

Special Report

Comprehensive
Standards
4.2.f External Influence
6.4 Academic Freedom



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Special Report on Comprehensive Standards 4.2.f (External Influence) and 6.4 (Academic Freedom)

Introduction

This report is our official response to the Commission's letter of November 2, 2021 in which Dr. John Hardt requested a special report in response to media coverage regarding the University of Florida's preservation and protection of academic freedom. Dr. Hardt's letter presents the following requests:

I am requesting that the institution prepare a report that explains and documents the extent of its current compliance with the following standards of the Principles of Accreditation:

- *Comprehensive Standard 4.2.f. The governing board protects the institution from undue influence by external persons or bodies. (External influence)*
- *Comprehensive Standard 6.4. The institution publishes and implements appropriate policies and procedures for preserving and protecting academic freedom. (Academic freedom)*

The report should include attention to the following questions:

- *To what extent was the recently reported institutional action affected by entities and/or individuals outside the institution's established governing system?*
- *To what extent, if any, was the institution's established governing board involved in the decision-making process prior to the reported action?*
- *To what extent and in what ways is the recently reported institutional action consistent with the institution's published policy on academic freedom?*

Our response addresses the University of Florida's ongoing compliance with the stated standards and provides the necessary documentation and explanation of the areas of concern raised in the questions.

Comprehensive Standard 4.2.f. - External Influence

In this section of our response, we address briefly how the University of Florida Board of Trustees (BoT) ensures that the institution is free from undue influence by external persons or bodies, and respond to these questions regarding external influence:

- To what extent was the recently reported institutional action affected by entities and/or individuals outside the institution's established governing system?
 - **None. These actions were not affected by entities or individuals outside of the university's established governing system.**
- To what extent, if any, was the institution's established governing board involved in the decision-making process prior to the reported action?
 - **The university's governing board was not involved in this decision-making process at any time.**

The decisions that have led to the media reports were all made internally. The University's established governing board, the Board of Trustees (BoT), was not involved in the decision-making process in any way, and entities and/or individuals outside the University's established governing system had no effect on the recently reported institutional action. Because the University's BoT was not involved in the decision-making process, there are no responsive minutes of any governing board meeting to provide.

The University of Florida abides by the regulations of the Board of Governors and the statutes of the State of Florida. These regulations and statutes set forth the processes and responsibilities of the Board of Trustees and ensures the Board is free from undue external influence. The State University System Board of Governors conducts an annual New Trustee Orientation, and this orientation addresses external influence as part of the Trustees Roles and Responsibilities. Trustees are subject to the Florida Code of Ethics and Board of Trustees meetings are subject to Florida's public meeting statute.

Comprehensive Standard 6.4. - Academic Freedom

In this section of our response, we address briefly how the University of Florida preserves and protects academic freedom, and respond to this question regarding academic freedom:

- To what extent and in what ways is the recently reported institutional action consistent with the institution's published policy on academic freedom?

The University of Florida values academic freedom and ensures that it is preserved and protected through policy, procedure, and practice. UF Regulation 6C1-7018 defines UF policy on academic freedom and responsibility, as the following excerpt describes:

The established policy of the University continues to be that the faculty member must fulfill his/her responsibility to society and to his/her profession by manifesting academic competence, scholarly discretion, and good citizenship. The university instructor is a citizen, a member of a learned profession, and an academic officer of the University. The instructor should be constantly mindful that these roles may be inseparable in the public view and should therefore at all times exercise appropriate restraint and good judgment. Academic freedom is accompanied by the corresponding responsibility to:

- *Be forthright and honest in the pursuit and communication of scientific and scholarly knowledge.*
- *Respect students, staff and colleagues as individuals and avoid any exploitation of such persons for private advantage.*
- *Respect the integrity of the evaluation process with regard to students, staff and colleagues, so that it reflects their true merit.*
- *Indicate when appropriate that one is not an institutional representative unless specifically authorized as such; and recognize the responsibilities arising from the nature of the educational process, including such responsibilities, but not limited to, observing and upholding the ethical standards of their discipline; participating, as appropriate, in the shared system of collegial governance, especially at the department/unit level; respecting the confidential nature of*

the relationship between professor and student; and adhering to one's proper role as teacher, researcher, intellectual mentor and counselor.

Article 10 of the 2021-2024 Collective Bargaining Agreement (CBA) between the University of Florida Board of Trustees and the United Faculty of Florida confirms the university's commitment to preserve and protect academic freedom as the following excerpt describes:

10.1 (a) The University and UFF shall maintain, encourage, protect, and promote the faculty's full academic freedom in teaching, research/creative activities, and professional, university, and employment-related public service, consistent with the exercise of academic responsibility.

The institutional actions reported in the media related to three faculty members who sought approval to engage in compensated work outside of their university employment. The University of Florida's process for completing these requests routes them through UFolio, the university's centralized electronic system for the approval of outside activities such as service as an expert witness. The UFolio system is an online, sequential approval process that requires a series of decisions by ancillary reviewers germane to the type of request,

In a November 5, 2021 memo to the entire UF community, President W. Kent Fuchs exercised his authority to resolve the request by the three faculty members in a manner consistent with the university policies on outside activities and academic freedom. In it, he stated, " ... I have also asked UF's Conflict of Interest Office to reverse the decisions on recent requests by UF employees to serve as expert witnesses in litigation in which the state of Florida is a party and to approve the requests regardless of personal compensation, assuming the activity is on their own time without using university resources." While work, such as this, performed by faculty members in their personal capacity and outside of their University employment is not covered by the tenets and protections of academic freedom afforded to faculty as part of their university employment, this final action by the

president ensured compliance with UF's commitment to preserve and protect academic freedom.

Furthermore, in response to community concerns, University of Florida President W. Kent Fuchs initiated a Task Force on Outside Activities to review the university's policy and procedure related specifically to faculty service as expert witnesses. The Final Report proposes both policy and process recommendations to the president. The report recommends adopting a university policy that "publicly affirms the academic freedom of faculty when performing their duties as teachers and scholars" and "publicly affirms the free speech rights of faculty and staff to comment on matters of public concern..."

President Fuchs has accepted the Final Report recommendations and has instructed staff to implement them.

Conclusion

The University of Florida Board of Trustees ensures that the institution is free from undue influence by external persons or bodies through clear and consistently enforced policies and procedures. The University of Florida also preserves and protects academic freedom and its concomitant responsibilities in regulation, operationalizes it in its bargaining agreement with the United Faculty of Florida, and its UFolio process for the approval of outside activities. The Task Force recommendations to reaffirm publicly the university's commitment to academic freedom of faculty and free speech rights of faculty and staff have been accepted. The University of Florida remains in compliance with Comprehensive Standards 4.2.f – External Influence and 6.4 – Academic Freedom.