

**Strategic Planning and Academic Freedom (SPAF) Committee
Vanderbilt University Faculty Senate**

**Final SPAF Report
Academic Year 2015-16**

Chair: Holly McCammon, Sociology, Art & Science

I. Committee Members

Erin O'Hara, Law, Executive Committee Liaison
Sam Chang, Medicine
Eric Delpire, Medicine
Ray Friedman, Owen
Jennifer Green, Medicine
John Greer, Medicine
Xenofon Koutsoukos, Engineering
Michael Miga, Engineering

II. Committee Charges

The following charges were assigned to SPAF for the 2015-16 academic year. These charges were then discussed and prioritized as follows by the committee for its 2015-16 work.

1. *Faculty Manual's* Academic Freedom and Responsibility Statement

In collaboration with the Faculty Manual Task Force, SPAF should consider the *Faculty Manual's* current statement on academic freedom and make recommendations for revision as appropriate. See also past SPAF reports from 2013-14 and 2014-15 for work previously done. Note that Maggie Tarpley has the Beach report referenced in the *Faculty Manual*.

2. Diversity and faculty engagement concerning the Board of Trust

SPAF should consider diversity on the Board and faculty engagement with the Board. Richard Willis is securing permission to share a detailed spreadsheet on these matters. Perhaps a benchmarking study could be undertaken with the aid of VIRG. VIRG may (or may not) have some of these data. Also, please note that any comparison schools need to be R-1 private institutions.

3. Evaluation of TIPS funding

SPAF should evaluate the first year of TIPS funding.

III. Work Accomplished

This year's SPAF committee decided to devote most of its efforts to addressing charge #1, although SPAF spent some time on charges #2 and #3. Charge #3, in the end, however, was given little attention, given that committee members did not receive feedback from faculty members of problems or concerns with the TIPS funding process. In the following paragraphs we discuss the various activities and accomplishments of the 2015-16 SPAF committee.

1. Faculty Manual's academic freedom statement

During the 2015-16 academic year, SPAF spent a considerable portion of its time preparing and proposing a revision of the *Faculty Manual's* Academic Freedom and Responsibility statement.

This year's SPAF committee began by reviewing the past two years of effort by the SPAF committee on this topic.

During the 2013-14 academic year, SPAF surveyed academic freedom statements at 14 peer institutions. The 2013-14 committee used the following criteria to select these peer institutions: (a) universities that are traditionally considered Vanderbilt peers, (b) universities that have both a medical school and a university central, preferably on the same campus, and (c) a good mix of both public and private universities. The 2013-14 SPAF committee summarized its survey findings in the following table:

University	Summary/Observation/Notes
Duke University	Focused primarily on tenure and protection to do research without censorship
University of North Carolina	Broader in scope and describes freedom for research, teaching, internal criticism and participation in public debate. They cite books on academic freedom: (a) "For the Common Good: Principles of American Academic Freedom," by Finkin and Post, and (b) "Academic Freedom in the Wired World: Political Extremism, Corporate Power, and the University," by Robert O'Neil.
Rice University	Quotes the Supreme Court Justice William Brennan in the <i>Keyishian versus the Board of Regents</i> case of 1967 to highlight the importance of academic freedom. They also refer to AAUP's "1940 Statement of Principles" focusing on three facets of academic freedom: freedom of inquiry, teaching and extramural utterances, however, calling for restraint on each.
University of Texas	Provides full freedom in research and classroom subject to some constraints. For example, controversial material not related to the subject matter cannot be used in classroom. Faculty members speaking or writing as a citizen are free from institutional censorship, however, the faculty member must make it explicit that they are not an institutional spokesperson

