Section 3 Rights and Responsibilities of the Faculty

3.1 The University of Tennessee Policies Governing Academic Freedom, Responsibility, and Tenure

On June 18, 1998, the Board of Trustees adopted The University of Tennessee System Policies Governing Academic Freedom, Responsibility, and Tenure (see www.tennessee.edu/system/academicaffairs/docs/BdTenurePolicy.pdf).

Accordingly, the Board of Trustees requires that the UTHSC Faculty Handbook include those policies. This Section 3.1 contains the portion of those policies related to academic freedom and responsibility.

The Board of Trustees is constituted by statute of the State of Tennessee as the governing body of The University of Tennessee, with complete and full authority over the organization and administration of the University and its constituent parts and over the granting of tenure to members of the faculty.

The principal mission of the University is the discovery and dissemination of truth through teaching, research and service. The Board of Trustees recognizes that freedom of inquiry and expression is indispensable for this purpose and believes that it and the administration and faculty should cooperate to that end. In the University’s program of teaching, research and service, it is essential that the Board, administration, and faculty cooperate voluntarily, each contributing freely, according to his or her qualifications, in a mutually beneficial exchange of information and ideas.

The following statement by the Board of Trustees is intended to record the policy and procedures of the University with respect to academic freedom and responsibility (Sections 3.1.1 and 3.1.2). The policies and procedures of UTHSC with respect to tenure are found in Sections 4 and 8. The Board of Trustees considers these principles (i.e., academic freedom, responsibility, and tenure) compatible with its statutory authority and responsibilities and the constitutional guarantee of freedom of speech and inquiry to each citizen of the United States.

3.1.1 Academic Freedom and Responsibility of the Faculty Member

A healthy tradition of academic freedom and tenure is essential to the proper functioning of UTHSC. Indeed, all faculty - tenured, tenure track, and nontenure track - at all ranks are entitled to academic freedom. At the same time, membership in a society of scholars (i.e., the faculty) enjoins upon a faculty member certain obligations to colleagues, to UTHSC, and to the State that guarantees academic freedom.

1. The primary responsibility of a faculty member is to use the freedom of his or her office in an honest, courageous, and persistent effort to search out and communicate the truth that lies in the area of his or her competence.
2. A faculty member is entitled to full freedom in research and in publication of the results, subject to the adequate performance of his or her other academic duties, but research for pecuniary gain either within or beyond the scope of his or her employment must be based upon an understanding with the University administration, according to the University’s policies (e.g., Appendices D and E).

3. A faculty member should maintain a high level of personal integrity and professional competence, as demonstrated in teaching, research, and service. Academic freedom does not exempt a faculty member from an evaluation by colleagues and administration of his or her qualifications for continued membership in their society.

4. A faculty member is entitled to freedom in the classroom in discussing the subject, but the faculty member should use care in expressing personal views in the classroom and should be careful not to introduce controversial matters that have no relation to the subject taught, and especially matters in which he or she has no special competence or training and in which, therefore, the faculty member’s views cannot claim the authority accorded his or her professional statements.

5. A faculty member should recognize that the right of academic freedom is enjoyed by all members of the academic community. He or she should be prepared at all times to support actively the right of the individual to freedom of research and communication as defined herein.

6. In addition to the normal responsibilities of a citizen of the state and nation, including the duty to uphold their Constitutions and obey their laws, a faculty member also should conduct himself or herself professionally with colleagues. He or she should strive to maintain the mutual respect and confidence of his or her colleagues. He or she should endeavor to understand the customs, traditions, and usages of the academic community.

7. When, as a citizen, a faculty member speaks outside the classroom or writes for publication, he or she should be free, as a citizen, to express his or her opinions. Each faculty member should conduct himself or herself professionally, should be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make clear that he or she speaks for himself or herself and not for the University.

3.1.2 Academic Freedom and Responsibility of the University Administration

1. The University is committed to recruiting, appointing, retaining and promoting faculty members by processes which are thorough, thoughtful, equitable, and in which the professional judgments of faculty members are of major importance.

2. Administrative officers should actively foster within the University a climate favorable to freedom of teaching and research. In its pursuit of excellence, UTHSC should reward its outstanding faculty members.

3. The administration is responsible for enforcing all Board and UTHSC policies applicable to faculty members. It is the duty of the administration - beginning with Department Chairs,
Deans, and the UTHSC Chief Academic Officer - to remove from the faculty any faculty member who has been found, through proper procedures, seriously derelict in his or her responsibilities as a member of the academic community.

