

## **Faculty Rights Document February 2019**

1. The term "University" means the University of Nebraska-Lincoln, and collectively, those responsible for its control and operation.
2. The term "student" includes all persons taking courses at the institution, both full-time and part-time, pursuing undergraduate, graduate or extension studies.
3. The term "faculty member" includes all persons with a tenured, tenure-track, or non-tenured faculty appointment; unclassified academic staff; and any person hired by the University to conduct academic activities. Determination of a person's status as a "faculty member" or a "student" in a particular situation shall be determined by the surrounding facts, , in that a graduate student while still a student, will be considered and treated as faculty when performing the role of an instructor in a course.
4. All other terms have their conventional meaning unless the text dictates otherwise.

### **Faculty Rights.**

Subject to and to the extent permitted by law and Board of Regents (BOR) policy, faculty shall have the following rights:

1. Faculty members have the right to academic freedom and the right to freedom of inquiry, expression, and assembly, as stated in BOR Bylaws 4.2.
2. Faculty members shall have the right to participate in the determination of school, department, and University policies and procedures consistent with the principles of shared governance. Faculty members have the right to impartial treatment in the application of school, department, and university policies and decisions.
3. Faculty members have the right to participate in the determination of their teaching, administrative, and other university assignments and responsibilities, subject to BOR Bylaws 4.3 and applicable unit policies. This right recognizes that the proportions of time and energy devoted to teaching, advising, research, service, administration, and other responsibilities may vary from individual to individual, and for the same individual over time. A faculty member or the responsible unit administrator is entitled to initiate discussions of changes in apportionment of teaching, extension, research, and service periodically. Both the administrator and the faculty member are expected to act in good faith during these discussions. Faculty members have the right to impartial treatment in the application of university policies and procedures for the evaluation of their performance of these responsibilities, including the right to participate in that evaluation.
4. Faculty members have a right to be informed about personnel files that contain information about them, and must be informed changes made to their files. All employee personnel files shall be secured in strict accordance with federal and state laws and University Bylaws

governing the confidentiality of information. Employment records will be kept according to the Employment Records Retention Schedule for the University of Nebraska. Employees may view their records in the applicable administrative unit's Human Resources office at any time during regular working hours upon appropriate advance notice to Human Resources. A faculty member shall have the right to examine the contents of such files and notify the appropriate authority of any inaccuracies or missing information in the files.

5. Faculty members have a right to due process in all disciplinary matters. Faculty members must be informed of these rights and the processes at the outset of the investigatory process. We understand that due process includes, but is not limited to: a) receiving written notice of complaint clearly stating the nature and cause of the accusation and the identity of the complainant, b) the opportunity to consult with counsel or an advisor, c) the opportunity to be heard by himself and counsel, or either, at a hearing, d) to be confronted by the witnesses against her/him, e) the opportunity to question any witnesses, through an intermediary when appropriate, f) to hear from witnesses on his/her behalf, g) to testify if he/her chooses to do so, and h) to obtain an written findings of fact and the reasons for the decision made by the hearing body. Any sanctions may not be imposed upon a faculty member without notice of the charges against him or her, and the opportunity to be heard before the Academic Rights and Responsibilities committee (ARRC).
6. Faculty members, groups, and organizations may invite and hear any persons of their own choosing, subject only to the requirements for use of University facilities, the University policies on fundraising, political activity, and solicitation, the Board of Regents policies on political activity and solicitation, and other relevant policies. If an administrator decides for whatever reason that a scheduled speaker should be blocked from speaking, the procedures set out in section 7.2 of the ARRC code of procedures will be followed.
7. University facilities shall be made available for assignment to faculty members, individually or in groups, even though not formally organized, subject to University and Board of Regents policies on facilities use. Preference may be given to programs designed for audiences consisting of members of the University community.
8. Faculty members, groups, or organizations may distribute written or electronic material on campus without prior approval so long as the distribution is consistent with University and Board of Regents policy and state and federal law. The authorship of such materials should be clearly indicated when a faculty member is not operating in their typical roles.
9. Faculty members have the right to pursue opportunities for improving their skills and developing their talents related to their responsibilities as teachers and scholars, contingent upon the availability of resources and compliance with applicable University and Board of Regents policies (e.g., travel, conflict of interest, leaves, class schedules, etc.).
10. Faculty members have the right to engage in a limited amount of outside work, for pay or without pay, in accordance with state ethics laws and Board of Regents and University policy on commitment of time, conflict of interest, consulting, and other employment.

11. Faculty members have the right to be evaluated annually according to University policy, as stated in BOR Bylaws 4.6. Each major administrative unit, or an appropriate subdivision, as stated in Section 4.5 of the BOR Bylaws, shall establish procedures for gathering relevant information from all sources, including student evaluations and peer judgments, as part of an annual review of faculty performance in relation to the standards established under Section 4.5. Each faculty member shall receive from the unit head or dean a written statement evaluating his/her performance from the preceding year. Typically, the faculty member will be evaluated on teaching, scholarship, service, and/or professional performance consistent with University and unit expectations, and the approved allocation of effort.
12. A faculty member with a Continuous Appointment may be terminated only for adequate cause, retirement, bona fide discontinuance of a program or department, or extraordinary circumstances because of financial exigency, as stated in BOR Bylaws 4.4.1, 4.11, 4.12, and 4.9. Before any termination for cause may occur, it shall be necessary to submit the matter to the ARRC so that the ARRC Chair can convene an Academic Freedom and Tenure – B (AFT-B) special committee to hear the case as provided for in Section BOR Bylaws 4.14.2.
13. A faculty member with an Appointment for a Specific Term, or a Faculty Practice and Faculty Research Appointment whose appointment is not renewed can request reconsideration (BOR Bylaws 4.8.a) by the person or group making the recommendation and also can petition the Academic Rights and Responsibilities committee (BOR 4.8.b).
14. A faculty member with an Appointment for a Specific Term, or a Faculty Practice, and Faculty Research Appointment can only be terminated prior to the expiration of that term for adequate cause, retirement, for disability, discontinuance of a program, or extraordinary circumstances due to financial exigency after such a determination has been submitted in the manner proscribed in BOR Bylaws 4.14.2. Any termination for cause will require ARRC involvement as described in 13 above.
15. Faculty members have the right to utilize applicable grievance procedures without retaliation. The powers of the Faculty Grievance committee are described in BOR Bylaws 4.13.2, The Academic Rights and Responsibilities Committee, as described in UNL Bylaws 3.1.5. D, is the appropriate channel for conveying and dealing with concerns about actual or perceived violations of faculty rights and responsibilities.