

CENTERING

AUTHENTIC VOICES

AND LIVED EXPERIENCES

ACADEMIC SENATE FOR
CALIFORNIA COMMUNITY COLLEGES

FALL PLENARY

NOVEMBER 3-5, 2022 | HYBRID EVENT
THE SHERATON GRAND SACRAMENTO

**“Out of a Multitude of Tongues:”
Academic Freedom and the Importance of Diverse
and Inclusive Discourse**

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“Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us, and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

-Justice William Brennan Jr.

The classroom is peculiarly the 'marketplace of ideas.' The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues, (rather) than through any kind of authoritative selection.

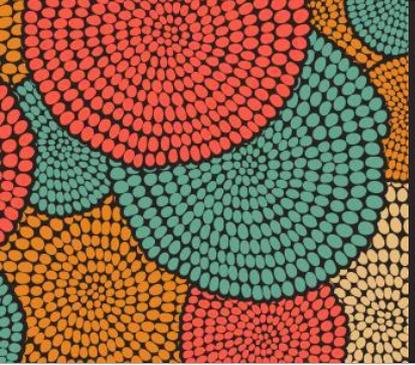
-United States v Associated Press



What is Academic Freedom?

1. **Teachers are entitled to full freedom in research and in the publication of the results**, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. **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. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. **When they speak or write as citizens, they should be free from institutional censorship or discipline**, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.





Academic Freedom and Freedom of Speech

Freedom of Speech

- 1st amendment right for faculty **AND** students
- Restricts the right of a public institution, including a public college or university, to regulate expression
- Instructors are not required to provide class time for students to voice views that contradict the material being taught however, instructors are required to allow students to express opposing views and values to some extent where the instructor invites expression of students' personal opinions and ideas
- In the classroom, speech must be germane to the subject matter and advances an academic message (stick to your subject)
- Private institutions first amendment protections are often limited and **do not** have the same protections as public institutions
- Email on district server, electronic communications, and faculty pages are not necessarily protected under “free speech”



Protected by Free Expression

Not Protected

Protected by Academic Freedom



'Limited' View



'Socially Engaged' View



Creative, Artistic, Personal, or Other 'Open' Expression



Partisan, Ideological, Dogmatic, or Other 'Closed' Expression



Violent or Coercive Conduct



PUBLICATION

An earth sciences professor publishes concerns about government-funded climate research in an academic journal.

The professor publishes the same concerns as an essay in a major newspaper.

The professor posts negative opinions about government officials directing climate policy on a personal social media account.

The professor distributes literature for a political candidate opposed to government climate policy.

The professor writes "planet-killer" on the side of expensive, energy-inefficient cars in university parking lots.



EXPRESSION

A sociology professor discusses discrimination on campus during a class titled "Personal and national identity."

The professor discusses discrimination on campus in an interview on a popular TV program.

The professor joins a public march and protest against discrimination.

The professor joins a religious community that supports segregation on theological grounds.

The professor, in an anonymous phone call, makes a false bomb threat to disrupt a campus event on opposition to theologically-based segregation on campus.



STUDENTS

A student submits a paper arguing in favor of constitutional reform in a class in legal studies.

The student shares the paper with friends via social media and invites them to comment publicly.

The student participates in a public rally in favor of constitutional reform.

The student refuses dialogue with others opposed to constitutional reform.

The student physically disrupts an on-campus event that includes opponents of constitutional reform, resulting in physical harm to persons and property.



THE PUBLIC

A member of the public reads an academic article obtained at a public library.

The same person calls in with questions to a local radio station interviewing the author of the article.

The same person participates in a public performance based in part on the article.

The same person writes a letter to public officials condemning the article on ideological grounds and demanding the firing of the author.

The same person organizes a mob to attack the author outside the university gate.

