

Article 9: Academic Freedom

9.01 PREAMBLE: As the Supreme Court said in *Keyishian v. Board of Regents* 385 U.S. 589 (1967), “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.”

9.02 NECESSITY: AFA and the District recognize that academic freedom is included within the freedom of expression and is necessary to the pursuit of truth. These freedoms are irreplaceable elements of the faculty teaching experience and the student learning experience in the California Community Colleges. Though tenure has historically helped to ensure these freedoms, all faculty members — regular, probationary, temporary and adjunct, tenured or non-tenured — shall enjoy the protections offered by this Article.

9.03 CONTEXT: Academic freedom as a form of freedom of expression shall exist within the general framework of the United States Constitution, the California State Constitution, requirements of the California Education Code, California Community College regulations, and official course descriptions. Academic freedom and freedom of expression shall be maintained in all media (printed, oral, visual, and electronic) and in all interactions with students, faculty, staff, and administration.

9.04 ACADEMIC FREEDOM

A. Inquiry and Instructional Freedoms: Academic freedom as a form of freedom of expression includes freedom of inquiry and instruction for every faculty member, including freedom in presenting and discussing subjects. Academic freedom also includes, but is not limited to, freedom to:

1. explore and teach difficult and controversial material within official course descriptions;
2. model and encourage critical thinking, foster and defend intellectual honesty;
3. present all viewpoints in the teaching and learning process; and
4. express differences of opinion and interact with students, faculty, staff, and administration in an environment free of intimidation and censorship.

B. Inquiry and Instructional Responsibilities: With the exercise of these freedoms comes the responsibility of considering controversial issues objectively and acknowledging the existence of, and showing respect for, opposing opinions. Every faculty member also has the responsibility of making clear what is personal opinion and what is considered general knowledge.

C. Freedom to Exercise Assignment Responsibilities: Every faculty member shall have the freedom to exercise the responsibilities inherent in his/her assignments and as described in the Regular, Probationary, Temporary, Adjunct Faculty, and Department Chair Job Descriptions (See Article 17).

- D. Freedom in Scholarship and Environment:** Every faculty member is a member of a learned profession and shall have academic freedom in pursuit and expression of his/her personal scholarship, and in the teaching-learning environment.
- E. Freedom to Express Differences:** Academic freedom as a form of freedom of expression includes the right to express differences of opinion regarding interpretation of Program, Department, and/or College/District policies. Such differences of opinion are to be expected in an academic environment and shall not result in the mistreatment, disciplining, or reassignment of faculty members.
- F. Academic Freedom for Students:**
1. Academic freedom as a form of freedom of expression also exists for students and includes, but is not limited to, freedom to:
 - a. inquire;
 - b. access the full range of information available;
 - c. explore difficult and controversial material;
 - d. express differing opinions;
 - e. develop and practice critical thinking skills;
 - f. defend intellectual honesty; and
 - g. learn in an environment free of intimidation and censorship.
 2. Maintaining these reciprocal freedoms for students is the responsibility of every faculty member.

9.05 GRADING: Every faculty member shall maintain the exclusive right and responsibility to determine grades based upon professional judgment. The determination of the student's grade shall be made by the course instructor and — in the absence of mistake, fraud, bad faith, unlawful discrimination, or incompetence — shall be final.

9.06 FACULTY AS MEMBERS OF THE PUBLIC: Every faculty member is a member of the public. When a faculty member speaks or writes as a member of the public, he/she may be identified as an employee of the College/District, but shall not construe him/herself to be a representative of the College/District and shall be free from institutional censorship or obligations.

9.07 DISTRICT SUPPORT: The District shall actively support the principles of academic freedom enunciated herein.