



NVC Faculty Ethics Procedures

Faculty Standards and Practices

Approved by the NVC Academic Senate, May 2010

Ethical Guidelines

As academic professionals, the faculty of Napa Valley College endorse the “Statement on Professional Ethics” of the American Association of University Professors (AAUP), which has identified five areas of faculty responsibility, including responsibility to their: 1) disciplines; 2) students; 3) colleagues; 4) institutions; and 5) communities. In addition, the faculty endorses the Board of Directors’ Statement of the Association of American Colleges and Universities (AACU) – “Academic Freedom and Educational Responsibility,” which clarifies the balance between academic freedom and academic responsibility.

In connection with the principles laid out in the above listed documents, faculty has a primary obligation to take reasonable precautions to respect the confidentiality rights of those with whom they work or consult, i.e., colleagues, staff, students and potential students, recognizing that confidentiality may be established by law, institutional rules, or professional or scientific relationships.

The faculty will adhere to these ethical principles to support the mission and values of the institution.

Process for Addressing Alleged Ethics Violations

These procedures are a function of the Academic Senate, and as such are entirely separate from the formal discipline policy outlined in the Faculty Agreement. Faculty members are not required to participate in this process, and no information from faculty ethics meetings will be forwarded to the District. If a faculty member charged with an ethics violation chooses not to follow these procedures, the complainant may elect to pursue the violation with the District under the progressive discipline policy outlined in Article 22 of the NVCCD and NVC Faculty Association/CTA/NEA Agreement.

Faculty ethics guidelines are designed to promote academic integrity and respectful, collegial communication. Any suspected violations will be addressed following these same principles.

Faculty ethics violation complaints will follow a process that is designed to promote collegial conflict resolution at the lowest level possible. That is, the complainant will meet directly with the faculty member to discuss the perceived violation. At that meeting, the complainant will identify the specific behaviors that were problematic, the ethical standards that the behavior appeared to violate, and the specific changes in behavior that the complainant believes would be more appropriate. To protect both parties, a written record of date and outcome of the meeting should be agreed to and maintained by both individuals.

Because of the power differential that may exist among students, staff and faculty, either party may opt to include two ombudsmen throughout the process. The ombudsmen will be selected from the Academic Senate Faculty Ethics Advisors (FEA), and at least one must be a counselor. The ombudsmen may attend any meetings with the complainant, and their role will be to clarify the process and facilitate constructive dialogue between both parties.



In cases in which both parties cannot reach agreement, or when a faculty member repeatedly violates one or more standards of ethical behavior, the complainant may take the issue to the Academic Senate Faculty Ethics Advisors (FEA) for review. The FEA will meet with both the complainant and the faculty member in question to review the specifics listed above and facilitate a resolution. The focus of the meeting will be to help ensure that each person's perspective is heard, to clarify the college's expectations for ethical behavior, and to reach agreement on future standards for behavior. If an agreement cannot be reached, the complainant or FEA may elect to pursue the complaint through the District's progressive discipline policy.

Serious infractions involving alleged violations of campus policies, professional responsibilities, Ed. Code, etc. will be addressed by the District through the progressive discipline process described in the Faculty Agreement, or through legal channels, and will not be addressed through these Faculty Ethics Procedures.

The Academic Senate Faculty Ethics Advisors will consist of four to five faculty members, at least two of whom will be counselors. They will be selected from the entire tenured faculty by vote every five years (or as needed to replace members), and will convene only as needed to review specific complaints.

Timelines

The complainant has 10 working days from the date of the alleged ethics violation to request a meeting with the faculty member. That meeting must occur within 10 working days of the request to meet.

If the initial meeting does not resolve the issue, either party may contact the FEA to schedule a follow-up meeting with the FEA. That meeting will occur within 10 working days of the request. In the rare circumstance in which not all parties are available to meet during that time period, the FEA may extend the time period to accommodate the needs of the individuals involved.

If the FEA determines that the severity of the alleged ethics violation or a pattern of ethics violations merits a District investigation, they will notify the faculty member, the complainant and the District within five working days of their meeting with the involved parties.

