

## ACADEMIC RIGHTS AND RESPONSIBILITIES COMMITTEE<sup>(1)</sup>

### EXPLANATORY NOTE:

Any faculty member with a grievance or other concern relating to their academic freedom, to their conditions of employment, or to professional conduct is encouraged to contact the Chair of the Academic Rights and Responsibilities Committee. This initial contact will be informal, advisory, and confidential and will not lead to investigations or formal proceedings unless the faculty member requests further action by filing a formal complaint. The ARRC will respond promptly and decide which type of committee, if any, should hear the complaint. If it is determined that a special committee is appropriate, the ARRC will convene the appropriate committee.

### 2011-2012 MEMBERS

NAME	TERM OF EXPIRATION
Wes Peterson, Agricultural Economics	Summer 2012
Carolyn Pope Edwards, Psychology	Summer 2012
Suping Lu, University Libraries	Summer 2013
Judy Diamond, University Museum	Summer 2013
John Bender, Journalism	Summer 2014

### STRUCTURE

The Academic Rights and Responsibilities Committee shall consist of five tenured members of the UNL faculty elected by the UNL Assembly (UNL Bylaws 3.2.1). At the time of their election, no two members of the Committee shall have a primary academic appointment in the same college or division of UN-L. No member of the faculty who holds any administrative appointment higher than department head or chair will be eligible to serve as a member of the Committee during the term of such administrative appointment. Committee members may succeed themselves.

### ELECTIONS

Members shall be elected by the UNL Assembly in an election conducted in April by the Secretary of the Senate consistent with the provisions of Section 3.3.6 of the UNL Bylaws and Section D.1 of the Preface. Candidates will be nominated by the Committee on Committees with at least two eligible candidates nominated for each position on the ballot. Other eligible faculty members may become candidates by filing with the Secretary of the Senate a petition that includes the supporting signatures of

at least 25 bona fide members on the UNL Assembly.

## **TERM OF OFFICE**

Committee members shall serve three year terms. The terms will begin with the academic year following the date of election, and will be staggered with no more than two members elected annually to full terms.

## **RESPONSIBILITIES**

(1) The primary responsibility of the Academic Rights and Responsibilities Committee is to ensure and to arrange an appropriate investigation or hearing concerning any important problem involving the relationship between any faculty member and other professional persons in the university community. In accord with Regents Bylaws, the jurisdiction of the ARRC may extend to professional staff in academic freedom and professional conduct matters.

(2) The Academic Rights and Responsibilities Committee shall receive complaints and promptly determine the most appropriate code of rules, if any, for an investigation. The ARRC shall not itself perform investigations or conduct hearings. When the ARRC determines that it has received an important professional conduct, grievance or academic freedom and tenure complaint, it will convene a special committee, and, as appropriate, constitute it as one of the following:

### **(i) Special Academic Freedom and Tenure Committee**

a. AFT(A) to hear claims by a member of the professional staff that their academic freedom has been violated;

b. AFT(B) to hear cases brought by the President or the Board of Regent to dismiss a faculty member before the end of an appointed term;

### **(ii) Special Grievance Committee**

### **(iii) Special Professional Conduct Committee**

a. Professional Conduct Committee (A) to hear claims that a member of the professional staff has committed misconduct or to examine questions of the extent to which the complaint has been wrongly accused of professional misconduct;

b. Professional Conduct Committee (B) to hear complaints of persons charged with misconduct in

federally funded projects covered by the Public Health Service's regulations on Misconduct in Science or by essentially similar rules of other federal agencies.

(3) The ARRC shall only transmit to a special committee complaints which, by a majority vote, it determines represent an actionable violation. At the request of the complainant or potential complainant, the ARRC shall appoint a member of the Special Resource Group to assist in drafting or redrafting the complaint. The ARRC may recommend to the complainant that the complaint be handled in another forum.

Note: Before a faculty member is relieved of any duties for any reason (except the ordinary rotation of assignments) by any administrator of UNL, the faculty member shall be apprised of the right to counsel with the Academic Rights and Responsibilities Committee.

(4) The Academic Rights and Responsibilities Committee shall determine whether and the extent to which the recommendations of all special committees have been implemented or acted upon by the person(s) and/or administrative unit(s) involved and shall report the status of cases to the President of the Academic Senate.

(5) The Academic Rights and Responsibilities Committee shall also:

(i) provide for an effective process in representing the academic rights and responsibilities of the faculty;

(ii) act with respect to matters of general policies concerning academic freedom and tenure;

(iii) recommend actions to appropriate bodies in order to ensure academic rights and responsibilities of faculty members;

(iv) communicate to all members of the University Community appropriate channels for conveying and dealing with concerns about actual or perceived violations of faculty rights and responsibilities; and

(v) make an annual report to the Academic Senate.

