

1 San José State University
2 Academic Senate
3 Professional Standards Committee
4 December 9, 2024

AS 1883

5 **Final Reading**

6 Policy Recommendation

7 **Statement of Academic Freedom and Establishing the Academic Freedom Committee**

8
9 **Legislative History:** This proposal would rescind S99-8 Professional Responsibility Statement
10 and replace it with two policy recommendations: AS 1884 Statement on Faculty Professional
11 Responsibility and AS 1883 Statement on Academic Freedom and Establishing the Academic
12 Freedom Committee.

13 **Rationale:** When Amendment A to S99-8 and S99-9 was approved on August 21, 2023,
14 language about the charge and creation of the Academic Freedom Committee (AFC) was
15 accidentally embedded into S99-8 Professional Responsibility Statement, making information
16 about the AFC difficult to find. This proposed change rescinds S99-8 and separates it into two
17 distinct policies: “Statement of Faculty Professional Responsibility” and “Statement of
18 Academic Freedom & Establishing the Academic Freedom Committee.” While faculty
19 professional responsibility and academic freedom are deeply interconnected, the policies need to
20 be separated so that they can be clearly identified by their titles. Together with the newly-
21 approved F24-2 Board of Professional Responsibility, these policies provide important
22 contemporary guidance on matters related to faculty professional responsibility and academic
23 freedom; creating two new policies from S99-8 will also update the policy numbers to allow
24 ease of identification and to indicate their currency.

25
26 Approved: December 2, 2024
27 Vote: 6-0-0
28 Present: Chen, Kazemifar, Nwokolo, Raman, Riley (Chair), Smith, Peter (non-
29 voting guest), Lee (non-voting guest)
30 Absent: Barrera, Pruthi, Muller, (Dukes, non-voting guest)

31
32 **Financial Impact:** No new costs anticipated beyond some modest travel costs associated with
33 sending members of the Academic Freedom committee to conferences.

34
35 **Workload Impact:** No new workload issues anticipated. On the contrary, being able to find the
36 Statement of Academic Freedom and the charge of the Academic Freedom Committee will save
37 time.

38
39 **Preamble:** Academic Freedom is at the heart of the success of the modern university, but in
40 recent years faculty, students, and others have begun to lose touch with an understanding of this
41 critical concept. The classic statements in defense of academic freedom were articulated at the
42 start of the twentieth century by the American Association of University Professors (AAUP) in
43 response to egregious acts in which faculty appointments, research programs, and curricular
44 content were attacked or manipulated for political reasons. Faculty organized and fought hard to
45 secure tenure and other protections, and by the 1950s they won a key court decision that

46 eloquently summarized the need for academic freedom. “Teachers and students must always
47 remain free to inquire, to study and to evaluate, to gain new maturity and understanding;
48 otherwise our civilization will stagnate and die.”¹

49
50 Today, however, many faculty and others do not know much about the history of academic
51 freedom, its legal status, or its ultimate purpose. When the term is used it is sometimes perceived
52 incorrectly as an individual privilege rather than as a critically important tool for fulfilling the
53 academy’s scholarly and educational roles. Professional Standards believes it is the responsibility
54 of each new generation of faculty to take on the challenge of renewing the community’s
55 understanding of academic freedom, and has crafted this policy recommendation to fulfill this
56 task.

57
58 A generation ago, the Academic Senate combined the Academic Freedom Committee with a new
59 board focused on professional ethics. The motivation was sound—to symbolize the deep
60 interconnection of academic freedom to professional responsibility. We continue to agree with
61 this principle, but the former Board of Academic Freedom and Professional Responsibility
62 (BAFPR) was not a consistently effective committee. Its sweeping responsibilities, extended
63 membership, and restricted qualifications resulted in a committee that was difficult to fill and
64 which was torn between its educational and quasi-judicial functions. As a result, the BAFPR was
65 divided into two bodies: the Board of Professional Responsibility (*see* F24-2 Board of
66 Professional Responsibility) and the Academic Freedom Committee. By creating a smaller
67 committee with a sharper focus, Professional Standards sought to create a vibrant, active
68 committee of experts to engage in the continual education of the University on academic
69 freedom issues and provide useful and timely information to faculty, students, and administration
70 when issues related to academic freedom arise.

