FGC Resolution 23/24-09 - To Endorse Statement of Principles

The Faculty Governance Committee moves that the Faculty endorse the following Statement of Principles:

Statement of Principles: Academic Freedom, Critical Inquiry, and Free Expression

St. Olaf College has long recognized that academic freedom is essential to its mission. This abstract commitment is made tangible not only through legally binding policies and procedures, but also through shared **practices, habits, and norms**. Ultimately the vitality of academic freedom in teaching and research depends on the vitality of a wider culture of critical inquiry and free expression. Faculty, students, staff, administrators, and regents all play a role in fostering a community that provides its members the broadest possible latitude to speak, create, listen, question, and learn.

By endorsing this statement of principles, we dedicate ourselves not only to the protection of academic freedom for faculty, but also the cultivation of an environment of critical inquiry and free expression for all members of the college community. While distinct, the concepts of **academic freedom**, **critical inquiry**, and **free expression** overlap in significant ways and each contributes to our mission.

In order to "excel in the liberal arts, examine faith and values, and explore meaningful vocation in an inclusive, globally engaged community nourished by Lutheran tradition," we welcome multiple and often conflicting perspectives and engage those perspectives with **reflection, analysis, and critique**. We examine faith and values by testing our deeply held beliefs and commitments against alternatives. We explore meaningful vocation by reflecting critically on our past influences, current commitments, and future aspirations. We form an inclusive, globally engaged community in part by listening to people from all backgrounds as a way of understanding them, even when we do not agree. Finally, we are nourished by the Lutheran tradition when we critically explore its insights as well as its blind spots.

As members of a college associated with the Evangelical Lutheran Church of America, we view human reason and creativity as gifts and understand the constant cultivation of these gifts as a shared task and responsibility. Since reason and creativity grow best in a diverse ecosystem, we seek to sustain an environment in which members of the community feel **free** to explore new and controversial ideas. We nurture curiosity about alternative ways of viewing a situation or problem, discipline to follow arguments and evidence to their conclusions, humility in accepting criticism, grace in the midst of friction, and respect for people with differing views.

An environment of **critical inquiry** and **free expression** is an environment where we encounter different perspectives, competing ideas, and alternative claims to truth. We recognize that encountering opposition to our firmly held commitments can be difficult and uncomfortable. Yet thoughtful engagement in the context of genuine diversity often involves opposition and, at

times, even conflict. We do not view conflict in itself as harmful or abusive. We are confident that our disagreements will help us better understand each other and ourselves. Those disagreements might even help us uncover the truth. It is crucial, then, that we practice critical inquiry and free expression in the context of disagreement.

While **we are free** to challenge ideas that are expressed on campus, and to criticize or even protest invited speakers, **we are not free** to silence them. **We are not free** to obstruct or interfere with the freedom of others to express arguments with which we disagree or the freedom of others to hear those arguments. In fact it is the responsibility of the college to protect critical inquiry and free expression when others seek to restrict it.

Similarly, when we express our own ideas, we should **not expect to be immune from critical scrutiny**. We should welcome it. By cultivating an openness to challenges that our ideas might elicit and a willingness to adjust our views in light of new evidence, we prepare members of our community to form their own considered judgments about the complex and controversial questions they face in the world.

Our commitment to free and open inquiry does not mean that everyone has a right to say anything one wants at any time. **The college may restrict expression** that violates the law or disrupts the ordinary activities of the institution. **Yet these limitations should be narrowly tailored** and not used in ways that undermine the college's mission or erode its commitment to critical inquiry and free expression.

It is not the role of the college to take a stand on contested matters of public debate, silence unpopular views, or shield ideas from critical engagement. **It is the role of a college** to cultivate conditions in which ideas can be questioned and tested according to standards of rational debate, scientific analysis, and academic rigor.

By fostering **habits, practices, and norms** that encourage members of our community to take risks, question prevailing assumptions, and explore new puzzles, we nurture an environment in which we are better able not only to protect academic freedom, but also to pursue our mission. We cultivate in our students a critical orientation that never rests, but experiments, fails, and tries again.

Rationale:

As we discussed the revisions to the *Faculty Manual,* we came to see that academic freedom is sustained not only by college policies, but also by a culture in which free and open inquiry is valued by all members of the college. In recent years, well over a hundred colleges and universities have endorsed statements such as this one, affirming fundamental commitments that animate the work of higher education. We intend this statement to reflect our unique understanding at St Olaf College.

Endorsing this Statement of Principles will be a way for the faculty as a whole to indicate its shared commitment to "fostering a community that provides its members the broadest possible latitude to speak, create, listen, question, and learn." The statement emphasizes how important it is to nurture a diverse, curious, and open environment in which disagreement and difference are not a bug but a feature.

The accompanying Q&A is meant to be a living document in support of faculty understanding of the Statement of Principles. It helps to clarify some of the most thorny issues relating to the relationship between academic freedom, critical inquiry, and free expression. We hope that both the Statement of Principles and the Q&A will be resources for members of faculty, staff, and students, perhaps contributing to new faculty and student orientation or as part of the SOAR program. We plan to have this statement and the Q&A available on the college website, but FGC is also considering the possibility of an academic freedom advisory council that would be tasked with maintaining these documents, helping to introduce them to new members of our community, and advising students, staff, and faculty.