Stanford University	The statement of academic freedom are based solely on the principles of providing an environment in which freedom of inquiry, thought, expression, publication, and assembly (which is free of violence) are given the fullest protection. The academic freedom supports expression of the widest range of viewpoints that is not constrained by institutional pressures and interferences.
Cornell University	The statement on academic freedom involves freedom of expression in the classroom on matters relevant to the subject and the purpose of the course and of choice of methods in classroom teaching; freedom from direction and restraint in scholarship, research, and creative expression and freedom in the discussion and publication of the results to speak and write as a citizen without institutional censorship or discipline. While academic freedom is highly valued at Cornell, it does not imply immunity from prosecution for illegal acts, nor does it provide a license to faculty to do whatever they choose to do.
Washington University in St. Louis	The academic freedom statement describes the freedom available to scholars, teachers, and students within the University to pursue knowledge, speak, write, and follow the life of the mind without unreasonable restriction. The statement further states that although a faculty member may pursue subsidiary interests, these should not hamper or compromise their scholarly pursuits and teaching responsibilities. Moreover, although the academic freedom includes faculty member's full freedom as a citizen, if these result in acute conflicts, e.g., engaging in political activities, faculty may request leave of absence for the duration.
Purdue University	A faculty member is accorded full freedom as a researcher, scholar or artist. This freedom includes freedom to communicate the work, to advocate solutions to human problems and to criticize existing institutions. While freedom is accorded in the classroom, a faculty member cannot introduce irrelevant subject matter. The academic freedom also accords the right to speak or write in the capacity as a citizen. In doing so, however, a faculty member should not become a spokesperson for the university.
Columbia University	The university is fully committed to protecting and upholding academic freedom in research and teaching, and freedom of expression. The university does not penalize faculty for statements made in public debate. The statement indicates that such freedom is not unlimited, e.g., a faculty cannot threaten or intimidate students for expressing their viewpoints or faculty cannot use the classroom as a means of political indoctrination.
University of Chicago	Their academic freedom statement appears as the Statement on Principles of Free Expression. The university supports the culture of inquiry and informed argument. The university aims to nurture an environment that fosters and protects rational discourse that includes both rigorous challenge of ideas and tolerance for the expression of multiple viewpoints. In summary, the university supports the rights

	to free expression. This statement did not delve into the details of freedom in academic research and teaching. However, their Board of Trustees Statute 18.1 refers to the complete freedom of research and unrestricted dissemination of information. Several other published articles also refer to the academic freedom for research and teaching.
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The 2015-16 SPAF committee reviewed the findings provided by the 2013-14 committee closely, noting that many of the schools provided strong protections for faculty academic freedom.

In its final report the 2013-14 SPAF committee recommended the following:

“Recommendation: After surveying other University statements on academic freedom and comparing them with Vanderbilt’s statement on academic freedom, the general consensus among the SPAF members was that *although Vanderbilt University’s statement on academic freedom is appropriate in general, it could be enhanced by including more details on freedom of inquiry and freedom of pedagogy.* Moreover, considering that Vanderbilt students will be expected to negotiate an increasingly heterogeneous society, the committee also recommends that future iterations of the academic freedom statement include verbiage about the importance of faculty intentionality and latitude to instruct and provide professional development such that students become more cognizant and comfortable as global citizens. Part of this charge would facilitate helping students become more aware of cultural diversity and social justice issues, broadly defined. These issues could form the basis of the charges for the 2014-15 SPAF committee” (emphasis added).

The 2014-15 SPAF committee, while working on a number of other charges, also examined Vanderbilt’s current academic freedom statement. The 2014-15 committee helped uncover the history of Vanderbilt’s current statement, which derives from the 1960 Beach Report, written by Dr. Leonard Beach, a dean at Vanderbilt at the time. In 1960, James Lawson was expelled from Vanderbilt’s Divinity School for his participation and leadership in the civil rights movement. (A detailed account of these events appears in Paul Conkin’s *Gone with the Ivy.*) Many students and faculty protested Lawson’s expulsion, and then Chancellor Harvie Branscomb called for an ad hoc Senate Committee, headed by Dr. Beach, to address the issue. The original title of the Beach Report was, “Statement of Principles and Procedures to Be Followed in Cases of Student Discipline Wherein Issues of Conscience and Academic Freedom Are Raised.” Some of the concerns of this 1960 ad hoc committee report are today contained in in the *Faculty Manual*’s “Academic Freedom and Responsibility” statement for faculty. In particular, Part III, Chapter 1 of the *Faculty Manual* draws the following from the Beach report:

