

The
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of
EDUCATION

LEE C. DEIGHTON, *editor-in-chief*

VOLUME 1

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PREFACE

A third of the American people are now engaged as students, teachers, or administrators in the formal school systems and the institutions of higher education. Nor does education stop at the end of formal schooling. Literally millions of adults take part in the programs of government, industry, and of some 35,000 private proprietary schools. The average age of registered college students has risen beyond 21. Education is not limited locationally to the premises of an established school. It is not limited in time to a particular period of a learner's life.

Although education has become a major concern of the nation, there has been no single reference source which describes the range of educational interests and practices. General encyclopedias deal with educational matters in scattered and peripheral fashion. Reports and studies of lasting interest appear in the ephemeral form of journals or in books of limited distribution which go out of print. The adult concerned with educational practice has had no easily accessible source of information. He has been unable to find in public or school libraries a description of the range of a problem which interests him or a listing of what has been written about it.

The Encyclopedia of Education was designed to provide this resource. In more than 1,000 articles, it offers a view of the institutions and people, of the processes and products, found in educational practice. The articles deal with history, theory, research, and philosophy, as well as with the structure and fabric of education. Yet, despite its wide coverage, the editors of this encyclopedia do not offer it as a complete view of the area. Education itself is necessarily and suitably in continuous change and can never be brought wholly into focus.

Rate of change is a distraction to the editors of any reference work, but the distraction is no greater in education than in the sciences or in other fields. The editors of this encyclopedia have not tried for strict contemporaneity since the living moment does not survive encapsulation in print. The data and information in the articles were fresh at the moment of last editing; they provide a history and a standard against which later events may be considered. The editors have looked for and attended to the continuing concerns of those engaged in education in our time and in the past. They were guided by a distinguished group of editorial advisers who charted their fields of specialization and indicated essential topics and qualified writers.

Those who design an encyclopedia of education are under obligation to define their terms in order to make clear the scope and function of the work. With the first term, "encyclopedia," there is little difficulty. This particular encyclopedia was planned as a source of information; its content was intended to be informative and descriptive. Its purpose was to describe things as they are, as they have been, and as they are trending.

Definition of the second term, "education," is not so easy. In a sense all

experience is educative, but to describe all experience even within the limits of its educative nature is the function of a general encyclopedia. A special encyclopedia must deal with a more particular field. The field for *The Encyclopedia of Education* was defined in three dimensions: education is viewed as institution, as process, and as product.

Considered as institution, education is commonly thought of as comprising the formal public and private systems of schools and the institutions of higher learning. This notion is wholly inadequate to measure the reality of thousands of other institutions which carry on organized courses of instruction. It neglects the private proprietary schools, correspondence schools, schools maintained by industry for employees, and schools and colleges operated by the civilian agencies and the military establishment of the federal government. It also neglects the many organizations engaged in societal education: voluntary health organizations, youth organizations, museums, libraries, and churches. These institutions are effective working elements in American education. They are described in this encyclopedia.

Considered as process, education is clearly concerned with learning and teaching, but process does not end there. Sociologists view the public schools as a process of social control. Political scientists see them as a process by which the state instills values essential to its survival. Economists and a large part of our citizenry view schooling as a process by which young people are equipped to enter the work force. Considered as process, education concerns not only the ends of instruction and the means by which they are attained but, quite properly, *what* is learned as well.

The content of learning is of three kinds. Students learn *how to* do something; that is, they acquire skills. They learn *that* something is the case (they acquire information); and they learn what *ought to be* the case (values). Educators are poignantly aware of the difference between what the student learns and what it was intended he should learn. Unquestionably the successful student learns how to meet the demands of the school even though many of the skills needed for this purpose are not transferable to nonschool situations. The student learns dispositions not programmed by the school, such as attitudes toward learning, toward participation in cultural events, and toward the degree of involvement necessary for acceptance by peers or superiors. These contents of learning must be included within the meaning of "education."

The process of education is continuous with the product; viewed as product, education is the outcome of the process. What is the net effect for the student and for society? What are economic and noneconomic advantages of education? What is the effect upon individuals and society of failure to provide adequate or effective education? The massive outlay of funds at all governmental levels since 1958 brings these questions into sharp focus. The questions lead to studies of efficiency, cost-effectiveness, and program budgeting. The questions and the analyses are now deeply imbedded in education and are therefore appropriately within the scope of this encyclopedia.

