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## ACADEMIC FREEDOM

### PREFACE

At Brigham Young University, faculty and students are enjoined to "seek learning . . . by study and also by faith" (D&C 88:118). This integration of truth lies at the heart of BYU's institutional mission. (See the Mission of Brigham Young University in the *BYU GENERAL BULLETIN* or *University Electronic Handbook*.) As a religiously distinctive university, BYU opens up a space in the academic world in which its faculty and students can pursue knowledge in light of the restored gospel as taught by The Church of Jesus Christ of Latter-day Saints. For those who have embraced the gospel, BYU offers an especially rich and full kind of academic freedom. To seek knowledge in the light of revealed truth is, for believers, to be free indeed.

The freedom to form religiously distinctive intellectual communities is protected not only by the principle of religious freedom but also by long-established principles of academic freedom. (Both the American Association of University Professors [AAUP] and the Northwest Association of Schools and Colleges [NASC] have traditionally provided for special treatment of academic freedom issues in religious institutions, whose existence contributes to genuine pluralism in an overwhelmingly secular modern academia. The AAUP's "1940 Statement of Principles on Academic Freedom and Tenure" provides that "limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of appointment" [AAUP POLICY DOCUMENTS & REPORTS (Washington, D.C.: AAUP, 1990), 3]. Similarly, the NASC ACCREDITATION HANDBOOK "allows 'reasonable limitations on freedom of inquiry or expression which are dictated by institutional purpose' as long as they are 'published candidly'" [1988 ed.], 9-10; see also 133.) The BYU community embraces traditional freedoms of study, inquiry, and debate, together with the special responsibilities implicit in the University's religious mission. These include the duty to exemplify charity and virtue, to nurture faith, and to endeavor to teach all subjects with the Spirit of the Lord.

This document articulates in clear but general terms how BYU's unique religious mission relates to principles of academic freedom. BYU regards the following approach not as **NARROWING** the scope of freedom but as **ENABLING** greater (or at least different) and much prized freedoms.

### INDIVIDUAL AND INSTITUTIONAL ACADEMIC FREEDOM AT BYU

The concept of academic freedom at BYU is grounded in a distinction, often blurred but vital and historically based, between **INDIVIDUAL** and **INSTITUTIONAL** academic freedom. (See Michael W. McConnell, "Academic Freedom in Religious Colleges and Universities," *LAW AND CONTEMPORARY PROBLEMS* 53.3 [1990]: 303-24; David M. Rabban, "A Functional Analysis of 'Individual' and 'Institutional' Academic Freedom under the First Amendment," *LAW AND CONTEMPORARY PROBLEMS* 53.3 [1990]: 227-301.) These two facets of academic freedom have been described as "the freedom of the individual scholar to teach and research without interference" and "the freedom of the academic institution from outside control." (McConnell,



"Academic Freedom," 305.) Both individual and institutional academic freedom are necessary to maintain the unique intellectual climate of BYU. What follows is an attempt to define why both individual and institutional academic freedom are valuable at BYU and how they must be protected.

### **Individual Freedom**

Individual freedom lies at the core of both religious and academic life. Freedom of thought, belief, inquiry, and expression are crucial no less to the sacred than to the secular quest for truth. Historically, in fact, freedom of conscience and freedom of intellect form a common root, from which grow both religious and academic freedom. It is no wonder then that both the Church and the academy affirm the need for individual freedom--the Church through the doctrine of individual "agency," the academy through the concept of individual academic freedom.

### **Individual Agency**

The Church teaches that "moral agency" (which encompasses freedom and accountability) is basic to the nature and purpose of mortality (see 2 Ne 2:26, D&C 93:30-31; D&C 101:77-78). In LDS theology, individual freedom is essential to intellectual and spiritual growth. Every Latter-day Saint is enjoined to know truth for himself or herself. We claim it as our privilege to seek wisdom, like the Prophet Joseph Smith, for ourselves. Teachers and institutions play a crucial role in making truth available and discoverable. But neither testimony, nor righteousness, nor genuine understanding is possible unless it is freely discovered and voluntarily embraced.

