

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 ~~will~~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

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1 select a uniform text book as a group. In the event the department
2 faculty are unable to do so, or desire to utilize differing textbooks,
3 prior authorization from the Provost or designee is required. Special
4 topics classes are excluded from this requirement.

5 c. Determine grades.

6 1. Grading standards must reflect department guidelines, and
7 must award substantially similar grades based on
8 substantially similar performance for multi-section courses.

9 ~~1.2.~~ Consistent with the principle that the faculty member should
10 be the judge of a student’s performance in a course, the grade
11 a faculty member determines for a student’s performance
12 shall not be changed without the faculty member’s consent,
13 except by the current University academic appeals process
14 as ~~laid out~~ provided in University Policy FPU-500714AP
15 Student Grade Appeals, ~~approved by the Board of Trustees~~
16 ~~on February 16, 2015 or as described in Section 5.4(j).~~

17 e.d. Freely engage in scholarly, research, and creative activity, and
18 publish the results.

19 (2) The university ~~will~~shall

20 a. Maintain all university regulations, university policies,
21 departmental standards, and departmental guidelines in writing and
22 make them available to faculty members. [FPU-BOT1]

23 b. ~~Inform~~ Provide notice to faculty members in writing of any new or
24 revised university regulations, university policies, departmental
25 standards, and departmental guidelines applicable to this
26 article. [FPU-BOT2]

27 ~~e. Respect and adhere to the principles of shared governance in the~~
28 ~~development of department standards and guidelines, meaning that~~
29 ~~department standards and guidelines will be adopted only after~~
30 ~~appropriate consultation with departmental faculty. Such~~
31 ~~consultation will include a chance for all departmental faculty to~~
32 ~~comment on any proposed department standard or guideline and~~
33 ~~adoption of the standard or guideline by majority vote of~~
34 ~~departmental faculty. Faculty will not suffer any negative~~

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~~repercussions for not following a department guideline or standard that has not been adopted through this process.~~ [FPU-BOT3]

c.

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

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

- (a) Observe and uphold the commonly accepted ethical standards of the academy, which includes being forthright and intellectually honest in ~~the~~their professional capacity which includes but is not limited to pursuit and communication of scientific and scholarly knowledge as well as in their teaching and service duties;
- (b) Refrain from using the classroom or their position as a faculty member to promote a personal, ~~or~~ political, ~~or other~~ agenda ~~that,~~ or voice positions on issues of university governance where it is not related to the instructional activity of the ~~classcourse;~~ ;
- (c) Provide course-level instruction designed to achieve that course’s student learning outcomes, support applicable program competencies, and, to the degree relevant, prepare students for subsequent courses in the applicable program’s plan of study; act with integrity in the assignment of grades in all courses;
- (d) Treat students, staff, and colleagues fairly ~~and,~~ civilly, and honestly in discharging one’s duties as teacher, researcher, and intellectual mentor, in a manner consistent

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1 with the provisions of this Agreement and University regulations and policy;

2 (e) Avoid any exploitation of other people for private advantage and treat them in a
3 manner consistent with the provisions of this Agreement and University regulations
4 and policy;

5 (f) Respect the integrity of the evaluation process, including the privacy rights of
6 students under law, and evaluate students, staff, and colleagues fairly/honestly
7 according to the criteria and procedures specified in the evaluation process;

8 (g) Represent one’s self as a spokesperson for the University only when specifically
9 authorized to do so;

10 (h) Participate, as appropriate, in the system of shared academic governance, especially
11 at the department/unit level;

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

15 (j) Refrain from engaging in a pattern of behavior, or a single, egregious instance of
16 behavior, that disrupts or obstructs the orderly and effective functioning of the
17 department or University. Such behavior is not protected under Academic Freedom.

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

21 (2) The university will have the burden of proof in demonstrating a pattern of
22 disruptive or obstructive behavior.

23 (3) Academic freedom is accompanied by corresponding responsibilities,
24 including the duty to exercise appropriate restraint and to show appropriate
25 respect for the right of others to hold differing opinions.

26 (4) Consequently, while academic disagreements are part of the orderly
27 functioning of a university, appropriate constructive cooperation is also
28 critical to the faculty member’s effective performance as a member of the
29 academy.

30 **5.4 Academic Responsibility of the Board and the University Administration.** Academic
31 freedom is accompanied by corresponding responsibilities of the Board and the University
32 Administration. Academic responsibility implies the competent performance of duties and
33 obligations and a commitment to actively foster within the University a climate favorable
34 to the responsible exercise of academic freedom. Therefore, it is the responsibility of the

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1 Board and the University Administration to:

- 2 (a) Maintain, encourage, protect and promote the faculty’s academic freedom so that
3 it is not compromised by harassment, censorship, reprisals, or prohibited
4 discrimination.
- 5 (b) Ensure that the faculty’s academic freedom, to include freedom of thought and
6 expression as guaranteed under the First Amendment of the Constitution of the
7 United States of America, is not stifled or compromised.
- 8 (c) Treat faculty members, students, and staff in a manner consistent with the
9 provisions of this Agreement.
- 10 (d) Respect the integrity of the evaluation process, including the privacy rights under
11 law, and fairly evaluate faculty according to the criteria and procedures specified
12 in the evaluation process.
- 13 (e) Respect and adhere to the principles of shared governance.
- 14 (f) Observe the published University regulations, provided that the regulations do not
15 contravene academic freedom, which includes the faculty member’s right to
16 responsibly criticize and seek revision of the regulations.
- 17 (g) Refrain from engaging in behavior that directly undermines academic freedom and
18 freedom of thought and expression as described in this regulation, or otherwise
19 disrupts or obstructs the orderly and effective functioning of the department or
20 University.
- 21 (h) Prohibit unauthorized persons from entering or interrupting a faculty member’s
22 classroom or laboratory, except with prior permission from the responsible faculty
23 member or during legitimate emergencies. The University shall support the
24 authority of each faculty member to have unauthorized persons removed from the
25 faculty member’s classroom/laboratory. This provision shall not apply to
26 administrators who are responsible for evaluating the faculty member. At the
27 faculty member’s request, University Administration shall take appropriate action
28 to enforce this provision.
- 29 (i) Prohibit disruptive behavior, including: (1) behavior that involves violence against
30 faculty, staff or students; (2) threat(s) or instigation of violence; (3) malicious
31 vandalism; (4) possession of weapons of any type; (5) willful disregard of
32 legitimate directions; (6) continued use of abusive language or gestures; (7) or other
33 behavior that is unruly, disruptive, harassing, or abusive so that it seriously
34 interferes with the faculty member’s ability to effectively communicate with other

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1 students in the class or with the ability of the student’s classmates to learn, or with
2 the normal and orderly conducting of the University’s business.

3 (1) The University shall support the authority of each faculty member to have
4 disruptive persons removed from the faculty member’s
5 classroom/laboratory or the campus.

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

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

14 (j) In the rare instance in which a faculty member, without prior approval, fails to
15 submit student grades for a course after the grading deadline by two (2) days or
16 more and, the faculty member may be removed as the instructor of record.

17 (1) The circumstances of such removal will be considered by the Provost and
18 at least two (2) other Vice Provosts, who may authorize the Chair of the
19 faculty member's department to take such actions that are necessary and
20 appropriate to effectuate the submission of accurate and complete grades
21 that are required for student progression and/or graduation.

22 (3)(2) The faculty member will be immediately informed of this removal and
23 subject to discipline if appropriate.

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