

AP 4030 ACADEMIC FREEDOM

Reference: Education Code section 76120; Title 5 section 51023; Accreditation Standard I.C.7

A. ESTABLISHMENT OF AN ACADEMIC FREEDOM COMMITTEE

The Academic Senate shall establish a standing committee to consider matters of academic freedom (hereinafter, "committee").

B. COMMITTEE MEMBERSHIP

1. The committee shall consist of at least three faculty appointed by the Senate for a term of one academic year, one of whom will be designated as Chair. The Senate may re-appoint members for subsequent terms.
2. The President of the College of the Canyons Faculty Association ("COCFA"), or that person's designee, shall be a member of the committee.
3. The President of the American Federation of Teachers, Local 6262 ("AFT"), or that person's designee, shall be a member of the committee.
4. At the request of the Senate, the committee, or any person or entity (including, but not limited to, any academic or non-academic department, school, or campus organization) having an interest in a matter under the committee's consideration, the Senate may appoint a disinterested person with specialized training or expertise to serve temporarily as an *ex officio* (non-voting) advisor to the committee on issues within the appointee's area of training or expertise.
5. The Senate will strive to ensure that the faculty committee members include full time and adjunct faculty to the extent possible.
6. Any person serving on the committee in more than one capacity, such as a member appointed by the Senate who is also COCFA President, shall only be entitled to a single vote on committee issues.
7. The committee is empowered to engage in all action allowed under this administrative procedure despite failure of the COCFA or AFT committee members to participate or attend the committee's meetings.
8. Any committee members having a direct interest in a matter under the committee's consideration shall disclose the interest and recuse themselves from participation in that matter and, in that event, the Senate may appoint a suitable replacement for the limited purpose of participating in the committee's work on that matter.

C. COMMITTEE WORK

The committee's work includes (1) making formal recommendations on academic freedom matters to the Senate in relation to a dispute, controversy, or other matter including, but not limited to, an alleged violation of Board Policy 4030, (2) offering informal advice or guidance on matters of academic freedom, (3) undertaking initiatives to educate the campus community with respect to academic freedom, and (4) other activities relating to academic freedom assigned by the Senate.

1. Requests for Formal Recommendations: The Senate, a faculty member, a college committee, or an academic or non-academic department may ask that the committee provide its interpretation, clarification, analysis, or opinion on an issue directly or indirectly concerning academic freedom to the Senate (the "Matter").
 - a. The Conditional Report: The committee shall, subject to the exceptions set forth in this procedure, provide a written report containing its interpretations, clarifications, opinions, findings, and/or recommendations on the Matter to the full Senate, as well as the parties requesting the report, subject to any restrictions required by FERPA and other privacy rules and regulations ("Conditional Report"). The Senate may return the Confidential Report to the committee for its reconsideration, or further consideration, of any point raised therein or any related point. The committee shall begin its work with a presumption that a Matter justifies the creation of a Conditional Report but has discretion to decline to issue a Conditional Report if, after considering the Matter in light of the committee's charge, it determines that the Matter either does raise an issue of academic freedom of such significance to warrant Senate involvement or that a Confidential Report is otherwise unjustifiable or unwise. The committee shall explain its reasons for declining to issue a Conditional Report, in writing, to the Senate President and the party or parties who initiated the Matter. The Senate may direct that the committee prepare a Conditional Report nonetheless.
 - b. The Final Report. A Conditional Report is inoperative unless and until the Senate approves and adopts it, in whole, in part, or as modified, as its own final report on the matter ("Final Report"). A Final Report constitutes the studied interpretation, opinion, recommendation, and finding of the Senate on the Matter and is entitled to appropriate weight and consideration by all parties involved and the campus community as a whole. The Senate shall deliver a copy of any Final Report to the Chief Executive Officer, the Chief Instructional Officer, and to the party or parties who initiated the Matter.

2. Requests for Informal Advice or Guidance: At any faculty member's request, the committee may provide informal advice or guidance, which will not require a Conditional Report or a Final Report, with respect to a matter of academic freedom ("Informal Matter").
 - a. Committee Discretion to Provide Advice: The committee shall retain discretion to accept or reject a request for informal advice or guidance on an Informal Matter.
 - b. Requests for Confidentiality: The faculty initiating a request for advice or guidance on an Informal Matter may ask that the committee provide that advice and guidance confidentially. If the initiating faculty member requests confidentiality, the committee shall preliminarily and presumptively undertake all reasonable measures to maintain the confidentiality of the information disclosed to the committee and the committee's advice and guidance. The committee cannot, however, maintain or promise to maintain confidentiality to the extent such confidentiality is made impossible, impracticable, unlawful, or violative of any other District policy and procedure. Furthermore, the committee has discretion to decide, after hearing the Informal Matter, that maintaining confidentiality would be harmful to the Senate, the campus community, or other faculty. In the event that the committee determines that maintaining confidentiality over an Informal Matter would be harmful to the Senate, the campus community, or other faculty, it shall present the Informal Matter to the Senate President who may instruct that the committee either maintain confidentiality, to the extent allowable under this procedure, or prepare a Conditional Report.

D. COMMITTEE PROCEDURES

1. The committee shall operate in an open, collegial manner to the extent possible.
2. Committee meetings may be conducted only if a quorum is present. A quorum is defined to be a majority of the Senate-appointed members only. The absence of the President of COCFA and/or AFT, or their respective designees, shall not deprive the committee of a quorum.
3. Decisions of the committee shall be made by a vote of a majority of its members during a noticed committee meeting having a quorum.
4. The committee shall meet at least twice each semester but may meet as often as the committee determines is necessary to complete committee work.
5. The committee shall establish its own guidelines to govern committee meetings and operations including, but not limited to, setting meeting dates/times and establishing

procedures for the intake of new requests for Formal Recommendations or Informal Advice of Guidance.

6. The committee will work with Human Resources, and other appropriate departments, to ensure that all parties' privacy, FERPA, and other related rights are respected.
7. The committee shall have wide discretion to consider, receive, and solicit information and evidence from outside sources, whether documentary or otherwise, to assist and inform its work and to affix weight and significance to that information and evidence. The committee's exercise of its investigatory and deliberative discretion shall be impartial and reasonable under the totality of the circumstances, as determined by the committee.
8. Before the creation of a Conditional Report, the committee shall provide notice of a Matter to any Administrator or Department Chair who the committee reasonably determines has, or may have, a direct or substantial interest in the Matter to allow those parties a reasonable opportunity to provide relevant documentary or other information regarding the Matter to the committee. To avoid undue delay, the committee shall have the discretion to establish a reasonable time limit for submission of such information. This notification requirement does not apply where the committee exercises its discretion to decline to prepare a Conditional Report or with regard to any Informal Matter.

Reviewed by the Board of Trustees: November 10, 2020

Next Review Date: Fall, 2026