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Moral Foundations of Academic Freedom in the Community College:
Professional Rights or Public Benefits?

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Abstract

Academic freedom, broadly understood as the right of faculty members and researchers to appropriately investigate fields of knowledge and express views without fear of restraint or reprisals (Brown, 2006) is a traditional and cherished moral value to faculty and instructional administrators in American institutions of higher education. Historical challenges to academic freedom, both external and internal, continue today.

This study worked from the premise that academic freedom is an important moral principle to higher education. The ultimate objective was to determine the moral justification for academic freedom. The two primary theories of ethics, a rights-based, and consequentialist paradigms, were offered as the potential resolution to the question. A community college was the setting for the study.

The project employed a phenomenological method as the primary means for extracting qualitative data from community college faculty and administrators. This illuminated the purpose of academic freedom as a principle that is grounded primarily in a consequentialist moral theory, and thus a justification that supports public benefits.

Chapter 1

Introduction

Background of the Study

Academic freedom, broadly understood as the right of faculty members and researchers to appropriately investigate fields of knowledge and express views without fear of restraint or reprisals (Brown, 2006) is a traditional and cherished moral value to faculty and instructional administrators in American institutions of higher education. Institutions that create policies to protect it and communicate its importance are usually perceived as having the highest commitment to principles of academic integrity. For what reasons does it come into existence?

Historical considerations can first be traced to events outside the halls of the academy and the absence of the principle. The earliest known instance involves the Socratic trial and execution, the result of Socrates challenges and questioning to widely held Athenian norms and beliefs. A second example could be offered through the referral to Galileo's charges of heresy by the Inquisition and subsequent imprisonment, all because of his scientific proof of heliocentricity. And finally, note the totalitarian regimes of the twentieth century "which sought to limit access to and control of dissemination of knowledge. Scholars, in order to remain in their posts, were not free to discuss or represent ideas that perceived as a threat to the regime" (Brown, 2006, p. 118).

The attack on academic freedom continues in the United States today. Within the last thirty years at least 2,000 organizations have systematically attacked academic freedom in public schools, including "the American Education Association, The American Education Coalition, the John Birch Society, Daughters of the American Revolution, the Eagle Forum, the Heritage

Foundation, the Ku Klux Klan, and the National Association of Christian Educators (Shiell, 2006).

Although it did not originate as a concept meant to protect teaching and research, it provided imperatives for ensuring the sanctity of freedom of inquiry, historical justifications for academic freedom can be found in the tradition of the Enlightenment. In Germany, academic freedom arose as a legal principle found in the Prussian Constitution which stated that “science and its teaching shall be free” (Standler, 2000). This established a relatively unimpeded communication of knowledge and became the foundation for the development of the formal expression and policy of academic freedom in Western Europe and the United States (Standler, 2000). The latter emphasizes academic freedom’s role in advancing democratic ideals and community benefits. By protecting a faculty member’s autonomy to determine research questions and methodologies, an institution of higher education provides the greater likelihood of its resources producing confirmed hypotheses, and therefore research projects that lead to human benefits.

The purpose for implementing policies of academic freedom became the way to protect the professional activities of faculty in colleges and universities and to ensure the likelihood that its resources would lead to human benefit. Additionally, in order to guarantee that faculty research is not unduly biased against or vulnerable to criticism from external entities, institutions that protect academic freedom tended to also provide academic tenure processes for their faculty. If tenure can be properly understood as a faculty member’s guarantee of due process, then freedom to research can be done without fear of dismissal for challenges to cultural or community norms (DeGeorge, 1997).

Within the last 100 years, the United States has seen the emergence and evolution of community colleges. In the latter half of the twentieth century, community colleges have become key points of access for students beginning a general education curriculum with the intent of transfer to a traditional four-year institution. Because of their open admission policies, in the past two decades community colleges have also taken on remediation of students who are underprepared for college level work and/or career and technical instruction. Community college faculty has therefore, a broader range of responsibilities than are generally found in traditional colleges and universities, but one that traditionally does not include research and publication (Cohen & Brawer, 2008). Additional tensions between academic freedom and its detractors will be noted below.

Problem Statement

Many Americans hold a less than favorable view of academic freedom. Often, the public perceives academic freedom as an excuse for hiding in the ivory tower, disconnected from the issues and problems of the 'real world.' It is the method by which faculty concentrate their efforts on meaningless questions and provide little or no direction to solving problems. Even more problematic is the misconception the public has about academic tenure. While I recognize the controversy and the legitimate concerns, I have seen little to suggest that members of the lay public understand the role academic tenure plays in supporting academic freedom, which in turn, provides a college's ability to conduct beneficial research and serve the community. Likewise, I have also heard state legislators, and even some college administrators, assert that academic freedom is an ambiguous concept that is constantly misapplied to cover up basic employee responsibilities, e.g., tardiness and absences, misuse of public funds, etc. In fairness to these criticisms, faculty who exhibit unprofessional behavior, teach minimal number of classes, and

hide behind academic freedom as an alibi for their behavior, exacerbate the intensity and frequency of these criticisms.

In addition to the personal and anecdotal, there are several sources which delineate more specific abuses and misunderstanding of academic freedom. Some politicians and non-academics view academic freedom and tenure as key obstacles to successfully educating students and efficiently running institutions of higher education (Schrecker, 2006). Still other views, and perhaps a common source of tension, stem from religious beliefs and curriculum assumptions (Brustad, 2002). Members of the lay community, and sometimes state legislatures, often work under the belief that they have a right to influence the content taught in institutions of higher education. It is not uncommon for faculty to be accused of liberal bias and slanting education toward secularism or liberal social and political policies.

Among the most troubling recent threats to academic freedom are those that stem from the 11 September 2001 terrorist attacks. What happens, for example, when academic freedom comes into conflict with the Patriot Act or with purported national security interests? Federal funding and grant opportunities may no longer be accessible to those whose projects are viewed as illegitimate because of threats to national security (Butler, 2006). Of equal concern is what Joel Beinin refers to as the "New McCarthyism." Scholars who study and teach about the Middle East have become targets of criticism for failing to alert Americans to the threat of 9/11. Moreover, Middle East scholars are often attacked for being postmodern extremists who fail to protect the well-being of civilization itself (Beinin, 2006). And finally, institutions of higher learning have been subjected to an increasingly sophisticated means of surveillance and control (Doumani, 2006). Loyalty oath and free speech controversies at the University of California, and

policing of thought in the academy on matters related to the Middle East are key examples of what is at stake.

The growth of the American community college presents another facet to the problem related to academic freedom in the postsecondary academy. Roughly 50% of all college students in the United States are enrolled in a community college (Cohen & Brawer, 2006). However, the very emergence and evolution of academic freedom, from its European ancestry, finds its roots in the traditional four-year college, and is seen primarily as a necessary component of research and epistemology. Accordingly, the search for truth must be unencumbered and devoid of unwanted external influence. Academic freedom thus protects this primary and necessary scholarly charge. The byproduct of scholarly research benefits the community the institution serves, e.g., new technologies, new medicines, etc. Since community college faculty has little formal responsibility toward research and publication, does academic freedom have a place in such a context? Despite a set of generally accepted principles governing the definition and application of academic freedom, it remains an ambiguous and often-misunderstood concept in community college settings (American Association of University Professors [AAUP], 1940). In the community college, research and epistemological concerns are not primary charges for faculty. Does academic freedom have a place in the community college? There is very little in the literature to suggest an understanding of how academic freedom supports the mission. There are however, academic prods to consider the context and mission as central to the understanding of academic freedom. According to DeGeorge, academic freedom must be compatible with the mission and accountability measures placed upon the college:

The kind and degree of accountability, however, should be appropriate to the institution's mission. It should not be held accountable for failing to do what it was not intended to

do, and should be held accountable for what it was intended to do. (DeGeorge, 1997, p. 65)

Thus policies of academic freedom are mechanisms for protecting ensuring that an institution is capable of meeting the objectives of its mission.

My own institution, the Metropolitan Community College – Kansas City [MCKCK], has been on the AAUP's censured list for twenty-five years, stemming from a reduction in faculty that occurred during a late 1970's budget crisis. The rationale for the decision to censure was based on violations of the AAUP's definition of tenure, and therefore, the threat posed to academic freedom. At the time of this writing, the AAUP has still resisted removing MCKCK from its censured list. Despite the fact that MCKCK developed a policy protecting academic freedom, the censure remains and will continue until MCKCK provides financial restitution to four faculty members who were released from their positions in 1979. Three are now deceased. A few veteran faculty continue to see this historical event as continued evidence that the college does not in practice, support its policy of academic freedom.

The history of American higher education illustrates a chronology of epistemological and research transgressions. Many argue that when academic freedom is appropriately practiced and protected by institutional policy, faculty will have the latitude to determine pedagogies that advance student learning and expected curriculum outcomes, provide the foundational requirements for students to transfer to four-year institutions, and provide the requisite skills for career and technical students to transition seamlessly into business and industry. Economic health and community well-being are often seen at the community college level as being influenced by this teaching mission, rather than by the advances of research. If such an argument

is sound, then there is some reason to think that those closest to the mission of the community college may have insight about the nature of academic freedom, as it should apply in this setting.

Purpose of the Study

The purpose of this phenomenological study is to discover and describe the manifestation of academic freedom at community colleges, and the foundation of its moral justification. Is there anything unique about higher education in community colleges that warrants a specific understanding or articulation of academic freedom as a moral precept? At this stage in the research, academic freedom will be primarily understood according to the general principles and guidelines of the American Association of University Professors (AAUP, 1940). Additional conceptualization will also be considered, all of which will remain consistent with the AAUP's definition. The task is twofold: to provide a description of the essential nature of academic freedom and ascertain its manifestation within the community college setting, and then to determine whether or not these essential attributes are grounded in a Utilitarian or deontological moral tradition.

For this examination, in addition to the AAUP'S 1940 statement on the principles of academic freedom and the guidelines for application, the researcher will rely on classical moral theories to provide the conceptual underpinnings, including Kant (1880) and Mill (1861). Additional reliance on theoretical justifications of academic freedom will come from University of Kansas philosopher Richard DeGeorge, particularly his work outlines the fundamental historical argument for academic freedom (1997). Other philosophical arguments will be found in the work of Ronald Dworkin (1996). This understanding of the essential nature of academic freedom will ultimately be elucidated by focused conversations within community colleges, to include faculty, and instructional administration. The methodology will subscribe to basic

philosophical tenets of Edmund Husserl, particularly those found in his “Logical Investigations.” I will also rely on contemporary academic thinking in the field of phenomenology, particularly the work of Clark Moustakes (1994), John Creswell (2007), Michael Quinn Patton (2002), and Joseph Maxwell (2005).

Patton (2002) suggests that the foundation question for phenomenology is, “What is the meaning, structure, and essence of the lived experience of a phenomenon for this person or group of people?” (p. 79). It is my contention that the faculty and instructional administrators within the environment of the community college can elucidate academic freedom within the context of the 21st century American community college. In addition to ascertaining their conceptual and practical understanding of the mission of the community college, and some conceptualization of academic freedom, it is their experiences with community college students and the delivery of curriculum that will duly inform an accurate response to the question posed.

Research Questions

The sources of the external and internal challenges and attacks on academic freedom are likely varied. It is reasonable to hypothesize that the one of the sources is a misunderstanding of the purpose behind academic freedom. Assuming the AAUP’s definition, or even a common definition among professional educators, identifying the purpose is to ask the question, ‘What justification, moral or otherwise, can be discovered and thus provide a foundation for why academic freedom is of importance to higher education.

Therefore, the search for purpose is the single and the primary focus of this study. In particular, the research question is narrowed to ‘What is the moral justification of academic freedom within the context of the community college.’

In support of this question, answers to secondary questions may be embedded within the data provided by the participants. Responses to these questions may also provide insight into the primary research question or stand alone as irrelevant. These questions could include: 1.) What are the parameters and limits of academic freedom within the community college environment? 2.) Are there benefits that follow from good practices of academic freedom and to whom are these benefits directed? 3.) Are there inherent rights of the faculty within a community college? 4.) Does academic freedom support the basic mission of the community college? If so, how?

Significance of the Study

The strength of a phenomenological study rests with the correspondence between a context and the participants within the context. Community college faculty with a rudimentary understanding of the basic principles of academic freedom, as it was originally conceptualized, should be able to provide an embedded definition of academic freedom within the community college environment. In doing so, there should be some indication as to the deontological or teleological underpinnings of their definition.

The implications are of importance to the well-being of academic processes within a community college. If this study shows that the academic freedom is grounded in a Utilitarian model, then policy justifications are easily made on behalf of students and other constituents. If the study shows that academic freedom is grounded rather in a deontological model, then policy justifications should be directed more toward the professional well-being of faculty. The possibility also exists that community college faculty will have difficulty articulating any rational justification for academic freedom for this sector of higher education. Should that be the case, the study becomes significant in that it calls either for focused faculty professional development

and education to help them understand its value, or a re-examination of its usefulness at this level.

Definitions

To give greater clarity and understanding to this discussion, the following definitions will be applied to terms commonly used during the presentation:

Academic Freedom: moral principle established to protect faculty in higher education to autonomously determine research questions and protocols, and pedagogies for curriculum delivery. The common definition is found in the AAUP Statement of Principles on Academic Freedom and Tenure. (AAUP, 1940)

Community College: Institutions of higher education whose birth is found in early twentieth century United States. These schools primarily provide associate's degrees and associate's of applied science degrees. Community colleges also provide certificates and workforce development for local communities, as well as non-credit training and community education. In recent years community colleges have committed significant resources to remediating academically underprepared students. (Cohen & Brawer, (2008)

Deontological ethics: Moral theory which determines that the rightness or wrongness of an action is independent of the consequences it produces. Moral value is instead determined by the features inherent in the action. Within the context of this study, the primary source is Immanuel Kant's Foundation of the Metaphysics of Morals. (Kant, 1780)

Epistemology: A branch of philosophy which investigates sources of knowledge. Two primary schools of thought have emerged: empiricism, which holds that knowledge can be derived through sensory means, and rationalism, which holds that knowledge is obtained through logical applications, often independent of empiricism. With respect to this study, the

fundamental question of determining the moral justification of academic freedom is based on an epistemology known as phenomenology, which is a rationalist methodology. (Hamlyn, 1966)

Phenomenology: Philosophical theory which originates with Edmund Husserl whose goal was to create a presuppositionless model of knowledge. Husserl maintained that the essences of all things could be determined via the lived experiences of human subjects. Phenomenology has evolved into a qualitative research methodology that examines this lived experience. (Husserl, 1930)

Teleological Ethics: Moral theory which holds that the rightness or wrongness of an action is determined by the consequences that the action produces. (Shafer-Landau, 2012)

Utilitarianism: Specific type of teleological moral theory which holds that the rightness or wrongness of an action is determined by the Principle of Utility, viz, that action is right which produces the greatest amount of benefit for the greatest number of people. Within the context of this study, the primary source is John Stuart Mill's work, *Utilitarianism*. (1957)

Organization of the Study

The conceptual underpinnings of this proposal will concentrate on the following four areas: personal history and experiences, the development and evolution of academic freedom within American institutions of higher education, moral traditions in deontology and teleology, and the continental philosophical tradition of Phenomenology.

Phenomenology, a methodology with roots in the philosophical system of Edmund Husserl, requires the investigator possess experiences relative to the phenomenon under investigation. It is the investigator's experiences which will suffice for directing successful data collection. The evolution of phenomenology as a sound contemporary qualitative methodology includes this requirement.

The historical development of academic freedom can be shown to have different applications within the myriad of American higher education institutions. This leads to the community college contextualization of the study. Finally, since the ultimate objective of the study is to identify the moral justification of academic freedom in the community college, the two predominant theories of moral philosophy will complete the theoretical skeleton of the study. This framework will provide the basis for the project's design, a data collection and verification process elucidated in Chapter 3.

Chapter Two

Literature Review

Community colleges have recently come to the national spotlight as a potential solution to the United States' ability to recover from the economic crisis that began in 2008. Because of their open admissions policies, affordability, broad-based curriculum that ranges from general education, career and technical programs, and non-credit offerings, they are seen as the best option for people who wish to begin a traditional academic career, start a second career, or retool their skills to accommodate a fast-changing workplace. The Lumina Foundation, in a 2010 report entitled "A Stronger Nation through Higher Education," has challenged the United States to achieve a 60% college completion rate at the two- or four-year college level by the year 2025 (Matthews, 2012). Meeting this goal would require national completion rates to increase by more than 20%, requiring many students who are not currently attending college to make that choice. Since the majority of the "college-ready" are now enrolling, much of this new growth would occur at the community college level, where academic preparation is not a prerequisite for admission. This "big goal," as Lumina chooses to label it, often raises fear among some faculty that pressure will come to bear to compromise academic quality in an effort to push more students through the pipeline.

Academic freedom, a moral principle first asserted within the context of four-year research institutions of higher education is thought by many to be an important imperative within community colleges as well. If so, how does this principle manifest itself within the community college environment? Is its value congruent with the completion agenda and the mission and purpose of the contemporary community college?

In the course of this literature review specific consideration will be given to the emergence of academic freedom within a historical context, the subsequent development of

academic freedom within the evolution the American college, an explanation of the key components and mission of the community college, the definition of academic freedom, the phenomenological method, moral traditions, and prior studies based on the phenomenological method. These components lie at the core of the design of the study.

Historical Landmarks and the Emergence of Academic Freedom

Finkin and Post (2009) outline the development of academic freedom, tracing from antiquity to present day. Political rebellion, as noted above, was inescapably tied to the search for truth and can be easily viewed in the trial and death of Socrates, and the persecution of Galileo. Another close contemporary of Galileo was Giordano Bruno, who wrote in 1588 an assertion of the right to think, write, and teach. He was burned to death for heresy. Noel Journet was burned to death in 1582 for attacking the authenticity of scripture on the grounds of inconsistency and incredibility. Christian Wolff, professor of mathematics and physics at the University of Halle was exiled in 1723 for his classroom challenges to theologians. The king's punishment was driven by his general's advice that Wolff's theological determinism would increase military desertions (Finkin & Post, 2009).

During this time, new attitudes toward knowledge were unfolding. In Germany and Switzerland, universities embraced the ideal of *Wissenschaft*, which has been translated as "the morally imperative study of things for themselves and for their ultimate meanings" (Hofstadter & Metzger, 1955, p. 27). *Wissenschaft* asserted that truths were discovered, not revealed through divinity. This concept exemplifies the Enlightenment ideal of refocusing questions of the academy according to the principles of epistemology founded in antiquity. The empirical method and rationalism were placed as primary means of arriving at a truthful conclusion. In both theories of knowledge, verification practices assure the credibility of conclusions beyond the

divine or personal bias. Both of these epistemologies become significant in the emergence of the two primary moral traditions, Utilitarianism and deontology.

Arguably, *Wissenschaft* was influential in replacing the American college's mission as that of confirming religious doctrine and a corporate organizational structure, producing an American idea of academic freedom derives akin to the German concept of *akademische Freiheit*. John Dewey and the AAUP's debt to this concept, as well as the historical events that challenge freedom of research and teaching, is, at the very least of the first American definition of academic freedom. (Hofstadter & Metzger, 1955)

The American College and Academic Freedom

The creation of the United States of American in the late eighteenth century brought to fruition the ideals of John Locke's *Second Treatise on Civil Government* (1689). This becomes the realization of a government that is legitimized by the consent of its citizens, and is predicated on the natural right to be free. A commitment to the republic became a guiding obligation of the American college (Rudolph, 1990).

Religious traditions and doctrines dominated the curriculum and structures of universities prior to the seventeenth century. Any intellectual activities that conflicted with these objectives were routinely condemned. Those committing the transgressions were likely to confront negative sanctions that were enforced by religious entities and in some cases, government officials (Gerstman & Streb, 2006).

Early American colleges and universities were loosely modeled after English universities which resembled a medieval corporation where faculty had full authority over the daily workings and affairs of the institution. Both the Crown and the Church respected the autonomy of

universities because the universities were able to enlist each source of power to check incursions by the other. Rarely did outside agencies meddle in instructional issues although faculty were occasionally subject to internal discipline (Byrne, 1989).

Some early American colleges were governed from the onset by boards of non-academics. This was prompted by the need to provide financial stability for new colleges when there was an absence of support from wealthy patrons. These non-academic trustees entrusted the daily activities of the college to a president selected by the board. In most instances, the college president was enlisted from the ranks of the faculty. The faculty were employees of the school rather than its constituents; they could be dismissed at any time for any grounds not precluded by their contracts and had no more than an adversary role in setting the goals or policies of the college. They received low pay and social status, and worked long hours with underprepared and unruly students. Usually most faculty were individuals preparing for being called into a church (Byrne, 1989).

During this period and prior to the Civil War the idea of academic freedom was inconceivable, but its genesis is easily discovered. When the goal of higher education was to train young men to enter the clergy, with a minority preparing for medical and legal practices, religious objectives demanded the assent of faculty in accepting dogma and advancing the theological underpinnings of Christianity. Ancient Greek ideals of the Academy, or Renaissance concerns with epistemology were thought to be without merit. Faculty were required to enact traditional curricula under the umbrella of established religious truth (Byrne, 1989). But beginning with Johns Hopkins in 1876, Americans began to create institutions based on the German model. The president of the American university was chosen by and was accountable to a lay board. Prior to this time, faculty were considered employees of the institution and viewed

as serving at the will of their employers, who retained the right of what should be taught (Finkin & Post, 2009).

So as legal control by non-academic trustees and effective governance by administrators apart from the faculty by political allegiance and professional orientation became the norm, it is not surprising that a dependent and insecure faculty who were increasingly exposed to Renaissance ideas should seek intellectual protection. Origins of academic freedom in America then developed not so much the result of interference from state governments but from internal sources, primarily trustees and regents. Two particular phenomena should be recognized (Byrne, 1989).

Professors and instructors began to insist that evaluation of scholarship and teaching should not rest with lay people, but with the experts themselves. There were concerns about salary and employment stability, but this movement was also about professional autonomy and the attempt to provide uniquely valuable work, and since the nature of truth underlies scholarship, it was argued that political opinion and religious dogma should not interfere (Byrne, 1989).

The work of scientists became the second impetus for academic freedom. In order for American scientists to confirm or deny hypotheses against reality, independence from religious traditions and social agendas was imperative. The principle of falsification, free exchange and peer review among competent scientists, and empirical justification of theories could not exist under previous structures. Interestingly, social scientists and economists became key players in the development of the AAUP's first articulation of academic freedom in 1915. Chaired by John Dewey, the 1915 Declaration argued for a scientific justification for modern academic disciplines:

The modern university is becoming more and more the home of scientific research, of human inquiry in which the race is only beginning: natural science, social science, and philosophy and religion, dealing with the relations of man to outer nature, to his fellow men, and to the ultimate realities and values. . . . In all these domains of knowledge, the first condition of progress is complete and unlimited to pursue inquiry and publish its results. (AAUP, 1915, p.2)

This committee also made clear that the principle of academic freedom was not an absolute or even an inalienable right by asserting that the principle did not entail that a professor could say anything he/she wanted:

The liberty of the scholar within the university to set forth his conclusions, be they what they may, is conditioned by their being conclusions gained by a scholar's method and held in a scholar's spirit; that is to say, they must be the fruits of competent and patient and sincere inquiry, and they should be set forth with dignity, courtesy, and temperateness of language. (Byrne, 1989, p. 30)

This indicates that the scope of academic freedom includes not only the knowledge and discoveries of a discipline, but the manner in which the professor articulates the content.

These early iterations of academic freedom have been constructed to primarily address the professional activities of research and teaching. It should be understood that research is of critical importance here because that is the equivalent of discovering truth, and this primary to the establishment of social benefits.

As the principle of academic freedom began to crystalize, transgressions against the freedom to research and teach continued. William Graham Sumner disputed with Yale President Noah Porter over the use of Herbert Spencer's *Study of Sociology* as an undergraduate text.

