



A Union of Professionals

AFT Higher Education

Academic Freedom in the 21st-Century College and University:

Academic Freedom for All Faculty and Instructional Staff

The AFT Statement on Academic Freedom



AFT Higher Education

A Division of the American Federation of Teachers

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Introduction

For most of the past half-century, American higher education has been the envy of the world, and a powerful magnet for scholars and students from everywhere. Not only are some of our universities among the finest in the world, but our colleges and universities benefit from unparalleled institutional diversity, independence, richness in educational programming and research capacity. In our view, one of the greatest strengths of our higher education system has been the creative atmosphere nurtured by the existence of academic freedom on campus.¹

The First Global Colloquium of University Presidents, a 2005 gathering of more than 40 university leaders and professors convened at the request of United Nations Secretary-General Kofi Annan, defined academic freedom as follows:

*At its simplest, academic freedom may be defined as the freedom to conduct research, teach, speak, and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.*²

Academic freedom is a long-standing idea that came into its own in American higher education in the 20th century. The concept is propelled by three academic processes that are intended to provide a great deal of professional autonomy to faculty, instructional staff and other researchers, while, at the same, ensuring that they adhere to a body of high scholarly standards. Those three processes are **tenure**, **peer evaluation** and **shared governance**.

- **Tenure:** Faculty members who earn tenure after a long probationary period are protected from sanctions for saying or writing things that a particular individual or special interest group might disagree with, but that are consistent with proper academic practice.
- **Peer evaluation:** This is the process by which academic peers at an institution and within the scholarly disciplines continually review and evaluate academic standards, content and procedures, as well as individual performance.

- **Shared governance:** This is the set of procedures under which institutional decision-making is shared between college and university administrators and the faculty (and, less often, nonfaculty instructional staff).

In many societies, currently and in the past, scholars have had to stifle their perceptions, hide their knowledge and conform to standards imposed by forces outside academia, such as politicians, government officials and pressure groups. But in the United States, the concept of “engagement in the pursuit of knowledge wherever it may lead” has allowed American academics not only to explore intellectual space for its own sake, but also to develop ideas that have proven essential to the nation’s pre-eminence in science, medicine and technology; in commerce and the global economy; and in literature and the arts.

Most important, the academic freedom of the faculty and instructional staff serves students well—in fact, it is the hallmark of excellence in education. In these times, higher education has to offer students the most sophisticated information possible from the most knowledgeable sources available. Students need to learn how to use critical intellectual tools that enable them to seek new information and to evaluate its utility. Students need to be able to speak and study in classrooms where ideas are debated and challenged, but where no one—neither the student nor the teacher—is in danger for expressing his or her views. Professionalism and free exchange are at the heart of education, and academic freedom is the mechanism that allows them to flourish.

Today, however, the American Federation of Teachers issues this statement out of a deep sense of urgency about the status of academic freedom now and in the future. Increasingly, we see a variety of threats to the practices that support academic freedom. These include:

- The increasingly vocational focus of higher education;
- Loss of financial support for colleges and universities;
- Corporate-style management practices;
- Political attacks on faculty and instructional staff;
- The erosion of academic staffing through the loss of full-time tenured positions and the financial and professional mistreatment of contingent faculty members.

Among these, we believe that the greatest threat to academic freedom today is the subtle removal of many faculty positions from the tenure track and from shared governance structures. Given the current vulnerability of academic freedom, it is critical that we re-focus public attention on its value, how it works, the threats it faces and strategies for protecting it. This includes demystifying the practice of academic freedom, and stimulating healthy discussion and debate about its nature and implementation. Finally, it is important to restate academic freedom standards in the context of today’s college and university setting.

In answer to the threats facing academic freedom, the AFT also sees great opportunities to promote sound academic practices through the growing activism of

the higher education workforce and the growing influence of academic unions on campus and in the political system. Our standards and recommendations are informed by the AFT's strong belief that collective bargaining and the trade union movement, as well as energetic activity in the political and public policy arena, are essential to countering the threats posed to academic freedom and to building structures to protect it.

The following statement, then, is divided into the following sections:

- Academic freedom standards;
- A closer examination of the processes that protect academic freedom;
- The threats to academic freedom today; and
- Action plans for restoring academic freedom and expanding its reach.

Faculty and Instructional Staff—Who Are They?

