

**Committee on Academic Freedom  
Conditional Report:**

**What are the Essential Parameters of Academic Freedom Inside and  
Outside the Classroom?**

September, 2022

Chris Blakey  
Chair

Kelly Burke  
Member

Robert Farkas  
Member

Tricia George  
Member

Urvashi Juneja  
Member

Karyl Kicenski  
Member

Deanna Riveira  
Member

Lauren Rome  
Member

Prepared for College of the Canyons Academic Senate

**What are the Essential Parameters of Academic Freedom Inside and  
Outside the Classroom?**

I. Introduction

The importance of academic freedom for college and university faculty has long been regarded as fundamental to the educational mission of institutions of higher education. Yet even though the central importance of academic freedom is almost universally acknowledged in academia, there remain questions and confusions about its precise nature and the scope of its application. This Conditional Report will attempt to clarify these matters as they relate to faculty expression inside the classroom and outside the classroom. It will also provide brief comment on several “problem areas” that regularly appear as concerns of the surrounding community and of students. The Report will attempt to touch on central concerns, with full acknowledgement that not all relevant concerns can be addressed in this Report.

II. Academic Freedom: What is it and Why does it Matter?

- A. The Organization of American Historians (OAH) sums it up nicely: “Academic freedom is the principle of freedom of expression for scholars engaged in discipline-related teaching, learning, research, publication and service. Academic freedom is the foundation of intellectual discovery, it ensures an open search for knowledge and nourishes the environment within which students develop critical habits of mind essential to the citizenry of a democratic society. Academic freedom entails both rights and responsibilities.”<sup>1</sup>
- B. The American Association of University Professors (AAUP) affirms that academic freedom is foundational because “the common good depends on the free search for truth and its free expression”.<sup>2</sup>
- C. Academic freedom includes the freedom of faculty to choose materials for their courses, including textbooks, and to arrange assignments and assessments as they see fit.<sup>3</sup>
- D. All rights and responsibilities related to academic freedom in the classroom apply equally to full-time (tenured and non-tenured) as well as part-time (non-tenured) instructors.
- E. The protection offered by academic freedom to faculty in a given discipline is critical because it allows those faculty the space needed to work out differing

---

<sup>1</sup> “Academic Freedom Guidelines and Best Practices,” *Organization of American Historians*, <https://www.oah.org/about/governance/policies/academic-freedom-guidelines-and-best-practices/>.

<sup>2</sup> “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments,” AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 14.

<sup>3</sup> “The Freedom to Teach,” AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 28. This is subject to relevant limits including consistency with the Course Outline of Record, and democratically determined departmental policy on texts for multiple sectioned or sequential courses.

viewpoints, bodies of evidence, and ways to approach the material. Essentially, faculty and scholars more broadly learn how to conduct research and pursue truth in their particular fields as part of their professional training, and that training then allows each scholar to assess ideas in relation to their discipline.<sup>4</sup> However, over the course of a given scholar's career, their individual understanding of their chosen field will inherently continue to develop. In turn, as a given scholar collaborates with fellow scholars and students – each bringing to the table different areas of expertise, interests, backgrounds, influences, and the like – faculty test and refine the insights of fellow academics in their disciplines, which is a fundamental aspect of how humans have learned and continue to learn within college and university systems. The principle of academic freedom allows such intellectual discoveries to unfold.<sup>5</sup>

- III. What Does Academic Freedom Imply for Faculty Speech in the Classroom?
- A. In the classroom, faculty have the freedom “affording instructors wide latitude to decide how to approach a subject, how best to present and explore the material, and so forth”.<sup>6</sup> This includes the freedom to discuss any controversial ideas that are germane to the subject matter.
- B. The AAUP *1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments* does note that faculty “should be careful not to introduce into their teaching controversial matter which has no relation to their subject,”<sup>7</sup> but specifically notes the intent of this statement is not to discourage the discussion of controversial material. And it further states: “Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The [above noted] passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.”<sup>8</sup>

---

<sup>4</sup> Building on this point, it's worth noting that there is no perfect body of knowledge in anyone's mind or even yet in this world as a whole. In other words, pursuing the truth of a given academic discipline is complex as no one gets the whole of it, especially if a given scholar is one of the earlier minds to produce work in that field or if they study a field without many other contributors. That means scholars will naturally make mistakes and thus rely on the pertinent insights of others to reveal their blind spots.

<sup>5</sup> See the Appendix for further exploration of some historical context to consider about how intellectual discoveries take time and often many contributors.

<sup>6</sup> “Freedom in the Classroom,” AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 20.

<sup>7</sup> “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments,” AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 14.

<sup>8</sup> “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments,” AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 14, note 4.

