

Attachment

Academic Freedom (403.25)

University of Arkansas at Little Rock

Policy Name: Academic Freedom

Policy Number 403.25

Effective Date: Revision 2/24/2023; Effective Date August 2023

Academic Freedom (Policy 403.25)

Statement Articulating the University's Overarching Commitment to Free, Robust, and Uninhibited Debate and Deliberation Among All Members of the University's Community

Our students and faculty have the right to discuss any problem that presents itself. This right is grounded in long-standing principles of academic freedom and is reflected in university accreditation standards. **Academic freedom rights are guaranteed herein to each faculty member and the university vis-à-vis each other as well as third parties.** The “cure” for ideas we oppose lies through open discussion rather than through inhibition. Free inquiry is indispensable to the good life, universities exist for the sake of such inquiry, and without it they cease to be universities. This is the essence of critical thinking that provides society and individuals with progress.

Education is not intended to make people comfortable; it is meant to make them think. Universities are expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom.

The ideas of different members of the University community will often and quite naturally conflict. But it is inappropriate for the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University community greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect

can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. But the University may legally restrict the substance of expression only when it explicitly violates the law, i.e., when speech falsely defames a specific individual, constitutes a genuine threat or actual harassment, or invades legally recognized privacy interests. In addition, reasonable time, place, and manner regulations are recognized as legal. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

The University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community or society at large to be offensive, unwise, immoral, or wrong-headed. The individual members of the University community—not the University as an institution, its administration, nor any external constituency—are entitled to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

Freedom of Speech and Thought:

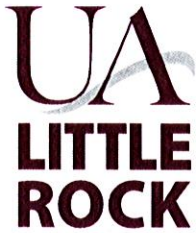
Faculty shall not be restricted from communicating with members of the public, whether part of the UALR community or the public at large, on any matter except for

matters in any way prohibited by state **laws and rules** and federal laws and regulations, other than delineated below:

- (1) The school may impose reasonable time, place, and manner restrictions while the employee is working; and
- (2) Nothing in this policy shall be construed to interfere with state **laws and rules** and federal laws and regulations for the prohibition of discrimination.

Source: Faculty Senate, 2/24/2023, 11/22/2019, 2/23/2018

Custodian: Faculty Senate



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TO: Joanne Matson, Faculty Senate President
FROM: Christy Drale, Chancellor
DATE: April 12, 2023
RE: Faculty Senate Legislation FS_2023-01

A handwritten signature in black ink, appearing to read 'Christy Drale', written over the 'FROM:' line of the header.

I am returning the legislation referenced above without signature for the purpose of seeking clarification on the proposed language to be added to UA Little Rock policy 403.25 on Academic Freedom.

It is my opinion that the sentence, "Academic freedom rights are guaranteed herein to each faculty member and the university vis-à-vis each other as well as third parties", has an unacceptable level of ambiguity. It is not clear who or what is providing the guarantee of rights to individuals or to the university. Is the claim that the U.S. Constitution provides a guarantee of these rights or does the university guarantee these rights to faculty members and to itself? It is also not clear if the term "third parties" is universal, as in both internal and external entities.

The UA Board of Trustees policy 405.1 references academic freedom in the context of adverse employment actions for faculty stating that no faculty member will be dismissed, or otherwise disciplined, or denied reappointment for mere expression of opinions related to the faculty member's scholarship, teaching or service. The proposed legislation appears to go beyond Board policy by providing for ambiguous guarantees that could be claimed for any action a faculty member (or the university) finds objectionable. I think it is easy to see that this could quickly turn into a morass of claims and counterclaims. Additionally, depending on the source of the guarantee, the "third parties" part of the clause could result in an unenforceable guarantee.

I request that the Senate endeavor to clarify these issues and amend the language accordingly.

