



Board of Trustees

Policy Statement

University Policy Library

Operational Area:	Academic Affairs
Responsible Executive:	President
Responsible Office:	Provost's Office
Effective:	September 4, 2020

Academic Freedom

Academic Affairs

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I. Introduction

- A. **Authority:** C.R.S. § 23-54-102, *et seq.* (2020) authorizes the Trustees of Metropolitan State University of Denver ("MSU Denver" or "University") to establish rules and regulations to govern and to operate the University and its programs. The MSU Denver Trustees retain authority to approve, to interpret, and to administer policies pertaining to University governance. The MSU Denver Trustees authorize the MSU Denver President to approve, to administer, and to interpret policies pertaining to University operations.
- B. **Purpose:** This policy states the MSU Denver Trustees' endorsement of academic freedom at the University.
- C. **Scope:** This policy applies to MSU Denver faculty, students, other University personnel functioning in a faculty role or whose employment includes scholarly research and publication, and invited guests.



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II. Roles and Responsibilities

- A. **Responsible Executive:** President
- B. **Responsible Administrator:** Provost
- C. **Responsible Office:** Provost's Office
- D. **Responsible Entity:** Faculty Senate
- E. **Policy Contact:** Provost, 303-615-1900

III. Policy Statement

The Board of Trustees adopts the principle of academic freedom as defined by the American Association of University Professors (AAUP) in the 1940 Statement of Principles on Academic Freedom and Tenure.¹ Academic freedom is the freedom to teach, learn, and discover knowledge inside the classroom and beyond, in a manner consistent with the professional standards of one's discipline and free from censorship or interference.

The mission of an institution of higher education is to serve society by discovering, investigating, communicating, and preserving knowledge through the process of academic inquiry and educating students, as well as society at large. However,

¹ "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments" in *AAUP Policy Documents and Reports*, 11th edition, ed. Hans-Joerg Tiede (Baltimore: Johns Hopkins University Press, 2015), 13-19. The "1940 Statement of Principles on Academic Freedom and Tenure" is available at <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>. Accessed 2/22/2020.



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teaching, scholarship, and service may all involve material that some students, administrators, members of the public, or legislators may find objectionable. Therefore, this mission cannot be fulfilled without the protections of academic freedom. Academic freedom fosters a climate conducive to sound inquiry, learning, and discovery. The University works to maintain this climate, to promote academic freedom, and to protect academic freedom from internal and external threats.

Academic freedom includes the right to teach and address material regardless of how controversial; to maintain academic standards; to conduct research, scholarship, and creative activities, as well as the right to publish, perform, or otherwise disseminate results; and to perform voluntary service to the University, scholarly bodies, and the community.² In their academic coursework, students are entitled to full freedom of learning. The University advocates and protects its students' freedom of inquiry. Academic freedom protects students and scholars against retribution for legally protected statements made in public or private, regardless of medium or format. All members of the faculty and other persons serving in an instructional or scholarly capacity, whether tenured or not, permanent or visiting, full-time or part-time appointees, and all students are entitled to academic freedom.

² Rachel Levinson, AAUP Senior Council, "Academic Freedom and the First Amendment (2007)" Presentation to the AAUP Summer Institute. Available at <https://www.aaup.org/our-work/protecting-academic-freedom/academic-freedom-and-first-amendment-2007>. Accessed 2/14/2020.



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Academic freedom also encompasses the right to address, question, and criticize institutional policy or action—both as an individual and in one's role as part of an institutional body engaged in institutional governance.³ The University recognizes the inextricable link between academic freedom and shared governance.⁴ Similarly, public service requires that faculty and students shall be free to address both the University community and the larger society on broader societal issues, such as matters of public concern, both within and beyond their areas of expertise.⁵ Faculty members measure the urgency of these obligations in light of their responsibilities to their subject, to their students, to their profession, and to their institution. As members of a profession that depends upon freedom for its health and integrity, University faculty have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom. However, as academics, faculty should remember that the public may judge their profession and institution by their statements and therefore have the responsibility to act in accordance with the highest standards of their profession. Academic freedom does not protect

³ "On the Relationship of Faculty Governance to Academic Freedom" in *AAUP Policy Documents and Reports*, 11th edition, ed. Hans-Joerg Tiede (Baltimore: Johns Hopkins University Press, 2015), 123-125. Available at <https://www.aaup.org/report/relationship-faculty-governance-academic-freedom>. Accessed 2/22/2020.

⁴ See the *MSU Denver Shared Governance Policy*. The *MSU Denver Policy on Academic Policy Enactment* identifies the procedures for academic-decision making at MSU Denver; the *MSU Denver Policy on Policy Enactment* identifies the procedures for administrative policies. When participating in these and other governing processes, faculty and students should feel free to contribute to decisions without fear of sanction or retaliation.

