50 Shades of Academic Freedom

Predoctoral Leadership Development Institute
PLDI 504: Capstone Presentation
May 1, 2015
Academic Freedom in the News

THE CHRONICLE OF HIGHER EDUCATION

Johns Hopkins U. Plans Its First Policy on Academic Freedom

By Benjamin Mueller

The Johns Hopkins University, long an advocate of academic freedom, has decided it needs a policy. The move was prompted by a controversy over a promotion for a new speaker series.

Letter From Prominent Doctors Implies Columbia Should Fire Dr. Oz for Being a Quack

By Ben Mathis-Lilley

In the wake of controversies over the words of junk science experts, the university announced...
Agenda

Introductory Remarks: What is Academic Freedom?

Analysis of Academic Freedom Pressures:

1) Implications of Funding Restrictions on Academic Freedom
2) Academic Freedom in the Classroom
3) Academic Freedom of Controversial Speech in Social Media

Discussion / Q&A

Recommendations and Closing Remarks

PLDI Graduation Ceremony
What is Academic Freedom?

Historical Turning Points

- Tradition dates back to founding of colleges, but the phrase was first used in 1901
- 1915 Founding of the AAUP was instigated by two cases: Richard T. Ely (1894) and Edward A. Ross (1901)
- AAUP Statement of Principles on Academic Freedom and Tenure (1940)
- AUP Report on Academic Freedom and Electronic Communications 2013
Conceptualizing Academic Freedom

**INDIVIDUAL ACADEMIC FREEDOM**
- Constitutional right vis-a-vis the first amendment
- Legal protection for contractual obligations of faculty
- Professional standard established by the AAUP and AACU

**INSTITUTIONAL ACADEMIC FREEDOM**
- Professional standard established by the AAUP and AACU
- For students
  - right to hear and express opinions
  - complete freedom in social behavior and political action
ACADEMIC FREEDOM

- Research
- Extramural Speech
- Teaching
Schools of Academic Freedom (S. Fish, 2014)

- It is Just a Job
- For the Common Good
- Academic Exceptionalism
- Academic Freedom as Critique
- Academic Freedom as Revolution

Narrow  Moderate  Expansive
Degrees of Academic Freedom

Narrow: Academic freedom can only apply to professional duties

Moderate: Academic freedom protects critique

Expansive: Academic freedom as a tool for transformation
Stakeholder Analysis

Typical Stakeholders:
- Faculty
- Students
- University Administrators
- Faculty Unions
- Media
- Politicians

Key elements:
- Involvement
  (How they are involved in the case)
- Interest & Position
  (Position on academic freedom)
- Influence or Power
  (Part played in decision making)
- Outcome
  (How will the case affect them)
Part I: Implications of Funding Restrictions on Academic Freedom

Crystal Bedley, Sociology
Allison Faig, Chemistry & Chemical Biology
Ralph Gigliotti, School of Communication & Information
Ammy Santiago, Pharmacology & Physiology
Lutisha Vickerie, Management & Global Business
Public universities rely on state funding for ~50% of the costs to support instructors and faculty.

*Center on Budget & Tax Priorities Report*
ACADEMIC FREEDOM

- Decreased State Funding
- Increased Private Funding
- Employment Decisions & Curricula
- Research Avenues

Cut Costs & Programs

Pursuit of Truth Academic Contribution

Hiring/Firing Influence

Commercial Viability (IP) Political Interests
Questions to ask...

- What preceded the engagement of potential donor?
- What university processes are in place for carrying out/addressing donor requirements?
- What are the stakeholders’ institutional positions/status?
- Would the stakeholders pursue the said research, curricula, or employment decisions if it weren’t for contractual obligations?
What are the impacts of this contract on Academic Freedom at FSU?

Case Study: FSU & Koch Foundation

- Florida State University promised a $1.5 million grant
  - Must hire 3 new tenured faculty
  - All others new professorships must be approved by Koch Foundation

- Founders, Charles and David Koch, are notorious for using their billions to advance rightwing politics

- Research & Faculty Expectations:
Case Study: UIUC & Dr. Steven Salaita

- University of Illinois at Urbana-Champaign (UIUC) offered Salaita a tenured position, subject to board approval
- Salaita makes controversial and inflammatory statements on Twitter about the war in Gaza
- UIUC *rescinds* Salaita’s offer after pressure from donors to withdraw funding
  - Decision announced without consulting relevant faculty or administrative bodies