The District will initiate its investigation within 10 working days of the date it was notified of the alleged infraction, and will notify all parties of the outcome of that investigation within 30 working days after initiating the investigation.

Statement on Professional Ethics

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The statement that follows, a revision of a statement originally adopted in 1966, was approved by the Association's Committee on Professional Ethics, adopted by the Association's Council in June 1987, and endorsed by the Seventy-third Annual Meeting.

Introduction

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such



matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research. The *Statement on Professional Ethics* that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and the Committee on Professional Ethics, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, or the applicable provisions of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*.

The Statement

1. 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.

2. 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.

3. 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. In the exchange of criticism and ideas professors show due respect for the opinions of others. 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.

4. 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.

5. 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.

Academic Freedom and Educational Responsibility

AAC&U Board of Directors' Statement

January 6, 2006

Academic freedom and responsibility have long been topics for public concern and debate. Academic freedom to explore significant and controversial questions is an essential precondition to fulfill the academy's mission of educating students and advancing knowledge. Academic responsibility requires professors to submit their knowledge and claims to rigorous and public review by peers who are experts in the subject matter under consideration; to ground their arguments in the best available evidence; and to work together to foster the education of students. The Association of American Colleges and Universities (AAC&U), in concert with the American Association of University Professors, helped establish the principles of academic freedom early in the twentieth century, and recently AAC&U joined with other associations to reaffirm them.*

Today, new challenges to academic freedom have arisen from both the right and the left. On the right, conservative activist David Horowitz, founder of Students for Academic Freedom, has fashioned an "academic bill of rights" that is being considered in several states ostensibly as a means of protecting "conservative" students from alleged indoctrination by the purportedly "liberal" views of faculty. This bill inappropriately invites political oversight of scholarly and educational work. On the left, anti-war protests by students have interrupted speeches by proponents of current national policies. Some protestors have sought to silence—rather than debate—positions with which they do not agree. These challenges prompt AAC&U to revisit the basic principles involved and to discuss the role of academic freedom.

There is, however, an additional dimension of academic freedom that was not well developed in the original principles, and that has to do with the responsibilities of faculty members for educational programs. Faculty are responsible for establishing goals for student learning, for designing and implementing programs of general education and specialized study that intentionally cultivate the intended learning, and for assessing students' achievement. In these matters, faculty must work collaboratively with their colleagues in their departments, schools, and institutions as well as with relevant administrators. Academic freedom is necessary not just so faculty members can conduct their individual research and teach their own courses, but so they can enable students—through whole college programs of study—to acquire the learning they need to contribute to society.

As faculty carry out this mission, it is inevitable that students will encounter ideas, books, and people that challenge their preconceived ideas and beliefs. The resulting tension between the faculty's freedom



to teach—individually and collectively—and the students’ freedom to form independent judgments opens an additional dimension of academic freedom and educational responsibility that deserves further discussion, both with the public and with students themselves.

The clash of competing ideas is an important catalyst, not only for the expansion of knowledge but also in students’ development of independent critical judgment. Recognizing this dynamic, many well-intentioned observers underline the importance of “teaching all sides of the debate” in college classrooms. Teaching the debates is important but by no means sufficient. It is also essential that faculty help students learn—through their college studies—to engage differences of opinion, evaluate evidence, and form their own grounded judgments about the relative value of competing perspectives. This too is an essential part of higher education’s role both in advancing knowledge and in sustaining a society that is free, diverse, and democratic.

Intellectual Diversity and the Indispensable Role of Liberal Education

In any education of quality, students encounter an abundance of intellectual diversity—new knowledge, different perspectives, competing ideas, and alternative claims of truth. This intellectual diversity is experienced by some students as exciting and challenging, while others are confused and overwhelmed by the complexity. Liberal education, the nation’s signature educational tradition, helps students develop the skills of analysis and critical inquiry with particular emphasis on exploring and evaluating competing claims and different perspectives. With its emphasis on breadth of knowledge and sophisticated habits of mind, liberal education is the best and most powerful way to build students’ capacities to form their own judgments about complex or controversial questions. AAC&U believes that all students need and deserve this kind of education, regardless of their academic major or intended career.

