

***QMS AND ACADEMIC FREEDOM:  
A Delicate Balance in the Academic Climate***

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“We quite happily lock people up at \$30,000, \$40,000, \$50,000 a pop.... Budgets reflect our values. What’s more important? Are we going to lock people up or educate them on the front end? It’s eight times more expensive to lock people up than to send them to college.” *Secretary Arne Duncan*



# Quality Management

“There has been some reluctance to apply quality practices to education, yet central to Deming’s methods and management philosophy is an insistence that anything can be made or done better. Americans have steadfastly held the belief that education is the fortification against poverty and social unrest. There exists, however, a subtle pessimistic attitude that people are doing the best they can with what they have.” *Goldberg & Cole, “Quality Management in Education: Building Excellence and Equity in Student Performance”*

# Quality Management

“This nexus between freedom and quality is deeply embedded at the core of academic ethos. Whether academic excellence (quality) or not, it sits increasingly at odds with the utilitarian community service role universities are required to play.” *“Developing Alternative Perspectives for Quality in Higher Education”, Srikanthan & Dalrymple.*

# Academic Freedom

- “America's colleges and universities are, in theory, indispensable institutions in the development of critical minds and the furthering of individual rights, honest inquiry, and the core values of liberty, legal equality, and dignity. Instead, they often are the enemies of those qualities and pursuits, denying students and faculty their voices, their fundamental rights, and even their individual humanity.”  
Foundation for Individual Rights in Education,  
*[www.thefire.org](http://www.thefire.org)*

# Academic Freedom

- “The university [college] student relationship is certainly unique. While its primary function is to foster intellectual development through an academic curriculum, the institution is involved in all aspects of student life. This attempt at control, however, is directed toward a group whose members are adults in the contemplation of law and thus free agents in many aspects of their lives and life styles.” *McClure v. Fairfield University*, (Conn. 2003).

# Academic Deference

- “When an educational institution issues a diploma to one of its students, it is, in effect, certifying to society that the student possesses all of the knowledge and skills that are required by his chosen discipline. In order for society to be able to have complete confidence in the credentials dispensed by academic institutions, however, it is essential that the decisions surrounding the issuance of these credentials be left to the sound judgment of the professional educators who monitor the progress of their students on a regular basis.” *Olsson v. Board of Higher Ed. (New York, 1980)*.

# First Amendment Issues

- FIRST AMENDMENT
  - “Congress shall make no law...abridging the freedom of speech”, 1st Amendment, United States Constitution.

# First Amendment

- “To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. . . . Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.” *Sweezy v. New Hampshire*

## Balance of Rights and Responsibilities

- While the concept of academic freedom exists, "a university's mission is education, and decisions of this Court have never denied a university's authority to impose reasonable regulations compatible with that mission upon use of its campus and facilities." *Widmar v. Vincent*

# Interpretation and Application

- In *Pickering v. Board of Education* the United States Supreme Court found that comments by a teacher that district was spending too much money on athletics was matter of “public concern”, and not detrimental to the educational. The comments were protected speech under first amendment.

# Interpretation and Application

- In *Crue v. Aiken*, court found that professor and student contacts to prospective athletic recruits about Chief Illiniwek were constitutionally protected. The administration's attempt to apply policy to prospective speech violated first amendment.

# CONCLUSION

- Balancing Classroom Management and Free Speech
- Narrowly Tailored Policies
- Link Content to Learning Objectives