

Resource Guide for Academic Freedom, Political Activity, and Records Requests UW-River Falls

What is Academic Freedom according to the Universities of Wisconsin?

“Academic freedom includes the freedom to explore all avenues of scholarship, research, and creative expression, and to reach conclusions according to one’s own scholarly discernment. Freedom of expression includes the right to discuss and present scholarly opinions and conclusions on all matters both in and outside the classroom. These freedoms include the right to speak and write as a member of the university community or as a private citizen without institutional discipline or restraint, on scholarly matters, or on matters of public concern. The UW System is committed to these principles and provides all members of the university community the broadest possible latitude to explore ideas and to speak, write, listen, challenge, and learn.

Of course, different ideas in the university community will often and quite naturally conflict. But it is not the proper role of the university to attempt to shield individuals from ideas and opinions they, or others, find unwelcome, disagreeable, or even deeply offensive. Although the university greatly values civility, concerns about civility and mutual respect can never be used as justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members within the university community.

The freedom to debate and discuss the merits of competing ideas does not mean that members of the university community may say whatever they wish, wherever they wish. Consistent with longstanding practice informed by law, institutions within the System may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or discriminatory harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the university. In addition, the institutions may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt ordinary activities. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with each institution’s commitment to a completely free and open discussion of ideas.”

See more here: [Regent Policy 4-21: Commitment to Academic Freedom and Freedom of Expression](#)

Note that the above policy “Applies to all UW System students, employees, and visitors.”

Below are additional UW policies relevant to Academic Freedom with some highlighted clauses:

- *“A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic community. This policy shall be observed in determining*

whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.”

Chapter UWS 4: Procedures for faculty dismissal and discipline in Title IX Cases

“Tenure is the keystone for academic freedom and excellence and is awarded for academic and professional merit. Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish.

Accordingly, faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been considered.

Additionally, faculty layoff shall not be based on conduct, expressions, or beliefs on the faculty member’s part that are constitutionally protected or protected by the principles of academic freedom.”

Regent Policy Document 20-24 on procedures relating to financial emergency or program discontinuance requiring faculty layoff and termination

1. What is Academic Freedom and how is it distinguished from Freedom of Speech, according to the American Association of University Professors?

“Academic freedom is the freedom of a teacher or researcher in higher education to investigate and discuss the issues in his or her academic field, and to teach or publish findings without interference from political figures, boards of trustees, donors, or other entities. Academic freedom also protects the right of a faculty member to speak freely when participating in institutional governance, as well as to speak freely as a citizen.

What are the main elements of academic freedom?

The academic freedom of faculty members consists of four interrelated elements:

Teaching: *freedom to discuss all relevant matters in the classroom;*

Research: *freedom to explore all avenues of scholarship, research, and creative expression and to publish the results of such work;*

Intramural speech: *freedom from institutional censorship or discipline when speaking or writing as participants in the governance of an educational institution; and*

Extramural speech: *freedom from institutional censorship or discipline when speaking or writing as citizens.*

How does academic freedom apply to teaching?

According to AAUP policies, the freedom to teach includes the right of the faculty to select the materials, determine the approach to the subject, make the assignments, and assess student academic performance in teaching activities for which faculty members are individually responsible. Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matters which are unrelated to their subject, or to persistently introduce material which has no relation to the subject. This doesn't mean teachers should avoid all controversial materials. As long as the material stimulates debate and learning that is germane to the subject matter, it is protected by freedom in the classroom.

What's the difference between academic freedom and free speech?

Although academic freedom in the United States receives some protection—at public universities—from the First Amendment, free speech is not a good model for understanding academic freedom because:

- The First Amendment is premised on an “equality of status in the field of ideas.” All expressions are given equal protection under the law.*
- Academic knowledge is premised on an inequality of status between differing ideas. Faculty members routinely reject certain ideas as lesser than others and train their students to do the same. Without this process of designating certain ideas as less worthy than others, knowledge would not progress.*
- Academic freedom does not protect some speech that may be protected by the First Amendment—for example, that which manifests disciplinary incompetence.*
- First Amendment rights are focused on the individual.*
- Academic freedom rights are regulated by the collective--peers determine what constitutes disciplinary competence.”*

[AAUP FAQ on Academic Freedom](#)

2. How is political speech/activity defined and what are restricted activities within the Universities of Wisconsin?

“Political campaign activity can include activities such as:

- solicitation of campaign contributions*
- advocating, volunteering, or working for candidates, political parties, or political action committees*
- advocating a particular position on a referendum.*

Further, there should be awareness that comments regarding the specific actions, positions, or records of a particular candidate may be perceived as support or endorsement by the institution of a particular candidate or political party.

