

Policy Recommendation
Amends University Policies S99-8 and S99-9
Declaring our Support for Academic Freedom and
Establishing the Academic Freedom Committee

Resolved: That this policy be adopted effective immediately, with the Academic Freedom Committee to be established by the beginning of AY 2018-19.

Resolved: Section I of S99-8 shall be deleted (as it is incorporated here unchanged.) The title of S99-8 shall be changed from "Academic Freedom and Professional Responsibility" to "Professional Responsibility."

Resolved: Throughout S99-9 the name of the "Board of Academic Freedom and Professional Responsibility" shall be changed to the "Board of Professional Responsibility." Items 1, 2, and 3 of its charge (related to the education about Academic Freedom) will be deleted (as they are incorporated here.)

Rationale: Academic Freedom is at the heart of the success of the modern university, but in recent years faculty, students, and others have begun to lose touch with a fulsome understanding of this critical concept. The classic statements in defense of academic freedom were articulated at the start of the twentieth century by the American Association of University Professors (AAUP) in response to egregious acts in which faculty appointments, research programs, and curricular content were attacked or manipulated for political reasons. Faculty organized and fought hard to secure tenure and other protections, and by the 1950s they won a key court decision that eloquently summarized the need for academic freedom. "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."¹ [[Sweezy v. New Hampshire](#), 34 U.S. 234, 250 (1957)]

Today, however, many faculty and others are apt not to know much about the history of academic freedom, nor its legal status, nor its ultimate purpose. When the term is used it is sometimes perceived incorrectly as

¹." [[Sweezy v. New Hampshire](#), 34 U.S. 234, 250 (1957)]

an individual privilege rather than as a critically important tool for fulfilling the academy's scholarly and educational roles. Professional Standards believes it is the responsibility of each new generation of faculty to take on the challenge of renewing the community's understanding of academic freedom, and has crafted this policy recommendation to fulfill this task.

A generation ago, the Academic Senate combined the Academic Freedom Committee with a new board focused on professional ethics. The motivation was sound—to symbolize the deep interconnection of academic freedom to professional responsibility. We continue to agree with this principle, but experience has taught that the Board of Academic Freedom and Professional Responsibility (BAFPR) has not been a consistently effective committee. Its sweeping responsibilities, extended membership, and restricted qualifications have resulted in a committee that is rarely filled and which is torn between its educational and its quasi-judicial functions. As a result, the BAFPR has been the subject of review and reform by Professional Standards for 4 years, with numerous starts and stops and no resolution to the problems. After extensive consultation, Professional Standards is determined to solve this problem, and this policy recommendation is the first of two important steps.

This policy recommendation removes the educational functions centered on Academic Freedom from BAFPR and gives them to a new Academic Freedom Committee (AFC.) The AFC will be much smaller than the Board and its qualifications for membership less restrictive. (BAFPR consists solely of full Professors elected from each College.) By creating a smaller committee with a sharper focus, Professional Standards hopes to create a vibrant, active committee of experts that can engage in the continual education of the university on academic freedom issues, and provide useful and timely information to faculty, students, and administration when issues related to academic freedom arise.

Other features of this reform are to pull the eloquent AAUP derived statements on Academic Freedom and Tenure into this policy creating the Academic Freedom Committee, so that the AFC's charge will be obviously connected to its structure. We have added a section on professional responsibility that underlines the interconnection between freedom and responsibility and links to the (retitled) Professional Responsibility policy.

The creation of the AFC will nevertheless leave another reform of the Board of Professional Responsibility to be taken up in a second stage. The most effective way to enforce our campus policy on professional responsibility, given the collective bargaining system and the growing

importance of legal codes operating within the academy, has yet to be decided. The existing Board is advisory to Faculty Affairs and has had mixed success over the years with this function. Furthermore, the statement the statement of professional responsibility is itself in need of revision after twenty years of legal developments. But Professional Standards would like to see an effective and functioning AFC in place while our work continues on the (now) separate professional responsibility policy.

Approved: (April 2, 2018)

Vote: (8-0-0)

Present: (Chin, He, Marachi, Kauppila, McKee, White, Peter, Kimbarow)

Absent: (Donahue, Pyeon)

Financial Impact: There could be some modest travel costs associated with sending members of the Academic Freedom committee to conferences.

Workload Impact: The creation of a new committee would represent more work, although necessary work. This is somewhat obviated by the work that could be saved if the committee's actions prevent misunderstandings or incidents arising from disputes over academic freedom.

