

SENATE COMMITTEE ON FACULTY AFFAIRS

Revisions to Policy HR64: Academic Freedom

(Advisory and Consultative)

Implementation: Upon Approval by the President

Introduction and Rationale

Academic freedom – a principle for which the original version of HR64 provides no definition, and which we take (following Immanuel Kant in “What is Enlightenment”) to be the principle of self-direction in inquiry and in the acquisition of knowledge in research, teaching, and learning, so long as this is undertaken within the framework of established scholarly methodology and professionalism — is a cornerstone of the university as a community of scholars. Beginning in the early 20th century, American society made the decision that college teachers were exceptions to the standard “master and servant” relationship whereby the former could dismiss the latter for any reason, and control his or her speech. Judgments as to the acceptability of teaching and research are to be rendered from a disciplinary perspective.

Academic freedom has never been unlimited or one-sided: in the classroom, instructors are required to teach their subject matter and to enable students to reach and express their own independent conclusions within the context of disciplinary frameworks of knowledge; contracted research may have restrictions placed on it by the funding body; faculty may discuss issues of governance, but in a professional manner and with respect for confidentiality and the privacy rights of others.

A great university deserves an academic freedom statement that is current, balanced, inclusive, and that speaks to the aspirations of learners, researchers, and teachers for unfettered inquiry and the free exchange of ideas and opinions in publication, in the classroom, and in situations of shared governance. Penn State’s first HR64 text was promulgated in 1950, and the last revision to the HR64 statement was passed in 1987. In 1987, the use of email in instruction was rare, not to mention online courses, and there was no World Wide Web. The years since 1987 have also seen increased attention to the bearing of academic freedom on issues of shared governance, resulting in the AAUP’s 1994 statement on this specific topic. These and other developments call for careful examination and selective updating of the policy. By the same token, all of the basic ideas and much of the language of the existing HR64 were retained in rewriting. The proposed changes illustrated below are the result of several years of work by the Senate’s Committee on Faculty Affairs and have been reviewed by University Counsel.

The following documents and sources were consulted in producing the revised version of HR64¹:

The section on academic freedom in the Penn State Faculty Handbook:
<http://www.psu.edu/provost/FacultyHandbook/Chapter2/freedom.htm>

Policy AD-47: General Standards of Professional Ethics
<http://guru.psu.edu/policies/AD47.html>

The RA-24 Position Statement on Research:
<https://guru.psu.edu/policies/RA24.html>

Various academic freedom policies from comparable institutions, with a focus on the CIC schools.

AAUP 1940 Principles of Academic Freedom:
<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>
<http://www.aaup.org/NR/rdonlyres/EBB1B330-33D3-4A51-B534-CEE0C7A90DAB/0/1940StatementofPrinciplesonAcademicFreedomandTenure.pdf>

AAUP 1994 Statement on the Relationship of Faculty Governance to Academic Freedom:
<http://www.jstor.org/stable/40250644>

AAUP 2007 Academic Freedom in the Classroom:
<http://www.aaup.org/AAUP/comm/rep/A/class.htm>
<http://www.aaup.org/NR/rdonlyres/0701B243-A82A-4745-A560-E748425AE5EE/0/FreedomClassrmRpt.pdf>

AAUP Investigatory Reports on Academic Freedom & Tenure Disputes:
<http://www.aaup.org/AAUP/protect/academicfreedom/investrep/>

“Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos.”
Bulletin of the American Association of University Professors 96 (2010): 64-88.

See also:

Aby, Stephen H. *The Academic Bill of Rights Debate: A Handbook*. Westport, CT: Praeger, 2007.

Finkin, Matthew W. and Robert C. Post. *For the Common Good: Principles of American Academic Freedom*. New Haven: Yale UP, 2009.

O’Neil, Robert M. *Free Speech in the College Community*. Bloomington & Indianapolis: Indiana UP, 1997.

¹ The Committee did NOT investigate or refer to any recent allegations of violation of academic freedom at PSU. The proposed revisions are not aimed at “fixing” anything perceived to be broken at PSU, but at better reflecting the current thinking on academic freedom at U.S. institutions of higher education and in governing bodies of academic professionals.

Highlights of the proposed changes include the following:

1. Strengthening of the “Purpose” clause to provide a definition for, and to emphasize the fundamental importance of academic freedom, as well as its concomitant responsibilities.
2. Making mention of the supporting role of librarians in teaching and research, which also calls for the protections of academic freedom.
3. Adding a section on governance and service (in “As Related to the University”).
4. Changing the reference to “Policy and Procedures in Research,” a nonexistent document.
5. Converting the list of restrictions on classroom freedom into affirmative principles.
6. Extending the idea of “classroom” to take account of online instruction.
7. Introducing plurals where possible to avoid the awkward his/her.
8. Adding a cross-reference to Policy AD-47: General Standards of Professional Ethics.

