

AA 5 Review Policy D05.0 and address the need to include language stating how in courses with multiple sections in a semester, the department head might require a common final. Propose a policy change if necessary and bring to senate for discussion and vote.

[Name redacted] proposed that after section I.B the following line might be added: *'In courses with multiple sections in a semester, the department head might require a common final exam'* or *'In courses with sections mostly taught by adjuncts and TA's, the department head might require a common final exam'*. [Name redacted] suggests AAUP Parate vs. Isibor may be informational.

RIT policies:

Policy D05.0 reads:

I. STATEMENT OF STANDARD

At the commencement of the course, and as appropriate throughout the course, it is the instructor's responsibility to:

- A. Define criteria for evaluation.
- B. State the process for converting the professor's evaluation criteria to the RIT grading system.
- C. Identify timelines for announcement, submission, and the return of graded work either at the beginning or during the progress of the course.

E02.0 PRINCIPLES OF ACADEMIC FREEDOM

Scope: This policy applies to all members of the RIT faculty.

Policy Statement

RIT is guided by the principles of academic freedom as articulated in the American Association of University Professor's "1940 Statement of Principles on Academic Freedom and Tenure with the 1970 Interpretive Comments." (<https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>). These principles are in part quoted below.

"When [faculty] speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they

should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.”

All members of the faculty at Rochester Institute of Technology are entitled to full freedom in their teaching, in studies and research, and in the publication of the results of their studies or research. Likewise, they are entitled to freedom in the classroom in discussing their subjects and material relating directly to them. However, they shall not regularly introduce into their teaching controversial material which has no relation to their subjects. Likewise, it is expected that the aforementioned teaching will be aimed toward achieving the educational objectives agreed upon by the faculty, administration and board of trustees. Independent study and research is encouraged for members of the faculty subject to the proper performance of their other responsibilities to the University.

Case law (a layman’s perspective):

“Holding that a university professor has a First Amendment right to assign grades and evaluate students as determined by his or her independent professional judgment” [BROWN v. LI, 308 F.3d 939 \(9th Cir. 2002\)](#)

“Because the assignment of a letter grade is symbolic communication intended to send a specific message to the student, the individual professor's communicative act is entitled to some measure of First Amendment protection.” Parete v. Isibor 1989

Case law (Bobby Colon’s perspective):

The citations really only apply to the assignment of grades and, as a result, are not directly on point with the plaintiff’s concern. Further, the case law only refers to public institutions not private institutions. Private institutions (like RIT) do not have any inherent right to free expression. Any such rights are strictly a function of the institutions internal policies. E2.0 could be read to apply to the plaintiff’s concern.

The Committee’s Conclusion:

Policy E2.0 gives the RIT administration the right to determine and enforce educational standards, a right which supersedes the individual academician’s right to academic freedom. Therefore, there is no need to rewrite policy D5.0 to give the administration this power.

No change in policy is recommended.