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Civility and Academic Freedom: Who Defines the Former (And How) May Imperil Rights to the Latter

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Abstract

An alarming occurrence in academia involves the discipline of faculty, under the guise of violating civility or collegiality codes, for engaging in what should be protected academic free speech. This often occurs when unprincipled and/or corporate-minded administrators seek to punish or dissuade faculty from challenging or questioning their decisions or policy initiatives, or for

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speaking up about policy violations or lack of due process. The ambiguity of terms such as civility and collegiality, when selectively defined by administrators, can be used to stifle, dissuade or punish academic free speech. Ways to identify and address these problems are presented.

Civility and Academic Freedom: Who Defines the Former (And How) May Imperil Rights to the Latter

Although discussions of civility and its relation to academic freedom have occurred for more than 100 years, the volume of scholarly research and discourse on this topic seems to have increased in recent decades (e.g., Downing, 2005). Whether this increase is due to a rise of incivility in academe (as speculated by some), threats to academic freedom (as speculated by others), or a combination of these and other factors is a matter of considerable importance. In this paper, we offer a perspective that: 1) recognizes the value of civil behavior in the academic setting; 2) considers some philosophical issues that question whether what is considered civility in some work settings is analogous to its meaning in academia; and 3) presents the viewpoint that the ambiguity of terms such as "civility" and related constructs, most prominently "collegiality" (especially when combined with the corporate values adopted or held by many university administrators), allows unprincipled administrators and likeminded faculty to use judgments about civility and collegiality to punish faculty for (or dissuade them from) engaging in legitimate academic freedom—particularly as it pertains to shared governance.

It seems axiomatic to state that human beings, when

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working in groups or close proximity to each other, work better and accomplish more when they share basic workplace norms and are respectful to each other; this is as true in academia as it is in other types of workplace settings (Fischer, 2009). As we discuss later, what constitutes civility and incivility may vary considerably in different organizational contexts, however, some common features exist. Common features of incivility definitions include "deviant behavior with ambiguous intent to harm the target, in violation of workplace norms for mutual respect" and those behaviors are "characteristically rude and discourteous, displaying a lack of regard for others" (Andersson & Pearson, 1999, p. 457). Durando (2008) is careful to note that these characteristics hold for individuals at all levels of organizations; indeed, deviation from a perceived norm for respectful behavior seems the most common element of definitions of incivility. According to published reports, uncivil behaviors in the workplace are related to a host of negative consequences, both for workers and their organizations. For example, Leiter, Laschinger, Day, and Oore (2011) reported that when incivility is present, coworkers frequently have problems functioning in unison, leading to elevated prevalence of stress, anxiety, and depression at the individual level and decreased cooperation and lost productivity at the organizational level. Settles and O'Connor (2014) agree, reporting that the presence of incivility is negatively related to employee workplace outcomes, as well as the physical and psychological health of employees. Sadly, workplace incivility appears quite common; in a large study, Cortina, Magley, Williams, and Langhout (2001) reported that 60-80% of public-sector workers experienced some level of incivility in their workplaces.

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Importantly for our discussion here, Cortina et al. (2001) also reported that individuals in more powerful positions in organizations tended to be more uncivil than their less powerful colleagues.

A review of the literature clearly indicates that incivility exists and has negative effects on its targets, colleagues who witness it, and the organizations they serve. Whether incivility is more or less common in academe than other employment sectors, whether it manifests itself differently in different sectors, and whether behaviors considered potentially problematic in one setting should not be so problematic in another setting are important questions that deserved to be assessed. Certainly, some authors believe that incivility has been on the rise in academe. This sentiment is offered by Twale and De Luca (2008) in their book titled *Faculty Incivility: The Rise of the Academic Bully Culture and What to Do About It*, which begins with the assertion that "Lately it seems that people in academe have become less civil to one another. If you are a faculty member in academe or a graduate student preparing for the profession, you may have encountered instances of incivility, bullying, or mobbing by another peer, a student, a committee, or an administrator" (p. xi). As they point out in the Preface, although the two of them (whom have worked in higher education for a combined 60 years) gave the statistical and published evidence due consideration, they were just as motivated by their "own experiences with incivility and bullying …" (p. xiii). Other authors (e.g., Mullen, Bettez, & Wilson, 2011) address perceived high levels of incivility in academic departments, however, they tend to couch such incivility in structural inequalities that allow powerful figures to

to Tell the Scientific Story, and Finding a Job with a Psychology Bachelor's Degree: Expert Advice for Launching Your Career.

