Part III. Enforcement and Consequences.³

Faculty expect those who fail to perform their responsibilities or who engage in unacceptable conduct should anticipate consequences in accordance with the suggested following procedures.

A. Categories of Discipline.

- 1. *Discipline Less Than Suspension.* Discipline up to but not including suspension may include written reprimands and censure, as defined in this document, or other forms of discipline. Discipline does not include faculty performance evaluation related matters, including, but not limited to, faculty performance evaluations under the [Standards, Processes and Procedures for Appointment, Reappointment, Tenure and Promotion APS](#); ratings under the [Performance Ratings for Faculty, Officers, and Exempt Professionals APS](#); faculty compensation under the [Compensation Principles and Policy for Faculty](#); or a triggered or extensive review under the [Post-Tenure Review APS](#).
- 2. *Suspension or Salary/Faculty Rank Reduction.* Discipline may also include suspension with or without pay for up to two calendar years or a disciplinary reduction in faculty salary or a demotion (reduction in faculty rank). Suspension with or without pay may include the following:
 - a. *Suspension with pay.* An example may include a faculty member being suspended during the course of an investigation of the faculty member for violation of a Regent law or policy.

³ This Part will require changes to [Regent policy 5-H](#), Faculty Senate Grievance Process.

- b. *Suspension without pay (indefinite but no more than two years).* An example may include a faculty member being suspended for continually refusing to perform a job responsibility, such as failure to timely submit student grades or engaging in sexual harassment. A suspension of a faculty member for greater than two years is not permitted, unless the suspension could be discontinued by the faculty member performing a job responsibility, e.g., submitting the FRPA.
3. *Dismissal of a Faculty Member (for cause).* Dismissal of a faculty member for cause shall be in accordance with the processes described in [Regent policy 5-I](#), Faculty Dismissal for Cause Process.

B. Disciplinary Procedural Requirements.

The following disciplinary procedures shall be followed:

1. For discipline up to but not including suspension a faculty member may file a written grievance of the disciplinary decision: (a) to the dean of the school or college; or (b) if the faculty member is grieving a decision of the dean, to the chief academic officer of the campus, not more than 10 calendar days from the date that the faculty member receives notice of the disciplinary decision along with notification of their right to grieve and the grievance filing mandatory due date. The dean or chief academic officer shall review the grievance and make a decision regarding the grievance no more than thirty calendar days from the date that the dean or chief academic officer receives the grievance. The dean or chief academic officer's decision is final and the faculty member may not appeal the decision to the Faculty Senate Privilege and Tenure Committee unless the disciplinary action itself violates the basic rights of the professor as outlined in Part I of this document and/or in the Laws/Policies of the Regents.
2. For discipline that includes suspension with or without pay for up to two calendar years or a disciplinary reduction in faculty salary or a demotion (reduction in faculty rank), a faculty member may file a written grievance with the Faculty Senate Privilege and Tenure Committee ("Committee"). The Committee shall proceed with a level 2 proceeding in accordance with Section VII of [Regent policy 5-H](#) regarding the Faculty Senate Grievance Process, except that the following deadlines shall apply: (1) the hearing shall begin no later than 20 calendar days from the date that the grievance is filed with the Committee; and (2) the level 2 panel report explaining the panel's findings, conclusions and recommendations shall be provided to the Chancellor no later than 10 calendar days from the last date of the hearing.
 - a. *Evidentiary Standard.* For discipline that includes suspension with or without pay for up to two calendar years or a disciplinary

reduction in faculty salary or a demotion (reduction in faculty rank), the following evidentiary standards shall apply:

- i. For suspension with or without pay for up to six calendar months, or for a disciplinary reduction in faculty salary, the faculty member must establish by a preponderance of the evidence that the disciplinary decision was not supported by the evidence.
 - ii. For demotion (reduction in rank) or suspension with or without pay for greater than six calendar months, the administration must establish by a preponderance of the evidence that the disciplinary decision was supported by the evidence.
3. For discipline that includes dismissal of a faculty member (for cause), the process to be followed shall be in accordance with [Regent Policy 5-I](#), Faculty Dismissal for Cause Process.

Definitions:

Reprimand – A reprimand is a formal written reproof or admonishment provided by a department chair, dean, or other academic administrator to a faculty member who fails or refuses to perform a significant professional responsibility.

Censure – A censure is a formal written reproof or admonishment provided by a department chair, dean, or other academic administrator to a faculty member, at the request or with the approval of a majority of faculty within a faculty member’s primary unit, who fails or refuses to perform a significant professional responsibility.

Preponderance of evidence - Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Abbreviations:

APS – Administrative Policy Statement

FRPA – Faculty Report of Professional Activities

Websites:

Laws and Policies of the Regents - <https://www.cu.edu/regents/LawsPolicies/index.html>

Administrative Policy Statements - <https://www.cu.edu/policies/>

Review:

This document shall be reviewed periodically.