



**UNIVERSITY SENATE
Faculty and Personnel Affairs Committee**

Report and Recommendation on Academic Freedom for Contingent Faculty

1. THE CHARGE

S-0901 Academic Freedom for Contingent Faculty: Given that PTLs and NTTs do not have the protections of tenure and by definition are continually under scrutiny for reappointment, consider ways to amend *University Regulation 60.5.1* to maximize academic freedom for contingent faculty. Alternatively, or in addition to such amendment, consider other mechanisms, such as due process provisions, that will help to ensure academic freedom for contingent faculty. The *National AAUP's Recommended Institutional Regulations on Academic Freedom and Tenure* serves as a relevant background document, with section 13 on part-time faculty of particular interest.

Links to relevant documents may be found below:

Rutgers University Statement on Academic Freedom (includes Statement on Professional Ethics):

<http://policies.rutgers.edu/PDF/Section60/60.5.1-current.pdf>

The National AAUP's Recommended Institutional Regulations on Academic Freedom and Tenure:

<http://www.aaup.org/AAUP/pubsres/policydocs/contents/RIR.htm>

The 1940 Statement of Principles on Academic Freedom and Tenure:

<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>

2. SUMMARY

The Faculty and Personnel Affairs Committee (FPAC) was asked to review the desirability and feasibility of amending University Regulation 60.5.1 to include a statement on academic freedom as it pertains to contingent faculty and to submit appropriate recommendations for the consideration and approval of the Senate. In its deliberations, the committee agreed that both the privileges and responsibilities of academic freedom pertain to all instructional personnel at Rutgers University. By unanimous vote, the FPAC recommends to the Board of Governors a change in Regulation 60.5.1 that makes this explicit.

3. REPORT AND RECOMMENDATION

The FPAC met and discussed the charge in two sessions, namely on 2/27/2009 and 3/27/2009. During these meetings, the committee heard from authors of the charge (Karen Thompson, who represents PTLs on the Senate, and Peter Simmons, Senator from the Newark Law School).

Section 9 in the AAUP report on Academic Freedom referenced in the charge states:

“All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the *1940 Statement of Principles on Academic Freedom and Tenure*, formulated by the Association of American Colleges and Universities and the American Association of University Professors.”

As it pertains to activities in the classroom, The *1940 Statement of Principals on Academic Freedom and Tenure* (Section I, Academic Freedom) further refines academic freedom as both a privilege and a responsibility:

“...Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject...Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment...

...College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.”

The FPAC agreed that both the privileges and responsibilities of academic freedom pertain to all instructional personnel at Rutgers University. They recommend, by unanimous vote, to include language in Regulation 60.5.1 that makes this explicit.

Recommendation

Specifically, the FPAC wishes to add the phrase “whether tenured or nontenured, full-time, annual, or part-time” to the first paragraph of 60.5.1 to read (addition is underlined):

“Since the very nature of a university and its value to society depend upon the free pursuit and dissemination of knowledge and free artistic expression, all members of the faculty of this University, whether tenured or nontenured, full-time or part-time, are expected, in the classroom, laboratory, and studio, in research and professional publication, freely to discuss subjects with which they are competent to deal, to pursue inquiry therein, and to present and endeavor to maintain their opinions and conclusions relevant thereto. In expressing those ideas which seem to them justified by the facts, they are expected to maintain standards of sound scholarship and competent teaching.”

The remainder of the regulation remains unchanged.

3. RESOLUTION

In Support of the University Senate's Faculty and Personnel Affairs Committee's Report and Recommendations:

Whereas, the University Senate Faculty and Personnel Affairs Committee has examined and reported on the Academic Freedom for Contingent Faculty; and

Whereas, the University Senate has reviewed the Committee's report and its Recommendations, finding those recommendations to be sound and in the best interests of Rutgers University;

Therefore, Be It Resolved, that the Rutgers University Senate endorses the "Report and Recommendation on the Academic Freedom for Contingent Faculty" and urges the Board of Governors to implement its recommendations.

Faculty and Personnel Affairs Committee 2008-09

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Fishbein, Leslie, SAS-NB (F)

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Rudman, Laurie, GS-NB (F)

Simmons, Peter, Law-N (F)

Stein, Gayle, NB Staff

Stevens, Camilla, SAS-NB (F)

Thompson, Frank, SPAA (F)

Thompson, Karen, PTL-NB

Tomassone, Maria, Engineering (F)

Wagner, Mary, Pharmacy (F)