Texas A&M University-Corpus Christi
SACS: Self-Study Report

3.7.4 The institution ensures adequate procedures for safeguarding and protecting academic freedom. (Academic freedom)

Compliance Status: Compliance

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Texas A&M University-Corpus Christi has enacted and follows well-publicized rules and regulations that safeguard and protect academic freedom. A complete compendium of those rules and regulations is available at the University Rules and Procedures Web page hosted and maintained by the Provost and Vice President for Academic Affairs [1]. These rules and regulations (and the enactment thereof) ensure academic freedom in the institution's classrooms and research laboratories. The rules and regulations are supported by Section 61.057 (1) (E) of the Texas Education Code (TEC) which requires that the Texas Higher Education Board (THECB) develop and recommend "minimum standards for academic freedom, academic responsibility, and tenure" [2]. The publication and distribution of the policies via the Web and via the Faculty Handbook [3] to A&M Corpus Christi's faculty is in compliance with directives in Chapter 7, Subchapter A, Section 7.7 (11) of THECB's Rules [4], concerning dissemination of a statement "assuring freedom in teaching, research, and publication and the policies and procedures concerning promotion, tenure, and non-renewal or termination of appointments."

The basic tenets for academic freedom at A&M Corpus Christi are codified in University Statement 12.01.99.C1.02, Academic Freedom [5], which states that "The common good depends upon a free search for truth and its free expression." The Procedure further states that "...it is essential that the faculty member be free to pursue scholarly inquiry without undue restriction, and to voice and publish conclusions concerning the significance of evidence considered relevant." This freedom is extended to the classroom in discussing the material that the faculty member has been assigned to teach, and the procedure reiterates the faculty member is entitled to "full freedom...including the absence of pressure from the institution or from regulations which violate the First Amendment in insisting on orthodoxy in the classroom."

Statement 12.01.99.C1.02 Academic Freedom [5] further maintains that "Faculty members have constitutionally protected rights as citizens to freedom of expression on matters of public concern" and that "every member of the faculty or staff has the right to participate in political activities..." But the statements recognize that there are limits and that faculty members and staff must exercise professional integrity. For example, Statement 12.01.99.C1.02 points out that "[f]alse statements and/or falsification of scholarly work made with knowledge of their falsity or in reckless disregard of the truth are not entitled to constitutional protection." Similarly, the procedure cautions that faculty "should be careful not to persistently introduce controversial matters which have no relation to the classroom subject."

To ensure that academic freedom is protected in cases, "where the facts are in dispute," Statement 12.01.99.C1.02 [5] requires that hearings "be conducted by a committee of administrators, and faculty appointed by the Provost/Vice President for Academic Affairs from persons recommended by the Faculty Senate. Due process will be followed. The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Extramural utterances rarely bear upon the faculty member's
fitness for job performance. Moreover, a final decision should take into account the faculty member’s entire record as a teacher and scholar.” Further protection is guaranteed by the University’s grievance system, which is discussed in more detail below.

**Faculty Responsibilities**

Statement 12.01.99.C1.02 is fully supported and aligned with Texas A&M University System Policy 12.01, Academic Freedom, Responsibility and Tenure [6]. This policy argues that “Institutions of higher education exist for the common good. The common good depends upon an uninhibited search for truth and its open expression. Hence, it is essential that each faculty member be free to pursue scholarly inquiry, and to voice and publish individual conclusions concerning the significance of evidence that the faculty member considers relevant. Each faculty member must be free from the corrosive fear that others, inside or outside the academic community, because their vision may differ, may threaten the faculty member’s professional career or the material benefits accruing from it.” Policy 12.01 also maintains that "The concept of academic freedom for faculty must be accompanied by an equally demanding concept of academic responsibility."