What are the impacts of this hiring decision on Academic Freedom?
Consider Potential Influence on Faculty Research & Employment Decisions

Research Time Conflicts

- Consulting Research vs. Open Inquiry Learning

Alter Research Questions

- Political Agenda vs. Academic Contribution

Interferes with University Operations

- Shared Governance, Tenure Decisions & Curriculum
## Analysis: Research Avenues (FSU)

<table>
<thead>
<tr>
<th>Level</th>
<th>Degrees of Academic Freedom</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Narrow</td>
</tr>
<tr>
<td></td>
<td>“Its Just a Job”</td>
</tr>
<tr>
<td></td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>“Protect Critique”</td>
</tr>
<tr>
<td></td>
<td>Expansive</td>
</tr>
<tr>
<td></td>
<td>“Transformative”</td>
</tr>
<tr>
<td>University Admin. &amp; Faculty</td>
<td>Pursue specific research objectives outlined in the funding contract</td>
</tr>
<tr>
<td></td>
<td>Accepting funds hinders an unbiased research approach</td>
</tr>
<tr>
<td></td>
<td>Accepting funds violates Institutional mission</td>
</tr>
</tbody>
</table>

Has Academic Freedom has been restricted?
### Degrees of Academic Freedom

<table>
<thead>
<tr>
<th>Level</th>
<th>Narrow</th>
<th>Moderate</th>
<th>Expansive</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Its Just a Job”</td>
<td>“Protect Critique”</td>
<td>“Transformative”</td>
<td></td>
</tr>
<tr>
<td>University Admin. &amp; Faculty</td>
<td>Additional personnel demonstrate expertise</td>
<td>Personnel decisions must be protected from external influences</td>
<td>Erosion of tenure must be resisted at all levels</td>
</tr>
</tbody>
</table>

Has Academic Freedom has been restricted?
Academic Freedom Toolkit: Private Funding

1) Clearly outline expectations (both sides) upfront

2) Inform private donors about the university’s restrictions on academic freedom infringement
   ● Prohibit donor participation in governing boards (research & employment)
   ● Establish oversight committees

1) Adhere to AAUP recommendations regarding faculty appointments

2) Seek guidance from Association of Fundraising Professionals: “Planning comes first, then development”

(http://www.afpnet.org/Ethics/EmergingIssuesDetail.cfm?itemnumber=4221)
Part II: Academic Freedom in the Classroom

Portia Allen-Kyle, Sociology
Kevin Crouse, Graduate School of Education
Luis Leyva, Graduate School of Education
Etienne Meunier, Sociology
Shelley Y.J. Wu, Graduate School of Education
ACADEMIC FREEDOM

Faculty

Students

Social Media & Outside Organizations

Administration
Case Study #1: The class exercise “Stomp on Jesus” at FAU

- Feb 25, 2013: "Stomp on Jesus" exercise
- Course: Intercultural Communications
- Resource: Instructional Guide that accompanies the course textbook.

"If we are going to live peacefully in society, then we have to be able create settings where we can engage in these types of conversations."

-Dr. Deandre Poole
Refusing to Stomp on Jesus’s Name Gets Student Banned From Class

FAU Student: “this exercise was unprofessional”

“I am not going to be sitting in a class having my religious rights desecrated.” -Ryan Rotela

- challenged the instructor
- complained to the local TV station
The FAU Administration's decision:

FROM banning the exercise

TO allow reuse of the exercise
Case Study #2: “Junk Science” at B.S.U.

- Ball State University, May 2013
- The Boundaries of Science (Course in Physics & Astronomy Dept.)
- Key Players
  - Freedom from Religion Foundation
  - Eric Hedin (Assistant Professor, Ball State University)
  - Jo Ann Gora (University President, Ball State University)
  - Thomas Robertson (Department Chair, Physics & Astronomy, BSU)
  - Four-membered faculty panel
- Academic Freedom vs. Academic Integrity
“Creation science, intelligent design, and other worldviews... represent another important and relevant form of human inquiry that is appropriately studied in literature and social science courses. Such study, however, must include a diversity of worldviews representing a variety of religious and philosophical perspectives and must avoid privileging one view as more legitimate than others.”

~ J.A. Gora (President, Ball State University)
“Creation science, intelligent design, and other worldviews... represent another important and relevant form of human inquiry that is appropriately studied in literature and social science courses. Such study, however, must include a diversity of worldviews representing a variety of religious and philosophical perspectives and must avoid privileging one view as more legitimate than others.”

