

**PROFESSIONAL RIGHTS AND RESPONSIBILITIES OF FACULTY MEMBERS
AND
ROLES AND PROFESSIONAL RESPONSIBILITIES OF ACADEMIC LEADERS
(PRR)**

Revised 2021

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PREAMBLE

The University of Colorado Boulder (CU Boulder) seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for truth as the faculty member^a sees it. Effective performance of this academic mission requires that university^b faculty members be free within their respective fields of competence to pursue and teach the truth in accord with applicable standards of scholarly inquiry.

The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships between the faculty's special professional competence and its academic freedom,¹ and the academic mission of the university.² These relationships are also the source of the professional responsibilities of faculty members.

It is the intent of this “Professional Rights and Responsibilities of Faculty Members and Roles and Professional Responsibilities of Academic Leaders” document (PRR) to protect academic freedom, to create a collegial enterprise to help preserve the highest standards of teaching and scholarship, and to advance the mission of the university as an institution of higher learning.

Origins of This Document

This document is informed by the Laws and Policies^d of the Regents and the laws of the State of Colorado, and by policies and procedures of the university and the Faculty Senate, CU Boulder, and the Boulder Faculty Assembly (BFA). This document is intended to comply with, and in places further clarify, Regent Laws, Regent Policies, and university policies as they apply to faculty. It is to be interpreted consistently with the Regents' Statement of Principles of Academic Freedom.³ In accordance with Regent “University of Colorado Policy Framework,”⁴ in the event of any conflict between contents

PART I PROFESSIONAL RIGHTS OF FACULTY MEMBERS⁵

It is the responsibility of the university to maintain conditions and rights supportive of the faculty's pursuit of the university's academic mission. Many of these conditions and rights are derived from the principles of academic freedom of faculty members, and from the essential principle that a university is in its most critical aspects a collegial enterprise in which the faculty has principal authority with respect to academic and scholastic policies, and shares authority in many other matters.

A major responsibility of the administration is to protect and encourage the faculty in its teaching, learning, research, and public service activities in pursuit of the university's academic mission. Likewise, the authority to discipline faculty members in appropriate cases derives from the shared recognition by the faculty and the administration that the purpose of discipline is to preserve conditions hospitable to these pursuits.

Such conditions, as they relate to faculty, include, for example, the following:

1. the freedom to study, learn, and conduct scholarship and creative work within their discipline, and to communicate the results of these pursuits to others, bound only by the control and authority of the rational methods by which knowledge is established in the field;⁶
2. the right to present relevant information in a course of instruction, so long as all materials introduced into the classroom can be justified in terms of curriculum and student learning;⁷
3. wide latitude in defining scholarly research or creative work, even when controversial;
4. the right to enjoyment of constitutionally protected freedom of expression;⁸
5. the right to share in the governance of the university, as provided in the Laws and Policies of the Regents and the laws of the State of Colorado, and in policies and procedures of the university and the Faculty Senate, CU Boulder, and the BFA, and of the schools, colleges, departments and other academic units, including the following:
 - a. the faculty has the principal role in originating policy and standards for:
 - i. academic policy, including initiation and direction of all courses, curricula, and degree offerings;⁹
 - ii. scholastic policy, including admissions criteria, grading and standards for continuation, regulation of student academic conduct, and determination of candidates for honors and degrees;

3. acting in accordance with the highest standards of their profession.¹¹

PART II

PROFESSIONAL RESPONSIBILITIES, ETHICAL PRINCIPLES, AND FACULTY CONDUCT

Part II elaborates standards of professional conduct for faculty members derived from university policy and general professional consensus about the existence of certain precepts that adequately describe acceptable faculty behavior.^e Conduct that departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the university. This part is organized around the individual faculty member's conduct in regards to teaching and students; research, scholarship, and creative work; and citizenship in the campus community.^f It states ethical principles, lists the responsibilities of faculty members, and offers examples of both expected and unacceptable conduct. The articulation of expected and unacceptable faculty conduct is appropriate both to verify that a consensus exists regarding expected professional conduct and to give fair notice to all that departures from expected professional conduct may give rise to disciplinary processes.