112 **Policy Recommendation**
113 **Academic Freedom at SJSU**
114

115 1. Statement of Academic Freedom²
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117 1.1. In General
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119 1.1.1. The primary mandates of a university—the discovery and dissemination of
120 knowledge and understanding, are absolutely dependent upon academic
121 and intellectual freedom. Freedom in research is fundamental to the
122 advancement of truth. Freedom in teaching is fundamental for the
123 protection of the rights of the student in learning and of the faculty³ in
124 teaching.
125

126 1.1.2. San José State University has a responsibility to society to defend and to
127 maintain these freedoms, and to ensure that those engaged in academic
128 pursuits can effectively execute their responsibilities. SJSU faculty must
129 remain free of the forces of special interests and political interference if they
130 are to fulfill society's expectations and their educational responsibilities.
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132 1.2. Academic Freedom as it Relates to Tenure
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134 1.2.1. Tenure constitutes the procedural safeguard of academic freedom and
135 individual responsibility and, as such, is essential for the maintenance of
136 intellectual liberty and high standards in education and in scholarship. It is
137 the means by which university faculty members are protected against
138 personal malice or political coercion, and by which it is ensured that those
139 who, following rigorous evaluation, secure continuing employment, can be
140 dismissed only on professional grounds according to due process.
141

142 1.2.2. Historically, the indispensability of academic tenure to academic freedom
143 in universities throughout the world has been proven by events in situations
144 where tenure has not existed. We must not forget the lessons of the past
145 but must work to insure that SJSU continues to fulfill the educational needs
146 of a free society.
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² Derived from the *International Statement on Academic Freedom and Tenure*, 1984. Signatories include the American Association of University Professors, the American Federation of Teachers, the National Education Association, and similar groups from the United Kingdom, New Zealand, Canada, Australia, Ireland, and France. Section 1 is unchanged from S99-8 and previously from S93-12.

³ The faculty of the university include all those who engage in scholarly activities and/or those who directly or indirectly participate in instructional activity. Thus faculty members include professors, lecturers, teaching assistants, research assistants, coaches, counselors, librarians, and all those faculty employees under Unit 3.

148 1.3. Academic Freedom as it Relates to Professional Responsibility

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150 1.3.1. Professional responsibility is the natural complement of the academic
151 freedom essential to the university's mission. Through their responsible
152 professional conduct, faculty members promote and protect academic
153 freedom. Since faculty members belong to a profession with the rights of
154 self-government, they also have the obligation to establish standards of
155 professional conduct and procedures to enforce them. These standards are
156 set in the SJSU Statement of Professional Responsibility.⁴

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158 **1.3.2.** Academic freedom is a privilege granted to faculty in return for their
159 obligation to serve the public good, which they do through the advancement
160 of scholarship, the search for truth, and the higher education of our
161 communities. We agree with the AAUP 1915 Declaration that “not only that
162 the profession will earnestly guard those liberties without which it cannot
163 rightly render its distinctive and indispensable service to society, but also
164 that it will with equal earnestness seek to maintain such standards of
165 professional character, and of scientific integrity and competency, as shall
166 make it a fit instrument for that service.”⁵

167
168 2. The Academic Freedom Committee is established as a Special Agency.

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170 2.1. Charge of the Academic Freedom Committee (AFC):

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172 2.1.1. AFC shall monitor the state of academic freedom and shall serve as an
173 advisory body on issues arising from the application of academic freedom
174 on our campus.

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176 2.1.2. AFC shall engage in the continual education of the university on academic
177 freedom issues. To do so, AFC shall familiarize itself with policies, laws,
178 court decisions, and current events concerning academic freedom. As part
179 of this function it shall maintain contact (and membership if possible) with
180 the American Association of University Professors (AAUP) and familiarize
181 itself with relevant AAUP publications. Members of AFC should attend
182 AAUP conferences on academic freedom when possible.

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184 2.1.3. AFC shall work in concert with the Center for Faculty Development to
185 educate and orient new faculty on academic freedom issues, by attending
186 and presenting at events such as faculty orientations.

⁴ S99-8 at the time of this policy recommendation

⁵ American Association of University Professors, *1915 Declaration of Principles on Academic Freedom and Academic Tenure*.

2.1.4. AFC shall educate all constituencies of the San Jose State Community on our own policies on academic freedom. It shall host at least one academic freedom forum each year, on a topic related to academic freedom and designed to stimulate interest in academic freedom.

3. Organization of the AFC

3.1. Membership

3.1.1. Three faculty members, two of whom must be (or have previously been) tenured, chosen university-wide for their expertise and/or interest in academic freedom issues. One of the three faculty may be from among our emeriti faculty. One of the three faculty may be a lecturer or a probationary faculty member. These faculty will serve 2 years terms and may be renewed twice (for a total of six years) before rotating off the committee for a minimum of one term.

3.1.2. One student.

3.1.3. One administrator.

3.2. Chair. Each year the AFC shall choose its own Chair from among the tenured (or previously tenured) faculty members of the committee.

3.3. Reporting.

3.3.1. If the AFC has suggestions for policy changes it shall report them to the Professional Standards Committee of the Academic Senate.

3.3.2. The Chair of the AFC shall be permitted to address the Professional Standards Committee and the Academic Senate to report on issues relating to academic freedom.

3.4. Selection

3.4.1. All candidates for membership shall submit statements discussing their expertise and/or interest in academic freedom issues, and (if faculty) a curriculum vitae.

3.4.2. Faculty candidates for membership shall be screened by the Executive Committee and approved by the Senate.

3.4.3. The Administrative representative shall be designated by the President after consultation with the Executive Committee.

3.4.4. The student representative shall be designated by Associated Students after consultation with the Executive Committee.