Academic Freedom Q & A

On the Meaning of Academic Freedom

How does the faculty manual define academic freedom? What is the current AAUP model?

According to both the American Association of University Professors (AAUP) model and our faculty manual, academic freedom applies to faculty and involves four interrelated elements:

- Teaching: freedom to discuss all relevant matters in the classroom;
- Research: freedom to explore all avenues of scholarship, research, and creative expression and to publish the results of such work;
- Intramural speech: freedom from institutional censorship or discipline when speaking or writing as participants in the governance of the College; and
- Extramural speech: freedom from institutional censorship or discipline when speaking or writing as citizens.

Put negatively, these are freedoms from interference or discipline. Put positively, they concern the freedom to do one's academic job to seek and communicate truth.

If academic freedom is something that needs protecting, who (in principle) might violate it?

Violation of academic freedom can come from internal sources (such as the college administration) or external sources (such as state governments or donors). Violations happen when an entity uses its

institutional or positional power to limit a faculty member's academic freedom. Public critique or even public outrage are not violations of academic freedom. However, if the college administration were to respond to public outrage by sanctioning faculty from an official office, that would be a violation. Put more generally, any individual or group with the power to block appointments or promotions, to terminate employment, to demand orthodoxy or ideological conformity, or to impact what gets researched or taught could in principle violate academic freedom.

You mention above that the AAUP standard of academic freedom, which has long been adopted by our Faculty Manual, invokes a kind of hybrid model of academic freedom that mixes some elements from expertise and free speech models. Can you explain this more?

We are calling this a hybrid model because some academic speech involves freedom rooted in expertise: this part borrows from an expertise model of academic freedom. Other speech by academics is not judged in the same way by disciplinary standards: this part is borrowed from a free speech model of academic freedom. On the AAUP model of academic freedom, teaching, research, and artistic expression come with an expectation of scholarly or artistic competence in one's field. By contrast, extramural speech is more like a political right to free expression — meaning that the disciplinary expertise standard no longer applies when faculty speak outside of their areas of research to comment on matters of public interest. Speaking to the general public as an expert, in one's area of expertise, is also protected but can come with higher expectations. Much depends on how much the relevant communication has to do with one's performance as an academic and whether disciplinary evaluation is relevant.

How does this so-called hybrid model differ from what you call "free speech" and "expertise" models of academic freedom? Can parts of it be expanded to include other persons on campus besides faculty?

In stressing the continuity between academic freedom and the first amendment right to free expression, the free speech model of academic freedom seems to imply that all ideas have equal status and protection regardless of their evidential status. By contrast, an expertise model of academic freedom is narrower. Since it is thoroughly academic in nature, it gives faculty a professional right to express ideas, arguments, or creative works that reflect their disciplinary competence or expertise which will have been evidenced by advanced training and peer evaluation. A hybrid model mixes elements from both models. It adopts something closer to the political standard for some contexts (e.g. extramural speech reflects political equality), and adopts something like an expertise standard in others (e.g. research and teaching are judged by a faculty member's disciplinary peers without the presumption that every idea, argument, data set, or form of artistic expression has equal standing). While the AAUP currently interprets academic freedom as a professional right that belongs only to faculty and disciplines, some qualified aspects of the hybrid model could be expanded to others on campus, including students and staff (More on how academic freedom and free expression overlap and differ, and whether they can extend to students and staff, is described below).

Is it true that the "extramural speech" protection is more controversial than the other three categories, including in the legal scholarship? What is a common justification for this fourth layer of protection for faculty?

It is sometimes said that "extramural speech" protections for faculty are odd because *academic* freedom should only protect academic speech rooted in demonstrated expertise or disciplinary standards. Some wonder why extramural speech (which is widely interpreted to permit quick or decontextualized social media engagements with the public) should be protected with a contractual commitment. One common justification for having this extra layer of protection is that without this broader kind of freedom, the narrower conception of academic freedom would itself be at risk. After all, if a professor could be sanctioned for expressing support for a controversial political candidate, or for taking a controversial stance on a policy question, their expert-based research and teaching could be impacted or even put to a stop. In the spirit of what some call Prophylactic Rules in law, it is better to have broader protections to secure the good in question than to risk underprotecting it. By placing a broader fence around professorial speech in the public domain, one makes it less likely that the narrower freedoms that colleges and universities require to flourish would be truncated.

When did academic freedom emerge in the US context? Is it true that a little over a century ago there was little academic freedom in US universities and colleges?

While ancient thinkers from diverse intellectual traditions have long extolled the virtue of seeking to follow the argument or evidence where it leads, academics were not always free to do so. Many point out that academic freedom has roots in the modern university, as it developed in 19th century Germany. On this conception, there needs to be freedom to pursue and produce specialized knowledge (or *Wissenschaft*), which is a net benefit for society.

