

1 **ARTICLE 5**
2 **ACADEMIC FREEDOM AND RESPONSIBILITY**

3 5.1 Policy. It is the policy of the University and the UFF to maintain, encourage, and protect
4 academic freedom. Academic freedom is essential to the University. It includes both freedom
5 of thought and expression, and it applies to teaching, research/creative activities, and
6 professional, public, and University service. Academic freedom is accompanied by
7 corresponding faculty and administration responsibilities, arising from the nature of the
8 educational process.

9 In order to ensure an atmosphere of academic freedom within the University neither the
10 University administration nor its representatives shall violate any faculty member's academic
11 freedom or penalize a faculty member for the legitimate exercise of academic freedom, either
12 in the performance of University duties or activities outside the University. Moreover, the
13 University recognizes that internal and external forces may seek at times to restrict academic
14 freedom, and the University shall protect and promote academic freedom.

15 5.2 Academic Freedom. Faculty members shall be free to discuss ~~all relevant matter~~topics
16 relevant to the course's subject matter in the classroom, to explore all avenues of scholarship,
17 research, and creative expression, to speak freely on all matters of university governance
18 without fear of University censorship, retaliation, or discipline.

19 (a) Teaching and Research/Creative Activities. Faculty members shall have the freedom to:

20 ~~(a)~~

21 (1) Present and discuss, frankly and forthrightly, academic subjects, including
22 controversial material relevant to the academic course being taught.

23 ~~(1)~~

24 (2) Select instructional materials consistent with university regulations and policies
25 and define course content within general department guidelines, course schedules,
26 and course delivery modalities, and holding consistent academic standards
27 regarding the student learning outcomes as set by the curriculum. However, and
28 unless prior written authorization is granted by the Provost, all faculty members
29 teaching a section of a multiple section course in a given semester must agree upon
30 the instructional materials and course content as a group. This is to ensure that
31 identical materials are being utilized, and nearly identical content is being taught,
32 in all sections of the same course during a particular semester.

33 ~~(2)~~

34 (3) Determine grades. The grade a current faculty member has determined for a
35 student's performance shall not be changed without the faculty member's consent,
36 except by the current University academic appeals process. Grading standards set
37 in course syllabi and applied to the grades given within multiple section courses
38 must be substantially consistent for the range of sections delivered.

39 ~~(3)~~

40 (4) Freely engage in scholarly, research, and creative activity, ~~including activity related~~
41 ~~to politically controversial topics,~~ and publish the results.

42
43 (b) Service. Service includes, but is not limited to, participation in governance processes of the
44 University, which is a fundamental aspect of academic freedom. Faculty members shall
45 have freedom to present ideas and discuss, frankly and in a forthright manner, academic
46 policy, University governance, or other matters pertaining to the University.

47 ~~(b)~~

48 (c) All rights provided in this Article shall extend to all bargaining unit members, regardless
49 of whether their primary assignments include teaching and research.

50 5.3 Academic Responsibility of Faculty Members. Academic freedom is accompanied by
51 corresponding faculty responsibilities. Academic responsibility implies the competent
52 performance of academic duties and obligations and the commitment to support the responsible
53 exercise of academic freedom by others. Members of the faculty have a responsibility to:

54 (a) Observe and uphold the ethical standards of the University, disciplines in the pursuit and
55 communication of scientific and scholarly knowledge as well as in their teaching and
56 service duties;

57
58 (b) Refrain from using the classroom to promote a personal, political, or other agenda that is
59 not related to the instructional activity of the class;

60
61 (c) Provide course-level instruction designed to achieve that course's student learning
62 outcomes, support applicable program competencies, and, to the degree relevant, prepare
63 students for subsequent courses in the applicable program's plan of study;

64
65 ~~(a)~~

66 (d) Treat students, staff, and colleagues fairly and civilly in discharging one's duties as teacher,
67 researcher, and intellectual mentor. Avoid any exploitation of such persons for private
68 advantage and treat them in a manner consistent with the provisions of the ~~article~~ University
69 Regulation on nondiscrimination;

70 ~~(b)~~

71 (e) Respect the integrity of the evaluation process, including the privacy rights of students
72 under law, and evaluate students, staff, and colleagues fairly according to the criteria and
73 procedures specified in the evaluation process;

74 ~~(c)~~ —

75
76 ~~(d)~~(f) Represent one self as a spokesperson for the University only when specifically
77 authorized to do so;

78
79 ~~(e)~~(g) Participate, as appropriate, in the system of shared academic governance, especially
80 at the department/unit level;

81

82 ~~(f)~~(h) Observe the published University regulations, provided the regulations do not
83 contravene this Agreement, academic freedom, or the faculty member’s right to criticize
84 or seek revision of those duties, laws, regulations, policies, or procedures.

