

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

3 **5.1 Policy.**

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

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

17 **5.2 Academic Freedom.** Faculty members shall be free to discuss topics relevant to the
18 course’s subject matter in the classroom; to explore all avenues of scholarship, research,
19 and creative expression, and; except as described in section 5.3(b), to speak freely on all
20 matters of university governance without fear of University censorship, retaliation, or
21 discipline.

22 **(a) Teaching and Research/Creative Activities.**

23 (1) Faculty members ~~wil~~shall have the freedom to:

24 a. Present and discuss, frankly and forthrightly, academic subjects,
25 including controversial material relevant to the academic course
26 being taught.

27 b. Select instructional materials consistent with university regulations,
28 policies, and departmental standards. Define course content
29 consistent with established learning outcomes, department
30 guidelines, course schedules, and administratively determined
31 course delivery modalities. ~~Hold~~ consistent academic standards
32 regarding the student learning outcomes as set by the curriculum and
33 stated in the syllabus. In situations where there are multiple sections
34 of the same course, department faculty have the responsibility to
35 select a uniform text book as a group. In the event the department
36 faculty are unable to do so, or desire to utilize differing textbooks,
37 prior authorization from the Provost or designee is required. Special
38 topics classes are excluded from this requirement.

39 Determine grades. Grading standards must reflect ~~department~~ guidelines,
40 and must award substantially similar grades based on substantially similar

1 performance for multi-section courses. Consistent with the principle that the
2 faculty member should be the judge of a student’s performance in a course,
3 the grade a faculty member determines for a student’s performance shall not
4 be changed without the faculty member’s consent, except:

5 c. by the current University academic appeals process as laid out in
6 University Policy FPU-500714AP Student Grade Appeals,
7 approved by the Board of Trustees on February 16, 2015, or;

8 ~~1. as the result of an official investigation of the competent~~
9 ~~evidence by a fact finding panel of faculty members with~~
10 ~~expertise in the course material involved, the faculty~~
11 ~~member’s supervisor is able to establish that:~~

12 ~~(I) there was discrimination against a student in~~
13 ~~determining the grade or the grade was imposed~~
14 ~~without proper authority, or;~~

15 ~~(II) the faculty member’s assessment of the student’s~~
16 ~~performance was not supportable by an accepted~~
17 ~~pedagogical practice or was substantially~~
18 ~~inconsistent with the basis for evaluation that the~~
19 ~~faculty member specified for the course.~~

20 d. Freely engage in scholarly, research, and creative activity, and
21 publish the results.

22 (2) The university will

23 a. Maintain all university regulations, university policies,
24 departmental standards, and departmental guidelines in writing and
25 make them available to faculty members.

26 b. Inform faculty members in writing of any new or revised university
27 regulations, university policies, departmental standards, and
28 departmental guidelines applicable to this article.

29 c. Respect and adhere to the principles of shared governance in the
30 development of department standards and guidelines, meaning that
31 department standards and guidelines will be adopted only after
32 appropriate consultation with departmental faculty. Such
33 consultation will include a chance for all departmental faculty to
34 comment on any proposed department standard or guideline and
35 adoption of the standard or guideline by majority vote of
36 departmental faculty. Faculty will not suffer any negative
37 repercussions for not following a department guideline or standard
38 that has not been adopted through this process.

- 1 **(b)** Service. Service includes, but is not limited to, participation in governance
2 processes of the University, which is a fundamental aspect of academic freedom.
3 Faculty members shall have freedom to present ideas and discuss, frankly and in a
4 forthright manner, academic policy, University governance, or other matters
5 pertaining to the University.
- 6 **(c)** As to matters outside the area of the faculty member’s scholarly interest, the faculty
7 member has the right to enjoy the same freedoms as other individuals, including
8 political rights and privileges, without fear of institutional censorship or discipline.
- 9 **(d)** All rights and responsibilities provided in this Article shall extend to all bargaining
10 unit members, regardless of whether their primary assignments include teaching
11 and research.

12 **5.3 Academic Responsibility of Faculty Members.** Academic freedom is accompanied by
13 corresponding faculty responsibilities. Academic responsibility implies the competent
14 performance of academic duties and obligations and the commitment to support the
15 responsible exercise of academic freedom by others. Members of the faculty have a
16 responsibility to:

- 17 **(a)** Observe and uphold the commonly accepted ethical standards of the academy,
18 which includes being forthright and intellectually honest in the pursuit and
19 communication of scientific and scholarly knowledge as well as in their teaching
20 and service duties;
- 21 **(b)** Refrain from using the classroom to promote a personal, political, or other agenda
22 that is not related to the instructional activity of the class;
- 23 **(c)** Provide course-level instruction designed to achieve that course’s student learning
24 outcomes, support applicable program competencies, and, to the degree relevant,
25 prepare students for subsequent courses in the applicable program’s plan of study;
- 26 **(d)** Treat students, staff, and colleagues fairly and civilly in discharging one’s duties as
27 teacher, researcher, and intellectual mentor, in a manner consistent with the
28 provisions of this Agreement and University regulations and policy;
- 29 **(e)** Avoid any exploitation of other people for private advantage and treat them in a
30 manner consistent with the provisions of this Agreement and University regulations
31 and policy;
- 32 **(f)** Respect the integrity of the evaluation process, including the privacy rights of
33 students under law, and evaluate students, staff, and colleagues fairly according to
34 the criteria and procedures specified in the evaluation process;
- 35 **(g)** Represent one’s self as a spokesperson for the University only when specifically
36 authorized to do so;
- 37 **(h)** Participate, as appropriate, in the system of shared academic governance, especially
38 at the department/unit level;