Richard Ely was attacked at the University of Wisconsin for teaching socialism; Edward Bemis was terminated from the University of Chicago for his critique on the railroads as corrupting the political process (Finkin & Post, 2009).

The Community College

The first community college is generally acknowledged as being Joliet Junior College in Joliet, Illinois in 1901 by J. Stanley Brown and William Raney Harper. Also known as junior colleges, technical colleges, two-year colleges, or city colleges, they have through their first century of existence provided higher education or lower level tertiary education in the form of associates in arts degrees, associates in sciences degrees, associates in applied sciences degrees, career and technical degrees, and a variety of certificate programs of shorter duration. Within the past two decades, several community colleges have begun to offer baccalaureate degrees.

Many early community colleges were extensions of secondary education systems. As they decoupled from K-12, they became more autonomous and adopted more attributes of traditional four-year institutions. Even so, the American Association of Community Colleges suggests that it is difficult to define the contemporary community college (2009), and Raby and Valeau claim, “A cohesive definition of community college models fails to exist because these institutions are unique to their local environment” (2009, p. 70).

Cohen and Brawer (2003) argue that the community college can be defined as a regionally accredited institution that awards the associates in arts or associates in science as its highest degree. This narrow view ignores the characteristics found within many American community colleges has delineated by Raby and Valeau (2009):

1. Designed to meet local needs
2. Open access; no qualifying exam or criteria for acceptance into the school

3. Institutional flexibility
4. Serves vulnerable populations
5. Lower tuition than universities
6. Partnerships with local business and industry to meet training needs

In 1915 there were 74 public and private nonprofit two-year colleges, spearheaded by passage of a public law in California in 1911 that allowed K-12 school districts to establish thirteenth and fourteenth grades as equivalent to the first two years of university education. As of 2005, these numbers had grown to 1,173 (Cohen & Brawer, 2008). The 1920s featured significant growth when federally funded highways were built, thus allowing greater access to campuses. The creation of the interstate system in the 1950s coupled with the high birth rate in the 1940s also fueled significant growth during the middle part of the twentieth century. During the decade of the 1960s, a new community college was being created at the rate of one per week in the United States. In fact, 90-95% of a state's population now live within twenty-five miles of a community college (2008).

The rise of the community college marks the democratization of higher education in America. By popularizing higher education through access, traditional four-year universities were able to maintain selective admission standards and take only those students they wanted. Community colleges, in response to their mission to serve an immediate community, created a broad curriculum including academic transfer/general education, career and technical programs, continuing education, and developmental/remedial education. In the past decade, many community colleges have created workforce development entities that address the need for non-credit education and the attainment of specific job-related skills (Cohen & Brawer, 2008). With this broad range of educational missions, and an equally broad range of preparedness among its

students, what is the role of academic freedom in the community college? Moreover, research and publication remains a minor point of focus for community colleges and their faculty. Does this alter the definition of academic freedom within the context of the community college or alter the level of emphasis that should be placed on it?

Moral Principles

Ethical inquiry can be easily segmented into three distinct areas of thought; meta-ethics, theoretical normative ethics, and applied ethics. Metaethics is the most abstract level of ethical inquiry. It is where two primary tasks are found; the definition of terms, and the determination of what constitutes a theoretical proof. Definitional concerns could, for example, concentrate on the meaning of terms like “good” and “right” (Thiroux, 1980).

Theoretical proofs are philosophy’s version of the scientific method and the most common type of metaethics. The first is what is known as “deontological theory” and views the establishment of ethics from the inherent value of a particular action, independent of any consequences. (Daniels) For example, one could propose that the act of saving another’s life, even if it results in the death of the rescuer, is the right thing to do despite the unintended bad consequences. In contrast, if the rescuer successfully saves another’s life during a rescue, but his/her motive was based on gaining publicity, the act would be adjudicated as immoral due to the fact the rescuer held a non-moral and self-serving intention.

These types of theories are often viewed as “duty-based” theories and find their theoretical underpinnings in the work of Immanuel Kant, who articulated his famous Categorical Imperative in *The Fundamental Principles of the Metaphysics of Morals*. The general formation of the Categorical Imperative is that one ought to always act in a manner that he would will that all humans act in the same situation. It is an absolute principle; there are no exceptions (Kant,

1980). This Enlightenment ideal is one held by many faculty in higher education with respect to academic freedom, i.e., academic freedom is an extension of the natural right to be free, and thereby possess freedom of inquiry and speech, and it is the institution of higher education's moral imperative to protect such a right (Shafer-Landau, 2012).

The second moral tradition in ethics is the teleological tradition. It is a theory that judges actions on the basis of the consequences they produce and the most well-known theory is that of Utilitarianism, first formulated by Jeremy Bentham but best known through two works of John Stuart Mill, *Utilitarianism* (1960) and *On Liberty* (1959). Owing a debt to his Utilitarian precursor, Jeremy Bentham, Mill's theory, asserts that as a general rule, human beings out to act, in any situation, in a manner that produces the greatest benefit for the greatest number of people, and reduces harm for the greatest number of people (Mill, 1960).

Using the previous example, the utilitarian might argue that in the act of saving another person's life, if the action has the foreseeable likelihood of the rescuer losing his/her life as well, the act is morally wrong. A rescuer, with the application of reason and knowledge of predictable consequences, who acted with the intent of helping another human being, could still be seen as acting immorally due to the harmful consequences produced by his/her action.

Metaethics, as discussed above, is the construction of an ethical framework which establishes what exactly is under consideration within ethical discourse and what kinds of arguments and actions are morally acceptable. Metaethics is literally "talk about ethics" but this need not imply that metaethics is normatively impotent. On the contrary, it is likely that metaethical considerations will determine what the normative system will be like. Because metaethics sets up standards for correctness for normative ethics, metaethics can never be normatively neutral (Solomon, 1970). For example, when Kant defines the notion of "duty" as an

action that is necessary and universal, the guiding normative principle is thus determined, i.e., a moral duty is an action which all people must do. And when Mill theorizes that because all people seek benefits and the reduction of harm, normatively speaking, that is what any moral agent must do.

Theoretical normative ethics then provides us with concrete precepts and principles, guiding us to what we ought to do. Examples of normative principles include the principle of autonomy, which maintains that all people have the right to freely choose; or beneficence, which advocates that one out to act in a manner that produces benefits for others; or distributive justice, that maintains that resources should be distributed fairly. Some principles show derivation from deontology, others from teleology (Thiroux, 1980). Autonomy advocates free choice, regardless of the outcomes. Beneficence is usually viewed as a teleological principle. To which tradition can academic freedom be contextualized?

With respect to academic freedom, the grounding for this principle could be legitimized by the deontological tradition or that of Utilitarianism. If deontology, then some indication of its inherent value should show, either to the intellectual activities of higher education, or to the rights of faculty within the context of higher education. If teleology, then evidence would reveal a tangible benefit to students and community would be in evidence. Which indication, as addressed in the section to follow, will be found in the experiences of faculty and instructional administrators of community colleges?

A notable policy impact could follow from this project. If academic freedom's legitimacy rests upon deontological structures, then institutional policies would be directed toward protecting the professional standing of college faculty. Academic freedom would be seen as an inherent right of faculty. If, on the other hand, academic freedom draws its foundation from

Utilitarian groundings, protection is required as a likely mechanism to produce benefit to the community the institution serves. In this sense, college faculty would be seen as the key means for producing this benefit, and that is based on their ability to set research standards and develop appropriate pedagogies as the key instrument in producing this benefit should be protected.

The most widely accepted expression of academic freedom as a normative principle comes from the 1940 Declaration on Academic Freedom by the American Association of University Professors:

Academic Freedom

- (a) *Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties, but research for pecuniary return should be based upon an understanding with the authorities of the institution*
- (b) *Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.*
- (c) *College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise*

appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

(DeGeorge, 1997, p. 118)

The American Association of University Professor's [AAUP] 1940 definition provides a satisfactory normative principle to cover the professional activities of faculty in most four-year research institutions as well as community colleges. Recent articulations of academic freedom provide further guidance. Ann Cudd, Director of Women's' Studies Program at the University of Kansas, defines academic freedom as, "the liberty of persons in academia to pursue ideas - their expression and critique – without supervision by governmental authority or being subject to extreme social pressure" (Supperson, 2007, p. 84). Alison Jaggar, in her response to several challenges to academic freedom in Colorado, further interprets the AAUP standard to mean, "teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties" (Supperson, 2007, p. 41).

Understanding the historical development of academic freedom is critical to understanding its validity as a normative principle. And an investigation to how it can be successfully applied is critical to the conclusion as well. Applied ethics involves reviewing a normative principle within a real context. Determining the scope of a normative principle, its limitations and exceptions can be established by an examination of real cases. This gives rise to the necessity of employing the phenomenological methods as the best means for determining the normative components of academic freedom and its metaethical foundation. It is the lived experiences of community college faculty and instructional administrators that will reveal the essential elements of academic freedom. These lived experiences can be applied to contexts,

those analogous to situations these participants find themselves, and revealed by the phenomenological method.

The Phenomenological Method

Qualitative research approaches that incorporate the phenomenological method often rely on recent academics such as Moustakas (1994) for credibility, guidance, and justification, and in many instances, trace the substance of their methodologies to the founder of Phenomenology, Edmund Husserl, or his more famous student, Martin Heidegger. There is, I would advocate, a need to acknowledge an intellectual generation prior to Husserl and Heidegger; the rise of German Idealism in the nineteenth century. In particular, it is Immanuel Kant's Copernican Revolution that is of significance. It is not Kant's analysis of morality that is relevant here but his metaphysics. Though not a phenomenologist, he simply provides an early influence on the eventual philosophical system of Edmund Husserl.

When Kant shifts the focus of metaphysics from what the world is like to what the world must be like, predicated on the premise that consciousness must conform to a set of rules of interpretation, he has revolutionized the philosophical enterprise. Instead of asking "What is the world like?" Kant has thus established a new dichotomy; the *phenomenal world*, or the world of things as they appear to us, and the *noumenal world*, or the world of things-in-themselves (things as they actually are). For Kant, the real world is the phenomenal world. This means that the old empiricist concern of whether or not our perceptions conform to the real world is no longer an issue for the world we perceive is the real world. The world as noumenon either conforms to the world of phenomenon or else it becomes incomprehensible to us. (Kant, 1929)

This subjective/objective distinction - the world of our consciousness vs. the world of objects, becomes the focal point of Kant's philosophical revolution. For Kant, "objective"

becomes the possibility of knowledge of every consciousness and “subjective” becomes experiences held only by individual consciousness. “We must not seek the universal laws of nature in nature...but conversely must seek nature, as to its universal conformity to law, in the conditions of possibility of experience” (Kant, 1929, p. 254). So Kant connects the individual consciousness to phenomena and thus sows the seeds for the emergence of phenomenology. In other words, what is most important to connecting Kant to the phenomenological method is that “the only thing that can be known with certainty is the way in which something appears in the consciousness. Reality, which exists outside the consciousness of the knower, cannot really be known with any degree of certainty but the subjective, first person experience, found within, is indubitable.” (Solomon, 1970, p. 13)

Many qualitative researchers who employ the phenomenological method pay homage to the philosopher who founded phenomenology, Edmund Husserl. Husserl’s phenomenology is primarily concerned with logic and mathematics, but he is the direct descendant of Kant’s theory of knowledge:

The first to perceive it truly is Kant, whose greatest intuitions first became quite clear to us after we have brought the distinctive features of the phenomenological field into the focus of full consciousness. It then becomes evident to us that Kant’s mental gaze rested on this field, although he was not yet able to appropriate it and recognize it as the center from which to work up on his own line a rigorous science of Essential Being. Thus the Transcendental Deduction of the Critique of Pure Reason, for instance, already moves strictly on phenomenological ground (Husserl, 1931, p. 79).

Husserl’s concerns are almost exclusively epistemological. As such, Husserl develops a method that knowledge of things-in-themselves (phenomenon) and necessary truths are possible. His task

becomes one in which the goal is to formulate a method that allows for knowledge of the real world and its essences (Solomon, 1972). Husserl claims, “Ultimately, all genuine, and in particular all scientific knowledge, rests on inner evidence: as far as such evidence extends, the concept of knowledge extends also.” (1970, p. 81.) So following from the analysis of Kant above, the phenomenon which appears in the consciousness is that which is certain. (Solomon, 1970)

Since Plato, philosophy has been concerned with describing the nature of reality via its essences, which are generally understood as the necessary components that make a phenomenon what it is. Phenomenology, as a philosophical movement, attempts to ascertain the essence of a phenomenon via the lived experience. Husserl, in addition to his Kantian influences, also becomes Cartesian in his efforts by pursuing a philosophical method that is presuppositionless so that there are no preconceived theoretical constructs to prohibit a clear understanding of any targeted phenomenon. Maurice Merleau-Ponty, a French existentialist, describes phenomenology as “a philosophy which puts essences back into existence, and does not expect to arrive at an understanding of man and the world from any starting point other than that of their ‘facticity’” (Bannan, 1967, p. 105).

The branch of phenomenology derived from Husserl is what is known as transcendental phenomenology. The approach features an “*epoche*,” or bracketing of the phenomenon’s existence because it adheres to what can be discovered through reflection on subjective acts and their objective correlates” (Moustakas, 1994, p. 85). Understood from its Kantian lineage, transcendental phenomenology is a technique for arriving at universal and essential structures of experience. Thus the focus of this study is, through the reflection of the study’s participants, to uncover the essential structure of academic freedom, which will reveal its moral foundation.

Moustakas highlights two major processes in the phenomenological research method: bracketing (epoche) and phenomenological reduction, and, the use of intuition, imagination and universal structures (1994). Creswell discusses such procedural elements as the understanding of the philosophical perspectives of phenomenology, including the epoche; determining questions which focus on the lived experiences of individuals, selecting data collection methods appropriate for the method, identifying appropriate data analysis techniques, and developing the essential structures of the phenomenon in question (1998).

Moustakas (1994) bases his phenomenological method on the van Kaam (1966) method of analysis. Written responses are to be received to general survey questions regarding the experience. Moustakas however, recommends in-depth interviews as data collection method and an unstructured format for the interviews. While van Kaam recommends a quantitative measurement, Moustakas avoids this type of analysis.

Prior Applications of the Phenomenological Method

This study is a moral enterprise. Academic freedom is posited as a moral precept as it asserts certain normative actions as protected within the context of a higher education setting, in this case, the community college. The methodology of this study is phenomenology, philosophical in its origin, and now an accepted protocol in qualitative studies. After careful review, there is no known study similar to this one, the application of the phenomenological method to determine academic freedom's moral justification.

Two relevant phenomenological studies merit consideration. One illustrates how phenomenology addresses moral questions in the health care environment; the second reveals the importance of context. In this study, a higher education setting other than a community college is identified.

The first example involves the physician/patient relationship. Because this relationship concerns outcomes related to reducing pain and increasing well-being, and because the relationship contains inherent responsibilities of confidentiality and informed consent, it is a moral relationship. In the past few decades the practice of medicine and health care has evolved away from a paternalistic model to one of shared-decision making. Previously, the doctor was seen as the authority on all matters and decisions of a patient's health. A patient, a term with an etymology that connotes passivity, was a "good patient" if he/she followed "doctor's orders." It is now recognized that the physician/patient relationship should be seen in a more holistic manner. A physician brings a specific and limited set of skills, knowledge, and values to the care and treatment of a patient. An understanding of human anatomy, biochemistry, etc. is essential to the physician's profession. Of equal value is a physician's ability to apply his/her knowledge, e.g., perform operations, prescribe medications, clean wounds, and so on. All of this must be done within the parameters of an accepted moral code of medical practice, to reduce pain, save life, enhance well-being, etc. (Veatch, 1989).

However, a patient also brings into the relationship a set of skills, knowledge, and values. The patient has knowledge unavailable to the physician. He/she knows the level of pain he/she can tolerate, the impact of a malady on his/her life, and so forth. And while the physician possesses a reasonable estimation of a patient's strength and flexibility, it is the patient who has the better understanding of these capabilities. Most importantly, the patient possesses a set of values unique to him/her. The potential loss of a finger to a young pianist may be a more meaningful loss than to another. Any evaluation of life's quality is best left to the patient. Are the consequences of risky behavior, e.g., smoking, poor exercise, something that a physician

should weigh? Predicting the outcomes perhaps, but the value of the life lived belongs to the patient (Veatch, 1989).

Thus the notion of a successful physician/patient relationship involves both parties and their combined knowledge and values. It is a far more complex dynamic than the historical paternalistic model, but one which better serves the individual with the most at stake. Instead of considering only quantitative measurements, e.g., blood pressure, pulse, oxygen levels, etc., qualitative data becomes more relevant and even required. Thus some researchers in health care fields have employed phenomenology as a method for obtaining knowledge about how to better serve patients and advance their well-being (Veatch, 1989).

A recent study was conducted by Bruce Greenfield and Gail Jensen. As professors of physical therapy, they work from the premise that more and more people survive life-threatening illnesses and are left with chronic disabilities which require long-term rehabilitation. Patients with these types of disabilities present several ethical challenges, losing their role as breadwinners of their family, outbursts of inappropriate behavior which may compromise their ability to be role models for their children, or the significant impact of social stigmas. The question Greenfield and Jensen ask is one which searches for how physical therapists can better serve their patients by addressing the moral quandaries that many of their patients face.

Following a rejection of the principlist model, Greenfield and Jensen (2010) use a phenomenological framework constructed from the first phenomenologists, Edmund Husserl and Martin Heidegger. Principlism is a standard approach of ethical decision making that involves the application of fundamental moral principle, e.g., beneficence. While, according to the authors, principlism works most of the time, it does not allow for the emergence of outlier cases and the revealing of key patient values. There is not enough consideration to give moral

reflection, the opportunity to stand aside and involve the patient's intended experiences in his/her care.

Ethics grounded in the phenomenological method elevates the experience of the patient to the forefront of knowledge. It forces questions like:

What is my patient's daily experience like?

How does my patient's lived world present itself?

How does my patient reconceive his world his or her values in light of
the disability?

These questions, according to Greenfield and Jensen, produce the ability to understand which moral principles are relevant, and which type of care realizes these principles and the best outcomes for the values of the patient (Greenfield & Jensen, 2010).

Although the use of phenomenology for a moral study of patients with disability narrows the application to individual patients, it is important to understand that moral knowledge, as targeted in the above study, emerges from the lived experiences of human subjects. More specifically, it is the facts revealed by patients that helps to precise appropriate treatment options.

In higher education, the lived experiences of the faculty and instructional administrators is the conduit. Their understanding of the definition, manifestation, and moral justification of academic freedom informs acceptable classroom practice and research protocols, adequate professional development, and the development of effective policy. It is not to assert that academic freedom is the only value at stake nor that it is without limitations, but that its role and moral justification in the community college environment can be identified by the experienced and learned.

A second study of reference value was done by Aaron Burgess titled “Academic Freedom & Religious Control: An Interpretative Phenomenological Analysis into How Seminary Faculty Make Sense of Academic Freedom” (2013). Citing a lack of qualitative research on how faculty members from a church of Christ seminary make sense of and attach meaning to the concept of academic freedom, three members of the faculty were identified and interviewed through criterion sampling. Definitions of academic freedom as well as specific threats were articulated by participants as corrosion to academic freedom within the seminary.

Symptomatic of this concern was the instance of Dr. Bruce Waltke, an evangelical Old Testament professor who promoted the synthesis of evolution and Christian theology. Administrators of the Reformed Theological Seminary, where Waltke was employed, were dismayed after viewing a video of his lecture. Dr. Waltke’s resignation followed shortly after. This example speaks to one of the core tenets of academic freedom, i.e., to acknowledge the teacher as a content expert with the authority to determine and deliver curriculum content. (Burgess, 2013) And, while not a direct concern of this study, supports DeGeorge’s argument that academic tenure is the check and balance against violations of academic freedom.

The relevance to this study has several facets. First is the use of the phenomenological method to define and conceptualize academic freedom. The study looks to the higher education practitioner as the source for identifying academic freedom’s essential components. And second is the consideration of an academic context as an important variable in the research design, “the manner in which academic freedom is understood in these institutions, is crucial to the search for and exploration of knowledge in our society as a whole” (Holbrook & Hearn [as cited in Burgess, 1986]). It is the context of an institution of higher education that provides an understanding of how a definition of academic freedom is conceptualized and applied.

Academic freedom, as a normative moral claim, begs greater understanding that can only be realized in a specific educational setting. A private religious institution provides a different context than that of a community college. And it illustrates how a certain fact, i.e., the mission of the institution, influences the scope and application of academic freedom.

Chapter 3

Project Design

At the time of this writing, the role of the community college in American higher education is increasingly viewed as the hub for increasing the percentage of educated American citizens. As was noted in introduction, the evolution of the community college is well-documented, from its genesis in the early twentieth century as a K-12 extension, to its expansion in the mid-twentieth century to serve general education and vocational goals of students. Open access, affordability, quality of instruction, and community service continue to be hallmarks of the American community college (Rudolph, 1990). In the past two decades community colleges have taken on more responsibilities, including the education of students who are under-prepared for college level work, and the education of students who are non-native English speakers.

Given these broad responsibilities, academic freedom remains an enigmatic policy for the community college setting. Does this moral principle have relevance for instructional success in the community college? If so, what are its application points and what are the limitations of its scope?

Faculty within the community college are rarely charged with research responsibilities. The protection offered by academic freedom in the process of ensuring autonomy for faculty in developing research questions and protocols is of little value. Historically, this has been a dominant premise in the justification for academic freedom. Without protection for faculty autonomy, it is argued, the search for truth is compromised. There is however, the issue of pedagogy. Community college faculty carry the primary professional responsibility of teaching. The range of instructional responsibilities includes general education courses, career and technical programs, developmental and remedial curriculum, and English as second language

courses. The second historical protection of academic freedom focuses on pedagogy. Are there significant issues to consider for community college instructors?

Community college students tend to represent a different demographic than students who attend four-year research universities. They are more likely to be first generational students, academically unprepared, financially challenged, single parents, working full-time, and unfamiliar with the culture and rigors of higher education (Cohen & Brawer, 2008). Behavioral problems, in and out of the classroom, are on the increase. Does this reality have any bearing on the need for academic freedom policies?

The purpose of this project is to discover the moral justification of academic freedom in the community college. What ends, if any, does it serve? Academic freedom is commonly understood according to the general principles and guidelines of the American Association of University Professors (1940). The task is twofold: to survey qualified participants who can evidence conceptual knowledge of academic freedom and how to appropriately apply it within personal experiences or simulated experiences. And second, to employ this data in such a manner as to infer the essential moral foundation of academic freedom within the community college. This study will be designed as a phenomenological investigation and will employ case studies within its context (Moustakas, 1994).

In addition to the AAUP'S 1940 statement on the principles of academic freedom and the guidelines for application, I will rely on classical moral theories to provide the conceptual underpinnings, including Kant (1957), DeGeorge (1997), and Mill (1952). This understanding of the essential nature of academic freedom and its moral justification will be ultimately elucidated by focused conversations within community colleges.

As the importance of the role of community colleges grows at this point in history, the significance and value of this study increases. There has been little research done on academic freedom and community colleges. Most of the literature reveals case study approaches, historical development of academic freedom, or moral analysis and justification in a generic sense. Little exists regarding the application of academic freedom as a moral principle and its role for community colleges.

Moreover, there are potential policy implications for community colleges. If the study shows that academic freedom is grounded in a deontological model, i.e., an individual rights oriented model, then policy justifications should be directed more toward the professional well-being of faculty. While not inconsequential, impact of the lack of protection to faculty for academic freedom is limiting. However, if this study shows that the academic freedom is grounded in a Utilitarian model, i.e., one that is intended to produce social benefits, then violations of academic freedom have far reaching implications. The community college may not be able to realize its mission fully if an adequate academic freedom policy is not in place. Social benefits to the community and to students could likely be compromised.

