

FRA TASK FORCE ON PROFESSIONAL RIGHTS AND RESPONSIBILITIES RESPONSE TO FRA FACULTY SURVEY ON PROFESSIONAL RIGHTS AND RESPONSIBILITIES REPORT OF FINDINGS

INTRODUCTION

The FRA Task Force on Professional Rights and Responsibilities (PRR Taskforce) thanks the UCCS Faculty Representative Assembly and, especially its President, Professor David C. Moon, for constructing and administering the PRR Survey on Professional Rights and Responsibilities (PRR Survey) during October 2021.

The PRR Taskforce has met to discuss the results of the PRR Survey, and we have put together this report. This report summarizes responses to the PRR Survey and compiles faculty comments to particular questions.

SUMMARY OF RESPONSES AND FACULTY COMMENTS

- I. *Responses to the four questions about individual, primary role, and joint role professional rights and responsibilities*
 - A. These questions ask faculty about their individual, primary role, and jointly held professional rights. In each case, the questions ask how *aware* faculty are of those rights, how *secure* they feel in those professional rights, and how *important* those professional rights are. The results are for the most part predictable. However, as noted, there are exceptions.
 1. Individual professional rights
 - (a) A minority of faculty were *unaware* of their individual professional rights, while a majority of faculty were *aware* of their individual professional rights
 - (b) A minority of faculty felt *not at all* secure in their individual professional rights, while a majority felt either *somewhat* or *very* secure in their individual professional rights. However:
 - (i) more faculty felt *somewhat* secure in their individual right to have wide latitude in defining research and creative work than felt *very* secure in this right
 - (ii) more faculty felt *somewhat* secure in their individual right to constitutionally protected freedom of expression than felt *very* secure in this right
 - (c) For a tiny minority of faculty, their individual professional rights were *not very* important. For a distinct minority of faculty, their individual

professional rights were *somewhat* important. For an overwhelmingly large majority of faculty, their individual professional rights were *very* important.

2. Principal role professional rights

(a) A significant minority of faculty were *unaware* of their principal role professional rights, while a large majority were *aware* of their principal role professional rights

(b) A significant minority of faculty felt *not at all* secure in their principal role professional rights, while a majority felt either *somewhat* or *very* secure in their principal role professional rights. However:

(i) more faculty felt *somewhat* secure in their principal role professional rights for every enumerated right except one than felt *very* secure in their principal role professional rights. The lone exception was the principal role professional right to set standards of teaching, scholarship, research, creative works, and clinical activity, where those who felt *somewhat* secure were slightly less numerous than those who felt *very* secure.

(c) For a tiny minority of faculty, their principal role professional rights were *not very* important. For a distinct minority of faculty, their principal role professional rights were *somewhat* important. For an overwhelmingly large majority of faculty, their principal role professional rights were *very* important.

3. Joint role professional rights

(a) A significant minority of faculty were *unaware* of their joint role professional rights, while a large majority were *aware* of their joint role professional rights

(b) A significant minority of faculty felt *not at all* secure in their joint role professional rights, while a majority felt either *somewhat* or *very* secure in their joint role professional rights. However:

(i) the faculty who felt either *not at all* secure or *somewhat* secure in their joint role professional rights significantly outnumber those who felt *very* secure in these rights. In particular:

a. the faculty who felt either *not at all secure* or *somewhat* secure in their joint role in the selection and evaluation of academic administrators far outnumber those who felt *very*

secure in their joint role in the selection and evaluation of academic administrators

(c) For a tiny minority of faculty, their joint role professional rights were *not very* important. For a distinct minority of faculty, their joint role professional rights were *somewhat* important. For an overwhelmingly large majority of faculty, their joint role professional rights were *very* important.

4. Faculty were invited to provide comments on professional rights at other institutions that they would like to see explicitly stated in the UCCS PRR document.