- 71
72 1. Statement of Academic Freedom²
- 73 1.1. In General
- 74 1.1.1. The primary mandates of a university—the discovery and dissemination of
75 knowledge and understanding, are absolutely dependent upon academic and
76 intellectual freedom. Freedom in research is fundamental to the advancement of
77 truth. Freedom in teaching is fundamental for the protection of the rights of the
78 student in learning and of the faculty³ in teaching.
- 79 1.1.2. Political attacks on academic freedom, including government attempts to exert
80 control over curriculum, restrict the freedom to pursue all avenues of scholarly
81 research, and censor the speech of faculty, have many historical precedents. Such
82 attempts to control teaching and research destroy higher education.
- 83 1.1.3. San José State University has a responsibility to society to defend and to maintain
84 these freedoms, and to ensure that those engaged in academic pursuits can

¹ *Sweezy v. New Hampshire*, 34 U.S. 234, 250 (1957)

² Derived from the *International Statement on Academic Freedom and Tenure*, 1984. Signatories include the American Association of University Professors, the American Federation of Teachers, the National Education Association, and similar groups from the United Kingdom, New Zealand, Canada, Australia, Ireland, and France.

³ The faculty of the university include all those who engage in scholarly activities and/or those who directly or indirectly participate in instructional activity. Thus faculty members include professors, lecturers, teaching assistants, research assistants, coaches, counselors, librarians, and all those faculty employees under Unit 3.

85 effectively execute their responsibilities. SJSU faculty must remain free of the
86 forces of special interests and political interference if they are to fulfill society's
87 expectations and their educational responsibilities.

88 1.1.4. All members of the university community: students, staff, and all faculty
89 employees, shall have the protections of academic freedom
90

91 1.2. Academic Freedom as it Relates to Tenure

92 1.2.1. Tenure is one mechanism specifically created to protect academic freedom, and
93 those faculty who hold the protection of tenure have an obligation to protect the
94 academic freedom of all members of the university community.

95 1.2.2. Tenure constitutes an important procedural safeguard of academic freedom and
96 professional responsibility and, as such, is essential for the maintenance of
97 intellectual liberty and high standards in education and in scholarship. It is one
98 means by which university faculty members are protected against personal malice or
99 political coercion, and by which it is ensured that those who, following rigorous
100 evaluation, secure continuing employment, can be dismissed only on professional
101 grounds according to due process.

102 1.2.3. Historically, the indispensability of academic tenure to academic freedom in
103 universities throughout the world has been proven by events in situations where
104 tenure has not existed. We must not forget the lessons of the past but must work to
105 ensure that SJSU continues to fulfill the educational needs of a free society.

106 1.3. Academic Freedom as it Relates to Professional Responsibility

107 1.3.1. According to the AAUP, Academic freedom “is a professional right extended to
108 members of the profession and is subject to certain limitations. Academic freedom
109 means that faculty are free to engage in the professionally competent forms of
110 inquiry and teaching that are necessary for the purposes of the university. It does not
111 mean that individual faculty members are free to teach or publish whatever they
112 want without repercussions.” AAUP makes clear that the academic freedom of an
113 individual faculty member is subject to matters of professional responsibility,
114 including those related to 1) the collective; 2) professional ethics; and 3)
115 professional competence. AAUP says more about each category below:
116

117 **“The Collective:** The faculty who are responsible for a particular course of study
118 may share responsibility for determining courses to be offered or texts to be
119 assigned to students. The shared academic freedom to make this decision trumps the
120 freedom of an individual faculty member to assign a textbook that he or she alone
121 prefers.”
122

123 **“Professional Ethics:** A faculty member must act ethically in their teaching and
124 research; for example, by following regulations on human subject research.”
125

126 **“Professional Competence:** In order to produce and disseminate the highest quality
127 of knowledge in a given field, academics are regulated by other academics who are
128 in a position to judge the work of their peers. A faculty member is not entitled to
129 teach something that their academic peers judge is invalid--for example, teaching

130 that 2+2=5 would not be protected; neither would teaching intelligent design in an
131 evolutionary biology class.⁴