This chapter concentrates on the methodological design of this study. The rationale for employing a qualitative method and more specifically, a phenomenological qualitative method will be addressed next. Following considerations will include sections on the role of the researcher, the interview process and script, case studies, data collection and procedures, and acknowledged limitations and ethical parameters of this project.

Rationale for Qualitative Research

Academic freedom is fundamentally a moral precept and the search for its justification doesn't lend itself well to quantitative designs. The essence of this project is to determine

whether or not there is a contextual imperative within community colleges that points to the practice, and comprehension of academic freedom as a means for determining its moral source. Numerical data would not tend to reveal whether or not the justification of any moral principle could be confirmed. Nor is it the case that certain types of qualitative methods would suffice. Positivist approaches rely on empirical methods and that is of little utility when undergoing moral analysis of this type. Instead, metaethics, the field of moral philosophy which investigates the justification of moral principles, and normative ethics, the field of moral philosophy which determines how moral judgments apply foundational moral principles require a process that closely aligns with philosophical methods (Thiroux, 1980). Phenomenology is best suited for this purpose.

As such, a qualitative approach is necessitated by the logical priority of this project, that is, to establish whether or not academic freedom manifests within a community college and if so, what establishes its moral justification. Follow-up studies might prove to be beneficial and could require quantitative approaches. For example, one might design a study to review the instances of violations of academic freedom, the disciplines where they tend to occur most, and the impact any violations have on learning. Indeed, depending on the conclusions of this project, such a follow-up might support the results found here.

In addition, there is further reason to construct a phenomenological qualitative method. With the roots of moral analysis already established above as falling within the domain of philosophy, it is also the case that phenomenology grounds its history in the work of the philosopher Edmund Husserl. Philosophers as far back as Plato have been inquiring into the essential nature of any existing object (or subject), but it is Kant who first postulates “the things in themselves”, thereby suggesting the possibility that things as they appear to us might reveal

their essential nature to us (Kant, 1929). Even though Kant suggests that things in themselves might differ from things as they appear to us, he opens the door for the knower as an active participant in the process of knowing and thus paves the way for phenomenological epistemologies (Kant, 1781). And so Husserl follows, “Ultimately, all genuine, and, in particular, all scientific knowledge, rests on inner evidence: as far as such evidence extends, the concept of knowledge extends also” (Husserl, 1970, p. 61).

Any phenomenon can be a subject for investigation. It serves as the essential starting point for any scientific inquiry that seeks valid determinations about the essential nature of the phenomenon (Husserl, 1931, p. 52). “Husserl’s approach is called ‘phenomenology’ because it utilizes only the data available to consciousness – the appearance of objects” (Moustakas, 1994, p. 33). Or, as noted by Husserl’s famous student Martin Heidegger, “The entity is, it confronts us; accordingly it is to be found at any time and it is, in certain realms, known to us” (Heidegger, 1953, p. 62). Thus the connection is made between the object to be known, otherwise known as the phenomenon, and the subject that experiences the object, the knower. I trust this study will deliver the essential nature and moral justification of academic freedom, as experienced by community college faculty and administrators, and myself, the researcher.

In addition to Husserl, two other noted philosophers provide a theoretical framework for this study, John Stuart Mill and Immanuel Kant. Mill advances a type of Utilitarianism known as “Rule Utilitarianism.” (1952) The idea here is that there are foundational rules which protect actions which promote the greatest amount of benefit for the greatest number of people. Mill suggests that empirical evidence would support certain types of actions as generally producing social goods and benefits. (Mill, 1952) The corollary here is to understand that there are actions which should be properly legislated against, i.e., those which tend to produce harm.

The principle of academic freedom fits snugly into the Utilitarian model and mode of justification. As evidenced above, there are reasonable premises which support the idea of freedom of inquiry. More importantly, freedom of inquiry, and epistemological standards of truth and research become primary values of the American institution of higher education, many of which are supported by public dollars, and have a primary goal of producing democratic benefits. As a general rule, the better educated the citizens of a democracy, the more productive workers they become, the better informed voters they become, and the less likely they are to commit crimes or other transgressions against the greater good.

It is also the case that the foundations of academic freedom, as noted above, derive from a German tradition in ethics that advances the idea of value as inherent within moral agency. Best known through Immanuel Kant's Categorical Imperative, many individuals within the ranks of higher education view academic freedom as an inalienable right, devoid of any concern for community benefit or service. Protections of research protocol construction, epistemological concerns, and pedagogy are viewed as derivations from a basic notion of freedom of inquiry, which in turn, finds its roots in the fundamental principle of autonomy (Kant, 1980).

The Role of the Researcher

Unlike quantitative designs, qualitative approaches posit a different role for the research designer. Instead of the detached objective observer found in the quantitative model, qualitative designs rely on a participating designer guided by the parameters of a specific species of qualitative analysis. The expertise of the research designer is valued and found to be a source of contribution to a well-conceived project. With respect to this particular phenomenological study, my experiences as a community college instructor and administrator are central to determining the meaning to be derived from the experiences of the study's subjects. As noted by Grbich,

“Essences are objects that do not necessarily exist in time and space like facts do, but can be known through essential or imaginative intuition involving interaction between researcher and respondents or between researcher and texts” (2007, p. 86). There are two key areas within my own background that should serve me adequately as the researcher on this project.

First, my academic preparation has been concentrated in philosophy, primarily in the area of continental philosophy and ethics. The genesis of continental philosophy is found in the nineteenth century with the work of Soren Kierkegaard, Friedrich Nietzsche, and Edmund Husserl. I have considerable expertise in the area of phenomenology and existentialism. As an ethicist, I have studied the primary philosophical systems of teleological ethics, including the Utilitarian John Stuart Mill, and the deontological theory of Immanuel Kant. As previously indicated, both of these ethical models will be central to the research inquiry I am undertaking.

Second, as a philosopher and faculty member at a variety of different institutions of higher education, I have been responsible for delivering what is perceived as controversial subject matter by students and the lay public. I have taught philosophy classes which require lectures and readings on a variety of religious topics, including atheism and agnosticism. Scientific knowledge is also integrated into contemporary theories in philosophy. This entails that I talk with students about natural selection and the theory of evolution in a part of the country where these topics are often viewed as controversial. I have also served as a division chair and been confronted with instances, both real and imagined, of challenges to academic freedom involving the faculty I supervised. Finally, I participated in a faculty task force for the Metropolitan Community College in Kansas City that was charged with defining academic freedom and developing an institutional policy to support it.

Personal History and Experience

I have held several teaching positions in higher education including graduate teaching assistant in logic and ethics at the University of Kentucky, graduate teaching assistant in ethics at the University of Kansas, adjunct professor in logic and ethics at William Jewell College, adjunct professor in philosophy at Metropolitan Community College (MCC)-Penn Valley and MCC-Maple Woods, and full-time philosophy professor at MCC-Maple Woods. Because the very task of Western philosophy concentrates on the use of reason and skeptical epistemological methods, as an undergraduate and graduate study in the discipline of philosophy, I never entertained a concern for academic freedom or freedom of inquiry. Only when I entered the profession of higher education did I encounter a threat to my work as a professional philosopher.

William Jewell College is a private four-year institution in Kansas City, Missouri with longstanding support from Southern Baptists, who maintain conservative views on many issues of ethics and social policy. While teaching an ethics class in the early 1990's, I provided contemporary theories on applied problems in ethics, including abortion and sexuality. On several occasions I was approached by students who were critical of my curriculum content because I did not provide a Baptist perspective, and that I gave credibility to secular arguments in ethics. Fortunately, I was never in danger of losing my part-time position with the college. First, I was not hired on the precondition of providing a religious bias to ethics and I was never provided with a copy of the college's curriculum for ethics. And second, the dean of instruction at the college was highly supportive of my work. His evaluation of my teaching was always positive and my overall student evaluations were most complimentary. I taught at William Jewell for three years and left my adjunct position because I received full time employment at the Metropolitan Community College in Kansas City.

As a full-time philosophy instructor at Metropolitan Community College-Maple Woods, I was confronted on several occasions by students who protested the curriculum within my philosophy courses. Many objected to discussions about the existence of God. Others opposed the discussion of natural selection and the work of evolutionary biology. In one instance, the mother of an online student called the Dean of Instruction and informed her that the media would be contacted and something bad could happen to me if I didn't stop teaching atheist views. Over a fifteen year period these attacks on curriculum content and in some instances my pedagogy, were numerous and relatively common. In very few instances were critics satisfied that I was following the established curriculum, written by the college's philosophers as part of their professional responsibilities.

Interestingly, curriculum objectives were never provided to me by either a division chair or academic administrator so I didn't have a formal communication about course expectations. Because I possessed the right academic pedigree, I was entrusted with the task of educating students. I did receive occasional visits from department chairs to evaluate my courses and suggestions for improvement were kept to minor issues and never addressed comprehensive pedagogical considerations. Within a couple of years however, I discovered the course information forms on my own accord. These documents did provide me with an understanding of the college's specific expectations for content and expected student outcomes.

I have also served as a division chair of social sciences for ten years at MCC-Maple Woods, and currently serve as Metropolitan Community College's Vice Chancellor of Academic Affairs and Technology. I have held this position for the past five and one half years. It is in these roles where I have become more familiar with instructional problems related to academic freedom. In the beginning of my tenure as division chair, I naively presumed that faculty would

tend to meet their professional and academic responsibilities and there was little need for concern. While such a claim is perhaps generally true, it is not universally so. I have witnessed instances of teachers bringing religious agendas into social science classes, talking explicitly with students about issues that could be targets for sexual harassment lawsuits, and teaching curriculum not related to their representative discipline. In addition, many teachers have used unconventional and controversial pedagogies, and therefore invited conceptual and practical challenges to academic freedom. As a result, in an effort to protect faculty and advance content knowledge to students, I started to discuss the curriculum with every new instructor I hire so that no one could claim that he/she was unaware of course-level objectives. To each new instructor I conveyed the importance of delivering the explicit content of the curriculum.

An important and relevant experience in my professional life occurred when I served on an MCC task force that was charged with writing a statement on academic freedom for the college. It was here where I first began to consider what the definition of academic freedom was, to what degree it applied to my previous experiences as an instructor and administrator, and whether or not academic freedom should have a different application in community colleges than four-year research institutions.

For the researcher investigating through the phenomenological method, the challenge is to describe the thing in itself; in this case, academic freedom. Reality is what appears to enter consciousness and reveal its nature in the light of intuition and self-reflection. According to Moustakas, reality is the “blending of the real and the ideal” (1994, p. 25). Therefore, phenomenology’s emphasis on knowledge through personal experience and the subsequent derivation of meaning becomes central to this project. It allows me to personalize this inquiry via

my background in both philosophy and community college settings and produce a credible conclusion on academic freedom.

The Community College Setting

The Metropolitan Community College in Kansas City, Missouri will be the setting for this project. There are a variety of community college systems throughout the United States. Some are part of statewide community college system with a board appointed by the state's governor, and uniformity with respect to policies and curriculum. Other community colleges in different states are semi-autonomous entities of higher education, with their own individual boards of trustees, curriculum, and regional articulation agreements. Most are public; a few are private. Some community colleges have begun to offer baccalaureate degrees (Cohen & Brawer, 2008). Metropolitan Community College is one of twelve public community colleges in Missouri. It derives its funding from three sources: state appropriations, local taxing districts, and tuition.

Phenomenology

In the course of this proposal, I admit to the biases of a philosopher. More specifically, I adhere to the continental traditions of the nineteenth and twentieth centuries in Western philosophy. Edmund Husserl provides the foundation for twentieth century Existentialism by raising questions that are fundamentally epistemological, concerning the very foundations of knowledge. Husserl, according to Robert Solomon, embarks on a philosophy that is not just about answering questions, but establishing a method for answering these questions (1972). The key questions in Husserl's method are Kantian in nature as they seek to establish the essential being of an entity under investigation, "How can experience as consciousness give or contact an object?" (Lauer, 1965, p. 21). The task here for Husserl is to build a method upon which it becomes possible to ascertain knowledge of things-in-themselves and necessary truths.

The aforementioned essence of a phenomenon is revealed as those specific attributes that make the phenomenon what it is. As noted earlier in the project's process, the essential nature of a triangle includes the attributes of being a three-sided geometric figure with three angles that add to 180 degrees. Triangles can be obtuse or equilateral for example, but these are not essential attributes, as a triangle can exist without being obtuse or equilateral. As such, they are accidental or nonessential attributes. The interviews therefore served two purposes. The first was to determine if the participants involved evidenced an understanding of academic freedom's essential nature. If this was found to be the case, the researcher then probed through the interviewing process to identify the participants' understanding of what attributes contributed to that nature. Just like it is possible to ascertain that a triangle may possess qualities like obtuse that render it within the definition of triangle yet beyond the scope of essential, so to there may be essential and nonessential attributes of academic freedom within the community college.

The context in which a phenomenon appears may have an important impact on the understanding of the manifestation of the phenomenon and its essence. For example, the essence of water requires the attributes of hydrogen and oxygen. However, when water is found at a temperature greater than 32 degrees Fahrenheit, it manifests a liquid presence. When subjected to a temperature less than 32 degrees Fahrenheit, it is revealed in the form of a solid. Context therefore matters when describing the nature of a phenomenon, and matters for this research project in much the same way. Thus, it is plausible that academic freedom, similar to the triangle or to water, may reveal itself differently within a community college as opposed to a research institution, or as opposed to a private institution due to clear distinctions in its fundamental mission.

Of importance here is the postmodern turn which begins in philosophy in the latter half of the nineteenth century. Beginning with Husserl, and extending on to the work of Martin Heidegger, Jean-Paul Sartre, and Maurice Merleau-Ponty, the subject/object dichotomy advanced by Descartes collapses from an appeal to the principle of intentionality. Intentionality describes the activity of human consciousness. Consciousness is always conscious of something. In other words, it is always directed at a phenomenon. So the phenomenon (object) is always inescapably tied to consciousness (subject). Reality then, in discovering and describing its essential attributes, is to be found within consciousness. Within the confines of this study, it is the conscious awareness and understanding of academic freedom of the participants that exhibits the method of phenomenology (Solomon, 1970).

Phenomenology is not just a descriptive process, but also an interpretive process. With this in mind, I will part ways with Husserl's call for an "epoche," or bracketing of existence of the phenomenon in question. This step is found in what is known as transcendental philosophy. Instead I will rely more on the Heideggerian form of phenomenology in which the epoche is omitted. To reiterate an important quote of Heidegger's, "The entity is, it confronts us; accordingly it is to be found at any time and it is, in certain realms, known to us" (Heidegger, 1953, p. 62). The existence of academic freedom is thus assumed. Its existence is not in question. It is the moral justification of its existence that forms the crux of this study. Applied to my interpretation of contemporary qualitative phenomenology, this is more oriented toward interpretation as describing meaning from the experienced text of life.

A phenomenological approach is consistent with the purposes of this study. Phenomenology asserts that there are essential definitions/attributes to phenomena, and those individuals with primary experiences with, and access to a phenomenon can illuminate those

essential attributes. As I noted above, suspending the use of the epoche amounts to an assumption that academic freedom exists as a moral principle. This entails via Heidegger a method which targets the description of academic freedom within the community college, via its interpretation. “The main thing is not let ourselves be led astray by over-hasty theories, but to experience things as they are on the basis of the first thing that comes to hand” (Heidegger, 1927 p. 101). Thus, my experiences within the community college will guide this study so that the participants’ interpretation of academic freedom will result in a conclusion derived from a phenomenological interpretation.

As I have been involved the last twenty-five years in higher education, both as a faculty member and an administrator, I have become aware of instances which challenge what I believe to be the core tenets of academic freedom. Similarly, community college faculty and administrators, at least those with a certain amount of experience, should also have similar experiences and understandings of academic freedom.

The design of this study is therefore less concerned with factual information within the targeted context, but concerned with the experience of faculty as they encounter challenges related to academic freedom. Thus, a central question to the study is, “Tell me about an instance when you experienced a concern about academic freedom” (Van Manen, 1990, p. 90). This parlays into a fundamental understanding about phenomenological research as expressed by Moustakas, i.e., that the researcher is not the sole source of knowledge but relies on the collaboration of his/her participants (1994).

Moustakas also recommends a categorization process that will be utilized in this study. Relevant statements become the basis for meaning units that may indicate the existence of

essential attributes. This method of data analysis will help to provide coherence among the experiences of community college faculty and administrators.

Data Collection and Analysis

Data collection will not be done within the classrooms of MCC. Instead interviews for this study will take place in the professional offices of the faculty and administrators that I interview. My intent is to find out what they have experienced in their classrooms and institutions.

Fundamentally, unlike their four-year counterparts, community colleges across the United States possess similar missions. They exist to serve local communities and taxpayers with the intent of providing open admissions and access to higher education, at affordable tuition, with a wide-range of curriculum programs. The two primary goals for community college students remain general education studies and career and technical programs (Cohen & Brawer, 2008). Students in general education tend to view the community college as a step to transferring to a four-year institution, or as the means to obtaining an associate's degree as a terminal degree. Other students tend to look to the community college as the mechanism for obtaining an associate's in applied science degree or a certificate in a particular career area. Available career and technical programs are largely dependent upon local needs of business and industry. Developmental education remains a secondary but increasingly important function of the community college. Workforce development is also a growing program for many community colleges, as there is an increasing need to provide job skills updating and retraining for out-of-work citizens (Cohen & Brawer, 2008).

Because of the mission consistency and coherence throughout the nation's community colleges, there is little reason to worry about a design which targets only one Midwestern

community college. First, MCC is a multi-campus institution with urban, suburban, and semi-rural campuses. It contains traditional general education as well as career and technical programs. And second, if academic freedom's nature and moral justification is related to its contextual existence, and if community colleges exhibit a large degree of uniformity in terms of their educational mission, then a phenomenological research design should produce similar conclusions in any community college in any geographical region of the United States.

Like most moral principles, academic freedom is not directly observable and therefore not verifiable via empirical methods. Meeting the goals of this research project will require access to community college faculty and community college instructional administrators. They possess the experiences that might unveil the nature and justification of academic freedom. If academic freedom pertains in any sense to pedagogy, or to the community college student, these individuals will have had the opportunity to experience the phenomenon in practice of their craft.

Community college faculty generally confront challenges to academic freedom from students, particularly in the area of pedagogy and/or curriculum content. And community college administrators are likely to be placed in the position of determining whether or not there is an issue of academic freedom, and if there is, how to protect their faculty.

This research project will involve purposeful sampling which provides a powerful tool for uncovering and discovering "information-rich cases." Purposeful sampling is also advantageous as it permits in-depth understanding of a phenomenon. This type of methodology focuses on a relative small number of cases/participants that are likely to produce a more robust understanding of the phenomenon in question (Patton, 2002).

Reasonable inferences about the nature and justification of academic freedom would be realizable under such an approach because of the factual attributes of community colleges stated

above. Purposeful sampling is also in concert with phenomenology, a deductive method which does not require random sampling. Random sampling, a required component of most quantitative methods, could possibly yield little or no information about academic freedom. Some faculty are never confronted with such challenges, even over the course of their entire career.

A specific type of purposeful sampling, snowball sampling, will also be used to identify participants who will yield information-rich insights. The metaphor here is to think of a snowball, which gets bigger and bigger as new information is gathered. This procedure begins by asking people, who are already well-situated for the study and likely participants of the study, who else should be interviewed for the study (Patton, 2002). The “snowball” of this study began when Matthew Davis, graduate advisor to this study, suggested this approach as a way for implementing purposeful sampling. The convergence of the data from the original participants, and those identified through snowballing will serve to verify that the essential attributes of academic freedom’s moral justification have been revealed (Patton, 2002).

Thus, a two-step sampling process is in order. The first step will involve identifying six MCC community college faculty and administrators who have experienced issues pertaining to academic freedom, or who are known to have an intellectual background with academic freedom. These six individuals will either be initially identified by the researcher as participants, or will be identified through the participants identifying other potential participants via snowballing. The second stage of the method is to collect data which will be done through interviews. Interviews will contain specific questions about the experiences of participants and their conceptual knowledge of it. Application of academic freedom concepts will be ascertained by their responses to case studies involving academic freedom. Participants will be filtered

through my analysis of potential bias that would taint the data collection and final inference of this project. Professional relationships bias would be an example, e.g. a potential participant who might be supervised by me. Other biases might include a potential participant's clear articulation of a misapplication of academic freedom.

Some academic disciplines are more likely to confront challenges to academic freedom than are others. Biologists, other scientists, and philosophers are likely to be challenged from students and the external public when delivering curriculum content related to natural selection or the theory of evolution. Philosophers may be challenged when teaching alternative social-political theories, e.g., Marxism, socialism, Plato's Republic, etc. They also fall prone to criticism and attack when presenting arguments for atheism or when offering alternative perspectives on God and religion. For these reasons, some of the study's participants will represent these disciplines. The group will also include faculty and/or administrators connected to institutional committees on academic freedom. These individuals may or may not have experienced issues with academic freedom first hand, but would indirectly be brought into an issue and would therefore possess knowledge about a case and have been required to provide an institutional response.

During the first part of the interview participants will be asked a series of short questions dealing with participant work and study experiences, the definition of academic freedom, the mission of the community college, and direct experiences with academic freedom, either conceptual or applied. While some responses will be stronger than others, it is only a clear absence of understanding that would render a participant as unqualified to continue.

The second component of the interview will be a review of four case studies. It is here where participants will exhibit an ability to successfully apply definitions of academic freedom

to fact-based case studies. Some of the case studies will likely result in various interpretations and conclusions. Other case studies are designed to elicit a less ambiguous understanding of how academic freedom manifests itself in the community college setting. In short, it is here where the definition of academic freedom becomes better elucidated, the context of the community college becomes more robustly identified and defined, and the potential source of moral justification for academic freedom is potentially emerges.

Case studies.

Case 1. MidWest Community Colleges serves a metropolitan area of two million people. There are five colleges in the system. Four of the colleges concentrate on general education transfer programs for traditional students. Each of these four colleges has a variety of different career and technical programs located only at that college. One of the colleges is situated in the urban core; the other three are located in the surrounding suburbs. The fifth college is primarily a career and technical college with a small percentage of general education courses and is located in the city's industrial district. Collectively, MWCC provides educational services to approximately 40,000 people in the city; a little over 20,000 on the credit side, a little fewer than 20,000 on the community education/noncredit side.

Within the past two years, several instances involving questions of academic freedom have emerged. None of the occurrences has been egregious enough to warrant attention from the local media or other external entities. All have drawn some attention to various groups and individuals within the MWCC district.

The first instance involves an adjunct sociology instructor at MWCC-Central. Ms. L has been spending several class periods in her Introduction to Sociology courses offering arguments that refute the theory of evolution. A student in one of her classes, who is also on the student

newspaper, informs his journalism professor of Ms. L's lectures. Professor B then addresses Ms. L's division chair, Professor C, who is a criminal justice teacher and a conservative Christian. Professor C tells Professor B that the issue is none of his business and that Ms. L has excellent student and peer evaluations. In a conversation with a social science division chair from MWCC-North, Professor B discovers that Ms. L was not rehired at MWCC-North because the division chair discovered she was teaching anti-evolution themes in her courses. Is Ms. L's content delivery protected by academic freedom? Was the MWCC-North division chair justified in not rehiring Ms. L? Should Professor B have raised an issue with Professor C? Is Professor C's response appropriate?

Case 2. The second instance emerges when the social science division chair from MWCC-North, who is a philosopher, evaluates an adjunct philosopher, Dr. X, who is teaching an Introduction to Philosophy course and finds the adjunct accurately explaining the traditional arguments in support of the existence of the Christian God, but omitting the traditional criticisms of the arguments. The adjunct instructor also refuses to provide students with traditional arguments for agnosticism and atheism, nor does he provide students with an understanding of other religious conceptions of God. These are all core components of the curriculum relating to Introduction to Philosophy. When the division chair addresses these weaknesses with the adjunct, he quickly announces he is quitting and not going to teach at an institution that doesn't support academic freedom. The next semester, the division chair discovers that Dr. X is teaching four courses at MWCC-South.

