



UNIVERSITY
OF WYOMING

Office of
Academic Affairs

Academic Freedom and Wyoming State Law *Education vs. Promotion of Institutional Discrimination*



University Policy

“Academic freedom in teaching protects the **rights** of Academic Personnel to teach according to their expertise. Academic Personnel are entitled to **freedom** in discussing their subject. Academic Personnel have a **responsibility** to ensure that their teaching is effective and consistent with the standards of the discipline, understanding that disciplines may have diverse points of view on any given subject. Teaching may involve controversial material; however, with academic freedom in the classroom, Academic Personnel also have the **responsibility** to respect others’ freedom to express disagreement and alternate opinions.”

Additionally, the University of Wyoming adheres to the principles of the American Association of University Professors (AAUP) “Statement of Principles on Academic Freedom and Tenure”.

[UW Regulation 2-15 on Academic Freedom]

Responsibilities of Academic Freedom

- Academic Personnel have the **freedom** to teach and discuss their subject in the classroom, including material reflecting scholarly standards, understandings, and expertise.
- Academic Personnel also have the important **responsibility** to preserve a climate of ongoing inquiry where ideas can be openly shared and rigorously examined by all.

Responsibilities of Academic Freedom

Responsibilities include:

1. Ensuring that their teaching is consistent with the standards of their discipline.
2. Being careful not to introduce controversial or persistently intrusive material which has no relation to the subject being taught.
3. Respecting others' freedom to express disagreement and alternative opinions, while recognizing students may be expected to learn material with which they may disagree.

[UW Regulation 2-15 & AAUP Statement]

Wyoming State Law: House Bill 0147

“No governmental entity shall... require instruction promoting institutional discrimination.” Institutional discrimination means any of the following concepts:

- (A) That any race, color, religion, sex, ethnicity or national origin is inherently superior or inferior;
- (B) That a person should be discriminated against or adversely treated because of the person's race, color, religion, sex, ethnicity or national origin;

- (C) That the moral character of a person is determined by the person's race, color, religion, sex, ethnicity or national origin;
- (D) That because of a person's race, color, religion, sex, ethnicity or national origin the person is inherently racist, sexist or oppressive, whether consciously or subconsciously;
- (E) That by virtue of a person's race, color, religion, sex, ethnicity or national origin, the person is inherently responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity or national origin;

- (F) That fault, blame or bias should be assigned to members of a race, color, religion, sex, ethnicity or national origin, on the basis of race, color, religion, sex, ethnicity or national origin;
- (G) That any person should accept, acknowledge, affirm or assent to a sense of guilt, complicity or a need to apologize on the basis of the person's race, color, religion, sex, ethnicity or national origin;
- (H) That meritocracy or certain traits including a hard work ethic are racist or sexist.

Application in the Classroom

Scenario 1: An instructor provides lessons on the history of women's suffrage and the equal rights movement.

Response: No conflict.

Application in the Classroom

Scenario 2: An instructor shares data on socioeconomic outcomes based on race. The instructor then states that negative societal outcomes for other races in the United States are caused by the white controlling class. They finally inform the room that white students should begin conversations with someone of another race with the assumption that they contributed to that person's hardships.

Application in the Classroom

Scenario 2 Response:

- An instructor shares data on socioeconomic outcomes based on race.

No Conflict.

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- The instructor then states that negative societal outcomes for other races in the United States are caused by the white controlling class.

In Conflict with HB 0147 “(F) That fault, blame or bias should be assigned to members of a race, color, religion, sex, ethnicity or national origin, on the basis of race, color, religion, sex, ethnicity or national origin”.

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- They finally inform the room that white students should begin conversations with someone of another race with the assumption that they contributed to that person’s hardships.

In conflict with HB 0147 “(G) That any person should accept, acknowledge, affirm or assent to a sense of guilt, complicity or a need to apologize on the basis of the person’s race, color, religion, sex, ethnicity or national origin”.

Application in the Classroom

Scenario 2: An instructor shares data on socioeconomic outcomes based on race. The instructor shares with the class that they will explore the data and discuss possible rationale, connections, and implications. The students are assigned to support or refute the following hypothesis using evidence: The white controlling class is the cause of societal outcomes faced by other races. The instructor finally states that everything shared by students will be considered objectively, and that disagreement, debate, and discussion is welcomed in the classroom.

Response: No Conflicts

Encouraged Classroom Practices

- All instruction, including that related to race, color, religion, sex, ethnicity or national origin, that remains consistent with the standards of the discipline, understanding that disciplines may have diverse points of view on any given subject.
- Educating and evaluating students on the basis of scholarly standards, understandings, and expertise, recognizing this may include instruction in materials with which they may not agree.
- Creating space for the reasoned and respectful exchange of ideas that respects other's freedom to express disagreement and alternate opinions in the spirit of scholarly inquiry.

Self-Reflection Questions and Thoughts for Academic Personnel

- If a lesson/module/program does not require instruction that promotes an aspect of institutional discrimination as defined in HB0147, **then all instruction consistent with the standards of the discipline – including that related to issues of race, color, religion, sex, ethnicity, or national origin – remains protected under UW Regulation 2-15 for Academic Freedom.**
- Am I sharing established or emerging understanding of the discipline?
- Am I introducing material that is not established understanding in the discipline or has no relation to the subject being taught? If so, what is the intended educational benefit and how am I communicating this to students?
- Am I respecting others' freedom to express disagreement and alternate opinions?
- How am I framing a conversation? Am I setting clear expectations for discussion?

Communication with Students

- “Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.” (AAUP Statement on Rights and Freedoms of Students).
- "Academic freedom does not negate the rights of students and the public to disagree with Academic Personnel's work, although students are expected to learn material with which they may disagree." (UW Regulation 2-15)
- Students will be provided links to HB 0147, the faculty FAQ, and a student FAQ.
- If a student shares concerns, faculty should feel comfortable sharing the law, the FAQs, this presentation, and the existing complaint process.
- Should students desire to share a complaint, UW will use the existing complaint process and it will be vetted similarly to other classroom-related complaints.

Questions?

