



**BOISE STATE UNIVERSITY**

University Policy 4000

## Faculty Code of Rights, Responsibilities, and Conduct

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### Effective Date

January 17, 2024

### Responsible Party

Provost and Vice President for Academic Affairs, (208) 426-1202  
Human Resources and Workforce Strategy, (208) 426-1616

### Scope and Audience

This policy applies to all university Faculty, including administrative faculty, emeriti faculty, and any person employed by the University to conduct classroom learning, and/or scholarly/creative activities.

### Additional Authority

- Idaho State Board of Education Policy, Sections I.T., II.G., II.L, II.M., II.P., II.Q., and III.B.
- Northwest Commission on Colleges and Universities, Standard 2
- University Policy 1000 (Policy Development and Authority)
- University Policy 1060 (Non-discrimination and Anti-harassment)
- University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking)
- University Policy 1070 (Equal Opportunity Statement)
- University Policy 1075 (Non-discrimination on the Basis of Disability)
- University Policy 1090 (Intellectual Property)
- University Policy 1100 (Use of University Space)
- University Policy 1110 (Conflict of Interest and Commitment)
- University Policy 1130 (Use of Copyrighted Works)
- University Policy 2250 (Student Privacy and Release of Information)

- University Policy 4290 (Annual Faculty Performance Evaluation)
  - University Policy 4480 (Faculty Grievance Procedure)
  - University Policy 5050 (Use of Human Subjects)
  - University Policy 5060 (Misconduct in Research)
  - University Policy 7010 (Consensual Relationships)
  - University Policy 7015 (Faculty / Staff & Student Consensual Relationships Policy)
  - University Policy 7020 (Drug and Alcohol Free Workplace Policy)
  - University Policy 7025 (Rehire Eligibility)
  - University Policy 7030 (Reporting Waste and Violations of Law, Regulation, or University Policy)
  - University Policy 7050 (Nepotism)
  - University Policy 7060 (Employee Records)
  - University Policy 7070 (Employee Political Activities)
  - University Policy 7480 (Emeritus Classified and Professional Employees)
  - University Policy 7520 (Self-Disclosure of Criminal Proceedings)
  - University Policy 8060 (Information Privacy and Data Security)
  - University Policy 9270 (Communicable Disease)
  - University Policy 12000 (Clery Act Compliance)
  - University Policy 12020 (Exclusion from Campus)
  - University Policy 12040 (Workplace Violence)
  - Faculty Senate Constitution
  - Standards of Conduct
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## 1. Policy Purpose

The purpose of the Faculty Code of Rights, Responsibilities, and Conduct (from this point forward referred to as “Faculty Code”) is to set forth the Faculty’s rights and responsibilities to maintain conditions supportive of the Faculty’s pursuit of the University’s mission and the responsibility of the University to maintain those conditions.

## 2. Policy Statement

This policy promotes mutually supportive, inclusive, and Equitable relationships among Faculty, Staff, Students, and the larger community, as well as the protection of Academic Freedom. It outlines Faculty rights, responsibilities, and conduct to foster and sustain an environment conducive to sharing, supporting, and critically examining knowledge and values, and to furthering the search for wisdom. This Faculty Code is based on the premise that both

administrators and Faculty share responsibility to create a climate that strives for inclusion and Equity and is suitable for Scholarship, effective teaching and learning, and service so all Faculty, Staff, and Students can thrive. The Faculty responsibilities and expected conduct included in this policy are aligned to the Ethical Principles established by the AAUP (See Section 5.1).

### **3. Framing Principles**

- a. The framing principles outlined below align with the Ethical Principles established by the AAUP and support faculty rights, define the professional obligations of Faculty, and standards of conduct contained in this policy. Framing Principles comprise prescriptions affirming the highest professional ideals.
- b. While Faculty behavior that is not justified by the Framing Principles may impair the University's mission, failure to adhere to these Framing Principles, in itself, is not a basis for Disciplinary Action. However, Faculty may be subject to Disciplinary Action for any conduct which, although not specifically enumerated herein, constitutes Adequate Cause or falls within the types of unacceptable conduct outlined in Section 5.4.
- c. The University's Framing Principles, as the term is used in this policy, are:

#### **3.1 Fundamental Obligation**

A Faculty Member is primarily a teacher and scholar in service to the campus community and the external community. Above all, the primary principle is to strive for excellence and to inspire excellence in others.

#### **3.2 Obligations to Students**

University teaching should reflect consideration for the dignity of Students and their rights as persons. Students as well as Faculty are entitled to Academic Freedom and autonomy in their intellectual pursuits and development. Faculty must therefore treat Students with courtesy and respect. They must not require Students to accept the faculty member's personal beliefs or opinions and must strive to maintain a climate conducive to thinking and learning inside and outside the classroom. They must not misuse their position, authority, or relationship with Students.

