



# Free Expression, Liberal Education, and Inclusive Excellence

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In 2006, during a time when challenges to academic freedom were emerging on college and university campuses from both ends of the political spectrum, the Association of American Colleges and Universities (AAC&U) Board of Directors issued a comprehensive statement exploring the concept of intellectual diversity as grounded in AAC&U's foundational commitment to liberal education. "Academic Freedom and Educational Responsibility"<sup>1</sup> was designed as a resource guide for framing and informing discussion around the principles of academic freedom established and set forth by AAC&U and the American Association of University Professors in the trailblazing 1940 "Statement of Principles on Academic Freedom and Tenure."<sup>2</sup> Yet, it was also intended to provide guidance on the application of these principles in response to evolving controversies.

"Academic Freedom and Educational Responsibility" was equally groundbreaking in its insistence that academic freedom and tenure be considered not only as required for professional autonomy in teaching and research, but also as essential to enabling students to acquire the learning necessary to contribute to the public good. It recognizes that if we fail to help our students connect their education to broader societal issues in ways that inspire them to lead change in a society still challenged by profound inequities, we abnegate our responsibility to promote engaged citizenship, cultural empathy, pluralism, and diversity as the foundation for our nation's historic mission of educating for democracy.

AAC&U remains dedicated to playing a leadership role in promoting freedom of expression as a hallmark of liberal education within the context of the current landscape through a reaffirmation and reframing of the core principles embedded in the statements produced in 1940 and 2006. The 2006 statement built upon the "Statement of Principles on Academic Freedom and Tenure" by foregrounding the capacity of liberal education to foster agency in thought, speech, and action, serving as an accelerator for the emergence of a diversity of informed perspectives and for the development of critical listening skills that invite the broadest possible range of voices to engage in more speech, not less.

Six years later, AAC&U expanded its mission to recognize the inextricable link between equity and quality in liberal education. The incorporation of inclusive excellence as a mission-level commitment invites viewing issues of freedom of expression through this new lens. None of today's students arrive on college and university

campuses devoid of past experiences, pain, and suffering that influence their worldviews. Redressing past and present injustices mandates aligning our expertise as teachers, scholars, researchers, and artists to rewrite the dominant narrative that consigns to the lower shelves of history the contributions of marginalized groups that have shaped American society and culture in profound, albeit often unacknowledged, ways. A commitment to inclusivity, as well as respect for others and free inquiry, must be paramount in maintaining an environment in which the free exchange of ideas can thrive and in guiding the determination of whether speech is protected under academic freedom.

Indeed, an increasingly visible and complex identity politics has fueled controversies over the legitimacy of “trigger warnings” and “safe spaces,” the disinvitation and shouting down of speakers, and accusations of a pervasive enforced illiberalism on campuses. Student protests around a wide range of diversity and inclusion issues highlight the extent to which the conclusions we draw regarding whether arguments and assertions in support of limiting speech are rational and warranted depend, in part, on whose stories are being told and who is doing the speaking. They offer a counternarrative to the dominant discourse that has traditionally marginalized the voices of women, students and faculty of color, religious and ethnic minorities, and members of the LGBTQIA community. Like those who blocked recruiters from campuses during the Vietnam War, these protestors regard their actions as justified on the grounds of necessity and attempts to stop them as further silencing those representing the most vulnerable members of society.

At the same time, those expressing politically conservative views or who have criticized such protests on other grounds, have simultaneously expressed feelings of alienation due to harassment and threats of retribution for exercising free speech. Dissent over the issue of whose voices should be heard and who should decide what constitutes unacceptable speech persists. Discussions regarding how to resolve conflicts between competing claims with respect to freedom of expression on college and university campuses often conflate the First Amendment with academic freedom. Not all speech protected outside of the academy by the First Amendment is permitted within higher education. While the First Amendment protects individual freedom of speech and assembly from government interference, the same protections do not necessarily apply within private organizations. Private colleges and universities are not bound by First Amendment considerations, except under certain specified state laws, and public institutions routinely constrain speech in classrooms, open forums, and through the refusal to grant the use of their facilities. They are permitted to do so if the restrictions constitute reasonable regulations, consistent with their missions, and are deemed necessary to achieve their objectives.

One of American higher education’s greatest strengths is its diversity of institutional types—from community and state colleges and research universities, tribal colleges and historically black colleges and universities to faith-based and single-sex institutions, independent four-year colleges and online universities. Nevertheless, though the missions of these various institutions of higher education may be distinctive, they are united by the shared goals of educating students and advancing knowledge. There are circumstances under which the achievement of both objectives entails restrictions on free expression.

While all views have equal standing in the public square under the First Amendment, this is not the case in the classroom. Faculty members on public and private college and university campuses can mandate respectful dialogue by proscribing certain types of language and other forms of expression and can stipulate rules for being recognized in a discussion. During classroom discussions, on exams, and in essay assignments, not all perspectives are considered uniformly valid. Content and viewpoint

are dictated to the extent that one's contributions must not only be relevant to the topic at hand, but must also demonstrate certain reasoning and communication skills.

Moreover, students are not the only ones whose speech is circumscribed. Faculty members themselves are subject to peer review based on the standards of their profession. Professional autonomy, while valued on college and university campuses, does not extend to freedom from review of one's teaching and scholarship or judgment based on content and viewpoint. To ensure academic integrity and quality, experts within a field apply agreed-upon methodologies for discerning truth and knowledge, as well as identifying what constitutes reliable and accurate evidence. This is a critical component of educational responsibility since the faculty bears the primary obligation for knowledge production and student learning.

Liberal education is grounded in a commitment to intellectual diversity and protection against the suppression of unpopular viewpoints as a means of guarding against political indoctrination. Insofar as colleges and universities are sites for encountering divergent perspectives, assessing conflicting ideas, evaluating competing claims of truth, creating new knowledge, and upholding intellectual integrity, a liberal education is designed to develop students' capacities to think critically and to make themselves vulnerable to criticism by welcoming dissenting voices. When preparing students for the future, faculty members should offer curricula that include a diversity of intellectual perspectives appropriate to their disciplines, and they must also be aware of the extent to which their positionality, framing of issues, and syllabi, together with written policies, campus cultures, and comments by other members of the community, can serve as inhibitors of speech.

To prepare the next generation of informed citizens who will shape our democracy, colleges and universities must remain free from entrenched and intellectually rigid forms of political partisanship and engage students from across the political spectrum. In fact, the honest and genuine pursuit of truth, at the core of a liberal education, mandates tolerance for ambiguity and respect for those bearing radically different perspectives. As members of college and university communities come together and appeal to their institutional values in guiding the determination of whether speech is protected, a commitment to respect for others, free inquiry, and inclusivity must be paramount in maintaining an environment in which the free exchange of ideas can thrive.

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<sup>1</sup> Association of American Colleges and Universities, "Academic Freedom and Educational Responsibility" (Washington, DC: Association of American Colleges and Universities, 2006), <http://www.aacu.org/sites/default/files/files/about/academicFreedom.pdf>.

<sup>2</sup> Association of American Colleges and American Association of University Professors, "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments" (Washington, DC: American Association of University Professors, 1970), retrieved from <https://www.aap.org/report/1940-statement-principles-academic-freedom-and-tenure>.