- IV. What counts as relevant classroom material?
- A. What counts as relevant class material cannot be strictly determined merely by reference to the wording of the course description. As the AAUP notes: “Whether material is relevant to a better understanding of a subject matter cannot be determined merely by looking at the course description.”<sup>9</sup>
- B. It is quite easy to see how a teacher in literature, history, philosophy, or critical reasoning might helpfully use an illustration that has to do with former president Donald Trump or with some recent U.S. policy issue in order to encourage deeper thought and to demonstrate the relevancy of a subject. There may be parallels between a character in a literary work and a modern personality, there may be historical parallels relating to societal dynamics, there may be illuminating examples of behavior that might illustrate a point in moral philosophy, or perhaps examples of political rhetoric that clearly illustrate fallacious reasoning. While such specific examples may not in any way be named or mentioned in course descriptions or course outlines, “if an instructor cannot stimulate discussion and encourage critical thought by drawing analogies or parallels, the vigor and vibrancy of classroom discussion will be stultified.”<sup>10</sup> And further, the fact that some students may not clearly grasp how an instructor’s use of contemporary persons or events connect to class material, does not justifiably rule out their use as germane to the subject.
- C. Cases in which an instructor persistently introduces subject matter that clearly has no relevance to issues being discussed in class, and about which the instructor makes no in-class effort to clarify the relationship between that subject matter and course content, or which does not afford students opportunity to apply concepts being discussed in class, are not appropriate, and are not protected by academic freedom in the classroom.
- V. How Does the Right to Free Speech Relate to Academic Freedom in the Classroom?
- A. Academic freedom is a specifically aimed protection for college and university faculty members for the purpose of allowing unrestricted pursuit of knowledge and truth in their respective fields of study through research, teaching, publication, and service. Academic freedom assumes the faculty member has

---

<sup>9</sup>“Freedom in the Classroom,” AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 24.

<sup>10</sup> “Freedom in the Classroom,” AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 24.

the training and discipline-related knowledge to carry out this pursuit in an appropriate way. In relation to this Conditional Report, it has to do with faculty speech in the classroom, and it is limited by what is relevant and helpful in the teaching process in any particular class.

- B. Freedom of speech is a right that all people within the jurisdiction of the United States possess. It covers all forms of speech, and (unlike with academic freedom) is not subject to the level of the speaker's knowledge or expertise in a particular subject matter.<sup>11</sup>
  - C. So, even though all U.S. citizens, including faculty who are citizens, possess the right to freedom of speech, it does not follow that a faculty member can justify *any* in-class verbal expression merely by citing their right to freedom of speech. When in the classroom, a faculty member's speech is limited in the ways appropriate to the concerns of their subject matter in the ways discussed above in this Conditional Report.
- VI. What Does Academic Freedom Imply for Faculty Expression Outside the Classroom?
- A. The *AAUP 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments* says "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."<sup>12</sup>
  - B. Thus, it is clear that while college and university teachers enjoy the right of freedom of expression<sup>13</sup> outside the classroom as do other citizens, being members in the academic profession carries with it certain expectations and duties. These duties are to their institution, to their profession, and to their

---

<sup>11</sup> It should be noted that freedom of speech is not an absolute right, and there are a number of cases that are legally regarded as limiting free expression. Such cases arise when forms of expression may negatively affect less privileged groups' freedom of expression, negatively affect national security, or cause other harms documented in various official court proceedings.

<sup>12</sup> "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments," AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 14.

<sup>13</sup> This would include, but not be limited to, verbal expression, writing, and interactions on social media.

respective discipline, as related to what is appropriate in the pursuit of intellectual discovery.

- C. Cases may arise in which college or university administration may object that a faculty member, in some extracurricular verbal expression, has violated the duties or responsibilities associated with faculty membership, and is therefore, unfit for their position in the institution. In such cases, “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 for his or her position. Extramural utterances rarely bear upon the faculty member’s fitness for the position. Moreover, a final decision should take into account the faculty member’s entire record as a teacher and scholar.”<sup>14</sup>

