

# Making the Case for Academic Freedom and Institutional Autonomy in a Challenging Political Environment

## A BRIEF OVERVIEW FOR CAMPUS STAKEHOLDERS

### Issue

Over the past several years, there has been a rising trend of policymakers—primarily at the state level—taking steps to restrict the presentation and discussion of topics such as race, gender, American history, and LGBTQ+ identities. These restrictive actions, sometimes labeled as attempts to ban “divisive concepts,” have been described by PEN America as “educational gag orders.” This has mostly occurred at the K–12 level, but it is an issue increasingly affecting colleges and universities as well. These attempts to mandate what can and cannot be taught and discussed on our campuses are unsettling and dangerous. They represent a potentially serious threat to the academic freedom and institutional autonomy that make American higher education the envy of the world.

### Background

Recent ACE public opinion research surveying registered voters in response to this trend demonstrated broad bipartisan agreement that elected officials should not shape higher education curriculum and that it is important to preserve academic freedom and institutional autonomy on campus. Bipartisan majorities said that all topics should be open for discussion and that college students should be exposed to a wide range of fairly presented topics and viewpoints, even some deemed controversial, because college students are adults. Majorities also view weighing multiple points of view as essential to learning to think critically and as a fundamental part of a college education. The research identified strong opposition to federal and state policymakers mandating what can or cannot be taught or discussed on college campuses or imposing restrictions or conditions on campus speech or curriculum.

### Response

The purpose of this overview is to provide campus stakeholders with some guidance about how to proactively discuss the importance of academic freedom and why policymakers should not restrict what is taught and discussed on campus. It is important to emphasize in these discussions that the ability of colleges and universities to determine the academic content and intellectual rigor of what takes place in the classroom and across campus is of paramount importance to the quality of the education that students receive.

Here are some background points about these issues that may be helpful when speaking with policymakers:

- Free, open academic inquiry and debate on college campuses are essential to our democracy and national well-being.

- Colleges and universities examine complex issues, challenges, and ideas and provide a forum in which issues and opinions can be explored and openly debated. Postsecondary institutions are committed to transparent intellectual inquiry and academic excellence, free speech, and civil discourse.
- Fostering a rigorous and civil exchange of ideas has never been more important. America needs its higher education institutions to graduate students with the skills needed to be productive citizens who contribute to engaged communities and to produce scholarship and research that boosts our national, state, and local economies and cultural offerings and that leads to life-altering technologies and lifesaving medical advances that benefit all of American society.
- College students are adults who should be exposed to all topics on campus, including controversial and contentious ideas, presented in an intellectually rigorous way that encourages discourse. In the classroom, this means that professors should present views on a topic that are accurate, nondoctrinaire, and consistent with curricular requirements. Under the principles of academic freedom and shared governance, faculty are charged with being the main decision-makers shaping syllabi and curricula.
- Higher education institutions are committed to the idea that more speech is good speech and to ensuring that all members of the campus community feel comfortable expressing their ideas and views.
- To that end, all members of the campus community must be able to speak their minds freely, even if some have opinions that others find wrong, objectionable, factually unsupportable, or offensive. Part of growing up and becoming an adult is being exposed to uncomfortable ideas different from one's own.
- Having to weigh multiple points of view about controversial topics helps students learn to think critically. It is fundamental to a college education and, more generally, to growing into adulthood.
- The best cure for bad speech is more speech, not restrictions on speech. There are limits to this—but only those that reflect First Amendment jurisprudence. When speech violates the law, defames individuals, or threatens violence, it crosses the line and need not be tolerated. These exceptions, and the circumstances in which they are invoked, must be communicated in a clear and transparent manner to the entire campus community and other external stakeholders.
- Government officials should not make decisions about what can or cannot be taught or discussed on college campuses or impose restrictions or conditions on campus speech or curricula. Campus and faculty leaders are best situated to make these decisions, not the government.
- For the past century, higher education institutions and government officials have worked in partnership to study social challenges and propose solutions, including regarding the operation of colleges and universities. No campus leader today is unaware of the challenges to free speech and open dialogue that are spreading on college campuses, coupled with concerns from students and faculty from different identities and across the political spectrum that academic environments do not feel hospitable to their viewpoints. Campus leadership should be keen to work in partnership with government officials on studying these challenges and proposing and implementing solutions. Additional efforts to control how ideas are shared on campuses, from any source, could have a deleterious effect on achieving this mutual goal.

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