

Report of the Task Force on Academic Freedom

University of Minnesota
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The University of Minnesota was founded in the faith that men are ennobled by understanding; it is dedicated to the advancement of learning and the search for truth; it is devoted to the instruction of youth and the welfare of the state. These purposes, carved in stone upon the façade of its most stately building, embody the tradition of scholarship upon which rests the development of higher education and the continuous progress of democratic society. It is this tradition that sustains the human mind and spirit when beset by human passions and prejudices. It is to this tradition that the Board of Regents of the University of Minnesota reaffirms its adherence. In so doing, it reiterates its acceptance of the corollary principles of academic freedom.

...

The Board of Regents...recognizes with regret and not in a spirit of condemnation of its predecessors that periods of national crisis are characterized by widespread loss in social perspective and a strain upon the values that prevail when conditions are more nearly normal. It would also affirm in these calmer days and against another day of storm and stress that in times of crisis the need for adherence to accepted values and traditions and procedures, especially by institutions of higher education, is most necessary.

—University of Minnesota Board of Regents
Resolution adopted January 28, 1938

I. VISION

The assurance of open scholarly and creative enterprise lies at the heart of the research and teaching mission of modern higher education in a democratic society. Yet however fundamental it is to the life of the university, academic freedom is imperiled if it is taken for granted.

The principle of academic freedom claims a long and distinguished pedigree, but its practice in the daily life of universities has always been threatened and has always required clarification and justification. Like any freedom, it is fragile. Generations of scholars have had to reaffirm the meaning of academic freedom for themselves and their broader community. We accept this challenge now in our own times, as we must respond to contemporary assaults on this most cherished privilege. We recognize that academic freedom cannot be assumed. We must reconsider its meaning, even as we reaffirm our allegiance to it as a core value of our professional lives, both as a right and a responsibility.

A special urgency compels this reconsideration. We are confronted with unprecedented changes in university life just as we face another period of national crisis. Scientific, technological, economic, and cultural forces are all at play. Immense advances in the biological, physical, and information sciences, the growing role of corporations in funding research and even basic university operations, the increasing specialization of disciplines and the creation of new disciplines—all these create new stresses on the tradition of academic freedom. External funding inequalities between the liberal arts and the social and physical sciences pose additional questions. So, too, does the use of information technologies that provide unprecedented surveillance capacities and the ability to organize special interest pressures on university governance. Given these strains on the fabric of the university as a community, can we all still share a commitment to academic freedom? We believe we can and we must. But we have to take a hard, honest look. This opportunity—and indeed requirement—to examine its relevance is part of the strength of academic freedom.

As members of a land-grant institution, we at the University of Minnesota claim a special mandate to protect this perishable value. For us, reaffirmation of the principle and practice of academic freedom also embraces the citizens of Minnesota, our partners and founders. We share with them an implicit agreement to uphold both the rights and the obligations of academic freedom.

Every member of the academic community—faculty, students, staff, administration, governing boards—has a stake in the vigor of academic freedom. All of us must grasp its tenets, purposes, and obligations if we hope to respond to contemporary challenges. At the same time, we must recognize that sustaining the achievements made possible by academic freedom will require communicating its importance to our fellow citizens. For only if they too recognize the intellectual, moral, and economic value of academic freedom will it remain secure for the scholarly and creative work of future generations.

II. THE PRINCIPLE OF ACADEMIC FREEDOM

The Basic Concept

As a principle, academic freedom holds that, in order to advance knowledge, members of the academic community must be free to pose questions and explore ideas in teaching, research and the arts, and learning unfettered by political or theological interference. The endeavor of free inquiry must be subject only to academic review, which evaluates the products but does not limit the activity of academic freedom. This ideal is the standard that guides the creation, interpretation, scrutiny, and preservation of ideas necessary for pursuing truth and exposing ignorance.

Knowledge that invigorates and sustains a free and open society is precious and elusive. The serendipity of its emergence compels a dialogue guided by open and critical inquiry of the broadest scope among students and faculty. It is subject to revision through processes of careful scrutiny and reasoned debate, and it is always tentative, even while based on demonstrated truth. Academic freedom means that all wisdom must be abundantly challenged. Nothing that purports to be knowledge is sacred. Students who will surpass their teachers must be exposed to an unrestrained flow of ideas, guided by the capacity to logically dissect an argument, project its implications, and grasp its emotional appeal. Knowledge that is not tested through disciplined dissent becomes an article of faith, surviving not because of its demonstrable truth, but because of appeals to authority and enshrined orthodoxy.

The Crucial Importance of Academic Freedom

Institutes of higher learning cannot simply presume support for academic freedom. The university community must demonstrate the tenets and practice of academic freedom. And in its relations with the broader community the university must also reaffirm the value of academic freedom as an antidote to the natural human proclivity to rely on socially accepted “truths” and “what has worked before.” Society must be assured that universities can be trusted to foster and sustain inquiry that is not controlled by doctrine, self promotion, orthodoxy, or personal aggrandizement. As befits a central principle of a free and open society, academic freedom is fundamentally democratic. Its openness to critical inquiry, its rejection of uncontested claims of “authority,” and its reliance on peer review processes are all part of its vigor. It is also democratic because it relies on society’s support.

Academic freedom, then, is an implicit compact between society and modern universities that governs their scholarly and creative activities. It is the essential constituent of education that encourages disputes and contestations to emerge within and among members of the academy without fear of unnecessary prohibition, impediment, interference, or restraint by external forces or powers. Society gains enormously from the creation of knowledge and the development of global educative communities that cut across and transcend parochial ties of national, ideological, or religious identity. Its

members gain from education based on practices of critical scrutiny and open, respectful debate of ideas in the pursuit of truth.

Core Tenets of Enduring Value

The origins of academic freedom can be found in the historical struggles between two contrasting concepts of knowledge—knowledge defined and delimited by theological authority, cultural heritage, and tradition, and knowledge created by processes of empirical investigation under the scrutiny of peers trained in observational methods, reflection on theoretic presuppositions, and critical reasoning. In Western higher education over time the latter prevailed and has evolved to protect not only scholarship subject to empirical methods but also intellectual and creative activities that generate novel approaches to inquiry and works of art that expand the imagination.

While the practice of academic freedom in the daily life of universities is ever-changing and ever-challenged, it rests on a set of enduring tenets established and codified in earlier periods of uncertainty and threat. Concerns about what we now call “academic freedom” date, in the Western tradition, to Socrates (a teacher tried for “corrupting the morals of the young”) and much later to Galileo (a researcher who published findings that Church officials said he could believe only in private). Modern controversies in academic freedom punctuate the rise of the research university in Europe and the United States. These struggles led to the founding of the Association of American University Professors (AAUP) early in the twentieth century. That body has offered major statements on academic freedom in 1915, 1940, and 1970. Closer to home, the University of Minnesota Regents have spoken about academic freedom on several historic occasions. Their remarks derived in part from the firing and subsequent reinstatement with reparations of a senior professor who opposed U.S. participation in World War I, the dismissal or non-renewal of faculty members caught up in the fervor of McCarthyism, and investigations of University faculty during the era of dissent in the 1960s.

In an appendix to this report, we describe the historical development of academic freedom as a fundamental principle, particularly with respect to land-grant universities. Statements made by the AAUP as long ago as 1915 are shown there to have enduring value in reminding us what the privileges and responsibilities of academic freedom require.

