

Threats to Academic Freedom and Tenure: Analysis of American Association of University Professors Committee A Reports and Implications for Faculty

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Academic freedom is the freedom to research and publish findings, freedom in teaching subject matter within the curriculum, and freedom to decide whom to admit to study without fear of repression from internal or external repression or fear of dismissal.¹ Academic freedom serves the common good, allows universities to contribute to society, and is essential to the mission of universities so that scholars have the freedom to teach and disseminate knowledge without fear of repression or retaliation. The American Association of University Professors' (AAUP) *1940 Statement on Principles on Academic Freedom and Tenure*² is grounded in the idea universities exist for the common good, particularly public universities. There admittedly is considerable variation in how academic freedom is defined, and it is exactly this tension that calls for an examination of recent historically relevant cases. Any understanding of a contemporaneous meaning of academic freedom requires one explore recent challenges. The complexities of this relationship are essential because the U.S. Supreme Court historically has not given academic freedom Constitutional protection, therefore the meaning of academic freedom and the protections it affords shift over time.³

Most recent examinations of academic freedom have focused on the study of court cases in the context of the 2006 U.S. Supreme Court's *Garvetti v. Ceballos* ruling.⁴ Stephen Aby and Dave Witt examine the outcome of the *Garvetti* ruling in terms of increasingly hostile academic environments for faculty.⁵ Robert Roberts focuses on lower-court rulings regarding academic freedom since 2006, yet fails to draw conclusions regarding speech in the classroom.⁶ Another recent inquiry of *Garvetti* considers its implications for faculty governance at public institutions.⁷

The purpose of our study is to determine an understanding of issues underlying violations of academic freedom in the recent past, and implications for faculty. We focus the scope of our historical examination on AAUP Committee A, the Academic Freedom and Tenure committee,

reports between 2006 and the present. We selected 2006 as our starting point since the *Garvetti* decision pertains to speech in the workplace⁸ and because this decision characterizes academic freedom very differently from how it is defined by the AAUP's 1940 *Statement*.⁹ Additionally, in the Constitution's First Amendment no mention is made of protections for academic freedom, consequently any recognition of academic freedom arises from interpretation of the First Amendment rather than any specific mention.¹⁰ More specifically, our argument relies upon an understanding of the relationship between academic freedom and freedom of speech, the latter of which is protected under the First Amendment. The complexities of this relationship are essential because the U.S. Supreme Court historically has denied Constitutional protection of academic freedom, however, the AAUP's *Statement* is grounded in the idea universities exist for the common good, particularly public universities. Though the *Garvetti* decision is limited to government employees, the 2006 demarcation we employ remains relevant because case law defines the separation of freedom of speech and academic freedom relevant to all higher education institutions.

Scholarship grounded in the study of recent history strives to examine the most timely and accurate data, particularly if its purpose is to analyze recent events with the intent of illuminating future implications.¹¹ A timely historical examination of recent cases can provide meaningful conclusions on how academic freedom has been understood and enacted by institutions and the implications for faculty¹² as well as the historical trajectory of events and the lessons that might be drawn from them. A framework aided us in identifying historical cases and situating them, as well as helping us to decide which events and which situations are of greatest consequence to the issue. We take methodological inspiration from Currie and Walsh's understanding of historical narratives and their idea of the importance of a common historical experience among individuals and groups.¹³ By examining a series of related cases, we argue it is possible to develop an understanding of common perspectives across events.¹⁴ An awareness of accounts of historical change can be useful to members of similar types of organizations in order to surmise and consider organizational values and priorities, as well as the limits of individual members' autonomy. The challenge with such work is not so much to discover historical events and situate them, but to identify and choose certain events and bring those to the foreground. Given our purpose—to develop an understanding of the broader implications of AAUP Committee A reports—we focused our analysis on issues the cases are based upon, giving particular attention to how institutions portray central issues compared to how those issues are understood given Committee A's investigations in order to identify the issues within and across cases, their significance, and present and future potential impact.¹⁵

