Academic Freedom for Librarians: What is it, and why does it matter?

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Academic Freedom

Former York University President Harry Arthurs described the importance of academic freedom in a conference of university presidents:

“Academic Freedom is a central, arguably the central value, of university life. Anything which interferes with it has to be justified by reference to prior or higher values. I can think of very few, other than perhaps the protection of human life: certainly not institutional solidarity; certainly not institutional reputation.” [emphasis in original]¹

The University of Toronto’s statement on the purpose of the university makes a similar affirmation:

“Within the unique university context, the most crucial of all human rights are the rights of freedom of speech, academic freedom, and freedom of research. And we affirm that these rights are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself.

“It is this human right to radical, critical teaching and research with which the University has a duty above all to be concerned; for there is no one else, no other institution and no other office, in our modern liberal democracy, which is the custodian of this most precious and vulnerable right of the liberated human spirit.”²

The concept of academic freedom as adopted by the academic staff at the 122 universities and colleges represented by CAUT is the prevailing understanding of academic freedom in Canada. It is quite straightforward:

“Academic freedom includes the right, without restriction by prescribed doctrine, to freedom of teaching and discussion; freedom in carrying out research and disseminating and publishing the results thereof; freedom in producing and performing creative works; freedom to engage in service to the institution and the community; freedom to express freely one’s opinion about the institution, its administration, or the system in which one works; freedom from institutional censorship; freedom to acquire, preserve, and provide access to documentary material in all formats; and freedom to participate in professional and representative academic bodies.”

Equally important, academic freedom affirms that

“All academic staff have the right to freedom of thought, conscience, religion, expression, assembly, and association and the right to liberty and security of the person and freedom of movement. Academic staff must not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through free expression of opinion on matters of public interest. Academic staff must not suffer any institutional penalties because of the exercise of such rights.”

Finally, it is important to be clear that

“Academic freedom does not require neutrality on the part of the individual. Academic freedom makes intellectual discourse, critique, and commitment possible. All academic staff must have the right to fulfill their functions without reprisal or repression by the institution, the state, or any other source.”

Although I do not need to point out to most of you, but unfortunately many others fail to understand, that this all applies to academic librarians as much as faculty. CAUT’s policy affirms that academic librarians are academic staff who are entitled to the same rights and protections as faculty:

Librarians at university libraries are partners with faculty members in the scholarly and intellectual functions of the university and as such are entitled to academic status. Like faculty, librarians are skilled professionals who play an integral role in the pursuit, dissemination and structuring of knowledge in the university. They have an important responsibility to instruct faculty members and students, both formally and informally, in the availability and use of library resources which are essential to the academic mission of the university. Many librarians are involved in independent scholarly activity either in

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4 Ibid
5 Ibid
the field of library and information science or in other academic disciplines.

The policy goes on to say:

In order for librarians to participate fully in the academic mission of the university, procedures relating to librarians’ terms and conditions of employment should be analogous to those of faculty including a similar system of ranks, and procedures for promotion and tenure. Librarians must also be able to devote a portion of their normal workload to research projects and academic and community service and require, as a result, provisions such as sabbatical, research or study leaves. Librarians must be eligible for paid and unpaid leaves of absence on the same basis as faculty and should be permitted to use such leaves to maintain the currency of their academic and professional qualifications.

Regarding academic freedom for librarians, CAUT is quite explicit:

Librarians have a duty to promote and preserve intellectual freedom in society. They have a responsibility to protect academic freedom and are entitled to the full protection of their own academic freedom in accordance with CAUT policies. This freedom includes, but is not limited to, the right and duty to exercise their academic professional judgment in the selection of library materials, and to ensure that library materials are freely accessible to all, no matter how controversial those materials may be. The academic freedom of librarians should be protected by tenure.

While academic freedom is an old concept, its reality is much newer in North America. Reminiscing on his sixty-fifth birthday, Sidney Hook remembered that when he began his career in 1919, “it would be no exaggeration to say that the belief in academic freedom was regarded as faintly subversive in many academic circles.” He recalled that Columbia’s President, Nicholas Murray Butler, exercised power “almost as unlimited as that of an absolute monarch.”

Citing Hook’s reminiscences, Robert Post, currently Dean of Law at Yale and one of the leading experts on academic freedom in the United States, noted, “We have forgotten that, in essence, academic freedom sought to redefine the employment relationship between professors and universities.” He points out that the generally accepted default rule in the United States (as in Canada) was “employment at will,” meaning that employers could hire or fire employees for good cause, no cause or morally wrong cause without being guilty of a legal wrong. Post goes on to say that this amnesia is unfortunate for it has given rise to a conception [he was speaking of the United States] of academic freedom “based on the model of individual First Amendment rights possessed by all ‘citizens in a free society.’”

