

Why Outside Input Is Important: Academic Freedom in the 21st Century

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“Without Interference: Academic Freedom in the 21st Century”
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Thank you for inviting me and giving me the opportunity to examine the topic of academic freedom in the 21st Century. I am president of the American Council of Trustees and Alumni, a national education nonprofit. My organization was founded in 1995 and is a bipartisan network of college and university trustees and alumni across the country dedicated to academic freedom, academic excellence, and accountability in higher education.

Since our founding, we have had occasion to evaluate colleges and universities in terms of academic freedom and academic offerings. And what we have discovered shows that the protection of academic freedom and intellectual pluralism is one of the greatest challenges facing higher education.

The Wheeler Center’s willingness to explore academic freedom and to invite ACTA, AAUP and others to outline our perspectives on academic freedom is exemplary and I hope that it will serve as a model for institutions across the country.

As my title, “Why Outside Input Is Important,” makes clear, I want to take issue, a bit, with the conference title. I would suggest that the title, “Without Interference,” sets the wrong tone by confusing the concept of institutional autonomy with academic freedom. These are two distinct concepts that, though often related, are not one and the same. Outside input, far from *interfering* with academic freedom, today upholds and defends it.

Let me explain why.

There is no more important value to the life of the mind than freedom to seek the truth—in the classroom, in research, and in the public forum. This is the value that Thomas Jefferson so vividly articulated in reference to the University of Virginia. “We are not afraid,” said Jefferson, “to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it.” Academic freedom is the institutional value that protects that freedom.

But there is a tendency—amongst many administrators and faculty leaders—to equate academic freedom with institutional independence or autonomy. That is the gist of the Conference title. And that was also the equation made just last week in a piece published in *Inside Higher Ed* by the AAUP’s General Secretary Roger Bowen. “It should not be the case that a victory for the Department of Defense is a defeat for academic freedom, but such is the outcome of *Rumsfeld v. FAIR*,” says Mr. Bowen. “. . . Institutional autonomy includes ‘the right of the university to determine for itself, on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study.’ The Roberts court ignores this tradition of academic common law.”[taken from *Bakke*, quoting Frankfurter in *Sweezy*]

Let’s parse this a bit. “Institutional autonomy includes the right of the university to determine for itself, on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study.”

Institutional autonomy—even by this definition—does not mean the academy is exempt from outside input or criticism. Indeed, that would give the university the right to become its own police state and deny outsiders the right to challenge the situation. Institutional autonomy exists so that decisions within the university can be made “**on academic grounds**.” Institutional autonomy exists not as an end in itself—but as a MEANS to protect the freedom of students and faculty to pursue the truth.

But therein lies the rub. The example of the McCarthy era has taught us how the freedom to pursue the truth can be threatened by interference from the outside—interference that is coercive and carries with it the specter of government interference; it has taught us, too, how important institutional independence is to protecting free inquiry—wherever it may lead.

But what we must also understand is how academic freedom can likewise be threatened *from inside academic institutions*, and how, in such situations, institutional independence can undermine the academic freedom of those threatened. This threat from within is one in which administrators and academics impose on their students and one another political or ideological standards rather than academic ones. It is this scenario that all too often characterizes the modern academy and it is why outside input—in the form of criticism and legislative attention—is essential if academic freedom is to be preserved in any meaningful way.

As early as 1991, Yale president Benno Schmidt warned that “The most serious problems of freedom of expression in our society today exist *on* campuses. The assumption seems to be that the purpose of education is to induce correct opinion rather than to search for wisdom and liberate the mind.” In his last report to the Board of Overseers, then retiring and now ascending Harvard president Derek Bok warned: “What universities can and must resist are deliberate, overt attempts to impose orthodoxy and suppress dissent... In recent years, the threat of orthodoxy has come primarily from within rather than outside the university.”

