

Charting Academic Freedom

103 Years of Debate



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INTRODUCTION

The National Association of Scholars (NAS) is pleased to offer *Charting Academic Freedom*. The pages that follow are parts of a single chart that compares fourteen published statements on academic freedom in twenty-five categories. The oldest of the statements is the 1915 *Declaration of Principles* from the American Association of University Professors (AAUP). The newest is the April 29, 2017 *Statement of Principles: Free Expression on Campuses* issued by Students for Free Expression.

In addition to the chart, we include (1) an annotated Timeline of Academic Freedom, with notable events such as Supreme Court decisions and riots; (2) a list of significant Other Resources by organizations such as the Foundation for Individual Rights in Education (FIRE) and the Heterodox Academy; and (3) a Select Bibliography.

The chart does not purport to cover all statements on academic freedom in American history, or history since 1915. Many colleges and universities have formulated their own statements, often building on the well-known 1940 AAUP *Statement of Principles on Academic Freedom and Tenure*, but sometimes venturing in a different direction. Before 1915, the concept of “academic freedom” was known to some American academics, especially those who had studied at German universities, but academic freedom was definitely not a well-established doctrine in the United States. In the quarter-century before the 1915 AAUP *Declaration of Principles*, discontent with preemptory actions by college presidents and trustees and interventions by clerical authorities led to growing interest among faculty members in mounting a defense of what they saw as a legitimate claim to a measure of autonomy. This finally took shape in the 1915 document which became the first sustained articulation of the principles of academic freedom in America.

Academic freedom thus emerged not from state or federal legislation, or from a common law tradition, but by an assertion of will from a small group of distinguished scholars. Much on their mind was the need to defend scholars and scholarship from the prejudices of outside authorities and the general public. The 1915 *Declaration* was, in this light, a rhetorical statement meant to persuade faculty members themselves that they had certain extra-legal rights, and to persuade the powers-that-be and the general public that those “rights” should be respected. It was an uphill fight carried on in numerous battles over the decades that followed.

Our chart does not attempt to trace those battles. Rather, it offers a synopsis of the most important statements that followed. Some of those statements, such as the 1940 *Statement of Principles on Academic Freedom and Tenure*, could best be understood as treaties in the long battle between college presidents and faculty members over what “academic freedom” means.

We publish this chart today because America faces a growing crisis about who can say what on our college campuses. At root this is a crisis of authority. In recent decades university administrators, professors, and student activists have quietly excluded more and more voices from the exchange of views on campus. This has taken shape in several ways, not all of which are reducible to violations of “academic freedom.” The narrowing of campus debate by de-selection of conservatives from faculty positions, for example, is not directly a question of academic freedom though it has proven to have dire consequences in various fields where professors have severely limited the range of ideas they present in courses.

This example suggests some of the complications in the concept of academic freedom that were not apparent to the drafters of the 1915 *Declaration of Principles*. The threats to academic freedom do not always arise from outside the university. Potent threats to academic freedom can arise from the collective will of faculty members themselves.

This is the situation that confronts us today. Decades of progressive orthodoxy in hiring, textbooks, syllabi, student affairs, and public events have created campus cultures where legitimate intellectual debates are stifled and where dissenters, when they do venture forth, are often met with censorious and sometimes violent responses. Student mobs, egged on by professors and administrators, now sometimes riot to prevent such dissent. The idea of “safe spaces” and a new view of academic freedom as a threat to the psychological well-being of disadvantaged minorities have gained astonishing popularity among students.

Even among its defenders, the concept of “academic freedom” is now often muddled with the First Amendment right of free speech. The two are of very different origins, legal standing, and applicability to higher education.

Part of our project in drafting this chart is to put the discussion of “academic freedom” back on its legs. Those who wish to defend academic freedom can benefit from understanding the important debates over the last century or more. Our chart

offers a way to grasp the main contours of those debates. Is academic freedom grounded in the pursuit of truth or the pursuit of democracy? Are the things faculty members say constrained by the limits of their disciplinary knowledge or is academic freedom a license to speak on any issue the faculty member chooses? Is academic freedom solely or primarily a privilege of faculty members? Or does it extend to students, administrators, and visitors? What should happen to individuals who violate the standards of academic freedom? Should students be free to record their teachers? Or should teachers' academic freedom include a right of privacy from being recorded?

None of these questions has been settled once and for all, but anyone who enters the debate ought to reconnoiter the most authoritative pronouncements on such matters.

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The current crisis has prompted a surge of new statements supporting academic freedom and legislative proposals to guarantee it (at the least) on public universities. These statements and proposals collectively intend to articulate what precisely academic freedom is, why it matters and should be defended as a first principle of the academy, and how it should be articulated in the different contexts of university life. These statements provide theoretical anchors by which academic freedom ultimately may be re-established in the everyday practice of campus life.

Every American ought to carry a compact Constitution in his pocket, to keep America free by easy reference to his country's traditions and principles of freedom. We hope *Charting American Freedom* will serve likewise, as a digest of the principles that underlie intellectual freedom.

