

# Academic Freedom: Its Relevance and Challenges for Public Universities in Ghana Today

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## Abstract

There have been various shapes of opinions shared on the concept of academic freedom. This concept means different things to many and different people. Those outside the University view academic freedom with some level of suspicion. Even among the academia, academic freedom is rarely understood. To foster the growth of knowledge and its dissemination, the frontiers of academic freedom must be widened and embraced. This paper seeks to explore the frontiers of academic freedom; the various limitations practitioners face with the concept and how to make the concept relevant today.

**Keywords:** Academic Freedom, Institutional Autonomy.

## Introduction

Universities are unique institutions in democratic societies charged with the tasks of conducting critical and original research in the pursuit of knowledge and of training and educating students. They provide a forum in which both staff and students are encouraged to think for themselves. Academic Freedom then is the "key legitimating concept" of the University (Memand, 1996, P4), and is the idea that Universities should be subject to no external authority in the matter of critical reflection (Hindess, 2004;PP. 228-229). In most African countries, autonomy and academic freedom are generally recognized an indispensable for the optimization of university activities. The Association of African Universities (AAU) (2001), further noted that while recognizing the accountability of African universities to various stakeholders, including governments, it is stressed that a measure of institutional autonomy is crucial if they are to fulfill their historic mission.

According to Rostan (2010), academic freedom has also been considered as a key condition to achieve several goals that advance knowledge, the quality of research which is considered as the main focus of academic work, the encouragement and support of initiative. He further posits that academic freedom has also been strictly connected to professional autonomy, as regards to pursue truth without fear or negative sanctions and restrictions. Institutions also have no constraints from religious or political authorities, as well as their freedom to organize their work. Various higher educational institutions are also able to determine research and teaching goals and priorities to set standards and to assess and steer academics activity. The pursuit of truth in universities requires adherence to fundamental principles of intellectual integrity and responsibility (Downs, 2009).

Like other accepted freedoms, academic freedom requires individuals, authorities and government not only to allow scholar work without restraint but also prevent any interference with this freedom. In addition, academic freedom seems to require something more, that the society provides conditions in which new ideas can be generated, nurtured and freely exchanged.

Historic examples show the need for academic freedom. Socrates was put to death for corrupting the youth of Athens with his ideas. Galileo (1564-1642), was sentenced to imprisonment for advocating the Copernican view of the solar system. Descartes (1596-1650), suppressed his own writing to avoid similar trouble. Teachers were fired for their students about Darwin's views.

Academic communities in Africa have also had their fair share of state repression in one form or other. For example in 1990 the Nigerian government endowed the Minister of Education with the power to sack academics from any university in the country. Also, between 1996 and 2006, police were sent by the Zimbabwe government to the University of Zimbabwe campus on numerous occasions where they deployed tear gas and rubber bullets to disperse and terrorize students. This destabilisation resulted in frequent and sometimes lengthy closures of the University. According to Mama(2006), the Nigeria government-appointed Vice-Chancellor of the University of Abuja, Professor Isa Mohammed engaged in a variety of despotic practices and when challenged declared his total authority by saying that "I am the law". In 1998, Dr. Jibrin Ibrahim, a political Scientist at Ahmadu Bello University was dismissed for his political comment. In the same year, the Chair of African studies Professor Mamdani was suspended from the University of Cape Town during a controversy the curriculum content in African studies.,

The Ideas of these great thinkers have survived, but we will never know how many others were completely suppressed. Students have had their share of the unpalatable situation. Students have suffered from financial extortion which includes the practice of lecturers compelling students to purchase photocopies from them or fail their courses as well as the widespread extortion of sexual favours from female students on campus in Ghana, Nigeria, Cameroun and elsewhere. Cults on some African Campuses have used rituals and acts of intimidation to inspire fears into the hearts faculty and students alike (p.22, 23).

As we consider these situational or contextual matters, the search for academic freedom becomes more important, more urgent, more requiring of careful and reflective analysis. Each community of academic intellectuals and students must wrestle with the problem of what academic freedom in that society at that time actually is and should be.