Policy HR64 ACADEMIC FREEDOM

POLICY'S INITIAL DATE: November 27, 1950

THIS VERSION EFFECTIVE: January 30, 1987

Contents:

- Purpose
- To Whom it Applies
- As a Citizen
- As Related to the University
- In Research and Publications
- ~~In the Classroom~~ Instructional Roles
- Appeals
- Cross-Reference

PURPOSE:

To outline the conditions of academic freedom for faculty members. **Academic freedom refers to the environment provided by the University that permits faculty members to engage in their scholarly pursuits of teaching, research, and related activities at institutions of higher education. Academic freedom thus embodies the conditions necessary for the University to fulfill its mission of creating new knowledge and of effectively communicating accumulated knowledge and understanding to students and to the community at large. Academic responsibility refers to the duty and obligation of all faculty to pursue their academic pursuits with forthrightness, recognizing that while all members of the University have the right to express their own views and to hear the views of others expressed, as well as the responsibility for according the same rights to others, they also have a duty to make it clear when they are not speaking for the institution in matters of public interest. The University should be an institution whose members may express themselves, while protecting and respecting the rights of others to learn, to do research, and to carry out the essential functions of the University free from interference or obstruction.**

TO WHOM IT APPLIES:

This policy applies to ~~members of the faculty~~ **members** and of the libraries who have official teaching, ~~or~~ research, **or support** responsibilities at the University.

AS A CITIZEN:

~~The Faculty members~~ **is a** **are** citizens, members of learned professions, and a representatives of this University. When the faculty member speaks or writes as a citizen, the faculty member shall be free from institutional censorship or discipline, but the special position in the community held by the faculty member imposes special obligations. As a person of learning and an educator, the faculty member is expected to remember that the public may judge the profession and institution by his/her utterances. Hence, the faculty member agrees at all times to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to make every effort to indicate that he/she is not an institutional ~~spokesman~~ **spokesperson**.

AS RELATED TO THE UNIVERSITY:

The efficient operation of any institution requires cooperation among its personnel. The faculty member agrees, therefore, to abide by the regulations of the University, and to perform to the best of his/her ability such reasonable duties as are assigned by authorized University officials.

Faculty members are free to discuss governance issues of their respective departments, colleges, units, libraries, and of the University as a whole, and are free to speak and write on all matters related to their professional duties without institutional discipline or restraint. Similarly, faculty members recognize that academic freedom is inherent to the institutional environment and therefore they are expected to exercise professional responsibility in their service roles. Faculty members are responsible for respecting confidentiality and the privacy rights of others.

IN RESEARCH AND PUBLICATIONS:

~~The Faculty members have freedom~~ **are free to engage in** research or other services of his/her **their** own undertaking, and in the publication of the results, subject to the adequate performance of other academic duties. Research conducted for this University shall be in harmony with the provisions set forth in the official **research policies of the institution**, ~~document of the institution, Policy and Procedures in Research~~ or in memoranda of agreement entered into between the University and industries or other agencies. **Librarians are free to select and make available any materials supporting the teaching, research, and general learning functions of the academic community.**

IN INSTRUCTIONAL ROLES ~~THE CLASSROOM~~:

~~The faculty members is entitled to freedom in the classroom in discussing his/her subject.~~ **Academic freedom is also inherent in faculty members' roles in the classroom and in related instructional activities.** The Faculty members **are**, however, responsible for the maintenance of appropriate standards of scholarship and teaching ability, and for not persistently intruding material which has no relation to their subjects. ~~It is not the function of a faculty~~

~~member in a democracy to indoctrinate his/her students with ready-made conclusions on controversial subjects. The Faculty members~~ **are** expected to **educate** ~~train~~ students to think for themselves, and to **facilitate** ~~provide them~~ access to those **relevant** materials which they need **to form their own opinions** ~~if they are to think intelligently. Hence, in giving instruction upon controversial matters the~~ Faculty members **are** expected to **present information fairly**, ~~be of a fair and judicial mind, and to set forth justly, without supersession or innuendo, the divergent opinions of other investigators~~ **that arise out of scholarly methodology and professionalism.**

~~No faculty member may claim as a right the privilege of discussing in the classroom controversial topics outside his/her own field of study. The faculty member is normally bound not to take advantage of his/her position by introducing into the classroom provocative discussions of irrelevant subjects not within the field of his/her study.~~

APPEALS:

If a faculty member feels that his or her academic freedom rights have been violated, the procedure listed in the policy entitled, "Faculty Rights and Responsibilities" HR76 may be used.

CROSS-REFERENCE:

AD47 – General Standards of Professional Ethics

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