Historical Background of Academic Freedom

Our current concept of academic freedom comes to us from German universities in the 19th century.¹⁶ Academic freedom exists in two forms, *Lehrfreiheit* and *lernfreiheit*. *Lehrfreiheit* refers to freedom to conduct research, and *lernfreiheit* is the freedom to teach without undue constraint. These ideals allow a scholar to uncover knowledge in a discipline as the scholar sees fit, and to then disseminate that knowledge to peers and students. While academic freedom is not absolute—in fact some degree of institutional authority is necessary so faculty can conduct day-to-day operations associated with teaching and research¹⁷—the intertwined nature of individual and institutional academic freedoms has been understood by some as essential in that institutional freedom cannot exist without the existence of individual freedom.¹⁸ Ream and Glanzer¹⁹ argue that shifts in the nature and definition of academic freedom are the result of interpreting academic freedom within different views of humanity and relationship with institutions. Recently academic freedom is defined within the context of the tension between individual and institutional freedoms in increasingly complex organizations.

During the early 20th century, some U.S. faculty began formally to organize and assert their right to academic freedom. In 1913, Arthur Lovejoy, a philosophy professor at Johns Hopkins University, formed a national association of faculty at nine leading universities. These 600 faculty formed the basis for what would become known as the American Association of University Professors (AAUP). The AAUP's *1940 Statement of Principles on Academic Freedom and Tenure*²⁰ (since revised several times) emphasizes the value of affording and protecting individual rights of faculty and students in conjunction with their institutions to fend off external or political intrusion.

Background and Methodology

Our data set consists of 31 Committee A Reports from 2006 to 2021. These cases were published in *Academe*, the AAUP journal, and publicly available online. We collaboratively identified the issues as claimed by the institution in each case. Our analysis began with sorting cases according to the central issue/s of each. Our initial sort revealed four major thematic issues: academic freedom, financial exigency, external influences, and termination with cause. Many cases involved more than one issue, such as a combination of academic freedom and due process, or financial exigency and due process. Our next step was to compare how institutions portrayed the issues in each case versus how the AAUP report authors represented what was at issue in each case. The differences between the two portrayals of each case, as presented by case authors, proved essential to identifying underlying or hidden political agendas not readily apparent to observers,

from which we set out to reveal and discuss meaningful implications for faculty. Additionally we identified commonalities across cases.

Case Overviews

Table 1 names assigned categories and illustrates how due process was an overlapping factor in many cases.

Emergent Categories	Total
Academic Freedom	19 (16 double-counted as “due process”)
Financial Exigency	12 (6 double-counted as “due process”)
External Influences	1 (double-counted as “due process”)
Termination with Cause	5 (4 double-counted as “due process”)

Table 1. Aggregate Overview of Cases

Academic Freedom

The largest number of cases in a single category involved issues of academic freedom. All such cases manifested in termination of tenure-track faculty members, non-tenure track faculty members (full- and part-time), or tenured faculty members. Of significant note, academic freedom is not conferred with a faculty member’s tenure, rather “Both the protection of academic freedom and the requirements of academic 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.”²¹ The implication for faculty is that academic freedom applies to all ranks, and includes full-time and part-time faculty. In theory, a part-time lecturer would have the same protections as a tenured professor.

With only one exception, all cases involved internal disputes between faculty members and administrators. Our interpretation of these cases reveals dispute outcomes appear heavily weighted in favor of institutions and their respective administrators. One representative example is the case of Mr. Richard Schmitt’s 2018 termination by the administration of Nunez Community College following 22 years of service on its faculty. At the time of his termination, he held the rank of Associate Professor; however, the institution abolished tenure in 1999. Mr. Schmitt disagreed with the accuracy of student performance data that was to be included in an upcoming SACS accreditation report. While the SACS report and documents contained information he refused to include, Mr. Schmitt was nevertheless still listed as the report’s author. Once discovered, he requested his name be removed from the documents, yet the institution’s chancellor denied his request.²²

On May 18, 2018, Mr. Schmitt was informed via conference that his NCC faculty appointment would not be renewed; the chancellor claimed

that Mr. Schmitt and the institution were not a good fit. Nunez Community College's handbook includes policy and procedure for notifying faculty members of dismissal and discontinuation of appointments, including the provision of an appeal hearing, yet Mr. Schmidt was denied either hearing or appeal.²³

