

The Faculty Senate of The University of Tennessee, Knoxville Resolution
May 5, 2014

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

WHEREAS, The University of Tennessee, Knoxville, as an institution, respects the constitutional rights of freedom of speech and association and practices shared governance through the collaborative engagement of faculty and administration in the operation of the campus; and

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

WHEREAS, a necessary component of the effective performance of teaching, scholarship, and department, college, campus, and university service duties is the ability to engage in wide-ranging discourse on department, college, campus, 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 federal courts to permit adverse employment decisions and actions to be taken against faculty members for engagement in wide-ranging discourse on department, college, campus, and university policies and governance; 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 extends protection to speech and other conduct in which faculty engage in the course of shared governance and other employment-related duties;

THEREFORE, BE IT RESOLVED THAT Sections 1 and 2 of the *Faculty Handbook* for The University of Tennessee, Knoxville, be amended and restated as set forth below (with new language underlined and deleted language struck through):

1.5 Shared Governance

The responsibilities of the faculty in the governance of the university are important and varied. They are discharged in two basic ways: (1) through the work of the Faculty Senate (regarding the general policies of the campus as a whole), and (2) through the work of faculty and faculty committees within departments, colleges, and the university as a whole. Faculty members should be active participants in deliberations and decisions on all policy and procedure committees.

Faculty members have the right to contribute to the campus and university discourse that is at the heart of the shared governance of the campus and the university. When contributing to campus and university discourse, at any level within the university or the community at large, faculty members have the freedom to raise and to address, without fear of institutional discipline or restraint or other adverse employment action, any issue related to professional duties; the functioning of academic units, the campus, or the university; and department, college, campus, or university actions, positions, or policies.

~~At the same time,~~ The perspectives of administrators, students, and professional and support staff are also essential to shared governance. It is the responsibility of the faculty to work collaboratively with these and other university constituencies.

The university practices shared governance. It acts on principles derived from in-depth conversation among faculty representatives and academic administrators that are in accordance with the following principles:

1. communication—regular and timely sharing of information among faculty, staff, students, administration, and trustees
2. faculty responsibility—primary role in determining curriculum, educational policy, standards for evaluating teaching and scholarship, selection of new faculty, and promotion and tenure
3. faculty representation in university decision-making that directly or indirectly affects faculty ability to function effectively
4. timely consultation between faculty and administrators on academic matters
5. peer nomination of faculty to serve on university committees

The process of shared governance depends upon

1. 1.transparency—of information and responses of others, so that constituents are able to fully understand policy and related issues
2. accessibility—to information and the responses of others, so that constituents are able to consider various perspectives
3. adequate time—to reflect on information and the responses of others as well as share one's own response, so that constituents can fully participate

4. opportunity—to communicate collaboratively, so that constituents can reach decisions that serve the common good
5. consistency—in the process of shared governance, so that an atmosphere of openness and trust prevails

Dissemination of information is only one part of the process. Responses from constituents need to be shared as appropriate, where a record of these responses is available to everyone who chooses to review this information. The open sharing of constituent responses requires that gathered information be put in a useful form accessible to the community. In many cases, face-to-face dialogue provides the best opportunity to communicate collaboratively. While the senate and other university committees provide a major source of faculty representation in shared governance, faculty should have the opportunity to share their input prior to the establishment of policy related to academic matters and the welfare of the university community. All faculty members are expected to accept the responsibility of shared governance and act as good university citizens through service on committees, task forces, and the senate.

2.13 Freedom as a Citizen

When faculty members communicate as citizens on matters of public concern, they operate independently of the university. In this situation, faculty members have rights common to all citizens, including the rights to organize associations, join associations, participate in public meetings, run for and serve in government offices subject to applicable state and federal laws and university personnel policies, demonstrate, picket, and voice their opinions. ~~To exercise~~ When exercising their rights as citizens, faculty members must also respect the university by not claiming ~~institutional support or involvement to represent the positions or views of the~~ University, and by not using institutional resources.