Curriculum and Instruction Committee  
Meeting Minutes  
Thursday, March 17, 2011  

Attendees:  

Grady Carter, MD  
Carolyn Klatt, MLIS  
Marie Dent, PhD  
Edward Klatt, MD  
Robert Donner, MD  
Blanca Lopez, MD  
Wayne Glasgow, PhD  
Michael Smith, PhD  
Ashley Horner, PhD  
Jerry Tift, PhD  
Jeff Ignatoff, MD  
Tina Thompson, PhD, Chair  
William Solomon, Senior VP, General Counsel & Secretary of the Council  

Absent:  

David Burtner, MD  
Umangi Patel, MSIII  
Wade Fletcher, MD  
Patrick Roche, MD  
Joseph Harmon, MSI  
Abhi Saxena, MSIV  
Klugh Kennedy, PharmD  
Allison Scheetz, MD  
Erin Meehan, MSII  
McKinley Thomas, EdD  

Call to order  

Dr. Tina Thompson, Chair of the CIC Committee, called the meeting to order at 4:37 PM.  

Approval of Minutes  

The minutes of the March 3, 2011 meeting were presented for the approval of the committee.  

The minutes were approved by acclamation.  

Old Business  

There was no old business to present.  

New Business  

Mr. Bill Solomon
At the March 3, 2011 CIC meeting, the committee expressed concern over the seeming arbitrary use of the term ‘Academic Freedom’ whenever the CIC initiates curricular review and/or reform. Dr. Thompson invited Mr. Bill Solomon to attend a CIC meeting to discuss this issue.

Dr. Thompson introduced William Solomon, Senior VP, General Counsel and Secretary of the Council to the committee stating what an honor it was to have him there. Mr. Solomon spoke of the legal status of academic freedom.

Mr. Solomon stated that the concept of academic freedom is grounded in academic custom and tradition rather than in the law. On the limited number of occasions that the courts have recognized academic freedom rights for individual faculty members, it is on the basis of First Amendment guarantees of the rights of free expression on matters of public concern. To the extent that academic freedom has any legal status, it is the academic freedom of the university that has been confirmed to the greatest degree.

Academic Freedom of Individual Professors - The American Association of University Professors (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure:

“Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties.

“Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

“College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they 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.”

Institutional Academic Freedom - The United States Supreme Court has recognized a right of institutional academic freedom. In his concurring opinion in Sweezy v. New Hampshire 354 U.S. 234, 263 (1957), Justice Felix Frankfurter stated:

“It is the business of a university to provide that atmosphere which is most conducive to speculation, experiment, and creation. It is an atmosphere in which there prevail the ‘four essential freedoms’ of a university – to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.” (Emphasis added)
Generally, the university faculty collectively has the primary responsibility for those “academic decisions” that determine “who may teach, what may be taught, how it shall be taught, and who may be admitted to study.”

“[The] courts’ willingness to defer to [institutional] policies is in large part a consequence of their having been established or reviewed by duly constituted faculty bodies (e.g., course content is the province of curriculum committees; the overall level of academic rigor is ultimately traceable to decisions of faculty admissions committees).” *(Emphasis added)* (Steven G. Poskanzer, *Higher Education Law: The Faculty* 102 (Johns Hopkins University Press, 2002)

Universities have their greatest authority in matters regarding the classroom, and in particular, teaching methods and course conduct.

Generally, universities also have less authority to limit faculty rights in the arena of research and publication *(i.e., scholarship)* than in the classroom.

While a faculty member’s out-of-class conduct (such as advocating for a different grading system) is generally protected, a faculty member’s in-class conduct (such as deciding what will be taught in the classroom in contravention of university policy) is not.

As long as a university’s actions are based on pedagogical or academic grounds, the institution will generally be given wide discretion to determine teaching methods and to establish curriculum standards.

Mr. Solomon presented selected court cases and legal commentary as examples to the committee for better understanding of the issue. A question and answer session was held. Committee members thanked Mr. Solomon for his presentation and assistance in this matter.

**Pathology Review**

Dr. Scheetz was scheduled to present the Pathology Discipline Review but was unable to attend the meeting. The review has been moved to the 4/7/11 meeting.

**Pediatric ENT Elective**

Dr. Scheetz was scheduled to present a Pediatric ENT elective recently approved by the 4th Year Subcommittee. She was unable to attend this meeting and will present the elective at the next CIC meeting.

**Information Item**

**Student work hours – CDSC**

Dr. Thompson stated that at the last CDSC meeting, the committee reaffirmed the 80 hour work week for students as stated in the current student handbook. The ACGME announced changes to the work hour rules for residents. The clerkship directors voted to keep the work hours for students as currently stated.
Adjournment

There being no further business to discuss, a motion was made and seconded to adjourn the meeting at 5:10 PM.

Minutes recorded by:
Debbie Brickner