



UTAH VALLEY UNIVERSITY Policies and Procedures

POLICY TITLE	Faculty Rights and Professional Responsibilities	Policy Number	635
Section	Academics	Approval Date	June 25, 2020
Subsection	Faculty	Effective Date	June 25, 2020
Responsible Office	Office of the Provost		

1.0 PURPOSE

1.1 Institutions of higher education exist for the common good, which depends upon the free search for knowledge and its free expression. In support of its mission, Utah Valley University is committed to fostering a culture of academic rigor and professional excellence while operating ethically, effectively, and in compliance with legal requirements. These commitments require dedication from the University and its faculty to both academic freedom and professional responsibility. This policy sets forth the rights and responsibilities of faculty members consistent with principles of academic freedom and professional responsibility as articulated in the *1940 Statement of Principles on Tenure and Academic Freedom and Tenure (AAUP)* and the *1966 Statement on Professional Ethics (AAUP)*, respectively.

2.0 REFERENCES

- 2.1** *Family Educational Rights and Privacy Act of 1974 (FERPA)*, 20 U.S.C. § 1232g (1974)
- 2.2** *Title VII of the Civil Rights Act of 1964*, 42 U.S.C. § 2004 (1971)
- 2.3** *Title IX of the Educational Amendments of 1972*, 20 U.S.C. § 1681 et seq. (1972)
- 2.4** *1940 Statement of Principles on Tenure and Academic Freedom*, American Association of University Professors (AAUP)
- 2.5** *Statement on Professional Ethics*, AAUP, 1966, 1987, 2009
- 2.6** *Institutional Programs Generally*, Utah Code Ann. § 53B-16-101 (2017)
- 2.7** *Utah Governmental Immunity Act*, Utah Code Ann. § 63G-7-101 (2017)
- 2.8** Utah State Board of Regents' Policy R312 *Utah System of Higher Education and Institutional Missions and Roles*
- 2.9** Utah State Board of Regents' Policy R481 *Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review*



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- 2.10 Utah Board of Regents' Policy R482 *Bona Fide Financial Exigency and Personnel Reduction*
- 2.11 Utah Board of Regents' Policy R485 *Faculty Workload Guidelines*
- 2.12 Utah Board of Regents' Policy R840 *Institutional Business Communications*
- 2.13 UVU Policy 114 *Conflict of Interest*
- 2.14 UVU Policy 133 *Compliance with Government Records Access and Management Act*
- 2.15 UVU Policy 136 *Intellectual Property*
- 2.16 UVU Policy 137 *Sponsored Programs (Grants, Contracts, Cooperative Agreements)*
- 2.17 UVU Policy 154 *Workplace Violence*
- 2.18 UVU Policy 161 *Freedom of Speech*
- 2.19 UVU Policy 162 *Title IX Sexual Harassment.*
- 2.20 UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*
- 2.21 UVU Policy 323 *Guidelines for Consulting*
- 2.22 UVU Policy 324 *Drug-free Workplace*
- 2.23 UVU Policy 541 *Student Code of Conduct*
- 2.24 UVU Policy 542 *Student Records Access (Student Privacy/FERPA)*
- 2.25 UVU Policy 601 *Classroom Instruction and Management*
- 2.26 UVU Policy 606 *Adoption of Course Materials and Textbooks*
- 2.27 UVU Policy 632 *Assignment and Advancement in Academic Rank*
- 2.28 UVU Policy 633 *Annual Faculty Reviews*
- 2.29 UVU Policy 637 *Faculty Tenure*
- 2.30 UVU Policy 639 *Adjunct Faculty*
- 2.31 UVU Policy 641 *Salaried Faculty Workload–Academic Year*
- 2.32 UVU Policy 644 *Appointment and Responsibilities of Department Chairs*



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2.33 UVU Policy 646 *Faculty Appeals for Retention, Tenure and Promotion*

2.34 UVU Policy 647 *Faculty Grievance*

2.35 UVU Policy 648 *Faculty Personnel Reduction (Interim Policy)*

2.36 UVU Policy 660 *Research Ethics and Compliance*

3.0 DEFINITIONS

3.1 Civility: Claiming and caring for one's own identity, needs, or beliefs without degrading someone else or someone else's identity, needs, or beliefs in the process.

