

FAQ: Campus Free Speech/Academic Freedom in Politically Charged Times

The AFT and AAUP have developed this guidance to help our members navigate campus free speech and academic freedom in politically charged contexts. This does not constitute legal guidance. For further guidance you should consult your collective bargaining agreement, institutional regulations and/or faculty handbook, as well as state and federal law. You may also wish to join efforts to strengthen the language on academic freedom on your campus through joining your AAUP chapter or union. If you are seeking further guidance, please reach out to the AFT at highereddept@aft.org or the AAUP at academicfreedom@aaup.org.

1. Can I use class time to discuss current political events even if those events are not directly relevant to the course?

The American Association of University Professors' [1940 "Statement of Principles on Academic Freedom and Tenure,"](#) formulated with the Association of American Colleges (now the American Association of Colleges and Universities), states that academic freedom of faculty members "in the classroom" includes the right to discuss "their subject" but adds that "they should be careful not to introduce into their teaching controversial matter which has no relation" to that subject. However, the 1940 statement also makes clear that faculty members, including those in contingent appointments and graduate instructors, can use class time to discuss current political events that are not directly related to the subject of the course if they do not do so persistently.

2. I attended a protest on campus, and someone recorded me speaking at the protest. My dean is now telling me that I can be disciplined for attending. What are my rights?

Academic freedom includes the right to free speech or other forms of expression when faculty members are acting not in their capacities as teachers or scholars but as citizens. The AAUP's 1940 statement describes this right as follows: "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."

Academic freedom is not unlimited. It can be circumscribed by laws, institutional regulations (as long as those laws and regulations do not impermissibly restrict academic freedom) and, most importantly, [standards of professional ethics](#). Assuming you didn't break any laws or legitimate university policies or violate ethical principles, engaging in your right to protest or speaking at a protest is protected under principles of academic freedom, and likely under the First Amendment,¹ and should not be subject to discipline. As the AAUP's "Statement on Extramural Utterances" concludes, "In a democratic society freedom of speech is an indisputable right of the citizen." If your dean or other administrator does initiate disciplinary action against you, the standards they must follow for due process should be outlined in your collective bargaining agreement or faculty handbook. The AAUP has formulated procedural standards that apply to all faculty members, whether tenured or untenured, part-time or full-time. See Regulations 7, 16, 5, 10 and 13 in the AAUP's ["Recommended Institutional Regulations on Academic Freedom and](#)

¹ Faculty and staff at most private universities do not enjoy a "First Amendment" right of protection against discipline for speech-related infractions. They may, however, have certain free-speech-related rights deriving not from the First Amendment but from policies adopted by the institution. Faculty at private schools, therefore, have a particularly strong interest in having principles of academic freedom written into their employment contracts and faculty handbooks.

[Tenure](#).” You will have to consult your collective bargaining agreement or faculty handbook to ascertain whether similar procedures are available to you. If not, revisions should be sought.

3. A group of my students has asked me to end class 10 minutes early so they can share information about an upcoming event with class colleagues. Is it OK for me to do this?

Faculty members are obliged to act ethically, maintain the best scholarly standards, and observe institutional regulations that do not contravene academic freedom. Consistent with the dignity of the profession and principles of academic freedom, they should otherwise enjoy wide latitude in managing their classrooms.

4. I spoke out at a city council meeting last week on a politically charged issue. Someone complained to my campus administration about this, and I’m now facing discipline that could lead to termination. What are my rights?

Faculty members should not be subject to discipline for exercising their rights as citizens. Both the AAUP’s [1940 “Statement of Principles on Academic Freedom and Tenure”](#) and its “Statement on Extramural Utterances” acknowledge that extramural speech and conduct should be exercised responsibly. Faculty members, when speaking in their capacity as citizens, should strive “to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to make every effort to indicate they are not speaking for the institution” (1940 statement). Nevertheless, both statements also emphasize that a faculty member’s “expression of opinion as a citizen cannot constitute grounds for dismissal” or presumably other severe sanctions “unless it clearly demonstrates the faculty member’s unfitness to serve.” And they add this important caveat: “Extramural utterances rarely bear upon the faculty member’s fitness for continuing service.”

In any disciplinary action that could lead to your dismissal, the burden of demonstrating adequate cause for dismissal should rest with your administration. Please consult your collective bargaining agreement and/or the AAUP’s recommended dismissal procedures, which are detailed in Regulation 5 of its [“Recommended Institutional Regulations on Academic Freedom and Tenure.”](#) You can also seek the advice and assistance of the AAUP’s Department of Academic Freedom, Tenure, and Governance at academicfreedom@aaup.org.

5. I publicly disagreed with a position/action taken by my institution and am now facing discipline over the disagreement. What are my rights?

In most cases (see the caveats noted in Question 2), you have the right, under AAUP-supported principles of academic freedom, to criticize or dissent from administrative positions. If your administration fails to honor that right and initiates disciplinary action, it should afford you the due process protections described in Question 2 above. This right applies to all higher education instructors, regardless of rank and tenure status. The AAUP’s 2009 report [“Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos”](#) noted that academic freedom is the freedom to teach, to conduct research and publish one’s findings, to engage in extramural activities, and “to address any matter of institutional policy or action whether or not as a member of an agency of institutional governance.” Since the Supreme Court’s 2006 Garcetti ruling, many higher education collective bargaining agreements have adopted AAUP-recommended language.