Case 3. At MWCC-East a full-time psychology professor employs an unorthodox way of teaching non-cognitive theories of psychology. Dr. F uses a significant amount of "blue" language, including the F-bomb, to illustrate to students how people process information

according to non-cognitive theories. All of his lectures and exams on this subject are directly and verifiably tied to learning outcomes expressed within the curriculum. Dr. F is well-respected by his colleagues but has mixed evaluations from students. Most student complaints are related to his use of off-color language. Parents lodge complaints to the college's Dean of Instruction at an average of 3-4 per semester. The Dean has recently pressured Dr. F and his division chair to alter his pedagogical tactics. Dr. F is tenured but the Dean has threatened to initiate negative evaluations in his file.

Case 4. The full-time political science professor at MWCC-South, Dr. R, has a history of informing students about her political stance on issues and advocates that they vote for the candidates from the party she supports. Students have always known that their exam answers should always reflect the teacher's biases. Dr. R is also tenured and the division chair has refused to take any action. Most of the faculty have a low opinion of Dr. R because of her teaching methods. Dr. R's student evaluations are mixed and her regular peer evaluations are absent of any concerns about her teaching as the division chair provides a minimal effort in his reviews.

Interviewee responses to the three interview questions and the two case studies will be compared through a form of criterion sampling. This type of sampling ensures that all cases and interview questions meet some criterion for quality assurance. In this instance, standardized tenets of academic freedom, as established by the American Association of University Professors will suffice. In the first case, it is clearly reasonable to draw the conclusion that the sociology professor has violated professional responsibility and is beyond the protection of academic freedom. Curriculum course content would not detail biological criticisms as relevant to the

course. The second case is less clear but does contain evidence that supports a protected appeal to academic freedom. While unorthodox, the instructor's pedagogy is consistent with course outcomes and content. It will be important to look for interviewees who can easily see the conclusion to the first case, and provide some interpretive understanding of the rationale behind the psychology instructor's pedagogy.

There are two significant data sources for this project. The first is the documents on academic freedom developed by the American Association of University Professors. This includes the 1915 Declaration and American Conception of Academic Freedom, and the 1940 Statement on Principles of Academic Freedom and Tenure. The second will be from the transcripts obtained from semi-structured interviews of community college faculty and instructional administrators.

Participants in the second stage of the study will be asked to respond to all four case studies. This method employs critical case sampling, which is being used under the proviso "if it happens here, it could happen anywhere" (Patton, 2002, p. 237). In other words, these types of cases are indicative of the problems related to academic freedom that could occur in any particular institution. Logical generalizations can be made from the responses to these cases as they may reveal pervasive issues with academic freedom.

Responses to the case studies will be coded according to the processes listed below in Data Analysis Procedure. In addition, responses to the case studies will be evaluated for their understanding of the connection between matters of curriculum content, pedagogical methods, and academic freedom. It is clear that the AAUP has advanced academic freedom as a necessary tool for protecting curriculum and delivery methods.

The following script will be used to interview the six participants in stage two of the study:

Academic freedom interview script.

The purpose of this interview is to ascertain your understanding of academic freedom within the context of the community college setting. During the course of this interview, I will ask you specific questions about your professional responsibilities, your definition of academic freedom, and the reasons why you think it may or may not be important. Your participation is greatly appreciated as it could play an important role in my research study for my Ph.D. dissertation.

1. Please state your name and your position.
2. How long have you worked in this position?
3. Identify any additional positions you have held in higher education.
4. Provide a brief overview of the similarities and differences between community colleges and four-year institutions.
5. What's the purpose or mission of a community college?
6. Describe the types of students you have encountered at the college where you teach.
7. Define academic freedom.
8. Do you think academic freedom is an important value? Why or why not?
9. What would happen if a community college failed to protect academic freedom?
10. Have you ever encountered any difficulties with a student or colleague related to academic freedom? If so, explain the nature of the encounter.
11. Have you ever had a student and/or other individual challenge the content of your curriculum, or your pedagogy? If so, explain.

This interview is designed to be semi-structured. In the event that participants do not fully answer a question, they will be prompted to elaborate. If a response requires a follow up due to the participant providing information about academic freedom, community college mission, etc. that is new or unique, additional questions will be asked. The transcript from these interviews will be coded according to the Data Analysis Procedure detailed below.

Data Analysis Procedure

Analysis of collected data will be done in accordance with traditional phenomenological methods. “Phenomenology focuses on the appearance of things, a return to things just as they are given, removed from everyday routines and biases, from what we are told is true in nature and in the natural world of everyday living” (Moustakas, 1994, p. 35).

As mentioned above, analysis of data for the first stage of the study involves reviewing respondent answers to short interview questions. If there is evidence of a working knowledge of the definition of academic freedom, i.e., a type of policy that protects the freedom of faculty to seek truth in research or determine the most successful classroom pedagogies, participation in policy issues pertaining to academic freedom, a clear understanding of the general mission of community colleges, and an experience which informs the participant about the nature of academic freedom, then the participant would be adjudicated as a competent participant. Any participant who assures the research as meeting this criteria would advance to a review of the case studies, an expectation that the participant can apply the concept of academic freedom. If purposeful sampling and the method of snowball sampling is done correctly it is possible that all six originally identified participants are successful in full participation. Should any participant be deemed an inadequate participant or reveal unacceptable biases, an additional participant will be identified and interviewed.

Coding of interviews will be done following the transcription of interviews. Interviews will be conducted with a digital recording device and later transcribed in full. I will also take notes during the interviews and record the context and setting, and any relevant body language and/or expressions of the participants.

General coding procedures will be aligned with the phenomenological method. Grbich (2007) provides a general guide for this process:

1. Identify the phenomenon or object.
2. Identify a recent experience of yours of this phenomenon in terms of how it appeared to you.
3. Take certain features of this experience, develop variations on aspects of this bracketed experience, and then delete these from the object.
4. Continue this process until you arrive at the essence or essential features of the object.

Step 1 of the process will specifically consist of participants articulating the definition of academic freedom as well as the mission of the community college. Step 2 will be evidenced by a participant's account of an instance where he or she believes to have been confronted by a circumstance involving academic freedom. It could be a direct experience where classroom content and/or pedagogy is challenged, or perhaps an instance in which the participant finds it necessary to address an academic freedom instance as a supervisor or administrator.

The coding procedure will be applied to several items within the interview, including terms related to academic freedom's definition, the mission of a community college, and the moral justification of academic freedom. Code words will be determined by the conceptual framework of the study, i.e., accepted language pertaining to the items above. Coding is, by its

very nature a descriptive process. Phenomenology, the methodology employed here relies on descriptions of experiences as they “retain, as close as possible, the original texture of things, their phenomenal qualities and material properties” (Moustakas, 1994, p. 36). Segments of text will simply reveal descriptive phenomena (Miles & Huberman, 1994). The number of times a descriptive code is present will be enumerated in the code book as quantity may have an impact on the development of interpretive codes as well as themes.

Phenomenology derives meaning from appearances and determines essences through “intuition and reflection on conscious acts of experience, leading to ideas, concepts, judgments, and understandings” (Moustakas, 1994, p. 114). The number of times a descriptive code appears and the relationships among descriptive codes will form the interpretive foundation for the study, which then become the primary means of inference.

The thematic step in the coding process should align with determining the essential nature of academic freedom, the attributes of the community college and its students, and the moral justification for academic freedom. Themes are developed via patterns found within interpretive codes. These patterns are analogous to determining essential attributes. The themes, and the contributing interpreting codes, will form the basis of this study’s conclusions.

It may be necessary, as identified in Step 3, to delete or strip away language that is superfluous to the essence of academic freedom and its moral justification. Not all of the responses to the interview questions will be of value. More importantly, it is likely that there will be a need to pursue follow-up questions with some of the participant responses. It is not uncommon to find academics and non-academics alike use terms in a manner that requires further elucidation, especially when it comes to ethical inquiry. It is the nature of the study of ethics to witness equivocations on words like “rights,” “duty,” and other key terms.

The final step, Step 4, involves satisfying the revealing of the essential moral justification of academic freedom. This occurs when there is a clear pattern of transition from all items within the interview, ultimately to a consensus that illuminates the goal of this study. Since qualitative studies allow for some level of ambiguity and difference of opinion, coding, and the phenomenological requirement of removing non-essential comments, will reveal the transition pattern. A few more specifics are still in order.

Determining the definition of academic freedom is a straightforward process of corresponding themes from the coding documents to the American Association of University Professor's 1940 Statement on Principles of Academic Freedom and Tenure. Themes which indicate an understanding of freedom to determine research protocols (even though this falls in the domain of research institutions) or the freedom to determine pedagogies for delivering curriculum would reveal an accurate comprehension of academic freedom as is most commonly accepted and found within policies in institutions of higher education, including those of the community college. Likewise, interpretive codes which delineate faculty misconceptions or abuses of academic freedom would also be easily corresponded to the principles detailed in the AAUP's 1940 document. Qualities specific to community colleges could be revealed through the interviews and coding documents, or through the responses provided to the case studies

Determining whether or not participants view the moral justification of academic freedom as a rights based notion or one of Utilitarianism will largely depend on the language they use to describe its justification. Individuals who are concerned about student learning or preparation for the workforce would be indicating a Utilitarian model. Those who spoke more about the professional rights of faculty and what they deserve would be describing a rights based foundation of morality.

Limitations

There are three possible validation strategies, as discussed by Creswell (2007) that I wish to consider:

Triangulation. I intend to corroborate history, moral argument, and community college faculty understandings of academic freedom into what Eisner describes as “structural corroboration” (Patton, 2002). Ultimately, my task is to determine whether or not the experience of community college faculty and administration can illustrate a definition of academic freedom that finds a conceptual grounding in the tenets of academic freedom as postulated by the American Association of University Professors, and whether or not there are contextual considerations peculiar to the community college. Similarly, transcripts of interviews should reveal whether there is a derivation from one of the two aforementioned moral traditions, and whether or not such a derivation relies on the mission of the community college.

Member Checking. After soliciting the views of faculty and administrators, I will send any corresponding data and/or comments back to them so they can evaluate for accuracy and credibility. As Creswell points out, the key question is, “Does the general structural description provide an accurate portrait of the common features and structural connections that are manifest in the examples collected?” (2007, p. 215). This requires that the conclusion of my study must accurately reflect the participants’ experiences and comments, so attention to transcription processes will be vital. The ultimate goal is to show linkage between participants understanding of academic freedom and the traditional arguments in support so that a generalized principle emerges.

Clarification of my own research biases. There often is concern expressed about qualitative studies and the biases that a researcher brings to the study. The key is to differentiate

between a bias that results in an inaccurate description of the results of the study, and one which does not. As I acknowledged at the outset, my academic preparation includes extensive study in the continental philosophical traditions of phenomenology and existentialism. Admittedly, this philosophical viewpoint underscores my personal philosophical methodology. However, it should also serve me in this current endeavor. As noted by Creswell:

Phenomenology requires at least some understanding of the broader philosophical assumptions, and these should be identified by the researcher. The participants in the study need to be carefully chosen to be individuals who have all experienced the phenomenon in question, so that the researcher, in the end, can forge a common understanding. (2007, p. 202)

That being said, the credibility of the researcher is critical. While there are no definitive lists of issues to address to establish researcher credibility in qualitative/phenomenological studies, the “principle is to report any personal and professional information that may have affected data collection, analysis, and interpretation” (Patton, 2002, p. 581). Some general comments about my particular biases are thus warranted. I do think that the AAUP’s 1940 Statement on the Principles of Academic Freedom and Tenure captures some essential elements of academic freedom, although I would assert that this document presumes a four-year institution and not community colleges. I would also acknowledge that I do not think a sound argument can be made that grounds the moral justification of academic freedom in deontology, or a rights based theory of ethics. Academic freedom, while likely derived from a principle of autonomy, only makes sense within the confines of an institution of higher education, and serves the greater good of the community. To simply protect the rights of faculty without any connection to the responsibilities of their profession to educate students and contribute to the well-being of the

community makes little sense. Freedom of inquiry could serve the purpose of inherent rights for any rational being, including college faculty, but deserves no exclusive assignment to academic scholars that should not be held by the public at large.

Other Considerations

Since case studies will also be employed, it will be important for some case studies to clearly show how academic freedom can be violated or protected. The case studies will also have to be contextualized in the community college setting, with introductory level courses, and relevant questions developed.

My dissertation proposal is one grounded in ethics so there are potential problems for participants, e.g., a case study is closely linked to an individual experience and produces a perceived employment threat to the faculty member/administrator. This may affect the half dozen key participants for second stage of my sampling process.

Since I am a graduate student at the University of Missouri at St. Louis, I will seek ethical review through UMSL's Institutional Review Board. This proposal should qualify as an expedited review as there are no issues involving minors, deception, individuals with cognitive impairments, or individuals with protected health information.

Chapter Four

Evidence

Interviews for this study were conducted in alignment with the phenomenological method. A deductive method, the genesis of which is found in the philosophy of Edmund Husserl, and now an accepted qualitative protocol within education research, it features a primary goal of discovering the essence of a given phenomenon. For this study, the task is to discover the moral justification of academic freedom within the context of a community college using the conducted interviews as a tool to reveal what community college faculty and administrators determine as moral justification.

Following the identification of a research subject who possesses the assigned phenomenon under investigation, an interview ensues that is designed to deductively elicit from the participant the essential nature of the phenomenon. Similar to other qualitative methods, a type of coding process is used to identify and categorize key words that lead to discovery of the phenomenon's essence. Unlike other qualitative and empirical methods, since this process is deductive it does not require a certain number of participants to achieve validity. It is the subjective experiences of the research subjects that connects the subject to the phenomenon in question, and can therefore provide the subject with an understanding of the phenomenon and its essence. It is only necessary that the phenomenon's essence be revealed by cross-referencing the data obtained from the project's study with previously accepted understandings of the phenomenon's connotation or generally held principles.

The sequence of the questions asked of participants in this study is critical to the study's validity. The first step was to establish the participant's credibility as a source of knowledge. Critical to participant qualifications is the experience of working in a community college in an

instructional capacity, either as a member of the faculty or as an instructional administrator. Since this project is contextualized within the context of the community college, the conceptualization of academic freedom is actualized in this environment and serves as a background of factual information which may impact how academic freedom emerges in the teacher/student setting. Serving in instructional capacities in four-year colleges and universities or in private institutions provides an additional understanding of mission variance but is not required for establishing credentials within the community college environment. Mission variance could be understood through academic curricular experience as well.

Understanding the mission of an institution is of further importance. Faculty and instructional administrators must satisfy academic goals dependent upon the institution where they are employed. In a four-year research institution, a college's primary goals may center on research and teaching. Each of these two goals may vary in priority at a particular institution. Some private institutions are founded on the heritage of a religious tradition or on explicit goals related to profitability. These premises may entail an entirely different manifestation of the scope and understanding of academic freedom. As an aside, a mission of this type may also result in a conflict of competing values with academic freedom. The community college, with notably few exceptions, is grounded in the mission of providing general education transfer courses, skill building for immediate entry into the work world, workforce development opportunities for those already employed, and community education experiences. All of these are instructional in nature with little to no reliance on research, religion, or profitability. They are most often created and constructed to serve the direct needs of a local community.

As a longtime faculty member and administrator for a community college system, using a specific sampling method known as the snowball method has allowed me to legitimately identify

faculty and administrators who are most likely to have encountered empirical incidences involving academic freedom, or who have a particular background or level of intellectual study related to academic freedom. With respect to this study I have been able to identify individuals who satisfy both of these criteria. I have specifically targeted individuals whose expertise lies in disciplines common to challenges involving academic freedom, e.g., philosophy, history, and literature. And I have sought participants with responsibilities in instructional administration as they have likely encountered instances that involve a student's challenge to course and discipline content, or instructional pedagogy.

By employing the snowball method in this manner I can readily identify participants who are most likely to have a conceptual understanding of academic freedom, either as expressed in accordance with traditional definitions established by the AAUP in 1940, or as explained in relation to achieving course objectives, professional responsibilities, producing learned individuals, or meeting the mission of the community college where they serve.

Once individuals can satisfy community college credentials in term of experience and understanding of mission, and some level of conceptualization of academic freedom via experience or study, they become able to extrapolate the notion of academic freedom in contrast (and sometimes conflict) with other academic values or other values of relevance within higher education. For example, civil rights and/or legal compliance may sometimes run afoul of notions of academic freedom, at least from the perspective of a student. An understanding at this level of sophistication will likely result in the grasp of academic freedom as a moral value, how it is justly applied within a community college context, and where the boundaries of application lie.

The final stages of the interview questions revolve around an application of the participants' understanding of academic freedom to case studies, and ultimately to the moral justification of academic freedom. The case studies, which are derived in part from actual events, allow the opportunity to further verify a participant's understanding of the principle of academic freedom, its role in application to the classroom or other academic environment, and the scope to which it applies. In traditional ethics inquiry, case studies serve two general purposes. The first is to assess a student's (or in this case, a study participant's) ability to understand and apply an ethical principle. The second relates more to the profession of the academic philosopher, i.e., to investigate the scope of an ethical principle and potentially determine its applicability. Although this latter task is more rational than empirical, it finds close alliance with scientific processes for determining the existence of a theory and whether or not the test hypothesis provides evidence for the phenomenon under investigation. Both goals can be seen in this study. Responses to the case study will show additional evidence as to the credibility of the participants, and provide insight into the manifestation of academic freedom and its scope of application in the community college.

The final section of the survey instrument serves to uncover the moral justification of academic freedom in the community college. This is the primary objective of this study and as is noted by Robert Solomon, it is necessary to understand Husserl's phenomenological method as requiring the recognition of a phenomenon's context to understand its essence (Husserl, 1931). Thus, if the identified participants possess an understanding of the mission of the community college, carry the credentials and experiences that inform them of the nature and scope of the application of the concept of academic freedom, then they have the subjective knowledge of academic freedom and the ability to identify the source of its moral justification.

The data discovered for this research project was extracted from interviews with six colleagues at the Metropolitan Community College – Kansas City. Per the discussion above, I have categorized the data into the following areas: participant credentials and experiences, community college context, participant experience with academic freedom, the definition of academic freedom, academic freedom and case studies, the scope of the principle of academic freedom, and the justification of academic freedom. All of these areas were contained in the body of a semi-structured interview protocol, and all are related to the primary task of identifying the moral justification for academic freedom in the community college. For each of these categories I will provide the requisite qualitative coding requirements by identifying the key words and phrases that I looked for when reviewing interview transcripts.

It is important to note that not all of the transcribed comments have been evidenced in this study. And in some instances, some questions may not be referenced by all six participants. Some responses, though relevant to the question at hand, are less complete or are redundant to specific points made by other participants.

As a final comment about the survey, interview questions for this study concentrated heavily on the context of academic freedom. Focus was placed on the community college, but participants were asked to identify similarities and differences between community colleges and other types of institutions in higher education, as well as settings outside of higher education. This allowed them the opportunity to consider the key question of this study, i.e., the moral justification of academic freedom within the context of their current responsibilities and against the backdrop of their academic experiences.

Participant Credentials and Experiences

In the introduction, the specific goal of this study was delineated and the methodology of phenomenology was identified as the research protocol. This section concentrates on the qualifications of the participants in the study but it is worth reminding the reader that phenomenology not only allows for the expertise of the investigator to inform the process, but requires it. As the project's investigator, in addition to obtaining undergraduate and graduate degrees in philosophy with an emphasis in ethics, I have taught in a community college for over twenty years, taught in a four-year institution for five years, and served as a division chair for ten years, served on state committees for curriculum and assessment. While employed as the Program Director of Midwest Bioethics Center, I wrote curriculum and constructed ethics seminars for physicians, nurses, and other health care professionals. I have also contributed to an academic policy writing group for my current institution and I am presently employed as an academic administrator.

A brief recap of the rationale for using a snowball method for identifying participants is in order. In an appropriate research context, the expertise of the researcher is legitimately employed as the primary mechanism for identifying research participants who possess expertise with the phenomenon in question. It is the author's educational and theoretical preparation, as well as experiences as a community college faculty member, that provides a conduit to other instructional administrators and faculty in a community college who share similar backgrounds and experiences. Coding of position for this section was straightforward as faculty positions tend to have specific names, e.g., professor, instructor, adjunct, teacher, division chair. Higher education administrators are also known by common titles, e.g., dean, vice president, provost, president. All of these administrator titles can apply to an instructional administrator.

All six of the individuals interviewed for this study were employees of the Metropolitan Community College (MCC) in Kansas City, Missouri. Five of the six have extensive teaching experience while the other has very limited time in the classroom. Four of the participants are members of the faculty, two of whom have taken on administrative experiences as a division chair or as a communications liaison between faculty and administration. One individual serves as the dean of instruction on one of MCC's five campuses. The other is one of MCC's campus Presidents and previously served as a chief academic officer at another Missouri community college, and has significant experience as a faculty member and division chair, and in other instructional responsibilities. All of the participants have extensive experiences in higher education in other institutions in the United States. One has also taught in Japan. The comments which follow will evidence that their additional experiences aid them in their understanding of the community college context.

The four faculty members, along with me, were previously members of a task force that produced MCC's current policy on academic freedom. The former Chief Academic Officer of MCC charged the task force with developing a policy statement on academic freedom for MCC in preparation for the 2006 Higher Learning Commission Accreditation reaffirmation. Preparation for writing the policy included review and analysis of academic freedom policies in other colleges as well as the 1940 AAUP Statement on Academic Freedom. Additional readings and preparation for the work was done by reading multiple articles and case studies related to academic freedom. Most notable was Richard DeGeorge's "Academic Freedom" (1997) and Ronald Dworkin's "Why Academic Freedom?" (1996).

It is important to note that the six participants below were not the only individuals considered for participation. Some individuals, while knowledgeable of the subject matter and

possessing significant experiences, were eliminated from participation because of biases or conflicts of interest. Dr. PD22 was an English instructor at MCC, and at the time of this writing, was under my supervision as he served as an academic director. He had considerable experience teaching literature and encountering student resistance to controversial books. Because of concerns related to professional coercion because of the reporting relationship, whether existent or perceived, I eliminated him as a viable candidate for participation.

Dr. CD is a retired biologist who taught at two different MCC campuses. A well respected instructor by students and administrators alike, he often encountered student complaints related to the teaching of evolutionary theory. My association with Dr. CD was primarily within the context of the college's integrated Honors Program. We taught a course in bioethics for two years. Again, I eliminated Dr. CD from consideration due to a professional relationship that could alter my interpretation of his perspective.

A third individual, Mr. DH01, was eliminated as a participant due to an interpretation of academic freedom that is misaligned with common professional understandings of academic freedom as well as incongruence with the AAUP's statement on academic freedom. As I was formulating the methodology and structure of this study, I had originally identified him as a potential candidate because of his academic preparation in philosophy and ethics. Since that time he has I have heard him claim that academic freedom allows him to do anything he wants. In addition, he expressed disdain for the philosophy curriculum that he originally approved, and that it was irrelevant to his role in the classroom.

There are two primary reasons for not including Mr. DH01. First, the concept of academic freedom is a premise for this study, and not the phenomenon to be proved. Possessing

a working knowledge of the concept of academic freedom is central to participant qualifications as it is the application of this concept that is foundational to determining the moral justification of academic freedom.

