

*Proposed revisions to Faculty Handbook Part III “Faculty Policies and Procedures,” Section C “Faculty Rights and Responsibilities,” Subsections 1-4 and 10: “Academic Freedom,” “Fair Treatment,” “Religious Tolerance,” “Confidentiality,” and “Participation in Governance.” Approved by the Faculty Senate on December 13, 2006.*

*These subsections of the current Handbook date from 1999. The Senate approved revisions to these subsections as part of a larger set of revisions in December 2006. The Provost made a number of suggestions and raised some questions. The Governance and Steering Committees reviewed these subsections again in light of the Provost’s comments, and approved further revisions. This document compares the revised text approved by the Steering Committee on March 13, 2008 with the text approved by the Senate in December 2006.*

## **C. FACULTY RIGHTS AND RESPONSIBILITIES**

A member of the faculty of Georgetown University has ~~the~~ rights and responsibilities ~~designed to promote excellent teaching, research, and service~~ set out in this Handbook. If a faculty member’s rights are violated by administrative action, he or she may seek remedy through the Faculty Grievance Procedure (Section \_\_\_), the Affirmative Action Grievance Procedure (Section \_\_\_), or other applicable procedures. A faculty member’s tenure and promotion decisions, annual merit reviews, or other performance evaluations shall be based on how well a faculty member fulfills his or her responsibilities. Failure to fulfill his or her responsibilities may subject the faculty member to appropriate disciplinary action (Section \_\_\_). Lack of administrative action does not waive a specified responsibility or make it unenforceable. Similarly, failure to exercise faculty rights does not forfeit them. Faculty rights and responsibilities shall include but not be limited to the following:

### **1. Academic Freedom**

Academic freedom is essential to teaching, research, and service, and thereby to the common good to which universities are dedicated. Academic freedom entails the rights of free inquiry and free expression, and the responsibilities of intellectual honesty, respect for the academic rights of others, and openness to change. All members of the faculty, in common with all other members of the community, must refrain from acts which interfere with the academic freedom of other persons within the University, and share responsibility for maintaining a professional atmosphere in which violations of academic freedom and responsibility are unlikely to occur.

Academic freedom entails the following more specific rights, subject only to limitations stated elsewhere in the *Faculty Handbook* or applicable law.<sup>+</sup> Faculty are free to exercise these rights without being overruled, censored, pressured, threatened, or punished by a chair, dean, or other administrator.

- a. The right to freedom in research, including the right to select the areas of research in one’s field, along with the materials and the approach, and to disseminate one’s work.
- b. The right to freedom in teaching assigned courses, including the right to select the materials and approach, make the assignments, and evaluate student academic performance.

- i. ~~In a Department or School policy may specify allocation of authority in team-taught or multi-section course, this right shall be assigned to a single participant, or divided among participants, in accordance with department or school policy.~~
- ii. ~~Some of the materials courses.~~
- ii. Department or School policy may specify objectives, materials, and assignments in courses that are part of a structured curriculum ~~may be set in accordance with Department or School policy.~~
- c. The right to artistic freedom in the classroom, studio, workshop, and public presentations in the visual, performing, or literary arts.
- d. The right to freedom in service, including the right to exercise one's academic judgement and vote one's conscience in faculty governance bodies and academic committees, thereby bringing to bear on issues concerning institutional policy and priorities, faculty appointment and promotion, and selection of administrators, one's understanding of what constitutes good teaching and research, and what promotes it. In the case of public service, this includes the right to use one's expertise to further the causes of one choosing.
- e. The right to freedom of speech and action as a private person. Faculty should not speak or act for the University, or give the impression of representing the University, unless appropriately authorized.

Professional librarians similarly have the right of academic freedom even if they are not appointed members of the faculty or eligible for tenure. They have this right in as much as they serve as trustees of knowledge, responsible for ensuring the availability of information and ideas, no matter how controversial, enabling teachers to teach and students to learn freely. Professional librarians also instruct students formally and informally, advise and assist faculty in their research, and conduct research of their own.

## 2. Fair and Respectful Treatment

All faculty have the right to be treated fairly, respectfully, and professionally by other members of the University community, and the responsibility to treat other members in the same manner.