Another way of telling the origin story of academic freedom is American and involves an incident at Stanford University. Between 1896 and 1900, a professor of economics, Edward A. Ross, upset university administrators, including a founder, Jane Stanford, with pamphlets and other writings on a range of controversial topics. Jane Stanford grew tired of Ross' political speech. She pressured David Starr Jordan, the then president of Stanford, to fire Ross. He eventually acceded. Many professors protested, with some resigning. The AAUP was born under founders Arthur O. Lovejoy and John Dewey. It published the "1915 Declaration of Principles on Academic Freedom and Tenure", the first professional academic freedom protections in the country. Before 1915, it was not uncommon for American professors to get dismissed for political speech.

The Scope of Academic Freedom

What about the question of limits? Does the AAUP model of academic freedom acknowledge the possibility of closed questions?

The AAUP assigns faculty the "freedom to explore all avenues of scholarship, research, and creative expression" and does not use the language of "closed questions." Since it also affirms the reality of disciplinary standards and knowledge-production, a question arises about whether some matters can become settled. It is possible that some matters might be provisionally settled in some disciplines, unless and until compelling new evidence emerges. To use a common example, a physicist who teaches that the earth is flat may well fail to live up to current disciplinary standards in physics. If so, asking them to stop teaching this position needn't violate their academic freedom. This does not mean that teaching *about* flat-earthism isn't protected, nor that scientific revolutions are impossible, nor that only majority views can be defended in physics. It is rather to say that minority ideas (like majority ideas) are protected if they satisfy adequate standards of evidence and methodology in the disciplinary context in which they are expressed. The latter judgment is to be determined internally *within* a discipline rather than by some external standard, whether political or otherwise: that is what it means for disciplines to be autonomous.

I teach in department X, and have a particular disciplinary background in X, but occasionally I am asked to teach outside of X (e.g. in multidisciplinary conversation programs). Am I protected?

You are fully protected under academic freedom for any interdisciplinary course that you teach at the college. Moreover, as an interdisciplinary institution, interdisciplinary research is expected and is also protected under academic freedom. Given that interdisciplinary programs invite faculty to teach in areas that go beyond their formal training, it is reasonable that they get some leeway to figure out how to do this well. In many instances a faculty member would teach such a course from within their own disciplinary background, as a particular kind of scholar who is approaching diverse, and sometimes new, texts or ideas. Those with joint appointments might bring together two forms of disciplinary expertise to inform their teaching in such programs. Interdisciplinary teaching is thus not entirely removed from specialization.

Does respect for expertise mean that I cannot defend a minority view in my field of expertise?

Academic freedom protects faculty who take minority positions within their field of expertise. Sometimes scholars may even successfully push the edges of what is considered a proper question, method, or area of inquiry within their field.

Who Has Academic Freedom

Do students have academic freedom?

Defined as a "professional right" of faculty that protects disciplinary expertise, as the AAUP does, academic freedom extends to all faculty but does not extend formally to students or anyone else. Nevertheless, St. Olaf is committed to fostering an environment with something like academic freedom for students on the ground in two different senses. The first sense is narrower and concerns what happens in academic settings such as courses or supervised research; the second is broader and applies outside of these contexts.

What does it mean to say that, in practice, students will often get to exercise quite a bit of freedom on the ground even if they lack the formal, professional, and contractual entitlements of faculty? What are the two kinds of student freedom just mentioned?

First, students can, in effect, inherit some of the academic freedom enjoyed by their professors just by virtue of being in the classroom with them or researching under them. For instance, students taking classes in political science, philosophy, sociology or other fields may find that their professors give them lots of room to express and defend their ideas and to engage in debates about controversial matters related to the class content. Just as faculty are not forced to agree with student ideas, beliefs, or political outlooks, students are not forced to believe particular claims of faculty: they may disagree with concepts, theories, and opinions of their course instructors, but are responsible to learn the assigned course content. In addition, students doing summer research under the supervision of a faculty member may be given some freedom to help shape the topic or investigation. Since these freedoms are academic in nature, they are subject to evaluation: academic freedom does not guarantee students a particular grade anymore than it gives professors a right to have their papers accepted by selective professional journals. That said, students are protected from improper or prejudiced academic evaluation and may use established College channels to contest capricious academic evaluation.

Second, when it comes to a broader kind of freedom, students regularly participate in political clubs and in particular forms of activism outside the classroom. It is worth noting that the first amendment standard, while partly helpful and relevant here, may not perfectly overlap with this wider sphere of freedom on campus: not every form of speech that the law permits would automatically get protection in every setting on campus. For instance, a private college might also decide to rule out certain clearly abusive forms of name-calling, whether in or outside the classroom, because these threaten the conditions of good education. Finally, as an academic institution, we want to encourage students to use the critical and dialogical tools that they are learning in the classroom when engaging with others outside the classroom.

Does the academic freedom of faculty impact or limit what students can do or say in the classroom?

In the classroom, the faculty member is responsible for setting the bounds of speech as they see fit according to their pedagogical goals and in accordance with the disciplinary standards that apply to their classes. This means that some faculty may place bounds on speech for a variety of reasons that align with their pedagogical goals, including (but not limited to) creating a safe classroom environment for exploration, challenging students to consider views that may be unwelcome, or addressing uncomfortable topics that students will hear discussed in the public square. Academic freedom does not

give students a right to determine the curriculum–though some professors may ask students for suggestions related to their class syllabus.