The enormous intellectual and pedagogical autonomy that faculties are granted in the name of academic freedom is premised on the assumption that professors perform according to professional scholarly standards. That autonomy represents a compact, if you will, a trust, given on the condition that universities make academic decisions on academic grounds—not on partisan or other prejudicial grounds. It is a trust conveyed with the understanding that academic freedom entails both a right and a responsibility—or to use the AAUP’s terms—“corresponding duties” and “correlative obligations”:

...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, ... 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 doctrine upon the questions 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 access to those materials which they need if they are to think intelligently. ...

Academic freedom thus has two applications—one to the professors’ academic freedom to teach, research and speak; and the other to the student’s academic freedom to learn about all sides of controversial issues. This right is defined by the AAUP in its founding document, The 1915 Declaration of Principles. It is also articulated in the 1940 AAUP academic freedom statement as well as other AAUP comments pertaining to Faculty Professional Responsibilities and Professional Ethics.

These formulations have been the seminal statements defining academic freedom for decades. And yet, today, the 1915 statement no longer appears on the AAUP website. And while the other references to academic freedom can be found on the site, successive generations of AAUP statements and interpretations have increasingly centered less on professors’ obligations to ensure students’ free inquiry and more on professors’ rights when making public statements, as well as institutions’ responsibility not to censure—or censor—professors’ speech.

The academy’s original concept of academic freedom—which centered on preserving the intellectual purity of both professors’ research and students’ academic experience—is out of favor with contemporary educators. The principle of the disinterested search for the truth has been supplanted by a conception that frequently views professors more as political actors than as teachers.

This perspective was vividly on display last fall when various elite college faculties, as well as the AAUP, submitted briefs opposing the Solomon amendment. These briefs consistently and reflexively invoked academic freedom and faculty autonomy as a foundation, *not* for the objective search for the truth, but as a foundation for espousing a particular political viewpoint. According to the AAUP, the Solomon Amendment interferes with faculty academic freedom and with collective academic governance. By requiring equal, rather than adequate, access for military recruitment, the AAUP argues, the Solomon Amendment improperly discriminates against the viewpoints of faculty who oppose “don’t ask, don’t tell.” Faculty academic freedom, in this logic, thus includes the right to deny students equal access to military recruiters, until “such time as the U.S. military changes its anti-discrimination policies to accord with the more enlightened of the academy.” (And I quote from the Bowen article here).

A unanimous Supreme Court found that opponents’ arguments were arrogant and fanciful; justices from left, right, and center concurred that the case against the Solomon Amendment was grounded more in ideological commitments than in constitutional law. The Court unequivocally found that requiring colleges and universities receiving federal funds to allow military recruiters on campus had NOTHING to do with academic freedom, freedom of association or faculty governance. “A military recruiter’s mere presence on campus does not violate a law school’s right to associate,” said the Court, “regardless of how repugnant the law school considers the recruiter’s message.”

It is a sorry state of affairs when the traditional defenders of free inquiry invoke academic freedom to favor one view—the view opposing military recruiters, described by Bowen as the “more enlightened [view]of the academy”—rather than to acknowledge the existence of multiple perspectives and to uphold the traditional academic obligation to enable students to decide for themselves what they think and believe. Discriminating against certain viewpoints betrays and undermines the unfettered search for knowledge that is at the heart of the university. And yet this is what the various parties opposing the Solomon Amendment would do—despite the fact that in so doing, they blatantly disregard definitive and important statements defending the students’ right to academic

freedom, the students' right to learn about all sides of all controversial issues, derived from the AAUP.

The historic AAUP was right—responsible academic freedom involves not only the professor's prerogatives, but also the student's freedom to learn and the professor's attendant obligation to teach rather than preach.

But when the universities fail to abide by professional standards, when that responsibility is evaded, when faculty members put personal, social and political agendas ahead of a fundamental commitment to the objective search for the truth, then outside input is salutary. *Outside input in such instances offers not interference but a means of protecting and defending the freedom to seek the truth when it is threatened from within.*

The campus is no longer a place where truth is reliably pursued. In today's postmodern academy, objectivity is increasingly regarded as an impossibility; consequently, the classroom has become a place for advocacy, and there are professors who argue openly that students should be molded into "change agents" to promote a partisan political agenda. This, I would submit to you, is the state of academic freedom in the 21st century.