Recognizing the need to protect controversial ideas, nineteenth century German University affirmed the ideal of academic freedom in Swezey versus Hampshire (1957):” to impose any straightjacket upon intellectual leaders in our colleges and universities would imperil the future of the nation”

### **Frontiers of Academic Freedom**

Academic freedom is not a simple concept. American Association of University Professors (2011), opines that while there is general agreement that it is meant to protect researchers and scholars from those in positions of power and authority, the content of academic freedom has never been clear-cut, as it carries many meanings that have developed differently under different historical circumstances and power relations.

Becker L.C. and Garland (2001), sees academic freedom as the freedom to teach and do research in any area without constraints to discover and promulgate new ideas no matter how controversial. According to Donald A. D. (2009), at its core, academic freedom is the freedom of scholars to pursue the truth in a manner consistent with professional standards of inquiry. It applies to institutions as well as scholars, students as well as faculty.

*The Dar es Salam Declaration on Academic Freedom and Social Responsibility of Academics (1990)*, defines academic freedom as the freedom of members of the academic community, individually or collectively, in pursuit, development, and transmission of knowledge, through research, study discussion, documentation, production, creation, teaching, lecturing and writing.

Ramtohl (2012), opines that the broad definition of academic freedom focuses on the right of academics to be free from external constraints in teaching and research and to freely criticize their institutions. Academic freedom has been linked with a range of academic policies, including university autonomy, departmental self-administration and tenure.

Mama (2006), on her part, observes that the specified right of higher education teaching personnel include the basic freedom to determine the curriculum, to carry out teaching, research and publication without interference, to freely express opinions and to undertake professional activities outside of their employment, insofar as these do not impinge on their home institutions.

In a similar vein, G. Heave & F. Vught (1994), considered the concept of academic freedom as the freedom to pursue truth in one’s teaching and research activities wherever it seems to lead without fear of punishment or termination of employment for having offended some political, religious or social orthodoxy. In the International Encyclopedia of social sciences, the concept has also been defined as the freedom claimed by a college or University Professor to write or speak the truth as he sees it without fear of dismissal by his superior or by authorities outside his college or University (D.L. Sills, 1998).

In another development, Nkrumah as cited in Africa Watch (1991) noted that there was sometimes a tendency to use the word s “academic freedom” ... to assert the claim that a University is more or less an institution of learning having no respect or allegiance to the community or the country in which it exists and which it purports to serve. This assertion is unsound in principle and objectionable in practice. The university has a clear duty to the community which maintains it and which has the right to express concern for its pressing needs. True academic freedom -- the intellectual freedom of university -- is everywhere fully compatible with service to the community; for the university is, and must always remain, a living, thinking, and serving part of the community to which it belongs.

Ronald B. Standler (2000), in his contribution to the complexity in defining the concept of academic freedom

opines that academic freedom is an amorphous quasi-legal concept that is neither precisely defined nor convincingly justified from legal principles. These two defects make the law of academic freedom difficult to understand. He has no doubt that academic freedom is important and desirable. His concern is that professors in the USA may believe that academic freedom is a valid legal doctrine with power and vitality, when in fact; it is often only empty rhetoric by professors and judges.

The basic declaration of academic freedom is found in AAUP' 1940 statement, which has been endorsed by most scholarly and learned societies and by a large number of colleges and universities. That statement declares that 'teachers are entitled to full academic freedom in research and the publication of results, subject to the adequate performance of other academic duties. Specifically, the statement declares that "Teachers are entitled to freedom in the classroom discussing their subject" but adds that "they should be careful not to introduce into their teaching controversial material which has no relation to their subject" (AAUP2003).

Ramsden (2005), posits that Academic freedom in its strongest form implies the absolute personal right to pursue truth not influenced by 'management" and accountable only to a community of scholars.

In summary, one can say that the heart of academic freedom is the protection of the right of teachers, students and researchers to express their ideas with intellectual honesty and without fear of reprisal.

### **KINDS OF ACADEMIC FREEDOM**

Two distinctly different kinds of academic freedom have been identified. These are individual and institutional academic freedom.