One final defining note: in this encyclopedia, training is considered to be a kind of education, not something different from it. Training is education that leads to learning *how to* do something, to the learning of skills. It is usually job-oriented, but it is not for that reason inferior to other kinds of learning. A great part of the preparation for professional practice in medicine, law, and engineering consists of learning skills; indeed, the greater part of all vocational

preparation is skill training. *The Encyclopedia of Education*, therefore, treats of many kinds of training.

The audience to which *The Encyclopedia of Education* is addressed is the generality of adults engaged one way or another in either educational practice or related educational decision-making. It includes school administrators and superintendents, principals, teachers, school board members, PTA leaders, training directors in industry, and legislators. It includes undergraduate and graduate students and scholars. Most of the articles are written in the common language, the exceptions being those articles of a technical nature that are of serious concern to graduate students and scholars. Such are the articles on design of experiments, on test scores and norms, on readability, and on sampling.

The school board member will find clusters of articles on the role of school boards, on their selection, and on the education of members. He will find articles on school finance, on school law, and on the planning and construction of facilities. He will find background here for topics which emerge suddenly as hotly contested local issues, such as handwriting, lefthandedness, provisions for exceptional children, intermediate schools, or testing of the disadvantaged. He will find a number of articles pertaining to community relations, community power structure, and school public relations.

Administrators will find that virtually every aspect of administration and operation is covered. Supervisory staff will consult articles on learning; for curriculum matters they will find a discussion of present practices and trends in subject areas. Teachers will turn to these same articles but also to the cluster of materials pertaining to teaching as vocation and profession.

Of all the school staff, the guidance counselors will make the widest and most frequent use of *The Encyclopedia of Education* not only in respect to guidance theory and vocational guidance but educational guidance as well. A glance at the index for careers and occupations will indicate how fully these areas have been explored. Articles present systematically the educational requirements and opportunities and career paths not only for the professions but for paraprofessionals, technicians, apprentices, and office workers. A cluster of articles deals with admissions to postsecondary institutions, but in guiding youth to careers the counselor will also want to take into account the opportunities for training outside the formal school system.

The most singular aspect of education in the United States is the variety of avenues it affords for reentry. Interruption of education is not necessarily terminal at any level. Industry, government, and the military provide support and the means of continuation whether toward a high school diploma, a college degree, trade certification, or updating at the postdoctoral level. The U.S. Bureau of Labor found in 1964 that 16 percent of the country's male work force had received its vocational and technical training in the armed forces. Nearly 200,000 adults each year earn certificates of high school equivalency through successful completion of the General Educational Development Tests. Avenues of reentry constitute a recurrent theme in *The Encyclopedia of Education*. They are properly and necessarily a concern of school counselors.

Higher education has expanded steadily since the close of World War II, and its growth seems destined to continue. *The Encyclopedia of Education* gives this area generous coverage, commensurate with its importance in American society. Articles on the academic marketplace and the dynamics of academic life provide the backdrop for the roles of administrators, faculty, and students.

The history of the liberal arts college and the rise of universities are presented separately. Such longtime concerns as academic tenure and academic freedom are considered; the more recent problems of finance, governance, student protests, and teacher-student relationships are also fully covered. The educational requirements and opportunities in the professions are described fully. Two unusual articles deal with American learned societies and the disciplines.

The large community of training directors and administrators of education in industry will find their area fully covered. Background articles describe occupational trends, national manpower needs and policy, technology, and employee development. A number of articles deal with industrial training and specifically with training of technicians, office employees, and managers. Industrial trainers and educators will also appreciate the articles describing employee development and career paths in the civilian agencies of the federal government and in the military.

This encyclopedia deals primarily with American education, but a considerable number of articles concern international education, comparative education, exchange programs, and the educational systems of more than 100 countries. The article on the English infant school is of special interest as are the articles describing planning and budgeting for education in the developing countries.

