

## CHAPTER EIGHT

### PROFESSIONAL RIGHTS OF THE FACULTY

#### *A. Individual Rights of the Faculty*

Each faculty member has the right of free inquiry and exchange of ideas in teaching and scholarly pursuits.

Each faculty member has the right to present subject matter in the manner he or she deems most suitable, as well as the right to present controversial material relevant to a course of instruction.

Each faculty member has the right to the enjoyment of constitutionally protected freedoms of action and expression, and the right to dissent, without jeopardizing his or her livelihood.

Each faculty member has the right to be judged by his or her colleagues, as well as by the administration, in accordance with clear criteria and fair procedures in matters of promotion, tenure and discipline.

In matters of discipline, complaints must be written and signed. No University committee or administrator hearing a case concerning a complaint against a faculty member or considering disciplinary action against a faculty member will receive any letter or document concerning that faculty member without so informing him or her. The faculty member will have immediate access to such documents and may present the committee or administrator with other information in response.

If a verbal complaint, lodged against a faculty member to an administrator, is judged by the administrator to be serious in nature, the administrator hearing that complaint shall make every reasonable effort to schedule a meeting as soon as possible with the affected faculty member to discuss the matter in personal conference.

The University understands that Jesuit faculty members are appointed to service at Loyola University New Orleans by their religious superiors, specifically the Provincial of the New Orleans Province of the Society of Jesus. While the University binds itself to treat Jesuit faculty members according to the norms specified in this *Faculty Handbook*, it recognizes the prerogative of the Provincial to assign a Jesuit to duties in a location other than Loyola.

#### *B. Collective Rights of the Faculty*

##### **1. Determination of Curriculum and Faculty Status**

The faculty as a whole, as Colleges or departments, or some combination of these, has the primary right of determination in such fundamental areas as faculty status, research, curriculum, subject matter, course content, procedures for the evaluation of students, and those other aspects of student life which relate to the educational process. On these

matters the power of review or final decision lodged in the President or Board of Trustees should be exercised adversely only in rare and exceptional circumstances and for compelling reasons, communicated to the faculty in detail. The faculty, following such communication, has the opportunity for further consideration and further transmittal of its views to the President or Board. Budgets, manpower limitations, the time element and the policies of other groups, bodies and agencies having jurisdiction over the University may set limits to effecting faculty advice.

The faculty sets the requirements for the degrees in course, determines when the requirements have been met, and authorizes the President and the Board of Trustees to grant degrees thus achieved. In those cases where authorities other than teaching faculty members participate in decisions on these matters, they do so by virtue of responsibilities delegated to them by the faculty.

The faculty exercises the primary right of determination in matters of faculty status. This area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, faculty discipline and dismissal. The primary right of faculty for determination in such matters is based on the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues. Determinations in these matters by faculty action is through rank and tenure procedures, reviewed by the Deans and the Provost and SVP for Academic Affairs with the concurrence of the President and the Board of Trustees.

## **2. Right of Participation in College and University Governance**

It is the established practice and deliberate policy of the University to accord the faculty the right of participation in College and University governance at every level where faculty responsibility is present. Major areas of faculty participation include, but are not limited to:

- a.* establishing requirements for matriculation and degrees;
- b.* appointing, reappointing, making decisions not to reappoint, promoting, and dismissing faculty and making decisions regarding the granting of tenure;
- c.* selecting Deans, chairpersons of departments or area coordinators, and certain academic administrators such as the Provost and SVP for Academic Affairs and the President of the University;
- d.* disciplining members of the faculty, and formulating rules and procedures for the disciplining of students;
- e.* establishing norms for teacher responsibilities and for evaluations of faculty achievement;
- f.* determining the structure and procedure for faculty participation in departmental, College and University governance, including those agencies for faculty participation at all levels where faculty members are present;

- g.** establishing the policies and procedures governing salary increases; and
- h.** participating in deliberations concerning revision of the *Faculty Handbook*.

Agencies for faculty participation in governance of the College or University should be established at each level where faculty responsibility is present. Faculty representatives should be selected by the faculty according to procedures determined by the faculty. The structure and procedures for faculty participation should be designed, approved and established by joint action of the faculty and administration of the University. The agencies may consist of all faculty members of a department, College, division or University as a whole, or may take the form of faculty-elected committees.<sup>1</sup> One such agency is the University Senate,<sup>2</sup> which exists, in part, to express views of the faculty to the President. The means of communication among the faculty, administration and Board of Trustees that should be in use are: (1) circulation of memoranda and reports by board, administration and faculty committees; (2) joint *ad hoc* committees; (3) standing liaison committees; and (4) membership of faculty members on administrative bodies. Whatever the channels of communication, they should be clearly understood and observed.

