Academic Freedom and Ethics Committee (AFEC) Bylaws (Revised)

1 **AUTHORITY** – The Academic Freedom and Ethics Committee ("Committee") functions under the authority of the University of Nevada, Las Vegas Faculty Senate ("Senate") as provided as of this writing, in Section 8 of the Faculty Senate Constitution and Sections 5 and 6 of the Faculty Senate Bylaws.

2 **MEMBERSHIP** – Membership of the committee is determined by Section 5 of the Faculty Senate Bylaws. Membership of the committee may only be altered by a vote of the Faculty Senate.

As of this writing, pursuant to applicable Senate bylaws, the membership of this Committee consists of:
1 Tenured academic faculty from each degree granting college and school
1 Tenured Librarian
1 Professional staff member
1 Administrative representative
1 Alternate Administrative representative

3 **OPERATIONAL PROCEDURES**

3.1 – MEETINGS AND BUSINESS -- Meetings will be scheduled regularly during the Fall and Spring semesters, as required to accomplish Committee business including but not limited to such charges to the Committee as shall be made by the Senate, and such other business as the Committee and Senate deem appropriate. Usually no less than monthly.

3.2 – PROXIES -- Members of the committee who are unable to attend may designate a proxy from such members’ school, college or unit and complete the appropriate paperwork for substitution.

3.3 – REMOVAL FOR LACK OF ATTENDANCE -- Members who are absent more than two meetings without sending a proxy may be removed and replaced.

3.4 – QUORUM -- A quorum shall be not less than 50 % of the full committee.

3.5 – CONDUCT OF BUSINESS AND REPORTS -- A simple majority vote is required to approve all actions taken by the Committee. Prior to voting, all members should record level of agreement with decision based on consensus vote.

The Committee is encouraged to issue a report addressed to the Chair of the Senate regarding any and all significant actions, or significant decisions to refrain from taking action, or if the Committee is unable to obtain a consensus regarding taking an action on a significant matter. Members dissenting from any reported Committee action may append to the relevant report a dissenting statement.

3.6 – ANNUAL REPORTS – In addition to such reports as the Committee may remit to the Chair of the Senate pursuant to sec. 3.5, the Chair of the Committee will submit to the Chair of the Senate an annual report addressing the activities of the committee. Members of the Committee may append a statement to the report.
3.7 NOTICE OF MEETINGS – The Chair or 40% of the membership may convene a regular meeting with no less than two weeks’ notice during Fall and Spring semesters. Emergency meetings can be conducted with 2 days’ notice over electronic media (3.8).

3.8 MEETINGS THROUGH ELECTRONIC MEDIA -- When appropriate, the Committee may conduct its business using electronic media rather than meeting in person.

4 GENERAL FUNCTIONS – The committee’s responsibilities are defined broadly in Section 6 of the Faculty Senate bylaws. Specifically, these functions are to review complaints properly referred to the Committee; fulfill such charges consistent with the authority of the Committee and as issued by the Chair of the Senate or by the Senate itself; issue reports; and conduct such business consistent with the authority of the Committee and as authorized by a vote of the Committee.

5 DELEGATION TO THE CHAIR
5.1 – Power is given to the Chair to provide prompt response where required.
5.2 – If an issue for which there is an established policy or precedent is brought to the committee, the Chair or their designee is authorized and instructed to act for the committee.
5.3 – The Chair must consult with the membership electronically before taking action.
5.4 – If an issue demanding immediate action is not covered by established policy or precedent, the Chair is empowered to call an emergency meeting, securing the participation of those voting members available. Any action taken, and the reason therefore, will be reported to the full Committee at the next regular meeting for discussion, possible changes and final approval.

6 FUNCTIONS OF STANDING COMMITTEES
6.1 The Academic Freedom and Ethics Committee shall investigate complaints, issues, and violations of academic freedom. The committee shall also consider only a question of ethical conduct of a member of the academic faculty (in pursuit of the duties prescribed to him or her by the University and Community College System of Nevada Code) or violations of academic freedom as defined in the Code, that is sent by the Executive Committee of the Senate or the Senate itself to the committee. The committee shall decide whether a matter should be considered by this committee or referred to another body. On matters the committee agrees to examine, information shall be sought for many perspectives of the question, a judgment shall be made and minority reports are possible. There shall be no enforcement or legal sanction of judgments made by the committee; however the committee shall express its judgments in whatever form seems appropriate. In any case, all judgments shall be reported directly to the Executive Committee of the Senate and to no other group or person. The Executive Committee of the Senate shall then take any appropriate actions, which must include a report to the Senate. Members of the committee may not appoint proxies. 6.1.1 The committee shall report annually back to the Senate on the number and type of cases considered and action taken on each case with no mention of names.) The Academic Freedom and Ethics Committee shall investigate complaints of interference in academic freedom and questions of ethical misconduct. The guidelines for the petition procedures are included in Appendix 5 of the Senate Bylaws.

