

Introduction to University: Lecture Five

Academic Freedom

Mark Mercer
Professor of Philosophy
Saint Mary's University
Halifax, NS B3H 3C3
sergechestnut@gmail.ca

How free should professors, students and other members of the university community be in their research, teaching, public speech and service? How free in regard to their business and pleasure outside the university?

Let us concentrate on professors. We'll discuss academic freedom for students in another talk.

How free should professors be from what? How free should they be from institutional sanctions. Academic freedom is a custom, practice or policy that protects professors from institutional sanctions, from penalties and other hardships imposed by university administrators. Or, at least, academic freedom protects professors from institutional sanctions to the degree that they possess it.

University administrators have the ability to sanction professors (and students) in various ways. Senior administrators may officially caution a professor not to do something or officially reprimand him for doing it. They may suspend a professor, with or without pay, for some period of time, or put him on leave. They may fire him with cause. They may even fire him without cause and hope they get away with it. It has even been known to happen that a university fires a professor without cause even though the administrators responsible lack all confidence that they will get away with it.

University sanctions can be indirect. University administrators have been known to penalize a professor by setting up a course parallel to the course the professor is teaching, so that students offended by that teacher won't have to study under him. They have been known to ban certain professors from teaching particular courses or from teaching courses at the first-year level. University administrators have shut down labs and derailed research programs. A dean or other academic administrator might informally reprimand a professor while speaking under colour of his or her office. Administrators might conspire to deny a professor a grant, a sabbatical, promotion or emeritus status.

I should add that it is not always university administrators, officially or unofficially, who mete out penalties. A professor's colleagues might give him the cold shoulder or otherwise try to make his life difficult if not miserable.

University administrators use the threat of sanction to keep professors in line, in line, that is, with the goals of the administration. Now, of course, rules and the threat of penalty for breaking a

rule are necessary in any institution. Not always are reprimands and suspensions unwarranted, even at a university committed to its academic mission. Sometimes for the sake of the academic mission, a professor must even be fired. When the goals of the administration are academically sound, sanction and the threat of sanction is a necessary part of the running of the institution.

How free professors should be from the threat of sanction will have to do with the goals and culture of their institution. Let our question, then, be how free should professors be at academic universities?

An academic university is an institution at which people who value their own intellectual and moral autonomy, and the intellectual and moral autonomy of others, gather to think hard about difficult matters.

Professors and other members of the academic staff at a university need to possess a large degree of freedom in research, teaching, expression, service and association if they are to engage in liberal study. They need to be free to engage in politics outside the university and to live their personal lives however they wish to. They need to be free from the threat of both formal and informal sanction.

Research

A professor at a university who possesses full academic freedom may conduct research into whatever topic she wishes. In conducting research, she may employ whatever methods she prefers. (If her methods are inconsistent with public law, that's a matter for the police and the courts, not for her university.) She may draw whatever conclusions she wishes from her research. And she may disseminate her research to whomever she wants, however she wants to disseminate it.

Should she engage in plagiarism or other forms of academic fraud, university administrators may and must step in. A professor accused of academic fraud must be allowed to defend herself vigorously and be afforded natural justice. Academic freedom does not protect crookedness or charlatanry, but it does require that professors be able to respond to charges of crookedness or charlatanry.

Academic freedom in research requires that university officers who are charged with evaluating a professor's research when that professor applies for promotion, grants, or other business, judge that research using academic standards only. They may not, that is, take as a factor in their decision that professor's race, sex or ethnicity. They may not consider in their decision the effect of the research on the university's reputation. University officers may not discipline or sanction the professor, or deny her tenure or promotion, for anything controversial, offensive or disturbing in her work.

Her colleagues and students will not, if they are committed to the academic endeavour, apply informal sanctions such as shunning or shaming her for her interests or her results. They are free to criticize her work and perhaps obligated as intellectuals or fellow researchers to do so. But

they will not give her the cold shoulder or complain to an administrator, no matter how vile or pernicious they judge her research or opinions to be.

Teaching

A professor who possesses full academic freedom will set the syllabus for his courses as he wishes. He may teach his courses using whatever materials he wishes and in whatever pedagogical style he favours. He will have been involved in all decisions about which courses he is to teach. He will not be required by his department or university to teach anything he does not wish to teach.

Academic freedom in teaching requires that university officers charged with evaluating teaching consider only the teacher's success in imparting the understandings and skills of her discipline to her students. They may not discipline or sanction the professor for exposing her students to unsavoury material or for using unorthodox teaching methods. They may not seek to remove a teacher for saying things, inside or outside of class, to which they or the student object.

Teachers can, of course, be disciplined or fired for grading their students unfairly or for treating them badly. Academic freedom requires that complaints about unfairness or mistreatment be investigated by a properly constituted body that applies only the standards specified in the collective agreement between the faculty association and the university. Members of this committee will be rigorous in distinguishing objections to what a professor has said or done from complaints. An academic community deserving of the name will seek to work with poor teachers to improve them. Only after their efforts fail will they impose a penalty in the hope of reforming the professor or expel that professor from the community.

