To: UFC
From: Alex Tanford, Chair of Policy Review Committee
Date: November 29, 2022
Re: Motion to amend ACA-33, Code of Academic Ethics

The UFC Policy Review Committee has reviewed ACA-33, Code of Academic Ethics, and finds:

1. The basic policy goes back to the 1970s and has not been thoroughly reviewed since then.
2. The existing title is misleading. It is neither a code nor a statement of ethics, and the title is easily confused with the IU Principles of Ethical Conduct, https://principles.iu.edu/.
3. The policy includes one section concerning student conduct which belongs in the student code (https://studentcode.iu.edu/, STU-00).
4. The policy includes provisions on the responsibilities of instructors and consensual relations between faculty and students that also apply to SAAs, which should be included in ACA-16, Student Academic Appointments.
5. Current ACA-33 says faculty should generally abide by the same rules on personal misconduct as students. It should adapt those principles to faculty.

The policy update proposal has been circulated for comment.

The proposed revisions have been developed in consultation with the university compliance and policy office, circulated to campus academic affairs officers, the UFC Executive Committee, and campus faculty governance organizations and faculty affairs committees.

Table of contents

A. Revision of ACA-33 2
1. Scope 2
2. Policy Statements 2
a. Preamble 2
b. Term of appointment 2
c. Responsibilities 3
d. Academic schedule 5
e. Consensual relations with students 5
f. Personal misconduct 7
3. Reason for Policy 8
4. Procedures 8
5. Definitions 10
B. Transfer section on student misconduct to STU-00 11
C. Copy section on instructional responsibilities to ACA-16, Student Academic Appointees 15
D. Copy section on consensual relations with students into ACA-16 16

MOTION: The Policy Review Committee moves that the UFC take the following actions:

I. Amend ACA-33 to read as follows:

ACA-33, ACADEMIC APPOINTEE RESPONSIBILITIES AND CONDUCT

SCOPE

A. This policy applies to all academic appointees [link to ACA-14] at all times, including periods when the university is not in session, an appointee is on leave, and throughout the entire year for 10-month appointees.

B. The provisions relating to responsibilities and conduct toward students apply to all personnel with instructional or supervisory responsibilities, whether paid or unpaid, whether on or off campus, including but not limited to coaches, advisors, and counselors.

C. This policy supersedes any provisions in campus personal misconduct policies that are inconsistent with it.

D. This policy does not govern conduct that falls under ACA-30, Research Misconduct, or UA-03, Sexual Misconduct, Discrimination and Harassment.

E. Situations in which incompetence or serious misconduct may result in loss of tenure and/or involuntary dismissal are covered by ACA-37, Faculty and Librarian Tenure, ACA-52, Permanent Separations from the University, and campus policies.

POLICY STATEMENT

A. PREAMBLE

The central functions of an academic community are learning, teaching, and scholarship. Academic institutions must be characterized by reasoned discourse, intellectual honesty, absence of bias, mutual respect, and openness to constructive change. By accepting membership in this community, an individual neither surrenders rights nor escapes fundamental responsibilities as a citizen, but acquires additional rights as well as responsibilities to the entire university community. Academic norms do not require the individual to be passive and silent. They do require recognition of how easily an academic community's principles can be undermined.

B. TERM OF APPOINTMENT

1. Unless the written terms of an academic appointment provide otherwise, academic appointments are made subject to these guidelines:

    a. Appointments for the academic year begin seven days prior to the first day of classes on that campus and end three days after the day of Commencement on that campus.

    b. 12-month appointments begin on July 1 and end on June 30 unless the terms of the appointment specify different dates.

c. Single-semester appointments for the fall semester begin seven days prior to the first day of classes on that campus and end on December 31.

d. Single-semester appointments for the spring semester begin seven days prior to the first day of classes on that campus but never earlier than January l, and end three days after the day of Commencement on that campus.

e. Appointments for summer sessions begin two days prior to the first day of classes and terminate two days after final grades are due on each campus.