#### **3.3 Obligations to Our Professions**

Faculty should seek knowledge and ask relevant questions in the pursuit of truth. They should strive to contribute to their discipline and/or to other disciplines, and support and encourage the

efforts of peers to contribute to their discipline and to other disciplines, as well. Faculty should maintain and improve their effectiveness as teachers and scholars.

### **3.4 Obligations to the University**

A Faculty Member's position is one of trust and responsibility to the University and the Students, Faculty, and Staff who constitute the University community. Faculty should merit such trust and responsibility by acting in a trustworthy and responsible manner themselves. They should strive to maintain and improve the academic quality of their department, college, and the University. When called upon to serve in administrative posts or on committees, Faculty should strive to achieve the legitimate purposes of the University with due consideration for the interests of other persons involved.

## **4. Definitions**

### **4.1 Academic Freedom**

The freedom of teachers, students, and academic institutions to pursue knowledge wherever it may lead, without undue or unreasonable interference. At the minimum, academic freedom means that faculty are entitled to freedom to engage in the entire range of activities involved in the production of knowledge, including choosing a research focus, presenting research findings to colleagues, and publishing research findings; the freedom to determine the content of and instructional methodologies used in their courses (subject to institutional curriculum development processes, institutional and SBOE policies, and accreditation requirements); and the freedom to participate in institutional governance.

### **4.2 Academic Responsibility**

The commitment by students, Faculty, and institutions to strive to protect the Academic Freedom of others by appreciating their special position in the community, performing academic obligations with intellectual honesty, promoting the free exchange of ideas, and showing respect toward those with whom they both agree and disagree.

### **4.3 Adequate Cause**

One (1) or more acts or omissions which, singly or in the aggregate, have directly and substantially affected or impaired an employee's performance of his professional or assigned duties or the interests of the Board, institution, or agency. In addition, any conduct seriously prejudicial to the Board, an institution or agency may constitute Adequate Cause for discipline, up to and including dismissal. See Idaho State Board of Education Policy, Section II.L for examples of what may constitute Adequate Cause.

#### **4.4 Administrative Faculty**

A Faculty position in which the incumbent is qualified to hold academic rank and whose responsibilities are primarily administrative. As defined in the Faculty Constitution, Administrative Faculty include the President of the University; the Provost of the University; administrative Vice Presidents; executive Heads or Deans of Colleges, Schools, Units, Divisions, Supportive Services, and the Library; and all such permanent administrative officials so designated by the President of the University and the State Board of Education. This category includes department chairs and heads, program directors, and associate chairs.

#### **4.5 Bullying**

Conduct directed at one or more individuals that is unrelated to legitimate business interests and is severe, pervasive, or objectively offensive.

Differences of opinion, interpersonal conflicts, and occasional problems in working relations are an inevitable part of working life and generally do not constitute workplace Bullying, nor does Bullying include appropriate supervision and discipline of an employee.

#### **4.6 Collegiality**

Faculty collaboration and constructive cooperation in relation to Faculty responsibilities in teaching, Scholarship, and service, or as constructive engagement (See [AAUP “On Collegiality as a Criterion for Faculty Evaluation”](#)).

#### **4.7 Disciplinary Action**

Dismissal, suspension without pay, and/or involuntary demotion actions taken for Adequate Cause with regard to a Faculty Member. Disciplinary Action does not include administrative decisions, including without limitation decisions in such matters as denial of tenure, denial of promotion, position description, performance evaluation, salary determination, and/or to challenge the contents of personnel files.

#### **4.8 Discrimination**

Treating an individual or group differently or less favorably (e.g., denied rights, benefits, Equitable treatment, or access to facilities available to all others) on the basis of Protected Class.

#### **4.9 Equity**

The Network of Schools of Public Policy, Affairs and Administration use the term equity to “establish systems and practices that are fair and just, based on a recognition of individual differences and sociopolitical contexts that disproportionately advantage or disadvantage some

groups of people more than others. Equity is reflected in fair treatment, access, opportunity, and advancement for all people, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups. Improving equity involves increasing justice and fairness within the procedures and processes of institutions or systems, as well as in their distribution of resources.”

#### **4.10 Ethical Principles**

The standards that define the academic profession and Faculty responsibilities as defined in the AAUP’s [Statement on Professional Ethics](#).

