

FGC Resolution 23/24-08 - To Revise *Faculty Manual* References to Academic Freedom

The Faculty Governance Committee moves that the *Faculty Manual* be revised to reflect the following changes:

*NOTE: The following contains Faculty Manual references to Academic Freedom. We ~~struck through~~ the sections that we recommend to be deleted and **highlighted our proposed additions in red**.*

Section 1 – The Faculty Manual

I. Purpose and Distribution

... The policies and procedures in this *Faculty Manual* are designed to provide for respectful treatment of faculty, protection of academic freedom and the effective and efficient operation of the college as an institution.

Section 4 – Faculty Personnel Policies and Procedures

I. General Principles

B. Academic Freedom

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. All members of the St. Olaf faculty, **tenured, tenure-track, and non-tenured**, shall have full academic freedom. St. Olaf College supports the general principles of academic freedom enunciated in the AAUP Statement (1940) of Principles of Academic Freedom and Tenure, **which continues to be the most widely accepted account of academic freedom at universities and colleges throughout the United States.**

We define academic freedom as the freedom of teachers or researchers in higher education to investigate and discuss the issues in their academic fields, and to teach or publish findings or disseminate creative works without interference from political figures, the Board of Regents, donors, administrators, students, faculty or other entities. Academic freedom also protects the right of a faculty member to speak freely when participating in institutional governance, as well as to speak freely as a citizen.

Academic freedom has four interrelated elements:

- Teaching: freedom to discuss all relevant matters in the classroom;**

- Research: freedom to explore all avenues of scholarship, research, and creative expression and to publish the results of such work;
- Intramural speech: freedom from institutional censorship or discipline when speaking or writing as participants in the governance of the College; and
- Extramural speech: freedom from institutional censorship or discipline when speaking or writing as citizens.

Academic freedom is essential to ~~these purposes~~ our mission of promoting the common good through free inquiry and free exposition and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in teaching is fundamental for the protection of the rights of the teacher and of the student for freedom in learning. It carries duties correlative with its rights.

~~1-~~It is the duty of the institution to recognize the right and full exercise of academic freedom on the part of its members, and to foster conditions under which academic freedom can flourish. The College shall neither censor nor discipline faculty members for exercising their academic freedom.

~~2-1.~~ Faculty Teachers are entitled to freedom in teaching the classroom in discussing their subjects. At St Olaf College, freedom in teaching not only includes freedom to discuss subject matter according to recognized standards of one's academic fields, but also to choose topics, readings, assignments, activities, and visiting speakers without interference or discipline from the College.

~~3-2.~~ Faculty members are entitled to full freedom in research or artistic expression and in the publication of the results, subject to the adequate performance of their other academic duties, the requirements of law, and the recognized standards of their profession. Research for pecuniary return shall be based upon an understanding with the authorities of the institution. See Section 4.I.D (Faculty Employment Outside the College).

~~4-3.~~ Faculty are entitled to freedom of intramural speech. Academic freedom and faculty governance are inextricably linked. In order to participate effectively in governance, faculty members must be free to speak truthfully and factually, and in order to protect academic freedom and academic quality at the institution, faculty must participate in governance.

~~4-4.~~ Faculty are entitled to freedom in extramural speech. College teachers are citizens, members of a learned profession, and members of a particular educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their

~~special position in the community imposes special obligations. As a member of a learned profession and a particular college, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the college.~~ When faculty communicate in their role as private citizens on matters of public interest, whether through verbal or nonverbal speech acts, they shall be free from institutional censorship or discipline. In doing so, they speak as individuals and should take care neither to imply nor to assume that they speak on behalf of the College. (An explanation of responsibilities which accompany these rights appears in Section 4.I.C.1.)

If faculty members believe they have been censored or disciplined for actions that are protected by academic freedom, they have the right to seek redress under grievance procedures in Section 4.X (Grievance Procedure). If they believe that they have been denied tenure or promotion, non-renewed, or terminated for actions protected by academic freedom they have the right to appeal their case before the Faculty Review Committee under the appeals procedures in Section 4.XI (Appeals Procedure).

C. Faculty Ethics

Faculty members recognize their ethical responsibility to their subjects, their students, their professional colleagues, St. Olaf College, and the wider community. Guided by a deep conviction of the worth and dignity of their service to the advancement of knowledge, they recognize the special responsibilities placed upon them. They accept the obligation to exercise critical self-discipline and judgment in gathering information, in using it, and in transmitting it. Their ethical responsibilities are exercised within a college community in which relationships must be based upon mutual trust and consideration for all members within that community.

1. Faculty Responsibilities

A venerable tradition supports the idea of a statement in which a profession defines its highest ideals of conduct. This statement testifies

to the academic profession's insistence on essential self-government and its acceptance of the responsibilities which accompany this right.

The responsibility of faculty members to their subjects is to seek and to state the truth in those subjects as they see it. To this end, they devote their energies to developing and improving their scholarly competence. They practice intellectual honesty. They avoid conflicts of interest that may restrict their freedom of inquiry and teaching.

The responsibility of faculty members to their students is to teach according to the best scholarly standards of their disciplines. By rigorous self-scrutiny, by fairness and courtesy, and by attention to the details of their professional conduct, they strive for a department that will invite respect for themselves and for their profession. In their teaching, they maintain an atmosphere of free and unhampered inquiry, and they encourage independence and originality of thought. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from them. They protect students' academic freedom.