The nation's colleges and universities differ greatly from one another in their history, legal structure and missions. As a result, a plethora of job titles have been attached to the positions of the men and women employed to teach college students. In the AFT's view, whatever nomenclature is used to classify an individual's teaching role, the protections of academic freedom described in this paper apply to all such individuals. This statement will employ the following definitions:

- *Instructional staff* refers to anyone assigned to teach or supervise students in classrooms, studios, libraries, laboratories, clinical settings, field placements or on the Internet, among other locations. The term, therefore, applies to faculty members (see below), but also to individuals, including administrators and staff teaching classes, who teach but whose positions are not defined as "faculty" by the institution. The term also applies to graduate employees who teach classes at the university level. Definitions vary greatly, institution by institution.
- *Faculty* refers to instructional staff members whose positions are designated as "faculty" by the institutions where they work. The faculty, in turn, is divided into the following two parts.
- *Full-time tenured and tenure-track faculty* refers to full-time permanent faculty who hold tenure as defined by the institution, as well as full-time permanent faculty in positions in which they may become eligible for tenure.
- *Contingent faculty* refers to members of the faculty who have limited-term appointments—appointments that are not permanent but terminate at the end of a stated period of time (a quarter, a semester, a year, two years, etc.). The term contingent faculty includes *part-time/adjunct faculty* as well as *full-time nontenure-track faculty* (full-time faculty whose positions are not permanent or eligible for tenure).

PART I:

Standards of Academic Freedom

The AFT Higher Education program and policy council, the union's academic advisory group, developed the following standards for nurturing academic freedom in today's world. The AFT calls upon the nation's colleges and universities to commit themselves to the high standards embodied here, and to live by them. We call upon faculty, instructional staff and the entire academic community to push for the implementation of these standards—supported, wherever possible, by legally binding contract language—and the expansion of academic freedom protections to all faculty and instructional staff.

Teaching

- **The body of faculty and instructional staff at an institution of higher education must have primacy in designing and approving the curriculum, as well as the methods of instruction, in accordance with accepted professional standards.**

This principle reflects the level of collective responsibility and accountability that faculty and instructional staff should have in the self-governing partnership of the academy. Contingent faculty and instructional staff members must be treated as partners in this collective responsibility and accountability. As a practical matter, this means that instructional staff, and particularly contingent faculty, should be invited to participate in the institution's mechanisms of self-government and, if they undertake that responsibility, they must be fairly compensated for their participation.

Individual courses and individual instructors operate in the context of a curriculum aimed at teaching the institution's student body appropriate subject matter through appropriate means. Separating curriculum planning and implementation—i.e., curricular design and instruction—leads to the standardization of curricula and teaching. Therefore, assigning faculty or instructional staff only the role of classroom instruction, and not the broader role of curriculum design, takes away part of their professionalism and weakens good educational practice.

- **Individual faculty and instructional staff members must have primary responsibility for selecting instructional materials, defining course content and determining the methods of evaluating student performance in their classes—working in concert with their colleagues to ensure coherence of the curriculum and consistency in applying it, and subject to academic standards accepted within the community of scholars.**

All faculty and instructional staff, including contingent faculty and instructors, should be treated as professionals who have the expertise—and must be accorded the high degree of autonomy—that their professional status implies. This does not mean that individual faculty members are or should be free from professional accountability. To the contrary, the self-governing processes by which educators evaluate one another’s work are designed to ensure individual accountability, as in other professional fields such as law and medicine.

- **Within the classroom, all faculty and instructional staff are entitled to full freedom to discuss the subject matter of the course, in accordance with prevailing academic standards established within and among the academic community.**
- **Faculty and instructional staff are entitled to exercise their professional judgment in presenting and discussing, frankly and forthrightly, controversial material relevant to their teaching subjects and methods.**

It’s very simple: Good education ends when instructors have to look over their shoulders to make sure what they say in the classroom meets the approval of people with ideological or commercial agendas—such as politicians, government or the media—rather than consider the professional standards of their peers. Outside intervention to change classroom readings, or monitor classroom discussions, is to be vigorously resisted. The judgment of faculty and instructors about what is appropriate or not in the conduct of teaching should be given primacy—again, subject to the professional scrutiny of their colleagues, academic norms and due process protections.

- **Faculty and instructional staff are entitled to evaluate students in their classes based solely on their assessment of the academic merit of the students’ work in that class. Students need to be confronted with arguments and encouraged to think critically, evaluate unfamiliar points of view, examine the intertwining of ideas across academic disciplines and the relationship of one subject area to others, and be engaged in thinking about the world we all live in.**

As professionals, all faculty and instructional staff members should be presumed to have the knowledge and skills to make intelligent decisions about pedagogical methods and about subject matter. They may find it necessary and useful to go outside the usual subject matter to

help achieve the learning objectives of the course. Sometimes current, real-life controversies shed light for students on important conceptual frameworks and research methodologies. In addition, making education relevant to the world in which students function and interact brings more life, passion and meaning to teaching and learning.

The content of courses is based on professional standards that, in many disciplines, may have developed over a long time. The faculty and instructional staff as a whole is the best judge of whether these academic standards are appropriate and are being met.