target or bully less powerful members. This latter view is more consistent with Cortina et al.'s (2001) findings concerning incivility in a non-academic employment sector, as well as those presented later in this paper. In short, incivility may be common in academe, but when it occurs, it most often manifests in a hierarchical fashion—from an institutionally-powerful perpetrator to a less-powerful and therefore institutionally-vulnerable victim.

That incivility in academe manifests itself frequently in a hierarchical fashion (i.e., in a top-down fashion) is interesting, particularly given the fact that most academic institutions, by their very nature, differ from many other organizations in their effort to be largely horizontal (in this context, having considerable autonomy and shared governance between faculty and administrators) rather than hierarchical (Cirillo, 2005). In American corporate/business culture, profit and customer satisfaction are almost uniformly given primary importance, whereas the goals and ethos (or moral character) of academe are decidedly different (Philips, Cagnon, Buehler, Ramon, & Waldecker, 2008). The ethos of academe, at least traditionally (and quite often in contrast to the values of corporate-minded academic administrators) has focused much more on the processes of the academic environment than the products of the academic environment (e.g., Johnson, Kavanagh, & Mattson, 2003). Traditionally, our academic identity arises from a commitment to the triadic practices of scholarship, pedagogy, and service, with all three being guarded by the free exchange of ideas and a community-wide respect for self-government. Foundational to the commitment to these practices is the concept of academic freedom.

Although some consider academic freedom to be a rather subjective entity, it has a long and fascinating history as a hallmark of academe, as well as some distinct and distinguishing features. Emerging prominently in late nineteenth century German concepts of *Lernfreiheit* (the freedom to learn) and *Lehrfreiheit* (the freedom to teach) (Schrecker, 2010), academic freedom has been inextricably linked to the free exchange of ideas and self-governance so fundamental to the academic ethos. Most academics would likely agree that academic freedom is characterized in large part by robust freedom of speech and control over one's research and classroom, but few would argue that it consists of nothing more. Indeed, it is almost certain that nearly all in our profession would maintain that academic freedom encompasses much more, especially so the freedom to disagree with or choose not to follow administrative suggestions, the right to question, and if need be, turn away the advice offered by a wide variety of people and parties. As Schrecker candidly notes in her 2010 book titled *The Lost Soul of Higher Education: Corporatization, the Assault on Academic Freedom, and the End of the American University* (p. 10):

> But to treat academic freedom as only, or even primarily, a form of free speech and a subset of the First Amendment is to view it in much too narrow and legalistic a perspective. Over the years, the concept has expanded to cover almost everything that happens on campus, but at its core it is a faculty perquisite, pertaining to the practices and ideas that define the academic profession and govern the work life of college and university teachers.

The corporate ethos, predicated as it is on products, profits, and customer satisfaction, has little room for practices such as academic freedom. Indeed, as the corporate world is typically defined by hierarchical structures, the values that support academic freedom are antithetical to it (e.g., Cirillo, 2005; Schrecker, 2010; Washburn, 2005); free exchange of ideas, the ability (or in some cases, the responsibility) to disagree with, challenge, or ignore the suggestions or decisions of administrators, and self-governance may all serve as a hindrance to profit-seeking and hierarchical decision-making. Why this is important to a discussion of civility should be clear: What would be considered appropriate and desirable behavior in the traditional academic setting (e.g., passionately challenging policy initiatives that are perceived to harm faculty, students, the learning environment, etc.) might be characterized as insubordination, or incivility, in the corporate world, unless such a protest can be shown to improve profitability. Given the differences between the respective ethos in academe and corporate America, free exchange of ideas and self-governance may be seen as a virtue in the former environment but something to punish or subvert in the latter (Downing, 2005). Perhaps this would not matter if corporate values were not being applied within the academy, however, this is widely recognized to be happening (e.g. Cirillo, 2005; Gerber, 2014; Ginsberg, 2011; Schrecker, 2010; Washburn, 2005), and the implications of this for judgments about civility and their relation to academic freedom must be addressed.