The editors decided arbitrarily to include only a few biographies, largely because the detail of educators' lives is not consistently relevant to education. There is also the impossible problem of determining whom to include and whom to omit. The other articles dealing with individuals present the person's contributions to educational thought and practice, with only enough biographic detail to provide structure. Of those individuals treated, only Piaget was living at the time of writing.

An encyclopedia article has a peculiar nature which distinguishes it from a journal article, a chapter in a book, or a monograph. It is an overall view of a topic. It is mainly explanatory and descriptive, but since the article is signed by the author, it quite properly incorporates his experiences and bias. It usually begins with a definition or identification. Except for articles historical in nature, information concerning origins and chronology is generally left for the close. We have not, of course, forgotten the virtue of flexibility; where the subject matter or author's inclinations led to a different outline, we have permitted and even welcomed a variant structure. The great majority of the articles appear over the signatures of their authors. In a few cases they are signed by validators, who are so indicated by asterisks. Most of the articles in *The Encyclopedia of Education* conclude with a bibliography which the general reader may use profitably for further study.

Within the body of the work, articles appear in alphabetic order. At certain points, however, articles related in content appear together in clusters. A unique reference tool—an enlarged Guide to Articles—appears in the last volume before the index. This listing, which contains article titles and cross references, will prove helpful in browsing and in pursuing inquiries into associated subject areas.

The index is of crucial importance to effective use of this encyclopedia. It contains not only the usual topical references but groupings of articles under conceptual headings. Thus, references to learning appear under that rubric; references to an aspect of the history of education are gathered under this heading. The intent is to provide as many avenues of access as possible to the rich contents of this encyclopedia.

The articles, numbering more than 1,000, which constitute this encyclopedia were brought together within a comparatively short period without subvention by foundation or government. All of the articles are original work, written expressly for *The Encyclopedia of Education*. This achievement was made possible only by the sympathetic support of the educational community. The authors took their assignments seriously; many pursued new research and investigations to develop information that appears here for the first time. The editors wish to acknowledge especially the extraordinary contribution of the editorial advisers, whose diligent efforts and wise counsel gave balance and form to the work.

The virtue of learning is an article of American faith. It is witnessed by an astonishing array of agencies and courses of instruction open to everyone, irrespective of age or previous attainment. The serious purpose of this encyclopedia is to display the variety of educational endeavor in which Americans are engaged, an enterprise peculiar in all time to their society.

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LEE C. DEIGHTON

A

ACADEMIC DUE PROCESS

Academic due process is a system of procedures designed to produce the best possible judgments in those situations in higher education which may yield a serious adverse decision about a teacher. In the words of its supporters, academic due process seeks "a clear, orderly, fair" way of making a decision by providing "procedural safeguards" or "procedural guarantees." Like all procedures, academic due process can deteriorate into a haggling over forms; but at its best, academic due process furnishes the structure for a wise and fair administration of justice in institutions of higher learning.

The term appears to have come into general use with the publication in 1954 by the American Civil Liberties Union of *Academic Due Process*, prepared by that organization's Academic Freedom Committee. This policy statement, a comprehensive listing of the elements of the system, is periodically brought up to date. However, the earliest approaches to academic due process and the conceptualization of many of its basic safeguards are to be found in the publications of the American Association of University Professors—the 1915 "Declaration of Principles," especially that document's concluding section, "Practical Proposals"; the 1925 "Conference Statement," endorsed by the AAUP and the Association of American Colleges; and the all-important 1940 "Statement of Principles on Academic Freedom and Tenure" and the 1958 "Statement on Procedural Standards in Faculty Dismissal Proceedings," both jointly formulated by the AAUP and the AAC. In 1957 and 1968 the AAUP also published "Recommended Institutional Regulations," which were offered as informal guidance and not as settled policies.

Relationship to other systems of protection.

Higher education illustrates the general rule that complicated social institutions tend to develop their individual systems of jurisprudence. Quite naturally, these bodies of private law derive in part from and are often loosely analogous to areas of public law—constitutions, statutes, and common law. Thus, in colleges and universities the concept of academic freedom has much in common with the principle embodied in the First Amendment to the U.S. Constitution; similarly, light is shed on the rules of academic tenure by the law of civil service regulations and of private contracts. However, these kinships are not controlling; numerous important differences indicate that there have been separate lines of development.