#### **4.11 Faculty/Faculty Member**

Defined in the Faculty Constitution and in University Policy 7000 (Position Definitions). For the purposes of this policy, “Faculty” also includes emeriti Faculty Members and any person employed by the University to conduct classroom learning, and/or scholarly/creative activities (including employees whose primary appointment may be “professional staff” but who also conduct classroom learning). The term “Faculty” is used as a collective noun in this policy and the term “Faculty Member” refers to an individual.

#### **4.12 Protected Class**

A group with a common characteristic who are legally protected from adverse treatment on the basis of that characteristic. For purposes of this policy, Protected Class characteristics include race, ethnicity, color, religion, age, national origin, physical or mental disability, veteran status, genetic information, sex, gender, sexual orientation, gender identity, gender expression, pregnancy, or any other status protected under applicable federal, state, or local law (See University Policy 1060 - Non-Discrimination and Anti-Harassment).

#### **4.13 Staff**

Professional and Classified Employees at the University (See University Policy 7000 - Position Definitions).

#### **4.14 Students**

For purposes of this policy, individuals under the academic supervision of Faculty or Staff.

## 5. Rights, Duties, Responsibilities, and Procedures

### 5.1 Ethical Principles

The rights, duties, and responsibilities outlined in this section follow from the [American Association of University Professors \(AAUP\) Statement on Professional Ethics, 1966](#) (Revised, 1987, 2009). According to the AAUP, “The Statement on Professional Ethics that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.” Questions “concerning the propriety of conduct” should be handled, according to the AAUP, within a framework established by the Faculty, hence this Faculty Code. Any adverse action that may result from an alleged offense must be in accordance with the [1940 Statement of Principles on Academic Freedom and Tenure](#), the 1958 [Statement on Procedural Standards in Faculty Dismissal Proceedings](#), or the applicable provisions of the Association’s [Recommended Institutional Regulations on Academic Freedom and Tenure](#).

#### 5.1.1 Statement 1

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.

#### 5.1.2 Statement 2

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 roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure 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.

#### 5.1.3 Statement 3

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, even when it leads to findings and conclusions that differ from their own. 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.

#### 5.1.4 Statement 4

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.

#### 5.1.5 Statement 5

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.

### 5.2 Professional Rights of Faculty

The administration and the Faculty have a joint responsibility to protect and encourage Faculty in their teaching, learning, Scholarship, university and public service, and efficient and effective operations of the University. To preserve the conditions hospitable to these pursuits, Faculty and administration share the responsibility and authority for discipline and accountability. These conditions are aligned with the Preamble to Faculty Senate Constitution. The list of rights below is not exhaustive. Subject to and to the extent permitted by law and the Idaho State Board of Education policy, Faculty shall have the following rights:

- a. Constitutionally protected freedoms of speech, assembly, and religion, including the right to engage in free inquiry, intellectual debate, and freedom of scholarship both on and off campus. Faculty shall not be subject to retaliation or censorship in response to their research, publications, creative activity, pedagogy, participation in institutional governance, and all other official aspects of their job expectations. When speaking or writing as a citizen, each Faculty Member should generally be free from institutional censorship or discipline (See Idaho State Board of Education Policy, Section III.B.3.a).



- b. When public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (See University Policy 7070 - Employee Political Activities).
- c. Equitable application of unit/department, school, and University policies.
- d. Be involved in the determination of school, department, and University policies and procedures through appropriate processes, consistent with the principles of shared governance (See also Idaho State Board of Education Policy, Section III.B.3.a.iii and University Policy 1000 - Policy Development Authority). This includes freedom to address institutional policies or actions, as provided in the Faculty Constitution and Bylaws, such as:
  - Approval of course content and manner of effective instruction (See also Idaho State Board of Education Policy, III.B.3.a.i),
  - Establishment of requirements for matriculation and for degrees (See also Idaho State Board of Education Policy, Section III.B.3.a.i),
  - Hiring, evaluation, tenure and promotion of Faculty (See also Idaho State Board of Education Policy, Section III.B.3.a.iii.3),
  - Input in the selection of academic administrators,
  - Involvement in issues regarding discipline of members of the Faculty, per the Faculty Constitution and Bylaws (See also Idaho State Board of Education Policy, Section III.B.3.a.iii.3);
  - Forming rules and procedures, and participating in Disciplinary Action of Students,
  - Establishment of norms for teaching responsibilities and for evaluation of both Faculty and Student achievement (See also Idaho State Board of Education Policy, Sections III.B.3.a.i and III.B.3.b), and
  - Representative participation in determining the forms of departmental/college/school governance (See also Idaho State Board of Education Policy, Section III.B.3.a.iii).
- e. Support and assistance from the University in maintaining a climate suitable for Scholarship and effective teaching and learning.

