



November 11, 2020

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Professor Kat Balch
Faculty Council President
Collin College, Frisco Campus

RE: Administration Response to Faculty Council's 10-30-20 Statement

Dear Professor Balch:

In the matter of the Faculty Council's Oct. 30th statement regarding Academic Freedom which was received by my office, the statement has been considered and the administration's response is detailed below. Before moving to the formal response; however, please allow me to make some opening comments.

Our shared profession – that of higher education – is, by definition, heavily invested in the discipline of inquiry. When we – meaning all of us – allow ourselves to fall prey to snap judgments, commenting without all of the facts, or communicating a position broadly – even when the effort is sincerely well-intentioned, unintended consequences often ensue. For me, two ingredients have proven timeless in seeking an accurate understanding of events that transpire. The first is time itself. With an admitted bias to action, I have to remind myself routinely to allow appropriate time for consideration of the facts before me. Time is the ingredient that allows thoughts to crystalize, new facts to become evident, and unexpected and often vibrant connections to help inform our understanding. Time allows the crafting of elegant solutions and better informs thoughtful commentary. The second ingredient for me is humility. It takes humility to look past our own biases and positions and understandings to seek out truth – even when that truth does not support our current understanding. Humility is also required to believe the best of others – particularly those with whom we appear to be in disagreement. Everyone has their own path but, for me, humility is the immediate byproduct of recalling the times when I have made mistakes or gotten something wrong – sometimes incredibly wrong. When I reflect on my own past missteps, it reminds me to make the time to carefully consider opposing views, identify my potential biases, and work to achieve an accurate understanding.

Observing our deteriorating national discourse today, we are in a time when it seems that everything passes through a sieve fully intent upon dividing comment and thought into one side or the other regardless of original intent or even best intentions. I believe higher education – and the discipline of honest

inquiry – to be a sacred trust. I believe fully in the mission of Collin College and continue to feel privileged to play a part – however small – in every student success. I remain hopeful that we, as a body of educators, can avoid falling prey to the divisive attacks and rhetoric that surrounds us and continue in our noble quest to change lives through education. My wife and I are both first-in-family college graduates. I can attest that higher education has profoundly changed our life trajectory for the better and I want the same opportunity for everyone who will partake. My belief is that the vast majority of Collin College colleagues are deeply committed to the same. It is in the shadow of that commitment and principal world view that I write today.

So, allow me please to walk through the Faculty Council resolution and answer accordingly.

FC Statement No. 1: *Faculty Council supports the right of faculty, staff, and students to speak freely without fear of discipline, in accordance with their freedom of speech and academic freedom.*

Response: Collin College supports the right of faculty, staff, and students to “enjoy the constitutional freedoms guaranteed to all citizens by the United States’ Constitution and the Constitution of the State of Texas” in accordance with our governing Board Policy DGC(LOCAL).¹ All faculty members are entitled to academic freedom and bear a concurrent dedication to academic responsibility.²

Since the times of the 1992-1994 *Faculty and Staff Handbook* and subsequently the college’s formal adoption of Board Policy DGC(LOCAL) in 2004, Collin College faculty have subscribed to the principles expressed in the Statement of Academic Freedom and Responsibility adopted February 19, 1982, by the Texas Junior College Teachers’ Association (the “Statement”), the text of which is made an integral part of Board Policy. Per that Statement:

- “In the classroom, faculty members have the freedom to discuss any controversial matter and to voice opinions within areas of their professional competence. At the same time, faculty members have an obligation to acquaint students with other scholarly opinions on the subject.”³
- “Outside the classroom, faculty members are free from institutional censorship or discipline for exercising their rights as private citizens to express themselves freely on matters of public concern, to associate with persons or groups as they so choose, and to participate in political or other kinds of activities. When faculty and support staff speak or write as private citizens, however, they must bear in mind that their actions will inevitably be judged by the public and reflect upon their profession and institution. Therefore, faculty and support staff will strive for accuracy, exercise appropriate restraint, exhibit tolerance for differing opinions, and indicate clearly that they are not an official spokesperson for the College District.”

The policy outlines the ways in which the institution will protect academic freedom and goes on in some detail about the simultaneous requirement of academic responsibility. The college’s statement of purpose on academic freedom and responsibility is outlined on pages 2-3 of Board Policy DGC(LOCAL). As referenced, the college’s own statement unequivocally provides that the academic freedom of faculty will be accompanied by “equally compelling obligations and

¹ Board Policy DGC(LOCAL) is available at: [https://pol.tasb.org/Policy/Download/304?filename=DGC\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/304?filename=DGC(LOCAL).pdf)

² See DGC(LOCAL), at page 1, [https://pol.tasb.org/Policy/Download/304?filename=DGC\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/304?filename=DGC(LOCAL).pdf)

³ *Id.*

responsibilities” to **their profession, their students, Collin College, and their community.**⁴ Faculty members are expected to “defend the rights of academic freedom while accepting willingly the responsibilities” enumerated in the policy:

1. “Faculty members will be judicious in the introduction of material in the classroom without forfeiting the instructional benefits of controversy.
2. Faculty members are entitled to all rights and privileges of academic freedom in the classroom while discussing the subjects they teach. No faculty member, however, will attempt to force on his or her students a personal viewpoint intolerant of the rights of others to hold or express diverse opinions. Faculty members will not act in a manner that is perceived as being abusive, either physically or verbally, by their students.
3. Faculty members will recognize their responsibility to maintain competence in their disciplines through continued professional development and to demonstrate that competence through consistently adequate preparation and performance.
4. Faculty members will recognize that the public will judge their institution and their profession by their public conduct. Therefore, faculty members will always make clear that the views they express are their own and will avoid creating the impression that they speak or act on behalf of the College District or of their profession.
5. Faculty members will recognize their responsibility to adhere to the policies and procedures of the institution. **Therefore, faculty members who have differences of opinion with existing or proposed policies or procedures will express these views through the standing committee structure of the College District or their supervising administrators.**⁵

Therefore, to the extent that Faculty Council recognizes that academic freedom is inextricably bound with academic responsibility, then Faculty Council’s Oct. 30th statement is correct that the rights of faculty, staff, and students to speak freely should be supported, as indicated in each Board policy that applies to faculty, students and employees.

