**DRAFT**

**CSUSM’S POLICY ON ACADEMIC FREEDOM AND RESPONSIBILITY**

CSUSM is committed to promoting and protecting principles of academic freedom and responsibility. The principles of academic freedom guarantee freedom of inquiry, research and creative activity[[1]](#footnote-1), freedom of teaching, and freedom of expression. Consistent with the Higher Education Employer-Employee Relations Act (HEERA, 1979), the Faculty Collective Bargaining Agreement (CBA)[[2]](#footnote-2), and the principles of academic freedom and shared governance as formulated by the American Association of University Professors (AAUP), the Faculty[[3]](#footnote-3) of California State University San Marcos (CSUSM) recognizes that academic freedom is essential for the University to pursue its fundamental mission of academic excellence by advancing and transmitting knowledge effectively. As the State does through HEERA, the Faculty also acknowledges the importance of preserving its role in shared governance and jointdecision-making[[4]](#footnote-4), where it collectively exercises academic freedom[[5]](#footnote-5), and recognizes that with academic freedom comes responsibility.

The University also seeks

to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students and faculty are free within the classroom to express the widest range of viewpoints within the standards of scholarly inquiry and professional ethics[[6]](#footnote-6).

However, the expression of different points of view in the classroom by Faculty and students is also a responsibility. Although we cannot control the interpretations of others, we must always remember why we are here: to enlighten, nurture, and educate. It is our responsibility to try to provide an environment that fosters civil discourse, mutual respect, open inquiry, and freedom of expression.

CSUSM specifically endorses the following portion of the American Council on Education’s Statement on Academic Rights and Responsibilities:

The validity of academic ideas, theories, arguments and views should be measured against the intellectual standards of relevant academic and professional disciplines. Application of these intellectual standards does not mean that all ideas have equal merit. The responsibility to judge the merit of competing academic ideas rests with colleges and universities and is determined by reference to the standards of the academic profession.[[7]](#footnote-7)

The CSUSM Policy on Academic Freedom and Responsibility endorses and adopts the following language from the *1940 AAUP Statement of Principles of Academic Freedom and Tenure*[[8]](#footnote-8)(including notes from the *1970 Interpretive Comments*), which serves as a guiding principle. The CSUSM policy does not include any language from the Tenure section of the AAUP Statement because matters related to tenure and promotion are governed by the CBA and University Retention, Tenure and Promotion documents.

a. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

b. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. The intent of this statement is not to discourage what is ‘controversial.’ Controversy is at the heart of the free academic inquiry, which the entire [1940] statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.

c. College and university teachers are citizens, members of a learned profession, and officers of an 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.

Consistent with the 2009 AAUP clarifying statement on academic freedom [[9]](#footnote-9), CSUSM also asserts that

d. academic freedom includes the freedom to speak on matters related to professional duties and to institutional policy or action, whether or not as a member of an agency of institutional governance.

When speaking as scholars and educational officers, teachers should remember that their profession and their institution may be judged by their statements. For this reason, they should indicate that they are not speaking for the institution and at all times make every effort to be accurate, exercise appropriate restraint, and show respect for the opinions of others.

Academic freedom does not include the use of discriminatory, discourteous, or abusive conduct or language towards others while in performance of their duties, nor language or conduct that is unlawful.

Faculty concerned with issues of academic freedom are encouraged to consult as appropriate their department chair, their Dean’s office, the Office of University Ombuds, or the CFA representative (? Confirm actual title of ‘CFA chapter faculty rights representative’).

When claiming a violation of academic freedom, Faculty have the right to pursue redress via available institutional means, including, but not limited to, grievance procedures set forth in the CBA.[[10]](#footnote-10)

Students concerned with issues of academic freedom are encouraged to consult as appropriate the Dean of Students, the department chair, their Dean’s office, their ASI representative, or the Office of University Ombuds.

When claiming a violation of academic freedom, students have the right to pursue redress via available institutional means, including, but not limited to, Student Grievance Policy, and/or the Student Course Grade Appeals Policy.

Add a sentence on student procedure (with dept chair + other faculty + deans office?).

The CSUSM campus community shares the responsibility to maintain, encourage, promote, and protect academic freedom, ensuring that it is not compromised by censorship, fear of reprisal, institutional discipline, or outside interference. It is the joint duty of the Administration and the Academic Senate to actively sustain and defend academic freedom in the domains of teaching, research, service, and all aspects of institutional academic matters and shared governance. In this manner, CSUSM will be able to fulfill its educational mission in the service of its students, the residents of California, and the common good.

1. Hereafter, whenever the word research is mentioned, it will always include creative activity. [↑](#footnote-ref-1)
2. Preamble, Collective Bargaining Agreement between the California Faculty Association and the Board of Trustees of the California State University. <http://www.calfac.org/sites/main/files/file-attachments/cba_2012-2014.pdf> [↑](#footnote-ref-2)
3. Faculty as defined by the CBA [↑](#footnote-ref-3)
4. In 1966, the American Association of University Professors (AAUP), the American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB) jointly formulated a *Statement on Government of Colleges and Universities* that underscores the importance of the faculty role in joint decision-making: “The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty.” <http://www.aaup.org/report/1966-statement-government-colleges-and-universities> [↑](#footnote-ref-4)
5. HEERA 3561: “Purposes, full exercise of functions of faculty in shared governance mechanisms or practices.” http://www.perb.ca.gov/laws/heera.aspx [↑](#footnote-ref-5)
6. CSU Academic Senate Resolution on Academic Freedom, AS-2676-04/FA (2005) [↑](#footnote-ref-6)
7. http://www.chea.org/pdf/ACE\_\_Statement\_on\_Academic\_Rights\_and\_Responsibilities\_(6\_23\_2005).pdf [↑](#footnote-ref-7)
8. http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm [↑](#footnote-ref-8)
9. AAUP Committee A’s recommendation: *Protecting an Independent Voice: Academic Freedom after Garcetti v. Ceballos.* <http://www.aaup.org/report/protecting-independent-faculty-voice-academic-freedom-after-garcetti-v-ceballos> [↑](#footnote-ref-9)
10. This is consistent with regulations 10 and 13 of the AAUP *Recommended Institutional Regulations on Academic Freedom and Tenure*. http://www.aaup.org/report/recommended-institutional-regulations-academic-freedom-and-tenure. [↑](#footnote-ref-10)