A. Teaching and Students

Ethical Principles

As a teacher, the faculty member encourages the free pursuit of learning; upholds the highest scholarly and ethical standards of the discipline; demonstrates respect for each student as an individual; adheres to a proper role as intellectual guide and counselor; makes every reasonable effort, through the faculty member's own example and otherwise, to foster honest academic conduct and to ensure that evaluation of students is merit-based; respects the confidential nature of the relationship between the faculty member and individual students; avoids any harassment or discriminatory treatment of students; avoids exploitation of students for private advantage and acknowledges significant academic or scholarly assistance from them; and protects the academic freedom of students.¹⁶

1. Expected Conduct

The faculty member is expected to:

- a. maintain competence in their discipline;¹⁷
- b. maintain currency in pedagogical competence in order to interpret knowledge in a manner

- d. be able to justify, in terms of curriculum and student learning, all materials introduced into the classroom;¹⁸
- e. prepare adequately for classes;
- f. establish course requirements and policies, grading standards, and other administrative procedures for classes in accordance with campus policies;¹⁹
- g.

2. Unacceptable Conduct

Examples of unacceptable faculty conduct are:

the university, in a measure appropriate to the discipline;

- b. comply with professional and ethical standards that govern proposing, carrying out, and reporting results from research, acknowledging that research, scholarship and creative work may take many forms so long as it is presented in such a way that the work can be evaluated by peers in the faculty member's academic discipline;
- c. emphasize the importance of ethical and expert conduct to staff and students who are under their supervision and provide reasonable supervision and training to minimize the opportunities for research misconduct; and
- d. work with colleagues within one's discipline to establish policies regarding author names on publications and creative work, make those policies well known to students and staff, and conform to those policies in their own publications.

2. Unacceptable Conduct

Examples of unacceptable conduct by faculty members are:

- a. research misconduct, including but not limited to plagiarism, falsification, or fabrication of data;³¹
- b. failure to comply with established standards in one's discipline regarding author names on publications and creative work;
- c. failure to comply with federal requirements and university requirements regarding the protection of researchers, human subjects, and the public, and for ensuring the welfare of laboratory animals;³²
- d. failure to review and comply with applicable federal regulations and university requirements regarding the confidentiality and security of restricted research and controlled unclassified information;³³
- e. failure to disclose the faculty member's significant financial interests (including the significant financial interests of family members), consulting activities, external entitles and foreign affiliations, or other potential conflicts of interest in a timely manner, as required by applicable federal regulations and university requirements, and failure to comply with any related management plan;³⁴ and
- f. other serious deviations from accepted practices in proposing, carrying out, reviewing, or reporting results from research.³⁵

- h. follow applicable processes^h in raising any objection to an action taken by a department chair or other person that affects the faculty member.

2. Unacceptable Conduct

personnel system criteria for appointment, reappointment, job classification, and promotion, all in consonance with Human Resources procedures for CU Boulder and in accordance with the Laws and Policies of the Regents and Administrative Policy Statements.⁶¹

- g. In the course of recruitment of new appointees or in relation to salary increases or advancement of incumbents, the academic leader shall make no formal commitment as to rank and salary until such action has received final approval of the appropriate administrative office. The academic leader has the responsibility to be familiar with the state personnel system, and to ensure that staff are aware of unit expectations and of state personnel system criteria for appointment, reappointment, job classification, and promotion.
- h. The academic leader is expected to seek the advice of the unit's faculty colleagues regularly, to provide for the conduct of the unit's affairs in an orderly manner through unit meetings and the appointment of appropriate committees, and to keep unit members informed of their actions in a timely manner. The academic leader is encouraged to seek student input on matters of concern to students enrolled in the unit's programs. In large units, the academic leader may be assisted by a vice chair or other colleagues in the tasks involved in carrying out their responsibilities, and, when desired, by an executive committee chosen in an appropriate manner.
- i. The academic leader should inform their successor about major events during their term of office to ensure the smooth transition between leaders. This communication might take the form of notes or files, and should include resolutions of unprofessional conduct.⁶²
- j.

