



Heather Lench



TEXAS A&M UNIVERSITY
Faculty Affairs

Update on Task Force on Academic Freedom & Faculty Protection



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The Charge



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The **Task Force on Academic Freedom & Faculty Protection** is charged

- Develop recommendations for university procedures that protect our faculty
- And their academic freedom
- In pursuing knowledge, educating students, and reinforcing our aggie core values
- Members
 - Faculty Senate: Dale Rice & Andrew Klein
 - Senior advisory group: Catherine Eckel
 - CAFRT: Thomas McDonald; UGC: Malinda Seymore
 - DH Council Steering Committee: Claire Katz
 - Council of Deans: Mark Zoran
 - Faculty Affairs: Heather Lench; Provost: Michael Johnson; OREC: Kevin McGinnis
 - Students: Ellie Richter





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General Recommendations



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- Statements, rules, regulations, policies should make clear that academic freedom extends to individuals engaged in educational and scholarly activities in the institution.
- The university must not violate the academic freedom of those engaged in educational and scholarly activities within the institution.
- The university must actively protect the academic freedom of faculty and others engaged in educational and scholarly activities in the institution. This is critical for meeting the missions of the university within the state and the nation.
- University rules and policies should be consistent with definitions of academic freedom and responsibility. This includes starting with the presumption that faculty, as experts hired for their competence, are acting within the bounds of their professional responsibility unless evidence indicates otherwise.





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General Recommendations



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- Employment practices for faculty and staff whose primary responsibilities involve educational and/or scholarly activity must align with best practices that offer protection for academic freedom.
- Interactions between university administration and the Board of Regents should be consistent with Texas Educational Code Section 51.352, preserving the independence of the university and defending its right to manage its own affairs through its chosen administrators and employees.
- Academic leadership should take action to engage the university community in conversations around academic freedom and responsibility.



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Priorities Completed Sept 2023



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- Statement for academic freedom available for syllabi
- Addition of university rule procedures for administrative leave pending an investigation
- Complaints against faculty from any source route to faculty affairs to notify faculty member of issue, process, and resources; notify office that reviews
- All on website, new page soon



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Revision of System Regulation 12.01



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- Reference Texas Education Code 51.352: primary responsibility of governing board is to “preserve institutional independents and defend its right to manage its own affairs...”
- Specify academic freedom and responsibility extends to individuals engaged in teaching and scholarship as part of their role within university, including staff, research scientists, librarians, and graduate students
- Change freedom in teaching “but should not introduce controversial matter which has no relation to the classroom subject” to “faculty members have the responsibility to ensure that the material covered as part of class relates to the classroom subject and facilitates student learning.”
- Reconsider differential procedures for tenure track and non-tenure-track faculty. Acknowledge distinction between academic professional track faculty and temporary/part time faculty appointments.





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University statement on value



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- Available on websites of president, provost, faculty affairs, others
- Value of academic freedom to higher education & Texas A&M as land grant
- Academic freedom for faculty
 - Freedom of expression in teaching & learning environment
 - Freedom to conduct scholarly and creative activities
 - Protection against censorship of intramural speech
 - Protection against censorship of extramural speech
- Academic freedom for librarians
 - Freedom to develop and curate collections in all formats
 - Freedom to provide access, services, and instruction that meets the education and research needs of the community
- Academic freedom for students
 - Freedom to learn
 - Freedom to classroom expression



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Complaints process



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- Faculty affairs role in complaints received against faculty
 - Receive complaint
 - Assign level from 1-5
 - Notify faculty member of complaint, including process and resources
 - Refer for documentation only or to appropriate investigatory review
 - Review complaint patterns over time and units





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Guidance for faculty targeted



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- Options for individual faculty member
 - Safety
 - Emails
 - Social media/media
 - Media strategy
- Direction for department heads and college/school administration
 - Support and create plan
 - Offices that help
 - Support others affected
 - Consider work locations and assignments, timeline extensions or modifications, connect with others
- Direction for university administration
 - Open communication, issue statement, connect with legal

<https://facultyaffairs.tamu.edu/news/2023/08/faculty-support-guidance.pdf>



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Revisions to university rule 12.01.99.M1



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- Academic freedom protections
 - Applies to individuals engaged in teaching and scholarship as part of their role within the university. If primary duties include teaching and scholarship (librarians and research scientists) must have additional assurance of employment protections.
 - Academic freedom at top of rule. Inclusion of specific faculty rights associated with academic freedom.
 - Change statements related to “controversial matter”
 - Clarify that academic freedom extends to creative works





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Revisions to university rule 12.01.99.M1



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- Academic freedom council
 - 1) Expert recommendation as evidence in process
 - Faculty involved in appeals, grievances, or complaints can directly petition for recommendation. Staff with primary appointments related to education and/or scholarship can petition (librarians, research scientists).
 - Administrative units charged with investigations can directly petition for recommendation.
 - 2) Review and recommend closure of misconduct allegations
 - Allegations of misconduct against faculty or staff (with primary) related to speech or presentation of information or opinions reviewed first by AFC.
 - Recommend closure to provost or refer for review
 - 3) Provide advice to university administration regarding academic freedom issues locally and nationally





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Revisions to university rule 12.01.99.M1



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- Employment protections
 - Administrative leave with pay during investigation specified
 - Time frame for minimum notice of non-renewal for APT faculty employed more than one year and less than stated time period (5 years)
 - Paths for faculty to appeal dismissal or non-reappointment for results of the violation of their academic freedom
 - Remove vague language ("moral turpitude")
 - Expand CAFRT to include APT faculty (UGC includes currently)
 - Appeals for promotion denial





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In development



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- Inclusion of expected process for hiring in corresponding sap
- Code of conduct revision
- Guidance for department heads for responding to complaints
- Website and feedback mechanisms