Expression and association

A professor who enjoys academic freedom possesses a larger degree of freedom of expression than most other people do in their employment. Not only may she say or write or post publicly whatever she wishes, or engage in creative endeavours or demonstrate for causes, without fear of sanction by government, as all citizens may. She may do these things also without fear of being sanctioned by her employer. She may, without fear of sanction, criticize her university or its officers publicly. (Workers at restaurants or banks do not possess this freedom. Sadly, members of the non-academic staff at a university rarely possess it.)

A professor at a university that protects academic freedom may invite speakers to campus as she wishes, and she can expect that university security will safeguard the integrity of her classes and the campus events with which she is involved, no matter how hostile members of the university community, or any other community, might be toward them.

Finally, a professor may associate with whomever she wishes and may engage off-campus in whatever business or fun she wishes, without facing discipline or sanction, neither from her university nor from her colleagues and students.

Protecting academic freedom

A professor's academic freedom is protected through various formal and informal institutions and customs. It is, first of all, in a university considered an institution, a right won in collective bargaining, and stated in the contract under which the professor is employed. (Because collective agreements differ university to university, professors at one university might enjoy more or less formal protection of freedom than professors at another university.) It is also protected through the institution of tenure. Formal agreements set out structures of due process to deal with complaints from students, colleagues or administrators about professors and other academic staff members.

Less formally, academic freedom is protected by the university's academic senate and by university governance. Because universities are at arm's length from government, industry and the public, they are well able to resist external calls to discipline professors. As always, though, formal and structural protections for academic freedom mean little apart from the willingness of professors and administrators to defend academic freedom against threats and violations. Where this willingness is lacking, freedom can go wanting even when guaranteed by the plain words of a collective agreement.

Other important protections include organizations such as the Canadian Association of University Teachers and the Society for Academic Freedom and Scholarship. These groups are sensitive to violations of and threats to academic freedom and are committed to working on behalf of those whose freedom has been compromised and against university policies that threaten, weaken or violate academic freedom.

Responsibilities

While academic freedom is freedom from social and economic pressures, it is not freedom from criticism. On the contrary: it imposes a responsibility on professors to criticize their colleagues and to listen to criticism. Professors need to be concerned with the quality both of their own and of their colleagues' research and teaching. They are obliged to evaluate critically their colleagues' public pronouncements and to hear criticism of their own public pronouncements.

Professors have the responsibility to criticize their colleague's research, teaching and pronouncements. They also have the responsibility to criticize in a manner consistent with the spirit of academic freedom. That is, their criticism should be directed toward the truth of claims and the soundness of arguments. Means of criticism outside the spirit of academic freedom include petitions and demonstrations against their colleagues, and academic boycotts. These means are inconsistent with the spirit of academic freedom for they are attempts to apply pressures other than those of argument and example.

The phrase "academic freedom comes with responsibilities" is often used by people hostile to academic freedom to try to curtail or limit it. That academics have a responsibility to work hard, to try to meet standards of academic excellence, and to engage critically with each other's work should not encourage administrators to try to sanction those professors they judge to have shirked an academic responsibility. To use the threat of sanction as a tool of management is to show disdain for academic freedom.

Reasons for valuing academic freedom

Academic freedom is a right won in collective bargaining and present in collective agreements; it is, therefore, as legitimate as any provision won fairly in labour negotiation. But why should professors possess it? How does it serve the proper functions of the university?

There are two sorts of impersonal reason for valuing academic freedom. The first is that academic freedom promotes the creation and dissemination of understanding. The second is that academic freedom is constitutive of an intellectual's way of life, a way of life in which members of a community value their own and each others' autonomy and integrity above all.

Threats to academic freedom

Historically, intellectuals have enjoyed very little formal protection for their ideas and their way of life. From the beginning of history, thinkers and scientists have had to form communities outside the mainstreams of their societies and they've had to be careful to keep to themselves. It is only in the past seventy-five years or so that public universities have sought to protect the way of life of intellectuals, and their record of protection has certainly been spotty over those years. And now the era of protection of academic freedom is coming to an end.

The freedom most professors enjoy these days is still both wide and fairly well protected. Nonetheless, protection for academic freedom is eroding. Current threats to it include: 1) the demands of funding agencies, such as businesses and government, to direct their money toward their own goals; 2) university research ethics boards, which often place more strictures on researchers than the law does; 3) the desire among professors or administrators that their university serve a particular social or political agenda; 4) the ideology according to which having a safe and respectful university environment requires policing expression and manners to protect people's sense of identity or self-worth; 5) administrators' concerns that the university not acquire a reputation that might cause it to lose funding or students; and 6) reliance on part-time and other untenured faculty, who might hesitate to speak candidly or to make the results of their research public for fear of putting their chance of gaining permanent employment in jeopardy.

17 February 2024

21 April 2024