- f. An academic environment free from violence and an instructional environment adequately equipped for meeting the teaching mission of the University.
- g. Be involved in the determination of their teaching, administrative, and other university assignments and responsibilities, subject to applicable department/college/school policies (See Idaho State Board of Education Policy, Section III.B.3.b).
- h. Determine the specific content of their courses, including the use of relevant materials, subject to institutional curriculum development processes and policies (See Idaho State Board of Education Policy, Section III.B.3.a.i).
- i. Determine the instructional methodologies used to engage learners in the course content and evaluate student performance” (See Idaho State Board of Education Policy, Section III.B.3.a.i to meet previously determined departmental needs).
- j. Be evaluated annually according to University Policy 4290 (Annual Faculty Performance Evaluation).
- k. Impartial treatment in the application of University policies and procedures for the evaluation of their performance of these responsibilities, including the right to participate in that evaluation (See Idaho State Board of Education Policy, Section III.B.4.b.ii and University Policy 4290 - Annual Faculty Performance Evaluation).
- l. Be informed about and to view personnel files that contain information about them (See University Policy 7060 - Employee Records and Policy 7530 - Employee Files).
- m. Except for emeriti, visiting, and other faculty, the right to due process consistent with Idaho State Board of Education policy (See University Policy 4720 - Faculty Due Process and Appeal Procedure and Idaho State Board of Education Policy, Section II.L.4 and III.B.3.a.iii).
- n. To pursue opportunities for improving their skills and developing their talents related to their responsibilities as teachers and scholars contingent upon the availability of resources and compliance with applicable University and State Board of Education policies (e.g., University Policy 6180 - Travel; University Policy 1110 - Conflict of Interest and Commitment; University Policy 4420 - Absence from Campus; University Policy 4440 - Faculty Sabbatical Leave; or any other applicable Idaho State Board of Education or University policy).

- o. To engage in outside work, for pay or without pay, in accordance with state ethics laws and Idaho State Board of Education policies on commitment of time, conflict of interest, consulting, and other employment (See University Policy 1110 - Conflict of Interest and Commitment and University Policy 4440 - Faculty Sabbatical Leave).
- p. Legal defense and indemnity, when acting in the course and scope of their employment, consistent with Idaho Code, Title 6 Chapter 9 Section 6-903.
- q. To utilize applicable grievance procedures without retaliation.

### **5.3 Professional Responsibilities of Faculty: General**

- a. Faculty have professional duties and responsibilities across activities and constituencies, guided by the Ethical Principles outlined in Section 5.1 and defined in Idaho State Board of Education Policy, Section III.B.3.b.i. Faculty are also expected to support and help to preserve an atmosphere congenial to philosophical exploration, reasonable interpretation of data, and the uncensored exchange of views in furtherance of Academic Freedom and Academic Responsibility. They respect the right of free inquiry of fellow Faculty and professional colleagues (See Idaho State Board of Education Policy, Sections III.B.1 and III.B.3.a).
- b. This listing of professional responsibilities is organized around the individual Faculty Member's relation to teaching and Students, to Scholarship, and to service, which includes the operations of the University, interactions with colleagues, and relationships within the community.

#### **5.3.1 Teaching and Students**

- a. 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, academic advisor, and evaluator. The unequal power inherent in this relationship heightens the vulnerability of the Student and the potential for abuse and/or coercion. The pedagogical relationship between Faculty Member and Student must be protected from influences or behaviors that can interfere with learning consistent with the goals and ideals of the University (See section 5.3 for Professional Rights of Faculty Related to Teaching and Students).
- b. The duties described below apply to those Faculty who are assigned courses to teach in a given semester/term.

- Faculty who teach are expected to teach courses in their department/college/school in accordance with the needs, requirements, and expectations of the unit, consistent with the assigned workload and with the program and/or University requirements/policies (See Idaho State Board of Education Policy, Section III.B.3.b.iv and University Policy 4560 - Workload for Tenured and Tenure-Track Faculty).
- Faculty are expected to meet their regularly scheduled classes. Failure to meet scheduled classes without prior notice to Students and their direct supervisor is excusable only for reasons beyond the control of Faculty Members. Alteration of schedules, cancellation, or rescheduling of classes and changing the delivery mode of courses may be done only for valid reasons, with approval from their direct supervisor, and after adequate notice to Students.
- Faculty shall engage in reasonable and substantial preparation for the teaching of courses consistent with their scope and nature and appropriate to the educational objectives sought to be achieved (See Idaho State Board of Education Policy, Section III.B.3.b).
- Faculty must maintain regular office hours during which they are available for consultation with or otherwise assure their accessibility to Students during an academic term.
- Faculty 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. Evaluation of Student performance (e.g., assignments, participation, etc.) must be performed in a reasonably timely manner, conscientiously, without prejudice or favoritism, and consistently with the criteria stated at the beginning of the course. The criteria for evaluating Student performance must relate to the legitimate academic purposes of the course.
- Faculty will strive for excellence and continual improvement in teaching according to University policies (See University Policy 4290 - Annual Faculty Performance Evaluation; University Policy 4340 - Faculty Tenure and Promotion Guidelines; University Policy 4300 - Student Course Evaluations; University Policy 4215 - Part-time Tenure-eligible Faculty; University Policy 4220 - Adjunct Faculty; University Policy 4250 - Lecturer Faculty; and University Policy 4490 - Clinical Faculty).
- Faculty are responsible for facilitating pluralistic learning and work environments, but shall not require others to make personal or political choices against their beliefs or values (See Idaho State Board of Education Policy, Section III.B.3.b.vi).

