

Faculty Rights

Academic Freedom

1. Statement on Academic Freedom

It is fundamental to the health of an academic institution and ultimately to the health of society at large that individual persons and groups of persons exercise their responsibility and freedom to search for the truth and to speak the truth as it is discovered. In a collegial community, the corporate person of the university institution and the persons of the faculty, administration, and the student body bear mutual responsibility to exercise professional competence and to extend to one another the trust and respect that foster an environment for the exercise of academic freedom. Faculty should also respect the relationship of the University with the Evangelical Lutheran Church in America (ELCA) and the tradition of Lutheran higher education which strongly affirms the principles of academic freedom.

The University endorses fully the statement on academic freedom in the 1940 Statement of Principles of the American Association of University Professors (AAUP), and the following specifically:

- a. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- b. 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.
- c. College or 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. Faculty members should avoid expressing their personal views on university letterhead.

2. Academic Freedom for Librarians

Academic freedom is also accorded to all professional librarians because they are often present at the point of student contact with ideas. Librarians are free from fear of dismissal or reprisal for performing job-related tasks such as those listed below, and particularly for those duties that are carried out only after consultation with the teaching faculty, such as:

- a. the selection of publications, including determination of what to discard from an existing collection and what to accept or refuse from donors;
- b. determination of restrictions on circulation of or on access to library materials;
- c. the determination of the degree of prominence in the shelving of selected library materials;
- d. the advising of students about what to read or study.

3. Policy Regarding Threat, Coercion, Boycott, Pressure or Abstention

The faculty of the California Lutheran University reaffirm their commitment to the principles of academic freedom and the ideals of an academic community. The faculty believe that procedures for effective change and for promoting responsible and reasonable discussion exist and that members of the academic community should direct efforts for constructive reform through the channels created for this purpose. The faculty further believe that several corollaries derive from this general position:

- a. To protect the rights of all members of the academic community, the University shall use appropriate means to ensure both freedom to learn and freedom to teach;
- b. Students engaging in boycotts or strikes are not exempt from fulfilling academic obligations; faculty cannot make changes in course requirements to accommodate those whose participation in such tactics has led to academic deficiencies.

4. Freedom from Harassment

The University seeks to create and maintain an academic environment in which all members of the community are free of harassment based on race, color, religion, age, national origin, disability, marital status, sexual orientation, or gender. California Lutheran University espouses values that infuse the academic and residential life of its campus. Undergirding community life must be the awareness on the part of every member of the rights and human dignity of every other member. Attitudes of condescension, hostility, role-stereotyping, and social or sexual innuendo weaken the health of the community. Furthermore, harassment compromises the integrity of a liberal arts education because it makes the learning and working environment hostile, intimidating, and offensive; it destroys opportunities for students to develop a strong positive self-concept and the sense of self-confidence that is essential to living out the ideals of a liberal education. In addition, people who harass others compromise their own integrity and credibility. Consequently, no form of harassment will be tolerated on CLU campuses.

a. Harassment Defined

Harassment refers to a pattern of unwelcome behavior addressed to race, color, religion, age, national origin, disability, marital status, sexual orientation, or gender that is offensive, fails to respect the rights of others, and interferes with work effectiveness. Forms of harassment include, but are not limited to:

- i. Verbal: sexual innuendoes, racial epithets, suggestive comments, derogatory slurs, off-color jokes, propositions, threats, obscenities, repeated unwanted sexual advances, or threats of reproach or promises of rewards contingent upon obtaining sexual favors;

- ii. Visual/non-verbal: derogatory posters, cartoons, drawings, or graphic commentaries; leering or obscene gestures;
- iii. Physical: unwanted physical contact including touching, interference with an individual's normal work or movement or assault.

b. Disciplinary Action

Anyone who engages in harassment will be subject to disciplinary action up to and including termination. In addition, because false accusations regarding harassment can have serious effects on the persons accused, any intentionally false accusation will likewise result in disciplinary action up to and including termination of the accuser.

c. Responsibility for Implementation of Policy

Every member of California Lutheran University is expected to support and carry out this policy. Supervisors and administrative personnel who receive reports of harassment are expected to take immediate steps to initiate an investigation. If the complainant so desires, complaint procedures shall be initiated. Each department within California Lutheran University shall implement this policy.

d. Informal Complaint Procedure

California Lutheran University has informal and formal complaint procedures designed for hearing complaints of harassment. An employee may first discuss any concern about harassment with his or her supervisor. However, the University has designated several individuals to assist those who believe they may be harassed. These individuals are the Vice President for Academic Affairs, the Vice President for Student Affairs, the Director of Human Resources, and the designated faculty representative.

Inquiries about harassment need not begin with a formal complaint nor result in such a complaint. Inquiries can be made without disclosing specific details such as names and places. Inquiries are appropriate whether the harassment has just begun or whether the employee has already made efforts to resolve the problem. Resolution of complaints is often achieved through informal mediation. The formal complaint procedure is activated generally when the complainant puts a complaint in writing.

Faculty members who are unsure whether they have experienced harassment should seek assistance from one of the designated University officials. Harassment should not be allowed to jeopardize the rights and opportunities for work or education of any faculty member.

e. Formal Complaint Procedure

These procedures are to be initiated when a person with a harassment complaint has either been unsuccessful in resolving the matter informally or has decided not to use such procedures and to file a formal complaint. There will be no retaliation against any employee for initiating a good faith complaint under this procedure.

Anyone who believes he or she has been subjected to harassment may file a report of such harassment with the Director of Human Resources. The report should fully set forth the facts that led to the perception of harassment, including the names and positions of all persons involved.

The Director of Human Resources will conduct a prompt and thorough investigation. To the extent possible such investigation shall be confidential.

After the investigation is complete, the Director of Human Resources will determine how the University will resolve the matter in terms of eliminating harassment in the workplace and ensuring compliance with the University's policy on harassment.

After confirming that the complaining party has been harassed, appropriate steps will be taken to ensure that that person will not be harassed in the future. The Director of Human Resources, in consultation with the appropriate vice president, will determine what disciplinary penalties, if any, will be assessed. The vice presidents are responsible for communicating and administering sanctions.

An individual who is dissatisfied with the University's resolution of a harassment complaint can seek review of that resolution at Step III of the grievance procedure (Section Two.IX.).

5. Violation of Faculty Rights, Academic Freedom, and Professional Ethics

Disputes involving charges that a faculty member's rights or academic freedom have been abrogated or that professional ethics have not been maintained are to be settled through the established formal or informal complaint procedures or the grievance procedures (See Section Two. IX.). While affirming academic freedom as a right, California Lutheran University recognizes that, in some circumstances, the questions of academic freedom become enmeshed in questions of professional incompetence or irresponsibility. To distinguish between these sometimes-confused issues, the guiding principle is that charges of professional incompetence or irresponsibility will not be used to limit academic freedom, nor will appeals to academic freedom be acceptable as a shield for professional incompetence or irresponsibility.