

The Impact of Academic Freedom Policies on Critical Thinking Instruction

Shirley Fessel, MA, MEd
Instructor of English
Park University

Critical thinking enjoys almost universal support, except when applied to controversial topics. Yet it is these topics that are often the most effective initiators of critical thinking exercises that improve students' rational approaches to challenging problems. The use of controversial issues to promote critical thinking requires an institutional commitment to academic freedom in order to survive. In some institutional contexts, the most crucial need for critical thinking is the very condition under which it is least likely to be applied. Instead, avoidance of controversy seems to be the predominant policy of institutions fearful of expensive lawsuits or damaging public relations. Several trends are decreasing the likelihood that critical thinking is applied in the classroom to challenging topics: demands for increased accountability from legislatures; scrutiny of adopted content standards; oversight of Internet and other intellectual work of professors affiliated with the universities; student challenges to faculty instruction; and attempts to curtail ideological diversity. This paper describes these current dynamics which erode academic freedom and thus the ability to apply critical thinking to controversial topics. The paper also recommends that institutions and faculty adopt clearly delineated policies related to academic freedom in order to ensure faculty freedom to promote critical thinking. Awareness of how these trends impact the instructional climate enables teachers to design instruction and be more proactive in guaranteeing that critical thinking about controversial topics is able to flourish under academic freedom.

Critical thinking is defined as making judgments about the truthfulness and worth of the statement. Academic freedom refers to the freedom of teachers to study and teach content-related ideas that may lead to controversy without the fear of threats or sanctions. [There is] a fundamental positive relationship between controversy and student mastery of related subject matter. (Stancato 1-2)

Critical thinking and academic freedom are together essential both to a deliberative democracy and to an economy dependent on innovation. ("Focus" par. 6)

Abandoning the commitment to critical thinking and academic freedom would imperil the future of our nation. (Stancato 379)

Threats to Academic Freedom and Critical Thinking

The history of educators' contributions to promoting critical thinking is lengthy and significant¹, as academic freedom is central to the very idea of a university. Recently, however, new threats to divergent thinking have surfaced through attacks on academic freedom, the essential foundation of critical thinking—not only resistance to differences in ideology but also to the right to any discussion of differing views on controversial topics.

A trend toward verifying and sanctioning content in the name of accountability has emerged. This emphasis has direct implications for questions of academic freedom and critical thinking.

Misusing the Accountability Movement

Academic freedom continues to be debated, even though critical thinking, the outgrowth of this freedom, is the premier hallmark of an advanced education. A trend toward verifying and sanctioning content in the name of accountability has emerged. This emphasis has direct implications for questions of academic freedom and critical thinking. Recently, opposition to the legitimacy of academic freedom combined with increasing accountability for educational results has curtailed the application of critical thinking to “safe” topics. In the social science, for instance, Richard Evans and Valarie Pang assert that the National Standards for United States History instruction are “pedagogically conservative” and recommend an approach which emphasizes critical thinking, which some leap to translate as “liberal” (270). In science, arguments about required dissections are one sample of the debate. Another is the turmoil over evolution, intelligent design and creationism. In English, a first-year student at a Midwest college protested an instructor who “teaches differently than any teacher I have ever had” (Box). The introduction of an “academic bill of rights” in the Pennsylvania legislature has been challenged as threatening at every level. The legislation is backed by Students for Academic Freedom, with 150 chapters on campuses nationally. However, the name seems a misnomer, since the group seeks to proscribe instruction to certain approved viewpoints (Berube par. 11). Opponents of the bill include the American Association of University Teachers, who believes that “academic freedom” is being used inappropriately to actually limit critical thinking (Bradley par. 2, “Academic Freedom” pars. 2, 9).

In today’s accountability climate, 14 states are involved in debates over content (Swanger 4). In 2005, Tom Auxter and David Horowitz debated the need for states to require colleges to promote ideological diversity. Those arguing against such action say that states have no purview in defining or shaping educational-related issues. The trend toward a “politically correct” college curriculum contradicts academic freedom (Kimura 20) and limits critical thinking. Charges of “bias” miss the point. The liberal arts tradition of inquiry demands that positions, whether controversial or not, be stated and defended as subjects for critical thinking (Hickey and Brecher 302-3). However, some believe that liberal learning has become increasingly expensive because of lawsuits challenging content and faculty.

