

## **Faculty Code of Conduct**

### **Preamble**

Ethical principles refer to general judgments that function as a basic justification for ethical prescriptions and evaluations of human actions. Old Dominion University employs the widely accepted Belmont Report (Belmont, 1979) as its Code to guide researchers in the protection of individuals who participate in research as human subjects. We extend Belmont's three principles protecting human research subjects to frame the Old Dominion University Faculty Code of Conduct intended to guide faculty and administrators in their mutual protection and in their duty to the community in the course of their activities at Old Dominion University: (1) Respect for persons, (2) Beneficence, and (3) Justice.

Part I of this Code sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's central functions.

Part II of this Code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all that departures from these minimal standards may give rise to disciplinary proceedings. This code outlines principles that require interpretation by faculty members who have relevant experience and expertise in areas close to the behavior in question. As such, it lays out principles that require interpretation and application by a faculty member's peers. This code, and any process for its enforcement, emphasizes faculty members' judgment as preferable to specific rules that are applied more mechanically.

In Part II a clear distinction is made between statements of (1) ethical principles, (2) expected behaviors and (3) types of unacceptable behavior.

Part III of this Code deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and must reflect significant faculty involvement.

The scope of this Code is inclusive of all faculty; full-time, adjunct, administrators with faculty appointments, faculty librarians, and research faculty. Usage of the term "faculty" hereafter uses this inclusive definition.

## **Ethical Principles**

1. Respect for persons. (A) Individuals should be treated as autonomous agents holding unique opinions and choices (self-determination). Faculty should refrain from obstructing free speech and other legally protected rights and refrain from obstructing each other's actions that are not harmful to others. (B) Due to their position, status, or circumstance some faculty may have diminished autonomy and require additional protections in order to uphold the principle of respect.

2. Beneficence. (A) Do no harm is a fundamental ethical principle guiding researchers, physicians, and the like. Faculty should refrain from actions that injure, damage, or otherwise expose each other to harm. (B) A corollary principle is ethical faculty should conduct themselves in ways that seek to maximize personal benefits for each other, that is, to act in the best interests of each other.

3. Justice. According to Belmont, an injustice occurs "when some benefit to which a person is entitled is denied without good reason or when some burden is imposed unduly" (p. 5). Benefits and burdens should be distributed fairly among faculty, and the criteria determining assignment of benefits and burdens should be transparent, with redress processes clear and respected. Differential treatment should be justified. Ethical faculty and administrators should conduct themselves in ways that maximize fairness and justice for each other.

In summary, faculty members are expected to conduct themselves in a manner, both on campus and in the community that is in consonance with the University's reputation as an institution of high ethical values. At the same time, the University affirms and protects faculty members' rights to academic freedom, freedom of expression, and due process.

## **I. Rights and Responsibilities of Faculty**

### **A. Rights of Faculty**

As an institution of higher learning, a major responsibility of the University and its academic community is to support faculty members in their teaching, learning, research, and professional service activities and to protect them in these functions. The authority to discipline faculty members derives from the shared recognition by the faculty and the University that discipline may sometimes be necessary to preserve conditions hospitable to these pursuits. In outlining expected behavior of its faculty, the University acknowledges that all expectations and discipline of departures from these expectations must be done respecting each faculty member's

fundamental rights to Academic Freedom<sup>1</sup>, Freedom of Expression<sup>2</sup>, Due Process, and other legal requirements.

Examples of these how faculty members enact these rights include, but are not limited to:

1. Free inquiry and exchange of ideas;
2. Presenting controversial material relevant to a course of instruction and the faculty member's expertise;
3. Addressing any matter of institutional policy or action when acting as a member of the faculty;
4. Participation in the governance of the University, as provided in the Bylaws and Standing Orders of The Board of Visitors and the regulations of the University, including;
  - (a) approval of course content and manner of instruction;
  - (b) establishment of requirements for matriculation and for degrees;
  - (c) appointment, reappointment, tenure and promotion of faculty;
  - (d) selection of chairs of departments and certain academic administrators;
  - (e) discipline of members of the faculty, and the formulation of rules and procedures for discipline of students;
  - (f) establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement; and
  - (g) determination of the forms of departmental governance;
5. When appropriate, being evaluated or judged by one's colleagues, in accordance with fair procedures and due process, in matters of promotion, reappointment, tenure, and discipline, solely on the basis of the faculty members' professional qualifications and professional conduct.