2. Academic appointees shall be regularly on campus during the term of their appointment unless otherwise authorized by the principal administrator of the unit. Appointees may be away from campus occasionally for personal or academic reasons, as long as those absences do not interfere with their instructional, research, or other academic responsibilities.- Any request to work entirely remotely for a semester or longer must be approved by a Senior Executive Officer of the university under ACA- 83.

3. 10-month appointees may engage in compensated activities during the two months they are not engaged in university business. They are not required to participate in university activities when they are uncompensated. However, they remain bound by university misconduct, ethical and conflict of interest policies. [links to UA-03, ACA-30, UA-17].

C. RESPONSIBILITIES OF ACADEMIC APPOINTEES

1. Academic appointees shall:

a. Be familiar with and abide by the Indiana University Principles of Ethical Conduct [link].

b. Be familiar with the Code of Student Rights, Responsibilities and Conduct [link], abide by the same standards of behavior that we expect of our students, and cooperate with student affairs officials in enforcing that Code.

c. Show due respect for colleagues and other members of the university community and be fair and objective in their evaluations of them.

d. Strive to be effective in their areas of responsibilities that include teaching, research and creative activity, librarianship and/or service.

e. Engage in service to the university consistent with their defined responsibilities, by serving on committees, participating in faculty governance, and accepting a share of administrative duties.

f. Protect academic freedom [link to ACA-32].

g. Ensure that outside commitments do not interfere in terms of time, energy, or conflict of interest with obligations to the University [link to UA-17].

h. Keep abreast of knowledge and developments in their disciplines.

i. Make their time available to students, provide students with fair and candid feedback in their evaluations, and prepare fair letters of recommendation as appropriate.

2. Academic appointees shall be familiar with and abide by provisions of copyright and intellectual property law that pertain to the use of educational and research material, including the fair use of copyrighted materials, attribution requirements, and licensing issues for reused or created materials. Academic appointees should consult university personnel with knowledge of intellectual property law at the Copyright Program of the Indiana University Libraries, the University Counsel's Office, or other campus resources.

3. Academic appointees shall treat all students and staff with respect and courtesy. They shall not engage in threatening, humiliating or intimidating behavior toward, or verbal abuse of, any person. They may not pressure students or staff to perform personal errands or activities, nor exploit them for private advantage.

4. When disseminating research and publishing instructional material, academic appointees shall acknowledge their academic debts including significant assistance from students, post-docs and other researchers.

5. Academic appointees with instructional responsibilities shall:

a. Protect students' freedom to openly discuss ideas and opinions germane to the class topic and consistent with the class format.

b. Treat students with respect and fairness, adhere to university non-discrimination and accessibility policies, and strive to develop among students respect for each other.

c. Maintain a clear connection between the advance description and syllabus of a course and the actual conduct and content of the course to ensure efficient subject selection by students.

d. Clearly state the course goals and inform students of evaluation, assessment, and grading procedures, which must be intellectually justifiable and consistent with the policies of the academic unit.

e. Clearly state the extent to which study aids or assistance from other students or tutors is allowed in class preparation and assignments.

f. Assure that the evaluation of students' performance reflects their true achievement, is done without bias, and uses criteria appropriate to the field of study and consistent with university, campus and unit grading policies.

g. Meet class regularly as scheduled, notify students of class cancellations reasonably in advance, and make up cancelled classes in ways that accommodate students who cannot attend a make-up class scheduled for a time other than the regular time for the class.

h. Plan and regulate class time to cover the material assigned and minimize discussion of

irrelevant matters.

i. Be available to students prior to the first day of class to discuss the course and for a reasonable amount of time after the end of a course to review a student's grades and performance.

j. Announce and keep adequate office hours at times convenient to students, and have a procedure for students to contact the instructor outside of office hours.

k. Academic appointees offering remote or online classes shall clearly state class participation expectations and how office hours will be available.

l. Refrain from making irrelevant adverse comments about colleagues, other courses, or other units.