- a. Members of the faculty are to be free from arbitrary and capricious action on the part of the University administration and other faculty with respect to decisions on matters including but not limited to compensation, tenure, promotion, and teaching and service assignments.
- b. Every faculty member is entitled to protection against discrimination that is illegal or

unconstitutional, or without basis in the faculty member's professional performance, including but not limited to discrimination on the basis of race, sex, sexual orientation, religion, national origin, citizenship, political affiliation, personal appearance, age, disability, veteran status, marital status, or parental status.

- c. Members of the faculty are to refrain in the course of their academic duties from committing or inciting unlawful acts, ~~acts of physical violence against individuals or property, acts which create a hostile environment, or acts which interfere with the freedom of speech or movement of others.~~

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- ~~d. The right of fair treatment applies to professional librarians even if they are not members of the faculty.~~

More positively, faculty have a responsibility to create a hospitable, collegial environment for all members of the Georgetown community.

### 3. Religious Tolerance and Respect

Members of the faculty have a responsibility to recognize and respect the fact that Georgetown University is a Jesuit university committed therefore to Catholic principles and religious values. This places no obligation on faculty members with regard to their personal beliefs or religious practices, or their teaching or research. Members of the faculty also have a responsibility to respect the right of members of the Georgetown community to hold different religious views.

### 4. Confidentiality

While most aspects of university life benefit from open processes and free access to information, some require full information and candid evaluations that can be obtained only when protected by confidentiality. Some information, moreover, is protected by law or University policy in the interest of privacy or fair treatment. Faculty members' basic responsibilities with respect to confidentiality are set forth below. In addition, University Counsel can be consulted for advice concerning the nature of confidentiality requirements.

- a. Members of the faculty have the responsibility to comply with all confidentiality requirements imposed by law or by University policies, including but not limited to the Family Educational Rights and Privacy Act of 1974, and the Health Information Privacy Protection Act, the University Procedures for Alleged Misconduct In Research, and policies stated elsewhere in this *Handbook*, including the University Faculty Grievance Code (Section \_\_).
- b. Members of the faculty have a responsibility not to reveal to unauthorized parties any confidential information received by the University from external sources or any confidential evaluation made by colleagues or administrative officers within the University in connection with the review of another faculty member, including but

not limited to those which occur in connection with appointment or retention decisions, annual merit reviews, the award of tenure or promotion, grant applications, or grievance or disciplinary procedures. In particular, such information shall not be revealed to the faculty member under review. This does not preclude the confidential use of such information by authorized administrative officers or faculty. Nor does it prevent an authorized party from conveying to the faculty member the substance of an evaluation received, provided that in doing so the identity of the evaluator(s) is not revealed. The penalty for failing to fulfill this responsibility may include being barred from proceedings in which use of confidential information is authorized.

- c. Members of the faculty have a responsibility not to reveal salaries of other faculty members. They retain the right to disclose their own salary. Furthermore, a department (or other unit) may have an approved written policy making individual salary information available within the unit. Salary information may be used confidentially by authorized administrative officers.
- d. With the exception of the confidential information specified above, every faculty member has the right to receive information concerning the factors material to the determination of his or her own individual annual compensation, promotion, and, for tenure-line faculty, the award of tenure. This includes, but is not limited to, information about applicable procedures and policies.

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## 10. Participation in Governance

Faculty members have the right and responsibility to participate in the governance of the University in accordance with the constitutions or bylaws of the governance bodies. The principal governance bodies are the University Faculty Senate, the Campus Executive Faculties, the School Executive Councils, and Department and program faculties (See Section \_\_).

- a. Voting members of ~~departments and other~~any governance ~~bodies~~body have a responsibility to attend ~~its~~ meetings.
- b. Faculty members have the right to seek change in department, program, school, campus, or University policy through the appropriate faculty governance body.
- c. A tenure-line faculty member has full voting rights in the academic unit (or units) in which he or she holds a primary or secondary appointment, with four exceptions. An untenured faculty member may not vote in tenure cases; a faculty member may not vote in cases of promotion to a rank higher than that faculty member's; in cases of appointment at a senior rank, a faculty member of lower rank may vote on the decision to appoint but not on the decision to award the rank; and a faculty member may not vote in any case of promotion, tenure, or salary increase for a spouse or other relative.