(a) No faculty responded directly to the question. Instead, those who responded to this question took it as an opportunity to state concerns salient to them and to amplify on their responses to the previous questions. Here is a compilation of those comments:

- (i) right for IRC faculty to appeal evaluation and promotion decisions
- (ii) one of the biggest problems is that while we have "shared" governance, it seems to always come down to the Chancellor having the final authority. This has happened time and again, in the hiring of administrators, faculty appointments in programs without their permission, responses to grievances, etc. Additionally, these are experienced by some faculty and units more than others, depending upon the Chancellor's personal values, who he likes, etc. How can we have shared governance when the Chancellor is the final hiring authority?
- (iii) I am concerned teaching assignment conflicts for T/TT faculty versus Instructional faculty. Do radically different hiring criteria matter?
- (iv) what rights, recourse and resources do faculty brought before review committees (esp. for disciplinary review) have?
- (v) when a student files a complaint against a faculty for "content" (not behavior or inappropriate actions) with content defined as something the student does not believe in or hold as a value - the student files a complaint. At other institutions faculty are protected and supported. What do we do at UCCS to protect the faculty?
- (vi) right to be free from being treated like servants by students. Students are not "customers" and they don't get to dictate academic standards, content, etc. or be disrespectful toward faculty or other students.

- (vii) the ability to teach our subject area without having to integrate or advocate current agendas, whatever they might be, such as thinking about equity, diversity, and inclusion.
- (viii) co-governance in budgetary and financial matters. Selection and assessment (not just advisory) of all administrative positions, from governing board and president on down. Christopher Newfield makes a distinction, in an essay for *Academe*, between "shared governance" and co-governance"; the latter is a stronger standard, and worth aiming for. Also useful is Larry Gerber's book on the history of faculty governance in the US: the examples of Caltech, Antioch and Reed during the 1920s and 1930s, for instance, are enlightening. right to differential workload negotiations, right to consult with outside groups, intellectual property rights
- (ix) administrative positions should be voted on, even temporary ones
- (x) make a wage compatible with cost of living in Colorado Springs
- (xi) as in all refereed journals and CU Law School, faculty must have the right of rebuttal of letters of evaluation
- (xii) with respect always-- the University should cherish religious and political rights -- without fear
- (xiii) ability to be able to offer class as in-person, online or hybrid option -- based on the topic.
- (xiv) term limits for university administrators; rotating department chairs from tenured faculty
- (xv) yes, please recognize that there is a clear difference in these things if you are Tenure Track vs. IRC Faculty. I am not sure any of these "Rights" apply to IRC if we are only considered "at will". Please make sure the document addresses, and defines a clear Grievance Procedure Policy that does not leave the ultimate decision in the hands of the people that the Grievance is being filed against. For example, the ultimate decision of an IRC faculty member grievance against a chair or College Dean, should not be decided by that Dean. It needs to be fair and have procedure that goes above that.
- (xvi) the right to complete privacy regarding all personal medical decisions. There should be explicit protection for faculty who challenge the policies of Federal, State, and Local governments. Faculty should not be fired, censored, or punished for saying unpopular things. In recognition that most of the university professors are politically left of center (perhaps 90%+ democrat) and mostly non-religious, there should be more explicit protections for minority viewpoints, conservative voices, republicans, and religious viewpoints. Faculty should have a right

to free speech, but free speech is not possible while wearing a mask, because the mask literally impedes speech. Faculty must be free in their own bodies regarding decisions about all medical interventions. Faculty should ABSOLUTELY NOT have any right to give medical advice to any other person, faculty, student, staff, or anyone else, unless that faculty member is the actual personal physician for that individual patient.

- (xvii) greater recognition and support of faculty whose work appears controversial to some sector of the public
- (xviii) would like to see collective bargaining rights but understand that is a state problem
- (xix) equitable pay for overload courses; more control over new faculty hires;
- (xx) rights around evaluation of student work and cheating
- (xxi) more job security for IRC to feel comfortable for 3 years in our jobs and to be able to speak honestly to TTF
- (xxii) I would like to see examples of rights and responsibilities found at other campuses that are not part of our campus. The opportunity for more discussion around these issues is needed among UCCS faculty
- (xxiii) Definitions of professionalism

II. Response to the question (#7) regarding faculty ownership of instructional materials, including the content of lectures and online courses, they have created

- A. The overwhelming majority of responding faculty affirmed that they should own their instructional materials, including the content of their lectures and online courses. This response is consistent with APS 1014, "Intellectual Property That is Educational Materials."
- B. PRR Taskforce members discussed this matter and its interaction with intellectual property that is not educational materials and covered by APS 1013, "Intellectual Property Policy on Discoveries and Patents for Their Protection and Commercialization." Comments were various, including this one:
 - 1. Whether some grey areas between APS 1013 and APS 1014 exist and, if they do, what can and should be done about them;and one recommendation was made:
 - 2. The UCCS Professional Rights and Responsibilities document should include some statement of intellectual property ownership rights

III. Responses to the six questions about expectations in teaching, research, scholarship, and creative work, and professional practice

A. These questions asked about professional expectations or responsibilities of faculty regarding their teaching and their research/professional practice. Findings were unsurprising.