- Faculty are responsible for presenting the content of their courses in a way that is consistent with the collective goals of the institution, college, and department or program. When presenting content, Faculty may expose Students to an intellectual diversity of scholarly and creative views related to the Faculty Member's discipline and/or specific field of study (See Idaho State Board of Education Policy, Section II.B.3.b.iii).
- Faculty will respect requests of confidentiality by a Student, except as required by law or permitted according to University Policy 1060 (Non-discrimination and Anti-harassment) and 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking) and this policy. Faculty may report their assessment of a Student's academic performance and ability to persons making legitimate inquiry provided such disclosure is in accordance with the Family Educational Rights and Privacy Act ("FERPA") (See University Policy 2250 - Student Privacy and Release of Information).

### 5.3.2 Scholarship

- a. Scholarship encompasses not only traditional academic research and publication but also the creation of artistic works or performances and any other products or activities accepted by the academic or professional discipline as reflecting scholarly effort and achievement. Boise State University recognizes the Boyer model of scholarship. This model identifies four types of Scholarship: 1.) discovering knowledge, 2.) integrating knowledge, 3.) applying knowledge, and 4.) Scholarship of teaching. Scholarship should be subject to the critical scrutiny of departmental and/or professional peers and should expand the frontiers of knowledge (See section 5.3 for Professional Rights of Faculty related to scholarship).
- b. Faculty whose commitments to the University include Scholarship, publication, or other similar professional endeavors must exercise reasonable care to discharge their agreed commitments.
- c. When a Faculty Member and a Student engage in Scholarship together, appropriate credit must be given to the Student. Faculty may not limit or curtail the right of a Student to publish or otherwise communicate the results of the Student's own scholarly activities.
- d. Faculty have the same duties to Students in scholarly settings and creative activities as they do in the traditional classroom.
- e. Faculty must comply with all applicable laws, regulations and university policies prior to initiating or becoming involved in Scholarship (See especially University Policy 5050 - Use of

Human Subjects; University Policy 5060 - Misconduct in Research; University Policy 5070 - Animal Care and Use; and University Policy 5080 - Biosafety).

- f. Faculty are responsible for monitoring ongoing scholarly and teaching activities under their supervision to ensure that they continue to be conducted in accord with approved protocols. Faculty must ensure that all personnel involved in such activities under their supervision are fully trained in accordance with relevant regulations.
- g. When reporting the results of their scholarly or professional activities, Faculty must be honest in the presentation of the data and in the description of the work.
- h. When Faculty are engaged in joint Scholarship or other professional efforts with colleagues, they must exercise reasonable care to discharge their agreed obligations.

### 5.3.3 Service to the University, Colleagues, and Community

- a. The distribution of effort amongst teaching, Scholarship, and service may vary amongst Faculty and semesters. However, the distribution of effort should always balance the scholarly and service interests of an individual Faculty Member with their responsibility to deliver academic programs of high quality. This variation in the distribution of Faculty effort is desirable because it allows optimization of Faculty contributions to deliver high-quality academic programs. Supervisors (typically Administrative Faculty) are responsible for Equitable distribution of service assignments.
- b. It is essential that members of the unit share in the work necessary for the effective functioning of the unit and assume responsibility for shared governance. Just as Faculty recognize that an institution of higher education is a community of scholars with great specialization in widely varied disciplines, so too do they recognize that, when engaged in service responsibilities, everyone contributes different talents and expertise to the University's comprehensive mission.
- c. If service is expected as part of the Faculty Member's negotiated workload, the Faculty Member is expected to demonstrate a commitment to serving Boise State University, their profession, and the community. This type of commitment is demonstrated by service to Students (such as advising); participation and/or leadership in department, college, or University committees, the faculty senate, and professional organizations; and, as appropriate to their discipline, service related to affairs of the local, state, or national community. University Policy 4220 (Adjunct Faculty) and University Policy 5010 (Research Faculty) are exceptions to this section.

