



## Standard Administrative Procedure (SAP)

### 12.01.99.L1.02. Complaint and Appeal Procedures for Faculty Members - Academic Freedom

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#### ***Standard Administrative Procedure Statement***

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.

System Policy 12.01, *Academic Freedom, Responsibilities and Tenure* defines academic freedom and provides expectations of both the University and the faculty member related to Academic Freedom.

#### ***Definitions***

For the purpose of this SAP, the definition of academic freedom is that provided in System Policy 12.01 Section 1.

#### ***Procedures and Responsibilities***

### **1. GENERAL**

- 1.1 System Policy [12.01](#) Academic Freedom, Responsibility 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 considered relevant. Each faculty member must be free from the corrosive fear that others, inside or outside the academic community, because their vision may differ, may threaten the faculty member's professional career or the material benefits accruing from it.
- 1.2 Each faculty member is entitled to full freedom in the classroom in discussing the subject which he or she teaches, but should not introduce controversial matter which has no relation to the classroom subject. Each faculty member is also a citizen of the nation, state and community; and when speaking, writing or acting as such, must be

free from institutional censorship, or discipline, subject to academic responsibility. In such instances, the faculty member should clearly state that he or she is not speaking for the system academic institution.

- 1.3 Every member of the faculty or staff has 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 the employee owes to the System or any of its component institutions.

## **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 the system academic institution, 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. Some of those are:

- 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 a faculty member includes recognition that the public may judge his or her profession and institution by statements made by the faculty member. Therefore, when speaking or acting as a private person, the faculty member should strive to be accurate, to exercise appropriate restraints, to show respect for the opinion of others, and to avoid creating the impression that he or she speaks or acts for the College or University.
- 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 nature as to destroy the ability to work cooperatively and 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 Faculty members have the responsibility to provide timely and adequate notice of their intention to interrupt or termination institutional service.

### 3. Complaint and Appeal

False statements and/or falsification of scholarly work (see SAP 15.99.03.L1) made with knowledge of their falsity or in reckless disregard of the truth are not entitled to constitutional protection. Furthermore, public statements may 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 a faculty member files a written complaint alleging that his/her academic freedom has been abridged, a hearing will be conducted by a committee of 5 tenured faculty members, two (2) appointed by the Provost/Vice President for Academic Affairs 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 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, may have occurred.

3.2.3 In the evidentiary hearing, 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 calendar days of completion of the hearing.

3.2.6 The decision of the Provost is final.

***Related Statutes, Policies, Regulations, Rules or Requirements***

Supplements System Policies [12.01](#) Academic Freedom, Responsibility and Tenure and System Policy [32.01.01](#) Complaint and Appeal Process for Faculty

***Contact Office***

Office of the Provost and Vice President for Academic Affairs.