6. Academic appointees have a responsibility to foster the intellectual honesty of students, especially in connection with examinations and other graded exercises. Should an appointee determine that cheating, fabrication of data or information, or intentional plagiarism has occurred, the instructor should take appropriate action with respect to grades, and report significant dishonesty to the student affairs officer of the campus.

7. An academic appointee with responsibility for libraries, collections and information resources shall collect, preserve, make available, and disseminate those resources in support of the teaching, research and general learning functions of the University.

D. ACADEMIC SCHEDULE

1. Academic appointees are entitled to a reasonable work schedules. They have an expectation that classes, faculty meetings, and other activities within their areas of responsibility will be scheduled during the normal business hours of the unit to the extent practicable.

2. At the same time, many units have responsibilities to conduct classes and programs, offer clinical services, and perform other functions at off-campus locations and/or on evenings, weekends, and holidays. Such obligations should be equitably distributed among all faculty in the unit, and all appointees are expected to accept a fair share of them if able to do so.

3. The assignment of academic appointees to teach classes or perform other academic duties in the evenings, on weekends, or at off-campus locations, must be based on curriculum or program needs that have been approved by the faculty governance organization of the unit.

E. CONSENSUAL RELATIONS WITH STUDENTS

1. Because academic appointees exercise power over students when giving them praise or criticism, evaluating them, making recommendations for their further studies or employment, or conferring any other benefits on them, all amorous or sexual relationships between academic appointees and students are unacceptable when the appointee has any professional responsibility for the student unless properly disclosed and managed. Such situations increase the chances that the faculty member could abuse their power and exploit the student. As a result of the power

imbalance, the faculty could explicitly or implicitly make receiving benefits contingent on amorous, or sexual favors. [Link to UA-03].

2. Moreover, other individuals may be affected by such relationships because they place the academic appointee in a position to favor or advance one student's interest at the expense of others. At a minimum, faculty-student relationships can raise questions about potential favoritism.

3. Therefore, unless properly disclosed and managed, it is a violation of this policy if an academic appointee engages in an amorous or sexual relationship with a student for whom they have a professional responsibility, including but not limited to instructional, supervisory, evaluative, advisory, counseling or coaching relationships, even when both parties have consented or appear to have consented to the relationship. The violation applies in both instructional and non-instructional contexts.

4. All academic appointee-student relationships of an amorous or sexual nature where the appointee has or foreseeably could have a professional responsibility regarding the student must be disclosed according to the procedures outlined below. Failure to disclose an amorous or sexual relationship and/or to comply with the management plan shall be considered a violation of this policy.

5. The presumption of this policy is that all relationships covered by this policy require disclosure to the respective designee by the appointee. If there is doubt about the potential need for disclosure, the academic appointee should assume that there is an obligation to disclose.

6. If an academic appointee becomes aware that an individual with whom they had an amorous or sexual relationship is or has become a student, the appointee should disclose that information even if the relationship is no longer on-going.

7. Required disclosure procedures

a. Academic appointee-student amorous or sexual relationships must be disclosed to the principal administrator of the appointee's unit. The responsibility to disclose rests with the academic appointee. The appointee must make this disclosure in written form and it will be placed in their personnel files. If the appointee is the principal administrator, the relationship must be disclosed to the next higher-level administrator.

b. The person to whom the disclosure is made is responsible for developing a specific plan that resolves the conflict and potential for abuse of power and must maintain confidentiality to the fullest extent possible.

c. At a minimum, the plan must remove the appointee from all future professional responsibility toward the student.

F. PERSONAL MISCONDUCT

1. The university may discipline an academic appointee for personal misconduct that occurs on university property, in connection with university activities, involves university resources, disrupts university functions, or has a significant adverse effect on the university.