4. The Board of Trustees requires that UTHSC and its constituent academic units (i.e., colleges, departments, and divisions) develop appropriate policies and procedures necessary to implement the Board of Trustees policies. The UTHSC and academic unit documents pertaining to Board of Trustees policies must be approved by the Board of Trustees as required by the University of Tennessee Bylaws and the Board of Trustees Policy on Faculty Handbook Revisions (see http://bot.tennessee.edu/docs/FacultyHandbookRevis.pdf).

3.2 Statement of Professional Ethics of the UTHSC Faculty

Statements below outline the philosophy of ethical behavior of a faculty member at UTHSC.

1. Membership in the UTHSC academic community imposes on students, faculty members, and administrators, an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off campus. Students and professional trainees are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. It is the mastery that faculty members have of their subjects and their own scholarship that entitles them to their faculty rank and their classrooms and to freedom in the presentation of their subjects. Because academic freedom has traditionally included the faculty member’s full freedom as a citizen, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and UTHSC, on the other. Accordingly, the use of UTHSC stationery, telephones, and other resources for personal or extramural activities of any extended nature should be avoided, as should the use of the faculty member's university position or title in connection with the expression of purely personal views.

2. Plans for ensuring compliance with UTHSC academic norms should emphasize preventive as well as disciplinary action. Toward this end every faculty member should take the initiative, working with the administration and other components of UTHSC, to develop and maintain an atmosphere of freedom, commitment to academic inquiry, and respect for the academic rights of others. There is a need for the faculty to assume a positive role as guardian of academic values against unjustified assaults from any source, including its own members. The traditional faculty function in disciplinary proceedings has been to ensure academic due process and meaningful faculty participation in the imposition of discipline by the administration. While this function should be maintained, faculty members should recognize their stake in promoting adherence to norms essential to the academic enterprise of UTHSC. In addition, systematic attention should be given to questions related to sanctions other than dismissal, such as warnings and reprimands, in order to provide a more

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2 This statement of Professional Ethics of the UTHSC Faculty was adopted by the UTHSC Faculty Senate on November 8, 1994.
versatile body of academic sanctions in the event of academic misconduct by a faculty member.

3. The following points describe the obligations and responsibilities of faculty members and general academic norms of conduct for faculty members at UTHSC.

a. Guided by deep conviction of the worth and dignity of the advancement of knowledge, UTHSC faculty members recognize that special responsibilities are placed on them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end, faculty members 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 faculty members may follow subsidiary interests, these interests must never seriously hamper or compromise their adherence to these responsibilities, obligations, or practices.

b. As teachers, UTHSC faculty members encourage the free pursuit of learning in students and professional trainees. They hold before them the best scholarly and ethical standards of their discipline. Faculty members demonstrate respect for students and professional trainees as individuals and adhere to their proper roles as intellectual guides and counselors. Faculty members make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students and professional trainees reflect each individual’s true merit. They protect the academic freedom of their students and professional trainees. They acknowledge significant academic or scholarly assistance from them. Faculty members who have the guidance of students or professional trainees as their responsibility must exercise the greatest care not to misappropriate the student’s or professional trainee’s ideas, research, or presentation to their own professional benefit; to do otherwise is to abuse power and trust. In dealing with graduate students or professional trainees, faculty members must demonstrate by precept and example the necessity of rigorous honesty in the use of sources and of utter respect for the work of others. The same expectations apply to the guidance of undergraduate professional students, with a special obligation to acquaint students with the world of higher education in a health science center, including its standards and procedures for ensuring intellectual honesty.

c. As colleagues, UTHSC faculty members have obligations that derive from common membership in the community of scholars. Faculty members do not discriminate against or harass colleagues or other employees. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas, faculty members show due respect for the opinions of others. Faculty members acknowledge academic debt – for ideas, methods, and expressions – by means appropriate to the form of communication and strive to be objective in their professional judgment of others. Faculty members must make clear the respective contributions of colleagues on a collaborative project. Faculty members accept their share of faculty responsibilities for the governance of UTHSC.
d. As members of an academic institution, UTHSC faculty members seek above all to be effective teachers and scholars. Although faculty members observe the stated regulations of UTHSC, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision of such regulations. Faculty members give due regard to their paramount responsibilities within UTHSC in determining the amount and character of work done outside the University. When considering the interruption or termination of their service, faculty members recognize the effect of their decision on academic programs of UTHSC and give due notice of their intentions. The departure of a faculty member always requires changes and may entail major adjustments on the part of faculty colleagues, the administration, and students. A faculty member’s acceptance of an appointment elsewhere should be followed by prompt notice to UTHSC.