1 (i) Observe the published University regulations, provided the regulations do not
2 contravene this Agreement, academic freedom, or the faculty member’s right to
3 criticize or seek revision of those duties, laws, regulations, policies, or procedures.

4 (f) Refrain from engaging in a pattern of behavior, or a single, egregious instance of
5 behavior, that disrupts or obstructs the orderly and effective functioning of the
6 department or University.

7 (1) -This section shall not be construed or used to inhibit vigorous and tough-
8 minded academic disagreements which are a vital aspect of academic
9 freedom or the right to free expression and thought, on or off campus.

10 (2) -The university will have the burden of proof in demonstrating aA pattern
11 of disruptive or obstructive behavior or must be supported by
12 documentation.

13 (1)(3) -Academic freedom is accompanied by corresponding responsibilities,
14 including the duty to exercise appropriate restraint and to show appropriate
15 respect for the right of others to hold differing opinions.

16 (2)(4) Consequently, while academic disagreements are part of the orderly
17 functioning of a university, appropriate constructive cooperation is also
18 critical to the faculty member’s effective performance as a member of the
19 academy.

20 (3) —The parties recognize there is a point beyond which behavior exceeds the
21 reasonable bounds of academic freedom, and becomes disruptive and
22 obstructive to the orderly and effective functioning of the institution. At that
23 point, the faculty member’s behavior is beyond the protection of academic
24 freedom.

25 5.4 **Academic Responsibility of the Board and the University Administration.** Academic
26 freedom is accompanied by corresponding responsibilities of the Board and the University
27 Administration. Academic responsibility implies the competent performance of duties and
28 obligations and a commitment to actively foster within the University a climate favorable
29 to the responsible exercise of academic freedom. Therefore, it is the responsibility of the
30 Board and the University Administration to:

31 (a) Maintain, encourage, protect and promote the faculty’s academic freedom so that
32 it is not compromised by harassment, censorship, reprisals, or prohibited
33 discrimination.

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

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

39 (d) Respect the integrity of the evaluation process, including the privacy rights under
40 law, and fairly evaluate faculty according to the criteria and procedures specified
41 in the evaluation process.

- 1 **(e)** Respect and adhere to the principles of shared governance.
- 2 **(f)** Observe the published University regulations, provided that the regulations do not
3 contravene academic freedom, which includes the faculty member’s right to
4 responsibly criticize and seek revision of the regulations.
- 5 **(g)** Refrain from engaging in behavior that directly undermines academic freedom and
6 freedom of thought and expression as described in this regulation, or otherwise
7 disrupts or obstructs the orderly and effective functioning of the department- or
8 University.
- 9 **(h)** Prohibit unauthorized persons from entering or interrupting a faculty member’s
10 classroom or laboratory, except with prior permission from the responsible faculty
11 member or during legitimate emergencies. The University shall support the
12 authority of each faculty member to have unauthorized persons removed from the
13 faculty member’s classroom/laboratory. This provision shall not apply to
14 administrators who are responsible for evaluating the faculty member. At the
15 faculty member’s request, University Administration shall take appropriate action
16 to enforce this provision.
- 17 **(i)** Prohibit disruptive behavior, including: (1) behavior that involves violence against
18 faculty, staff or students; (2) threat(s) or instigation of violence; (3) malicious
19 vandalism; (4) possession of weapons of any type; (5) willful disregard of
20 legitimate directions; (6) continued use of abusive language or gestures; (7) or other
21 behavior that is unruly, disruptive, harassing, or abusive so that it seriously
22 interferes with the faculty member’s ability to effectively communicate with other
23 students in the class or with the ability of the student’s classmates to learn, or with
24 the normal and orderly conducting of the University’s business.
- 25 **(1)** The University shall support the authority of each faculty member to have
26 disruptive persons removed from the faculty member’s
27 classroom/laboratory or the campus.
- 28 **(2)** Upon receiving a report of disruptive behavior, the University shall act
29 promptly to investigate and resolve the matter. Faculty may request that a
30 disruptive individual be barred from returning to the classroom. If the
31 University declines such a request, the University shall take appropriate
32 alternative action that ensures against a recurrence of the disruptive
33 behavior and shall inform the faculty member.
- 34 **(3)** A faculty member shall not be disciplined for taking reasonable action in
35 self-defense or in defense of others.