

Summer 2022

Academic & Intellectual Freedom



OLA Academic Division
acrloregon.org

Disclaimer

Librarians are not unfamiliar with patron challenges to their instructional content and collections. But with recent attention given to controversies and backlash over free speech, campus debates, and political agendas in higher education,

there is an increased need for academic librarians to be familiar with issues regarding Academic Freedom and Intellectual Freedom. This toolkit is intended to provide general information and resources and is not intended to constitute legal advice.



Content Index

- | | |
|-----------------------|--------------------------------|
| 01. Disclaimer | 08. Resources: Learn |
| 02. ACRL-OR Statement | 10. Resources: Policy Examples |
| 04. Definitions | 11. ALA Statement |
| 06. Background | |

ACRL Oregon

Intellectual Freedom ACRL-OR Statement

ACRL-OR is committed to supporting our academic, public library, and K-12 colleagues, and the principles protected by Academic Freedom and Intellectual Freedom. We also acknowledge that libraries—our collections and services—are not neutral, and we strive to uphold these principles while best serving students and patrons who identify as LGBTQIA+ and Black, Indigenous, and people of color. To this end, we recognize our professional principles can and will change.

The ACRL-OR Board endorses the following interpretations of Academic Freedom and Intellectual Freedom to be used as guidance for Oregon Academic Librarians:

- It is the goal of academic libraries for library workers to build collections, services, spaces, and policies in accessible and just ways.
- Academic library work carries with it the responsibility to support and uphold the professional research and teaching standards of the academic disciplines supported at the college or university.
- Academic library work carries with it the responsibility to promote and increase critical information literacy.
- Academic library work cannot be politically neutral.
- Hate speech is not an acceptable form of discourse and, therefore, should not be protected by academic libraries using Intellectual Freedom principles.
- Academic library work shall uphold [core professional values of librarianship](#), including access, diversity, Intellectual Freedom, and social responsibility.
- Academic libraries are invited to use the [Standards for Libraries in Higher Education](#) as a framework to guide, align, and assess their work.

ACRL Oregon

Given this understanding of Intellectual Freedom and professional responsibilities, ACRL-OR commits to the following:

- Advocate for these principles at the state level with the legislature and Higher Education Coordinating Commission (HECC).
- Provide active opposition to challenges of Academic Freedom and Intellectual Freedom principles.
- Offer professional development opportunities to our community on Academic Freedom and Intellectual Freedom.
- Act in solidarity with and provide mutual support to our colleagues experiencing challenges and/or harassment based on their professional efforts.
- Advocate for collaborative efforts with our state and national professional organizations to strengthen our field's understanding and defense of Academic Freedom and Intellectual Freedom principles.

Definitions

INTELLECTUAL FREEDOM

Defined by the [International Federation of Library Associations in a 1999 statement](#), “IFLA believes that the right to know and freedom of expression are two aspects of the same principle. The right to know is a requirement for freedom of thought and conscience; freedom of thought and freedom of expression are necessary conditions for freedom of access to information. IFLA asserts that a commitment to intellectual freedom is a core responsibility for the library and information profession. IFLA therefore calls upon libraries and library staff to adhere to the principles of intellectual freedom, uninhibited access to information and freedom of expression and to recognize the privacy of library user[s].”

ACADEMIC FREEDOM

Defined by the [American Association of University Professors](#) in a 1940 statement, “Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.” Academic Freedom carries with it the responsibility of a faculty member’s teaching and research to be in line with professional standards. For additional context and helpful illustrations of this point, Michael Bérubé and Jennifer Ruth’s 2022 book [It’s not Free Speech: Race, Democracy and the Future of Academic Freedom](#) is an excellent resource.

FREE SPEECH

In the United States, freedom of speech is a legal protection granted under the First Amendment to the U.S. Constitution. At its most fundamental, free speech ensures the state will not punish citizens for free expression. Note, free speech is often conflated with Academic Freedom. Free speech does not protect citizens' speech from critique nor does it guarantee or mandate the platforming of a speaker within a particular forum or venue. For example, a government exercising prior restraint is not the same as a publisher declining to publish a book.

CHALLENGE

A patron has requested an item in a library's collection be removed

BAN

An item in a library's collection is removed

CENSOR

A portion of an item in a library's collection is edited or removed

Background

Both Intellectual Freedom and Academic Freedom are professional values, endorsed by professional organizations and members, but not legally enforceable principles like the rights guaranteed under the U.S. Constitution's First Amendment.

Academic Freedom tends to be formalized in faculty contracts with individual institutions, which means the strength of Academic Freedom protections are dependent on the institution's commitment to scholarly rigor and research. Additionally, tenure is a safeguard against attacks on Academic Freedom, but as institutions increasingly rely on part-time or contingent faculty who are ineligible for tenure, collective bargaining agreements and college governance charters are the primary protective measures.

Along with these protections, an academic has certain responsibilities to uphold the principles and standards of their discipline (see above in the definition of Academic Freedom.)

For academic librarians without faculty status, Intellectual Freedom

is the guiding principle to pursue the freedom of inquiry required for developing academically rigorous and critically engaging collections, services, and instruction. Despite being considered "critical" to library operations, little is done to formalize protections for Intellectual Freedom on an institutional-level.

Commitments to Intellectual Freedom are largely found within library policies most typically related to collection development.

Both Academic Freedom and Intellectual Freedom have always been targets, but [attacks have increased](#) and become more virulent. Organizations like Students for Academic Freedom, The American Council of Trustees and Alumni (ACTA), Campus Watch, and others monitor faculty to meet political agendas and advocate for the highly controversial "[Academic Bill of Rights](#)" — which seeks "neutrality" through a balance of political affiliations in faculty appointments.

