

MIAMI UNIVERSITY'S QUESTIONS TO FAM - ACADEMIC FREEDOM PROPOSAL

1. In the Union's view, have the University's existing Academic Freedom policies historically been used to curtail faculty's free exercise of academic freedom, and if so please provide examples.
 - a. If not, what does the Union seek to gain or improve upon through the proposed provision that is not provided by current policy?
2. Did the bargaining committee review or consult any Ohio public university collective bargaining agreements in drafting this proposal, and if so, which?
3. On what basis does the Union believe this article can be enforced with regard to employees not subject to this agreement, such as instructional staff and graduate assistants, which the Union included under "Applicability of Rights"?
4. The AAUP 1940 Statement, as clarified in the 1970 interpretational comments, discusses controversial material, but does not contain the language "unpopular material, even material some might find offensive" - What is the source of this language? If not drawn from another source, please provide examples of such material.
 - a. Is the Union aware of examples where faculty's selection of materials has been restricted by the University due to the controversial, unpopular, or offensive nature of the material?
5. In the section titled "Freedom of extramural speech," the Union references freedom of speech. Academic Freedom and Constitutional Freedom of Speech are distinct concepts with different scope and applicability. What is the Union's view on the overlap or interaction, if any, between these concepts?
 - a. How does the Union define "speaking or writing as a citizen" in contrast to "official duties," and how does this interact with the faculty's freedom to identify their University affiliation? For example, if a faculty member identifies themselves as a Miami University Professor in their twitter bio and posts tweets on a topic related to their academic field of study, is that speaking as a citizen or pursuant to official duties?
6. With regard to criticism of institutional actions or inactions, is the Union aware of any examples where a faculty member was restricted from or subject to adverse action because they criticized institutional actions, including of those in authority?
 - a. Similarly: The right of faculty to communicate among one another regarding terms and conditions of employment, as well as organizing on their own behalf, is protected by Ohio labor law. If the Union alleged that this right had been violated, is the Union's position that it would be able to both challenge this provision through the contractual grievance process and file a charge of unfair labor practice with SERB?

7. Last session, we clarified that any academic freedom protection for librarians would be negotiated separately. Focusing on the aspects of the section titled "Library provisions" that are framed within faculty rights, is the Union aware of any examples where faculty members have been denied access to library staff, services or resources due to the topic of their teaching and/or research?
 - a. Are there any limits to the types of controversial, unpopular or offensive material that faculty may request through library resources?
8. The University defines "professional collegiality" in policy, and is clear that it does not refer to personal congeniality. Rather, it is "a quality manifested, for example, by behaviors such as willingness to serve on committees and perform work necessary to departmental operation, willingness to provide guidance and help to colleagues in their professional duties, adherence to professional ethics, respect for the ideas of others, and the conduct of one's professional life without prejudice toward others."
 - a. In the Section titled "On collegiality as a criterion for faculty evaluation," does the Union define "collegiality" differently than the University's definition? If so, what is the Union's definition? If not, which of the examples in the University's definition does the Union specifically object to as a criterion for evaluation?
9. In the section titled "Access to electronic material" the Union references "limiting of access to controversial or harmful materials." Again recognizing that the concept of controversial materials is referenced in the AAUP's Statement of Academic Freedom, what does the Union mean by "harmful" as used in this provision? Is it different from "unpopular" or "offensive," as used elsewhere in the proposal?
10. What is the definition of "compulsory legal process" as used in the section titled "Privacy of electronic communications"? Is it the Union's position that this Section would prohibit preliminary investigation into misconduct? As an employer with obligations under state and federal law to maintain a safe workplace free of unlawful harassment and discrimination, the University may have occasion to review electronic communications in the course of investigation into allegations of unlawful harassment, discrimination, sexual misconduct, or criminal activity, but prior to initiation of any formal processes.
11. What problem does the Section titled "Privacy of work product" seek to address? Is the Union aware of any examples where a faculty member has been required to publish or produce nonpublic or preliminary versions of work for inspection by a second party?
12. In the Section titled "Political activity," what types of political activities is the Union referencing that would require a leave of absence from the University? Would there be any limits to the length of the leave of absence permissible?