

Academic Freedom

1. This Academic Freedom policy applies only to the Regent University School of Law notwithstanding any Regent University policy to the contrary. This policy does not create any contractual right, and nothing in this policy shall be construed as a waiver of the School of Law's rights under the United States or Virginia Constitution.
2. The term "Academic Freedom" refers to a sphere of specified faculty activities that is generally accorded protection from certain types of University restraint, interference, or sanction, as detailed in this policy. The underlying purpose of Academic Freedom is to foster the free exchange of knowledge and ideas, and it is to be construed in a manner that is consistent with the Statement of Faith, the Christian Community and Mission Policy, and the Faculty and Academic Policy Handbook of Regent University. Academic Freedom applies to all individuals who teach in law school courses during the term of their contracts (as applicable), regardless of faculty or employment status, rank, or title, including (but not limited to) adjunct, doctrinal, clinical skills, legal writing, academic success, and library faculty, as well as non-faculty, who engage in "academic activities" as defined herein. Academic Freedom does not apply to a faculty member who is acting in an administrative capacity. The "academic activities" to which this policy applies are (a) teaching in assigned classes or at other University-sponsored events, including activities related to client representation in clinical programs; (b) research; (c) speaking in public; (d) publication; (e) service activities in which the faculty member is called upon to contribute; (f) law school governance; (g) law-related public service activities; and (h) curating library collections and providing information services. "Academic Freedom" means that any individual teaching a law school course is free to convey to students his/her opinions, conclusions, and analysis with regard to the subject being taught, and (within the accepted academic parameters of the course, provided that such is consistent with the Statement of Faith and the Christian Community and Mission Policy (as applicable), and subject to reasonable University direction and oversight) to exercise discretion with regard to teaching methods, materials used, mode of delivery, and course structure. In research, public speaking, and publication, "Academic Freedom" means that the individual instructor may choose topics, may pursue any line of approach or inquiry, and may disseminate his/her opinions and conclusions in whatever form and forum he/she chooses, again, consistent with the parameters of this Policy.
3. The University shall not seek to restrict or interfere with Academic Freedom, as defined above, nor adversely sanction the exercise of Academic Freedom, by taking (or threatening to take) any of the following actions: terminating employment; denying tenure or confirmation; removing from confirmation/tenure-track; non-renewing a contract (with the exception of adjunct faculty); revoking tenure or confirmation; denying promotion; denying an otherwise-earned or available increase in compensation; or any other action relating to a benefit or privilege of employment.

4. It is not a violation of this policy for a Dean or other appropriate University representative to discuss and counsel with an individual teaching a law school class regarding the School of Law's needs, focus, or strategic goals in the areas of research. The ultimate choice of which research area(s) to pursue, and how to disseminate the results of that research, remains with the individual instructor, and is protected as Academic Freedom.
5. The following are in the discretion of the Dean and are not a matter of Academic Freedom protection: (a) assignment of professors to courses; (b) research assignments; (c) service assignments; (d) timing and location of courses and exams; (e) requirements of syllabi; (f) learning outcomes; and (g) modality of courses (e.g., in-person, online, etc.). In teaching, the University may counsel and evaluate an individual teaching a law school course on the method, quality, and effectiveness of the individual's teaching, as well as on Christian faith integration. The Dean may also require that certain content be taught or particular skills be developed in specific courses, though the manner in which such content shall be taught shall be within the discretion of the individual instructor, consistent with the parameters of this Policy.
6. Individuals teaching in law school courses are free to speak and engage in activities in a variety of contexts. When engaging in such activities as a private citizen, these instructors should take into account that the public may identify them as members of the Regent community; in appropriate contexts, the instructor should make it clear that s/he does not represent or speak for the School of Law or for the University. The School of Law and/or the University may require, in appropriate circumstances, that the instructor clarify that the instructor does not represent or speak for the School of Law or for the University. When speaking or writing as a private citizen, individuals teaching in law school courses should be free from institutional censorship or discipline.
7. Nothing in this policy shall be construed to allow an individual teaching in a law school course to disavow, contradict, or advocate against the University's Statement of Faith or Christian Community and Mission Policy (as applicable), or any specific provision thereof; such actions are not protected as Academic Freedom. Outside of the specific provisions of the Statement of Faith and the Christian Community and Mission Policy (as applicable), these instructors in their academic activities are not required to conform to or espouse any particular religious doctrine or practice.
8. An individual teaching in a law school course (or individual formerly teaching in a law school course) who believes his/her Academic Freedom has been violated, or is threatened, shall provide a concise written description of the violation or threat to the Dean, and the Dean shall determine what process is appropriate and what action, if any, should be taken.

- a. The decision of the Dean shall be final in all cases except those involving significant adverse employment decisions against full-time faculty members (such as termination of employment or denial of tenure), in which case the Dean's decision may be appealed within 14 days to the University Provost, or his/her equivalent, however titled, and reviewed under an arbitrary and capricious standard. The Provost's decision may be appealed within 14 days to the University Chancellor, or his/her equivalent, however titled, and reviewed under an arbitrary and capricious standard. In such cases, the decision of the Chancellor shall be final.
- b. If the Dean believes his/her Academic Freedom has been violated, or is threatened, he/she shall provide a concise written description of the violation or threat to the Provost, or his/her equivalent, however titled, and the Provost shall determine what process is appropriate and what action, if any, should be taken. The decision of the Provost shall be final in all cases except those involving significant adverse employment decisions (such as termination of employment or denial of tenure). In cases involving significant adverse employment decisions other than termination of employment, the Dean may appeal the Provost's decision within 14 days to the University Chancellor, or his/her equivalent, however titled, and the decision shall be reviewed under an arbitrary and capricious standard. In such cases, the decision of the Chancellor shall be final. In cases involving termination of employment, the Dean may appeal the Provost's decision within 14 days to the Chancellor, or his/her equivalent, however titled, and the decision shall be reviewed under an arbitrary and capricious standard. In such cases, the Chancellor must consult with the Board of Trustees and receive any necessary approvals from the Board before making a final determination on the employment status of the Dean, and the decision of the Chancellor shall be final.
- c. Due process must be afforded any individual teaching in a law school course to adjudicate any claimed violation, and the process may vary based on factors such as the severity of the alleged violation, any discipline threatened or imposed, the status of the complainant. For significant adverse employment decisions against full-time faculty members (such as termination of employment or denial of tenure), the process must include, at a minimum, appropriate notice affording the complainant the opportunity and adequate time to prepare a defense, a hearing, and the right to appeal the decision. Lesser sanctions or adverse actions against individuals other than full-time faculty may involve less process.