Vanderbilt University is a community of men and women devoted to the search for truth. A self-governing institution, it professes freedom from both internal and external interference which hinders accomplishment of that purpose. It is an institution that transcends, as much as it challenges and accepts, the customs and values of society. It has its own standards of excellence and responsibility that do not always conform to those of the persons and groups who support it. The University is also part of the civic community in which it exists. Its members, both faculty and students, are entitled to exercise the rights of citizens and are subject to the responsibilities of citizens. A member of the Vanderbilt community gives thoughtful consideration to the image of the University reflected in his or her public behavior.

Members of the Vanderbilt community share a due regard and respect for law. In the event that one of its members is in jeopardy before the law, either for the sake of conscience or for the purpose of testing the validity of particular provisions of law through deliberate violation, the University will not seek to protect him or her from due process of law. Regardless of the action of the courts, however, the University reserves the right to determine whether a faculty member is fit to retain membership in the academic community, and maintains its own procedures for taking action upon, hearing, and deciding complaints against one of its members.

The 2014-15 SPAF committee then concluded, “55 years later, as a step toward maintaining and enhancing the health of our university culture and community, *the Faculty Manual statements on academic freedom and responsibility need to be updated and better defined.* Their implications within the university community need more detail and clarity in order to serve us well in 2015 and beyond. The work of the OETF, our 2014-5 Charge” (emphasis added).

Given this past history of Vanderbilt’s current Academic Freedom and Responsibility statement, particularly that the Beach Report offered a justification of Lawson’s expulsion from Vanderbilt, and given that both the 2013-14 and 2014-15 SPAF committees recommended a revision of the statement, the current SPAF committee determined that revising the *Faculty Manual’s* current Academic Freedom and Responsibility statement was desirable.

This year’s SPAF committee took the following steps in order to gather insights into how best to articulate a proposal for a revised statement.

SPAF first met with a group of Vanderbilt faculty experts on the topics of academic freedom and workplace free speech. The committee met with Professors Jim Blumstein, Vanderbilt Law School; Bruce Barry, Vanderbilt Owen School, and Lenn Goodman, Department of Philosophy, School of Arts and Science. The committee thus received detailed and expert advice from faculty members from three Vanderbilt schools.

SPAF also met with a group of politically-diverse students, who shared their insights with the committee.

Our committee additionally reached out to various faculty and administrative leaders in campus diversity and inclusion initiatives.

SPAF then drafted a new Academic Freedom of Expression Statement. In preparing the proposal SPAF was sensitive to the fact that the statement would be housed in Vanderbilt’s *Faculty Manual*. Therefore, the committee sought to provide general guidelines rather than specific statements to govern particular circumstances. The committee also understood its charge as one to propose a revised statement regarding *faculty* freedom of expression. Proposing a statement that would encompass student and/or staff freedoms and protections SPAF understood as beyond its purview, but SPAF members also noted and remained sensitive to the fact that a new faculty Academic Freedom of Expression statement may influence possible future deliberations concerning students and staff. The committee also desired to write a statement that would provide strong support for faculty freedom of expression and thus protection against university interference or sanctions of faculty speech.

SPAF prepared its proposed statement and submitted the statement to the Faculty Senate for feedback in late February 2016, inviting feedback both via email and anonymously through the Faculty Senate portal. SPAF also invited feedback on this early draft from the university administration, the new

Chief Diversity Officer, the campus faculty experts it met with earlier, and the Faculty Senate's Faculty Manual Committee and its copy editor. SPAF received feedback and discussed the feedback and revised its proposed statement on the basis of the feedback.