A second case is that of Dr. Ivor van Heerden, a researcher who served a non-tenure-track appointment at Louisiana State University since 1992. His scholarly work focuses on soil erosion in hurricane-prone areas. In August 2005 Hurricane Katrina struck New Orleans, and subsequently Dr. van Heerden received considerable media attention given his scholarly expertise. When he concluded a main cause of flooding was structural failure of levees managed by the U.S. Army Corps of Engineers (USACE), the university's leadership did not want the university linked to findings which might jeopardize their work with the USACE. Following a series of actions designed to limit Dr. van Heerden's interaction with the media, his faculty contract was rescinded in 2009.²⁴

Financial Exigency

A financial exigency declaration is a catastrophic action for any higher education institution. An institution can only declare a state of financial exigency if their academic integrity will be compromised by prolonged and severe reduction in funding. If it becomes necessary to cut academic programs, the AAUP advises faculty input should be part of the decision-making process. In September 2008, the University of Texas Medical Branch in Galveston, Texas incurred catastrophic damage from Hurricane Ike. In November of that year the Board of Regents declared financial exigency and began a process that would eventually result in the termination of 131 faculty positions. Rather than undertaking a programmatic review with faculty input, the review committee was limited to reviewing only department-chair-penned recommendations of those faculty selected for termination. Faculty input was further quashed by administrators who refused to allow the institution's faculty senate any input in selecting review committee members. Furthermore, the review committee's membership was never disclosed and no records were maintained of their meetings or deliberations. None of the faculty members selected for termination were given specific justification for the committee's selection; faculty slated for termination could only learn details if they were willing to file an appeal. Of the 131 faculty selected for termination, 30 filed appeals and five were reinstated.²⁵

In 2014, the University of Southern Maine's administration announced their intent to eliminate several programs and affiliated programs' faculty purportedly in order to "balance the institution's finances." While The University of Maine system trustees did not declare a state of financial exigency, their requested actions followed the procedures of financial

exigency. Troublingly, when the trustee board's announcement was delivered by the university president, it came without having solicited faculty discussion or input on the elimination of programs and programs' faculty members. A total of 60 tenured and untenured faculty across four programs were identified for termination. In addition to the fact that the institution's trustees never declared a state of financial exigency, it appears that, of the recommended terminations, many terminations were slated to be handed to senior faculty members, targeted for termination because their length of service placed them near the top of faculty salaries, such action representing due cause for age discrimination.²⁶

Termination with Cause

The case of St. Edward's University in Texas involved the termination of three faculty members: two tenured and one tenure-track. The issue focused primarily on the two tenured faculty who were purportedly dismissed due to allegations of "continued disrespect and disregard for the mission and goals of the university."²⁷ This case also proved to be a due-process issue (as were the majority of cases reviewed), in that faculty members were never provided with a hearing or appeal process, inconsistent with AAUP recommendations as well as the institution's internal policy. In a similar case in 2016, Spalding University (Kentucky) terminated a tenured professor of social work due to allegations of "abuse of power, bullying, and harassment of colleagues and students."²⁸ The professor's hearing consisted of one meeting with the provost, and no appeal process was allowed. Like the case of St. Edward's University, due process was at issue because of the lack of adherence both to AAUP recommendations and the institution's own internal policy.²⁹ In both cases, while there was ample evidence to support allegations made against the faculty, termination hearings violated the spirit and letter of the AAUP and institutions' processes since they were informal and there were no options for the faculty member to appeal termination.

Implications

Looking across the major themes that emerged from our examination of AAUP Committee Reports, one commonality spanned nearly all cases. A conspicuous lack of due process characterized termination, whether faculty members were in non-tenure-track, continuous appointments or in tenure-track/tenured faculty lines. AAUP guidelines, as well as many institutional operating policies, require the involvement of a faculty committee in terminations, particularly necessary in cases where facts are disputed. According to the AAUP's *1940 Statement on Principles on Academic Freedom and Tenure*, the accused should be informed in writing of proposed charges to their employment status and should have ample opportunity to present a defense to refute the charges.³⁰

One purpose of tenure and continuous appointment is to protect faculty's academic freedom from undue pressure from inside or outside an institution.³¹ Every case reviewed save one involved internal institutional politics. There was only a single case where a faculty member was terminated due to external dynamics. This sparsity highlights how the greatest threat to academic freedom seem to come from factors internal to an institution. The 20th century includes several such examples where academic freedom was impeded. In 1948 many U.S. faculty found their positions threatened during the cold war by the House Un-American Activities Committee's investigations of alleged communists. Some states required loyalty oaths of state employees, including faculty, amid a climate of fear of communism and socialism.³² Loyalty oaths are only one example of external influences that can still bring pressure to bear on an institution and its faculty.

