



EXPLORING THE CONTOURS OF THE FREEDOM TO TEACH

Lawrence S. Bacow | Nancy Kopans | Randal C. Picker



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This is a period of enormous experimentation in bringing technology actively into the classroom. On almost every college campus, faculty are experimenting with new ways to incorporate digital learning technologies into their teaching. Professors are placing their lectures online, flipping their classrooms and devoting more class time to active learning. Digital content is being imported from other institutions or from textbook publishers. Many institutions are investing substantial resources to develop online courses aimed at independent learners throughout the world.

These experiments in how to best utilize new technologies in the classroom are raising questions about the contours and scope of the freedom to teach. Who controls the choice of methods of instruction and the resources available to support instruction—the administration, the faculty collectively, or the individual instructor? These technologies are something of a paradox. On the one hand, they promise access to more pedagogical resources and personalized instruction with materials tailored for particular students in situated contexts. But, at the same time, there are evident fears that casual adoption of teaching technologies may fundamentally depersonalize teaching, change key structural and other characteristics of the professoriate and graduate and undergraduate education, and might impact institutions as a whole. How these questions regarding technology and academic freedom are resolved could have large consequences for academic institutions, for the evolution of new modes of pedagogy, and for faculty and students.

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Academic freedom has historically been an important constitutive notion for U.S. higher education, but it has also not been a static notion and has evolved in response to circumstances and the demand of the times. Academic freedom matters for the research that takes place in higher education, for the role that college and university faculty can play in larger social issues, and for what occurs in the classroom. And the American Association of University Professors (AAUP) has been an important and influential voice in shaping conceptions of academic freedom. Both its 1915 Declaration of Principles on Academic Freedom and Academic Tenure and its 1940 Statement of Principles on Academic Freedom and Tenure occupy a noteworthy place in the development of modern notions of academic freedom.

In November, 2013, the AAUP's Committee on Academic Freedom and Tenure approved a new statement on the freedom to teach (<http://www.aaup.org/news/statement-freedom-teach>). Whether intentionally or not, the statement appears to embrace a broad conception of freedom for individual faculty members in teaching largely free of control by the institution and also free, in particular ways, of control by the faculty as a group. This new statement appears to seek to expand individual faculty member autonomy in ways that may be inconsistent both with how the freedom to teach has been framed traditionally and with the broad latitude that academic institutions need to have in how they seek to accomplish their missions of teaching and research. Furthermore, the statement represents a substantial departure from how most institutions have shared responsibility between faculty and administration for making decisions about how and what will be taught and how specific methods of instruction will be used. If accepted without scrutiny, this new statement may limit the kind of innovation and experimentation with new forms of pedagogy that is a hallmark and strength of American higher education. We therefore take this opportunity to provide broader context regarding the freedom to teach, including historical and pragmatic considerations involved in enabling innovation in American higher education.

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The Significance of Institutional Mission

American higher education institutions come in all shapes, flavors and sizes. Julliard's website, for example, describes its commitment to "dance, drama and music." As a result, Julliard need not offer courses in genetic engineering. St. John's College can offer its "great books" experience starting with Homer's *Iliad* and *Odyssey* in Freshman Year and ending with Woolf's *Mrs. Dalloway* in Senior Year. Schools will craft curricula to match their institutional visions and particular courses need to serve these larger curricular and institutional purposes. The role of a faculty member teaching a particular course in an institution has to be situated in his or her duties to conform to these collective views of institutional mission and to collective obligations to provide instruction that satisfies departmental and university requirements. And that needs to be done within institutionally-determined resource constraints of various kinds.

Individual institutions may allocate responsibility for these core institutional choices differently. In most institutions, primary responsibility for overall institutional strategy resides in the board of trustees or in public institutions perhaps with a board of regents pursuant to a framework defined by state law. And in those cases, deciding that, say, Babson will focus on entrepreneurship or Olin College on engineering or that the University of California at San Francisco will be a university focused exclusively on health will not be a judgment for the faculty but rather a judgment of the board. Indeed, in some institutions, determining overall strategic direction may be the most important function of the board. And, at those schools, any articulated freedom to teach that is enjoyed by the faculty either collectively or individually needs to recognize this larger strategic institutional judgment and commitment.

Faculty and Institutional Responsibility for Curricula

At most schools, the faculty, as a group, have collective responsibility for the curricula. They are charged with determining what students who study music, dance, drama, engineering, medicine, entrepreneurship or any other field should take and master. And even the collective faculty responsibility for the curriculum is not absolute: in many fields like engineering, law and medicine, faculty prerogative is constrained by accreditation requirements. Collective faculty responsibility extends to the sequencing of courses, assumptions about the content of specific courses, rigor, as well as the formal requirements for a degree. Individual courses and the content of those courses need to be crafted to fit within the larger curriculum designed by the faculty collectively. And, again, any claimed individual freedom to teach needs to be understood in the context of the larger, collective role of the faculty in establishing the curriculum.

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College and university faculty collectively build curricula and courses of study and individual courses are ideally situated to link together in a sensible way. A physics professor can't omit Newtonian mechanics from Physics 1 if the physics curriculum assumes that all students will have mastered these concepts when they consider the topics raised in Physics 2. The institutional interest in offering students a meaningful

program of study requires that the content of individual courses be shaped in the larger context of the overall curriculum. That necessarily imposes meaningful limits on what individual faculty members can do in particular courses.