The separation is especially clear when one examines the way in which the principles of academic due process are related to the long-established concepts of legal due process. The chief differences should be noted at the outset because they have a broad influence on many individual procedures.

Legal due process protects the minimal rights of persons who are standing public trial before their fellow men; the adversary proceeding is designed to produce a record and a verdict. Academic due process, which places less stress upon constitutional, statutory, or other legal guarantees and more upon optimum procedures for academic business, is designed to ensure an essentially dispassionate and objective inquiry.

Legal due process is essentially divorced from general considerations and rules governing judgment of the merits of an issue. Academic due process is based on the belief that in a given situation, especially one involving academic freedom, the full exploration of a charge of academic misconduct may in fact reveal the innocence of the defendant and the error of the accuser. Thus, its

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procedures must be flexible enough to arrive at a sound judgment even if this involves reaching conclusions both favorable to the teacher on the original charges and adverse to his accuser.

Much of the protective procedure in higher education is set forth in the same institutional documents which describe the quite different procedures for many kinds of positive action having nothing to do with charges or trials. Academic due process is strongly influenced by this contiguity.

The degree to which society feels secure and free from fear dictates the degree to which the safeguards of legal due process are available and accomplish their end. Wars and other major social dislocations nearly always cause a sharp or even catastrophic decline in the procedural protections of the law. If this is the situation with respect to fundamental safeguards, it is all the more likely that a fragile and less well understood protective system, academic due process, can suffer a worse decline. Times of stress severely weaken the authority of academic due process.

The safeguards of academic due process do not stand alone but are integrated with the parallel procedures of other systems of protection. State laws and administrative regulations provide some kind of due process to all public employees, and there may be special procedures for teachers in higher education as a class of civil servants. Group contracts, arrived at by collective bargaining, usually contain elementary procedural safeguards; such contracts are uncommon at present but may increase in number. Institutional grievance procedures, which generally deal with problems of insufficiently serious nature to require full-dress treatment, normally offer stated procedural protections. Consequently, academic due process is linked to or supported by other systems.

Procedures. The elements of due process can be seen most clearly through analysis of the steps which would be taken in the management of a disputed decision by the administration of a college or university to dismiss a teacher from his post for cause.

Informal conciliation. In its first phase, a dismissal case brings into confrontation an administration more or less firmly determined upon dismissal and a faculty member more or less aware that such action is contemplated. The conflict may be so clearly established that movement toward a trial of the issue is imminent, but there is always

the possibility that explanations will convince one or both parties that trial is unnecessary or unwise. This possibility constitutes the basis for an attempt at informal conciliation. The procedure usually brings together in conference the minimal number of persons needed for adequate exploration of the situation—the teacher, his academic adviser, and a representative of the administration. Usually no record is made, probably in the interest of the freest possible exchange of views.

It is generally understood and sometimes stipulated that no information or argument first appearing in the informal conciliation conference will be embodied later in the formal charges. However, such new material may properly serve as a lead to a search for independent evidence on the same points.

Suspension. In some instances an administration will suspend a faculty member from his academic duties or go even further and bar him from the campus. Suspension casts a cloud upon the teacher, perhaps before he has been charged and certainly before he has offered a defense and seen the issues submitted to study and judgment. In effect, the burden of proof is shifted to the teacher. Desiring to avoid such prejudgment, the AAUP supports the principle that suspension of a teacher "is justified only if immediate harm to himself or others is threatened by his continuance" (Joughin 1967, p. 43). Since such a likelihood is rare, suspensions are scrutinized very carefully by review bodies concerned with academic due process.

Preliminary procedures. The teacher is presented with a statement embodying all relevant public statutes or regulations; all relevant bylaws or rulings of the governing board of the institution; of the administration, and of the faculty; the charges in the case set forth with such particularity as to make possible a complete answer; a summary of the evidence upon which the charges are based and a first list of witnesses to be called; the procedure to be followed by the hearing committee, information regarding the nature of that body, and opportunities for challenge; and a formal invitation to attend with adviser and counsel.

Because academic due process is intended to serve all concerned, the teacher also has obligations at this stage of the proceedings. He is expected to indicate the evidence upon which he proposes to base his answer to the charges and to furnish a first list of witnesses he wishes to call.