- “Fiscal Roles and Responsibilities” APS 4014 (2011)⁷⁶
- “Fiscal Code of Ethics” APS 4016 (2008)⁷⁷
- “Sexual Misconduct, Intimate Partner Abuse and Stalking” APS 5014 (2018)⁷⁸
- “Discrimination and Harassment” APS 6014 (2016)⁷⁹

- c. Administrators may disclose information to third parties outside of the university only in the following circumstances: (1) when the Responding Faculty member has granted permission; (2) when and to the extent necessary to conduct an inquiry into or resolve concerns as permitted by this Part IV; (3) when permitted by Regent Laws or Policies, university policies, CU Boulder policies, or contractual provision; (4) when required by law (e.g., court order, subpoena, statute, or government regulation); or (5) when updating any parties who brought forth concerns that the concerns were resolved, as permitted by this Part IV. See Parts IV.C.3.b and IV.C.5.d below.
- d. Administrators shall disclose personally identifiable information only to the extent that it is necessary to fulfill the purpose of the disclosure.
- e. During the course of a Supervising Administrator's inquiry, participants are expected to keep the inquiry confidential out of respect for, and to preserve the integrity of, the process. Nothing precludes any participant from sharing information for the purposes of support and resources, such as with their advocate, partner, counselor, or other confidential consultants.

8. Timeliness of Process

a. Timeframes

All processes under this Part IV relating to allegations of unprofessional conduct shall be conducted promptly, taking into account, however, both the seriousness of the matter and the need to conduct processes in a manner that is both careful and considerate of all persons involved. Usually, such processes will be completed within sixty (60) calendar days of the date that written notice of the allegation(s) is sent to the Responding Faculty Member. See Part IV.C.3.c below.

b. Best Efforts

In order to deliver a reasonably prompt process, Supervising Administrators and the Responding Faculty Member must make their best efforts to meet deadlines specified in Part IV.C below.

c. Extensions for Good Cause

Timeframes, including extensions for the Responding Faculty Member, may be extended only for good cause. Good cause may exist based on the complexity of the circumstances of each allegation, the integrity and completeness of the inquiry, absences by the parties, the availability of persons with relevant information, reasonable accommodations to an individual with a disability, university breaks or vacations, the necessity to access relevant and probative documentation that is not immediately available, or other legitimate reasons.

The Supervising Administrator will decide, and is the sole decision-maker regarding, whether good cause exists for an extension.

9. Request for Recusal of Supervising Administrator; Referral to Higher Administrative Level

a. Request for Recusal

3. means the immediate supervisor of the Supervising Administrator, typically a dean.
4. means a worry or question whether behavior meets or violates the standards of professionalism set forth in this PRR. Faculty will, from time to time, have questions about the appropriateness of actions of their colleagues. Faculty are encouraged to bring these concerns to their Supervising Administrator.
5. means an assertion that unprofessional conduct may have occurred. Once the Supervising Administrator determines that a concern appears to have merit and appears to involve unprofessional conduct as defined in this PRR, concerns will go forward as allegations.
6. means seeking, obtaining, and considering information for the purposes of determining whether unprofessional conduct occurred. An inquiry potentially encompasses a broad array of actions ranging from review of documents and materials, informal discussion with the Responding Faculty Member, and consultations with people who have information regarding theit-2.6 (n)10.8 (-2.

The Supervising Administrator shall be responsible for addressing the concerns regarding unprofessional conduct to determine whether they may have merit and appear to involve unprofessional conduct that may warrant a response in the form of an informal resolution or sanction. The Supervising Administrator shall conduct an inquiry into the nature, severity, and frequency of the concerns to determine how to resolve the concerns. The Supervising Administrator may delegate certain inquiry actions to, and otherwise seek the assistance of Faculty Relations, in addition to other faculty or staff as appropriate; for example, an advisory investigative committee assigned by the Supervising Administrator. If Faculty Relations assists with an inquiry, Faculty Relations will report the results of their inquiry, including recommendations for disposition of the matter, to the Supervising Administrator for their consideration.

- a. The Supervising Administrator is encouraged to resolve concerns of unprofessional conduct informally when feasible and if appropriate. See Part IV.A.6 above.
- b. The process shall terminate at this point if the Supervising Administrator concludes that the concerns:
 - i.

informally or impose a sanction that they deem appropriate and warranted for the conduct in question, in accordance with Part IV.D below.

