



This primer offers a general overview of academic freedom in American higher education. It is designed to present basic concepts, including the application of academic freedom to faculty members and institutions of higher education. Each American college or university applies principles of academic freedom in the context of its own mission. The primer is not a definitive discussion or legal analysis. For further information, readers may wish to explore the additional resources listed on page 9.

## **W a I Acad c F d ?**

American higher education relies on the fundamental value of academic freedom. Academic freedom protects college and university faculty members from unreasonable constraints on their professional activities. It is a broad doctrine giving faculty great leeway in addressing their academic subjects, allowing them even to challenge conventional wisdom. Under principles of academic freedom, a faculty member may research any topic. He or she may raise difficult subjects in a classroom discussion or may publish a controversial research paper. The excellence of America's higher education system rests on academic freedom.

## **W a I P Acad c F d ?**

Academic freedom serves to advance the two core values of higher education.

#1. *Advancing knowledge through research and creativity.* Colleges and university



1. *Campus Policies.* Most colleges and universities have policies protecting academic freedom. A typical policy affirms freedom in teaching and also freedom in research. Campus academic freedom policies appear in places such as handbooks, contracts, websites, faculty collective bargaining agreements, trustee-approved policies, and institutional charters and bylaws. Campus tradition and past practice also help define academic freedom rights and responsibilities within an institution. In addition to describing academic freedom rights and responsibilities, a typical policy also includes a set of internal procedures. These procedures are sometimes called “academic due process.” They allow a professor to test whether a disciplinary action is based on a legitimate reason or on a reason violating his or her academic freedom. Campus academic freedom policies and procedures merit careful reading, to understand their nuances in the context of the institution’s mission.
  
2. *Accreditation Requirements.* Colleges and universities undergo formal accreditation by external groups. The accreditation process tests the effectiveness of higher education institutions. The federal government regulates the accreditation process. The government approves accrediting organizations, and only colleges and universities accredited by approved organizations may participate in federal student loan programs. The six major accrediting groups are located in different parts of the country, and each oversees the academic institutions in its region. Most of the accreditors require institutions to protect academic freedom. The academic freedom statement from one regional accrediting group appears as an appendix below. Professional schools, such as schools of law, engineering, or business, may receive separate accreditation from professional organizations. The American Bar Association, for example, accredits law schools. Professional organizations generally also include academic freedom among their accreditation requirements.
  
2. *Policies of National Academic Organizations.* Since 1915, the American Association of University Professors (AAUP) has sought to defend faculty academic freedom in American higher education. It has issued model policy statements, sometimes in collaboration with other higher education associations. The model policies define academic freedom rights and responsibilities. They also recommend academic due process to protect academic freedom. More than 200 learned societies and higher education associations have endorsed the 1940 Statement of Principles on Academic Freedom and Tenure. This policy statement provides:

1. 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....
2. 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....

Colleges and universities may include the model policy recommendations in their internal policies, adapt them to fit the campus's own circumstances, or ignore them.

Other groups also address academic freedom from a broad perspective. National organizations such as the American Council on Education, the Association of American Colleges and Universities, and the Association of Governing Boards of Colleges and Universities work to advance academic freedom through means such as reports, policies, and legal briefs. The National Education Association and the American Federation of Teachers both have higher education divisions that support academic freedom.

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Yes. All faculty members are entitled to freedom in teaching and research. As a practical

## **D S d , Hq Acad c F d ?**

Students need freedom to explore controversial ideas and engage in creative work. The courts have spoken about a student's "freedom to learn." Is this the same as academic freedom? Scholarly experts disagree on whether students technically have academic freedom or a different type of freedom. In either case, students need room to explore, learn, and grow.

Like professors, students have both rights and responsibilities. A student has, for example, the right to disagree with a professor in class. With the right to disagree comes the responsibility to maintain appropriate behavior in class. The student may not steer the conversation off to an unrelated topic. The student may not monopolize the discussion to the point that others cannot participate. Student freedoms and re-

In one respect, academic freedom provides *less* protection than the First Amendment. Consider this example. A citizen could lawfully proclaim in the town square that the moon is made of green cheese. The government could not punish the person for making that statement. What if an astronomy professor from a public university, in all seriousness, made the same statement in the town square? Her peers and her university could decide that the statement cast serious doubt on her competence to teach astronomy. The university could discipline the professor for making the state-

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Not in his or her presidential role. A college president represents the institution and





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American Association of University Professors

[www.aaup.org](http://www.aaup.org)

American Council on Education

[www.acenet.edu](http://www.acenet.edu)

Association of American Colleges and Universities

“Statement on Academic Freedom and Educational Responsibility”

[www.aacu.org/About/statements/academic\\_freedom.cfm](http://www.aacu.org/About/statements/academic_freedom.cfm)

Association of Governing Boards of Colleges and Universities

“Statement on Board Responsibility for Institutional Governance”

[www.agb.org/statement-board-responsibility-institutional-governance](http://www.agb.org/statement-board-responsibility-institutional-governance)

Chronicle of Higher Education

[www.chronicle.com](http://www.chronicle.com)

Finkin, Matthew W., and Robert C. Post, *For the Common Good: Principles of American Academic Freedom* (Yale University Press, 2009)

Frederic Ewen Academic Freedom Center

New York University

[www.nyu.edu/library/bobst/research/tam/ewen/](http://www.nyu.edu/library/bobst/research/tam/ewen/)

Inside Higher Education

[www.insidehighered.com](http://www.insidehighered.com)

University World News

International academic freedom newsletter available

[www.universityworldnews.com](http://www.universityworldnews.com)

As an additional resource on institutional rights, see the brief *amicus curiae* filed in 2003 on behalf of Columbia University and a group of other private universities in the United States Supreme Court in *Gutter v. Bollinger*. The brief is available, along with all others in the case, on the University of Michigan’s website. [www.vpcomm.umich.edu/admissions/legal/gru\\_amicus-ussc/um/Columbia-both.pdf](http://www.vpcomm.umich.edu/admissions/legal/gru_amicus-ussc/um/Columbia-both.pdf)

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