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NDU Faculty Handbook 2008¹

The National Defense University is the premier institution of higher education that emphasizes security studies, broadly defined. The university aspires to maintain its international preeminence through superior academic teaching, research, deliberation, discussion, and publication. The faculty provides the institution's intellectual capital and supplies its dynamic force to conduct research, analyze information, create knowledge, and educate future leaders. To perform the above tasks—teaching, inducing critical thinking, and inquiry--the faculty requires academic freedom as a necessary condition to do its job. The faculty members, granted such public trust, will conduct their academic profession with *integrity, sound judgment, and good taste, subject to peer review, professional ethical standards, and academic due process.*

Academic Freedom

Academic freedom is not an indulgence but a necessity to realize the university's aspirations.² The National Defense University has subscribed and continues to subscribe to the American Association of University Professors' Statement of Principles on Academic Freedom, issued in 1940 with its added interpretations of 1970. It explains that "The purpose of this statement is to promote public understanding and support for academic freedom and tenure and agreement upon procedures to ensure them in colleges and universities."³ Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institutions as a whole. The common good depends upon the free search for truth and its free exposition." Academic freedom is therefore understood to be essential to the U.S. national interest, and upheld by the United States Supreme Court as a right protected by the First Amendment (*Keyishian v. Board of Education*, 385 U.S. 589-1967).⁴ The 1940 Statement of Principles on Academic Freedom specifies that,

1. 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; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

¹ The contents of this document supersede all relevant previous NDU policies.

² Stanley Fish, "academic Freedom Is Not a Divine Right," *The Chronicle of higher education*, ...

³ American Association of University Professors & Association of American Colleges and Universities 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments, p. 3. Professors at National Defense University are not offered tenure but awarded renewable contracts.

⁴ AAUP & AACU 1940 Statement of Principles on Academic Freedom, p. 5.

2. Teachers (including research faculty without direct teaching duties) 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. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the [faculty] appointment.
3. 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.⁵ 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.⁶

The Chairman of the Joint Chiefs of Staff, under provisions and requirements of Title 10, United States Code, has directed the President of the National Defense University to establish a climate of academic freedom within the university to foster thorough and lively academic debate, and to examine national security issues.⁷ To continue to craft the best possible national security policy for the United States and offer the best possible advice to U.S. leaders, students, the faculty of the university must be free to examine policy from all viewpoints. It is therefore a combination of academic freedom enhanced by non-attribution that facilitates the achievement of the desired U.S. national capabilities.⁸

Non-attribution is a policy well-entrenched at National Defense University. That is so to enable and encourage the university community and visiting guests to speak candidly. The policy assures that presentations offered and discussions held are conducted in strict confidence. The university assures that nothing will be attributed to speakers directly or indirectly without their expressed permission.⁹

⁵ Constraints imposed on military officers and certain government employees due to their professional or duty status, are noted.

⁶ AAUP & AACU 1940 Statement of Principles on Academic Freedom, p. 3, 4.

⁷ MSA Self Study, Academic Freedom, Legal Imperative, October 1996.

⁸ NDU Non-Attribution/Academic Freedom; Date of Last Updated version: 15 April 2003, p. 1, states: "Academic Freedom at National Defense University is defined as freedom to pursue and express ideas, opinions, and issues germane to the University's stated mission, free of limitations, restraints, or coercion by the University or external environment. Academic freedom is the hallmark of an academic institution. We expect all members of the University community to understand the importance of and to practice responsible academic freedom. In order to continually improve U.S. National Security policy and best advise superiors, students, professors, and researchers must be free to examine policy from all viewpoints. It is a combination of academic freedom and non-attribution that enables the development of such capabilities."

⁹ NDU Self Study, "Academic Freedom," Chapter on Institutional Integrity, October 1996.