- d. Shared governance brings with it a special responsibility for Faculty. The University has diverse concerns, perspectives, and interests that require Faculty to participate in relevant department, college, school, and University governance structures (see the [AAUP Statement on Government of Colleges and Universities](#) and section 5.3 for Professional Rights of Faculty related to service).
- e. Service is expected of all Faculty who have workload assignments for service and may include the following:
- **Service to the Academic Department or Research Unit.** It is essential that all members of the unit share in the work necessary for the effective functioning of the unit. Thus, each Faculty Member has the responsibility to participate regularly and fully in that unit (e.g., consistently attending department/unit/committee meetings; actively participating in shared decision-making within the scope of Faculty responsibilities; participating in the peer review of colleagues; advancing the mission and goals of the unit; etc.).
  - **Service to the College/School and the University.** Faculty are expected to serve on college/school and University committees as appropriate to their position and workload assignments.
  - **Service to the Profession.** Faculty are expected to serve their academic discipline and be active in their professional fields as appropriate to their position and workload assignments. This may include belonging to and taking part in the professional activities of their field on the local, regional, national, or international levels, as appropriate to the discipline.
  - **Service to the Community, State, Nation, World.** Faculty may also use their academic expertise to serve their local/regional/state/international communities, although the extent to which one contributes outside the University depends on one's field, inclination, opportunity, and other relevant factors.
- f. When assigned, Faculty must be diligent in fulfilling committee obligations and in accepting their share of the governance tasks of the University. When Faculty are engaged in professional or administrative efforts with other persons, they are responsive in meeting their obligations to their associates and in performing the tasks they have agreed to perform.

### 5.3.3A In Relation to Colleagues

- a. In addition, the University is committed to the proposition that every member of the University community has a fundamental right to be treated with respect. Bullying and other



demeaning behavior impinge on that right. Additionally, Bullying and demeaning behavior undermine morale and lead to stress; such behavior disrupts the functioning of the University and can create a hostile environment; such behavior can directly and indirectly impair an individual's Equitable access to resources and can interfere with an individual's ability to do their best work, including flourishing as scholars and Students.

- b. The Ethical Principles in Section 5.1 state “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” (Statement 5). Consequently, the university has a compelling obligation to prevent, correct, and—if need be—discipline Bullying or other demeaning and disruptive behavior by Faculty towards other Faculty, Staff, and Students (See also [Idaho Division of Human Resources Executive Branch Statewide Policy Section 9: Respectful Workplace, 2019](#) and University Policy 12040 - Workplace Violence).
- c. Criticism and opposition play “an invaluable and constructive role in the life of academic departments and institutions.” Mere disagreement, criticism, or opposition, in a respectful and professional manner, will never by itself constitute a lack of Collegiality. Collegiality “is not a distinct capacity to be assessed independently of the traditional triumvirate of teaching, Scholarship, and service” ([AAUP “On Collegiality as a Criterion for Faculty Evaluation”](#)). According to the AAUP, “an absence of collegiality ought never, by itself, constitute a basis for poor performance evaluations, non-reappointment, denial of tenure or promotion, unsatisfactory rating for periodic review of tenured faculty, or dismissal” for cause ([AAUP “On Collegiality as a Criterion for Faculty Evaluation”](#)). The manner in which one expresses disagreement, however, may violate the Ethical Principles above and fall within the definitions of unacceptable conduct in Section 5.3.8.
- d. Faculty help to preserve an atmosphere congenial to philosophical exploration, reasonable interpretation of data, and the uncensored exchange of views. They respect the right of free inquiry of fellow Faculty.
- e. Faculty will, when serving in a relevant official capacity (e.g., tenure and promotion committees, evaluation committees, supervisory roles such as department chairs, serving as a reviewer, etc.), comment with candor and fairness on the work of colleagues. In making an evaluation of the professional competence of a fellow Faculty Member, they use criteria that are directly reflective of professional performance. They avoid personal attacks on their colleagues and have the responsibility to critically evaluate performance on a professional basis (See Idaho State Board of Education Policy, Section III.B.3.b.i, III.B.3.vi).



- f. Faculty must, when evaluating candidates for initial appointment, be guided by the job expectations and requirements and use criteria that are directly reflective of relevant professional preparation, certification, skills, and/or experience related to the position.

### 5.3.3B As a Member of the Community

The following responsibilities apply to faculty service to the community that is conducted as part of their official University duties.