- **All faculty and instructional staff are entitled to full intellectual property rights in developing and delivering their teaching materials.**

With the advent of corporate-style academic management and the growing commercial potential of Internet-based learning and other forms of distance education, some administrators claim that teachers' work products—their lecture notes, slides, exhibits, etc.—are the property of the institution rather than the individual professor. Moreover, new electronic technologies have expanded the classroom and the teacher-student relationship into cyberspace, and have digitized course materials and even conversations into computer files. These new technologies, in turn, open the door to electronic surveillance and appropriation of teaching tools and expressions.

These should be seen as infringements on academic freedom. They have the potential to create an atmosphere of suspicion, to have a chilling effect on free discussion, to dampen the creative enthusiasm of faculty, and to make mobility from one institution to another nearly impossible for those not allowed to have custody of their own creations. Faculty are part of a community of scholars, and that community functions only through the free exchange of ideas. Nevertheless, the ideas that faculty teach about should be considered community property and should be freely discussed throughout the academic community.

Research and publication

- **All faculty, instructional staff and other professionals performing research at the institution are entitled to full freedom in choosing research subjects and methods, subject only to professional and peer-driven standards. They are entitled to full freedom in the publication of their results.**

Regardless of how controversial, unconventional or unsettling their subjects, methods and results are, academics need freedom from interference in their research for the reasons cited above. They should be able to pursue ideas and knowledge wherever they may lead.

- **Academic integrity in research, however, requires discoveries to be shared and knowledge to be considered primarily as a public good instead of a private possession.**

Academic freedom requires the free exchange of ideas and information, following prudent and responsible academic and institutional standards. However, the growing commercialization of research presents problems for free exchange. For example, confidentiality agreements with business sponsors of research serve the business's interest in restricting information to stop competitors from appropriating ideas. However, such agreements may conflict with intellectual free exchange, not allowing others to learn enough to be able to test, replicate and/or refute the theories and the evidence supporting them. This retards the development of knowledge and the potential for new discoveries.

Other conflicts of interest involve direct financial ties between higher education faculty and institutions on the one hand, and companies sponsoring academic studies on the other hand, as well as editorial constraints placed on the publication of the results by the sponsor. These conflicts need to be disclosed and minimized. Of course, faculty, instructional staff and other professionals performing research at the institution can, and their institutions may, legitimately claim ownership of the products—such as publications and patents—of research conducted under the auspices of the institution. But the ideas and results of research should be freely shared.

Participation in institutional governance

- **All faculty and instructional staff are entitled to freedom in their institution to participate in governance, whether they are tenured or nontenured, without fear of intimidation or retaliation.**
- **Institutions have an obligation to provide appropriate mechanisms of shared governance, time for individuals to participate in them and, in the case of contingent faculty and instructional staff members, appropriate compensation for taking part.**
- **All faculty and instructional staff are entitled to participate in decisions affecting educational policy, including the development of curricula and academic programs, the establishment of accountability and outcomes assessment methods and measures, budget development and allocation of resources, and academic and administrative staffing.**
- **All faculty and instructional staff are entitled to participation in the accrediting process internal to institutions, within accrediting associations and on accreditation visiting teams.**

The principles expressed here are fundamental to maintaining the self-regulating system of shared governance that is a pillar of academic freedom. These points are fully articulated in *Shared Governance in Colleges and Universities: A Statement by the AFT Higher Education Program and Policy Council* (2002).

Freedom in public life

- **Members of the academic community—including all faculty, instructional staff and indeed all workers at the institution—are free to join or form associations and organizations; to organize and work with unions; and to state their views on any topic, subject only to the understanding that they do not speak on behalf of their institutions.**

The history of academic freedom shows that faculty and academic staff have at times been punished or fired for expressing their views on public issues and associating with others who share them. Several critics want faculty voices to be silent on public issues, as if they have no right to opinions outside their areas of academic expertise, not to mention within those specialties. Academics, as highly educated professionals, are often called on to take leadership roles in organizations in civil society, and have every right to take on such roles and speak out on issues of the day. They can serve as independent voices not tied to the vested interests of commerce or politics.

PART II:

The Mechanics of Academic Freedom

The processes by which faculty members are chosen and trained, and the system of standards under which they operate, are designed to make academic freedom a reality and to ensure that classrooms are filled with people for whom educational integrity is paramount. Earlier in the statement we mentioned the three key processes protecting academic freedom—tenure, peer review and shared governance. We will explore them now in more detail.