Protective and Affirmative Components

Academic freedom has two components—one protective, the other affirmative. The first, which is analogous to, but distinct from, constitutional protections of free speech, severely limits interference with academic work. It is the assurance of a right to free and open inquiry, without fear of punitive sanction, even as inquiry may challenge or upset “social values, policies, practices and institutions” (Kalven Committee Report, as quoted in Cole, 2003).

This protection, extended in various ways to all members of an academic community, comes with obligations. It is not a permit to do or say whatever one pleases. Instead, it is a guarantee of freedom to pursue knowledge and express ideas that are subject to rigorous debate and scholarly review. For students, the review is primarily set by course instructors, mentors, research advisers, and examining panels. For faculty, it is principally by academic peers responsible for evaluating the products of and proposals for scholarly and creative work, the content of courses, and teaching performance. Most important is the review of peers familiar with the rules of critical inquiry of a particular discipline—the methods for establishing, weighing, and judging importance, competence, and contribution in that field. Additional review by peers who are not experts in the respective discipline, but are familiar with critical inquiry, also plays a role, in part as a guard against disciplinary orthodoxies and in part to assure that appropriate academic standards are broadly maintained. Finally, administrators review decisions to ensure continued commitment to the overall mission of the university. These processes of review determine evaluations and hence they shape the context of acceptable knowledge claims and standards of academic debate. They are necessary for the maintenance of an orderly system of teaching, research, and learning. But the fundamental principle of protection of academic freedom requires that the academic community be vigilant to assure that review processes not limit the scope of free and open inquiry.

The second, affirmative component affirms a culture that supports an unrestricted exchange and vetting of ideas among faculty and students. Of the two aspects, the affirmative, being less protected by formal process, is the more fragile and dependent on how a university manifests academic freedom in its interactions. The collision of ideas in the pursuit of truth must be fostered, even if it produces urgency and passion, confusion and doubt. Academic freedom requires that discourse be conducted vigorously, but respectfully and in good faith. Its hallmark is on-going debate, an unending contest of ideas, conducted in a civil manner, within and across disciplines. Faculty should not summon authority dismissively, whether engaging colleagues, students, or administrators. Nor can discourse be subservient to a culture of offense wherein messages are sifted for their appropriateness, diversity, or indoctrinating nuances.

The protective and affirmative aspects of academic freedom are mutually dependent. The affirmative cannot flourish without active and continuing support for the protective component. Likewise, when the protection of individual members of the university community to inquire and express ideas freely is not used to support an institutional affirmation of the contest of ideas, it loses its justification. Both components, like truth, are ideals towards which we must strive, but never wholly achieve.

Constituencies of Academic Freedom

Protections and obligations of academic freedom apply to all members of the academic community. However, their application is not uniform but varies according to the specific responsibilities and academic achievements of each group. Though all university personnel, including staff and governing boards, must support the ideal and demands of

academic freedom, students, faculty, and administrators are most directly involved in its daily practice.

Faculty members—subject to peer review—teach classes, design and oversee educational programs, and conduct research. Unlike students, who tend to be mobile, most faculty have a relatively long-term involvement in the life of the university. They must have the fullest protections of and responsibilities for academic freedom.

The position of non-tenure track faculty merits special consideration. While adjunct faculty may have some latitude in teaching methods, their involvement with course selection and the contours of the curriculum varies widely across the campus, and in some instances creates a two-tiered system. Disenfranchising some faculty with respect to these instructional matters threatens academic freedom by establishing the precedent of an instructional staff with no recourse to its protections.

Students—subject to what is offered and required—select classes, complete assignments, participate in supervised research, and tutor/instruct in introductory courses. They have limited direct influence over what is taught and how it is taught. The scope of academic freedom for students is limited by curricular and course requirements and research adviser expertise. Students exert significant power on the context of open inquiry, however, via matriculation, enrollment and withdrawal from courses, anonymous assessments of teaching, by changing majors, and/or transferring to other schools.

Administrators—responsive to faculty governance—assign resources to produce a balanced educational environment and ratify the results of the peer review process. Affirmative academic freedom, however, cannot be the sole province of administration. Decisions regarding institutional priorities—how many faculty members should be hired in physics as opposed to philosophy—are complex and depend on a dialogue between faculty, broadly represented, and administrators. Here it is important that disciplines, critical to judging the competing claims of knowledge but with less capacity to capture external funding, not be submitted to a winner-take-all process.

All members of the community participate in the extra-classroom life of the campus, and thus benefit from and bear responsibility for the affirmative institutional commitment to academic freedom.

Sites of Academic Freedom

The sites where academic freedom flourishes—and sometimes founders—make up the intellectual geography of the campus and include all the courses in the curriculum, the research and creative practices of faculty and students, and the extra-classroom activities of the university community.

Courses

Courses and curricular content are the purview of faculty. Selecting knowledge, weaving it into a coherent pattern, and provoking further inquiry is the art of instruction. Decisions regarding this activity are the prerogative of the instructor but should be consistent with peers' assessment of their relevance and heuristic intent and with the objective of the critical scrutiny of ideas and knowledge. In return for the privilege of determining course content, faculty have a duty to make materials relevant to the stated content of the course. But generous, not rigid, standards for determining relevance should be applied.

Teaching that fails to acknowledge controversy and different scholarly interpretations ill prepares students for critical thinking. Classroom activities, however, are not public events open to all perspectives. All participants are not offered equal time and there is no pedagogic necessity that all points of view be represented. Faculty should not imagine a classroom filled with vulnerable adults or that students should not be challenged, even provoked, to examine ideas that seem alien or uncomfortable. Academic freedom encourages and provokes exploration and discovery. It eschews indoctrination on two counts. First, indoctrination is incompatible with disciplined dissent, a core tenet of a democratic society. Second, the possibility of indoctrination assumes the incapacity of others for independent thought. To equate exposure to ideas with indoctrination is to dismiss students as uncritical puppets intended for manipulation.

Research and Creative Activity

Academic freedom implies that research and creative interests are a matter of individual choice, not subject to directive. That does not assign complete license; some limitations are consistent with academic freedom. Faculty research and creative choices are subject to the law, a professional responsibility for openness and accountability, and the ethical principle that the researcher must avoid imposing undue harm. Secretive contract research and studies that would abuse human research subjects, for example, directly oppose the principles of academic freedom.

Research and creative endeavor choices are also limited by university resources (space, libraries, equipment, etc.), funding opportunities, and the acknowledgement by peers of the importance of the work. These limitations, however, potentially violate rather than sustain academic freedom. Financial support for research comes either from competitive awards and contracts (mostly external) determined by peer review or from university resources that are also generally competitive. Faculty salaries support teaching, advising, mentoring, service, and administration, as well as research. The fraction of university funds available to sustain research has dwindled. Faculty members without external funding are often given full-time non-research assignments, thus reinscribing the lack of research money with lack of research time. To what extent a university appointment entitles a faculty member to pursue unfunded research and creative intellectual or artistic work is an important, but unresolved, issue that depends in part—but only in part—on cost. While it would be difficult to do neuroscience research, for example, without

external funding, unfunded research in other disciplines may be feasible. This raises the question of what the responsibility of the university community is to address the unequal distribution of undesirable limitations on academic freedom across scholarly fields.

