

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

OCTOBER 4, 2010 – 104 GORE HALL

September 27, 2010

TO: Senators and Executives

FROM: Belinda Orzada, Vice President
University Faculty Senate

SUBJECT: Regular Faculty Senate Meeting October 4, 2010

In accordance with Section IV, paragraph 6 of the Constitution, the regular meeting of the University Faculty Senate will be held on Monday, October 4, 2010 at 4:00 p.m. in 104 Gore Hall. The General Faculty meeting will be held this month as well. This meeting will begin at 3:30 p.m. just prior to the Faculty Senate meeting, and will also be held in 104 Gore Hall. Please make every effort to attend this meeting.

I certify that hard copies of the approval page for each undergraduate and graduate studies academic item on the agenda are filed in the Faculty Senate Office with the appropriate signatures of approval up through the Chair of the Faculty Senate Coordinating Committee on Education. The Agenda will be as follows:

AGENDA

- I. Adoption of the Agenda**
- II. Approval of the Minutes:** [September 13, 2010](#)
- III. Remarks:** Provost Tom Apple
- IV. Announcements:** Senate President John Madsen
Presentations by:
Dean George Watson – Arts and Sciences
Dean Suzanne Austin – Education and Human Development

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V. Consent Agenda

1. **Announcements for Challenge:** None

VI. Regular Agenda

1. Unfinished Business:

a. Resolutions:

1. Recommendation from the Committee on Faculty Welfare and Privileges (Jan Blits, Chairperson) with the concurrence of the Rules Committee (Jack Baroudi, Chairperson) and the Executive Committee (John Madsen, Chairperson) for the request to replace the University's 1979 Academic Freedom Statement with a more protective Academic Freedom Statement located in the Faculty Handbook Section 4: Personnel Policies for Faculty – Academic Freedom and Standards of Conduct – Academic Freedom Statement ([attachment](#))

Whereas: a recent U.S. Supreme Court decision (*Garcetti v. Ceballos*, [547 U.S. 410 \[2006\]](#)) and subsequent U.S. Circuit Court rulings, including one by the U.S. Court of Appeals for the Third Circuit (*Gorum v. Sessoms* [08-1741 \[2008\]](#)), have removed Constitutional protections for public university faculty and students in all areas of “professional duties” other than teaching and research, and

Whereas: the University of Delaware's 1979 Academic Freedom Statement (www.udel.edu/provost/fachb/IV-B-1-acadfreedom.html) does not specifically protect the freedom of faculty and students to address matters of institutional policy and action or to conduct institutional governance, be it therefore

Resolved: that the Faculty Senate approves replacing the University's 1979 Academic Freedom Statement with the proposed Academic Freedom Statement as follows:

Academic freedom is the freedom to teach, both in and outside the

classroom, to conduct research and other scholarly or creative activities, and to publish or otherwise disseminate the results. Academic freedom also encompasses the freedom to address any matter of institutional policy or action whether or not as a member of any agency of institutional governance. Faculty have the freedom to address the larger community with regard to any social, political, economic, or other interest. *The freedoms enumerated in this policy apply without institutional discipline or restraint save for statements or actions a) that demonstrate disciplinary incompetence or b) that violate the University's Professional Ethics Statement (as edited on 2/12/99) or ~~e)~~ the University's standards pertaining to disruptive behavior (as adopted on 6/1/70). Alterations to ~~s~~Statements or ~~a), b)~~ ~~or e)~~ standards under b) made subsequent to the senate's adoption of this academic freedom policy do not restrict the freedoms enumerated herein, unless a new limitation on academic freedom is specifically approved by the senate. {See Amendment Below}* Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that, when one is speaking as a citizen on matters of public interest, one is not speaking for the institution.

Amendment from the Senate Floor Approved by Senators:

The freedoms enumerated in this policy apply without institutional discipline or restraint save for statements or actions a) that demonstrate disciplinary incompetence or b) that violate the University's Professional Ethics Statement (as edited on 2/12/99) or the University's standards pertaining to disruptive behavior (as adopted on 6/1/70). Alterations to Statements or standards under b) made subsequent to the senate's adoption of this

academic freedom policy do not restrict the freedoms enumerated herein, unless a new limitation on academic freedom is specifically approved by the senate.

2. New Business: None

VIII. Introduction of New Business

Such items as may come before the Senate. (No motion introduced under new business, except a motion to refer to committee, shall be acted upon until the next meeting of the Senate.)

/khs