

# UNL Statement on Academic Freedom<sup>1</sup>

*Note: This statement was written in 2018-19 by an ad hoc committee appointed by the Executive Vice Chancellor. It is in the process of being vetted by the Faculty Senate, the Graduate Student Assembly (GSA), and the Association of Students of the University of Nebraska (ASUN). Once this vetting is complete, it will document the shared commitment of the administration, faculty, and students at the University of Nebraska-Lincoln to the principles of academic freedom. This statement will eventually be posted online and be hyperlinked to the statement Academic Freedom in Teaching and Learning: A More Detailed Look.*

## Three Tenets of Academic Freedom

The 1940 Statement of Principles on Academic Freedom and Tenure from the American Association of University Professors, as further explained by the 1970 Interpretive Comments, lays out three basic tenets of Academic Freedom:

1. *Academic Freedom in Research:* Researchers<sup>2</sup> are entitled to full freedom in research and in the publication of results.
2. *Academic Freedom in Teaching:* Teachers<sup>1</sup> are entitled to freedom in the classroom<sup>3</sup> in discussing their subject, but they should be careful not to persistently introduce into their teaching matter that has no relation to their subject.
3. *Academic Freedom as Community Members:* College and university researchers and teachers are members of society, a learned profession, and an educational institution. They are entitled to express their thoughts about university matters, business, and policies without fear of university sanction. When they speak or write as community members, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational professionals, they should remember that the public may judge their profession and their institution by their utterances. Hence they should be accurate to the best of their knowledge, should respect the rights of others to hold and freely express their own opinions, and should not claim or imply that they are speaking for the institution when not officially serving in that capacity.

The rights and responsibilities corresponding to each of these tenets are further discussed in the 2010 Inside Higher Ed piece “Defining Academic Freedom” by Cary Nelson, who was AAUP President at the time.

## Rights and Responsibilities Associated with Academic Freedom

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<sup>1</sup> This document is the result of extensive conversations between UNL faculty and administration and represents the shared values of those who participated in this discussion. It intended to provide information and facilitate discussion about academic freedom. However, it is not exhaustive in its treatment and it is not intended to be legal advice.

<sup>2</sup> Throughout, the terms “researchers” and “teachers” are used to include all UNL faculty as well as anyone acting in a research or instructional capacity at UNL, regardless of rank or title. “Teacher” is considered synonymous with “instructor.”

<sup>3</sup> We interpret “classroom” broadly, to include all learning spaces whether in-person or online.

*Academic Freedom in Research:* Academic freedom in research is fundamental to the advancement of truth. It ensures, for both students and faculty, the right to study and do research on the topics they choose. Moreover, though they may draw whatever conclusions they find consistent with their research, peers have the right to judge whether their work is valuable and whether their conclusions are sound. To that end, no corporate or government sponsor or member of the university community should seek to block dissemination of research findings or creative activity for financial, political, or personal reasons.

*Academic Freedom in Teaching:* Academic freedom ensures the dissemination and consideration of ideas in teaching and learning environments. It is fundamental for the protection of the rights of the teacher in teaching and of the student in learning. It is important to emphasize that the teaching of controversial material is, in many cases, both appropriate and necessary; it is at the heart of free academic inquiry that academic freedom is designed to protect. Freedom in teaching does not, however, allow for material with no relation to the subject being taught to be persistently introduced into the classroom. Freedom in teaching allows both students and teachers to make comparisons and contrasts between subjects taught in a course and any field of human knowledge or period of history. It gives teachers and students the right to challenge one another's views, but it does not give them the right to harass, threaten, intimidate, or ridicule each other, or for teachers to impose their views upon students. It encompasses both the individual and institutional right to maintain academic standards. In particular, it protects the teacher's authority to hold students accountable for the material of the course and assign grades to students, but not if those grades are capricious or unjustly punitive. While academic freedom does not give a teacher the right to refuse to teach a course (within that person's area of professional competence and expertise) assigned by their unit administrator or dean, or to disregard faculty-supported departmental or college standards for the essential subject matter and learning objectives of the course, it does give the teacher substantial latitude in deciding how to teach the courses for which they are responsible. Neither academic freedom nor tenure protects a faculty member who repeatedly skips class or refuses to teach assigned classes or essential subject matter.

Moreover, though academic freedom in teaching extends to students as academic freedom in learning, it does not deny the teacher's right to require students to master course material or the fundamentals of the discipline being taught. On the other hand, it does not protect the teacher when colleagues or students wish to challenge their educational philosophy and practices.

*Academic Freedom as Community Members:* Freedom as community members means that both students and teachers/researchers have the right to express their views without fear of university sanction, unless the manner of expression substantially impairs the rights of others or, in the case of teachers and researchers, those views demonstrate to a consensus of peers that the teacher/researcher is professionally incompetent or dishonest. This includes matters internal to the functioning of the university and more broadly to any area covered under the First Amendment. Speech is particularly encouraged as a response to objectionable speech; the university relies upon persuasion, not censorship, to combat ideas or expressions that some members of the community may find offensive. Academic freedom does not protect teachers, researchers, or students from non-university penalties if they break the law.

### **Closing Thoughts**

Academic freedom means that teachers, researchers, and students can engage in intellectual debate without fear of censorship or retaliation. It gives teachers, researchers, and students the right to request a hearing if they believe their rights have been violated, and it protects teachers, researchers, and students from reprisals for disagreeing with administrators or administrative policies or proposals. It guarantees that serious charges against a faculty member will be heard before a committee of his or her peers, and guarantees the right to due process.

However, neither academic freedom nor tenure is an unqualified guarantee of lifetime employment. Although it gives teachers, researchers, and students the right to criticize academic unit, college or university regulations they consider to be unfair, it does not give them the right to ignore such regulations. Academic freedom does not protect a faculty member (including those with administrative appointments) from investigations into scientific misconduct or violations of university policies. Moreover, while neither academic freedom nor tenure protects a faculty member from sanctions for misconduct or for poor performance, they do mandate that a faculty member may grieve and challenge any sanction and that major sanctions can be imposed only after an appropriate hearing.

### **Sources**

American Association of University Professors, 1940 *Statement of Principles* and 1970 *Interpretive Comment*. <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>.

Nelson, Cary. "Defining Academic Freedom." *Inside Higher Ed*, December 21, 2010. <https://www.insidehighered.com/views/2010/12/21/defining-academic-freedom>.