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California State University, East Bay Statement on Academic Freedom

The mission of California State University, East Bay is grounded in the values of diversity, equity, inclusion and social justice. CSUEB's Statement on Academic Freedom was developed in order to comply with regional accreditation standards and to support the Academic Senate's commitment to examine and revise its official statements, policies and procedures to reflect an anti-racist stance and to take this stance in developing new official statements, policies, and procedures. This statement should be read with this context in mind. All California State University faculty are expected to comply with the CSU policy prohibiting discrimination, harassment and retaliation.

Preamble

1. Academic freedom has been called "the philosophical key to the whole enterprise of higher education."¹ Academic freedom belongs to the academic profession as a whole to pursue inquiry and to teach, free from external interference, limited and guided only by the principles of the profession. It guarantees to each faculty member, researcher, librarian, and counselor the right to teach, conduct research and publish, and to speak as a citizen even when material may be controversial.
2. Academic freedom is not an individual employment benefit provided to those in a restricted number of academic appointments. There must be no invidious distinctions between

¹ Louis Menand, *The Marketplace of Ideas: Reform and Resistance in the American University* (New York: W.W. Norton, 2010), 131.

those who teach or conduct research regardless of whether they hold full-time or part-time appointments or whether their appointments are tenured, tenure-track, or contingent. All faculty members should have access to the same academic freedom and to due-process protections and procedures.

3. Academic freedom is not a civil right like freedom of speech. Although it grants considerable scope to the consciences of individual scholars, academic freedom is not an individual right of professors to do whatever they wish in their research and teaching or to say whatever they might in public remarks. Academic freedom is ultimately the collective freedom of the scholarly community to govern itself, in the interest of serving the common good in a diverse and democratic society.

The 1940 Statement of Principles

4. The faculty and administration of California State University, East Bay endorse the nationally recognized 1940 *Statement of Principles on Academic Freedom and Tenure*, with its 1970 Interpretive Comments, formulated by the American Association of University Professors (AAUP) and the American Association of Colleges and Universities (AACU), which defines academic freedom as follows:

1. Teachers are entitled to full freedom in research and in the publication of the 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.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no

relation to their subject.² Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

3. College and university teachers 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 their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.³

Academic Freedom in Research

5. Faculty members are entitled to full freedom in research and in the publication of the results, but researchers should conform to accepted intellectual and disciplinary standards. Legitimate restraints on research can be established and policed only by the community of trained researchers itself. Faculty regulation of research is accomplished mainly through systems of peer review, including appointment, reappointment, promotion and tenure processes as governed by the CSU-CFA Collective Bargaining Agreement (CBA) and relevant University policies enacted by the Academic Senate.

6. In all forms of faculty research, the faculty member rather than the University should determine the subject matter, the intellectual approach and direction, and the conclusions, and should control disposition of intellectual property rights.

² The second 1970 Interpretive Comments 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."

³ This provision is to be interpreted in light of the lengthy fourth 1970 Interpretive Comment.

7. The University may ensure that researchers comply with mandated human-subject regulations and similar government regulations, but proposed or adopted campus rules related to research should be examined for potential abridgements of academic freedom.
8. Academic freedom does not entitle faculty members to ignore financial conflicts of interest. It does not guarantee faculty members the freedom to accept research funding regardless of the conditions attached. Donor funding agreements should be fully transparent and the faculty's rights to both academic freedom and collective regulation of research efforts must be upheld.
9. Where public records requests seek prepublication communications or other unpublished academic research materials, compelled disclosure would have a severe chilling effect on intellectual debate among researchers. The University will contest such requests to the limits of applicable state and federal law.
10. Artistic expression in the classroom, the studio, the theater, and the workshop merits the same assurance of academic freedom that is accorded to other scholarly and teaching activities.

Academic Freedom in Teaching

- 11 Academic freedom protects an instructor's right to select the materials to be used in a class, to determine the approach to the subject and the pedagogical methods to be employed, to design the assignments, and to assess student academic performance and record grades regardless of teaching modality—all without having their decisions subject to the veto of a department chair, dean, or other administrative officer. These individual rights may be limited by curricular requirements approved by the faculty of a department or college or by the Academic Senate or by provisions of the CBA.
12. Teachers must educate, not indoctrinate, students. But instructors can assert viewpoints that remain controversial. Indoctrination occurs when an instructor insists that students accept as truth propositions that are in fact professionally contestable, without allowing students to challenge their validity or advance alternative understandings. Teachers are not obliged to strive for some abstract and impractical ideal of "neutrality" or "balance." To demand that all interpretations must be presented is to demand the impossible. Faculty members are free to

choose ways to relate the subject matter of their courses to matters they themselves deem relevant, including, but not limited to, public affairs, current events and community issues.

13. Discussions in the classroom are not intended for the public at large. Classroom expression of college and university teachers, in person or online, should be considered privileged communications. The unauthorized monitoring or recording of classroom discussions violates academic freedom.

Expression as Citizens

14. The University guarantees to its faculty the rights shared by all citizens including the right to free expression, the right to peacefully assemble, and the right to criticize and seek revision of the institution's regulations and of state and federal laws.

15. A faculty member's expression of opinion as a citizen, including in subject areas unrelated to the faculty member's academic discipline, cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness to serve. Such statements rarely bear upon a faculty member's fitness. Moreover, a decision should take into account the faculty member's entire record as a teacher and scholar.

16. As a general rule, public comments made by faculty members as citizens do not represent the institution. Hence, the University need not, and in most cases should not, publicly criticize a faculty member's controversial views.

17. The University must apply to a faculty member's statements on social media the same fitness standard appropriate for older formats. The University must also defend faculty members against threats directed against them and resist threats and ultimatums directed at the institution.

18. Academic freedom includes the right of faculty members to express views on matters having to do with university governance. It is a faculty member's right not only to disagree with administrative decisions but also to criticize them without fear of retaliation or reprimand.

19. Faculty members are neither subordinate to, nor do they report to, members of the administration. The faculty's role in matters of faculty status, curricular matters and aspects of student life related to the curriculum is and must be independent of the administration.

Enforcement and Responsibility

20. Academic freedom is protected by guarantees of academic due process. In the California State University, these are maintained by the relevant provisions of the CBA as well as the Constitution and Bylaws of the University Faculty . If a faculty member alleges that an action taken by the University with regard to that member's employment was based on considerations that would violate the principles of this statement, then the faculty member should be free to employ a grievance mechanism provided by the CBA. The basic principle is that only a faculty member's academic peers can pass valid judgment on that faculty member's fitness to teach or conduct research.

21. With freedom comes responsibility. Faculty members must recognize their obligation to perform their academic duties responsibly and to comply with the internal regulations of the University, the provisions of the CBA, and relevant laws. Equally important, as the AAUP and the AACU stated in a 1958 statement, "a necessary precondition of a strong faculty is that it have first-hand concern with its own membership."⁴ Hence the faculty's greatest responsibility is to diligently and knowledgeably defend academic freedom and professional standards in the service of the common good in a diverse and democratic society.

⁴ "Statement on Procedural Standards in Faculty Dismissal Proceedings," *AAUP Policy Documents and Reports*, 11th ed. (Baltimore: AAUP and Johns Hopkins University Press, 2015), 91.