Student research at all levels is limited by the availability and approval of supervisory faculty. The latitude widens in graduate and post-graduate situations. Academic freedom requires that students be given credit, erring on the side of generosity, for their achievements in research and creative activity.

Academic freedom demands openness and integrity in managing knowledge production. Open disclosure is essential: What methods were used? What sources were used? Who funded the study? Who contributed labor? Who deserves credit? Are there conflicts of interest and are they disqualifying? This stewardship extends not just to faculty, but to all members of the academic community. Cheating and plagiarism, whether practiced by faculty or students, are of course breaches of academic freedom.

Extra-classroom Campus Activities

The intellectual life of a university community extends beyond its classrooms and research settings. It thrives in colloquia, forums, concerts, exhibits, entertainments, hallway conversations, email exchanges, posters, clubs, surveys, protests, editorials, and other gatherings. The views exchanged measure the vitality of an academic community and the excitement of being part of it. Within what is allowed by law, civility, and respect, members of the community are afforded opportunity to be heard in these forums.

University employees, particularly faculty, have opportunities to speak publicly about controversial issues of the day. They have the same constitutionally protected rights as all other citizens to do so freely. However, they are responsible to make clear that they are not speaking for the university but rather as private citizens, even as their professional status has been used to vet their expertise.

Safeguards

The tenets of academic freedom offer guidance when efforts, either internal or external, attempt to curtail what can be expressed in campus discourse, formal teaching, and research. These tenets dictate a tolerance of ideas that is assured by two safeguards. The first is tenure—a contractual arrangement extended to senior faculty, after extensive peer review, which provides indefinite employment absent grievous abuse. Given their protected status, tenured faculty have a signal duty to ensure that the right of free inquiry and disciplined dissent is extended to all members of the academic community. Tenure functions as a strong, probably indispensable, barrier to encroachment on academic freedom. But the two must not be considered equivalent because principles of academic freedom are more fundamental and extend beyond the tenured faculty.

The second protection is the willingness of the institution as a whole—including faculty, students, staff, administrators, and governing boards—to resist coercion on matters

regarding what can be taught, researched, and discussed. This solidarity requires vigilance concerning evidence of coercion and a commitment to resist coercion in a collective manner. One might expect blatant threats to a tolerance of ideas to mobilize resistance in the university community. It is less clear how to maintain a culture, both within and outside the university, that recognizes, debates, and responds to more subtle and incremental restrictions to the free expression of ideas, such as those arising from disciplinary orthodoxies.

Obligations

Ideas are generated and their implications pursued in all corners of society, generally for profit. Only at universities is this process protected by academic freedom. At land-grant universities the process is supported, in part, by public funds. Accepting the privileges of academic freedom thus creates specific obligations. For one thing, at universities the consideration of ideas must extend beyond their market value, because academic responsibility is to the pursuit of truth irrespective of the ability of private actors to profit directly from it. Additionally, universities differ from specialized research institutes and have an obligation to embrace a sufficient variety of disciplines to ensure that openness in the critical evaluation of knowledge is not suffocated by orthodoxy or insulated from critical review.

Openness, as a facet of academic freedom, does not mean the university has a responsibility to include and represent every perspective and approach to knowledge. It must, however, weigh carefully the nature, scope, and implications of exclusions and submit them to the consideration of the entire university community. It must, in general, facilitate and foster a wider rather than a narrower range of views and approaches. This diversity requires a process that engages all segments of the academic community—from the sciences, arts, and humanities—in strategic planning.

With the privilege of academic freedom comes a duty to oversee its application. Identifying what it does not protect strengthens its principles. Academic freedom is not an excuse for intellectual anarchy, nor is it a license for academic personnel to commit university resources, such as classes and laboratories, to whatever purposes they see fit. There is a role for collective judgment in the determination of what is to be studied and taught. Such collective judgment always stands as a challenge to academic freedom, however, when it becomes governing authority. Assessing the implications of various forms and consequences of collective and authoritative directives on what is and is not to be researched and taught is one of the signal tasks in a university's commitment to academic freedom.

Oversight

The faculty is responsible for preventing abuses of academic freedom. This responsibility is embodied in a system of shared governance that uses checks and balances, including the layered process of peer review. That process itself is subject to review in shared governance, and must set forth the standards used to reach evaluations.

If self-regulation is not properly engaged at public universities, freedom from outside interference will be challenged. The faculty should lead the way in assessing self-regulatory duties. Other overseers include students, administrators, and governing boards, as well as public and private entities that either fund university activities or have designated or self appropriated oversight roles. Insufficient attention by the faculty to the affirmation of academic freedom weakens resistance to criticism from these quarters.

III. CURRENT CHALLENGES TO ACADEMIC FREEDOM

Threats to academic freedom currently grow from efforts by groups and institutions in society, including governments and social activists, to set the terms of academic work. The changing budgetary profile of land-grant universities also plays in here, especially the increasing reliance on funds from the private sector. Less obvious, though posing serious challenge, are internal changes in the organization and operation of universities, and the changing character of knowledge itself. Below, we discuss seven contemporary issues (circa 2004) to demonstrate (but not to assess comprehensively) a range of ways in which academic freedom may be eroded. We begin with some that emanate from outside the university, move to some that derive from the changing funding relationship between the university and society, and conclude with some that are due to changes in the production of knowledge by university personnel. Taken together, these examples highlight the complexity and interconnection of challenges to academic freedom today.

Freedom of Scientific and Medical Research

The researcher's academic freedom to push the boundaries of sciences is limited by the priorities set by different funding agencies and by the researcher's ability to convince peer juries that the proposed research is technically sound and theoretically meaningful. The obligation of the academy to advance science is increasingly challenged on both sides of this equation: funding priorities and peer review. These challenges typically do not come from within the community of scientists, but from groups questioning the morality of particular research topics and procedures.

Research often raises moral and ethical questions. Stem cell research is one example. The moral concerns surround questions of using tissue from embryos and the problem of defining when a human life begins. On the other side of the moral equation is the promise that stem cell research will save lives and reverse the effects of disease and injury. Recently, limits were imposed on the stem cell lines that could be studied using federal research dollars, effectively curtailing the academic freedom of researchers at most U.S. universities.

Because fewer of these lines have proven to be useful than was originally estimated, many researchers must balance bringing stem cell therapies to fruition against violating the constraints imposed by federal regulations. University of Minnesota faculty members, who are international leaders in stem cell research, suffer particularly from

these constraints. They need new stem cell lines to advance their work in basic studies of stem cell biology and research to improve treatment of diabetes, arthritis, Parkinson's disease, cancer, and other diseases. Although these lines can be lawfully developed and used in academic research, federal dollars cannot support the work. This shifts academic researchers towards private funding with attendant limitations on their freedom to communicate their findings (see discussion of private industry and non-disclosure agreements below).

Recently, stem cell researchers at Minnesota did move to use additional embryonic stem cell lines, using non-federal dollars to fund their work, in accordance with federal law. In early 2004, this move resulted in a bill being introduced in the Minnesota Senate to bar the use of any but the federally mandated lines by any researcher or institution receiving state funding. This bill would effectively prevent announced plans to embark on non-federally funded embryonic stem cell research at the University. The University administration responded vigorously to this threat to limit academic freedom. As of this writing, administration attempts to educate legislators about this issue appear to be making some headway. Another bill that would permit state funding of non-federally mandated embryonic cell line research was also introduced in the Minnesota Senate.