Up until now, we have articulated that appropriately respectful behavior in any workplace is important, and

we have discussed how expectations regarding such behavior—particularly that characterized as civility—necessarily differ between academia (where free expression and self-governance have traditionally been both respected and encouraged) and the corporate world (where such expression and governance are typically discouraged and punished). Now, we focus on how unprincipled academic administrators (especially if they practice corporate values) can, and often do (e.g., Khoo, 2010; Scott, 2002; Thorne, 2013), use judgments about these concepts to unfairly punish faculty for engaging in academic free speech—particularly to intimidate and dissuade faculty from publicly questioning their actions or decisions.

The American Association of University Professors (AAUP) has long recognized how vulnerable faculty members are to retribution for exercising their rights to academic freedom and meaningful involvement in shared governance. In its statements related to these issues, for example, those titled *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions* (AAUP, 2015b), *Principles on Academic Freedom and Tenure* (AAUP, 2015a), and particularly its statement *On Collegiality as a Criterion for Faculty Evaluation* (AAUP, 2015c), AAUP clearly notes that faculty should be protected against administrative retaliation on the basis of subjective criteria. As discussed earlier, perhaps no concept in the workplace—and particularly in the uniquely structured academic setting—is as subjective as civility/collegiality.

The AAUP statement *On Collegiality as a Criterion for Academic Freedom* (AAUP, 2015c) is very clear in noting that although some of what constitutes collegiality (e.g.,

participating in collaborative ventures such as curriculum development and research) should be expected of faculty members and falls within behaviors legitimately connected to teaching, research, and service (i.e., the three evaluative dimensions for most faculty), a problem develops when collegiality is isolated as a separate and distinct category on which faculty members should be judged (for an interesting discussion on this point, see also Sosnoski, 2005). The following passage deftly explains the nature of this problem (AAUP, 2015c, p. 227):

> Historically, "collegiality" has not infrequently been associated with ensuring homogeneity, and hence with practices that exclude persons on the basis of their differences from a perceived norm. The invocation of "collegiality" may also threaten academic freedom. In the heat of important discussions regarding promotion and tenure, as well as other matters of faculty responsibility such as curriculum or academic hiring, collegiality may be confused with the expectation that a faculty member display "enthusiasm" or "dedication," evince a "constructive attitude" that will "foster harmony," or display an excessive deference to administrative or faculty decisions where these may require reasoned discussion. Such expectations are flatly contrary to elementary principles of academic freedom, which protect a faculty member's right to dissent from the judgments of colleagues and administrators.

In the following paragraph, the AAUP (AAUP, 2015c, p. 227) statement further articulates its concerns:

> A distinct criterion of collegiality also holds the potential of chilling faculty debate and discussion. Criticism and opposition do not necessarily conflict with collegiality. Gadflies, critics of institutional practices or collegial norms, and even the occasional malcontent, have all been known to play an invaluable and constructive role in the life of academic departments and institutions. They have sometimes proved collegial in the deepest and truest sense.