Tenure and due process: The due process procedures known as tenure were generated to protect faculty members from being disciplined or fired for voicing opinions that do not violate professional norms of conduct, but may offend powerful individuals and interests on the outside. Tenure was initiated out of an understanding that both good education and objective research were at risk if individuals were subject to sanction or dismissal for nonacademic reasons. Tenure not only protects faculty members from unwarranted interference in their professional work by “outsiders,” it also ensures that faculty members cannot be sanctioned by their own colleagues for challenging conventional academic wisdom or utilizing unorthodox methods.

Faculty members achieve tenure after undergoing a multiyear probationary period during which their work is continually evaluated (generally two to five years in community and technical colleges, and as many as seven years in four year colleges and universities). During this time, they are subject to nonrenewal of their employment contract without recourse. At the end of the probationary period, they are evaluated again and, if faculty peers and management agree, the faculty member is awarded tenure, which means that his or her position is now based on a presumption of continuous employment. Evaluation of faculty work does not end with tenure. Throughout their careers, tenured faculty members face, among other things, student evaluations, peer and administrative evaluations, and evaluations for merit pay, sabbaticals and professional development funding, as well as evaluation of their research.

Tenure, however, does ensure that tenured faculty cannot be disciplined or dismissed without extensive due process, including peer review. Tenure means that when a faculty member is accused of wrongdoing, he or she must have a full opportunity to mount an adequate defense before being sanctioned in any way. Unfortunately, for contingent faculty and instructional staff members without access to such protections, academic freedom can become an empty promise.³

Peer evaluation: Academic freedom depends on the set of practices by which faculty, instructional staff and other academic scholars continually establish and re-establish standards of ethical behavior and good practice, and monitor the implementation of these standards on campus. The process is largely self-regulating, as in other professions such as law and medicine, and it is based on the principle that academic workers are in the best position to make academic decisions.

The peer evaluation process takes place in a variety of forums—from informal hallway discussions to formal seminars to professional, discipline-specific academic conferences to editorial review boards of scholarly journals to peer review panels of funding agencies and organizations. These practices, over time, have allowed faculty to create, set and enforce the standards within and among academic disciplines for evaluating facts, data, ideas, hypotheses and theories. The standards themselves are continually subject to change, so what has prevailed in the past may be replaced by new advances.

Peer evaluation takes place throughout an academic career, from beginning to end. Prospective faculty and instructors are interviewed and evaluated by other faculty at the institution who, in turn, recommend which applicants should be appointed. Faculty members evaluate and recommend who gets tenure and who does not. During an individual's career, faculty members evaluate the quality of his or her teaching and research. Curriculum is set and approved by committees of other faculty members in departmental, program and universitywide curriculum committees. Similarly, recommending merit pay, approving sabbaticals, handling discipline and considering dismissal are typically conducted through faculty peer review (although, again, these processes are much weaker for contingent faculty). Traditionally, peer panels make recommendations to college and university administrators, who have budgetary and hierarchical authority. Peer evaluation goes beyond colleagues at the institution. One of the most powerful influences on faculty is the standards set by their academic discipline on a national and even international basis. For example, scholarly publications in academic journals and books undergo an extensive process of review by specialists in the field outside as well as inside the institution.⁴

Thus, as noted earlier, members of the faculty and instructional staff are not free agents with license to do whatever they want, but are accountable to their peers and academic management. If and when they violate professional standards, they are subject to sanctions, up to and including loss of tenure. The strength of the

system, however, lies in the power of collegial decision-making, not administrative discipline.

Shared governance: In well-functioning colleges and universities, educators are partners with administrators in the process known as shared governance, which is the process of decision-making that encompasses everything from budgets, hiring and discipline, to curriculum and academic standards. Academic freedom relies on the presumption that educators themselves are professionals who have been trained to make, communicate and carry out decisions concerning instruction, research and questions facing our society. Thus, academic freedom is not only a personal privilege, but a responsibility and obligation of the entire professional community.

Peer review and administrative authority act as checks and balances upon each other, making shared governance work for the common good. Where peer review and collegial decision-making does not take place, neither administration nor the faculty and instructional staff are checked and academic freedom is weakened.⁵

PART III:

Threats to Academic Freedom Today

Developments over the past quarter-century have been weakening academic freedom and, with it, the integrity of the structure of learning. Five factors, among others, have combined to create concerns:

- The increasingly vocational focus of higher education;
- Loss of financial support for colleges and universities;
- Corporate-style management practices;
- Erosion of the academic staffing structure; and
- Political attacks on faculty and instructional staff.

The increasingly vocational focus of higher education: The expansion of higher education and its importance in the late 20th-century and early 21st-century economy is a great achievement and one that serves our students well. However, as an inevitable result, students, their parents, the business community and government officials increasingly demand that higher education programming must have vocational relevance. Course offerings, curricula, and even research projects arouse more outside interest, scrutiny and criticism. Students are seen more as “customers” seeking particular classes to educate them for the workforce. This has been accentuated by the advent of computer-based education, allowing students to cobble together courses from a variety of providers, as well as by the expansion of vocationally oriented for-profit colleges and universities, which promise cheaper, more standardized teaching and generally dispense with the scholarly and research functions of the academy.