Social and health science research on individuals whose behavior violates the moral precepts of some segments of society is also under challenge. Recently, program officials of the National Institutes of Health (NIH) warned HIV researchers to expect increased scrutiny of any grant requests using the words "gay" or "men who sleep with men." Soon after, in testimony before Congress on October 2, 2003, the NIH director was asked to justify the medical benefits of a list of ten research proposals (one of which was from the University of Minnesota), all involving studies of sexual behavior. The Congressional scrutiny followed a narrowly defeated House amendment that would have rescinded funding for five of these grants. When the NIH requested a list of the ten grants considered offensive, a Congressional staffer sent a list of 150 grants (compiled by the Traditional Values Coalition, a social activist group), all of which dealt with HIV/AIDS, high-risk sexual behaviors, adolescent sexual behavior, stigmatization of homosexuals, or substance abuse. Again, several University of Minnesota research proposals were on the expanded list.

It is essential to realize that all of these grant applications, including those from University of Minnesota researchers, had passed through rigorous scientific review. NIH review involves panels of researchers organized through an Office of Scientific Review, which is separate from the various program or institute offices that fund research, a process that helps to insure the transparency of the scientific review process. Several reviewers who are funded researchers familiar with the research area critique the work and defend their evaluations before a panel of their peers. The scores they give the proposal determine whether the research will be funded. Thus, this challenge to academic freedom involved a challenge both to the researchers' freedom to pursue research that passed rigorous peer review and to the mechanism through which academic freedom is regulated: the peer review process itself.

The University of Minnesota, along with other major research universities, the Association for the Advancement of Science, and the American Psychological Association, responded vigorously to this threat to the NIH and the scientific merit of its review process. As of the writing of this document, none of the University of Minnesota researchers whose grants were on the list has had funding rescinded.

National Security, Civil Liberties, and Academic Freedom

Perceived threats to national security provide a fertile environment for the explicit articulation of concerns about academic freedom. It is noteworthy that each of the AAUP's major documents on the subject was produced in the context of war—1915, 1940, and 1970. The two World Wars, as well as America's war in Southeast Asia, left a substantial legacy of struggle for academic freedom, in part because they mobilized threats to its foundations. The war on terrorism is following in that tradition. A number of policies adopted in this current war, most notably the USA Patriot Act, now curtail the openness of knowledge processes in American universities. These official regulations are accompanied by campaigns in society to monitor the patriotism of academic personnel and to press for the elimination of forms and practices of inquiry that are perceived to weaken national security.

International faculty and students are targeted. A number have experienced serious difficulties in obtaining visas to travel to the U.S. to begin or resume their studies. Some Ph.D. candidates, returning from dissertation research abroad, have encountered substantial delays, complicating defense of their dissertations. For example, a University of Minnesota doctoral candidate in Geography from Eritrea and another in History from Zimbabwe were substantially delayed in returning to the University following dissertation research in their respective home countries. The Provost and Dean of Faculties at Columbia University reports having received hundreds of written requests to punish, or even fire, international faculty who have been outspoken critics of U.S. foreign policy (Cole, 2003). These are serious challenges to the free and open pursuit of knowledge by international scholars.

So, too, are the restrictions now in place preventing students and post-doctoral fellows from approximately 25 countries from joining laboratories in which research is conducted using select biological agents and toxins that are potentially usable for bio-terrorism. Governmental regulations restricting who can legitimately participate in research based solely on criteria of national origin strike at the principles of academic freedom. Since American universities are essential to higher education worldwide, and to the degree that the development and sustenance of global learning communities is widely beneficial to peace and prosperity worldwide, limiting the scope of universities' societal responsibility to a specific national scale is both artificial and counterproductive. It threatens the maintenance of the centrality of American universities in networks of global academic communities.

Other facets of the war on terrorism are significant for the academic freedom of all academic personnel, regardless of national origin. The legal authority to monitor library

circulations established by the USA Patriot Act, although reportedly not yet utilized, is one manifestation. Another is the modification of the Family and Educational Rights Privacy Act to require universities to provide students' records to law enforcement agencies without notifying the affected students. And yet a third is the mobilization by activists, with support in the United States Congress, against area studies programs and related forms of inquiry that are alleged to foster intellectual sympathy in the form of "understanding" for radical or terrorist activities.

Practices of academic freedom must conform to the law. However, academic freedom also calls for the university community to challenge laws that restrict open, critical inquiry and intellectual debate. In the current situation, the University of Minnesota should continue to work with other institutions and communities of higher education for a judicious, but vigorous and demanding, review of requirements generated by the war on terrorism, as it is doing through the Committee on Institutional Cooperation.

Academic Freedom In and Outside the Classroom

The internet presents unprecedented challenges to the sovereignty of researchers and teachers. The ability to mobilize hundreds, even thousands, of people across the country or the globe by a few keystrokes has changed the nature of political and social influence in ways unimaginable only a few years ago. This instant community-making has opened the world of isolated individuals to the potential power of their united numbers. But troubling abuses abound in this newfound coalition-building, especially for a cultural value as vulnerable to assault as academic freedom is. A recent example is suggestive.

A dot-org site launched by the Center for the American Experiment, a Minnesota-based advocacy group, described an incident at a regional college that provoked students to "fight" for "fairness and academic freedom." According to the article posted on the Web site, a sociology professor, presumably using college email accounts, sent his Introduction to Sociology students a "resumé" of President George W. Bush that had been circulating on the internet. He explained, "I send this to you not as your professor, but as a loyal dedicated American who wants only the best for his country." The bogus resumé was a list of accusations taken out of context intended to mock and indict the Bush Presidency. The co-chair of the campus Republicans emailed the professor complaining of factual errors and indicating that many students were offended. The professor responded with a "dismissive one-sentence reply." The student forwarded the correspondence to an off-campus citizen group engaged in monitoring political orthodoxy on college campuses who in turn sent the correspondence (presumably by email) to college officials. Shortly thereafter the professor emailed an apology to his students. "Even if it caused students to think about their own commitments that differed from my own, I see now that it was not in keeping with the highest goals that I set for myself as a teacher. I am sorry if I offended the students in the class. Given the political climate that now exists in this country, in the future I will stick closer to the sociological texts I have assigned to my students, and keep my private thoughts to myself."

It is hard not to wince at the lapse in judgment portrayed by the events described in the article. A moment's reflection would have enabled the professor to anticipate student response and revealed that, rather than enlightening debate, his message would polarize it. At the same time it is difficult not to wince as well at the eerily "correct" way in which he apologized.

The dot-org article asserts that distributing the polemic exemplifies pervasive "ideological indoctrination" at colleges and calls for oversight by concerned adults willing to intervene on behalf of "learners." Indoctrination represents the systematic imposition of a way of thinking. Its association with brainwashing suggests that it aims to deprive the victim of the ability to think or act independently. To call the professor's ill-considered email "indoctrination" is distortion. Indoctrination refers to an organized and subversive conspiracy to spare knowledge from disciplined dissent. In practice it requires that victims be cut off from other points of view—an impossibility on any campus with a television, even if one wished it. Further, to be successful, indoctrination relies on control and deprivation. Knowing that professors will grade your work does not approximate these conditions. The professor overstepped his professional responsibilities and misused his power in relation to students. But, there is no evidence of serious indoctrination in this incident.