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7 Post, p. 62.
The American literature on academic freedom repeatedly cites, with great approval, Mr. Justice Brennan, writing in 1967 for the majority in the U.S. Supreme Court’s *Keyishian v. Board of Regents*:

“Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us, and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

The point being that academic freedom has mistakenly come to be understood as an individual right when, in fact, it is a professional right. While we lack a “First Amendment” and have not been able to defend academic freedom as has become the custom in the United States, it is not uncommon to hear academic freedom described in Canada (especially among Canadian academics) as if it were an individual right, rather than a special professional right, necessary for academic staff to perform their responsibilities so the university can fulfill its purposes in our society.

Interestingly, our courts have relatively rarely dealt with academic freedom precisely. In one of the limited specific references, Madam Justice Wilson, in her dissent in *McKinney v. University of Guelph*, a case on mandatory retirement, asserted that “the essential function which the principle of academic freedom is intended to serve is the protection and encouragement of the free flow of ideas.” She then continues by quoting from an essay by Frank Underhill (Underhill, “The Scholar: Man Thinking,” in Whalley (ed.), *A Place of Liberty* (Toronto 1964)) at p. 68 that academic freedom is a professional right:

“The claim of the university teacher is that he and his fellows, whatever their legal position as employees, are in fact members of a professional community and should be considered to enjoy the rights of a learned profession. That is, they collectively should determine what shall be taught, how it shall be taught, who shall be qualified to do the teaching, and who shall be qualified to receive the teaching. In a word, they should be self-governing as are the members of other learned professions. Academic freedom is the collective freedom of a profession and the individual freedom of the members of that profession.”

While almost universally, there is broad acknowledgment of the importance of academic freedom, it is a right that is consistently vulnerable and consistently at risk – from the dismissal of Bertrand Russell from Trinity College, Cambridge, for his opposition to British participation in the first World War, the dismissal and blacklisting of academics during the cold war period for being “communists” to the sanctions against academics today who are seen to be overly critical of corporate-university linkages, whose work is at odds with influential colleagues or donors, or who are persistent critics of their institutional administrations.

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While many revere Brennan’s formulation, the prevailing American jurisprudence on academic freedom has much more frequently focused on academic freedom as institutional autonomy, a formulation that CAUT explicitly rejects.

A large part of CAUT’s work is defending those whose academic freedom has been abridged, even though most academic freedom cases never come to our attention because every unionized association can handle violations through grievance/arbitration under provincial labour relations acts.

For the serious cases that come to us – usually because they cannot be resolved locally, we have a variety of options. Sometimes, we rely on public exposure through the media – both popular and academic. In other cases, we establish investigatory committees that examine alleged violations of academic freedom and prepare reports of their findings which may or may not be published, depending on whether the university administration is willing to remedy the problem.

If the matter cannot be satisfactorily resolved, CAUT can censure the university administration – an action that identifies the administration as engaging in unacceptable behaviour and asking that academics refuse to accept positions at the institution and that disciplinary bodies refuse to hold meetings or conferences at the censured institution. In short, it identifies the administration as a pariah. Since the 1950s, CAUT has censured more than a dozen university administrations – with censure in every case leading to a resolution of the problem – sometimes in weeks and sometimes in years.

Fortunately, while we have had to begin the censure process on a number of occasions in the past several decades (it requires a motion to start the process at one CAUT Council to be followed by a second motion imposing censure at the next if the matter has not been resolved in the intervening six months), we have had to censure only one university since 1981. While the number of censures has diminished, the number of cases is growing and the nature is changing. Much of this is due to the changing nature of the university.

The University Today

It is not overdramatic to say that the university is in crisis. The literature on the crisis in universities is large and growing.

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After the Second World War, Canada built an expansive, public post-secondary education system that offered unprecedented access to universities and colleges and ensured students could get a good quality education at whatever public institution they studied. The significant financial contributions of the federal government, beginning after the report of the Massey Commission in 1951, made this system growth and change possible.