1915 DECLARATION OF PRINCIPLES ON ACADEMIC FREEDOM AND ACADEMIC TENURE (1915 AAUP DECLARATION)

Author(s)	Seligman Committee: Edwin R. A. Seligman, Chairman; Richard T. Ely; Frank A. Fetter; James P. Lichtenberger, Franklin H. Giddings; Roscoe Pound; Ulysses G. Weatherly; J. Q. Dealey; Henry W. Farnam; Charles E. Bennett; Edward C. Elliott; Guy Stanton Ford; Charles Atwood Kofoid; Arthur O. Lovejoy; Frederick W. Padelford; Howard C. Warren
Originating Body	American Association of University Professors
Year	1915
Occasion	Numerous cases of alleged infringement of academic freedom
Endorsements	Interest by American Council on Education in 1925 started process that ultimately led to drafting of the <i>1940 Statement of Principles</i> ; influenced <i>The Architecture of Intellectual Freedom</i>
University Purposes	inquiry; human knowledge; general instruction; developing expertise for public service; generating new truths; conserving old ones
Pursuit of Truth as Ground for Free Speech	Yes: inquiry into "ultimate realities and values"
Direction of Threats to Free Speech	Trustees; public and its representatives
Sanctions for Violators	Yes: "judicial severity when the occasion requires"
References to Notable Violations	Yes: many, all unnamed
Freedom of Teacher	Yes: <i>Lehrfreiheit</i>
Role of Tenure Emphasized	Yes: "to make teaching honorable and secure; to make professor independent of financial inducement or fear"
Professorial Duties	Yes: "only those who carry on their work in the temper of the scientific inquirer who may justly assert this claim"
Classroom Privacy	Yes: "[classroom] utterances ought always to be considered privileged communications"
Freedom of Inquiry and Research	Yes
Freedom of Extramural Utterance and Action	Yes
Freedom of Student	Yes: <i>Lernfreiheit</i>
Student Immaturity	Yes: present scientific truth with discretion; "guard against taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question."
Students Presumed to Support Free Speech	Yes: "candor and courage which youth always demands in those whom it is to esteem"
Recognition of Special Circumstances for Invited Speakers	Not mentioned
Distinction Between Freedom of Speech and Academic Freedom	Yes: "It is, in short, not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of teaching, of the academic profession, that is asserted by this declaration of principles."
University Duties to Public	Yes: "The trustees are trustees for the public. ... They cannot be permitted to assume the proprietary attitude and privilege, if they are appealing to the general public for support. "
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Yes: such institutions are becoming rarer, and they must state their religious commitments openly
University Duties to its Members	None mentioned
University Neutrality	Not mentioned
Administrative Freedom and Duties	Not mentioned
Source	https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf

1940 STATEMENT OF PRINCIPLES ON ACADEMIC FREEDOM AND TENURE (1940 AAUP DECLARATION)

Author(s)	Joint Committee(s): AAUP committee members including Ralph E. Himstead (AAUP General Secretary); Anton J. Carlson; Walter Wheeler Cook; Michael C. D'Argonne; Frederick Deibler; William Hepburn; William Thomas Laprade; and Louise Pound; and college presidents from the Association of American Colleges (now the Association of American Colleges & Universities) including Henry M. Wriston; W.C. Dennis; S.P. Capen; E.J. Jacqua; Meta Glass; and W. O. Tolley. Other members of the AAUP involved in drafting the <i>1940 Statement</i> included Alzada Comstock and Mark Ingraham.
Originating Body	American Association of University Professors, Association of American Colleges
Year	1940
Occasion	restatement following a series of conferences, 1934-; given impetus by campaigns seeking to limit Communist influence on and employment in academia
Endorsements	256 professional organizations, including American Library Association, Association of American Law Schools, American Political Science Association
University Purposes	common good
Pursuit of Truth as Ground for Free Speech	Yes: "The common good depends upon the free search for truth and its free exposition."
Direction of Threats to Free Speech	Not mentioned
Sanctions for Violators	None mentioned
References to Notable Violations	None mentioned
Freedom of Teacher	Yes: research, classroom, extramural utterance
Role of Tenure Emphasized	Yes: freedom and "economic security to make the profession attractive to men and women of ability"
Professorial Duties	Yes: academic freedom "carries with it duties correlative with right"
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Yes
Freedom of Extramural Utterance and Action	Yes
Freedom of Student	Yes
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	Not mentioned
Recognition of Special Circumstances for Invited Speakers	Not mentioned
Distinction Between Freedom of Speech and Academic Freedom	Not mentioned
University Duties to Public	Yes: obligations to society and the common good
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Yes: 1940: "Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment." 1970: "Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 "Statement," and we do not now endorse such a departure."
University Duties to its Members	Yes: to provide academic freedom and to follow tenure rules strictly
University Neutrality	Not mentioned
Administrative Freedom and Duties	Not mentioned
Source	https://www.aaup.org/file/1940%20Statement.pdf

REPORT ON THE UNIVERSITY'S ROLE IN POLITICAL AND SOCIAL ACTION (KALVEN REPORT)

Author(s)	Kalven Committee: Harry Kalven, Jr., Chairman; John Hope Franklin; Gwin J. Kolb; George Stigler; Jacob Getzels; Julian Goldsmith; Gilbert F. White
Originating Body	University of Chicago
Year	1967
Occasion	pressure to take an official position on the Vietnam War
Endorsements	influenced <i>Campus Free Speech: A Legislative Proposal (Goldwater Statement)</i>
University Purposes	discovery, improvement, and dissemination of knowledge
Pursuit of Truth as Ground for Free Speech	Not mentioned
Direction of Threats to Free Speech	Not mentioned
Sanctions for Violators	None mentioned
References to Notable Violations	None mentioned
Freedom of Teacher	Yes: freedom of inquiry
Role of Tenure Emphasized	Not mentioned
Professorial Duties	None mentioned
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Not mentioned
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	Yes: as "instrument of dissent and criticism"
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	Implicit condemnation of student pressure to shut down speech that favored U.S. participation in the Vietnam War
Recognition of Special Circumstances for Invited Speakers	Not mentioned
Distinction Between Freedom of Speech and Academic Freedom	Not mentioned
University Duties to Public	None mentioned
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	Yes: institutional neutrality
University Neutrality	Yes: "Because the university is committed to free and open inquiry in all matters, it guarantees all members of the university community the broadest possible latitude to speak, write, listen, challenge, and learn. ... if it takes collective action, therefore, it does so at the price of censuring any minority who do not agree with the view adopted"
Administrative Freedom and Duties	Not mentioned
Source	http://www-news.uchicago.edu/releases/07/pdf/kalverpt.pdf