- iii. decide to continue the inquiry in order to address the Responding Faculty Member's response and/or available information. The Supervising Administrator may delegate certain inquiry actions to, and otherwise seek the assistance of, Faculty Relations.
- c. When the Supervising Administrator has sent a notice of allegations and regardless of whether the Supervising Administrator concludes

The administrator at that level shall provide notice and the opportunity to be heard to the Responding Faculty Member and shall then determine the appropriate sanction, if any, following a review of the recommendation for sanction, any record available, and any written statement the Responding Faculty Member may wish to make in the matter to that administrator.

d. Sanctions Providing for Dismissal

Any dismissal (see Part IV.D.3.e.viii above) of a faculty member shall be made only under the procedures provided for such action in the Laws and Policies of the Regents.⁸⁸

E. Appeal of a Supervising Administrator’s Finding of Unprofessional Conduct

1. Informal Responses Not Appealable

Informal responses to unprofessional conduct (see Part IV.D.2 above) are final and may not be appealed.

3.2. What May Be Appealed

If a sanction described in Part IV.D.3 above is imposed, the Responding Faculty Member may appeal either the process through which the Supervising Administrator

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5.4. The Reviewing Administrator

- a. The Reviewing Administrator shall conduct a timely and impartial review of the allegations, findings, and imposed sanctions as reflected in the written record of the case. The Reviewing Administrator (acting alone or with the advice of Faculty Relations, and/or the BFA Grievance Advisory Committee) has twenty (20) working days to complete the review.
- b. The Reviewing Administrator:
 - i. shall review the case to determine whether the Supervising Administrator:
 - a) followed the procedures set forth in this PRR;
 - b) exhibited bias or impartiality;
 - c) conducted a thorough investigation;
 - d) imposed sanctions that were proportional to the unprofessional conduct; and

8.7. Record of the Outcome of the Appeal

The outcome of an appeal shall become part of the Responding Faculty Member's personnel file.

F. Recording and Reporting of Responses and Resolutions of

PRR: HISTORICAL DOCUMENTS

Policy Statement:

1442 8 DICM 9\ DM “[Academic Affairs Policy on Professional Rights and Duties of Faculty Members and Roles and Responsibilities of Department Chairs](#)” (January 16, 2013)

Procedural Documents:

2013: “[Professional Rights and Duties of Facult:](#)

RELEVANT RESOURCES

“Academic Freedom” Laws and Policies of the Regents, [Article 5.B](#) and [Policy 5.B](#) (2020)

“[Alcohol and Other Drugs Information: Policies](#)” University of Colorado Boulder

“Code of Conduct” [APS 2027](#) (2016)

- “Conduct of Members of the University Community” Laws and Policies of the Regents, [Policy 8](#) (2020)

Conflicts of Interest and Commitment:

- “Code of Conduct: Conflicts of Interest” Laws of the Regents, Laws and Policies of the Regents, [Policy 8](#) (2020)
- “Code of Conduct: Conflicts of Interest” University of Colorado [Code of Conduct Section 3](#)
- “Conflicts of Interest and Commitment in Research and Teaching” [APS 5012](#) (2017)
- “[Conflicts of Interest and Commitment](#)” Research and Innovation Office, University of Colorado Boulder
- “Faculty Consulting and External Professional Activities” [APS 1044](#) (2019)
- “Conflict of Interest in Cases of Amorous Relationships” [APS 5015](#) (2015)
- “Nepotism in Employment” [APS 500.28](#) (2017)

ENDNOTES

For the convenience of the reader, the endnotes below cite to relevant authority and other information supporting the statements in this document that existed as of the last revised date of this PRR. Website links where such information may be found on-line are also provided. For any questions or concerns regarding the endnotes, or to report a dead or no longer applicable website link, please contact the Boulder Faculty Assembly office.

PREAMBLE

¹ “Academic Freedom” Laws of the Regents, [Article 5.B](#) and [Policy 5.B](#) (2020)

² “Mission of the University of Colorado” Laws of the Regents, [Article 1.B](#) (2018)

¹⁹ See, for example, “[Required Syllabus Statements](#)” Office of Academic Affairs, University of Colorado Boulder

²⁰ See, for example, “[Student Honor Code Policy](#)” Office of Integrity and Compliance, University of Colorado Boulder

²¹ See Conflicts of Interest Policies *below* Part II, endnote 47

²² See Conflicts of Interest Policies *below* Part II, endnote 47

²³ “[Absences from Campus \(Faculty\)](#)” Office of Faculty Affairs, University of Colorado Boulder (2016)

