

**ACADEMIC SENATE  
OF  
THE CALIFORNIA STATE UNIVERSITY**

AS-3276-16/FA (Rev)  
November 3-4, 2016

**ACADEMIC FREEDOM POLICY**

- RESOLVED:** That the Academic Senate of the California State University (ASCSU) reaffirm its strong commitment and constitutional responsibility, “to advance the principles of academic freedom and freedom of inquiry...”<sup>1</sup> and be it further
- RESOLVED:** That the ASCSU approve the attached policy on academic freedom as drafted by the ASCSU Faculty Affairs Committee following long and thoughtful discussions with the CSU faculty, the California Faculty Association (CFA), and the CSU administration; and be it further
- RESOLVED:** That the ASCSU urge the California State University (CSU) to adopt the attached recommended<sup>2</sup> policy as a model for a comprehensive and updated document to enhance the university’s mission of educating students and serving society by discovering, creating, and preserving knowledge; and be it further
- RESOLVED:** That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Chancellor, CSU General Counsel, CSU campus Presidents, CSU campus Senate Chairs, CSU campus Senate Executive Committees, CSU Provosts/Vice Presidents of Academic Affairs, California Faculty Association (CFA), California State Student Association (CSSA), CSU Emeritus and Retired Faculty Association (CSUERFA), Academic Senate for the California Community Colleges (CCC), Academic Senate of the University of California (UC), CCC Board of Governors, and the UC Board of Regents.

***RATIONALE:** Since its inception in 1963 the ASCSU has been active in defending and promoting the academic freedom of the CSU community. In 2012, following long discussions and negotiations with the CSU Office of the Chancellor, the ASCSU was able to gain the support and approval of the CSU Board of Trustees for an amendment to the ASCSU Constitution, which would add to the responsibilities of the senate the following: to “advance the principles of academic freedom and freedom of inquiry....”<sup>3</sup>*

*In contrast to the ASCSU rigorous discussions and actions to protect the university against continuous challenges to academic freedom from different*

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<sup>1</sup> ASCSU Constitution Article I Section 1(a)  
[http://www.calstate.edu/AcadSen/Records/About\\_the\\_Senate/documents/2013ConstitutionRevisedFinal.pdf](http://www.calstate.edu/AcadSen/Records/About_the_Senate/documents/2013ConstitutionRevisedFinal.pdf)

<sup>2</sup> Attachment 1

<sup>3</sup> ASCSU Constitution Article I Section 1(a)  
[http://www.calstate.edu/AcadSen/Records/About\\_the\\_Senate/documents/2013ConstitutionRevisedFinal.pdf](http://www.calstate.edu/AcadSen/Records/About_the_Senate/documents/2013ConstitutionRevisedFinal.pdf)

*quarters, the administration has insisted on holding on to an outdated and incomplete policy approved by the Board of Trustees in 1971.<sup>4</sup>*

*In January 2015 the ASCSU approved a resolution to request that “the Chancellor’s Office and the Board of Trustees draft a comprehensive CSU policy on academic freedom in collaboration with ASCSU faculty representatives.”<sup>5</sup> For inclusion in the new policy, the ASCSU recommended a list of main principles of academic freedom as developed and implemented by the AAUP<sup>6</sup> and major universities<sup>7</sup>. Following long discussions and months of legal arguments, the CSU Office of General Counsel informed the ASCSU that the issue of academic freedom is in the scope of bargaining, and in the absence of a formal CFA relinquishment of its collective bargaining rights on academic freedom the administration will not join the representatives of the ASCSU and the CFA to discuss the issue.*

*On October 11, 2016 the administration sent the ASCU a draft policy<sup>8</sup> on academic freedom, developed by the administration with no consultation with the faculty, and asked the ASCSU for input. An examination of the administration’s draft policy reveals imposition of a list of restrictions on academic freedom instead of enhancement of this core value of higher education. The draft imposes restrictions on the faculty’s academic freedom long recognized by the AAUP and implemented by major universities, including the freedom to discuss “controversial”<sup>9</sup> issues and institutional policy or actions<sup>10</sup>. It even subjects the freedom of research and publication of the faculty to “the adequate performance*

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<sup>4</sup> Attachment 2: Board of Trustees Resolution, 1971

<sup>5</sup> AS-3197-14/FA, “The Need for a Comprehensive California State University Policy on Academic Freedom,” November 5-6, 2014. <http://www.calstate.edu/acadsen/records/resolutions/2014-2015/documents/3197.pdf>

<sup>6</sup> <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure> <http://www.aaup.org/report/academic-freedom-and-electronic-communications> AAUP statement: “Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos” <http://www.aaup.org/report/protecting-independent-faculty-voice-academic-freedom-after-garcetti-v-ceballos>

<sup>7</sup> University of Oregon: <http://policies.uoregon.edu/node/218>, University of Wisconsin: <http://www.secfac.wisc.edu/senate/2010/0301/2186.pdf>, University of Minnesota: [http://regents.umn.edu/sites/regents.umn.edu/files/policies/Academic\\_Freedom.pdf](http://regents.umn.edu/sites/regents.umn.edu/files/policies/Academic_Freedom.pdf), University of California: <http://regents.universityofcalifornia.edu/aar/jule.pdf>

<sup>8</sup> Attachment 3, Policy on Academic Freedom and Responsibility, 2016.

