

**Institutional Academic Freedom Policies –  
Passed in Response to *Garcetti v. Ceballos***

University/ Organization	Policy Changes	Status
<b>Auburn University (Alabama)</b>	<p>Incorporates in full the AAUP’s 1940 Statement on Academic Freedom and Tenure and specifically notes that the changes “reflect the language developed by an AAUP committee in 2009 in response to the implications of the Supreme Court’s decision in <i>Garcetti</i> (2006) and subsequent lower court rulings pertaining to the free speech rights of public employees.”</p> <p>New language reads: “College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write <i>on matters of public interest as well as matters related to professional duties and the functioning of the University</i>, they should be free from institutional censorship or discipline. <i>Academic responsibility implies 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 or writing on matters of public interest, one is not speaking for the institution.</i>” (new language in italics).</p>	<p>June 8, 2010 – New language for Faculty Handbook chapter on academic freedom introduced at Senate meeting; overwhelming support, but failed under quorum rule by 1 vote.</p> <p>March 1, 2011 – the Auburn University Senate adopted suggested language for revising the faculty handbook. University president and provost have indicated support for the change to be sent to the Board of Trustees.</p> <p>June 17, 2011- the Auburn Board of Trustees officially adopted for inclusion in the Faculty Handbook the <i>Garcetti</i> related language.</p>
<b>Modern Language Association</b>	<p>Issued official statement on <i>Garcetti</i>:</p> <p>“In response to <i>Garcetti</i> and the more recent decisions of lower courts, the Modern Language Association advises all faculty members at public colleges and universities to review and, if necessary, revise their faculty handbooks to include language that directly addresses <i>Garcetti</i>’s challenge to speech relating to official duties. The MLA recognizes that faculty handbooks frequently do not have the force of law. Nevertheless, until <i>Garcetti v. Ceballos</i> and its progeny are overturned, we recommend that all faculty senates at public colleges and universities revisit their institution’s definition of academic freedom, and we recommend that all public colleges and universities reaffirm the right of their faculty members to speak on matters of public concern—and matters pursuant to their official duties—without fear of retaliation.”</p> <p>Full statement available here: <a href="http://www.mla.org/garcetti_ceballos">http://www.mla.org/garcetti_ceballos</a></p>	<p>February 2010 – Executive Council voted to adopt statement written by Michael Berube on behalf of Committee on Academic Freedom and Professional Rights and Responsibilities.</p>

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<p><b>Oakland University (Michigan)</b></p>	<p>Adopted new statement on academic freedom with identical language to that of University of Michigan (see below).</p> <p>Full text of statement available here: <a href="http://www.oakland.edu/upload/docs/AcademicSenate/Reports%20&amp;%20Proposals/AcademicFreedom_DraftStatement%5B1%5D.doc">http://www.oakland.edu/upload/docs/AcademicSenate/Reports%20&amp;%20Proposals/AcademicFreedom_DraftStatement%5B1%5D.doc</a></p>	<p>March 18, 2010 – Unanimously approved by Faculty Senate. (Note: Oakland also has an AAUP collective bargaining chapter, but the language was not incorporated into the CB contract.)</p> <p>Because of subsequent discovery that university had a policy from the 1980s, a joint committee is now considering the policy.</p>
<p><b>Pennsylvania State University</b></p>	<p>Expands definition of academic freedom, and removes language prohibiting faculty members from discussing controversial issues in the classroom that are outside the faculty member’s field of study, as well as language requiring faculty members to present information with “a judicial mind.”</p> <p>With respect to shared governance, new language states that “Faculty members are free to discuss governance issues of their respective departments, colleges, units, libraries, and of the University as a whole, and are free to speak and write on all matters related to their professional duties without institutional discipline or restraint. Similarly, faculty members recognize that academic freedom is inherent to the institutional environment and therefore they are expected to exercise professional responsibility in their service roles. Faculty members are responsible for respecting confidentiality and the privacy rights of others.”</p> <p>Full text of statement available here: <a href="http://www.senate.psu.edu/agenda/2010-2011/dec2010/appd.pdf">http://www.senate.psu.edu/agenda/2010-2011/dec2010/appd.pdf</a>.</p>	<p>December 7, 2010 – Adopted by Faculty Senate; goes to president for approval.</p>
<p><b>University of California System</b></p>	<p>Full text on file.</p> <p>General Academic Freedom Policy – “The University of California is committed to upholding and preserving principles of academic freedom. These principles reflect the University’s fundamental mission, which is to discover knowledge and to disseminate it to its students and to society at large. The principles of academic freedom protect freedom of inquire and research, freedom of teaching, and freedom of expression and publication,</p>	<p>April 28, 2010 – Academic Council approved sending proposed revisions to the Academic Personnel Manual for system-wide review in the fall of 2010.</p>

