

Agendum
Oakland University
Board of Trustees Formal Session
March 30, 2011

STATEMENT ON ACADEMIC FREEDOM

A Recommendation

1. **Division and Department:** Office of the Senior Vice President for Academic Affairs and Provost
2. **Introduction:** Academic freedom traditionally has been considered to be an essential aspect of American higher education. It has been a major determinant of the missions of higher education institutions, both public and private, and a major factor in shaping the roles of faculty members as well as students. Although the concept of academic freedom eludes precise definition, it draws its meaning from both the world of education and the world of law.

Within the educational concept of academic freedom, educators usually use the term with reference to the professional norms of the academy, which are in turn grounded in academic custom and practice, and the aspirations, by which faculties may best flourish in their work as teachers and researchers. The most recognized and most generally applicable professional norms are those promulgated by the American Association of University Professors (AAUP). Most of those norms appear in the AAUP standards, statements, and reports that are collected in the *AAUP Policy Documents & Reports*. This publication, called "The Redbook" is available online on the AAUP's Web site, at <http://www.aaup.org/statements/Redbook>. The AAUP documents articulate national norms that evidence national custom and practice on academic freedom, but there are also professional norms embodied in the custom and practice of each individual institution.

Within the legal concept of academic freedom, the courts usually use academic freedom as a catchall term to describe the legal rights and responsibilities of the teaching profession. In a series of cases in the 1950s and 1960s, the U.S. Supreme Court gave academic freedom constitutional status under the First Amendment freedoms of speech and association. Courts usually attempt to define the rights and responsibilities of the teaching profession by reconciling the basic First Amendment rights with prevailing views of academic freedom's intellectual and social role in American life and boundaries defied by contract law either in individual contracts or in a collectively bargained agreement. In that

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regard, the Agreement between Oakland University and the Oakland University Chapter of the AAUP recognizes the rights, privileges, and responsibilities of individual faculty members in the conduct of their teaching and research, including, but not limited to, the principles of academic freedom and academic responsibility.

More broadly, academic freedom refers not only to the prerogatives and rights of faculty members but also to the prerogatives and rights of students. In addition, the term increasingly is used to refer to the rights and interests of institutions themselves to act with autonomy, "institutional academic freedom".

Oakland University has a longstanding commitment to academic freedom as a cornerstone of institutional education and governance. In that regard, the Board of Trustees (Board) issued its own Statement on Academic Freedom for Oakland University (Attachment A).

The Board has also recognized the University Senate (Senate) as an organization to advise the President in regard to academic policies and programs. The Senate appointed an ad hoc committee of two faculty and two administrators to review the Board's Statement on Academic Freedom (Board Statement) along with statements from other institutions and make a recommendation to the Senate. As a result, the Senate approved its own Statement on Academic Freedom that incorporates the Board Statement, but more specifically details the components of academic freedom (Attachment B).

3. **Previous Board Action:** The Board approved its Statement on Academic Freedom on December 11, 1985.
4. **Budget Implications:** N/A
5. **Educational Implications:** The recognition by faculty and students that they have academic freedom to continue to speak to academic issues and policies is important to the educational mission of Oakland University.
6. **Personnel Implications:** N/A
7. **University Reviews/Approvals:** The Senate's Statement on Academic Freedom was developed by an ad hoc Senate committee and approved by the University Senate on February 23, 2011, and is supported by both the Senior Vice President for Academic Affairs and Provost and the President.

8. Recommendation:

WHEREAS, the Oakland University Board of Trustees reaffirms its commitment to academic freedom as embodied in its Statement on Academic Freedom, recognizing that academic freedom has both professional and legal components; and

WHEREAS, the Oakland University Board of Trustees has recognized the Oakland University Senate as an organization to advise the President in regard to academic policies and programs; and

WHEREAS, both the Senior Vice President for Academic Affairs and Provost, and the President, support the Oakland University Senate's Statement on Academic Freedom; and

WHEREAS, the Oakland University Board of Trustees has sought the input and recommendations of faculty, staff and students on matters relating to the academic policies and programs of Oakland University, but has retained unto itself the full authority granted to it by law; now, therefore, be it

RESOLVED, that the Oakland University Board of Trustees also supports the Oakland University Senate's Statement on Academic Freedom; and be it further

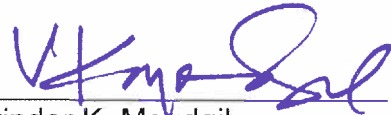
RESOLVED, that notwithstanding its commitment to academic freedom generally, and its support of the Oakland University Senate's Statement on Academic Freedom specifically, the Oakland University Board of Trustees will at all times adhere to the legally defined parameters of academic freedom, and be it

RESOLVED, that notwithstanding any provision of any Oakland University Board of Trustee Policy, Oakland University institutional constitution, other institutional policy, practice or procedure, or its support of the Oakland University Senate's Statement on Academic Freedom, the Oakland University Board of Trustees reconfirms its legal authority to grant, modify, and rescind any of the foregoing when the Board of Trustees determines such action to be in the best interest of the institution or required to comply with its legal obligations.