The second problem for including Mr. DH01 is related to the phenomenological process. Even if I were to accept his definition of understanding as a broader or alternative definition of academic freedom, and the phenomenological method was utilized appropriately, Mr. DH01's interpretation would be eliminated. To illustrate, if this study was implemented to identify the essential attributes of a triangle, and a participant offered that an obtuse triangle possessed one angle greater than 90 degrees, eventually the attribute of being obtuse would be seen as nonessential. The reductive requirement of the phenomenological method would show that there are objects which are triangles but do not necessarily possess an angle greater than 90 degrees. Only three-sided objects with three angles that total 180 degrees could be defined as triangles. The broader definition would eventually fail.

Likewise, Mr. DH01's broad, or alternative concept of academic freedom would also eventually be dismissed. Application of such an interpretation would become problematic. A concept which ignores the role of curriculum would entail that any content is allowable in the classroom. Discipline standards would disappear as an instructor who teaches students how to work on a transmission would be allowable in a chemistry class. The notion of academic freedom would collapse as a viable moral principle.

Finally, I also dismissed Dr. CT90, former Math instructor at MCC-Blue River, who currently serves as an instructional administrator for the college. Again, because he is a direct report to me, I dismissed his participation because of conflict of interest concerns. It should be noted however that Dr. TL had a sound historical understanding of the issue as he cited the

persecution of Socrates and Galileo as examples of when academic pedagogy and research were compromised by external pressures. These conversations were informal but had they fallen within the perimeters of acceptable research and the avoidance of bias, would have provided a potential foundation for academic freedom prior to, and during post-Renaissance thought.

Other individuals, while possibly viable candidates, were excused because their level of experience or knowledge of academic freedom were incomplete from my perspective, or I could not obtain, via snowball requirements, enough secondary evidence of their level of experience of knowledge of academic freedom. If it were the case that an insufficient number of participants had been identified, I would have pursued these candidates as potential contributors. Since the phenomenological method is not an inductive method, and seeks to establish the essential attributes of a phenomenon via the subjective experience of the phenomenon, these individuals would have only been pursued in the event that insufficient evidence from interviewing occurred.

Dr. HM32 was included in the study. Dr. HM32, an English faculty member, has also served the college as a campus Faculty Association President, and as a Faculty Liaison to the Chancellor's office. In his work as the faculty liaison he was responsible for direct communications from the MCC Chancellor to the faculty, and from the faculty to the Chancellor. At best this was a tension-filled position as the expectations of the faculty were interpreted by many to be that of advocacy, while the objectives of the Chancellor were that he carry out his agenda. Even though both parties were well intentioned (at least from my perspective), academic goals and processes did not align well with financial and supervisory expectations.

Previously, Dr. HM32 was employed by a university in Missouri as an assistant professor of American Literature. His graduate work and dissertation focused on African-American

literature. He has continued to teach these courses on occasion but has often been relegated to other English courses. This includes multiple sections of freshman composition classes every semester for which he uses contemporary writings on natural selection and evolution as the primary prompts for student essays and papers. Dr. HM32 has also taught multiple sections of developmental education over the past few years and can credibly speak to contemporary issues involving student preparation and the challenges community colleges, as open access institutions, face in retaining students and helping them meet personal education goals, be they transfer or graduation.

In addition to challenges related to student preparedness, many urban students that attend the Penn Valley campus where Dr. HM32 works are the first people in their families to attend college. As could be anticipated, Dr. HM32 has encountered many instances of student resistance to studying and writing about evolutionary theory. Dr. HM32 has expressed that these student issues are exacerbated by their level of preparedness and misaligned interpretations of academic expectations in higher education.

Dr. HM32 was one of the faculty members who served on MCC's task force on academic freedom. His role was highly influential on the committee as well as the institution at large. He is the primary author of MCC's policy on academic freedom and is also that author of a white paper which provides the justification for the policy.

Dr. DI55, a second participant, was originally hired as a special services faculty member in the biological sciences. She served in the position for two and one-half years prior to entering administration. Her first administrative position was the associate dean at a MCC campus before becoming the Dean of Instruction at a different MCC campus, a position she has now held for 11

years. She has recently completed a six month stint as an Interim President at an MCC campus. Currently she is serving as the Dean of Instruction at her third MCC campus. A final credential is of note; Dr. DI55 became a consultant evaluator for the Higher Learning Commission, a role which requires her to participate in accreditation visits for other institutions. As a member of a reaffirmation team, she provides analysis and evaluation of a college's alignment with assurance criteria, some of which involve direct and indirect compliance with components of academic freedom. In her experiences as a faculty member and instructional dean, and as a Higher Learning Commission consultant evaluator, she has encountered multiple issues dealing with academic freedom.

Dr. DI55 was identified by me as a potential participant and was also recommended by other individuals as a potential resource and participant on this project. Thus, Dr. DI55 becomes a secondary participant as understood by the qualitative snowball process.

Mr. FS74, the third participant, is an instructor and program coordinator of one of MCC's most important technical and career programs. Recently he accepted an additional position as the division chair for an MCC campus. He also teaches part time on occasion for one of MCC's regional transfer and receiving institutions.

Prior to accepting his position as a full-time instructor at the Metropolitan Community College, Mr. FS74 served in the armed services. Mr. FS74 was also a member and chair of MCC's task force on academic freedom. In this capacity his responsibilities included representation of potential elements of academic freedom that pertain to career and technical programs.

Participant Dr. DM12 is another example of the snowball process. Upon the recommendation of MCC faculty and administrators, I contacted him to inquire of his interest in my project and his experiences. I determined that he possessed the requisite background and knowledge to contribute. He began his career in higher education as a speech and theater professor at two different Midwestern universities, one of which was a private institution. His academic background is in the theater, a classic avenue for artistic expression, and is renowned for its challenges to social norms and practices. Within an academic setting this can often result in problems related to academic freedom and questions about the purpose of presenting controversial plays.

Following his stint as a faculty member, Dr. DM12 was hired as an administrator at a private college in Missouri. After one year he began his doctoral work. Upon completion he accepted a position as the Dean of Arts and Humanities at a Missouri community college, a position he held for nine years before becoming the college's Vice President of Academic Affairs. As a faculty member and as an institution's Chief Academic Officer he has encountered many instances involving academic freedom.

In 2012, Dr. DM12 was hired as the President of MCC-Blue River. He is an officer of the college who supervises all facets of the campus's operations, including instruction, student services, and finances.

Dr. TJ69, participant five, has taught history at MCC since 1988. Over the past six years he has taken on responsibilities as his department Division Chair. Dr. TJ69 has been a member of MCC's Faculty Senate and has twice been the Senate President. In addition to membership on

the academic freedom task force, he has also chaired the Senate Budget Committee and a variety of other committees within the institution.

As a graduate student in history, Dr. TJ69 was a teaching assistant and a graduate assistant. Prior to coming to the Metropolitan Community College, Dr. TJ69 taught at a large southeastern university (where he obtained his Ph.D.), and one year as a part-time adjunct and three years full-time at a Florida community college. As a member of the faculty and a division chair, Dr. TJ69 referenced several instances of challenges to academic freedom which include the use of profanity, challenges to selection of classic literature, controversial religious issues, and discussions of feminism.

The final participant, Mr. LVB86 has served both as full-time philosophy instructor at MCC and as an adjunct at several of MCC's campuses. During his tenure at MCC, Mr. LVB86 has been a member of the Academic Senate Curriculum Committee, and like several of the aforementioned faculty members, served on the academic freedom task force. Mr. LVB86 has a variety of instructional experiences in higher education. While receiving his Master's in Philosophy, he taught foundation philosophy classes and also taught in the Western Civilization program. Following the conferment of his degree, Mr. LVB86 was a visiting professor at a Women's University in Asia. After his return to the United States, and while he was an adjunct at MCC, he also taught as an adjunct at a private university in Kansas, and as an adjunct at a private religious university in Kansas City, Missouri.

Later in this chapter I will acknowledge common themes among the participants, including the role of curriculum, experiences with academic freedom, the use of profanity and other controversial words, as well as specific experiences with students.

As we shall review later in Evidence, Mr. LVB86 references several examples of challenges to academic freedom during his career, including the use of controversial words, as well as substantive curriculum issues within philosophy of religion. Some issues arose from students, but others from support staff including one from the tutoring lab. Mr. LVB86's experiences, along with other participants, will show common elements related to challenges to academic freedom.

The Community College Context

This research project is predicated on the unique setting found in American community colleges and how this determines the moral justification for academic freedom for community college faculty. It is thus critical that the participants in the study not only have significant professional experiences within a community college, but can identify the particular mission of the community college and how it may differ from that of four-year universities and colleges. For example, research is generally not a contractual responsibility of a community college faculty member, so if academic freedom is thought to be related specifically and exclusively to the research function, context becomes critical. As noted above, several of the participants also have experiences with four-year colleges and universities, including larger public research universities and private universities. Participant responses therefore, when taken in the aggregate and as individual data, should reveal an accurate understanding of the community college's mission and the comparative similarities and differences it has with four-year institutions.

Coding for this section was grounded in the explicit functions and purpose of higher education institutions, which is typically expressed in their mission statement. Four year colleges possess different missions; some deliver two year degrees in addition to baccalaureate

and graduate degrees. Many four year colleges also deliver graduate degrees and programs. Many also conduct research as a primary purpose. Some four year private institutions also meet the tenets of a particular religious denomination. In comparison, community colleges tend to provide general education associate degrees, career and technical certificates and degrees, non-credit community education and workforce training, and developmental education. They are institutions which are more easily accessible to citizens and more affordable than four year institutions. Very few community colleges are purposed to achieve research goals, but are primarily focused on excellence in teaching.

Key coding words for four-year colleges and universities include a specific focus on “research”, “publication,” and “teaching,” Coding for the unique mission of community colleges include: “teaching,” “preparation,” “transfer,” “workforce,” “non-credit,” “access,” and “democracy.” I would suggest that the numbers of terms that can be ascribed to community colleges are more numerous because of the variety of programs and citizens it serves. Comparatively speaking, four-year colleges and universities tend to have more narrowly focused missions. There is variance here as private and independent institutions are often premised on missions that advance specific religious and moral values such as community service. And to a lesser extent, other four-year colleges and universities are beginning to incorporate the commitment to community as part of their strategic priorities and core mission.

Mission Differentiation

The origins of higher education in the United States, according to Dr. DI55, were closely connected to the church and the education of the clergy. As the economic and social needs of the country evolved, so too did the goals of higher education, leading to the founding of community

colleges. In order to expand access to people who previously were denied access to higher education, the need for an entity like community colleges arose. Dr. DI55 articulated the mission of the community college as arising from its origins in the early twentieth century and the need for a more educated work force, as well as a way by which the nation could increase access to higher education. She saw this mission as ever-evolving as interest in increasing access grew throughout the twentieth century with the creation of the GI Bill in the 1940's. During this time period the United States also witnessed the women's movement and the demand for greater access to educational opportunities. With the 1960s switch from "junior college" to "community college," the curriculum expanded beyond the delivery of general education curriculum to a broader role that include career and technical training and workforce development. This helped to produce "multiple missions" for the community college as an emphasis was placed beyond developing teachers and nurses (A.M, personal communication, August 31, 2013).

Mr. FS74 had a similar understanding, and viewed the mission of the community college to "provide support for the community in multiple ways" (FS74, personal communication, September 10, 2013).

He referenced community college transfer as central to the charge but saw a "multi-pronged mission;" one which addressed "job preparedness, continuing education courses, and providing resources for people to prototype new developments with community college equipment" (FS74, personal communication, September 10, 2013).

In reference to the Metropolitan Community College's "Fab Lab," an experimental lab for creating innovative manufacturing tools and equipment, Mr. FS74 noted that at least for

MCC, an additional mission extended to the community at large for the purpose of prototyping new devices (FS74, personal communication, September 10, 2013).

As a final comment, Mr. FS74 noted that his program includes all of the aforementioned objectives but maintains that he has to balance workplace skills and career preparation with general education and transferability. In some instances, employers more readily seek students with prototyping skills (FS74, personal communication, September 10, 2013).

Some of the participants focused on the mission of the community college as being intertwined with the type of students who attend community colleges. The premise from which these participants appeared to work was that the mission of a college was directly related to the type of student the college serves. To wit, a private Catholic institution is likely to enroll a significant number of students who adhere to elements of Catholic doctrine. A highly selective research university is likely to have a significant number of students with superior academic preparation at the secondary level. So it is the case with community colleges. Because of their affordability, geographic proximity to the primary service area, and breadth of academic and non-academic programs, the student population will be diverse in preparation, in age distribution, and in personal academic goals.

Dr. DM12 noted that community colleges tended to be open access institutions with a focus on student success. Accordingly, “it’s really [about] meeting students where they are, and then helping them to get to success” (DM12, personal communication, September 13, 2013). Perhaps most important to a discussion of the essential attributes of academic freedom for the community college faculty member, and as a summary of the comments of the participants concerning mission, Dr. TJ69 also acknowledged the lack of any admission standards, leading to

lots of students “that don’t have the skills or the academic preparation” (TJ69, personal communication, August 31, 2013). Likewise, Mr. LVB86 said that the role of the community college was “to prepare [students] and maybe see if they’re capable of going on to those final two years” (LVB86, personal communication, September 18, 2013).

Finally, Dr. HM32 saw the purpose of community college as enabling “students to get their first two years of requirements,” and “maybe learn how to succeed in college before transferring” (HM32, personal communication, August 24, 2013). He also reminded that “many of our students don’t transfer and so there needs to be an awareness of their needs and goals as well.” Thus, there “is a purpose to provide career training and practical kinds of applications” (HM32, personal communication, August 24, 2013).

According to Dr. DI55, the increasing need for a highly skilled work force is also critical to understanding the twenty-first century community college. Work force skills are more connected to technical advances than ever before and this has changed the role of the community college and therefore the students it serves. Many years ago there were vocational programs that required little in the way of academic preparation or experience. Today, those who seek applied associates degrees do not receive the degree unless they exhibit competence in college-level English and mathematics. Community colleges must adjust their curriculum to align with American business and industry needs (DI55, personal communication, August 31, 2013).

Perhaps most important, and a derivation from my reviewing all of the comments of all the participants, Dr. TJ69 stated, “. . . in general, the idea is that community colleges should serve the community in which they’re in. Not just the students of the community, but somehow be attached to the community and the community needs, whether job-related or social related”

(TJ69, personal communication, August 31, 2013). The idea here, confirmed by Dr. TJ69, is that there is still a traditional role the community college serves. Besides workforce preparation and transfer degrees, the community college has a social responsibility in their work with students. The citizen who is well educated is not only better suited for employment and for the pursuit of additional academic paths, but also better equipped to be an important contributor as a social being, as a citizen in his/her community.

The notion of “community” is further highlighted by participant comments related to a comparative analysis of community colleges and four-year institutions. Most noted the clear distinction between the two, with the latter’s varying degrees of emphasis on research, publication, and the advancement of a discipline. As noted by Dr. DI55, with respect to community colleges, “Teaching comes first. Everything else, such as research, any of those kinds of activities, are secondary to the mission of the community college” (DI55, personal communication, August 31, 2013). Again, participants connected the abilities of community college students to an essential understanding of what happens at a community college, versus a baccalaureate institution. From Mr. LVB86, “...the students with whom I have direct contact with, are considerably less well-prepared for the whole process of higher education than people who enter four-year colleges. When I taught at Baker and at KU, it seems as if the people who entered as freshmen and sophomores were much more aware of the challenges and their abilities ...” (LVB86, personal communication, September 18, 2013).

The Definition of Academic Freedom

Establishing a definition of academic freedom was an essential step for all the participants to become contributors to the study. Without an understanding of academic freedom

as a basic principle, it would have been difficult to offer more advanced conceptualizations of the scope and application of academic freedom, and nearly impossible to plausibly establish a moral justification for the existence of the principle. An understanding of the notion of academic freedom could readily emerge from experiences that are interpreted as violations of academic freedom no matter how unsophisticated. For example, a teacher could articulate that a student has wrongly challenged “the way I teach,” indicative of pedagogical challenges.

It is also possible that the development of a conception of academic freedom could come from study of the subject matter. An individual who possesses both conceptual knowledge and has experienced first-hand an application of the experience, would be more likely to have a sophisticated grasp of the subject, and therefore be a viable candidate for participating in the study and producing insight into the primary question of this study, i.e., what is the moral justification of academic freedom within the context of the community college?

There are, similar to mission attributes for community colleges, anchor definitions for the principle of academic freedom. These definitions can be found in the fundamental work of college and faculty and are articulated in the 1940 AAUP Statement on Academic Freedom. The two primary components concentrate on the freedom to determine teaching pedagogy and the freedom to determine research protocols. The definition also clearly places limitations on the scope of academic freedom and establishes a level of responsibility for academic work on faculty as well as protections. The definition also clearly places both limitations and protections on the scope of academic freedom and establishes a level of responsibility for academic work by faculty (AAUP, 1940).

Finally, it is important to note that the ability to express a definition is insufficient for determining participant understanding of the definition. For example, an individual may have the rudimentary ability to state a definition of Einstein's theory of relativity but this in no way demonstrates or insures a full grasp of the reasons behind its truth, or the ability to contextually apply the theory. Thus the need to inquire of participants whether they not only have the ability to define academic freedom, but can they can also apply it within a context, explain the potential limits of its application, and ultimately extrapolate a moral source of justification. This section is therefore concise and provides a foundation for the participants' elaboration on the principle of academic freedom.

Coding for this section relied on any reference given to the 1940 AAUP Statement on Academic Freedom, faculty job responsibilities related to teaching and/or research, as well as identification of another agent providing a challenge to a faculty member's professional responsibilities in these areas. More specific examples of challenges related to teaching could include activities such as selecting a textbook, pedagogical approach, and disagreement over content. Research issues would include, for example, challenging the construction of a scientific protocol or more likely, disagreement with the findings of a scientific result. This is not to suggest that any faculty member is inerrant, but rather a lay person's misunderstanding of scientific or research processes. Clearly, faculty subject themselves to peer review on a regular basis which hopefully is the result of a more sophisticated understanding of the academic enterprise.

All six participants were successful in providing varying levels of comprehension about academic freedom. As noted above, some had direct experiences with classroom instances involving academic freedom. Some had indirect experiences with academic freedom in their

roles as instructional administrators or as division chairs. All had some conceptualization of the principle of academic freedom, some more sophisticated than others. All were able to connect, as will be shown in a subsequent section, the conceptualization of academic freedom to direct or indirect classroom experiences, and to the case studies presented to them. To meet expanded concerns about the definition, sections pertaining to the application of academic freedom will be found in the section on case studies, and parameters for applications will be found in the section on the scope of academic freedom.

Staying within the context of the mission of a community college and its primary charge to faculty instruction, Dr. DI55 asserted, “I think in my estimation is that a faculty member, in particular within the classroom, has a right, as well as a responsibility, to really teach content as it has been defined by their particular discipline and field, and presenting theories and practical applications from different perspectives” (DI55, personal communication, August 31, 2013). Because of the presentation of theories that are “political lightning rods” (DI55, personal communication, August 31, 2013) throughout history, some theories which are being put forth may go against the grain of public thinking at the time (DI55, personal communication, August 31, 2013). Academic freedom was thus:

... designed to protect the faculty member from some of those political pressures that would say, ‘No you cannot present that aspect or that theory of your particular discipline or professional fields because we don’t believe that’s really true or in the best interests, whether that’s supported by fact or scientific evidence ... (DI55, personal communication, August 31, 2013)

Dr. HM32 expressed a fundamental component of the historical notion of academic freedom by stating it as:

A principle in which the college instructor is considered an expert in his or her field, and within the teaching or research of that field, has the freedom to go where the results take him or her, without interference based on political considerations, social conventions ... (HM32, personal communication, August 24, 2013)

Mr. FS74, who represents career and technical education at MCC, responded to the question by stating that academic freedom was “being allowed to develop and deliver content based on knowledge and expertise.” Relevant to the community college context, he asserted that this required “obtaining information from the industry you are responsible to for your curriculum” (FS74, personal communication, September 13, 2013).

Mr. LVB86 also asserted the importance of trusting the teacher’s expertise but extended it to pedagogical methods, “I think of the ability of a teaching professional to be unimpeded by anything but his or her own judgment as to how to conduct the class.” Included as potential sources of interference were politicians, student squeamishness, administration, social influences. In short, Mr. LVB86 sees the issue as “trusting the teacher to be a teacher” (LVB86, personal communication, September 18, 2013).

When asked to provide a definition of academic freedom, Dr. TJ69 said, “ It’s hard to define without noting its purpose” (TJ69, personal communication, August 31, 2013). Upon my support that such a framework was appropriate to articulating a definition, Dr. TJ69 said that academic freedom “gives the right of the instructor to examine his or her field from as many

different angles as the instructor feels is necessary...consistent with the expertise of the parameters of the field itself” (TJ69, personal communication, August 31, 2013).

Dr. TJ69 broadened the definition to include practical implications of academic freedom, “...we have had many theories and so-called facts that have turned out to be, to be challenged, or deemed to be incorrect through research and academic freedom ...” (TJ69, personal communication, August 31, 2013). The role of academic freedom should “give the right to challenge accepted notions of the truth so that knowledge can be advanced and perpetuated” (TJ69, personal communication, August 31, 2013). For students, Dr. TJ69 asserts an important value, “they’re introduced to different ways of viewing the same subject, which promotes both tolerance for other ideas as well as the realization that truth is not constant” (TJ69, personal communication, August 31, 2013).

The two elements of academic freedom pertaining to research and teaching, are the core attributes expressed in the 1940 American Association of University Professors statement on academic freedom which was referenced by Dr. DM12, who conceived of academic freedom as a type of freedom of speech in the classroom as well as the freedom “to pursue your research” (DM12, personal communication, September 13, 2013). Relying on this historical notion of academic freedom, Dr. DM12 said of the 1940 AAUP statement, “I think it helps to qualify it because it essentially says you have the freedom to do whatever the heck you want, but remember, you are a professional, you’re representing an institution, ...” (DM12, personal communication, September 13, 2013). He further states, “... it comes down to freedom of speech, in pursuing your subject, and so accomplishing your job” (DM12, personal communication, September 13, 2013). Finally, he noted a difference between the missions of different institutions and how academic freedom should be understood, “At a community

college, it's going to be mostly teaching" (DM12, personal communication, September 13, 2013). Upon my confirmation of his statement, he said, "...where I have encountered issues with it, in my career, it's generally been in the classroom" (DM12, personal communication, September 13, 2013).

Participant Experiences with Academic Freedom

As noted above, the faculty members in the study had experiences related to developing academic freedom policies for MCC. All of the participants also had experiences at the practitioner level. One individual had experiences dealing with academic freedom in a career and technical program. Some had experiences as academic administrators. Five of the six had significant experience as instructors in the community college sector.

Coding for this section concentrated on responses related to course content and pedagogical methods and/or teaching styles. Comments representing challenges to research protocols would have also been acceptable but none was given. Sources of the challenges to academic freedom could come from any source internal or external to the classroom. This includes students, but could also involve other faculty, staff or administrators at the college, as well as external subjects like parents or community members.

Dr. TJ69 cited an example involving classic literature and an instructor's use of the word "bitch." The point of his discussion was to illustrate the pattern found in some literary works, whether the Bible, Pandora's Box, etc., that tends to see the woman as causing the problem in the text, thus the categorization of the woman as "bitch" (TJ69, personal communication, August 31, 2013).

Despite the irony, the instructor was offering a feminist defense by using the word “bitch.” His intent was to advocate for a notion of equality for women and show that they are sometimes portrayed as unequal to man. The literature perhaps mirrors historical and social realities throughout much of human history and even today in many countries and cultures. Even with the instructor taking a pro-women stance, it “didn’t sit well with several female students” and the result was complaints coming forward (TJ69, personal communication, August 31, 2013).

