

However, if UPM unit members are assigned and accept administrative or coordination assignments that do not require the performance of managerial or supervisory duties over UPM unit members, they shall remain in UPM's unit but shall have the applicable portion of their salary and fringe benefits placed on the non-instructional side for "50% law" expenditure accounting to the extent required.

1.3 Unit Modification.

The unit as recognized by the District may be modified by mutual agreement of the parties or in accordance with a decision rendered by the Public Employment Relations Board on a contested position.

ARTICLE 2: ACADEMIC FREEDOM

2.1 Professional Protections

The Union and the District agree to promote student learning throughout our diverse communities by increasing knowledge, improving skills, and enhancing the lives of those who participate in our programs and enroll in our courses. UPM and the District recognize that protecting academic freedom is essential to achieve this mission. UPM and the District further recognize that academic freedom is necessary to the pursuit of truth. Academic freedom is an essential element of the faculty teaching experience and the student learning experience. Academic freedom exists in all service areas, including but not limited to teaching, librarianship, counseling, and all faculty-student interactions. Academic freedom extends to all faculty regardless of their status as full-time, part-time, or probationary.

Academic freedom protects a teacher's right to teach and a student's right to learn and is at the foundation of all intellectual inquiry and discourse. Faculty members may discuss their own subject or area of competence in the classroom as well as other relevant matters, including controversial matters, without censorship or retribution so long as that discussion does not impair the rights of others nor violate professional standards, and the faculty members distinguish between personal opinions and factual information. Faculty shall be free from harassment, interference, or restrictions based on political views in their exercise of academic freedom as described in this section. By the same token, all faculty and students

have a responsibility, under the guidelines of academic freedom, to engage in teaching and learning that honors, respects, and supports divergent viewpoints.

Faculty members have the principal right and responsibility to determine the content, pedagogy, scholarship, methods of instruction, fair and equitable methods of assessment, and the selection, planning and presentation of course materials in their assignment in accordance with the approved Course Outline of Record, articulation requirements, mode of instruction, and the educational mission of the District, and in accordance with laws and regulations.

Every faculty member shall maintain the exclusive authority to determine grades based upon professional judgment. Every faculty member has a responsibility to base grades solely on considerations that are intellectually relevant to the subject matter as articulated in the official course outline of record, and to describe the grading scheme in the class syllabus. The determination of the student's grade shall be made by the course instructor and — in the absence of mistake, fraud, bad faith, unlawful discrimination, or incompetence — shall be final, with exceptions and procedures enumerated in Administrative Procedure 4321.

2.2 Professional Commitments and Obligations

All faculty members should:

- Conduct a classroom environment that is conducive to student learning, growth, and development in which students are free from discrimination, prejudice, and harassment and in which students are free to express relevant ideas and opinions.
- Demonstrate respect for students as individuals and adhere to proper faculty roles as intellectual guides and counselors.
- Clearly differentiate to students the expression of a faculty member's personal opinions or convictions from the objective presentation of theory, fact, or ideas.
- Make clear that they are not acting on behalf of, or speaking for the College, when they participate as citizens in public forums and debates.
- Respect and defend the free inquiry of their colleagues. Acknowledge academic debt and strive to be objective in their professional judgment of colleagues.
- Observe the stated policies and procedures of the District. Faculty maintain their right to: express differences of opinion; engage the District, with the support of