

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. Faculty members shall have the  
23 freedom to:

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

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

38 **(3)** Determine grades. Grading standards must reflect general department  
39 guidelines, and must ~~award~~ be substantially similar grades based on  
40 substantially similar performance for multi-section courses. Consistent with  
41 the principle that the ~~The grade a current~~ faculty member should be the

1 judge of a student’s performance in a course, the grade a faculty member  
2 determines~~has determined~~ for a student’s performance shall not be changed  
3 without the ~~full-time~~ faculty member’s consent, except: ~~by the current~~  
4 ~~University academic appeals process.~~

5 a. by the current University academic appeals process, or;

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

10 1. there was discrimination against a student in determining the  
11 grade or the grade was imposed without proper authority, or;

12 2. the faculty member’s assessment of the student’s  
13 performance was not supportable by an accepted  
14 pedagogical practice or was substantially inconsistent with  
15 the basis for evaluation that the faculty member specified for  
16 the course.

17 (4) Freely engage in scholarly, research, and creative activity, and publish the  
18 results.

19 (b) Service. Service includes, but is not limited to, participation in governance  
20 processes of the University, which is a fundamental aspect of academic freedom.  
21 Faculty members shall have freedom to present ideas and discuss, frankly and in a  
22 forthright manner, academic policy, University governance, or other matters  
23 pertaining to the University.

24 (c) As to matters outside the area of the faculty member’s scholarly interest, the faculty  
25 member has the right to enjoy the same freedoms as other individuals, including  
26 political rights and privileges, without fear of institutional censorship or discipline.

27 (d) All rights and responsibilities provided in this Article shall extend to all bargaining  
28 unit members, regardless of whether their primary assignments include teaching  
29 and research.

30 **5.3 Academic Responsibility of Faculty Members.** Academic freedom is accompanied by  
31 corresponding faculty responsibilities. Academic responsibility implies the competent  
32 performance of academic duties and obligations and the commitment to support the  
33 responsible exercise of academic freedom by others. Members of the faculty have a  
34 responsibility to:

35 (a) Observe and uphold the commonly accepted ethical standards of the academy,  
36 which includes being forthright and intellectually honest in the pursuit and  
37 communication of scientific and scholarly knowledge as well as in their teaching  
38 and service duties;

39 (b) Refrain from using the classroom to promote a personal, political, or other agenda

1 that is not related to the instructional activity of the class;

2 (c) Provide course-level instruction designed to achieve that course’s student learning  
3 outcomes, support applicable program competencies, and, to the degree relevant,  
4 prepare students for subsequent courses in the applicable program’s plan of study;

5 (d) Treat students, staff, and colleagues fairly and civilly in discharging one’s duties as  
6 teacher, researcher, and intellectual mentor, in a manner consistent with the  
7 provisions of this Agreement and University regulations and policy;

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

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

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

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

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

21 (j) Refrain from engaging in a pattern of behavior, or a single, egregious instance of  
22 behavior, that disrupts or obstructs the orderly and effective functioning of the  
23 department, ~~college~~, or University.

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

27 (2) -A pattern of disruptive or obstructive behavior must be supported by  
28 documentation.

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

32 ~~(j)~~(4) Consequently, while academic disagreements are part of the orderly  
33 functioning of a university, appropriate constructive cooperation is also  
34 critical to the faculty member’s effective performance as a member of the  
35 academy.

36 (5) The parties recognize there is a point beyond which behavior exceeds the  
37 reasonable bounds of academic freedom, and becomes disruptive and  
38 obstructive to the orderly and effective functioning of the institution. At that  
39 point, the faculty member’s behavior is beyond the protection of academic  
40 freedom.

1 **5.4 Academic Responsibility of the Board and the University Administration.** Academic  
2 freedom is accompanied by corresponding responsibilities of the Board and the University  
3 Administration. Academic responsibility implies the competent performance of duties and  
4 obligations and a commitment to actively foster within the University a climate favorable  
5 to the responsible exercise of academic freedom. Therefore, it is the responsibility of the  
6 Board and the University Administration to:

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

1 the normal and orderly conducting of the University's business.

2 ~~(1)~~(1) -The University shall support the authority of each faculty member to have  
3 disruptive persons removed from the faculty member's  
4 classroom/laboratory or the campus.

5 ~~(2)~~(2) Upon receiving a report of disruptive behavior, the University shall act  
6 promptly to investigate and resolve the matter. Faculty may request that a  
7 disruptive individual be barred from returning to the classroom. If the  
8 University declines such a request, the University shall take appropriate  
9 alternative action that ensures against a recurrence of the disruptive  
10 behavior and shall inform the faculty member.

11 ~~(3)~~(3) A faculty member shall not be disciplined for taking reasonable action in  
12 self-defense or in defense of others.