

Note:

All of section 2.6 is included in this document, but PPC only focused on changes to section 2.6.2.

2.6 Adherence to the Code of Ethics

Augsburg faculty “have an obligation to confront, address, and attempt to resolve ethical issues according to this Code of Ethics.”¹

2.6.1 Familiarity with the Code of Ethics

Augsburg faculty “have an obligation to be familiar with this Code of Ethics, other applicable ethics codes [such as those specific to their discipline], and their application to” their work. “Lack of awareness or misunderstanding of an ethical standard is not, in itself, a defense to a charge of unethical conduct.”²

2.6.2 Confronting Ethical Violations

This section only applies when no more specific University policy concerning unprofessional faculty conduct exist. More specific faculty policies, such as those dealing with violations of law (e.g. Title IX, FERPA) or sexual harassment, or discrimination against a protected class, take precedent over this section when they apply.

If an Augsburg faculty member is credibly accused of an address apparent violations of this Code of Ethics, a resolution process may be initiated. If an initial resolution is not successful, or if there is the possibility of harm to an individual or organization, they first consider an informal resolution of the ethical violation. If this informal resolution is not successful, they pursue a formal resolution. No ethical violation or disciplinary process beyond an initial resolution may be pursued based only an anonymously reported incidents. Anonymous incidents do not constitute credible evidence for the purposes of ethical violation or dismissal for cause.

(a) **Administrative Suspension.** Temporary suspension from some or all faculty duties, or reassignment from some or all faculty duties of the accused faculty member by the Chief Academic Officer or President during any of the following resolutions procedures is justified only if the faculty member’s continued work creates an imminent risk to: the physical health of the accused or others, the financial security of University funds or property, the security of confidential University records or proprietary information, or would seriously damage the integrity of an ongoing ethical or disciplinary investigation.

Such suspensions must continue only as long as the imminent risk described above continues, and must end as soon as possible. Administrative suspension occurs during an

¹ ASA, 20.

² ASA, 20.01.

ethical dispute resolution process, and is distinct from longer suspensions which may be a sanction resulting from a completed resolution process.

(b) **Initial Resolution of Ethical Violations:** When Augsburg fFaculty or Administration “believe that there may have been an ethical violation by another” member of the fFaculty, “they attempt to resolve the issue by bringing it to the attention of that individual, if such a resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved.”³

(c) **Informal Resolution of Ethical Violations:** If an apparent ethical violation is not appropriate for initial resolution as described in Section 2.6.2.b of this Handbook, “or is not resolved properly in that fashion,” the faculty member or the administration takes “further action appropriate to the situation,”⁴ making sure that such action does not violate any confidentiality rights.⁵ Such action might include referral to a higher authority, following this order: department chair or program director or, if the department chair or program director is the subject of an ethical complaint, the division chair or the Dean of the College. If the apparent ethical violation is still not resolved at the level of the department chair, program director, or division chair, referral is then made to the Chief Academic Officer or appropriate Academic Dean of the College. When an informal resolution of an ethical violation is pursued, the department chair, program director, division chair, and/or the Chief Academic Officer or appropriate Academic Dean of the College must inform the complainant in writing. This written notification must describe the substance of the complaint including the sections of the Code of Ethics (Section 2 of this Handbook) that allegedly have been violated.

(d) **Mediation.** If informal resolution of the ethical dispute does not resolve the issue, then the faculty member must submit to a mediation process. A mediator will be appointed by the Faculty Senate Committee on Equity, subject to the agreement of both sides. The mediator must have no direct, prior involvement in the dispute, and no personal bias, or professional conflicts of interest. If both sides cannot agree upon a mediator, the Faculty Senate Committee on Equity will appoint a mediator from the faculty, who is generally respected as a person of high integrity and skill in mediation.

The purpose of mediation is to build consensus toward a resolution of the dispute between the parties in an informal setting. To that end, the mediator provides the parties with a safe process that encourages them to share their perspectives about what happened and to develop a strategy for moving forward.

Mediation is based on the principles of neutrality and confidentiality. Therefore, the mediator acts as a disinterested third party, not as an advocate for the College or any other party, and the mediator agrees not to disclose any information about the mediation

³ ASA, 1.04.

⁴ ASA, 1.05.

⁵ See ASA, 20.04, and APA, 1.05.

to outside parties. Likewise, the parties will be asked to consent to confidentiality as well.

(e) **Formal Resolution of Ethical Violations: If neither an informal process nor a mediated resolution are successful, then a formal process may be necessary. The formal resolution process** may result in the imposition of sanctions, up to and including termination of employment. Sanctions may include censure, probation, temporary or indefinite reduction in pay, suspension from duty without pay for a specified period, reassignment of duties, mandatory counseling, monitoring of behavior or performance, or dismissal for cause. The University may also issue oral or written warnings in cases where more serious sanctions are not warranted, but where it is appropriate to put the faculty member on notice of the need for changed or improved conduct in the future.

Initiating a formal resolution process does not indicate that the administration is seeking dismissal for cause. If the administration intends to pursue dismissal for cause as a possible outcome, they must give written notice to the faculty member, the Committee on Tenure and Promotion, and the Hearing Committee at the start of the formal process.

A formal resolution of ethical violations follows one of two different courses depending on whether the ethical violation involves Professional Standards as described in Section 2.4 of this Handbook or involves Professional Relationships as described in Section 2.5 of this Handbook.

1. Formal Resolution of Ethical Violations Involving Professional Standards: If **informal resolution and mediation are** ~~remediation at the level of the Dean of the College is inadequate~~ and an apparent ethical violation involves the Professional Standards described in Section 2.4 of this Handbook, the **Chief Academic Officer** ~~Dean of the College~~ may pursue additional remediation or corrective action **using the process** as described in Section 9.1.5 (Dismissal for Cause) of this Handbook. Such action might include referral to the specific discipline's Ethics Committee as appropriate.

2. Formal Resolution of Ethical Violations Involving Professional Relationships: If **informal resolution and mediation are** ~~remediation at the level of the Dean of the College is inadequate~~ and an apparent ethical violation involves the Professional Relationships described in Section 2.5 of this Handbook; or such violation "has substantially harmed or is likely to substantially harm a person or organization" the faculty member bringing the complaint or the **Chief Academic Officer** ~~Dean of the College~~ may pursue additional remediation through the Senate Committee on Faculty Equity (see Section 9.2.3). Such action might include referral to the specific discipline's Ethics Committee as appropriate.

2.6.3 Improper Complaints

Augsburg faculty do not file or encourage the filing of ethics complaints that are frivolous and are intended to harm the alleged violator rather than to protect the integrity”⁶ of the University and its faculty.

2.6.4 Fair Treatment of Parties in Ethical Disputes⁷

- (a) Augsburg faculty do not discriminate against a person on the basis of his or her having made an ethical complaint.

- (b) Augsburg faculty do not discriminate against a person based on his or her having been the subject of an ethical complaint. This does not preclude taking action upon the outcome of an ethical complaint.

⁶ ASA, 20.06.

⁷ Section 2.6.4 is entirely quoted from ASA, 20.03.