

ARTICLE 5
ACADEMIC FREEDOM AND RESPONSIBILITY

~~5.1 Policy. It is the policy of the University and the UFF to maintain, encourage, and protect academic freedom. The parties of this Agreement recognize that academic freedom is essential to the University. It includes both freedom of thought and expression, and it applies to teaching, research/creative activities, and professional, public, and University service. 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. The principles 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, 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 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) 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.~~
- ~~(d) 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.~~

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Chief Negotiator

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1 ~~5.2 Academic Freedom. Consistent with the exercise of academic responsibility described in~~
2 ~~Sections 3 and 4, below, faculty~~ Faculty members shall be free to discuss all course relevant
3 matters in the classroom, to explore all avenues of scholarship, research, and creative expression,
4 to speak freely on all matters of university governance without fear of University censorship,
5 retaliation, or discipline.

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

7 (1) Present and discuss, frankly and forthrightly, academic subjects, including
8 controversial material relevant to the academic ~~subject~~ course being taught.

9 (2) Select instructional materials and define course content within general department
10 guidelines, course schedules, course delivery modalities, and holding consistent
11 academic standards regarding the student learning outcomes as set by the
12 curriculum. However, all faculty members teaching a section of a multiple section
13 course in a given semester must agree upon the instructional materials and course
14 content as a group. This is to ensure that identical materials are being utilized, and
15 nearly identical content is being taught, in all sections of the same course during a
16 particular semester.

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

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

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

28 ~~All rights provided in this Article shall extend to all bargaining unit members, regardless of~~
29 ~~whether their primary assignments include teaching and research.~~

30 ~~5.3 Academic Responsibility of the Faculty Members.~~ Academic freedom is accompanied by
31 corresponding faculty responsibilities. Academic responsibility implies the competent
32 performance of academic duties and obligations, the responsible exercise of academic freedom,
33 and the commitment to support the responsible exercise of academic freedom by others. Members
34 of the faculty have a responsibility to:

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- 1 (a) Observe and uphold the ethical standards of ~~their~~ the University, which includes being
2 forthright and intellectually honest disciplines in the pursuit and communication of
3 scientific and scholarly knowledge, as well as in their teaching and service duties;
4 (b) Provide course-level instruction designed to achieve that course's student learning
5 outcomes, support applicable program competencies, and, to the degree relevant, prepare
6 students for subsequent courses in the applicable program's plan of study;
7 (c) Treat students, staff, and colleagues in a manner consistent with the provisions of the
8 University's regulation ~~article~~ on nondiscrimination;
9 (d) Respect the integrity of the evaluation process, including the privacy rights of students
10 under law, and evaluate students, staff, and colleagues fairly according to the criteria and
11 procedures specified in the evaluation process;
12 (e) Represent one's self as a spokesperson for the University only when specifically authorized
13 to do so;
14 (f) Participate, as appropriate, in the system of shared academic governance, especially at the
15 department/unit level;
16 (g) Observe the published University regulations, ~~providing~~ provided the regulations do not
17 contravene the provisions of the ~~this~~ Agreement, ~~the faculty member's~~ academic freedom,
18 or the faculty member's right to criticize or seek revision of those ~~duties,~~ laws, regulations,
19 policies, or procedures.
20 (h) Refrain from engaging in a pattern of behavior that disrupts or obstructs the orderly and
21 effective functioning of the department, college, or University. This section shall not be
22 construed or used to inhibit vigorous and tough-minded academic disagreements which are
23 a vital aspect of academic freedom or the right to free expression and thought, on or off
24 campus. A pattern of disruptive or obstructive behavior must be demonstrated by timely
25 documentation in the faculty member's evaluation file. Academic freedom is accompanied
26 by corresponding responsibilities, including the duty to exercise appropriate restraint and
27 to show appropriate respect for the right of others to hold differing opinions. Consequently,
28 while academic disagreements are part of the orderly functioning of a university,
29 appropriate constructive cooperation is also critical to the faculty member's effective
30 performance as a member of the academy. However, there is a point beyond which a pattern
31 of behavior exceeds the reasonable bounds of academic freedom and becomes disruptive
32 and obstructive to the orderly and effective functioning of the University. At that point, the
33 faculty member's behavior is beyond the protection of academic freedom.