A

B

C

D

E





Academic Freedom, Equity, and Inclusivity

- The Connection between academic freedom and equity is fundamental.
- Without the rights of faculty to speak, research and pursue diverse ideas, equity is not possible.
- Academic Freedoms allow faculty to academically challenge racist ideologies and structures in the context of their expertise
- Academic Freedom allows students to be introduced to a diverse range of ideas that often contrast and compete with each other within an academic framework and invites them to participate in a rigorous analysis, the development of a independent critical judgement
- Allows faculty members the freedom to shape their courses in a way that allows for their subjects to be viewed, analyzed from different and specific lenses, particularly when the contrast with more traditional established theories



Equity, Curriculum and Academic Freedom

Role of the COR

- Instructors must teach to the COR
- Use of Academic Freedom to develop COR
- Equity in the COR.

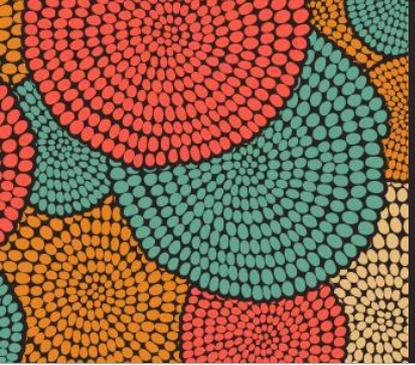
Resolution 9.01 Fall 2021

Resolved, That the Academic Senate for California Community Colleges work with the California Community Colleges Chancellor's Office to revise California Code of Regulations Title 5 including section 55002 titled "Standards and Criteria for Courses" to include a component of culturally responsive curriculum, equity mindedness and anti-racism integrated into the COR that allows for local control on how that requirement is fulfilled;

Role of the Curriculum Committee

- Review local Academic Freedom Policy
- Provide/Support Academic Freedom Professional Development
- Support open conversations about equity and academic freedom.



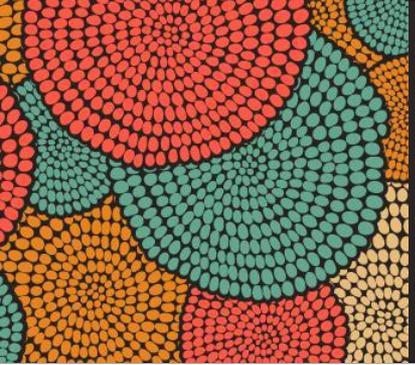


Challenges to Academic Freedom Today

Sustained effort to legislate educational curriculum

- Thirty-eight out of fifty states either have passed or have active proposed pieces of legislation that impact academic freedom;
- Focused primarily on an Anti-CRT (Critical Race Theory); and
- Opposes social justice, equity, and anti-racist curriculum that teaches students to “hate everything that makes America great.” (Greene, 2022).





Academic Freedom Policy Required by Title 5

§ 51023. Faculty.

The governing board of a community college district shall:

- (a) **adopt a policy statement on academic freedom** which shall be made available to faculty;
- (b) **adopt procedures** which are consistent with the provisions of sections 53200-53206, regarding the role of academic senates and faculty councils;
- (c) substantially **comply with district adopted policy and procedures** adopted pursuant to subdivisions (a) and (b).





Academic Freedom Policy Required for Accreditation

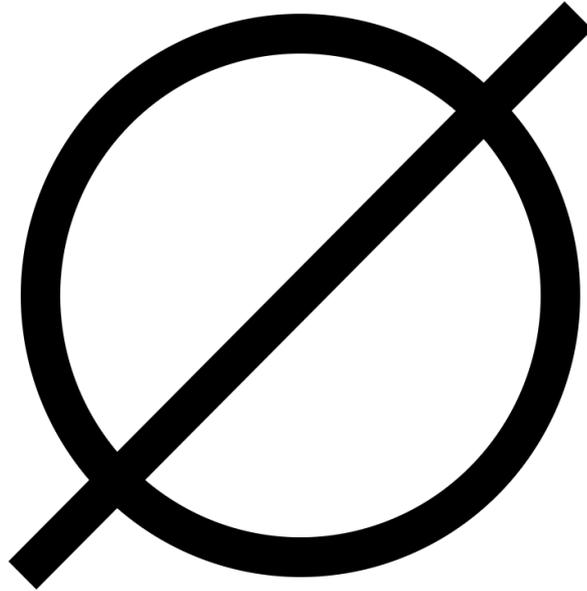
ACCJC's Standard I.C.7 formalizes this requirement