What about staff? What about all members of the community?

At St. Olaf, staff with appropriate qualifications, who are invited or expected to serve as "quasi-faculty" in formal classroom teaching and peer-reviewed research, should have a limited right to academic freedom as it pertains to those roles. We urge that the college consider revising current employment policies to provide basic protections for staff who are asked to serve in these roles.

While some purely expertise-based models of academic freedom reject any attempt to connect up to first amendment values, it is worth noting that (consistent with hybrid views) some college documents suggest a wider kind of expressive freedom for every member of the campus. For instance, the St. Olaf policy on campus demonstration states: "St. Olaf College affirms its belief in the importance of freedom of expression and in the value of permitting all members of the college community to protest actions with which they disagree. It is for the protection of these activities that the policy on demonstrations is adopted." Again, the policy mentioned here overlaps with first amendment values but not perfectly; it discusses some constraints on protest that might be interpreted more narrowly than a legal standard.

Of course, staff members do lots of things that connect up to the exchange of ideas and creative expression that aren't captured by demonstrations. Some of these might reflect advanced degrees. Others might fall more under first amendment values or just concern the ability to do one's job without fear of termination for expressing the wrong political attitude. While we, as the faculty writing this document, do not have the power to set policy relating to staff employment, we believe that it can have a chilling effect on open inquiry among students and faculty when staff are afraid to speak outside the overton window. As such, the values of academic freedom, critical inquiry and free expression require the community to tend to the culture, policies and habits in a way that includes staff in the dialogue.

Does academic freedom cover the invitation of guest speakers on campus?

When faculty and those with sufficiently faculty-like roles invite external speakers as part of their teaching or research or campus work, such invitations are generally covered under academic freedom.

If protest is one instance of this broader freedom for students and staff, what about disruptions?

Protest is a part of the use of free expression to evaluate speech. However, the use of protest to prevent someone from speaking (the "heckler's veto") infringes on the open dialogue that free expression and academic freedom aim to preserve.

Common Misconceptions About Limits (Relation to Harm, Hate, and Offense)

You mention above that many of the things that people commonly assume do and must limit academic freedom do not actually do so. Can you give some examples?

Many people assume that if academic freedom has limits then the explanation for those limits will have a fundamentally political or moral flavor. For instance, many people assume that the explanation for why some topic x is out of bounds — whether in the contexts of teaching or research or in extramural settings — is *because* expressing x or even making a reasoned case for x would be offensive or even potentially harmful. This is understandable in a sense. Harm is a hugely important moral category and harming people is often illegal for good reason. But as with the first amendment, the models of academic freedom we have been considering do not seek to define the limits of debate in terms of harm nor in terms of majority opinion in politics.

According to the expertise model, recall, ideas are not rejected because they are controversial or even because they are deeply offensive or perceived by some to be harmful. They are judged and occasionally placed out of disciplinary bounds because they fail to live up to disciplinary standards in the fields in which they are expressed. According to the free speech model, political speech on matters of public interest can involve political critiques or ideas that are or seem deeply unsettling or offensive or worse to many. According to the hybrid model, the various components of academic speech are judged by the relevant standards of expertise or political freedom. The point here is not to recommend saying mean or deeply disrespectful things or to be indifferent to one's audience or community: some ideas that are widely thought to be offensive or even harmful may fare terribly on disciplinary standards. The point is to get the order of explanation correct and not to restrict speech in ways that could quickly devolve into something more political or partisan than academic.

Is that enough? If ideas can have consequences, why are harm-based standards of restricting speech so controversial among those working on academic freedom or free speech?

We appreciate that education can be profoundly difficult at times, and even downright painful. We do not mean to take this lightly nor mean to be defending gratuitous forms of suffering that lack academic value. We also recognize that not every idea is equally high-stakes for everyone. But claims about arguments, ideas, and debates being harmful — to an extent that even discussing them, or allowing others to hear or defend them is ruled out — have been challenged on numerous grounds. One problem with the harm-based standard for restricting academic speech concerns how to apply it in a non circular way that doesn't already presuppose some controversial point in the dispute. Another worry is how to keep this standard from overgeneralizing — potentially restricting almost everyone from speaking on certain controversial political topics or policy proposals.

These and related problems arise because there are often strong disagreements in society (and in the academy) about which ideas cause harm and whether harm is a helpful framework for evaluating deep disagreements. It is not just that people often feel very differently about what impact having a debate or expressing an idea will have overall, nor is it merely that they often lack the means to empirical test the matter. There is a more fundamental worry: sometimes what is harmful depends on what is true, which is often precisely what is under consideration in an academic debate.