In particular, institutions feel pressure to revise, narrow or shrink core curricula. Periodically revising the curriculum is part of a healthy academic culture, and a continuing examination of relevance is important. However, too strong a focus on immediate job relevance has, in too many instances, diminished the role of faculty members in establishing the academic program while squeezing out subjects that broaden student understanding of society; subjects that open the student’s perspective on what is good, bad or beautiful in life; and subjects that develop strong skills in communication, argumentation and logic.

The focus on the payoff of a college education, and the increased competition it generates among students, has also led to increasing scrutiny and controversy over the grades given by faculty and instructors, sometimes to the point of administrators intervening to overrule grades. At the same time, political figures are increasingly pressuring colleges and universities to adopt quantitative measures of student achievement, including a variety of standardized tests that, inevitably, would shape the content of what is taught in the classroom. Practices such as these, which restrict the ability of faculty to be self-regulating experts and professionals, pose serious constraints on academic freedom.

Loss of financial support for colleges and universities: The increased clamor for access to higher education pressures state and local governments to provide more funding for public colleges and universities. At the same time, however, state government budgets are hard-pressed to support competing priorities such as healthcare and corrections, especially in light of the push to disinvest in public services and public resistance to paying taxes.

As a result, state and local support per full-time student in 2005 reached a 25-year low in inflation-adjusted terms. In 2006, support grew a little but was still less than in earlier years, and far below what is needed. The percentage of state and local tax revenue allocated to higher education increased between 1997 and 2003, but declined from 7.6 percent to 6.8 percent between 2003 and 2004.

Reductions in state funding, in turn, have had the effect of shifting the burden of college costs from the general public to the individual student. Between 2005 and 2006 alone, students attending a public four-year institution experienced an average 6.3 percent increase in tuition and fees. Even at private four-year colleges, students experienced a 5.9 percent increase in tuition and fees. Factors contributing to the private tuition increases included declines in endowments and private giving. The steady loss of purchasing power on the part of federal student grant programs also has added to the difficulty in meeting college costs. The maximum Pell Grant now covers only 33 percent of tuition, fees, and room and board at the average four-year college, down from 42 percent just four years ago. It is not hard to see how academic freedom is impaired when undue financial constraints, rather than academic considerations, restrict the ability of faculty and instructional staff to maintain professional standards in teaching and research.

Corporate-style management practices: In response to the trends described above, higher education administrators have turned increasingly to corporate-style ways to raise money, save money and manage their institutions. The rise in tuition and fees represents a shifting of the burden for funding education from the public to the individual. To finance the research apparatus of universities and colleges, institutions and researchers have increased their ties to industry and government.⁶ These ties have led to widespread concern that scientific information

and discoveries do not circulate quite so freely in this new atmosphere. Instead, confidentiality agreements, government regulation and commercial temptation have limited the freedom of professors in their classrooms, labs and publications.

Institutional administrators have employed multiple strategies to save money and to assert greater control over budget and programmatic decision-making. They have increasingly centralized control over decision-making, and lessened the role of faculty and instructional staff members in policies concerning personnel, budget and academic programming. Even more important, institutional administrators have turned away from employing well-paid, full-time tenured faculty in favor of overusing and exploiting contingent faculty and instructional staff.

Erosion of the academic staffing structure: Contingent faculty and instructional staff, as we noted earlier, comprise part-time/adjunct faculty, as well as full-time nontenure-track faculty and instructional staff, including graduate employees, who are not hired on a permanent basis and whose positions do not carry tenure protections. As of 2005, less than 30 percent of the higher education instructional staff in the United States was tenured or tenure-eligible, while 70 percent were contingent faculty or instructors. Even if they are hired again and again for fixed terms, the individuals in contingent positions often experience job insecurity and low wages, and usually receive inadequate professional support. Since these contingent faculty members and instructional staff do not have a claim to permanent tenure, they have the most tenuous claim to real academic freedom.

Thus, as we noted earlier, the greatest threat to academic freedom today is the subtle removal of many faculty positions from the tenure track and from engagement with shared governance structures. This hiring trend seriously weakens academic freedom in ways that political attacks on the academy or sanctions aimed at individual faculty members cannot accomplish alone. The two sources of attack are, in fact, intertwined; academic freedom can be blown down more easily by powerful gusts of external meddling when its roots are being pruned away by the loss of tenure and governance.

