

ARTICLE X

ACADEMIC FREEDOM¹

X.1 **Guiding Principles**

The parties recognize that academic freedom is a right protected by this Agreement and agree that academic freedom is necessary for a free, democratic, and racially and socially just society. Academic freedom is also necessary to maintain a functioning University.

The rights provided in this Article shall fully extend to all bargaining-unit members, regardless of whether their primary assignments include teaching and research and regardless of tenure or temporary status.

Consistent with 1940 Statement on Academic Freedom and Tenure of the American Association of University Professors, academic freedom is understood to mean the freedom to teach, both in and outside the classroom, to conduct research and other scholarly or creative activities, and to publish or otherwise disseminate the results. Academic freedom also encompasses the freedom to address any matter of institutional policy or action both as a member of any agency of institutional governance and as an individual. Faculty also have the freedom to address the larger community with regard to any social, political, economic, or other interest without reprisal.

The University shall vigorously defend its faculty members against non-University forces who seek to weaken Academic Freedom.

Provisions in this article are applicable to online and electronic communications as well as live and in-person expressions.

X.2 **General Provisions**

Faculty members shall enjoy all of the freedoms and protections of the Constitution of the United States of America, including the right to free speech, expression, and assembly.

¹ Number and further enumeration to be determined before ratification.

Faculty members shall not be punished or retaliated against for exercising such freedom or rights, either in the performance of university duties or in engagement and expression outside the classroom, office, library, sports arena, clinic, the University, the larger academic community, or the community at large.

Faculty members shall not be censored or censured for exercising such freedom or rights, either in the performance of university duties or in engagement and expression outside the classroom, office, library, sports arena, clinic, the University, the larger academic community, or the community at large.

The CSU shall not apply any provision in this Agreement, Executive Order, or policy that violates a faculty member's academic freedom or constitutional rights.

X.3 Instructional Settings

Faculty shall have the right to determine appropriate pedagogy, including but not limited to instructional materials, course content, teaching methods, and assessment standards within general department and college guidelines so long as faculty members meet learning outcomes as assigned.

Faculty shall have the right to introduce, discuss, and take positions on controversial topics.

Consistent with the principle that faculty should be the sole judge of a student's performance in a course, the grade a faculty member determines for a student's performance shall not be changed without the faculty member's consent or at the conclusion of a grade appeal process.

Faculty members shall not be subject to prior censorship or to retaliation for controversies that may arise from activities connected to teaching and learning.

X.4 Scholarship, Research, Discovery, and Creative Works

Faculty members shall be free to explore all avenues of scholarship, research, and creative expression and to publish or otherwise disseminate the results of such activity, consistent with the provisions of Article 39 of this Agreement.

Faculty members shall not be subject to prior censorship or to retaliation for controversies that may arise from activities connected to scholarship, research, discovery, and creative endeavors.

X.5 Counseling Faculty

Counseling faculty are healthcare professionals with training and credentials. Accordingly, counseling faculty shall diagnose, treat, and schedule as they determine and see fit.

Counseling faculty shall not be restricted from engaging in university service or community engagement, especially as such engagement is integral to their work and assignments in the CSU.

X.6 Coaching Faculty

Coaching Faculty are athletics professionals with training and credentials. Accordingly, coaching faculty shall determine practice regimens and competition play without undue interference from Athletic Directors.

Coaching faculty shall not be restricted from engaging in university service or community engagement, especially as such engagement is integral to their work and assignments in the CSU.

X.7 Librarian Faculty

Librarian faculty are information professionals with training and credentials. Librarian faculty shall enjoy the freedom to select, collect, organize, and make materials available without interference as well as the freedom to display, interpret, feature, and describe information without interference.

X.8 Campus Community

For shared governance to function effectively, faculty members have the right to speak, write, communicate, advise, and recommend freely on all matters of university governance, or other matters pertaining to the health of the University.

X.9 Outside of CSU

Faculty enjoy the right to both Academic Freedom and constitutionally protected free speech as private citizens. Faculty shall be free from CSU performance and conduct reviews for speech and conduct connected to, but not limited to, political affiliations, civil action and resistance, boycotts, and criticism of the federal, state, and local governments.

X.10 Protective Measures to Resist Fascism

The CSU shall support faculty who are targeted due to their speech and expressions on or off CSU campuses. Support may include publicly affirming faculty rights of free speech, offering alternative assignments, removing contact and other information from University websites, granting emergency leave, and offering other security measures available on CSU campuses.

The CSU shall not retaliate or take reprisal against any faculty member exercising their Academic Freedom or free speech generally.

Unless compelled by law or information is public, the CSU shall not disclose faculty members' names, personnel files, unsubstantiated allegations, and the like. When the CSU discloses information about faculty to private individuals, government entities, or non-government organizations, the CSU shall inform impacted faculty members and CFA before information is distributed or supplied. Faculty shall have the right to review the materials and object to the sharing of legally protected or private materials.

X.11 Faculty Responsibilities

The parties recognize that campus community members may not violate the civil rights of others, as provided for in state and federal law as well as University policy. The parties do not recognize "Viewpoint Discrimination" as a form of discrimination that should limit academic freedom for faculty, and it shall not be used to silence or suppress freedom of speech or academic freedom for CSU faculty.

Unless faculty explicitly state that they are speaking on behalf of the university, they will be understood to be speaking for themselves.