

UNIVERSITY POLICY

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| Policy Name: | Academic Freedom (includes Statement on Professional Ethics) | | | | |
| Section #: | 60.5.1 | Section Title: | Faculty | Formerly Book: | 3.3.1 |
| Approval Authority: | Board of Governors | | Adopted: | 10/19/51 | Reviewed: 7/13/2015 |
| Responsible Executive: | Senior Vice President for Academic Affairs | | Revised: | 10/14/1957; 01/1967; 06/1972; 8/30/2005; 8/21/2006; 8/11/2008; 7/01/2013; 7/13/2015 | |
| Responsible Office: | Office of Academic Labor Relations | | Contact: | Office of Academic Labor Relations 848-932-7174 aclr@rutgers.edu | |

1. Policy Statement

This policy sets forth the University's commitment to academic freedom and standards of professional ethics and faculty conduct. It also details the conditions and procedures associated with academic dismissals.

2. Reason for Policy

To inform faculty members and academic administrators of the University's expectations and policies regarding faculty conduct and faculty dismissal.

3. Who Should Read this Policy

- Chancellors, Provosts, Deans, directors and department chairs
- Faculty members
- Academic administrators
- All employees hired to teach

4. Resources

Policy 60.1.8, Equal Employment Opportunity and Affirmative Action
 Policy 60.5.4, Faculty Appointment Procedures and Faculty Responsibilities
 Policy 60.5.8, Conflicts of Interest – Faculty, Professional Activities Outside the University and Outside Employment for Academic Personnel
 Policy 60.5.14, Criteria for Appointments, Reappointments and Promotions
 Oath or Affirmation of Office

5. The Policy

Since the very nature of a university and its value to society depend upon the free pursuit and dissemination of knowledge and free artistic expression, all members of the faculty and teaching staff of the University, whether tenured or nontenured, full-time or part-time, are expected, whenever and wherever they engage in teaching, research, service, professional practice or clinical practice, as well as in their research and professional publication, freely to discuss subjects with which they are competent to deal, to pursue inquiry therein, and to present and endeavor to maintain their opinions and conclusions relevant thereto. In expressing those ideas which seem to them justified by the facts, they are expected to maintain standards of sound scholarship and competent teaching.

- A. They shall conduct themselves in accordance with the standards of professional ethics, set forth in paragraphs I to V inclusive, of the following Statement on Professional Ethics adopted

by the American Association of University Professors at its annual meeting in April 1966 and revised in June 1987.

Statement on Professional Ethics

- I. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
 - II. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for the students as individuals and adhere to their proper role as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to 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.
 - III. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
 - IV. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
 - V. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom."
- B. Outside the fields of instruction, artistic expression, research, professional and clinical practice, and professional publication, faculty members, as private citizens, enjoy the same freedoms of speech and expression as any private citizen and shall be free from institutional discipline in the exercise of these rights. The conduct of the faculty member shall be in accordance with standards dictated by law.
 - C. Except as set forth in paragraph K below, paragraphs C through J shall apply. In the case of tenure-track faculty, after the expiration of a probationary period, faculty members should have

permanent or continuous tenure, and their service should be terminated, except in the case of retirement for age, only (1) for adequate cause as defined in section D (formerly section 3.94); or (2) under extraordinary circumstances because of financial exigencies; or (3) when the teaching, research, extension program, or clinical program in which the faculty member is involved is terminated and said faculty member cannot be properly prepared for alternative duties.

- D. Recommendations regarding dismissal of tenured faculty members or nontenured faculty members prior to the completion of their contract, when the ground is failure to maintain standards of sound scholarship and competent teaching, or gross neglect of established University obligations appropriate to the appointment, or incompetence, or incapacitation, or conviction of a crime involving moral turpitude, are made to the president through the senior vice president and chief academic officer and the appropriate chancellor by deans of colleges and schools, with the advice of the faculty committee on appointments and promotions, and with the advice of the tenured faculty, at, or above, the particular rank in the faculty member's department.
- E. The recommendation may be initiated at the departmental level; or the appropriate dean or director, the appropriate chancellor, the executive vice president and chief academic officer, or the president may direct that advice be given from the departmental level. A group of students who have taken courses with the faculty member may petition the department to consider initiation of tenure termination proceedings.
- F. Those responsible for academic dismissal at each level are to base their recommendations without discrimination because of race, religion, sex, views on any subject, or natural origin. They shall utilize the judgment of faculty peers, and shall utilize the judgment of students, especially those with majors in the appropriate department.
- G. If the President of the University finds reason to believe that a faculty member should be dismissed when the ground is that the faculty member has been convicted of a crime involving moral turpitude, or is incompetent, or incapacitated, or has failed to maintain for himself or herself standards of sound scholarship and competent teaching, or gross neglect of established University obligations appropriate to the appointment, the President shall send the faculty member a notice stating in detail the charges against the faculty member and informing the faculty member that the faculty member is entitled to a hearing if the faculty member shall ask for it within two weeks and that, in the absence of a request for a hearing, the faculty member may be dismissed from the faculty.
- H. If the faculty member requests a hearing, it shall be held by a panel of five, selected by lot from the elected members of the University Senate; but the parties may first exercise a reasonable number of challenges, and a member of the Senate may be excused from service on the panel at the member's own request, for good cause. The procedure at the hearing shall fully conform to the concept of due process; but the hearing shall not be public unless the respondent so requests. The President of the University shall designate a lawyer or a member of the faculty to present the charges, and the respondent shall be entitled to the aid of counsel. The faculty member's reasonable expense shall be paid by the University. No administrative officer of the University shall participate in presenting charges, or as defense counsel, or as a member of the panel.
- I. The panel shall determine whether the charges, or any part thereof, are true; whether the matters charged and proved constitute ground for dismissal under section C above (formerly section 3.93); and whether, taking into consideration the respondent's previous record and his or her value to the University, the faculty member should be dismissed or otherwise disciplined.
- J. The report of the panel shall be presented to the Board of Governors and a copy thereof sent to the respondent. Written as well as oral argument may be submitted to the Board on behalf of the President and the respondent. If further evidence is required by the Board, the panel shall be reconvened to receive it and to make any further findings that may be appropriate. The

Board shall accord great weight to the findings of the panel, and its final action affirming, revising, or modifying the panel shall be by vote for such action by at least six members of the Board.

- K. In Robert Wood Johnson Medical School, School of Health Related Professions, Rutgers School of Dental Medicine, New Jersey Medical School, School of Public Health, and School of Nursing (former UMDNJ School of Nursing), dismissal of a faculty member will be in accordance with the applicable collective negotiations agreement.