There are other “political” activities that might not fall within the scope of “political campaign” activities described above. For example, advocating for governmental action or legislative change at a local, state or federal level may be political although not related to a political campaign. While this guidance does not cover those activities in detail, because of restrictions on state lobbying and personal use of state resources, individual employees should not use state work time or state resources to engage in political activities unless expressly designated with this responsibility on behalf of the employing institution.

As a university employee, are there restrictions on my political campaign activities?

Yes. Your political campaign activities are restricted by Regent policy and state law in three significant ways. You may not:

- *engage in political campaign activities during your work time*
- *use state resources to engage in political campaign activities at any time*
- *solicit contributions or services for a political purpose from other university employees while they are engaged in their official duties. [Wis. Stat. § 11.1207](#).*

Some examples of state resources include:

- *institutional letterhead and logos*
- *office space and other facilities*
- *office supplies*
- *photocopiers*
- *telephones or fax machines*
- *electronic resources including email, websites, on-line discussion boards, cell phones, or other similar resources*

As a private citizen, you are free to engage in political activities on your own time and with your own resources.”

[Universities of Wisconsin Guidance on Political Campaign Activities](#)

3. Political Activity in the Classroom

a. How is political activity addressed in the classroom?

The ability to exchange, consider, and challenge different ideas is central to the educational process. Instructors are entitled to academic freedom. This means that they have broad discretion to conduct research and publish results. It also means that instructors have broad discretion in the classroom when discussing the subject of the course they are teaching. UW–River Falls courses are designed for students’ learning and intellectual growth. Courses are not appropriate spaces for political advocacy.

b. Can instructors talk about political issues in the classes they teach?

Course activities – including discussions – should be designed to help students achieve course learning outcomes. In many courses, the discussion of political issues is not germane, and so should be avoided. In some circumstances in certain courses, the discussion of contentious political issues may be relevant to course learning outcomes. In such cases, instructors may choose to have students debate those issues, and they may decide to share their own views for pedagogical purposes (e.g., modeling civil discourse). In doing so, instructors should be mindful of the power differentials at work. Instructors' sharing of their own political views should neither be nor give the appearance of being for purposes of advocacy or persuasion. If political issues are to be discussed in a course, instructors are responsible for ensuring that all points of view on the issue are welcome in the discussion. See subsection e. below for tips on helping direct difficult discussions.

c. How does academic freedom apply to instructors and instruction?

Academic freedom affords instructors broad discretion when determining and engaging in topics of discussion during the courses they teach. This includes, for example, choosing course readings, designing course activities, and creating course assignments. This does **not** include expression of views on matters not germane to course content or advocacy based on the instructor's personal political views.

d. How do I know if a topic is "germane" to the academic content of a course?

The academic content of a course is determined and approved through the university's course proposal governance process and is reflected in the course description and required course content and learning outcomes. Instructors may add other material that is relevant but, again, it should align with the overall objectives of the course.

e. Can instructors limit discussion of political and/or controversial issues?

Yes. Instructors are allowed to impose content-neutral restrictions on the time, place, and manner in which students may engage in discussion during class. Instructors may also limit the subject matter that may be discussed in a course. This means instructors can dictate the time and length of a class discussion and its general subject matter. They can also choose to lecture without interruption, not permitting questions or encouraging discussion.

In courses where political and/or controversial issues are not germane to the subject matter, instructors may decline to allow discussion of them. When difficult or controversial events occur, instructors may wish to acknowledge the potential impact of those events and, as appropriate, remind students of relevant University support resources before shifting to focus on course material. However, in many courses, the discussion of political and/or controversial issues and events is not germane, and so should be avoided.

In the event a political or controversial issue or event is relevant to the course material and learning outcome an instructor designates a period of time for class discussion on that topic, students may express opinions on the subject matter of the class even when some, or many, disagree with those opinions. Instructors maintain discretion to assess the academic quality of student comments and control the discussion parameters. In addition, students may **not** engage in speech or expressive conduct that disrupts the class or other University functions.

f. Can an instructor cancel, reschedule or relocate a class session for a political event?