Fostering a Hostile Instructional Climate

Many reports of the use of controversial topics to promote critical thinking highlight the hostility that often develops from students offended by professors whose statements they disagreed with or which they felt were fundamentally opposed to their belief systems. Students at Washington University challenged Jonathan Katz faculty’s web page content. Indiana University professor Eric Rasmussen and Northwestern University’s engineering professor Arthur Butz have had their web content challenged (Kumar pars. 3-5). Discussion is not inappropriate. These examples point to the emergent trend of sanctioning and prohibiting the freedom of professors to teach their views if those views are controversial.

These examples point to the emergent trend of sanctioning and prohibiting the freedom of professors to teach their views if those views are controversial.

Donald French, president of the Philadelphia-based Foundation for Individual Rights in Education, writing in the *Journal of College Science Teaching*, underscores that the academic freedom dispute runs the gamut of institutional life, therefore posing an opportunity for contention to arise at every juncture (46-47). Classroom disruptions, academic integrity, intellectual property, ideological discrimination, research topics and rights, the rights of graduate students to unionize, and both faculty and student web sites have all come under the charge of

threats to academic freedom (Kumar pars. 23-34, Glaister par. 4, Mauer par. 5, Dudley pars. 15, 22, 26, 28).

This climate, which can impede faculty ability to teach critical thinking, does not only result in unrest but also generates concrete challenges for administrators, faculties and students. For example, smaller or private institutions in particular, which have often historically been established to promote a particular ideological emphasis on critical thinking, cannot sustain expensive lawsuits. These institutions are more totally dependent on private donations and are therefore more likely to discourage professors from promoting discussion of controversial ideas.

Challenging Faculty Instruction

Hardly any campus has been left untouched by this trend toward suppressing the very controversial issues that can promote critical thinking. Whenever some students are presented with divergent ideas, they now tend to misinterpret the shock as an assault on their beliefs. They wrestle with new concepts and may experience cognitive dissonance. Without being prepared for this normal development, students may be encouraged to sue if this climate continues to grow ("Academic Freedom" par. 6, Swanger par. 10). Most institutions have done a thorough job of addressing privacy, free speech and other freedom issues in library and Internet policies. But other aspects of university operations, such as student challenges to faculty and professor's freedom of speech, may have been left unaddressed, creating vulnerable areas for colleges, both in reputation and finances, as well as discouraging faculty from promoting critical thinking.

More than one administrator or faculty member has fallen under the sword of charges inimical to an approved interpretation of what academic freedom means because they attempted to promote critical thinking using controversial subjects. The Harvard presidency was affected (Summers 11).

More than one administrator or faculty member has fallen under the sword of charges inimical to an approved interpretation of what academic freedom means...

Columbia and other small and large schools have been in the news, with the New York Civil Liberties Union becoming involved (Mirengoff par.1, Eisenberg par. 1). The recent scandal in California over hiring students to secretly record professors on a "hit list" at UCLA is only one such attack on the purview of education. These students were paid to secretly record professors who were seen as too radical in their teachings and "worthy of scrutiny" (Glaister par. 7). These professors were then labeled the "Dirty 30" by a UCLA alumnus on his web page (Dudley par. 4). The debate reached FrontPagemag.org and prwatch.org, both Internet-based magazines, as well as other public venues, creating negative publicity for UCLA. Alumni and boards are always nervous about such publicity, fearing donations will decrease.

Misusing Faculty Evaluations to Threaten Academic Freedom

Critical thinking examines the value of an idea and is therefore open to discussion and contradiction. In an increasingly complex world, the temptation to seek simplistic answers is antithetical to the idea of a college education. However, increasing pressures are being brought to limit critical examination of complex ideas. One of these pressures is the use of student evaluations of faculty to remove those who promote discussions of controversial ideas.

Faculty are increasingly reluctant to facilitate critical thinking by discussing controversial subjects (Stancato 3). Most teachers are "reluctant to facilitate critical thinking by providing a fair presentation on a controversial topic...[because it might lead to] teacher sanctions and possible dismissal" (379). Moreover student evaluations of faculty, while researched for reliability and validity, have not been viewed as an "infringement on academic freedom, promotion, reappointment, and

tenure rights" (Haskell par. 1). Robert Haskell's lengthy examination of 78 legal actions concluded that "the courts have not been kind to faculty" (Haskell par. 2). Haskell quotes J.C. Damron as criticizing the courts for "hav[ing] little sense in how to proceed in hearing(s) affecting academics" (par. 20). The use of student evaluations has become a primary factor in dismissals and has risen from 29% of cases in the 1960s to 86% of the cases as an important determining factor in promotion, reappointment, and tenure, second only to publication (par. 2).

