

Academic Freedom in Contemporary Context

By Wendy Brill-Wynkoop



Academic Freedom is neither new nor limited to the United States.

The American Association of University Professionals (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure has become the standard and defines it as the freedom for faculty to conduct research, the freedom to discuss their subject in the classroom, and the freedom from institutional censorship when they speak as citizens. There are a few accepted caveats—faculty should stick to their discipline in the classroom, and when speaking as citizens be clear that they are not speaking for their district or college.

The American Federation of Teachers further clarifies that “academic freedom is the right of faculty members, acting both as individuals and as a collective, to determine without outside interference: (1) the college curriculum; (2) course content; (3) teaching; (4) student evaluation; and (5) the conduct of scholarly inquiry.”

Academic freedom protects the exchange and expression of ideas and freedom of inquiry and debate essential to learning. It’s not a free for all, and faculty members are bound by the course outline of record, col-

lege policy, the collective bargaining agreement, and professionalism to remain current in their discipline.

While academic freedom is called out in the college’s accreditation standards, the AAUP’s 1940 Statement is not codified in law. Academic freedom has been the subject of many United States Supreme Court decisions because the principles and tenets of academic freedom are often married and confused with the first amendment.

In 1957, the U.S. Supreme Court decision regarding *Sweezy v. New Hampshire*, 354 U.S. 234, 250, is an early test of the importance of academic freedom:

“The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. Particularly is that true in the social sciences, where few, if any, principles are accepted as absolutes. Schol-

arship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.”

A decade later, the court declared academic freedom essential to protecting the “marketplace of ideas” in the academy in *Keyishian v. Board of Regents*, 385 U.S. 589 (1967).

With the growth of partisan politics in the United States, academic freedom is under threat as less than one-third of faculty members in higher education are protected by tenure. The need for the protection of academic freedom is even direr.

In his 2019 book *The Future of Academic Freedom*, Henry Reichman states, “And if there is any lesson to be learned from the more than one-hundred-year history of the AAUP, it is that academic freedom can never be taken for granted. While academic freedom is one of the foundations of greatness in the American higher education system, it has always been—and always will be—contested and vulnerable.”

Corporate-funded special interests groups focused on pushing education policy of applying corporate principles and efficiency to the California community colleges have been pushing initiatives through legislation that diminish student and faculty academic freedom on campus. The political attacks on faculty members include recording teachers without their permission, posting excerpts to social media to have such videos go viral, and characterizing the faculty as overly liberal. Untenured part-time faculty without due process are the most at risk of these attacks.

In one instance, a part-time faculty member of color at Cypress College had to take a leave of absence after a student posted a vi-

ral video of her challenging his assumptions of the historical origins of policing in America. The media narrative skewered the faculty member for berating the student rather than reporting the importance of a teacher asking students to challenge and stretch their knowledge in the spirit of inquiry.

At the College of the Canyons, a faculty member had her syllabus—which encourages students to take a white privilege quiz—posted to the Red State website along with her personal contact information. She was harassed for weeks and even received physical threats. Reichman’s book reports that faculty members reported to the AAUP 50 instances of harassment through social media in 2016, and 48% of those reports concerned race.

In late 2019, the California Community Colleges Chancellor’s Office convened the Diversity, Equity, and Inclusion Task Force (DEIA) in the wake of the murder of George Floyd in the summer of 2020. A system-wide call to action asked the California Community Colleges to “create an action plan to create inclusive classrooms and anti-racism curriculum,” in addition to shortening the time of implementation of the DEIA Task Force. In response, community college faculty members are working to make their classrooms more culturally responsive and decolonize the curriculum. The Academic Senate of the CCC 2020 Rostrum article

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makes the argument for academic freedom in the pursuit of equity:

The proliferation of new theories and disciplines by the end of the twentieth century is a testament to the importance of academic freedom in the role of creating a robust exchange of ideas. By asserting their right to academic freedom and using that right to challenge traditional theories, scholars have been able to create a more diverse and robust exchange of ideas that introduces students to that “multitude of tongues” identified by the Supreme Court. The results of this progress are evident in the proliferation of disciplines such as ethnic studies, gender studies, and LGBTQ studies, among others. The existence of these disciplines indicates a more robust “marketplace of ideas” where students learn to analyze subjects from a diverse variety of lenses. Academic freedom has played an essential role in the establishment of critical theories, ensuring that colleges and universities no longer rely on “the single story.”

Academic freedom is particularly essential to young, non-tenured, diverse faculty focusing on implementing culturally responsive teaching practices and curriculum who

are working to decolonize the curriculum as “academic freedom gives faculty members substantial latitude in deciding how to teach the courses for which they are responsible.”

To ensure the future of academic freedom for its members, FACCC is sponsoring California State Senate Resolution SR 45, “Relative to academic freedom,” authored by Senator Dave Min of Orange County. The resolution asserts that the concept of academic freedom “entitles teachers to freedom in the classroom discussing their discipline, and states that teachers should not introduce into their teaching matter that has no relation to their discipline; that under an academic freedom policy, a faculty member can, within their discipline, articulate or even advocate positions or concepts that may be controversial in nature without fear of retribution or reprisal by the institution; and that academic freedom is an essential requisite for teaching and learning in California Community Colleges.”

FACCC seeks to partner with the Legislature to solidify academic freedom in the California Education Code to secure protections for scholars, both faculty and students, in the future. With the help of faculty advocates, this landmark legislation is possible. ■

Resources for further exploration on academic freedom:

- » American Association of University Professionals: The Redbook
- » Academic Senate for the California Community Colleges position paper: *Protecting the Future of Academic Freedom During a Time of Significant Change*
- » Academic Senate for the California Community Colleges *Rostrum* article: “Academic Freedom and Equity”