2. The following acts constitute personal misconduct by an academic appointee:

a. Persistent, repeated or egregious failure to fulfill the responsibilities that go with the appointment classification and other responsibilities assigned by the unit, school or campus.

b. Violation of university or campus policies.

c. Intentional refusal to comply with the directions of public safety, fire, or public health officials.

d. Intentional and persistent refusal to follow university health and safety requirements.

e. Intentionally interfering with, disrupting, or blocking access to, university activities, facilities, and programs.

f. Possession or use of a firearm or other weapon except in compliance with university public safety policy [link to PS-03, Possession of firearms and weapons].

g. Acting, threatening to act, or encouraging others to act with physical violence that is likely to cause harm to oneself or others, or is intended to interfere with an individual's academic efforts, employment, or participation in a university-related activity.

h. Engaging in bullying, threatening, humiliating or intimidating behavior toward, or verbal abuse of, any member of the university community.

i. Engaging in or encouraging retaliation or any behavior or activity that threatens or intimidates any potential participant in a judicial process.

j. Knowingly allowing unauthorized individuals to gain access to university computing resources, databases, records, secure facilities and similar property, including through the sharing or dissemination of access codes, passwords, or swipe cards.

k. Using university electronic mail for personal commercial purposes or to send mass emails to individuals that are not reasonably related to the overall mission of the university. It is not a violation to use university e-mail for ordinary personal communication or for academic-related consulting activities for which the appointee is compensated. This provision supersedes any inconsistent language in IT-21 [link]. The use of e-mail for political purposes is covered by GR-01 [link],

l. Unauthorized taking, possession, use or destruction of university property or services. Incidental and occasional use for personal purposes of generally available resources such as paper, pens, computers, and email, is not a violation.

m. Forgery or unauthorized alteration of university documents, records, or databases, or knowingly submitting false information for an official university purpose.

n. Failure to comply with the terms of a disciplinary sanction.

o. Appearing in class or at a university function or activity in an intoxicated condition from alcohol and/or drugs.

p. Violating any criminal law.

REASON FOR POLICY

The Constitution § 2.2(L) gives responsibility for enacting standards and procedures for faculty conduct and discipline to the faculty. This policy is an exercise of that responsibility. It applies to all campuses and units because all academic appointees are employed by Indiana University and should be held to the same standards of responsibility and conduct.

PROCEDURES

1. Any member of the university community may initiate a complaint against an academic appointee for an alleged violation of this policy. Such complaints shall be in writing and made to the principal administrator of the respondent's unit or to the chief academic affairs officer of the respondent's campus.

2. Before initiating formal proceedings, the administrator who received the complaint may confer with the complainant and the respondent, either separately or together, and seek an informal resolution. The identity of the complainant may be withheld during these discussions.

3. If the complaint is not resolved informally, the principal administrator of the respondent's unit or the campus chief academic affairs officer may conduct a formal investigation, make findings of fact, determine responsibility, and impose an appropriate sanction if the respondent is found responsible for a violation of this policy, pursuant to these guidelines:

a. The respondent must be provided with a copy of the complaint and be given an opportunity to provide a written response.

b. The complaint may include information from student course evaluations but may not otherwise be based solely on anonymous information or allegations from individuals whose identities are not disclosed to the respondent.

c. The investigating official may interview witnesses, view documents, and collect written statement but is not required to conduct a formal hearing.

d. The investigating official shall make a determination based on a preponderance of evidence whether the respondent is responsible for a violation of this policy and, if so, impose an appropriate sanction.

e. Findings of responsibility and sanctions must be in writing, summarize the evidence, and be communicated to the complainant and respondent.

4. If the investigating official determines at any point that no further investigation is warranted, they shall inform the complainant.

5. Sanctions

a. Upon a finding of responsibility, either a common sanction or a severe sanction may be imposed as appropriate to the circumstances. All sanctions shall include a prohibition against harassing or retaliating against the complainant.

b. Common sanctions may be imposed by either the principal administrator of the unit or the campus chief academic affairs officer. They include reprimand, reassignment, reduction of course load and commensurate salary reduction, referral to university resources for training, referral to health providers or counselors, a probationary period, and similar actions designed to ameliorate the violation and reduce the likelihood it will recur.