Dr. TJ69 told the students he understood their point and would speak to the instructor about using that word in class, even in that way. He went on to say, “I wish that were covered by academic freedom...and if I were the adjudicator...I would say that it is academic freedom” (TJ69, personal communication, August 31, 2013). I pressed him and asked, “How would you know that? How would you come to that conclusion? What would tell you this is what it is?” (TJ69, personal communication, August 31, 2013). Dr. TJ69 said simply, “Context” (TJ69, personal communication, August 31, 2013). After a brief pause he noted further, “It is acceptable within the parameters of the prevue of the instructor. When you’re trying to explain a point that has to do with the curriculum then I would say it should be protected. When it is gratuitous ... and not connected to the search for knowledge, so to speak, I would say that is a difficult line” (TJ69, personal communication, August 31, 2013).

To ensure I understood him correctly I attempted to summarize, “... ‘woman as bitch’ is really not his [the instructor’s] phrase but reference to an ideal within classical studies and historical ideas, and he’s calling attention to the phrase, not personally using it and advocating that this is the correct idea. Is that it?” (DM12, personal communication, September 13, 2013). After affirming my summary, Dr. TJ69 said, “If a concept that is taught it can be justified by its

connection to the college curriculum” (TJ69, personal communication, August 31, 2013). This example was clearly representative of the ambiguity surrounding the communication between instructor and student in regards to controversial course content and the interjection of academic freedom as the potential mitigating principle. Dr. TJ69’s analysis of his experience here evidences a foundation for understanding the concept of academic freedom and the necessity of placing it within a context. It also leads to the likelihood that Dr. TJ69 could develop and articulate a moral defense and justification for academic freedom.

Mr. LVB86 provided a similar experience but one in which he was a central character, or is often a central character. Upon encountering two students “jabbering back and forth” (LVB86, personal communication, September 18, 2013). In class, he turned to them and said, “Will you two kindly just shut the fuck up?” (LVB86, personal communication, September 18, 2013). He noted that everyone in class froze and that one woman accepted it and returned to class, the other one never returned (LVB86, personal communication, September 18, 2013). Mr. LVB86’s reasoning behind his action was to say that dropping cuss words of this sort on occasion can “enhance the process.” Furthermore, Mr. LVB86 said it is the judgment of the teacher:

... To decide what enhances the process and what doesn’t enhance the process. I think there are certain things like physical assault that don’t enhance the process. And there are other things we could probably mention that doesn’t enhance the process, but I think, fairness has got to be at the very, very top. You can’t play favorites in class. But the language you use and the metaphors you use, the analogies you use, I have a hard time saying that there are certain ones that ought to be off limits. You’re going to be making a lot of people uncomfortable. (LVB86, personal communication, September 18, 2013)

When I asked Mr. LVB86 how this might be tied to the curriculum he commented, “I don’t see why one approach to the curriculum is acceptable because it used a certain kind of language and another is inferior because it is a different approach to the curriculum” (LVB86, personal communication, September 18, 2013). Similar to Dr. TJ69, Mr. LVB86 connected his pedagogical approach to the documentation of academic standards and content, “If the curriculum is what is being served, at least in part, then the process of education should not be impeded by allowing an individual to disrupt particularly chosen approach” (LVB86, personal communication, September 18, 2013). There is however a caveat noted by Mr. LVB86, and one that identifies an element of responsibility to the instructor, “. . .if a conscientious instructor can say ‘Yeah, I’m teaching to the material, I’m teaching what it means to do this and be this,’ then I’d have to say, ‘Answer the phone and mollify the parents’” (LVB86, personal communication, September 18, 2013). The quotes above, taken as a single argument, are not only an expression of a lived experience, but represent an application of the concept of academic freedom.

Although Mr. FS74 is not in a discipline that historically sees many student challenges to curriculum content, he does have experiences with student challenges that illustrate the value of academic freedom in the community college setting. In particular, his experiences illustrate that issues concerning academic freedom can emerge in career and technical programs which contain highly specified curriculum that is meant to prepare students for employment in business and industry. Roughly eighteen credit hours of an Associate in Applied Science degree make up general education requirement. Certificate programs contain fifteen to thirty credit hours with relatively few general education courses. Sometimes there are as few as three general education credit hours in a certificate program.

Competing schools of thought are found in many different academic disciplines. For example, historical discussions in philosophy sometimes center on metaphysics paradigms related to idealism versus materialism. You would also find debate among theorists in the field of epistemology, which is the study of the source of knowledge, whether empiricism or rationalism is the superior theory. Sociologists are usually committed to different theoretical structures of symbolism, structuralism, or Marxism. And psychology still finds adherents to Freud, Jung, and other theoreticians.

So too is the case with career and technical programs. Mr. FS74 teaches in the machine design technology program and competing methods can result in conflicts between teacher and student. Mr. FS74 related an experience where a student contradicted Mr. FS74's selection of methodology and argued that his paradigm was indication of his lack of expertise in the subject matter. Mr. FS74 articulated that for the purpose of the course, there was not enough time to complete satisfactory student knowledge and abilities by addressing both methodologies. Both were equally valid and individual instructors had to employ only one. Since he thought there were significant benefits to one method that was the one he chose. The student continued to express skepticism about Mr. FS74's pedagogy as well as the selected methodology. No resolution was reached (FS74, personal communication, September 10, 2013).

Dr. DI55 said that as the Dean of Instruction at MCC-Maple Woods, she receives complaints that fall into the academic freedom arena on a regular basis, noting that some of them were likely the kind that I have faced in my profession. She cited a couple of disciplines that tend to provide the most challenges, philosophy and biology, and the complaints tend to be both internal and external, coming from either parents or students (DI55, personal communication, August 31, 2013).

Philosophical arguments concerning the existence or nonexistence of God are common Dr. DI55 said. When it comes to exploring other ideas about religion or God:

... other than the ones they believe, ...they can't set aside their beliefs for a moment and realize that no one is really telling them that they have to change their beliefs, but they have to explore different kinds of beliefs within the context of the course. (DI55, personal communication, August 31, 2013)

The task for them, is to “basically demonstrate that they have knowledge” about religious arguments and those questioning the existence of God” (DI55, personal communication, August 31, 2013).

Other problems involving religion were identified by Dr. DI55 while she was serving as an administrator. One of MCC's literature courses is titled “The Bible as Literature,” and thus by its nature, presents the events depicted in the Bible in the same manner as any work of literature, i.e., as a written work with relevance to the human condition. Dr. DI55 explained that there are contrasting examples worthy of consideration, such as The Epic of Gilgamesh that provides a parallel flood story. In several instances, “the faculty member was really following the course content, and the outcomes, for that particular course. They were well within their professional responsibilities and goals for the course they were teaching” (DI55, personal communication, August 31, 2013). To emphasize the importance of the curriculum, Dr. DI55 cited “course information forms that lay out very clearly what the expected student outcomes are for those courses ...” (DI55, personal communication, August 31, 2013). Thus, for instances where she had to address potential instructor violations of curriculum, examples in which the instructor was using the classroom as indoctrination via the Bible, she found that the curriculum

was instrumental in addressing this issue by directly confronting the instructor, “Here’s the course content, here’s a reminder of what you need to be teaching in the classroom, and this is not a venue for teaching the Bible” (DI55, personal communication, August 31, 2013).

Perhaps the most common focal point of controversy in classrooms from secondary institutions through higher education is the presentation of Darwin’s discovery of natural selection within species as the mechanism for evolution. Dr. DI55 said that, “Over the years, I’ve had some that have advanced to my level.” Her comments, in my judgment, were nonchalant and expressed in a matter of fact manner, “...we’ve had them in science classes” (DI55, personal communication, August 31, 2013).

Dr. HM32 routinely contextualizes his Composition II course which, in addition to advancing students’ writing skills, also focuses on outcomes related to logic and critical reasoning. Like other English faculty on his campus, *The Immortal Life of Henrietta Lack* has been required reading for students enrolled in this course. The book clearly has academic connections to the scientific method and the theory of evolution, which Dr. HM32 notes:

... I have had people, students, who either from a political or religious perspective have tried to say that they shouldn’t have to read that material or they shouldn’t have to agree with what I said, which I never asked them to...but they did not want to be challenged to be reading this kind of material and thinking about these new ideas, that challenged their existing beliefs. (HM32, personal communication, August 24, 2013)

These instances have not been adequately addressed by Dr. HM32’s division chair and have thus advanced to the campus Dean. According to HM32, the division chair comes from K-12 with a degree in Education and just doesn’t understand what academic freedom is.

Furthermore, he cites a lack of protection from the Dean who failed to acknowledge the existence of the formal academic freedom policy. Only when HM32 brought out the policy were these student complaints quickly remedied (HM32, personal communication, August 24, 2013).

Dr. DM12 referenced an experience he had as a Chief Academic Officer. One of the best teachers he ever encountered used language, in his own excitement within the classroom, that many students found offensive. Many students loved him and excelled in his class. Others were completely turned off by his language within the first week of classes and lodged complaints about him (DM12, personal communication, September 13, 2013). There is clearly a slippery slope with this issue which was identified by the instructor, “Well, what about these books we’re reading? Here are four novels that are full of that language. Well get rid of those, too” (DM12, personal communication, September 13, 2013). Dr. DM12 said this was an ongoing issue with this instructor and one which was clearly, in his opinion, protected by academic freedom, “...is he meeting the objective? Yes he is ... “Every time it came up it was an issue of academic freedom. Could he present this in a different way? Sure he could” (DM12, personal communication, September 13, 2013).

As a Chief Academic Officer, Dr. DM12 acknowledged that not only was this an instance where academic freedom should be protected, but the college had a policy requiring it. So in many instances he attempted to reconcile the conflict between students and parents, and the professor’s pedagogy. Even with “devout hyper-conservative Christians” (DM12, personal communication; September 13, 2013), Dr. DM12 said he could often manage to get the student back into class with a reasonable amount of academic success. By advising the student to tell the professor that “this is how I feel when you’re doing this,” the student would end up staying in class and finish successfully (DM12, personal communication, September 13, 2013).

Academic Freedom and Case Studies

Per the aforementioned explanation on this study's research method, participants were given four case studies, each of which may or may not involve issues related to academic freedom. This part of the interview process was designed to complement the question which asked participants to provide a definition of academic freedom. Competent responses from participants in both of these areas are an indication of participant credibility as experts in the area of academic freedom. In the event that participants were unable to satisfactorily respond to questions regarding the definition of academic freedom or to the case studies, it would have indicated that a participant was not adequately prepared to advance to the ultimate task of identifying the moral justification of academic freedom. All of the participants provided satisfactory responses to the case studies and to the definition questions. There was variance among the responses but this could be indicative of the very nature of case study responses in ethics, i.e., when done correctly they mirror a factual reality that is often devoid of black and white answers. As will be illustrated below, all of the participants were able to refer to a conceptual understanding of academic freedom when responding to the case studies, and there were similar definitional linkages that some of the participants provided when drawing conclusions about the responses. Because participants were being asked to apply already articulated conceptions of academic freedom, I deemed coding as unnecessary. Their comments are derived judgments. And because of the intended sequencing and linkage of the survey questions, some responses to the cases studies are more appropriately referenced in the next section on the scope of academic freedom.

The first case study involves an adjunct sociology instructor at the fictional Utopian Community College-Central who has been providing anti-evolution arguments to students in her

Introduction to Sociology course. The case elicited clear concerns about whether or not the college's curriculum identified evolution as part of the course content for Introduction to Sociology. Dr. DI55 said that without looking at the curriculum for sociology you wouldn't be able to ascertain whether or not the instructor was within her purview to be discussing evolution (DI55, personal communication, August 31, 2013). Dr. DM12 asked, "Is the theory of evolution part and parcel of this curriculum (sociology)? Where is it tied to? Now it could be tied to, you know, group norms....but as I read this it sounds like she is advocating." He also saw a direct connection with the 1940 AAUP definition, "...if you're dealing with content, and especially if you're dealing with controversial material, you need to be extra careful" (DM12, personal communication, September 13, 2013). Dr. HM32 took the concern further and said, "One of the key points of responsibility is that your freedom is only freedom within your discipline. If this is a case where she didn't believe in evolution this would be the kind of thing where academic freedom was used improperly" (HM32, personal communication, August 24, 2013).

Dr. TJ69 saw the issue of curriculum in a much broader scale and thought that the very issue of the theory of evolution deserved to be addressed throughout the curriculum, "I certainly think that the discussion of evolution is germane in college, in general, quite frankly. And if the instructor has arguments that refute the theory, the instructor should present them" (TJ69, personal communication, August 31, 2013). This is certainly a broad interpretation of academic freedom and may very well discount claims that academic freedom must in some manner be tied to curriculum and discipline level objectives. How would this fit in a College Algebra course? Understanding the theory of evolution involves measurements, e.g., geologic time, changes in a species attributes, etc. But the use of algebra, in supporting or disclaiming the theory, at least at the undergraduate level, seems problematic.

Moreover, would academic instruction within the instructional context allow for factual information to be asserted as false? Outside of axiomatic statements, notions of probability are attached to most factual claims. Evolution, by means of natural selection, is supported by empirical evidence and a convergence of empirical evidence across many disciplines. If this is an epistemological test of scientific knowledge, refutation of natural selection, and subsequently evolution, seems to contradict the responsibilities of an academician, save those who fall into specific religious traditions.

The second case study centers on a philosophy instructor who has, following his presentations on arguments for the existence of God, neglected to provide students with criticisms of the arguments, and omitted any reference to arguments supporting atheism or agnosticism. Mr. LVB86, who is a philosopher, and who happens to have encountered a similar situation when doing an evaluation on an instructor, sees this case as an instance where a faculty member has failed the fundamental requirements of the discipline of philosophy, “And if you say, here’s some important things about life that you can’t talk about, then philosophy, you might as well call it Generic Studies 100 rather than Philosophy 100 because there’s no philosophy going on” (LVB86, personal communication, September 18, 2013). Dr. DI55 responded similarly, “...part of that particular course, ...it is a requirement, it is an expectation, of that particular field that you would cover all those different perspectives” (DI55, personal communication, August 31, 2013).

When I pushed Mr. FS74 on this case study and asked if the philosopher in question could use academic freedom as a defense for not providing criticisms of arguments or alternative arguments, he said, “I don’t think so because each one of these courses has, we call it an outline, a number of competencies that need to be covered, and you would think that evaluating opposing

arguments would be covered in a basic philosophy class” (FS74, personal communication, August 31, 2013). Dr. DM12, returning to his concern about advocacy in the classroom saw this as an example of indirect advocacy, “... there’s a statement that there are core components of the curriculum relating to Introduction to Philosophy... [it] says you have to cover this” (DM12, personal communication, September 13, 2013).

Finally, Dr. HM32 analyzed the case not as “a violation of academic freedom in the sense of bringing in gratuitous personal opinions” but one of “violating the norms of the discipline” (HM32, personal communication, August 24, 2013). More importantly, he saw this case as one which should be contextualized within an institution that is a public community college. While there may be religious colleges that have “a mission to promote a particular religious view ... a public institution should not be in a position where it seems as if a particular view is being promoted” (HM32, personal communication, August 24, 2013). This viewpoint confirms the relevance and importance of this study’s emphasis on context.

Case study number three yielded a clear consensus among the faculty participants. All were supportive of the conclusion that academic freedom would cover a psychology instructor’s pedagogical use of “f-bombs” to illustrate to students how non-cognitive psychology theories developed their evidence. Dr. HM32 said, “...it sounds like the professor has been talked to about it and has a pedagogical justification for using that language” (HM32, personal communication, August 24, 2013). Mr. LVB86 was uncomfortable with designating any language or metaphor off limits in the classroom and said, “I make people uncomfortable all the time” (LVB86, personal communication, September 18, 2013). He did make a clear connection to the curriculum, “If the curriculum is what is being served, at least in part but the process of education, then there is a problem with disallowing an “instructor” to say ‘this is the approach I

want to take” (LVB86, personal communication, September 18, 2013). He emphasized the importance of recognizing multiple ways of developing a successful pedagogy, “I’m not saying the f-bomb approach is superior to the non-f-bomb approach. Another teacher may take a different approach and be inoffensive and maybe do a real good job with it” (LVB86, personal communication, September 18, 2013).

Two participants noted additional values to be considered, thus evidencing the idea that academic freedom is not an absolute value that supersedes all other values, and that there might be competing values to be considered when analyzing potential interventions on behalf of academic freedom. While asserting that academic freedom should cover an instructor’s prerogative to employ blue language, Dr. TJ69 said, “Well, this is a tough one” (TJ69, personal communication, August 31, 2013). He explained that there was an ultimate value at stake in education that involved student learning, “...the material is the key,” and “when a student visits, you want them to learn the material to be well rounded individuals” (TJ69, personal communication, August 31, 2013). In lieu of this additional value in the classroom Dr. TJ69 suggested the instructor in the case study “should realize if he is going to use it (f-bombs) he should note at the beginning of class that sometimes in order to make points clear I will be using off color language” (TJ69, personal communication, August 31, 2013).

The final case study addresses the issue of bias in the classroom. The overtly biased political science instructor who routinely advocated for a particular political party and whose students perceived they needed to align with her biases on examinations was seen by Dr. DM12 as someone who “very directly steps over the line.” He contrasted her method with professors whom he viewed as highly successful who could inform the class, “Here’s where I stand. Here’s who I support. However, for the purpose of this class, this is what I’m looking for ...” (DM12,

personal communication, September 13, 2013). He also, based on previous experiences at St. Charles, saw this kind of bias as potentially harmful to public support for the college. When a professor on campus led presentations on campus that were perceived as anti-Republican, calls flooded the college from the community demanding the college show balance (DM12, personal communication, September 13, 2013)

Dr. DI55 tied the issue once again to the curriculum and the course content. She saw “lots of parallels to religious points of views” and expressed that the “role of the instructor is not to sway students to a particular perspective or point of view. Rather the instructor’s role with the classroom is to present all the different political perspectives” (DI55, personal communication, August 31, 2013).

Two faculty members were very clear about the detrimental effect the political science instructor could have on students but their respective conclusion differed greatly. Dr. TJ69 said, “The problem here of course is the students and the way they respond to exams” (TJ69, personal communication, August 31, 2013). “This makes the instance irrelevant to academic freedom” (TJ69, personal communication, August 31, 2013). Mr. LVB86 saw the actions of the political science instructor as a moral affront to students, “...if you require your students to parrot your biases, then you’re demeaning them as individuals. You’re treating them as a means to an end and not as an end” (LVB86, personal communication, September 18, 2013).

The Scope of the Principle of Academic Freedom

Several of the participants, prompted by the survey’s continued analysis of definitions and applications, spoke about the limitations to academic freedom and the responsibilities that are inherent to a college faculty member. If academic freedom is properly understood as a type

of moral principle, then it engenders the same metaphysical questions that are asked of other moral principles. Is this an absolute principle? Where the facts warrant, does it hold in all circumstances at all times? Is it, in Kantian terms, a categorical imperative? Or is it a principle of practicality to be sacrificed for other competing values? Are there instances where there is more than one right thing to do? What should one do if the alternatives are mutually exclusive, producing a decision that sacrifices one good while intending to protect another good?

Dr. DI55 provided a sophisticated understanding of how academic freedom might come into conflict with other values. She stated that “I don’t believe that students really, truly understand academic freedom in the same way that a faculty member does in the classroom” (DI55, personal communication, August 31, 2013). She went on to clarify that “being granted freedom of speech” is an operative principle for students and this entails “...a right to present a different perspective if they can cite their source and it’s well supported and a well- known source” (DI55, personal communication, August 31, 2013). The result of this is a “fine line to say one is academic freedom and one is a protection of the general idea of freedom of speech. Academic freedom becomes confusing or blurred, not just for students and the community at large, but I think they also get confusing for faculty and administration as well” (DI55, personal communication, August 31, 2013).

There were additional value conflicts cited by Dr. DI55. She identified the “intersection between academic freedom and civility, noting the student expectation of a “comfortable educational environment for everyone” (DI55, personal communication, August 31, 2013). Within the context of discussing one of the case studies concerning the instructor who employed profanity in his lecture, Dr. DI55 thought that it was possible for this type of instance to evolve into a “harassing kind of environment” (DI55, personal communication, August 31, 2013). This

could quickly turn to legal and compliance concerns if students felt “like they’re in a hostile environment” (DI55, personal communication, August 31, 2013).

Perhaps her experiences as an instructional administrator influenced her response but Dr. DI55 saw case study three, the one concerning the use of profanity as pedagogy, as an instance of competing values. She clearly acknowledged that the pedagogy in question was directly tied to the curriculum and thus provides some protection for academic freedom, but expressed worries about legal and compliance issues. “This is a place perhaps where we talk about the intersection of academic freedom and the expectations of a comfortable educational environment for everyone. There are issues of civility as well as compliance and legal issues. Do students feel like they’re in a hostile or harassing kind of environment?” (DI55, personal communication, August 31, 2013). Although Mr. FS74 did not elaborate extensively, he confirmed Dr. DI55’s concern about legal values competing with academic freedom. Mr. FS74 thought there was no question about separating educational content methods from manners and tact. However, he did acknowledge the potential for other concerns, “I suppose there’s a line there, a line where it crosses into being sexually offensive to certain students, but as long as that line isn’t crossed” (FS74, personal communication, September 10, 2013).

Dr. TJ69 thought there were two particular issues which emerged from the aforementioned case study. He noted that the instructor should notify the students at the beginning of the semester “sometimes in order to make points clear, I will be using off-color language” (TJ69, personal communication, August 31, 2013). This led him to infer that the tension between student perception and curriculum delivery should be resolved by an understanding that “...the material is more important than the students” (TJ69, personal communication, August 31, 2013). Upon further clarification he said, “...the material is the key

and people hearing the material is the important point” (TJ69, personal communication, August 31, 2013). Within a colloquial vernacular, Dr. TJ69 said, “...sometimes students need to pull up their briefs and deal” (TJ69, personal communication, August 31, 2013).

The term “right” is an often used descriptor employed as a trump card in moral situations. When I asked Dr. TJ69 who is bestowed with academic freedom he replied, “Well, my view would be faculty have it as an inherent right as faculty members.” This is because “it is the faculty that are supposedly the deliverers of, at least, the knowledge of their particular subject” (TJ69, personal communication, August 31, 2013). When I pressed for further information by asking whether this inherent right stays with you no matter whether you are employed by a college or not, Dr. TJ69 said, “I don’t think you carry that with you. I think it’s a function of the job” (TJ69, personal communication, August 31, 2013). Dr. TJ69 is indicating what might be a primary source of confusion among academics and non-academics alike. Moreover, as will be addressed below, this is a precursor to the contextual element of academic freedom within the community college, and perhaps other institutions as well.

Mr. FS74 also used the word “right” when referring to academic freedom. I followed up with these questions, “When you think of academic freedom, is that a right that you as faculty have? And if so, where does it come from? Is it a right that faculty have everywhere or is it a certain kind of right? How would you describe that?” (FS74, personal communication, September 10, 2013). Mr. FS74 offered a more precise explanation, “I would describe it more as a necessary privilege more than a right. Right is a pretty strong word. There are situations where you can revoke privileges but you can’t revoke rights” (FS74, personal communication, September 19, 2013). Similar to Dr. TJ69’s comments, this provides an early glimpse into the scope and moral justification of academic freedom.

In the tradition of a philosopher, Mr. LVB86 used Venn Diagrams as a metaphor for understanding the multiple values found within higher education. He referred to this as “the spheres of limitations argument” (LVB86, personal communication, September 18, 2013). The first sphere was depicted as “the autonomy of the teacher” and illustrates that academic freedom entails a teacher’s charge to “marshal his or her autonomy to the well-being and education of the student” (LVB86, personal communication, September 18, 2013). He described the second sphere as the “sphere of student learning” (LVB86, personal communication, September 18, 2013). Mr. LVB86 elaborated on the two, “As a teacher, you have to have a certain amount of unfettered ability to teach it in your own way.” However, “there has to be an intersection with the students’ ability to comprehend ...” (LVB86, personal communication, September 18, 2013). These comments reveal the connection between academic freedom the professional responsibility of a teacher to student learning. The protection of academic freedom and the autonomy of a teacher must be constrained by student learning.