1. Question #5 asked about teaching responsibilities. There were no surprising findings.

(a) Here is a compilation of faculty comments:

- (i) I do not believe that pedagogy should be dictated to faculty, particularly given differences in what works in different disciplines and the importance of finding a style that works well with faculty individuals' strengths and weaknesses. I left student evaluations unselected because of the substantial evidence that these evaluations are highly biased in a variety of ways (e.g. subject matter, instructor sex, physical appearance, age, etc.) and that they do not correspond with the level of learning by students.
- (ii) Keep posted "office hours" can be remote - not sure what conflict of interest means in this context, if I'm teaching in my field of expertise
- (iii) Disciplinary excellence (high quality publishing in the discipline) and teaching innovation should also be factored into teaching assignments.
- (iv) I agree with all of these to an extent, but all descriptions have elements of ambiguity (e.g., what is "timely", what is "adequate", what is "reasonable". There are a dozen words that need to be defined before I can agree or disagree.
- (v) Peer evaluation is way to biased to be required.
- (vi) The main issue facing us moving forward is the ability to offer a class for the faculty as in-person, online or hybrid -- this decision should be given to faculty, specially at the graduate level, and not to an administrator based on faculty rights.
- (vii) Maybe we should just let teachers teach! We have a pretty strenuous hiring process that allows us to pick good teachers. These all sound like great ideas, but how do you judge if a student is being "evaluated fairly and in a timely manner"? I can't even get my students to submit their work in a timely manner (because I am expected to be empathetic to their issues during COVID...rightfully so!) so how does that work? This just sounds like an ill-defined list of judgements that administrators can use to give faculty even more grief.

- (viii) Some of these rules are unnecessary in certain cases. For evening graduate classes, our working students never come to office hours, so it is better to just respond to emails online or do Office hours in zoom or MS Teams. For other items here, I would be concerned about who is evaluating this stuff. "Meet classes as scheduled." Does that mean some administrator will tell me I can't put a class online one day so I can attend a conference. This is crap. Faculty should not give Administration this much power. If our faculty don't do this already and show proof of good work for 6 or 7 years, then we should not award tenure. Too many explicit rules give too many bureaucrats too much power.
- (ix) The absences option is vague--are you asking about student absences or faculty absences?
- (x) Actively support retention and persistence of students
- (xi) Have a presence on campus (i.e., not on campus only the two days a week that the faculty member is teaching)
- (xii) Maintain well-understood availability to students

2. Question #6 asked about unacceptable faculty conduct in teaching. There were no surprising findings.

(a) Here is a compilation of faculty comments:

- (i) lack of participation (example in an online course not reading/responding to discussion boards or student emails)
- (ii) I have not responded yes to the two questions about "expected" and "unrelated" curriculum, because those are highly subjective decisions, and can be very political. WHO decides what is relevant for a class?
- (iii) if a professor is testing over personal stories they've told, then that's problematic, but particularly given the push for inclusive practices such as real-world applications of content (some of which might be outside the scope of what would traditionally be covered in a course- for example, the human impacts of mineral extraction in a geology course or a business application in a math course), I think we should be careful in how we define this criterion.
- (iv) I or my disciplinary peers should be sole arbiter of what is or is not "material unrelated to course curriculum"
- (v) the conflict-of-interest question is worded so vaguely that I wonder whose judgment is being used to discern a "perceived" conflict of interest?