But the federal government ended its 50-50 cost sharing with provinces in the 1970s and began limiting block transfers in the 1980s, making massive cuts to transfers in the 1990s. This has been accompanied by cutbacks in provincial funding on a per student, constant dollar basis. The results are well known:

- vital infrastructure (e.g., classroom buildings, laboratories, libraries) has not been able to be properly maintained;
- teacher student ratios have worsened;
- universities have sought ways to get more money from students and their families;
- private donors, long appreciated by our institutions, have been pursued with a new urgency – raising legitimate concerns as donors, in some instances, have been given rights that transgress vital principles of academic control of educational decision-making.

At the same time, in the context of broader global changes, education has increasingly come to be measured in relation to the market:

- Governments have introduced “performance indicators” and other accountability schemes that have harmed the institutions that they are attempting to monitor.
- Funding has increasingly been shifted away from basic research, ignoring the fact that most research that has resulted in major economic, social, medical and cultural advances has been driven by scholarly interest and curiosity, not by political or industrial direction.
- Universities have come to be seen as large corporations to be managed, in which the notion of “collegial governance” is seen at best a naïve anachronism and at worst as equivalent to allowing the inmates to run the institution. The dispersed authority of departmental committees, faculty councils, senates and boards is being replaced with power exercised by the central administration – academic staff being pressed to acquiesce to a more hierarchical model that values efficiency and decisiveness rather than the consultation and collective decision-making that has served universities so well and is suited to fulfillment of the purposes of post-secondary education.
- A part of this new managerialism is that university principals and presidents increasingly see themselves as chief executive officers and their reference group for managerial approach (as well as salary) is corporate executives rather than their academic colleagues.
- The nature of the relationship between teacher and student is also changing. We academic staff are being converted into service providers and our students into customers. The desire to provide the service as cheaply as possible (a desire driven by underfunding and a ubiquitous reverence for the market) has led university and college administrations to emulate the private sector in its casualization of work – replacing decently paid, secure
full-time positions with badly paid temporary and part-time contract staff.  

- As a counterpart, for those with traditional tenured positions, the value system rewards research and publication (especially research that brings in big grants or promises commercial benefits), while devaluing time spent educating students or performing service within the university or larger community.

Gaye Tuchman summarizes this in her recent book, *Wannabe U: Inside the Corporate University*, “The market logic has amassed some accomplishments, including the transformation of students into consumers, or education into a commodity, of research into a revenue stream, as well as the imposition of a centralized authority on academic matters.”

Nowhere is the changing university more evident than in faculties of medicine and in university libraries. The former I will save for a talk at another time. The latter is the focus for the rest of this talk.

**Academic Librarians**

One key aspect of the changing university I have been describing is the deprofessionalization of academic librarians. Just as the reliance on contingent faculty is a management policy to cut labour costs and increase control, so is the deprofessionalization of academic librarians as it allows work to be done by support staff, contingent labour, students or eliminated altogether. This is an issue that is not restricted to university libraries.

In a 2007 American Library Association survey of 212 library support staff, 73% stated that they are now performing tasks previously performed by Masters of Library Science (MLS) librarians at their libraries, or have the same or similar duties as MLS librarians at other institutions.

But even cheaper than replacement by support staff is elimination of positions altogether. After all, with Google and Wikipedia, who needs as many librarians, many ask.

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12 In the United States currently, less than a third of faculty at degree granting institutions are tenured or tenure track (See American Association of University Professors. “Trends in Faculty Status, 1975-2007.” Available at [http://www.aaup.org/AAUP/pubsres/research/](http://www.aaup.org/AAUP/pubsres/research/). Reliable data on casualization of academic staff are not available for Canadian universities although anecdotal information suggests a similar direction.


15 “The news that eight subject librarians face redundancy at the University of Wales, Bangor (UWB), because the management believes students can find what they need on the internet has sent shockwaves through the information profession. However the University’s argument that job cuts are justified because the role of librarians has been ‘substantially deskilled by online bibliographical resources’, is hardly a new one.” Association of UK Media Librarians, “Editorial,” [http://www.aukml.org.uk/deadmar05.htm](http://www.aukml.org.uk/deadmar05.htm).
Savings are also being realized by “self-service” circulation desks, and merging circulation and reference, and changes to cataloguing. John Berry notes in relation to the last:

“Our catalogers began to disappear with the takeover of that function by OCLC, the nonprofit that aspires to be a corporation in this brave new retail library world. The standardized result of the effort is bypassed by patron and librarian alike, as they turn to the more friendly Amazons, Googles, et al., for the less precise, more watered-down ‘metadata’ that has replaced what used to be cataloging.”

We also are seeing selection of materials being turned over to either small centralized teams of two or three librarians and clerks, or in extreme cases to an external vendor, usually a library book distributor.