⁵ "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments," 14; "Statement on Professional Ethics" in *AAUP Policy Documents and Reports*, 11th edition, ed. Hans-Joerg Tiede (Baltimore: Johns Hopkins University Press, 2015), 145-146. Available at <https://www.aaup.org/report/statement-professional-ethics>. Accessed 2/22/2020.



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unethical behavior or professional misconduct, nor does academic freedom protect behavior by students who violate the student code of conduct.

Because of the protections of academic freedom, faculty and students may speak without fear of institutional censorship or discipline, provided that the statement relates to their teaching, scholarship, or service activities or the statement relates to a matter of public concern. Faculty and students are also granted free speech rights under the First Amendment of the U.S. Constitution. The protections of academic freedom are not coextensive with First Amendment rights. While academic freedom addresses rights within the educational context of teaching, learning, and research, the First Amendment safeguards expression on all sorts of topics and in all sorts of settings from regulation by public institutions.⁶

Expressions made by faculty and students that do not relate to their teaching, scholarship, or service activities or do not relate to a matter of public concern are bound by the MSU Denver Freedom of Expression policy.

When speaking publicly, faculty and students should make every effort to indicate that they are not writing or speaking on behalf of the University unless authorized to do so.

⁶ Donna R. Euben, AAUP Counsel, "Academic Freedom of Professors and Institutions: The Current Legal Landscape," 2002. Available at <https://www.aaup.org/issues/academic-freedom/professors-and-institutions>. Accessed 2/22/2020.



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Academic Freedom derives immediately from the University's commitment to the advancement of knowledge and understanding. Only serious abuses of this policy—ones that rise to the level of professional misbehavior or professional incompetence—should lead to adverse consequences.⁷ Any such determinations shall be made in accordance with established, formal procedures as articulated in the MSU Denver Faculty Employment Handbook or as established by the Dean of Students.

IV. Related Information

- A. The First Amendment of the United States Constitution
- B. National Education Association 2007 Update on Academic Freedom and Higher Education Employees, <https://www.nea.org/>
- C. AAUP 1940 Statement of Principles on Academic Freedom and Tenure, <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>
- D. AAUP on Recommended Institutional Regulations on Academic Freedom and Tenure, 2018 revision, <https://www.aaup.org/report/recommended-institutional-regulations-academic-freedom-and-tenure>

⁷ "Committee A Statement on Extramural Utterances" in *AAUP Policy Documents and Reports*, 11th edition, ed. Hans-Joerg Tiede (Baltimore: Johns Hopkins University Press, 2015), 31.



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- E. AAUP on Procedural Standards for Faculty Dismissal Proceedings, <https://www.aaup.org/report/statement-procedural-standards-faculty-dismissal-proceedings>
- F. AAUP on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments, <https://www.aaup.org/report/statement-procedural-standards-renewal-or-nonrenewal-faculty-appointments>
- G. AAUP on Academic Freedom and Electronic Communications, <https://www.aaup.org/report/academic-freedom-and-electronic-communications-2014>
- H. AAUP on Freedom in the Classroom, <https://www.aaup.org/AAUP/comm/rep/A/class.htm>
- I. AAUP on Academic Freedom and Outside Speakers, <https://www.aaup.org/report/academic-freedom-and-outside-speakers>
- J. AAUP Statement on Professional Ethics, <https://www.aaup.org/report/statement-professional-ethics>
- K. MSU Denver Policy on Freedom of Expression
- L. MSU Denver Policy on Political Activities and Lobbying
- M. MSU Denver Policy on Academic Policy Enactment
- N. MSU Denver Policy on Student Conduct, Disciplinary Action, and Student Due Process
- O. MSU Denver Policy on Shared Governance
- P. MSU Denver Faculty Employment Handbook
- Q. MSU Denver Student Code of Conduct



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V. History

- A. **Effective:** September 4, 2020
- B. **Enacted:** November 9, 2007
- C. **Revised:** This policy supersedes and replaces section 5.1 of the *MSCD Trustees Manual*, 2007, and technical revisions effective April 1, 2019. The current revision clarifies the definition of academic freedom.
- D. **Review:** This policy will be reviewed every five years or as deemed necessary by University leadership.

VI. Approval

A handwritten signature in black ink, appearing to read "Janine Davidson".

Janine Davidson, Ph.D.
President, Metropolitan State University of Denver

A handwritten signature in blue ink, appearing to read "Barbara Barnes Grogan".

Barbara Barnes Grogan
Chair, Board of Trustees, Metropolitan State University of Denver