#### **Individual Academic Freedom**

This freedom protects an individual professor. A general expression of individual's academic freedom is included in the "1940 Statement of Principles on Academic Freedom and Tenure" by the American Association of University Professors (AAUP). This statement by AAUP has no legal effect, but the AAUP publicly ensures colleges and Universities have adopted this statement, or a variation of this statement which is incorporated by reference in the employment contract between the university and each individual faculty member. In most cases, individual academic freedom is simply part of academic tradition. Thus, the routine ways that faculty boards, heads of department and deans operate when they make judgment about who to hire, who to promote, who get contract or tenure, who gets larger salary increases and who gets their employment contract terminated. Individual academic freedom is a relationship between professors and the university administration.

According to Ronald B. Standler (1999), a significant part of individual academic freedom is not a legal concept, but dependent on the internal culture among faculty and management at a university. On the other hand, the management of a university gives minimal supervision to teaching and research by faculty, except when problems occur, or when a faculty member is being evaluated for promotion, tenure or salary increases. Indeed, the faculty are trusted to do their job competently and professionally. It must be noted that freedom from detailed supervision is not a license to relax. Each professor is responsible for meeting his/her classes, teaching competently and producing a substantial series of scholarly publications.

Again, faculty chooses their own textbooks. The syllabus for courses is set by a department curriculum committee, made up of professors. It is considered highly inappropriate for a professor or an administrator to tell a faculty member what grade to assign to a student. This is to say that the sense of independence is so strong among faculty, that it is often difficult to discuss teaching methods, because no faculty member wants to be accused of criticizing another.

In another context, faculty are active participants in setting all academic rules and regulations as well as selecting new faculty members, granting tenure, etc. The use of departmental boards to make first-level decision before it goes to Academic Board and Appointment and Promotion Board means that neatly all decisions by university administration have support of the majority of affected faculty.

Lastly, among the basic academic ideals is the fact that there is tolerance by both the administration and faculty for differences of opinion, methods, style and personality among the faculty. To some extent, one can say that this tolerance of unconventional views and personality is the final result of an enlightened community. Professors tend to work as individuals in industrial-style team, so it does not matter if professors are compatible with each other or not.

### **Institutional Academic Freedom**

Institutional academic freedom protects universities from interference by government, a right that applies to the community of scholars, not to individual faculty. It also reserves to the university itself selection of faculty and students, as well as issues in curriculum such as the content of the syllabus in each class or level. It is interesting to note that institutional academic freedom does not protect individual professors with unorthodox views from dismissal by the university administration. However, it does protect professors from dismissal by politicians. Institutional academic freedom reserves to the University, the right of selection of faculty, supporting staff and students. Issues in curriculum as well as content of the courses to be delivered to student are agreed upon by departments and academic Board.

According to Ronald B. Standler (2000), the clearest definition of instructional academic freedom in the USA appears in a USA Supreme Court Opinion, where it is said that academic freedom means that the university "can determine for itself on academic grounds:

- i. who may teach
- ii. what may be taught
- iii. how it shall be taught and
- iv. who must be admitted to study"

(Regents of the University of California V. Bakke, 438 US. 312 (1978).

Donald (2009), opines that Indeed, institutional autonomy is perhaps surprisingly, the most important of the four major types of academic freedom, at least in legal terms. It is predicted on the assumption that society's interest in attaining academic objectives are best secured by leaving substantive decisions about education in the hands of professionals chosen by their institutions.

### **Freedom of Professionals**

Even though the 1994 AAUP declaration seemed to embrace both individual and institutional academic freedom, it introduces a third realm of academic professionals like doctors, lawyers and other professionals into departments backed by their national organizations based on scholarly disciplines. These departments have assumed some powers that make it necessary for them to be consulted whenever there is the need for some major policy decisions to be taken.

### **Freedom of Students**

The fourth major kind of academic freedom relates to students. Student academic freedom was addressed in the AAUP's 1967 joint statement on Rights and Freedoms of students. It emphasized the importance of developing critical judgment which strongly supports students' right to due process and fair inquiry. These include a student's rights to take "reasoned exception" to data and views presented in class. It is interesting to note that quite often, the academic freedom of students, teachers and institutions clash.

### **Limitations to academic freedom and institutional autonomy**

In the recent past, academic freedom has been challenged by several obstacles and ongoing processes within higher education institutions. These include financial resources, bureaucratic bottlenecks overloading academics with administrative duties and internal governance.