## **PROCEDURAL REQUIREMENT**

Each year the Academic Rights and Responsibilities Committee shall elect a Chair and Vice Chair/Secretary; members may succeed themselves in the position of Chair if elected.

As necessary, the ARRC may propose changes in operating procedures and guidelines for each of the Special Committees which it appoints. The Rules of Procedure for Special Academic Freedom and Tenure Committees, Special Grievance Committees, and Special Professional Conduct Committees must be in accord with relevant provisions of the Bylaws of the Board of Regents. The current rules and members of the AF&T, Grievance, and Professional Conduct Committees shall remain in effect until superseded by the new rules of procedure proposed with this amendment to the Syllabus. When the new procedures are properly and fully approved in accord with the provisions of the Bylaws of the Board of Regents, the current committee structures (including membership) will be replaced by the new procedures (including the newly elected ARRC Panel).

## **OPERATING PROCEDURES AND GUIDELINES ADOPTED BY COMMITTEE**

The committee shall file in the Academic Senate Office (i) minutes of its meetings, (ii) a current statement of operating procedures and guidelines adopted by the committee itself. For more information on this committee and general Academic Senate rules governing its operations see the Preface.

## **ACADEMIC RIGHTS AND RESPONSIBILITIES PANEL**

### **NAME AND MEMBERSHIP**

The ARRC shall appoint persons to "Special Committees" from a Panel of thirty-six faculty members. Thirty-two panel members must be tenured faculty members and four must be Extension Educators with equivalent rank of associate or full professor, all of whom hold no administrative appointment higher than department chair or head.

The Academic Assembly shall elect faculty members to the Panel. The Panel members nominated by the Committee on Committees shall be members of the faculty who have specific knowledge of academic rights and responsibilities and who have demonstrated skill, experience, and sensitivity in dealing with issues of faculty rights and responsibilities. The Panel members shall also represent the various academic colleges, divisions, and disciplines over a three year period.

Panel membership shall be continuously monitored and reviewed annually by the Academic Rights and Responsibilities Committee to determine if changes in the size or make up of the panel need be requested from the Committee on Committees.

### **TERM OF OFFICE**

The term of office of members of the Panel shall be three years beginning with the academic year. Terms shall be staggered with approximately twelve panelists elected each year. Faculty members may serve successive terms as members of the panel. If the ordinary term of office of a panelist should expire while the panelist is serving as a member of a Special Committee or is actively engaged as a member of the Special Resources group, the Panelist shall continue to serve until the Special Committee completes its report on the specific case in which it is involved or until the resource person's task is completed.

## **FORMATION OF SPECIAL COMMITTEES**

(1) Whenever a specific concern has been brought to the attention of the ARRC the Committee shall expeditiously determine the proper disposition of the matter. Whenever a complaint is received by the Academic Rights and Responsibilities Committee, the Committee shall determine the proper special committee, if any, to which the matter shall be referred.

(2) The ARRC shall identify six members for the five Special Committees and a Special Resource Group early in the fall semester of each academic year. To the extent possible, assignment shall be based on a fair distribution of Panel Members by college, discipline, race, sex, and experience with cases involving academic freedom and tenure, grievance or professional conduct.

(3) Each Special Committee will be assigned a number from 1 to 5. Membership in the numbered Committees will not be announced. Cases will be assigned to the Committees in numerical order as needed. Only when the ARRC convenes a Special Committee and has discussed with it the rules of its procedures will the Special Committee elect its chair and vice-chair. Only after that will its membership be announced and the specific complaint transmitted to it.

(4) The Special Resource Group consisting of the six panel members not assigned to Special Committees shall serve as Special Conciliators; as a resource for complainants who need advice or help in focusing issues or drafting a complaint; or as substitutes (chosen randomly) to serve on the ARRC or Special Committees. At least one member of this group must be an Extension Educator.

## **GENERAL RESPONSIBILITIES OF SPECIAL COMMITTEES**

Once a Special Committee has been formed, the Academic Rights and Responsibilities Committee will have no further jurisdiction over the case unless asked in accord with procedures to settle procedural issues. The Special Committee must then follow the rules and procedures appropriate to itself, including the reporting requirements, as specified below. Following a final report on an assigned case, a special committee shall be dissolved.

