

Faculty Senate

M2020.21.35 Motion to Recommend Approval of Policy GE2035 Proposed by the Office of Legal Council

Originator: Senator Scott Marler

Whereas,

All institutions of higher education in the State of Tennessee were directed to develop policies related to free speech on campus in accordance with Campus Free Speech Act.

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The institutional policies must, at a minimum, conform to the provisions of the statute sections §§ 2403, 2404, 2405, and 2408 which are attached.

Be it resolved that,

1) Despite concerns about possible restrictions on faculty speech as contained in Subsections a9 and a10 of the statute, the Faculty Senate acknowledges the policy in the attached document to GE2035 Policy Affirming Principles of Free Speech for University Students and Faculty, proposed by the Office of Legal Counsel, and instructs its representative on the Policy Review Board to recommend approval; and

2) the word “must” should be replaced by the word “shall” in the second paragraph under Faculty Responsibilities in the university policy; to wit: “Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty ~~must~~ shall be cautious in expressing personal views in the classroom and ~~must~~ shall be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty's views cannot claim the authority accorded statements they make about subjects within areas of their competence; provided, that no faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction;” and

3) The Faculty Senate recommends that the Office of Legal Counsel include the following paragraph of clarification in the university’s policy: “The intent of this policy is not to discourage what is ‘controversial.’ Controversy is at the heart of the free academic inquiry which the entire policy is designed to foster. The policy serves to underscore the need for teachers to avoid persistently including material that has no relation to their subject.”

Recipients:

Policy Review Board Faculty Senate Representative, William Pat Travis
Melanie Murray, University Council