The obligations of faculty members to their professional colleagues derive from common membership in the community of scholars. They seek to be magnanimous in their diverse relations with colleagues. In the exchange of criticism and ideas, they show respect for the opinions of others. They acknowledge their academic debts; their professional judgments of colleagues are impartial; they accept their share of faculty responsibilities for the governance of their institution; and they support the academic freedom of their colleagues.

The chief obligation of faculty members to their own institution is to be effective teachers and scholars. They observe the stated rules and regulations of the institution, yet guard vigorously their right of criticism. When they speak or act as a private person, they avoid creating the impression that they speak or act for the college. They determine the amount and character of the work they do outside the college with due regard to their paramount responsibilities within the institution. When considering the interruption or termination of their service, they weigh the effect of their decision upon the program of the college.

The obligations to the community of faculty members, like their rights within the community, cannot be less than those of any citizen. By virtue of their special knowledge and their position as educators, their obligations may be more. They measure the urgency of these obligations in the light of their responsibilities to their subjects, to their students, and

to their institution. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further, in the civil community, the understanding of academic freedom.

The College and the academic community carry a responsibility to foster in its members an awareness of these responsibilities, and also an understanding of the ways that academic freedom serves the mission of the College.

V. Tenure

- A. Tenure is a continuous appointment without stated term that is conferred on a faculty member after review. The college recognizes the importance of academic freedom and a sufficient degree of economic security, and the granting of tenure is therefore a commitment on the part of the college that the faculty member will be employed by the college until retirement or resignation except as provided in the Faculty Manual...

X. Grievance Procedure

A. General Considerations

1. A faculty member may bring a grievance under this policy alleging mistreatment or violation of his or her rights by another college employee related to his or her work as a faculty member. Matters grievable under this policy shall not include decisions regarding reappointment, tenure, promotion, or renewal (matters governed by the procedure in Section 4.III.K and Section 4.VII), dismissal or termination (matters governed by the procedures in Section 4.IX); complaints of unlawful discrimination or harassment (matters referred exclusively to the Human Resources Office), or scientific misconduct (governed by the procedure in the *Faculty Handbook*).

D. Investigation by the Faculty Review Committee

6. Whenever a party to the grievance is present at a meeting or a hearing held by the committee, he or she shall have the right to have present an advisor of his or her choice from the faculty or the staff of the college.
7. Committee hearings are open only to the committee, the parties to the grievance, their advisors, and specific persons invited by the committee.

The committee may question all persons involved in hearings of the committee. Neither the parties, nor their advisors, if any, may question witnesses or other hearing attendees.

XI. Appeals Procedure

B. Grounds for Appeal of Renewal, Reappointment, Tenure and Promotion Decisions

The grounds upon which appeals may be made are (1) improper consideration and/or (2) inadequate consideration.

1. An appeal may allege that a decision against renewal, reappointment, tenure, or promotion was based significantly on improper consideration because the review process involved at least one of the following: (a) violation of academic freedom, or (b) unlawful discrimination, or (c) violation of applicable college policies on discrimination.

E. Faculty Review Committee Procedures

1. At all hearings of the committee, the appellant shall have the right to have present an advisor of the appellant's choosing from among the faculty and staff of the college. The college shall be represented at all hearings of the committee by the Dean of the College who may select and have present an advisor from the faculty or staff of the college. The role of the advisor is to listen to the proceedings, offer advice to the advisee, take notes, and provide personal support to the advisee. Hearings of the committee are open only to the appellant, the Dean of the College, the advisors to the appellant and the Dean, and other persons invited by the committee.

Rationale:

Last spring, the FGC created an Academic Freedom Working Group to "evaluate and improve our current approach to academic freedom." The group met throughout the summer, gathered documents and literature, reviewed current policies, and met with stakeholders from across campus. They proposed (1) revisions to the faculty manual, (2) a statement of principles and Q&A, and (3) the establishment of an academic freedom advisory council. The FGC, after reviewing these proposals, eliciting feedback from the faculty and regents, and making a few changes, seeks a faculty vote on the following revisions.

The purpose of these proposed revisions is to clarify the nature and scope of academic

freedom, clarify the grievance and appeals process relating to academic freedom, and emphasize how academic freedom protects all faculty, regardless of rank or tenure status.

The “protection of academic freedom” is listed as one of the primary purposes for the faculty manual, yet the term is not defined as clearly as we would hope. The revisions include clear definitions of the meaning of academic freedom in four distinct contexts: teaching, research, intramural speech, and extramural speech. In addition to adding clear definitions, we also highlight the faculty’s role in the grievance and appeals process relating to alleged violations of academic freedom. Although we do not believe that these changes would radically alter current practice at the college, they would provide a more transparent account of that practice. Finally we clarify who is protected under academic freedom. We sought to ensure that all faculty would be included, defining the scope of protection for faculty in all academic and creative disciplines, regardless of rank or tenure status.

In response to feedback from faculty and regents, we shifted some numbering and made some minor adjustments to make the paragraphs orderly and easier to read. We also made two changes to the circulated version of the proposed revisions:

1. We have deleted the short section that sought to extend academic freedom protections to staff members with disciplinary expertise who are expected or invited to perform the role of a faculty member in formal classroom teaching or peer-reviewed academic research. Although we believe staff members in quasi-faculty roles deserve these protections, we accept the argument, mainly articulated by regents, that the faculty manual is not an appropriate place to determine staff policies.
2. We have adjusted the language in the section on extramural speech that protects faculty from censorship or discipline for speaking on matters of public interest. Instead of the recommended language, that faculty “neither imply nor assume that they speak on behalf of the college,” we propose that faculty “take care neither to imply nor to assume that they speak on behalf of the college.”

