

ARTICLE 10
ACADEMIC FREEDOM

WHAT CHANGES ARE PROPOSED

- Replaces “academic governance” with “shared governance.”
- Removes clauses referencing disciplinary behavior.

WHY THE CHANGES ARE IMPORTANT

- Clarifies references to shared governance (versus “academic governance”);
- Aligns terminology with conventional usage;
- Aligns academic freedom standard with standards found at other Florida universities (e.g., FSU, UF, UCF, USF, FAU, FIU, UWF, etc.);
- Reserves disciplinary assessments for Article 30 (Disciplinary Action and Job Abandonment);
- Encourages participation in shared governance;
- Averts potential conflict with academic freedom rights.

1
2 **ARTICLE 10**

ACADEMIC FREEDOM AND RESPONSIBILITY

3 10.1 Policy. The University Administration and the UFF shall fully maintain, encourage, and
4 protect academic freedom. "Academic" in this context means all matters relating to the
5 academy.

6 (a) Academic freedom and responsibility are essential to the University and apply to
7 teaching, research/creative activities, and professional, public, and University
8 service. The University Administration and the UFF also affirm that academic
9 freedom is accompanied by corresponding faculty and Administration
10 responsibilities, arising from the nature of the educational process.

11 (b) In order to ensure within the University an atmosphere of academic freedom,

12 (1) Neither the University Administration nor its representatives shall apply
13 any provision in this Agreement in such a way as to violate any faculty
14 member's academic freedom or to penalize a faculty member for the
15 legitimate exercise of academic freedom.

16 (2) The University Administration shall protect members of the faculty
17 against infringement of their academic freedom.

18 10.2 Academic Freedom. Faculty members shall be free to discuss all relevant matters in the
19 classroom, to explore all avenues of scholarship, research, and creative expression, to speak
20 freely on all matters of university governance without fear of University censorship, retaliation,
21 or discipline.

22 (a) Teaching and Research/Creative Activity. Faculty members shall have the
23 freedom to

24 (1) Present and discuss academic subjects relevant to the course of instruction,
25 including controversial material, frankly and in a forthright manner.

26 (2) Select instructional materials and define course content (unless the
27 affected department faculty decide to make group decisions), and
28 determine grades. The grade a current faculty member has determined for
29 a student's performance shall not be changed without the faculty
30 member's consent, except through the following appeal process:

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- 31 a. A student requesting a grade change must initiate an appeal to the
32 faculty member. If the faculty member approves the grade change
33 request, the faculty member shall provide a change of grade to
34 Enrollment Services Processing.
- 35 b. If the faculty member declines to change the student's grade
36 the student may continue the appeal process by appealing to the
37 department chairperson. The department chairperson may consult with
38 the faculty member concerning the requested grade change but the
39 department chairperson has no authority to change the grade without
40 the faculty member's concurrence.
- 41 c. If the appeal to the department chairperson does not result in a
42 change to the student's grade, the student may continue the appeal
43 process by appealing to the Dean of the college. The Dean may
44 consult with the faculty member regarding the requested grade
45 change but the Dean has no authority to change the grade without
46 the faculty member's concurrence.
- 47 d. If the requested grade change is not made by the faculty member
48 following the student's appeal to the department chairperson and
49 the Dean of the college, the student may continue the appeal
50 process by submitting an appeal, in writing or electronically, to the
51 University Academic Appeals Committee through the Office of the
52 Vice President for Academic Affairs.
- 53 e. When a student submits an appeal for a grade change to the
54 University Academic Appeals Committee, the majority of the
55 Committee which considers the appeal shall be composed of
56 in-unit faculty, and no case shall be heard without five (5) voting
57 members, the majority of whom shall be in-unit faculty. Time
58 limits for the appeals process shall be established by University
59 policy. The Chairperson of the Committee will send the date, time,
60 location, and procedures of the hearing to the student, faculty
61 member, department chairperson, and Dean of the college at least
62 ten (10) calendar days in advance of the hearing. Once a hearing
63 date is scheduled and communicated, it may not be rescheduled by
64 any involved party unless there is a documented emergency. If
65 either the student or the faculty member should be unavailable or
66 fail to appear at the scheduled hearing, the hearing may proceed in
67 his or her absence. A hearing must be rescheduled if the
68 Committee fails to reach a quorum. The Committee shall make a

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69 recommended decision to the Provost who shall issue a decision on
70 the student's appeal.

71 f. The Provost's decision can be appealed to the President by either
72 the student or the faculty member. The President shall make the
73 final decision on a student's appeal for a grade change.