## VII. How does Academic Freedom relate to Electronic Communications?

- A. Introduction - Changes in technology continue to proliferate creating new ways to use electronic communication devices within a growing number of contexts—both inside and outside academia. The trends in the use of electronic media by faculty for both personal and professional uses consequently complicate the boundaries of the “classroom.” As AAUP argues “a classroom is not simply a physical space, but any location, real or virtual, in which instruction occurs...” This Report affirms that regardless of classroom type, material or virtual, “the protections of academic freedom and a faculty member’s rights to intellectual property in lectures, syllabi, exams, and similar materials are as applicable as they have been in the physical classroom.”<sup>15</sup> In short, from the perspective of digital communication, a distinction between inside and outside classroom walls becomes rather meaningless, as the AAUP has noted. In this way, this Report affirms that research and publication, teaching, email, and other professional communication facilitated by electronic means ought to be protected by the principles of academic freedom, free inquiry, and freedom of expression. What follows in this Section highlights some central concerns regarding the relation between academic freedom and electronic communication.
- B. The Internet is widely used in today’s world for research and publication. The 2004 AAUP report affirmed: “The basic precept in the 1940 *Statement of Principles on Academic Freedom and Tenure* that, teachers are entitled to full freedom in research and the publication of the results applies with no less force to the use of electronic media for the conduct of research and dissemination of

---

<sup>14</sup> “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments,” AAUP, *Policy Documents and Reports*, 11<sup>th</sup> ed. (Baltimore: Johns Hopkins University Press, 2015), 15.

<sup>15</sup> AAUP, *Report on Academic Freedom and Electronic Communications*. (November 2013) 46.  
<https://www.aaup.org/report/academic-freedom-and-electronic-communications-2014>

findings and results than it applies to the use of more traditional media.”<sup>16</sup>

Faculty members who publish digitally are the copyright owners of their research and may decide how their research is accessed. The AAUP’s *Statement on Copyright affirmed*, “it has been the prevailing academic practice to treat the faculty member as the copyright owner of the works that are created independently and at the faculty member’s own initiative for traditional academic purposes.”<sup>17</sup>

- C. The concept of the classroom has broadened in recent times. The commonality of offering learning materials via online learning-management systems and the rapid development in online education, “suggests that academic freedom in online classrooms is no less critical than it is in the traditional classroom”.<sup>18</sup> Faculty websites and postings on online learning-management systems should enjoy the protection of academic freedom. However, “instructors should exercise care when posting material for courses on department faculty sites that also include potentially controversial *non-instructional* material.”<sup>19</sup> This is for the purpose of differentiating what is course content and what is not.
- D. “The 1940 *Statement of Principles* cautions that faculty members when speaking as citizens outside the institutional setting, ‘should make every effort to indicate that they are not speaking for the institution’<sup>20</sup>.” But the digital world is not as black and white as a printed document. A statement made by a faculty member on a website or through email or social media may be distributed broadly within minutes, and any disclaimer that the institution bears no responsibility for the statement may be lost. The nature of electronic communication is such that any statement can be decontextualized. Thus, faculty members cannot be held responsible for always indicating that they are speaking as individuals and not in the name of their institution, “especially if doing so will place an undue burden on the faculty member’s ability to express views in electronic media.”<sup>21</sup>
- E. Therefore, academic freedom should apply to faculty members’ posted content within electronic social media. Each ought to “have the freedom to address the larger community with regard to any matter of social, political, economic, or other interest without institutional discipline or restraint, save in response to

---

<sup>16</sup> AAUP, *Academic Freedom and Electronic Communications*, November 2013,43. *Academe* 91(January – February 2005) 55-59.

<sup>17</sup> AAUP, *Policy Documents and Reports*, 11<sup>th</sup> Ed. (Baltimore: John Hopkins University Press, 2015), 264.

<sup>18</sup> AAUP, *Policy Documents and Reports*, 11<sup>th</sup> Ed. (Baltimore: Johns Hopkins University Press, 2015), 46.

<sup>19</sup> AAUP, *Policy Documents and Reports*, 11<sup>th</sup> Ed. (Baltimore: Johns Hopkins University Press, 2015), 47.

<sup>20</sup> AAUP, *Policy Documents and Reports*, 11<sup>th</sup> Ed. (Baltimore: Johns Hopkins University Press, 2015), 49.

<sup>21</sup> AAUP, *Policy Documents and Reports*, 11<sup>th</sup> Ed. (Baltimore: Johns Hopkins University Press, 2015), 50.

fundamental violations of professional ethics or statements that suggest disciplinary incompetence.”<sup>22</sup>

- F. According to the AAUP’s 2013 report *Academic Freedom and Electronic Communications*, “The AAUP has upheld the right of faculty members to speak freely about internal college or university affairs as a fundamental principle of academic freedom that applies as much to electronic communications as it applies to written and oral ones. This includes the right of faculty members to communicate with one another about their conditions of employment and to organize on their behalf.”<sup>23</sup>

---

<sup>22</sup> “Protecting an Independent Faculty Voice: Academic Freedom after *Garcetti v. Ceballos*,” *Policy Documents and Reports*, 126–29.

<sup>23</sup> AAUP, *Academic Freedom and Electronic Communications*, November 2013, 48.