No. Class sessions are to be offered at the dates and times and in the modality and location indicated in the official schedule of classes. In some cases, observation of a political event (e.g., a rally on campus) may be germane to course material, but instructors may not require students to participate in any political event or activity as part of course activities or assignments.

g. Can instructors encourage students to vote or engage in other forms of political activity?

Instructors may encourage students to vote or generally to be politically active. Instructors may not, however, use their position to influence or attempt to influence the content of students' political activity by, for example advocating that students vote for a particular position or that they attend and participate in a particular demonstration or protest.

4. What are the rights of students when it comes to Freedom of Speech and political activity according to the UWRF Student Handbook?

"Students have the freedom to discuss any problem that presents itself, as the First Amendment of the U.S. Constitution and Article I of the Wisconsin Constitution permit. Students shall be permitted to assemble and engage in spontaneous expressive activity as long as such activity does not materially and substantially disrupt the functioning of an institution."

[UWRF Student Handbook: Commitment to Academic Freedom](#)

In terms of political activities, recognized student organizations can sponsor political activities under certain circumstances that fall within the policies of the Universities of Wisconsin. The [Office of Student Involvement](#) is available to guide student organizations in navigating these policies. Political fundraising is not permitted.

Any recognized student organization can reserve a university space for outside events or vendors. The process for this is detailed in the Student Organization Handbook, including the fees that may be incurred.

5. What about outside groups not associated with the university? What are their rights with respect to Freedom of Speech and the use of facilities at UWRF?

Per [Wisconsin Administrative Code 21.04](#), and as described in our [Use of Facilities policy](#), outside groups may use university facilities if invited or sponsored by a university group. These groups may use university facilities if their proposed use does not detract or interfere with the teaching, research, and public service mission of the institution and if the university has appropriate facilities. These groups should contact the [Contract and Conference Services Manager](#) to reserve space and ensure compliance with campus regulations.

For more information, please see [Chapter UWS 18 Conduct on University Lands](#).

6. What if an outside group requests teaching materials or other information from the university through an open records request?

These kinds of requests should be referred to [Dave Ruhland](#), Vice Chancellor for Finance and Administration. You can also learn more about [UW Public Records Custodians here](#).

If anything needs to be redacted, the Records Custodian will do that per the scope of allowed disclosure exemptions as defined by [Wisconsin Public Records Law 19.36](#).

7. What can students and instructors do if they experience misconduct, bias, or threatening behavior?

If you are an instructor and you believe that a student or group of students are placing others within the course, including yourself, in danger, or if those students have interrupted course delivery to a degree that you cannot proceed, you always have the authority to stop class.

In the case of an emergency, you can dial 911 or contact University Police (715.425.3133). You could also contact the City of River Falls Police (715.425.0909).

For cases of repeated disruptive behaviors, instructors can make a [report](#) to the Care Team for follow-up. The Care Team can work with the student in cases of both academic and non-academic misconduct.

There are separate reporting processes for bias, sexual misconduct, or employee concerns. You can see all these resources at the [Report It](#) page.

If you experience incivility, which is not threatening but interferes with the learning atmosphere, this behavior should also be addressed. Examples could include inappropriate,

rude, offensive, or bullying behaviors as well as over-participation in or domination of class discussions.

To address these issues, an instructor can reach out to both the [Dean of Students Office](#) and the [Center for Excellence in Teaching and Learning](#) to discuss the situation and get help. You might also want to reach out to your department chair and/or academic dean.

8. What if an instructor or other staff member experiences harassment or threats from an outside group or individual?

When possible, it is important to preserve and keep a record of all harassing or threatening emails, phone calls or social media messages, including screen shots of social media posts in case the author deletes the original post. This evidence may help to identify the harassers and press any relevant charges.

In situations of harassment or threats, it is important to reach out to the [University Police](#) in addition to your supervisor, department chair and/or dean.

If you are receiving a high volume of email, please reach out to the [Division of Technology Services](#) for guidance in blocking or redirecting messages.

For media requests, you can consult the [UWRF Contacts for Media Requests](#).

Other Related Resources:

[UWRF Social Media Policy](#)

[UWRF Statement of Equal Employment Opportunity and Affirmative Action](#)

[UWRF Human Resources](#)