3.2 Faculty: For the purposes of this policy, an employee hired into a faculty position categorized as a full-time, benefits-eligible employee, whether tenured, tenure-track, or non-tenure track.

3.3 Impermissible academic assistance: Impermissible academic assistance includes but is not limited to the provision or arrangement of

3.3.1 Substantial assistance that is not generally available to an institution's students when this assistance results in the certification of a student-athlete's eligibility to participate in intercollegiate athletics, receive financial aid, or earn an Academic Progress Rate point. While determination of what constitutes 'substantial' assistance is fact-specific, substantial assistance generally includes a considerable amount of assistance provided to the student-athlete that is of significant value to the student-athlete and not generally available or offered to non-student athletes.

3.3.2 An academic exception that results in a grade change, academic credit, or fulfillment of a graduation requirement when such an exception is not generally available to the institution's students and the exception results in the certification of a student-athlete's eligibility to participate in intercollegiate athletics, receive financial aid, or earn an Academic Progress Rate point.

3.4 Research misconduct: Fabrication, falsification, plagiarism, willful disregard of policies related to research, or other practices that seriously deviate from practices that are commonly accepted within the academic research community for proposing, conducting, or reporting research. This does not include honest errors or honest differences in interpretations or judgments of data or data sets interpretation of.

3.5 Retention, tenure, and promotion (RTP) criteria: Program/department criteria corresponding to teaching, scholarship/creative works, and service, outlining requirements for the achievement of retention (including post-tenure), tenure, and promotion for tenure-track and tenured faculty members in compliance with university policies.



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3.6 Sponsored Research: Systematic study directed toward enhanced scientific or scholarly knowledge or toward understanding of the subject matter, or the use of such knowledge or understanding directed toward the production of useful materials, devices, systems, or methods that is funded through a sponsored program. All sponsored research will be in accordance with Policy 137. Academic tasks undertaken for the sole purpose of furthering personal knowledge or understanding of the subject matter, such as assignments in undergraduate courses, are not considered “research” under this policy.

4.0 POLICY

4.1 Scope of this Policy

4.1.1 This policy applies to all full-time faculty employed by Utah Valley University, whether tenured, tenure-track, or non-tenure track. Failure by faculty members to comply with the responsibilities stated in this policy may lead to remedial or disciplinary action, up to and including dismissal. (See UVU Policy 639 *Adjunct Faculty* for the rights and responsibilities of adjunct faculty).

4.1.2 Procedures, rights, responsibilities and duties specified in section 5.0 apply to all faculty members as defined in section 3.3. Procedures, rights, and responsibilities may be specified by individual departments or other university policies or guidelines, as approved by appropriate entities.

4.2 Academic Freedom

4.2.1 All faculty members are free to discuss any matter in the classroom related to the subject of the course, to explore all avenues of scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern, inside and outside the academic context, including matters related to professional duties and the functioning of the University. Whether it engenders hostility, pressure, or praise for the University, this freedom of expression shall remain secure for UVU faculty. When faculty members engage in their constitutionally protected exercises of freedom of expression, assembly, and association, including lawful participation in political activities as private citizens, these exercises do not violate their duties to UVU or its members or profession.

4.2.2 When faculty members speak or write as citizens rather than employees, they should be free from university censorship, reprisal, 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 university by their utterances. Hence, at all times they should strive for accuracy, 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 University (See *AAUP 1940*).



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4.2.3 Faculty shall not use academic freedom or freedom of speech as a pretext to discriminate or create a hostile environment within the meaning of Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, or other applicable laws. Academic freedom does not permit faculty members to violate the rights of students or other employees secured by law and UVU policies. Faculty shall also not use academic freedom in the classroom as a pretext to discuss controversial matter that is unrelated to their subject.

4.3 University Obligations to Faculty

4.3.1 Consistent with Utah law, the University shall provide faculty members support in professional activities inside and outside the classroom, on and off campus, in defense of academic freedom and in defense of any resulting litigation. For purposes of this policy, professional activities are those described or required by each department's RTP criteria.