REPORT OF THE COMMITTEE ON FREEDOM OF EXPRESSION AT YALE (WOODWARD REPORT)

Author(s)	Woodward Committee: C. Vann Woodward, Chairman; Steven A. Benner; Elias Clark; James P. Comer; Lloyd N. Cutler; Robert A. Dahl; Marjorie B. Garber; Walter R. Rieman; Philip J. Sirlin; Elisabeth McC. Thomas; Hillel Weinberg; Harry H. Wellington; Dissent by Kenneth J. Barnes
Originating Body	Yale University
Year	1974
Occasion	several disinventions and student riots to prevent outside speakers from speaking at Yale
Endorsements	influenced <i>The Architecture of Intellectual Freedom</i> and <i>Campus Free Speech: A Legislative Proposal</i>
University Purposes	discover and disseminate knowledge
Pursuit of Truth as Ground for Free Speech	Quotation from John Milton's <i>Areopagitica</i> (1644): "And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter."
Direction of Threats to Free Speech	Student protestors—not including the student signatories to the report, and the other students whose views they represented; by implication, administrative nonfeasance
Sanctions for Violators	Yes: "enforced by appropriate formal sanctions"
References to Notable Violations	Yes: named
Freedom of Teacher	Not mentioned
Role of Tenure Emphasized	Not mentioned
Professorial Duties	None mentioned
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Not mentioned
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	Not mentioned
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	No: student riots to shut down outside speakers; student newspapers indifferent as freedom of speech shut down
Recognition of Special Circumstances for Invited Speakers	Yes
Distinction Between Freedom of Speech and Academic Freedom	Yes: "We take a chance, as the First Amendment takes a chance, when we commit ourselves to the idea that the results of free expression are to the general benefit in the long run, however unpleasant they may appear at the time."
University Duties to Public	None mentioned
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	Yes: "duty of all members of the University community to defend the right to speak and refrain from disruptive interference"
University Neutrality	Not mentioned
Administrative Freedom and Duties	Not mentioned
Source	https://yalecollege.yale.edu/deans-office/reports/report-committee-freedom-expression-yale

ACADEMIC FREEDOM AND EDUCATIONAL RESPONSIBILITY (AAC&U STATEMENT)

Author(s)	Jerry Gaff, et al.
Originating Body	Association of American Colleges & Universities
Year	2006
Occasion	David Horowitz's campaign for an Academic Bill of Rights; anti-war students preventing outside speakers from speaking
Endorsements	Ithaca College
University Purposes	education for democracy and diversity
Pursuit of Truth as Ground for Free Speech	Not mentioned
Direction of Threats to Free Speech	conservative activists; students
Sanctions for Violators	None mentioned
References to Notable Violations	None mentioned
Freedom of Teacher	Yes: via "diversity"
Role of Tenure Emphasized	Not mentioned
Professorial Duties	Yes: "establishing goals for student learning, for designing and implementing programs of general education and specialized study that intentionally cultivate the intended learning, and for assessing students' achievement."
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Yes: "Academic responsibility requires professors to submit their knowledge and claims to rigorous and public review by peers who are experts in the subject matter under consideration"
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	Yes: "To develop their own critical judgment, students also need the freedom to express their ideas publicly as well as repeated opportunities to explore a wide range of insights and perspectives."
Student Immaturity	Yes: intellectual diversity can be confusing and overwhelming; "Expressing one's ideas and entertaining divergent perspectives—about race, gender, religion, or cultural values, for example—can be frightening for students"; safe environment needed
Students Presumed to Support Free Speech	Not mentioned
Recognition of Special Circumstances for Invited Speakers	Yes
Distinction Between Freedom of Speech and Academic Freedom	Yes: "Students do have a right to hear and examine diverse opinions, but within the frameworks that knowledgeable scholars—themselves subject to rigorous standards of peer review—have determined to be reliable and accurate."
University Duties to Public	None mentioned
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	Yes: to support professors, "who drive the production of knowledge and the process of education "
University Neutrality	Not mentioned
Administrative Freedom and Duties	Not mentioned
Source	https://www.aacu.org/sites/default/files/files/about/academicFreedom.pdf

REPORT OF THE COMMITTEE ON FREEDOM OF EXPRESSION (STONE REPORT)

Author(s)	Stone Committee: Geoffrey R. Stone, Chairman; Marianne Bertrand; Angela Olinto; Mark Siegler; David A. Strauss; Kenneth W. Warren; Amanda Woodward
Originating Body	University of Chicago
Year	2015
Occasion	"recent events nationwide that have tested institutional commitments to free and open discourse"
Endorsements	Foundation for Individual Rights in Education
University Purposes	free and open inquiry in all matters
Pursuit of Truth as Ground for Free Speech	Not mentioned
Direction of Threats to Free Speech	Not mentioned
Sanctions for Violators	None mentioned; but the follow-up Report of the Committee on University Discipline for Disruptive Conduct (Picker Committee, 2017) recommends more effective discipline to defend academic freedom from violent disruption
References to Notable Violations	None mentioned
Freedom of Teacher	Not mentioned
Role of Tenure Emphasized	Not mentioned
Professorial Duties	None mentioned
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Not mentioned
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	Not mentioned
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	Not mentioned
Recognition of Special Circumstances for Invited Speakers	Yes
Distinction Between Freedom of Speech and Academic Freedom	Not mentioned
University Duties to Public	None mentioned
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	Yes: "the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it."
University Neutrality	Not mentioned
Administrative Freedom and Duties	Not mentioned
Source	https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf