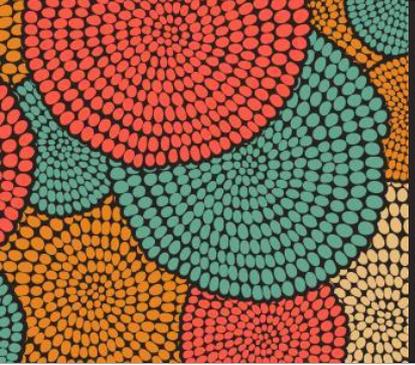
In order to assure institutional and academic integrity, the institution uses and publishes governing board policies on academic freedom and responsibility. These policies make clear the institution's commitment to the free pursuit and dissemination of knowledge, and its support for an atmosphere in which intellectual freedom exists for all constituencies, including faculty and students.





Academic Freedom in California Education Code

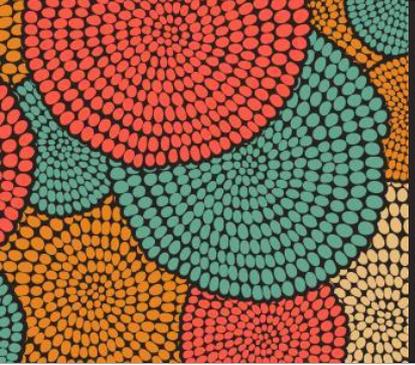




Protecting Academic Freedom: What can Senates do?

- **Review and revise college governance policies** to ensure that academic freedom is protected for all faculty
- **Provide professional development** on the privileges and responsibilities of academic freedom for all faculty, administrators, and board members
- **Adopt a statement** regarding the parameters and practice of academic freedom in a variety of areas such as:
 - evaluations
 - the implementation of diverse and innovative pedagogies
 - curriculum
 - grading policies





Strengthening Academic Freedom: Recommendations for Local Senates

1. Local senates should create a statement on academic freedom, in addition to local board policy, that delineates the specific issues and parameters of academic freedom for faculty.
2. Local senates should provide consistent and ongoing professional development for full- and part-time faculty and senate leaders—curriculum, program review, policy chairs, senators, etc.—in the principles and tenets of academic freedom, including onboarding new faculty.
3. Local senates should work to review, revise, and strengthen shared governance processes, policies, and procedures in relation to academic freedom so that shared governance protects dissenting opinions in the decision-making process.





Policies and Collective Bargaining Agreement

Academic Freedom is an area of overlapping purview between the Senate and the Union

In support of academic senates and unions working together, the 2005 AAUP statement goes on to say that “[s]trong senates and strong union chapters can work together to preserve and protect academic freedom on campus. Together, they establish the institutional terrain and precedents on which individual rights are defined, defended, and sometimes adjudicated.”

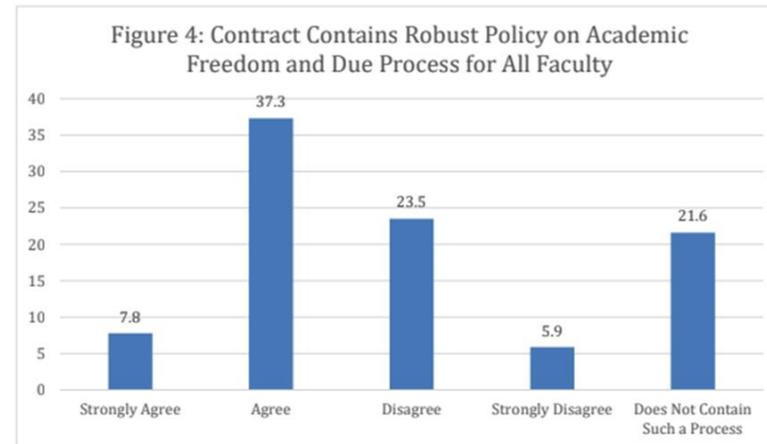
Recommend the Senate and Union have a joint understanding

