

UNIVERSITY COUNTERPROPOSAL

9-6-13

Art 7

ACADEMIC FREEDOM, FREE SPEECH AND FACULTY RESPONSIBILITY

Preamble. ~~The University of Oregon is committed to upholding and preserving principles of academic freedom. These principles reflect the University's fundamental mission, which is to discover knowledge and to disseminate it to its students and to society at large. Teaching and research are conducted for the common good and not to further the interest of the individual. The common good depends upon the free search for truth and its free exposition in teaching and research.~~

~~Free speech and free inquiry are essential components of academic freedom in teaching and research and are central tenets of a free and democratic society. The University encourages and supports open, vigorous, and challenging debate across the full spectrum of human issues as they present themselves in teaching and research. Further, the University will sustain a higher and more open standard for freedom of inquiry and free speech than may be expected or preferred in private settings. It is the responsibility of speakers, listeners and all members of our community to respect others and to promote a culture of mutual inquiry throughout the University community. The University's commitment to principles of Academic Freedom is articulated in its policy entitled Freedom of Inquiry and Free Speech.~~

~~As stated in our the University's Mission Statement, the uUniversity of Oregon "strives to enrich the public that sustains it through the conviction that freedom of thought and expression is the bedrock principle on which university activity is based." Academic freedom and freedom of speech are necessary conditions to teaching and research, and to shared governance as created in the University of Oregon Charter: "The President and professors constitute the faculty of the University, and, as such, shall have the immediate government and discipline of it and the students therein." This policy establishes a robust view of academic freedom and freedom of speech in order to ensure that faculty can participate in shared governance and in order to facilitate excellence in teaching and research.~~

Section 1. Academic Freedom. ~~The University Administration protects academic freedom and bargaining unit faculty members shall enjoy all of its benefits and responsibilities. These are defined as: include, but are not limited to, the following:~~

- a. The freedom to conduct research and creative work and to publish or otherwise disseminate the results of that work. 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 Uuniversity's basic commitment to advancing knowledge and understanding.

- b. The freedom to teach, both in and outside of the classroom. 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.
- e. The freedom to engage in internal criticism, which encompasses the freedom to address any matter of institutional policy or action whether or not as a member of any agency of institutional governance. 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.
- d. The freedom to participate in public debate, both within and beyond their areas of expertise, and to address, as citizens, the larger community with regard to any matter of social, political, economic, or other interest. When they speak or write as citizens, they shall be free from institutional censorship or discipline. Faculty members shall be free in their public utterances or activities to identify their university affiliation so long as no false impression of university sponsorship or endorsement is created.

Section 1 2. A bargaining unit faculty member who is conducting independent research is entitled to freedom in research and in the publication of the results, subject to the adequate performance of his or her duties. Research for pecuniary return is subject to university policy.

Section 2 3. A bargaining unit faculty member is entitled to freedom in the classroom in discussing the subject of the course but should be careful not to introduce into his or her teaching controversial matter which has no relation to the subject of the course. The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of free academic inquiry. This section serves to underscore the need for bargaining unit faculty members to avoid material which has no relation to the subject of the course.

Section 3 42. Faculty Responsibilities. Academic responsibility implies the competent and full performance of duties and obligations and the commitment to support the responsible exercise of academic freedom by one's self and others. Each bargaining unit faculty member has the responsibility to:

- a. Observe and uphold the ethical standards of his or her discipline in the pursuit and communication of scientific and scholarly knowledge;

- b. Treat students, staff, colleagues, and the public fairly and civilly ~~and civilly~~ in discharging his or her duties and in accordance with this Agreement.
- c. Respect the integrity of the evaluation process, evaluating students, staff, and colleagues fairly according to the criteria and procedures specified in the evaluation process;
- d. Represent one's self as speaking for the university only when expressly authorized to do so as part of one's position or professional responsibilities;
- e. Participate, as appropriate, in the system of shared academic governance, especially at the department or unit level, and seek to contribute to the civil and effective ~~civil and effective~~ academic functioning of the bargaining unit faculty member's academic unit (program, department, school or college) and the university.

Section 4. ~~When bargaining unit members speak or write as members of the public, they should be free from institutional censorship or discipline. At the same time, their special position imposes special obligations, including recognition that the public may judge their profession and the university 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 university.~~

Section 5. ~~Nothing in this Article affects the University's right to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.~~

Section 53. All bargaining unit faculty members retain the right to address any matter of institutional policy or action without fear of institutional discipline or restraint. They are also guaranteed the protections of freedom of speech, as derived from the First Amendment of the Constitution of the United States of America and Section 8 of the Article I of the Constitution of the State of Oregon. , with regard to any matter, so long as it is clear that they are not acting or speaking on behalf of the University of Oregon. When faculty members speak or write as members of the public, they should make every effort to indicate that they are not speaking for the university. They may identify their university affiliation so long as no university sponsorship or endorsement is stated or implied.