

Faculty Council of Community Colleges

White Paper on Academic Freedom

October 2014

The American Association of University Professors (AAUP) and the Association of Colleges and Universities, in the opening of their joint *1940 Statement of Principles on Academic Freedom and Tenure*, state that colleges and universities exist for the common good, and that the common good “depends upon the free search for truth and its free expression.” Academic freedom is “essential to these purposes,” the *Statement* continues, “and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.” Since its release, over two hundred scholarly and education groups have endorsed the *1940 Statement* and confirmed the importance of academic freedom protections. In 2010, Cary Nelson, then president of the AAUP, published “Defining Academic Freedom,” a comprehensive summary of the major features of academic freedom “mostly adapted from nearly 100 years of American Association of University Professors policy documents and reports.” Nelson’s summary is provided at the end of this statement as an appendix.

This paper will begin with a review of extant statements on academic freedom by relevant stakeholders and then present the position of the Council.

State University of New York: SUNY is comprised of four-year and two-year institutions. Unlike the four-year institutions, the community college budgets and contracts are localized and individual, and there are distinct differences between any two colleges. Nevertheless, two-year college faculty members are protected under SUNY-wide regulations concerning academic freedom established by the State University of New York Board of Trustees. These regulations include the following language:

It is the policy of the university to maintain and encourage full freedom, within the law, of inquiry, teaching and research. In the exercise of this freedom faculty members may, without limitation, discuss their own subject in the classroom; they may not, however, claim as their right the privilege of discussing in their classroom controversial matter which has no relation to their subject. The principle of academic freedom shall be accompanied by a corresponding principle of responsibility. In their role as citizens, employees have the same freedoms as other citizens. However, in their extramural utterances employees have an obligation to indicate that they are not institutional spokespersons. (Part 335, Title I, Section 335.27)

Additionally, the Community College Regulations of the SUNY Board of Trustees include this statement of the faculty’s role in the institution:

The faculty shall participate in the formulation of the policy relating to student health, scholarship, standards of admission, attendance and discharge of students, curriculum and other study programs, the granting of degrees, student activities, extra-curricular activities and

student discipline. The faculty shall also present recommendations to the president regarding (a) the instructional budget, and (b) appointments, reappointments, tenure, special salary increments, promotions and leaves of absence of members of the instructional staff. (Part 605, Section 605.1)

Both of these statements emphasize that faculty members have the right—as well as a responsibility to their institutions—to speak on policies relating to the institution as well as to present information in their academic disciplines when teaching or conducting research. Faculty members must be afforded the protection of academic freedom on both of these platforms.

Middle States Commission on Higher Education: The current and the new standards of the Middle States Commission on Higher Education address the importance of academic and intellectual freedom for a public institution in maintaining ethical standards for its programs and activities. The discussion of the context for Standard 6 includes the following language regarding academic freedom:

An institution should keep its promises, honor its contracts and commitments, and represent itself truthfully. The same adherence to ethical standards and conduct should extend equally to all members of the institution, whether they are part of the institution through distance learning programs, subsidiaries, or other arrangements. Institutions should adhere to such integrity in all institutional settings, venues, and activities.

Academic freedom, intellectual freedom, and freedom of expression are central to the academic enterprise. These special privileges, characteristic of the academic environment, should be extended to all members of the institution's community (i.e. full-time faculty, adjunct, visiting or part-time faculty, staff, students instructed on the campus, and those students associated with the institution via distance learning programs).

Academic and intellectual freedom gives one the right and obligation as a scholar to examine data and to question assumptions. It also obliges instructors to present all information objectively because it asserts the student's right to know all pertinent facts and information. A particular point of view may be advanced, based upon complete access to the facts or opinions that underlie the argument, as long as the right to further inquiry and consideration remains unabridged. To restrict the availability or to limit unreasonably the presentation of data or opinions is to deny academic freedom. The effective institution addresses diversity of opinion with openness and balance.

The new standards speak to academic freedom as follows:

“An accredited institution assesses and demonstrates . . . a commitment to academic freedom, intellectual freedom, freedom of expression, and respect for intellectual property rights” (Standard 2: Ethics and Integrity).

Faculty Council of Community Colleges: As is evident from these statements by SUNY, AAUP, and the Middle States Commission on Higher Education, academic freedom is a crucial concept that each college

must protect and instill in its culture and governance structure. While the majority of us agree on the importance of academic freedom, this protection is best stated explicitly rather than assumed. The FCCC recognizes that each community college in the SUNY system is unique and different in how its governance structure is organized, so it is important for each community college to look at its governance by-laws and/or contract language to see how academic freedom is protected under those documents. While contracts are negotiated sometimes with a union and only changes when the contract is re-negotiated, the professional staff handbook or governance bylaws should also have a strong statement that defines academic freedom and can be a reference for faculty.

The Faculty Council of Community Colleges (FCCC) would like each college to research how it protects its faculty and staff in situations of academic freedom. "Academic freedom" encompasses many freedoms: freedom for faculty and staff to recommend and criticize academic policies of an institution; freedom for faculty, both adjunct and full-time, to speak freely in their classrooms on the topic of instruction, using instructional resources including but not limited to instructional media and lesson plans that inspire critical thinking in their disciplines; freedom to conduct academic research, etc.