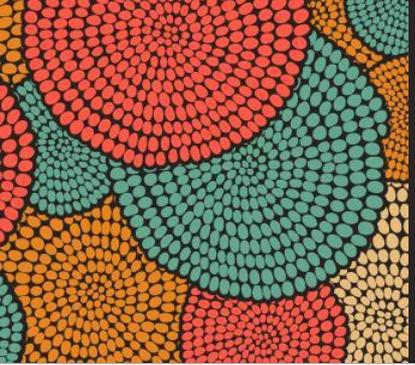


Academic Freedom in Collective Bargaining

Collective Bargaining Agreement (Faculty union contracts)

- Less than 50% of the faculty CBAs at the CCCs have mention of academic freedom (ASCCC Survey 2020)
- If academic freedom is mentioned in the contract, the majority simply reference the district policy
- **In order to protect academic freedom**, the collective bargaining agreement should strive to assert the unique right of academia particularly in the areas of:
 - tenure
 - evaluation
 - due process

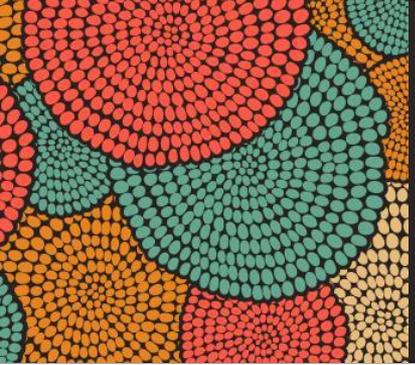




Common example of Academic Freedom in the Collective Bargaining Agreements

“The Faculty shall have the academic freedom to seek the truth and guarantee freedom of learning to the students.”





Exemplar – SDCCD

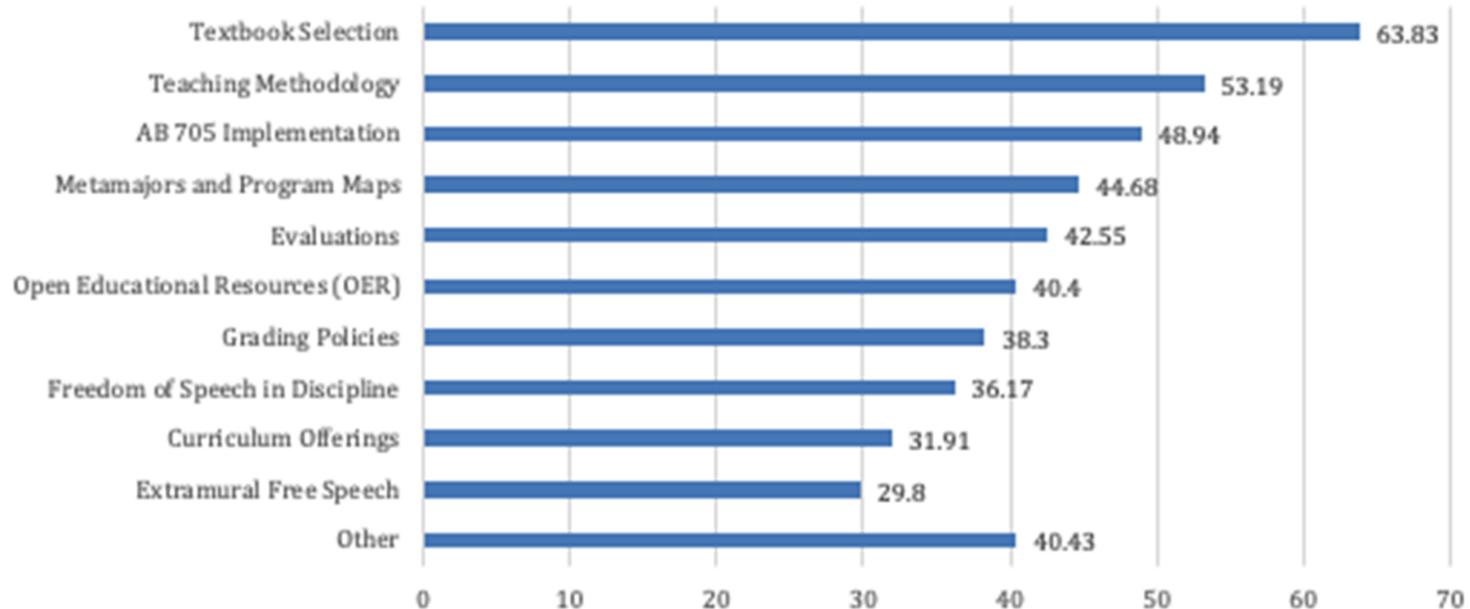
There is **one district CBA with extensive protections and definitions** that includes Academic Freedom in evaluations.