Liberal education involves more than the mind. It also involves developing students’ personal qualities, including a strong sense of responsibility to self and others. Liberally educated students are curious about new intellectual questions, open to alternative ways of viewing a situation or problem, disciplined to follow intellectual methods to conclusions, capable of accepting criticism from others, tolerant of ambiguity, and respectful of others with different views. They understand and accept the imperative of academic honesty. Personal development is a very real part of intellectual development.

Beyond fostering intellectual and personal development, a liberal education also enables students to develop meaning and commitments in their lives. In college they can explore different ways to relate to others, imagine alternative futures, decide on their intended careers, and consider their larger life’s work of contributing to the common good.

Building such intellectual and personal capacities is the right way to warn students of the inappropriateness and dangers of indoctrination, help them see through the distortions of propaganda, and enable them to assess judiciously the persuasiveness of powerful emotional appeals. Emphasizing the quality of analysis helps students see why unwelcome views need to be heard rather than silenced. By thoughtfully engaging diverse perspectives, liberal education leads to greater personal freedom through greater competence. Ensuring that college students are liberally educated is essential both to a deliberative democracy and to an economy dependent on innovation.

What Is Not Required in the Name of Intellectual Diversity?



There are several misconceptions about intellectual diversity and academic freedom, and we address some of them here.

1. In an educational community, freedom of speech, or the narrower concept of academic freedom, does not mean the freedom to say anything that one wants. For example, freedom of speech does not mean that one can say something that causes physical danger to others. In a learning context, one must both respect those who disagree with oneself and also maintain an atmosphere of civility. Anything less creates a hostile environment that limits intellectual diversity and, therefore, the quality of learning.
2. Students do not have a right to remain free from encountering unwelcome or “inconvenient questions,” in the words of Max Weber. Students who accept the literal truth of creation narratives do not have a right to avoid the study of the science of evolution in a biology course; anti-Semites do not have a right to a history course based on the premise that the Holocaust did not happen. Students protesting their institution’s sale of clothing made in sweatshops do not have a right to interrupt the education of others. Students do have a right to hear and examine diverse opinions, but within the frameworks that knowledgeable scholars—themselves subject to rigorous standards of peer review—have determined to be reliable and accurate. That is, in considering what range of views should be introduced and considered, the academy is guided by the best knowledge available in the community of scholars.
3. All competing ideas on a subject do not deserve to be included in a course or program, or to be regarded as equally valid just because they have been asserted. For example, creationism, even in its modern guise as “intelligent design,” has no standing among experts in the life sciences because its claims cannot be tested by scientific methods. However, creationism and intelligent design might well be studied in a wide range of other disciplinary contexts such as the history of ideas or the sociology of religion.
4. While the diversity of topics introduced in a particular area of study should illustrate the existence of debate, it is not realistic to expect that undergraduate students will have the opportunity to study every dispute relevant to a course or program. The professional judgment of teachers determines the content of courses.

Academic Freedom and Scholarly Community

A college or university is a dedicated social place where a variety of competing claims to truth can be explored and tested, free from political interference. The persons who drive the production of knowledge and the process of education are highly trained professors, and they, through an elaborate process of review by professional peers, take responsibility as a community for the quality of their scholarship, teaching, and student learning. Trustees, administrators, policy makers, and other stakeholders also have important roles to play, but the faculty and their students stand at the center of the enterprise.

The development of a body of knowledge involves scientists or other scholars in developing their best ideas and then subjecting them to empirical tests and/or searching scholarly criticism. Knowledge is not simply a matter of making an assertion but of developing the evidence for that assertion in terms that gain acceptance among those with the necessary training and expertise to evaluate the scholarly analysis. In order to contribute to knowledge, scholars require the freedom to pursue their ideas wherever they lead, unconstrained by political, religious, or other dictums. And scholars need the



informed criticism of peers who represent a broad spectrum of insight and experience in order to build a body of knowledge.

One of the great strengths of higher education in the United States is the integration of scholarly research and educational communities. Students benefit enormously when their learning is guided by thoughtful and knowledgeable scholars who come from diverse backgrounds and who are trained to high levels in a variety of disciplines.

