

ARTICLE 5
ACADEMIC FREEDOM AND RESPONSIBILITY

5.1 Policy. ~~(a)~~ **The University depends upon freedom for its health and integrity.** ~~It is the policy of the~~ The Board and the UFF to shall maintain, and encourage, protect, and promote full academic freedom, which is rooted in a conception of the University as a community of scholars united in the pursuit of truth and wisdom in an atmosphere of tolerance and freedom.

~~(a) (1)~~ Academic freedom and responsibility are essential to the full development of a true university and apply to teaching, research/creative activities, professional, public, and university assigned service, and other assigned duties (including the activities set forth in Article 10). ~~Sections 10.4(d) and 10.4(e).~~

~~(b) (2)~~ An employee ~~engaged in such activities~~ shall be free to cultivate a spirit of inquiry and scholarly make inquiries, express opinions, examine ideas, and offer criticism and to examine ideas 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, and to speak, write, or act in an atmosphere of freedom and confidence, all without fear of censorship or reprisal.

~~(c)~~ **The Board recognizes that as to matters outside the area of the employee's scholarly interest, the employee has the right to enjoy the same freedoms as other individuals without institutional censorship or discipline.**

~~(b d)~~ In order to ensure an atmosphere of academic freedom and confidence, without fear of censorship or reprisal.

[Subparagraphs have been reordered from Proposal #1.]

~~(2 1)~~ The Board or its representatives shall not apply any provision in this agreement in such a way as to violate an employee's academic freedom or constitutional rights, including constitutionally protected freedom of expression; nor shall an employee be penalized for exercising such freedom or rights.

~~(2)~~ **The Board shall protect any employee against influences, from within or without the University, which would restrict the employee in the exercise of these freedoms; and**

~~(4 3)~~ Consistent with the exercise of academic responsibility as defined in section 5.3 below, expressive behavior within the scope of Sections 5.1 and 5.2 shall not be subject to disciplinary action. ~~and~~

5.2 Academic Freedom.

1 (a) Teaching and Research/Creative Activities. Consistent with the exercise of
2 academic responsibility as defined in section 5.3 below and recognizing that their primary
3 responsibility is to seek and state the truth as they see it, employees shall have freedom,
4 without fear of censorship or reprisal, to

5
6 (1) Present and discuss ~~their own~~ academic subjects, frankly and
7 forthrightly;

8
9 (2) Select instructional materials, define course content, and determine
10 grades ~~in accordance with university and Board policies~~. **The grade an**
11 **employee determines for a student's performance shall not be changed**
12 **without the employee's consent, except in accordance with specified**
13 **appeals procedures established by the Faculty Senate.** Objective and
14 skillful exposition of such subject matter, including the acknowledgment of
15 a variety of scholarly opinions, is the duty of every such employee. ; and

16
17 (3) Present controversial material relevant to the course of instruction; and

18
19 (4) Freely engage in scholarly and creative activity and publish the results.
20 Employees shall also be free to engage in scholarly and creative activity and
21 publish the results in a manner consistent with their professional obligations.
22

23 **[Subparagraphs have been reordered from Proposal #1.]**

24 (b) Service. ~~(3)~~ Employees, as **individuals, have the same freedoms and**
25 **responsibilities as other individuals, including political rights and privileges, without**
26 **institutional censorship or discipline. ~~citizens, are free to engage in political and~~**
27 **professional activities. Where necessary,** Leaves of absence shall be given for the duration of
28 an election campaign or a term of office, or fulfillment of other professional obligations.
29

30 (1 c) Service includes, but is not limited to, participation in governance processes
31 of the University. Employee participation in shared governance is a fundamental aspect of
32 academic freedom. (2) Consistent with the exercise of academic responsibility as defined
33 in Section 5.3 below, employees shall have freedom to present and discuss academic
34 policy, university governance, and other matters pertaining to the health of the university,
35 frankly and forthrightly, without fear of censorship or reprisal.
36