In March 2016, SPAF then shared the revised proposal with the full Vanderbilt faculty via *Engage: The Newsletter of the Faculty Senate* and again consulted with university administrators, including the General Counsel's office. SPAF once again discussed the feedback it received and revised the draft proposal on the basis of this feedback.

On April 7, SPAF presented a motion to the Faculty Senate proposing to replace the existing "Academic Freedom and Responsibility" statement appearing in Part III, Chapter 1 of the *Faculty Manual* with the proposed new "Academic Freedom of Expression" statement.

One friendly amendment was proposed during the Faculty Senate's discussion, the insertion of the word "goal" in the second sentence of the proposed statement. The committee accepted this amendment (and we include the word "goal" in the motion below).

The motion presented to the Faculty Senate is as follows:

[Beginning of Motion]

Motion

- Whereas the Vanderbilt Faculty Manual (as archived on 8/3/2015) requires revision and updating, and
- Whereas revisions to Part I, Chapter 5 of the Faculty Manual were approved by the Faculty Senate on 9/10/2015 and given final approval by the Chancellor of Vanderbilt University on 9/14/2015, and
- Whereas the current statement of academic freedom of expression for faculty as contained in the Faculty Manual Part III, Chapter 1 was drawn in part from the 1960 Beach Report, both an outdated document and a document drafted by a university task force to justify the expulsion of James Lawson for his activities related to the civil rights movement, and
- Whereas the Strategic Planning and Academic Freedom (SPAF) standing committee of the Faculty Senate invited presentations and discussion from three campus faculty experts outside of the Senate on the topic of academic freedom and workplace free speech to help guide its deliberations, and met to hear the views of a group of politically-diverse undergraduates, and
- Whereas the SPAF committee also considered a wide range of previously collected university statements and policies, including the Yale University report and a statement recently adopted by the University of Chicago on freedom of expression, and
- Whereas the SPAF committee invited comments from the Faculty Senate, and all Vanderbilt University faculty in its March 2016 issue of *Engage: The Newsletter of the Faculty Senate*, including the opportunity to provide comments anonymously through a free-text survey, and
- Whereas all feedback received was duly considered and deliberated by the SPAF Committee,

We the Strategic Planning and Academic Freedom Committee, move that the Section entitled “Academic Freedom and Responsibility” of the 8/3/2015 Faculty Manual be revised by addition and deletion as per the attached document in Exhibit 1,

We further move that the Faculty Senate give its endorsement to these revisions, and

We further move that these endorsed revisions be forwarded as a formal proposal as per Faculty Manual “Part I, Chapter 5, Amendments to the Faculty Manual” to the Chancellor and the Provost, for review, and if accepted, final approval by the Chancellor.

Strategic Planning and Academic Freedom Faculty Senate Standing Committee

Holly McCammon, A&S, Sociology, Committee Chair

Erin O’Hara, Law, Executive Committee Liaison

Sam Chang, Medicine

Eric Delpire, Medicine

Ray Friedman, Owen

Jennifer Green, Medicine

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Xenofon Koutsoukos, Engineering

Michael Miga, Engineering

Proposed Academic Freedom of Expression Statement:

Vanderbilt University is dedicated to advancing knowledge and ideas, both of which may contain inherently value-laden components. In pursuit of this goal, Vanderbilt is committed to providing an environment for open inquiry and the vigorous exploration and free expression of ideas. Academic freedom for faculty extends from the university campus (e.g., classrooms, lecture halls, clubs, etc.) to outside its boundaries. As informed citizens and experts in their academic specialties who can speak with accuracy and authority, faculty are often encouraged to express ideas and opinions in the public domain. This activity, which is recognized as an important component of academic endeavor, occurs through a variety of venues not limited to formal publications. Vanderbilt encourages intellectual inquiry, discovery, and exchange of information, and, therefore, fully recognizes and protects freedom of exploration, thought, and expression for its faculty in all these activities.