A discipline consists of a specialized community that, through intense collective effort, has formulated reliable methods for determining whether any particular claim meets accepted criteria for truth. But assertions from any single disciplinary community as to “what is the case” are themselves necessarily partial and bounded, because other disciplinary communities can and do provide different perspectives on the same topics. Economists, for example, see poverty through one set of lenses, while political scientists and historians contribute different, and sometimes directly competing, perspectives on the same issue.

Any assertion from a particular individual or a specific intellectual community is necessarily simpler than the complexity it attempts to explain and describe. This is the central reason both scholars and students must work within a communal setting that involves multiple academic disciplines, and that fosters an ethos of communication, contestation, and civility. By creating such communities of inquiry, the academy ensures that no proposal stands without alternatives or arrogates to itself the claim of possessing the sole truth. The advancement of knowledge requires that intellectual differences be engaged and explored even as individuals with different points of view are also respected.

Intellectual Diversity and the Development of Judgment

Although one often hears that faculty “impart knowledge” to students, the reality is that, in a good liberal education, substantial time is devoted to teaching students how to acquire new knowledge for themselves and how to evaluate evidence within different areas of knowledge. To do this well, professors in the classroom also need academic freedom to explore their subjects—including contested questions and real-world implications—with their students.

To help students think critically about a subject or problem, faculty members need to take seriously what students already know or believe about that topic and engage that prior understanding so new learning modifies the old—complicating, correcting, and expanding it. This process of cultivating a liberal education is a journey that transforms the minds and hearts, and frequently the starting assumptions, of those involved—both teachers and students. Because knowledge is always expanding, the eventual destination is uncertain.

To develop their own critical judgment, students also need the freedom to express their ideas publicly as well as repeated opportunities to explore a wide range of insights and perspectives. The diversity of the educational community is an important resource to this process; research shows that students are more likely to develop cognitive complexity when they frequently interact with people, views, and experiences that are different from their own.

Expressing one’s ideas and entertaining divergent perspectives—about race, gender, religion, or cultural values, for example—can be frightening for students. They require a safe environment in order to feel free to express their own views. They need confidence that they will not be subjected to ridicule by



either students or professors. They have a right to be graded on the intellectual merit of their arguments, uninfluenced by the personal views of professors. And, of course, they have a right to appeal if they are not able to reach a satisfactory resolution of differences with a professor.

Learning to form independent judgments further requires that students demonstrate openness to the challenges their ideas may elicit and the willingness to alter their original views in light of new knowledge, evidence, and perspectives. Just as a crustacean breaks its confining shell in order to grow, so students may have to jettison narrow concepts as they expand their knowledge and develop more advanced analytical capacities. As they acquire the capacities to encounter, grasp, and evaluate diverse points of view, they also gain more nuanced, sophisticated, and mature understandings of the world. Every college student deserves to experience the intellectual excitement that comes from the capacity to extend the known to the unknown and to discern previously unsuspected relationships.

Students may, in the end, reaffirm the worldviews and commitments that they brought with them to college. But they should do so far more aware of the complexity of the issues at stake and far better able to ground their commitments in analysis, evidence, and careful consideration of alternatives.

Teaching Students to Form Their Own Judgments

Research shows that students tend to develop intellectual and ethical capacities through a series of predictable stages. Students frequently enter college with a “black and white” view of the world, see things as either good or bad, and expect their professors and textbooks to serve as definitive authorities. Part of the job of becoming educated involves breaking out of this dualistic mindset. Students’ growing awareness of intellectual diversity frequently leads to a second cognitive stage that may be described as naive relativism. Once students see that ideas and methods are contested, and that their teachers may differ among themselves about interpretations of truth on certain questions, students often decide that “any idea is as good as any other.” While this is a predictable phase in their intellectual development, it is a phase that their teachers must recognize and challenge. Students cannot be allowed to be content with the notion that there is no legitimate way—beyond arbitrary choice—to determine the relative value of competing claims.