The lack of adequate public funding especially for public universities in Ghana is a major obstacle for higher education development and an indirect obstacle to academic freedom. Indeed concern about survival is inimical to free enquiry and knowledge production.

Another serious challenge undermining academic freedom and institutional autonomy is the bureaucratic bottlenecks. For instance, Ghanaian higher education institutions are legally autonomous as per various Acts of Parliament establishing them. This autonomy is framed within national accountability systems which are primarily intended to promote trust between universities and the state or society. Official legislation defines academic governance structures and realms of responsibility in Ghanaian public higher education institutions. The executive head, the chairman of council of the institution is generally the main figure responsible for long-term institutional planning, development and organization. His selection and appointment made by the President of the nation. Governments have moved from more direct forms of control towards a system of distant steering that seems to provide autonomy to higher education institutions but at the same time requires more accountability from the institutions. It is however a paradox that as universities' apparent dependence on state income has decreased in the last decade, the direct involvement of the state and the sense of state direction has tended to increase. This is in line with the new demands for accountability, both in terms of finance and policy

towards the state. Interestingly, financial stringency has made every institution more responsive to the need to compete for funding from the latest government initiative (Shattock, 2006). This assertion invariably has an impact on academic freedom. In their operations, the Ghanaian higher institutions have to go through encumbrances of procurement processes.

Moreover, overloading of academics with administrative duties negatively affects the quality of their intellectual production. According to Mama (2006), within universities, the professional role of the academics has gradually become more diverse to include other functions such as administration often in the name of efficiency. Such additional demands deplete the time and energy available for teaching, research, and knowledge production. Ramtohul (2012) observes that this state of affairs has slowed down knowledge production and some universities in Africa have become “teaching universities” (p.12).

Again, in contributing to the debate on the waning of status of academics, Ramsden (2005), revealed that “it is no longer special to be a student, and very exceptional to be an academic staff member. They are no longer elite. Their special status has been eroded by a massive influx of new people. They are now part of the mainstream of public life and policy”.

There are other devices of distant steering that are used at assessing the performance of institutions of higher education. Public universities receive funding to cover many types of expenditures which are determined by the institution. The government requires the preparation of annual financial reports and adherence to audit procedures, which must be submitted regularly to authorities. The Ghanaian government has put in place monitoring agencies on the activities of higher institutions in Ghana such as National Council of Tertiary Education (NCTE) and National Accreditation Board (NAB). The National Council of Tertiary Education (NCTE) has been mandated to promote, plan, develop, and coordinate tertiary education in Ghana. It oversees the functioning of tertiary education institutions and is responsible for allocating public funds to the tertiary institutions under its purview. The NCTE also monitors the use of these funds to ensure accountability and optimum use of resources. The National Accreditation Board as a regulatory body is mandated not only to accredit the higher institutions and their programmes of study in the country, but also to set the acceptable minimum entry requirements for admissions to the various tertiary education institutions in Ghana.

There has been a shift in the process of defining salary scales of staff of universities in Ghana. The promulgation of Act of Parliament 2009 which provides the Fair Wages Commission the right to determine salaries of all government subverted agencies has an impact on academic freedom. Pressure from societies for relevance of programmes offered in universities to support economic development and provision of qualified labour force is a threat on present day management of higher education institution. Against this backdrop of societal expectations, the public universities in Ghana are not allowed to introduce or charge fees for its full-time courses as such policy needs to be approved by government and for most politicians in power, this would be an unpopular political decision. The responses to these demands have been the diversification of courses, introduction of new programmes and inclusion of market driven programmes to enable universities stay in business.

Remarkably, the notion of academic freedom confers on staff of higher education institutions respect among equals in the society in which the staff find themselves. University staffs are therefore regarded as embodiment of knowledge disseminators. The function of community service is an expectation that the members of the community require from such individuals. Conversely, the pressure by universities and the expectation from Heads of Department and authorities to publish or perish also discourages innovation and creativity which requires taking chances that may not result in a publication. Faculty should, therefore, be able to draw very careful lines between decorum and societal norms. (Arhin, 1998).

