



Date: March 26, 2024

To: Andre Avramchuk, Chair
Academic Senate

From: Oliverio Rodriguez, Chair
Faculty Policy Committee

Copies: V. Green, E. Heise, P. Krug, H. Riggio, R. Roquemore

Subject: **Proposed Policy Modification for Chapter VI (Personnel & Professional Policies) of the Faculty Handbook: FPC 22_4.9: Faculty Rights**

Faculty Policy Committee (FPC) decided to examine the policy on Faculty Rights in Fall, 2023, to update the policy particularly in terms of concerns about faculty academic freedom, the right to safe work environments, and other current faculty concerns. Modifications focused on academic freedom in teaching, mentoring, and scholarship; faculty rights to a safe, adequately equipped work environment; faculty rights to serve in shared governance roles; rights to due process when materials are placed in the Personnel Action File (PAF); and other rights.

FPC deliberated about modifications to the policy on *Faculty Rights* at several meetings in Fall, 2023, and every meeting of FPC since the beginning of Spring 2024 semester until this date.

The following points summarize the proposed changes to the policy:

- Lines 4-6: Governing documents are indicated.
- Lines 7-10: Faculty are defined in terms of the CSU Faculty Constitution.
- Line 10: The word “faculty” is added for precision.
- Lines 19-20: Language referring to “principles of American government” is deleted.
- Lines 20-23: Language is added to refer to faculty rights to freedom of association, assembly, and expression as per the U.S. Constitution.
- Lines 24-25: Language from original policy is deleted (replaced with new language on lines 25 to 36).
- Lines 25-36: New language is added to delineate faculty rights to academic freedom in teaching, including discussion of controversial issues and the right to challenge ideas.
- Lines 37-41: New language is added to delineate faculty rights to determine relevant and appropriate content, materials, and activities in teaching and mentoring.
- Lines 42-44: Language is added to delineate faculty rights to safe work environments.
- Lines 45-47: Language is added to delineate faculty rights to adequately equipped work environments.

- Lines 48-49: Language is added to delineate faculty rights to University support and opportunities for professional development.
- Lines 50-59: Language is modified to more clearly delineate faculty rights to shared governance roles and the importance of election to such roles when provided for.
- Lines 60-65: Language is modified to more clearly delineate faculty rights regarding placement of materials in the Personnel Action File (PAF).
- Lines 69-71: Language is added to delineate faculty rights to notification if they are the subject of a complaint or being investigated by a campus or CSU office.
- Lines 72-73: Language is added to delineate faculty rights to utilize grievance procedures without retaliation.

1 Faculty Rights

2 (Senate: 1/19/67; 10/16/84, 2/21/89; President: 12/6/67; 2/21/84, 8/31/89; Editorial
3 Amendment: 9/00, 8/01)

4 GOVERNING DOCUMENTS: ARTICLE III OF THE CONSTITUTION OF THE FACULTY OF CALIFORNIA
5 STATE UNIVERSITY, LOS ANGELES AND ARTICLES 11 AND 37 OF THE COLLECTIVE BARGAINING
6 AGREEMENT BETWEEN THE CSU AND THE CALIFORNIA FACULTY ASSOCIATION

7 AS OUTLINED IN ARTICLE III OF THE CSU CONSTITUTION OF THE FACULTY, TENURE TRACK,
8 TENURED AND LECTURER FACULTY (THIS INCLUDES COACHES, COUNSELORS, LIBRARIANS AND
9 ANY OTHER FACULTY WHO ARE NOT TENURED OR IN TENURE-TRACK POSITIONS) ARE
10 MEMBERS OF THE FACULTY. The enumeration of the following FACULTY rights does not
11 preclude the existence of other rights not specified here.

12 1. The faculty member has the right to be fully informed at the time of appointment, and at
13 reasonable intervals thereafter, of the terms and conditions of employment, including the
14 opportunities for advancement, tenure, and promotion; the opportunities and terms
15 governing sabbatical and other leaves of absence; and terms and conditions of
16 retirement; the grounds for dismissal; and all related rights of, and lawful restrictions on,
17 the faculty.

18 2. The faculty member may choose to affiliate with any social, political, or religious groups.
19 which that faculty member in good faith believes to be consistent with the principles of
20 American government. FACULTY'S EXERCISE OF FREEDOM OF ASSOCIATION, ASSEMBLY,
21 AND EXPRESSION AS GUARANTEED BY THE UNITED STATES CONSTITUTION, INCLUDING
22 PARTICIPATION IN SUCH ACTIVITIES, DOES NOT CONSTITUTE A VIOLATION OF DUTIES TO
23 THE UNIVERSITY, TO THEIR PROFESSION, OR TO STUDENTS.

24 3. In the classroom, the faculty member has the right and often the obligation to present
25 controversial issues that are relevant to that faculty member's teaching. FACULTY
26 MEMBERS HAVE PRIMACY IN DETERMINING WHAT IS TAUGHT IN THE CLASSROOM,
27 INCLUDING CURRICULUM, SUBJECT MATTER CONTENT, AND METHODS OF INSTRUCTION.
28 ALTHOUGH FACULTY ARE REQUIRED TO FOLLOW APPROVED CURRICULAR GUIDELINES,
29 FACULTY HAVE THE RIGHT TO ACADEMIC FREEDOM IN THE CLASSROOM AND OTHER
30 SETTINGS, WHICH AFFORDS THEM WIDE LATITUDE TO DECIDE HOW TO APPROACH A
31 SUBJECT AND HOW BEST TO PRESENT AND EXPLORE MATERIAL, INCLUDING THE RIGHT
32 TO EXAMINE AND PRESENT CONTROVERSIAL ISSUES. IN GENERAL, ACADEMIC FREEDOM
33 IS THE RIGHT OF FACULTY IN THE DISCHARGE OF THEIR DUTIES TO EXPRESS IDEAS AND
34 CHALLENGE OTHER IDEAS WITHOUT FEAR OF RETRIBUTION. INSTRUCTION MAY OCCUR IN
35 AN ATMOSPHERE OF CONTROVERSY SO LONG AS WHAT IS TAUGHT REMAINS, IN A
36 BROAD SENSE, EDUCATIONALLY RELEVANT.