Consider the debate over abortion. If high-stakes disagreements like this could be prevented from taking place because some stances would be dangerous if they spread, one can imagine how this standard could quickly overgeneralize. Some could claim that raising moral challenges to abortion are harmful because they restrict bodily autonomy and access to urgent healthcare; others might claim that moral defenses of abortion are harmful because they endorse taking the life of the most vulnerable and because morally legitimate healthcare would not involve that kind of thing. The harm-based method of blocking academic speech is thus highly reversible. Since the topic of abortion remains controversial in society and in academic fields in which it is normatively studied, this is further evidence that harm attributions aren't especially helpful ways to uncover the truth or to determine what counts as legitimate speech or debate. Apart from the above worries, preventing an honest debate about this topic would risk making people educationally worse-off by making something complicated seem simpler than it is; it would also make it harder to explain why citizens should ever get to vote when the stakes are high. Since most people think that only other people have harmful ideas or arguments, and since it is hard to learn without gaining understanding of what other people actually think and why, this adds to the difficulties of using a harm-based standard to regulate speech or debate on controversial or complex social or moral topics.

What about our legal obligations? Clearly "hate speech" is forbidden by the law, right? And we must be legally compliant on campus.

The law does acknowledge time, manner, and place restrictions on speech. It also recognizes other limits (e.g. against slander or threats or harassing speech that is sexual in nature or that incites violence). Violating the law is not protected by academic freedom. But contrary to common opinion, there are no hate speech codes enshrined in US law — which does not mean that there aren't any hate crimes. Once again, the point is not to recommend that people say things that are reasonably thought to be hateful, or to be indifferent to the experiences of others in one's community. Legal permission is not the only relevant standard. In fact, earlier we stated an example of a kind of speech in the classroom that academic freedom would not automatically protect because it violates professional duties and isn't required to engage in meaningful debate or to learn. It would thus be a mistake to assume that academic freedom permits every kind of speech. But it would also be a mistake to assume that academic speech is not protected if some or even many people would find it highly offensive. When it comes to academic contexts, ideas and arguments get judged by standards that are more epistemological in nature. Some offensive ideas will also have bad epistemological credentials but some offensive ideas could turn out to be true.

Does this mean that research can *never* be restricted on grounds of moral risk?

No. Empirical research proposals that are sufficiently risky to human beings or to non-human animals can get rejected by an Institutional Review Board (IRB). Generalizable empirical research often needs to be vetted by trained IRB members to ensure that it doesn't pose concrete and unjustified risks to research participants (e.g. by violating their privacy or failing to clearly get their consent or even putting them in physical danger). While there are important questions about whether IRB's can sometimes clash

with academic freedom values, the restrictions it places on research often are of a fully or quasi legal nature and aren't supposed to rest on controversial personal convictions. In the same spirit, IRB boards cannot (and do not aim to) keep classes from discussing already peer reviewed and published research. Again, openness to a range of arguments helps to prevent the shifting tides of political or economic power from overriding truth-seeking in an educational institution.

Relation to Professional Responsibilities of Faculty

Does the AAUP and faculty manual also recognize professional responsibilities?

The AAUP's 1940 statement does acknowledge professional responsibilities, including in the classroom. It says that teachers "should be careful not to introduce into their teaching controversial matter which has no relation to their subject." It also clarifies in a 1970 comment, "The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject."

Other responsibilities concern extramural speech. One paragraph notes, "College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution." The document later adds, "When they [faculty] speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university." What exactly constitutes "appropriate restraint" or showing "respect" or "avoiding creating the impression" of speaking for others is subject to interpretation. But it is worth noting that the AAUP has come to the defense of faculty in some high profile cases wherein a faculty member's speech was alleged to be professionally incompetent, deeply offensive and disrespectful.

Does academic freedom permit faculty to teach whatever they want?

Academic freedom does not give faculty the right to teach things that are squarely outside of their expertise or outside of the topic of the course they are teaching. Academic freedom does give faculty wide leeway for making connections between course content and their expertise and course topic. Academic freedom would not, however, give a faculty member leeway to speak constantly about political matters that have nothing to do with the content of the course or their professional expertise.

Relationship to Free Expression, Democracy, and Trust

What is the difference between academic freedom and freedom of expression?

There are several key distinctions between academic freedom and free speech. Free speech is a fundamental human right, guaranteed by Article 19 of the Universal Declaration of Human Rights. The responsibility to safeguard free speech falls upon states and state agents, in other words, signatories to the Declaration. It extends to a broader public, including but not limited to scholars teaching and conducting research in higher education institutions. Private entities, of which St. Olaf College is an example, are not bound by international treaties and, therefore, are not obligated to uphold the right to free expression and free speech. Nonetheless, St. Olaf College bears the responsibility to guarantee and protect academic freedom.

Academic freedom has a more limited scope. It applies exclusively to higher education institutions and pertains solely to professors and researchers within these institutions. The American Association of University Professors (AAUP) in its 1915 Declaration of Principles on Academic Freedom and Academic Tenure outlines three essential components of academic freedom including freedom of research, freedom of teaching, and freedom of intramural and extramural utterance and action. In 1940, the AAUP reaffirmed its stance that professors should enjoy freedom from institutional censorship or discipline when they "speak or write as citizens". However, it encourages them to "exercise appropriate restraint", consistent with their role as scholars, when participating in extramural activities. Both intramural (within the university) and extramural (outside the university) speech protections extend beyond the confines of the classroom and research activities. These protections encompass the roles of faculty members not only as educators and researchers within the institution but also as citizens of both the college community and the broader state.