74 (3) Freely engage in scholarly and creative activity and publish the results.

75 (b) Service. Service includes, but is not limited to, participation in the governance
76 processes of the University, which is a fundamental aspect of academic freedom.
77 Faculty shall have freedom to present ideas and discuss, frankly and in a
78 forthright manner, academic policy, University governance, or other matters
79 pertaining to the University.

80 10.3 Academic Responsibility of Faculty Members. Academic freedom is accompanied by
81 corresponding faculty responsibilities. Academic responsibility implies the competent
82 performance of academic duties and obligations, the responsible exercise of academic freedom,
83 and the commitment to support the responsible exercise of academic freedom by others.
84 Members of the faculty are expected to:

85 (a) Observe and uphold the commonly accepted ethical standards of the academy,
86 which includes being forthright and intellectually honest in the pursuit and
87 communication of scientific and scholarly knowledge;

88 (b) Treat students, staff, and colleagues in a civil manner consistent with the
89 provisions of this article and the article on nondiscrimination;

90 (c) Respect the integrity of the evaluation process, including the privacy rights of
91 students under law; and evaluate students, staff, and colleagues fairly according to
92 the criteria and procedures specified in the evaluation process;

93 (d) Represent oneself as a spokesperson for the University only when specifically
94 authorized to do so;

95 (e) Participate, as appropriate, in the system of ~~academic~~ shared governance,
96 especially at the department/unit level.

97 (f) Observe the published rules and regulations of the University, provided the rules
98 and regulations do not contravene academic freedom, which includes the faculty
99 member's right to responsibly criticize and seek revision of those rules and
100 regulations; ~~and~~

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101 (g) Refrain from engaging in either a pattern of behavior or a single, egregious
102 instance of behavior that disrupts or obstructs the orderly and effective
103 functioning of the department, college, or University.⁺

104 10.4 Academic Responsibility of the Board and the University Administration. Academic
105 freedom is accompanied by corresponding responsibilities of the Board and the University
106 Administration. Academic responsibility implies a commitment to actively foster within the
107 University a climate favorable to the responsible exercise of academic freedom. Therefore, it is
108 the responsibility of the Board and the University Administration to:

- 109 (a) Ensure that academic freedom is not stifled or compromised;
- 110 (b) Treat students, staff, and faculty members in a civil manner consistent with the
111 provisions of this article and the article on nondiscrimination;
- 112 (c) Respect the integrity of the evaluation process, including the privacy rights under
113 law of the students, faculty members, and staff; and evaluate students, faculty
114 members, and staff fairly according to the criteria and procedures specified in the
115 evaluation process;
- 116 (d) Prohibit unauthorized persons from entering or interrupting a faculty member's
117 classroom or laboratory, except with prior permission from the responsible faculty
118 member, or during legitimate emergencies. This exclusion shall not apply to
119 administrators who are responsible for evaluating the faculty member and who
120 have followed the provisions of the Evaluation article. At the faculty member's
121 request, University Administration shall take appropriate action to enforce this
122 subsection;
- 123 (e) Respect and adhere to the principles of shared academic governance;

124 ⁺~~This section shall not be construed or used to inhibit vigorous and tough-minded academic disagreements which~~
125 ~~are a vital aspect of academic freedom. Disruptive or obstructive behavior must be demonstrated by timely~~
126 ~~documentation in the faculty member's evaluation file. The University Administration and the UFF recognize that~~
127 ~~academic freedom is accompanied by corresponding responsibilities, including the duty to exercise appropriate~~
128 ~~restraint and to show appropriate respect for the right of others to hold differing opinions. Consequently, while~~
129 ~~academic disagreements are part of the orderly functioning of a university, appropriate constructive cooperation is~~
130 ~~also critical to the faculty member's effective performance as a member of the academy. The parties recognize that~~
131 ~~there is a point beyond which behavior exceeds may exceed the reasonable bounds of academic freedom, and~~
132 ~~becomes unduly disruptive and obstructive to the orderly and effective functioning of the institution. At that point,~~
133 ~~the faculty member's behavior is may be beyond the protection of academic freedom.~~

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- 134 (f) Observe the published rules and regulations of the University, provided that the
135 rules and regulations do not contravene academic freedom, which includes the
136 faculty member's right to responsibly criticize and seek revision of those rules
137 and regulations; and
- 138 (g) Refrain from engaging in behavior that directly undermines academic freedom as
139 described in this article or otherwise disrupts or obstructs the orderly and effective
140 functioning of the department, college, or University.