There are a variety of external factors that can be brought to bear on a faculty member whose presence is considered less-than-desirable in the institution's eyes. These include individual trustees, financial donors, alumni (though this can overlap with donors), the media, and elected officials.³³ Each of these roles represent those who, although they exist outside the daily operations of an institution, they carry political clout within an institution. Given the AAUP's definition of academic freedom, persons in these roles fall within the definition of external factors capable of abrogating a faculty member's academic freedom. While there was only a single case where external factors were evident, that single case is indeed noteworthy given the national media attention it attracted: Dr. Melissa Click, assistant professor of communications at the University of Missouri, in Columbia. In February 2016, based on charges of misconduct, the Board of Curators voted to terminate her employment without providing the faculty hearing required both by the university's policy documents and AAUP standards. Her dismissal followed her actions in November 2015, when she was alleged to have been involved in attempts to remove student reporters from a "no-reporters zone" in a public area; however, public space cannot be restricted in such a manner. In January 2016 more than 100 Republican Missouri state legislators called for her dismissal. In the month that followed, legislative unrest continued to be reported in the press culminating in the higher education appropriations committee of Missouri's House of Representatives approving a spending plan that included a 2% operating budget increase for all public higher education institutions—all except the University of Missouri. After several assurances that her employment was not at risk, following national media attention and complaints from Missouri legislators, she was informed her application for promotion and tenure would not be supported, a premonition upheld by the university's Board of Curators.

Our examination of cases from 2006 to 2021 revealed an unexpected trend evident over time. Immediately following Hurricane Ike in 2008, The University of Texas Medical Branch in Galveston terminated 131 faculty, approximately one third of them tenured. This was the only case examined where an institution claimed adverse and catastrophic financial impact due to a climatic event. After 2010, however, the number of cases examined wherein institutions claimed faculty terminations were implemented due to financial exigency increased sharply, yet only one additional case was related to a climatic event. Though an institution's justification might be explained as financial exigency, in only two cases was such a declaration issued by the institutions' respective governing boards. In some cases, faculty were served termination letters which made no mention of financial exigency, although the institutions claimed financial exigency as the reason faculty terminations had become necessary.

One interpretation for an increasing trend in institutions' declared financial exigency is the success The University of Texas Medical Branch experienced in terminating tenured faculty—in spite of AAUP guidelines and even its own institutional policy and procedure—emboldened additional institutions to pursue similar actions knowing their claims would be able to withstand legal challenges as well as the AAUP's public pressure. While an uneven power differential is a presiding factor in any termination, institutions, even those declaring financial exigency, retain access to considerable financial resources. Remaining institutional resources, which include legal counsel, effectively dwarf those resources of individual faculty members. Financial expenditures required to fight a protracted legal battle, potential loss of revenue from unemployment, and potential damage to one's career from negative publicity all can make publicly challenging an institution a costly and risky endeavor. Many public institutions are further protected by sovereign immunity, which insulates them from most civil lawsuits. At risk of appearing cynical, such one-sided battles give credence to the adage “might makes right.”

In several cases, reasons used to end employment clearly differed from facts uncovered by AAUP's investigation. Troublingly for the future of fair faculty rights and due process, taken as a whole such cases indicate a massive transfer of power from faculty to administration, and signals how institutions' curricular mission has fallen squarely into the hands of administrators, wresting away curriculum from the rightful purview of faculty. In most cases decisions to close programs are driven by criteria not primarily educational in nature, decisions not only procedurally but also essentially substantively illegitimate. In many cases financial exigency is used as camouflage for reasons other than financial reasons and, additionally, such decisions lack due process. After 2008, these cases show that financial exigency is increasingly applied to faculty termination when, in fact, established conditions for declaring financial exigency are

not met at these institutions. Consequently, it seems to us that the greatest contemporaneous threat to academic freedom overwhelmingly comes from inside academe—from our own institutional leadership. Our analysis determines external threats, while they do exist, prove rare exceptions to internal threats.

