

Article 4

Academic Freedom

- 4.1 Cabrillo College District recognizes that academic freedom provides a foundation for intellectual stimulation and development, and academic success in the teaching environment. The District also recognizes that academic freedom is fundamental to the protection of teachers' and students' rights.
- 4.2 Academic Freedom and Protection
- 4.2.1 Academic freedom encompasses the freedom to study, teach and express ideas, including unpopular or controversial ones, without censorship, political restraint or retribution. Academic freedom allows for the free exchange of ideas in the conscientious pursuit of truth.
- 4.2.2 Protecting academic freedom is the responsibility of the college community. In a climate of openness and mutual respect, the college protects and encourages the exchange of ideas which are presented in the spirit of free and open dialogue.
- 4.3 Professional Autonomy
Faculty members have the principal right and responsibility to determine the methods of instruction, the planning and presentation of course materials, and the fair and equitable methods of assessment in their assignment in accordance with the approved curriculum, course outline, educational mission of the District, District policies, requirements of accreditation bodies, and state and federal laws and regulations.
- 4.4 Professional Commitments and Obligations
All faculty members should:
- 4.4.1 Conduct a classroom environment that is conducive to student learning, growth, and development in which students are free from discrimination, prejudice, and harassment and in which students are free to express relevant ideas and opinions.
- 4.4.2 Clearly differentiate to students the expression of a faculty member's personal opinions or convictions from the objective presentation of theory, fact, or ideas.
- 4.4.3 Adhere to District procedures for using approved materials and resources.
- 4.5 Employment by the District does not in any way restrict or limit the First Amendment right enjoyed by faculty as members of their communities. Faculty members are free to speak and write publicly on any issue, as long as they do not indicate they are speaking for the institution.
- 4.6 The District agrees it does not and shall not monitor individual usage of its computing and network resources, including email accounts, internet usage or data created by individuals, except as set forth in 4.6.1.

For purposes of this section, “monitor or monitoring” is defined to include only the District undertaking actions that would allow the District to actively currently or prospectively review or record computer or network use or activity of a single employee or group of employees. This provision does not limit the right and ability of the District to access existing or previously created computer or network use data or usage history. In the event a conflict exists between this section 4.6 and BP 3720 and/or AP 3720, the provisions of this section will prevail with respect to monitoring only.

- 4.6.1 Under special circumstances, the District may monitor the activity and accounts of users of District computing and network resources, including login session and the content of individual communications, with or without notice, when:
- 1) Required by law;
 - 2) Necessary to protect the integrity, security, or functionality of District computing and network resources;
 - 3) Necessary to protect the District from criminal or civil liability; and/or
 - 4) There is sufficient and reasonable cause to believe that:
 - a) the user has violated or is violating BP 3720 and/or AP 3720 or other District policies/procedures, including the District's policies and procedures against discrimination/harassment/retaliation or other violations of law, or
 - b) the use of such computing resources may reflect cause for discipline.

Except in the event of such special circumstances as documented by the President, Vice Presidents, Chief Human Resources Officer (CHRO), or Chief Information Systems Officer (CISO) (such imminent system crashes, excessive network bandwidth usage, internal or external denial-of-service attacks), any monitoring of individual accounts, usage, content or hardware shall not occur unless it has been approved in advanced by the President, Vice Presidents, CHRO or CISO with notification to the affected employee(s), unless the President, Vice President, CHRO, CISO concludes that good cause exists to refrain from immediately notifying the employee. Good cause may exist, e.g., in the event of an ongoing investigation into misconduct; when the District has a reasonable basis to believe that disclosure could result in destruction of evidence or retaliation against the other persons; or when employees are not readily available to receive notice.

4.6.2 Review Process:

Once a year, upon written request by CCFT no later than June 30th of each year, a meeting would be convened on or before September 30th of:

- 1) CCFT President (or officer)
- 2) CCEU President (or officer)
- 3) Chief Human Resources Officer
- 4) Chief Information Systems Officer

The purpose of the meeting is so that District will report *only* on:

- 1) The number of times during the previous year monitoring, as defined in 4.6.1, occurred
- 2) The basis under 4.6.1 of the special circumstance(s) for the monitoring.

4.7 Alleged violations of this Article 4 shall be subject to Article 12, Grievance Procedure, as provided in this section.

4.7.1 A grievance may be initiated according to sections 12.1 through 12.5.1.6 (through Level I - Formal Notification of Grievance).

4.7.2 Level IA - Academic Freedom Review Committee: If the grievant is not satisfied with the decision at Level I, the grievant may within ten (10) days of receipt of the decision at Level I appeal the decision on the appropriate form to the Academic Freedom Review Committee ("AFRC"), via timely delivery to the Vice President, Instruction, with a copy to the immediate supervisor(s) involved. The

statements shall include a copy of the original grievance and a concise statement of the reasons for the appeal.

- 4.7.3 The AFRC shall be comprised of the Academic Senate President/designee, CCFT Grievance Officer, a CCFT unit member selected by the grievant, Dean/designee, Vice President, Instruction/designee, and Dean of Student Services/designee.
- 4.7.4 Within ten (10) days of receipt of the appeal, the AFRC shall meet to consider the appeal. The AFRC shall make every effort to issue its report within this ten (10) day period. In any event, the AFRC's report shall be issued to the grievant and any immediate supervisor(s) involved within twenty (20) days of receipt of the appeal.
- 4.7.5 If the grievant is not satisfied with the resolution of the grievance as recommended in the AFRC report, the grievant may within ten (10) days of receipt of the report appeal on the appropriate form to the Superintendent/President, Level II (section 12.5.2) of the Grievance Procedure shall thereafter be followed, provided that a copy of the AFRC report shall be included in the appeal to the Superintendent/President (and to the Governing Board if the grievant appeals the Level II decision under section 12.5.3.7).