

53.5 Support of Academic Freedom

The American Library Association reaffirms the principles of academic freedom embodied in the American Association of University Professors' "Statement on Academic Freedom and Tenure" (1940), and opposes any legislation or codification of documents (e.g. the "Academic Bill of Rights" (ABOR)) that undermine academic or intellectual freedom, chill free speech, and/or otherwise interfere with the academic community's well-established norms and values of scholarship and educational excellence.

(The remaining policies in Section 53 would be renumbered 53.6-53.11)

(See "Current Reference File": Resolution in Support of Academic Freedom 2005-2006
CD 36)

53.5

ALA COUNCIL DOCUMENT # CD 36
Assigned by Council Resolutions
Committee CDMC Member Initial
Date 1/23/06

Resolution in Support of Academic Freedom

WHEREAS, academic institutions provide a forum for the robust exchange of a diversity of ideas; and

WHEREAS, libraries in academic institutions guarantee that a wide array of ideas that promote academic discourse are available; and

WHEREAS, academic institutions have in place longstanding representative democratic structures for review and redress of grievances; and

WHEREAS, most academic institutions follow the 1940 American Association of University Professors (AAUP) "Statement of Principles on Academic Freedom and Tenure" and their libraries follow the "Freedom to Read Statement," the "Library Bill of Rights," the "Code of Professional Ethics for Librarians," and the "Core Values of Librarianship" that are consonant with the 1940 AAUP statement; and

WHEREAS, these statements are effective safeguards of academic freedom and embrace the free expression rights and responsibilities laid out in the First Amendment; and

WHEREAS, an "Academic Bill of Rights" (ABOR) by the Center for the Study of Popular Culture, a self-described conservative nonprofit organization, is being introduced in legislatures and academic institutions; and

WHEREAS, this "Academic Bill of Rights" would impose extra-academic standards on academic institutions, directly interfering in course content, the classroom, the research process, and hiring and tenure decisions; and

WHEREAS, this "Academic Bill of Rights" applies principles other than relevant scholarly standards, as interpreted and applied by the academic profession; now, therefore, be it

RESOLVED, that the American Library Association reaffirm the principles of academic freedom embodied in the American Association of University Professors' "Statement of Principles on Academic Freedom and Tenure"(1940); and be it further

RESOLVED, that the American Library Association oppose any legislation or codification of documents like the "Academic Bill of Rights" (ABOR) that undermine academic and intellectual freedom, chill free speech, and/or otherwise interfere with the academic community's well-established norms and values of scholarship and educational excellence.

Moved by: Mark Rosenzweig, Councilor-at-Large
Seconded: Al Kagan, SRRT Councilor

Endorsed: IFC, IFRT, SRRT
Endorsed in principle: ACRL IFC

REVIEWED FOR CONFORMANCE WITH
GUIDELINES
by Council Resolutions Committee

*Adopted by Council at
the 2006 Midwst mtg*

Supporting evidence:

- 1940 American Association of University Professors (AAUP) “Statement of Principles on Academic Freedom and Tenure,” endorsed by ALA (1946),
<http://www.aaup.org/statements/Redbook/1940stat.htm>
- Academic Bill of Rights analysis, AAUP,
<http://www.aaup.org/statements/SpchState/Statements/billofrights.htm>
- Academic Bill of Rights legislation, AAUP,
<http://www.aaup.org/Issues/ABOR/aborsummary3.htm>
- “Freedom to Read Statement” (ALA Policy Manual, 53.3),
<http://www.ala.org/ala/oif/statementspols/ftrstatement/freedomreadstatement.htm>
- “Library Bill of Rights” (ALA Policy Manual, 53.1),
- “Intellectual Freedom Principles for Academic Libraries” (ALA Policy Manual, 53.1.18), <http://www.ala.org/oif/policies/interpretations>
- “The Code of Professional Ethics for Librarians” (ALA Policy Manual, 40.2),
- “Core Values of Librarianship” (ALA Policy Manual, 40.1),
- “Academic Bill of Rights,”
<http://www.studentsforacademicfreedom.org/abor.html#academicbillofrights>

American Association of University Professors

Academic Bill of Rights

The statement that follows was approved for publication by the Association's Committee A on Academic Freedom and Tenure. Comments are welcome and should be addressed to the AAUP's Washington office.

