

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Rule No. AA-16

PROFESSIONAL RESPONSIBILITY, ACADEMIC RESPONSIBILITY, AND ACADEMIC FREEDOM

1.0 General

1.1 Scope: This Rule establishes the professional, academic responsibility, and academic freedom of faculty.

1.2 Statutory References: W. Va. Code § 18B-1-6, § 18B-8-7

1.3 Passage Date: August 6, 2024

1.4 Effective Date: September 19, 2024

1.5 Background: This Rule ensures that Marshall University is exempt from HEPC Series 133 Title 9.

2.0 Overview

The basic functions of the university are the advancement and dissemination of knowledge, the development of critical intelligence, and the education of citizens and professional workers for the society of which the university is a part. Each Faculty Member and Instructor at Marshall University is a citizen, a member of a learned profession, and a representative of an educational institution. Each Faculty Member or Instructor has the responsibility of contributing to institutional, campus and departmental missions in teaching, research, and service, as defined by institutional policy.

The indispensable condition for the successful discharge of these functions is an atmosphere of intellectual freedom. Unless they are free to pursue the quest for knowledge and understanding, wherever it may lead, and to report and discuss the findings, whatever they may be, university Faculty Members and Instructors cannot properly perform their work. As participants in an enterprise that depends upon freedom for its health and integrity, Faculty Members and Instructors have a special interest in promoting conditions of free inquiry and furthering public understanding of academic freedom.

Freedom entails responsibilities and these responsibilities constitute University Citizenship. It is incumbent upon Faculty Members and Instructors to accept the responsibilities which are concomitant with the freedom they need.

Those responsibilities are: 1) to students, 2) to scholarship, 3) to colleagues, 4) to the university, and 5) to the larger community which the university serves. To make these responsibilities

operational, it is necessary that ethical and professional standards be adopted to guide Faculty Members and Instructors in their conduct and that effective mechanisms be established to monitor and enforce compliance with these standards.

2.1 Purpose

This Rule sets forth the understanding that the Faculty and Instructors at Marshall University are expected to attend to certain academic and professional responsibilities and are entitled to certain freedoms to fulfill their role at Marshall University.

2.2 Scope

This Rule applies to all Faculty Members and Instructors at Marshall University.

3.0 Professional and Academic Responsibilities

3.1 Responsibilities to Students

As teachers, Faculty Members and Instructors have the responsibility for creating in their classroom or laboratory a climate that encourages students' endeavors to learn. The faculty member or instructor should exemplify high scholarly standards and respect and foster students' right to choose and pursue their own educational goals.

- a) The faculty member or instructor must make clear the objectives of the course or program, establish requirements, set standards of achievement, and evaluate the student's performance.
- b) The faculty member or instructor has the responsibility to meet classes as scheduled and, when circumstances prevent this, to arrange equivalent alternate instruction.
- c) Faculty Members and Instructors have the responsibility to teach courses in a manner that is consistent with the course description and credit published in the catalog and with the announced objectives of the course. They must not intentionally interject into classes material or personal views that have no pedagogical relationship to the subject matter of the course.
- d) To facilitate student learning, Faculty Members and Instructors should present the appropriate context for course content. While challenge is essential to good teaching, challenge is ordinarily most effective when students are adequately prepared to deal with course materials. On controversial issues within the scope of the course a reasonable range of opinions should be presented. When Faculty Members and Instructors present their own views on such issues, they should always be identified as such. Wherever values, judgments, or speculative opinions constitute part of the subject matter, they should be identified as such and should not be offered as fact.
- e) The faculty member and instructor owe to the student and the university a fair and impartial evaluation of the student's work. Such evaluation should be consistent with recognized standards and must not be influenced by irrelevancies such as religion, race, sex, political views, disability status, veterans' status, or sexual orientation, or be based on the student's agreement with the teacher's opinion pertaining to matters of controversy within the discipline.