“The syllabus published was approved by our department Curriculum and Assessment Committee. We review faculty performance regularly through student and peer/chair evaluations. I receive complaints and concerns... and investigate when appropriate.”

- J. A. Gora
  (University President)
- T. Robertson
  (Department Chair)
“I defend the right of a tenured professor to teach whatever he/she believes to be true no matter how stupid it seems to the rest of us... Academic freedom is important and it's especially important to defend it when a professor is pushing a view that we disagree with.”

~Dr. Laurence A. Moran (Biochemistry Professor, University of Toronto)
“The First Amendment does not apply; this is **not a course students are required to take**, and it’s at a university, which students are **not required to attend**... A bad course is an **ethical problem**, not a legal one. It’s also an issue that the university has to **handle internally**.”

~ J. A. Coyle (Professor & Why Evolution Is True Blogger)
“Academic freedom was designed to **protect dissenting and unpopular views among faculty**. That's the whole point. Redefining it as the freedom to teach only the majority view isn't academic freedom; it's an **academic straightjacket**.”

~ J. West (Deputy Director, Discovery Institute)
“...it is possible for a professor's religious advocacy, even if not breaching the separation of church and state, to go so far as not to be protected by academic freedom considerations.”
~ G. Branch (Deputy Director, National Center for Science Education)
<table>
<thead>
<tr>
<th>Levels</th>
<th>Narrow</th>
<th>Moderate</th>
<th>Expansive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“Its Just a Job”</td>
<td>“Exceptionalism”</td>
<td>“Transformative”</td>
</tr>
<tr>
<td>School</td>
<td>Set content goals, verify course alignment, ensure student attainment</td>
<td>Right for faculty to choose the program perspective</td>
<td>Design agenda expanding beyond discipline to promote social evolution</td>
</tr>
<tr>
<td>Levels</td>
<td>Narrow</td>
<td>Moderate</td>
<td>Expansive</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------</td>
<td>-------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td></td>
<td>“It’s Just a Job”</td>
<td>“Exceptionalism”</td>
<td>“Transformative”</td>
</tr>
<tr>
<td>School</td>
<td>Set content goals, verify course alignment, ensure student attainment</td>
<td>Right for faculty to choose the program perspective</td>
<td>Design agenda expanding beyond discipline to promote social evolution</td>
</tr>
<tr>
<td>Professor</td>
<td>Use appropriate material/activities to convey well accepted content</td>
<td>Latitude for the approach and choice of perspective</td>
<td>Freedom to present emerging or controversial viewpoints with minimal oversight</td>
</tr>
<tr>
<td>Levels</td>
<td>Narrow</td>
<td>Moderate</td>
<td>Expansive</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------</td>
<td>------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>“Its Just a Job”</td>
<td>“Exceptionalism”</td>
<td>“Transformative”</td>
</tr>
<tr>
<td>School</td>
<td>Set content goals, verify course alignment, ensure student attainment</td>
<td>Right for faculty to choose the program perspective</td>
<td>Design agenda expanding beyond discipline to promote social evolution</td>
</tr>
<tr>
<td>Professor</td>
<td>Use appropriate material/activities to convey well accepted content</td>
<td>Latitude for the approach and choice of perspective</td>
<td>Freedom to present emerging or controversial viewpoints with minimal oversight</td>
</tr>
<tr>
<td>Student</td>
<td>A right to learn content that represents scholarly consensus</td>
<td>Attain skills for citizenship and career</td>
<td>Gain tools for self actualization and to challenge social power</td>
</tr>
</tbody>
</table>
1) The Institution should have a formal statement on the educational rights and responsibilities of programs, faculty, and students.

2) The Administration should not attempt to dictate instructional activities or make personnel decisions without consultation of the faculty body (FAU case).

3) The Professor has an obligation to present material that has been vetted by the disciplinary scholars and aligns with program goals (BSU case).

4) Students should be exposed to multiple viewpoints and have the right to informed disagreement without it negatively affecting their grade.