UNIVERSITY OF WISCONSIN SYSTEM BOARD OF REGENTS' 2015 STATEMENT REITERATING THE BOARD'S COMMITMENT TO ACADEMIC FREEDOM AND AFFIRMING ITS COMMITMENT TO FREEDOM OF EXPRESSION (2015 WISCONSIN STATEMENT)

Author(s)	Mary Anderson, James L. Baughman, Donald Downs, W. Lee Hansen, John Sharpless, Steve Underwood
Originating Body	University of Wisconsin System Board of Regents
Year	2015
Occasion	"The principles of academic freedom and freedom of expression have been tested at several other universities in the past several years, resulting in statements in support of these concepts."
Endorsements	None to date
University Purposes	as previously stated by Regents on September 18, 1894: 'whatever may be the limitations which trammel inquiry elsewhere, we believe the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found.' [Richard Ely Trial Committee Final Report, September 18, 1894, University of Wisconsin Board of Regents]
Pursuit of Truth as Ground for Free Speech	Yes: "that continual and fearless sifting and winnowing by which alone the truth can be found." [Richard Ely Trial Committee Final Report, September 18, 1894, University of Wisconsin Board of Regents]
Direction of Threats to Free Speech	Not mentioned
Sanctions for Violators	Not mentioned
References to Notable Violations	Not mentioned
Freedom of Teacher	Yes: "Academic freedom includes the freedom to explore all avenues of scholarship, research and creative expression, and to reach conclusions according to one's own scholarly discernment. Freedom of expression includes the right to discuss and present scholarly opinions and conclusions on all matters both in and outside the classroom."
Role of Tenure Emphasized	Yes: "the statement affords the Board an opportunity to address concerns expressed by faculty members about the potential loss of academic freedom stemming from recent changes in the law relating to tenure"
Professorial Duties	Yes: "Academic freedom carries the responsibility for the faithful performance of professional duties and obligations. All members of the university community at each of the institutions in the University of Wisconsin System share in the responsibility for maintaining civility and a climate of mutual respect."
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Yes: "Academic freedom includes the freedom to explore all avenues of scholarship, research and creative expression, and to reach conclusions according to one's own scholarly discernment."
Freedom of Extramural Utterance and Action	Yes
Freedom of Student	Implicitly: "The UW System is committed to these principles and provides all members of the university community the broadest possible latitude to explore ideas and to speak, write, listen, challenge, and learn."
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	Not mentioned
Recognition of Special Circumstances for Invited Speakers	"Although members of the university community at each institution are free to criticize and contest the views expressed on campus, they may not obstruct or otherwise interfere with the freedom of others, including speakers who are invited to campus, to express views they reject or even loathe."

UNIVERSITY OF WISCONSIN SYSTEM BOARD OF REGENTS' 2015 STATEMENT REITERATING THE BOARD'S COMMITMENT TO ACADEMIC FREEDOM AND AFFIRMING ITS COMMITMENT TO FREEDOM OF EXPRESSION (2015 WISCONSIN STATEMENT)

Distinction Between Freedom of Speech and Academic Freedom	Yes: "The freedom to debate and discuss the merits of competing ideas does not mean that members of the university community may say whatever they wish, wherever they wish. Consistent with longstanding practice informed by law, institutions within the System may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the university. In addition, the institutions may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt ordinary activities. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with each institution's commitment to a completely free and open discussion of ideas."
University Duties to Public	"fostering the ability of members of the university community to engage in such debate and deliberation in an effective and responsible manner is an essential part of each institution's educational mission"
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	"Each institution in the University of Wisconsin System has a solemn responsibility not only to promote lively and fearless exploration, deliberation, and debate of ideas, but also to protect those freedoms when others attempt to restrict them"
University Neutrality	"Freedom of expression also carries the obligation to make clear that when speaking on matters of public interest or concern, one is speaking on behalf of oneself, not the institution."
Administrative Freedom and Duties	Not mentioned
Source	https://profs.wisc.edu/wp-content/uploads/2015/12/BoR-Academic-Freedom.pdf

THE ARCHITECTURE OF INTELLECTUAL FREEDOM (NAS STATEMENT)