85
86 ~~(g)~~(i) Refrain from engaging in a pattern of behavior that disrupts or obstructs the orderly
87 and effective functioning of the department, college, or University. This section shall not
88 be construed or used to inhibit vigorous and tough-minded academic disagreements which
89 are a vital aspect of academic freedom or the right to free expression and thought, on or off
90 campus. ~~A pattern of disruptive or obstructive behavior must be demonstrated by timely~~
91 ~~documentation in the faculty member’s evaluation file.~~ Academic freedom is accompanied
92 by corresponding responsibilities, including the duty to exercise appropriate restraint and
93 to show appropriate respect for the right of others to hold differing opinions. Consequently,
94 while academic disagreements are part of the orderly functioning of a university,
95 appropriate constructive cooperation is also critical to the faculty member’s effective
96 performance as a member of the academy. However, there is a point beyond which a
97 pattern of behavior exceeds the reasonable bounds of academic freedom and becomes
98 disruptive and obstructive to the orderly and effective functioning of the University. At
99 that point, the faculty member’s behavior is beyond the protection of academic freedom.

100 5.4 Academic Responsibility of the Board and the University Administration. Academic freedom
101 is accompanied by corresponding responsibilities of the Board and the University
102 Administration. Academic responsibility implies the competent performance of duties and
103 obligations and a commitment to actively foster within the University a climate favorable to
104 the responsible exercise of academic freedom. Therefore, it is the responsibility of the Board
105 and the University Administration to:

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

109 ~~(a)~~
110 (b) Ensure that the faculty’s academic freedom, to include freedom of thought and expression
111 as guaranteed under the First Amendment of the Constitution of the United States of
112 America, is not stifled or compromised.

113
114 (c) Treat faculty members, students, and staff in a manner consistent with the provisions of
115 this Agreement.

116
117 (d) Respect the integrity of the evaluation process, including the privacy rights under law, and
118 fairly evaluate faculty according to the criteria and procedures specified in the evaluation
119 process.

120
121 (e) Respect and adhere to the principles of shared governance.
122

- 123 (f) Observe the published University regulations, provided that the regulations do not
124 contravene academic freedom, which includes the faculty member's right to responsibly
125 criticize and seek revision of the regulations.
126
- 127 (g) Refrain from engaging in behavior that directly undermines academic freedom, and
128 freedom of thought and expression as described in this regulation or otherwise disrupt or
129 obstruct the orderly and effective functioning of the department, college, or University.
130
- 131 (h) Prohibit unauthorized persons from entering or interrupting a faculty member's classroom
132 or laboratory, except with prior permission from the responsible faculty member or during
133 legitimate emergencies. The University shall support the authority of each faculty member
134 to have unauthorized persons removed from the faculty member's classroom/laboratory.
135 This provision shall not apply to administrators who are responsible for evaluating the
136 faculty member. At the faculty member's request, University Administration shall take
137 appropriate action to enforce this provision.
138
- 139 (i) Prohibit disruptive student behavior, including behavior that involves violence against
140 faculty, staff or students, threat(s) of violence, instigation of violence, malicious vandalism,
141 possession of weapons of any type, willful disregard of a faculty member's legitimate
142 directions, continued use of abusive language or gestures, or other behavior that is so
143 unruly, disruptive, harassing, or abusive that it seriously interferes with the faculty
144 member's ability to effectively communicate with other students in the class or with the
145 ability of the student's classmates to learn. The University shall support the authority of
146 each faculty member to have disruptive persons removed from the faculty member's
147 classroom/laboratory.
- 148 ~~(i)~~ —
- 149
- 150 (1) Upon receiving a report of disruptive student behavior, the University shall act
151 promptly to investigate and resolve the matter. Faculty may request that a disruptive
152 student be barred from returning to the classroom. If the University declines such
153 a request, the University shall take appropriate alternative action that ensures
154 against a recurrence of the disruptive behavior and shall inform the faculty member.
155
- 156 (2) A faculty member shall not be disciplined for taking reasonable action in self-
157 defense or in defense of others.