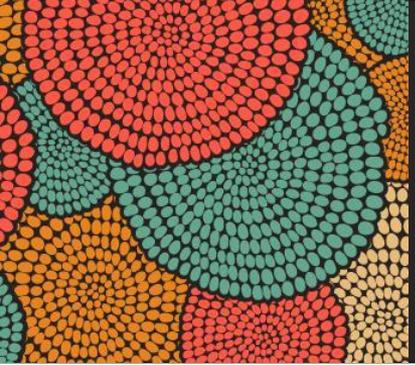
- A12.1.6 **Academic freedom and freedom of expression** afford the faculty to **speak freely**, pursue research and write **without unreasonable restrictions or prejudices**; and to **evaluate and be evaluated fairly and objectively**, based on academic merit...
 - BP 4030 link
- A15.1.9.3 Reviewers must strive to maintain objectivity, and to assure that decisions regarding tenure or promotion **do not contravene established principles of academic freedom**, appropriate sections of Title 5, and/or departmental standards



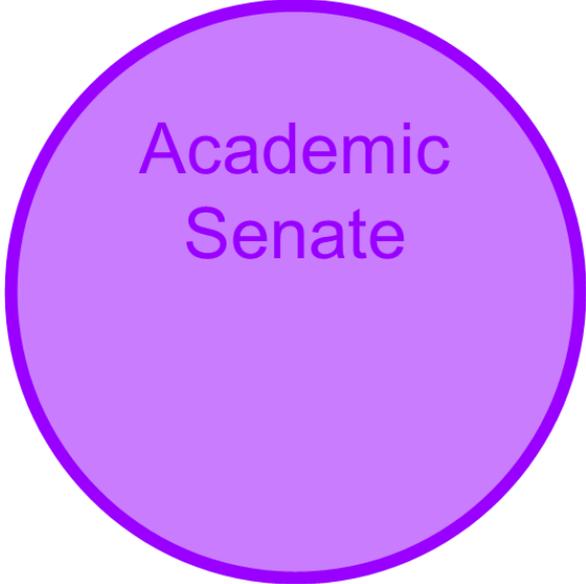
Academic Freedom in Collective Bargaining

