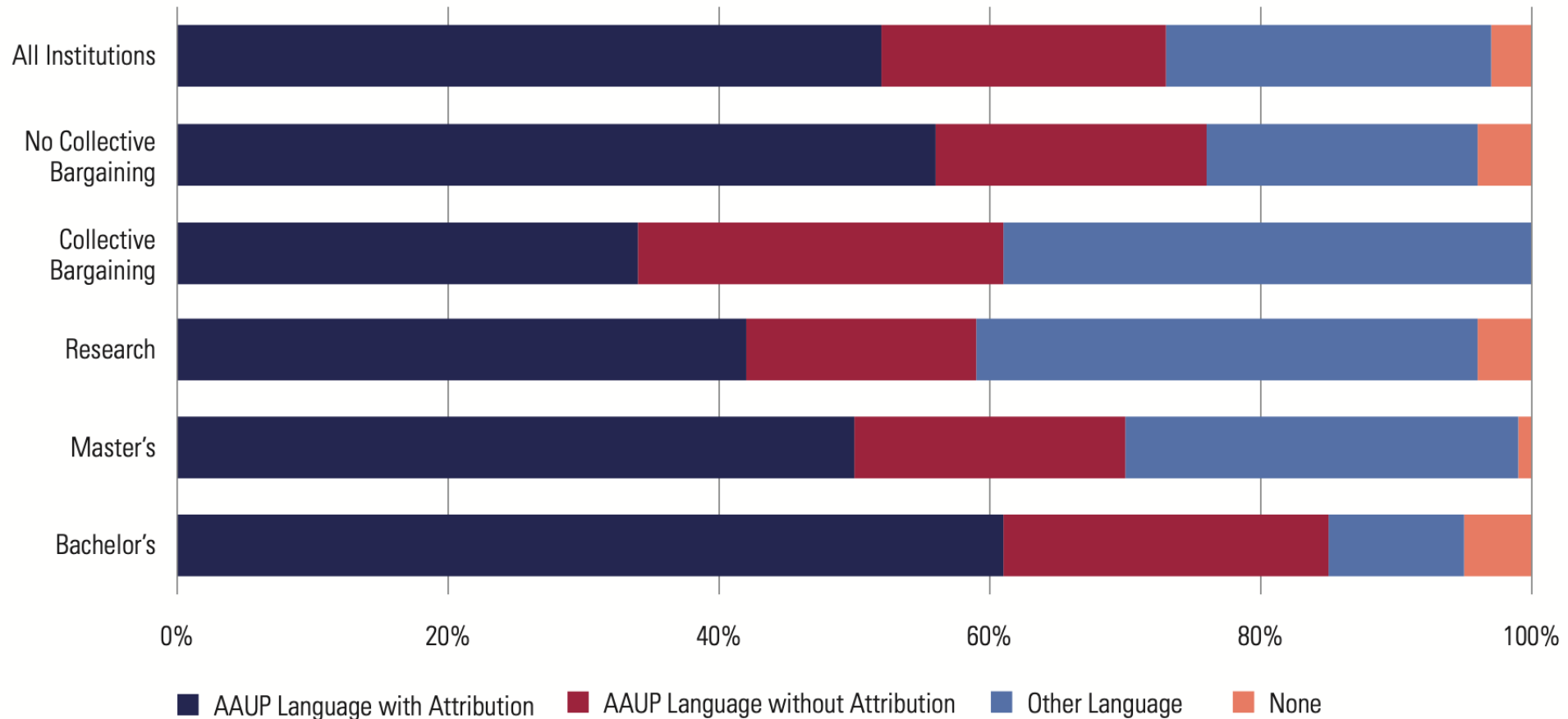

Campus Speech and Academic Freedom

- *1915 Declaration of Principles on Academic Freedom and Academic Tenure*
- *1940 Statement of Principles on Academic Freedom and Tenure*
- *Committee A Statement on Extramural Utterances (1964)*
- *On the Relationship of Faculty Governance to Academic Freedom (1994): Freedom in the Classroom (2007)*
- *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions (2011)*

FIGURE 3

The 1940 Statement is the Primary Source of Academic Freedom Language

Provenance of Academic Freedom Statements, by Institution Type



Hans-Joerg Tiede, "Policies on Academic Freedom, Dismissal for Cause, Financial Exigency, and Program Discontinuance," *AAUP Bulletin* (July 2020)

What is Academic Freedom?

Freedom in Research

Freedom in Teaching

Freedom of Intramural Speech

Freedom of Extramural Speech

Academic Freedom in Research

1940 *Statement*: “Teachers are entitled to **full freedom** in **research** and in the **publication** of the results, subject to the adequate performance of their other academic duties.”

BUT

1915 *Declaration*: “[Academic freedom in research] is almost everywhere so safeguarded that the **dangers of its infringement are slight**. It may therefore be disregarded in this report.”