Concomitant with the deprofessionalization of academic librarians is the growth in authority of the head librarian as we move from a collegial model (not to be confused with “congenial”) back to an increasingly hierarchical one.

When expectations of collegiality are replaced by hierarchy and authority, discontent is created. That is one of the major factors explaining the fact that academic staff associations went from zero unionization in 1969 to the highest union density of any sector in Canada forty years later.

We are seeing the fallout for librarians, some of whom resisted this movement. Most academic librarians joined their faculty colleagues in the unionization drives in the 1970s, 80s and 90s.

One exception was Western Ontario, where the academic librarians opted out in the mid-90s faculty certification drive. But, for reasons of the sort I have just been discussing, the librarians at Western decided a decade later that they had made a mistake and indicated they wanted to join the University of Western Ontario Faculty Association. The University administration refused – as a result of legislative changes Mike Harris made to labour law in Ontario, a new unit can only be added to an existing union with the permission of the employer. So, the academic librarians at Western had to undertake their own organizing drive, successfully unionized and then had to threaten to strike to get an acceptable first collective agreement in 2009.

Another exception was McMaster – one of seven Canadian universities where the faculty are still not unionized. Librarians were growing increasingly concerned about the actions of their new university librarian. Things came to a head in spring, 2009, when two...
senior and respected librarians were terminated. The McMaster librarians were deeply disturbed about what had happened to their two colleagues. After considerable discussion, they issued a public statement condemning the firings and posted it on their newly created Facebook site:

“The MUFA Librarians vehemently protest the redundancies that have resulted in the firing of our esteemed colleagues, Donna Millard and Barbara McDonald. Until 2008, both Donna and Barb held positions as heads of operational areas in Mills Library – Donna in access services, Barb in liaison. The fact that they were both moved to new positions that last year were deemed “strategically important” but now have been declared redundant leaves us feeling suspicious and mistrustful.

We realize that the University Library is facing a budgetary problem, but we do not comprehend the rationale in firing these two particular librarians, who have made significant contributions to McMaster library, the university community and the library profession over many years. Why these two individuals? We do not believe that a satisfactory explanation has been offered. Given this situation, we express our lack of confidence in the University Librarian to make sound management decisions, and we request that Donna Millard and Barbara McDonald be re-instated to their positions.”

You can read the entire statement on the “Barbara McDonald & Donna Millard Appreciation Group” Facebook site their colleagues created at the time.²⁰

While one of the librarians had already signed a confidential termination agreement, CAUT was able to assist the other librarian in getting a reasonable settlement, although, in the absence of a collective agreement preventing the terminations as they were done, there was no realistic way to get the position restored.

Against a background of growing concern, the McMaster librarians explored their options with each other, with the McMaster University Faculty Association and with CAUT. They wanted to maintain their relationship with MUFA but the leadership of MUFA was firmly opposed to the idea of unionization – the option that was becoming the preferred one for the librarians. Finally in late January of this year, in response to the University Librarian’s announcement of the hiring of a consultant as part of a cost-cutting process to carry out an organizational review of McMaster University Library (the third organizational review since 2006), the librarians decided it was time to act, especially as they expected the outcome to involve the further layoff of librarians. Within three weeks, they had a founding meeting to form the McMaster University Academic Librarians Association (MUALA), adopted a constitution, started a certification drive, signed a majority of members and applied for certification. Seventy per cent voted in favour of unionization in the Labour Board conducted secret ballot, and they were certified three weeks later.

²⁰ http://www.facebook.com/group.php?gid=76043864330&ref=m
MUALA, with the assistance of CAUT’s Assistant Executive Director, is close to completing its first collective agreement. It cannot happen too soon as the University Librarian is charging ahead. In his latest blog entry, posted in mid-July, he proudly announced:

“Reference Desk – Gone

After much planning and hard work the last of our reference desks is gone! Our library has completed the transition to “blended services” where library assistants handle most of the transactions at combined service points (circulation, interlibrary loan, research help). Our business library was the first to go in this direction around one year ago followed by our science/engineering library. Finally, I came in this morning to find that the last of our reference desks is now gone! … Now our users will have the convenience of a single service point and librarians will have their time freed up for interactions with faculty in their labs, offices and classrooms. Congratulations to everyone who made the transition and thank you to those who supported it!”

