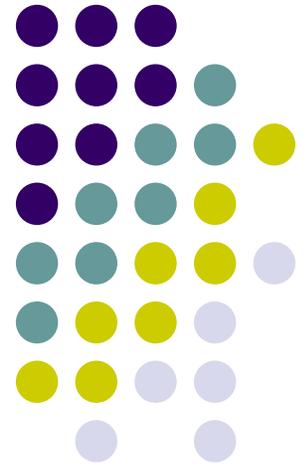


Academic Freedom

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“The University
function is the
truth function.”

John Dewey

Outline

- History
- NEA Policy www.nea.org
- Threats to Academic Freedom
 - Courts
 - Students for Academic Freedom
 - Increasing numbers of contingents
 - The response to terrorism
 - Corporate attitudes
- Contract Language





Academic Freedom

- _ Ensures the space for critical inquiry and academic debate
- _ Entails the responsibility to keep that space open in the classroom
- _ Is not the positive right to be able to teach whatever one wishes however one wishes
- _ Is not the positive right of a student not to have challenges to their pre-conceived beliefs.

Academic Freedom & Freedom of Speech



- Similar but not identical concepts
- Both faculty and students have constitutional free speech rights under the first amendment.
- Free speech rights do not guarantee employment



Academic Freedom & Freedom of Speech



- Academic freedom allows professors to exercise their professional judgment in teaching and research, it is not unrestricted free speech rights.
- The exercise of professional judgment based on years of training.
- Professors have academic freedom in a professional capacity, not simply as individuals.



The Origins of Academic Freedom

- The genesis of an idea is always hard to determine.
- There is no single event or individual that brings forth a concept as abstract as Academic Freedom.
- The roots of academic freedom in the US begin in the late 19th Century.
 - “Academic Freedom in the 21st Century” William G. Tierney and Vicente M. Lechuga.



The Origins of Academic Freedom

- Scholars returning from graduate work in Germany learned of the concept of *Lehrfreiheit* – “the right of the university professor to freedom of inquiry and the freedom of teaching, the right to study and to report on his findings in an atmosphere of consent.”
- At the same time, US higher education was growing. The size of faculty rapidly expanded and faculty work changed to include research.
 - “Academic Freedom in the 21st Century” William G. Tierney and Vicente M. Lechuga.

In the late 19th C. Administrative Control was Paramount



- Faculty input was nil
- Tenure did not exist
- Faculty meetings concerned the grading and evaluation of students.
- Professors were dismissed at will.
- No faculty input on budgets
- No faculty senates, or grievance committees.

NEA's Role In Academic Freedom



- In 1920s and 1930s NEA worked to develop NEA's capability to deal effectively with violations of academic freedom and the principles of tenure and due process--whether they occurred in public schools or institutions of higher education.
- NEA established a Committee on Academic Freedom in 1935 to "investigate and report" on cases involving "the violation of the principle of academic freedom" and to "assist in every way" members who were "deprived of their positions in violation of the principles of academic freedom." In the meantime, NEA sought to define the standards of academic freedom.

Academic Freedom

NEA History



- Adoption of preliminary resolution on the “Freedom of the Teacher” in 1928.
- “Academic Freedom” resolution in 1936 replaced the preliminary resolution adopted in 1928.
- Repeal of the “Little Red Rider” in 1937 which required teachers in DC to sign an oath they were not communists before they could receive pay checks.
- Condemned loyalty oaths in 1938.
- Affirmed Fundamental Freedoms of thought and expression and condemned book burnings, in 1956.
- Opposed censorship of instructional materials, teaching techniques and opinions in 1968, 1971 and 1975.

Academic Freedom

Basic NEA Policy



- “Academic and intellectual freedom in institutions of higher education are best protected and promoted by tenure, academic due process, and faculty self-governance.”
- NEA believes that “Intellectual freedom is a basic right of all citizens and essential to preserving American democracy.”
- NEA endorsed AAUP’s 1940 “Statement of Principles on Academic Freedom and Tenure” in 1950, and reaffirmed its endorsement in 1985.



NEA Policy (cont.)

- “Tenure and academic due process-when accompanied by a proper system of faculty self-governance-protect the rights of all faculty members, tenured or untenured.”
- “NEA encourages faculty members, administrators, students, and governing boards to work within the current tenure system when confronting the challenges, opportunities, and adversities of the future.”

NEA Protects Academic Freedom Today



- Protecting Public Employee Speech
- International Scholarly Exchange
- Working to repeal restrictions on research at Federal and state levels.
- Opposes Academic Bill of Rights
- Legal action



Restrictions on Research

- 2006 NEA RA passed resolution opposing Florida “Travel to Terrorist States” law, which prohibits any use of state funds on programs “related to, or involving, travel to a terrorist state.”
- A terrorist state is defined as one of the countries listed by the Department of State as “state sponsors of terrorism.” Currently these are Cuba, Iran, North Korea, Sudan, and Syria. (Iraq was removed after a recent regime change.)

