

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 topics relevant to the course's
16 subject matter in the classroom, to explore all avenues of scholarship, research, and creative
17 expression, to speak freely on all matters of university governance without fear of University
18 censorship, retaliation, or discipline.

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

20
21 (1) Present and discuss, frankly and forthrightly, academic subjects, including
22 controversial material relevant to the academic course being taught.

23
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. In situations
28 where there are multiple sections of the same course, department faculty have the
29 responsibility to ~~make select a uniform general material and textbook decisions as~~
30 a group. In the event the department faculty are unable to do so, or desire to utilize
31 differing textbooks, prior authorization from the Provost or designee is required.
32 Special topics classes are excluded from this requirement.

33
34 (3) Determine grades. Grading standards must reflect general department guidelines,
35 and must be substantially similar for multi-section courses. The grade a current
36 faculty member has determined for a student's performance shall not be changed
37 without the full-time faculty member's consent, except by the current University
38 academic appeals process.

39
40 ~~(4)~~(4) Freely engage in scholarly, research, and creative activity, and publish the
41 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
48 (c) As to matters outside the area of the faculty member's scholarly interest, the faculty
49 member has the right to enjoy the same freedoms as other individuals, including political
50 rights and privileges, without fear of institutional censorship or discipline.

51 ~~(b)~~
52 ~~(e)(d)~~ All rights provided in this Article shall extend to all bargaining unit members,
53 regardless of whether their primary assignments include teaching and research.

54 5.3 Academic Responsibility of Faculty Members. Academic freedom is accompanied by
55 corresponding faculty responsibilities. Academic responsibility implies the competent
56 performance of academic duties and obligations and the commitment to support the responsible
57 exercise of academic freedom by others. Members of the faculty have a responsibility to:

58 (a) Observe and uphold ~~the~~ ethical standards ~~of their disciplines~~ the University, in the pursuit
59 and communication of scientific and scholarly knowledge as well as in their teaching and
60 service duties;

61
62 (b) Refrain from using the classroom to promote a personal, political, or other agenda that is
63 not related to the instructional activity of the class;

64
65 (c) Provide course-level instruction designed to achieve that course's student learning
66 outcomes, support applicable program competencies, and, to the degree relevant, prepare
67 students for subsequent courses in the applicable program's plan of study;

68
69 ~~(a)~~
70 (d) Treat students, staff, and colleagues fairly and civilly in discharging one's duties as teacher,
71 researcher, and intellectual mentor, in a manner consistent with the provisions of this
72 Agreement and University regulations and policy;

73
74 (e) Avoid any exploitation of ~~such persons~~ other people for private advantage and treat them
75 in a manner consistent with the provisions of this Agreement and University regulations
76 and policy ~~the article~~ University Regulation ~~article on nondiscrimination;~~

77
78 (f) Respect the integrity of the evaluation process, including the privacy rights of students
79 under law, and evaluate students, staff, and colleagues fairly according to the criteria and
80 procedures specified in the evaluation process;

81

82

83 ~~(b)~~(g) Represent one self as a spokesperson for the University only when specifically
84 authorized to do so;

85
86 ~~(e)~~(h) Participate, as appropriate, in the system of shared academic governance, especially
87 at the department/unit level;

88
89 ~~(d)~~(i) Observe the published University regulations, provided the regulations do not
90 contravene this Agreement, academic freedom, or the faculty member's right to criticize
91 or seek revision of those duties, laws, regulations, policies, or procedures.

92
93 ~~(e)~~(j) Refrain from engaging in a pattern of behavior that disrupts or obstructs the orderly
94 and effective functioning of the department, college, or University. This section shall not
95 be construed or used to inhibit vigorous and tough-minded academic disagreements which
96 are a vital aspect of academic freedom or the right to free expression and thought, on or off
97 campus. A pattern of disruptive or obstructive behavior must be ~~demonstrated~~supported by
98 ~~timely~~ documentation ~~in the faculty member's evaluation file~~. Academic freedom is
99 accompanied by corresponding responsibilities, including the duty to exercise appropriate
100 restraint and to show appropriate respect for the right of others to hold differing opinions.
101 Consequently, while academic disagreements are part of the orderly functioning of a
102 university, appropriate constructive cooperation is also critical to the faculty member's
103 effective performance as a member of the academy.

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

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

113
114 ~~(a)~~(b) Ensure that the faculty's academic freedom, to include freedom of thought and
115 expression as guaranteed under the First Amendment of the Constitution of the United
116 States of America, is not stifled or compromised.

117
118 ~~(b)~~(c) Treat faculty members, students, and staff in a manner consistent with the
119 provisions of this Agreement.

120
121 ~~(e)~~(d) Respect the integrity of the evaluation process, including the privacy rights under
122 law, and fairly evaluate faculty according to the criteria and procedures specified in the
123 evaluation process.

124

125 ~~(d)~~(e) _____ Respect and adhere to the principles of shared governance.
126

127 (e)(f) _____ Observe the published University regulations, provided that the regulations do not
128 contravene academic freedom, which includes the faculty member's right to responsibly
129 criticize and seek revision of the regulations.
130

131 ~~(f)~~(g) _____ Refrain from engaging in behavior that directly undermines academic freedom, and
132 freedom of thought and expression as described in this regulation or otherwise disrupt or
133 obstruct the orderly and effective functioning of the department, college, or University.
134

135 ~~(g)~~(h) _____ Prohibit unauthorized persons from entering or interrupting a faculty member's
136 classroom or laboratory, except with prior permission from the responsible faculty member
137 or during legitimate emergencies. The University shall support the authority of each faculty
138 member to have unauthorized persons removed from the faculty member's
139 classroom/laboratory. This provision shall not apply to administrators who are responsible
140 for evaluating the faculty member. At the faculty member's request, University
141 Administration shall take appropriate action to enforce this provision.
142

143 (i) Prohibit disruptive ~~student~~ behavior, including: (1) behavior that involves violence against
144 faculty, staff or students; ~~(2) threat(s) of violence, or~~ instigation of violence; ~~(3)~~
145 malicious vandalism; ~~(4) possession of weapons of any type;~~ (5) willful disregard of ~~a~~
146 ~~faculty member's~~ legitimate directions; ~~(6) continued use of abusive language or gestures;~~
147 (7) or other behavior that is ~~so~~ unruly, disruptive, harassing, or abusive so that it seriously
148 interferes with the faculty member's ability to effectively communicate with other students
149 in the class or with the ability of the student's classmates to learn, or with the normal and
150 orderly conducting of the University's business. The University shall support the authority
151 of each faculty member to have disruptive persons removed from the faculty member's
152 classroom/laboratory or the campus.
153

154
155 (1) Upon receiving a report of disruptive ~~student~~ behavior, the University shall act
156 promptly to investigate and resolve the matter. Faculty may request that a disruptive
157 ~~student individual~~ be barred from returning to the classroom. If the University
158 declines such a request, the University shall take appropriate alternative action that
159 ensures against a recurrence of the disruptive behavior and shall inform the faculty
160 member.
161

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