Author(s)	Peter Wood
Originating Body	National Association of Scholars
Year	2016
Occasion	2015 Student Riots
Endorsements	None to date
University Purposes	to sustain a complex of freedoms so as to transmit our civilization and seek out truth
Pursuit of Truth as Ground for Free Speech	Yes: "Truth-seeking remains essential to academic freedom"
Direction of Threats to Free Speech	PC [political correctness]
Sanctions for Violators	Yes: "backed by real sanctions"
References to Notable Violations	Yes: unnamed
Freedom of Teacher	Yes: in classroom, coordinate with duties to students
Role of Tenure Emphasized	Not mentioned
Professorial Duties	Yes: to avoid bias and indoctrination in the classroom
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Not mentioned
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	Yes: "a combination of freedom from indoctrination and freedom to engage in disciplined inquiry, which includes the freedom to read, hear, and consider views that differ from those of their instructors"
Student Immaturity	Yes: "vulnerable to abuses of authority by their teachers ... a student can be shamed or humiliated by a hostile teacher. Students are even more vulnerable to the abuse of authority that consists of professors who withhold important information or present biased views of a topic."
Students Presumed to Support Free Speech	No: student riots to shut down outside speakers
Recognition of Special Circumstances for Invited Speakers	Yes
Distinction Between Freedom of Speech and Academic Freedom	Yes: "Students do indeed have a First Amendment right to speak out on controversial issues, but their academic freedom consists of something else: the freedom to pursue an education."
University Duties to Public	Yes: "academic freedom is a public trust"
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Yes: proper in "faith-based colleges and universities that explicitly frame their mission as rooted in a creedal orthodoxy"; improper as undeclared social-justice dogma
University Duties to its Members	Yes: to foster the complex of academic freedoms and the search for truth
University Neutrality	Not mentioned
Administrative Freedom and Duties	Yes: "administrators do have the freedom to state their views publicly, but that they must do so with scrupulous attention to how those views are to be constructed. Administrators must exercise that freedom to foster rather than to inhibit the academic freedom of other members of their institution."
Source	https://www.nas.org/articles/the_architecture_of_intellectual_freedom

ACADEMIC FREEDOM IN THE AGE OF POLITICAL CORRECTNESS (POPE CENTER REPORT)

Author(s)	Jay Schalin
Originating Body	The John William Pope Center for Higher Education Policy
Year	2016
Occasion	"Contentious new issues include the limiting of free speech through campus speech codes, the right of religious students to form campus organizations that exclude according to belief, and the right of students to not be indoctrinated in class."
Endorsements	None to date
University Purposes	None given
Pursuit of Truth as Ground for Free Speech	Yes: "Academic freedom — the right to seek the truth without fear of retribution"
Direction of Threats to Free Speech	Campus speech codes, politicization of the university, the New Left
Sanctions for Violators	Redress must be sought through the courts
References to Notable Violations	Melissa Click's call for "muscle" at the University of Missouri
Freedom of Teacher	Freedom of research, but not necessarily freedom of teaching
Role of Tenure Emphasized	Yes: tenure now supports politicization and intellectual conformity, and therefore impedes academic freedom
Professorial Duties	Apolitical professionalism and disciplinary self-regulation, aimed to foster intellectual inquiry rather than a political agenda
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Yes
Freedom of Extramural Utterance and Action	No: First Amendment "protections do not guarantee a right to employment. ... an academic's extramural comments can signify a lack of fitness for his job."
Freedom of Student	Yes: right not to be indoctrinated
Student Immaturity	Yes: "Menand's assertions, that students are capable of sorting through the complex arguments to achieve a mature understanding independent of their professors' guidance ..., seem highly presumptuous."
Students Presumed to Support Free Speech	No: radical students work to shut down academic freedom, by license for themselves and silencing their opposition
Recognition of Special Circumstances for Invited Speakers	An occasion for the abrogation of academic freedom: "Protestors try to drown out speakers by shouting them down, and when security team members escort them from the lecture hall, they complain that their right to free speech is being denied."
Distinction Between Freedom of Speech and Academic Freedom	Yes: "The First Amendment guarantee for the freedom of speech is a legal right—one cannot be arrested for exercising it, and academics share that right. But academic freedom does not guarantee protection against arrest; it concerns employment."
University Duties to Public	Skeptical: a duty to an undefined public can be defined to fit the self-interest of any group claiming it is subject to a duty
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Yes, although this is rare nowadays: "if a college declares that it teaches according to Baptist theology, it can enforce the teaching of Baptist principles"
University Duties to its Members	Not mentioned
University Neutrality	Public universities only: "public universities clearly must remain impartial and allow a range of views, lest the government stifle free inquiry in order to indoctrinate and maintain power. Private colleges, however, need not concern themselves with academic freedom if they openly declare that their school "is to be used as an instrument of propaganda."
Administrative Freedom and Duties	Somewhat: "Administrators have an extremely complex relationship to academic freedom. In one function, such as making extramural comments, an administrator may be acting as an individual scholar. In another, he or she represents the school and therefore inherits the rights of an institution. In yet a third, his or her primary function is to serve as an arbiter or enforcer of the various checks and balances when conflicts arise inside the university."
Source	https://www.jamesmartin.center/wp-content/uploads/2016/09/AcademicFreedomintheAgeofPoliticalCorrectness-1.pdf

TRUTH SEEKING, DEMOCRACY, AND FREEDOM OF THOUGHT AND EXPRESSION (GEORGE & WEST STATEMENT)

Author(s)	Robert P. George and Cornel West
Originating Body	James Madison Program in American Ideals and Institutions, Princeton University
Year	2017
Occasion	2017 Middlebury Riot
Endorsements	600+ signatories
University Purposes	None given
Pursuit of Truth as Ground for Free Speech	Yes: "love of truth"
Direction of Threats to Free Speech	PC [political correctness]
Sanctions for Violators	None mentioned
References to Notable Violations	None mentioned
Freedom of Teacher	Not mentioned
Role of Tenure Emphasized	Not mentioned
Professorial Duties	None mentioned
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Not mentioned
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	Not mentioned
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	Not mentioned
Recognition of Special Circumstances for Invited Speakers	Yes
Distinction Between Freedom of Speech and Academic Freedom	Not mentioned
University Duties to Public	None mentioned
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	None mentioned
University Neutrality	Not mentioned
Administrative Freedom and Duties	Not mentioned
Source	https://jmp.princeton.edu/statement

FREE INQUIRY ON CAMPUS: A STATEMENT OF PRINCIPLES (MIDDLEBURY STATEMENT)

