

# On the Relationship of Faculty Governance to Academic Freedom

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*The statement that follows was approved in May 1994 by the Association's Committee on College and University Governance (Committee T). In June 1994 it was approved by Committee A on Academic Freedom and Tenure and adopted by the Association's Council.*

Since its founding in 1915, the AAUP has been actively engaged in developing standards for sound academic practice and in working for their acceptance throughout the community of higher education. Two aspects of an institution's academic practice have been of particular concern to the Association ever since: the rights and freedoms of individual faculty members and the role of the faculty in institutional governance. The fundamental principles describing the rights and freedoms that an institution should accord to its individual faculty members are set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*; those principles have been further developed in more recent Association statements and reports that bring the principles to bear on specific issues having to do with faculty status. The fundamental principles describing the proper role of faculty members in institutional governance are set forth in the 1966 *Statement on Government of Colleges and Universities*; those principles, too, have been further developed in more recent Association statements and reports.

Although the Association established Committee A in 1915, its initial year, to attend to issues of academic freedom and tenure, and created Committee T the following year to address issues of institutional "government," the AAUP has not spoken explicitly to the links between its principles in these two basic areas. Thus, the 1940 *Statement of Principles* describes faculty members as "officers of an educational institution," but it is silent about the governance role they should carry out in light of their being officers of the institution. The 1966 *Statement* describes the role in institutional government that faculty should be accorded, but it does not speak to the bearing of that role on the rights and freedoms of individual faculty members.<sup>1</sup>

Historical and contemporary links can be clearly seen, however. This statement will suggest that a sound system of institutional governance is a necessary condition for the protection of faculty rights and thereby for the most productive exercise of essential faculty freedoms. Correspondingly, the protection of the academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by fear of retribution.<sup>2</sup>

An institution's system of governance is the structure according to which authority and responsibilities are allocated to the various offices and divisions within the institution. How should that authority be allocated? Conducting the academic enterprise requires carrying out a complex array of tasks by the various components of the institution. The 1966 *Statement* singles out three major institutional components—the governing board, the administration, and the faculty—and describes their respective responsibilities, that is, the tasks for which each is primarily responsible. Being responsible for carrying out a task is one thing, however, and having authority over the way in which the task is carried out is quite another. The *Statement on Government* connects them in the following general principle, enunciated at the outset: "differences in the weight of each voice, from one point to the next, should be determined by reference to the responsibility of each component for the particular matter at hand. . . ." Thus degrees of authority should track directness of responsibility.

For example, since the faculty has primary responsibility for the teaching and research done in the institution, the faculty's voice on matters having to do with teaching and research should be given the greatest weight. From that idea flow more specific principles regarding the faculty's role, as expressed in the *Statement on Government*. Since such decisions as those

involving choice of method of instruction, subject matter to be taught, policies for admitting students, standards of student competence in a discipline, the maintenance of a suitable environment for learning, and standards of faculty competence bear directly on the teaching and research conducted in the institution, the faculty should have primary authority over decisions about such matters—that is, the administration should “concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.” Other decisions bear less directly on the teaching and research conducted in the institution; these include, for instance, decisions about the institution’s long-range objectives, its physical and fiscal resources, the distribution of its funds among its various divisions, and the selection of its president. But these decisions plainly can have a powerful impact on the institution’s teaching and research, and the *Statement on Government*, therefore, declares that the decision-making process must include the faculty, and that its voice on these matters must be accorded great respect.

In short, the 1966 *Statement* derives the weight of the faculty’s voice on an issue—that is, the degree to which the faculty’s voice should be authoritative on the issue—from the relative directness with which the issue bears on the faculty’s exercise of its various institutional responsibilities.

There are at least three reasons why the faculty’s voice should be authoritative across the entire range of decision making that bears, whether directly or indirectly, on its responsibilities. For each of these reasons it is also essential that faculty members have the academic freedom to express their professional opinions without fear of reprisal.

In the first place, this allocation of authority is the most efficient means to the accomplishment of the institution’s objectives. For example, as the *Statement on Government* maintains, “the educational effectiveness of the institution” is the greater the more firmly the institution is able to protect this allocation of authority against pressures from outside the institution. Moreover, scholars in a discipline are acquainted with the discipline from within; their views on what students should learn in it, and on which faculty members should be appointed and promoted, are therefore more likely to produce better teaching and research in the discipline than are the views of trustees or administrators. More generally, experienced faculty committees—whether constituted to address curricular, personnel, or other matters—must be free to bring to bear on the issues at hand not merely their disciplinary competencies, but also their first-hand understanding of what constitutes good teaching and research generally, and of the climate in which those endeavors can best be conducted.

