

Article 28
Academic Freedom

28.1 The District and United Faculty recognize that protecting academic freedom is essential to our district's vision to be a beacon of excellence in learning and equitable student success, as well as to our mission to transform lives by providing outstanding learning opportunities, nurturing and empowering all students to achieve their educational goals. All faculty members (including both instructional and non-instructional faculty, full-time and part-time) shall therefore be free to pursue instruction, grading, scholarship, policy discussions, and public discourse in an environment free from intimidation and censorship. Academic freedom as a form of freedom of expression shall exist within the general framework of the United States Constitution, the California State Constitution, and requirements of the California Education Code, California Community College regulations, District Policy, and official course descriptions. This freedom shall be maintained in all media (printed, oral, visual, and electronic) and in all interactions between students, faculty, staff and administration. No faculty member shall be mistreated, disciplined, reassigned, or have his/her assignment terminated for any reason that violates the protections of this article. And the District and UF will take all appropriate steps to actively support, protect and promote full freedom of faculty to teach, research and pursue knowledge without fear of retribution or punishment.

28.2 Academic Freedom is understood to include both rights and responsibilities. In the performance of their duties, all faculty (including both instructional and non-instructional, full-time and part-time) have the right to speak and write free from viewpoint censorship and shall not be restricted

- a) in displaying buttons, clothing, insignias, or symbols that convey expressive speech, provided such speech is not obscene or defamatory according to current legal standards;
- b) displaying posters, photographs, art, comics, or similar material in their offices or private work space, immediately outside their offices or work space, or on the outside of their office doors or windows, provided such displays are not obscene or libelous according to current legal standards, violate State or Federal law, or state or imply that the display expresses the views of the District or College;
- c) their speech and associational rights as provided under the California Educational Employment Relations Act (EERA).

28.3 All faculty have a responsibility to limit the discussion and study of politics and political issues when such discussion and study is not relevant to course content or would otherwise interfere with students' ability to meet specified learning objectives. All faculty are likewise prohibited from

- a) political participation as a citizen at times when a faculty member is required to render service to the District;
 - b) use of District mail and/or email service for the distribution of political materials;
 - c) interference for political purposes with District employees who are rendering service to the District.
- 28.4 All faculty members shall be free to teach or otherwise provide or participate in educational functions and/or services in an environment free of intimidation, censorship, and deliberate disruption or interference; examine, explore, or endorse unpopular or controversial ideas, either in classroom teaching or in discussions with students outside the classroom or in academic research or publication; select course texts and other instructional materials subject to department policies and in line with approved course outlines; engage in pedagogical experimentation with the intent to improve student learning; and express in a professional manner with and among students, faculty, staff and administrators differences of opinion about academic matters, college plans or policies, and administrative decisions.
- 28.5 All faculty members shall have the freedom to organize or participate in campus events in a manner that is consistent with the District's event-scheduling policies and procedures, provided these policies do not contravene academic freedom.
- 28.6 The District recognizes the right of faculty to speak or write as citizens and engage in public discourse. When faculty speak or write as citizens, they will not claim they are speaking for the District or College unless specifically authorized to do so, nor will they state or imply that their views reflect those of any District institution unless specifically authorized to do so.
- 28.7 Nothing in this article permits faculty to interfere with, subvert, or attempt to sabotage any established college process, including processes related to personnel matters.
- 28.8 Except as required by law, outside accrediting agencies, and course outlines of record, the District cannot compel faculty to include any specific content as part of their course instruction or course materials. This means, in part, that the District cannot require faculty to provide content warnings or course syllabi or assignments; cannot require faculty to provide alternative assignments at student request; and cannot add, remove or modify course readings or instructional materials.
- 28.9 Academic Freedom for faculty shall extend to the internet, including online teaching as well as all electronic communications and social media.
- 28.10 Every faculty member is a member of a learned profession and shall have the freedom to use his/her professional scholarship and present this scholarship in any academic discourse.

- 28.11 Academic Freedom for librarians shall include, in part, making collection decisions, recommending sources and texts to students, guiding academic research, providing reference and other student-support services free from constraint or censorship.
- 28.12 Interference with or censure of an academic employee by District officials or by outside individuals or groups because of the faculty member's introduction of relevant and controversial subjects or provision of relevant and appropriate educational professional services to students is precluded by the principle of academic freedom. The District and UF recognize the fundamental need to protect faculty from censorship, restraint or harassment that might interfere with their teaching or other education functions. When instances of interference, intimidation or harassment occur, the District and/or College take all appropriate steps to protect faculty and defend academic freedom.
- 28.13 The principles of Academic Freedom do not justify hate-speech or other unprofessional conduct. Academic Freedom should not be understood as a license to cancel classes, deviate regularly from course content as described in course outlines of record or otherwise interfere with instructional duties. Faculty should foster a classroom environment that is conducive to student learning, growth, and development in which students are free from discrimination, prejudice and harassment and in which students are free to express relevant ideas and opinions.
- 28.14 The District and UF agree to adopt, by way of clarification for Article 28.13, the following Statement of Principles on Academic Freedom Interpretative Comments from the American Association of College Professors (AAUP):

Academic Freedom

1. (a) *Academic employees are entitled to freedom in the classroom in discussing their subject, but they should be conscientious regarding teaching subject matter which has no relation to their subject.*
2. (b) *Academic employees are entitled to full freedom in research and in the publication of 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.*
3. (c) *Academic employees 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. As scholars and educational officers, they should remember that the public may judge their profession and institution by their utterances. Hence, they should at all times be accurate, should show respect for the opinions of others, and indicate that they are not speaking for the institution.*

* The footnote from the 1970 Interpretative Notes on the AAUP Statement reads: "The intent of this statement is not to discourage what is 'controversial.' Controversy is at the heart of free academic inquiry which the entire statement is designed to focus. The passage serves to

underscore the need for teachers to avoid persistently intruding material which has no relation to the subject.”

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