During the past century, organizations such as the American Federation of Teachers, the National Education Association (NEA) and, particularly, the American Association of University Professors (AAUP) established policies on academic freedom, tenure and shared governance as mutually reinforcing pillars of the collegiate superstructure. The AAUP first enunciated the basic principles, has upheld them and, to this day, exposes abuses through investigations and censure of college and university administrations.⁷ These principles are also embodied in collective bargaining agreements around the country negotiated by AAUP, the NEA and the AFT.

Under the new conditions of a shrinking tenure track and hostile external interests, however, higher education faculty and instructional staff need more than just a reiteration of basic principles. We need to go further in fighting for them. That means not only advocating for an increase in tenured positions, but also

fighting for parity pay and benefits for contingent faculty and instructors, achieving more professional treatment for contingent faculty and instructors, and extending peer review, shared governance and due process rights to cover all faculty and instructional staff. Contingent faculty and instructional staff need real academic freedom backstopped by real job protections and real rights.

Political attacks on faculty and instructional staff: Organizations and individuals who believe ideological conformity is essential to political stability have always been suspicious of academic freedom because it affirms faculty independence and places the academy at the cutting edge of unconventional ideas. In the aftermath of WWII and during the early days of the Cold War, the academic freedom of faculty came under attack from Sen. Joseph McCarthy and others who claimed that national security required the rooting out of people they labeled as Communist sympathizers. The legacy of loyalty oaths, individual harassment and firing individuals under suspicion cast a pall over academia that did not lift until the 1960s.

Now, at the beginning of the 21st century, these types of suspicions have resurfaced, particularly following the terrorist attacks on the United States on Sept. 11, 2001. Academic critics of American foreign policy have been accused of being unpatriotic or, worse, traitors. Moreover, national security measures—including the USA PATRIOT Act, new immigration rules and surveillance programs—have been established. These have diminished the freedom of librarians, professors and other academic professionals to pursue certain subject areas in research, to recruit students from abroad, and to collaborate with academic colleagues in certain proscribed nations.

They have also provided fuel for those who would like to exert political and ideological control over academic institutions.

Academia has come to the attention of powerful conservative interests because it has been perceived as a bastion of independent and liberal thought that retains influence over public discourse. Over the past couple of decades, higher education has been attacked as a liberal haven of “tenured radicals.”⁸ A well-funded campaign has sprung up, calling for legislative action to regulate academic hiring, tenure processes, course content and curricula. Some conservatives advocate government intervention to control professors in the name of academic freedom, which is ironic to say the least,⁹ because their purpose is to insert a particular ideological agenda into the classroom. These same interests are also reaching out to college and university governing bodies, urging them to adopt their mislabeled academic freedom agenda. Such moves, however, are meeting heavy and sustained resistance from individuals and organizations around the country defending free exchange on campus.¹⁰ These organizations, including the AFT, recognize that defending academic freedom requires the defeat of government intrusion, or any external intrusion, into curriculum, teaching, hiring and student assessment.

PART IV:

Implementing Academic Freedom Through Collective Action

Academic institutions have an obligation to protect academic freedom for all faculty and instructional staff as a mainstay of a free, open and democratic society. Doing so will require the dedication of the entire higher education community. As we wrote earlier, it is essential—but not enough—to bring forward fundamental standards of academic freedom, as we have just done. It will not be enough to decry the attacks on and pressures to limit academic freedom. We must act now to expand and protect academic freedom from erosion, from external forces and pressures, and from internal exigencies of institutional management. The American Federation of Teachers pledges itself—and urges its affiliates and members, as well as academic workers throughout the nation—to defend academic freedom in the context of the beginning of the 21st century. Here are some ways this can be done.

Open dialogue about academic freedom issues on campus: Too little dialogue goes on today between full-time tenured faculty members and their colleagues in the contingent ranks, and also between faculty/instructional staff and administration, about building professional rights and responsibilities among the different categories of instructional staff at the institution. One way to open such dialogues on campus is to institute informal academic freedom forums. Such forums would promote discussion of the issues discussed throughout this paper and facilitate the development of unified positions on them.

Demystify academic practices for policymakers and the public: Public policymakers and the general public today have a tremendous stake in higher education, great influence over its future and a clear right to understand what goes on inside colleges and universities.

If, as we have shown, academics are facing challenges to their authority as professionals, and if funding shortfalls and an eroding staffing structure are impairing

their ability to do their best work, then it is time for frontline academic workers to get up and explain their work, and demonstrate its benefits, to public officials and the community at large. The AFT urges faculty members and instructors to initiate planned and coordinated efforts to visit legislators frequently and to bring legislators to campus. Faculty members and instructors also should seek chances to appear in community settings to explain what they do. Faculty organizations should undertake similar activities, including media outreach and advertising.