(Revisions to Academic Freedom and Ethics Committee Bylaws approved 4-6-18.)
Appendix 5

Faculty Senate Bylaws

Faculty Senate Academic Freedom and Ethics Committee Petition Guidelines

Scope of Responsibilities

The Academic Freedom and Ethics Committee shall investigate complaints regarding interference in academic freedom and questions of ethical misconduct submitted by any faculty or professional staff member of the university community, unless previously established procedures exist for the resolution of the particular complaint. The committee is not limited to UNLV’s Ethical Guidelines for UNLV Faculty or by the Statement on Professional Ethics of the American Association of University Professors.

Procedures of Petitions

A petition must be filed and pursuant in accordance with the following procedures.

The person filing a complaint shall be the Petitioner and the person against whom the complaint is brought shall be the Respondent.

The burden of proof rests with the person filing the petition to prove by a preponderance of evidence each charge in the petition.

All complaints will be addressed to The Academic Freedom and Ethics Committee in care of the Chair of the UNLV Faculty Senate.

The petitioner must submit a letter of petition addressed to the AFEC [including name of petitioner, date of petition, respondents, brief description] with all available relevant documentation in care of the Faculty Senate Chair. References to specific provisions of bylaws, code sections and the like are encouraged. The committee will notify the Senate Chair if it determines it does not have jurisdiction. If the committee determines it has jurisdiction, it will make a recommendation to the Faculty Senate Chair. Respect for confidentiality should be maintained through the process of the petition.

The party against whom the petition is filed is required to make a reasonable effort to rebut the complaint. Failure to respond within (90) calendar days shall be deemed a default by the Respondent except in unusual circumstances. Respondents may petition the committee to re-open a default within two weeks.

The Respondent shall have [90] calendar days from the day they receive a copy of the petition from the Faculty Senate Chair to file a response addressed to the Committee in care of the Chair of the
Faculty Senate. Failure to respond within the time limit may be deemed a default by the Respondent and the Committee shall recommend in favor of the Petitioner.

Regarding all procedures involving time limits including the filing of a complaint, the Academic Freedom and Ethics Committee shall grant extensions of time for good cause.

The Respondent must submit a letter of petition addressed to the AFEC including name of respondent, date of response, and response with all available relevant documentation in care of the Faculty Senate Chair. References to specific provisions of bylaws, code sections and the like are encouraged. Respect for confidentiality should be maintained through the process of the petition.

Parties may supplement their submissions. Further documentation the Petitioner or the Respondent wishes to be reviewed in the process must be addressed to the Committee in care of the Chair of the Faculty Senate, and filed in the Senate Office. The Senate Office will forward true and correct copies of any such filings to all other parties.

The AFEC will establish a Review Committee which will consist of either the entire AFEC (within conflict of interest guidelines) or a designated subcommittee. No members of the Review Committee may be from the same college or unit as the Petitioner or Respondent. Any member who otherwise has a conflict of interests or may reasonably perceived to have a conflict of interest shall not be chosen as a member of the relevant Review Committee. Members of a Review Committee may not appoint proxies. A quorum of the Review Committee shall consist of at least eighty percent of the Review Committee.

The Review Committee will determine whether to act on the submitted materials, request additional materials, or hold a hearing where it summons witnesses. Parties may request a full hearing, including summoning witnesses and presenting other evidence; the Review Committee reserves the right to deny a hearing.

All proceedings are informal in nature, advisory, and constitute recommendations to the Faculty Senate Executive Committee only. Final decisions in all petitions are made by the Faculty Senate Executive Committee of UNLV. Due to their informal nature, proceedings shall not be recorded by any electronic or other means.

**Relevant Information**

The file shall contain all documents relevant to the petition. Both parties may suggest names of individuals whom they think should be interviewed. The Review Committee will exercise its judgment as to the need to do so. The Review Committee may also request additional statements from other parties as appropriate and shall have the authority to obtain relevant testimony from persons whom it deems may provide useful information. All documents and relevant information shall remain the property of the Faculty Senate Office.
Actions and Reports of Results

The actions of the Review Committee will be by a vote of the members. All serving on a Hearing Committee will sign the final recommendation, which may include a minority recommendation. Recommendations of the Review Committee will be by simple majority. The Review Committee shall process the petition in a timely fashion, consistent with an appropriate investigation of each case. The Review Committee shall submit its final report to the Faculty Senate Chair, which shall distribute copies to all parties and forward the report to the President.

Confidentiality

Consistent with the necessity of the committee to investigate the case fully, confidentiality of the contents of the files shall be maintained to the maximum extent possible.

(Revisions to Academic Freedom and Ethics Committee Bylaws approved 4-6-18.)