The article tends to equate academic freedom and what the author calls "intellectual diversity" and "intellectual balance." As much as academic freedom is dependent on the open contestation and critical scrutiny of ideas, it is not equivalent to, nor does it imply, "intellectual balance." Academic freedom entails intellectual ferment; but that does not mean the necessity to represent particular perspectives in debate. The pursuit of knowledge and truth requires that ideas be made to survive scrutiny, through processes of review involving academic expertise. If diversity alone determined knowledge claims, then faith, opinion, tradition, and national interest would be acceptable bases for judging academic merit. It is easy to imagine that the arbiters of such judgments could widen beyond the academy to include lawyers, parents, and even legislators.

External Funding and the Freedom of Inquiry

Since World War II, traditional sources of research funding have included the federal government, private foundations, and universities themselves. The economic pressures of recent decades have resulted in reduced levels of federal funding in some disciplines, foundation support that is being directed to community service rather than research, and greatly reduced university research monies.

Faculty compensation and promotions are based on research and creative productivity, which in turn relies on time, space, and personnel. As internal and governmental funding becomes more difficult to obtain, faculty may feel compelled to change their research interests to secure commercial funding. This growing commercialization of higher education in the United States raises a number of issues, some of which can adversely affect tenets of academic freedom:

- Pressure from research sponsors to review, censor, suppress, or delay publication of unfavorable results
- Pressure from research sponsors to suppress or embargo findings that might give their competitors a financial advantage
- Ownership of intellectual property with commercial value, produced by university faculty with or without corporate sponsorship, creating a personal material interest for the researcher in limiting ideas that may challenge the intellectual property
- Conflict of commitment when full-time university faculty devote so much time to consulting and proprietary research that they compromise their ability to function in a full-time capacity in contributing to an environment of learning and open inquiry
- Selection of research problems based primarily on their commercial potential rather than their contribution to the development of knowledge, leading researchers to forsake the most important problems in the discipline.

These challenges to academic freedom are more muted than are direct political regulations and social campaigns of the kinds discussed above. But they are nevertheless real to the degree that academic personnel are prohibited from pursuing certain avenues of inquiry even in the absence of overt control by funders, or punished if they do so, or threatened if they intend to blow the whistle on irregularities. If, as seems likely, the changed profile of funding for research increases the possibility that researchers experience such pressures, the University must be attentive to the subtle, but consequential, erosion of academic freedom.

Following several conflict of interest problems in the 1990s, the University of Minnesota took a number of steps to regulate faculty behavior to minimize the opportunity for future scandals. Clear policies on conflict of interest and intellectual property rights have been established or updated. They are widely publicized among faculty and staff. All University researchers are now required to document participation in training on the responsible conduct of research before sponsored research funds are released. Faculty must also obtain prior approval for consulting arrangements and must certify annually that these arrangements do not pose conflicts of interest. These regulations may seem to some to be an infringement of the individually protective aspect of their academic freedom, and, indeed, they are. But more importantly they serve to reinforce the institutionally affirmative component of academic freedom.

Post-tenure Review

A move toward post-tenure review of faculty is a recent innovation in academic governance. Often driven by pressures for “accountability,” reflecting a criticism of what is perceived by some to be an “entitlement,” post-tenure review has attracted considerable notice. Academic institutions are likely to treat post-tenure review gingerly, mindful of the intimate linkage between tenure and academic freedom. Knowing the value of a highly motivated faculty, many administrators in recent times have firmly defended academic freedom. Professional guidelines insist that, “Post-tenure review

must be conducted according to standards that protect academic freedom and the quality of education” and “should not intrude on an individual faculty member’s proper sphere of professional self-direction.”

Yet some threats are more insidious than frontal assaults on faculty autonomy. They may come from a professor’s own colleagues as well as from academic administrators or outside forces. Among the many changes in higher education since the AAUP’s 1940 Statement of Principles has been the increasing dependence of many researchers on external funding to conduct their scholarly work. Because external funding is distributed unevenly, universities have instituted indirect cost recovery charges to support the institution’s more general research mission. In many disciplines these funds, retained by the institution or the department, supply an important portion of the funding base, especially in providing support for graduate students. At a time of financial strain for higher education, grant-getting affects more than the work of the individual researcher. It can be a looming threat to academic freedom more generally.

The instability of research funding is part of the problem. Faculty may be told by deans or department heads that grant support is an important measure of their fitness for tenure. Insofar as such language is contained within official departmental statements of specific criteria and standards for tenure, professors are at least made aware of the conditions under which they work. What is more troublesome is the possibility that the rules of the game may change in ways that subvert the protections that tenure is expected to convey. Once tenured, in such a setting, professors are not only expected to continue winning external support for their research activities, but they may face a potentially punitive set of institutional procedures even as they do work that is productive but does not win external financial assistance. The question here is not one of competence. While some post-tenure review policies have “faculty development” provisions whereby a professor’s effort may be reoriented, who is to tell a researcher not to work in the area that she or he wishes to pursue, and indeed in the area that has previously been credited but is now marginalized? Is this too not a question of academic freedom?

Frictions across Disciplinary Interests and Concerns

From within a University classroom or lab it can be tempting to imagine any threat to academic freedom looming vaguely, if ominously, “out there” somewhere, fostered by people or groups far removed from the daily work of a research institution. In this version of things, academic freedom is vulnerable to those for whom this essential privilege of research and creative work on campus is either a mystery or a worry—or even a danger. Classic examples of academic freedom under fire often do revolve around such recognizable, even clichéd scenarios—the literature professor charged by a citizens’ group with promoting pornography for teaching literature with sexual content, (the famous cases of James Joyce’s *Ulysses* and Nabokov’s *Lolita*), the political scientist who assigns his students works by socialist writers and is accused of “teaching Communism.”

These examples, whose themes and variations are familiar and recurring in the inevitable cultural struggle for norms between society and the academy, present the University with a reassuring image of itself as a unified enclave, pulling together to dispel fear and demagoguery, uncomplicated by internal tensions and frictions as it goes about the enduring business of fostering inquiry, discovering truth, and disseminating knowledge. In this vision, all departments and disciplines are united in a peaceable kingdom whose first tenet is allegiance to academic freedom as the essential and cherished compact forged between society and its intellectual work force.

And so it can be much of the time. Academic solidarity committed to the principle of academic freedom is fundamental to its sustenance. But it would be a mistake, even an illusion, to ignore the differing, sometimes starkly opposed, concerns that can pit members of the University community against each other, discipline against discipline, even science against art, in the name of academic freedom.

A recent instance on our campus serves as an exemplary, perhaps cautionary, tale. The new Cargill Building for Microbial and Plant Genomics on the St. Paul campus was chosen as the site for a public artwork. This of course was an honor, even a celebratory occasion. In a public process, a committee that included the Director of the University's Weisman Art Museum as well as representatives of researchers and others who work in the Cargill Building commissioned Eduardo Kac, an internationally known "bioartist" and conceptual artist, to create a work of public art to be displayed outside the new building.

