



Standard Administrative Procedure (SAP)

12.01.99.L0.02 Complaint and Appeal Procedures for Faculty Members – Academic Freedom

First Approved: January 16, 2015
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Procedure Statement and Reason for Procedure

The purpose of this SAP is to establish procedures for handling allegations of a violation of academic freedom not related to promotion and tenure or a dismissal for cause.

[Texas A&M University System \(System\) Policy 12.01, Academic Freedom, Responsibilities and Tenure](#), Section 1, defines academic freedom and provides expectations of both Texas A&M International University (TAMIU) and the faculty member related to academic freedom.

Procedures and Responsibilities

1. GENERAL

- 1.1 [System Policy 12.01, Academic Freedom, Responsibilities and Tenure](#) states that institutions of higher education exist for the common good. The common good depends on an uninhibited search for truth and its open expression. Hence, it is essential that each faculty member be free to pursue scholarly inquiry and to voice and publish individual conclusions concerning the significance of evidence that the faculty member considers relevant. Each faculty member must be free from the corrosive fear that others, because their vision may differ, may threaten the faculty member's professional career or the material benefits accruing from it.

- 1.2 Informed by their research and scholarship, faculty members are entitled to full freedom in the classroom to discuss the subject that they teach, but they should not introduce controversial matter that has no relation to the classroom subject. Faculty members are also citizens of the nation, state, and community; and when speaking, writing, or acting as such, they must be free from institutional censorship or discipline, though subject to academic responsibility. In such instances when faculty members do assert their personal views on controversial issues, they should clearly state that they are not speaking for TAMIU.
- 1.3 Faculty members have the right to participate in political activities so long as such political activities do not interfere with the discharge of the duties and responsibilities that they owe to the System or TAMIU.

2. **ACADEMIC RESPONSIBILITIES FOR FACULTY MEMBERS**

The concept of academic freedom for faculty must be accompanied by an equally demanding concept of academic responsibility. Faculty members have a responsibility to TAMIU, their profession, their students, and society at large. The rights and privileges of faculty members extended by society and protected by governing boards and administrators through written policies and procedures on academic freedom and tenure, and as further protected by the courts, require reciprocally the assumption of certain responsibilities by faculty members. Among those responsibilities are the following:

- 2.1 The fundamental responsibilities of faculty members as teachers and scholars include maintenance of competence in their field of specialization and the exhibition of professional competence in the classroom, studio, or laboratory and in the public arena through activities such as discussions, lectures, consulting, performances, exhibitions, publications, and participation in professional organizations and meetings.
- 2.2 Exercise of professional integrity by faculty members includes recognition that the public may judge their profession and institution by their statements. Therefore, when speaking or acting as a private person, faculty members should strive to be accurate, to exercise appropriate restraints, to show respect for the opinion of others, and to avoid creating the impression that they speak or act for a college or TAMIU.
- 2.3 Faculty members have constitutionally protected rights as citizens to freedom of expression on matters of public concern. A faculty member's comments are protected even though they may be highly critical in tone or content, or erroneous, but such statements are not protected free speech if they either substantially impede the faculty member's performance of daily duties or if they are part of a continuing pattern of expression of such a nature as to destroy the ability to work cooperatively with colleagues and/or if they significantly affect the morale of a division, department, or college.
- 2.4 Faculty members should be professional in their conduct in the classroom and in relationships with students. They should maintain respect for the student and for the student's posture as a learner and should be appropriately available to students for consultation on course work.

- 2.5 Academic freedom does not give faculty members the right to make any curricular and pedagogical decisions in and for their classes that run counter to the program and course learning outcomes or the pedagogical goals and procedures (e.g., required instructional materials, assessment instruments, evaluation criteria) established by their faculty colleagues or their academic units. It also does not extend to any practice by faculty members that can be determined by other faculty members and by academic administrators to be directly detrimental to the ability of students in their classes to learn.
- 2.6 Faculty members have the responsibility to provide timely and adequate notice of their intention to interrupt or terminate institutional service.

3. COMPLAINT AND APPEAL

False statements and/or falsification of scholarly work (see [TAMIU SAP 15.99.03.L1, Ethics in Research, Scholarship, and Creative Work](#)) made with knowledge of their falsity or in reckless disregard of the truth are not entitled to constitutional protection. Furthermore, public statements may not be without sufficient foundation as to call into question the fitness of the faculty member to perform his or her professional duties.

- 3.1 In such cases, where the facts are in dispute, or faculty members file a written complaint alleging that their academic freedom has been abridged, or any other academic freedom complaint, not related to promotion and tenure, a hearing will be conducted by a committee of five (5) tenured faculty members -- two (2) appointed by the Provost and Vice President for Academic Affairs (Provost) and three (3) appointed by the Faculty Senate President.
- 3.2 Due process will be followed.
 - 3.2.1 The committee shall meet within fifteen (15) calendar days of the written notice to the faculty member.
 - 3.2.2 If the committee determines that a *prima facie* case cannot be made, the complaint shall be dismissed. If the committee determines that the allegations do establish a *prima facie* case, the matter shall be referred for an evidentiary hearing by the same committee. A *prima facie* case means that the evidence, alone and un rebutted, would establish that a violation of academic freedom, as defined under [System Policy 12.01, Academic Freedom, Responsibilities and Tenure](#), may have occurred.
 - 3.2.3 In the evidentiary hearing, the faculty member bears the burden of proving that a violation of academic freedom has occurred. The burden of proof must be met by a preponderance of the evidence, i.e., that which is more convincing, more credible, and of greater weight than contrary evidence.
 - 3.2.4 Both the faculty member and the administration have the right of representation at this hearing.
 - 3.2.5 The committee shall complete its report and send it to the Provost within fifteen (15) business days of completion of the hearing.

3.2.6 The decision of the Provost is final.

Related Statutes, Policies, Regulations, or Rules

[System Policy 12.01, Academic Freedom, Responsibilities and Tenure](#)
[System Policy 32.01.01, Complaint and Appeal Procedures for Faculty Members](#)

Contact Office

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