- a. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

## 5.4 Unacceptable Conduct

- a. The types of unacceptable conduct listed below are examples of types of conduct which do not meet the Ethical Principles in Section 5.1 and hence are presumptively subject to either corrective action or Disciplinary Action. Other types of misconduct, not specifically enumerated herein, may nonetheless be the basis for corrective action or Disciplinary Action if such misconduct also fails to meet the preceding principles (See also University Policy 4720 - Faculty Due Process and Appeal Procedure and Idaho State Board of Education Policy, Section II.L. Discipline - Adequate Cause). No corrective action or Disciplinary Action, however, may be imposed under this provision in a manner that will deprive a Faculty Member of the rights of free expression and association as guaranteed by the constitutions of the United States and the State of Idaho.
- b. Disciplinary Action is only taken for Faculty conduct that constitutes Adequate Cause. Other unacceptable conduct may be the basis for corrective action that does not rise to the level of Disciplinary Action, such as a performance improvement plan, formal letter of expectation, or other similar action.

### 5.4.1 Teaching and Students

Unacceptable conduct includes failure to meet the responsibilities of teaching listed in Section 5.3.1, including, but not limited to:

- a. Inappropriate denial of access to teaching, such as, but not limited to, refusal to enroll or teach a student because of the student's beliefs.
- b. Repeated failure to do any of the following without approval (See University Policy 4420 - Absence from Campus – Faculty; University Policy 4400 - Faculty Sabbatical Leave; University Policy 7230 - Family and Medical Leave; University Policy 7260 - Sick Leave – Faculty; University Policy 7570 - Accommodating Disabilities in the Workplace; and University Policy 7610 - Paid Parental Leave):
  - Meet for class
  - Respond to instructional requests or requests for consultations from Students.
  - Keep office hours
  - Hold assessments as scheduled
  - Evaluate Student performance by criteria directly reflective of course learning outcomes and content
  - Evaluate Student performance in a timely manner such that the undue and unexcused delay interferes with Student learning or ability to complete future assignments.
- c. Using a Faculty position, authority, or relationship with Students to obtain uncompensated labor for their own personal or pecuniary gain as prohibited by University Policy 1110 (Conflict of Interest and Commitment).
- d. A university finding of behavior that constitutes Discrimination or harassment as prohibited by University Policy 1060 (Non-discrimination and Anti-harassment), University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking) and University Policy 1075 (Non-Discrimination on the Basis of Disability).
- e. Using a Faculty position or powers to coerce a Student or to cause intentional harm to a Student.
- f. Exercising any academic, supervisory, evaluative, or other authority or influence over a Student with whom the Faculty Member has or has ever had a consensual relationship or with persons related by family or marriage (See University Policy 7015 - Faculty/Staff and Student Consensual Relationships Policy and University Policy 7050 - Nepotism Policy).

### 5.4.2 Scholarship

Unacceptable conduct includes failure to meet the responsibilities of Scholarship listed in Section 5.3.2, including, but not limited to:

- a. Misconduct in sponsored research, non-sponsored research, and in other forms of similar professional activity related to an official position at the University.
- b. Violating intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, Scholarship, and findings of others, as defined by University policy. Scholarly misconduct is defined as fabrication or falsification of data and/or results, plagiarism, or other practices that seriously deviate from those practices that are commonly accepted within the scholarly community for proposing, conducting, or reporting Scholarship (See University Policy 5060 - Misconduct in Research).
- c. Exploiting a faculty position or those they supervise for personal or pecuniary gain.
- d. Using administrative position, seniority, or other authority to coerce other Faculty to either participate in scholarly activities or to give scholarly credit to Faculty who have not participated in the scholarly activity.

### 5.4.3 Service

Unacceptable conduct includes failure to meet the responsibilities of Service listed in Section 5.3.2, including, but not limited to:

- a. When part of their workload assignment:
  - Not fulfilling committee responsibilities or other service obligations listed in Section 5.3.3.
  - Refusing to accept governance tasks of the department/college/school/University when assigned.
  - Not participating regularly and fully in department/college/school service responsibilities (e.g., consistently attending department/unit/committee meetings, actively participating in shared decision-making within the scope of Faculty responsibilities, participating in the peer review of colleagues, or otherwise advancing the mission and goals of the unit, etc.).