Institutional Strategic Directions

As this analysis suggests, in most institutions, overall strategic direction and the curriculum are established not by individual faculty members acting on their own, but rather, through collective choices made by the board of trustees or regents, the administration, and the faculty acting together. In many respects, this collective responsibility is at the core of what is commonly known as shared governance. That said, in this framework, individual faculty members traditionally (and appropriately) have enjoyed wide discretion to determine how to teach a given body of material. As already noted, this discretion is limited by the collective judgment of the faculty regarding expectations for the content and rigor of an individual course. It is common for something like a Committee on Curriculum to review proposals from individual faculty for the listing of new courses. But as a practical matter, once approved, a new course is largely controlled by the faculty member in charge.

Yet even in a non-multisection course that is not a prerequisite for any other course, faculty still are typically subject to reasonable limitations on what they do in their classroom. For example, while a faculty member may enjoy broad latitude to determine how students will be evaluated, there is an implied obligation to grade all students fairly. Moreover, typically faculty must explicitly state both the course requirements and the criteria for grading in a syllabus or course description distributed in advance to students. And it is not uncommon for radical departures from announced requirements or grading criteria to be questioned by students and subject to some external review often by a department chair.

Resource Allocation

The freedom of individual faculty to teach is also limited by the need for the administration to allocate resources in support of teaching. Typically, department chairs determine teaching assignments subject to assumptions about teaching loads. In many places, faculty engage in collective conversation about collegial expectations with respect to teaching, advising and service. In some places, these agreements are formalized into point systems. In others, they are less precise but still exist. Teaching loads may also be determined contractually at the time of hiring or subject to bargaining in the case of a unionized faculty, but individual faculty members typically do not have the freedom to determine their own teaching assignments.

Similarly, the administration, typically represented either by the dean or a department chair, also makes decisions about the resources that will be made available to an individual instructor in support of their teaching. One of the most important of these decisions is the allocation of teaching assistants in larger courses. Any claimed freedom to teach cannot exist independent of the willingness of the institution to allocate resources in support of teaching. One could not run a college or university if individual faculty members could exercise an unrestricted call on teaching resources exercised under a claimed “freedom to teach.”

Similarly, even the collective judgment of the faculty regarding the content and structure of the curriculum is limited to some degree by the responsibility of the administration to ensure that resources exist to teach the curriculum as prescribed. For example, while a faculty may collectively conclude that every student should be instructed in a one-on-one Oxbridge like tutorial, such a judgment may remain purely aspirational if the institution lacks the resources to implement it.

Supporting Innovation in Teaching

In an environment where virtually all the major revenue sources available to colleges and universities—tuition, public appropriations, research support, gifts for current use, and endowment income—are under great pressure, innovation in teaching that might allow education to be delivered more efficiently takes on increasing importance. Supporting these innovations often requires substantial investments of institutional resources, the scale of which are often beyond those that individual faculty, departments and sometimes even schools, can muster. Implementing these technologies effectively therefore will require that faculty, administrators and trustees work together to experiment with approaches that might simultaneously enhance student learning while also potentially increasing productivity.

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The breadth of American post-secondary education is extraordinary. Schools need not be and almost certainly should not be governed internally in exactly the same fashion with

some sort of rigid, one-size-fits all approach to internal governance. Schools are situated in very different contexts in terms of the students that they serve, the research that they produce and the resources available to them. This means that there should be real differences across schools in how they allocate institutional time and financial resources across teaching, research and administration. Of course, that framing doesn't specify exactly how Julliard includes dance, drama and music while excluding genetic engineering or how St. John's decides what makes the great books list and what does not, but, in some ways, that is exactly the point. Meaningful academic freedom contemplates broad freedom in *how* that freedom is exercised internally in academic institutions among boards of trustees, regents, academics officers, the faculty (collectively or individually) and other interested parties.

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That means that it is almost impossible to draw sharp lines in advance on acceptable allocations of internal governing authority in colleges and universities and there is no obvious reason why all schools would necessarily reach the same conclusion as to how to allocate internal governing authority. The expected variety in academic governance is perfectly consistent with the notion of academic freedom.

Schools looking for a niche in the academic market might move choice of materials or the approach taken to particular courses out of the hands of individual faculty members. A school might be trying to take a consistent methodological approach across a group of courses and meeting that larger pedagogic objective might necessarily restrict what could be done in individual classes. The Harvard Business School's commitment to teaching by the case method is a good example. Faculty who agree to teach at HBS in effect agree to be bound by a commitment to this approach to pedagogy. And, faculty teaching in the first year curriculum at HBS even agree to teach the same cases on the same day. This highly defined structure is part of the culture and strategy of HBS. The freedom of individual faculty teaching in the first year is highly restricted and subordinated to the collective judgment of the faculty. Those who teach there agree to be bound by such restrictions. Of course, even at HBS individual faculty members have broad latitude in how they teach these individual cases. No two will teach a case the same way.

Finding the Right Balance for Innovation

These are interesting times in higher education. In a dynamic and challenging environment, institutions of all types are struggling to make ends meet, to ensure access to college for the next generation, and to defend the value they offer to society against all kinds of critics. These challenges make innovation in teaching more important than ever. While individual faculty must continue to retain enormous latitude to determine how and what they are going to teach to their students, to frame teaching practices as broad rights associated with the freedom to teach of individual faculty members represents a substantial departure from traditional practice. By making such a broad and abstract assertion of rights, the AAUP statement risks limiting innovation in developing new approaches to pedagogy, which are essential to the ongoing vibrancy of education.

Colleges and universities need to have the freedom to experiment with new ways of teaching that may offer the promise of being more effective and more efficient. They cannot choose to ignore the challenges posed by rising costs and diminished resources. Failing to experiment and failing to embrace new opportunities may actually represent a bigger threat to the long-term interests of colleges and universities by putting at risk public support for and access to higher education.