Threats to Academic Freedom



- The Courts
- Students for Academic Freedom
- Increasing numbers of contingents
- The response to terrorism
- Corporate Attitudes





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The Courts



- **Garcetti v. Ceballas**

- Recent Supreme Court decision
- NEA filed an amicus brief in the case
- Issue of employee speaking as part of “his official duties.”
- The supreme Court ruled: “We reject the notion that the First Amendment shield from discipline the expressions employees make pursuant to their professional duties.”

- Mike Simpson, NEA Office of General Counsel. NEA Advocate August 2006.



Garcetti v. Ceballos

- The court recognized the importance of “academic freedom” and hinted that college professors, when teaching or writing, still may be protected by the First Amendment.
- There are additional lower court decisions that hold that “academic freedom” belongs to the university not the individual.
- It is too early to tell what view may prevail.



Academic Bill of Rights

- **Advanced by conservative activist David Horowitz and his organizations, including the website Students for Academic Freedom, where the tagline is “*you can’t get a good education if they’re only telling you half the story*” and includes the wonderful graphic below.**





Academic Bill of Rights

- Horowitz argues that the liberal bias in higher education is effecting left wing indoctrination rather than education.
- Legislation introduced in 21 states since 2004 (3 states in 2004, 15 in 2005, and 6 in 2006. Does not add accurately because of multiple introductions in some states.)



Academic Bill of Rights

- As the legislation has been defeated, Horowitz and his allies argue they never wanted legislation.
- (Editorial Aside: Introducing Legislation is an odd way to avoid legislation.)
- In 2006 alone, bills representing the ideas in the so-called Academic Bill of Rights have been defeated in Arizona, California, Hawaii, and South Dakota.
- Handout shows history of Legislation over 2005-2006 legislative sessions.



Pennsylvania Hearings

- House of Representatives passed HR 177 in July 2005 which establishes Select Committee on Student Academic Freedom to “to examine the academic atmosphere and the degree to which faculty have the opportunity to instruct and students have the opportunity to learn in an environment conducive to the pursuit of knowledge and truth.”
- Four public hearings were held.



Pennsylvania Hearings

- The Committee will now turn to writing a report which is due November 1, 2006
- NEA and PSEA will work with committee members to influence the report.
- The Committee could recommend legislation, but it is more likely to conclude that existing policies are more than enough to handle a problem – especially since the committee found no serious evidence of any problem.



Future Threats From Academic Bill of Rights

- It will be a campaign issue in some states
 - Maine, Minnesota and Wisconsin already in debate.
 - Arizona is talking about a bill for 2007
- Some campuses will see efforts to impose the Academic Bill of Rights as policy.
- The same arguments will continue to be made in budget debates and other higher education issues.

Contingent Faculty



- By 2003 46 % of all faculty are part-time and 65% of the professoriate is in non-tenure track positions.
- Without job security, “academic freedom” is an ideal, not a reality for contingent faculty.
- The courts, in most cases, rule against contingent faculty.

The Patriot Act



- Federal agents now collect extensive information on students with fewer restraints.
- The government can deny federal dollars to colleges that do not provide access to military recruiters.
- Increased security measures have prevented foreign students from coming to the US.
- Increased scrutiny of faculty who teach in certain disciplines, i.e. Middle East Studies.



Negotiations

- Negotiated language protecting Academic Freedom is an effective way to protect rights.
- Contract Language
 - The handout summarizes contract language on “academic freedom.”
 - NEA’s Higher Education Contract Analysis System
 - Over 500 contracts from colleges nationwide
 - Uses search and retrieval software
 - Available for NEA’s higher education affiliates.



REMEMBER.....

- A college or university campus is a place where controversial, and sometimes even foolish, ideas can be debated and propounded.
- Over eighty years ago, Kansas newspaper editor William Allen White wrote that "free expression" often brings "folly with it." But he added that where "there is freedom, folly will die of its own poison, and the wisdom will survive. . . . Reason has never failed men. Only force and repression have made the wrecks in the world."

Sources



- NEA's higher education web site, has many resources. www.nea.org/he; NEA Policy, <http://www2.nea.org/he/policy1.html>
- "Academic Freedom in the 21st Century" William G. Tierney and Vicente M. Lechuga. An award winning article in Thought and Action, Fall 2005. <http://www2.nea.org/he/tanda.html>
- Sproles, Kathy. "The Right of Faculty to Teach." In NEA Advocate On-line, August 2006. www2.nea.org/he/advo-new/speaking.html.
- Simpson, Mike, NEA Office of General Counsel, NEA Advocate On-line, August 2006.
- For an updated list of states activities on the student academic bill or rights: <http://www2.nea.org/he/freedom/aboraction.html>
- Parts of the presentation were written by Mark Smith, NEA Higher Education Coordinator, Washington, DC.
- Academic Freedom in Collective Bargaining Agreements, summary from NEA's Higher Education Contract Analysis System (HECAS): <http://www2.nea.org/he/freedom/images/acadfreedom.pdf>