

University of Arkansas at Little Rock William H. Bowen School of Law

Academic Freedom and Freedom of Expression Policy

I. Preamble.

“Effective legal education and the development of the law require the free, robust, and uninhibited sharing of ideas reflecting a wide range of viewpoints. Becoming an effective advocate or counselor requires learning how to conduct candid and civil discourse in respectful disagreement with others while advancing reasoned and evidence-based arguments. Concerns about civility and mutual respect, however, do not justify barring discussion of ideas because they are controversial or even offensive or disagreeable to some.” (American Bar Association, Accreditation Standard 208, Interpretation 208-6.)

II. Laws and University Rules Concerning Academic Freedom and Free Expression on Campus.

A. State Laws.

It is the policy of the state of Arkansas that “State-supported institutions of higher education should strive to ensure the fullest degree of intellectual and academic freedom and free expression, and it is not the proper role of state-supported institutions of higher education to shield individuals from speech that is protected by the First Amendment to the United States Constitution, including without limitation ideas and opinions the individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive.” Arkansas Statutes § 6-60-1002(7).

Arkansas law provides extensive protections for free speech on university campuses. See, e.g., Arkansas Statutes §§ 6-60-1001 to 6-60-1010 and §§ 6-60-1501 to 6-60-1505.

B. University of Arkansas System Policies.

University of Arkansas Board of Trustees Policy 405.1, available [here](#), provides the following protections for academic freedom and freedom of speech:

No faculty member shall be dismissed, or otherwise disciplined, or denied reappointment in violation of the following principles of academic freedom, but the observation of the limitations stated herein is the responsibility of each faculty or staff member. Subject to all provisions of this and other applicable University policies, mere expressions of opinions related to the faculty member’s scholarship, the subject matter of their assigned teaching duties, and University employment-related service activities (e.g. committee assignments and campus governance activities), however vehemently expressed and however controversial such opinions may be, shall not constitute cause for dismissal. The threat of dismissal will not be used to restrain faculty members in their exercise of academic freedom or constitutional rights.

The faculty member is entitled to full freedom in research and in the publication of results, subject to the performance of his or her other academic duties, but personal research for pecuniary return requires prior approval by the appropriate University authorities and must be in accordance with Board Policy 450.1.

The faculty member is entitled to freedom in the classroom in discussing the subject of the course, but should not teach material inappropriate or unrelated to the course, and should maintain a respectful and professional academic learning environment.

The University faculty member is a citizen, a member of a learned profession, and a member of an educational community. Speaking or writing as a citizen, the faculty member is free from institutional censorship or discipline. However, as a person of learning and as a member of an educational community, the faculty member has a responsibility for awareness that the public may judge the profession and the institution by his or her utterances. Hence, faculty should at all times make an effort to be accurate, exercise good judgment and appropriate restraint, show respect for the opinions of others, and indicate that they are not spokespersons for the institution. Faculty are expected to contribute to the productive and efficient operation of the instructional and work environment.

A. UA-Little Rock Policies.

1. UA-Little Rock Policy 403.25, available [here](#), sets forth UA-Little Rock’s “Statement articulating the University of Arkansas at Little Rock’s overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the university’s community.” Among other things, it provides as follows:

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. . . . 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.

2. UA-Little Rock Policy 518.3, available [here](#), “Free Speech and Expressive Activities,” implements the free speech principles set forth in state law at Arkansas Statutes §§ 6-60-1001 to 6-60-1010.

III. Definitions. The following definitions apply to sections IV through VI below.

- A. **“Faculty”** means all full-time and part-time faculty members, instructors, adjuncts, and other individuals teaching courses at the Law School, as well as all librarians.
- B. **“Policy”** means the University of Arkansas at Little Rock William H. Bowen School of Law Academic Freedom and Freedom of Expression Policy.
- C. **“Staff”** means all other individuals employed by the Law School.
- D. **“Students”** means all individuals enrolled in courses or programs at the Law School.
- E. **“University”** means the University of Arkansas System and all units or subdivisions thereof.

IV. Law School Academic Freedom Policies.

The University of Arkansas at Little Rock, William H. Bowen School of Law (the “Law School”) is committed to fully protecting academic freedom and advancing the free expression of ideas for all members of its community. This includes protecting the rights of faculty, students, and staff to communicate ideas and opinions that are controversial, unpopular, or that individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive. All members of the Law School community share a responsibility to uphold these principles. This commitment encompasses the following:

A. Freedom in Research and Publishing.

Faculty members are entitled to full freedom in research and in the publication of results, subject to the performance of their other academic duties. See UA Board of Trustees Policy 405.1, Section IV.A.14.a. All questions are welcome starting points for scholarly inquiry, no matter how controversial, unpopular, or offensive they might be to some. Free inquiry in scholarship is the liberty of scholars to pursue truth and advance knowledge, wherever the quest may lead. It is bounded only by law and by scholarly judgment. These rights also apply to students when students engage in activities analogous to faculty research.

B. Freedom in Teaching and Learning.

1. Faculty Rights.

- a. Faculty are free to discuss any subject relevant to their courses in classroom sessions, including the rule of law and controversial topics and perspectives that some may deem offensive.
- b. Freedom in teaching extends to all aspects of teaching responsibilities, including the selection of instructional materials, determination of course content, pedagogical methods, and assessment tools, provided that the faculty member’s decisions must be consistent with the subject matter and skills taught in the course and comply with other American Bar Association requirements. In a multi-section course taught by several faculty members, responsibility is often shared among the instructors for identifying the texts to be assigned to students.
- c. Freedom in teaching extends to all courses, including those involving client representation and clinical programs. Teaching in client-representation courses and clinical programs includes client selection, case selection, case-related decisions, and externship-site selections.
- d. Freedom in teaching extends to guest lecturers or speakers who, at the invitation of the faculty member who teaches the course, teach a single class session, teach a portion of a class session, or otherwise present during a class session.

