

ARTICLE 10
ACADEMIC FREEDOM AND RESPONSIBILITY

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

- (a) Academic freedom and responsibility are essential to the University and apply to teaching, research/creative activities, and professional, public, and University service. The University Administration and the UFF also affirm that academic freedom is accompanied by corresponding faculty and Administration responsibilities, arising from the nature of the educational process.
- (b) In order to ensure within the University an atmosphere of academic freedom,
 - (1) Neither the University Administration nor its representatives shall apply any provision in this Agreement in such a way as to violate any faculty member’s academic freedom or to penalize a faculty member for the legitimate exercise of academic freedom.
 - (2) The University Administration shall protect members of the faculty against infringement of their academic freedom.

10.2 Academic Freedom. Faculty members shall be free to 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 without fear of University censorship, retaliation, or discipline.

- (a) Teaching and Research/Creative Activity. Faculty members shall have the freedom to
 - (1) Present and discuss academic subjects relevant to the course of instruction, including controversial material, frankly and in a forthright manner.
 - (2) Select instructional materials and define course content (unless the affected department faculty decide to make group decisions), and determine grades. The grade a current faculty member has determined for a student’s performance shall not be changed without the faculty member’s consent, except through the following appeal process:
 - a. A student requesting a grade change must initiate an appeal to the faculty member. If the faculty member approves the grade change request, the faculty member shall provide a change of grade to Enrollment Services Processing.

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- b. If the faculty member declines to change the student's grade the student may continue the appeal process by appealing to the department chairperson. The department chairperson may consult with the faculty member concerning the requested grade change but the department chairperson has no authority to change the grade without the faculty member's concurrence.
- c. If the appeal to the department chairperson does not result in a change to the student's grade, the student may continue the appeal process by appealing to the Dean of the college. The Dean may consult with the faculty member regarding the requested grade change but the Dean has no authority to change the grade without the faculty member's concurrence.
- d. If the requested grade change is not made by the faculty member following the student's appeal to the department chairperson and the Dean of the college, the student may continue the appeal process by submitting an appeal, in writing or electronically, to the University Academic Appeals Committee through the Office of the Vice President for Academic Affairs.
- e. When a student submits an appeal for a grade change to the University Academic Appeals Committee, the majority of the Committee which considers the appeal shall be composed of in-unit faculty, and no case shall be heard without five (5) voting members, the majority of whom shall be in-unit faculty. Time limits for the appeals process shall be established by University policy. The Chairperson of the Committee will send the date, time, location, and procedures of the hearing to the student, faculty member, department chairperson, and Dean of the college at least ten (10) calendar days in advance of the hearing. Once a hearing date is scheduled and communicated, it may not be rescheduled by any involved party unless there is a documented emergency. If either the student or the faculty member should be unavailable or fail to appear at the scheduled hearing, the hearing may proceed in his or her absence. A hearing must be rescheduled if the Committee fails to reach a quorum. The Committee shall make a recommended decision to the Provost who shall issue a decision on the student's appeal.
- f. The Provost's decision can be appealed to the President by either the student or the faculty member. The President shall

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make the final decision on a student's appeal for a grade change.

- (3) Freely engage in scholarly and creative activity and publish the results.
- (b) Service. Service includes, but is not limited to, participation in the governance processes of the University, which is a fundamental aspect of academic freedom. Faculty 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.

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

- (a) Observe and uphold the commonly accepted ethical standards of the academy, which includes being forthright and intellectually honest in the pursuit and communication of scientific and scholarly knowledge;
- (b) Treat students, staff, and colleagues in a civil manner consistent with the provisions of this article and the article on nondiscrimination;
- (c) Respect the integrity of the evaluation process, including the privacy rights of students under law; and evaluate students, staff, and colleagues fairly according to the criteria and procedures specified in the evaluation process;
- (d) Represent oneself as a spokesperson for the University only when specifically authorized to do so;
- (e) Participate, as appropriate, in the system of academic governance, especially at the department/unit level.
- (f) Observe the published rules and regulations of the University, provided the rules and regulations do not contravene academic freedom, which includes the faculty member's right to responsibly criticize and seek revision of those rules and regulations; and
- (g) Refrain from engaging in either a pattern of behavior or a single, egregious instance of behavior that disrupts or obstructs the orderly and effective functioning of the department, college, or University.¹

¹ This section shall not be construed or used to inhibit vigorous and tough-minded academic disagreements which are a vital aspect of academic freedom. Disruptive or obstructive behavior must be demonstrated by timely documentation in the faculty member's evaluation file. The University Administration and the UFF recognize that academic freedom is accompanied by corresponding responsibilities, including the duty to exercise appropriate

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

- (a) Ensure that academic freedom is not stifled or compromised;
- (b) Treat students, staff, and faculty members in a civil manner consistent with the provisions of this article and the article on nondiscrimination;
- (c) Respect the integrity of the evaluation process, including the privacy rights under law of the students, faculty members, and staff; and evaluate students, faculty members, and staff fairly according to the criteria and procedures specified in the evaluation process;
- (d) Prohibit unauthorized persons from entering or interrupting a faculty member's classroom or laboratory, except with prior permission from the responsible faculty member, or during legitimate emergencies. This exclusion shall not apply to administrators who are responsible for evaluating the faculty member and who have followed the provisions of the Evaluation article. At the faculty member's request, University Administration shall take appropriate action to enforce this subsection;
- (e) Respect and adhere to the principles of academic governance;
- (f) Observe the published rules and regulations of the University, provided that the rules and regulations do not contravene academic freedom, which includes the faculty member's right to responsibly criticize and seek revision of those rules and regulations; and
- (g) Refrain from engaging in behavior that directly undermines academic freedom as described in this article or otherwise disrupts or obstructs the orderly and effective functioning of the department, college, or University.

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restraint and to show appropriate respect for the right of others to hold differing opinions. Consequently, while academic disagreements are part of the orderly functioning of a university, appropriate constructive cooperation is also critical to the faculty member's effective performance as a member of the academy. The parties recognize that there is a point beyond which behavior exceeds the reasonable bounds of academic freedom, and becomes disruptive and obstructive to the orderly and effective functioning of the institution. At that point, the faculty member's behavior is beyond the protection of academic freedom.

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