e. As members of their community, UTHSC faculty members have the rights and obligations of other citizens. Faculty members should measure the urgency of these obligations in light of their responsibilities to their subject, to their students, to their profession, and to UTHSC. When they speak or act as private persons, they should avoid creating the impression of speaking or acting for their college or UTHSC. As citizens engaged in a profession that depends on freedom for its health and integrity, faculty members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

3.3 Misrepresentation of Academic Credentials

Misrepresentation of academic credentials is a Class A misdemeanor in Tennessee. A person commits the offense of misrepresentation of academic credentials who, knowing that the statement is false and with the intent to secure employment at or admission to an institution of higher education in Tennessee, represents, orally or in writing, that such person: (1) has successfully completed the required course work for and has been awarded one or more degrees or diplomas from an accredited institution of higher education; (2) has successfully completed the required course work for and has been awarded one or more degrees or diplomas from a particular institution of higher education; or (3) has successfully completed the required course work for and has been awarded one or more degrees or diplomas in a particular field or specialty from an accredited institution of higher education.

3.4 Intellectual Property

The University's intellectual property policy is contained in its "Statement of Policy on Patents, Copyrights, Licensing, and Other Intellectual Property" (see http://bot.tennessee.edu/counsel-copyright.html).

3.5 Plagiarism and Other Misconduct in Research and Service

Plagiarism is a form of academic misconduct. Faculty members and all other scholars must give full and fair recognition to the contributors to that enterprise, both for the substance and for the formulation of their findings and interpretations. UTHSC conforms to the University’s “Statement of Policy on Misconduct in Research and Service” with respect to plagiarism and all other forms of
misconduct defined therein. (Appendix C). The definition of misconduct and the process for addressing allegations of misconduct can be found in Appendix C.

3.6 Conflict of Interests and Compensated Outside Services

UTHSC requires all salaried faculty members to disclose potential conflicts of interests between their duties and responsibilities as employees and their interests outside the scope of their University employment. The policies and procedures used by UTHSC with regard to conflict of interests and compensated outside services are contained in Appendices D and E, respectively.

3.7 University Code of Conduct

UTHSC faculty members are required to adhere to the “University Code of Conduct,” (see https://my.tennessee.edu/portal/page?_pageid=34,140536&_dad=portal&_schema=PORTAL&p_policy=HR0580).

The code of conduct provides general guidelines for conduct and behavior to promote a harmonious, safe, and collaborative work environment at the University. Disagreements between faculty members concerning not covered by Appendix D, should be handled through normal administrative channels (i.e., Chair, Dean, UTHSC Chief Academic Officer, and Chancellor) (Section 7.2) or through the Faculty Senate grievance procedure (Section 7.3).

3.8 Faculty-Student Relationships

The UTHSC student handbook, The CenterScope, contains detailed information on such matters as faculty-student relationships, standards of behavior, and student conduct. Faculty members should familiarize themselves with its provisions.

The responsibility to teach and to learn depends upon appropriate standards of behavior for the learning environment; be that in the classroom, on-line, in the clinical setting, on the campus of UTHSC, or in the larger community. To promote an effective learning environment, an atmosphere of mutual respect and collegiality among the faculty and students is essential. The responsibilities to secure and to respect general conditions conducive to effective learning are shared by all members of the academic community. Each college shall develop procedures that provide for and safeguard mutual respect of faculty and students in the learning environment.

3.8.1 Relationship in Classes and Clinics

In classes and in clinical settings, UTHSC faculty members should encourage free discussion, inquiry, and expression. A primary duty of a faculty member is encouraging responsible, professional attitudes and conduct on the part of students and professional trainees.

1. Freedom of Expression. Free and pertinent discussion is welcome at UTHSC. Students and professional trainees are free to take reasonable exception to the information offered in
their courses and to reserve judgment about matters of opinion. Nonetheless, students and professional trainees are responsible for learning the content of the courses in which they are enrolled.

2. **Academic Evaluation.** Faculty members must evaluate the performance of students and professional trainees solely on an academic and professional basis, not on opinions or conduct in matters unrelated to academic or professional standards. To this end, faculty members should make honest, professional judgments on the academic and professional performance of their students and professional trainees. Furthermore, faculty members should state clearly and explicitly the basis for academic or professional evaluation in their courses, thereby minimizing the possibility of misunderstandings on the part of the student, the professional trainee, or the faculty member.

3. **Protection Against Improper Disclosure.** Information about views, beliefs, and political associations, held by any student or professional trainee, and which faculty members acquire in the course of their work (i.e., as course directors, instructors, advisors, preceptors, counselors, etc.) should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student or professional trainee.

