

BP 4030 Academic Freedom

Reference: Education Code 72292; California Administrative Code, Title 5, 51023; Governing Board Policy 5040.

Note: *Boards are legally required to adopt a statement of academic freedom. The District should insert its current policy as developed collegially with the Academic Senate or collectively bargained, in this section.*

The purpose of this policy is to define “academic freedom” so as to protect the institutional neutrality of Monterey Peninsula College (MPC) in its practice of intellectual pluralism¹ and to defend faculty, students, and the curriculum from the influence of any current or future political fashion or orthodoxy.² The college is a bastion of competing ideas; unanimity is anathema to academic freedom and intellectual life.

In general, at MPC academic freedom means that “faculty and students are free to examine and test all knowledge appropriate to their discipline or area of major study as judged by the academic/educational community in general. Regardless of institutional affiliation or sponsorship, [MPC] maintains an atmosphere in which intellectual freedom and independence exist.”³

More specifically, MPC defines academic freedom as that aggregate of principles which comport with the American Association of University Professors’ (AAUP) 1940 “Statement of Principles on Academic Freedom and Tenure” and its 1970 “Interpretive Comments” (Appendix #1) except where those documents conflict with the Monterey Peninsula Community College District/Monterey Peninsula College Teachers Association Collective Bargaining Agreement. MPC thereby recognizes the freedom of teachers to teach and students to learn as educationally constitutive and essential to academic life. Further, as a publicly-funded institution of higher learning, MPC embraces its obligation to obey and enforce the rights and principles of the United States Constitution, Bill of Rights, and the U.S. Department of Education Office for Civil Rights (OCR).⁴

¹ “The university is the home and sponsor of critics; it is not itself the critic.” The Kalven Committee, “Report on the University’s Role in Political and Social Action,” (1967).
<<http://www.uchicago.edu/docs/policies/provostoffice/kalverpt.pdf>>.

² “It is a human failing common to us all that we rarely see our own abuses of power, and no one, right, left, or center, is innocent of that failing. Once these abuses are called to consciousness, however, it becomes a moral imperative to restrain ourselves and to grant to others the academic freedom that we would demand for ourselves.” Professor Alan Charles Kors, letter, July 19, 2000.

³ WASC Accreditation Reference Handbook, 2006, page 8
<<http://www.accjc.org/documents/Accreditation%20Reference%20Manual%20Rev%20Aug%2031%202006.pdf>>.

⁴ “OCR has consistently maintained that schools in regulating the conduct of students and faculty to prevent or redress discrimination must formulate, interpret, and apply their rules in a manner that respects the legal rights of students and faculty, including those court precedents interpreting the concept of free speech. OCR’s regulations and policies do not require or prescribe speech, conduct or harassment codes that impair the exercise of rights protected under the First Amendment.” Letter from Gerald A. Reynolds, Assistant Secretary, Office for Civil Rights, United States Department of Education, July 28, 2003
<<http://www.thefire.org/index.php/article/5046.html>>

Moreover, in order that students may experience a representative “marketplace of ideas,”⁵ MPC promotes robust intellectual pluralism practiced in an atmosphere of objectivity, respect, and civility. MPC agrees that “[s]tudents have a right to courses that accurately reflect the description in the course catalog. Students have a right to courses that are not misused to advance professors' personal social or political agendas or their subsidiary interests, as described in the AAUP Statement on Professional Ethics (1987).⁶ Students have a right to learn in an environment that fosters open inquiry and freedom of expression - without fear of reprisal, ridicule, or hostility.”⁷ Education leads students to independent thought, not to conversion or conformity. Teachers have the right and responsibility to select texts and educational materials for their courses based on their professional training and expertise.

That a college curriculum may be intellectually dynamic and produce discomfort for students of fixed belief does not create a conflict with students' right to a decorous learning environment. Subjective criteria such as discomfort and even offensiveness are impermissible grounds on which to base a complaint; appropriateness of classroom material and discussion can only be determined by disinterested peers applying professional standards appropriate to the discipline. While MPC instructors should make every effort not to be gratuitously invidious or offensive, they have the right to present material which may be considered offensive by some. Teachers should be thorough about explaining their teaching methodologies in course syllabi because without doing so, some courts have found that “[a]n instructor's choice of teaching methods does not rise to the level of protected expression”⁸ Students, however, will at all times be evaluated only by how well they master the subject matter of a course, not by whether they personally agree with it or reject it.

Method of evaluation, formulation of objectives or outcomes consistent with the course description, and assignment of a final grade are the right and responsibility of the individual instructor.