Student evaluations represent an important intersection of the academic freedom/critical thinking debate. If students feel their imbedded beliefs are being challenged, they may reflect this discomfort in evaluations or even seek to have faculty removed who present views with which they are uncomfortable. Openness to new ideas is never easy, and students increasingly reveal they do not know how to cope with being challenged. Some students show impatience with examining different sides of an issue and reflect their frustration with the process in evaluations.

Student evaluations represent an important intersection of the academic freedom/critical thinking debate.

Haskell found that the burden of proof to secure tenure or fight dismissal was on the faculty member in these cases. Popularity as measured by student evaluations can be legitimately included in the decision on faculty disposition. Faculty contracts must specify whether student evaluations can be required for decisions. In some cases the average of the numerical scale of student evaluations was extended to fine decimal distinctions to make decisions on tenure or dismissal. Student bias is "not taken into account when assessing" the evaluations (par. 13). The student bias variables include "being a demanding teacher" and "grading" (par. 14). Teacher method is not covered under free speech or academic freedom, unless it is covered in the faculty contract (par. 16). Haskell's conclusion is that "academic freedom is an area in which the law provides no firm guidelines for administrators. This is particularly true for private institutions" (par. 17).

W.E. Cashin (as quoted in Haskell) at the Kansas State University Center for Faculty Evaluation and Development notes:

The higher education rhetoric is almost universal in stating that the primary purpose of faculty evaluation is to help faculty improve their performance. However, an examination of the systems – as used – indicates that the primary purpose is almost always to make personnel decisions. That is, to make decisions for retention, promotion, tenures, and salary increases. (par. 4)

Haskell adds, "Herein lies a nest of problems" (par. 4). Another witness to this trend was reported by Damron in a personal communication to Haskell. He believes that "untentured and/or politically incorrect faculty are often considered to be 'fair game' by administrators...and are often regarded as ...disposable... there is a very serious ethical issue here, and a hugely hostile attitude toward academic freedom in general" (Haskell par. 20). Haskell further urges that, quoting W. A. Kaplin and B. Lee, "It is especially crucial for institutions to develop their own guidelines on academic freedom and to have internal systems for protecting academic freedom in accordance with institutional policy" (par. 17).

Faculties Respond to the Challenges

Marcia Clemmitt reported on the growing movement among professors for the right to make educational and research decisions based on professional expertise (835). The Association of American Colleges and Universities Board of Directors issued a statement on "Academic Freedom and Educational Responsibility," which calls for shift to focus on quality of education rather than faculty political views. In their view, students should not expect to remain

unconfronted by unconventional ideas, nor should they have a sense of entitlement because they pay tuition that they should be able to control course ideologies. They believe that political oversight of teaching is “inappropriate” and the “crisis” is largely a contrived event. The heritage of educators and colleges is the tradition of discovery and free inquiry.

Protections for Critical Thinking Instruction

What colleges have historically not had to address are mechanisms for student classroom disruptions that deal with academic freedoms. Ideas are, after all, key to people’s identities. It is a short walk from ideology to social groups to political action.

Institutions that have not examined the impact of these movements across the campus spectrum or developed clear policy statements to deal with them are leaving themselves more open than necessary to challenges to self-governance and legal controversies. Michael Berube believes that “Academic freedom is under attack for pretty much the same reasons that liberalism itself is under attack” (2), yet professors at conservatively affiliated institutions have their own conflicts and have raised their own concerns about academic freedom (Krebs 2). Paula Krebs reported that he and others were disturbed that there were attempts to proscribe the content of their teachings, even within approved content. However, resorting to labeling discussion as liberal or conservative misses the point. Discussion of different points of view is to be encouraged in a democracy, not labeled or sanctioned as one extreme or the other.

In this climate, a small but rare light has emerged through the Ford Foundation’s “Difficult Dialogues” initiative. The foundation is issuing grants to colleges that promote campus environments so that sensitive subjects can be discussed in open inquiry (Martinez 3). Portland Community College in Oregon, LaGuardia Community College in Queens, New York, and the University of Missouri at Columbia are three of the colleges implementing this initiative to encourage diversity of views.

This initiative recognizes the triangular foundation of institutional policy, academic freedom and critical thinking that institutions must overtly adopt. Academic freedom is the bulwark of instructional security. Faculty cannot be expected to promote critical thinking of controversial topics without institutional support of this freedom. They can, however, be in the forefront of creating and promoting the adoption of such policies. The Ford Foundation is evidence that support for divergent thinking has not died.

