



Recommendations to the Presidential Commission

1. The university must create a legitimate and effective mechanism for enforcing the Guidelines on Open Expression. Currently, the Vice Provost for University Life has sole responsibility for determining when Guidelines have been violated and enforcing them. As a result, the university administration has been allowed to violate the Guidelines with impunity, repressing and punishing legitimate forms of expression. The power to interpret and enforce the Guidelines on Open Expression must be transferred to a new elected body consisting of faculty (tenure-track and non-tenure-track), staff, and students, all elected at large.
2. The university must enforce and strengthen its own policies protecting academic freedom, which are enshrined in the [Faculty Handbook](#) and derive almost verbatim from the [AAUP's 1940 Statement of Principles](#). The suppression of research, teaching, and intramural and extramural speech this year—particularly research and teaching on Palestine, and speech critical of the war in Gaza and of Israeli government policies—has undermined the university's basic academic functioning and subjected members of the university to discrimination, marginalization, and threats of personal violence. These violations have opened the door to a broad attack on academic freedom that endangers all areas of research and teaching across the entire university.

The university should take the following first steps this semester:

- a. Members of advisory and governing boards who have proposed to rewrite university policies in violation of the principles of academic freedom, or who have threatened university programs and members for activity protected by academic freedom, should be removed from those boards and barred from serving again.
- b. Administrators must publicly denounce the targeted harassment of members of the university, as recommended by [Faculty First Responders](#). Targeted harassment is a threat to the academic freedom of all faculty, and it is dangerous and unwarranted for administrators to issue statements condemning faculty, staff, and students who are subject to targeted harassment.
- c. The Faculty Handbook should be amended to include explicit protections for intramural speech in accordance with the norms of the academic profession. The national AAUP provides two examples of sample language:

Academic freedom is the freedom to teach, both in and outside the classroom, to conduct research and to publish the results of those investigations, *and to address any matter of institutional policy or action whether or not as a member of an agency of institutional governance*. Professors should also have the freedom to address the larger community with regard to any matter of social, political,

economic, or other interest, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence. (Emphasis added)

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- d. Following AAUP principles, the Faculty Handbook rightly guarantees freedom in teaching to all faculty members, whether tenure-track or non-tenure track: “The teacher is entitled to freedom in the classroom in discussing their subject.” However, non-tenure-track faculty members routinely experience violations of this right, and many if not most members of the university have no knowledge that academic freedom applies to all who do the work of research and teaching. Therefore, the Faculty Handbook should be amended to make that fact explicit, incorporating language from the AAUP’s statement [The Freedom to Teach](#).
3. Academic freedom by definition entails both principles and institutions to enforce them, most important among them unions, faculty senates, and the institution of tenure. The university should adopt a policy of neutrality in union organizing drives. This means that Penn should end its decades-long practice of running anti-union campaigns designed to interfere with workers’ legal right to organize and prevent them from having a collective voice in institutional decisions that affect their lives. This issue is immediately relevant: Penn is currently conducting a costly anti-union campaign against GET-UP, designed by the anti-union law firm Cozen O’Connor.
 4. The university should equalize conditions for non-tenure-track and tenure-track faculty: all faculty must enjoy job security and fair pay and benefits that are preconditions for the exercise of academic freedom. Today, the majority of Penn faculty are employed in non-tenure-track positions. It is an intolerable expression of disrespect, a threat to academic freedom for all faculty, and a threat to the quality of research and teaching to force the majority of faculty members to work in conditions of precarity.

Several immediate steps can be taken this semester:

- a. Penn should adopt, and write into the Faculty Handbook, the AAUP’s standards for timely notice of contract non-renewal. [For full-time faculty](#), the university should give notice "Not later than March 1 of the first academic year of service"; "Not later than December 15 of the second academic year of service"; and "At least twelve months before the expiration of an appointment after two or more years in the institution." As for [part-time faculty](#), those “who have been employed for six or more terms, or

consecutively for three or more terms,' should receive at least a full term's notice of nonreappointment."

- b. The university should raise the pay of ASL lecturers who have received just one raise in two decades.
 - c. The university should equalize family leave policies for tenure-track and non-tenure-track faculty across the university, and write that change into the Faculty Handbook.
 - d. The university should submit data on salary and benefits of full-time and part-time non-tenure-track faculty to the annual [AAUP Faculty Compensation Survey](#). Penn is one of only three institutions in the country that fails to provide comprehensive data. All of Penn's peer institutions in the Ivy League do so.
5. In order to make protections of academic freedom enforceable, the Faculty Senate must be made a stronger, democratic, and independent voice representing the faculty. As first steps, all non-tenure-track faculty (full-time and part-time) should be eligible for membership, full participation, voting rights, and officeholding in the Faculty Senate in accordance with AAUP principles; the Tri-Chairs should be elected at large by all faculty (tenure-track and non-tenure track); and the Faculty Senate's existing rule barring deans from serving as officers should be enforced. The Faculty Senate must be able to take positions independent of the administration and represent all faculty who are protected by the Faculty Handbook; it cannot do that when it does not represent the majority of faculty and when its leadership includes the university administration.

More broadly, the Faculty Senate must be transformed into a governing institution. At present, its rules restrict it to serving an advisory function. This is inconsistent with the principle of shared governance: the Senate must provide faculty with a mechanism to make policy, not simply to write reports and issue statements that the central administration and trustees can ignore.