Appendix: Defining Academic Freedom by Cary Nelson (December 21, 2010)

Over the course of decades, a great many books, essays, and policies have been written and published about academic freedom. We have learned how to apply it to pedagogical, technological, cultural, and political realities that did not exist when the concept was first defined. Not only faculty members, administrators, trustees, and students, but also parents, politicians, and other members of the public, would now benefit from a concise summary of its major features. Sometimes academic freedom is invoked in situations where it doesn't actually apply. But many within and without higher education are not well-versed in all the protections it does provide. This statement is designed to help clarify both what academic freedom does and doesn't do.

PART 1: What It Does Do

1. Academic freedom means that both faculty members and students can engage in intellectual debate without fear of censorship or retaliation.
2. Academic freedom establishes a faculty member's right to remain true to his or her pedagogical philosophy and intellectual commitments. It preserves the intellectual integrity of our educational system and thus serves the public good.
3. Academic freedom in teaching means that both faculty members and students can make comparisons and contrasts between subjects taught in a course and any field of human knowledge or period of history.
4. Academic freedom gives both students and faculty the right to express their views — in speech, writing, and through electronic communication, both on and off campus — without fear of sanction, unless the manner of expression substantially impairs the rights of others or, in the case of faculty members, those views demonstrate that they are professionally ignorant, incompetent, or dishonest with regard to their discipline or fields of expertise.

5. Academic freedom gives both students and faculty the right to study and do research on the topics they choose and to draw what conclusions they find consistent with their research, though it does not prevent others from judging whether their work is valuable and their conclusions sound. To protect academic freedom, universities should oppose efforts by corporate or government sponsors to block dissemination of any research findings.
6. Academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on students or faculty.
7. Academic freedom gives faculty members and students the right to seek redress or request a hearing if they believe their rights have been violated.
8. Academic freedom protects faculty members and students from reprisals for disagreeing with administrative policies or proposals.
9. Academic freedom gives faculty members and students the right to challenge one another's views, but not to penalize them for holding them.
10. Academic freedom protects a faculty member's authority to assign grades to students, so long as the grades are not capricious or unjustly punitive. More broadly, academic freedom encompasses both the individual and institutional right to maintain academic standards.
11. Academic freedom gives faculty members substantial latitude in deciding how to teach the courses for which they are responsible.
12. Academic freedom guarantees that serious charges against a faculty member will be heard before a committee of his or her peers. It provides faculty members the right to due process, including the assumption that the burden of proof lies with those who brought the charges, that faculty have the right to present counter-evidence and confront their accusers, and be assisted by an attorney in serious cases if they choose.

PART 2: What It Doesn't Do

1. Academic freedom does not mean a faculty member can harass, threaten, intimidate, ridicule, or impose his or her views on students.
2. Student academic freedom does not deny faculty members the right to require students to master course material and the fundamentals of the disciplines that faculty teach.
3. Neither academic freedom nor tenure protects an incompetent teacher from losing his or her job. Academic freedom thus does not grant an unqualified guarantee of lifetime employment.
4. Academic freedom does not protect faculty members from colleague or student challenges to or disagreement with their educational philosophy and practices.
5. Academic freedom does not protect faculty members from non-university penalties if they break the law.

6. Academic freedom does not give students or faculty the right to ignore college or university regulations, though it does give faculty and students the right to criticize regulations they believe are unfair.
7. Academic freedom does not protect students or faculty from disciplinary action, but it does require that they receive fair treatment and due process.
8. Academic freedom does not protect faculty members from sanctions for professional misconduct, though sanctions require clear proof established through due process.
9. Neither academic freedom nor tenure protects a faculty member from various sanctions — from denial of merit raises, to denial of sabbatical requests, to the loss of desirable teaching and committee assignments — for poor performance, though such sanctions are regulated by local agreements and by faculty handbooks. If minor, sanctions should be grievable; if major, they must be preceded by an appropriate hearing.
10. Neither academic freedom nor tenure protects a faculty member who repeatedly skips class or refuses to teach the classes or subject matter assigned.
11. Though briefly interrupting an invited speaker may be compatible with academic freedom, actually preventing a talk or a performance from continuing is not.
12. Academic freedom does not protect a faculty member from investigations into allegations of scientific misconduct or violations of sound university policies, nor from appropriate penalties should such charges be sustained in a hearing of record before an elected faculty body.

These points are mostly adapted from nearly 100 years of American Association of University Professors policy documents and reports. Since its 1915 founding, the AAUP has been the primary source of the documents outlining the basic principles of faculty rights and responsibilities. It is also the source of perhaps the single best statement of student rights. Putting the principles above into practice, of course, requires a goodly amount of additional detail, information the AAUP continues to provide and update.

Works Cited

- “1940 Statement of Principles on Academic Freedom and Tenure.” *AAUP*. American Association of University Professors. Web. 3 Oct. 2013.
- Middle States Commission on Higher Education. *Characteristics of Excellence in Higher Education: Requirements of Affiliation and Standards for Accreditation (Online Version)*. 2009. Web. 3 Oct. 2013. 21-2.
- Nelson, Cary. “Defining Academic Freedom.” *Inside Higher Ed*. Inside Higher Ed, 21 Dec. 2010. Web. 3 Oct. 2013.
- The State University of New York. *Community College Regulations*, sec. 605.1, 38.
- The State University of New York. *Policies of the Board of Trustees*. 2009. 20.