132
133 Professional responsibility is thus the natural complement of the academic freedom
134 essential to the university's mission. Through their responsible professional conduct,
135 faculty members promote and protect academic freedom. Because faculty members
136 belong to a profession with the rights of self-government, they also have the
137 obligation to establish standards of professional conduct and procedures to enforce
138 them. These standards are set in the SJSU Statement of Professional Responsibility.⁵
139

140 1.3.2. Academic freedom is a privilege granted to faculty in return for their obligation to
141 serve the public good, which they do through the advancement of scholarship, the
142 search for truth, and the higher education of our communities. We agree with the
143 AAUP 1915 Declaration that “not only that the profession will earnestly guard those
144 liberties without which it cannot rightly render its distinctive and indispensable
145 service to society, but also that it will with equal earnestness seek to maintain such
146 standards of professional character, and of scientific integrity and competency, as
147 shall make it a fit instrument for that service.”⁶
148

149 2. The Academic Freedom Committee is established as a Special Agency.

150 2.1. Charge of the Academic Freedom Committee (AFC):

151 2.1.1. AFC shall monitor the state of academic freedom both at San Jose State and in the
152 broader academic environment. In addition, it shall safeguard and promote academic
153 freedom at SJSU, and shall serve as an advisory body on issues arising from the
154 application of academic freedom on our campus.

155 2.1.2. AFC shall educate and advise on the meaning and scope of academic freedom and
156 its application. To do so, AFC shall familiarize itself with policies, laws, court
157 decisions, and current events concerning academic freedom. As part of this function
158 it shall maintain contact (and membership if possible) with the American
159 Association of University Professors (AAUP) and familiarize itself with relevant
160 AAUP publications. Members of AFC should attend AAUP conferences on
161 academic freedom when possible.

162 2.1.3. AFC shall work in concert with the Center for Faculty Development to educate
163 and orient new faculty on academic freedom issues, by attending and presenting at
164 events such as faculty orientations.

165 2.1.4. AFC shall educate all constituencies of the San Jose State Community on our own
166 policies on academic freedom. It shall host at least one academic freedom forum
167 each year, on a topic related to academic freedom and designed to stimulate interest
168 in academic freedom.

169
170 3. Organization of the AFC

171 3.1. Membership

⁴ <https://www.aaup.org/programs/academic-freedom/faqs-academic-freedom>

⁵ S99-8 at the time of this policy recommendation

⁶ American Association of University Professors, *1915 Declaration of Principles on Academic Freedom and Academic Tenure*.

- 172 3.1.1. Four faculty members, three of whom must be (or have previously been) tenured,
173 chosen university-wide for their expertise and/or interest in academic freedom
174 issues. One of the four faculty may be from among our emeriti faculty. One of the
175 four faculty may be a lecturer or a probationary faculty member. These faculty will
176 serve 2 years terms and may be renewed twice (for a total of six years) before
177 rotating off the committee for a minimum of one term.
- 178 3.1.2. One student.
- 179 3.1.3. One administrator.
- 180 3.1.4. One Staff member (Non-MPP)
- 181
- 182 3.2. Chair. Each year the AFC shall choose its own Chair from among the tenured (or
183 previously tenured) faculty members of the committee.
- 184
- 185 3.3. Reporting.
- 186 3.3.1. If the AFC has suggestions for policy changes it shall report them to the
187 Professional Standards Committee of the Academic Senate.
- 188 3.3.2. The Chair of the AFC shall be permitted to address the Professional Standards
189 Committee and the Academic Senate to report on issues relating to academic
190 freedom.
- 191
- 192 3.4. Selection.
- 193 3.4.1. All candidates for membership shall submit statements discussing their expertise
194 and/or interest in academic freedom issues, and (if faculty) a curriculum vitae.
- 195 3.4.2. Faculty candidates for membership shall be screened by the Executive Committee
196 and approved by the Senate.
- 197 3.4.3. The Administrative representative shall be designated by the President after
198 consultation with the Executive Committee.
- 199 3.4.4. The student representative shall be designated by Associated Students after
200 consultation with the Executive Committee.
- 201 3.4.5. Meetings. The AFC should meet at least once every month during the academic
202 year.