The past year has witnessed repeated efforts to establish what has been called an "Academic Bill of Rights." Based upon data purporting to show that Democrats greatly outnumber Republicans in faculty positions, and citing official statements and principles of the American Association of University Professors, advocates of the Academic Bill of Rights would require universities to maintain political pluralism and diversity. This requirement is said to enforce the principle that "no political, ideological or religious orthodoxy should be imposed on professors and researchers through the hiring or tenure or termination process."¹ Although Committee A endorses this principle, which we shall call the "principle of neutrality," it believes that the Academic Bill of Rights is an improper and dangerous method for its implementation. There are already mechanisms in place that protect this principle, and they work well. Not only is the Academic Bill of Rights redundant, but, ironically, it also infringes academic freedom in the very act of purporting to protect it.

A fundamental premise of academic freedom is that decisions concerning the quality of scholarship and teaching are to be made by reference to the standards of the academic profession, as interpreted and applied by the community of scholars who are qualified by expertise and training to establish such standards. The proposed Academic Bill of Rights directs universities to enact guidelines implementing the principle of neutrality, in particular by requiring that colleges and universities appoint faculty "with a view toward fostering a plurality of methodologies and perspectives."² The danger of such guidelines is that they invite diversity to be measured by political standards that diverge from the academic criteria of the scholarly profession. Measured in this way, diversity can easily become contradictory to academic ends. So, for example, no department of political theory ought to be obligated to establish "a plurality of methodologies and perspectives" by appointing a professor of Nazi political philosophy, if that philosophy is not deemed a reasonable scholarly option within the discipline of political theory. No department of chemistry ought to be obligated to pursue "a plurality of methodologies and perspectives" by appointing a professor who teaches the phlogiston theory of heat, if that theory is not deemed a reasonable perspective within the discipline of chemistry.

These examples illustrate that the appropriate diversity of a university faculty must ultimately be conceived as a question of academic judgment, to be determined by the quality and range of pluralism deemed reasonable by relevant disciplinary standards, as interpreted and applied by college and university faculty. Advocates for the Academic Bill of Rights, however, make clear that they seek to enforce a kind of diversity that is instead determined by essentially political categories, like the number of Republicans or Democrats on a faculty, or the number of conservatives or liberals. Because there is in fact little correlation between these political categories and disciplinary standing, the assessment of faculty by such explicitly political criteria, whether used by faculty, university administration, or the state, would profoundly corrupt the academic integrity of universities. Indeed, it would violate the neutrality principle itself. For this reason, recent efforts to enact the Academic Bill of Rights pose a grave threat to fundamental principles of academic freedom.

The Academic Bill of Rights also seeks to enforce the principle that "faculty members will not use their courses or their position for the purpose of political, ideological, religious, or antireligious indoctrination."³ Although Committee A endorses this principle, which we shall call the nonindoctrination principle, the Academic Bill of Rights is an inappropriate and dangerous means for its implementation. This is because the bill seeks to distinguish indoctrination from appropriate pedagogy by applying principles other than relevant scholarly standards, as interpreted and applied by the academic profession.

If a professor of constitutional law reads the examination of a student who contends that terrorist violence should be protected by the First Amendment because of its symbolic message, the determination of whether the examination should receive a high or a low grade must be made by reference to the scholarly standards of the law. The application of these standards properly distinguishes indoctrination from

competent pedagogy. Similarly, if a professor of American literature reads the examination of a student that proposes a singular interpretation of *Moby Dick*, the determination of whether the examination should receive a high or a low grade must be made by reference to the scholarly standards of literary criticism. The student has no "right" to be rewarded for an opinion of *Moby Dick* that is independent of these scholarly standards. If students possessed such rights, all knowledge would be reduced to opinion, and education would be rendered superfluous.