- (vi) not following guidelines of another teaching area. Example: course faculty also teaching in lab not following lab guidelines and standards of best practice
- (vii) again, it depends on who is doing the evaluation and what criteria they are using
- (viii) refusal to comply with accreditation/assessment requirements
- (ix) using their position to promote a political agenda that is not germane to the course
- (x) failing students who pay a lot of tuition to be in school
- (xi) failure to respect the gender identities and presentations of students
- (xii) engaging in extensive, politically charged left-wing ideology such as critical race theory
- (xiii) deliberate discussion of personal political opinion
- (xiv) this looks like another crappy power grab from administration. Who is going to be the arbiter of whether the material I present in my course is relevant? I say it is, then you say it isn't, so who is the expert here? What if some administrator comes to me and says I "didn't comply with University or college requirements." I say I did, then they say I didn't. Was the requirement right or fair? Was it interpreted correctly? Did I try to follow, but there was an error somewhere? What is the punishment? Who decides? There are too many questions, and I don't like it... What are we trying to accomplish with this?
- (xv) unwillingness to work reasonable to assist students who are struggling or have a health issue, etc
- (xvi) unethical behavior, but not behavior that is exhibiting a particular political perspective. How would you characterize John Eastman, for instance?
- (xvii) being inaccessible to students
- (xviii) not maintaining currency in pedagogical competence

3. Question #12 asked about research/scholarship/creative work responsibilities. There were no surprising findings.

(a) Here is a compilation of faculty comments:

- (i) consider the quality of the competence maintained
- (ii) stay up to date on responsible conduct of research topics
- (iii) adhere to all IRB or other research reporting requirements
- (iv) identify sources of money and identify/mitigate potential conflicts of interest
- (v) again, who decides whether the faculty is in compliance with these statements or not. This just looks like more reasons to

take unjust disciplinary actions against faculty. "You are being reprimanded because YOU failed to communicate discipline-based policies regarding author names on your publications!" What? "Well this was just recently approved by a majority of faculty and faculty assembly voted to approve it, so you are being reprimanded." "Have you been maintaining your disciplinary competence? ... can you prove it?" "Hmm. Administration is not convinced, so consider yourself reprimanded again"

- (vi) evaluate those in other disciplines using that discipline's standards, not your own (such as when on college or campus committees)
- (vii) outreach to the community as appropriate to the discipline, without fear of backlash

4. Question #13 asked about unacceptable faculty conduct in research/scholarship/creative works. There were no surprising findings.

(a) Here is a compilation of faculty comments:

- (i) I see enforcement of these items to be lacking on our campus
- (ii) injecting personal bias/opinion
- (iii) again, who decides what is a violation? I can't agree to undefined (or poorly defined) responsibilities.
- (iv) exploiting university association for partisan purposes
- (v) unfair and/or disrespectful treatment of TAs; not recognizing the contributions of TAs to scholarly work

5. Question #17 asks whether a faculty professional rights and responsibilities document should include faculty responsibilities in the conduct of professional practice. The most common response was *maybe*, followed closely by *yes*. Few respondents answered *no*.

6. Question #18 asked faculty to enumerate faculty responsibilities in the conduct of professional practice.

(a) Given the open-ended nature of the question, various responses were received. Here is a compilation of faculty responses:

- (i) follow standards, procedures and policies expected or prescribed by the profession in general.
- (ii) appropriate representation of university beyond university classes (committees, conferences, etc.)
- (iii) currency in trends within the profession.

- (iv) administration of every level must be held responsible for any and all acts of retaliation against faculty and staff.
- (v) maintain currency in discipline. Practice in the profession part-time
- (vi) competence, ethics, conflict of interest, financial disclosure
- (vii) dress professionally?
- (viii) attend respectfully and actively department and committee meetings; submit evaluation/merit materials (annual, post-tenure, etc.) and department-approved administrative requirements by deadlines; if a faculty member has clinical responsibilities as part of their workload, then professional conduct would include abiding by the code of ethics for their profession, disseminating scientifically-based information to their beneficiaries, the same conflicts of interest responsibilities as other faculty, practice pay issues, maintaining currency in their practice, fair and equitable practice, examining and mitigating social determinants of health
- (ix) intellectual humility and inter-departmental work
- (x) ethical conduct
- (xi) attending conferences as long as the faculty member's health allows, working with students where applicable, participating in departmental events and activities
- (xii) this should be determined by those whose areas have professional practice standards to include
- (xiii) expected adherence to the standards of practice for the profession, responsibilities of licensure, etc.
- (xiv) appearance, actual office hours (many TTF are rarely in their offices)
- (xv) we should support all programs on campus. Professors/instructors should never criticize other programs within our institution
- (xvi) participation in professional development in one's content area and in teaching methods; treating colleagues with respect and not bullying

IV. Responses to the two questions about faculty citizenship

A. These two questions asked faculty about citizenship, defined as “essential professional obligations and expectations of membership in the campus community and the community of scholars.”