## **SPECIAL COMMITTEES**

### **SPECIAL ACADEMIC FREEDOM AND TENURE COMMITTEE**

## **JURISDICTION AND MEMBERSHIP**

The Academic Rights and Responsibilities Committee shall appoint an Academic Freedom and Tenure Committee in cases coming within the jurisdiction of an Academic Freedom and Tenure Committee under Section 4.14.2 (a) and (b) of the Regents Bylaws. A Special Academic Freedom and Tenure Committee shall consist of six tenured faculty members appointed from the Panel by the Academic Rights and Responsibilities Committee. (Appointments shall be made in accord with the section titled "Formation of Special Committees" on ARRC page 5 of this syllabus)

## **RESPONSIBILITIES**

(1) A Special Academic Freedom and Tenure Committee shall have powers and be subject to procedural requirements pursuant to section 4.14 of the Bylaws of the Board of Regents.

(2) A Special Academic Freedom and Tenure Committee shall study the matter referred to it and make known its findings and recommendations to the Board of Regents, to the President, to the Chancellor, and to the person or persons concerned.

(3) A Special Academic Freedom and Tenure Committee shall present a report and appropriate recommendations to the Academic Senate President, the Academic Rights and Responsibilities Committee and to any other person or persons or body that, in its judgment, should be informed of its findings or recommendations. At the conclusion of its work the Special Committee shall present an informational report to the Academic Rights and Responsibilities Committee and to the Academic Senate President. The Special Committee is then dissolved.

## **SPECIAL GRIEVANCE COMMITTEE**

### **JURISDICTION AND MEMBERSHIP**

The Academic Rights and Responsibilities Committee may appoint a Special Grievance Committee whenever it decides that a complaint does not fall under the provisions of Section 4.14.2 of the Regents Bylaws and decides that the matter cannot be resolved expeditiously through conciliation. A Grievance Committee shall consist of six faculty members appointed from the Panel by the Academic Rights and Responsibilities Committee. (Appointments shall be made in accord with the section titled "Formation of Special Committees" on ARRC page 5 of this syllabus.)

### **RESPONSIBILITIES**

- (1) A Special Grievance Committee shall have powers and be subject to procedural requirements pursuant to section 4.13 of the Bylaws of the Board of Regents.
- (2) A Special Grievance Committee shall investigate the matter referred to it and make known its findings and recommendations to the person(s) concerned, to the Chancellor and/or other administrators concerned, including appropriate deans, directors, and vice chancellors, and to the President of the Academic Senate.
- (3) At the conclusion of its work the Special Grievance Committee shall present a report to the Academic Rights and Responsibilities Committee. The Academic Rights and Responsibilities Committee shall determine whether the Special Grievance Committee recommendations have been implemented or acted upon by the person(s) and/or administrative unit(s) involved and shall report the status of cases to the President of the Academic Senate.

## **SPECIAL PROFESSIONAL CONDUCT COMMITTEE**

### **JURISDICTION AND MEMBERSHIP**

The Academic Rights and Responsibilities Committee shall appoint a Special Professional Conduct Committee to deal with certain cases, as indicated in section 4.15 of the Bylaws of the Board of Regents. A Special Professional Conduct Committee also may be appointed at the request of a person who faces allegations of professional misconduct.

A Special Professional Conduct Committee shall consist of six faculty members appointed from the Panel by the Academic Rights and Responsibilities Committee.

### **RESPONSIBILITIES**

(1) A Special Professional Conduct Committee shall have powers and shall follow procedures pursuant to section 4.15 of the Bylaws of the Board of Regents.

NOTE: The standards of professional conduct which are applicable are generally described in the following section of the Bylaws of the Board of Regents:

3.4 Conditions of Employment for Professional Staff

3.8 Conflict of Interest

3.9 Political Activities of Employees

### 3.10 Patent Policy

### 3.11 Sale of Books and Supplies to students; Copyrights and Royalties

### 4.1 Academic Responsibility

### 4.6 Evaluation of Faculty Performance

Other sources for standards of professional conduct applicable in particular cases can be found in the procedures of the committee.

(2) A Special Professional Conduct Committee shall investigate, conclude, advise, and recommend in cases brought, at the request of a member of the professional staff who faces allegations of professional misconduct, in an attempt to answer and rectify allegations of professional misconduct with which he/she has been charged.

(3) A Special Professional Conduct Committee shall study the charge and advise the person filing the charge, the person against whom the charge is filed, and any other appropriate persons or groups, concerning its conclusions and factual findings. It also shall be the duty of the Special Committee to recommend to an appropriate University officer or group whether action should be taken with respect to the charge, and the nature of such action.

(4) At the conclusion of its work, the special Committee shall present an informational report to the Academic Rights and Responsibilities Committee and to the Academic Senate President. The Special Committee is then dissolved.

1. Approved by the Senate on November 12, 1991; effective August, 1993 for the Special Committees Panel. Revised by the Senate April 5, 1994; for effective date see Section on Procedural Requirements.