34 –5.4 Academic Responsibility of the Board and the University Administration. Academic
35 freedom is accompanied by corresponding responsibilities of the Board and the University

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1 Administration. Academic responsibility implies the competent performance of duties and
2 obligations and a commitment to actively foster within the University a climate favorable to the
3 responsible exercise of academic freedom. Therefore, it is the responsibility of the Board and the
4 University Administration to:

- 5 ~~(a) Maintain, encourage, protect and promote the faculty's academic freedom so that it is not~~
6 ~~compromised by harassment, censorship, reprisals, or prohibited discrimination as defined~~
7 ~~in Article __, Nondiscrimination.~~
8 ~~(b)(a) Ensure that the faculty's academic freedom, to include freedom of thought and~~
9 ~~expression as guaranteed under the First Amendment of the Constitution of the United~~
10 ~~States of America, is not stifled or compromised.~~
11 ~~(c)(b) Treat faculty members, students, and staff fairly, civilly, and in a manner consistent~~
12 ~~with the provisions of this Agreement and all University regulations.~~
13 ~~(d)(c) Respect the integrity of the evaluation process, including the privacy rights under~~
14 ~~law, and fairly evaluate faculty members fairly and accurately according to the criteria and~~
15 ~~procedures specified in the evaluation process.~~
16 ~~(e)(d) Sustain Respect and adhere to the principles of the system of shared governance,~~
17 ~~which recognizes that in the development of academic policies and processes the~~
18 ~~professional judgments of faculty members are of crucial importance.~~
19 ~~(f)(e) Observe the published University regulations, provided that the regulations do not~~
20 ~~contravene academic freedom, which includes the faculty member's right to responsibly~~
21 ~~criticize and seek revision of the regulations.~~
22 ~~(g)(f) Refrain from engaging in behavior that directly undermines academic freedom, and~~
23 ~~freedom of thought and expression as described in this regulation or otherwise disrupt or~~
24 ~~obstruct the orderly and effective functioning of the department, college, or University.~~
25 ~~(h)(g) Prohibit unauthorized persons from entering or interrupting a faculty member's~~
26 ~~classroom or laboratory, except with prior permission from the responsible faculty member~~
27 ~~or during legitimate emergencies. The University shall support the authority of each faculty~~
28 ~~member to have unauthorized persons removed from the faculty member's~~
29 ~~classroom/laboratory. This provision shall not apply to administrators who are responsible~~
30 ~~for evaluating the faculty member. At the faculty member's request, University~~
31 ~~Administration shall take appropriate action to enforce this provision.~~
32 ~~(i) Prohibit disruptive student behavior, including behavior that involves violence against~~
33 ~~faculty, staff or students, threat(s) of violence, instigation of violence, malicious vandalism,~~
34 ~~possession of weapons of any type, willful disregard of a faculty member's legitimate~~
35 ~~directions, continued use of abusive language or gestures, or other behavior that is so~~

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1 ~~unruly, disruptive, harassing, or abusive that it seriously interferes with the faculty~~
2 ~~member's ability to effectively communicate with other students in the class or with the~~
3 ~~ability of the student's classmates to learn. The University shall support the authority of~~
4 ~~each faculty member to have disruptive persons removed from the faculty member's~~
5 ~~classroom/laboratory.~~

6 (1) ~~Upon receiving a report of disruptive student behavior, the University shall act~~
7 ~~promptly to investigate and resolve the matter. Faculty may request that a disruptive~~
8 ~~student be barred from returning to the classroom. If the University declines such~~
9 ~~a request, the University shall take appropriate alternative action that ensures~~
10 ~~against a recurrence of the disruptive behavior and shall inform the faculty member.~~

11 (2) ~~A faculty member shall not be disciplined for taking reasonable action in self-~~
12 ~~defense or in defense of others.~~

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