Academic Freedom in Teaching

- 1940 *Statement*: “Teachers **are entitled to freedom in the classroom** in discussing their subject, but they should be **careful not to introduce** into their teaching **controversial matter** which has **no relation to their subject.**”
- 1970 *Interpretative Comment*: “The intent of this statement is **not** to discourage what is “**controversial.**” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to **avoid persistently intruding material** which has **no relation to their subject.**”
- Freedom in the Classroom (2007): “So long as an instructor’s allusions provoke **genuine debate** and **learning that is germane to the subject matter** of a course, they are protected by ‘freedom in the classroom.’

Academic Freedom in Teaching

Freedom in the Classroom (2007): “In sum, contemporary critics of higher education argue that instructors must refrain from stating strong opinions, for doing so would both lack balance and constitute indoctrination; that instructors must not advance propositions germane to a subject if some students with deeply held religious or political beliefs might be offended, for doing so would create a hostile learning environment; and that instructors must abjure allusions to persons or events that advance discussion but that some students might fail to perceive to be clearly connected to a course description, for doing so would inject irrelevant material into the classroom. **Such restrictions would excise ‘freedom in the classroom’ from the 1940 Statement; they would conduce not to learning but to intellectual sterility.”**

Academic Freedom of Intramural Speech

- *On the Relationship of Faculty Governance to Academic Freedom* (1994): “The academic freedom of faculty members includes the freedom to express their views (1) on academic matters in the classroom and in the conduct of research [research and teaching], (2) **on matters having to do with their institution and its policies** [intramural], and (3) on issues of public interest generally, and to do so even if their views are in conflict with one or another received wisdom [extramural].”
- *Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos* (2009): “The academic freedom of a faculty member pertains to both (1) **speech or action** taken as part of the institution’s **governing and decision-making processes** (for example, within a faculty committee or as part of a grievance filing) and (2) **speech or action** that is **critical of institutional policies and of those in authority** and takes place outside an institution’s formal governance mechanisms (such as e-mail messages sent to other faculty members).”

Academic Freedom of Extramural Speech

- *1940 Statement*: “College and university teachers are **citizens**, members of a learned profession, and officers of an educational institution. **When they speak or write as citizens, they should be free from institutional censorship or discipline**, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.”
- *On the Relationship of Faculty Governance to Academic Freedom*: Extramural academic freedom is the freedom of faculty members “to express their views on **issues of public interest generally**, and to do so **even if their views are in conflict with one or another received wisdom**.”

Academic Freedom of Extramural Speech

Committee A Statement on Extramural Utterances (1964): “The controlling principle is that a faculty member’s expression of opinion as a citizen **cannot constitute grounds for dismissal** unless it clearly demonstrates the faculty member’s **unfitness to serve**. **Extramural utterances rarely bear upon the faculty member’s fitness for continuing service.**”

Regulation 5 (“Dismissal Procedures”) of the *Recommended Institutional Regulations on Academic Freedom and Tenure*: “Adequate **cause** for a dismissal **will be related, directly and substantially, to the fitness** of faculty members in their professional capacities as **teachers or researchers**. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.”

Academic Freedom of Extramural Speech

Academic Freedom and Tenure: The University of California at Los Angeles (1971): “The features of the extra-curricular speeches to which the Regents took exception, and which appear to be a main basis for their unfavorable decision, are features which in most instances were not shown to be violations of AAUP standards of academic responsibility; and in any case **the Regents failed to show that they demonstrated, in the light of the whole record, unfitness for a position on the faculty of the University.** Consequently, the **unfavorable decision of the Regents** in reliance on these features of the speeches must be judged to be a **violation of Miss Davis's academic freedom.**”

Is Academic Freedom the Same as First-Amendment Free Speech?

- Although **academic freedom** in the United States **receives some protection**—at public universities—**from the First Amendment**, the conception of academic freedom in this country **predates its judicial recognition** and has **developed largely outside of it**.
- The AAUP regards academic freedom as a **professional right** extended to members of the profession **subject to certain limitations**, including the **obligations of professional ethics**.

Is Academic Freedom Absolute?

Arthur O. Lovejoy (1930): “Academic Freedom is the freedom of the teacher or research worker in higher institutions of learning to investigate and discuss the problems of his science and to express his conclusions, whether through publication or in the instruction of students, without interference from political or ecclesiastical authority, or from the administrative officials of the institution in which he is employed, **unless his methods are found** by qualified bodies of his own profession **to be clearly incompetent or contrary to professional ethics.**”

AAUP-AFT FAQ on Campus Free Speech: “Academic freedom is not unlimited. It can be circumscribed by **laws**, institutional **regulations** (as long as those laws and regulations do not impermissibly restrict academic freedom) and, most importantly, **standards of professional ethics.**”

(<https://www.aaup.org/issues/free-speech-campus>)

Academic Due Process

Footnote 14 in the *Recommended Institutional Regulations*: “There should be no invidious distinctions between those who teach and/or conduct research in higher education, regardless of whether they hold full-time or part-time appointments or whether their appointments are tenured, tenure-track, or contingent. **All faculty members** should have access to **due-process protections and procedures.**”

Campus Speech and Academic Freedom

THANK YOU

Department of Academic Freedom, Tenure, and Governance

academicfreedom@aaup.org