Lack of institutional transparency denies faculty members the opportunity to grow in ways that yield future personal and institutional success. Such opacity also makes it difficult, if not impossible, for one coherently to formulate an appeal. In other words, how can one credibly defend themself against charges if they are not presented with the actual complaint? In some cases where financial exigency was given as the termination reason, AAUP's investigation reveals individuals singled out who were perceived by administration to be "outspoken," or "squeaky wheels." In such circumstances, the evidence crystalizes around academic freedom rather than financial exigency.

Conclusion

The AAUP plays a valuable role in establishing professional expectations and procedural guidelines in academe. As evident in many cases examined in the course of this study, institutional leadership not only dismissed the AAUP's investigation, but refused to cooperate because institutional leadership considered the AAUP irrelevant due to its lack of legal standing.³⁴ Greatly complicating institutional leadership's obfuscations, AAUP investigations cannot convey any legal enforceability unless they are aligned with state or federal law; legal enforceability would require revising AAUP guidelines on a state-by-state basis or grounding AAUP guidelines in federal employment law. Another alternative would be to lobby states to revise employment laws to provide procedural protections for those in academe. Two challenges logically emerge from this course of action. The first is how to ensure possible legal protections would cover faculty employed at public *and* private institutions. Given legal challenges that could arise, particularly in so-called "right-to-work" states, a lengthy court battle likely would ensue: battles with uncertain outcomes. The second challenge could be rooted in public perception regarding legal protections to tenure and academic freedom, difficult terrain indeed in highly politically polarized times—times where the value of higher education is publicly called evermore into question.

One unfortunate characteristic of many cases we examined is they cannot effectively be used by professional organizations to illustrate the importance of academic freedom, due process, tenure, or other important principles. It is tempting to use some of these cases to demonstrate why tenure and academic freedom benefit the public interest, however many of these cases do not present the faculty in question as particularly sympathetic figures. Trying forcibly to remove a student from a public venue (recall,

paradoxically, the professor in question worked in the communications department; this fact was not lost on the viewing public), disrupting faculty meetings to the point they must be rescheduled, and threats of retaliation against untenured faculty make it difficult for our profession to argue the necessity of due process. Some of these examples seem so outrageous as to have been part of the plot of the academic novel *Straight Man* by Richard Russo.³⁵

Additionally, these cases reveal further ambiguity in the bounds of faculty expression. Cases regarding expression in the classroom were by far in the minority; indeed, most cases involved speech outside of the classroom such as in faculty meetings, emails, online blogs, words spoken in public venues, opinions published in the press, and even conversations with colleagues off-campus during dinner. Now, in academe it becomes far more difficult to disentangle academic freedom from Constitutionally protected First Amendment speech. One can formulate a persuasive argument that some of the previously listed examples, such as those in informal settings, or off-campus, are Constitutionally protected. However, if administrators decide to view anything written or spoken in any setting even if only peripherally related to the workplace through the lens of *Garvetti*, then anything faculty say can potentially be used against them at a later date. Given the lack of due process across cases examined, this possibility becomes even more problematic should the institution use financial exigency as a cover for ridding itself of “troublesome” faculty. It seems that from these cases there may, in fact, be no protected faculty speech whatsoever if institutional leaders are determined to interpret speech in the worst possible light or to weaponize faculty speech. Lacking clear and concrete protections, it seems that faculty now possess what amounts currently only to partial academic freedom and that any academic freedom faculty enjoy is proffered solely via permission or fiat of one’s administrative superiors.

Some AAUP cases suggest interpersonal behaviors—perhaps collegiality is a better word—as an underlying factor. Faculty members encourage and support colleagues to express their ideas and views forthrightly and freely on issues both in our profession and institutions. However, at what point does a colleague’s expression shift from mere outspokenness to a nuisance or “fly in the ointment?” Furthermore, at what point does one shift even further to become so disruptive that their participation is a hindrance to daily operations or the reputation of an institution? We admit these characterizations of speech are highly subjective and likely vary considerably in definition from one person to another; additionally these characterizations are perceived differently depending on the level and function of individuals within the organization.