The second reason issues from the centrality of teaching and research within the array of tasks carried out by an academic institution: teaching and research are the very purpose of an academic institution and the reason why the public values and supports it. This means that the faculty, who are responsible for carrying out those central tasks, should be viewed as having a special status within the institution. The Association has taken this view from its earliest days. Its first statement, the 1915 *Declaration of Principles*,<sup>3</sup> declares that members of a faculty “are the appointees, but not in any proper sense the employees,” of the trustees; they are partners with the trustees, and, as the 1915 *Declaration* states, the office of faculty member should be—indeed, it is in the public interest that the office of faculty member should be—“one both of dignity and of independence.” Allocation of authority to the faculty in the areas of its responsibility is a necessary condition for the faculty’s possessing that dignity and exercising that independence.

The third reason is the most important in the present context: allocation of authority to the faculty in the areas of its responsibility is a necessary condition for the protection of academic freedom within the institution. The protection of free expression takes many forms, but the issue emerges most clearly in the case of authority over faculty status.

The academic freedom of faculty members includes the freedom to express their views (1) on academic matters in the classroom and in the conduct of research, (2) on matters having to do with their institution and its policies, and (3) on issues of public interest generally, and to do so even if their views are in conflict with one or another received wisdom. Association policy documents over the years before and since the adoption of the 1940 *Statement of Principles* have described the reasons why this freedom should be accorded and rights to it protected. In the case (1) of academic matters, good teaching requires developing critical ability in one’s students

and an understanding of the methods for resolving disputes within the discipline; good research requires permitting the expression of contrary views in order that the evidence for and against a hypothesis can be weighed responsibly. In the case (2) of institutional matters, grounds for thinking an institutional policy desirable or undesirable must be heard and assessed if the community is to have confidence that its policies are appropriate. In the case (3) of issues of public interest generally, the faculty member must be free to exercise the rights accorded to all citizens.<sup>4</sup>

Protecting academic freedom on campus requires ensuring that a particular instance of faculty speech will be subject to discipline only where that speech violates some central principle of academic morality, as, for example, where it is found to be fraudulent (academic freedom does not protect plagiarism and deceit). Protecting academic freedom also requires ensuring that faculty status turns on a faculty member's views only where the holding of those views clearly supports a judgment of competence or incompetence.

It is in light of these requirements that the allocation to the faculty—through appropriate governance processes and structures—of authority over faculty status and other basic academic matters can be seen to be necessary for the protection of academic freedom. It is the faculty—not trustees or administrators—who have the experience needed for assessing whether an instance of faculty speech constitutes a breach of a central principle of academic morality, and who have the expertise to form judgments of faculty competence or incompetence. As AAUP case reports have shown, to the extent that decisions on such matters are not in the hands of the faculty, there is a potential for, and at times the actuality of, administrative imposition of penalties on improper grounds.

A good governance system is no guarantee that academic freedom will flourish. A governance system is merely a structure that allocates authority, and authority needs to be exercised if even the most appropriate allocation of it is to have its intended effects. Faculty members must be willing to participate in the decision-making processes over which a sound governance system gives them authority. As the Association's *Statement on Professional Ethics* says, faculty members must "accept their share of faculty responsibilities for the governance of their institution." If they do not, authority will drift away from them, since someone must exercise it, and if members of the faculty do not, others will.

The second possible source of concern is more subtle. Even with a sound governance system in place and with a faculty active in self-government and operating under rules and regulations protective of academic freedom, dysfunctions that undermine academic freedom may still occur: subtle (or not so subtle) bullying on the part of the faculty itself, a covertly enforced isolation, a disinclination to respect the views of the offbeat and cranky among its members. That is to say, given appropriate formal protections, such incivilities may not issue in clear-cut violations of academic freedom, but a faculty member's academic freedom may nevertheless be chilled.<sup>5</sup>

In sum, sound governance practice and the exercise of academic freedom are closely connected, arguably inextricably linked. While no governance system can serve to guarantee that academic freedom will always prevail, an inadequate governance system—one in which the faculty is not accorded primacy in academic matters—compromises the conditions in which academic freedom is likely to thrive. Similarly, although academic freedom is not a sufficient condition, it is an essential one for effective governance. Thus, the earliest principles formulated by the Association, those of 1915 and 1916, are most likely to thrive when they are understood to reinforce one another. Under those conditions, institutions of higher education will be best served and will in turn best serve society at large.

## Notes

1. The "Statement on Government" does, however, quote from the 1940 "Statement of Principles" (AAUP, *Policy Documents and Reports*, 10th ed. [Washington, D.C., 2006], 140 n. 2).

2. Also relevant are the Association's "Statement on Professional Ethics," *ibid.*, 171–72, and "A Statement of the Association's Council: Freedom and Responsibility," *ibid.*, 173–74.

3. See *Policy Documents and Reports*, Appendix I.

4. In this connection, several policy statements have particular relevance, including the "Committee A Statement on Extramural Utterances," *Policy Documents and Reports*, 32, and the "Statement on Professors and Political Activity," *ibid.*, 33–34.

5. According to "A Statement of the Association's Council: Freedom and Responsibility," "Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus" (*Policy Documents and Reports*, 173).