

AAUP Media Release

American Association of University Professors

Academic Freedom for a Free Society



November 10, 2009

Contacts: Rachel Levinson, 202-737-5900, ext. 117, rlevinson@aaup.org or
Kathi Westcott, (11/11-15) 202-737-5900, ext. 115, kwestcott@aaup.org

AAUP Launches Action Campaign to Protect Academic Freedom

Report, online tools enable awareness, policy changes

Washington — In the face of unprecedented threats to academic freedom at public colleges and universities, the American Association of University Professors has launched an awareness and action campaign called “Speak Up, Speak Out: Protect the Faculty Voice.”

The foundation of the project is a comprehensive report from a subcommittee of the AAUP’s Committee A on Academic Freedom and Tenure that examines the 2006 U.S. Supreme Court decision in *Garcetti v. Ceballos* and its aftermath. The Court found that government can restrict the speech of public employees when they comment on issues related to their “official duties.”

While the decision specifically set aside “speech related to scholarship or teaching,” recognizing that such speech might have greater constitutional protection, several lower courts have ruled recently that faculty members who speak out on matters affecting their institutions are not protected under the First Amendment.

The report provides an analysis of these decisions and their implications for academic freedom, and recommends a number of action steps, including adoption of specific policy language designed to ensure the continued protection of academic freedom and shared governance.

“The current threat to faculty speech jeopardizes more than just individual educators,” says AAUP president Cary Nelson; “A greater community is at risk. We must defend faculty speech to encourage faculty members to use their expertise in addressing issues critical to society.”

To supplement the report, AAUP has developed an online toolkit, the contents of which are available for free on the Web. Materials include an action plan, proposed policy language, opinion columns, and other materials that may be used by general-interest and campus publications, education journals, and Web sites supporting the cause of free speech at public colleges and universities.

-more-

Contributors to the toolkit include:

- Tom Clayton, Regents Professor, Department of English Language and Literature, University of Minnesota
- Larry Gerber, chair, AAUP Committee on College and University Governance, and professor of history, Auburn University, Ala.
- Helen Norton, associate professor of law, University of Colorado School of Law
- Michael A. Olivas, professor of law, University of Houston, and two-term AAUP general counsel
- Ellen Schrecker, professor of history, Yeshiva University, New York

The subcommittee began its work on this report on November 2008 with the goal of proposing policy language and other solutions to protect faculty speech at public colleges and universities beyond what courts could offer. The subcommittee is chaired by Robert M. O’Neil, founding director of the Thomas Jefferson Center for the Protection of Free Expression in Charlottesville, Virginia.

Among the report’s recommended action steps for faculty groups and others are to:

- Propose changes to existing institutional policies where the policies are insufficient to protect faculty speech and expressive activity.
- Incorporate protective language into collective bargaining agreements.
- Remind public university governing boards, senior administrators, and legal counsel about the risks of limiting academic freedom.
- Monitor emerging cases and other activity on campus and notify the AAUP and other national faculty, higher education, and free speech groups about developments.
- File amicus briefs in support of faculty members challenging restrictions on speech.
- Publicize the issue in campus-based media and local news outlets, including by highlighting faculty contributions to the public good.
- Hold national and regional governance workshops and activities to foster awareness of the issue.
- Conduct a national analysis of handbook language on academic freedom.

The AAUP intends to continue “Speak Up, Speak Out: Protect the Faculty Voice” into 2010, and additional materials will be added to those already online.

The subcommittee’s report, the online toolkit, and information about “Speak Up, Speak Out: Protect the Faculty Voice” are available on the AAUP’s Web site at <http://www.aaup.org/AAUP/protectvoice/overview.htm>.

For more information, please contact Rachel Levinson at 202-737-5900, ext. 117, rlevinson@aaup.org. Between November 11-15, please contact Kathi Westcott at 202-737-5900, ext. 115, kwestcott@aaup.org.

The American Association of University Professors is a nonprofit charitable and educational organization that promotes academic freedom by supporting tenure, academic due process, shared governance and standards of quality in higher education. The AAUP has over 48,000 members at colleges and universities throughout the United States.