Author(s)	Jay Parini, Keegan Callanan, et al.
Originating Body	Many Middlebury Professors
Year	2017
Occasion	2017 Middlebury Riot
Endorsements	97 signatories
University Purposes	"the cultivation of the mind, thus allowing for intelligence to do the hard work of assimilating and sorting information and drawing rational conclusions"
Pursuit of Truth as Ground for Free Speech	<i>Knowledge</i> substitutes for <i>Truth</i> : "Only through the contest of clashing viewpoints do we have any hope of replacing mere opinion with knowledge."
Direction of Threats to Free Speech	Two intellectual arguments: "The impossibility of attaining a perfectly egalitarian sphere of free discourse can never justify efforts to silence speech and debate." And, "Exposure to controversial points of view does not constitute violence."
Sanctions for Violators	Not mentioned
References to Notable Violations	Charles Murray shutdown and violence against Allison Stanger
Freedom of Teacher	Yes: via free opinion and discussion
Role of Tenure Emphasized	Not mentioned
Professorial Duties	None mentioned
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Statement title is "Free Inquiry on Campus"; "No group of professors or students has the right to determine for the entire community that a question is closed for discussion."
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	"Students have the right to challenge and to protest non-disruptively the views of their professors and guest speakers."
Student Immaturity	No: "All our students possess the strength, in head and in heart, to consider and evaluate challenging opinions from every quarter."
Students Presumed to Support Free Speech	Not mentioned
Recognition of Special Circumstances for Invited Speakers	Yes
Distinction Between Freedom of Speech and Academic Freedom	Not mentioned
University Duties to Public	None mentioned
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	None mentioned
University Neutrality	"The purpose of education is not the promotion of any particular political or social agenda."
Administrative Freedom and Duties	Not mentioned
Source	https://freeinquiryblog.wordpress.com/2017/03/06/free-inquiry-on-campus-a-statement-of-principles-by-a-number-of-middlebury-college-professors/

CAMPUS FREE SPEECH: A LEGISLATIVE PROPOSAL (GOLDWATER STATEMENT)

Author(s)	Stanley Kurtz, James Manley, and Jonathan Butcher
Originating Body	Goldwater Institute
Year	2017
Occasion	2015-2016 Student Riots
Endorsements	Legislation based on the Goldwater model passed in North Carolina, and introduced in states including California, Illinois, Louisiana, Michigan, Virginia, and Wisconsin. University of Wisconsin adopted as policy a statement embodying the Goldwater Statement.
University Purposes	discovery, improvement, transmission, and dissemination of knowledge
Pursuit of Truth as Ground for Free Speech	Not mentioned
Direction of Threats to Free Speech	PC [political correctness]
Sanctions for Violators	Yes: "the model bill constructs a multi-tier system of sanctions"
References to Notable Violations	Yes: named
Freedom of Teacher	Not mentioned
Role of Tenure Emphasized	Not mentioned
Professorial Duties	Yes: "may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe"
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Not mentioned
Freedom of Extramural Utterance and Action	Yes
Freedom of Student	Yes: due process; free expression, so long as other people's rights to free expression aren't infringed
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	No: student riots to shut down outside speakers
Recognition of Special Circumstances for Invited Speakers	Yes
Distinction Between Freedom of Speech and Academic Freedom	Not mentioned
University Duties to Public	Yes: "Every official of the university, moreover, has a special obligation to foster the free interchange of ideas and to ensure that is not obstructed."
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	Yes: "Because the university is committed to free and open inquiry in all matters, it guarantees all members of the university community the broadest possible latitude to speak, write, listen, challenge, and learn."
University Neutrality	Yes: "the model bill affirms the principle of institutional neutrality on issues of public controversy."
Administrative Freedom and Duties	Not mentioned
Source	https://goldwater-media.s3.amazonaws.com/cms_page_media/2017/2/2/X_Campus%20Free%20Speech%20Paper.pdf

FORMING OPEN AND ROBUST UNIVERSITY MINDS (FORUM) ACT (ALEC MODEL LEGISLATION)

Author(s)	ALEC Education and Workforce Development Task Force
Originating Body	American Legislative Exchange Council
Year	2017
Occasion	Not mentioned
Endorsements	None to date.
University Purposes	"the Supreme Court has called public universities, "peculiarly the marketplace of ideas," Healy v. James, 408 U.S. 169, 180 (1972), where young adults learn to exercise these constitutional rights necessary to participate in our system of government and to tolerate others' exercise of the same rights ... the primary function of an institution of higher education is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate"
Pursuit of Truth as Ground for Free Speech	Not mentioned
Direction of Threats to Free Speech	"public universities ... are failing to provide adequate safeguards for the First Amendment rights of their students leading to a stifling of expression on campus"
Sanctions for Violators	"Any person or student association aggrieved by a violation of this Act may bring an action against the public institution of higher education and any other persons responsible for the violation and seek appropriate relief, including, but not limited to, injunctive relief, monetary damages, reasonable attorneys' fees, and court costs."
References to Notable Violations	Not mentioned
Freedom of Teacher	" faculty have the freedom to discuss any problem that presents itself, as the First Amendment permits and within the limits of reasonable viewpoint — and content-neutral restrictions on time, place, and manner of expression that are consistent with this act and that are necessary to achieve a significant institutional interest; provided that these restrictions are clear, published, and provide ample alternative means of expression."
Role of Tenure Emphasized	Not mentioned
Professorial Duties	"understand the policies, regulations, and duties of public institutions of higher education regarding free expression on campus consistent with this Act."
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	"the primary function of an institution of higher education is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. ... to fulfill this function, the institution must strive to ensure the fullest degree of intellectual freedom and free expression."
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	First Amendment protections; "No public institution of higher education may deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization"
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	Not mentioned
Recognition of Special Circumstances for Invited Speakers	Protected expressive activities include guest speakers