Faculty should urge and join administrators, board members, and student representatives at their institutions to form a study group to research best practices and develop recommendations to preserve academic freedom, critical inquiry and faculty security. They should be knowledgeable about statements in their contracts regarding teacher method, use of student evaluations, and academic freedom or lobby for such statements. They should openly discuss their commitment to academic freedom to examine controversial ideas critically when applying for positions, being aware that private institutions can restrict speech more so than public institutions which must comply with First Amendment rights. If educators are serious about promoting critical thinking, they must demonstrate a commitment to clear standards and expectations regarding academic freedom as a basis and a sense of security for faculty and students to pursue challenging inquiry. Instructors are encouraged to make clear in their syllabi their promotion of critical thinking and its application to controversial ideas. Frank Stancato recommends using reverse role plays, journaling, examining opposing sources, and practice with specifying assumptions (pars. 16, 18, 22, 23). Course policy should emphasize that students will not be penalized because they disagree with a professor, but that a climate of

Faculty cannot be expected to promote critical thinking of controversial topics without institutional support of this freedom.

mutual respect and tolerance for divergent thinking will be the norm. Course learning outcomes should make clear that students should be able to support whatever position they take and to demonstrate their mastery of the course objectives. It should be clear that the value of inquiry is central to course mastery and that they will analyze, evaluate and create, as Bloom states, as evidence of their critical thinking mastery, even if the ideas are personally challenging.

Higher education institutions, whether public or private, would do well to develop comprehensive and thorough statements and policies on academic freedom across the spectrum. From the Board to the Student Senate, academic freedom as a necessary foundation for critical thinking and therefore excellence in outcomes must be affirmed.

Serious institutions should adopt clear policies supporting academic freedom and steps to deal with challenges to academic freedom in order to support higher order thinking across the campus. Faculties should initiate and join in this effort in order to gain the academic freedom and protection to promote critical thinking about controversial ideas. Without these initiatives, our higher educational system will be weakened because our strength has been in the discoveries that evolved from free inquiry through critical thinking.

Notes

¹ Part of educators' continuing emphasis on critical thinking has been the release of a revised Bloom's Taxonomy. By combining both the cognitive process and knowledge dimensions, the creation of learning objectives has been revised as well (Emily Cruz par. 1). Instructional designers can more easily match assessment measures with learning outcomes. Cognitive dimensions have been reframed as verbs to emphasis process:

Knowledge	=	Remember
Comprehension	=	Understand
Interpretation	=	Apply
Analysis	=	Analyze
Evaluation	=	Evaluate
Synthesis	=	Create

The introduction of this revised approach to Bloom's taxonomy reveals that the discourse on critical thinking is diverse, broad, essential, and ongoing. The Army has conducted its own investigations into the importance of critical thinking. They found that promoting critical thinking affects student satisfaction, overall training, and the usefulness or relevance of training for management education, both for commissioned officers and civilian programs (Schumm 39). Professional military educators' perceptions of critical thinking were surveyed by Dike. Four themes emerged as important to development of this outcome: developmental process activities, dispositions or attitudes, reasons for critical thinking, and contextual elaboration. (45) Nor does distance education research abandon the challenge to increase critical thinking in online students. Yang studied Socratic questioning in the online environment and found it successfully impacts critical thinking (163).

Works Cited

"Academic Freedom Bills could Stifle University Science Teaching." [/journals/esthag2005/jun/business/jp_academic.html](http://journals.esthag2005/jun/business/jp_academic.html)>.
Business and Education News.
Environmental Science and
Technology Online News. American
Chemical Society, 15 Jun 2005 30
Mar
2006. <<http://pubs.acs.org/subscribe>