Statement 12.01.99.C1.03, Responsibilities of Full-time Tenured and Tenure-Track Faculty Members sets forth the actual duties of faculty members at A&M-Corpus Christi, and in doing so, the procedure not only safeguards the faculty from unreasonable duties but also safeguards the students and the institution, ensuring transparency, collegiality, and professionalism [7]. For example, faculty are required to "[m]ake known to students in writing the goals and requirements of each course, the nature of the course content and the methods of evaluation to be employed," to "[m]eet classes as scheduled," and to "[i]nstruct so as to meet course objectives." Faculty must also "maintain competence in teaching field" and "[b]e professional in conduct in the classroom and show respect for students and for diversity of opinions." Respecting diversity of opinions is obviously crucial to protecting academic freedom, as is also engaging "in college and university activities in a collegial manner" and working "cooperatively with colleagues" as well as sharing "in the responsibility of group endeavors that further the mission of the department, college, and university." Perhaps most importantly, Statement 12.01.99.C1.03 charges faculty to "maintain high ethical standards in all professional activities."

**Faculty Grievance**

As mentioned above, academic freedom requires due process. To ensure due process and to protect academic freedom, A&M-Corpus Christi has established procedures for filing and resolving student, faculty, and staff grievances. The grievance procedures for students are discussed in detail in the responses to Principle 3.9.1 [8] and Principle 4.5 [9]. The Employee Relations, Training & Development, Equal Opportunity office supports employee relations, equal opportunity, and professional development inquiries at Texas A&M University-Corpus Christi [10]. The purpose of the Texas A&M University-Corpus Christi University Procedure 32.01.01.C1.01 on Complaint and Appeal Procedure for Faculty Members is to "promote prompt and efficient investigation and resolution of grievances that are not addressed elsewhere in System policies or regulations or University rules and procedure and applies to all members of the faculty" [11]. Texas A&M University-Corpus Christi Faculty Handbook covers general grievances concerning "wages, hours of work, conditions of work, or illegal discrimination." These complaints escalate until resolution from the department chair, to the dean, then the Provost and Vice President for Academic Affairs, and then to an ad hoc university investigation committee which consists of five tenured faculty members appointed by the provost [12]. The faculty grievance process allows a faculty member to address what he or she may feel to be erosion or violation of academic freedom.

**Tenure and Promotion**

Tenure, of course, is one of the most important safeguards of academic freedom at an institution of higher education. Texas A&M University Policy 12.01, Academic Freedom, Responsibility, and Tenure,
states that faculty are provided with tenure so that they will have "the freedom to carry out teaching, research and service which is consistent with their disciplines, expertise and interests" [6]. As such, Texas A&M-Corpus has enacted specified procedures for granting tenure and for promotions within the tenured rank. University Rule 12.01.99.C2 Tenure defines tenure as "the entitlement of a faculty member to continue in an appointed academic position unless dismissed for good cause" [13]. Removal of tenure can only happen after the faculty member who has tenure is given "reasonable notice of the cause for dismissal and only after an opportunity of a hearing that meets the requisites of due process." As mentioned above, due process requires a hearing, and in the case of removing tenure "the institution will bear the burden of proving that the cause of dismissal is adequate." System Policy 12.01, Section 8, establishes the procedures for such hearings and requires that not only must the faculty committee hearing the case find good cause for dismissal, but also the president of the institution and the chancellor of the System [14]. Policy 12.01, Section 4, limits the conditions or circumstances that constitute good cause for dismissal of a faculty member to ten items, including professional incompetence, continuing failure to perform duties, moral turpitude, conviction of a crime, falsification of academic credentials [15]. A faculty member may also be dismissed in cases of bona fide financial exigency or the phasing out of educational programs; Section 9 establishes the conditions for dismissal in these cases and provides that "[r]ecommendations from...faculty representative shall be sought on alternatives" [16]. If alternatives cannot be found, then the policy requires that the affected faculty members "should be given opportunities for an appointment in related areas" if they are qualified and such positions are available.

