



Canadian Association of University Teachers
Association canadienne des professeurs et professeurs d'université

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Open Letter to the Association of Universities and Colleges of Canada

November 4, 2011

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Mr. Paul Davidson
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Dear Prof. Toope and Mr. Davidson:

We are writing on behalf of the Canadian Association of University Teachers to express our surprise and dismay with AUCC's recently released "Statement on Academic Freedom." There is a certain perverse irony that AUCC chose its 100th Anniversary to attempt to undo many of the advances that have been achieved in the understanding of academic freedom over the past 100 years.

In 1915, the American Association of University Professors adopted its influential "Declaration of Principles on Academic Freedom and Academic Tenure" – the first and arguably most important statement on academic freedom in North America. One of its key contributions was recognition that academic freedom includes "freedom of extramural utterance and action". This has been a key component of academic freedom since that time. But it finds no place in AUCC's new 2011 Statement on Academic Freedom.

Perhaps the majority of the famous academic freedom cases involve extramural speech, such as Bertrand Russell's firing at Trinity College Cambridge and at City College of New York or the foundation academic freedom case in Canada – the firing of Harry Crowe at United College (now the University of Winnipeg).

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Apparently, according to AUCC in 2011, extramural speech rights have no place in statements on academic freedom.

Another significant omission is that your 2011 statement makes no mention of academic freedom including the right to criticize the institution where one works – perhaps a not surprising omission from the organization representing the executive heads of Canada’s universities – but a troubling omission nonetheless. CAUT has long defined academic freedom as including the right “to express freely one’s opinion about the institution, its administration, or the system in which one works.” This is a central aspect of academic freedom as it has been understood in Canada, and internationally as expressed in the *1997 UNESCO Recommendation Concerning the Status of Higher Education Teaching Personnel*. It is also part of the great majority of academic freedom clauses in Canadian university collective agreements at the institutions whose presidents voted unanimously for a statement that does not mention this right.

AUCC’s new statement also fails to recognize that all three of academic staff responsibilities – teaching, research and service – come under the protection of academic freedom. Your statement fails to make reference to service, even though, most collective agreements have long recognized that academic freedom includes freedom to engage in service to the institution and the community.

Equally of concern is your statement’s conflation of academic freedom with institutional autonomy. It is absolutely true that academic institutions must not restrict the freedom of academic staff because of outside pressure – be it political, special interest group, religious – and institutions need to be autonomous in that sense. But to pretend that building a moat around the university protects academic freedom is disingenuous and ignores the reality of internal threats to academic freedom. The 1915 AAUP statement arose partially in recognition of internal threats – from boards, administration, colleagues and students. As the CAUT policy statement on academic freedom says, "Academic freedom must not be confused with institutional autonomy. Post-secondary institutions are autonomous to the extent that they can set policies independent of outside influence. That very autonomy can protect academic freedom from a hostile external environment, but it can also facilitate an internal assault on academic freedom. To undermine or suppress academic freedom is a serious abuse of institutional autonomy."

We are troubled that your 2011 statement introduces qualifications for academic freedom that open the door to its abuse:

"Academic freedom is constrained by the professional standards of the relevant discipline and the responsibility of the institution to organize its academic mission. The insistence on professional standards speaks to the rigor of the enquiry and not to its outcome.

The constraint of institutional requirements recognizes simply that the academic mission, like other work, has to be organized according to institutional needs. This includes the institution’s responsibility to select and appoint faculty and staff, to admit and discipline students, to establish and control curriculum, to make organizational arrangements for the conduct of academic work, to certify completion of a program and to grant degrees.”

AUCC is correct that academic freedom is a professional right but your statement fails to acknowledge any of the nuance that is now commonplace. “Profession” is both the basis for academic freedom but can be a source of its abuse. Hence the need to understand “professional standards” as heuristic devices that themselves are always contested. None of this subtlety appears in the AUCC statement, leaving a rigid notion of “professional standards of the relevant discipline” that could countenance repression of academic freedom for ideas at the margin or ideas that are critical of the mainstream.

As well this section gives incredible power to the “constraint of institutional requirements” without once affirming them as collegially determined rather than administratively handed down. This is especially disturbing as your 1988 statement is careful to note that any parameters that guide the exercise of academic freedom must be developed internally, and collectively. It also acknowledges that institutional decisions rely upon a collective engagement with the intellectual enterprise by the practitioners of that enterprise. This nuance is lost in the 2011 statement, which omits reference to the collective project.

In light of the above, we are concerned about the AUCC claim in the 2011 [not present in your 1988 statement] that “The university must also defend academic freedom against interpretations that are excessive or too loose.” By whose definition of “excessive” or “too loose?”

Your 2011 statement’s qualification of academic freedom continues: “Universities must also ensure that the rights and freedoms of others are respected, and that academic freedom is exercised in a reasonable and responsible manner.” The administration’s notion of “reasonable and responsible” exercise of academic freedom has been at the base of some very serious violations of academic freedom for decades upon decades. The examples are numerous.

We also see danger in what might be intended as innocuous language in your statement: “Faculty have an equal responsibility to submit their knowledge and claims to rigorous and public review by peers who are experts in the subject matter under consideration and to ground their arguments in the best available evidence.” However innocuous the intention, the effect can be chilling. Do you mean that if peers view one’s work negatively, one no longer has the academic freedom to pursue the idea? Some ideas are beyond the bound of any serious scientific basis – that the world is flat or that humans were created 6,000 years ago. But many other scientific ideas were broadly panned but proven right (e.g. the bacterial basis of ulcers). And what of Harvard’s president, during the cold war years, saying that no communist could teach at Harvard because they could not, by definition, be independent thinkers? We could go on and on with examples. There is a grain of truth to the importance of peer review and the professional basis of academic freedom, but your statement’s crude description opens the door widely to the kind of abuse we have seen for a hundred years.

On the positive side, we are pleased with the statement’s affirmation: “Academic freedom does not exist for its own sake, but rather for important social purposes. Academic freedom is essential to the role of universities in a democratic society. Universities are committed to the pursuit of truth and its communication to others, including students and the broader community. To do this, faculty must be free to take intellectual risks and tackle controversial subjects in their

teaching, research and scholarship." We also welcome the statement's reference to the importance of academic integrity.

Overall, though, the statement, as we said at the outset, would reverse 100 years of advancement in the understanding of academic freedom. With the growing pressures on universities to compromise their defense of academic freedom in the quest for financial support, we need a more expansive notion of academic freedom, not a more restrictive one. A major problem in Canadian universities is not that too many people are asserting their academic freedom, but that too few are. AUCC's rendition of academic freedom will only worsen this problem.

We would be pleased to discuss this matter further with you, should you wish.

Yours truly,

Handwritten signature of Wayne D. Peters in black ink, featuring a stylized 'W' and 'P' with a long horizontal stroke extending to the right.

Wayne D. Peters
President

Handwritten signature of James L. Turk in black ink, featuring a large, looped 'J' and 'T'.

James L. Turk
Executive Director

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