### **Individual Academic Freedom**

Perhaps no condition is as important to creating a university as is the freedom of the individual faculty member "to teach and research without interference," (McConnell, "Academic Freedom," 305) to ask hard questions, to subject answers to rigorous examination, and to engage in scholarship and creative work. The academy depends on untrammelled inquiry to discover, test, and transmit knowledge. This includes the traditional right to publish or present the results of original research in the reputable scholarly literature and professional conferences of one's academic discipline. Although all universities place some restraints on individual academic freedom, every institution that qualifies for the title of university allows ample room for genuine exploration of diverse ideas.

### **Integration of Individual Agency and Academic Freedom**

Latter-day Saint scholars are thus doubly engaged to learn truth for themselves because both the Church and the academy bid them undertake a personal quest for knowledge. BYU aspires to be a host for this integrated search for truth by offering a unique enclave of inquiry, where teachers and students may seek learning "by study and also by faith" (D&C 88:118; cf. "The Mission of Brigham Young University").



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## Scope of Integration

Because the gospel encompasses all truth and affirms the full range of human modes of knowing, the scope of integration for LDS scholars is, in principle, as wide as truth itself. Brigham Young eloquently articulated this gospel-based aspiration, proclaiming it is our duty and calling . . . to reject every error . . . to gather up all the truths in the world pertaining to life and salvation, to the gospel we preach . . . to the sciences, and to philosophy, wherever it may be found in every nation, kindred, tongue, and people. (JOURNAL OF DISCOURSES, [Liverpool: Amasa Lyman, 1860], 7:283-84.)

Similarly, modern revelation instructs Latter-day Saints to learn:

Of things both in heaven and in the earth, and under the earth; things which have been, things which are, things which must shortly come to pass; things which are at home, things which are abroad; the wars and perplexities of the nations, and the judgments which are on the land; and a knowledge also of countries and of kingdoms. (D&C 88:79)

Further, Latter-day Saints believe, as an article of faith, "all that God has revealed, all that He does now reveal, and . . . that He will yet reveal many great and important things" (9th Article of Faith), and they are encouraged to use all their faculties--including heart, mind, and spirit--in their quest for truth (cf. D&C 4:2; 9:7-9).

## Summary

At BYU, individual academic freedom is based not only on a belief (shared by all universities) in the value of free inquiry, but also on the gospel principle that humans are moral agents who should seek knowledge in the sacred as well as in the secular, by the heart and spirit as well as by the mind, and in continuing revelation as well as in the written word of God. BYU students and their parents are entitled to expect an educational experience that reflects this aspiration.

## INSTITUTIONAL ACADEMIC FREEDOM

### BYU's Mission

BYU has always defined itself as an openly and distinctively LDS university. BYU is wholly owned by the Church, which provides the University's principal source of funding from the tithing funds paid to the Church by its members. BYU draws its faculty and students principally from Church members. Everyone who works and studies at BYU subscribes to an Honor Code in order that the University may "provide a university education in an atmosphere consistent with the ideals and principles of the Church." (See policy on [Honor Code](#), University Electronic Handbook.) New faculty are interviewed by Church General Authorities as a condition of employment, and Church members are subsequently expected, as part of their university citizenship, to "live lives of loyalty to the restored gospel." ([Faculty Rank and Status](#): Professorial Policy, Policy and Procedures Section, University Electronic Handbook [rev. 1 June



1992], sec. 3.0.) Faculty of other faiths agree to respect the LDS nature of the University and its mission, while the University in turn respects their religious convictions.

Thus BYU defines itself as having a unique religious mission and as pursuing knowledge in a climate of belief. This model of education differs clearly and consciously from public university models that embody a separation of church and state. It is not expected that the faculty will agree on every point of doctrine, much less on the issues in the academic disciplines that divide faculties in any university. It is expected, however, that a spirit of Christian charity and common faith in the gospel will unite even those with wide differences and that questions will be raised in ways that seek to strengthen rather than undermine faith. It is also expected that faculty members will be sensitive to the difference between matters that are appropriate for public discussion and those that are better discussed in private. In short, BYU defines itself as an intellectual community of faithful Latter-day Saints, and those sympathetic to their convictions, who pursue knowledge from the baseline of religious belief.