It is desirable that there be at this stage the broadest possible agreement on the wording of charges and on the procedures which are to govern the case. The more effective such agreement, the greater the opportunity to focus upon the substantive issues in the case.

In many institutions it has been customary for a number of years to have an advisory committee meet with the accused teacher "to effect an adjustment if possible"; if the mediating effort fails, it then becomes the duty of the advisory committee "to determine whether in its view formal proceedings to consider his dismissal should be instituted" (Joughin 1967, p. 42). Strong objection has been made to the dual function of this committee; it is said that mediation and indictment do not belong together. Recent developments indicate that the two functions are being separated, although such a division introduces a whole new procedural step.

Adviser and counsel. A teacher confronted by charges requires, because of his intensely personal involvement, the assistance of an academic adviser, ordinarily a senior faculty colleague selected by the accused, at the earliest opportunity. To be effective this adviser must be able to implement the procedural rights of the teacher, such as having access to records and the opportunity to confer with the administration.

Although academic due process is not designed to offer the kind of protection which is available in a court of law, the increasing complexity of many of the issues to be adjudicated in modern institutions has made it necessary for legal advice about a defense—even one which is regarded as totally academic and institutional—to be available early in the proceedings and certainly at the formal hearing. Several institutions, recognizing the extreme seriousness of a dismissal proceeding, have paid the fees of attorneys selected by teachers.

The presence of legal counsel on one side usually entails similar advice by the other party. Such a situation undoubtedly heightens the adversary aspects of the proceedings and has, on occasion, impaired the objectivity desired of an academic hearing.

Hearing committee. The functions of the hearing committee are to make a proper judgment according to generally accepted standards of the academic profession and to determine the significance of that judgment for the relationship be-

tween the teacher and the institution. Drawn from the faculty of the college or university, the members of the committee serve as both jurymen and judges. As jurymen they determine the nature, quality, and weight of the facts presented to them and react as they see fit to the arguments they hear. As judges they determine whether the evidence is relevant, decide which institutional rules are applicable and how they should be interpreted and used in the specific case before them, and examine the relationship between institutional standards and procedures and those of the profession in general. In addition, the committee members, as the agents of the faculty, determine what effect an adverse judgment may have upon the career of their colleague; in cases in which the judgment is both exculpatory and revealing of an improper attack upon the teacher, the committee may state conclusions adverse to the accusers.

A hearing committee properly consists of members of the faculty who have no administrative office, thus providing judgment by the teacher's colleagues. The committee members are usually of senior standing; this fact may weaken the concept of trial by one's peers if the accused is a junior faculty member, but the loss may be slight compared to the objectivity gained by having the group consist of persons who are themselves protected by their reputations and their tenure.

There exists some diversity in the procedures by which hearing committees are created. One method is to draw on members of an elected standing committee; this plan has the advantage of separating to a considerable degree the selection of the committee members from the possible tensions of a particular situation. A common alternative is to have an elected faculty officer appoint an ad hoc committee; this method permits a sensitive response to the demands of the individual case. It is certain that appointment of a committee by the administration will not meet the standards of academic due process because the administration is perforce, as the formulator of charges, an interested party.

Most hearing committees conduct their business in private, probably believing that the corporate interests of the academic community and the individual interests of many of its members are thus significantly protected. Occasionally, procedures call for open hearings; the supporting principle is that a public trial is most likely to be just. Al-

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though the question is still unsettled, there appear to be two perceptible movements of equal force: toward allowing the committee to decide on a case-by-case basis and toward allowing the teacher charged to decide. An open hearing would apply in any event only to the presentation of evidence and arguments; the deliberations of the committee are invariably behind closed doors.

The teacher charged may challenge for cause the presence of particular persons on the committee; decisions on such challenges are usually made by the committee, and no limit is placed on the number of such challenges. There is an observable tendency to permit a limited number of challenges without stated reason, but it cannot be said that such action is as yet an established element of academic due process. To meet the possibility of successful challenges of any type, adequate provision is made for alternates to fill vacated places on the hearing committee.