Because “Venn Diagrams have a third sphere,” Mr. LVB86 identified the discipline of philosophy as final category. He claimed that conveying philosophy to students was to teach them to “live the philosophical life.” (LVB86, personal communication, September 18, 2013). This means “I encourage them to ask questions...and answer them rationally” (LVB86, personal communication, September 18, 2013). This is not just to teach them philosophy but to “communicate that philosophy is a living enterprise” (LVB86, personal communication, September 18, 2013). For Mr. LVB86, the philosopher must intersect with the first two spheres of limitation. In his words, “you can’t leave philosophy behind” (LVB86, personal communication, September 18, 2013). When I asked him whether or not this was true of other disciplines like sociology or biology, he responded, “I do believe that philosophy is in a unique

position, I think it speaks to the individual and his or her conscious experience of his or her own life” (LVB86, personal communication, September 18, 2013). “Maybe,” Mr. LVB86 went on:

... it is possible to distance yourself as a person from your discipline, and just sort of teach a subject. Maybe this is just me, as a philosopher, I can't distance myself from being a philosopher in the classroom with my students. I think that's one important group, that teaching philosophy is being a philosopher. (LVB86, personal communication, September 18, 2013)

In a precursor to questions concerning the moral justification of academic freedom, Dr. HM32 noted that academic freedom is “not an absolute freedom by any means” (HM32, personal communication, August 24, 2013). The scope and limitation of academic freedom was described as “a give and take, where the community say, ‘All right, we’ll give you academic freedom, but you need to be responsible in the way you conduct yourself within that’” (HM32, personal communication, August 24, 2013). Such a limitation is not “an opportunity to spout personal views or try to recruit students to a particular political or religious affiliation” (HM32, personal communication, August 24, 2013).

As a segue to the next section, Dr. DM12 identifies the distinction between academic freedom and freedom of expression:

I think the 1940 AAUP statement helps to qualify freedom of speech in the classroom because it essentially says you have the freedom to do whatever the heck you want but remember, you are a professional, you're representing an institution, you need to make clear that if you are speaking as a citizen or individual, you have to acknowledge that. (DM12, personal communication, September 13, 2013)

In other words, if academic freedom is a type of freedom of speech, it has limitations that are indicated by the boundaries of the classroom.

The Moral Justification of Academic Freedom

The primary purpose of this study is to establish a plausible foundation for the principle of academic freedom as it manifests in the context of the community college. It is one of the more difficult tasks in ethics to determine whether or not an ethical principle finds its existence via consequential origins or inherent rights-based origins.

Within the body of my interview questions and process, I asked several questions related to the task of identifying the source and justification of academic freedom. I asked the straightforward question, “What is the justification of academic freedom?” With the exception of Mr. LVB86, none of the participants have any extensive formal education in ethics so most responded in a vernacular that remains outside of the common language and set of definitions that satisfies routine ethical inquiry, at least, inquiry conducted by the traditional philosopher. This should not however represent an insurmountable barrier as the phenomenological method does not require that the subject utilize the accepted lexicon of a particular discipline. Rather, it is the investigator’s imperative to capture the language and strip away that which is unnecessary until the essential nature of the phenomenon in question is exposed. Once that occurs, alignment of participant comments with the language of philosophers and ethicists can be completed. This task involves the recognition that the vernacular of participants may not equate exactly with the language and terms found in ethical inquiry, yet can be cross-walked accurately with proper coding procedures (Moustakas, 1994).

Coding for this fundamental question of ethics lies in the distinction between deontological ethics and teleological ethics. Deontological ethics, as previously discussed, refers to those ethical theories which hold that the rightness or wrongness of an action is determined without consideration of an action's consequences. The fundamental idea here focuses on the inherent value of a particular action. For example, upon discovering that my neighbor's house was on fire and children were inside, I choose to run into the burning house in an attempt to save the children. The result is disastrous. I fail to save the children and die in the process. Not only have I failed in this attempt, I have also acted in a manner that deprives my wife and children of father and husband, and a breadwinner for the family. Yet because I have acted from a sense of duty by attempting to protect the lives of other human beings, my action would be deemed moral. The same action with different motivations that produces positive outcomes could be seen as immoral. If I was running for a political office and viewed the opportunity to save the children and obtain favorable public opinions, and I had been successful in saving the children, my action would be seen as immoral by the deontologist. I had used the lives of others as means to an end and did not act from a sense of duty to others.

Derived judgments from a deontological-based foundation of academic freedom would find its utility of no consideration. Academic freedom would exist independent of whether or not it produces any favorable consequences for students, community, knowledge, the college, or even the faculty who possess it.

A word commonly found in this ethical theory is "right." A classic example of this expression can be found in the United States' Declaration of Independence, a derivative of the philosophy of John Locke, which holds that human beings possess fundamental moral properties (rights) which are found in the very instance of being human, properly understood as rational

beings. As both Locke and the Declaration of Independence assert, these rights are “inalienable,” meaning that they are not bestowed upon humans by any entity, be it human, governmental, or other institution. Other words or phrases which might indicate a deontological mindset of a participant toward academic freedom include expressions which would indicate that no external person or group can infringe upon the processes and activities found within a classroom (Locke, 1952).

In contrast, a teleological ethical theory establishes that the scope of an ethical principle, and any derivative action, is based on the consequences of the action it produces. The right thing to do is that which produces good (however defined), and the wrong action is that which produces harm (also however defined). Employing the example above, my attempt to save the children in the burning house would be immoral should I fail to save the lives of the children and myself. Reason would dictate that I recognize the situation as one which contains the unlikelihood of success, and that I compounded the harm by exposing myself to danger in addition to the children. Likewise, even if my motivations were questionable, if my ability to save the children involved adept calculations, my action would be deemed moral.

Coding for teleological ethics entails a broader set of possibilities, e.g., “welfare,” “community,” and “benefit.” With respect to the goals of higher education and those of the community college, an expectation of hearing “abilities,” “contribution to society,” “better citizen,” and “student success” would all be indicators of a teleological justification. Given the elucidation of the teleological examples above, academic freedom would be understood to have a justification grounded in outcomes, those which produce goods for the individual and the community at large.

There are some items, as I indicated when describing the structure of the interview process, which are worthy of recall. The context and mission of the community college, its contrast to the four-year university, the experience and credentials of the participants, the grasp of the concept of academic freedom; all play a role in the process of determining their remarks about moral justifications. Indications of the source of moral justification might be found at any point within the interview process, and of been so noted.

In addition to the straightforward request to identify the moral justification for academic freedom specific to participant work at the community college, I also asked participants to determine whether academic freedom is an important value, and if so, why? This kind of question can sometimes reveal potential justifications about moral principles. Often a response to this question indicates that there is some type of benefit that comes from the principle, thus indicating the principle's justification lies with teleological concerns. For example, if the question were posed, "Why is a free press important?" an answer could be given that it provides a check and balance against tyrannical rule. If a responder says that it doesn't matter whether it produces any other value it would be an indication that the principle is deontological in nature. In the case of academic freedom, participants could call attention to a benefit that comes from academic freedom or they might offer that the benefit doesn't matter because it is primarily a moral value that belongs to the faculty.

Dr. HM32 articulated that the justification is found in:

... the nature of a social contract, or a social charter, in which the community, whether it's the local community, or the national community, but the society [which] gives academics the privilege of academic freedom and the promise of non-interference, as

long as people are conducting their research or teaching responsibly to help further the knowledge base for society. (HM32, personal communication, August 24, 2013)

This comment exhibits the concept of academic freedom as one which is contractual, and one which has teleological or consequential foundations. The responsibility for instruction thus lies in the obligation to meet the expectations of society and the education of students. It is however, also possible to see moral contracts as possessing duty-based imperatives. The violation of a contract may have little to no significant harms yet concurrently violate the moral obligation of the agents in agreement. Dr. HM32, by his connection of college and community, is clearly articulating a notion of benefit through a social contract paradigm.

Another participant also viewed the moral justification of academic freedom as involving both deontological and teleological underpinnings. Dr. DI55 thought that academic freedom rests within the nature of being human:

An inherent right to really challenge your own thinking and other peoples' thinking. The ability to act morally, as human beings, ... we have a capacity for judging and thinking in ways that others, that animals, and certainly inanimate objects don't have. To be human means that one should have the inherent right to inquiry. (DI55, personal communication, August 31, 2013)

These comments align with the idea that academic freedom is a derivative principle from autonomy, the right to freedom as it applies to questioning and expression. There are no considered consequences to this conception, only the right to pursue inquiry.

When asked to elaborate on the potential implications of removing academic freedom, Dr. DI55 clearly identified consequential considerations. Such a loss would result in a culture

within an institution that is so fearful of expressing unpopular theories and perspectives that there would be repercussions from within the institution or from the external community, be it a parent or a state legislator (DI55, personal communication, August 31, 2013). The faculty would not feel comfortable and they would think that their jobs or livelihood would be at risk. This would be detrimental to what higher education is all about, i.e., the depth of cultural inquiry and intellectual curiosity. She cited as an example the lack of intellectual growth found during the medieval period, a time that featured regression in human knowledge from the time of the Greeks and Romans. This wasn't recovered until the Renaissance and the flourishing of intellectual curiosity without fear of ramifications (DI55, personal communication, August 31, 2013).

Dr. DI55 further elaborated by calling this a “chilling effect” (DI55, personal communication, August 31, 2013). For our students, the intellectual growth of our society and our culture. Drawing an analogy to Nazi Germany, she claimed it would result in a “culture of fear where people are afraid to really express unpopular theories, unpopular opinions within whatever disciplines it might be” (DI55, personal communication, August 31, 2013). While her comments may be applicable to all sectors of higher education, she reminded me that at the heart of the community college mission was the emphasis on teaching. “Teaching comes first” (DI55, personal communication, August 31, 2013). Taken in conjunction with her earlier comments, she noted that the community college teacher is central to advancements in knowledge and culture, and that lack of protection of academic freedom impedes community college faculty from meeting the mission given by the community they serve. Academic freedom is thus tied to social ends” (DI55, personal communication, August 31, 2013).

Mr. FS74's responses were less transparent when it came to addressing academic freedom's moral justification. He did identify key moral underpinnings when discussing the case involving the instructor who uses profanity as part of his pedagogical approach. Mr. FS74 commented that, "It might not be the most tactful thing to do, but it's certainly within his right to do so" (FS74, personal communication, September 10, 2013). As a follow up to this comment I asked:

You mentioned the word 'right.' When you think of academic freedom is that a right that you, that faculty have? And if so, where does that right come from? Is it a right that they have everywhere, or is it a certain kind of a right? How would you describe that? (FS74, personal communication, September 13, 2013)

The following comment, stated previously by Mr. FS74, deserves repeating, "I would describe it more as a necessary privilege more than a right. Right is a pretty strong word. There are situations where you can revoke privileges but you can't revoke rights" (FS74, personal communication, September 10, 2013).

The original comment made by Mr. FS74 in reference to "rights" is one which recognizes that there are moral attributes that are inalienable, held by virtue of being human, and thus cannot be taken away. In contrast, a privilege can be taken away. Perhaps an illustrative analogy would be obtaining a driver's license. This is the allowance of a government for an individual who meets certain criteria, a legal sanction for operating an automobile. It can be revoked upon violations of established laws. If the analogy is intact, academic freedom is seen by Mr. FS74 has a principle which can be granted to instructors but similar to a privilege, is subject to removal. Furthermore Mr. FS74 views this principle in matters of degree, "Because you have

adjunct faculty, or I guess at the university level, you have teaching assistants that teach courses; they don't necessarily get the same privilege, or the same privilege in the same amount ...” (FS74, personal communication, September 10, 2013).

Though not explicit in his analysis here, there are some reasonable interpretations grounded in known facts. Adjuncts and teaching assistants, by definition, do not hold permanent positions and may therefore be more vulnerable to the loss of academic freedom. It is also possible that the connection to academic tenure is implied. Neither the adjunct nor the teaching assistant can obtain tenure, and, as many academicians assert, are more vulnerable to controversial pedagogies and content that become cause for dismissal.

A third question I asked participants was “What would happen if academic freedom wasn't protected?” This could be reasonably viewed as a corollary to the second question. For example, if one were to ask the question, “What would happen if we didn't operate under a judicial principle of fairness ‘innocent until proven guilty?’”. A reasonable response would be one which illuminated serious consequences in terms of innocent people being found guilty of crimes they didn't commit. In other words, the non-existence of the principle (or the failure to implement a policy that would protect the principle) would result in foreseeable harm. Again, this shows a justification that is consequential/teleological in nature. Similar to the second question, a participant could argue that a violation of the principle would be the equivalent of violating one's freedom, i.e., it doesn't matter what the loss of freedom results in; it is a violation of a moral right of the individual.

Dr. DM12 responded, “I think it's important because the practitioners, the faculty, have a comfort level to be able to pursue my line of thought to a logical conclusion, my line of

pedagogy without being concerned, as long as it is within the context of the goals and objectives of the course, and what I'm doing is effective in the classroom" (DM12, personal communication, September 13, 2013). I probed these comments about "goals and objectives" and "effective in the classroom" further, "...is it fair for me to capture what you're saying here, is that we've got these expectations of students and, in pursuit of those expectations we assess and want them to be able to do certain things?" (DM12, personal communication, September 13, 2013). Dr. DM12 answered, "Right, and to the extent that it does what it does, I mean, it's our structure, any higher education structure" (DM12, personal communication, September 13, 2013; 306-307). Moreover, "...within that highly structured system, what academic freedom does, as a faculty member, it provides a type of freedom of speech to get these students to these competencies in the way I see fit" (DM12, personal communication, August 13, 2013). While not referring to consequence-related community benefits, training for workforce placement, or successful citizens, Dr. DM12 is noting an idea of competencies within a classroom, often referred to as "expected student outcomes," which are generally understood as a student's demonstration of knowledge and/or application.

When asked why academic freedom was important, Dr. TJ69 stated, "Well, I think it's important to the advancement of society in general" (TJ69, personal communication, August 31, 2013). Citing the historical circumstances of Copernicus, Dr. TJ69 said, "...it is important to both scientific knowledge and social advancement, if you will. A society that does not allow for academic freedom will not seek the greater understanding of their own self, and their life" (TJ69, personal communication, August 31, 2013). Similar to Mr. FS74, Dr. TJ69 used the term "right" to describe academic freedom's foundation, "Much like I think freedom of speech is a right, partly because of its utility, for the advancement of knowledge...academic freedom is closely

aligned with freedom of speech and the purposes of freedom of speech, that it therefore could be considered a right” (TJ69, personal communication, August 31, 2013). Once again there is use of the word “right” in describing what it means to possess academic freedom, an indication of a deontological leaning. However, two things are of note in Dr. TJ69’s comments. His use of language exhibits the idea of academic freedom within the context of “the advancement of society,” “utility,” and “the advancement of knowledge.” All of these words can be properly coded as consequential in nature.

Later in the interview, Dr. TJ69 acknowledges the limitations of academic freedom, a departure from conceptualizing it as an inalienable right. When I asked him, “What if you started to work at Quik Trip after you leave the college, do you still have the right of academic freedom?” (TJ69, personal communication, August 31, 2013). He replied, “I don’t think you carry that with you. I think it’s a function of the job” (TJ69, personal communication, August 31, 2013). If Dr. TJ69 is correct about academic freedom being bestowed upon faculty by virtue of possessing an academic position, then a plausible explanation centers on the principle’s establishment as contextual, i.e., for the purpose of achieving institutional goals. Indeed, Dr. TJ69 identifies above “the advancement of society in general” (TJ69, personal communication, August 31, 2013).

Mr. LVB86’s interview rarely strayed from the discipline of philosophy as the source of explanation for survey responses and for the moral justification of academic freedom. He explained, “I can’t distance myself from being a philosopher in the classroom with my students” (LVB86, personal communication, September 18, 2013). He elaborated on the responsibility of showing students what it is to actually live the philosophical life, “I encourage them to ask question, and then I answer them rationally, to introduce reason and arguments ...” (LVB86,

personal communication, September 18, 2013). Continuing on, Mr. LVB86 said, “So I think there’s a limitation in the sense that you can’t...in your attempt to serve your students, you can’t leave the subject behind, you can’t leave philosophy behind” (LVB86, personal communication, September 18, 2013).

His identity as a philosopher and teacher became the source of understanding Mr. LVB86’s understanding of academic freedom. “I end up covering all the things that I think are philosophically important, epistemology, metaphysics, value theory, logic but I don’t do it in some sort of boilerplate kind of way.” ” (LVB86, personal communication, September 18, 2013). Mr. LVB86 made very few comments directly about the moral justification of academic freedom but does indicate in some of his comments that the sanctity of the philosophy classroom ought to evidence philosophy outcomes, “...we are also imparting other kinds of learning ideals to students, what it means to be able to solve a problem or to think critically, maybe analytical reasoning or other kinds of things might be at stake in this” (LVB86, personal communication, September 18, 2013).

When I asked him, “What happens to the students in DL’s philosophy class,” he said, “Well they lose philosophy first of all. Because philosophy is, I think, some sort of open-ended inquiry into the most important things of life” (LVB86, personal communication, September 18, 2013). Mr. LVB86’s continued emphasis on the importance of inquiry is, I would argue, best understood as a deontological foundation. Sometimes inquiry yields results of little to no value. So it is the ability to do it, not whether it produces benefits, that is key. And like some of the other participants, Mr. LVB86 indicates that this method of philosophical inquiry does provide access to “the most important things in life,” (LVB86, personal communication, September 18, 2013) an indication of consequential benefits. As a final response to this section of the

interview, Mr. LVB86 stated, “The whole idea of taking away academic freedom and saying, ‘Here are the things that are protected, and here are the things we can’t talk about,’ is essentially saying there is not philosophy” (LVB86, personal communication, September 18, 2013).

In preparation for the conclusions addressed in Chapter 5, I would suggest that there was little divergence among the participants with respect to mission divergence. All of the participants, faculty and administrators alike, provided a consistent distinction between the missions of community colleges and other institutions of higher education. All, faculty and administrators alike, recognized a variety of instructional services and a commitment to a local community.

There was also general acceptance of the historical definition of academic freedom. Some participants referenced the AAUP definition of academic freedom and all suggested that the curriculum should be viewed as an anchor to understanding how professional responsibilities of instructors are manifested. There was some disagreement about the content of the curriculum, specifically with the responses to Case Study #1 where one participant indicated that there it was within the boundaries of academic freedom to address evolutionary theory outside of specific curriculum content.

Some divergence was found in pedagogical methods, in particular, Case Study #3. From a faculty perspective, profanity was asserted to be an appropriate methodology, providing it was found within the confines of the curriculum and advanced student learning. Administrators were more hesitant about this pedagogy, explaining that there might be more than one value at stake in the classroom. Students should also have some level of protections from harassing or

threatening environments. Legal and civil rights protections were worthy of consideration as well.

In short, participant responses provided a reasonably clear inference to the primary question of this study. In the final chapter I will provide more detail about these inferences and discuss the impact on community college instruction and potential future studies. Comments about future studies and for professional development related to academic freedom will also be discussed. Mr. LVB86 will provide potential solutions for an institutional approach to faculty ability to self-police the principle of academic freedom.

Chapter Five

Results

The final chapter of this study concentrates on inferences to be drawn from the data presented in Chapter 4 and suggests further areas of study. Confirmation of the data's veracity is embedded in the conclusion. In addition to the conclusion's narrative, additional support for the conclusions will be provided in the construction of a formal argument summary. A short analysis of the nature of moral logic prefaces the presentation of this argument.

Other sections in this chapter include the relationship between the principle of academic freedom and academic freedom policies. A final section will provide suggestions for future studies that could be built on the work of this project.

The Moral Justification of Academic Freedom in the Community College

The research question posited for this study is whether or not the moral justification of academic freedom stems from a foundation of professional rights, or from that of a public benefit. Or in moral terms, is the foundation to be found in deontology or teleology? Even though several of the participants evidenced some idea of academic freedom as a mechanism for protection, all of the participants articulated a consequential underpinning to the moral justification of academic freedom within the context of the community college.

Academic freedom is clearly understood as a moral principle as it asserts prescriptive actions, i.e., to prevent external influences from interfering with the research and pedagogy of faculty members. This could potentially apply to faculty in any setting, not just college faculty, but both in primary and secondary schools, and perhaps non-credit classrooms. I have previously argued that context matters due to differing responsibilities of faculty according to

institutional mission. So I have narrowed the focus of this study to the context of community colleges and with final support from Patton, “keeping findings in context is a cardinal principle of qualitative analysis” (Patton, 2002, p. 191).

There is little doubt that the data presented shows a preponderance of evidence for establishing the moral justification for academic freedom in the community college as a teleological or consequential justification. The responses to the questions from all six participants produced a convergence of multiple expert participants’ analysis of consequential foundations for academic freedom.

Although the justification for using a qualitative method for this study has already been presented, a brief review and summary of the phenomenological method, and its specific application to this study, is a necessary antecedent to revealing the conclusions. Phenomenology is not an inductive method but a deductive one. An inductive method would find six participants insufficient evidence for drawing conclusions. In contrast, phenomenology’s deductive approach is satisfied by six participants. To reiterate, the participants are not randomly chosen but are selected by the investigator of the study who possesses a significant degree of knowledge about the subject to be studied. The investigator, either through first-hand knowledge, or through the snowball method, identified participants who also possess a significant understanding of the subject. Their expertise is confirmed by the interview process which identifies key components of the subject: working in a community college setting and knowledge of its mission, providing a definition of academic freedom and evidencing the ability to apply it in case studies, and articulating an understanding of the scope and limitations of academic freedom as it comes into play with other values or principles. This legitimizes the participants’ credibility on the subject and their subsequent thoughts on moral foundations. As will be indicated later in this section, it

is this final element of the survey which requires some degree of follow-up questions so that the phenomenological “stripping away” of language allows for identification of the essential moral foundation of academic freedom.

One of the reasons the phenomenological method was chosen for this study, and its embedding of a need for reduction, was due to the nature of moral discourse and the tendency of people to use a denotation that does not align with the intended connotation. This not only happens in ethics but also in disciplines such as science. A common example is found in the expression ‘Evolution is just a theory.’ Describing the term in this way allows for the inference that theories are subjectively drawn and the equivalent of a simple belief. One theory (or opinion or belief) is as valid as any other. By using the phenomenological approach and stripping away the label “theory,” one would likely find that the intended interpretation is to see a ‘theory’ as the equivalent of an opinion, and therefore no better or worse than any other opinion, or ‘theory.’” Clearly, scientists, philosophers, and other theoreticians understand a theory to be the explanatory result of a hypothesis which undergoes testing and continual evidence collecting, which establishes facts and the likelihood the hypothesis is true. In sum, use of a term does not necessarily entail that the meaning interpreted is the one intended. Follow up questions are required to reduce broader definitions of the term and determine the specific meaning intended (Gale, 1979).

Applied to this project, the phenomenological process came into play when Dr. TJ69 and Mr. FS74 described academic freedom as a “right,” a term which was previously coded as a sign of deontology. Upon further discussion however, both of these individuals backed away from the idea of academic freedom as a classic example of a right, at least one which is inalienable. Mr. FS74 saw academic freedom has a privilege, and clarified by stating that academic freedom,

like a privilege, could be taken away (FS74, personal communication, September 10, 2013). Dr. TJ69 described academic freedom as an inherent right possessed by faculty but then recognized that the possession of academic freedom was tied to the professional responsibilities of a faculty member and wouldn't transfer beyond this role (TJ69, personal communication, August 31, 2013). The standpoint of these participants coheres with contemporary ethicists like Ronald Dworkin who argues that academic freedom "is less clearly a right because no one is morally entitled to the status which brings that extra protection" (Dworkin, 1996, p. 247).