Since original, critical thinking and unfettered exploration of new ideas are essential for both the education of the nation's future leaders and the professional development of the teaching and research faculty, NDU values and upholds academic freedom inside and outside the classroom. Open sharing of ideas and approaches, creativity, and the ability to synthesize—and then argue and defend—new concepts are at the heart of every seminar discussion and academic discourse. No subject or issue is considered taboo, and there are no approved “school solutions.” Students are encouraged—indeed expected—to look at issues from a new perspective, to take nothing for granted, and to question everything they read and hear, no matter how authoritative the source.¹⁰

Academic freedom is recognized by DOD Directive 5230.9, Clearance of DOD Information for Public Release. The directive requires that personnel in the school environment have the widest latitude to express their views, normally restricted only by security considerations. The directive expressly protects individual academic rights of inquiry and publication by stating that material will not be denied clearance because public disclosure might reveal administrative error or inefficiency.¹¹

Academic Responsibility

Academic freedom is not divorced from responsibility. Faculty members at National Defense University are therefore expected to exercise sound judgment in their profession to protect and preserve the national interest, as they uphold and respect academic freedom. Faculty members explore new ideas, conduct research and publish analytical findings. They discuss openly and candidly any material relevant to the courses they teach, and bring to the attention of appropriate leadership (whether at NDU or the Defense establishment) shortcomings that require attention, including academic and institutional policies. Concurrently, the faculty assumes responsibility to pursue intellectual excellence, objectivity, and honesty. In teaching, research, and publishing, such integrity is crucial to nurture innovative critical thinking that is to complement the standing and credible application of professional military education. As future policymakers, advisors, and leaders, NDU graduates must be able to formulate, evaluate, if necessary challenge, adjust, and finally implement national security strategies in a wide variety of challenging dynamic environments. They need the broad philosophical comprehension, the general knowledge, and the intellect tolerates ambiguity. They also require communication skills to articulate strategic initiatives across service and agency divides, in a spirit of joint objectives and cooperation.¹²

The National Defense University policy on Academic Freedom and Public Information, published in NDU Regulation 360-1, requires the faculty to safeguard “classified” national security information, made available to it in public trust. Such information is defined to be of importance to the military security and well-being of the nation, and its handling is limited by specific law. This restriction is analogous to constraints placed on any academic researcher, including the faculty at civilian universities, with privileged

¹⁰ NDU Self Study for Middle States Commission on Higher Education, accreditation, October 2001.

¹¹ MSA Self Study, Academic Freedom, Legal Imperative, October 1996.

¹² NDU Self Study, Chapter on Faculty, October 2001.

access to confidential data. At NDU, law and implementing regulation, further enhance professional ethics, academic integrity, sound judgment, and expected good taste.¹³

Academic integrity is a key responsibility of the faculty who are role models for their students. Proper academic citation in written documents, articles and papers are essential in maintaining scholarly credibility and professional respect in academia. Uncompromising honesty in using ideas other than one's own and giving due credit to their owners is a fundamental academic value not to be overlooked. Academic dishonesty is not to be tolerated in academia, is abhorred by the profession, and is not acceptable at National Defense University.

The American Association of University Professors and The Association of American Colleges (later the Association of American Colleges and Universities) agreed upon a statement of principles on Academic Freedom and Tenure in 1940, complemented by interpretive comments in 1970. The principles had been articulated in 1925, further discussed in 1934-1940, reviewed in 1969, and again in 1989, and 1990. Although faculty tenure does not apply to National Defense University, NDU subscribes to the remaining principles in the document, known within the academic profession as *the 1940 Statement*, presented under the heading Academic Freedom in this document (pages 1 & 2).

Political Intervention in Education

The Middle States Commission on Higher Education, the accrediting agency of the National Defense University, has the following stated policy on political intervention limiting academic freedom.

The interdependence of educational institutions and their academic freedom are essential to the quality and integrity of all education. Teaching and learning require free and full exposure to information and ideas, the right to question or dissent, and opportunities to study, research, and debate, free of political pressure. The academy requires that inquiry and analysis be guided by evidence and ethics, unfettered by political intervention. A college or university must be sensitive to the conditions of society in which it exists, but it must also be free to determine how to be most responsive and responsible. Political interference in the affairs of an educational institution presents a threat to its freedom and effectiveness. Direct intervention by elected or appointed officials, political parties, or pressure groups in the selection of faculty, the determination of curricula, textbooks, course content, or in admissions or retention policies, inject factors which are often inimical to the fulfillment of an institution's mission. In the matter of appointments, for example, political control at any level results in divided loyalty and weakened authority. To impose political considerations upon faculty selection and retention harms an institution intellectually and educationally, not only by reducing its options in the recruitment of talent, but also by creating pressures against dissent on important policy issues...¹⁴

¹³ MSA Self Study, Academic Freedom and Public Information, October 1996.