## **B. Responsibilities of Faculty**

This listing of faculty responsibilities, ethical principles, and types of expected and unacceptable behavior is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. Since University discipline, as distinguished from other forms of administrative actions, should be reserved for faculty misconduct that is either serious in itself or is made serious through its repetition, or its

<sup>1</sup> University Policy 1403: Academic Freedom

<sup>2</sup> University Policy 1011: Statement on Freedom of Expression

consequences, the following general principle is intended to govern all instances of its application:

University discipline under this Code may be imposed on a faculty member only for conduct which is not justified by the ethical principles and which impairs the University's central functions as set forth in the Preamble. To the extent that violations of University policies mentioned in the examples below are not also inconsistent with the ethical principles, these policy violations may not be independent grounds for imposing discipline as defined herein. The guiding ethical principle for each section and examples of expected and unacceptable conduct are listed below. Examples of expected conduct listed below illustrate the standards of behavior, whereas examples of unacceptable conduct illustrate conduct that may be presumptively subject to University discipline. Other types of serious misconduct, not specifically enumerated herein, may nonetheless be the basis for disciplinary action if they also violate ethical standards of conduct<sup>3</sup> or professional ethics<sup>4</sup>.

## 1. Teaching and Students

Ethical Principles. "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 students as individuals and adhere to their proper roles 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." (AAUP Statement, 1966; Revised, 2009)

The integrity of the relationship between faculty and students is the foundation of the University's educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty member is or will be responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process. Faculty members are expected to treat students with respect, providing guidance and mentoring in a manner that avoids verbally abusive interactions. **In this section, the term student refers to all individuals, whether undergraduates, graduate students, postdoctoral fellows, or other trainees, under the academic supervision of faculty.**

<sup>3</sup> University Policy 1002: Code of Ethics

<sup>4</sup> University Policy 1404: Professional Ethics

- A. Faculty are expected to:
1. Encourage student learning both in and out of the classroom;
  2. Demonstrate respect for students as individuals;
  3. Adhere to their roles as intellectual guides and counselors;
  4. Foster honest academic conduct;
  5. Ensure that faculty evaluations of students reflect the students' true merit;
  6. Acknowledge students' significant academic or scholarly contributions in publications, presentations, and other scholarly endeavors;
  7. Protect students' academic freedom;
  8. Avoid or appropriately manage dual relationships with students in a manner that respects their autonomy and the rights of other students;
  9. Where relevant, disclose conflicts of interest.
- B. Examples of unacceptable conduct:
1. Failure to meet the responsibilities of instruction, including:
    - (a) arbitrary denial of access to instruction;
    - (b) significant intrusion of material unrelated to the course;
    - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses;
    - (d) evaluation of student work by criteria not directly reflective of course performance;
    - (e) delay in evaluating student work that is excessive and beyond course and department standards;
  2. Discrimination, including harassment, in violation of University policy and ethical standards;
  3. Sexual violence and sexual harassment, as defined by University policy, of a student;
  4. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability;
  5. Participating in, tolerating, or abetting disruption, interference, or intimidation in the classroom;

6. Verbal abuse or harassment of a student;
7. Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory);
8. Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member currently has or has previously had a romantic or sexual relationship. Note: A faculty member should reasonably anticipate future academic responsibility of this nature (instructional, evaluative, or supervisory) for (1) students whose academic program will require them to enroll in a course taught by the faculty member, (2) students known to the faculty member to have an interest in an academic area within the faculty member's academic expertise, or (3) any student for whom a faculty member must have academic responsibility (instructional, evaluative, or supervisory) in the pursuit of a degree.