Within the classroom and research contexts, this statement is clear. It emphasizes adhering to professional and disciplinary standards. In other words, academic freedom does not grant unrestricted license for faculty members to disregard established academic norms and practices. Instead, it underscores the responsibility of educators and researchers to maintain the highest standards of professionalism and academic rigor in their teaching and research activities. This balance between academic freedom and professional standards is the only guarantee for the integrity of higher education.

What are some risks of disciplinary expertise framework or protecting disciplines with academic freedom? Can expertise get politicized in ways that cover up partisan motivations or influences?

The disciplinary expertise standard does carry risks. If abused, it could lead many in the general public to distrust certain fields or even the academy as a whole. For instance, certain ideas could become

orthodox in a field but remain strongly rejected by many members of society. Sometimes that results when faculty are doing their jobs well. But in some instances, disciplinary orthodoxies may be highly connected to partisan convictions, emotions, and aims, and not easily settled with purely technical tools. Let us refer to convictions or beliefs that have these properties as x beliefs. If most members of some academic discipline y, claimed that x is clear to them – the experts – and implied that anyone who disagrees with x is either unintelligent, immoral, or both, and left no space to challenge x in their classrooms or conferences, even by those in their field with a different view, these things could combine to create distrust and even resistance to the very idea of expertise in this domain. These risks would become amplified if enough members of the general public came to believe that 1) the university or college is not a place where x gets to be openly discussed or honestly debated, even among scholars; 2) many of the people who go into field Y do so, in no small part, because of their pre-existing political convictions or political aims related to x; and 3) those in field y would be reluctant to hire anyone who might reasonably think differently about x.

Acknowledging the possible risks related to expertise, political gatekeeping and selection effects does not require dismissing any actual discipline. But it is worth reflecting on if colleges and universities, including private ones, desire public trust. If enough experts insulate themselves from self-criticism and push out contrary voices, even if they arise within their field, it may be harder for society to trust academic voices more generally or to think of the academy without political suspicion. This, too, would make it harder for the academy to fulfill its mission.

What are some risks of *not* constraining academic freedom in the contexts of teaching and research by disciplinary expertise?

In an age where disinformation can spread quickly, in some cases more quickly than truth or well-reasoned ideas, expert knowledge remains highly urgent in the world. If academic freedom were fully divorced from intellectual standards, and if its value were fully reduced to the *political* value of open expression, the academy would have a hard time blocking the unwelcome notion that all ideas and arguments are created equal or that mere assertion has the same standing as a well-reasoned dissertation. While we should be nervous about how expertise could be employed in ways that are vulnerable to groupthink, ideological peer pressure or unwelcome forms of elitism, we should also be nervous about abandoning disciplinary standards or giving up on the idea that knowledge (about the world and about the possible limits of knowledge) and artistic expression are best achieved when disciplinary standards are respected and protected. An environment where people are free to disagree and also expected and encouraged to make good on their claims with careful reasoning and evidence is a good aim.

What does it mean to create a broad culture of deliberation and open expression of ideas so that academic freedom can flourish? Why protect *any* speech on campus that does not fit in accordance with disciplinary standards?

This is tricky given the range of aims that are discussed above. While academic freedom is distinct from free expression, and does not protect disciplinary incompetence in research or teaching, some aspects

of academic freedom and first amendment values can be said to overlap. Apart from the case of extramural speech protections for faculty, it is not infrequently thought that an environment where lots of people are free to raise challenges and disagree (hopefully in productive ways) is good for education and certainly better than an environment that is too strict about who gets to speak. There are also those who claim that permitting lots of ideas to get heard can enhance knowledge-production.

Something broader than a pure expertise standard everywhere on campus will likely be required to achieve these wider aims. When we use the phrase 'culture of academic freedom', then, we include habits, norms, practices and policies that foster deliberation and openness to different ways of considering ideas. Keeping a culture of deliberation and open expression alive means that the community needs to maintain an active conversation about our commitment to the values behind these practices and what that looks like in practice at a place like St. Olaf. In short, the border culture of open inquiry concerns creating a space, beyond the classroom, to consider a wide array of ideas, including those that lack expert backing. But since this is an academic campus with an academic mission, there should also be encouragement to use educational tools to properly assess these ideas.

What role do students and staff play in cultivating this environment?

Students and staff play an important role in cultivating a culture of deliberation and open inquiry because without their participation, this culture could be much harder to pull off. By setting expectations that a wide range of viewpoints will be shared and the expectation that, when shared, ideas will be evaluated and critiqued they make this freedom more meaningful and concrete. All members of the community carry forth this culture by reminding each other of the values and keeping alive the discussion about both the values behind academic freedom as well as its limits in practice. What is more, if demonstrating respect for one's interlocutor is required for the deliberation to be fully constructive, then this could be deemed part of everyone's shared responsibility as well.

What are the main justifications for preserving this broader kind of freedom? Are they political? Educational? Something else?