Figure 5: Topics Debated with Regards to Academic Freedom

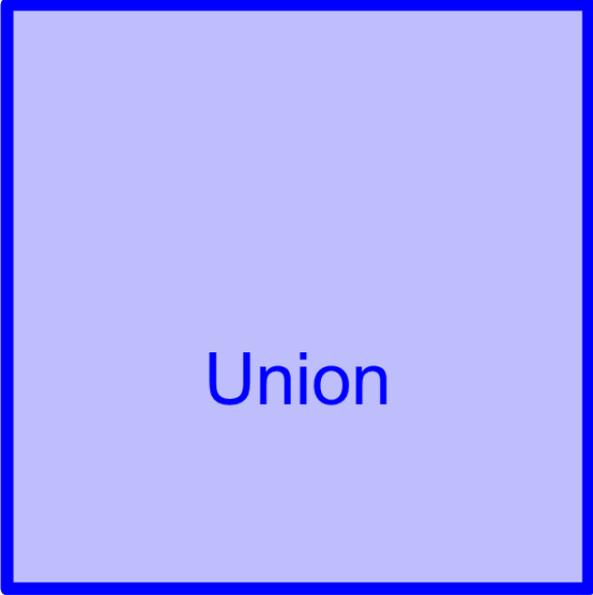




Before issues arise... stronger together



Academic
Senate

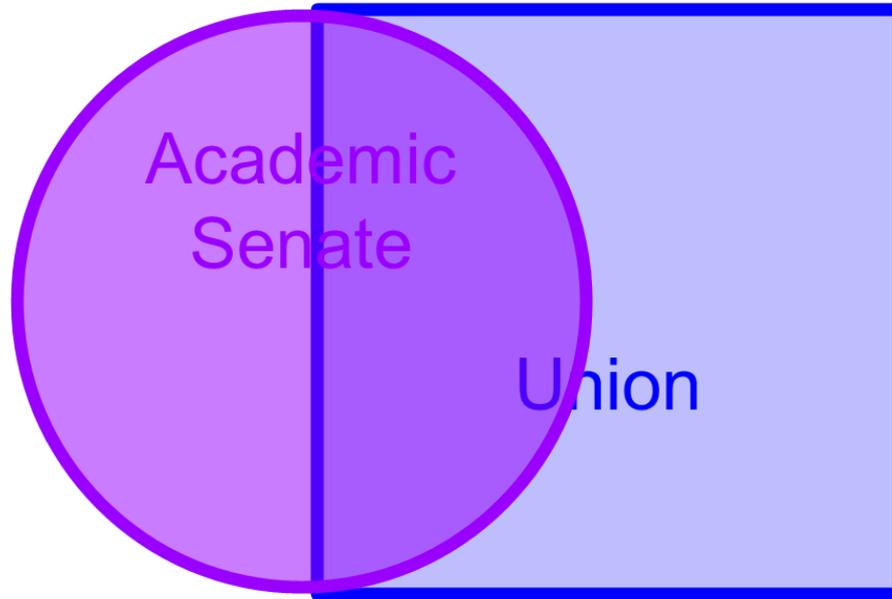


Union





Before issues arise... stronger together



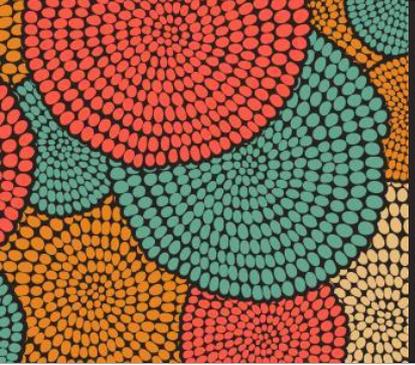


Be Prepared

Have the policy and a process in place to resolve violations of academic freedom.

- ASCCC Adopted position: Local academic senates should work with union colleagues to develop due process around violations or perceived violations that involve academic freedom issues, including a duly constituted—appointed or elected—faculty committee to review and recommend action.
- Possible models for making recommendations to the college president
 - Academic Senate Academic Freedom committee
 - Union Academic Freedom committee
 - Joint Academic Senate and Union Academic Freedom committee

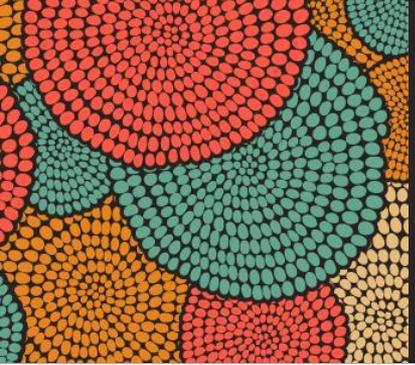




Example of be prepared: Cabrillo Community College District

- Academic Freedom Review Committee (AFRC)
 - Academic Senate President/designee
 - CCFT Grievance Officer
 - CCFT unit member selected by the grievant
 - Dean/designee
 - Vice President of Instruction/designee
 - Dean of Student Services/designee





Example of be prepared: Santa Clarita Community College District

- Academic Freedom Committee
 - Three faculty appointed by Senate
 - Strive to include full time and adjunct faculty to the extent possible
 - President of Full-time Faculty Association or designee
 - President of Part-time Faculty Association or designee
 - Possible non-voting member with relevant expertise or specialized training, at request of Senate