While not common in academic libraries, public and K-12 libraries have increasingly become targets of an organized national campaign

challenging books for political purposes, specifically focusing on items that were written by or center LGBTQIA+, Black, Indigenous, or persons of color narratives. According to the ALA, 2021 saw the highest number of challenges to library, school, and university materials since the organization began tracking this data in 2000.


The groups behind these challenges often co-opt the rhetorical device of free speech to pursue an agenda of anti-intellectualism against scholarly knowledge and propagate white supremacist ideologies, resulting in less rigorous scholarship, weakened representation of expression, and

the spread of intimidation tactics on campuses and in libraries.


Academic librarians need to be informed of their professional protections—both under Intellectual Freedom and under Academic Freedom for faculty librarians—to better understand these attacks; support our faculty, public library, and K-12 colleagues; prepare for any challenges to our collections; as well as prevent the bad faith uses of these principles to promote systematic racism within our organizations and further dismantle the power of public spaces and educational institutions.

HOW AM I PROTECTED?


Faculty Librarians



Academic Freedom via tenure (where applicable), faculty contracts, college governance, and professional organizations




Intellectual Freedom via professional organizations/values, and library policies




Legal protections under the First Amendment, limited applications unless government is involved in censorship

Library Workers



Intellectual Freedom via professional organizations/values, and library policies



Legal protections under the First Amendment, limited applications unless government is involved in censorship

Resources: Learn

STEP 1

Learn More Reading Suggestions

- Faculty First Responders
- "Across the Country, Faculty Fight to Defend Academic Freedom" by Ellen Schrecker
- UFS Statement on Academic Freedom, The City University of New York (CUNY)
- Statement on Faculty Status of College and University Librarians, ACRL
- "The Increasingly Authoritarian War on Tenure" by Jennifer Ruth
- "The False Equivalence of Academic Freedom and Free Speech" by Farhana Sultana
- Joint Statement on Academic Freedom, OLA/OIFC
- "How to Update Your Book Challenge Forms (With Template)" by Kelly Jensen

STEP 2

Proactively Protect Academic Freedom

- **Strengthen Faculty Contracts**
 - [AFT Statement on Academic Freedom](#) (see p. 18-19)
- **Pass a Faculty Senate Resolution Defending Academic Freedom**
 - [AAUP](#)
 - [Template Resolution](#)
 - [List of Institutions with Passed Resolutions](#)
- **Faculty Senate Appoint Academic Freedom Lead**
 - To track issues, recommend advocacy, monitor [Educational Gag Orders](#) in your state, and engage colleagues

STEP 3

Take Care of Yourself + Peers

- **Publicly attacked or doxxed? Help resources:**
 - [Oregon Education Association \(OEA\)](#) members can email OEA's Public Response Attack Team (part@oregoned.org). Report the attack(s). OEA will coordinate support for you unique to your needs and wishes
 - [Faculty First Responders](#), in addition to educating, this project provides advice about how to effectively respond to attacks
 - [Trolling Attacks on Scholars](#), Faculty Action from University of Illinois (Note: state laws regarding recording in classrooms differ)
 - [Online Harassment Field Manual](#) (PEN America), offers concrete strategies for how to defend yourself and others

ASK

Questions to Ask

- What threats are currently plaguing me personally and/or my academic colleagues?
- What threats do we see coming down the pike?
- What is the state of my institution? What resources are at our disposal and what limitations do we face?
- What is the best way to continue this collective conversation?

Resources: Policy Examples

OREGON STATE UNIVERSITY COLLECTIVE BARGAINING AGREEMENT

2020-24 Agreement with three sections starts on page 8: "United Academics and the Employer affirm that the university exists to serve the public good through teaching, research, and engagement..."

UNIVERSITY OF OREGON LIBRARY POLICY

2014 Library Policy on Academic Freedom with two sections: "The University of Oregon encourages and supports open, vigorous, and challenging debate across the full spectrum of human issues as they present themselves to the university community..."

PORTLAND STATE UNIVERSITY

2021-24 Collective Bargaining Agreement with four sections starts on page 20: "The University and Association endorse the principles of academic freedom articulated in the American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure..."

Faculty Code of Conduct (n.d.)

Resources: Policy Examples

CLACKAMAS COMMUNITY COLLEGE

[2019-22 Faculty Contract with two sections](#) starts on page 52: "The purpose of this statement is to promote public understanding and support of academic freedom and professional responsibility to the students, to the community, and to Clackamas Community College..."

Instructional Standards & Procedures Committee [Academic Freedom Policy](#) (readopted February 2017)

CENTRAL OREGON COMMUNITY COLLEGE COLLECTIVE BARGAINING AGREEMENT

[2019-23 Agreement with one section](#) starts on page 1: "The College and the Forum agree that academic freedom is essential to the fulfillment of the purposes of education, and they acknowledge the fundamental need to protect employees from censorship or restraint..."

WESTERN OREGON UNIVERSITY FACULTY HANDBOOK

[2020-22 Statement](#) with links to accreditation standards and AAUP Investigative Reports starts on page 11: "Western Oregon University values academic freedom and protects this important right..."

Intellectual Freedom ALA Statement



ALA Statement

The ALA does not explicitly define Intellectual Freedom in the ALA Library Bill of Rights, but it does provide an interpretation of the Bill of Rights that addresses Intellectual Freedom, which has not been updated since 2014.



OLA Academic Division
acrloregon.org

Contact us at acrlor@olaweb.org