FORMING OPEN AND ROBUST UNIVERSITY MINDS (FORUM) ACT (ALEC MODEL LEGISLATION)

Distinction Between Freedom of Speech and Academic Freedom	"intellectual freedom" mentioned but not defined; implicitly distinct from freedom of speech, the FORUM Act's main concern
University Duties to Public	Not mentioned
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	to guarantee First Amendment rights
University Neutrality	"the institution (1) shall strive to remain neutral, as an institution, on the public policy controversies of the day, and (2) may not take action, as an institution, on the public policy controversies of the day in such a way as to require students or faculty to publicly express a given view of social policy"
Administrative Freedom and Duties	Not mentioned
Source	https://www.alec.org/model-policy/forming-open-and-robust-university-minds-forum-act/

STATEMENT OF PRINCIPLES: FREE EXPRESSION ON CAMPUSES (STUDENTS FOR FREE EXPRESSION)

Author(s)	Matthew Foldi, Allison Berger, Michael J. Hout, John Minster, Emily Karl, Roy (Shan) He, Christian Caruso, Ivy E. Ziedrich, Christopher Zhen, Lauren Thomas, Aleks Oslapas, Gefen Kabik, Zach Talley, Nick Gricus, Angela Kaczynski, Matthew Evan Bernstein, Abigail Wade, Patrick Murray, Maximilian A. Zoia, Cameron Erickson, Julia Cohen, Jack Piazza
Originating Body	Students for Free Expression
Year	2017
Occasion	"free speech has been increasingly undermined by attempts of students and administrators alike to silence those with whom they disagree"
Endorsements	None to date
University Purposes	"A central purpose of education is to teach students to challenge themselves and engage with opposing perspectives. Our ability to listen to, wrestle with, and ultimately decide between contending viewpoints fosters mutual understanding as well as personal and societal growth. The active defense of free and open discourse is crucial for our society to continue to thrive as a democracy premised on the open debate of ideas. The only way to achieve this is by cultivating a culture where all are free to communicate without fear of censorship or intimidation."
Pursuit of Truth as Ground for Free Speech	Not mentioned
Direction of Threats to Free Speech	Not mentioned
Sanctions for Violators	Not mentioned
References to Notable Violations	Not mentioned
Freedom of Teacher	Not mentioned
Role of Tenure Emphasized	Not mentioned
Professorial Duties	Not mentioned
Classroom Privacy	Not mentioned
Freedom of Inquiry and Research	Not mentioned
Freedom of Extramural Utterance and Action	Not mentioned
Freedom of Student	Not mentioned
Student Immaturity	Not mentioned
Students Presumed to Support Free Speech	"free speech has been increasingly undermined by attempts of students and administrators alike to silence those with whom they disagree"
Recognition of Special Circumstances for Invited Speakers	Not mentioned
Distinction Between Freedom of Speech and Academic Freedom	Not mentioned
University Duties to Public	Not mentioned
Religious Institutions Can Regulate Free Speech Relevant to their Creedal Commitments	Not mentioned
University Duties to its Members	Not mentioned
University Neutrality	Not mentioned
Administrative Freedom and Duties	Not mentioned
Source	https://docs.google.com/forms/d/e/1FAIpQLSd_nUYIzn8LpN4leeMO8rmk6Gqwaiz2LXD4E0c5kSt2SZN8vQ/viewform

TIMELINE OF ACADEMIC FREEDOM

- 1894: Ely Affair, University of Wisconsin
- 1903: Bassett Affair, Duke University
- 1915: *Declaration of Principles on Academic Freedom and Academic Tenure* (AAUP)
- 1919: *Abrams v. United States*
- 1927: *Whitney v. California*
- 1929: Meyer and DeGraff Affair, University of Missouri
- 1936: Davis Affair, Yale University
- 1940: *Statement of Principles on Academic Freedom and Tenure* (AAUP)
- 1952: *Adler v. Board of Education*
- 1953: *United States v. Rumely*
- 1957: *Sweezy v. New Hampshire*
- 1967: *Keyishian v. Bd. Of Regents*
- 1967: *Land O' Lakes Statement*
- 1968: *Pickering v. Board of Education*
- 1969: *Brandenburg v. Ohio*
- 1969: *Tinker v. Des Moines Independent Community School District*
- 1972: *Healy v. James*
- 1982: *Island Trees Sch. Dist. v. Pico by Pico*
- 1983: *Connick v. Myers*
- 1991: *Rust v. Sullivan*
- 1994: *Waters v. Churchill*
- 2003: *Academic Bill of Rights* (Students for Academic Freedom)
- 2006: *Garcetti v. Ceballos*
- 2011: *Dear Colleague Letter* (US Department of Education)
- 2011: Horowitz Affair, CUNY Brooklyn College
- 2015: University of Missouri Protests
- 2016: Black Lives Matter Affair, University of Michigan
- 2017: Yiannopoulos Affair, University of California, Berkeley
- 2017: *Dear Colleague Letter* rescinded (US Department of Education)

TIMELINE OF ACADEMIC FREEDOM: NOTES

1894: Ely Affair, University of Wisconsin. University of Wisconsin Board of Regents champions professor Richard Ely's continued employment: "the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found."

1903: Bassett Affair, Duke University. Duke University (then Trinity College) Board of Trustees refuses to accept professor John Spencer Bassett's resignation.

