

The Faculty Senate of the University of Tennessee Resolution
Xx March 2012

WHEREAS, the University of Tennessee intends to be the preeminent public research and teaching university linking the people of Tennessee to the nation and the world; and

WHEREAS, the University of Tennessee seeks to be competitive in efforts to recruit and retain the highest quality faculty; and

WHEREAS, the University of Tennessee as an institution encourages shared governance principles among its faculty and administration; and

WHEREAS, a necessary component of shared governance is the ability of faculty members to engage in wide-ranging discussions of University policies and governance without fear of institutional censorship, discipline, or retribution; and

WHEREAS, a necessary component of the effective performance of Department, College, and University service duties is the ability to engage in wide-ranging discussions on Department, College, and University policies and governance without fear of institutional censorship, discipline, or retribution; and

WHEREAS, the opinion of the Supreme Court of the United States in *Garcetti v. Ceballos*, 547 U.S. 401 (2006), has been interpreted by lower federal courts to permit adverse employment decisions to be taken against faculty members for engagement in shared governance activities; and

WHEREAS, other top-ranked state universities such as University of Minnesota, University of Wisconsin, University of Georgia, University of Michigan, University of Florida, and others have adopted academic freedom language for faculty that extend protection to speech made in the course of shared governance and other employment-related duties;

THEREFORE, BE IT RESOLVED THAT the Faculty Senate requests that the University of Tennessee Board of Trustees expand the definition of academic freedom to include protection for shared governance and other employment-related speech. Although the Faculty Senate does not request specific language, examples of Board of Trustees and Regents academic freedom policies at peer and aspirant institutions may be obtained from the University of Tennessee Faculty Senate President.

Note: Under the current proposal, this Appendix will NOT be included with the resolution. Rather the Faculty Senate President will provide it, if requested, to the Board.

Appendix to Faculty Senate Resolution: Freedom of Speech Provisions at Some Peer and Aspirant Institutions.

University of Georgia

<http://provost.uga.edu/index.php/statutes/>

Section 5: Academic Freedom

a. University Faculty members are entitled to full freedom of expression in research, teaching, and publishing, subject only to those restrictions that are imposed by professional ethics and respect for the rights of others. University Faculty members have the right to criticize and seek alteration of both academic and non-academic University policies, whether or not those policies affect them directly. University Faculty are free from institutional censorship, discipline, or reprisal affecting their professional careers for exercising freedom of expression.

University of Minnesota

http://www1.umn.edu/regents/policies/academic/Academic_Freedom.pdf

ACADEMIC FREEDOM AND RESPONSIBILITY

SECTION II. ACADEMIC FREEDOM.

Academic freedom is the freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write on matters of public concern as well as on matters related to professional duties and the functioning of the University.

University of Michigan

<http://www.provost.umich.edu/faculty/handbook/1/1.C.html>

1.C Senate Assembly Statement on Academic Freedom

In January 2010, the Senate Assembly endorsed a statement that defines the standards of academic freedom as follows.

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Academic freedom includes the following specific freedoms:

- freedom of research and publication. *Within the broad standards of accountability established by their profession and their individual disciplines, faculty members must enjoy the fullest possible freedom in their research and in circulating and publishing their results. This freedom follows immediately from the university's basic commitment to advancing knowledge and understanding. Restrictions on research and publication should be minimal and unobtrusive.*
- freedom of teaching. *This freedom is an outgrowth of the previous one. Faculty members must be able not only to disseminate to their students the results of research by themselves and others*

in their profession, but also to train students to think about these results for themselves, often in an atmosphere of controversy that, so long as it remains in a broad sense educationally relevant, actively assists students in mastering the subject and appreciating its significance.

- *freedom of internal criticism. Universities promote the common good not through individual decision or bureaucratic calculation, but through broad-based engagement in the scholarly endeavor. Faculty members, because of their education and their institutional knowledge, play an indispensable role as independent participants in university decision making. By virtue of this role, they are entitled to comment on or criticize University policies or decisions, either individually or through institutions of faculty governance.*

- *freedom of participation in public debate. Both within and beyond their areas of expertise, faculty members are generally entitled to participate as citizens in public forums and debates without fear of institutional discipline or restraint, so long as it is clear that they are not acting or speaking for the University.*

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University of Florida

<http://www.hr.ufl.edu/labor-relations/moa/ARTICLE%2010.docx>

10.2 Academic Freedom. Consistent with the exercise of academic responsibility described in Sections 10.3 and 10.4, below, a faculty member 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, and to speak, write, or act in an atmosphere of freedom and confidence.

University of Wisconsin

http://www.secfac.wisc.edu/governance/FPP/Chapter_8.htm#801

8.01. FACULTY RIGHTS.

1. Members of the faculty individually enjoy and exercise all rights secured to them by the Constitutions of the United States and the State of Wisconsin, and by the principles of academic freedom as they are generally understood in higher education, including professional behavior standards and the expectation of academic due process and just cause, as well as rights specifically granted to them by: regent action, University of Wisconsin System rules, these policies and procedures, and relevant practices or established custom of their colleges or schools and departments.
2. Academic freedom is the freedom to discuss and present scholarly opinions and conclusions regarding all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to reach conclusions according to one's scholarly discernment. It also includes the right to speak or write—as a private citizen or within the context of one's activities as an employee of the university—without institutional discipline or restraint on matters of public concern as well as on matters related to professional duties, the functioning of the university, and university positions and policies.

Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest or concern, one is speaking on behalf of oneself, not the institution.