

THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
FACULTY SENATE

Senate Document Number 0610F
Date of Senate Approval 10/07/10
Provost Approval 01/25/11

Reasons for denial and suggested modifications:

As Provost I am responding to the Faculty Senate resolution, after consultation with the Chancellor who knows I am responding for us. Since the Code already includes very strong support for academic freedom, public scrutiny and/or recommended revision to the Code on this matter run a considerable risk of weakening our current protection. Strong support for academic freedom is so important to our university that we advise against provoking this risk.

Statement of Faculty Senate Action:

Sense of the Senate Resolution on Academic Freedom

Whereas, academic freedom is fundamental to the successful fulfillment of the teaching, research, and service missions of the University of North Carolina at Asheville; and

Whereas, there is concern that the constitutional protection of faculty is being abridged so there is now a need for more institutional protection of the academic freedom of our university; now therefore

Be it resolved that the Faculty Senate of the University of North Carolina at Asheville fully endorses the "Resolution on Academic Freedom" that was recently passed by the UNC Faculty Assembly; and

Be it further resolved that the Faculty Senate of the University of North Carolina at Asheville requests that Chancellors and Chief Academic Officers of the constituent institutions, together with the UNC Board of Governors, the General Administration, legal counsel, and Faculty Assembly delegates, convene a review committee to make recommendations for changes to the UNC Code that reflect an understanding of the "Statement on Academic Freedom."

Background:

In 2006, the U.S. Supreme Court issued a decision that many observe believe stripped public employees of their First Amendment rights for speaking out on issues related to their “official job duties.” The Court recognized, however, that faculty are in a special position, and it therefore set aside “speech related to scholarship or teaching.” Since that decision – *Garcetti v. Ceballos* – lower courts have often treated faculty exactly the same as other public employees, limiting the constitutional protections of speech on a variety of subjects. The decision targets only public faculty, but many fear that what happens in the public sector may not stay in the public sector. In light of this development, the American Association of University Professors launched a campaign last year to encourage faculty to “Speak Up, Speak Out”: see <http://www.aaup.org/AAUP/protectvoice/>.

Faculty around the country have recognized that the best way to foster and protect an independent faculty voice in shared governance is to incorporate protections into their contracts and handbooks.

The UNC Faculty Assembly as well as AAUP urge us to pass a resolution on our campus as well. The AAUP has compiled policies that are being considered or already implemented at a number of flagship institutions, including the University of California, University of Michigan, University of Wisconsin, and University of Florida.