c. Severe sanctions may be imposed only by the campus chief academic affairs officer and include suspension with or without pay, salary reduction, loss of privileges, prohibition against participation in certain classes or activities, or involuntary termination. Termination is subject to ACA-52, Permanent Separations for Academic Appointees [link].

d. Severe sanctions are appropriate for intentional refusal to comply with prior sanctions, repeated violations of the same policy for which a respondent was previously sanctioned, harassment of or retaliation against a complainant, the commission of any act that constitutes a felony under criminal law, or any act that endangers the safety of members of the university community.

e. A campus faculty governance organization may have a policy that includes the involvement of a faculty advisory body in the decision to impose severe sanctions.

f. A finding of misconduct also may be taken into account in the regular course of annual reviews, salary adjustment, reappointment, and tenure decisions.

g. If a situation involves an imminent threat of harm to the complainant, respondent, or the university community, the chief academic affairs officer of the campus may suspend the respondent with pay, ban the respondent from campus, or reassign the individual during the investigation proceedings.

6. Academic appointees adversely affected by administrative action taken against them for violating this policy, or whose rights under this policy have been denied, have the right to a campus Faculty Board of Review.

DEFINITIONS

Academic appointee: an individuals covered by ACA-14, Classification of Academic Appointments, including visiting, adjunct and acting faculty; academic specialists; and emeritus faculty. It does not include Student Academic Appointees covered by ACA-16.

Academic Unit: A school, department, program, division or similar entity in which one or more academic appointees hold their primary appointment.

Chancellor, Provost, Dean, and chief academic affairs officer: includes that person's designee.

Chief academic affairs officer: the Vice-Provost or Vice-Chancellor for Academic Affairs on each campus.

Intentionally interfering with university activities, and violating any criminal law means engaging in conduct not protected by the First Amendment.

Member of the Indiana University Community: Any individual who is a student, staff, faculty member, university official, or any other individual employed by, or acting on behalf of, the university; other individuals while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors.

Principal Administrator: The dean, department chair, program director, or other administrative head of an academic unit.

Semester: The spring and fall terms as defined by the common calendar, including grading periods.

Year: A calendar year.

Academic year: The time from the start of the fall semester until the end of the spring semester as defined by the common calendar, including grading periods.

II. Transfer the following section on student misconduct (ACA-33, §H) to STU-00:

Personal Misconduct on University Property

The university may discipline a student for the following **acts of personal misconduct that occur on university property**, including, but not limited to, academic and administration buildings, residence halls, athletic and recreational facilities, and other university-serviced property, such as sororities and fraternities:

1. Dishonest conduct including, but not limited to, false accusation of misconduct, forgery, alteration or misuse of any university document, record or identification; and giving to a university official information known to be false.

2. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, e-mail address, signature, or other indications of another person or group without proper authorization or authority.

3. Knowingly initiating, transmitting, filing, or circulating a false report or warning concerning an impending bombing, fire, or other emergency or catastrophe; or transmitting such a report to an official or an official agency.

4. Unauthorized release or use of any university access codes for computer systems, duplicating systems and other university equipment.
5. Conduct that is lewd, indecent, or obscene and/or is in violation of the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.

6. Disorderly conduct, including obstructive and disruptive behavior that interferes with teaching, research, administration or other university or university-authorized activity. (See Guidelines for Dealing with Disruptive Students in Academic Settings, University Faculty Council, April 12, 2005).

7. Actions that endanger one's self, others in the university community, or the academic process.

8. Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so; failure to comply with the terms of a disciplinary sanction; or refusal to vacate a university facility when directed to do so.

9. Unauthorized entry, use, or occupancy of university facilities.

10. Unauthorized taking, possession or use of university property or services or the property or services of others.

11. Damage to or destruction of university property or the property belonging to others.

12. Unauthorized setting of fires on university property; unauthorized use of or interference with fire equipment and emergency personnel.

13. Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives.

14. Possession of any weapon or potential weapon on any university property contrary to law or university policy; possession or display of any firearm on university property, except in the course of an authorized activity.

