

Academic Freedom and Non-Tenure-Track Faculty

1. PAc-14 (academic freedom) broadly assures academic freedom for all "members of the academic community."
2. PAc-14 also provides:

The use of physical force, psychological harassment, or other disruptive acts, which interfere with institutional activities, freedom of movement on the campus, or freedom of all members of the academic community to pursue their rightful goals, is the antithesis of academic freedom and responsibility. So, also, are acts which, in effect, deny freedom to speak, to be heard, to study, to teach, to administer and to pursue research.
3. With respect to faculty, PAc-14 does not limit its coverage to tenured or tenure-track faculty, but instead uses the terms "teachers" and "teaching faculty member[s]."
4. PAc-1 states that the "academic ranks" are: Lecturer, Instructor, Assistant Professor, Associate Professor, and Professor, and that a faculty member may be tenured in the ranks of Assistant Professor, Associate Professor, and Professor.
5. PAc-34 states that "[t]he titles of part-time Lecturer and full-time Instructor are reserved for non-tenure-track faculty employed to address instructional needs of departments," but that "[q]ualified Instructors may apply for tenure-track positions as they occur and may request to apply up to 3 years of service toward tenure."
6. Even if Lecturers and Instructors are not tenure-track it appears that they are considered "teachers" and "teaching faculty members" – and are thus assured academic freedom.
7. However, there is a question as to how non-tenure-track faculty may obtain remedies for perceived violations of their academic freedom.
8. PAc-18 – which specifies the grievance procedure – provides that the procedure is available to two categories of persons:
 - a. "individuals in the academic classification category (including librarians)"; and
 - b. "those individuals in the administrative category who have tenure-eligible academic rank."
9. The fact that language "individuals in the academic classification category" (which per PAc-1 includes Lecturers and Instructors) is not limited to persons with "tenure-eligible rank" suggests that Instructors and Lecturers may use the grievance procedure.
10. However, even if Lecturers and Instructors may not use the grievance procedure, PAc-14 provides that "[i]t is the responsibility of administrators to protect and assure these rights within the governing framework of the institution."
 - a. The University's policies do not specify **how** administrators protect and assure academic freedom for those members of the academic community (if any) who are not eligible to use the grievance procedure.
 - b. Nonetheless, those members of the academic community do have a right to academic freedom, and the administrators have a duty to assure and protect that right.