### **Definition of Institutional Academic Freedom**

BYU claims the right to maintain this identity by the appropriate exercise of its institutional academic freedom. "Institutional academic freedom" is the term used to express the privilege of universities to pursue their distinctive missions. This concept harks back to well-established early definitions of academic freedom that sought to guarantee institutional autonomy. The concept of institutional academic freedom is tacitly sanctioned in AAUP and NASC limitation clauses referred to in the Preface. It is also implicit in principles and practices of other church-related universities. (For example, the Catholic church's major statement on academic freedom in Catholic universities, *EX CORDE ECCLESIAE*, affirms, among other things, that "every Catholic university, without ceasing to be a university, has a relationship to the church that is essential to its institutional identity" [John Paul II, "Apostolic Constitution on Catholic Universities (*EX CORDE ECCLESIAE*)," paragraph 27 (1990)].) BYU likewise affirms that its relationship to The Church of Jesus Christ of Latter-day Saints is essential to its unique institutional identity. (For a discussion of "The Greater Institutional Academic Freedom of Private Universities," see Rabban, "A Functional Analysis," 266-71.)

### **BENEFITS OF INSTITUTIONAL FREEDOM**

The religious university constitutes an endangered species in today's academic ecosystem. (See, for example, several articles appearing in *FIRST THINGS*: James Nuechterlein, "The Death of Religious Higher Education" [January 1991]: 7-8; George M. Marsden, "The Soul of the American University" [January 1991]: 34-47; James Tunstead Burtchaell, "The Decline and Fall of the Christian College" [April 1991]: 16-29 and [May 1991]: 30-38; David W. Lutz, "Can Notre Dame Be Saved" [January 1992]: 35-40.) To force religious institutions to comply with narrowly secular definitions of academic freedom is to further imperil the survival of these distinctive intellectual communities. There are at least three reasons why the institutional academic freedom of religious institutions should be protected: to maintain institutional pluralism, to be consistent with the antidogmatic principles of academic freedom, and to safeguard religious freedom. (See McConnell, "Academic Freedom," 311-18.) Each argument is sufficiently



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important to bear brief summary:

### **\*Pluralism**

Religious colleges and universities contribute to our diverse "ethical, cultural, and intellectual life." (McConnell, "Academic Freedom," 312.) Few enough to pose no threat of sectarian domination, religious institutions provide important alternatives to prevailing secular modes of thought. This "makes them better able to resist the popular currents of majoritarian culture and thus to preserve the seeds of dissent and alternative understandings that may later be welcomed by the wider society." (McConnell, "Academic Freedom," 312.) Furthermore, to impose a definition of academic freedom that disallows creedal and philosophical considerations "is to randomize every faculty with respect to creed and philosophy. This increases diversity within each faculty, but it eliminates the diversity among faculties." (McConnell, "Academic Freedom," 313. Similarly, Rabban argues that private universities may be granted greater latitude to establish educational policies than state institutions because "The resulting pluralism within the academic world . . . may provide more tolerance for diverse and unpopular views than a rule that would subject all universities to the commitment to diversity of thought that the first amendment imposes on public ones" ["A Functional Analysis," 268-69].)

### **\*Antidogmatism**

Academic freedom is grounded in the Enlightenment's opposition to dogmatism; it presupposes that truth is discovered not through revelation but rationally, through the "clash of competitive ideas." "But this idea, too, must be subject to testing." (McConnell, "Academic Freedom," 313.) Historically, the most thorough challenge to narrowly rationalist methodologies has come from religion. Religion offers venerable alternative theories of knowledge by presupposing that truth is eternal, that it is only partly knowable through reason alone, and that human reason must be tested against divine revelation. President J. Reuben Clark, Jr., stated that one "cannot rationalize the things of the spirit, because first, the things of the spirit are not sufficiently known and comprehended, and secondly, because finite mind and reason cannot comprehend nor explain infinite wisdom and ultimate truth." (J. Reuben Clark, Jr., "The Charted Course of the Church in Education," in MESSAGES OF THE FIRST PRESIDENCY, ed. James R. Clark [Salt Lake City: Bookcraft, 1975], 6:49.) It is simply inconsistent with the antidogmatic principles of academic freedom not to permit its own premises about knowledge to be tested against such claims as these. "It is important that a principle born of opposition to dogmatism not itself become dogmatic and authoritarian." (McConnell, "Academic Freedom," 314.)

