

The Faculty Senate of The University of Tennessee, Knoxville Resolution
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 extend 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 Section 2 of the *Faculty Handbook* for The University of Tennessee, Knoxville Faculty Senate be amended and restated as set forth below (with new language underlined and deleted language struck through):

2.11 Academic Freedom

Faculty members have the right to academic freedom and are expected to seek and to speak the truth as they perceive it on the basis of expertise and research in their discipline. Academic freedom is this right for faculty members to teach, research, create, and perform about their knowledge and understanding in their discipline. This freedom persists even when faculty members hold a minority view within their discipline and when others in and beyond the institution find these views contrary or objectionable. The right of academic freedom applies to all faculty members, including non-tenure track faculty members. A faculty member should recognize that the right of academic freedom is enjoyed by all members of the academic community. She or he should be prepared at all times to support actively the right of the individual to freedom of research and communication.

A faculty member also has 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. Shared governance includes communications and deliberations at all levels of the campus and university on matters related to: professional duties; the functioning of academic units, the campus, or the university; and department, college, campus, or university actions, positions and policies. When contributing to campus and university discourse, by whatever means and at whatever level, a faculty member has the freedom to raise and to address, without fear of institutional discipline or restraint or other adverse employment or 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.

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 their rights as citizens, faculty members must also respect the university by not claiming ~~institutional support or involvement~~ to represent the University, and by not using institutional resources.