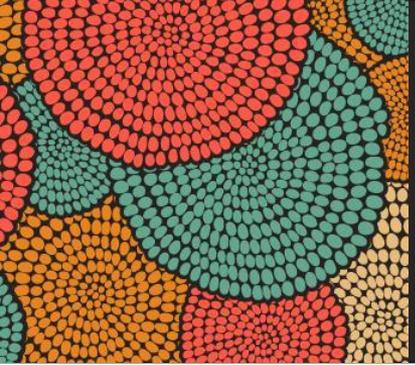




Best Practices:

- Collegiality and conversation
- Mutual understanding of purview between Senate and Unions
 - Written agreement between Senate and Union
 - Draft when both bodies are not stressed by RIF or other major concerns
- Familiarity with local board policies and collective bargaining agreement
- Ensure all faculty (full and part time) are represented and considered



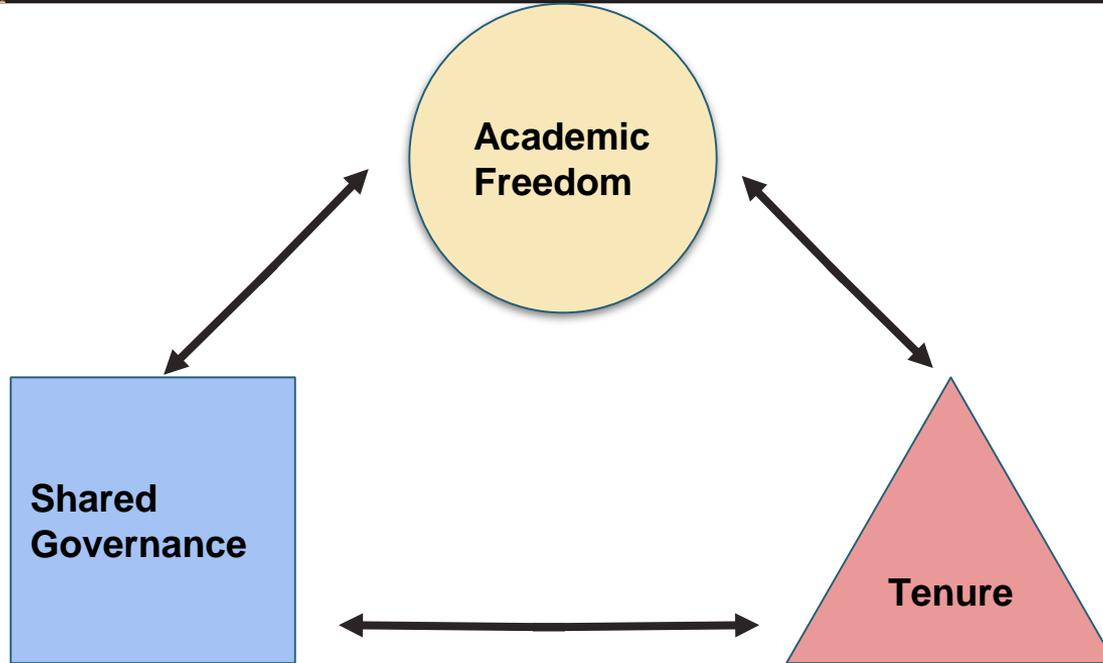


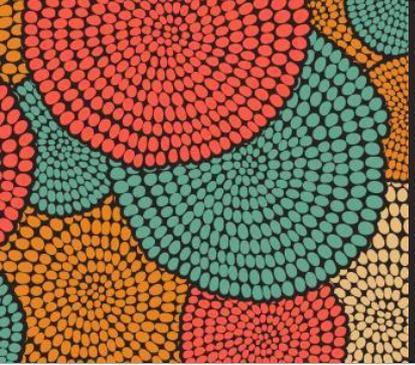
Protecting Academic Freedom: What Senates and Unions can do Together?