What seems most clear in the AAUP's concerns is that when administrators control the language that defines what is and is not civil or collegial faculty members are placed at their whims (Di Leo, 2005; Thorne, 2013). We believe that most administrators are good, ethical academic citizens and do not manipulate language to punish faculty members for, through their valid exercise of academic freedom, criticizing or dissenting from administrators' positions, policy initiatives, or decisions. However, we also know that some administrators *do not* adhere to these ethical standards and do manipulate language (or misrepresent reality) to punish faculty who do not agree with them or are perceived to stand in their way (Faria, Mixon, & Salter, 2012; Westhues, 2005; Westhues, 2006). Thomas (2009) noted that, especially in universities attempting to initiate a model of corporate governance, changing values and priorities may encourage unprincipled administrators to define collegial behavior in a way that suits their interpretations and enables them to achieve their goals. Channeling other authors on the subject (e.g., Blase & Blase, 2004; Ceasar, 2005; Cooper, 1987; Westhues, 2005), Thomas (2009) notes that this creates an environment in which whistle-

blowers or others who challenge (unprincipled) administrators' authority are subjected to humiliation and other maltreatment and that such challenges "often lead to retribution, career damage, marginalization, or even expulsion, regardless of the quality of one's work" (p. 31).

An emerging literature exists on what is known as "workplace mobbing" in academia; this mobbing may be seen as the consequence of engagement in academic free speech, when such engagement challenges unethical administrators in academia. Khoo (2010) defines academic mobbing as "a non-violent, sophisticated, 'ganging up' behaviour adopted by academicians to 'wear and tear' a colleague down emotionally through unjustified accusation, humiliation, general harassment and emotional abuse" (p. 61). Although it is noted that academic mobbing can be initiated for almost any reason (e.g., as gender harassment), Khoo (2015) makes it clear that engaging in academic freedom, particularly when it calls attention to or challenges unprincipled administrators' malfeasance, is the most common reason for academic mobbing (p. 63):

> The most common trait of mobbing is that targets are highly achieving or superior in some arena (teaching, research, etc), blowing the whistle or having knowledge about a serious breach of ethics or wrongdoing by a powerful person in the workplace. People who are good at their jobs, are popular with colleagues or students, who speak out against unethical behaviour and are intolerant of hypocrisy are often targets of bullying. Those with integrity to withstand the efforts of the bully to create a group of "yes men or women" risk being

> victimized. It is often the person who is potentially
> an organization's best asset who becomes a victim
> of bullying.

Faria et al. (2012), basing their work largely on that of
Westhues (2005; 2006), also noted that high-achieving,
well-liked tenured faculty who engage in academic free
speech are typically the targets of "downward mobbing"
(i.e., mobbing initiated by an unethical administrator) in
academia. They noted (p. 721):

> Administrators may be feel threatened by tenured
> faculty, due to lack of reputation capital
> (academic/intellectual, and otherwise), seniority
> and independence enjoyed by faculty members.
> This is particularly the case when the faculty
> member's reputation capital is combined with
> academic freedom, and the combination is then
> used to criticize the actions of the administration of
> the institution. In some instances, the criticism,
> which is valid, relates to a lack of integrity in the
> administration or its actions.

Faria et al. (2012) agree with Khoo (2010) (and indeed,
with nearly all scholars who study academic mobbing) in
several key respects. First, academic mobbing tends to be
initiated by unprincipled administrators whose
malfeasance was questioned or revealed though the
expression of academic free speech. Second, the victims
of academic mobbing tend to be productive, likable,
principled tenured professors who publicly speak out
about administrative wrongdoing. Third, academic
mobbing involves manipulation of the language or
misrepresentation of the facts regarding the victim's

motivations, speech, or behavior. Fourth, the victim's colleagues are either poisoned against him or her, or choose not to support the victim due to fear of sharing his or her fate, indifference, or a lack of conviction (a pervasive problem in educational administration characterized by Samier [2008] as "passive evil"). Finally, the victim is left personally and professionally injured, while the perpetrator(s) goes unpunished and therefore perhaps empowered to pursue a new target.