In the name of academic freedom and institutional autonomy, campuses across the country cultivate an atmosphere that permits

- Disinviting politically incorrect speakers;
- Mounting one-sided panels, teach ins and conferences,
- Sanctioning speakers who fail to follow the politically correct line;
- Politicized instruction;
- Virtual elimination of broad-based survey courses in favor of trendy, and often politicized courses;
- Reprisal against or intimidation of students who seek to speak their mind;
- Political discrimination in college hiring and retention;
- Speech codes and campus newspaper theft and destruction.

Such behavior is routine on campuses where prohibitions against using the classroom as a “platform for propaganda” have been abandoned. A notable case in point is Mr. Hollinger’s own institutions—the University of California.

The impact of such widespread abandonment of the true principles of academic freedom is profound. Last year, ACTA commissioned the Center for Survey Research and Analysis at the University of Connecticut to study students’ perceptions of their academic experience. We found that

- A shocking 49 percent of the students at the country’s top 50 colleges and universities say that their professors frequently inject political comments into their courses, even if they have nothing to do with the subject.
- 29 percent of the respondents felt that they had to agree with their professors’ political views to get a good grade.
- 48 percent reported campus panels and lecture series on political issues that seemed “totally one-sided.”
- 46 percent said professors “used the classroom to present their personal political views.”
- And 42 percent faulted reading assignments for presenting only one side of a controversial issue.
- Meanwhile, 83% of those surveyed said student evaluation forms did not ask about a professor’s social, political or religious bias.

From social scientific evidence as well as discussions with professors, administrators, trustees, and higher education experts, it is clear that:

- (1) Today's college faculties are overwhelmingly one-sided in their political and ideological views, especially in the value-laden fields of the humanities and social sciences; and
- (2) This lack of intellectual diversity is undermining the education of students as well as the free exchange of ideas central to the mission of the university; and
- (3) Universities urgently need to address the issue of intellectual diversity.

The academic community categorically denies the validity of the sorts of criticisms I have made above. But what has it done to disprove them? Has it conducted its own surveys to test the claim that campuses are becoming biased? Has it tried to determine whether the education of students is being impaired by the climate in the classroom? Has it taken concrete steps to ensure that academic freedom is understood, promoted and encouraged? Has it ever sanctioned a university where these kinds of violations occur? Essentially, the answer is no.

But there are positive signs—thanks to outside input—that the academy is beginning to act.

In recent months, members of the academy have hinted, albeit reluctantly, that they have gone astray. The Association of American Colleges and Universities issued a statement on Academic Freedom and Educational Responsibility that states: “Some departments fail to ensure that their curricula include the full diversity of legitimate intellectual perspectives appropriate to their disciplines. Individual faculty members sometimes express their personal views to students in ways that intimidate them. ... [T]here is room for improvement.”

In early 2005, Columbia University president Lee Bollinger, after outside pressure, admitted students had legitimate complaints about intimidation in the classroom and issued new and revised grievance guidelines.

David Ward, President of the American Council on Education, told the press that some institutions have no grievance procedures in place and that they should have them.

Robert Andringa, president of the Council for Christian Colleges & Universities and a signatory to the ACE statement, called on academic leaders “to step up to the plate” and offer a report on what they were doing to guarantee a mix of ideas in the classroom. (*Inside Higher Ed*, July 8, 2005 response)

Kermit Hall, president of SUNY—Albany, writing in the fall issue of *The Presidency*, calls for action: “Only when higher education is willing to address squarely the question of ... political imbalance in faculties ... or the existence of an oppressive campus orthodoxy, will we command full legitimacy.”