McGill Librarians

The challenges faced by McGill’s academic librarians have been particularly serious, as I hardly need tell you. Under the preceding Director of Libraries (DL), behaviour has been reported that would never have been done to faculty, nor tolerated by faculty. Among the allegations, for example, are:

- The DL had to see any final paper before it is submitted for presentation to a conference even when no funding from the University is being requested
- The DL altered the content of presentations prepared by librarians for invited guest lectures
- For 2 years, the graduate school was notified that no librarians could accept invitations to speak unless the invitation sent to the DL first
- When the DL was questioned about these initiatives, librarians report they were bullied, intimidated, threatened and suffered reprisals
- “Academic freedom,” “teaching” and “mentoring” were hot words that were not tolerated by the DL in workplace speech
- At least at one library service desk, the library inquiries statistics form was revised so that it no longer included the “teaching” category
- Librarians were told that they could not bring “advisors” to meetings with DL
- Librarians were not able to post messages of any substance on professional non-confidential matters to librarians email list without administrative criticism.

The turnover rate of academic librarians at McGill tells a story that something is wrong. One out of five academic librarians who was working at McGill in 2004 has resigned. This does not include those who have retired, been denied tenure, nor those who resigned and returned.

Of even greater concern, more than one out of five of the academic librarians hired since 2004 has resigned. In any reasonably run library, or academic department or institute, this rate of resignation would be seen as a red flag, as an indicator of a major problem that had to be addressed.

The report of the investigatory committee appointed by CAUT has been shared with the University administration. When the administration refused to discuss resolution of the problems, we advised them that a motion would be brought to CAUT Council in April 2010 to begin the censure process of the McGill administration unless it made a commitment to enter into good-faith discussions with the MAUT Librarians’ Section to resolve the problems.

At the very last moment (after Council had begun), there was a positive response. The following appears in the April CAUT Council minutes:

“The CAUT Executive has agreed to postpone to the November 2010 meeting of CAUT Council the introduction of a motion to begin the censure process of the administration of McGill University for its treatment of academic librarians. The agreement to postpone is because of yesterday’s receipt of written assurance from the McGill administration that it will enter into discussions with the Librarians Section of MAUT and with MAUT to resolve the problems faced by McGill’s librarians. The motion will be introduced in November unless the problems have been satisfactorily resolved or there is tangible and substantial progress toward resolution.”

As you know, the Librarians’ Section has prepared a list of problems that need to be resolved. They are straightforward and many could be adopted and implemented easily and quickly if there were a will to resolve the problems, for example:

- The Guidelines on Criteria for Reappointment and Tenure for Tenure Track Librarian Staff should not make specific reference to yearly merit evaluations; rather there should be a global assessment of performance over the entire period in issue, as is the practice in other academic units.

- There is no timely, collegial process for appointing librarian members to committees. Such a process should include defined length of appointments, regular elections, and calls for nominations distributed to all librarians.

- A Library Council with oversight of Library operations, guided by best practices and that includes all librarians, provides a clear and strong mandate, reports to Senate, and is not necessarily chaired by the Director of Libraries is required.

22 Available at http://www.library.mcgill.ca/mautlib/
• The mandate for the Director of Libraries should explicitly affirm the importance of the academic duties of librarians.

• The process for filling Library positions should ensure the relevance of position postings as well as collegial and transparent interviews and selection procedures.

• A method should be developed for consulting all librarians on candidacies for the position of Director of Libraries.

As yet, the discussions have not begun, and we will be proceeding with a motion to begin the censure process on November 27 in the absence of substantial progress in making changes to meet the 28 issues identified by the Librarians’ Section.

I want to close by noting the irony in this situation. The McGill administration has taken great umbrage at the actions of its own academic librarians in bringing their concerns to CAUT and in CAUT taking up the matter. Portrayed as “troublemakers,” “dissidents,” “disloyal,” the librarians and the Librarians’ Section are actually acting in the interests of the University; for a solution to the problems bedeviling McGill’s librarians will make a better library and a better university.

Given the changes going on in universities which I addressed previously as well as the increasing threats to academic librarians professionally, the events of the past five years are a signal call to all McGill librarians that there will be serious challenges ahead, even after the present difficulties are resolved, so it will be appropriate to position yourselves to better meet those challenges. You and your university will be the beneficiaries of your actions, even if the university administration is unaware of that fact currently.

And, finally a postscript on academic freedom:

There is no academic freedom, nor has there ever been any, except that which we demand and win for ourselves. We confront powerful forces, and the odds are against us. The future of good scholarship and of good education for our students depends on our success in fighting for and exercising our academic freedom.