Charges. Adhering to academic due process requires that the charges in a dismissal proceeding be presented to the teacher in writing, with an accompanying summary of the evidence upon which the charges are based and a first list of witnesses to be called. As noted above, the charges are accompanied by the texts of all applicable laws and regulations and are placed in the hands of the accused teacher in sufficient time to allow him to study their nature, to determine what his response will be, and to prepare any defense he may wish to make.

The teacher responds to the charges in writing; if he elects to move to a hearing, he presents a summary of the evidence he will offer and a first list of the witnesses he will call. He is not, however, obligated to make any statement, reveal any evidence, or name any witness if he feels that by doing so he may prejudice his position at the hearing.

Emergency invention of procedures. An institution which may be experiencing its first serious case in several decades may have inadequate or even nonexistent standards and procedures. Some procedures will undoubtedly have to be created rather quickly and in a crisis situation. Whether the ad hoc creation of standards and procedures is fairly done may itself become a question of academic due process.

Evidence. The actual consideration of the evidence in academic hearings inevitably is colored by the understanding which those involved have

of legal due process. At times it may be difficult to strike the proper balance between the legal and the academic way of doing business. However, the solution to any particular problem should not prove impossible to attain if all concerned seek to be fair to each other.

One rule of evidence is that the person who is charged has the right to be present at all parts of his hearing in which evidence or argument is presented.

He also has the general right of confrontation; under academic due process the teacher may deny or refute all evidence adverse to him. Very occasionally, an attempt is made to introduce depositions by witnesses who cannot attend the hearing; objectivity requires that this be done with the consent of the accused teacher, who may obtain legal advice on the matter.

It is a principle of academic due process that the administration make its authority and influence available to the teacher for his use in obtaining the presence of witnesses. This availability corrects an imbalance of power. An administration presenting charges against a teacher can use the weight of institutional authority, official or unofficial, to induce witnesses to appear, especially those who are employees of the college. The teacher charged has no independent authority, because the committee before which he is appearing is not a court of law and he has no recourse to subpoena.

Expert witnesses may be needed by an accused teacher, especially if there is a charge of incompetence. It is desirable that the institution provide funds which will enable him to bring to the hearing a reasonable number of expert witnesses from other areas.

Existing procedural standards do not call for the giving of testimony under oath. Nevertheless, two forces may be pressing for such a safeguard—the desire on the part of defending teachers to lend force to their own testimony by giving it under oath and the desire of public boards of appeal to have matters come before them in the form of sworn statements. Therefore, the procedure of testimony under oath is encountered with increasing frequency.

Burden of proof. An overarching principle of due process in the United States is that the burden of proof is on those making the charges. The principle operates most conspicuously with regard to the presentation and evaluation of evidence,

since evidence must directly support the charges made and must be directly answerable.

If a teacher in probationary status contends that a decision not to reappoint him is made for reasons that violate his academic freedom, the burden of proof falls on him. If the charges the teacher presented and the first view of the evidence he offered together constitute a *prima facie* case in the view of the faculty committee, then the burden of proof shifts to the administration. Failure of the institution to assume that burden and to proceed to a formal hearing may significantly influence the judgment to be made on the merits. In addition, if the administration fails to participate in the proceedings, there is a lapse in academic due process.

Findings. One of the chief safeguards offered by academic due process is the requirement that specific findings of fact be made on each charge, indicating the relationship between the charge and the evidence offered in its support. Furthermore, the hearing committee is obligated to indicate explicitly the line of reasoning by which it proceeds from its findings to any conclusions it may reach regarding disposition of the case.

The committee must also state its findings and conclusions with a promptness consonant with its obligation to provide justice.

Record. It is essential that a full stenographic record be made of the hearing and that identical copies be made available at the same time to the hearing committee, the administration, and the teacher. Since it is in the interest of the institution to have a record and since the institution has resources which the teacher lacks, the institution is expected to bear the cost of making the record and the copies. It has been suggested that the findings and conclusions of the hearing committee be announced prior to the preparation of the whole record, but since such a procedure can easily be abused, it should be allowed only by agreement of all concerned.