4.3.2 Faculty members can expect the University to provide a teaching environment adequately equipped and an environment that encourages research, creative works, and professional development appropriate to the mission and demands of a teaching university. Faculty can also expect a working environment free from violence or systematic disruption per university policies.

4.3.3 Faculty members have a right to reasonable assistance from the University in improving their skills and developing their talents related to their job duties.

4.3.4 Subject to university, curriculum, and scheduling needs, faculty members shall be assigned reasonable workloads sufficient to carry out their individual duties consistent with university policy and in accordance with Utah Board of Regents' Policy R312 *Utah System of Higher Education and Institutional Missions and Roles*, Policy R485 *Faculty Workload Guidelines* and UVU Policy 641 *Salaried Faculty Workload*.

4.4 General Rights and Responsibilities

4.4.1 In their interactions with other faculty members, administrators, staff members, and university community members, faculty members shall conduct themselves with reasonable standards of professionalism. Examples of inappropriate behavior include but are not limited to requiring the performance of inappropriate personal services; assigning tasks for punishment rather than for educational or job-related reasons; intentional disruption of teaching, research, service, or administrative activities; and neglect of necessary communications with students and other employees.

4.4.2 Delegated by the Utah State Board of Regents, the President has the authority to develop policy for the institution subject to the approval of the UVU Board of Trustees. Faculty members shall comply with all current university policies and procedures applicable to employees, including faculty.



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4.4.3 Faculty members shall competently perform their responsibilities as teachers and members of the faculty at a regional university per Utah Code Section 53B-16-101. Decisions related to a faculty member's competence in the areas of teaching, scholarship, responsibility, and service will be based on UVU policies and guidelines and will be consistent with relevant college or departmental criteria.

4.4.4 In interactions with other faculty members, administrators, staff, and students, faculty members shall conduct themselves with reasonable standards of professionalism and civility. Examples of professionalism and civility include but are not limited to responding promptly to emails and other requests for action from supervisors, faculty peers, staff, and students; facilitating the success of committees in their intended goals through collaboration, constructive discussion, and action; accepting reasonable requests for collaboration pertaining to the faculty's area of study, pedagogical and scholarly goals, or goals of the department and school; addressing disagreements openly, professionally, and respectfully, which can include appropriate mediation, prompt attention to complaints, and good faith efforts to resolve issues; and/or avoiding intentional disruption of teaching, scholarly/creative work, or administrative meetings or activities.

4.4.5 Faculty members shall comply with instructions, whether verbal, written, or electronic, from their chair, dean, provost or president respecting the timely performance of their essential duties so long as the instructions are consistent with the law and UVU policy, including the rights stated in this policy. Faculty have the right to an unbiased grievance process in accordance with UVU Policy 647 *Faculty Grievances* in matters of department, college or university, employment, or academic concerns.

4.4.6 Faculty members have a right to due process commensurate with their faculty appointment—as set forth in Policy 648 and other applicable university policies including Policy 648—in any disciplinary matter. This includes a right to be heard, a right to decision and review by impartial persons or bodies, and a right to adequate notice.

4.4.7 To the extent permissible by law and university policy, faculty, staff, administrators, and students have a right to privacy in their dealings with the University, including the right to expect that certain records of their association with the University are treated as confidential. Faculty members shall not access, use, or disclose private or confidential information, unless permitted by applicable law or university policy. Faculty members shall also store and dispose of records containing private or confidential information, including those stored electronically, in accordance with law and university policy.

4.4.8 All faculty members shall complete trainings required by President's Council, their department chair, their dean, or the Provost by the stated deadlines.

4.4.8.1 Faculty members have a right to fair notice of any required trainings in advance of the deadline. Fair notice must be in writing (email is acceptable) and at least 60 calendar days in



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advance of the deadline, excluding holidays, off-contract periods (e.g., summers), and university-approved leaves of absence (other than vacation, personal, and consulting leave).

