Academic Freedom for a New Age

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I am delighted to return to the AAUP Conference, especially this centennial one focusing on the State of Higher Education. I can think of no more important topic to consider at this time than academic freedom, a common commitment of our two organizations during almost all of our entire histories. And I am honored to be joined by distinguished panelists Robert O’Neil and Philip Lee. With their—and your—contributions, I anticipate a lively and fruitful dialogue.

The 1940 *Statement of Principles of Academic Freedom and Tenure* was developed out of a decades-long series of drafts and conversations both within AAUP and between AAUP and a number of other educational associations, including the Association of American Colleges (now Association of American Colleges and Universities, AAC&U). The power of these principles resides not in the fact that they were developed by AAUP, but the fact that they gained traction and standing across higher education. The decision of AAUP to collaborate with associations representing administrators was suggested as early as 1917 by its long-serving secretary, MIT mathematics professor Harry Walter Tyler, who urged the AAUP president to “win a campaign instead of a battle” (Tiede 2015). This was a bold and controversial position at the time, because there was little trust between faculty members, administrations, and trustees. Given the eventual widespread agreement of these principles by a host of academic organizations, they became normative throughout American higher education in all types of institutions. Since 1940, they have been adopted and defended not just by faculty members but by presidents and provosts, by boards of trustees and politicians, and in certain ways by the courts of law. Further, the principles of academic freedom have been adopted by universities in all but a few authoritarian nations around the world as defining features of academic work.

Both AAUP and AAC&U deserve to celebrate this major achievement, because we, more than any other groups, met frequently, worked collaboratively to shape these principles, and played major leadership roles in their adoption. Both associations are celebrating our centennials this year, and each has featured sessions on this topic at their annual meetings. This statement we promulgated has come to define the basic professional and legal relationships among faculty members and their institutions and to provide the freedom for faculty to do their jobs well.

However, the world of higher education has changed dramatically since 1940. In dealing with rapid social change in general, I believe it is necessary to revise *social structures* developed in an earlier time to preserve the *central values* in a new era. In regard to academic freedom, I suggest
that it is necessary to take a new, critical look at the 1940 principles and adapt them to new realities. I do this in hopes of securing renewed commitment from the academic community to preserve academic freedom and to firmly root it in structures more appropriate for today.

There are several difficulties today with the ways we have come to think about academic freedom. Here are some of the most problematic.

1. Tenure is no longer an adequate guarantee of academic freedom for most faculty members. The data are very clear. Data from the National Center for Educational Statistics from Fall 2011 (cited on the website of the Delphi Project on the Changing Faculty and Student Success: [www.thechangingfaculty.org](http://www.thechangingfaculty.org)) shows that among nonprofit institutions, part-time faculty represent 51.2 percent of all faculty; full-time non-tenure track faculty represent 19.1 percent; and tenured or tenure-track faculty are only 29.9 percent. That is, roughly 70 percent of the faculty today do not enjoy tenure, and virtually none of them has any prospect of ever receiving tenure. Isn’t it important to assure that all faculty members have academic freedom, regardless of their appointment contract? Clearly we need to find a new way to guarantee academic freedom for all faculty beyond the now relatively rare structure of tenure.

Like it or not, we must recognize that the academic labor market is in the midst of fundamental and far-reaching change. University and college budgets have built in salaries for part-time and non-tenure track employees, and economists tell us that the weak economy is the “new normal” and these conditions are unlikely to change anytime soon. Even if public budgets do grow as a result of a significant improvement in the economy, higher education funding at all levels is unlikely to increase significantly because of the high cost of tuition and the resulting high levels of student debt, and because of competing demands of other priorities (e.g. support for infrastructure, entitlements, environment, and early childhood education, among others). In addition, the emergence of digital learning has already recalibrated academic roles and structures in specific parts of the academic labor market, a process that is likely to accelerate rather than recede in the years ahead. Nonetheless, whatever the condition of the labor market, academic integrity demands that all faculty members can count on academic freedom, regardless of the nature of their employment status.

2. Like it or not, in this media-dominated culture, faculty members are viewed by many as just another interest group, and academic freedom is seen as a perk of professors. This is a misinterpretation, of course. But it is a misinterpretation that we will need to work proactively to engage and change. In reality, academic freedom is part of what Neil Hamilton (2009) has called a “bargain with society.” This bargain requires that faculty members be given an unusual degree of freedom as a necessary condition of doing their scholarly work in exchange for serving transcendent values of creating new knowledge.
and providing effective education for students. But this bargain is not simply a quid pro
quo. Rather, faculty need the freedom to pursue the quest for knowledge without fear of
political consequences. That rationale has been widely discussed and largely accepted.
But I want to argue today that academic freedom is a necessary condition for one of the
most fundamental goals for teaching and learning, which is teaching students to think for
themselves. Whether we call this critical thinking, analytic inquiry, or something else, the
fact is that students need and deserve to be taught by professors who have the freedom to
teach them to think through controversial issues in an exploratory and disciplined way.
Students need their professors to help them learn to identify propaganda and self-serving
claims, to think critically about ideas, and to form their own evidence-based judgments
and conclusions in ways that engage a full array of competing views, not just one or
another reigning orthodoxy. Consider the alternative: a state of affairs, which I fear
already exists, in which faculty who lack the protections of academic freedom hesitate to
bring up topics that may be out of favor in the wider society. Don’t students deserve the
opportunity to explore what may turn out to be inconvenient truths rather than to adopt
politically safe utterances from their teachers, who may be fearful of losing their jobs?