Results and themes from our consideration of these particular AAUP cases have marked similarities to other research studies conducted on this topic. King discusses the value of shared governance by describing

what shared governance is and how it affects roles and expectations. While challenges remain (and even proliferate), the advantages of shared governance greatly outweigh its disadvantages, revealing that “effective shared governance is important for the well-being of universities.”³⁶ A lack of faculty consultation significantly inhibits and even eliminates shared governance processes, hindering the exchange of ideas, viewpoints, and knowledge creation. When shared governance and faculty consultation is lacking, the possibility of erosion of trust among staff increases precipitously, which can lead to negative consequences across all aspects of an institution, including student outcomes.³⁷

Endnotes

- 1 American Association of University Professors, “Reports and Publications,” *1940 Statement on Principles on Academic Freedom and Tenure*, <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>
- 2 *Ibid.*
- 3 James Swezey and Christopher Ross, “Faculty Perceptions of Academic Freedom at a Private Religious University,” *ICCTE Journal* 6, no. 1 (2011): 1–6.
- 4 *Garrett v. Ceballos*, 547 U.S. 410 (2006). The U.S. Supreme Court delivered their *Garrett v. Ceballos* decision in 2006 and it is considered a landmark case in defining the limits of public employees’ free speech. The suit originated in 1989 when Richard Ceballos, a deputy district attorney in the Los Angeles County District Attorney’s office, questioned the accuracy of an affidavit issued by his office. Ceballos claimed he was later subjected to retaliation in the form of reassignment and denial of promotion. The case was eventually appealed to the U.S. Supreme Court which ruled against Ceballos in a 5–4 decision. Justice Kennedy wrote the majority decision, resting his opinion on whether the plaintiff spoke as a private citizen or public employee to determine if Ceballos’ speech was protected. The majority concluded that, since Ceballos spoke in the capacity of a public employee, his speech was not protected under the First Amendment. The result was public employees could have no expectation of First Amendment protection within the context of their job duties with respect to speech that could affect the organization’s operations. The *Garrett* decision does not pertain directly to higher education, but has been used by lower courts as a basis to judge protected and non-protected speech.
- 5 Stephen Aby and Dave Witt, “Negotiating Academic Freedom: A Cautionary Tale,” *AAUP Journal of Academic Freedom* 3 (2012), <https://www.aaup.org/JAF3/negotiating-academic-freedom-cautionary-tale>

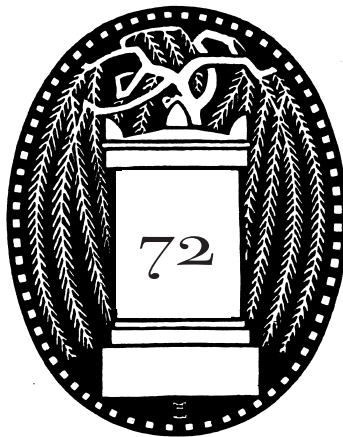
- 6 Robert North Roberts, "The Deconstitutionalization of Academic Freedom after *Garcetti v. Ceballos*?" *Review of Public Personnel Administration* 32, no. 1 (2012): 45–61.
- 7 John Murray, "Academic Freedom and Governance: An Analysis of *Garcetti v. Ceballos* and Its Aftermath," *Journal of Research in Education* 20, no. 1 (2010): 81–97.
- 8 The *Garcetti* decision pertains to government employees.
- 9 The suit originated in 1989 when Richard Ceballos, a deputy district attorney in the Los Angeles County District Attorney's office, questioned the accuracy of an affidavit issued by his office. Ceballos claimed he was later subjected to retaliation in the form of reassignment and denial of promotion. Ceballos initially filed an internal grievance that was denied; he then filed suit in U.S. District Court alleging his First and Fourteenth Amendment rights had been violated. The District Court granted summary judgment for the defendant on the grounds that Ceballos' speech took place in the context of his employment and therefore was not protected under the First Amendment. The case was appealed to the U.S. Supreme Court which ruled against Ceballos in a 5–4 decision. The majority opinion concluded Ceballos spoke in the capacity of a public employee, therefore, his speech was not protected under the First Amendment.
- 10 *Keyishian v. Board of Regents*, 385 US 589, 603 (1967).
- 11 Eugene Provenzo, *The Social Reader: A Critical History* (New York: Peter Lang, 2011).
- 12 Claire Bond Potter, *Doing Recent History* (Athens, GA: University of Georgia Press, 2012).
- 13 Sara L. McGaughey, Arun Kumaraswamy, and Peter Liesch, "Institutions, Entrepreneurship and Co-Evolution in International Business," *Journal of World Business* 51, no. 6 (2016): 871–881.
- 14 Adrien Currie and Kirsten Walsh, "Frameworks for Historians and Philosophers," *HOPOS: The Journal of the International Society for the History of Philosophy of Science* 9, no. 1 (2018): 1–34.
- 15 Keith Barton, "A Sociocultural Perspective on Children's Understanding of Historical Change: Comparative Findings from Northern Ireland and the United States," *American Educational Research Journal* 38, no. 2 (2001): 881–913.
- 16 Richard Hofstadter and Walter Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia University Press, 1955).
- 17 Anthony Diekema, *Academic Freedom and Christian Scholarship* (Grand Rapids, MI: Eerdmans, 2000).