37 (e d) ~~Other Assigned Duties.~~ The rights provided in this article shall **fully extend to**
38 **all employees other assigned duties, including ~~those of~~ librarians, coordinators, counselors,**
39 **advisors, physicians, physician assistants, and others whose primary responsibilities are other**
40 **than teaching and research.**
41

42 **[The language from sections 5.3 and 5.4 has been combined into one section]**

43 5.3 Academic Responsibility of ~~the Employee~~ Employees. Academic freedom is
44 accompanied by the corresponding employee responsibility, arising from the nature of the
45 educational process [moved from current 5.4], to
46

1 ~~(a) Be forthright and honest~~ Observe and uphold the ethical standards of their
2 disciplines [moved from current 5.4] in the pursuit and communication of scientific and
3 scholarly knowledge;

4
5 (b) Adhere to their proper roles as teachers, researchers, intellectual mentors, or
6 counselors; [moved from current 5.4]

7
8 ~~(b c)~~ Respect students, staff, and colleagues as individuals; treat them in a collegial
9 manner; and Treat students, staff and colleagues in a manner consistent with the
10 provisions of Sections 5.1 and 5.2 and Article 6, Nondiscrimination; and (d) avoid any
11 exploitation of such persons ~~students, staff, or colleagues~~ for private advantage;

12
13 ~~(e) (d)~~ Respect the integrity of the evaluation process, with regard to by
14 evaluating students, staff, and colleagues , so that it reflects their true merit fairly
15 according to the criteria the evaluation process specifies;

16
17 ~~(d) Indicate when appropriate that one is not an institutional representative unless~~
18 ~~specifically authorized as such; and~~

19
20 **[Proposed Section 5.3(f) is moved to proposed Section 5.5(a).]**

21 ~~**(f) Participate, as appropriate, in the system of shared governance; [moved**~~
22 ~~**from current 5.4]**~~

23
24 ~~(e) (g) (e)~~ Contribute to the orderly and effective functioning of the employee's
25 their academic unit (program, department, school, and/or college) and/or the university,
26 provided that this subsection is not applied so as to deprive employees of any rights set
27 forth elsewhere in this Agreement; and

28
29 ~~(h) (f)~~ Observe the stated regulations of the University, provided they do not
30 contravene academic freedom or provisions of this collective bargaining agreement; employees
31 nonetheless maintain the right to criticize and seek revision of those regulations.

32
33 **[Current 5.4 has been moved, in separate sections, into Section 5.3 above]**

34 ~~5.4 In addition to their assigned duties, employees have responsibilities arising from the nature~~
35 ~~of the educational process. Such responsibilities include, but are not limited to, observing and~~
36 ~~upholding the ethical standards of their discipline; participating, as appropriate, in the shared~~
37 ~~system of collegial governance, especially at the department/unit level; respecting the~~
38 ~~confidential nature of the relationship between professor and student; adhering to one's proper~~
39 ~~role as teacher, researcher, intellectual mentor, and counselor; and conducting oneself in a~~
40 ~~collegial manner in all interactions.~~

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42 5.4 Academic Responsibility of the Board. The University depends upon freedom for its
43 health and integrity. As Sections 5.1 and 5.2 indicate, the Board has the responsibility to
44 support the employee's primary responsibility to seek and state the truth as they see it.
45 Therefore, the freedoms and responsibilities of ~~the employee employees~~ create a
46 corresponding responsibility in the Board to:

1 (a) Sustain and defend academic freedom within the University, ~~an obligation~~
2 ~~which includes but is not limited to~~ taking positive actions to ensure that academic
3 freedom is not compromised by:

4
5 (1) harassment, reprisals, or employment decisions based on those factors
6 set forth in Article 6; or

7
8 (2) unequal working conditions or differential treatment based on those
9 factors set forth in Article 6; or

10
11 (3) the evaluation process.

