

ACADEMIC DEAN AND PROVOST INSTRUCTION 1531.22

From: Academic Dean and Provost

Subj: CONTENT ISSUES IN TEACHING

Ref: (a) American Association of University Professors, Policy Documents and Reports,
Ninth Edition
(b) Faculty Handbook, United States Naval Academy
(c) Department of Defense Directive 1350.2
(d) OpNav Instruction 5354.1E

1. Purpose. Faculty members have considerable latitude in how they teach and in the materials they choose to present their subjects. On occasion, instruction or instructional materials may be regarded as offensive by some midshipmen, or faculty members themselves may object to certain topics or materials. This instruction is intended to provide guidance about matters of propriety in teaching and teaching materials and concerning the resolution of conflicts that may arise when a student finds particular course content fundamentally offensive.

2. Background

a. Circumstances that involve questions about the appropriateness of teaching or the use of teaching materials most often arise when the instruction or the materials used in a course challenge or conflict with an individual's view of the world. Conflicts between an individual's personal outlook and concerns and principles of academic freedom are more likely to arise when dealing with subjects that treat matters of religion, race, ethnicity, gender, or sexuality – all areas in which the Department of Defense and the Department of the Navy have specific policies that are germane. In the humanities, issues of propriety may occur in class discussion or in a poem, a novel, a play, a work of art, or a film. In science, in engineering, or in the social sciences, the issues of propriety might include political, economic, or scientific ideas or theories that are at variance with an individual's upbringing or values. (R 09/22/04)

b. Academic Freedom. Academic freedom is a hallmark of an academic institution that values excellence in scholarship, free inquiry, and open discourse. Reference (a) provides a definition of academic freedom and a discussion of responsibilities attendant upon its exercise.

A broad and well-rounded educational program such as the one that the Naval Academy seeks to provide its midshipmen will expose students, at times, to controversial ideas and images, challenge strongly held beliefs or value systems, or touch on sensitive areas. Indeed, it is not an uncommon pedagogical practice for an instructor to adopt an alternative, unusual, or unpopular stance to provoke discussion or to encourage students to analyze their own views or to assess the basis of their values.

The Naval Academy has never imposed any test of propriety, ideology, or religion on its faculty or the academic program it offers. To do so would deny its faculty and its students the appropriate academic freedom necessary to explore, to teach, and to learn. Instead, the Naval Academy has relied upon the good judgment and awareness of its faculty to be reasonable and to appreciate and respect the sensibilities of its midshipmen. See reference (b) in this connection.

Academic freedom is not a faculty member's license to say or do anything without restriction. Faculty members may be provocative. They are entitled to express their opinions and offer their scholarly views on the subject matter they teach, but they are also expected to treat their students with dignity and respect; especially in their interactions with students, faculty members are expected to show respect for the opinions of others, and to comport themselves appropriately as members of a learned profession and as officers of an educational institution. With but rare exceptions, this has been the norm at the Naval Academy. See reference (b) in this connection.

c. Individual Rights. The rights of individuals who work for the Department of Defense and the Department of the Navy are safeguarded by regulations such as are found in references (c) and (d). In particular, reference (d), which derives from reference (c), proscribes hostile work environments, defining the term as follows:

An environment which prevents members from functioning to their full capacity [and working] free of unlawful discrimination and SH [Sexual Harassment]. A hostile work environment unreasonably interferes with an individual's work performance. It need not result in concrete psychological harm to the victim but need only be perceived by a reasonable person, and is perceived by the victim, as hostile or offensive.

(R 09/22/04)

This definition involves the perception of the individual as well as another party, the reasonable person. The reasonable person standard is defined in the same reference:

An objective test used to determine if behavior meets the legal test for unlawful discrimination and SH. The test requires a hypothetical exposure of a reasonable person (third party) to the same set of facts and circumstances[;] if the behavior is offensive, then the test is met. The reasonable person standard considers the complainant's perspective and does not rely upon stereotyped notions of acceptable behavior within that particular work environment.

Reference (c), which is binding for all Department of Defense agencies including the United States Naval Academy, was created with an explicit awareness of the needs of an academic institution to preserve the principles of academic freedom.

3. Action

a. Faculty members.

(1) Instructors should be knowledgeable about the teaching materials in their courses. They should have a thorough knowledge of the readings, films, or other items used in their courses before choosing or using such materials.

(2) Instructors teaching in multi-instructor (2) courses are free to use alternate materials if they are personally offended by materials selected by others, such as course coordinators. Naturally, the alternate materials chosen should meet the course objectives as determined by the department offering the course.

(3) Instructors should anticipate that certain topics or materials may be personally troublesome for some students, and they should prepare their students in advance. Instructors treating topics or using materials that they suspect might be personally troublesome for students should be sure to set the context beforehand and encourage students to come to them if they are made uncomfortable or offended by the prospect. If it is reasonable to do so, instructors should make their students aware of their use of sensitive material at the start of the course so that, if justified and possible, midshipmen may change their registration accordingly.

(4) Instructors should take special care when there is a single student in a section who is the sole representative of a larger social group being depicted or discussed.

16 September 2004

(5) Instructors whose students indicate that they may or do find a particular item difficult to deal with should treat these students with respect, recognizing that it takes courage to bring such discomfort to the attention of their teacher. Working together, instructors and students should be able to come up with a mutually acceptable solution without sacrificing the principles of academic freedom or the educational goals the instructors have set.

(6) Instructors should exercise prudence when broadcasting materials over NADN that they have reason to believe may be offensive to some students.

b. Midshipmen. It is the purpose of an education to expand one's knowledge and to explore ideas that may be foreign or unusual. Learning is not always comfortable. In the course of their time at the Naval Academy, midshipmen are likely to encounter ideas or images or behaviors they do not like or approve of or with which they disagree. Midshipmen are expected to approach their education with an open mind.

This regulation is not intended to afford midshipmen the option of choosing not to confront the undesirable, the unpleasant, or the unfamiliar. Rather, its focus is on the relatively rare occasions when a midshipman is faced with material that is fundamentally offensive and creates for this midshipman an environment that seriously stifles learning.

c. Resolution. If a midshipman feels that an instructor's treatment of a subject or use of materials is highly offensive and has created an environment that is hostile, the midshipman should first consider discussing the matter with the instructor. If a faculty member teaching a course feels that certain content or materials used in the course are inappropriate, the faculty member should seek accommodation with colleagues teaching the course. If the midshipman or faculty member feels that this cannot be done or, having done so, no satisfactory resolution has been found, the midshipman or faculty member should seek redress by making use of the following chain: Department Chair, Division Director, Faculty Senate, Academic Dean and Provost, and Superintendent. In seeking a resolution, the Department Chair may form an ad hoc committee of faculty that may choose to solicit midshipman opinion to assess the reasonableness of the requirement or to seek an accommodation. Every effort should be made to seek resolution at the lowest level possible.

W. C. MILLER

Distribution:
OF
MR