- b. When Faculty are engaged in professional or administrative efforts with other persons, not being responsive in meeting their obligations to their associates and/or in performing the tasks they have agreed to perform.
- c. Evaluating professional performance, including annual evaluations, tenure and promotion review, and promotion in rank review, of another Faculty Member by criteria not directly reflective of professional performance, as stated in University Policy 4290 (Annual Faculty Performance Evaluation); University Policy 4340 (Faculty Tenure and Promotion Guidelines); University Policy 4520 (Annual Evaluation of Deans); University Policy 4530 (Department Chair Evaluation); and University Policy 4560 (Workload for Tenured and Tenure-Track Faculty).
- d. Breaching established rules governing confidentiality in personnel matters.
- e. Disrupting functions or activities sponsored or authorized by the University (See Idaho State Board of Education Policy, Section III.3.B.3.b.i).
- f. Violating or inciting others to disobey institutional policies, rules, or laws when such advocacy calls for imminent action of violence or abuse against persons or property or will cause the efficient and effective operations of the University to be impaired, and such advocacy is likely to incite or produce such action (See Idaho State Board of Education Policy, Section III.3.B.5d and e).
- g. Violating University and Idaho State Board of Education policies, such as those regarding:
  - Political activities (See University Policy 7070 - Employee Political Activities);
  - Use of university resources (See University Policy 8000 - Information Technology Resource Use);
  - Bullying (as defined in this policy), threats, harassment, discrimination, and retaliation (See Idaho State Board of Education Policy, Section III.3.B.5.a; University Policy 1060 - Non-discrimination and Anti-harassment; University Policy 1065 - Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking; University Policy 12040 - Violence in the Workplace; and University Policy 7030 Whistleblower Protections);
  - Outside professional activities (See University Policy 4440 - Clinical Practices; and University Policy 1110 - Conflicts of Interest and Commitment);

- Representation of qualifications or eligibility as a Faculty Member (See University Policy 7005 - Background Verifications; University Policy 7035 - Affiliate, Affiliate Faculty, and Visitor Appointments and Privileges; and University Policy 7520- Self-Disclosure of Criminal Proceedings).

## 6. Enforcement

As a public institution, the University, including its Faculty, is open to comments and criticisms from Faculty, Students, Staff, administrators, and other interested citizens. In the event that a Faculty Member is perceived to have violated the above code of rights, responsibilities, and conduct, those concerns should be directed to appropriate University officials as outlined below.

### 6.1 Concerns of Faculty Related to Another Faculty Member

The university encourages informal resolution of conflicts, problems/grievances related to concerns about unacceptable conduct addressed by this policy using the resolution options outlined below. If the concern is related to Protected Class discrimination and/or harassment, the affected Faculty Member should make a complaint pursuant to University Policy 1060 (Non-discrimination and Anti-harassment) or University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Dating Violence, and Stalking).

#### 6.1.1 Step 1

An affected Faculty Member is urged to discuss their concerns with the involved Faculty Member. The affected Faculty Member may also obtain the assistance of the Faculty Ombuds Office or Human Resources and Workforce Strategy to facilitate this discussion or to provide assistance or resources for mediation options.

#### 6.1.2 Step 2

If the affected Faculty Member is uncomfortable having a discussion with the involved Faculty Member, or is otherwise unable to resolve the concern under Step 1 above, the affected Faculty Member should raise their concern with the relevant department chair, dean, and/or Provost.

#### 6.1.3 Step 3

If the affected Faculty Member chooses not to attempt informal resolution, or informal resolution does not address the affected Faculty Member's concern(s), then the faculty grievance procedure under University Policy 4480 (Faculty Grievance Procedure) should guide the next steps.

## **6.2 Concerns of Students Related to a Faculty Member**

A Student with a concern related to a Faculty Member's conduct addressed in this policy should contact the Faculty Member's department chair, dean, and/or Provost or utilize the academic grievance procedure under University Policy 3440 (Academic Grievance Procedure). For University Policy 1060 (Non-discrimination and Anti-harassment), University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking), and University Policy 1075 (Non-discrimination on the Basis of Disability) complaints, Students should report the concern directly to the Office of Title IX And Institutional Equity.

## **6.3 Concerns of Staff/Administrators Related to a Faculty Member**

A non-Faculty employee or administrator with a concern related to a Faculty Member's conduct addressed in this policy should discuss their concern with the involved Faculty Member, Human Resources and Workforce Strategy, or the Faculty Member's department chair, dean, and/or Provost. University Policy 1060 (Non-discrimination and Anti-harassment), University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking), and University Policy 1075 (Non-discrimination on the Basis of Disability) complaints should be reported directly to the Office of Title IX and Institutional Equity.

## **6.4 Concerns of Interested Citizens Related to a Faculty Member**

An interested citizen with a concern related to a Faculty Member's conduct addressed in this policy should contact the Provost's Office at [provost@boisestate.edu](mailto:provost@boisestate.edu).

## **7. Related Information**

This document was modified from the Faculty Code of Conduct from the University of California system, from the University of Utah's "Code of Faculty Rights and Responsibilities, the University of Kansas' "Faculty Code of Rights, Responsibilities, and Conduct," Weber State University's "Faculty Responsibilities to Colleagues," and the AAUP.

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## **Last Review Date**