### **C. *Academic Freedom***

Essential to the purpose of a university is the free and unhampered pursuit of truth and knowledge and the free and unhampered communication of truth once discovered and understood. Moreover, every member of a university community has the right and duty to participate freely in the searching and sharing of truth.<sup>3</sup>

Every teacher and every student must enjoy that freedom of thought, discussion, and action which is required by this communal pursuit of truth in an effort to achieve well-grounded knowledge and understanding. Opinions and theories must be formulated and used as instruments in the pursuit of truth, but they must be distinguished from fact and demonstrated conclusions. In teaching, the scholar should be guided by evidence and truth, not by pressure of public opinion or political partisan policy, nor by tyranny of any individual or special interest group.

It is the obligation of the University administration to protect teachers and students from all destructive pressures and harassments.

The essence of Christian morality is respect for the human person as a child of God. This respect covers such basic rights as security of person and property and is extended to include the right to personal beliefs and to express those beliefs without fear of reprisal directly or indirectly. Honest academic inquiry, controversy or debate is not to be shackled. Faculty members may not be harassed or intimidated; neither may students be harassed or intimidated by members of either the faculty or the administration.

To teach or to advocate an idea or doctrine is always legitimate. Any position may be argued; no position should be argued in such a way as to imply that grades or other considerations could be influenced by a student's submitting to an instructor's opinion. Because the college classroom, in a sense, provides a captive audience, faculty members must exert every effort not to attack nor deride religious or political beliefs of students.

Non-Catholic scholars are welcomed within Loyola University New Orleans without the imposition of any personal religious requirement. They are honored and respected for their scholarly achievement and dedicated teaching. Indeed, the presence of and active participation by faculty members who are not Catholics in this University community are most desirable and even necessary to bring authentic universality to Loyola. Those of alternative views, whether students, faculty members or administrators, bring rich contributions from their own various traditions, whether religious or secular. They also further, by their participation in University life, the search for understanding and the meaning of human commitment.

On the other hand, the non-Catholic joining the faculty of a Catholic university is rightfully expected to understand that he or she is coming into an institution in which Christian morality is central, and in which Revelation is accepted as a source of knowledge as valid as natural human experience or reason, and where theology is recognized as a science in its own right. He or she is, therefore, expected to show respect for both Christian morality and Christian teaching. The Catholic Church does not govern Loyola University New Orleans, but Loyola has a special relationship to Catholics who seek something distinctive in education and have a right to find it in the University.

#### **D. *Grievance Procedure***

If any faculty member has cause for grievance in any matter not covered by the procedures described elsewhere in this *Faculty Handbook*, he or she may petition the University Conciliation Committee for redress. The petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall contain any information which the petitioner deems pertinent to the case. Submission of a petition will not automatically entail investigation or detailed consideration thereof. The Committee will have the right to decide whether or not the case merits a detailed investigation. The Committee may seek to bring about an amicable settlement of the issue satisfactory to both parties. If, in the opinion of the Committee, no such settlement is possible, the Committee will report its findings and recommendations to the petitioner and to the appropriate administrative officer or faculty body.

With respect to violations of academic freedom or alleged discriminatory treatment based on race, color, sex, disability, age or national origin, the University Conciliation Committee will conduct an informal investigation of the matter and attempt an informal reconciliation between parties. Failing informal reconciliation, if the case involves alleged violation of academic freedom, it shall be referred to the University Rank and Tenure Committee for a formal adjudicative hearing. If the case involves alleged discrimination, the matter shall be referred to the Faculty Discrimination and Grievance Committee. In either case, the procedures set forth in Chapter 9, Section C-4, shall be observed, except that the burden of proof shall rest with the faculty member making the allegation.

<sup>1</sup> The major committees are described in Chapter 16.

<sup>2</sup> The Constitution and By-Laws of the University Senate are Chapter 13.

<sup>3</sup> This is a statement of general principles; it is not a juridical statement. It must not be interpreted to provide causes of termination other than those defined in Chapter 9.