The Academic Bill of Rights seeks to transfer responsibility for the evaluation of student competence to college and university administrators or to the courts, apparently on the premise that faculty ought to be stripped of the authority to make such evaluative judgments. The bill justifies this premise by reference to "the uncertainty and unsettled character of all human knowledge."⁴ This premise, however, is antithetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge. Although academic freedom rests on the principle that knowledge is mutable and open to revision, an Academic Bill of Rights that reduces all knowledge to uncertain and unsettled opinion, and which proclaims that all opinions are equally valid, negates an essential function of university education.

Some versions of the Academic Bill of Rights imply that faculty ought not to be trusted to exercise the pedagogical authority required to make evaluative judgments. A bill proposing an Academic Bill of Rights recently under discussion in Colorado, for example, provides:

The general assembly further declares that intellectual independence means the protection of students as well as faculty from the imposition of any orthodoxy of a political, religious or ideological nature. To achieve the intellectual independence of students, teachers should not take unfair advantage of a student's immaturity by indoctrinating him with the teacher's own opinions before a student has had an opportunity fairly to examine other opinions upon the matters in question, and before a student has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own, and students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.⁵

On the surface, this paragraph appears merely to restate important elements of AAUP policy.⁶ In the context of that policy, this paragraph unambiguously means that the line between indoctrination and proper pedagogical authority is to be determined by reference to scholarly and professional standards, as interpreted and applied by the faculty itself. In the context of the proposed Colorado Academic Bill of Rights, by contrast, this paragraph means that the line between indoctrination and proper pedagogical authority is to be determined by college and university administrations or by courts. This distinction is fundamental.

A basic purpose of higher education is to endow students with the knowledge and capacity to exercise responsible and independent judgment. Faculty can fulfill this objective only if they possess the authority to guide and instruct students. AAUP policies have long justified this authority by reference to the scholarly expertise and professional training of faculty. College and university professors exercise this authority every time they grade or evaluate students. Although faculty would violate the indoctrination principle were they to evaluate their students in ways not justified by the scholarly and ethical standards of the profession, faculty could not teach at all if they were utterly denied the ability to exercise this authority.

The clear implication of AAUP policy, therefore, is that the question whether it is indoctrination for teachers of biology to regard the theory of "evolution" as an opinion about which students must be allowed "to reserve judgment" can be answered only by those who are expert in biology. The whole thrust of the proposed Colorado Academic Bill of Rights, by contrast, is to express distrust of faculty capacity to make such judgments, and to transfer the supervision of such determinations to a college or university administration or to courts. The proposed Colorado bill thus transforms decisions that should be grounded in professional competence and expertise into decisions that are based upon managerial, mechanical, or, even worse, overtly political criteria. The proposed Colorado bill also facilitates the constant supervision of everyday pedagogic decision making, a supervision that threatens altogether to undercut faculty authority in the classroom. It thus portends incalculable damage to basic principles of academic freedom.

Skepticism of professional knowledge, such as that which underlies the Academic Bill of Rights, is deep

and corrosive. This is well illustrated by its requirement that "academic institutions . . . maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within . . . their fields of inquiry."⁷ The implications of this requirement are truly breathtaking. Academic institutions, from faculty in departments to research institutes, perform their work precisely by making judgments of quality, which necessarily require them to intervene in academic controversies. Only by making such judgments of quality can academic institutions separate serious work from mere opinion, responsible scholarship from mere polemic. Because the advancement of knowledge depends upon the capacity to make judgments of quality, the Academic Bill of Rights would prevent colleges and universities from achieving their most fundamental mission.

When carefully analyzed, therefore, the Academic Bill of Rights undermines the very academic freedom it claims to support. It threatens to impose administrative and legislative oversight on the professional judgment of faculty, to deprive professors of the authority necessary for teaching, and to prohibit academic institutions from making the decisions that are necessary for the advancement of knowledge. For these reasons Committee A strongly condemns efforts to enact the Academic Bill of Rights.