5) Students, however, do not have a right to avoid exposure to views with which they disagree (FAU case).
Part III: Academic Freedom of Controversial Speech on Social Media

Roberta Hunter, Graduate School of Education
Lake Mathison, Spanish & Portuguese
Sarah Wolfson, Environmental Sciences
Social-Media Skirmishes

More colleges are deciding how—and whether—to regulate faculty speech
Stakeholders

- Who is speaking and who is listening?
- What are their conflicting interests?
- What influence do they wield?
## Academic Freedom: Interplay of setting and topic

<table>
<thead>
<tr>
<th>Role</th>
<th>Official University Representative</th>
<th>Private Citizen</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setting</strong></td>
<td>Inside University</td>
<td>Outside University</td>
</tr>
<tr>
<td><strong>↓Topic</strong></td>
<td>Class / Lab</td>
<td>University</td>
</tr>
<tr>
<td>Discpline</td>
<td></td>
<td>Professional</td>
</tr>
<tr>
<td>Academy</td>
<td></td>
<td>Personal</td>
</tr>
<tr>
<td>Extramural</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Salaitas
- McAdams; Miller
- O’Connor; Pessin; Guth
Case Study: KS State

- Received substantial public pressure & criticism, including KS state legislators
- Was placed on “indefinite administrative leave”
- Apologized
- Returned to teaching duties the following fall semester
<table>
<thead>
<tr>
<th>Level</th>
<th>Degrees of Academic Freedom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrow</td>
<td>“Its Just a Job”</td>
</tr>
<tr>
<td>Moderate</td>
<td>“Protect Crique”</td>
</tr>
<tr>
<td>Expansive</td>
<td>“Transformative”</td>
</tr>
<tr>
<td>Individual</td>
<td>Not an Academic Freedom issue</td>
</tr>
<tr>
<td></td>
<td>Outside professional duties</td>
</tr>
<tr>
<td></td>
<td>“Extramural utterances” covered</td>
</tr>
<tr>
<td></td>
<td>Critique and dissent</td>
</tr>
<tr>
<td></td>
<td>Responsibility to speak out</td>
</tr>
</tbody>
</table>
Case Study Analysis: KS State Reaction

May be suspended or dismissed for “improper use of social media”

Communication that:

- is contrary to the best interest of the university
- impairs discipline by superiors or harmony among co-workers
- interferes with the regular operation of the university
- otherwise adversely affects the university’s ability to efficiently provide services.
Case Study Analysis: AAUP Reaction to KS

“... a gross violation of the fundamentals of academic freedom”

Academic Freedom and Electronic Communications report
Subsection VI. Social Media:
- Covered as “extramural utterances”
- “... recommends that each institution work with its faculty to develop policies governing the use of social media”
Toolkit: Crafting Social Media Policy

1) Make clear how public internet communications are, even “private” ones

2) Tailor policies for different departments

3) Outline basic assumptions, working from a place of mutual agreement, and extend to guidelines

4) Avoid pushing for "civility"
Academic Freedom Toolkit (Summary)

● **Private Funding**
  ○ Align funding alternatives with university mission & aspirations
  ○ Limit influence of donors on employment, research & curricula decisions

● **In the Classroom**
  ○ Align classroom instruction & curricula with the institutional views
  ○ Allow for academic explorations of different perspectives on taught content

● **Social Media**
  ○ Work with faculty to tailor guidelines
  ○ Avoid talk of “civility”
Discussion/Q&A
Acknowledgements

We thank the following faculty and staff for supporting us during the PLDI program:

**PLDI Faculty:**
- Barbara Bender
- Jerry Kukor
- Susan Lawrence
- Brent Ruben

**PLDI Staff:**
- Barbara Corso
- Richard De Lisi
- Sherrie Tromp

We also thank Christine Goldthwaite for coordinating our cohort’s numerous endeavors, all 501/502 guest presenters, & our 503 mentors.
For future reference, our Academic Freedom Toolkit will be available on Rutgers PLDI website at:

http://www.odl.rutgers.edu/pldi/capstone-seminar.html

Please take a moment to evaluate the quality and value of this presentation on the provided forms
Dr. Oz & Academic Freedom

- In your current role, you are being pressured by a body of distinguished faculty from outside the university to remove Dr. Oz (a well-known and public figurehead of your department) from the faculty. Dr. Oz not only brings recognition to your department/university, he has been a faculty member since before his rise to fame. He also increases donations to the department and university. How do you proceed in responding to this request?

- Some questions to consider include:
  - To what extent is Dr. Oz acting within the bounds of academic freedom? How might his popular media personality be in conflict with his academic role? Is it risky to allow Dr. Oz to teach? How might your decision affect future funding?