## 2. Scholarship

Ethical Principles. "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." (AAUP Statement, 1966; Revised, 2009)

### A. Faculty are expected to:

1. Practice intellectual and academic honesty in all interactions with students, colleagues, and academic communities;
2. Accurately acknowledge the scholarly contributions of colleagues, students, other trainees, and relevant institutions and affiliations in work that is shared with the larger community;
3. Practice scholarly activities within their bounds of expertise, making the distinction between public statements of expertise and non-expert personal opinion;
4. Where relevant, disclose conflicts of interest.
5. For full-time faculty members or part-time faculty members whose primary scholarly work was done at Old Dominion University, to acknowledge Old Dominion University as their primary institutional affiliation.

B. Examples of unacceptable conduct:

1. Violation of canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others;
2. Failure to appropriately acknowledge scholarly collaborators and contributors;
3. Misrepresentation of non-expert efforts as expert or presenting personal non-expert opinion as representing one's discipline or that of the University.

3. The University

Ethical Principles. "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" (AAUP Statement, 1966; Revised, 2009)

A. Faculty are expected to:

1. Seek above all to be effective teachers and scholars;
2. Observe the stated regulations of the institution, provided the regulations do not contravene academic freedom;
3. Maintain their right to criticize and seek revision of the institution's regulations;
4. Give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it;
5. 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. They do not engage in activities that may disrupt future research or instruction, such as deleting online course content from University-managed servers.

B. Examples of unacceptable conduct:

1. Intentional disruption of functions or activities sponsored or authorized by the University;
2. Incitement of others to disobey University rules or disrupt functions or activities sponsored or authorized by the University;
3. Unauthorized use of University resources or facilities on for personal, commercial, political, or religious purposes;
4. Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities;
5. Discrimination, including harassment, in violation of University policy and ethical standards;
6. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against employees on the basis of disability;
7. Serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.

4. Colleagues

Ethical Principles. "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, even when it leads to findings and conclusions that differ from their own. 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." (AAUP Statement, 1966; Revised, 2009)

A. Faculty are expected to:

1. Respect and defend the free inquiry of associates, in a manner that respects the Commonwealth of Virginia's workplace policies.
2. Show due respect for the opinions of others;
3. Acknowledge academic obligations;
4. Strive to be objective in their professional judgment of colleagues;

5. Accept their share of faculty responsibilities for the governance of their institution;
6. Where relevant, disclose conflicts of interest.

B. Examples of unacceptable conduct:

1. Making evaluations of the professional competence of faculty members using criteria not directly reflective of professional performance;
2. Discrimination, including harassment, in violation of University policy and ethical standards;
3. Violation of the University policy, including the pertinent guidelines, applying to non-discrimination against faculty on the basis of disability;
4. Breach of established rules governing confidentiality in personnel procedures;
5. Misrepresentation faculty affiliations;
6. Engaging in behavior that is disruptive to another faculty member's exercise of their academic freedom, freedom of expression, teaching, scholarship, professional service, or other pertinent academic duties<sup>6</sup>;
7. Where relevant, disclose conflicts of interest.

5. The Community

Ethical Principles: "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."

A. Faculty are expected to:

1. In their professional roles, participate in their communities in a manner that represents their discipline and which upholds their responsibilities to their students, colleagues, and the institution;

<sup>6</sup> University Policy on Disruptive Behavior for Faculty and Faculty Administrators

2. Communicate their credentials accurately;
3. In public actions, fulfill the obligation to promote free inquiry and the public's understanding of their subject and the practice of scholarship in their discipline;
4. Clarify in any communication or correspondence when they are speaking or acting as private persons to avoid the impression that they are speaking for the university or in a capacity of expertise represented in their role as professor;
5. Observe these standards across platforms and venues in which communication takes place, including social media and other electronic media<sup>7</sup>;
6. Where relevant, disclose conflicts of interest.

**B. Examples of unacceptable conduct**

1. Intentional misrepresentation of personal views as a statement of position of the University or any of its agencies. (An institutional affiliation appended to a faculty member's name in a public statement or appearance is permissible, if used solely for purposes of identification.);
2. Public behavior, to include social media and other open forums, that is inconsistent with the University's code of ethics and values;
3. Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.<sup>8</sup>

<sup>7</sup> Virginia State Policy 1.75: Use of Electronic Communications and Social Media

<sup>8</sup> Portions of this document were adapted from the University of California Berkeley Faculty Code of Conduct