¹⁴ MAS Policy, Political Intervention in Education, Version: 0904, www.msche.org.

- Developing, updating, or adjusting course content for a course or a seminar to be taught will be the responsibility of teachers, completely free from political interference by elected or appointed officials. Any impression that the principle of academic freedom is compromised at the university must be strictly avoided.
- The faculty at NDU are members of a community of learned professionals who may participate in professional associations as members. The faculty may attend meetings and conferences related to their disciplines, topics of interests, and subjects of academic research freely to the extent that doing so would not interfere with their teaching duties. Directives that compromise faculty members' freedom of academic association and membership in learned societies must be avoided. Such directives contradict the principles of academic freedom and avoidance of political intervention in education.

Institutional Responsibility

The National Defense University is committed to empower its faculty to carry out its profession, and to the faculty's professional development, academic values, intellectual freedom, and general welfare. The university, in keeping with the Middle States Commission on Higher Education standards, follows academic due process in its faculty recruitment, hiring, promotion, and compensation. In recognition of the teaching faculty's competence and commitment, NDU follows academic norms in the faculty hiring process, candidate selection, and applicant evaluation by its existing departmental faculty. The process will include an open announcement in at least one professionally recognized national journal for three consecutive months, a clear statement of duties, expectations, educational background and conditions of selection, a publicized application deadline, availability of completed applicant-files to the departmental faculty, a report addressed to the entire departmental faculty by the selection committee ranking the applicants, and a collective decision on interviewing the top three candidates by the faculty of the department.¹⁵

The AAUP 1940 Statement of Principles on Academic Freedom and Tenure mandates the following academic practice:

- The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
- Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the

¹⁵ Teacher in this text implies faculty members involved in academic instructors and research.

opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of the charges of incompetence the testimony should include that of teachers, and other scholars, either from the teacher's own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

- Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.
- The 1970 Interpretive Comments that complements the 1940 Statement points out that the Association of American College and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to professors in their utterances as citizens, in the exercise of their responsibilities to the institution and to students, and in their conduct when resigning from their institution or when undertaking government-sponsored research. Of particular relevance is the *statement on Professional Ethics*, adopted in 1966 as Association policy. (A revision, adopted in 1987, may be found in AAUP, *Policy Documents and Reports*, 10th ed. [Washington, D.C., 2006], 171-72.)
- The intent of this statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.
- Most church related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 *Statement*, and we do not now endorse such a departure.
- Paragraph 3 of the section on Academic Freedom in the 1940 *Statement* should also be interpreted in keeping with the 1964 *Committee Statement on Extramural Utterances*, which states inter alia: “The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute ground for dismissal unless it clearly demonstrates the faculty member’s unfitness for the

- Respect for academic competence and acquiescence in that the professor is the most knowledgeable person regarding the course being taught, the instructor's autonomy in the classroom, lecture hall, or seminar breakout room ought to be respected. Inviting visitors, evaluators, or inspectors to a university classroom or multi-speaker seminar without prior consultation with, and consent of, the instructor or the seminar course director would adversely affect academic freedom principles.
- Changing an established academic schedule without the professor's or seminar director's consent may imply that political pressure or personal preference overrides academic objectives, thus compromising the University's reputation.
- Although NDU terms of faculty employment policy do not include tenure, contracts issued after an initial probationary period may be for a longer period. Extended contracts, as is the case with tenure, enhance academic freedom.

Professional Ethics

The National Defense University subscribes to the American Association of University Professors Statement on Professional Ethics approved in 1966, and adopted by the Association's Council in June 1987, and endorsed by the Seventy-third Annual Meeting. "From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research."¹⁷

The AAUP Statement:

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgement in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

¹⁶ AAUP 1940 Statement of Principles on Academic Freedom and Tenure, with 1970 Interpretive Comments, p. 5, 6.

¹⁷ <http://www.aaup.org/AAUP/pubsres/policydocs/contents/statementonprofessionalethics.htm?PF=1>, p.1.