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	<p><i>and freedom to address any matter of institutional policy or action whether or not as a member of an agency of institutional governance...”</i></p> <p>General University Policy – Part I – Professional Rights of Faculty – includes “<i>university service</i>” as an area of faculty responsibility to be protected and encouraged by the administration and adds the following language as an example of conditions to be preserved: “4. <i>Freedom to address any matter of institutional policy or action whether or not as a member of an agency of institutional governance;</i>”</p>	
<b>University of Delaware</b>	<p>Defines academic freedom as including freedom to teach, to “conduct research and other scholarly or creative activities,” to “publish or otherwise disseminate the results,” and to “address any matter of institutional policy or action whether or not as a member of any agency of institutional governance.” Also declares faculty “have the freedom to address the larger community with regard to any social, political, economic or other interest, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that demonstrate disciplinary incompetence.”</p> <p>Final approved collective bargaining agreement is here (see p. 3 for the academic freedom policy): <a href="http://www.udel.edu/aaup/CBA%2010-13%20FINAL.pdf">http://www.udel.edu/aaup/CBA%2010-13%20FINAL.pdf</a>.</p> <p>Faculty Handbook policy on academic freedom is available here: <a href="http://www.udel.edu/provost/fachb/IV-B-1-acadfreedom.html">http://www.udel.edu/provost/fachb/IV-B-1-acadfreedom.html</a></p>	<p>Incorporated into 2010-2013 collective bargaining agreement.</p> <p>May 19, 2010 – AAUP chapter approved agreement by vote of 306-12.</p>
<b>University of Florida</b>	<p>Faculty union states that new policy:</p> <ul style="list-style-type: none"> <li>• Prohibits the administration from interpreting any provision of the collective bargaining agreement in a manner that would violate a faculty member’s academic freedom or punish him/her for exercising it.</li> <li>• Grants faculty virtually complete control over their course texts, content, presentation format, and grades.</li> </ul>	<p>Incorporated into 2010-2013 collective bargaining agreement.</p> <p>Feb. 17, 2010 – Faculty union approved agreement by vote of 491-4.</p>

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	<ul style="list-style-type: none"> <li>• Adds service and shared governance to what is protected by academic freedom.</li> <li>• Prohibits reprisals for extramural exercise of academic freedom/free speech (e.g., letters to the editor).</li> <li>• Neutralizes adverse national court cases that stripped faculty of free-speech rights by defining academic freedom as a separate right in addition to constitutionally protected freedom of expression.</li> </ul> <p>Summary and full text of agreement available here: <a href="http://www.uffacultycontract.org/new/contract.shtml">http://www.uffacultycontract.org/new/contract.shtml</a> (academic freedom section is Article 10, p. 21 of agreement)</p>	
<p><b>University of Illinois</b></p>	<p>Proposed language would define academic freedom as including the freedom to teach, to research, to publish and to “address any matter of institutional policy or action whether or not as a member of an agency of institutional governance,” with the university “maintain[ing] full freedom of discourse regarding University policies and actions whether or not uttered as a member of an agency of institutional governance.” It would also protect extramural speech: “Professors should also have the freedom to speak to any matter of social, political, economic or other interest to the larger community” and notes that “[a]s a citizen, a faculty member may exercise the same freedoms as other citizens without institutional censorship or discipline.”</p>	<p>January 28, 2010 – Academic Freedom &amp; Tenure committee approved draft policy to go to Senate.</p> <p>May 2010 – The Faculty Senate policy committee approved rule change taken verbatim from the report. Now must be approved by UIUC Senate, Senates of other two campuses, and then the Trustees.</p>
<p><b>University of Michigan</b></p>	<p>No previous policy on academic freedom.</p> <p>Makes clear that academic freedom exists “as a basic prerequisite for universities to fulfill their mission to our society,” and therefore exists independent of the Constitution. Official commentary cites AAUP’s 1915 and 1940 statements on academic freedom as inspiration, and notes that “[t]he present statement is occasioned, in part, by a perception that federal courts are currently abridging the constitutional protection of faculty, so that a heightened degree of institutional protection is now required.”</p>	<p>January 2010 – Passed by resolution of Senate Assembly and incorporated into Faculty Handbook. No express approval expected by Regents or administration.</p>