15. Sale of any firearms from university property or using university facilities, including through computer and telephone accounts; intentional possession of a dangerous article or substance as a potential weapon.

16. Acting with violence.

17. Aiding, encouraging, or participating in a riot.

18. Harassment, including sexual harassment, as defined in Part I (c) of the Code

19. Stalking or hazing of any kind whether the behavior is carried out verbally, physically, electronically or in written form.

a. All forms of stalking, including as defined in the Discrimination, Harassment, and Sexual Misconduct Policy.

b. Hazing is defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.

20. Physical abuse of any person, including the following:

a. The use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person;

b. Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur; or

c. Physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur.

d. Sexual assault, as defined in the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.
e. Physical abuse that constitutes dating or domestic violence as defined in the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.

21. Verbal abuse of another person, including the following:
a. An express or implied threat to
i. Interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored activities and under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur; or
ii. Injure that person, or damage his or her property; or
b. "Fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally abusive language inherently likely to provoke a violent reaction by the listener or listeners to the speaker.
c. Verbal abuse that constitutes dating or domestic violence as defined in the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.

22. Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law or university policy.
a. Indiana University prohibits:
i. Public intoxication, use or possession of alcoholic beverages on university property (including any undergraduate residence supervised by the university, including fraternity and sorority houses) except as otherwise noted in Part II, Section H (22) b, and Part II, Section H(22) c.
ii. Providing alcohol contrary to law.
b. The dean of students, or equivalent role on of each campus, has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:
i. Use or possession of alcoholic beverages by persons who are of lawful drinking age may be generally permitted in residences supervised by the university, including fraternity and sorority houses, when specifically approved by the campus dean of students. Such use or possession may be allowed in residence rooms, apartments, and certain common areas as specifically approved by the dean of students. However, use or possession under this section shall be permitted only in residences supervised by a live-in employee specifically charged with policy enforcement.
ii. Use or possession of alcoholic beverages may be permitted on an event-by-event basis in designated undergraduate residences (including fraternity and sorority houses) supervised by a live-in employee specifically charged with policy enforcement, when temporary permission is granted by the dean of students for events at which persons of lawful drinking age may lawfully possess and use alcoholic beverages.

c. The chancellor/provost of each campus has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:

i. Use or possession of alcoholic beverages may be permitted in facilities such as student unions or on-campus hotels, including guest rooms and other areas, specifically approved by the campus chancellor/provost.

ii. Use or possession of alcoholic beverages may be permitted in other areas, such as private offices and faculty lounges, not accessible to the public.

iii. Use or possession of alcoholic beverages may be permitted in areas accessible to the public, if specifically approved by the campus chancellor/provost.

d. Indiana University also permits the non-conspicuous possession of alcoholic beverages on university property when in transit to areas where they may be possessed or used under the provisions above.

e. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, may be disciplined if violations of alcoholic beverage laws or of university regulations occur. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.

f. The chancellor/provost or dean of students may make rules covering these uses. Those rules shall be enforceable as provisions of this Code.

23. Unauthorized possession, manufacture, sale, distribution or use of illegal drugs, any controlled substance, or drug paraphernalia. Being under the influence of illegal drugs or unauthorized controlled substances.

24. Intentionally obstructing or blocking access to university facilities, property, or programs.

25.Violation of other disseminated university regulations, policies, or rules. Examples of such regulations include but are not limited to university computing policies, residence hall policies, and recreational sports facility policies.

26. A violation of any Indiana or federal criminal law.

27. Engaging in or encouraging retaliation or any behavior or activity that threatens or intimidates any potential participant in a judicial process, and/or that is in violation of the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.

28. Engaging in conduct in violation of the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03, and not otherwise covered in H1 through H27 of this section.