2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Adjudication and Oversight

The National Defense University's Provost is vested with the responsibility to adjudicate cases involving academic freedom. In case of dispute, the Provost may form advisory committees composed of academics, and specifically faculty members involved in teaching and research. The Provost will have oversight responsibilities to assure the NDU Policy on Academic Freedom is observed and implemented. Should anyone of NDU's

several affiliated colleges, institutes or centers develop separate faculty handbooks of their own, the policies will be wholly consistent with those of the National Defense University. The procedure to initiate a grievance process will remain available to students as well as the university's faculty members. The process will include:

- Members of the academic profession and students affronted by perceived disregard to academic freedom, professional ethics, and human rights may initiate a grievance procedure by requesting a review and reconsideration of a decision made. The initial request will be addressed to the office that has conveyed the said decision to the aggrieved.
- An NDU student or teacher having perceived mistreatment, discrimination, inadequate due process, or violations of academic freedom or ethical standards, whose petition for review and reconsideration does not result in successful mediation and resolution at inception, may petition the provost of the university.
- The NDU Provost will use his good offices to review and resolve the grievance. The Provost will have the authority to form advisory committees to review grievances. A committee so formed will evaluate the complaint confidentially and make clear recommendations. The Provost will act upon a recommendation received, by announcing a definitive decision. Every effort must be made to expedite the process. The resolution must be expected in reasonable time.
- Reasonable time will be defined by the nature of the grievance. A complaint regarding an article awaiting publication should be reviewed in days. A less urgent but no less serious academic grievance, e.g., plagiarism, or professional misconduct, may be allowed weeks or months to resolve.
- The Provost's advisory committees will be composed of members of the university faculty, academic administration, and if deemed necessary, a student representative and a legal advisor. No less than half of an advisory committee's members will be academic teachers.¹⁸

Characteristics of Excellence

The Middle States Commission on Higher Education, in its publication *Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation*, points to the following standards:

- **Fundamental Elements of Leadership and Governance**
An accredited institution is expected to possess or demonstrate the following attributes or activities: A well defined system of collegial governance including

¹⁸ Teacher is to mean faculty members engaged in teaching and research.

written policies outlining governance responsibilities of administration and faculty, readily available to the campus community...¹⁹

- **Integrity**

In the conduct of its programs and activities involving the public and the constituencies it serves, the institution demonstrates adherence to ethical standards and its own stated policies, providing support for academic and intellectual freedom... Academic freedom, intellectual freedom and freedom of expression are central to the academic enterprise. These special privileges, characteristic of the academic environment, should be extended to all members of the institution's community (i.e., full-time faculty, adjunct, visiting or part-time faculty, staff, students instructed on the campus, and those students associated with the institution via distance learning programs).

Academic freedom gives one the right and obligation as a scholar to examine data and to question assumptions. It also obliges instructors to present all information objectively because it asserts the student's right to know all pertinent facts and information. A particular point of view may be advanced, based upon complete access to the facts or opinions that underlie the argument, as long as the right to further inquiry and consideration remains unabridged. To restrict the availability or to limit unreasonably the presentation of data or opinions is to deny academic freedom. The effective institution addresses diversity of opinion with openness and balance. Intellectual freedom does not rule out commitment; rather it makes it possible.²⁰

- **Faculty**

The institution's instructional, research, and service programs are devised, developed, monitored, and supported by qualified professionals. Teaching and learning are central to the activities of faculty members at each institution and faculty bear primary responsibility for promoting, facilitating, assuring, and evaluating student learning...

There should be an adequate core of faculty and other qualified professionals that are responsible to the institution, support the programs offered, and assure the continuity and coherence of the institution's programs.²¹ Faculty Selection processes should give appropriate consideration to the value of academic competence, and diversity consistent with the mission of the institution. Faculty participation in institutional planning, curriculum review, and other governance roles can be an appropriate recognition of the faculty's professional competence

¹⁹ MSA, Standard 4, *Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation*, p. 15.

²⁰ MSA, Standard 6, *Characteristics of Excellence*, p. 21-22.

²¹ A well balanced academic department will give due consideration to the educational achievements of its faculty, maintaining a favorable ratio of professors with doctoral degrees in disciplines relevant to their departmental objectives and courses, in keeping with accreditation standards of the Middle State Commission on Higher Education.

and commitment. Such participation should complement the faculty's primary responsibilities for teaching, research, and scholarship...²²

²² MSA, Standard 10, *Characteristics of Excellence*, p. 37.