

ARTICLE \_

Academic Freedom and Responsibility

\_\_1 Policy. The parties of this Agreement recognize that academic freedom is essential to the University. 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.

\_\_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.

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

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

- 37 (2) Select instructional materials and define course content within general  
38 department guidelines.
- 39 (3) Determine grades. The grade a current faculty member has determined for a  
40 student's performance shall not be changed without the faculty member's  
41 consent, except by the current University academic appeals process.
- 42 (4) Freely engage in scholarly and creative activity, including activity related  
43 to politically controversial topics, and publish the results.
- 44 (b) Service. Service includes, but is not limited to, participation in governance  
45 processes of the University, which is a fundamental aspect of academic freedom.  
46 Faculty members shall have freedom to present ideas and discuss, frankly and in a  
47 forthright manner, academic policy, University governance, or other matters  
48 pertaining to the University.
- 49 (c) All rights provided in this Article shall extend to all bargaining unit members,  
50 regardless of whether their primary assignments include teaching and research.

51 .3 Academic Responsibility of the Faculty. Academic freedom is accompanied by  
52 corresponding faculty responsibilities. Academic responsibility implies the competent  
53 performance of duties and obligations and the commitment to support the responsible  
54 exercise of academic freedom by others. Members of the faculty have a responsibility to:

- 55 (a) Observe and uphold the ethical standards of their disciplines in the pursuit and  
56 communication of scientific and scholarly knowledge;
- 57 (b) Provide course-level instruction designed to achieve that course's student learning  
58 outcomes, support applicable program competencies, and, to the degree relevant,  
59 prepare students for subsequent courses in the applicable program's plan of study;
- 60 (c) Treat students, staff, and colleagues in a manner consistent with the provisions of  
61 the article on nondiscrimination;
- 62 (d) Respect the integrity of the evaluation process, including the privacy rights of  
63 students under law, and evaluate students, staff, and colleagues fairly according to  
64 the criteria and procedures specified in the evaluation process;
- 65 (e) Represent one self as a spokesperson for the University only when specifically  
66 authorized to do so;
- 67 (f) Participate, as appropriate, in the system of shared academic governance,  
68 especially at the department/unit level;
- 69 (g) Observe the published University regulations, providing regulations do not  
70 contravene the provisions of the Agreement, the faculty member's academic  
71 freedom, or the faculty member's right to criticize or seek revision of those duties,  
72 laws, regulations, policies, or procedures.
- 73 (h) Refrain from engaging in a pattern of behavior that disrupts or obstructs the  
74 orderly and effective functioning of the department, college, or University. This  
75 section shall not be construed or used to inhibit vigorous and tough-minded

76 academic disagreements which are a vital aspect of academic freedom or the right  
77 to free expression and thought, on or off campus. A pattern of disruptive or  
78 obstructive behavior must be demonstrated by timely documentation in the faculty  
79 member's evaluation file. Academic freedom is accompanied by corresponding  
80 responsibilities, including the duty to exercise appropriate restraint and to show  
81 appropriate respect for the right of others to hold differing opinions. Consequently,  
82 while academic disagreements are part of the orderly functioning of a university,  
83 appropriate constructive cooperation is also critical to the faculty member's  
84 effective performance as a member of the academy.

85 .4 Academic Responsibility of the Board and the University Administration. Academic  
86 freedom is accompanied by corresponding responsibilities of the Board and the  
87 University Administration. Academic responsibility implies the competent performance  
88 of duties and obligations and a commitment to actively foster within the University a  
89 climate favorable to the responsible exercise of academic freedom. Therefore, it is the  
90 responsibility of the Board and the University Administration to:

- 91 (a) Maintain, encourage, protect and promote the faculty's academic freedom so that  
92 it is not compromised by harassment, censorship, reprisals, or prohibited  
93 discrimination as defined in Article \_\_, Nondiscrimination.
- 94 (b) Ensure that the faculty's academic freedom, to include freedom of thought and  
95 expression as guaranteed under the First Amendment of the Constitution of the  
96 United States of America, is not stifled or compromised.
- 97 (c) Treat faculty members fairly, civilly, and in a manner consistent with the  
98 provisions of this regulation.
- 99 (d) Respect the integrity of the evaluation process, including the privacy rights under  
100 law, and evaluate faculty fairly and accurately according to the criteria and  
101 procedures specified in the evaluation process.
- 102 (e) Sustain principles of the system of shared governance, which recognizes that in  
103 the development of academic policies and processes the professional judgments of  
104 faculty members are of crucial importance.
- 105 (f) Observe the published University regulations, provided that the regulations do not  
106 contravene academic freedom, which includes the faculty member's right to  
107 responsibly criticize and seek revision of the regulations.
- 108 (g) Refrain from engaging in behavior that directly undermines academic freedom,  
109 and freedom of thought and expression as described in this regulation or otherwise  
110 disrupt or obstruct the orderly and effective functioning of the department, college,  
111 or University.
- 112 (h) Prohibit unauthorized persons from entering or interrupting a faculty member's  
113 classroom or laboratory, except with prior permission from the responsible faculty  
114 member or during legitimate emergencies. The University shall support the

115 authority of each faculty member to have unauthorized persons removed from the  
116 faculty member's classroom/laboratory. At the faculty member's request,  
117 University Administration shall take appropriate action to enforce this provision.

118 (i) Prohibit disruptive student behavior, including behavior that involves violence  
119 against faculty, staff or students, threat(s) of violence, instigation of violence,  
120 malicious vandalism, possession of weapons of any type, willful disregard of a  
121 faculty member's legitimate directions, continued use of abusive language or  
122 gestures, or other behavior that is so unruly, disruptive, harassing, or abusive that  
123 it seriously interferes with the faculty member's ability to effectively communicate  
124 with other students in the class or with the ability of the student's classmates to  
125 learn. The University shall support the authority of each faculty member to have  
126 disruptive persons removed from the faculty member's classroom/laboratory.

127 (1) Upon receiving a report of disruptive student behavior, the University shall  
128 act promptly to investigate and resolve the matter. Faculty may request that  
129 a disruptive student be barred from returning to the classroom. If the  
130 University declines such a request, the University shall take appropriate  
131 alternative action that ensures against a recurrence of the disruptive  
132 behavior and shall inform the faculty member.

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