- **Educate administrators, board members, and the community** on the importance of academic freedom, tenure, and part-time faculty seniority, and shared governance as the most effective methods in ensuring the integrity of the institution and enduring public trust
- Include **explicit language on protecting academic freedom** in the evaluation tools
- Advocate for **increases in tenure positions and expand tenure & part-time seniority protections**
- Provide **joint training on how to conduct evaluations** that includes honoring the academic freedom of our colleagues



Trifecta

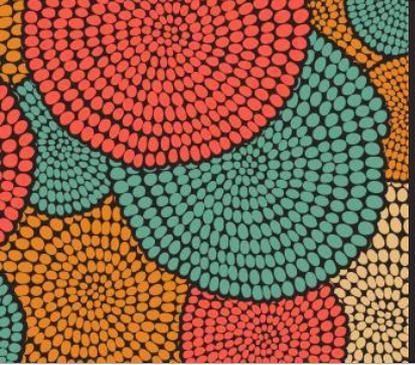




Adopted Positions of the ASCCC

- Local academic senates should collaborate with union colleagues on codifying the protection and parameters of academic freedom in contract in light of faculty evaluations, curriculum, online instruction, dual enrollment, open educational resources, guided pathways, and other relevant issues.
- Local academic senates should work with union colleagues to train faculty on engaging in faculty evaluations in light of academic freedom.
- Local academic senates should clearly delineate and provide justification for adjunct faculty participation in shared governance in order to support union efforts to negotiate appropriate compensation.
- Local academic senates and union colleagues should review AAUP resources and recommendations.





Strengthening Academic Freedom Through IDEAA: ASCCC

IDEAA-related publications on Academic Freedom

- [Academic Freedom Paper](#)
- [Academic Freedom and Equity](#)

Other IDEAA-related publications

- [Anti-Racism Education in California Community Colleges: Acknowledging Historical Context and Advancing Effective Anti-Racism Practices for Faculty Professional Development](#)
- [Equity-Driven Systems: Student Equity and Achievement in the California Community Colleges](#)

Past ASCCC Events on Academic Freedom

- [Equity and Anti-racism in Academic Freedom](#)





Resources/Links

[Protecting the Future of Academic Freedom During at Time of Significant Change \(2020\)-- ASCCC Paper Academic Freedom and Equity- Rostrum Article, November 2020](#)

AAUP 1940 Statement of Principles on Academic Freedom and Tenure

<https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>

AAUP Academic Unionism Statement

<https://www.aaup.org/academic-unionism-statement>

Assembly Bill 1725 Vasconcellos (1988)

<https://www.asccc.org/sites/default/files/1988%20AB%201725%20Community%20College%20Reform%20Act%20%28Vasconcellos%29.pdf>





Resources (cont.)

AAUP Red Book – Policy Documents and Reports, American Association of University Professors, 2015 -

<https://www.aaup.org/reports-publications/publications/redbook>

<https://www.asccc.org/events/april-25-2022-200pm/equity-and-anti-racism-academic-freedom>

Academic Freedom in the 21st-Century College and University: *Academic Freedom for All Faculty and Instructional Staff*

<https://www.aft.org/sites/default/files/academicfreedomstatement0907.pdf>

AAUP Statement on Academic Government for Institutions Engaged in Collective Bargaining

<https://www.aaup.org/report/statement-academic-government-institutions-engaged-collective-bargaining>

Greene, Peter “Teacher Anti-CRT Bills Coast to Coast: A State by State Guide”, FORBES (February 12, 2022)

(<https://www.forbes.com/sites/petergreene/2022/02/16/teacher-anti-crt-bills-coast-to-coast-a-state-by-state-guide/>)





Resources (cont.)

Messier, John “Shared Governance and Academic Freedom: Yes, This Is Union Work” 2017, NEA

https://www.nea.org/assets/docs/TA2017S_Messier.pdf

Reichman, Henry “Professionalism and Unionism: Academic Freedom, Collective Bargaining, and the American Association of University Professors” AAUP Journal of Academic Freedom, 2015

https://www.aaup.org/sites/default/files/Reichman_0.pdf

Reichman, Henry, [The Future of Academic Freedom](#), John Hopkins University Press, 2019