<sup>9</sup> The AAUP’s 1940 “Statement of Principles on Academic Freedom and Tenure,” states that “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.” In its 1970 interpretation of 1940 statement, the AAUP clarified that “The intent of this statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently including material which has no relation to their subject.” <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>

<sup>10</sup> Emphasizing the necessity of academic freedom in an institution of higher education does not dismiss the necessity of faculty’s recognition that membership in the academic profession carries with it special responsibilities. The AAUP’s 2009 “Statement on Professional Ethics,” for example, states “As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.” <https://www.aaup.org/report/statement-professional-ethics>

*of their other academic duties.” It also completely ignores the challenges imposed on academic freedom and freedom of speech by new means of communication and social media.*

*In sum, this draft policy ignores the recommendations of past ASCSU resolutions, including [AS-3197-14/FA \(Rev\)](#), violates policies on academic freedom developed by the AAUP, and keeps the CSU far behind other major universities in respect to academic freedom.*

**Approved Unanimously - January 26-27, 2017**

**Recommended Policy on  
ACADEMIC FREEDOM**

The mission of an institution of higher education is to serve society by discovering, investigating, communicating, and preserving knowledge through the process of academic inquiry and educating students as well as society at large. This mission cannot be fulfilled without academic freedom.

Academic freedom encompasses the right to teach, learn, and discover knowledge inside the classroom and beyond, free from censorship or interference. Academic freedom:

- safeguards the right to teach and address material regardless of how controversial;
- ensures the right to conduct research, scholarship and creative activities, as well as the right to publish, perform, or otherwise disseminate results; and
- protects students and scholars against retribution for legally-protected statements made in public or private, regardless of medium.

Academic freedom also encompasses the right to question institutional policy or action – both in one’s role as part of an institutional body and or as an individual. Similarly, faculty shall be free to address broader societal issues, free from censorship, without fear of retribution from the institution.

Academic freedom fosters a climate conducive to responsible inquiry, learning, and discovery. The university works to maintain this climate, promote academic freedom, and protect it from internal or external threats.

**RESOLVED**, By the Board of Trustees of the California State Colleges, that this Board confers the title of "President Emeritus" of Chico State College on Dr. Glenn Kendall, with all the rights and privileges pertaining thereto.

The Board of Trustees approved the resolution by majority vote.

**Definition of Academic Freedom (RFSA 71-11)**

Trustee Ridder outlined two changes to the text of the proposed resolution on this item, as it had appeared in the Agenda. These changes were reflected in the resolution approved by the Committee for consideration by the Board.

The Board of Trustees approved the following resolution by majority vote:

**WHEREAS**, There has been some distortion of the concept of academic freedom, the Board of Trustees believes it important to reaffirm its official concept of academic freedom; now, therefore, be it

**RESOLVED**, By the Board of Trustees of the California State Colleges, that the following definition of Academic Freedom, extracted from the 1954 Statement on Academic Freedom and Tenure of the American Association of University Professors with one of the modifications suggested by the American Association of State Colleges and Universities indicated in paragraph (c) below, be endorsed as the position of the California State Colleges with respect to academic freedom.

**Academic Freedom**

- (a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- (b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject.

Academic Responsibility

- (c) The concept of freedom should be accompanied by an equally demanding concept of responsibility. The college or university teacher is a citizen, a member of a learned profession, and an officer of

## Policy on Academic Freedom and Responsibility

- A. The California State University (CSU) seeks to promote academic freedom and academic responsibility in the education of its students and the conduct of faculty research. To varying degrees, academic freedom reaches: instruction in the classroom and in learning environments beyond the classroom; research; publication of research results; speech addressing matters arising directly from the subject matter expertise of the faculty member as related to issues of instruction or research; and speech addressing issues of institutional policy or action when the faculty member is acting in an official capacity as a member of an agency of institutional governance. Academic freedom is essential to the CSU's purposes, which include discovery and dissemination of knowledge and contribution to the well-being of Californians.
- B. Faculty members are entitled to freedom in research and in the publication of results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon a written understanding with University leadership.
- C. Faculty members are also entitled to freedom in the classroom and in learning environments beyond the classroom in discussing their subject specialty in the topic of instruction, but faculty must be careful never to introduce into such instruction controversial content with little or no relation to the faculty member's subject specialty in the topic of instruction.
- D. Faculty are also entitled to address core matters of institutional policy or action while acting in an official capacity as a member of an agency of institutional governance, subject to duties of professional care.
- E. The concept of academic freedom is accompanied by an equally robust and demanding concept of professional responsibility. The university faculty member is at all times a member of a learned profession and of CSU. A faculty member always must strive to be accurate and honest, exercise appropriate restraint, and show respect for the opinions of others.
- F. When speaking or writing as a private citizen (rather than as a faculty member), faculty should generally be free from institutional censorship or discipline. However, the position that the faculty member holds in the community imposes special obligations. As a member of a learned profession and of CSU, the faculty member should remember that the public may judge the profession and CSU by the faculty member's utterances. Hence, the faculty member must always make every effort to meet community standards of honesty, respect, and restraint and to meet professional standards of accuracy. The faculty member must also make clear that he or she is not an institutional spokesperson.