

Comments from Full-time Faculty Senate Concerning Draft Ethics AR# 6.11.001.

Submitted by the Faculty Senate on May 21, 2009
(Additional Comments submitted on May 26, 2009)

I'd like to suggest the use of the term "other sex" instead of "opposite sex," for obvious reasons I would hope, in line 18 of the ethics guidelines/procedure document.

I looked over the Ethics AR#6.11.001 Rule and Procedure and didn't see anything about the accountability between supervisors and faculty. Where would that be located?

The AR itself is innocuous enough in that it says "Be good, Children." The Guidelines and Procedures are an embarrassment to the college. Do we really need to legislate morality to the point of saying "Don't use ACC property for personal gain and don't have sex with your students or boss?" How are you going to enforce "no beliefs that could influence objectivity" and "no more than two trivial gifts from external individuals"? Will you probe the brains of individuals to detect thoughtcrimes or search the homes of employees to count the number of 'trivial' gifts costing less than \$50? Any attempt to enforce the rules dictated would be insidiously arbitrary and probably would become in itself an ethical (and most likely a legal) liability to the college.

I question the need for such a rule at all. The rule violates itself by first stipulating that "The integrity of the educational mission of the College is demonstrated by the trust, respect, dignity, and equality in faculty, student, and staff relationships." The guidelines then go on to manifest a lack of trust, respect, dignity and equality by assuming a parent/child orientation to the employees and delivering a stern sermon lest the "child" become, at some future date, errant. Most of the behaviors that are proscribed are already proscribed by law, as is evidenced by the abundant citations within the draft guidelines, or by culture, not to mention common decency. This draft is a sanctimonious litany and will do nothing to promote ethical functioning within the college.

1. in the Guidelines/Procedures document, there is no penalty for folks who violate the policies and procedures - so in essence, the policies and procedures are without consequence. There need to be consequences.

2. the section of the Guidelines/Procedures that contains the following

"Academic" conflicts of interest, intellectual bias, or decreased objectivity are considered intangible conflicts of interests and are of particular concern in situations where the rewards and the risks are both potentially great, i.e. conflicts of "commitment", also

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called conflicts of “effort” or conflicts of “obligation”, could occur when for example the extent of time spent on a secondary activity competes with the time expected to be spent on teaching or primary duties. Conflicts of “conscience” could occur when personal beliefs influence objectivity of teaching, professional judgment, behavior, and/or scientific merits.”

is poorly written, not very clear, and difficult to enforce certain portions of the statement. The definitions are also rather ambiguous. I would suggest:

Delete this sentence:

“Academic” conflicts of interest, intellectual bias, or decreased objectivity are considered intangible conflicts of interests and are of particular concern in situations where the rewards and the risks are both potentially great, i.e.

Keep this sentence:

“[C]onflicts of “commitment”, also called conflicts of “effort” or conflicts of “obligation”, could occur when for example the extent of time spent on a secondary activity competes with the time expected to be spent on teaching or primary duties.”

Delete this sentence:

“Conflicts of “conscience” could occur when personal beliefs influence objectivity of teaching, professional judgment, behavior, and/or scientific merits.”

[RATIONALE: there is NO way to adequately determine a “conflict of conscience” – and, in fact, this is a rather slippery slope on the path to a “thought police”. Instead, employees must be held accountable for performing the duties and responsibilities of their job position. This is covered in OTHER administrative rules. For example, faculty should be held accountable to fulfill the obligations of their contracts with students – i.e., the syllabus. If the faculty member’s “personal beliefs” violate the terms of the syllabus, then the faculty member should be held accountable.]

3. I would suggest that a section be added to the Policy and the Guidelines/Procedures – covering the issue of “employee participation in political advocacy or political activities”. This section should give the “dos” and “don’ts” of political campaigning – especially campaigns whose outcome will directly affect the college (such as tax elections or annexation elections).

4. In the Guidelines/Procedures document, there is reference to “INVITATIONS [my caps] to lunch or dinner” (line 367). The guideline should read “lunches or dinners PAID FOR by an internal or external entity”.

Employees are free to go to lunch or dinner with whomever they choose, as long as the employee pays.