

Journal of Collective Bargaining in the Academy

Volume 0 *National Center Proceedings 2015*

Article 12

April 2015

CIVILITY AND ACADEMIC FREEDOM

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Recommended Citation

Schaffer, Frederick P. (2015) "CIVILITY AND ACADEMIC FREEDOM," *Journal of Collective Bargaining in the Academy*: Vol. 0 , Article 12.
Available at: <http://thekeep.eiu.edu/jcba/vol0/iss10/12>

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**NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING
IN HIGHER EDUCATION AND THE PROFESSIONS**

2015 CONFERENCE

CIVILITY AND ACADEMIC FREEDOM

Frederick P. Schaffer

Introduction

The meaning of civility within the walls of academia is unclear. It can mean how faculty members treat their colleagues – sometimes referred to as collegiality. It can mean how faculty members treat their students – what I would call courtesy. And it can also mean how faculty members express themselves either in their scholarship or in public discourse.

Views of the relationship between civility and academic freedom have changed over time. In the AAUP's 1915 Declaration of Principles on Academic Freedom and Academic Tenure, which is the founding document on academic freedom, there is language to suggest that faculty have some enforceable duty of civility.

The Declaration counsels that the rights granted to university teachers by the principles of academic freedom come with corresponding obligations. In the case of scholarship, this means that “the liberty of the scholar within the university to set forth his conclusions, be they what they may, is conditioned on their being conclusions gained by a scholar's methods and held in a scholar's spirit; that is to say, they must be the fruits of competent and patient and sincere inquiry, and they should be set forth with dignity, courtesy, and temperateness of language.” The Declaration cautions, however, that the power to determine when violations of those obligations have occurred should be vested in bodies composed of members of the academic profession.

The Declaration goes on to apply the same principles not only to scholarship but also to “extramural utterances” – that is, the expression of judgments and opinions outside of the classroom – and political activities, even when they pertain to questions falling outside the academic specialty of the faculty member. It notes that “academic teachers are under a peculiar obligation to avoid hasty or unverified or exaggerated statements, and to refrain from intemperate or sensational modes of expression.” As with speech within the university setting, the Declaration counsels that the enforcement of such restraints should be, for the most part, through the public opinion of the profession, or, if disciplinary action is appropriate, through bodies composed of members of the academic profession.

In a similar vein, the AAUP’s 1940 Statement of Principles on Academic Freedom and Tenure includes the following language: “[W]hen [college and university teachers] 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.” A 1940 interpretation of that provision states that an administration may file charges in accordance with procedures outlined in the Statement if it feels that a faculty member has failed to observe the above admonitions and believes that the professor’s extramural utterances raise grave doubts concerning the professor’s fitness for continuing service. A statement issued by the AAUP’s Committee on Academic Freedom and Tenure (Committee A) in 1964 further cautions:

The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the

faculty member's unfitness to serve. Extramural utterances rarely bear upon the faculty member's fitness for continuing service. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar. In the absence of weighty evidence of unfitness, the administration should not prefer charges; and if it is not clearly proved in the hearing that the faculty member is unfit to continue, the faculty committee should make a finding in favor of the faculty member concerned.

You will note that the above quotations concern the substance and tone of expression in scholarship and public discourse. In a statement issued in 1999, "On Collegiality as a Criterion for Faculty Evaluation", Committee A warned against consideration of collegiality in isolation and independent of the traditional triumvirate of scholarship, teaching and service. According to that statement, collegiality has in the past been associated with practices that exclude persons on the basis of their differences from a perceived norm and therefore ensure homogeneity. In addition, the invocation of collegiality may threaten academic freedom by creating an expectation that faculty members should display excessive deference to the administrative or faculty decisions where these may require reasoned discussion, thereby chilling debate and infringing on the right to dissent. Nevertheless, the statement recognizes that collegiality in the sense of collaboration and constructive cooperation, identifies important aspects of a faculty member's overall performance with respect to scholarship, teaching and service.

* * *

Hypothetical

Professor wrote a blog post accusing a TA who teaches in another department of shutting down a classroom discussion of gay marriage based on her own political beliefs. Professor's account was based on a recording secretly made by a disgruntled student who wanted the TA to spend more time in class one day on the topic of gay marriage, which the student opposed. In his

blog, Professor wrote that in not allowing more time for the discussion, TA was using a tactic typical among liberals of shutting down the expression of opinions with which they disagree and that as a result, the student had felt compelled to drop the course. TA said that the blog had distorted her actions. According to TA, she was not trying to shut down an argument with which she disagreed but was instead trying to keep the focus on the topic of the class, which was the equal liberty principle of the philosopher John Rawls. In addition, TA stated that the student had dropped the course because he had received an F on his mid-term exam. As a result of Professor's blog post, TA received a flood of hate mail, some of which were threatening. Dean then sent a letter to Professor commencing a disciplinary process leading toward his firing.