1. Question #10 asked which behaviors should be expected from faculty. Findings were unsurprising.

(a) Here is a compilation of faculty comments:

- (i) When faculty do adhere to some of these, there is a history of retaliation from administrators (in some cases) as well as lack of accountability for administrators in ensuring consequences determined by faculty committees are carried out. (For example, research and misconduct grievances).
- (ii) How can faculty hold administrators accountable? If they are not, we are just wasting our time serving on faculty committees
- (iii) What is meant by "academic administrators" in the context of these questions? Aren't all administrators at a university academic administrators?
- (iv) Service expectations are out of control, particularly for IRC faculty
- (v) Respectfully acknowledge the differences between T/TT and IRC faculty with sincere respect for all parties
- (vi) obey campus rules for parking etc
- (vii) Openly support causes and platforms that they believe in, regardless of the University's stance on those issues
- (viii) these questions seem like softballs. Aren't there more gray areas we should be probing?
- (ix) again, who decides? Why would anybody agree to such open-ended obligations?

2. Question #11 asked which behaviors are unacceptable from faculty. Findings were unsurprising.

(a) Here is a compilation of faculty comments:

- (i) I have not checked many of the items above because they are too subjective - for example, that, exactly, does it mean to "intimidate" or "disrupt"?
- (ii) these sorts of rules can be used for highly political purposes.
- (iii) workplace bullying
- (iv) consequences for administrators who fail to uphold any or all of these areas of unacceptable conduct
- (v) feeling intimidation is on the receiver, intimidating can occur without any intention
- (vi) participating in controversial and politically charged public events in the name of the university
- (vii) again, who decides what is a violation? Who is the arbiter? In principle, these all sound like good ideas, but approval of this could just be inviting trouble and heavy-handed actions from administration. Why should we agree to any of this?

- (viii) using opinion pieces presented as scholarly/objective to further an agenda against others on or off campus
- (ix) the phrase 'engaging in conduct that disrupts university functions' is unacceptably vague

V. *Responses to the question about faculty awareness of policies regarding unprofessional conduct*

A. Question #14 asked faculty how aware they are about relevant policies that cover professional misconduct. The question was divided into three sub-questions, for each of which there were three responses—*aware of relevant policy*, *unaware but could find relevant policy*, and *wouldn't know where to start*

1. A majority of faculty were either *aware* or *could find* the relevant policy for knowing what to do about a colleague's unprofessional conduct. A minority *would not know where to start*
2. A majority of faculty were either *aware* or *could find* the relevant policy for knowing what to do if they were the subject of rumors or informal allegations of professional misconduct. A larger minority than that found in 1 *would not know where to start*
3. A majority of faculty were either *aware* or *could find* the relevant policy for knowing what to do if they were accused of unprofessional conduct. A larger minority than that found in 1 or 2 *would not know where to start*

VI. *Responses to the questions about faculty awareness of chair and program director responsibilities and the responsibilities of faculty members with leadership and administrative responsibilities*

A. Questions #15, #16, and #17 asked faculty about their understanding of chair and director responsibilities, how chairs and directors are evaluated, participating in departmental evaluation processes of chairs and directors, the importance of enumerated chair and director leadership responsibilities, and the importance of enumerated chair and director administrative responsibilities

1. Question #15 asked faculty three questions: (a) whether they had a clear understanding of chair and director responsibilities; (b) whether they had a clear understanding of how department chairs and directors are evaluated by the faculty in the program or department; and (c) whether they are comfortable participating in the evaluation process for their chair or director. Faculty were provided a five-point scale, from strongly agree to strongly disagree, for each question.

