

State University of New York at Albany

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Administration 259, Albany, New York 12222


July 23, 1986

M E M O R A N D U M

TO: Kendall Birr, Chair  
1985-86 University Senate

I am happy to approve Bill No. 8586-17 which sets forth a statement of ethics. Over the past couple of months I have been designing a memorandum to the campus community which will announce this policy and I have attached a copy for your information. You will see that I have placed this policy statement within the context of our other policies dealing with such matters as sexual harrassment and nepotism. The latest Senate policy, I believe, is most usefully interpreted if placed within the context of these other policies. I plan to release this material sometime in August.

Please let me know if you have any questions about this.

  
Vincent O'Leary

DRAFT

UNIVERSITY AT ALBANY  
FACULTY STATEMENT OF ETHICS

Faculty members, as teachers, scholars, administrators, colleagues, and community members, have special responsibilities by virtue of the diverse roles they assume in their professional and personal lives. The following statement sets forth general principles intended to serve as a guide for faculty as they fulfill their professional responsibilities.

- Article I. Faculty, 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 they devote their energies to developing and improving their scholarly competencies. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
- Article II. As teachers, faculty encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their disciplines. They demonstrate respect for the student as an individual, and adhere to their proper roles as intellectual guides and counselors. They make every reasonable effort to foster honest academic conduct. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for private advantage and acknowledge significant assistance from them. They protect students' academic freedom. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance.
- Article III. As colleagues, faculty have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of their institutions.
- Article IV. As members of their community, faculty have the rights and obligations of any citizens. They measure the urgency of these obligations in the light of their responsibilities to their subjects, to their students, to their professions, and to their institutions. When they speak or act as private persons, they avoid creating the impression that they speak or act for their colleges or universities. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

(Adapted from the AAUP 1966 Statement on Professional Ethics and the 1970 Statement of the Association's Council on Freedom and Responsibility. Adopted by the Senate of the University at Albany on May 5, 1986.)

## POLICY ON SEXUAL HARASSMENT

The very nature of the relationship between faculty and students includes an element of power held by faculty. Faculty are expected to acknowledge that fact and to respond professionally. Given the diverse nature of today's university community, faculty also should be sensitive to a variety of issues, including but not limited to: sexism, racism, disability, amorous preference, ageism, life-style, and political or religious beliefs. At the same time, faculty are not expected to be all things to all people. Members of the faculty should have a general knowledge of campus resources available to them, their colleagues and their students, and then should willingly take advantage of those resources when they are needed.

1. University policy, as enunciated in President O'Leary's letter of January 22, 1981, to the University community, prohibits sexual harassment in all aspects of campus life. This policy is incorporated by reference into this document.
2. Relationships of an amorous nature that might be appropriate in other circumstances may be problematic and may be unethical when they occur between a faculty member and a student for whom a professional responsibility exists. Such relationships may undermine the trust on which the educational process depends. Relationships of an amorous nature between faculty and students, even when they occur outside the instructional context, also may be problematic and may be unethical when there is the possibility that the faculty member unexpectedly may be placed in a position of professional responsibility for the student.
3. Further, family relationships and relationships of a sexual nature between a faculty member and a student for whom an instructional responsibility exists can present a conflict of interests in violation of the New York Public Officers Law. The parties to such relationships are urged to avoid direct teacher-student interaction. In every such case the faculty member must arrange to be disengaged from the responsibility of grading, evaluating, or approving the work of the student. Family relationships and relationships of an amorous nature between members of the University community can present a conflict of interests in violation of the New York Public Officers Law whenever one party has any position of power over, or professional responsibility for, the other. One party may not officially approve or recommend (or vote on such approval or recommendation) the appointment, reappointment, promotion, or salary adjustment of the other; nor may the one party evaluate the performance of the other.

(Adopted by the Senate of the University at Albany on May 5, 1986.)

## Appendix to Sexual Harassment Policy

Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Sexual harassment has been defined in this section as:

"Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

The emphasis of the Equal Employment Opportunity Commission's definition of sexual harassment is on employment. This institution's commitment, of course, applies equally to all aspects of campus life, including the classroom and extracurricular activities. For example, the University regulations published in the "Student Guidelines" for many years have contained a prohibition against "...harassment, intimidation, or invasion of privacy of any person..."

