

3. RIGHTS OF MEMBERS

3.1. Instructional Rights/Academic Freedom

Faculty are entitled to freedom in the classroom in discussing their subject, and they should exercise their best effort to ensure topics are relevant to their subject. Faculty will determine curriculum and relevant subject matter for courses, recommend the appropriate pedagogy and textbooks, and other materials relevant to teaching their subject.

Faculty shall maintain the right and responsibility to determine grades and other evaluations of student performance.

Outside the classroom, when Faculty express themselves as citizens, they shall be free from institutional censorship or discipline. When acting as citizens, Faculty will exercise their best efforts to indicate that they are not speaking for the institution, and endeavor to conduct themselves as scholars and representatives of higher education.

Faculty are entitled to freedom in research and in the publication of the results consistent with the provisions of Section 3.2 Intellectual Property Rights.

3.2. Intellectual Property Rights

Maricopa recognizes the academic exception of the Works Made for Hire Doctrine for the faculty member whose work, disseminated in print or electronically, is created independently at the faculty member's own initiative with the ordinary use of resources such as a library, office space and equipment, computer and network facilities.

3.2.1.

A faculty-developed work, disseminated in print or electronically, that has been *commissioned or sponsored* by Maricopa requires a signed written contract prior to the development of the work. Maricopa *commissioned or sponsored* works are defined as works with specified outcomes, that include the provision of compensation such as additional financial payment or release time for the faculty developer, and may include the use of substantial District resources.

3.2.1.1.

The contract for *commissioned or sponsored works* will include the following provisions:

3.2.1.1.1.

Maricopa can perform, communicate, or otherwise enjoy full use of commissioned or sponsored work for internal instructional, educational and administrative purposes without payment of royalty, license fee or similar considerations.

3.2.1.1.2.

The faculty member who has developed the commissioned or sponsored work must obtain prior written approval from Maricopa for the use, sale, or licensing of it.

3.2.2.

Other provisions may be negotiated by the faculty member and Maricopa and added to the contract. These may include the ability to edit and control the presentation of the work, the ability to change and update materials over time, the ability to create derivative or related works, the sharing of costs and revenues associated with the commercialization of such work.

3.2.3

An instructor shall not, in connection with any class, suggest or require that a student purchase instructional materials which the instructor has produced, or from the purchase of which the instructor or instructor's designee is entitled to royalty or similar consideration, unless the materials have been:

3.2.3.1.

produced by a recognized, independent publisher at the publisher's expense, and (For purposes of this regulation, "recognized, independent publisher" means a commercial entity in the business of publishing books, periodicals, and similar instructional materials, and which performs editorial, printing, distribution, marketing, and other functions typically associated with commercial publishing.) and;

3.2.3.2.

previously approved for students' purchase by the Vice President Academic Affairs at the college where the instructor teaches the class.

3.2.4.

An instructor shall not have any financial interest in or receive compensation from the sale of any unpublished instructional materials required or suggested for a class that the instructor teaches.

3.3. Personal Rights

The Governing Board recognizes that the personal life of a faculty member is not an appropriate concern of the College, provided it does not affect the faculty member's effectiveness in fulfilling professional obligation(s).

3.4. Visitation of Faculty Members

Brief classroom visits by administrative and/or staff personnel may be conducted without notice to the member in situations that need immediate attention for the normal operation of the College, for example, the safety and welfare of the faculty and/or students. These visits will not be used for the purpose of the instructor evaluation.

3.5. Faculty Evaluation Plan (FEP) for Instructional Improvement

Inasmuch as the Faculty is committed to quality teaching and instruction and is contracted to provide professional services to students, colleagues, and the District, the Faculty do hereby agree to adhere to, support, and implement the following self-evaluation policies and procedures.

3.5.1. The objectives of the evaluation program are as follows:

3.5.1.1.

To improve teaching performance.

3.5.1.2.

To advise the faculty members regularly and specifically of their strengths and weaknesses, progress, and overall status.

3.5.2. Time Frame

3.5.2.1.

Although the FEP can begin at any time, the college Vice President, through the appropriate department/division chair, will be responsible for notifying a faculty member early in the fall semester of the evaluation