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	<p>Guarantees freedom of research and publication, of teaching, of internal criticism, and of participation in public debate. The latter freedoms include the right “to comment on or criticize University policies or decisions, either individually or through institutions of faculty governance,” and “to participate as citizens in public forums a debates... so long as it is clear that they are not acting or speaking for the University.”</p> <p>Full text of statement available here: <a href="http://www.umich.edu/~sacua/SenAssb/01-13-10academicfreedom.pdf">http://www.umich.edu/~sacua/SenAssb/01-13-10academicfreedom.pdf</a></p>	
<p><b>University of Minnesota</b></p>	<p>Changes to Board of Regents policy on Academic Freedom and Responsibility: “Academic freedom is the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write <del>as a public citizen</del> without institutional discipline or restraint <i>on matters of public concern as well as on matters related to professional duties and the functioning of the University.</i>” (new language in italics)</p> <p>Amendment to Board of Regents Policy on Academic Freedom and Responsibility: “<i>SECTION II. ACADEMIC FREEDOM.</i> <i>Academic freedom is the freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write on matters related to professional duties and the functioning of the University.</i>” (new language in italics)</p> <p>Full text of new policy available here: <a href="http://www1.umn.edu/regents/policies/academic/Academic_Freedom.pdf">http://www1.umn.edu/regents/policies/academic/Academic_Freedom.pdf</a></p>	<p>June 12, 2009 – Adopted by Board of Regents.</p> <p>May 13, 2011 – Amended by Board of Regents</p>

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<p><b>University of Wisconsin</b></p>	<p>Amends the Faculty Policies and Procedures (FPP) to define academic freedom as including “the right to speak or write—as a private citizen or within the context of one’s activities as an employee of the university—without institutional discipline or restraint on matters of public concern as well as on matters related to professional duties, the functioning of the university, and university positions and policies.” The stated purpose of the change is to respond to <i>Garcetti</i> and subsequent faculty free speech cases by providing “principled protection for faculty engaged in speech pursuant to their official duties,” as well as “a concrete definition of academic freedom that has been missing from FPP while also providing the university with appropriate power to punish true insubordination.”</p> <p>Full text available here: <a href="http://www.secfac.wisc.edu/senate/2010/0301/2186.pdf">http://www.secfac.wisc.edu/senate/2010/0301/2186.pdf</a></p>	<p>April 12, 2010 – Unanimously approved by faculty senate; awaiting Regents’ approval.</p>
<p><b>University of North Carolina</b></p>	<p>Reaffirms the Resolution on Academic Freedom adopted by the UNC Faculty Assembly at its 17 September 2010 meeting. Addresses that <i>Garcetti v. Ceballos</i> abridged constitutional protection of academics. Incorporates “Statement on Academic Freedom” into the UNC Code</p> <p>Lists specific types of freedom: 1) Freedom of Research and Publication. 2) Freedom of Teaching, 3) Freedom of Internal Criticism 4) Freedom of Participation in Public Debate.</p> <p>Freedom of participation in Public Debate is defined as:</p> <p>“Both within and beyond their areas of expertise, faculty members are entitled to participate in public forums and debates, with all of the same rights and privileges accorded to all other residents of the state of NC and without fear of institutional discipline or restraint, so long as they are not acting or speaking for the University”</p>	

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<p><b>University of Mary Washington</b></p>	<p>Defines Academic freedom as “the freedom to discuss all relevant matters in the classroom, 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 professional duties and the functioning of the University”.</p> <p>Explicitly adopts the language from the AAUP Statements of Faculty Rights The University subscribes to the Statement on Academic Freedom adopted by the Association of American Colleges in 1941, and to the American Association of University Professors (AAUP) November 1970 statement on Freedom and Responsibility. Both of these statements are included in Appendix C of this Faculty Handbook.</p> <p>Important sections:</p> <p>“5.1.2 Political Activities of Faculty-- Involvement in political activity is considered an individual matter, with the understanding that the faculty member in such cases does not represent the University. The statement by the AAUP Sub-Committee on Political Activity of Professors is contained in Appendix C.”</p> <p>“5.1.3 First Amendment Rights-- The Policy on Academic Freedom, contained in Appendix C, defines rights under the policy, specifies who is covered by the policy, and notes that the process for hearings in cases of alleged violation of free expression or inquiry rights is under the jurisdiction of the University Faculty Appeals and Grievance Committee (see §2.6.5).”</p>	
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