FC Statement No. 2: *Collin College and its administration should aim to protect faculty, staff, and students from reprisal, harassment, censorship, or interference from groups or individuals, both within and outside of the college.*

Response: This is partially covered in the previous point referencing DGC(LOCAL). To reiterate, the clear path delineated in DGC(LOCAL) is that faculty should act prudently and: (1) strive for accuracy; (2) exercise appropriate restraint; (3) exhibit tolerance for differing opinions; and (4) indicate clearly that they are not an official spokesperson for the college. If and when those principles are adhered to judiciously, the college has the ability to not only protect faculty, staff, and students from consequences but also to fully defend them against legal claims.

That notwithstanding, when the referenced policies are not followed, the college is severely limited in how it can protect individuals who engage in conduct that is incompatible with the principles contained in Board policies, or that clearly undermine the college’s Core Values, including the value of treating all individuals with dignity and respect.

⁴ *Id.* (emphasis added).

⁵ *Id.* (emphasis added to items numbered 2, 4, and 5).

When conclusions are drawn without having all or some of the relevant facts, there is a risk of making significant errors in judgment. Therefore, to help frame some of the circumstances that fall outside of the parameters set by Board policies, examples of actions inconsistent with our Board policies and Core Values are provided as follows:

- **Non-Affiliation**: This principle can be violated when a faculty member, mistakenly or deliberately, links his/her personal views to the college.
- **Tolerance**: This principle can be violated when a faculty member does not exhibit tolerance for differing opinions and instead, fairly or unfairly, attacks others using the college's email system or other resources.
- **Appropriate Restraint**: It is unfortunate that while technological advances have made forms of communication more diverse and accessible, in many respects, the quality of our interpersonal communication has, indeed, deteriorated. We may find ourselves texting or posting statements that we would never say to another individual face-to-face and in response to public posts, faculty members may receive bitter criticism and scathing attacks. Perhaps that is to be expected in the "robust" exchanges of the "marketplace of ideas" necessary for higher education to thrive. Healthy or controversial debate over political, social or other matters of public concern is welcome. There is never an excuse, however, for vitriol on any side of an issue and the College does not condone such attacks by any groups or individuals against our faculty members, nor by our faculty members against others.
- **Accuracy**: Faculty members should strive to be accurate in their statements. When debating ideas or matters of public concern, and particularly those that fall into the realm of opinion, that can prove difficult.

Collin College's administration has, in fact, protected faculty from reprisal, harassment, censorship, and interference. The college has not buckled to campaigns to terminate the employment of or censor its faculty for their extramural expressions. The statement issued by the college on October 12, 2020 – which did not identify any specific faculty member by name or contain false information – successfully quelled the on-going demands for immediate action and attacks that the college received in response to recent expressions by a faculty member. No disciplinary action was ever taken, or contemplated, by the college as a result of such actions.

To sum up, when an individual utilizes college resources (e.g., email systems) in response to social media attacks, intentionally links personal commentary to the college by our name giving the implication that the college has taken a position on an issue or, when we use College resources to counter-attack our attackers ridiculing the sincerity of their religious beliefs, their alma mater, or directly threaten to inform their employer of their choice of words in exercising their freedom of speech; it creates an untenable position for all. Worse, when the narrative that is circulated is remarkably remiss of all the facts and actions at issue, the story becomes sensationalized such that the college is unable to respond to such misguided assumptions.

Conversely, the college recognizes also that there will be cases wherein private commentary is invariably linked to the college outside of the originator's intent. There is a major difference, however, in accidental association by others and deliberate association by an individual.

By submitting the resolution on October 30, 2020, it appears that Faculty Council members may mistakenly believe that reprisal, harassment, censorship, or interference recently occurred, but it did not. Given that no one contacted my office to verify underlying assumptions in the face of a patently false narrative, the resolution is, at best, incomplete. The college is absolutely and unequivocally poised and prepared to fully defend and protect faculty members who recognize the parameters of free speech set out by Board policies and who seek, or attempt to use, sound judgment and professionalism in their communication.

FC Statement No. 3: *Faculty Council urges Collin College to publicly reaffirm its commitment to the principles of intellectual freedom and freedom of speech as already elucidated in Collin College's Board Policies and rescind the College statement of October 12, 2020.*

Response: Collin College has long affirmed its commitment to freedom of speech and academic freedom as stated in applicable Board policies, including already referenced DGC(LOCAL). The college's public statement on practicing academic freedom is found on one of our main webpages, <https://www.collin.edu/aboutus/missioncorevalues.html>, which reiterates the college's long-standing Board policy DGC(LOCAL).

Moreover, the college was free to also exercise its own free speech rights and to address faculty member's posts, as many of you may be aware given the letters that have been exchanged and publicized on this matter. Accordingly, in protecting the college's free speech rights, the college will not censor itself or rescind the previously issued statement.

We appreciate this opportunity to restate the college's governing policies and the responsibilities we all share.

Best regards,



H. Neil Matkin, Ed.D.
District President