According to Rule 12.01.99.C2 Tenure, "To be eligible to receive tenure, a faculty member must be an employee of Texas A&M University-Corpus Christi, must have the terminal degree in his/her academic discipline or a related discipline, and should hold the academic rank of assistant professor, associate professor, or professor" [13]. When someone is appointed to a tenured position, he or she is provided from the Provost and Vice President for Academic Affairs "with a written statement of tenure conditions." Academic freedom is further protected in the evaluation process for tenure. System Policy 12.02, Institutional procedures for Implementing Tenures, set the guidelines for the process [17], and A&M-Corpus Christi Rule 12.01.99.C2 details the actual processes for the University. As the Rule states, the evaluations must "take place in the college in accordance with the following university guidelines." To make certain that the criteria used for evaluating faculty for tenure is appropriate, the Rule allows each college, by a majority vote of its faculty, to develop said criteria. The various colleges' documents on procedures and criteria to be used in the evaluation process are included in the response to Principle 3.7.2 [18], and they are available to faculty in the colleges, in the Faculty Senate Office, and the Office of the Provost. In some colleges, per Rule 12.01.99.C2, departments have developed further steps in the process and further criteria necessary to evaluate candidates for tenure [13]. These criteria and steps have been approved by a majority vote of the faculty of the department and have been filed with the Faculty Senate and Office of the Provost.

During tenure review, the department chair and department committee (where appropriate), the dean and the college committee, and the provost and president all must assess whether the candidate has fulfilled faculty responsibilities and must assess his or her qualifications in the following five areas: academic preparation and experience, teaching, scholarship, and service. Because the criteria are published for these five areas, because the criteria have been approved by the faculty, and because of the numerous steps in the process, faculty (and academic freedom) are protected from capricious actions.

Rule 12.01.99.C2 offers an additional protection—an appeals process for those who are denied tenure. The faculty member in question may request "an opportunity to meet with the committee and/or the
Following this meeting, a faculty member who still feels deserving of tenure should present his/her case in writing to the Provost/Vice President for Academic Affairs. The Provost will investigate the matter and make a final written response to the faculty member within 30 days after receiving the faculty member’s written appeal. The decision of the Provost is final [13].

**Faculty Senate**

Shared governance is vital to protecting academic freedom. Texas A&M University System Policy 12.04 Academic Council/Faculty Senate authorizes the establishment of faculty senates in the System "as a means for the faculty of each system academic institution to advise the president of that system academic institution" [19]. The Faculty Senate [20] is an active body which meets monthly as can be seen by the Senate's minutes in the supporting documents [21] [22] [23]. The provost attends these meetings, and the Senate's Executive Committee meets as necessary with the President. Nonetheless, and importantly, the Faculty Senate is an independent body, and as stated in Section 1.3.5.1 of the Faculty Handbook, "No Texas A&M University-Corpus Christi officer or body shall exercise control over the Senate's recommendations" [24].

To safeguard academic freedom and to help chart the future of the University, its students, staff, and faculty, the Faculty Senate is charged with reviewing "new policies, changes in existing policies, and the interpretation of existing policies" in the following areas:

1. Educational policy and planning of academic programs, curriculum, and instruction.
2. Academic standards, including policies on admissions, awarding of grades, retention of students, and graduation requirements.
3. University scholarships, honors, awards, and other forms of student distinction.
4. Faculty policies and their implementation, including but not limited to appointments, reappointments, academic freedom, evaluation, promotion, tenure, faculty workloads, and faculty development.
5. Faculty compensation policies and their implementation, including but not limited to salaries, fringe benefits, and the awarding of merit increases.
6. The role of research and policies for allocating undesignated research funds in the University.
7. Academic support services, including but not limited to the Library, computing, teaching and research equipment and facilities.
8. The appointment and evaluation of academic administrators.
9. The establishment, reorganization, downgrading, and/or discontinuation of organizational units and areas of instruction and research.
10. The review of administrative decisions concerning any of the above matters [24].

This review process and the active participation of the Faculty Senate in University decisions ensures that the actions of the institution are transparent and consultative. At A&M-Corpus Christi, faculty are not only informed about what is happening at the University; they also play important decision-making roles.

**Conclusion**

The emphasis on inclusiveness, transparency, and due process protects academic freedom at A&M-Corpus Christi. The System policies and University rules discussed above further ensure that protection. In some, the University has put into place rigorous safeguards that do more than protect academic freedom--they also foster academic freedom.

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**Evidence**