9. Attachments:

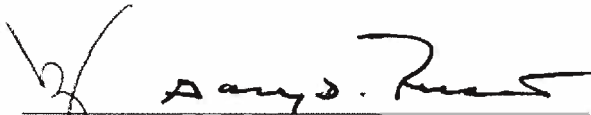
- A. Oakland University Board of Trustees Statement on Academic Freedom
- B. Oakland University Senate Statement on Academic Freedom

Submitted to the President
on 3/25, 2011 by



Virinder K. Moudgil
Senior Vice President for
Academic Affairs and Provost

Recommendation on 3/25, 2011
to the Board for Approval by



Gary D. Russi
President

STATEMENT ON ACADEMIC FREEDOM

Approved by the Board of Trustees on December 11, 1985

The freedom of colleges and universities to determine their curricula and courses of investigation in accordance with professional standards is a fundamental source of strength for American higher education and must be preserved. The Board of Trustees of Oakland University recognizes its responsibility in this regard and issues the following statement.

The Board of Trustees of Oakland University reaffirms its commitment to maintain Oakland University as an institution where both students and faculty are free to pursue scholarship in an open and creative environment. The rights of faculty members to undertake scholarly approaches to their disciplines in accordance with professional standards in the classroom, in the laboratory, and in publications are guaranteed. Likewise, the rights of students to question, without fear of reprisal, the positions and points of view espoused by faculty must be assured. An academic community is a delicate balance of teaching and scholarship in which both suffer when the freedom to pursue either in a fully open manner is compromised.

As a public institution of higher education, Oakland University acknowledges its responsibility to conduct its programs in the public interest. The Board of Trustees expects the university faculty to maintain the highest standards of academic integrity and to act only in ways that will further the mission of the University. In return, the University shall vigorously defend the competence of the faculty to establish the content and direction of their scholarly investigations and presentations in the classroom in accordance with prevailing professional and legal standards and institutional requirements.

Oakland University Senate Statement on Academic Freedom

The University Senate reaffirms its commitment to maintain Oakland University as an institution where both students and faculty are free to pursue scholarship in an open and creative environment. The rights of faculty members to undertake scholarly approaches to their disciplines in accordance with professional standards in the classroom, in the laboratory, and in publications are guaranteed. Likewise, the rights of students to question, without fear of reprisal, the positions and points of view espoused by faculty must be assured. An academic community is a delicate balance of teaching and scholarship in which both suffer when the freedom to pursue either in a fully open manner is compromised.

Academic freedom includes the following specific freedoms:

- *Freedom of research and publication.* Within the broad standards of accountability established by their profession and their individual disciplines, faculty members must enjoy the fullest possible freedom in their research and in circulating and publishing their results. This freedom follows immediately from the university's basic commitment to advancing knowledge and understanding. Restrictions on research and publication should be minimal and unobtrusive.
- *Freedom of teaching.* This freedom is an outgrowth of the previous one. Faculty members must be able to develop and establish the curriculum for academic programs and individual courses. Faculty members must also be free to disseminate to their students the results of research by themselves and others in their profession and to encourage students to think about these results for themselves, often in an atmosphere of controversy, so long as it remains in a broad sense educationally relevant, actively assists students in mastering the subject and appreciating its significance.
- *Freedom of internal criticism.* Universities promote the common good not through individual decisions but through broad-based engagement in scholarly endeavor. Faculty members, because of their educational and institutional knowledge, play an indispensable role as independent participants in university decision making. By virtue of this role, they are entitled to comment on or criticize in a professional manner University policies or decisions, either individually or through institutions of faculty governance.
- *Freedom of participation in public debate.* Both within and beyond their areas of expertise, faculty members are generally entitled to participate as citizens in public forms and debates including use of electronic media. 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 faculty members, 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 they are not speaking for the institution.

As a public institution of higher education, Oakland University acknowledges responsibility to conduct its programs in the public interest. Members of the Oakland University community are expected to maintain the highest standards of academic integrity and to act only in ways that will further the mission of the University. The University shall vigorously defend the competence of the faculty to establish the content and direction of their scholarly investigations, presentations in the classroom, and engagement in service activities, including participation in faculty governance, in accordance with prevailing professional and legal standards and institutional requirements.