⁵ *The United States Supreme Court in Keyishian v. Board of Regents of the State University of New York* (1967) declared that the First Amendment “does not tolerate laws that cast a pall of orthodoxy over the classroom...[which is] peculiarly the marketplace of ideas”
<<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=385&invol=589>>.

⁶ <<http://www.aaup.org/AAUP/pubsres/policydocs/statementonprofessionaethics.htm>>.

⁷ <<http://www.noindoctrination.org/acadf.shtml#noindoc>>.

⁸ Sixth District Court, *Dambrot vs. Central Michigan University*. 2001 FED App. 0057P (6th Cir.).
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In order to maintain a climate of free inquiry for students, MPC recognizes that not all knowledge and educational benefit is immediate, concrete, or measurable. Evaluation of student learning may reflect factual knowledge when appropriate; however, in some disciplines, evaluation concerns qualities which are not measurable, do not represent factual knowledge, and/or cannot be stated in quantifiable terms. Teachers of these subjects, therefore, should not be forced to measure student learning using quantifiable criteria. Evaluation criteria derived from doctrinal principles extraneous to the discipline as well as attitudinal, behavioral, and/or values-laden evaluations unrelated to the course description should never be formulated or applied. Similarly, teachers should not be coerced by ideological or dogmatic curricular mandates or standards, and teachers are never required to teach against conscience or expertise.⁹

Teachers in some disciplines (as in, the humanities and the social sciences) must hew to the unsettled, problematic, imponderable, or ambiguous nature of their discipline's knowledge, the teaching of which may entail, as proper pedagogy, the asking of provocative questions (Socratic dialogue) or even expressing opinions which they do not in fact hold (playing devil's advocate). The nature of knowledge in other disciplines (such as math and science, business) obliges teachers to concentrate on transmitting established professional ideas, standards, and robust scholarly theories to students. Teachers may rightfully choose not to expend class time refuting tendentious objections or metaphysical speculations. Still other disciplines (as in art, music, creative writing) require the most liberal conception and exercise of academic freedom as their realms concern the exploration of artistic expression. Within these disciplines, academic freedom must protect the validity of intuitive knowledge and presentational art forms, and the instructor's right to choose programming content within these art forms for classroom or public presentation. Academic freedom includes the recognition and encouragement of the traditional role of the arts to explore content which may be controversial and discomfiting. Instructors have the right and obligation to exercise subjective judgment, informed by training and experience, in evaluating student work and choosing the content of public presentations. MPC fully subscribes to the AAUP 1990 Committee A Policy Statement on Academic Freedom and Artistic Expression (Appendix #2).

⁹ *West Virginia Board of Education v. Barnette* (1943) (319 U.S. 624), "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith [in it]." <<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/barnette.html>>.

Outside the classroom, teachers are as free as all other citizens to publish personal opinions but should take care not to officially associate their name with the institution; at the same time, teachers cannot be expected to prevent others from making such an association. Similarly, when maintaining a personal website or blog, teachers should again take care not to officially associate their name with the institution. Inside the classroom, by training and experience, teachers are experts in their disciplines, not advocates. In controversial matters, they should be able to differentiate between fact and interpretation and to summarize salient alternative interpretations of facts while keeping their own sentiments behind a veil of professionalism. When a teacher's personal opinion on a controversial or unsettled matter is offered in a course, it should be clearly identified as personal.¹⁰

The rights of academic freedom that apply in traditional course settings apply equally to courses offered through electronic media/cyberspace. While MPC does not equate cyberspace with a physical classroom, neither does MPC find any diminution of academic freedom rights implied by virtual space. However, teachers should recognize the volatile and emerging nature of laws and practice pertaining to computer resources and cyberspace, such as copyright, ownership, proceeds from advertising, confidentiality, and so on. They should also realize that some kinds of electronic information that teachers generate may exist in multiple locations permanently, and while other kinds of electronic information may seem evanescent, liability may ensue from either kind. Although teachers are not expected to be experts on the constantly changing field of law involving cyberspace, websites, email, and other computer resources, they should take reasonable steps to comply with legislation, legal decisions, and Board policies which affect their professional lives online. For more detailed information on email, please consult MPC Board Policies 2163 and 2164.

¹⁰ "The teacher ought also to be especially on his guard against taking unfair advantage of the students' immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters of question, and before he has sufficient knowledge and ripeness in judgment to be entitled to form any definitive opinion of his own. It is not the least service which a college or university may render to those under its instruction, to habituate them to looking not only patiently but methodically on both sides, before adopting any conclusion upon controverted issues."

1915 AAUP Declaration of Principles, <<http://www.akronaaup.org/documents/AAUP1915.pdf>>

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