

(DRAFT) UFS Resolution Regarding Faculty Speech (DRAFT)

Article 5.3(d) of the FAU–UFF Collective Bargaining Agreement for 2012–2015 reads, in part,

When speaking on any matter of public interest, a faculty member shall make clear when comments represent personal opinions and when they represent official University positions.

The free expression of opinion is essential not only to the academic mission of the University, but also to civil society as a whole. This provision of Article 5.3(d) seems likely to cause unwanted confusion and worry among faculty as they engage with our local, regional, national, and global communities, as intended under the University’s Strategic Plan.

First, it may not be clear in all cases whether a matter is of sufficient public interest to require a disclaimer regarding the University’s official position.

Second, even when a faculty member makes such a disclaimer, it may not appear alongside the opinions expressed if and when they are published.

Third, such disclaimers are not common in published opinion articles directed at a popular audience (*e.g.*, op-eds) from faculty members at universities nationwide. Including them in all such articles by FAU faculty would create an impression, both among the public and within the broader academic community, at odds with the vibrant and open academic environment we cultivate at the University.

Fourth, the University does not have the resources to police all expressions of faculty opinion. The deciding factor in determining whether this policy will be enforced in any specific instance of faculty speech is therefore likely to be the content of the ideas expressed. This will necessarily have a chilling effect on the free expression of opinion within the University, and on the University’s effort to engage more meaningfully through its faculty with surrounding communities.

The University administration has asserted that, under Article 5.3(d) of the CBA, publicly stated opinions of individual faculty implicitly claim to represent official University positions unless that claim is explicitly denied. The UFS holds that this interpretation is incompatible with basic principles of academic freedom and civil liberty, as articulated above. The UFS therefore recommends, both to the University administration and to the United Faculty of Florida, that Article 5.3(d) be reconsidered in the upcoming round of collective bargaining. It should either be revised to prohibit only unauthorized faculty speech that explicitly (and falsely) claims to represent official University policy, or else eliminated entirely. Such a revision would benefit not only the faculty, but also the University as a whole.