- f) Every student is entitled to the same intellectual freedom which the faculty member and instructor enjoys. The Faculty Members and Instructors must respect that freedom. Restraints must not be imposed upon the student's search for or consideration of diverse or contrary opinions. More positively, the faculty member and instructor have an obligation to protect the student's freedom to learn, especially when that freedom is threatened by repressive or disruptive action. The classroom must remain a place where free and open discussion of all content and issues relevant to a course can take place. While students remain responsible for learning class material and completion of course requirements, faculty and instructors should respect reasonable decisions by students, based on their exercise of their own intellectual freedom, not to attend part or all a particular class session.
- g) Faculty Members and Instructors have a professional obligation to serve as intellectual guides and advisors to students. They have a responsibility to be available to students for individualized conferences. In advising students, every reasonable effort should be made to see that the information given to them is accurate. The progress of students in achieving their academic goals should not be thwarted or slowed unreasonably because a faculty member or instructor has neglected the professional obligation to serve as an advisor.
- h) Faculty Members and Instructors teaching on-campus courses are expected to hold regularly scheduled office hours — either in person or a combination of in-person and online video conferencing — and otherwise be reasonably available for appointments with students. Faculty Members and Instructors teaching online courses or those not located on campus may use online video conferencing and other forms of electronic communications in lieu of in-person office hours.
- i) Faculty Members and Instructors should always conduct themselves to demonstrate respect for the student. They should always respect the confidence deriving from the faculty-student relationship.
- j) The Faculty Members and Instructors must avoid exploitation of students for personal advantage. For example, in writing and oral presentations, due acknowledgment of their contributions to the work should be made.
- k) In order that students can make knowledgeable choices about whether to take a particular course, it is the faculty member or instructor's responsibility to provide, on the first day of class, a course syllabus (see UPAA-3).
- l) Faculty Members and Instructors have the responsibility to keep students grades up to date so students can make appropriate decisions regarding course withdrawal.

3.2 Responsibilities to Scholarship

The faculty members and instructor's responsibilities to scholarship derive from Marshall University's commitment to truth and the advancement of knowledge. Furthermore, society has a vital stake in maintaining the university as an institution where knowledge can be sought and communicated regardless of its popularity, its political implications, or even its immediate usefulness. Faculty Members and Instructors have an ethical responsibility both to

make full appropriate use of that freedom in their teaching and research and to guard it from abuse. More specifically:

- a) Faculty Members and Instructors are committed to a lifetime of study. Although no one can know everything, even about a limited subject, Faculty Members and Instructors must constantly strive to keep abreast of progress in their field, to develop and improve their scholarly and teaching skills, and to devote part of their energies to the extension of knowledge in their area of competence.
- b) Faculty Members and Instructors have the responsibility of being unfailingly honest in research and teaching. They must refrain from deliberate distortion or misrepresentation and must take regular precautions against the common causes of error. Plagiarism and falsification of data, documents (including credentialing documents) are not tolerated and may lead to disciplinary action up to termination.
- c) To maintain or increase effectiveness as a scholar, a faculty member may find it advantageous to assume certain obligations outside the university, such as consulting for government or industry, or holding office in scholarly or professional societies. Such activities are appropriate in so far as they contribute to the faculty member's scholarly development, or at the very least, do not interfere with that development. On the other hand, acceptance of such obligations primarily for financial gain, especially when such activities may be incompatible with the faculty member's primary dedication as a scholar, cannot be condoned.

3.3 Responsibilities to Faculty and Staff Colleagues

The faculty members and instructors have obligations that derive from common membership in the community of academics. The faculty member respects and defends the free inquiry of others and avoids interference with their work. The faculty member refrains from personal vilification; threatening, intimidating, or abusive language; or conduct that creates a hostile work environment. The faculty member acknowledges the contributions of others to the faculty member's work. When asked to evaluate the professional performance of another, the faculty member strives to be objective. In the exchange of criticisms and ideas, the faculty member should show due respect for the rights of others to express differing opinions. However, vigorous debate and criticism are not to be viewed as a lack of respect.