One justification is educational. The business of academia is to learn how to critically evaluate a wide range of ideas and evidence. To fully think through an idea it is often necessary to express it out loud in conversation with others and to critically evaluate it together. By engaging in such a dialogue with people with a wide range of analytic approaches, the educational setting trains up habits of the mind. Limitations to open expression can limit this kind of development. Ideas around which critical dialogue is denied may become either dogmatic or unevaluated critically.

Another justification relates to the role that academic institutions play in a thriving democracy. If we are preparing students for life in democracy they need to be able to grapple with a range of perspectives, some of which may seem outrageous. An educated population would have the ability to evaluate, critique and dialogue with ideas from the broader public as a way of engaging that public in democratic deliberations. Keeping some ideas out of bounds denies community members the opportunity to build up skills in evaluating, considering or critiquing those particular ideas. If an idea is

particularly common among the population but is kept out of the College setting, the idea may not be properly evaluated or critiqued in democratic deliberation.

A third justification relates to the mission of the academic institution to produce new knowledge. Bad or false ideas benefit from critical evaluation by bringing forth the full set of critiques. Good ideas benefit from critical evaluation by strengthening the foundations upon which those good ideas rest, and making people's commitment to these ideas more alive. Partially correct ideas benefit by the adjustment process that takes place in critical dialogue. Denying any of these three will erode the necessary process for evaluating knowledge.

The justification for academic freedom and free expression is never to promote any particular political persuasion.

Relationship to Inclusion and Constructive Dialogue

What about inclusion and creating a warm learning environment for everyone? How does this aim relate to academic freedom?

It is commonly thought that securing a culture of academic freedom requires not merely tolerating but actively pursuing and valuing a range of perspectives. The freedom to seek truth depends on diverse voices and experiences, including from members of historically or currently marginalized communities. Creating an academic environment where diverse voices can be expressed without fear of sanction, and under a wider sense of institutional belonging, not only has the potential to curb groupthink and highlight culturally dominant assumptions; it is also true that preventing the expression of such voices could itself violate academic freedom. This suggests a natural alliance between academic freedom and the aim of creating a warmer and more inclusive educational institution. Judgements about how to best manage the classroom environment are reserved for the faculty member in accordance with disciplinary and professional standards.

So academic freedom and creating a sense of belonging for everyone on campus – and satisfying a key aim of Diversity, Equity, and Inclusion (DEI) – can be mutually supportive. Are they ever at odds?

Whether academic freedom and DEI can be at odds is one of the many areas in the discussion on which people disagree. It is certainly true that many endorse the core alignment just mentioned. It is also the case that those who do the work of DEI often communicate that these values exist in harmony and sometimes wish there were more trust in their work. That said, not everyone has the same understanding of DEI or how it relates to academic freedom. Some understandings of the terms could pose a clash. For instance, if a student petitioned to fire a faculty member because of their published statements (e.g. suppose they argued for a natural law view of sexual ethics), or because they included this article in their syllabus, that would seem like a straightforward violation of academic freedom if the petition led to 1) a termination or 2) even led to a warning to the faculty member about what stances can be defended or taught going forward. Even if those petitioning firmly believed that the faculty

member's views were offensive and harmful to the cause of inclusion, and even if they gathered various signatures, the relevant standard for academic freedom would still be the accepted practices of the faculty member's discipline or academic field. This standard comes from within a discipline and is based on procedures like peer review exercised by those with the relevant expertise: even minority opinions in a field that meet the bar get protection.

It is important to see that this standard is principled and treats challenges to academic freedom similarly, including when the sources of the threat shift politically or geographically. For instance, imagine that a group of students, perhaps in a more conservative region, created a petition to fire a faculty member for their peer-reviewed research or teaching on critical race theory. Suppose the students claimed that this work was deeply threatening to their identity or whiteness or sense of belonging and garnered much support from the local area. This faculty member would have full academic freedom (given the AAUP standard) and should be free to continue publishing and teaching about these topics without fear of institutional censure. The point here is not to suggest that those who work in DEI will often be interested in firing anyone, nor is to suggest that conservative students will often want to see critical race theorists fired from higher education. The point is rather that controversies can and sometimes do arise, with some data suggesting that known sanction attempts, including petitions, are on the rise in recent years. Whether a strong alignment between inclusion and academic freedom exists depends on what we do in the future.

Do those examples mean that some forms of attempted censorship may be challenged, in part, because they are exclusionary?

Yes. One way of thinking about censorship is that it often has an exclusionary flavor. This could be thought to be further evidence that inclusion and academic freedom can align.

What is constructive dialogue and how might it help to make academic freedom and inclusion mutually support one another?

Much more could be said about the practice of how to create successful conversations so that values like academic freedom and DEI do not get communicated in ways that are needlessly polarizing. Some academics and staff members see valuable tools coming from psychology, including moral psychology, about how constructive dialogue works more generally, and how to have successful conversations when the topics are high stakes and sometimes even painful.

While there is no time to get into the details about that in a Q&A, and while not everyone agrees about which tools work and which create new problems, it is something that might be of interest to faculty to consider.

Relationship to Lutheran Identity

Since we are a private educational institution with a Lutheran affiliation, how does (or rather might) academic freedom differ here from a public university?