Temple University President David Adamany told a Pennsylvania legislative committee exploring intellectual diversity that there were concrete steps Temple could take: to ensure students’ academic freedom: directing students with complaints to grievance policies; taking steps to make sure students know their rights; and perhaps even modifying grievance procedures.

And the ACE, speaking on behalf of 29 other higher education institutions of which Montana’s universities are members, has restated and re-emphasized the principles of academic freedom and intellectual pluralism.

But these rhetorical concessions are not enough. That is why last December ACTA issued a press release condemning the ACE signatories for their failure to do anything but issue statements. That is also why ACTA issued a report entitled *Intellectual Diversity: Time for Action* that calls upon universities, and particularly on trustees, to safeguard academic freedom the future. That is why South Dakota Rep. Phyllis Heineman and Sen. Lee Schoenbeck introduced HB 1222 which underscores legislative and public concern about the importance of intellectual pluralism and the need for institutions of higher

learning to address that concern by reporting on concrete measures taken to ensure academic freedom and intellectual diversity on campus.

Given the current state of affairs on campus, outside input is essential. Rather than fighting it and condemning it, the academy should embrace it. After all, the academy—and the AAUP are right: Faculty must and should bear “the initial responsibility” for maintaining the professional standards and, in exchange, the public will grant the institutional independence that allows faculties to support those standards as they see fit.

But, as the AAUP also has stated, if the “profession should prove itself unwilling to purge its ranks of the incompetent and the unworthy, or to prevent the freedom which it claims ... from being used as a shelter for inefficiency, for superficiality, or for uncritical and intemperate partisanship, it is certain that the task will be performed by others.” So long as the academy does not take concrete steps to ensure academic freedom and intellectual pluralism, it will regrettably, but deservedly, call upon itself the very outside interference it so vigorously deplures.

It is time for AAUP to reaffirm the principles expressed in the 1915 Statement. And it is time for institutions—with trustees, presidents and faculty here in this room, I hope, working hand in hand—to take action that guarantees intellectual pluralism on campus. ACTA’s report, *Intellectual Diversity: Time for Action*, offers a number of starting points for doing just this. These include such specific steps as:

- ❖ adoption by the board of trustees of the Statement on Academic Rights and Responsibilities issued by the American Council on Education and other higher education organizations on June 23, 2005;
- ❖ completion of a self-study to assess the current state of intellectual diversity on campus;
- ❖ incorporation of intellectual diversity into institutional statements, grievance procedures, and activities on diversity;
- ❖ encouragement of balanced panels and speaker series;

- ❖ establishment of clear campus policies ensuring that hecklers or threats of violence do not prevent speakers from speaking;
- ❖ inclusion of intellectual diversity concerns in university guidelines on teaching;
- ❖ inclusion of intellectual diversity issues in student course evaluations;
- ❖ development of language in hiring, tenure and promotion guidelines to protect individuals against political viewpoint discrimination;
- ❖ establishment of clear campus policies to guarantee student press freedom;
- ❖ establishment of clear campus policies to prohibit political bias in the distribution of student-funded fees;
- ❖ elimination of any speech codes that restrict, or may have a chilling effect on, free speech rights; and
- ❖ creation of a university ombudsman on intellectual diversity.

In what I believe are models for responsible trustee action, I am pleased to report two boards of trustees have just committed to taking concrete steps to address intellectual diversity and academic freedom.

In a letter to Rep. Phyllis Heineman, the South Dakota Board of Regents recently agreed voluntarily to produce reports on the “implementation of the Board’s policy on Academic Freedom and Responsibility.” And the Academic Standards Committee of the State University Board of Trustees last week conducted a serious review of the intellectual diversity issue. The trustees invited faculty, students and four college presidents, including University at Albany president Kermit Hall who has recently published an article on academic freedom, faculty and students to address the challenges of establishing genuine intellectual diversity and academic freedom on campus.

The higher education establishment must and should seek ways to protect academic freedom while guaranteeing that every college classroom fosters an atmosphere of openness, fairness, and free exchange.