Schedule. Because of the variations in the complexity of individual cases and in the experience and resources of institutions and their faculties, there will inevitably be differences in the length of dismissal proceedings. Adherence to academic due process requires only reasonable promptness. The views of the hearing committee will naturally prevail in the conduct of that body's business, but it is also desirable that the committee have authority to approve as much as possible of the

administration's and the teacher's scheduling of charges, answers, and appeals.

Waiver. A teacher may wish to waive specific due process safeguards. Such exceptions are not usually sought or allowed because within the institution the waiver of a right by an individual may weaken that right for others and because in the national academic community the waiver may contradict and be harmful to the established system of protection.

Appeals. In American colleges and universities final authority nearly always rests in the hands of a governing board, either under a charter issued to a private institution or, in the case of public institutions, by constitutional authorization or legislative delegation of power. In dismissal matters the teacher universally appears to have the right of appeal to the board. The procedures follow rather closely those of the law courts. The record is sent up; there is opportunity for argument by both sides; and the teacher, his adviser, and his counsel have the right to attend. If the teacher, the administration, or the governing board seeks to introduce new evidence, *de novo* proceedings may be required because of the close relationship of the new evidence to material already heard and judged by the hearing committee; at the least, new evidence at an appellate level is subject to full cross-examination and other modes of confrontation.

If the governing board sustains the conclusions of the hearing committee, it endorses them by appropriate action. If it disagrees, it returns the case to the committee with a statement of the board's reasons for disagreement. The committee then reconsiders after receiving any needed new evidence and transmits its conclusions to the board, which then makes a final decision. If the final board decision overrules that of the hearing committee, its reasons are made known at least to the committee and to the teacher involved.

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ACADEMIC FREEDOM

The meaning of the term "academic freedom" has changed over time and from country to country. Definitions offered in essays, encyclopedias, and dictionaries reflect these changes: they often are too restrictive and omit aspects of importance in certain historical situations.

Individual and corporate freedom. The most important difference among definitions of academic freedom is the shift in relative weight given, in different countries and periods, to the personal freedom of academic individuals—professors or students—and, at other times and places, to the collective freedom of academic bodies or institutions—such as faculties or universities. Collective or corporate freedom would more accurately be designated as autonomy or independence. However, it is customary to treat the corporate autonomy of academic institutions as an integral part of academic freedom.

Conflicts between freedoms. The distinction between autonomy and individual freedom should be clearly understood, especially because it is possible for the degrees and scopes of the two "freedoms" to change in opposite directions. The personal freedom of individual professors or students may, in some circumstances, have to be secured by outside forces which restrain the independence of the academic institution. There have been instances in which greater autonomy of an institution was associated with restrictions on the freedom of its individual members to express dissent and to deviate from dogmas or principles adopted by their peers, or even to go about their ordinary business of teaching and learning.

An academic body or institution that enjoys independence from outside influences and is autonomous in the determination of its policies and practices must have developed processes of collective decision-making. In the participation of the individual members in these processes one may see an unavoidable intersection between individual and corporate freedom. Minority opinions may find themselves unduly disregarded in departmental decisions, departments may find themselves unduly restricted in their self-management by larger academic units (divisions, colleges, schools, faculties), and these larger units may suffer frustrations in the determination of the policies of the entire institution. Thus, the principles adopted for the governance of an auton-

omous university may circumscribe the academic freedom of its component parts in many ways, giving wider or narrower scope to the freedom of the various sectors within the academic community.

Individual academic freedom. The decision to include in this article various problems of corporate autonomy and of the distribution of decision-making power should not, however, reduce the emphasis on the individual freedom of academic man—the chief concern of those who have long championed the cause of freedom. Individual academic freedom means absence of restraints, penalties, and intimidation regarding academic man's traditional pursuits, particularly regarding his studies and inquiries, the oral presentation of his views, and the publication of his findings and opinions, however old-fashioned or subversive, wise or foolish. It means also, though only secondarily, absence of institutional pressures regarding his personal conduct.

Purpose and scope. Although defenders of both individual and corporate academic freedom are solicitous to protect academic men and institutions from restraints, coercion, and interferences, these freedoms should not be understood as privileges designed to promote the interests of the protected. The justification of academic freedom lies in the benefits which society at large, not any special group, derives from it. "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher [or investigator] or the institution as a whole. The common good depends on the free search for truth and its free exposition" (American Association of University Professors . . . 1940).

