

ARTICLE 5
ACADEMIC FREEDOM AND RESPONSIBILITY

~~5.1 Policy. The parties of this Agreement recognize that~~ It is the policy of the University and the UFF to maintain, encourage, and protect academic freedom. Academic freedom is essential to the University. The principles ~~It includes both freedom of academic freedom are integral to the conception of the University as a community of scholars engaged in the pursuit of truth and the communication of knowledge. The University serves the common good through teaching, research, scholarship/creative activities, thought and service. The fulfillment of these functions rests upon the preservation of the intellectual freedoms of teaching, expression, research, and debate. The University and Faculty therefore affirm that academic freedom is a right protected by this Agreement in addition to a faculty member's constitutionally protected freedom of expression and is fundamental to the faculty member's responsibility to seek and to state truth as he/she sees it.~~

~~(a) The University and the Faculty shall maintain, encourage, protect, and promote the faculty's full academic freedom in~~ applies to teaching, research/creative activities, and professional, public, and University service, ~~consistent with the exercise of academic responsibility described in Sections __.3 and __.4, below.~~

~~(b).~~ Academic freedom is accompanied by corresponding faculty and administration responsibilities, arising from the nature of the educational process. In order to ensure an atmosphere of academic freedom within the University; neither the University administration nor its representatives shall violate any faculty member's academic freedom or penalize a faculty member for the legitimate exercise of academic freedom.

~~(c) The University shall not apply any provision in this Agreement to violate a faculty member's academic freedom or constitutional rights, nor shall a faculty member be punished for exercising such freedom or rights,~~ either in the performance of University duties or activities outside the University.

~~The~~ Moreover, the University recognizes that internal and external forces may seek at times to restrict academic freedom, and the University shall ~~maintain, encourage,~~ protect and promote academic freedom.

~~5.2 Academic Freedom. Consistent with the exercise of academic responsibility described in Sections __.3 and __.4, below,~~ Faculty members shall be free to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, to speak freely on all matters of university governance without fear of University censorship, retaliation, or discipline.

- 37 (a) Teaching and Research/Creative Activities. Faculty members shall have the
38 freedom to:
- 39 (1) Present and discuss, frankly and forthrightly, academic subjects, including
40 controversial material relevant to the academic subjectcourse being taught.
 - 41 (2) Select instructional materials and define course content within general
42 department guidelines, course schedules, and course delivery modalities,
43 and holding consistent academic standards regarding the student learning
44 outcomes as set by the curriculum.
 - 45 (3) Determine grades. The grade a current faculty member has determined for a
46 student's performance shall not be changed without the faculty member's
47 consent, except by the current University academic appeals process.
 - 48 (4) Freely engage in scholarly, research, and creative activity, including
49 activity related to politically controversial topics, and publish the results.
- 50 (b) Service. Service includes, but is not limited to, participation in governance
51 processes of the University, which is a fundamental aspect of academic freedom.
52 Faculty members shall have freedom to present ideas and discuss, frankly and in a
53 forthright manner, academic policy, University governance, or other matters
54 pertaining to the University.
- 55 (c) All rights provided in this Article shall extend to all bargaining unit members,
56 regardless of whether their primary assignments include teaching and research.

57 5.3 Academic Responsibility of ~~the~~ Faculty Members. Academic freedom is
58 accompanied by corresponding faculty responsibilities. Academic responsibility implies
59 the competent performance of academic duties and obligations and the commitment to
60 support the responsible exercise of academic freedom by others. Members of the faculty
61 have a responsibility to:

- 62 (a) Observe and uphold the ethical standards of their disciplines in the pursuit and
63 communication of scientific and scholarly knowledge;
- 64 (b) Provide course-level instruction designed to achieve that course's student learning
65 outcomes, support applicable program competencies, and, to the degree relevant,
66 prepare students for subsequent courses in the applicable program's plan of study;
- 67 (c) Treat students, staff, and colleagues in a manner consistent with the provisions of
68 the articleArticle on nondiscrimination;
- 69 (d) Respect the integrity of the evaluation process, including the privacy rights of
70 students under law, and evaluate students, staff, and colleagues fairly according to
71 the criteria and procedures specified in the evaluation process;
- 72 (e) Represent one self as a spokesperson for the University only when specifically
73 authorized to do so;
- 74 (f) Participate, as appropriate, in the system of shared academic governance,
75 especially at the department/unit level;

76 (g) Observe the published University regulations, ~~providing~~provided the regulations
77 do not contravene ~~the provisions of the~~this Agreement, ~~the faculty member's~~
78 academic freedom, or the faculty member's right to criticize or seek revision of
79 those duties, laws, regulations, policies, or procedures.

