

Academic Freedom

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 inquiry and research, freedom of teaching, and freedom of expression and publication. These freedoms enable the University to advance knowledge and to transmit it effectively to its students and to the public. The University also seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students and faculty are free within the classroom to express the widest range of viewpoints in accord with the standards of scholarly inquiry and professional ethics. The exercise of academic freedom entails correlative duties of professional care when teaching, conducting research, or otherwise acting as a member of the faculty. These duties are set forth in the Faculty Code of Conduct (APM - 015).

Academic freedom requires that teaching and scholarship be assessed by reference to the professional standards that sustain the University's pursuit and achievement of knowledge. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body. The competence of the faculty to apply these standards of assessment is recognized in the Standing Orders of The Regents, which establish a system of shared governance between the Administration and the Academic Senate. Academic freedom requires that the Academic Senate be given primary responsibility for applying academic standards, subject to appropriate review by the Administration, and that the Academic Senate exercise its responsibility in full compliance with applicable standards of professional care.*

Members of the faculty are entitled as University employees to the full protections of the Constitution of the United States and of the Constitution of the State of California. These protections are in addition to whatever rights, privileges, and responsibilities attach to the academic freedom of university faculty.

* The original language of APM - 010, which was drafted in 1934, associated academic freedom with scholarship that gave "play to intellect rather than to passion." It conceived scholarship as "dispassionate" and as concerned only with "the logic of the facts." The revised version of APM - 010 holds that academic freedom depends upon the quality of scholarship, which is to be assessed by the content of scholarship, not by the motivations that led to its production. The revision of APM - 010 therefore does not distinguish between "interested" and "disinterested" scholarship; it differentiates instead between competent and incompetent scholarship. Although competent scholarship requires an open mind, this does not mean that faculty are unprofessional if they reach definite conclusions. It means rather that faculty must always stand ready to revise their conclusions in the light of new evidence or further discussion. Although competent scholarship requires the exercise of reason, this does not mean that faculty are unprofessional if they are committed to a definite point of view. It means rather that faculty must form their point of view by applying professional standards of inquiry rather than by succumbing to external and illegitimate incentives such as monetary gain or political coercion. Competent scholarship can and frequently does communicate salient viewpoints about important and controversial questions.

GENERAL UNIVERSITY POLICY REGARDING
ACADEMIC APPOINTEES
Academic Freedom

APM - 010
APPENDIX A

Office of the President
September 29, 2003

CHANCELLORS
LABORATORY DIRECTORS
VICE PRESIDENT – AGRICULTURE AND NATURAL RESOURCES

Dear Colleagues:

Revised Academic Personnel Policy 010, Academic Freedom

Enclosed is revised Academic Personnel Policy 010, Academic Freedom, which is effective immediately. This new statement on academic freedom for faculty supersedes the previous APM - 010.

The previous statement on academic freedom was first issued by President Robert G. Sproul in 1934 as part of a series of University Regulations later incorporated into University policy as APM - 010. After extensive consultation with faculty and other members of the University community, I am pleased to issue this revised policy. The policy is based on the traditional cornerstones of academic freedom – freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. The policy establishes that faculty have primary responsibility for articulating the professional standards by which academic freedom may be sustained. I would especially like to thank Professor Robert C. Post, who is a member of the Law School faculty at Berkeley and a distinguished scholar on First Amendment law, for his thoughtful advice. I would also like to thank the Academic Senate for its comprehensive review of the proposal.

This new policy does not seek to change in any way the authority of the Board of Regents to govern the University of California, or the responsibility of the Administration to perform its appropriate role in governance. The policy is intended to be read in conjunction with APM - 015 (Faculty Code of Conduct) and with The Regents' 1970 policy on academic freedom. Although this new policy applies to the University's faculty, its issuance does nothing to diminish the rights and responsibilities enjoyed by other academic appointees. A discussion of the background leading to this revised policy is presented in a paper entitled "Academic Freedom and the Research University" appended to this letter.

Sincerely,

Richard C. Atkinson
President

Enclosures

cc: Members, President's Cabinet Assistant Vice President Switkes
 Academic Council Chair Pitts Special Assistant Gardner
 Associate Vice President Boyette Principal Officers of the Regents

*Note: The Regents' 1970 policy on academic freedom and the paper entitled "Academic Freedom and the Research University" may be found online at <http://www.ucop.edu/ucophome/coordrev/policy/9-29-03.html>.

Preamble to the Statement of Principles: Student Freedom of Scholarly Inquiry

The University of California seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and furthering the search for wisdom. Effective performance of these central functions requires that students be free within their respective level in the educational process to pursue knowledge in accord with appropriate standards of scholarly inquiry.

But the nature of student freedom of scholarly inquiry has not been well articulated in the University. This lack of clarity was brought to the attention of the University Committee on Academic Freedom (UCAF) in 2003 as a result of student awareness of the recent revisions to the University's policy on academic freedom (APM - 010). UCAF agreed to examine the issue, and a joint Academic Senate-Student Affairs systemwide work group was established to this end. The work group consisted of faculty from UCAF, Academic Senate faculty leaders, Student Regents, student representatives from campuses, divisional campus student affairs representatives, and staff from the Office of the President.

