

## 5.00 \*NON-ATTRIBUTION/ACADEMIC FREEDOM

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CHAPTER STATUS: APPROVED

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.

The National Defense University has continually subscribed and subscribes now to the American Association of University Professors' statement on academic freedom, issued in 1940 with interpretations of 1970. That statement defines academic freedom as:

- a. "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.
- b. 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. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment. [Added in 1970, 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.]
- c. 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."

- d. In addition to our teaching professors, the broader academic community is also entitled to these tenets of academic freedom. Research faculty, administrators, and students share the above rights and responsibilities associated with academic freedom as they participate in the academic discussions inside and outside the classroom.

The National Defense University (NDU) is a Federal institution. As such, employees are advised that there are constitutional and statutory provisions that apply to free speech by government employees specific to one's military or civilian status. The Office of the General Counsel's NDU website includes specific references to the appropriate statutory provisions ([www.ndu.edu/UniversityServices/Legal/officeGC.html](http://www.ndu.edu/UniversityServices/Legal/officeGC.html)). Generally, US civilian and military personnel are free to discuss any issue, assemble and seek redress of grievances as established in the Constitution and by statute. We view peer review as vital and encourage its use as broadly as possible. Additionally, any publications or statements going outside of DoD requires a security review through the office of University Relations and the following disclaimer: "THE VIEWS EXPRESSED ARE THE AUTHOR'S AND DO NOT NECESSARILY REFLECT THE OFFICIAL POLICY OR POSITION OF THE NATIONAL DEFENSE UNIVERSITY, THE DEPARTMENT OF DEFENSE OR THE U.S. GOVERNMENT".

The following limitations apply:

- a. Congress has passed legislation stipulating, and the courts have affirmed, that free speech may be limited for military personnel as their mission is unique. For example, military personnel may not use contemptuous language against the President, Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Homeland Security, or the governor or legislature of any state, territory, or commonwealth.
- b. Congress has passed legislation and the courts affirmed that U.S. citizens cannot with impunity libel or slander others, advocate the forceful or violent overthrow of the U.S. Government, counsel others to do so, nor counsel military personnel to desert, disobey, mutiny, or refuse duty.

In addition to academic freedom, the National Defense University maintains a strong policy on non-attribution. This includes:

- a. Free inquiry is essential to the National Defense University because the senior officer and government officials who are educated here will assume a variety of roles in their future assignments, as future policy makers, advisors, and leaders. NDU graduates must be ready to discuss, challenge, question, and determine national policy.
- b. So that guests and university community members may speak candidly, the University offers its assurance that presentations will be held in strict confidence. Our policy on non-attribution provides that, without the express permission of the speaker, nothing said or presented will be attributed directly or indirectly in the presence of anyone who was not authorized to attend the lecture or presentation.

APPLICABLE REGULATION: USC Title 10; DoD Directive 5230.0, Clearance of DoD Information for Public Release.

NDU POC: Vice President for Academic Affairs, 685-3841, Room 301, MH