



Academic freedom cannot shield universities from political oversight

US administrators will destroy academic freedom if they cite it to maintain autonomy over admissions and hiring.

Publication note

Originally published in [Times Higher Education](#).

Imagine a greenhouse filled with rare, beautiful flowers. The glass walls protect the fragile plants from the cold and from vermin that would destroy them. It is what the greenhouse was designed to do, and does well.

Now imagine someone decides to use that greenhouse to store piles of cash, believing that thieves will be stopped by the glass or be too respectful of the precious plants to break in. The obvious result? The glass gets smashed, the plants trampled, and the thugs make off with the cash.

This analogy describes what's happening today in Texas universities. Academic freedom, designed to protect ideas and free thought, has been misused by administrators as a defence against political pressure aimed at them. But the glass was never meant to withstand that kind of onslaught, and now it's cracking, leaving what it was meant to protect exposed and endangered.

Today's situation has its roots back in 2021, when state lawmakers wanted to prohibit critical race theory (CRT) being used in the University of Texas' (UT) admissions and hiring policies and being taught in the classroom. UT academics countered that CRT was not what the lawmakers thought it was, that it was a legitimate topic of scholarly study, and that academic freedom meant faculty were free to research and teach without political interference.

Unfortunately, administrators also cited academic freedom in defence of their right to independently determine admissions, hiring and required curriculum, thus conflating issues of policy with issues of teaching and research.

To a limited extent, the academics were successful in fending off the lawmakers. However, rather than accepting defeat, the lawmakers escalated their efforts. Academic freedom was supported by tradition, institutional policies and many administrators, but new laws were enacted to override all that.

For example, Senate Bill 17 (2023) bans offices of Diversity, Equity, and Inclusion (DEI) at public universities in Texas and blocks funding for DEI initiatives. It also prohibits the use of terms such as "equity" and "diversity" in certain contexts, potentially impacting discussions, teaching and research.

The newly passed Senate Bill 37 prohibits state universities and schools promoting, encouraging or requiring students to engage with divisive concepts such as CRT in any way, including curricula, instructional materials and assignments. These bills assert control over policy but they are heavy-handed and also erode the right of scholars to teach, research, publish and express ideas and findings without undue interference or restriction from law, institutional policy or public pressure.

This concept of independent scholarship, subject to meeting the standards of scholarly inquiry and professionalism, is what academic freedom actually protects. It has nothing to do with admissions or hiring policy. It simply means that faculty are free to study and teach about topics, even if those topics are unpopular or their conclusions contentious. It means that a professor should be able to publish an article supporting or opposing the consideration of race in admissions without worrying that some boss, donor, activist or politician who disagrees with their view will get the professor fired. It doesn't mean that the professor actually has the right to admit students based on the ideas in their article. That's a matter of administrative policy.

Likewise, requiring students to learn materials unrelated to their degree topic is policy. This issue can get a bit fuzzy because some required courses, such as basic writing and mathematics, provide a necessary educational foundation. However, there is a subtle but significant distinction between requiring material because it gives students necessary intellectual tools and requiring material because it promotes a particular view.

For example, a student taking one of my computer science classes needs to first learn linear algebra because without it they can't understand the topics I teach. However, it's less clear that they should be required to take an ethics class first. I believe it's good policy to encourage engineers to reflect on the ethical implications of their work, but that is obviously a policy decision intended to shape how students think.

If those required ethics classes include politically charged topics or promote a specific political perspective, then the distinction between academic content and administrative policy becomes even clearer.

This critical distinction is why it was wrong for some faculty and university leaders to try to extend the protections of academic freedom to give themselves what we might call administrative freedom. That concept doesn't really make sense. Institutional autonomy exists but is not absolute. It must coexist with the public accountability that comes with being publicly funded. Shared governance gives faculty a voice but final authority rests with the governing board and, in public universities, ultimately with the state government.

The laws with which lawmakers responded to assertions of administrative freedom are no more respectful of the distinction between policy and scholarly work than administrators were. And this isn't just a problem in Texas. Similar legislative measures are advancing in Ohio and South Carolina. And Florida now has SB 266 (2023), which prohibits instruction or promotion of CRT and other politically sensitive topics in state schools. The problem is that "promote" is a very broad term. If an academic paper supportive of CRT is assigned in class, would that be promoting CRT? Such vagueness leaves the educator guessing about what's allowed, and the result will be expansive self-censorship whatever supposed carve-outs for teaching are included in the legislation.

Ironically, not only is academic freedom not intended to shield administrative policy, it is intended to shield scholarship *against* administrative policy. If today's college administrations are liberal, it protects a researcher questioning the safety of vaccines. If tomorrow administrators are conservative, it will protect a researcher

developing vaccines.

Our country's shared knowledge is far more important than any individual's political opinions. But placing faculty and their research under direct government control is likely to prompt an irrevocable decline in the independence and quality of our university system, not just in conservative states but across the nation.

Like rare plants nurtured over generations, our universities are fragile. If we trample them in fights over policy, we might never regrow what is lost.

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