- ¹⁸ Conrad Russell, *Academic Freedom* (New York: Routledge, 1993); George Marsden, *The Soul of the American University* (New York: Oxford University Press, 1994).
- ¹⁹ Todd Ream and Perry Glanzer, “Christian Faith and Scholarship: An Exploration of Contemporary Developments,” *ASHE Higher Education Report* 33, no. 2 (2007): 1–139.
- ²⁰ American Association of University Professors, *1940 Statement*.
- ²¹ *Ibid.*
- ²² *Academe*, “Academic Freedom and Tenure: Nunez Community College,” (2019), <https://www.aaup.org/report/academic-freedom-and-tenure-nunez-community-college-louisiana>
- ²³ In many cases untenured faculty were informed their contracts were not going to be renewed. From an institutional perspective this is not considered the same as termination of employment, but rather non-renewal of contract. From an outcomes perspective the difference proves largely semantic.
- ²⁴ *Academe*, “Academic Freedom and Tenure: Louisiana State University-Baton Rouge,” (2011), <https://www.aaup.org/report/academic-freedom-and-tenure-louisiana-state-university-baton-rouge>
- ²⁵ *Academe*, “Academic Freedom and Tenure: University of Texas M. D. Anderson Cancer Center,” (2015), <https://www.aaup.org/report/academic-freedom-and-tenure-university-texas-md-anderson-cancer-center>
- ²⁶ *Academe*, “Academic Freedom and Tenure: University of Southern Maine,” (2015), <https://www.aaup.org/report/USM>
- ²⁷ *Academe*, “Academic Freedom and Tenure: St. Edward’s University,” (2018), <https://www.aaup.org/report/academic-freedom-and-tenure-st-edwards-university-texas>
- ²⁸ *Academe*, “Academic Freedom and Tenure: Spalding University,” (2017), <https://www.aaup.org/report/academic-freedom-and-tenure-spalding-university-kentucky>
- ²⁹ *Ibid.*
- ³⁰ American Association of University Professors, *1940 Statement*.
- ³¹ Diekema, *Academic Freedom and Christian Scholarship*.
- ³² Michael Sletcher, “The Loyalty of Educators and Public Employees: Opposition to Loyalty Oaths in Twentieth-Century Massachusetts and the U.S. Supreme Court,” *Massachusetts Historical Review* 12 (2010): 35–68.
- ³³ The term “trustee” refers to members of governing boards of higher education institutions. Depending on the institution this role may be

referred to as trustee, governor, regent, controller, or another term. Unless otherwise specified, we use the term “trustee” to refer to a board member unless using a title specified by a particular institution. By definition trustees, unlike other members of an institution, are charged with an institution’s fiduciary responsibility. Many institutions regulate the direct control trustees can have over the internal operations of an institution. Some states limit their roles by law (typically for public institutions). For the most part, individual trustees can only act within an institution if they do so on behalf of the entire board.

- ³⁴ AAUP policies are professional guidelines, but do not carry any legal weight.
- ³⁵ The novel *Straight Man* was written by Richard Russo in 1997. Some elements in the plot include a department chair hiding in a crawlspace surreptitiously to listen to a faculty meeting voting on his dismissal, his threat to campus wildlife until every day until his department received a budget, and affairs between professors and students.
- ³⁶ C. Judson King, *Tailoring Shared Governance to the Needs and Opportunities of the Times* (Berkeley, CA: University of California Center for Studies in Higher Education, 2013), 7.
- ³⁷ Phoebe Haddon, “Academic Freedom and Governance: A Call for Increased Dialogue and Diversity,” *Texas Law Review* 66 (1987): 1561–1575.

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