Kac's project, as outlined, was to create in a laboratory a protein, the result of combining a gene from his own blood with a plant gene. From the resulting image of this protein he was to create a large-scale sculpture to stand outside the Cargill Building. Scientists entering the building would first recognize the shape as a protein and later come to view it as an abstract sculpture. Most passersby would reverse this visual experience and see the shape initially as an abstract form and later come to understand the science behind the object. The artist's concept in combining a human gene with one from a plant recognized and honored the long relationship that humans have had with plants—and of course was meant to represent the kind of research that goes on in the building.

And that is precisely where friction began to rub nerves raw. Some researchers inside the building, working on the science of plant genetics, became concerned about their security. They felt that their work, while legal and ethical, labors under threats of many kinds, including violent assault from people who see genetic research of any kind as meddling with nature. Some scientists and staff feared the work of art would attract protesters to the building and might result in damage to property or worse, might harm people working there. These are serious, fundamental fears that no one should have to labor under.

The initial reaction was a proposal by some of those in the Cargill Building to deny the artist the right—that is the academic freedom—to produce his work as he had envisioned it and as the public art committee (acting as an oversight body and in effect a peer review

process) had commissioned him. Here we have a striking example of two cultures—research science and visual art—facing off in a tense stand-off, each invoking the principles of academic freedom.

The right to do research and the right to do art exist, without question, as fundamental aspects of the University's mission, both protected by academic freedom. But here is an example—not at all “academic” but real and in our midst—in which two cultures, not to mention two disciplines and ultimately a number of individuals, found themselves looking at each other across a dismaying divide.

The issue is further complicated because those representing the artist, who is not a member of the faculty, do not, in some cases, have tenure. Therefore, they rely on the durable tradition of academic freedom to assure their rights, not only their individual rights but the right of public art to be commissioned and displayed, and by extension, the right of the arts and humanities to comment on the work of the sciences.

The good news about this impasse is that the people inside the building and the artist and public art committee managed a long and ultimately successful negotiation. They hammered out a plan in which the artist agreed to make certain changes to his use of genetic material which made the project less objectionable. The sculpture is now on display outside the building.

The Mount Graham Observatory

The Mount Graham Large Binocular Telescope project serves as another cautionary tale about the disconnection sometimes seen between the liberal arts and the sciences at the University of Minnesota. In overly stark and simplified terms, scientists tend to see the Mount Graham project as a unique and critical opportunity for basic research in astronomy while others regard it as an abuse of American Indian rights.

As part of a consortium led by the University of Arizona, Minnesota has a five percent interest in an observatory at Mount Graham. Astronomy Department personnel are participating in the project, together with colleagues from other institutions such as the University of Virginia. The University of Minnesota contribution includes a \$5 million grant from the Hubbard Foundation. The program has been under consideration for several years, and the Board of Regents approved the University's participation in October, 2002.

At the request of then-President Yudof in 2002, the Social Concerns Committee of the University Senate considered the advisability of University participation in the project. The Committee introduced a resolution to the Senate in November 2003 calling for the University to abandon its participation primarily because the observatory is located on land considered holy ground by Native Americans. In Senate discussions, representatives from the American Indian Studies Department and several Apache tribal spokespersons, among others, spoke against the project. Representatives of the Astronomy Department and other proponents responded that the land has been managed by the federal

government as a National Forest for many years, a leader of one Apache tribe has apparently expressed support for the observatory project, and portions of the site are already populated by summer homes.

This issue demonstrates a conflict between astronomers, whose research programs and professional careers depend on such facilities, and social scientists and humanists, who see the facility as an assault on Native American rights and, in terms that have been used in Senate discussions, as a symbolic condoning of continued oppression. One side sees the professional careers of many faculty members, the research reputation of the Astronomy Department, and millions of dollars of research funding in jeopardy if this program were overturned. The other side sees further erosion of Native American rights that the University has an ethical responsibility to defend, and a direct challenge to the work of the American Indian Studies Department, if the University's participation in the project continues.

At first blush, the principle of academic freedom does not appear to apply unambiguously in this situation, since, whatever the outcome, the ability of some members of the academic community freely to pursue knowledge will be limited. But the basic principle of respectful debate involving broad segments of the University community in critical reflection on presuppositions of knowledge seems especially apt here. So, too, do the principles of not doing harm and recognizing responsibilities to society as obligations that may appropriately limit research. Indeed, the Regents' approval of this project established obligations for the Astronomy Department.

IV. REAFFIRMATION

There is no question that academic freedom demands our attention and support in this current atmosphere of change and uncertainty. The first and essential step is to promote awareness—among students, faculty, staff, administrators, Regents, and the general public—of the salient value of this vital foundation of our community. Academic freedom must be seen and practiced as a principle that sets in motion a process to encourage open, critical inquiry that protects the debate of ideas. It cannot—must not—claim closure on any particular knowledge outcome, but it can and must sustain inquiry and creative invention. Although provisional decisions may be made about truths, academic freedom keeps open a space for contestation, and preserves the opportunity to re-visit decisions in light of new ideas, new information, new understanding. Although seemingly fundamental principles and truths may be disputed, academic freedom demands that a culture of respectful debate endures.

V. SPECIFIC RECOMMENDATIONS

Academic freedom is vital but fragile, and therefore the University community must regularly examine the mechanisms that help assure its continued health. Means to meet new challenges must also be developed.

We offer some specific recommendations below for action by the University now. Some of our recommendations are targeted at the affirmative component of academic freedom. They are intended to assist the University in preserving a climate of vibrant, respectful, open debate of ideas. Other recommendations deal more with the protective component, reflecting a concern that individual academic personnel must be vigorously guarded against threats to their academic freedom.

Modeling Disciplined Debate

University students, faculty, and the public are increasingly exposed to undisciplined debate as the model for discussion of important topics. The internet provides enormous amounts of information with a few keystrokes, but the pursuit of truth involves much more than the acquisition of information.

We encourage the University to consider a variety of options for inviting students and the citizenry more generally to support, stimulate, and nurture disciplined debate of ideas on campus and in the wider community. These options might include, but should not be restricted to:

- Establish a debate series on campus, perhaps three a year, where divisive topics of general importance are debated by experts from opposing perspectives following rules of disciplined debate and analysis. These debates should be enhanced whenever possible by drawing from the arts, in addition to other disciplines on campus. Their impact would be enhanced by radio and internet broadcast. Such a program should include a description of disciplined debate and its links to academic freedom and the role of the University in fostering such debate and in training young minds to question and analyze information and perspectives.
- Ask the alumni association to work with the faculty in creating forums and opportunities for discussion of issues relevant to academic freedom. This might include written pieces for alumni publications and/or creating popular versions of the discussions/debates for presentation to alumni groups and others outside the University.
- Invite community-related programs such as the “Compleat Scholar” to offer short courses that revolve around disciplined debate.
- Provide funds to support “noon forums” held in public areas where students and faculty are invited to discuss “hot topics” of general, campus-wide concern. Topics about which scholars disagree, such as the social significance of and remedies for obesity, the consequences of gay marriage, and the values underlying stem cell research, provide opportunities for the University community to be engaged and educated about the issues themselves as well as the principles of academic freedom that guide the debate.

- Encourage faculty to include a statement about the rights and responsibilities of academic freedom in their syllabi. Encourage departments to include longer statements in their graduate handbooks and Web sites.
- Give information about academic freedom to parents sending their children to the University. A brochure could explain the tenets of this cornerstone of University life, and outline the opportunities it creates for their children's growth and development. This information should include their children's rights within a community devoted to the values of academic freedom and it should include explanations of the obligations of academic freedom and the concept of peer review. It should also include an invitation for them to participate in the campus culture of disciplined debate, perhaps giving a calendar of the coming year's lectures and forums related to controversial issues.