- Auxter, Tom and David Horowitz. "At Issue: Should States Require Colleges to Promote Ideological Diversity?" *CQ Researcher* 15.35 (2005): 849.
- Berube, Michael. "Candide's Notebooks: In Defense of Academic Freedom." 17 Feb 2006. 30 Mar 2006.
<<http://www.pierretristam.com/Bobs/Contributors/MB021706.htm>>.
- Box, Marganne. Letter to the author. 3 December, 2005.
- Bradley, Gwendolyn. "AAUP Leaders Testify in Public Hearings." *Academe* 92 (1) Jan/Feb 2006. EBSCO. Park University, Parkville, MO. 22 Mar 2006.
<<http://web34.epnet.com.pegleg.par.k.edu/>>
- Clemmitt, Marcia. "Academic Freedom". *CQ Researcher* 15.35 (2005): 835-844.
- Cruz, Emily. "Bloom's Revised Taxonomy." *Encyclopedia of Educational Technology*. Ed. Bob Hoffman. San Diego State University. 26 Jan 2006. 23 Mar 2006
<<http://coe.sdsu.edu/eet/Articles/bloomrev/start.htm>>
- Dike, Shelley, et. al. "Exploring Conceptions of Critical Thinking held by Military Educators in Higher Education Settings." *International Journal of Leadership in Education* 9.1 (2006): 45-60.
- Dudley, Melinda. "Web Page Started by UCLA Alumnus Singled Out 31 'Radical' Faculty." *Daily Bruin* via U-Wire. 10 Jan 2006. Lexis-Nexis. Park University Library, Parkville, MO. 22 Mar 2006.
- Eisenberg, Arthur, et. al. "NYCLU Defends Academic Freedom at Columbia University." 20 Dec 2004 New York Civil Liberties Union. 22 Mar 2006
<http://www.nyclu.org/bollinger_itr_122004.html>
- Evans, Richard, and Valaire Ooka Pang. "National Standards for United States History: The Storm of Controversy Continues." *Social Studies* 86 (1995): 270-74.
- "Focus Less on Political Views of Faculty and More on Teaching Students to Make Informed Judgments in the Face of Conflicting Views, New Statement on Academic Freedom Argues." Association of American Colleges and Universities Press Release 6 Jan 2006. 30 Mar 2006. <http://www.aacu.edu/press_room/press_releases/2006/AcadFreedom.cfm>.
- French, Donald P. "Is Academic Freedom a Threat to Teaching Introductory Science?" *Journal of College Science Teaching*. 35.3 (2005): 46-67.
- Glaister, Dan. "Rightwing Group Offers Students \$100 to Spy on Professors." Common Dreams News Center. Guardian Newspapers Limited. 19 Jan 2006. 26 Jan 2006. <<http://www.commondreams.org/cgi-bin/print.cgi?file=/headlines06/0119-08.htm>>.
- Haskell, Robert E. "Academic Freedom, Promotion, Reappointment, Tenure and the Administrative Use of Student Evaluation of Faculty: (Part II) Views from the Court." Ed. Gene V. Glass. Education Policy Analysis Archive 5.17 (1997). 24 Mar 2006. <<http://epaa.asu.edu/epaa/v5n17.html>>.
- Hickey, Tom and Bob Brecher. "In Defense of Bias." *Studies in Higher Education* 15 (1990): 299-312.
- Kimura, Doreen. "On Protecting Academic Freedom." *Civic Arts Review* 6.3-4 (1994):20.
- Krebs, Paula M. "Tales of Two Wheatons and More." *Academe* 96.1 (2006): 2.

Kumar, Kavita. "Debate Swirls Where Free Speech and Unpopular Views Merge." *St. Louis Post-Dispatch* 5 Oct. 2005. B4.

Martinez, Alison P. " 'Difficult Dialogues' Grants Prompt Open Discussion of Difficult Subjects" *Community College Week* 18.14 (2006): 3.

Mauer, Michael. Academic Labor Board Hearing. Yale University. September 20, 2003. 20 Mar 2006 <<http://www.aaup.org/Issues/Grad/03mauer.htm>>

Mirengoff, Paul. "Conduct Unbecoming: Columbia University's Report on the Conduct of its Middle Eastern Studies Professors is Worse than a Whitewash." *The Weekly Standard*, 11 Apr 2005.

Schumm, Walter, et. al. "A Comparison of Methods for Teaching Critical Thinking Skills for U.S. Army Officers." *American Journal of Distance Education* 20.2 (2006): 39-50.

Stancato, Frank A. "Tenure, Academic Freedom and the Teaching of Critical Thinking." *College Student Journal* 34.3 (2000): 377-42.

Summers, Larry. "Remember Detroit." *Economist* 378.8568 (2006): 11.

Swanger, Dustin. "Academic Freedom: If It Ain't Broke..." *Community College Week* 5 Dec 2005: 4.

Yang, Ya-Ting et. al. "Using Socratic Questioning to Promote Critical Thinking Skills through Asynchronous Discussion Forums in Distance Learning Environments". *American Journal of Distance Education* 19.3 (2005): 163-181.

Fessel has taught communication competency at Park University, Wichita State University, and various community colleges as well as in other settings. Besides leading seminars and training workshops for faculties, small business owners, and professional organizations on a variety of communication competency issues, Fessel has created and published a variety of training and educational materials. Her experiential background covers an unusually broad spectrum from basic skills to post-secondary education in rural, urban, suburban and corporate settings. She teaches at the Parkville campus and was instrumental in forming the original writing competency program. Fessel holds a BA in English from Spalding College; her MA in Speech Communication and a MEd in Counseling were earned at Wichita State University.