

CAROLINAS COLLEGE OF HEALTH SCIENCES POLICY AND PROCEDURE

Section II - Academic/Student

SUBJECT: ACADEMIC FREEDOM

REVIEWER(S): Provost

Related Policies to Consult:

CCHS Policy: [Response to Claims of Non-Compliance with Accrediting Standards \(Sec. I\) Intellectual Property \(Sec. 1\)](#)

CHS Policy: [ADM 260.01 Ownership and Commercialization of Intellectual Property](#)

I. POLICY

The CCHS Board of Directors, the college administration, and all faculty, recognize and support the principles of academic freedom for faculty. Academic freedom allows faculty to examine data, question assumptions, opinions and views. Faculty are guided by the evidence of scholarly research and can present issues in the classroom that may be of a debatable or controversial nature; provided this is done objectively and in the spirit of academic inquiry and the topic is pertinent to the subject matter of the course. What is taught is expected to reflect knowledge which is research/data-based, scientifically validated, or generally accepted within the profession or academic field. Faculty members will not be subject to irresponsible treatment, procedural irregularity, arbitrary decisions, discrimination, or differential treatment related to their exercise of academic freedom. Disciplinary action related to academic freedom issues will never be pursued unless the faculty member has had the opportunity for due process.

Faculty members are presumed to be competent authorities in the subject matter of their formally organized courses of instruction and have the freedom to develop curriculum and determine methods of classroom and or clinical instruction and evaluation. The right to academic freedom, however, cannot be separated from the equally important responsibility, which each individual has, to uphold professional ethics and academic integrity. Respect and collaboration is expected in regard to individual academic freedom when a team teaching approach is utilized for course instruction and presentation of information.

Faculty members who develop and present curriculum content to students operate within the guidelines of their various professional certification agencies and course content must fulfill the requirements of those agencies and the requirements and standards of the college's institutional accreditor, the Southern Association of Colleges and Schools Commission on Colleges (SACS COC). Most CCHS courses have a dual purpose; educating the student in a specific discipline and preparing the student for success on certification exams. While the primary focus of the CCHS faculty is the effective education of students, individual faculty members are free to pursue other academic endeavors such as scholarly publications and research. Such research and publication, when conducted using college resources and/or paid time, will be by prior approval of the department manager, in keeping with standard CHS research protocol, and governed by the tenets of the CCHS and CHS guidelines for intellectual property.

Faculty members are also private citizens and as such have the rights and responsibilities of all ordinary citizens. When faculty members speak or write as private citizens, thereby exercising their constitutional right of free speech, it should be as persons who are free from institutional censorship or discipline. However, when CCHS faculty members express their opinions in public, they are expected to indicate the opinions they express are their own and not representative of the college.

The right to academic freedom shall be protected and supported through the following due process procedure.

II. PROCEDURE

To safeguard Academic Freedom at CCHS, this policy provides the procedural steps to be followed by individual faculty members who think that their academic freedom has been infringed upon or violated. If the outcome of this procedure is not satisfactory to the employee, he or she may also file a grievance with CHS, as outlined in CHS Grievance Policy 5.03.

1. Any CCHS faculty member who feels that his or her academic freedom has been violated should notify his or her academic director or dean in writing of the violation within one week of the perceived violation. The academic program director or dean will investigate the issues and information pertaining to the perceived violation and respond within one week in writing to the faculty member with a proposed resolution to the grievance.
2. In the event that the faculty member is dissatisfied with the resolution suggested by the academic program dean or director, the faculty member may appeal in writing for a hearing of the issue by a faculty committee appointed and chaired by the provost. Upon decision to convene a review committee, the provost will select the review committee within five workdays following receipt of the grievance. If the grievance involves an academic program, the program administrator will determine who will represent the program and communicate that to the provost. If the grievance involves the provost, the college president will act in the provost's stead for all further procedural steps.
3. The composition of the review committee will include individuals who are not involved in the situation. The committee will be composed of five individuals including the following:
 - a. The provost, or designee, will serve as chair with voting privileges.
 - b. Four uninvolved representatives of the CCHS teaching faculty.
4. The provost will provide the grieving faculty member with written notice of the membership of the selected hearing committee at least five workdays prior to the scheduled grievance hearing. The faculty member will also be advised on who will represent the program or college's viewpoint of the situation. The hearing committee members will receive a copy of the provost's letter identifying the grieved academic freedom issue and a hearing will be scheduled as described in Items 8 and 9 below.
5. For good cause, the faculty member and/or the academic program/college representative may challenge the membership of one member of the committee within 24 weekday hours of receipt of written notice. If a conflict of interest or question of the member's impartiality is presented to the satisfaction of the provost (or designee), the committee member will be excused from further participation. If any member is excused, the provost will designate an alternate member and notify the grieving faculty member.
6. The grieving faculty member may request documents to support his/her position in preparing for the hearing. Copies should be requested by the faculty member, preferably in writing, to the department manager, committee chair or support person, or whoever is the responsible party. The request should be specific and should provide the date by which the documents are needed. The college will make all reasonable efforts to provide the documents requested, but requests with less than 24 hours response time may be impossible to honor. The faculty member may request items prior to and independent of placing them on his/her "evidence list" submitted to the appeal panel, but may present during the hearing only those items on the evidence list.
 - a. If the person responsible for the document requested is unsure whether it is public information, the concern is addressed to the supervisor or the next senior person over that area. In contested situations, the final decision on release will rest with the college president.