²⁴ See *supra* Part I, endnote 5, specifically “Associated Responsibilities” Laws of the Regents, Policy 5.B.2(D)

²⁵ ADA Information:

- “[Providing Accommodations](#)” Disability Services, University of Colorado Boulder
- “[ADA & Accessibility](#)” Office of Institutional Equity and Compliance, University of Colorado Boulder

²⁶ See Conflicts of Interest Policies *below* Part II, endnote

⁴³ See Privacy and Confidentiality Policies *supra* Part II, endnote 39

⁴⁴ See “Freedom of Expression” *supra* Part I, endnote 8

⁴⁵ See [“Campus Policies”](#) Office of Integrity and Compliance, University of Colorado Boulder

⁴⁶ “Differentiated Annual Workloads for Faculty” [APS 1006](#) (2014)

⁴⁷ Conflicts of Interest and Commitment Policies:

- “Conflicts of Interest” Laws of the Regents, [Policy 1.C.3](#) (2018)
- “Code of Conduct: Conflicts of Interest” University of Colorado [Code of Conduct Section 3](#)
- “Conflicts of Interest and Commitment in Research and Teaching” [APS 5013 \(2017\)](#) [BDC 4h\(7.547 0 Td\(“C\)-3.E\) a6y604 I-0.004](#) (

⁵⁸ See *supra* Part III, endnote 52

⁵⁹ “[IDEA Plan: Inclusion, Diversity, and Excellence in Academics Plan](#)” University of Colorado Boulder (2019)?

⁶⁰ See Faculty Appointments, Reappointment, and Tenure Policies *supra* Part I, endnote 13

⁶¹ [Human Resources](#), University of Colorado Boulder

⁶² See “Review of Faculty Conduct and Responses to Unprofessional Conduct by a Faculty Member” under Part IV below, and specifically “Informal Responses,” Part IV.D.2 below

⁶³ See “Fiscal Roles” [APS 4014](#) (2011)

⁶⁴ See Records Retention *below* Part IV, endnote 91

⁶⁵ See Discrimination and Harassment Information *supra* Part II, endnote 27

⁶⁶ See “Sexual Misconduct, Intimate Partner Abuse and Stalking” *supra* Part II, endnote 28

⁶⁷ See Fiscal Integrity Policies *supra* Part II, endnote 49

⁶⁸ See:

- *Supra* Part I, endnote 5, specifically “Other Terms and Conditions of Faculty Appointments” (including the “One-Sixth Rule”) Policy 5.C.4(d)
- “[Additional Compensation Guidelines for Faculty](#)” Office of Faculty Affairs, University of Colorado Boulder

⁶⁹ Disclosure Policies:

- “[Disclosure of Conflicts of Interest and Commitment](#)” Research and Innovation Office, University of Colorado Boulder
- “[Disclosure of External Professional Activities \(DEPA\) Form](#)” Research and Innovation Office, University of Colorado Boulder

⁷⁰ See “Conflicts of Interest and Commitment Policies” *supra* Part II, endnote 47

⁷¹ See:

- “[What is FRPA?](#)” The Faculty Information System, University of Colorado Boulder
- *Supra* Part III, endnote 69, specifically Disclosure of External Professional Activities (DEPA) Form

PART IV

⁷² See “Academic Freedom” *supra* Preamble, endnote 1

⁷³ See also Orientation, Onboarding, and Ongoing Professional Development Part III.A.3 of this PRR

⁷⁴ “Misconduct in Research, Scholarship, and Creative Activities” [APS 1007](#) (2020)

⁷⁵ “Fiscal Misconduct Reporting” [APS 4012](#) (2009)

⁷⁶ “Fiscal Roles and Responsibilities” [APS 4014](#) (2011)

⁷⁷ “Fiscal Code of Ethics” [APS 4016](#) (2008)

⁷⁸ See “Sexual Misconduct, Intimate Partner Abuse and Stalking” *supra* Part II, endnote 28

⁷⁹ See Discrimination and Harassment Information *supra* Part II, endnote 27

⁸⁰ See *supra* Part I, endnote 5, specifically “Dismissal for Cause” Article 5.C.4 and Policy 5.E