4.5 Rights and Responsibilities in Teaching

4.5.1 Faculty members shall encourage the pursuit of learning in an atmosphere of civility and respect, respect the rights of others, exhibit and foster honest academic conduct, and evaluate students based on fair and objective criteria outlined in the course objectives and syllabi. (See AAUP's *Statement on Professional Ethics*).

4.5.2 Faculty members are entitled to academic freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter that has no relation to the subject of the course (see AAUP, 1940, 1970). Faculty members shall adhere to the subject matter and course objectives as stated in course catalogs and syllabi.

4.5.3 Faculty members shall not require students to accept their personal beliefs or opinions. Where faculty members find it pedagogically useful to advocate a position on controversial matters, they shall exercise care to ensure that opportunities exist for students to consider other views.

4.5.4 Faculty members have a responsibility to maintain their teaching competence and strive for improvement as needed. Faculty members shall engage in reasonable and substantial preparation for the teaching of their courses, appropriate to the educational objectives to be achieved and consistent with the standards of the discipline. Faculty members shall strive to create learning environments that promote free inquiry and critical thinking.

4.5.5 Faculty members shall meet their obligations pertaining to course instruction, including holding class as scheduled, presenting approved curriculum appropriate to the subject matter, grading and responding to students in a timely manner, grading students on clear and objective standards related to the course, and being available to assist students outside regularly scheduled class times, as determined by the department/school/college.

4.5.6 Any faculty member or employee with authority to assign or recommend course materials for any course offered by the University shall do so based on sound academic values and UVU Policy 606 *Adoption of Course Materials and Textbooks*

4.5.7 UVU is dedicated to providing a fair learning environment to all of its students. Faculty members are prohibited from engaging in impermissible academic assistance as defined above in section 3.3 and as prohibited by the National Collegiate Athletic Association. Faculty members shall participate as necessary in any investigation into allegations of impermissible academic assistance, including facilitating expedited investigations where appropriate.

4.5.8 Faculty members shall not plagiarize ideas and works of students. When faculty members and students work together, appropriate credit shall be given to students. Faculty members shall



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not limit or curtail the right of any student to publish or otherwise communicate the result of the student's own independent scholarly activities.

4.5.9 Faculty members shall not use their positions and authority to obtain uncompensated labor or to solicit gifts or favors from students. Faculty members shall not ask students to perform services unrelated to legitimate requirements of a course unless the student is reasonably compensated for such services and the service rendered does not violate any law or university policy.

4.6 Rights and Responsibilities in Professional Activities, Scholarship, and Creative Work

4.6.1 Faculty members have a responsibility to maintain their scholarly/creative competence and strive for improvement as needed.

4.6.2 Faculty members shall uphold the academic and ethical standards of professional behavior in scholarly and creative endeavors established by the University and by their respective discipline(s).

4.6.3 Faculty members are entitled to full freedom in research and creative works and in the publication, display, and exhibition of the results, subject to the acceptable performance of their other academic duties and compliance with state and federal regulations and university policy.

4.6.4 Faculty members shall exercise reasonable care in meeting their obligations to their associates when they are engaged in joint research or some other professional effort.

4.7 Rights and Responsibilities in Service

4.7.1 UVU is committed to serving both university and public communities. Faculty members shall uphold the University's commitment to service by carrying out service relevant to the University's mission and as expected in their respective RTP criteria and/or university policies and procedures.

4.7.2 Except in extenuating circumstances and absent teaching a scheduled course, faculty members shall attend department meetings on a regular basis to provide input regarding department decision-making.

4.7.3 Faculty members shall support their departments, colleges/schools, and University by actively participating in committees, task forces, university councils, and/or other activities relevant to the mission of the University. Faculty members shall be active, responsive, constructive, and civil in their service on committees of all levels. Faculty members shall accept reasonable departmental requests for collaboration pertaining to the faculty's area of study, pedagogical and scholarly goals, or goals of the department and school.



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4.7.4 To ensure faculty control over faculty areas, senior faculty members are responsible to provide advice and assistance to their junior faculty colleagues as needed concerning matters including but not limited to retention, tenure, and promotion policies, processes, and criteria.

4.7.5 Faculty members shall perform formal annual reviews and other evaluations of colleagues as may be required by policy; formal evaluations shall be conducted professionally and objectively, respecting and defending the free inquiry of colleagues.