Thus it is vital that liberal education be organized to help students progress to a third, more mature, mental framework in which they form judgments—even in the face of continuing disagreement—about the relative merits of different views, based on careful evaluation of assumptions, arguments, and evidence. One of the central purposes of majoring in a particular discipline or academic field is to come to the understanding that different fields of endeavor provide well-grounded intellectual criteria for making decisions about alternative claims. Using these criteria, students can learn to discriminate by arguing the evidence, with the understanding that arguments exist for the purpose of clarifying ideas, evaluating claims, considering consequences, and making choices.

In this process, it is important that students be asked to assess competing points of view and to address them in making their own arguments. A good analysis does not simply ignore competing perspectives; rather, it takes them thoughtfully and carefully into account. Students need to learn, through the kind of extended and direct experience afforded by study in depth as well as general education courses, to be able to state why a question or argument is significant and for whom; what the difference is between developing and justifying a position and merely asserting one; and how to develop and provide evidence for their own interpretations and judgments.



Accomplishing this kind of educational result cannot be taken for granted or left to students' unaided musings. There must be curricular space, capable guides and models, and a supportive institutional culture to encourage students as they learn to develop their own critical judgments. Freedom to learn is indispensable for both students and professors as they examine and assess disparate points of view within and across disciplinary boundaries. In the best designed college curricula and assessments, ample opportunity exists for students both to work on these intellectual skills and to demonstrate to the community their level of achievement in analyzing complex questions.

Further, this kind of intellectual journey often has the greatest impact on students when they apply their knowledge and inquiry skills to issues and problems beyond the academy. Students sometimes envision education as being removed from the "real world," but direct involvement with communities beyond the academy can illustrate the actual power and significance of their learning. In such community settings, students may encounter new forms of intellectual diversity, forms that emerge from working with people whose histories, experiences, perspectives, and values may be decidedly different from their own—and also, perhaps, from that of the scholarly community. Service learning, community-based learning, community action research, internships, study abroad, and similar experiences all provide opportunities for authentic learning that engage students in using their critical skills to understand and to better the world.

Those outside the academy readily see the enrichment value of providing students with hands-on experience in community or organizational settings. However, they must also recognize that real-world learning may involve students with issues and problems that have been highly politicized. Indeed, some of the same experiences that enhance the knowledge, skills, and motivation of students to become more engaged in civic betterment are precisely the ones that are politically contested. As a result, faculty whose courses include community-based learning experiences often find that they must help students assess controversial topics that—at first glance—might be thought extraneous to the subject of the course. When such controversial topics emerge, faculty have to use their professional judgment in deciding whether to devote class time to them. If they do, they have a responsibility to ensure that students hear and assess diverse views on these topics.

The Ideal versus the Real

Academic freedom is sometimes confused with autonomy, thought and speech freed from all constraints. But academic freedom implies not just *freedom from* constraint but also *freedom for* faculty and students to work within a scholarly community to develop the intellectual and personal qualities required of citizens in a vibrant democracy and participants in a vigorous economy. Academic freedom is protected by society so that faculty and students can use that freedom to promote the larger good.

This document articulates an ideal that is based on historic conceptions of academic freedom and extends those precepts to include responsibilities for the holistic education of students. In reality, practice often falls short of these norms. Departments and sometimes whole institutions do not always establish widely shared goals for student learning, programs may drift away from original intentions, and assessments may be inadequate. Some departments fail to ensure that their curricula include the full diversity of legitimate intellectual perspectives appropriate to their disciplines. And individual faculty members sometimes express their personal views to students in ways that intimidate them. There are institutional means for dealing with these matters, and in all of these areas, there is room for improvement. The key to improvement is clarity about the larger purpose of academic freedom and



about the educational responsibilities it is designed to advance.

*The Association of American Colleges (now the Association of American Colleges and Universities) began work on this issue in the early 1920s. Then, through a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American Colleges established the principles set forth in the 1940 Statement of Principles on Academic Freedom and Tenure. In 2005, the Association of American Colleges and Universities, along with twenty-eight other higher education organizations, endorsed Academic Rights and Responsibilities, the American Council on Education's statement on intellectual diversity on college and university campuses.