



University of Washington  
**FACULTY SENATE**  
Box 351271

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**GENERAL LEGISLATIVE ACTION**

At its meeting on December 5, 2013, the Faculty Senate approved legislation that revises the Faculty Code on principles of academic freedom and responsibility. These changes, which would amend the Faculty Code, have been approved twice by a majority at both the Faculty Senate Executive Committee and the Faculty Senate. The Faculty Council on Faculty Affairs (FCFA) developed and approved this legislation.

***PLEASE VOTE BY January 8, 2014 at 5 p.m.***

**Rationale:**

Introduction

The Faculty Senate and the Senate Executive Committee has approved the first and second consideration, and is forwarding to the faculty for final vote, Class A legislation that modifies Section 24-33 of the Faculty Code, “A Statement of Principle: Academic Freedom and Responsibility” in two major areas:

1. Adds a more complete definition of academic freedom.
2. Makes clear that exercise of academic freedom may not result in disciplinary action or adverse merit evaluation.

Reasons for proposed changes

- This section has not been updated for over twenty years. In that time court cases and adverse actions against public employees at other institutions have led us to question the strength of our *Faculty Code* on this matter.
- We needed to define what academic freedom is and give examples of some of the situations in which faculty should not be subject to reprisals, punishment, for what they said or for what other people think of what they said.

Background:

Section 24-33 (formerly Section 13-31) is one of the older sections of the University of Washington Faculty Code, first approved by the Faculty Senate and President on April 16, 1956. Much of the language of the document has remained unchanged since that time, although there is a footnote added in 1992 on Faculty/Student Relationships and Conflicts of Interest. The initial date of 1956 indicates that this addition to the Code was adopted after the Red Scare investigations of the Canwell Committee (a state-level legislative committee similar to HUAC). Several professors lost their jobs in this investigation. A statement on academic freedom seemed quite necessary at the time to preclude future investigations that abridged that academic freedom.

More recently, at least one recent Supreme Court decision, *Garcetti v. Ceballos* 547 U.S. 410 (2006), complicated the relationship between the First Amendment and speaking when a public employee. Although academic freedom has not been addressed directly, it became clear that what was not addressed in our academic freedom statement was our role in shared governance. *Garcetti* involved criticism of an elected prosecutor; his firing was upheld. Many faculty have and voice opinions about administrative decisions and much of this is part of shared faculty-administration governance of the university.

Faculty Council on Faculty Affairs also added language taken from the University of Utah’s statement on Faculty Rights and Responsibilities and from the national AAUP. We needed to define what academic freedom is and give examples of some of the situations in which faculty should not be subject to reprisals, punishment, for what they said or for what other people think of what they said.

**Proposed Amendments to the Faculty Code:**

## Section 24-33. A Statement of Principle: Academic Freedom and Responsibility

Academic freedom is the freedom to discuss all relevant matters in teaching, to explore all avenues of scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to shared governance and the general welfare of the University.

Faculty members have the right to academic freedom and the right to examine and communicate ideas by any lawful means even should such activities generate hostility or pressure against the faculty member or the University. Their exercise of constitutionally protected freedom of association, assembly, and expression, including participation in political activities, does not constitute a violation of duties to the University, to their profession, or to students and may not result in disciplinary action or adverse merit evaluation.

A faculty member's academic responsibility requires the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

Membership in the academic community imposes on students, faculty members, administrators, and Regents an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways ~~which that~~ injure individuals and damage institutional facilities or disrupt the classes of one's instructors or colleagues. Speakers on campus must not only be protected from violence, but also be given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that clearly and significantly impede the functions of the University.

Students and faculty are entitled to an atmosphere conducive to learning and to evenhanded treatment in all aspects of the instructor-student relationship. Faculty members may not refuse to enroll or teach a student because of the student's beliefs or the possible uses to which the student may put the knowledge to be gained in a course. Students should not be forced by the authority inherent in the instructional relationship to make particular personal choices as to political action or their own roles in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance. (Examples of such matters include but are not limited to personality, personal beliefs, race, sex, gender, religion, political activity, sexual orientation, or sexual, romantic, familial, or other personal relationships.)

~~It is the responsibility of the instructors faculty members to present the subject matter of their courses as approved by the faculty in their collective responsibility for the curriculum. Within the approved curriculum, It is the instructors' faculty members are free to express ideas and teach as they see fit, based on their mastery of their subjects and their own scholarship, which entitle them to their classrooms and to freedom in the presentation of their subjects. It is the responsibility of the instructors to present the subject matter of their courses as approved by the faculty in their collective responsibility for the curriculum. Because academic freedom has traditionally included the instructor's full freedom as a citizen, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues and institutions, on the other. If such conflicts become acute, and the instructor's attention to his or her obligations as a citizen and a moral agent precludes the fulfillment of substantial academic obligations, he or she cannot escape the responsibility of that choice, but should either request a leave of absence or resign his or her academic position.~~

*Approved by:*  
Senate Executive Committee  
October 7, 2013

*Approved by:*  
Faculty Senate  
October 24, 2013

*Approved by:*  
Senate Executive Committee  
November 18, 2013

*Approved by:*  
Faculty Senate  
December 5, 2013