The enjoyment of academic freedom in higher education institutions allows freedom of speech. Norms of civility are expected to be used in expressing ideas or beliefs both in teaching students and conducting research regardless of how insensitive the subject matter might appear. The university and its staff can face sanctions if it is deemed to have made insightful or scandalous pronouncements about an individual or about a political issue. In this regard, they are obliged at all times to be accurate, and should be restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution (O’Neil 2004).

Again the practice of academic freedom limits researchers or scholars to copy someone else’s work without acknowledging the source. It is worthy to note that further research into previous findings may reveal other

outcomes. It is however not acceptable for a researcher to falsify data to achieve his or her desired result.

### **The way forward**

At times in the past, the government decided to press unpopular measure on the university. In the 1960s, for example, the government decided to appoint 'special professors' directly responsible to the president, who was the chancellor. Attempts were also made to control the appointment of heads of department (Ajayi, Goma, and Johnson (1996).

By and large, it can be said that the institutional structure, the legal framework provided for in Acts and Statutes, and the substantial amount of authority vested in the elaborate system of committees and boards insulate the academic community from outside forces and interference. Research can be conducted in any area without external constraints, while professors are free to express their views on any matter, whether it be academic or non academic.

Ample evidence of academic freedom and autonomy abounds in Ghana, as reflected in inaugural speeches, interfaculty and valedictory lectures given by the academic community, and public discussions and publications. The appointment of leaders in Ghanaian Public Universities is done through independent search committees comprising senior faculty. The President is no longer the chancellor of any public university in Ghana as it used to be in the past.

The academic community, however, often raises some concerns in relation to academic freedom and autonomy. The academic institutions are unhappy about the situation in which they are often asked to conform to rules and regulations imposed by ministries and government departments. Many also feel that Ministry of Education does not have expertise needed to handle issues affecting the higher education sector, which is much more complex than basic education. While one school of thought advocates a separate ministry for higher education, another believes that an easier option is to appoint an experienced desk officer for higher education in the ministry of Education (Ajayi et. al). In all these scenarios, how can the principle of academic freedom and institutional autonomy be safeguarded so the academic communities can play their role meaningfully and responsibly. The following suggestions are worth noting:

First and foremost, the councils and senates of the Universities must be made into vibrant discussion forums that engage with the present and future of the academic enterprise and constitute an example of debate and dissent.

Again, management and the academic community need to shake themselves from the notion that there is no alternatives and that many of the changes of Higher education are signs of the modernization of universities in the knowledge economy.

Also, there is the need to revitalize academic associations like University Teachers Associations of Ghana (UTAG), Association of University Administrators (GAUA) and others to engage university management and the state on the relations between academic freedom and public accountability.

Furthermore, there is the need for acceptable employment conditions. Research activity must be carried out in pursuit of locally defined research interests and agendas rather than always relying on consultancies and funding agencies. Sabbatical leave which is a precondition for academic freedom must be made to serve its original purpose. This will prevent the situation where financially deprived faculty members find it necessary to use their sabbaticals to pursue income-generating ventures at the detriment of research production.

Lastly, academics should be able to draw a line between decorum and societal norm. That means that academics need to be aware of professional ethics and bound by a code of ethics of the organization, as any profession.

### **Conclusion**

The uniqueness of universities from other institutions is derived from academic freedom. The awareness of academic freedom by teaching staff in universities enables faculty to be tolerant of others view as well as accept criticism through the process of peer review. That is academic freedom inculcates in the individual faculty the respect for others' work and their views. And this has led to the free dissemination of research findings and results. Albeit the perceived issues raised, the concept is still relevant and must be jealously protected and strengthened for the growth of the knowledge society.

While recognizing that government intrusion into academic institutions could stifle them, absolute institutional autonomy is also not possible so long as the government continues to fund higher education. In a period in which

resources are increasingly scarce and institutions are being urged to cut down cost and to do more with fewer resources, the need for efficient management of resources will continue to be emphasized. The government will continue to give general direction for both public and private tertiary institutions through the appropriate agencies. Although academic freedom is threatened by lack of funds, overdependence on state funding, bureaucracy, and heavy administrative duties for academic, yet, academics and students at the public universities in Ghana can still exercise their freedom to protest given the context of democracy and rule of law in Ghana. The public universities in Ghana officially endorse the practice of academic freedom.

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