III. Amend ACA-16, Student Academic Appointees, to add the following as sections D and E:

STUDENT ACADEMIC APPOINTEE RESPONSIBILITIES AND CONDUCT

D. Instructional responsibilities

1. Student academic appointees with instructional responsibilities shall:

a. Protect students' freedom to openly discuss ideas and opinions germane to the class topic and consistent with the class format.

b. Treat students with respect and fairness, adhere to university non-discrimination policies, and strive to develop among students respect for each other.

c. Maintain a clear connection between the advance description and the conduct and content of each course presented to ensure efficient subject selection by students.

d. Clearly state the course goals and inform students of testing and grading procedures, which must be intellectually justifiable and consistent with the policies of the academic unit.

e. Clearly state the extent to which study aids or assistance from other students or tutors is allowed in class preparation and assignments.

f. Assure that the evaluation of students' performance reflects their true achievement, is done without bias, and uses criteria appropriate to the field of study and consistent with university, campus and unit grading policies.

g. Meet class regularly as scheduled, notify students of class cancellations reasonably in advance, and make up cancelled classes in ways that accommodate students who cannot attend a make-up class scheduled for a time other than the regular time for the class.

h. Plan and regulate class time to cover the material assigned and minimize discussion of irrelevant matters.

i. Be available to students prior to the first day of class to discuss the course and for a reasonable amount of time after the end of a course to review a student's grades and performance.

j. Announce and keep adequate office hours at times convenient to students, and have a procedure for students to contact the instructor outside of office hours.

k Refrain from making irrelevant adverse personal comments about colleagues, other courses, or other units.

l. SAAs offering remote or online classes shall clearly state class participation expectations and how office hours will be available.

2. SAAs have a responsibility to foster the intellectual honesty of students, especially in connection with examinations and other graded exercises. Should a SAA determine that cheating, fabrication of data or information, or intentional plagiarism has occurred, the SAA should take appropriate action with respect to grades, and report significant dishonesty to the unit and the student affairs officer of the campus.

E. CONSENSUAL RELATIONS BETWEEN STUDENT ACADEMIC APPOINTEES AND STUDENTS.

1. Because student academic appointees (SAAs) exercise power over students when giving them praise or criticism, evaluating them, making recommendations for their further studies or employment, or conferring any other benefits on them, all amorous or sexual relationships between SAAs and students are unacceptable when the SAA has any professional responsibility for the student unless properly disclosed and managed. Such situations increase the chances that the SAA could abuse their power and exploit the student. As a result of the power imbalance, the SAA may explicitly or implicitly make receiving benefits contingent on amorous or sexual favors. [Link to UA-03].

2. Moreover, other individuals may be affected by such relationships because they place the SAA in a position to favor or advance one student's interest at the expense of others. At a minimum, SAA-student relationships can raise questions about potential favoritism.

3. Therefore, unless properly disclosed and managed, it is a violation of this policy if a SAA engages in an amorous or sexual relationship with a student for whom they have a professional responsibility, including but not limited to instructional, supervisory, evaluative, advisory, counseling or coaching relationships, even when both parties have consented or appear to have consented to the relationship. The violation applies in both instructional and non-instructional contexts.

4. All SAA-student relationships of an amorous or sexual nature where the SAA has or foreseeably could have a professional responsibility regarding the student must be disclosed according to the procedures outlined below. Failure to disclose an amorous or sexual relationship and/or to comply with the management plan shall be considered a violation of this policy.

5. The presumption of this policy is that all relationships covered by this policy require disclosure to the respective designee by the SAA. If there is doubt about the potential need for disclosure, the SAA should assume that there is an obligation to disclose.

6. If a SAA becomes aware that an individual with whom they had an amorous or sexual relationship is or has become a student for whom they have professional responsibility, the SAA should disclose that information even if the relationship is no longer on-going.

7. Required disclosure procedures

a. SAA-student amorous or sexual relationships must be disclosed to the individual with responsibility for supervising graduate students in the SAA's unit. The responsibility to disclose rests with the SAA. The SAA must make this disclosure in written form and it will be placed in their personnel file.

b. The person to whom the disclosure is made is responsible for developing a specific plan that resolves the conflict and potential for abuse of power and must maintain confidentiality to the fullest extent possible.

c. At a minimum, the plan must remove the SAA from all future professional responsibility toward the student.