

- (3) an opportunity to respond consistent with the requirements of due process.
- 4.62 In cases involving the termination of faculty employment under the provisions of this *Section*, the guidelines to be used to identify faculty members in a designated program whose employment will be recommended for termination shall include the following:
 - (1) Whenever possible, faculty reduction will be accomplished through attrition;
 - (2) Within a designated program, the termination of the employment of a faculty member with tenure may not be recommended in favor of retaining a faculty member without tenure unless:
 - (a) The removal of a non-tenured faculty member would eliminate an essential part of a program or render a program dysfunctional; or,
 - (b) The removal of a non-tenured faculty member who is deemed to be of equal or greater merit than a tenured faculty member would jeopardize the advances achieved by the Component under its diversity program.
- 4.63 A faculty member recommended for termination under the provisions of *Section 4.6* should be given the opportunity for appointment in a related area provided: (a) the faculty member is qualified professionally to teach in such area or is willing to undergo the appropriate professional retraining that will qualify him or her to do so; and (b) a position is available.
- 4.64 A faculty member whose position has been terminated will be given first consideration for rehiring, should the position be re-established within a three-year period.
- 4.65 The President of each Component shall develop and publish in the Component's faculty handbook the Component's policy regarding termination of employment under *Section 4.5*, subject to the reviews and approvals specified in these *Rules and Regulations*.

4.7 Rights and Responsibilities as a Teacher and as a Citizen.

- 4.71 **Classroom.** The faculty member is entitled to freedom in the classroom in discussing the faculty member's subject but should be judicious in the use of controversial material in the classroom and should introduce such material only as it has clear relationship to the subject field.
- 4.72 **Research and Publication.** The faculty member is entitled to freedom in research and in the publication of the results in accordance with responsible academic and professional practices.

- 4.73 Licenses and Permits. The faculty member shall be responsible for securing and maintaining any and all federal, state, and local licenses and permits required for his or her classroom, research, or other professional activities.
- 4.74 Speaking as a Citizen. The faculty member is a citizen, a member of a learned profession, and an employee of an educational component supported by the State. When the faculty member speaks or writes as a citizen, the faculty member should be free from component censorship or discipline; but, the faculty member's special position in the community imposes special obligations. As a person of learning and a faculty member of a state funded educational component, the faculty member should remember that the public may judge his or her profession and component by his or her utterance. Hence, the faculty member should at all times be accurate, exercise appropriate restraint, and should show respect for the opinions of others.
- 4.75 Partisan Political Activities. The Board of Regents recognizes and affirms a faculty member's right to participate in political activities as long as such political activities do not interfere with the discharge of the duties and responsibilities that a member of the faculty owes to the System or a Component or otherwise involve the System or a Component in partisan politics. If, in the President's or Board's judgment, the interest of the System or a Component so require, they may grant a leave of absence without pay to a member of the faculty. If a member of the faculty, who has not been granted a leave of absence, wishes to engage in political activity that interferes with the discharge of the duties and responsibilities that are owed to the System or a Component, the faculty member should voluntarily terminate employment with the Component. If the faculty member does not voluntarily terminate his or her employment and the President or the Board finds that the faculty member's political activity interferes with the discharge of the duties and responsibilities that are owed to the System or a Component, the President or the Board shall terminate such faculty member's employment by the Component.
- 4.76 Non-competitive use of employee-owned courseware. (See *Chapter III, Paragraph 11.6* of these *Rules*). Courseware developed by an employee without specific direction or significant support of the Component institution shall not be sold, leased, rented, or otherwise used in a manner that competes with the instructional offerings of his/her own Component without the prior written approval of the chief academic officer of the Component. Should approval be granted to offer the course, course Components, or instructional support materials outside of the institution, the employee shall reimburse the Component for any use of its resources.