Strengthen the power of faculty and instructors to negotiate and enforce practices and procedures that further academic freedom: Under our system of higher education, academic freedom relies all too often on the informal social contract that was forged in the past, and on institutional rules that can be changed unilaterally by those with legal authority over our colleges and universities. For the financial, ideological and commercial reasons cited in this statement, the informal social contract is breaking down. In the current context, the best hope for expansion and protection of academic freedom is the organized power of the community of scholars, exercised through the mechanisms of collective bargaining and political action. The appropriate strategy for each institution and each state—because legal authority in most higher education institutions is vested by the state or local government—depends on local circumstances.

First and foremost, however, the strongest protections for academic freedom can be fully guaranteed only if all faculty and instructional staff have democratically chosen representatives at the table of power. Agreements between college and university administrators, on the one hand, and faculty and staff collective bargaining agents, on the other, are legal, enforceable instruments that express and uphold our principles. Because most such agreements have focused, and will continue to focus, on pay and benefits issues, it takes special creativity to craft agreements on academic freedom; but, the good news is, it has been done successfully many times. For instance, there are contracts that establish guarantees of faculty involvement in setting standards and procedures for hiring, for reappointment and for promotion in rank. These, in turn, can lay the basis for ensuring that all faculty are free to teach, research and serve without fear of punishment or retaliation. Bargaining agreements also can further intellectual property rights. Similarly, bargaining can protect and extend the internal shared-governance system of colleges and universities.

Due process protections for the entire instructional and research staff—permanent and contingent—can be, are and should be part of collectively bargained contracts. As we have indicated throughout this statement, the AFT strongly endorses tenure as a guardian of academic freedom. We believe tenured positions should be expanded, not further contracted, on our nation's campuses. The AFT engages in extensive efforts to expand higher education unionization to protect and promote tenure.¹¹

In circumstances where tenure is not available, however, we believe in extending protections against arbitrary dismissal, and in ensuring participation in institutional governance, primarily through binding collectively bargained contracts. We understand that effectuating these standards, particularly for contingent workers, is a major challenge, but such protections can be and have been negotiated. Innovative solutions that imitate or approximate the protections and privileges of tenure—such as formal presumption of continued employment and paid (not just volunteer) participation on shared-governance committees—must be developed and spread. (For further information about collective bargaining agreements that address these issues, contact AFT Higher Education.)

Undertake political and legislative activity: Sometimes, collective bargaining is not sufficient to protect academic freedom. To advocate effectively for their principles, faculty and instructional staff must become actively involved in the lawmaking process in their states and localities, as well as in the political process that ultimately determines who will make critical policy decisions.

For example, in states where faculty and academic staff are excluded from the protections of collective bargaining law, political action is needed to change the laws. Action also is needed for the private sector of higher education, where full-time tenure-track faculty are excluded from collective bargaining by virtue of their involvement in academic decision-making. Current law, stemming from the *Yeshiva University* Supreme Court decision of 1980, wrongly equates the professional responsibilities of full-time tenured faculty with managerial responsibilities, and thus denies legal protection for unionization. Likewise, a 2004 National Labor Relations Board decision ruled that graduate teaching assistants at private universities were not “employees,” but rather “students,” and therefore were not eligible for the protections of the National Labor Relations Act. Not surprisingly, national faculty groups have long had on their agenda legislative reversal of the *Yeshiva* decision and now reversal of the *Brown* decision. Clearly, this can and should be a continuing focus of activism for faculty and instructional staff.

Another example of the necessity of political action, noted earlier, has been the campaign to resist the imposition of state legislation restricting academic freedom on campus. The coalition of academic and advocacy groups fighting such legislation has relied heavily on direct faculty activism to achieve its goals.

Finally, legislative advocacy will be necessary to restore needed public funding to higher education and, in all likelihood, to restore an academic staffing system that fosters academic freedom. As of this writing, the AFT is undertaking a legislative campaign at the state and federal level to provide financial and professional equity for contingent faculty and instructors, and to increase the number of tenured positions. (For more information about the Faculty and College Excellence campaign [FACE], visit our Web site at www.aftface.org.)

The overriding hallmark of academic freedom, and of quality in higher education, lies in the practices that ensure educational decisions are made by educators for educational reasons—not political or commercial or management reasons. In this statement, we have tried to explain those practices, to highlight circumstances where the system is not working, and to put forward standards to make things right and keep them that way.

One thing is clear: Only concerted activism led by the community of faculty, instructors and staff—activism through collective organizing, bargaining, legislative advocacy, and political action—will ensure a healthy academy for our students and the nation. Academic unions have a crucial interest in the protection of academic freedom through their collective resources, expertise at bargaining, legal defense capacities, alliances with other organizations, information and research capabilities, publicity mechanisms, political action structures and lobbying strength. The AFT pledges to play a leading role in that effort. Only in this way can we, our profession and our institutions continue to contribute at the highest level to the public good.