### **\*Religious Freedom**

Religiously distinctive colleges and universities are "an important means by which religious faiths can preserve and transmit their teachings from one generation to the next, particularly nonmainstream religions whose differences from the predominant academic culture are so substantial that they risk annihilation if they cannot retain a degree of separation." (McConnell, "Academic Freedom," 316.) This right to religious freedom should "override whatever exiguous benefit to society might be achieved by forcing religiously distinctive institutions to conform to secular academic freedom." (McConnell, "Academic Freedom," 316.)



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## **ABUSES OF INSTITUTIONAL FREEDOM**

Institutional academic freedom, important for ANY college or university, is indispensable for institutions with distinct religious missions. Nevertheless, institutional freedom is a prerogative that, if regarded as absolute, would invite abuse. Therefore, academic freedom must include not only the institution's freedom to claim a religious identity but also the individual's freedom to ask genuine, even difficult questions. Learning can be unsettling. There is no such thing as risk-free genuine education, just as according to LDS theology there is no risk-free earthly experience. At any religious university, including at BYU, there always will be the possibility of friction between individual and institutional academic freedom.

There is no way to eliminate these tensions altogether, except by eliminating the claims of one kind of freedom or the other. But to do so would result in a net loss to the Church, the University, and to the family of universities to which BYU belongs. To eliminate BYU's right to define and preserve its institutional identity would threaten to transform BYU into a university like any other. At the same time, to override the very concept of individual academic freedom would threaten the vitality of BYU as a university. Either move would lessen the value of BYU to its faculty and students, to the Church, and to the academic community at large. Therefore, the task is to establish principles and procedures that help minimize conflict and that guide the Board of Trustees, faculty, and administration through differences that may arise.

## **RELATIONSHIP BETWEEN INDIVIDUAL AND INSTITUTIONAL ACADEMIC FREEDOM**

### **Neither Freedom is Unlimited**

Neither individual nor institutional academic freedom can be unlimited. The reasons for this have been suggested already. To elaborate:

### **Limits on Individual Academic Freedom**

There can be no unlimited individual academic freedom. Were there no constraints on individual academic freedom, religious universities could converge toward a secular model and lose their distinctive character, thus diminishing pluralism in academia. Furthermore, absolute individual freedom would place the individual faculty member effectively in charge of defining institutional purpose, thereby infringing on prerogatives that traditionally belong to boards, administrations, and faculty councils. Such arrogation of authority is particularly intolerable when the disagreement concerns Church doctrine, on which BYU's Board of Trustees claims the right to convey prophetic counsel. Yet even secular universities, whose boards claim no special religious authority, do not empower individual faculty members with absolute individual freedom relative to the University mission. For example, universities have censured professors for racist, anti-Semitic, or otherwise offensive expression. In addition, state universities have prohibited the advocacy of religious values to protect a separation of church and state. Every university places some limitations on individual academic freedom. (As George S. Worgul, Jr., states in the "Editor's Preface" to *ISSUES IN ACADEMIC FREEDOM* [Pittsburgh: Duquesne Univ.



Press, 1992]: "'academic freedom' at any university--whether public, private, church-related or church-sponsored--is never unlimited or absolute. Every university has an identity and mission to which it must adhere. . . . Freedom is always a situated freedom and a responsible freedom" [viii-ix].)

### **Limits on Institutional Academic Freedom**

Neither can there be unlimited institutional academic freedom. If institutional freedom were limitless, BYU could cease to be a genuine university, devoid of the exploratory environment vital to intellectual endeavor and with little room for disagreement and questioning. At BYU, the Church enjoys a special, deeply appreciated relation to the University, but its relation is not simply that of employer to employee--for a university faculty constitutes a special kind of employee. While each faculty member is fully accountable to the University, he or she also works in a space that is open to inquiry, discovery, and discussion. Any limitations in this space must be narrowly drawn so as not to impede the robust interchange of ideas, because the Board and administration wish to set policy for an institution that legitimately may be called a university.

### **Reasonable Limitations**

It follows that the exercise of individual and institutional academic freedom must be a matter of reasonable limitations. In general, at BYU a limitation is reasonable when the faculty behavior or expression SERIOUSLY AND ADVERSELY affects the University mission or the Church. (This document does not address policies, common to all universities, that govern the orderly maintenance of the institution, the disruption of classes, or the university endorsement of personal actions. This document speaks only to limitations arising from BYU's mission.) Examples would include expression with students or in public that:

- contradicts or opposes, rather than analyzes or discusses, fundamental Church doctrine or policy;
- deliberately attacks or derides the Church or its general leaders; or
- violates the Honor Code because the expression is dishonest, illegal, unchaste, profane, or unduly disrespectful of others.