- (a) Regarding the question about understanding chair/director responsibilities, a large majority of faculty responded that they either strongly agreed or somewhat agreed. A minority responded that they either strongly disagreed, disagreed somewhat, or neither agreed nor disagreed.
- (b) Regarding the question about faculty evaluation of chairs and directors, a bare majority of faculty responded that they either strongly agreed or somewhat agreed. A large minority responded that they either strongly disagreed, disagreed somewhat, or neither agreed nor disagreed.
- (c) Regarding the question about faculty comfort levels in participating in chair/director evaluation processes, a majority of faculty responded that they either strong agreed or somewhat agreed. A minority responded that they either strongly disagreed, disagreed somewhat, or neither agreed nor disagreed.

B. Question #16 asked faculty about a range of leadership responsibilities of chairs and directors. Faculty were provided a four-point scale, from Very Important, to Somewhat Important, to Not Very Important, to Not Appropriate for UCCS, for each leadership responsibility. Perceptions varied widely, with the vast majority of faculty responding that the enumerated leadership responsibilities are either Very Important or Somewhat Important.

C. Question #16 asked faculty about a range of administrative responsibilities of chairs and directors. Faculty were provided a four-point scale, from Very Important, to Somewhat Important, to Not Very Important, to Not Appropriate for UCCS, for each administrative responsibility. Perceptions varied widely, with the vast majority of faculty responding that the enumerated administrative responsibilities are either Very Important or Somewhat Important.

PRR TASKFORCE MEMBER COMMENTS ON SURVEY

During discussion of the findings, PRR Taskforce members offered a number of comments. Among them are the following:

1. Faculty seem generally aware of their professional rights and responsibilities but are not so sure about what to do when their rights and responsibilities are violated or when they are accused of not fulfilling their rights and responsibilities. Some faculty do not feel secure in exercising some of their rights.
2. The Task Force was unable to separate TT and IRC results in order to identify whether there were rank-based response patterns. Might it be possible to provide this disaggregation?
3. Some faculty have reservations about vagueness and ambiguity in the description of professional rights and responsibilities and chair and director responsibilities.

4. Some faculty have parallel reservations about who is determining when vague or ambiguous standards are, or are not, being met by faculty. Concern about weaponizing vague and ambiguous faculty standards is widespread in some colleges/schools.
5. Ownership issues of content and ownership are important. Perhaps we should add to the Boulder PRR document a section in the UCCS PRR document on these matters, for they are not included in the Boulder PRR document.
6. Picking administrators, especially academic administrators is a hot-button topic. It is supposed to be conjoint between faculty and administration, but it appears that the faculty are more advisors than collaborators.
7. Faculty awareness of how chairs, directors, and deans are evaluated by faculty is low. Some colleges do not evaluate chairs, directors, and deans. These practices should be consistent across colleges and schools and should be stated in the UCCS PRR document.
8. Formalized chair training is needed. This would help incoming chairs to know more about what they're supposed to be doing.
9. It may be that a fundamental debate about academic freedom is on the floor.
10. A few faculty members fear political indoctrination in the classroom. The PRR Task Force Chair has been directed to ask FRA about guidance about including the topic of academic freedom discussion and political indoctrination in the UCCS PRR document.
11. What are a faculty member's rights to academic freedom when it comes to public scholarship and public expression? Our PRR document should have protection for academic freedom in public scholarship and, perhaps, public expression.
12. Even if certain kinds of safety concerns must be respected, intellectual challenge has to be protected.
13. The UCCS PRR document should include statements about grievances of different kinds. In some evaluative processes, the mechanisms for faculty rebuttal is not clear and there should be protection for faculty and students.
14. The PRR Task Force may end up providing a list of policies that need to be written.
15. The distinction between shared governance and co-governance is important, and we should be moving towards co-governance.
16. Some FRA committee, such as EPUS, should be tasked with keeping close contact with HR about new policies from HR.

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17. Data representation in the PRR Survey Report is not always clear. The aggregated bar graphs on pages 21ff might have been better stated with percentages rather than raw numbers of respondents on the x-axis.

CONCLUSIONS

The PRR Taskforce is grateful for the efforts that went into constructing and administering the PRR Survey. We have learned that some concerns are shared across TT and IRC faculty and that some concerns are more salient for one group rather than another. We will use these findings as guideposts and guard rails for our deliberations about how best to adapt the Boulder PRR document to UCCS, where to add needed passages, where to clarify existing passages, and, perhaps, where to eliminate unneeded passages.

Respectfully submitted,

Rex Welshon, Chair, on behalf of the PRR Taskforce