

Faculty Alliance of Miami, AAUP-AFT Counter to Miami University

January 31, 2024

Academic Freedom

The parties reaffirm their deep commitment to the longstanding values of academic freedom set forth in the AAUP's "1940 Statement on Academic Freedom and Tenure with 1970 Interpretive Comments." That statement is not intended as a static code but as a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances. The parties agree to the following principles, which are based on and guided by the 1940 statement and subsequent reports and recommendations of the AAUP.

1.1. Introduction and rationale

1.1.1. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to teaching, research, and service. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student in learning.

1.2. Applicability of rights

1.2.1. The rights associated with and protections of academic freedom as set forth in this section shall apply to all bargaining unit members. The University must not discipline employees or students who collaborate with, assist, provide materials or services to, or work under the supervision of a bargaining unit member on a matter related to that bargaining unit member's teaching, research, service, or creative activity for activities undertaken on behalf of that bargaining unit member, nor shall the University discipline a bargaining unit member for such activity done by employees or students. ~~members of the bargaining units covered by this agreement, including tenured faculty, tenure-track faculty, TCPL faculty, and librarians, regardless of rank or status.~~

1.2.2. For the purposes of this ~~contract~~ section, the terms "faculty" and "faculty member" shall be interpreted to include all bargaining unit members. ~~members of these bargaining units, including tenured faculty, tenure-track faculty, TCPL faculty, and librarians, regardless of rank or status. Moreover, as academic freedom benefits not only those who exercise that freedom, but also the common good by creating conditions that foster high-quality teaching, research, service, and creative activity,~~

~~any other employees who engage in teaching, research, service, or creative activity as part of University duties, including but not limited to instructional staff and graduate assistants, shall be entitled to the same academic protections as faculty.~~

1.3. Freedom of research, creative activity, and teaching

1.3.1. Faculty are entitled to full freedom in the conduct of research and creative activity and in the publication, display and performance of the results, subject to the adequate performance of their other academic duties.

1.3.2. In the course of teaching, whether it occurs inside or outside of the classroom, faculty are entitled to freedom in discussing their subject. This includes full freedom to discuss controversial or unpopular material, even material that some may find offensive. The parties understand that controversy is at the heart of the free academic inquiry which this agreement article is designed to foster. However, faculty should avoid the persistent intrusion to the classroom of material which has no relation to their subject (and from which no connection is drawn to their subject).

1.4. Freedom of extramural speech

1.4.1. In addition to being members of a learned profession and officers of an educational institution, faculty members are citizens of a broader community that extends beyond the walls of the University. Employment at the University does not compromise the inherent right of every individual to freedom of speech, a right that is recognized in the First Amendment to the United States Constitution. When they speak or write as citizens (rather than speaking or writing pursuant to their official duties) faculty must be free from institutional censorship or discipline. A faculty member's expression of opinion as a citizen (rather than pursuant to official duties) cannot constitute grounds for dismissal, non-reappointment, or denial of tenure, promotion, or continuing contract.

1.4.2. Faculty are free in their public utterances or activities to identify their University affiliation as long as they avoid creating a false impression of University sponsorship or endorsement.

1.5. Freedom of intramural speech

1.5.1. The University recognizes that the faculty member is an integral part of the institution and its governance. The faculty member maintains the right to criticize and seek revision of University policy, both administrative and academic, and the right to criticize institutional actions or inaction, including criticism of those in authority who have acted or failed to act. This right to criticism and dissent exists regardless of whether or not the criticism or dissent takes place inside a formal structure of University governance. Faculty also have the right to communicate with one another about their conditions of employment and to organize on their own behalf.