In the work group's deliberations, it became clear that the issue was more complex than first thought. This was primarily due to articulating sound principles that account for differences in student roles based on whether they are undergraduate students, graduate students, or postdoctoral fellows. Within this range of roles, the concept of "student" has varied operational meanings associated with intellectual maturity and development, as well as with academic responsibilities such as graduate student teaching and participation as a researcher-colleague.

The most salient guiding principle that emerged from our deliberations is that academic freedom is conferred in the University of California by virtue of faculty membership. As such, student freedom of scholarly inquiry is ultimately derived from, and protected by, faculty academic freedom.

Student freedom of scholarly inquiry should also not be construed as adversarial to the faculty from which it derives. The academic freedom of the faculty is not absolute. The Faculty Code of Conduct describes the responsibilities of the faculty in relation to students, and specifically, in situations where controversial opinions are not germane to the subject of the course. These Principles are intended as an aspirational statement to guide members of the University community toward the goal of preserving an environment conducive to promoting the highest standards of teaching and scholarship.

Statement of Principles: Student Freedom of Scholarly Inquiry

The University seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students are free to express a wide range of viewpoints in accord with the standards of scholarly inquiry for the competence of student work at each level of the educational process. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body.¹ As such, it is primarily the responsibility of the faculty as set forth in the Faculty Code of Conduct to ensure that student freedom of scholarly inquiry is fostered and preserved in the University.²

While there is substantial variation in students' competence to engage in scholarly inquiry based on their level in the educational process, the faculty has the major responsibility to establish conditions that protect and encourage all students in their learning, teaching, and research activities. Such conditions include, for example: free inquiry and exchange of ideas; the right to critically examine, present, and discuss controversial material relevant to a course of instruction; enjoyment of constitutionally protected freedom of expression; and the right to be judged by faculty in accordance with fair procedures solely on the basis of the students' academic performance and conduct.

For students to develop a mature independence of mind, they must be free in the classroom to express a wide range of viewpoints in accord with standards of scholarly inquiry and relevance to the topic at hand. No student can abridge the rights of other students when exercising their right to differ. Students should be free to take civil and reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.³ The faculty has authority for all aspects of the course, including content, structure, relevance of alternative points of view, and evaluations. All decisions affecting a

¹ See *Academic Freedom*, University of California Academic Personnel Manual 010.
<http://www.ucop.edu/acadv/acadpers/apm/apm-010.pdf>

² See *The Faculty Code of Conduct*, University of California Academic Personnel Manual 015.
<http://www.ucop.edu/acadv/acadpers/apm/apm-015.pdf>

³ An example of this responsibility from the American Association of University Professors statement on the Academic Bill of Rights follows:

If a professor of constitutional law reads the examination of a student who contends that terrorist violence should be protected by the First Amendment because of its symbolic message, the determination of whether the examination should receive a high or low grade must be made by reference to the scholarly standards of the law. The application of these standards properly distinguishes indoctrination from competent pedagogy. Similarly, if a professor of American literature reads the examination of a student that proposes a singular interpretation of *Moby Dick*, the determination of whether the examination should receive a high or low grade must be made by reference to the scholarly standards of literary criticism. The student has no "right" to be rewarded for an opinion of *Moby Dick* that is independent of these scholarly standards. If students possessed such rights, all knowledge would be reduced to opinion, and education would be rendered superfluous.
<http://www.aaup.org/AAUP/comm/rep/A/abor.htm>

student's academic standing, including assignment of grades, should be based upon academic considerations administered fairly and equitably under policies established by the Academic Senate.⁴ In professional curricula, such decisions may include consideration of performance according to accepted professional standards.⁵

Students may also serve as instructors under supervision of the faculty. The faculty retains authority over all aspects of the course, including content, structure, evaluations, and delegation of authority for the course, and must base the guidance of student instructors on accepted scholarly and professional standards of competence in teaching. Subject to such authority, however, such student instructors share with faculty the freedom and responsibility to present concepts, to lead discussion in class, and to ensure the appropriate and civil treatment of other members of the academic community.

Faculty guidance and supervision of student research is desirable and appropriate. Students' freedom of inquiry while conducting research may not be abridged by decisions contrary to accepted scholarly and professional standards.⁶ Students are entitled to the protection of their intellectual rights, including recognition of their participation in supervised research and their research with faculty, consistent with generally accepted standards of attribution and acknowledgement in collaborative settings.

These protections are in addition to, and distinct from, the full protections of the Constitution of the United States and the Constitution of the State of California.

⁴ See APM - 015.

⁵ See University of California, Section 170.00 of the Policies Applying to Campus Activities, Organizations and Students: University Obligations and Student Rights, Section 171.09. <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc170.html>

⁶ Scholarly and professional standards include: Graduate thesis research must be conducted under the supervision of a specified faculty advisor and is subject to the approval of the faculty thesis committee.