2. Student Rights.

- a. Students are free to discuss any subject relevant to their courses, including controversial topics and perspectives that some may deem offensive, subject to the faculty member’s general authority to organize classroom sessions and the University Code of Student Rights, Responsibilities, and Behavior.
- b. Faculty may express their views on contested questions but may not formally or informally require students to hold them or punish students for criticizing them or declining to embrace them.
- c. Faculty may require adherence to basic rules of civility in the classroom and have the right to conduct class discussions in a way that maintains a conducive learning environment for all members of the class. But restrictions on speech should be strictly limited to those that serve the

purpose of creating the conditions for free inquiry and learning, and restrictions should never be selectively applied to ideas, individuals, or groups.

- d. Evaluation of student performance by each professor must be based on academic standards applied equally to all students.

- C. **Freedom in Service.** Faculty are free to participate in all aspects of Law School and University governance, to engage in any type of public service activities external to the University, and to express their views on matters of University policy and administration and public policy.
- D. **Freedom in Curating Library Collections and Providing Information Services.** Faculty, consistent with budgetary requirements, are free to exercise professional judgment in curating library collections and providing related information services to all University constituencies.

V. Law School Freedom of Expression Policies.

The state laws and University policies identified in section II of this Policy protect the rights of faculty, students, and staff to communicate ideas and opinions that are controversial, unpopular, or that individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive, including through robust debate, demonstrations, and protests. The following principles elaborate on those protections.

- A. **Open Dialogue.** The Law School is a forum for the open, respectful, and robust exchange of ideas, including ideas and opinions that are controversial, unpopular, or that individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive.
- B. **Protection of Dissenting Views.** Members of the Law School community are free to express dissenting views on any matters—including those relating to teaching, research, service, Law School and University governance and administration, and any area of public affairs—without fear of reprisal or censorship.
- C. **Rights of Guest Speakers.** Guest speakers have the right to freely express their views even if the speaker's ideas and opinions are controversial, unpopular, or that individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive.
- D. **Time, Place, and Manner Regulations.** The Law School regulates the time, place, and manner of expression and expressive conduct of faculty, students, staff, and guest speakers in order to prevent disruption of Law School activities or infringement upon the rights of others. It does so through various policies, including the Policy for Use of Law School Facilities, available here, and the Student Organization Handbook, available from the Law School's Office of Student Affairs. (See also UA Systemwide Policies and Procedures 715.1, available here, concerning use of university facilities.)
- E. **Disruptions Prohibited.** Notwithstanding any other provisions in this policy, the Law School prohibits disruptive conduct that hinders free expression by preventing or substantially interfering with the carrying out of law school functions or approved activities, such as classes, meetings, library services, interviews, ceremonies, and public events.
 1. Conduct or speech by students that violates section V.E. shall be considered a violation of the Code of Student Conduct, available here.
- F. **Protesting Ideas and Speakers.** Faculty, students, staff, and guests are entitled to protest guest speakers and ideas that they deem wrong or offensive, provided that such protests operate consistently with all Law School rules, including the rules immediately above regarding time, place, and manner (§ V.D.) and prohibited disruptions (§ V.E.).

G. **Expression Not Protected.** Expression that (1) falsely defames a specific individual, (2) constitutes a genuine threat or harassment, (3) unjustifiably invades substantial privacy or confidentiality interests, or (4) otherwise violates the law, is not protected by this Policy.

H. **Speaking In Individual Capacity.** Unless otherwise expressly authorized by the University, faculty, students, and staff do not speak on behalf of the University or the Law School. Faculty members and students engaging in speech both inside and outside the University should strive to make it evident that they speak for themselves, not for the University. Various University policies implement this principle, including the following:

1. UA Board of Trustees Policy 465.1, available [here](#), provides, among other things, as follows:

[N]o employee may involve the institution's name, symbols, property, or supplies in political activities. If employees speak publicly on matters of public interest and are identified by their name and position with the University, they should make every effort to make it clear that the employee's comments or opinions are those of the employee and not the University.

2. UA Board of Trustees Policy 405.1, available [here](#), provides as follows:

[F]aculty should at all times make an effort to . . . indicate that they are not spokespersons for the institution.

3. UA-Little Rock Policy 204.6, available [here](#), provides, among other things, as follows:

Any contact with government officials to request assistance for a UALR program or department must be coordinated through the Office of Government Relations.

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[The] UALR letter or email system should not be used, nor should an employee's university title be used[,] in correspondence on behalf of a professional organization to lobby a government official without prior consent from the Office of Government Relations.

VI. Procedures for Alleged Violations of Academic Freedom and Free Speech Policies.

- A. **Alleged Violations of Faculty Rights.** Any faculty member who believes their academic freedom or free speech rights have been violated may use any applicable Law School or University grievance, employment, or human resources procedures to address the violation, including the UA-Little Rock Faculty Appeals Council, which is governed by UA-Little Rock Policy 403.6, available [here](#), and the procedures governing non-reappointment and dismissal of faculty contained in UA Board of Trustees Policies 405.1, available [here](#).
- B. **Alleged Violations of Student Rights.** Any Student who believes their academic freedom or free speech rights have been violated may submit the matter to the Dean of the Law School, who will investigate (or delegate the investigation to faculty or administrators) and who will then take appropriate action under state law and University rules.

VII. Construction

No provision in these policies shall be construed as expanding or limiting the concepts of academic freedom and free expression beyond the policies of the Board of Trustees, the University of Arkansas System, or the University of Arkansas at Little Rock (collectively, University Policies). In the event of a conflict between University Policies and the policies set out herein, the University Policies shall prevail.