1915: Declaration of Principles on Academic Freedom and Academic Tenure (AAUP). American Association of University Professors (AAUP) publishes first influential American declaration on academic freedom.

1919: Abrams v. United States. Dissent by Oliver Wendell Holmes makes first substantial argument that "the marketplace of ideas" grounds the constitutional system, and must be protected.

1927: Whitney v. California. Supreme Court upholds right of the state to subordinate free speech to its police power to preserve the government; Justice Louis Brandeis' concurrence presages later decisions expanding free speech rights.

1929: Meyer and DeGraff Affair, University of Missouri. University of Missouri dismisses professor Max Meyer; suspends professor Harmon DeGraff for one year, who seeks employment elsewhere. Actions sustained; but university president Stratton Duluth Brooks resigns.

1936: Davis Affair, Yale University. Yale University dismisses Jerome Davis. Action sustained; publicity forwards drafting of 1940 AAUP Statement of Principles.

1940: Statement of Principles on Academic Freedom and Tenure (AAUP). American Association of University Professors (AAUP) publishes second, enduring American declaration on academic freedom. Still operative, with 1970 Interpretive Comments. 256 institutional endorsements as of 2017: 5 in 1940s, 6 in 1950s, 61 in 1960s, 35 in 1970s, 29 in 1980s, 36 in 1990s, 47 in 2000s, 37 to date in 2010s.

1952: Adler v. Board of Education. Dissent by Justice William O. Douglas makes first substantial argument that constitutional rights undergird academic freedom.

1953: United States v. Rumely. Supreme Court expands first amendment protections to include immunity from government harassment tantamount to censorship.

1957: Sweezy v. New Hampshire. Supreme Court recognizes constitutional grounding of academic freedom.

1967: Keyishian v. Bd. Of Regents. Supreme Court extends specific First Amendment protection to academic freedom.

1967: Land O' Lakes Statement. 26 signatories, largely presidents or other high-ranking administrators of Catholic universities in the United States and Canada, effectively establish autonomy of Catholic universities from Church authority: "the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself."

1968: Pickering v. Board of Education. Supreme Court recognizes right of teachers to speak about matters of public concern and keep their jobs.

1969: Brandenburg v. Ohio. Supreme Court defines First Amendment rights around "marketplace of ideas" conception; prohibits all government restrictions on free speech save narrowly tailored and carefully defined prohibitions against speech presenting a clear and present danger to law and order.

1969: Tinker v. Des Moines Independent Community School District. Supreme Court recognizes right of students to speak about matters of public concern.

1972: Healy v James. Supreme Court extends Tinker to higher education, broadens students' rights of free association.

TIMELINE OF ACADEMIC FREEDOM: NOTES

1982: *Island Trees Sch. Dist. v. Pico by Pico*. Supreme Court recognizes right to read freely as component of students' constitutionally protected academic freedom.

1983: *Connick v. Myers*. Supreme Court strengthens First Amendment rights of public employees; precedent for policy regarding employees of public universities.

1991: *Rust v. Sullivan*. Supreme Court allows government to condition the use of funding on espousing set policies; precedent for policy regarding employees of public universities.

1994: *Waters v. Churchill*. Supreme Court allows government to dismiss employees for disruptive speech; precedent for policy regarding employees of public universities.

2003: *Academic Bill of Rights (Students for Academic Freedom)*. Academic Bill of Rights proposed to prevent politicization of university, and thereby defend academic freedom. Bill ultimately fails to be adopted by any state.

2006: *Garcetti v. Ceballos*. Supreme Court allows government to discipline employees for speech made in the conduct of their professional duties; precedent for policy regarding employees of public universities.

2011: *Dear Colleague Letter (US Department of Education)*. US Department of Education requires colleges to abrogate due process rights on campus as a condition of receiving federal aid; requires expansion of university bureaucracies devoted to abrogating due process rights.

2011: *Horowitz Affair, CUNY Brooklyn College*. David Horowitz only able to speak at CUNY Brooklyn College with heavy security; speech constantly heckled. Horowitz Affair registers and reinforces new wave of disinvitations and shout-downs of conservatives.

2015: *University of Missouri Protests*. University of Missouri protests in Fall 2015 spark nationwide climate of protest and intolerance on campus.

2016: *Black Lives Matter Affair, University of Michigan*. Black Lives Matter protestors shut down debate at University of Michigan, normalize force to prevent free speech on campus.

2017: *Yiannopoulos Affair, University of California, Berkeley*. Antifa protestors riot to prevent Milo Yiannopoulos from speaking, normalize mass violence to prevent free speech on campus.

2017: *Dear Colleague Letter rescinded (US Department of Education)*. US Department of Education rescinds 2011 *Dear Colleague Letter*; leaves in place university bureaucracies devoted to abrogating due process rights.

OTHER RESOURCES

AAUP Resources on Academic Freedom

<https://www.aaup.org/our-programs/academic-freedom/resources-academic-freedom>

ALA Academic Freedom Resources

<http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=112328>

FIRE Disinvitation Database

<https://www.thefire.org/resources/disinvitation-database/>

FIRE Spotlight Speech Codes Database

<https://www.thefire.org/spotlight/>

Heterodox Academy Guide to Colleges

<https://heterodoxacademy.org/resources/guide-to-colleges/>

SAVE: Restoring Free Speech and Due Process on Campus: State-Level Bills, 2017

<http://www.saveservices.org/wp-content/uploads/State-FP-and-DP-Legislative-Analysis2.pdf>

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- Hans-Joerg Tiede, *University Reform: The Founding of the American Association of University Professors* (2015)
- William C. Ringenberg, *The Christian College and the Meaning of Academic Freedom* (2016)

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