3. A new enforcement mechanism to ensure academic freedom for faculty both on and off
the tenure track is needed. Currently, if a faculty member believes that he or she has
suffered an infringement of academic freedom, that person may report it to the AAUP. If
an initial review of the charge seems to confirm it, the case can be referred to the
association’s Committee A for an inquiry. Members of Committee A have worked hard
over the years to investigate claims and issue fair findings, but there are several problems
with this mechanism. First, no single professional association has the resources to study
and enforce findings of all possible charges. Second, AAUP is not exactly a disinterested
observer in such matters, and its findings—regardless of how diligently individuals
conduct the review—are often considered suspect. Third, if there is a finding that there
has been a violation of a professor’s academic freedom, merely placing the institution on
a list of violators is no longer an effective deterrent in a labor market in which there are
many applicants for a single job. The academic labor market simply overwhelms the
stigma of being on a so-called “black list.”

Two other enforcement possibilities come to mind. We might make assurance of
academic freedom a condition for accreditation—and give accrediting agencies authority
to investigate claims of violations from faculty who feel aggrieved. Or we could create a
new agency to ensure that both students and faculty are guaranteed academic freedom,
one with powers to assess damages against violators. At the very least, we need a broad-
based exploration of the enduring importance of academic freedom to the academy’s core
missions across all sectors of higher education, public and private, elite and broad access.
This exploration should probe both the principles that support academic freedom and mechanisms for ensuring that its protections are extended to all faculty members.

4. Academic freedom has worked best as a protection for faculty to do their own research and to teach their own courses. But under accepted definitions of shared governance, the faculty bears responsibility for the academic program “as a whole.” Indeed, in earlier versions of academic freedom, there is no mention of educational responsibility. Academic freedom has been seen as a “freedom from” constraints rather than a “freedom for” the assurance of a high-quality college education. I have spent a large part of my career working with both faculty members and administrators—generally collaboratively—to strengthen the general education of undergraduate students. Typically the faculty as a whole, in consultation with other constituencies, (a) decides on the educational goals and expectations for all students regardless of major or intended career, (b) determines graduation requirements for all students (not just those in their departments), (c) develops procedures such as reviewing proposed courses to assure that required courses are appropriate and engaging to students, and (d) assesses student learning. Typically in such efforts, faculties decide that students should acquire specific qualities that are developed in several courses “across the curriculum.” For instance, students often have been required to write clearly and coherently, understand diverse peoples and perspectives, develop a global perspective, or engage in ethical reasoning. I have had the good fortune to have worked with many exceptional faculty members to improve the collective education of students. But too often faculty members do not take the responsibility to ensure that their departmental programs and individual courses intentionally address the very goals they have approved for the institution as a whole. Indeed, some throw up the bogus argument that their academic freedom allows them to teach whatever they want in their own courses. Any significant reworking of academic freedom must explicitly state that faculty members have the responsibility for the educational program as a whole and the duty to work collaboratively with their colleagues to assure that their students are actually practicing and developing the capacities that the institution judges to be essential. This is one of the transcendent values cited by Hamilton.

5. Early framers of academic freedom and shared governance assumed that successor generations of professors surely would be eager to learn about academic professionalism— in particular academic freedom, shared governance, and peer review—in order to explain the rationale for these practices and to defend them against criticism. These were such hard-won victories that future generations could be expected to preserve them. But decades later, graduate students planning to become faculty members still pursue their studies with little study of academic freedom, no necessary preparation as a teacher of diverse students, little knowledge of the professional literature on teaching and
learning, little knowledge of the differences among institutions that may be their professional homes, and little attention to academic ethics. I spent the last decade of my career directing a series of projects that we called Preparing Future Faculty that prepared over 4,000 doctoral students for the full range of faculty work, including teaching, research, and service. The graduate students loved the experience of working with a teaching mentor in a partner institution and learning about faculty expectations, joys, and problems associated with different types of institutions. Furthermore, evaluations reported that students with PFF experience were more successful in their job searches as well as in the early years of their careers. Any significant re-thinking of academic freedom must include an emphasis on the graduate preparation of future faculty, who must become knowledgeable about the concept of academic freedom in order to defend it.

A thorough consideration of these ideas—and doubtless similar ones from other sources—is simply not possible in the context of a single session of a conference. Modifying the 1940 Statement, let alone developing an appropriate new statement, is a complex and difficult task. This task calls for the creation of new study groups in each of our two organizations. Ideally there would be close collaboration between our two associations and our leaders as the study groups proceed so that understanding and trust may grow. Just as it did in the years leading up to the 1940 Statement, it would take time to talk through the complicated issues involved and to reach a consensus on any revisions within each of our organizations. Of course, there are other academic organizations vitally interested in academic freedom, as can be seen in the statement just issued by nearly two-dozen scholarly organizations protesting the elimination of tenure in Wisconsin. All of these organizations have a strong interest in protecting academic freedom, and we should work with them as well. But I believe that as both AAUP and AAC&U are celebrating their centennials this year, there is nothing that would signal our continued vitality more than to take the lead in adapting our historic statement on academic freedom for the new realities that define the contemporary academy. Yes, we can and should celebrate our past achievements, and the best way of doing that is for each of us to take positive steps to ensure that academic freedom is adequately protected in the future.

References