Had the data revealed a deontological, or non-consequential based justification for academic freedom, there would have been little to no concern expressed about loss of benefit to students and community, or there would have been little to no concern expressed about potential harms to subjects other than faculty. Instead there was a qualified concern about interference with faculty so that they could not achieve the goals they needed to meet as professionals. This would suggest that academic freedom, as a moral principle found within the community college, is not the equivalent of an inalienable right.

The genesis of moral justification for inalienable rights is arguably best known from the work of John Locke and articulated in "The Second Treatise of Government." These types of moral rights, as posited by Locke, are held by human beings simply by virtue of their being human. They are not granted by any external entity like a community or government, and thus they cannot be taken away by any community or government (Locke, 1952). In the event that an inalienable right is violated by another party, the violation results in a harm to the individual. An example could be found in rape cases. There are clearly potential psychological and physical harms to a rape victim, but the justification that entails rape is a moral wrong is that it violates the consent or autonomy of the victim.

If participants in the study viewed the failure to protect academic freedom similar to the example above, we would see a priority placed on the harm to the integrity and autonomy of the faculty members instead of a concern for the loss of academic goals and/or student/community benefit. And as evidenced by Dr. TJ69, when I specifically asked if a faculty member always had a right to academic freedom if he/she was no longer a faculty member, he responded negatively, i.e., the right goes away when the faculty member no longer participates in the profession. Thus there is no inalienable right to academic freedom. It should be properly perceived as a moral principle that is bestowed upon community college faculty by the community that constructs and creates the community college.

However, the interview of participants in this study indicated a *prima facie* mix of deontological and teleological foundations for academic freedom. And while some deontological foundations remain, further analysis of participant comments decidedly reveals an agreement that the moral justification of academic freedom rests firmly within the paradigm of teleology. During the exposition of data in Chapter 4, several of the comments were identified as being teleological/consequential in nature so a full account of all the section's data is unnecessary. In order to solidify the conclusion, I will review key data points below. They should evidence the soundness of the overall argument.

The very definition of academic freedom, according to Dr. TJ69, is "hard to define without noting its purpose" (TJ69, personal communication, August 31, 2013). He then goes on to provide perhaps the capstone comment in support of a teleological/consequential foundation for academic freedom in his articulation of the community college's mission, "...in general, the idea is that community colleges should serve the community they are in. Not just the students of the community, but somehow be attached to the community and the community's needs, whether

job-related or social-related” (TJ69, personal communication, August 31, 2013). Dr. TJ69’s comments express a clear notion of the community college’s purpose related to a goal: to produce benefits for the community they serve. Further evidence is found in his comments about the similarities with free speech principles: that academic freedom is critical for the advancement of knowledge, a function of its utility (TJ69, personal communication, August 31, 2013).

Dr. DI55 observes that the individual course curriculum is outcome oriented and thus focused on producing specific consequences for students, stating, “course information forms lay out very clearly what the expected student outcomes are” (DI55, personal communication, August 31, 2013). While the concentration of her comments is found within course level responsibilities, she is advocating that the responsibility of teaching, the primary responsibility of a community college faculty member, is found in moving students to specific course level or discipline level outcomes. These outcomes are generally thought to be preparatory in nature. Within the general education curriculum the outcomes provide preparation for additional study in the discipline and for transitioning to a baccalaureate institution. For career programs, the outcomes are viewed as necessary for students to function successfully in the workforce. These are the means to achieving a particular purpose. Mr. FS74 echoed this when he said, “...each of these courses has... a particular number of competencies that need to be covered ...” (FS74, personal communication, September 10, 2013).

In keeping with his insistence that academic freedom cannot be separated from the life of philosophy, Mr. LVB86 stated, “...philosophy is a living enterprise” and “you can’t leave philosophy behind” (LVB86, personal communication, September 18, 2013). This micro-viewpoint of academic freedom in the classroom is further evidenced by his comment about his role as being one of teaching students to “live the philosophical life” (LVB86, personal

communication, September 18, 2013). While most of the comments in this study were primarily focused on service to students and community in terms of workforce and preparation for additional academic study, Mr. LVB86 views the philosophical life as an outcome students could achieve that would serve them in most, if not all capacities of their personal lives. It is not surprising, as this aligns with one of the fundamental adages of philosophy, found in the words of Socrates, “The unexamined life is not worth living.” (Plato, 1956, 38a)

Specific data related to the justification of academic freedom begins with the observations of Dr. HM32, “. . . society gives academics the privilege of academic freedom and promise of non-interference as long as people are conducting their research or teaching responsibly to help further the knowledge base for society” (HM32, personal communication, August 24, 2013). This assertion carries a broader scope than that of the community college alone. To further the knowledge base of society is a teleological/consequential statement, but it carries a connotation that the foundation of academic freedom may be the same for four-year research institutions. An argument could be made that there is inherent virtue in the pursuit of intellectual endeavors and that is a non-consequential argument. At the very least however, there would be some indication that the purpose of research is to provide a benefit for society.

Dr. DI55 also revealed both deontological and teleological foundations. Her comment that to be human “means that one should have the inherent right to inquiry” (DI55, personal communication, August 31, 2013) shows an element of academic freedom unrelated to any specific goal. The teleological emphasis was clearly illustrated in Dr. DI55’s statements regarding the loss of academic freedom and therefore the loss of its fundamental purpose, which was the reason why the medieval period was without significant social and economic improvements, and human progress and knowledge stagnated from the time of antiquity. The

rebirth of a concern for science and epistemology brought forth a more enlightened society and progress for human culture. By analogy, the loss of academic freedom was equated with Nazi Germany and the suppression of intellectual activities, “a culture of fear where people are really afraid to express unpopular theories, unpopular opinions within whatever discipline it might be” (DI55, personal communication, August 31, 2013). This is an example of looking at the consequential nature of academic freedom in the negative; its absence produces harm, again a teleological consideration.

There is one final facet to this study’s argument, one that is implicit in the conclusion. If the moral foundation of academic freedom is teleology, and faculty possession of this value is restricted to the career tenure of a faculty member, then I would argue there is a matter of convention which produces this value.

One specific definition of *convention* expresses it as being the autonomous agreement of two or more parties as the basis for entering into a contract. A matter of convention involves each party acting in a particular way and the receipt of some type of outcome (Shafer-Landau, 2012). To illustrate, using a simple example, if party A, who lives in the same residence as party B, agrees to mow the grass and take care of the yard and party B agrees to provide cooking, then both parties have responsibility to perform specific actions that reduce the work of both, and produce desired outcomes from both parties. This type of convention is explicit in nature, as both parties have openly communicated to each other their consent to the terms of the contract.

There are inherent moral aspects to any contract, one of which is a type of fidelity, equivalent to promise-keeping. Assuming the absence of compelling or mitigating

circumstances and that each party can competently make decisions, the convention carries moral responsibility from each party.

An additional aspect of morality involves consequentialism. Autonomous consent entails the pursuit of particular outcomes. The example above clearly shows that each party is vested to the production of certain goods. A well-kept lawn and basic sustenance, while not often explicit in the contract, are likely sought by each party, and are assumed to be a *quid pro quo* as conditions of the contract. The outcomes in this example, though different in nature, run akin to the outcomes expected in the agreement between community and college, i.e., the advance of the well-being of community members, and the protection of instruction to accomplish those goals.

In *The Second Treatise of Government*, John Locke explains the formation of government from the state of nature (the absence of government), as a moral agreement between the government and those who are governed. In fact, it is the very agreement of the collection of rational individuals who create a government through their collective consent. Citizens of a government would agree to pay taxes, serve in the military in the event of foreign invasion, and follow the laws of policy makers, who are awarded their position by consent of the governed as well. The creation of the government which occurs in an original situation when people initiate its formation is an explicit convention (Locke, 1952). The Declaration of Independence and the subsequent American Constitution is an explicit separation from a prior government and the articulation of a new one, one which finds its justification in the consent to be governed.

Those of us alive in the twenty first century, however, were not present during the creation of the Constitution and the American government? How is consent thus possible?

According to Locke, consent becomes tacit consent when one party accepts the consequences produced by another party. It is a type of implicit consent that occurs within the context of government when citizens reap the rewards of the government's protections and services (Locke, 1952). By accepting protection from law enforcement, fire fighters, and the military, we are agreeing to the contract. By driving on roads, buying food that is FDA approved, and attending public schools, we are accepting conditions of the contract. Should we reject these conditions, Locke states that we are free to abdicate, but should not, then, utilize nor expect the benefits derived from the contract.

The existence of the community college is a strong analogy to the example given above. Most community colleges are created through the resources of a local community, in most instances through a tax levy that is voted upon by the citizens of the community. In exchange for their tax dollars, they have been promised access to higher education that is affordable and produces educational goals specific to the community's needs, general education, workforce training and development, community education, and so forth. This agreement is explicit and formally realized by the creation of a board of trustees whose primary responsibility is to oversee the financial contributions of taxpayers, and the financial security and solvency of the community college, and the policy framework to develop to direct and define the terms of the contract.

Implicit to this agreement is the hiring of faculty. In order to meet the mission of the community college and the expected outcomes of the local community, administrators and trustees of the college are responsible for hiring content experts who can impart knowledge and practical skills to the students served by the college.

Following this, if the consent of taxpayers creates the college, and the creation of the college requires the hiring of content experts brings contemporary knowledge and skills to the students from the local community, then the emergence of academic freedom as a moral principle is seen as protection of faculty from outside influence on the creation and delivery of curriculum to meet the expectations of the local community's taxpayers. The purpose of academic freedom is not to grant special moral status to college faculty beyond that contract with the community, but to protect them so they can deliver their expertise in the appropriate setting. Even though it is not explicit in the original agreement to create the college, it is implicit in the successful operations of the college. In some colleges, like the one I serve, it is formalized in policy.

Formal Summarization of the Argument

The process and results of this study can be formally summarized into a concise logical form. A logical argument is a collection of statements, one of which is the conclusion, also considered as the statement to be proved. The other statements are premises, statements which support the conclusion. Statements must be those which can be determined as true or false. In a valid deductive argument, such as the one we have here, the assumed truth of the premises forces the truth of the conclusion. Given the premises be ascertained as true, the argument is sound and the conclusion necessarily follows.

The application of logical structure to a moral argument involves two types of premises and a derived moral conclusion. The two types of premises are factual claims, statements which can be ascertained as true or false, and assertion of moral principles, statements which involve the distinction between types of moral theories, i.e., deontological or teleological/consequential.

Some moral conclusions involve a normative requirement, i.e., what one ought to do by virtue of the argument. The study's argument summary is below with "P" representing the premises of the argument and "C" representing the conclusion of the argument.

P1: A moral principle which concentrates on beneficence or the avoidance of harm

is properly understood as a teleological/consequential principle.

P2: The mission of a community college is to benefit students and communities by

providing education and training for the purpose of obtaining employment,

preparation for additional academic work, or other personal goals.

P3: Community college faculty, via their professional appointment, are

responsible for preparing and instructing students to meet the objectives

identified in P2.

P4: Community college faculty are appointed in relation to their credentials, i.e.,

they are content experts who by their own pedagogical determinations,

deliver discipline content to students.

P5: Academic freedom protects the faculty as content experts from internal and external

pressures that may influence pedagogical methods and course content and to

determine the best pedagogies for delivering discipline content.

P6: Lack of protection of academic freedom promotes the possibility of influence

from internal or external non-content experts to determine instructional methods and create a barrier to students' academic success.

C: Academic freedom as a moral principle within the context of the community

college is morally justified by teleological/consequential reasons and is possessed by faculty only while they are professionally responsible for instructional/discipline objectives and only to the degree it allows them to do so effectively.

If it is true that all moral principles that are focused on benefits/avoidance of harm are teleological/consequential, and academic freedom is a principle meant to protect student and community benefits, then it follows necessarily that the moral foundation of academic freedom is teleological/consequential. If the premises of this argument are true, the argument is sound. Accepting the analysis provided by the participants as true would thus ensure the argument is sound.

Though not an objective of this study, an additional conclusion can be drawn from the study's conclusion. It can be expressed as follows:

C2: Policies of academic freedom should be constructed by community colleges to protect the interests of its primary constituents, the students and community the college serves.

If the mission of the community college is to advance educational, social, and economic goods to its students and community, and academic freedom positively assists this objective,

then there is a connection between the protection of academic freedom and the advancement of this benefit. This study in no way proves the connection but could be seen as establishing a reasonable hypothesis to research.

If the conclusion of this study is reliable, i.e., the moral justification of academic freedom in the community college is derived from a teleological/consequential paradigm, then there is some level of support from other content experts. Noted philosopher Ronald Dworkin concisely states, "...academic freedom plays an important ethical role not just in the lives of the few people it protects, but in the life of the community more generally" (1996).

Verification of the Argument

Any research protocol demands accountability for its process and the reliability of its conclusion. I trust the following considerations should suffice.

Circumstances of the data collection can be strengthened or weakened by the quality of the data. The reputation and trustworthiness of the investigator promotes more reliable data, as does an interview process which is informal in nature (Miles & Huberman, 1994). As noted in the Introduction, my credentials as an investigator rest upon theoretical preparation in the field of ethics and in the tradition of Continental philosophy and its methods where the origins of the phenomenological methods are found. Academic freedom falls within the domain of ethical inquiry as it refers to its operative verb, "ought." The positing of an action as using this verb is an indicator of a moral principle. The development of phenomenology begins with the philosophical system of Edmund Husserl and is later employed by influential philosophers of the twentieth century including Martin Heidegger, Jean-Paul Sartre, and Maurice Merleau-Ponty.

I am also a practitioner in higher education, both as a member of the faculty and as an administrator. I have held many faculty positions over the past 25 years including adjunct experiences at private religious institutions, four-year research institutions, and community colleges. I have also served as a full time faculty member in a community college for fifteen years.

A concern to be raised for any researcher in this type of study occurs when the research threatens the institutional relationships of the participants. This can result in participants wondering why they have been selected and whether or not their participation might have a detrimental effect. They will thus craft their responses in a way that protects their self-interest (Miles & Huberman, 1994).

I have assumed this possibility from the onset of the study's construction. Part of this criticism was, I believe, addressed when I eliminated potential candidates because they were direct reports to me or when I was skeptical about my relationship with them. For the other six participants, those who were faculty were tenured and did not report to me in any fashion. The others were either institutional peer relationships or in different administrative positions. There is no guarantee that one can detect a problem of this nature, but I am not aware of any negative instances of institutional relationship changes since the interviews were conducted.

The interview script and its sequence were intended to evidence the credentials of the participants and their ability to align with objectives of this project and the protocol employed. The interview began with questions about experience and credentials, moved to distinction between community colleges and other higher education institutions, then to academic freedom definitions and applications to case studies, and finally to questions asking for the moral

justification of academic freedom in the community college. The snowball method was used to identify participants who could prove their credentials within the confines of the phenomenological method.

Verification of this protocol and its finding has also been addressed by triangulation. In this instance, “triangulation is supposed to support a finding by showing that independent measures of it agree with it or, at least do not contradict it” (Miles & Huberman, 1994, p. 268). A conceptual understanding of academic freedom is thus evident by providing a definition and illustrating an ability to apply that definition. At that point it is reasonable to think individuals would have an ability to draw a conclusion about the rationale behind academic freedom. Why is it important and what would happen if it didn’t exist are questions that assist this process in determining the origin of the principle. All six participants were able to progress through all interview stages and provide satisfactory responses. Some answers related to definitions and applications were found at different places in the interviews but all elements of the interview sequence were addressed by all participants. In some instances, as identified above, the phenomenological method was required to extract definitions.

The AAUP remains the standard for academic freedom, in terms of its definition, the context of its application, and the limitations of its general principle. It is this standard that provides the anchor to verification by triangulation. Participants in the study should either illustrate a direct understanding of the AAUP document’s specific content, or be capable of articulating concepts analogous to the detailed expressions found within. All of the participants, to varying degrees, accomplished this. Some provided direct reference to the AAUP and its 1940 definition and others articulated responses synonymous with the attributes of the definition.

These were usually found in statements related to classroom instruction and curriculum, and the importance of student learning.

Some of the case studies produced divergent evaluations, particularly Case Study #3. Any ethical principle and its application tend to produce quandaries when placed within the context of real-life situations and academic freedom is no exception. For example, the principle of beneficence which is fundamental to this study, can yield different reasonable conclusions. The presence of casinos often stirs controversy within a community. Casinos provide additional jobs and pad tax revenues for community and state. In some instances these revenues cascade to schools and other social services. Conversely, there remains the possibility of social and family harm due to gambling addictions. If both of these consequences are true, is there a way to accurately quantify a cost/benefit analysis of social benefits? Even if a dollar Amount can be derived, is there a tangible number to either of the consequences?

What is important is that participants of this study were able to use the definition of academic freedom as a decision-making premise in obtaining a conclusion. In Case Study #3, where an instructor used profanity to advance curriculum content and outcomes, students were sometimes outraged and sometimes not. It is easy to determine which students remained in the class and which ones didn't. But is it possible to determine the effect of this single experience to student learning, retention, and degree completion? Review of ethical analysis does not require standardization of conclusion, only a linkage to the fundamental process of moral philosophy. A phenomenological study of the moral issues within the context of casinos would not guarantee similar conclusions, only that participants of the study could define a notion of beneficence (and potential harms) and its application to communities with casinos.

Academic Freedom and Academic Policies

One of the more disturbing revelations from participants centers on the lack of faculty understanding of the boundaries of academic freedom, and their willingness to use academic freedom as an alibi for unprofessional behaviors. How do you redevelop the academic community so it is protected against these abuses? What if faculty governance doesn't want to police itself? What if faculty division chairs and other faculty leaders are unwilling to develop reasonable understandings of the scope of academic freedom and address other issues which fall outside in the appropriate venue?

According to Mr. LVB86, there are structural problems within institutions that make it difficult for faculty to address academic freedom issues within their own ranks, "... the faculty needs to have some autonomous authority in order for academic freedom to be policed by faculty themselves. If the administration, the trustees or other governing entities want the faculty to police themselves, then they have to give the faculty a certain level of organizational autonomy to identify themselves with the ability of self-policing" (LVB86, personal communication, September 18, 2013). This particular claim of Mr. LVB86's is not only a rejection of administrative interference but according to him, a value for the college the faculty serve. As he put it:

... the mechanism isn't going to work if the teachers, the professors, whatever you want to call them, don't have some strong organization that they identify with, and can then therefore be seen as acting both in their interest and the interests of the institution.
(LVB86, personal communication, September 18, 2013)

If academic freedom is properly understood as a moral principle that governs both the protections and responsibilities of community college faculty, it is reasonable to assert that protection of this principle requires some type of institutional policy. To illustrate this relationship it is worthwhile to review a similar relationship, that of the relationship between morality and the law. Ideally, the formulation of law is directly derived from moral principles. Stealing is illegal because it is held to be morally reprehensible. Consuming alcohol is legally acceptable as most conceptions of autonomy would hold that individuals may choose to do with their bodies as they see fit, without interference from any external body. Consuming alcohol while operating a motor vehicle is illegal because it increases the potential and preventable harm to others. Many laws, in the United States and elsewhere, are created for the protection of the interests of others.

Laws are similar to institutional policies in that they are matters of convention. They are constructed by humans in an attempt to restrict and/or encourage certain behaviors. Institutional policies are usually binding only within the institution and carry a variety of enforcements. A college which develops and implements a “no tobacco policy” has created an institutional equivalent of a law but it is only enforced within the college. Some are also constructed for the purpose of protecting specific interests. A college’s grievance policy protects the civil rights and interests of its employees.

The relationship between moral principles and legal statutes serves as a template for the connection between the moral principle of academic freedom and an institution’s academic freedom policy. Given the participants of this study as correct in their establishment of moral consequentialism as the justification of academic freedom, then the loss of this principle entails potential harm to students and community, and the protection of this principle provides a

protection of benefits for students and community. Just as the law against stealing is the convention for protecting citizens from this harmful act, a college's institutional policy for the protection of academic freedom is designed to ensure a benefit to the constituents the college serves.

To the best of my knowledge there are no studies which correlate academic freedom policies in community colleges and the benefit provided to students and communities. Thus the secondary conclusion drawn here is unsubstantiated. It remains a hypothesis and does not establish the conclusion as false, but requires that the premise concerning student and community benefit be confirmed. When and if it is obtained, the secondary conclusion achieves reliability.

Future Studies

In addition to the potential study noted above, I would offer recommendations for further research. These recommendations can be drawn from the data provided by participants.

Academic freedom does not guarantee faculty will excel or be adept at their professional responsibility for teaching. Community college faculty are likely similar to other professions. The degree of instructional competence among faculty members varies from those who are masters at the task, remain current in their field and produce high achievement of learning outcomes, to those who are competent at these basic professional responsibilities, to those who most view as deficient by these standards. Academic freedom is an umbrella principle, much like other moral principles, which is meant to protect all faculty. Free speech, perhaps the principle from which academic freedom is derived, protects the right of all to author expression as they see fit. Some protected free speech appears repulsive, e.g., the Westboro Church's protesting of funerals of gay people. Some instances come into conflict with other moral

principles. Of note is the Supreme Court ruling where Justice Holmes introduced the clear and present danger test, the intent of which was to establish regulation of the First amendment. Subsequently used by Oliver Wendall Holmes to support the government's restriction of speech during times of war, this standard also found relevance in instances involving violence and foreseeable harm. One such example can be seen in the Nationalist Socialist Party march in the village of Skokie, Illinois, a community with a predominance of Jewish residents. Given the historical occurrence involving the Nazi slaughter of Jews, should a free speech demonstration be viewed as an impending act of violence against Jews? Though most academic freedom conflicts are less draconian in consequence, save recent incidences involving national security, ambiguity arises within certain contexts involving free expression in an academic context. (Lawrence, 1997)

Look at academic freedom in conjunction with controversial techniques and student success. Given the acceptance of this study's conclusion, that academic freedom protects the community college's ability to benefit students and community, additional studies focused on benefits would be in order. Case Study #3 from above presents a difficult task, responding to a professor who is acting within the curriculum content and producing lessons which align with the course's outcomes, but whose pedagogical method are to be found offensive to many students. One could argue that adherence to curriculum and freedom to instruct place the professor within the boundaries of academic freedom. Conversely, loss of students by withdrawal from class or emotional resistance to the instructor produces a negative outcome. A pedagogy that falls under the protection of academic freedom should not be an assumed value. Because student academic success is a benefit established by the community college's existence, controlled studies of a

controversial method should be assessed for student learning. A negative gap of student learning from controversial to non-controversial methods should be reassessed.

The impact of professional development dedicated to academic freedom suggests another worthy study. As indicated by the participants of this study, they have encountered faculty who have occasionally hidden behind the guise of academic freedom for unprofessional behavior that falls outside of the classroom teaching responsibilities or within the context of research. Would sessions focused on the definition and role of academic freedom provide any positive impact on faculty and consequently on their students? Would training for recognizing and responding to academic freedom issues provide improved academic review techniques for division chairs, deans, provosts, or other instructional administrators?

In the section above I identified a hypothesis that emerged from this research project, viz, that protection of academic freedom, either by policy or by practice, advances the mission of the community college. Multiple variables could be reviewed for a correlational study. These include student learning, obtainment of jobs, economic development, etc. The study would need to look at these variables at colleges that have academic freedom policies and those that do not.

Finally, the argument has been made that the existence of academic tenure is best justified by its ability to protect academic freedom. This connection is commonly advanced by faculty and other academicians and is even noted within a discussion of both rights and utilitarianism. Without tenure and the guarantee of continued employment, higher education faculty would become prone to collapsing discipline content expertise and pedagogy to internal and external pressures. A study which examined the statistical relationship between tenured community college faculty who have involuntarily separated from their faculty position, and

whether academic freedom issues, real or perceived, were present, would provide much needed insight to the moral justification of academic freedom. If loss of a community good is tied to a correlation between protection of academic freedom and loss of employment, the conclusion of this study is further strengthened.

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