- Requests for FERPA or HIPAA protected information will not be honored without appropriate waivers.
- b. If committee minutes, etc., contain information of a confidential nature not related to the situation, the committee chair or department manager/dean/director may provide copies in which unrelated information is masked. The review hearing chair is responsible for assuring the confidentiality of information requested which is not covered by the requestor's personal waiver.
7. The faculty member and the program or college representative will be asked to supply the committee with a written list of evidence they plan to present to the committee. The list may include individuals who are able to bring relevant information, including faculty members. The written list of evidence will be provided to the opposing party not less than 24 working hours prior to the hearing. Neither party will be allowed to introduce additional evidence during the hearing.
 8. Upon receipt of notice of appointment, the committee will meet as soon as possible but no later than seven days after being appointed to review the conduct of the hearing and the submitted documentation and identify the relevance of the planned evidence. The committee may request additional documentation. The ruling on evidence and the date of the hearing will be sent to the faculty member and the program or college representative in writing. Electronic transmission of this information is acceptable provided its receipt is verified electronically, by phone, or other reasonable means.
 9. The matter will be heard as soon as practical, normally within ten work days of the first meeting of the committee.
 10. Prior to and during the hearing, the committee will have complete discretion in determining the manner in which the grievance is heard. The chair may rule at any time that evidence or testimony presented is not applicable.
 11. In addition, the following rules will govern the conduct of the hearing:
 - a. A tape recording or other record of the hearing will be kept.
 - b. The grieving faculty member is responsible for supporting his or her challenge by showing that the college violated his or her rights related to academic freedom.
 - c. The program or college representative will present evidence in support of the program's or college's action regarding the issue.
 - d. Neither the grieving faculty member nor the CCHS representative will be represented by an attorney in any phase of the hearing. The faculty member and/or the program or college representative may consult with legal counsel in preparation for the hearing. The faculty member may elect to have another member of the college faculty in attendance for emotional support. That person will not participate in the proceeding or coach the grieving faculty member.
 - e. The faculty member and the program or college representative will receive a full and complete hearing, allowing each to state a position related to action taken. The chair will verify that both parties are satisfied that their positions have been stated. Neither the grieving faculty member nor the program or college representative will direct questions to one another or otherwise verbally confront one another during the hearing.
 - f. The hearing need not be conducted strictly in accordance with rules of law relating to examination of witnesses or presentation of evidence. Any relevant matter may be considered, regardless of any rule of law applicable to judicial proceedings that might make the evidence inadmissible. The chair will preside over the hearing to assure that all parties are able to present relevant evidence and to make decisions regarding procedural matters and objections to evidence. Irrelevant evidence, testimony, or questioning will be disallowed by the chair.

- g. The hearing will be of such duration as the committee deems reasonable. At the completion of the presentation, the committee will deliberate in closed session. The committee may not recall either party.
- h. The decision of the committee will be rendered within five business days after the completion of the hearing. The chair of the committee will inform the grieving faculty member, the program or college representative, program director/dean, provost, and the president of the decision in writing within one business day. In the event the grieving faculty member is not available to receive the written decision in person and sign for same, the decision will be sent via mail on the second business day. Other more expedient methods of delivery may be utilized in addition to the written notification at the discretion of the chair.
- i. All proceedings will be strictly confidential. All documentation disseminated to the committee will be retrieved. Original documentation and the recordings of the hearing will be held by the president's office for one year from the date of the hearing.
- j. The decision will be rendered by a majority of the committee and will be final. The committee has the authority to determine whether or not a violation of academic freedom rights has occurred. The committee may, additionally, make a recommendation regarding corrective action to the provost.

12. The Academic Freedom policy and procedure will be reviewed bi-annually.

III. APPROVAL

Name: _____ Title: President Date: _____