What is clear in this line of research is that when unprincipled administrators have the power to define what civility (or collegiality) means, and also have the power to invoke penalties for the alleged lack of it, academic freedom is all too often threatened (Downing, 2005). What is also clear is that unprincipled administrators have attacked or penalized faculty members often for speaking up about or challenging their actions or policy decisions (e.g., Khoo, 2010), that is, for utterances related to university governance (or misgovernance). The AAUP's statement titled On the Relationship of Faculty Governance to Academic Freedom (AAUP, 2015d) is very clear that this is one of the key concerns about academic freedom—that faculty members will be punished for engaging in their right to it: "the protection of the academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by fear of retribution" (p. 123). Other relevant passages from this same statement (AAUP, 2015d) include that "The academic freedom of faculty members includes the freedom to express their views (1) on academic matters in the classroom and in the conduct of research, (2) on matters having to do with their institution and its policies, and (3) on issues of public

interest generally, and to do so even if their views are in conflict with one or another received wisdom" (p. 124), and "Protecting academic freedom on campus requires ensuring that a particular instance of speech will be subject to discipline only where that speech violates some central principle of academic morality, as for example, where it is found to be fraudulent..." (p. 125). The statements, and indeed the AAUP principles they are drawn from, are unambiguous. Unless someone clearly violates some aspect of academic morality (e.g., plagiarism or deceit or moral turpitude), faculty members' statements on academic issues in the classroom, on university policies and governance, and on issues of public interest in general should be considered part of their academic freedom and protected as such.

Herein lies the problem. Standards about what is and is not protected academic free speech are fairly unassailable; the AAUP principles regarding academic freedom (among other issues) are considered the definitive standard (e.g., Downing, 2005; Thorne, 2013) and have been endorsed by nearly every reputable higher education and major professional organization in the United States (for a listing of these organizations, see AAUP, 2015a, pp. 16-19). For unprincipled administrators wishing to punish faculty members for engaging in protected academic free speech (or dissuading them from doing so), an alternative approach seems necessary. Our assertion is that using subjective, difficult to define (and therefore also difficult to refute) constructs such as civility and collegiality to control faculty behavior is a critical component of that strategy. Certainly, this is not a novel assertion and it is based on the work of numerous researchers; however, it is very important. Much like faculty elsewhere, each of us is

familiar with cases in which civility and collegiality (as well as other nebulous and easy to manipulate terms such as "respect") have been invoked to punish faculty members (almost always fitting Khoo's [2010] target description of productive, well-liked, and highly-principled tenured professors) for engaging in protected academic free speech, such as calling attention to policy violations and lack of academic due process. Whenever unprincipled administrators have the power to manipulate the meaning of terms such as civility and collegiality, and to misrepresent reality through the use of these terms, true academic freedom is at risk and largely impossible.

Conclusion

Respectful behavior, often characterized as civility in most of the organizational literature and as both civility and collegiality when pertaining to academe, is important to healthy workplace functioning. Where genuine incivility exists, organizations and employees suffer negative consequences. Researchers suggest that incivility tends to be initiated more often by more powerful organizational figures than less powerful ones, however, in the academic environment at least, less powerful figures—particularly principled tenured professors who engage in academic free speech—are more likely to be accused of incivility. Why this is true is an important issue and has been the primary focus of this paper.

As has been repeatedly recognized, the past several decades have seen some academic administrators adopt (or infiltrate) corporate values that were previously largely absent from the academic environment. These values, which focus on products rather than process,

profits rather than people, and obedience rather than self-governance, are foreign to those accustomed to functioning within traditional models of higher education. Faculty have long believed, as they should, that their academic free speech should be protected from retribution. Although many (and probably most) university administrators would likely never consider engaging in such unethical retribution, some obviously do; because they cannot directly challenge the authority of the AAUP's statements on faculty rights, some unprincipled (and likely corporate-minded) administrators seem to have turned to branding faculty members' free expression as uncivil or lacking collegiality. This is a worrisome pattern that should be monitored closely and challenged in all instances through resources both on campus (e.g., grievance committees, faculty senates, local chapters of the AAUP and American Federation of Teachers [AFT]) and off (e.g., the American Civil Liberties Union, AAUP and AFT national offices). Academic freedom has been a hallmark of colleges and universities for many years, and should remain so. As long as potentially unprincipled administrators have the sole power to define what is and is not civil or collegial behavior, and to punish free speech deemed challenging, invocations of incivility/lack of collegiality will remain a threat to academic freedom on college and university campuses.

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