## Appendix

### Why Academic Freedom Matters, a Historical Perspective

While the origins of some Western universities date back to the 11<sup>th</sup> – 13<sup>th</sup> c.<sup>24</sup>, the true value in these universities becomes clearer in the Enlightenment due to developments such as the Scientific Revolution. This can be seen, for example, with Isaac Newton’s contributions to establish what is now known as the Scientific Method with his pioneering study of prisms when he published *Opticks* (1704).<sup>25</sup> Newton’s research approach can be credited at least in part due to his autonomy in his field which was respected by the University of Cambridge, which allowed him to decide how to choose his focus for research, how to set up his experiment, and also how to write up and publish his results. And yet, while helping to establish the Scientific Method was pivotal in the progression of scientific thought, it’s important to note that it took generations for scientists across Europe to learn how to set up formal experiments and also how to study evidence thoroughly before presenting their results to others. This messiness can be seen with James Lind’s experiments in 1747 to discover a cure for scurvy in that the design of his experiment was elegant and simple, and yet he buried his conclusion in a 450-page treatise that touched on numerous other ideas, which meant that the significance of his findings about citrus fruits was lost for another 40 years.<sup>26</sup> Indeed, pivotal scholars and their ideas don’t and realistically can’t change their field all at once. Rather, like rippling waves, their insights affect individuals one at a time, with each scholar needing time and space to absorb and make sense of these new ideas.

Likewise, scholars today continually absorb, apply, and sometimes refine the insights of peers in their respective disciplines, continually demonstrating how messy the nature of scholarship and academic discourses can be. For example, widely accepted and taught scientific theories like Newton’s own theory of gravity and Bohr’s model of the atom are up for debate as new minds

---

<sup>24</sup> The University of Oxford was founded in the 11<sup>th</sup> c., the University of Cambridge in the 13<sup>th</sup> c., and the University of Paris in the 13<sup>th</sup> c., and so these three are among the oldest universities in the West and even in the world: “Introduction and history,” *The University of Oxford* online, 2022, <https://www.ox.ac.uk/about/organisation/history>; “Cambridge through the Centuries,” *University of Cambridge* online, 2022, <https://www.cam.ac.uk/about-the-university/history/timeline>; “History,” *Sorbonne University* online, 2022, <https://www.sorbonne-universite.fr/en/university/history-and-heritage/history>.

<sup>25</sup> While his experiments about gravity are his most famous, it was actually Newton’s prism experiment which truly revolutionized scientists’ ability to learn about the world. His decision to document his whole experimental procedure when publishing his findings about prisms and light in his text called *Opticks* (1704) – in other words, his willingness to share how he conducted his research so that others could repeat the experiment – is considered an important step in the development of the Scientific Method, such as can be read in Stephen A. Edwards, “Isaac Newton and the problem of color,” *American Association for the Advancement of Science*, 2012, <https://www.aaas.org/isaac-newton-and-problem-color>; “The Age of Enlightenment: The Scientific Revolution,” *Lumen Learning* online, 2022, <https://courses.lumenlearning.com/boundless-worldhistory/chapter/the-scientific-revolution/>.

<sup>26</sup> Marcus White, “James Lind: The man who helped to cure scurvy with lemons,” *BBC News* online, 2016, <https://www.bbc.com/news/uk-england-37320399>.

and new generations of scholars approach old ideas with new lenses and technology.<sup>27</sup> However, if – as a given scholar explores the realm of their discipline – there is suddenly a threat that they can be removed from their classes, publicly humiliated, lose their job, or be otherwise punished for mistaken ideas which are often the building blocks of how humanity learns, that will create a chilling effect over the whole of what faculty do and why they were drawn to the world of colleges and universities – i.e. the world of ideas – in the first place. Academic work is not that of an Olympic gymnast trying always to score a perfect 10 in front of a panel of judges by producing an agreed upon routine of moves already invented and performed by others. Rather, when academics work, it is more akin to a team of detectives as they continually sort through and question what they already know, what they think they know, and what they need more information about as they solve the mysteries of their given fields.

*Approve by the Academic Senate on November 3, 2022*

---

<sup>27</sup> For example, consider Adrian Cho, “Famous shadow of black hole provides novel test for new theories of gravity: Your cool new theory dies immediately if it can’t get the size of that shadow right,” *Science*, 2020. <https://www.science.org/content/article/famous-shadow-black-hole-provides-novel-test-new-theories-gravity>; John Horgan, “David Bohm, Quantum Mechanics and Enlightenment: The visionary physicist, whose ideas remain influential, sought spiritual as well as scientific illumination,” *Scientific American*, 2018, <https://blogs.scientificamerican.com/cross-check/david-bohm-quantum-mechanics-and-enlightenment/>.