Endnotes

¹Academic freedom has generally been seen to be the freedom of the teacher and researcher, in the tradition of the 19th-century German university value of *Lehrfreiheit*, or freedom to teach. (Walter P. Metzger, *Academic Freedom in the Age of the University*, New York, 1964). Recently, as noted later in this paper, a well-financed campaign has advocated for student academic freedom, trying to link its project to the German value of *Lehrenfreiheit*, or freedom to learn. *Lehrenfreiheit*, however, was historically associated with the freedom of students to choose their professors and courses of study. The contemporary advocates of a so-called Academic Bill of Rights (ABOR) claim that faculty academic freedom tends to stifle students' free expression, especially of their political and religious beliefs and opinions. Thus, ABOR advocates seek to control the content of courses and the appointment of faculty to university positions. However, there is no inherent conflict between the freedom to teach and the ability to learn. Freedom for professionally qualified teachers to teach creates the best learning conditions for students, and is essential to quality education, research and public service.

²*Statement on Academic Freedom, Report of the First Global Colloquium of University Presidents*, held at Columbia University, January 18-19, 2005, a gathering of more than 40 university leaders and professors convened at the request of United Nations Secretary-General Kofi Annan.

³See, for instance, Alison Schneider, "To Many Adjunct Professors, Academic Freedom Is a Myth," *Chronicle of Higher Education*, December 10, 1999.

⁴Often these reviews take place on a double-blind basis. That is, neither the author(s) of the submitted piece of scholarship nor the panel of peer reviewers is given each other's identities, assuring a fair, confidential review of the substance on its merits. Even where less formal procedures are used for review, the value of academic integrity and desire for a scholarly reputation ensure that reviewers will adhere to professional ethical standards.

⁵The importance of effective organs of shared governance to academic freedom should not be underestimated. According to a study by Sheila Slaughter ("Academic Freedom, Professionalism, and Intramural Speech" in Ernst Benjamin and D.R. Wagner, *Academic Freedom: An Everyday Concern*, San Francisco, 1994, pp. 59-75), the vulnerability of faculty to retaliation and firing—for publicly criticizing the college administration, trying to organize a union, or bringing a grievance—is greatest at institutions with weak or nonexistent faculty governance rights. Similarly, "academic freedom is not secure in community colleges," according to Ann H. Francke ("How Strong Is Academic Freedom in Community Colleges?" *Chronicle of Higher Education*, Oct. 27, 2006.), partly because of limited self-governance rights.

⁶According to Eyal Press and Jennifer Washburn, "The Kept University," *Atlantic Monthly*, March 2000, pp. 39-54, the federal government provided \$14.3 billion in 1997, making up 60 percent of the funding for academic research. Meanwhile corporate funding to universities for research expanded between 1980 and 1998 at a rate of 8.1 percent per year, totaling \$1.9 billion in 1997. Press and Washburn cite studies and surveys showing long delays in publication of research results owing to corporate sponsorship, as well as corporate censorship and editing of papers.

⁷The standards faculty customarily adhere to in the classroom were eloquently explained by the AAUP in 1916: “The university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit for his position, be a person of a fair and judicial mind; he should, in dealing with such subjects, set forth justly, without suppression or innuendo, the divergent opinions of other investigators; he should cause his students to become familiar with the best published expressions of the great historic types of doctrines upon the question at issue; and he should, above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them with access to those materials which they need if they are to think intelligently.” (American Association of University Professors. Committee on academic freedom and academic tenure. 1916 #1, pp. 19-20.)

⁸Roger Kimball, *Tenured Radicals: How Politics Has Corrupted Our Higher Education*, Rev. ed. (Chicago, 1998).

⁹This national campaign, initiated by writer David Horowitz, has raised the issue of student academic freedom as a protest against alleged faculty liberal bias. Horowitz and his allies have tried to persuade several state legislatures to pass “Academic Bill of Rights” legislation. None of these initiatives have succeeded, and few, if any, of Horowitz’s allegations of faculty misconduct toward students have been substantiated. The AFT passed resolutions at its national conventions in 2004 and 2006 in opposition to such legislation at the state and national levels, and, along with AAUP, NEA, several student groups, free speech groups and other progressives, formed the Free Exchange on Campus coalition to oppose the efforts of Horowitz and others.

¹⁰For more information about these movements, visit the Web site at www.freeexchangeoncampus.org.

¹¹American Federation of Teachers, Advisory Commission on Higher Education, *Statement on Tenure*; Approved by the Commission, February 17, 1979; Accepted by the AFT executive council, April 7, 1979.



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