Reasonable limits are based on careful consideration of what lies at the heart of the interests of the Church and the mission of the University. A faculty member shall not be found in violation of the academic freedom standards unless the faculty member can fairly be considered aware that the expression violates the standards.

These principles shall be interpreted and applied with persuasion, gentleness, meekness, kindness, and love unfeigned--in the spirit of D&C 121:41-44--and through established procedures that include faculty review. The ultimate responsibility to determine harm to the University mission or the Church, however, remains vested in the University's governing bodies--including the University president and central administration and, finally, the Board of Trustees.



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## Synthesis

Reasonable limitations mediate the competing claims of individual and institutional academic freedom. In practice, instances in which limitations are invoked against individual faculty conduct or expression are few and infrequent. This is because:

### **Individual Academic Freedom is Presumptive, while Institutional Intervention is Exceptional**

Individual freedom of expression is broad, presumptive, and essentially unrestrained except for matters that seriously and adversely affect the University mission or the Church. By contrast, institutional intervention is exceptional and limited to cases the University's governing bodies deem to offer compelling threats to BYU's mission or the Church. The Board and administration most effectively exercise their freedom to preserve BYU's institutional identity by setting general policies.

### **University Posture is One of Trust**

The faculty is entrusted with broad individual academic freedom to pursue truth according to the methodologies and assumptions that characterize scholarship in various disciplines. This trust necessarily encompasses the freedom to discuss and advocate controversial and unpopular ideas. However, the Board and administration reserve the right to designate, in exceptional cases, restrictions upon expression and behavior that, in their judgment, seriously and adversely affect BYU's mission or the Church.

### **Faculty Posture is One of Loyalty**

Faculty members, for their part, agree to be loyal university citizens according to the guidelines set forth in the BYU Handbook. It is expected that the faculty will strive to contribute to the unique mission of BYU. This expectation, which aims at the fulfillment of University aspirations rather than merely at the absence of serious harm, properly figures in advancement and continuing status decisions.

### **Tone of the BYU Community is Charitable**

The faculty, administration, and the Board should work together in a spirit of love, trust, and goodwill. The faculty rightly assumes its work is presumptively free from restraint, but at the same time it assumes an obligation of dealing with sensitive issues sensitively and with a civility that becomes believers. BYU rightly expects LDS faculty to be faithful to, and other faculty to be respectful of, the Church and BYU's mission. Thus both the University's governing bodies and the faculty obligate themselves to use their respective academic freedom responsibly, within the context of a commitment to the gospel. As Elder B. H. Roberts said, "In essentials let there be unity; in non-essentials, liberty; and in all things, charity." (Conference Reports, Oct. 1912, 30. The source of Roberts's citation is the Latin maxim, "IN NECESSARIIS UNITAS, IN NON-NECESSARIIS [or, DUBIIS] LIBERTAS, IN UTRISQUE [or, OMNIBUS] CARITAS" [see Philip Schaff, HISTORY OF THE CHRISTIAN CHURCH, 2nd ed. (New York: Scribners, 1915), 6:650-53].)





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## CONCLUSION

It is the intent of Brigham Young University to reaffirm hereby its identity as a unique kind of university--an LDS university. BYU intends to nourish a community of believing scholars, where students and teachers, guided by the gospel, freely join together to seek truth in charity and virtue. For those who embrace the gospel, BYU offers a far richer and more complete kind of academic freedom than is possible in secular universities because to seek knowledge in the light of revealed truth is, for believers, to be free indeed.

[Approved 1 Apr 1993]

**APPLICABILITY:** This policy applies to all university faculty.

**RESPONSIBLE UNIVERSITY OFFICER:** Academic Vice President

**RESPONSIBLE UNIVERSITY OFFICE:** Associate Academic Vice President, Faculty

### RELATED UNIVERSITY POLICIES:

- [Adjunct Faculty Policy](#)
- [Faculty Leaves Policy](#)
- [Personnel Conduct Policy](#)
- [Rank and Status Policy](#)