4.7.6 Faculty members shall support their disciplines, professional organizations, and communities by participating in activities and groups that are directly related to their disciplines and to the mission of the University, including but not limited to service in professional societies, planning or chairing conferences or conference sessions, participating in peer review for their professional or discipline organizations, or reviewing materials for publication, exhibit, or performance, per department RTP criteria.

4.8 Rights and Responsibilities to Members of the University Community

4.8.1 Faculty members shall address workplace conflicts openly, professionally, and respectfully, which can include appropriate mediation, prompt attention to complaints, and good faith efforts to resolve issues.

4.8.1.1 Faculty members have the right to no cost, formal or informal conflict resolution or consultation services or training through university Faculty Relations services when attempting to resolve workplace conflicts. See Section 5.4.6.2.

4.8.2 Faculty members shall not purposely mislead the university by misrepresenting their qualifications as a faculty member or eligibility for university employee benefits.

4.8.3 Faculty members shall avoid exploiting the university's name or their own relation with the university for personal reasons unrelated to their legitimate academic or professional activities. They must not intentionally create the impression, in public appearances or statements, that they are representing the university, unless in fact, they are.

4.8.4 Faculty members shall respect university property and programs, and shall respect and acknowledge, when appropriate, the legitimate activities and contributions of other persons on the university campus.

4.8.5 Faculty members shall not purposely incite others to engage in unlawful activity.

4.8.6 When conducting email correspondence with the university or as required by UVU policies and Utah Board of Regents' Policy R840, faculty members shall use their university-assigned email. Faculty members and the university shall comply with applicable policies and protocols regarding faculty members' use of email, including UVU Policy 441 *Appropriate Use of*



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Computing Facilities and the Utah Board of Regents' Policy R840 Institutional Business Communications.

4.8.7 Faculty members are responsible to maintain confidentiality of privileged or confidential information and may face disciplinary action for any unauthorized disclosure or misuse, even if it is unintentional.

4.9 Rights and Responsibilities in University Governance

4.9.1 Faculty members have the right and responsibility to participate in the governance of the University in accordance with Utah law, Utah Board of Regents' policies, and university policies.

4.9.2 Pursuant to relevant university policies and procedures, faculty members have primary responsibility for curriculum, subject matter and methods of instruction, research, creative works, performance, and faculty status.

4.9.3 Pursuant to relevant university policies and procedures, faculty members have designated responsibilities concerning the following decisions regarding faculty: a) academic appointments, b) reappointments and decisions to not reappoint at midterm review, c) the granting of tenure, d) promotions, and e) dismissal for academic reasons. Recommendations in these matters shall be made by faculty participation through established procedures and authorized by appropriate academic officers and the President, with final action by the Board of Trustees. Scholars in a particular field or activity have the chief competence for judging the academic work of their peers; in such competence, it is implicit that responsibility exists for both adverse and favorable judgments.

4.9.4 Where their rank and status are appropriate, faculty members have the right to vote on faculty appointments, promotions, and tenure, and to vote for representatives to college and university representative bodies.

4.9.5 Subject to approval by the President, Board of Trustees, federal and state authorities, and accrediting bodies, the faculty set the requirements for the degrees offered, determine when students have met the requirements, and recommend to the President and Board of Trustees the granting of degrees.



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5.0 PROCEDURES

5.1 Rights and Responsibilities in Teaching

5.1.1 Curriculum

5.1.1.1 Subject to curriculum and accreditation needs and guidelines of departments, colleges/schools, and the University, faculty members shall design, review, and revise curriculum and courses.

5.1.1.2 Faculty members have the right and responsibility to develop and improve their pedagogy, course and materials.

5.1.2 Course Instruction

5.1.2.1 Faculty and employees assigning self-authored course materials shall follow Policy 606 *Adoption of Course Materials and Textbooks*. Except for reimbursement of out-of-pocket costs, faculty and employees may not accept or retain royalties or any other personal compensation or material benefit from the sale or furnishing of course materials they authored to students in their own classes, in any classes in their department, or department/college for which they have authority to assign or recommend course materials. They may, however, 1) designate such royalties or compensation into a department-wide fund, as approved by the college/school dean in consultation with the university Compliance Officer; or 2) written evidence demonstrating arrangements with the publisher and bookstore under which the faculty member's royalty or personal compensation is deducted from the price of the materials.