80 (h) Refrain from engaging in a pattern of behavior that disrupts or obstructs the
81 orderly and effective functioning of the department, college, or University. This
82 section shall not be construed or used to inhibit vigorous and tough-minded
83 academic disagreements which are a vital aspect of academic freedom or the right
84 to free expression and thought, on or off campus. A pattern of disruptive or
85 obstructive behavior must be demonstrated by timely documentation in the faculty
86 member's evaluation file. Academic freedom is accompanied by corresponding
87 responsibilities, including the duty to exercise appropriate restraint and to show
88 appropriate respect for the right of others to hold differing opinions. Consequently,
89 while academic disagreements are part of the orderly functioning of a university,
90 appropriate constructive cooperation is also critical to the faculty member's
91 effective performance as a member of the academy.

92 ~~5.4~~ Academic Responsibility of the Board and the University Administration.

93 Academic freedom is accompanied by corresponding responsibilities of the Board and
94 the University Administration. Academic responsibility implies the competent
95 performance of duties and obligations and a commitment to actively foster within the
96 University a climate favorable to the responsible exercise of academic freedom.

97 Therefore, it is the responsibility of the Board and the University Administration to:

98 (a) Maintain, encourage, protect and promote the faculty's academic freedom so that
99 it is not compromised by harassment, censorship, reprisals, or prohibited
100 discrimination as defined in Article __, Nondiscrimination.

101 (b) Ensure that the faculty's academic freedom, to include freedom of thought and
102 expression as guaranteed under the First Amendment of the Constitution of the
103 United States of America, is not stifled or compromised.

104 (c) Treat faculty members ~~fairly, civilly, students,~~ and staff in a manner consistent
105 with the provisions of this ~~regulation~~Agreement.

106 (d) Respect the integrity of the evaluation process, including the privacy rights under
107 law, and fairly evaluate faculty ~~fairly and accurately~~ according to the criteria and
108 procedures specified in the evaluation process.

109 (e) ~~Sustain Respect and adhere to the principles of the system of~~ shared governance;
110 ~~which recognizes that in the development of academic policies and processes the~~
111 ~~professional judgments of faculty members are of crucial importance.~~

112 (f) Observe the published University regulations, provided that the regulations do not
113 contravene academic freedom, which includes the faculty member's right to
114 responsibly criticize and seek revision of the regulations.

- 115 (g) Refrain from engaging in behavior that directly undermines academic freedom,
116 and freedom of thought and expression as described in this regulation or otherwise
117 disrupt or obstruct the orderly and effective functioning of the department, college,
118 or University.
- 119 (h) Prohibit unauthorized persons from entering or interrupting a faculty member's
120 classroom or laboratory, except with prior permission from the responsible faculty
121 member or during legitimate emergencies. The University shall support the
122 authority of each faculty member to have unauthorized persons removed from the
123 faculty member's classroom/laboratory. This provision shall not apply to
124 administrators who are responsible for evaluating the faculty member. At the
125 faculty member's request, University Administration shall take appropriate action
126 to enforce this provision.
- 127 (i) Prohibit disruptive student behavior, including behavior that involves violence
128 against faculty, staff or students, threat(s) of violence, instigation of violence,
129 malicious vandalism, possession of weapons of any type, willful disregard of a
130 faculty member's legitimate directions, continued use of abusive language or
131 gestures, or other behavior that is so unruly, disruptive, harassing, or abusive that
132 it seriously interferes with the faculty member's ability to effectively communicate
133 with other students in the class or with the ability of the student's classmates to
134 learn. The University shall support the authority of each faculty member to have
135 disruptive persons removed from the faculty member's classroom/laboratory.
- 136 (1) Upon receiving a report of disruptive student behavior, the University shall
137 act promptly to investigate and resolve the matter. Faculty may request that
138 a disruptive student be barred from returning to the classroom. If the
139 University declines such a request, the University shall take appropriate
140 alternative action that ensures against a recurrence of the disruptive
141 behavior and shall inform the faculty member.
- 142 (2) A faculty member shall not be disciplined for taking reasonable action in
143 self-defense or in defense of others.