Curricular Component

The University should develop a curriculum titled *Creation, Scrutiny, and Protection of Knowledge* that could be adapted to the content of many introductory courses. Students could be required to take at least one course containing the module. Assignments (reading, interviewing, observing), classroom activities (discussion, debate, role playing, guest speakers), work-products (position papers, policy statements, essays, videotapes, questionnaires, works of art) and assessment would be established by a faculty work group and piloted to establish feasibility and sustainability. Contemporary issues to be used could be suggested by a course committee (including upper classmen and graduate students) prior to a specific semester or could be selected by course directors according to their interest. Specific attention would be paid to how academic work is credited, critically scrutinized, and debated. The ethics of academic freedom, we believe, is best taught through engagement of real examples and problems related to course material. This curriculum would also address how academic freedom relates to plagiarism.

Policies Concerning Responsibilities

We believe that most faculty members have only vague awareness of the tenets and obligations of academic freedom, and few have read the defining documents. A systematic effort should be undertaken to increase the awareness of academic freedom among faculty.

Specifically, two policies that might usefully be adopted are to:

- send copies of academic freedom and tenure regulations to all faculty when they are hired and at such time as they receive tenure at the University.
- request that faculty recommended for promotion sign a statement agreeing to uphold academic freedom regulations as a condition of tenure, a policy already in place at the University of Illinois.

Strengthening Protections

Tenure remains a core principle for protecting academic freedom. But tenure alone cannot be assumed to provide all of the necessary protections, if only because a large number of academic personnel today are not covered by tenure. Assuring their academic freedom is crucial. We recommend that the University set in motion a process of careful reflection on the status of protections, especially for its untenured academic personnel. More specifically, we believe that provisions should be strengthened for at least five categories of personnel, each of which experiences distinct challenges to academic freedom:

1. The editorial and directorial staff of the University Press, untenured library employees, curators and directors of museums and galleries, and P&A personnel involved in the administration of controversial programs. All of these people perform important academic roles and contribute significantly to the vitality of the intellectual life of the institution. They are not shielded by tenure, but their work is sometimes the object of vigorous attack.
2. Adjunct and non-tenure track faculty often cannot effectively participate in shaping the curriculum or other parameters of intellectual debate. When and if they cannot, this is a limitation on their academic freedom. To the degree that the teaching load is increasingly carried by members of the community with such limited academic freedom, the institutional climate suffers as well.
3. Untenured faculty employed in tenure track lines can be stifled by the powerful constraints of disciplinary orthodoxy, even if those constraints are not consciously or intentionally established by senior faculty. This challenge becomes increasingly problematic in the current era of extreme specialization of knowledge. The University should be especially attentive to the prevention of even subtle disciplinary orthodoxies restricting the research programs of junior faculty. Untenured faculty whose research relies on interdisciplinary work that crosses discipline boundaries or involves emerging fields may be especially vulnerable to the orthodoxies of established units.
4. Particularly in times of war, international academic personnel may feel restricted in their academic freedom out of concern for their ability to remain in this country. The University should do everything possible to provide assurance that a delimitation of open inquiry by national identity will be vigorously resisted.
5. Graduate students and some undergraduates actively involved in research for regular faculty must be assured fair credit for contributions to the production of new knowledge and creative work.

Coordination with Other Universities

Recognizing new challenges of various kinds, the University of Minnesota administration should initiate collaboration with other institutions of higher education to affirm and defend academic freedom.

University of Minnesota leaders should confer with their counterparts at other universities to monitor and respond to the numerous contemporary challenges to academic freedom. Specifically, they should initiate conversations with their colleagues in such organizations as the American Council on Education, the Association of American Universities, and the National Association of State Universities and Land Grant Colleges. Unlike professional organizations such as the Association of American University Professors, which has created a Special Committee on Academic Freedom and National Security in Times of Crisis, most of these institutional organizations have not yet highlighted academic freedom as an area of central concern.

At a minimum, the University community should, in our view, reaffirm the Academic Freedom and Responsibility Statement adopted by the Board of Regents on September 8, 1995, which reads, in part,

Academic Freedom is the Freedom to discuss all relevant matters in the Classroom, to explore all Avenues of Scholarship, Research and Creative Expression and to speak or write as a public citizen without institutional Discipline or Restraint. Academic Responsibility implies the faithful Performance of Academic Duties and Obligations, the Recognition of the Demands of the Scholarly Enterprise and the Candor to make it clear that the Individual is not speaking for the Institution in Matters of public Interest. [Capitals in the original]

—Reaffirmed by the Task Force on Academic Freedom, April, 2004

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APPENDIX 1

The Development of Principles of Academic Freedom

The AAUP's 1915 Declaration of Principles on Academic Freedom and Tenure spoke of academic freedom in three areas: "freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action." It singled out the modern university as a public institution, no matter what its source of funding, intended to benefit the public. It distinguished the university from "sectarian" or "proprietary" institutions and urged that the latter "not be permitted to sail under false colors." Because, "[g]enuine boldness and thoroughness of inquiry, and freedom of speech, are scarcely reconcilable with the prescribed inculcation of a particular opinion upon a controverted question... any university which lays restriction upon the intellectual freedom of its professors proclaims itself a proprietary institution . . . and the public should be advised that the institution has no claim whatever to general support or regard."

The AAUP Declaration reflected a view of the "academic calling" that linked responsibility to freedom. Its authors asserted that a "conception of a university as an ordinary business venture, and of academic teaching as a purely private employment, manifests also a radical failure to apprehend the nature of the social function discharged by the professional scholar." The committee that wrote the Declaration, which included University of Minnesota faculty member (and subsequently Dean and President) Guy Stanton Ford, also observed that, "It is not, in our opinion, desirable that men should be drawn into this profession by the magnitude of the academic rewards which it offers," asking instead for "the assurance of an honorable and secure position, and of freedom to perform honestly and according to their own consciences the distinctive and important function which the nature of the profession lays upon them."

Simultaneous pressures for academic conformity at the time of United States entry into World War I severely tested these principles. Colleges and universities across the country were enlisted into the war effort and many professors (including Guy Stanton Ford) joined the war propaganda campaign. Opponents of the war, on campus and off, suffered. At the University of Minnesota, the

Regents interrogated Alfred Owre, dean of the School of Dentistry and an avowed pacifist, and Professor William Schaper, head of the Political Science Department, a signer of a telegram to President Wilson asking that the U. S. stay out of the war. One Regent accused: "You are the Kaiser's man." The Board sent Schaper from the room and fired him. Two decades later the Regents reconsidered. In 1938, the Board recognized "with regret . . . that periods of national crisis are characterized by widespread loss in social perspective and a strain upon the values that prevail when conditions are more nearly normal," and voted a year's salary for the professor, then at retirement age, who had continued his academic career at the University of Oklahoma.