5.1.2.2 At the beginning of the course, faculty members shall supply a syllabus for each course they teach that clearly communicates course structure, schedule, student expectations, expected course outcomes and methods of assessment. Each syllabus shall also include the university-approved disability accommodation, religious accommodation, and Title IX statements, which can be found on Canvas. Faculty members set appropriate standards for student performance in their courses, subject to university standards. Faculty members shall adhere to the subject matter and course objectives as stated in course catalogs and syllabi, however, faculty have the right to modify syllabi during a course to meet the needs of the course, provided students have reasonable notice.

5.1.2.3 Faculty members are expected to meet their regularly scheduled classes and hold class for the scheduled length. Alteration of schedules, cancellation or rescheduling of classes may be done only for valid academic reasons and after adequate notice to students and the department chair. Any faculty member anticipating an absence of more than one week in length or two weeks total in a semester must have the approval of their chair and dean before the first absence takes place. Failure to meet scheduled classes without prior notice to students and department chair is excusable only for extenuating reasons beyond the control of faculty members.



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5.1.2.4 Faculty members shall designate and teach courses as an alternative modality such as online or hybrid only after completing the appropriate University approval process established by Academic Affairs.

5.1.2.5 In accordance with school/college guidelines, faculty members with teaching responsibilities shall establish and maintain regular office hours, face to face and/or online, for consultation with students, or otherwise ensure students are able to consult with them in a timely manner on course-related matters.

5.1.2.6 Faculty members shall not require students to attend class or submit any assignments or assessments on a scheduled reading day. Faculty members shall adhere to UVU Policy 601 *Classroom Instruction and Management* when holding final exams or other assessments.

5.1.2.7 In accordance with university policies and department or school/college retention, tenure, and promotion criteria, faculty members shall comply with reasonable and appropriate requests for peer, supervisor, and student evaluations of their teaching.

5.1.2.8 Faculty shall store personally identifiable student information only in university-approved locations, systems, or devices.

5.2 Rights and Responsibilities in Professional Activities, Scholarship, and Creative Work

5.2.1 Faculty members shall submit scholarly or creative works for peer or competitive review per their department's RTP criteria. Such review may occur in a variety of academic or professional venues, including but not limited to, conference presentations and proceedings, symposia, seminars, exhibits, performances, and appropriate scholarly or professional publications.

5.2.2 Research and creative works conducted by faculty shall be in compliance with UVU Policy 114 *Conflict of Interest* and UVU Policy 136 *Intellectual Property*.

5.2.3 Faculty members engaging in sponsored research shall consult with the Office of Sponsored Programs (OSP) and follow applicable University policies.

5.3 Rights and Responsibilities in University Governance

5.3.1 Tenured and tenure-track faculty members and/or other eligible voters as determined by the department shall have the right to elect and/or recall their department chair by majority vote as provided in Policy 644 *Appointment and Responsibilities of Department Chairs*.

5.3.2 Faculty members have the right to present position-related concerns to their dean through their department chair. If they feel the department chair is not adequately representing them, they have the right to address that concern with the dean. If faculty feel the dean is not adequately representing them, they shall have the right to address that concern with the Associate Provost



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directly or through appropriate Faculty Senate representatives by submitting concerns to the Faculty Relations Manager in accordance with Policy 646 *Faculty Grievances*.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity
April 15, 2010	Approved for Policy Manual	UVU Board of Trustees
June 25, 2020	Approved for Policy Manual	UVU Board of Trustees
August 14, 2020	Nonsubstantive change made in section 2.19: Title of Policy 162 updated from <i>Sexual Misconduct</i> to <i>Title IX Sexual Harassment</i> .	UVU Policy Office
September 30, 2020	Nonsubstantive change made in section 2.0: Policy 636 was renumbered to 660.	President's Council and General Counsel