3.4 Responsibilities to Institution

Faculty Members and Instructors' primary responsibility to their institution is to seek to realize their maximum potential as effective teachers and scholars. In addition, Faculty Members and Instructors have a responsibility to participate in the day-to-day operation of the university. In addition to meeting the primary responsibilities of addressing institutional missions in teaching, research, and service according to institutional policies, all faculty and instructors have an obligation to foster the quality, viability, and necessity of their programs. The financial stability of a program and the recruitment of an adequate number of students depend in part on the faculty and instructors. The common goal of quality must be nurtured and responsibility for it shared by all. Integrity, objectivity, and service to the purposes and

missions of the institution are expected Among the faculty member's general responsibilities to the university, the following may be particularly noted:

- a) When Faculty Members and Instructors act or speak as private individuals, they should make clear that their actions and utterances are entirely their own and not those of the university.
- b) Faculty Members and Instructors must never attempt to exploit their standing within the university for private or personal gain. Faculty Members and Instructors may, on appropriate occasions, cite their connection with the university, but only for the purpose of personal identification. Faculty Members and Instructors must not permit the impression to prevail that the university in any way sponsors any of their activities.
- c) University facilities, equipment, supplies, and other properties must never be used for personal or private business.
- d) Faculty Members and Instructors have the duty to ensure that the regulations of the university are designed to achieve the university's goals as well as being in accord with the principles of academic freedom and shared governance. Recognizing the importance of order within the institution, Faculty Members and Instructors observe the regulations of the university, but in no way abdicate their right to attempt to reform those regulations by any appropriate orderly means.
- e) Effective faculty participation in the governance of the university promotes academic freedom and the goals of the institution. Shared governance and decision making is vital to the success of Marshall University. Faculty Members and Instructors should take part in their institution's decision-making processes to the best of their ability and should accept a fair share of the responsibility for its day-to-day operation.
- f) During periods of disturbance or high tension on campus, a faculty member should take reasonable steps to prevent acts of violence and to reduce tension.

Subject to the requirements of this statement and other institutional regulations, Faculty Members and Instructors determine the amount and character of the work and other outside activities they pursue with due regard to their paramount responsibilities within the university.

3.5 Responsibilities to the Community

As members of the community, Faculty Members and Instructors have the rights and obligations of any citizen. These include the right to organize and join political or other associations, convene, and conduct public meetings, and publicize their opinion on political and social issues. However, in exercising these rights, Faculty Members and Instructors must make it clear that they do not speak for the university, but simply as individuals. Faculty Members and Instructors do not use the classroom to solicit support for personal views and opinions (see MUBOG-AA-14).

4.0 Academic Freedom

As Faculty Members and Instructors have many responsibilities to 1) to students, 2) to scholarship, 3) to colleagues, 4) to the university, and 5) to the larger community which the

university serves, they are also afforded Academic Freedom. Academic freedom at the University is necessary to enable the institution to perform its societal obligation as established by the West Virginia Legislature. The Board of Governors recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in the institution and campuses under its jurisdiction.

Academic freedom is the freedom to teach, both in and outside the classroom, to research and to publish the results of those investigations, and to address any matter of institutional policy, action, or functioning of the University, whether as a member of an institutional governing body or as an individual faculty member. Faculty Members and Instructors have the freedom to speak on any matter of social, political, economic, or other interest to the larger community, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence.

Each Faculty Member and student shall remain free to inquire, study, evaluate, discuss, investigate, teach, conduct research, publish, and disseminate findings to the public.

Each Faculty Member shall be entitled to full freedom to conduct research and to publish the results of such research, subject to the appropriate performance of other academic duties, which may include but are not limited to designated instruction, research, service, and other professional duties.

Each Faculty Member is entitled to freedom in the classroom regarding discussion of the subject being taught. In addition, when Faculty Members and Instructors speak or write as private citizens outside the institution and declare such private status, they shall be free from institutional censorship or discipline.

5.0 Delegation

The Board of Governors delegates to the President the authority to adopt additional academic affairs internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

6.0 Faculty Grievance Procedure

A faculty member or instructor wishing to grieve or appeal any action of the institution or Governing Board may utilize the procedures set out in W. Va. Code '6C-2.

7.0 Informal Procedure for Conflict Resolution

Marshall University may provide alternative procedures to those set out in West Virginia Code '6C-2 for the resolution of conflicts and internal complaints.

8.0 Review

This policy will be reviewed and updated every 5 years by the Marshall University Faculty Personnel Committee.

9.0 Authority

W. Va. Code § 18B-1-6 and § 18B-8-7.

10.0 Superseding Provisions

This Rule supersedes and replaces Higher Education Policy Commission Series 9 – Academic Freedom, Professional Responsibility, Promotion and Tenure, and any other Rule of the Higher Education Policy Commission which relates to the subject matter contained within this Rule.