The University at Albany has long been dedicated to maintain and foster a fair, humane, and supportive environment for all of its students and staff. Sexual harassment in any of its forms has been and will continue to be considered a violation of policy and dealt with under the procedures which have been established. Any violation of those policies should be brought to the attention of the Affirmative Action Office immediately.

However, we are concerned with more than simply meeting the letter of the law or observing the technical requirements of employment regulations. At issue here is fundamental respect for the dignity of every person in the University. We want to engage the energy and good will of this campus to create the kind of environment that enriches the lives of all. This requires the commitment of everyone. Perhaps the most common form of harassment are verbal characterizations which are demeaning. In many instances these are the result of habit and not intended to intimidate, but it is our responsibility to make ourselves more aware of the effects of these and other types of behavior on others.

(Excerpted from a letter by President O'Leary to the University Community dated January 22, 1981.)

## POLICY ON NEPOTISM

Federal laws under which federal funds are made available to the University contain specific requirements for the administration of these funds in order to preclude "conflict of interest" practices, that is, practices where there seems to be evidence that responsible officials have afforded their relatives preferential treatment in hiring and promotion. Federal and State EEO and Affirmative Action laws also prohibit discriminating practices. This policy is established to strike a balance between preventing preferential treatment and yet not discriminating against applicants or employees based solely upon marital or blood relationships.

1. University policy does not preclude the employment of two or more members of the same family. However, an employee of the University may not officially approve nor recommend the appointment, reappointment, promotion, or salary adjustment of a relative.
2. Where a search process results in the nomination of a candidate who is a relative of a person in the administrative chain, the proposed appointment, with full documentation supporting the proposal, must be passed for action to the next administrative level above the official who is a relative. The responsible official at this next level will forward the proposal, with recommendations, through channels to one of the following:
  - (a) to the Research Council for all research and teaching positions (whether funded by State or non-State sources), including all positions supported by an external grant or located in a research center;
  - (b) to the Classification Committee for all other non-research, non-teaching positions (State-funded, UAS, etc.);
  - (c) to the Council on Promotions and Continuing Appointments for any faculty case requesting tenure.
3. If employees find themselves responsible for the direct supervision of a member of their own family, they must arrange with their supervisor for an appropriate means of removing themselves from any process which evaluates or otherwise considers the relative for reappointment, continuing appointment, promotion, or salary adjustment. Further, supervisors will provide for independent verification of the time and effort expended for the position.

(Issued by President O'Leary on May 1, 1979.)

# State University of New York at Albany

Administration 259, Albany, New York 12222

May 8, 1986

## M E M O R A N D U M

TO: Vincent O'Leary  
President

FROM: Kendall Birr, Chair  
University Senate

*Kendall Birr*

Attached is a copy of each of the Bills listed below, approved at the May 5, 1986 meeting of the University Senate.

In accordance with our procedures, I am submitting them to you for approval.

Bill No. 8586-11: Dual Master's Degree Program in History and Public Affairs and Policy

Bill No. 8586-12: Certificate Program on Women and Public Policy

Bill No. 8586-13: Certificate Program in Urban Policy

Bill No. 8586-14: Revision of Criteria for Graduation with Honors

Bill No. 8586-16: Adoption of Plus/Minus Grading

Bill No. 8586-19: Revision of Criteria for Dean's List

Bill No. 8586-18: Dean's Commendation for Part-Time Students

Bill No. 8586-17: SUNYA Faculty Statement of Ethics

STATE UNIVERSITY OF NEW YORK AT ALBANY  
UNIVERSITY SENATE

SUNYA FACULTY STATEMENT OF ETHICS

PROPOSED BY: Council on Academic Freedom and Ethics  
April 7, 1986

IT IS HEREBY PROPOSED:

- I. That the Senate approve the attached statement.
- II. That the statement be forwarded to the President for approval.

## SUNYA FACULTY STATEMENT OF ETHICS

### Introduction

Faculty members, as teachers, scholars, administrators, colleagues and community members, have special responsibilities by virtue of the diverse roles they assume in their professional and personal lives. The following statement sets forth general principles intended to serve as a guide for faculty as they fulfill their professional responsibilities.