12
13 (b) Defend and explain academic freedom to anyone who may misunderstand its
14 function or seek to limit its scope;

15
16 **(c) Avoid any exploitation of employees for private advantage;**

17
18 ~~(e)~~ **(d) Prohibit unauthorized classroom visits and interruptions:**

19
20 (1) Persons who are not authorized students, authorized instructional staff,
21 or authorized officials of the University shall not be permitted to enter
22 employee classrooms or laboratories during instructional time, except with
23 prior permission from the **responsible** employee or during legitimate
24 emergencies;

25
26 (2) Except during legitimate emergencies, classroom or laboratory visits by
27 persons other than enrolled students or authorized instructional staff shall be
28 scheduled by the **responsible** employee or through the **department**
29 **appropriate** office with the **responsible** employee's consent. Consent for
30 scheduling appropriate visits shall not be unreasonably denied; and

31
32 (3) At the employee's request, University police shall remove unauthorized
33 persons from ~~an~~ the employee's classroom/laboratory.

34 35 **5.5 Shared Governance.**

36
37 **(a) Policy. The Board and the UFF recognize the necessity of a system of**
38 **shared governance for faculty and professional employees in areas of academic**
39 **concern. The system of shared governance shall be maintained and strengthened so**
40 **that employees will have a mechanism and procedure, independent of the collective**
41 **bargaining process, for participating in academic policy decisions. It is part of the**
42 **academic responsibility of employees to participate, as appropriate, in the system of**
43 **shared governance, especially at the department level.**

44
45 **(1) The Board and the UFF recognize that elected bodies are the**
46 **primary vehicle for a strong system of shared governance. At all**

1 **organizational levels, elected employee representatives shall serve on the**
2 **committees that formulate and implement policies.**

3
4 **(2) Employees shall have the right and responsibility to consider matters**
5 **affecting the University. The Board shall notify employees of any**
6 **impending action affecting the employees, and elected employee**
7 **representatives shall be given sufficient opportunity to provide aid,**
8 **advice, and counsel to the Board and its representatives prior to the**
9 **Board's debate and final action on such matters.**

10
11 **(3) In a system of shared governance, departments or other traditional**
12 **governance structures shall have an active and significant role in**
13 **academic matters.**

14
15 **(4) The Board vests in the faculties of the colleges and departments the**
16 **power to make their own constitutions and bylaws, by which to conduct**
17 **their respective governance responsibilities.**

18
19 **(5) Employees shall be included in the process of recruitment, hiring,**
20 **and selection or reappointment of administrators at all levels.**

21
22 **(6) No reprisal of any kind shall be made by the Board or its**
23 **representatives against any employee based on that employee's**
24 **participation in the system of shared governance. Any damage to an**
25 **employee as a consequence of such reprisals shall be repaired.**

26
27 **(b) Shared Responsibility in College and Department Governance.**

28
29 **(1) The employees of each department/unit shall establish bylaws, and**
30 **governance in the departments/units shall be conducted in accordance**
31 **with their respective bylaws.**

32
33 **(2) The bylaws of each department/unit shall be established by a**
34 **majority vote of the employees in the department/unit. A copy of such**
35 **bylaws shall be filed with the appropriate academic administrators and**
36 **posted on the department/unit web sites.**

37
38 **(3) The bylaws of each department/unit shall include procedures for**
39 **employees to share significantly in governance responsibilities,**
40 **including but not limited to, the recruitment of new faculty and**
41 **professional employees; the development of high quality programs;**
42 **program review; department/unit review; department/unit**
43 **reorganization; the development of criteria for tenure, promotion, and**
44 **merit salary increases; selection of chairs of departments and certain**
45 **other academic administrators; and other matters of professional**
46 **concern.**

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(4) The bylaws of each department/unit shall include a procedure for amendment, and a procedure that guarantees periodic review by the employees in the department/unit.

(5) The employees of each college, department, or program shall be provided sufficient opportunity to advise and aid appropriate administrators on matters affecting the unit and the University. The appropriate administrators shall seek the advice of affected employees prior to any action regarding them.