- 37 4. AS DISCIPLINARY EXPERTS WHO MAINTAIN CURRENCY IN THEIR FIELD, FACULTY HAVE THE
38 RIGHT TO DETERMINE RELEVANT AND APPROPRIATE CONTENT, MATERIALS, AND
39 ACTIVITIES IN TEACHING AND MENTORING. THESE MAY INCLUDE, BUT ARE NOT LIMITED
40 TO, THE DISSEMINATION OF RESULTS OF FACULTY SCHOLARSHIP; SELECTION OF GUEST
41 SPEAKERS; AND THE DISCUSSION OF PERSONAL EXPERIENCES AND CURRENT EVENTS.
- 42 5. FACULTY MEMBERS HAVE A RIGHT TO A HEALTHY AND SAFE WORK ENVIRONMENT. THIS
43 INCLUDES AN ACADEMIC, INSTITUTIONAL, AND PHYSICAL ENVIRONMENT FREE FROM
44 VIOLENCE, DISRUPTION, HEALTH HAZARDS, AND ENVIRONMENTAL RISKS.
- 45 6. IN LINE WITH THE UNIVERSITY MISSION, FACULTY MEMBERS HAVE A RIGHT TO A WORK
46 ENVIRONMENT ADEQUATELY EQUIPPED FOR COURSE DELIVERY AND ADDITIONAL
47 INSTRUCTIONAL, SCHOLARLY, AND SERVICE ACTIVITIES.
- 48 7. FACULTY HAVE A RIGHT TO UNIVERSITY SUPPORT AND OPPORTUNITIES FOR
49 PROFESSIONAL DEVELOPMENT AS TEACHERS AND SCHOLARS.
- 50 8. It is a faculty right and RESPONSIBILITY obligation to participate in SHARED ACADEMIC
51 faculty government GOVERNANCE. FACULTY MEMBERS SHALL BE ELECTED TO SHARED
52 GOVERNANCE ROLES, EXCEPT WHERE FACULTY APPOINTMENTS ARE OTHERWISE
53 DETERMINED OR REQUIRED BY DEPARTMENT/DIVISION/SCHOOL AND COLLEGE POLICIES,
54 THE FACULTY HANDBOOK, THE COLLECTIVE BARGAINING AGREEMENT, AND/OR STATE OR
55 FEDERAL GUIDELINES. The faculty cannot surrender this right by appointing or electing
56 faculty members to committees by virtue of their administrative position, or by
57 constituting committees with the dual role of establishing policy and also administering
58 policy. Faculty committees in each department/division/school shall have the
59 responsibility for policy recommendation and shall report directly to the College Dean.
- 60 9. FACULTY MEMBERS HAVE A RIGHT TO DUE PROCESS REGARDING MATERIALS PLACED IN
61 THEIR PAF. FACULTY HAVE THE RIGHT TO PLACE MATERIALS IN THEIR PAF, INCLUDING
62 REBUTTALS TO ANY MATERIALS PLACED IN THEIR FILES. If any material other than that
63 submitted by the faculty member is SUBMITTED to be placed in a faculty member's
64 permanent file, that individual HAS THE RIGHT TO BE NOTIFIED ABOUT THE ITEM AND
65 shall be provided with a copy of such material 5 DAYS prior to the placement and
66 thereupon shall have the right to provide a written response which will be included in the
67 file. Anonymous accusations shall be summarily dismissed (and destroyed, if a document)
68 and shall not be used in any proceedings.
- 69 10. FACULTY MEMBERS HAVE A RIGHT TO BE NOTIFIED IF THEY ARE THE SUBJECT OF A
70 COMPLAINT OR BEING INVESTIGATED FORMALLY OR INFORMALLY BY ANY OFFICE ON
71 CAMPUS OR WITHIN THE CSU SYSTEM.
- 72 11. FACULTY MEMBERS HAVE THE RIGHT TO UTILIZE APPLICABLE GRIEVANCE PROCEDURES
73 WITHOUT RETALIATION.

74 **RELATED PROCEDURES**

75 A faculty* member who finds that a question relating to academic freedom or professional
76 ethics cannot be resolved at the department/division/school or college level may:

- 77 1. Submit the question in writing to the Chair of the Committee on Academic Freedom and
78 Professional Ethics through the Administrative Assistant to the Academic Senate (see the
79 charge to the Committee on Academic Freedom and Professional Ethics, Chapter II); or
- 80 2. File a request for review with the President.

81 _____
82 *See [Section 1 of Article III of the Constitution of the Faculty](#), Appendix C. For the purpose of
83 seeking the services of the Committee on Academic Freedom and Professional Ethics, "faculty"
84 as defined in the Constitution is expanded to include visiting professors and those holding part-
85 time assignments. This position is consistent with that taken by the AAUP. "Both the protection
86 of academic freedom and the requirement of academic responsibility apply not only to the full-
87 time probationary as well as to the tenured teacher, but also to all others, such as part time and
88 teaching assistants, who exercise teaching responsibilities." (**AAUP Policy Documents and**
89 **Reports**, 1973 edition, page 4)

