



FACULTY SENATE

Research, Scholarship & the Creative Arts Committee

October 8, 2020

12:30-2:00

Microsoft Teams

- Present: Brandon Bensel (Postdoctoral Association), Mildred Beltre (CAS, Fine Arts Rep), Vicki Brennan (CAS), Mary Cushman (LCOM), Rachelle Gould (RSENr), Britt Holmén (CEMS), Tammy Kolbe (CESS), Dimitry Kremmentsov (CNHS), Erik Monsen (GSB), Jill Preston (CALs), Christie Silkotch (LIB), Daniel Weiss (LCOM)
- Absent: Thomas Chittenden (Faculty Senate President), Katie Gough (CAS) Vacant (GSS), Vacant (SGA)
- Guests: Kirk Dombrowski
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Chair Cushman called the meeting to order at 12:30 pm via Microsoft Teams.

- 1. Approval of the Minutes.** The minutes of September 2020 were approved as written.
- 2. SGA / GSS Student Representation.** The SGA and GSS have been contacted about representation on the RSCA for the 20 / 21 academic year. They are currently working on assigning members to the Faculty Senate committees. Once it is complete, they will notify the Faculty Senate Office on who will be joining the RSCA.
- 3. The University Manual, Jill Preston.**

The following section 103 from the **Academic Freedom UVM manual** (1954; revised 2007), and particularly the language highlighted, seems the most worthy of update/extension in the context of faculty speech on social/electronic media:

*“We subscribe to the **1940 Statement of Principles on Academic Freedom** of the American Association of University Professors which provides:*

*a. Faculty are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the university.*

*b. Faculty are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.*

*c. Faculty are citizens, members of a learned profession, and officers of the university. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the university.*

*In addition, there are recognized qualifications which must be attained and maintained before the privilege of being a member of the academic profession can be considered a permanent one: satisfactory performance as a teacher, scholarship, and high moral standards.”*

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The following excerpts/summaries are from the **2014 Academic Freedom and Electronic Communications** document (Reichman et al., 2014) that bear upon the Academic Freedom UVM manual revision.

Pg. 1 from 2004 report “*Academic freedom, free inquiry, and freedom of expression within the academic community **may be limited to no greater extent in electronic format than they are in print**, save for the most unusual situation where the very nature of the medium itself might warrant unusual restrictions—and even then only to the extent that such differences demand exceptions or variations. Such obvious differences between old and new media as the vastly greater speed of digital communication, and the far wider audiences that electronic messages may reach, would not, for example, warrant any relaxation of the rigorous precepts of academic freedom.”* – based mostly on emails, blogs, etc. rather than social media.

Pg 1-2: Novel issues with social media include: speed and scope of readership, difficulties with retraction, housing of materials in non-University sites, and blurring of boundaries between extramural and teaching/scholarship activities based on the use of personal devices and increased integration of work/study/personal lives.

Pg 6: “*electronic media can expand the boundaries of the classroom in new and dramatic ways... while classroom lectures, syllabi, and even an instructor’s e-mail messages to students should be considered the intellectual property of the instructor, much of what teachers distribute to students in the classroom or write in e-mail messages may legally be redistributed by students for noncommercial uses under the “fair- use” principle. Moreover, copyright does not cover expression that is not reduced to “tangible” form, including extemporaneous utterances.”*

Pg 8: “*The AAUP has upheld the right of faculty members to speak freely about internal college or university affairs as a fundamental principle of academic freedom that applies as much to electronic communications as it does to written and oral ones. This includes the right of faculty members to communicate with one another about their conditions of employment and to organize on their own behalf”.*

Pg 10: “*A statement made by a faculty member on a website or through e-mail or social media may be recirculated broadly, and any disclaimer that the institution bears no responsibility for the statement may be lost. “...faculty members cannot be held responsible for always indicating that they are speaking as individuals and not in the name of their institution, especially if doing so will place an undue burden on the faculty member’s ability to express views in electronic media”.*

Pg 10: “*Social-media sites blur the distinction between private and public communications in new ways.”... “social-media providers often modify their policies on privacy and access in ways that their users do not always fully comprehend.”...“an acquaintance may post private information about a faculty member’s personal life without that faculty member’s knowledge.”*

Pg 12: The Kansas Board of Regents (2013) defined social media as “any facility for online publication and commentary” and defined improper use as “pursuant to . . . official duties” that are “contrary to the best interest of the university” or “impairs discipline by superiors or harmony among co-workers, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, impedes the performance of the speaker’s official duties, interferes with the regular operation of the university, or otherwise adversely affects the university’s ability to efficiently provide services.” The AAUP condemned this policy as “a gross violation of the fundamental principles of academic freedom”.

The 2014 AAUP report “recommends that each institution work with its faculty to develop policies governing the use of social media. Any such policy must recognize that social media can be used to make extramural utterances and thus their use is subject to Association-supported principles of academic freedom, which encompass extramural utterances<sup>2</sup>”. The principles are that “Professors should also have the freedom to address the larger community with regard to any matter of social, political, economic, or other interest, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence.”

Pg 14: “Because electronic communications are accessible almost instantaneously around the globe, scholars need to be aware that statements they post on blogs or websites or that they communicate by other electronic means may be subject to the laws of other countries.”... “the US Congress in 2010 unanimously passed the SPEECH Act, which made foreign libel judgments unenforceable in US courts”.

<sup>1</sup>Reichman, H., Dawson, A., Garnar, M., Hoofnagle, C., Jaleel, R., Klinefelter, A., O’Neil, R., and Nichols, J. (2014) Academic Freedom and Electronic Communications. J Collective Bargaining at the Academy. Vol. 0, article 20. <http://thekeep.eiu.edu/jcba/vol0/iss9/20>

<sup>2</sup>Note that extramural utterances have been subject to different interpretations (Wilson; The Changing Media and Academic Freedom). In this context it means speech in the public sphere.

This is a fundamental document; it is not static. The current text should be looked at and there should be considerations on updating it. The committee discussed what should be included and how the document should be changed. A subcommittee of Jill Preston, Mildred Beltre, Tammy Kolbe, Daniel Weiss and Erik Mosen has been formed to update this document. The Faculty Senate Office will organize a meeting time and set up a Teams meeting. Once the committee has updated the document, they will present it at the December RSCA meeting for a vote.

#### 4. Priorities for 20/21.

- The Burack Lecture Series will be on hold for the 20 / 21 year. The RSCA would like to review the process of Burack but will hold off doing this until the 21/22 year.
- There is an impasse with Elsevier, Dean Geffert will continue to update the RSCA on this.
- Post Doc issues, Brandon will think about what issues should be addressed and will communicate with the Faculty Senate Office.
- COVID 19 as an ongoing topic.
- Student research, and the FOUR Program are scheduled to present at the December meeting.
- Graduate College updates with Dean Forehand are scheduled for the December and April meetings.
- UVM Innovation
- IRB, work with Rachelle to determine how the RSCA will approach this.
- The Gund Institute (and other centers) and how the funding works.
- The universities plan for the R1 status.

#### 5. New Business. The list of topics for the November meeting with VP of Research Kirk Dombrowski.

1. The new VPR programs and our input (some which got to him after announcements went out)

2. Plans for achieving R1 status
3. Discuss UVM Centers – how are they defined, supported and reviewed by UVM? Can RSCA contribute? (<https://www.uvm.edu/ovpr/centers-and-institutes>)

**6. Old Business.** There was no old business at this meeting.

**7. Adjourn.** The meeting adjourned at 1:37 pm.

The next meeting of the RSCA will take place on Thursday, November 12th at 12:30 on Microsoft Teams.