Only two years later, the AAUP issued its 1940 Statement of Principles on Academic Freedom and Tenure. After reaffirming its axioms—"Freedom in research is fundamental to the advancement of truth," "Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning," and academic freedom "carries with it duties correlative with rights"—the AAUP stressed procedures in ways that incorporated new ideas. Research should have "full freedom . . . in the publication of results," but "research for pecuniary return should be based upon an understanding with the authorities of the institution." College professors speaking as citizens should be "free from institutional censorship or discipline," but "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 they are not speaking for the institution."

The AAUP's stance proved insufficient to the crisis of the Cold War. The University of Minnesota administration refused to renew the appointment of philosophy instructor Forrest Wiggins in 1951, despite the unanimous recommendation of his department, because he had denounced the Korean War in ringing terms: "it is the capitalists and militarists in the United States who want war." Physicist Frank Oppenheimer (brother of J. Robert Oppenheimer, civilian director of the Manhattan Project) lost his job in 1949 in part for dissembling to University administrators about his radical past but also because President J. L. Morrill noted that

Oppenheimer had appeared at a public meeting supporting Henry Wallace for President.

Once again passions cooled. The Regents of the University of Minnesota proclaimed in 1963 that academic freedom “depends upon a completely free conversation. The student and the professor must live in an atmosphere where questioning is encouraged; where every alternative can be explored; where their free minds may be allowed to test the validity of each idea, and where they feel free to follow wherever truth may lead.” Their position seemed to synchronize with an evolution of public attitudes toward free speech. The AAUP’s 1970 Interpretive Comments on the 1940 document quoted a 1967 Supreme Court decision affirming academic freedom: “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.” The AAUP added: “Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster.” It also observed that the canons of academic freedom and responsibility “apply not only to the full-time probationary and the tenured teacher, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities.”

What neither the AAUP nor the University of Minnesota Regents have taken into account have been the continuing consequences of the emergence of what Clark Kerr in 1963 called “the Federal Grant University,” namely the dependence of researchers on direct federal appropriations and the university community upon broader regulations enforced by the threat of withholding federal funds. Whereas the academic profession and university administrators across the nation have done much to secure academic freedom at academic institutions, they have not confronted the challenge of potential conflicts between members of a college community and the federal government on which they are heavily dependent financially. Moreover, as the funding of universities has continued to change, now increasingly drawing from institutions in the private sector, implications for academic freedom should again be reconsidered.

Land-Grant Mission and Academic Freedom

Academic freedom at the University of Minnesota must be understood in terms of its status as a land-grant institution. The Morrill Act of 1862, which established land-grant universities, stated that the interest derived from the land grant (120,000 acres in the case of the University of Minnesota) was for “the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.” Academic freedom was not mentioned in the Act. Furthermore, state legislatures were given the authority to “prescribe” the way in which their respective states would implement the land-grant mandate.

The goal of this legislation was to broaden the nature of higher education in the United States from the European model that served the elite to a new model, dedicated to generating and disseminating practical knowledge to a broad audience. Interpreters of the Morrill Act speak of the covenant it created between the American people and higher education (see Yudof, 2001). Justin S. Morrill, author of the Act, was quoted as saying, “I would have learning more widely disseminated.” The focus on dissemination has set the land-grant universities’ tripartite mission of teaching, research, and outreach.

The Morrill Act’s focus on agriculture and engineering fit with the challenges facing the United States in the mid 19th century. Although the Act’s emphasis on the creation and dissemination of practical knowledge is still relevant, leaders in higher education identified the need to update the interpretation for the 21st century. The Kellogg Commission on the Future of State and Land-Grant Universities was constituted to address the following question: “What are the responsibilities of public higher education to the American people as the 21st century dawns?” (Kellogg Commission, 2000, p. viii).

The report noted that the historic “covenant between public universities and the American people has been grounded in wide access,

excellent curricula, research of value to people and communities, and public governance and financing” (p. vii). Looking ahead to the challenges of the 21st century, the Commission proposed that public higher education needed to commit itself to seven elements of a new covenant:

- Educational opportunity that is “genuinely equal”
- Excellence in undergraduate, graduate, and professional curricula
- Learning environments that prepare students to lead and participate in a democratic society
- Complex and broad-based agenda for discovery and graduate education that are informed by the latest scholarship and responsive to pressing public needs
- Efforts to bring university resources to bear on community, state, national, and international problems “in a coherent way”
- Accountability for progress
- Monitoring of the Commission’s recommendations.

They also argued that the terms “learning, discovery, and engagement” described the 21st century land-grant university’s mission more accurately than the traditional terms “teaching, research, and service.”

The Commission wrote that the public’s side of the covenant also needed to be updated, particularly for the provision of state funding to stimulate community partnerships with higher education. In contrast to national funding trends, they argued that state government should provide “the lion’s share of basic support” (p. ix) for public universities.

A recent survey of twenty-three deans of land grant colleges of agriculture also highlighted the need for renewal. As author James Meyer noted, “It is the faculty that decides what to teach and what research to do. Academic freedom, which is to find the truth and tell it, must be protected. On the other hand, this academic freedom also empowers the faculty with great influence. It is important that faculty stay in tune with current societal needs. They are the leaders of their own teaching and research programs and as such are quite independent, and they should be, because they are the powerhouse of society when new ideas are needed.” One of Meyer’s suggestions for revitalization was “knowledge of who benefits from the fruits of a mission-oriented academic program is critical, and the mission should be

consonant with the interests of beneficiaries, patrons, and stakeholders.”

Although Meyer noted the importance of protecting academic freedom, he also referenced a “mission-oriented academic program” with beneficiaries and stakeholders. Thus, the discussion of the new covenant for public universities positioned academic freedom alongside accountability to the public.

If we think of academic freedom as encompassing rights and responsibilities, writings about the land-grant mission tend to emphasize the responsibility side of the ledger more heavily than the side dealing with rights. This responsibility has to do with the focus of the teaching (practical knowledge) and research (inquiry that has direct benefit to the university’s stakeholders). “It is the fundamental, inescapable obligation of public higher education to provide broad student access, to conduct research, and to engage directly with society and its problems - all in the service of advancing the common good” (Kellogg Commission, 2000, p. 4). A proposed accountability measure included “discovery and research agendas that are both, basic and applied, theoretical and developmental, initiated by investigators and defined by users” (Kellogg Commission, 2000, p. 11).

Stretching a bit, one could say that support for academic freedom is implied in the initial formulation of the land-grant mission insofar as its scope included “other scientific and classical studies” along with the study of agriculture and the mechanical arts. In its contemporary formulation, it is once again implied because the covenant calls for excellence in the curriculum as well as “complex and broad-based agendas for discovery and graduate education that are informed by the latest scholarship” (Kellogg Commission, 2000, p. viii). However, both the traditional and contemporary statements of the land-grant mission assert an unmistakable responsibility to the citizens whose resources make the activities of the University possible. In fact, this responsibility is stated so clearly and strongly that academic freedom must be considered within the context of the public good. Academic freedom is a privilege and a responsibility to insure that the scholarship produced and disseminated is of the highest quality. However, academic freedom within land-grant universities does not grant license to ignore the needs of the public in its activities.

APPENDIX 2

In our work on this report, we held hearings with and sought testimony from many members of the University community to learn about views and understandings of the current state and practice of academic freedom. Those sessions were invaluable to our efforts. We want to acknowledge our debt to those who gave generously of their time and insights.

Douglas Armato, Director, University of Minnesota Press
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Lyndel King, Director, Weisman Art Museum
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APPENDIX 3

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