

Tennessee University Faculty Senates

Resolution on Shared Governance and Academic Freedom

WHEREAS, the American Association of University Professors (“AAUP”) has a longstanding statement on shared governance affirming the responsibility of faculty members to (1) speak or write about (a) matters of public concern as well as on matters related to professional duties or (b) matters involving the academic and administrative functioning of the university or its academic or nonacademic units or (2) participate in university or campus shared governance (the conduct described in clauses (1) and (2) collectively constituting “shared governance activities”); and

WHEREAS, the opinion of the Supreme Court of the United States in *Garcetti v. Ceballos*, 547 U.S. 410 (2006), has been interpreted by lower federal courts to permit adverse employment decisions to be taken against faculty members for engagement in shared governance activities, an interpretation in conflict with AAUP policy; and

WHEREAS, the AAUP has suggested model language to address faculty engagement in shared governance activities without institutional discipline or restraint, and major universities have included that language or language of that kind in university and campus academic freedom policies; and

WHEREAS, the AAUP has favorably cited and promoted academic freedom policies adopted by the University of Minnesota and the University of Wisconsin, Madison, among other higher education institutions, that incorporate language protecting faculty engagement in shared governance activities without institutional discipline or restraint; therefore, it is

RESOLVED, that the President of TUFS write a letter to the Executive Director of the Tennessee Higher Education Commission, the President of The University of Tennessee, and the Chancellor of the Tennessee Board of Regents requesting that each of them endorse the inclusion in applicable university and campus policies of language affirming the freedom of a faculty member to engage in shared governance activities without institutional discipline or restraint.

Links to Related Information

AAUP Guidance Post-Garcetti

<http://www.aaup.org/AAUP/comm/rep/A/postgarcettireport.htm>

<http://www.aaup.org/NR/rdonlyres/B3991F98-98D5-4CC0-9102-ED26A7AA2892/0/Garcetti.pdf>

<http://www.aaup.org/AAUP/pubsres/academe/2011/JF/Feat/delf.htm>

<http://www.aaup.org/AAUP/pubsres/academe/2011/JF/Feat/udsoaf.htm> (Delaware)

<http://www.aaup.org/AAUP/programs/protectvoice/howto/Wisconsin.htm> (Wisconsin)

<http://www.aaup.org/AAUP/programs/protectvoice/howto/Minnesota.htm> (Minnesota)

<http://www.aaup.org/NR/rdonlyres/1211228E-39C3-4CD1-B90A-BE99A4F02B6F/0/ChartpostGarcettipolicies0810.pdf> (chart summarizing initiatives at various universities/campuses)

Other Statements/Articles/Weblogs (Just a Sampling)

<http://www.georgetownlawjournal.org/issues/pdf/97-4/Areen.PDF>

<http://hied.uark.edu/Article 8 - Murry.pdf>

<http://idaho-aft.org/AcademicFreedom.htm>

<http://crookedtimber.org/2009/06/16/on-the-children-of-garcetti/>

http://findarticles.com/p/articles/mi_qa3860/is_200105/ai_n8948304/ (early article—pre-*Garcetti*)