The AAUP has consistently held that academic freedom can only be maintained so long as faculty remain autonomous and self-governing. We do not mean to imply, of course, that academic professionals never make mistakes or act in improper or unethical ways. But the AAUP has long stood for the proposition that violations of professional standards, like the principles of neutrality or nonindoctrination, are best remedied by the supervision of faculty peers. It is the responsibility of the professoriate, in cooperation with administrative officers, to ensure compliance with professional standards. By repudiating this basic concept, the Academic Bill of Rights alters the meaning of the principles of neutrality and nonindoctrination in ways that contradict academic freedom as it has been advanced in standards and practices which the AAUP has long endorsed.

Endnotes

1. This language derives from a Concurrent Resolution (H.Con.Res. 318) proposed in the House of Representatives by Jack Kingston during the 108th Congress. It also appears in a proposed amendment to Article I of Title 23 of the Colorado Revised Statutes, 24-125.5. Both pieces of legislation grow out of a version of the Academic Bill of Rights originally drafted by columnist David Horowitz. See <http://studentsforacademicfreedom.org/>. Back to text.

2. H.Con.Res. 318. We note, parenthetically, that, while this embrace of diversity may be reasonable in some circumstances, it may make little academic sense in other contexts, as, for example, when a department wishes to specialize in a particular disciplinary approach. Back to text.

3. H.Con.Res. 318. Back to text.

4. H.Con.Res. 318. Back to text.

5. Proposed amendment to Article I of Title 23 of the Colorado Revised Statutes, 24-125.5. Back to text.

6. "Some Observations on Ideology, Competence, and Faculty Selections," *Academe: Bulletin of the AAUP*, (January-February 1986):1a-2a. Back to text.

7. H.Con.Res. 318. Back to text.

(Posted 12/03)

2005-2006 ALA CD# 36.1
2006 ALA Midwinter Meeting

Academic Bill of Rights

I. The Mission of the University.

The central purposes of a University are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large. Free inquiry and free speech within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls. These purposes reflect the values -- pluralism, diversity, opportunity, critical intelligence, openness and fairness -- that are the cornerstones of American society.

II. Academic Freedom

1. The Concept. Academic freedom and intellectual diversity are values indispensable to the American university. From its first formulation in the *General Report of the Committee on Academic Freedom and Tenure* of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom. Therefore, academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech. In the words of the *General Report*, it is vital to protect "as the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results."

Because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision (*Keyishian v. Board of Regents of the University of the State of New York*) the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." In *Sweezy v. New Hampshire*, (1957) the Court observed that the "essentiality of freedom in the community of American universities [was] almost self-evident."

2. The Practice. Academic freedom consists in protecting the intellectual independence of professors, researchers and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself. This means that no political, ideological or religious orthodoxy will be imposed on professors and researchers through the hiring or tenure or termination process, or through any other administrative means by the academic institution. Nor shall legislatures impose any such orthodoxy through their control of the university budget.

This protection includes students. From the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students – as well as faculty – from the imposition of any orthodoxy of a political, religious or ideological nature. The 1915 *General Report* admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own." In 1967, the AAUP's *Joint Statement on Rights and Freedoms of Students* reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn." In the

words of the report, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion."

Therefore, to secure the intellectual independence of faculty and students and to protect the principle of intellectual diversity, the following principles and procedures shall be observed.

These principles fully apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom. Private institutions choosing to restrict academic freedom on the basis of creed have an obligation to be as explicit as is possible about the scope and nature of these restrictions.

1. All faculty shall be hired, fired, promoted and granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise and, in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives. No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs.
2. No faculty member will be excluded from tenure, search and hiring committees on the basis of their political or religious beliefs.
3. Students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.
4. Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions.
5. Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.
6. Selection of speakers, allocation of funds for speakers programs and other student activities will observe the principles of academic freedom and promote intellectual pluralism.
7. An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature or other effort to obstruct this exchange will not be tolerated.
8. Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation. To perform these functions adequately, academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.

Op. cit., p. 50