St. Olaf College is affiliated with the Evangelical Lutheran Church in America (ELCA). The ELCA, along with the churches that merged to constitute the ELCA, support education as a crucial good for the benefit of the world. Throughout its history, St. Olaf College has made its mission clear to its faculty, staff, and students that academic freedom is a crucial part of liberal education. This mission adds particular commitments to academic freedom, such as those identified in the college's current mission statement. As such, disciplines and activities are sustained at St. Olaf that are not present at public schools and private, religiously-unaffiliated schools, such as Christian theology and inter-religious reflection across the college as disciplines.

As a private institution, the college could pose requirements to its faculty to constrain academic freedom, but it has not. Part of the reason for this owes to the kinds of Lutheranism with which St. Olaf allies that considers education beneficial for students of all religious and non-religious affiliations. Part of the reason has to do with the history of the students and faculty it has recruited over time, as well as its experience embracing academic biblical and theological disciplines more readily than in other schools affiliated with other Christian traditions.

So are you saying that we could in principle require that all future faculty, staff, and students sign a "statement of Lutheran faith" or adopt other controversial theological commitments? How come we don't do that?

St. Olaf College has not required a statement of faith or similar constraints on academic freedom because in general the Lutheran community and tradition considers the disciplined exercise of inquiry and creativity to be capacities which any human being may pursue. As a place of such inquiry, the Lutheran tradition recognizes that the human exercise of reason and creativity are gifts given to all people for their tasks and that they are of necessity plural in their pursuit. Requiring a faith statement would offend against the sufficiency of these gifts given to all for human life.

Statements of faith also can protect parts of educational experience or curriculum from critical scrutiny, such as to eliminate questions about matters considered crucial to the religious beliefs of the associated or founding religious community or church. A college could use such a statement to prevent subjects from being taught. Commonly, such statements in the US either seek college instruction to conform to its governing bodies teachings or norms or to prevent various creationist perspectives, accounts of biblical authority, gender ideologies, or sexual norms from criticism or investigation. In supporting academic freedom, St. Olaf encourages the critical investigation of all subjects and questions as faculty see fit, including those having to do with religion or theology. Those practicing the disciplines of religious studies or theology likewise must render their work vulnerable to public criticism as any other discipline must.

How does the Lutheran theological tradition understand academic freedom?

Lutheran positions on academic freedom are varied and nascent and it is difficult to identify any single decisively Lutheran notion of academic freedom. Broadly speaking, the Lutheran theological tradition has a great deal of historic and present confidence in the importance of education as a good for all intended by God and that truth should be followed no matter where it leads. Many consequential discussions still exist within Lutheranism about the limits of human reason. Those discussions do not limit academic freedom however, and pursuing those questions requires it.

In short, we have articulated a Lutheran approach to academic freedom that takes human reason and creativity as gifts given to all to cultivate and develop broadly and widely in a myriad of forms and places.

Other

How does the disciplinary standards constraint for teaching and research apply to cross-departmental disagreements that may arise about what is or isn't an open question?

It is possible that some disciplines could disagree over whether certain questions or avenues of research have been closed or remain open. It is also possible some disciplines could disagree over what role, if any, activism has or should have in academic settings. Since disciplines are autonomous, it is important to be aware of the context one is in.

What do I do if I believe that my academic freedom has been violated?

While there is no formal internal committee devoted to academic freedom on campus, as of this time, some external bodies with faculty leadership exist. For instance the AFA https://academicfreedom.org/ and the AAUP https://www.aaup.org/.

Contributors

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Appendix

Faculty Governance Committee Charge to Academic Freedom Working Group

AAUP Links: Academic Freedom, Tenure, and Due Process

1. 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments
2. 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings
3. Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments
4. Recommended Institutional Regulations on Academic Freedom and Tenure
5. On Freedom of Expression and Campus Speech Codes
6. On Collegiality as a Criterion for Faculty Evaluation
7. Academic Freedom and Electronic Communications
8. Contingent Appointments and the Academic Profession
9. Academic Freedom of Professors and Institutions

Freedom of Expression Statements. Several of the most important higher education organizations and more than 100 colleges and universities around the country have adopted freedom of expression statements. Here is a selection.

1. Academic Freedom and Educational Responsibility: A Statement from the Board of Directors of the Association of American Colleges
2. Proposed Statement on Academic Freedom and Freedom of Expression - American Bar Association
3. Report of the Committee on Freedom of Expression - University of Chicago
4. Commitment to Freedom of Expression - Princeton University
5. Freedom of Expression Philosophy - Gettysburg College
6. Commitment to Freedom of Expression - Davidson College
7. Academic Freedom and Responsibility - University of Minnesota
8. Statement of Freedom of Expression and Academic Freedom - Denison University
9. Resolution on Freedom of Expression - Kenyon College
10. Statement of Free Speech Values - University of Maryland
11. Statement on Free Expression - University of Richmond
12. Statement on Academic Freedom and Freedom of Speech and Expression - Cornell University
13. Policy on Freedom of Expression and Expressive Conduct - American University and Statement of Values - American University
14. Academic Freedom and Freedom of Expression - Colgate University