

Background Sheet on Academic Freedom/Free Speech Issues

University of Alaska Board of Regents meeting, February 15-16, 2006, Juneau, Alaska

Academic Freedom and Free Speech

- Historical origins of concept of Academic Freedom entwined with, though distinguishable from, developing concept of the 1st Amendment guarantee of freedom of speech
- AAUP first articulates the proposition of Academic Freedom in a *General Declaration of Principles* in 1915, based on the "Freedom to Teach" and "Freedom to Learn" established in German universities serving as the model for U.S. institutions; based on understanding purposes of the university to include promotion of inquiry and advancing the sum of human knowledge, and the development of experts for various branches of the public service
- Institution's successful discharge of these responsibilities require that faculty conduct their studies and research, as well as their teaching, in an absolute pursuit of the truth, free of compromising pressures
- Not until Supreme Court decisions beginning in the 1950's does concept of Academic Freedom begin to be associated with an expanding interpretation of First Amendment guarantees of free speech

Recent Related UA Chronology:

- Incident in 2001 involving UAA Creative Writing Professor prompts President to publish statement supporting Free Speech, request that Faculty Alliance review relevant BOR policy and University Regulation
- 2003, Alliance produces document proposing rewrite of BOR policy, submits for SAC consideration
- SAC is advised in 2004 by General Counsel's Office that because Academic Freedom was recently negotiated in new faculty CBA's, modification of policy in that regard would violate collective bargaining law; SAC so informs Faculty Alliance, no further action is taken
- Statements by a UAF Marine Advisory Program Professor in 2005 regarding State's handling of Selendang Ayu Oil spill prompts press coverage, questioning of University's position on the issue, President's emphasis that only he or BOR Chair can be presumed to speak for the University
- Issue and its publicity raises interest of BOR chair. In response Sr. Associate VP for Academic Affairs is asked to draft White Paper on Academic Freedom
- White Paper summarizes status of Academic Freedom and Free Speech with regard to history, Board Policy, University Regulation, and CBA provisions; is shared with now former BOR chair in early 2006

Academic Freedom and Free Speech in BOR Policy and faculty CBA's

- BOR P04.04.010 states: "*Academic Freedom*. Nothing contained in Regents Policy or University Regulation will be construed to limit or abridge any person's right to *free speech* or to infringe the *academic freedom* of any member of the university community."
- Academic Freedom and/or Free Speech or Freedom of Expression are directly or indirectly referenced in BOR P02.07.030, P04.02.020, P04.04.040, P04.10.020, P10.07.01 and in R02.07.030
- All three faculty CBA's explicitly protect Academic Freedom and free speech; UNAC CBA further references University and Union endorsement of the AAUP's "1940 Statement of Principles on *Academic Freedom* and Tenure with the 1970 Interpretive Comments"
- Policy (P04.10.020) and all CBA's mandate clarification of relationship with official University position when speaking publicly, but there is inconsistency in Policy and ACCFT and United Academic Adjuncts CBA's calling for clarification that one is *not* an institutional representative, and UNAC CBA's provision that one indicate when "one *is* an institutional representative" (emphases added)