### PART A

(Articles I through IV are adapted from the A.A.U.P. 1966 Statement on Professional Ethics and the 1970 Statement of the Association's Council on Freedom and Responsibility. This adaptation reflects gender-neutral conventions of modern English language usage.)

- Article I. Faculty, 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 they devote their energies to developing and improving their scholarly competencies. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
- Article II. As teachers, faculty encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their disciplines. They demonstrate respect for the student as an individual, and adhere to their proper roles as intellectual guides and counselors. They make every reasonable effort to foster honest academic conduct. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for private advantage and acknowledge significant assistance from them. They protect students' academic freedom. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance.
- Article III. As colleagues, faculty have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of their institutions.



Article IV. As members of their community, faculty have the rights and obligations of any citizens. They measure the urgency of these obligations in the light of their responsibilities to their subjects, to their students, to their professions, and to their institutions. When they speak or act as private persons they avoid creating the impression that they speak or act for their colleges or universities. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

PART B

Article V. The very nature of the relationship between faculty and students includes an element of power held by faculty. Faculty are expected to acknowledge that fact and to respond professionally. Given the diverse nature of today's university community, faculty also should be sensitive to a variety of issues, including but not limited to: sexism, racism, disability, amorous preference, ageism, lifestyle, and political or religious beliefs. At the same time, faculty are not expected to be all things to all people. Members of the faculty should have a general knowledge of campus resources available to them, their colleagues and their students, and then should willingly take advantage of those resources when they are needed.

Article VI. University policy, as enunciated in President O'Leary's letter of January 22, 1981, to the University community, prohibits sexual harassment in all aspects of campus life. This policy is incorporated by reference into this document.

Article VII. Relationships of an amorous nature that might be appropriate in other circumstances may be problematic and may be unethical when they occur between a faculty member and a student for whom a professional responsibility exists. Such relationships may undermine the trust on which the educational process depends. Relationships of an amorous nature between faculty and students, even when they occur outside the instructional context, also may be problematic and may be unethical when there is the possibility that the faculty member unexpectedly may be placed in a position of professional responsibility for the student.

Further, family relationships and relationships of a sexual nature between a faculty member and a student for whom an instructional responsibility exists can present a conflict of interests in violation of the New York Public Officers Law. The parties to such relationships are urged to avoid direct teacher-student interaction. In every such case the faculty

member must arrange to be disengaged from the responsibility of grading, evaluating, or approving the work of the student. Family relationships and relationships of an amorous nature between members of the University community can present a conflict of interests in violation of the New York Public Officers Law whenever one party has any position of power over, or professional responsibility for, the other. One party may not officially approve or recommend (or vote on such approval or recommendation) the appointment, reappointment, promotion, or salary adjustment of the other; nor may the one party evaluate the performance of the other.

STATE UNIVERSITY OF NEW YORK  
AT ALBANY

OFFICE OF THE PRESIDENT

ALBANY, N.Y. 12222

January 22, 1981

TO: The University Community

In November 1980, the United States Equal Employment Opportunity Commission published its guidelines in the Federal Register with respect to sexual harassment in the work place. Under these guidelines, this University is charged with the responsibility to increase its efforts to ensure that sexual harassment in any of its forms does not exist in this institution. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Sexual harassment has been defined in this section as:

"Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

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The University at Albany has long been dedicated to maintain and foster a fair, humane, and responsible environment for all of its students and staff. Sexual harassment has been and will continue to be considered a violation of policy and dealt with under the procedures which have been established. Any violation of those policies should be brought to the attention of the Affirmative Action Office immediately.

However, we are concerned with more than simply meeting the letter of the law or observing the technical requirements of employment regulations. At issue here is fundamental respect for the dignity of every person in the University. We want to engage the energy and good will of this campus to create the kind of environment that enriches the lives of all. This requires the commitment of everyone. Perhaps the most common form of harassment are verbal characterizations which are demeaning. In many instances these are the result of habit and not intended to intimidate, but it is our responsibility to make ourselves more aware of the effects of these and other types of behavior on others.

I am referring this policy to the Council of Deans, appropriate academic officials, and the University Commission on Affirmative Action. I ask that they recommend to me a means of implementing both the letter and the spirit of these policies. I know this campus will fulfill its deepest commitments in responding to these issues.

  
Vincent O'Leary