Vanderbilt strives to promote a diverse community, and the views and ideas of its members will inevitably conflict. As an institution committed to the advancement of knowledge, and as a training ground for the intellectual, social, and ethical leaders of the future, the university is the arena where difficult conversations and seemingly heretical thoughts deserve exploration and protection. It is contrary to the principles of the university to limit the freedom of expression of individuals or to protect individuals from the messages of others which may be deemed disagreeable or possibly even offensive.

At the same time, the university deeply values inclusivity, civility, and mutual respect, and it is incumbent upon all members of the Vanderbilt community to engage in civil and respectful dialog and to resist discourse that aims to suppress the free expression of ideas. The university is and should be a forum in which faculty and students engage the spectrum of ideas in a civil and mutually respectful

fashion, where faculty provide a role model for student engagement, and where students hone their abilities to think about and explore diverse perspectives.

When an individual or group deems the ideas of others to be inimical to their own, the response cannot be to suppress or obstruct the speech of others but rather the response should be to engage in discussion, debate, and mutually respectful dialog. A core part of the university's mission is to provide opportunities for intellectual exchanges to take place. Our responsibility as a community is to ensure that all members of the university community have freedom of expression.

Only in narrow circumstances should the university endeavor to limit freedom of expression. Speech that violates the law, such as libel, slander, harassment, or threats; that infringes on legally-protected privacy or confidentiality interests; that directly impedes university activities in a severe and/or pervasive manner; or that intentionally promotes hate of individuals or groups is not protected at Vanderbilt. Because the university is fully committed to the promotion and protection of the free expression and exchange of ideas, these rare exceptions should be understood and applied so as to support rather than undermine full and free expression.

[End of Motion]

The vote tallied during the April 7, 2016 Faculty Senate meeting revealed the lack of a quorum (with 29 voting in favor of the proposed revision to the *Faculty Manual* and 0 against). Another vote was taken at the May 9, 2016 Faculty Senate meeting. and the motion passed 40 in favor, 0 against, and 0 abstaining.

2. Board of Trust

This year's SPAF committee discussed concerns of faculty members regarding lack of diversity on the Board of Trust and limited faculty engagement with the Board. SPAF reviewed a faculty letter circulated among faculty and sent to the administration concerning these issues. SPAF also reviewed a spreadsheet providing information on Board membership diversity. SPAF met with Professor Richard Willis, Chair of the Faculty Senate, to discuss how the Faculty Senate might approach the Board of Trust to address these faculty concerns. During this meeting, SPAF and Chair Willis discussed the Faculty Senate's Executive Committee's communications with the Board, and SPAF agreed that communication between the Faculty Senate and the Board of Trust should be forged and strengthened before raising matters of concern with the Board.

3. TIPS funding

SPAF queried its members and determined that faculty had few concerns about TIPS funding. The committee, therefore, took no further steps regarding TIPS funding.

IV. Recommendations

1. Academic freedom of expression

Next year's SPAF committee may want to consider the following matters regarding Vanderbilt academic freedom of expression. These matters emerged as questions during this year's SPAF committee deliberations and in conversation SPAF had with other groups on campus.

- Is there now a need for appropriate groups to reconsider student and staff freedom of expression on campus?
- What is the role of Vanderbilt's new Chief Diversity Officer/Office in circumstances involving allegations of violations of faculty academic freedom of expression?
- Are there circumstances which limit a Vanderbilt faculty member from utilizing her/his Vanderbilt affiliation in public speech?
- The General Counsel's office expressed a desire to hear from Faculty Senate on whether there would ever be a circumstance in which Vanderbilt would disinvite an outside speaker from visiting campus to give a talk.

2. Board of Trust

SPAF recommends meeting with the Faculty Senate's leadership to discuss steps that have been taken to increase communications between Faculty Senate and the Board of Trust.

3. TIPS funding

SPAF recommends that next year's SPAF committee consider whether faculty have concerns about TIPS funding and if concerns exist take appropriate steps to consider these concerns.