

of employment on the basis of race, color, religion, sex, age, national origin or ancestry, sexual orientation, gender (including identity and expression), genetic information, military or veteran status, a real or perceived disability, marital status, domestic partner status, political affiliation, or any other characteristics protected by Federal or Ohio Law.

- 3.2 The Employer and UT-AAUP-COL hereby express their strong opposition to and condemnation of all forms of sexual harassment and agree to maintain educational and working environments that are free from any form of discrimination based on sex.
- 3.3 The Employer shall not discriminate against any Member of the Bargaining Unit for any activities on behalf of the UT-AAUP-COL or for membership in the UT-AAUP-COL.

#### **ARTICLE 4 MANAGEMENT RIGHTS**

Except as expressly limited by the terms of this Agreement, the Board, directly or acting through its duly constituted authorities, retains and reserves exclusively to itself all powers, rights, authority, prerogatives, duties and responsibilities conferred upon and vested in it by the laws and constitution of the State of Ohio and of the United States, and as specifically set out in O.R.C. §4117.08(C), whether exercised or not. Without limiting the generality of the foregoing, except where expressly stated in this Agreement, nothing contained herein shall in any way limit the Board's right to adopt new or modify or terminate existing policies, rules, regulations, and procedures in furtherance and accomplishment of its statutorily mandated authorities and responsibilities. The Board acknowledges its duty to bargain in good faith over the employment effects of such actions if its managerial prerogatives have an effect on wages, benefits, hours or working conditions. Upon fulfilling said duty, the Board may implement its proposed actions.

Except as specifically modified by an express provision of this Agreement, none of the rights reserved exclusively to the Board shall be subject to the grievance procedure of this Agreement.

#### **ARTICLE 5 FACULTY RIGHTS AND RESPONSIBILITIES**

##### 5.1 Academic Freedom

- 5.1.1 Members are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties. Research for pecuniary return shall not compromise the intellectual integrity or reputation of the University. Research for pecuniary return, excluding ordinary book royalties, shall be based upon a prior understanding with the Dean.
- 5.1.2 Members are entitled to full freedom in both the physical or virtual classroom in discussing their subject, but they shall be careful not to introduce into their teaching controversial matter which has no relation to their subject.
- 5.1.3 As members of the legal profession, Members are entitled to full freedom when acting as lawyers and advocates in ways consistent with governing rules of professional responsibility. This includes full freedom in representing

controversial or unpopular clients and in advocating for unpopular or controversial positions. It also includes full academic freedom in the selection of and representation in clinical cases by Members.

5.1.4 Members are citizens, members of a learned profession, and faculty of the University. When they speak or write as citizens, they shall be free from University censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they must remember that the public may judge their profession and the University by their utterances. Hence, they must at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that they are not speaking for the University.

5.1.5 Librarians shall be free to choose resources and to provide services for the interest, information and enlightenment of all members of the academic community. In no case shall resources be excluded from University libraries because of their author(s) or their scientific, economic, social, political, or religious views. No library resources shall be proscribed or removed from the libraries because of partisan or doctrinal disapproval.

## 5.2 Professional Obligations

5.2.1 Members, guided by a deep conviction of the worth and dignity of the advancement of knowledge, shall 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 Members shall devote their energies to developing and improving their scholarly competence. They have an obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge and in advocating for legal and social change. They shall practice intellectual honesty. Although Members may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

5.2.2 As teachers, Members shall encourage the free pursuit of learning in their students. They shall hold before them the best scholarly and ethical standards of their discipline. Members shall demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Members shall make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They shall respect the confidential nature of the relationship between professor and student. They shall avoid any exploitation, harassment, or discriminatory treatment of students. They shall acknowledge significant academic or scholarly assistance from students. They shall protect students' academic freedom.

5.2.3 As colleagues, Members have obligations that derive from common membership in the community of scholars. Members shall not discriminate against or harass colleagues. They shall respect and defend the free inquiry of associates. In the exchange of criticism and ideas, Members shall show due respect for the opinions of others. Members shall acknowledge academic debts and strive to be objective

in their professional judgment of colleagues. Members shall accept their share of faculty responsibilities in the academic governance of the University.

- 5.2.4 As legal professionals, Members must comply with all applicable rules of professional conduct and applicable ABA standards.

## **ARTICLE 6 CONFLICT OF INTEREST**

To the extent that Members may be subject to the Ohio Ethics Laws found in O.R.C. §102 and §2921, they must file all notifications of conflicts of interest required by said statutes with the General Counsel of the University. This requirement shall be interpreted in a manner consistent with a member's ethical or fiduciary obligations as an attorney under any applicable rule of professional conduct as promulgated from time to time.

## **ARTICLE 7 ACADEMIC GOVERNANCE**

- 7.1 The vital importance of faculty participation in the making of academic policy impacting the College of Law is hereby recognized.

The Faculty Senate is the organ through which the faculty speak on matters of University-wide academic policy and other matters not subject to collective bargaining.

The Employer will seek input from the Faculty Senate on the following matters: undergraduate curriculum, including addition or elimination of academic courses, certificates, programs and degrees; standards and requirements for degrees; academic rules, regulations, policies and standards regarding undergraduate students; and the reorganization of colleges and departments. Additionally, at such time as the University undertakes a University wide strategic planning process, the administration will seek input on nominations from the Faculty Senate Executive Committee for membership on each criteria team.

Notwithstanding the foregoing limitation, due to the institutional benefits to be derived from a robust culture of shared governance, the administration is committed to obtaining input from the Faculty Senate on major policy decisions of the University regardless of their particular subject matter and shall attempt to obtain such input to the degree it is reasonably practicable to do so.

Additionally, decisions made by the administration, under this section, shall be fully reported and explained to the Faculty Senate in written detail in order to allow the Faculty Senate to understand the rationale of a given decision.

- 7.2 The Faculty of the College is the instrumentality through which the Faculty speaks on matters pertaining to the College's ABA-Accredited Juris Doctor Program and other matters not subject to collective bargaining. Shared governance at the College of Law shall be consistent with ABA Accreditation Standard 201: Law School Governance. The processes and procedures set forth in the College of Law's Government Rules shall be the