3.8.2 **Services for Students with Disabilities**

UTHSC is committed to a learning environment accessible to otherwise qualified individuals who may have a disability that can be reasonably accommodated. UTHSC, its faculty, administration, and students share responsibility for achieving this goal. UTHSC intends for this policy to conform to § 504 of the Rehabilitation Act and the Americans with Disabilities Act, as those statutes are amended and interpreted.

3.8.3 **Student Records**

Access to information in student education records is governed by FERPA, the Family Educational Rights and Privacy Act. FERPA is a federal law that protects the privacy of information contained in student “education records.” Such education records include any record directly related to a student and maintained by the University or any other person acting on behalf of the University. FERPA restricts the release of information contained in student education records and access to those records. Unauthorized disclosure of FERPA-protected information, or unauthorized access to such information, is a form of misconduct. More details regarding FERPA compliance are provided in Appendix F and *The CenterScope*, the student handbook. Topics covered in the appendix include:

- A more detailed definition of an “education record;”
- Limitations on the release of student information;
- Limitations on posting grades;
- Use of e-mail to transmit FERPA-protected information;
- Letters of recommendation;
- Emergencies; and
• Information about how to obtain further assistance on FERPA-related questions.

3.8.4 The Honor Code

The text of the Honor Code of UTHSC is included in *The CenterScope* and in Appendix G. All colleges follow honor systems for the conduct of examinations and the observance of high moral and ethical standards. College honor councils, with elected representation from each class, have the responsibility of investigating and adjudicating infractions of the Honor Code and recommending disciplinary action to the Dean.

Nothing in the Honor Code shall be construed or interpreted to inhibit or otherwise constrain the faculty from properly discharging their professional duty and responsibility to assess student learning. Faculty members may be present to supervise the room arrangement for the examination, to supervise or conduct the distribution of the examination itself, to provide information and instructions at the beginning of the test period, and to terminate the examination and collect exam papers at the end of the test period. Faculty presence during tests or examinations is determined by individual college policy. Although the primary responsibility for enforcing the Honor Code lies with the students, faculty members should report Honor Code violations of which they have personal knowledge to the Honor Council of the appropriate college.

3.8.5 Faculty Responsibilities in Relation to the Honor Code

According to the Honor Code, faculty members “participate in the Honor Code by endorsing and supporting the principles of the Code and by applying its rules and procedures.” The following are the responsibilities and guidelines for this role:

1. To be an active participant, faculty members must understand the Code and its implementation. The Student Honor Code not only applies to tests and examinations but also to “oral, written, or practical reports that are part of a student’s academic and research program; clinical and laboratory experiences; scientific research; and other student activities relating to the academic, clinical, and research programs of UTHSC.” Upon appointment, all new faculty members must be informed in writing of the existence of the Honor Code and that acceptance of a position at UTHSC indicates a willingness to cooperate with the students in complying with the Honor Code. Each year an orientation program should be conducted for all new faculty members; topics covered should include the faculty’s role and responsibilities in relation to the Honor Code, copies of which should be distributed and orientation held for all faculty members.

2. Faculty members should state clearly and explicitly in advance what, if any, assistance is allowed in completing assignments (e.g., other faculty members, other students, reference materials, etc.).

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3 This statement of Faculty Responsibilities in Relation to the Honor Code was adopted by the UTHSC Faculty Senate on December 13, 1994.
3. Faculty members are expected to demonstrate and promote integrity in implementing and documenting patient care and in conducting and reporting of research.

4. Faculty members should discuss professional ethical conduct with students under their supervision.

5. Faculty members are expected to teach proper documentation of scholarly work and demonstrate this in their practice.

6. Faculty members are expected and obligated to report observed violations of the Honor Code to a member of the appropriate college Honor Council. The complaint must be written and signed. Faculty members may not use their own sanctions as substitutes for reporting violations.

7. Each college has its own policy, listed in the Honor Code document, regarding proctoring of examinations. Faculty members are expected to follow the guidelines of the appropriate college.

8. Faculty members are expected to participate in the investigation of an alleged violation by providing information to the Honor Code investigator. A faculty member may also be asked to provide testimony to the Honor Court.

9. Faculty members are appointed as advisors to college Honor Councils to provide advice and counsel.

3.8.6 Faculty Responsibilities in Relation to the Ethical and Professional Standards for Students

The text of the Ethical and Professional Standards of Students of UTHSC is included in The CenterScope. A faculty member reports an alleged violation of the ethical and professional standards to the Department Chair, who sends the report to the Dean of the appropriate college. The Dean notifies the UTHSC Student Affairs Officer who implements procedures of the Student Judicial System. For alleged acts of misconduct in research or service, faculty members follow the policy and procedures described in Appendix C Statement of Policy on Misconduct in Research and Service.