77 1.6. Library provisions

78 1.6.1. ~~Academic freedom is indispensable to librarians because they must provide access~~
 79 ~~to information, no matter how controversial, so that teachers may freely teach and~~
 80 ~~research, and students may freely learn. Moreover, as members of the academic~~
 81 ~~community, librarians must have latitude in the exercise of their professional~~
 82 ~~judgment within the library and a share in shaping policy within the institution.~~ The
 83 parties affirm the principles set forth in the American Library Association's Library
 84 Bill of Rights and Intellectual Freedom Principles for Academic Libraries ~~including~~
 85 ~~but not limited to those enumerated below.~~

86 1.6.2. ~~Librarians shall be free to choose resources and to provide services for the~~
 87 ~~interest, information, and education of all members of the academic community.~~ In
 88 no case shall resources be excluded from the University Libraries, or otherwise
 89 made more difficult for bargaining unit members to access, because of disapproval
 90 of or controversy over the work or its author. ~~because of their authors' views or the~~
 91 ~~scientific, economic, social, political, or religious content expressed in the work. No~~
 92 ~~library resources shall be proscribed or removed from the libraries because of~~
 93 ~~ideological disapproval. Likewise, services, exhibitions, and programs offered or~~
 94 ~~created by librarians will not be altered, discontinued, or canceled due to ideological~~
 95 ~~disapproval.~~

96 1.6.3. No faculty member, ~~including librarians,~~ shall be denied access to library staff,
 97 services, and resources due to the topic of their teaching and/or research. ~~Librarians~~
 98 ~~will not be penalized for helping members of the community access services and~~
 99 ~~resources related to the topic of their research, regardless of whether the topic is~~
 100 ~~considered to be controversial, unpopular, or offensive.~~

101 1.7. ~~On collegiality as a criterion for faculty evaluation~~ Academic Freedom and Faculty
 102 Evaluation

103 1.7.1. ~~Collegiality shall not be used as a separate criterion of faculty evaluation or~~
 104 ~~assessment distinct from teaching, research, advising, and service. Moreover, n~~ No
 105 criterion of faculty evaluation or assessment ~~shall be construed to~~ can be used if it
 106 would abridge academic freedom, including the right to dissent from the judgments
 107 of colleagues and administrators, to require deference to administrative or faculty
 108 decisions, or to require civility or congeniality. Collegiality shall not be used as a
 109 separate criterion of faculty evaluation or assessment distinct from teaching,
 110 research, advising, and service.

111 1.8. Access to electronic material

112 1.8.1. Faculty ~~in the course of their research~~ have the right to access and circulate
 113 electronically all lawful materials. ~~The University shall not limit or allow the~~

~~limiting of access to controversial or harmful materials without prior consultation with faculty whom the University and Bargaining Unit agree will be affected.~~

1.9. Independence from media format

1.9.1. Academic freedom, free inquiry, and freedom of expression within the academic community may be limited to no greater extent in electronic format than they are in print.

1.10. Privacy of electronic communications

1.10.1. The parties recognize that faculty members have a reasonable expectation of privacy in their electronic communications and traffic data, and that making every exchange of ideas subject to exposure can have a chilling effect on academic freedom.

1.10.2. The University shall not access the contents of a faculty member's electronic communications or traffic data nor disclose the contents of such communications or data to a third party in the absence of compulsory legal process. ~~The University may not disclose the contents of a faculty member's electronic communications or traffic data to a third party in the absence of compulsory legal process.~~ Before any disclosure pursuant to such legal process, the University shall provide at least ten business days advance notice to the affected faculty and will provide the faculty member a copy of any materials to be disclosed to the requesting party.

1.11. Privacy of work product

1.11.1. No faculty member shall be obliged to make their nonpublic work available for inspection by a second party in the absence of compulsory legal process. Nonpublic work includes, but is not limited to, preliminary versions of work that may later become public.

1.12. Political activity

1.12.1. ~~Faculty members, as citizens of their community, are free to engage in political activities. Many kinds of political activity are consistent with the obligations of a faculty member, but some may require that the faculty member seek a leave of absence from the University.~~ A leave of absence due to political activity ~~should~~ may be granted under the University's normal rules and regulations for leaves of absence. Such a leave will not adversely affect the unit member's faculty status, including but not limited to appointment, reappointment, continuing contract, tenure or promotion.

1.13. Preserving academic freedom

1.13.1. The University shall do everything within its power to preserve the academic freedom of the faculty regardless of the current leanings of the state or federal governments. The University and Faculty shall both work to preserve academic freedom at all levels.