Traditionally, academic freedom has been applied only to the academy in the sense of higher education. The extension of the same principles to secondary schools was argued in 1968 by the American Civil Liberties Union in its "Statement on Academic Freedom in the Secondary Schools," but will not be discussed in this article.

Essential issues. To clarify the meaning of academic freedom one has to answer the following set of questions: *Who* is to be free to do *what* without restraint, interference, fear of penalties, or intimidation *at the hands of whom*? In other words, at least three specifications are needed: the persons or corporate bodies whose freedom is to be protected, the actions or activities that

ought not be subjected to restraints or sanctions, and the persons or bodies from whom infringements of these freedoms may possibly come.

Usually, an additional set of specifications is needed: since the methods of restraint, types of sanctions, or techniques of intimidation may vary in subtle ways, it may be important to make distinctions as to their effectiveness, on the one hand, and oppressiveness, on the other. Finally, it may be useful to enumerate some of the guarantees, safeguards, protective devices, and policies that have been employed at various times and places to avoid infringements of academic freedom, to secure relief or redress in instances of violation, and to obtain general recognition and acceptance of the basic principles of academic freedom.

The agenda for discussion will thus include (1) the protected persons, (2) the protected activities and prerogatives, (3) the potential infringers, (4) the modes of infringement, and (5) the safeguards against infringement. These topics will be followed by a survey of definitions of academic freedom and comments on controversial issues.

Protected persons. To have academic freedom is to be protected against restraints on certain pursuits and in the exercise of certain prerogatives. The persons so protected are either academic individuals or collective academic bodies.

Individuals. The individual members of institutions of higher education who have or claim personal academic freedom are (1) teachers (professors in various ranks, readers, lecturers, and instructors), (2) research scholars, (3) assistants in teaching or research, (4) students (graduate and undergraduate), and (5) administrators.

Collective bodies. The academic bodies that have or claim collective academic freedom (in the sense of autonomy) are (1) the faculty (in the American sense, meaning the teaching staff except assistants), constituted as an assembly or represented by a senate or council, (2) the student body, constituted as an assembly or represented by a council, (3) faculties (in the European sense, meaning major divisions of a university) and colleges (meaning [a] undergraduate schools, [b] teachers' and students' residences with intramural educational, social, and recreational facilities, or [c] professional schools), (4) departments or minor divisions of a university, (5) research centers and institutes, and (6) the entire institution, the university as a whole.

Limitations and conflicts. The distribution of

prerogatives among the various parts of the institution may vary considerably, and the autonomy of some of the bodies may be severely limited. Where decision-making is largely centralized, some of the constituent bodies of the university may find they have insufficient autonomy in matters on which the superior authorities have inadequate knowledge or judgment. Where decision-making is highly decentralized, some academic bodies may feel embarrassed and even compromised by uncoordinated actions of other academic bodies in the same institution. The pattern of university governance adopted in particular institutions may in essential ways impinge upon fervent and yet incompatible claims for collective academic freedom.

Thus, departments, divisions, and faculties often complain that rules or actions of the central university authorities interfere unreasonably with departmental or divisional aims or policies; research centers complain that their freedom to conduct their activities is unduly restricted by departmental or university rules; students frequently protest that their rights to privacy and to arrange their private lives according to their own tastes are violated by unreasonable rules imposed by colleges, faculties, or the central authorities of the university.

The most serious conflicts arise between the faculty and the governing body of the university if that body is composed of laymen not elected by the academic community and, particularly, if it tries to govern through appointed administrators. Some of these governing boards (trustees, regents) regard themselves as "the university," while many professors are inclined to regard the governors as "outsiders," not members of the academic community. Some of the old universities of Europe, such as Oxford and Cambridge, are "self-governed," with elected professors in the roles of governors as well as administrators. This explains why the American system of lay boards, with trustees appointed by state or local political authorities, elected in popular elections, or co-opted by the incumbent members of the board, has sometimes been called a downright negation of academic freedom.

This position is far too dogmatic. It may fit a particular situation where a lay board of trustees has chosen to exercise its legal prerogatives in an autocratic fashion and arrogates to itself decision-making functions for which it is not qualified and