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Update

Academic Freedom and Higher Education Employees

NEA Principles, Policy, and Practice in Response to Recent Threats

If the issues of our time are to be resolved within the limitations of law and reason, universities must lead in the demonstration of self-restraint and open discussion.

—Charles A. Beard, March 1938¹

Higher education faculty and academic professionals have long faced challenges to academic freedom. Teaching, research, and service may all involve materials that some students, administrators, members of the public, or legislators and governing board members find objectionable. Increased diversity in staff and student populations, media and public scrutiny, and greater emphasis on student rights all have implications for collective bargaining and employee policies and rights. Recent years have also seen controversies over legislative proposals, and a look at the status of academic freedom in the courts provides mixed results at best. A renewed commitment to the foundations of academic freedom grounded in the professional standards of the disciplines, coupled with strong contractual protections through collective bargaining, may provide faculty the best approach to provide the educational quality that our members strive for.

NEA Policy on Academic Freedom

NEA adopted its first resolution on academic freedom, "Freedom of the Teacher," in 1928 and from the beginning tied the concept to the professional nature of teaching:

We believe there should be more genuine freedom for the teacher, freedom in mind and spirit to achieve and create and to take pride in the art of teaching, so that he may have the same satisfaction in achievement and recognition that the lawyer, the doctor, and the engineer have in the practice of their professions.²

The most recent set of NEA resolutions includes several focusing on academic freedom. Resolution E-10 (Academic and Professional Freedom) is most relevant to higher education:

The National Education Association believes that academic freedom is essential to the teaching profession. Academic freedom includes the rights of teachers and learners to explore and discuss divergent points of view. Controversial issues should be a part of the instructional program when, in the judgment of the professional staff, the issues are appropriate to the curriculum and to the maturity level of the student.³

In addition, the NEA Statement of Higher Education Positions includes a section, "Academic and Intellectual Freedom and Tenure in Higher Education," online, which says, "Academic and intellectual freedom in institutions of higher education are best protected and promoted by tenure, academic due process, and faculty self-governance."⁴ As a part of the policy, the NEA endorsed and incorporated AAUP's 1940 *Statement of Principles on Academic Freedom and Tenure*, in 1950, and reaffirmed its endorsement in 1985. That policy states:

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 on 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 and of the student in freedom in learning.⁵

In more recent years, NEA has paid increased attention to the dangers to academic freedom contained within the widespread use of part-time and nontenured faculty, an employment practice that “threaten(s) the job security vital to academic and intellectual freedom.”⁶ NEA’s policies provide support for the Association’s response to new threats to academic freedom such as the so-called Academic Bill of Rights and Intellectual Diversity proposals discussed below.

Evolution of Academic Freedom

These policies draw on a long history of academic and intellectual contestation of the topic. Richard Hofstadter, a leading historian of the 1950s, traced the concept of academic freedom to “Socrates’ eloquent defense of himself against the charge of corrupting the youth of Athens” and argued that “its continuous history is concurrent with the history of universities since the twelfth century.”⁷ His contemporary, sociologist Robert McIver, argued, “Academic freedom is a *professional* freedom,”⁸ and Robert Post recently added that “Academic freedom is conceived of as the price the public must pay in return for the social good of advancing knowledge.”⁹

Webster’s defines *academic freedom* as the “freedom to teach or to learn without interference (as by government officials.)”¹⁰ This definition expresses a commonsense understanding of the term but leaves many of the conceptual confusions in place. Is academic freedom an individual right or a professional right residing in the faculty as a collective? Does academic freedom adhere to the institution or the individual faculty member? Moreover, how does the answer to the second question affect the answer to the first? Finally, is academic freedom one of the freedom-of-expression rights guaranteed by the First Amendment to the Constitution?

Robert Post addressed some of these questions. In a 2006 book chapter, “The Structure of Academic Freedom,” Post wrote that academic freedom and freedom-of-expression rights “overlap and converge, but the confusions that result from conflating one

with the other are deep and multiple.” He argued that whereas “every citizen holds First Amendment rights,...only faculty...possess academic freedom.”¹¹ He illustrated the distinction by noting that “although the First Amendment may prohibit the state from penalizing the *New York Times* for misunderstanding the distinction between astronomy and astrology, no astronomy professor can insulate herself from the adverse consequences of such a mistake.”¹²

Post went on to depict “academic freedom not as an individual right to be free from constraints but instead as the freedom to pursue the ‘scholar’s profession’ according to the standards of that profession.”¹³ Post pointed out that proposed legislation to ensure that government money is spent on authorized activities does not infringe on an individual-rights interpretation of academic freedom. However, the same legislation would violate a view of academic freedom grounded in disciplinary communities, because it would impose a standard “that does not reflect the professional judgment of scholars, but instead advances a specifically political principle of neutrality.”¹⁴ Thomas Haskell added:

Historically speaking, the heart and soul of academic freedom lie not in free speech but in professional autonomy and collegial self-governance. Academic freedom came into being as a defense of the disciplinary community (or, more exactly, the university conceived as an ensemble of such communities).¹⁵

On the other hand, Judith Butler raised concerns that an over-reliance on “professional norms” and a disciplinary defense of academic freedom does not reflect the necessity of “academic work that redefines disciplinary boundaries and modes of inquiry that change and revise the purview and character of the professional norms themselves.”¹⁶ Joan Scott addressed the issue by acknowledging that “discipline functions in a necessarily paradoxical way.” She continued by observing that

discipline is at once productive—it permits the organization of knowledge and it authorizes knowledge producers—and confining—it installs explicit and tacit normative standards which, when they are understood to be provisional, can serve important mediating functions, but which, when they are taken as dogmatic precepts, become instruments of punishment.¹⁷

However, Scott then used the concept of academic freedom as ethical practice to resolve this paradox. She argued that disciplinary communities should be viewed as “provisional entities called into being to organize relations of difference.” This approach removes the static conception of disciplinary standards, allowing these “standards and rules [to] become heuristic practices around which argument is expected and change anticipated.” In Scott’s view, “disciplinary communities, then, share a common commitment to the autonomous pursuit of understanding, which they both limit and make possible by articulating, contesting, and revising the rules of such pursuits and the standards by which outcomes will be judged.”¹⁸ By advocating mediation by provisional discipline-based communities, Scott’s approach endorses faculty control of academic work, facilitates the continuation of professional standards, and allows for constant evolution of those professional standards.

Such an approach will prove helpful as faculty chapters continue to cope with the challenges to the professional control of academic work.

Legislative Threats to Academic Freedom

In the last several years, state legislatures have considered a series of measures that would have seriously impaired academic freedom. Starting in 2004, some 28 state legislatures have considered bills or resolutions based on either the Academic Bill of Rights (ABR) or a proposal to require colleges and universities to report to state government on the steps they have taken to promote intellectual diversity (ID).

The ABR uses the language of balance to advocate a number of steps that purportedly protect academic freedom. Some steps are innocuous, such as basing faculty hiring, promotion, and tenure on “competence and appropriate knowledge in the field of their expertise” rather than on “political or religious beliefs” or grading students “on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.” However, other steps intrude on academic freedom and the professional core of the academic endeavor. For example, they would require that “curricula and reading lists in the humanities and social sciences reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate.” More-

over, they maintain that “academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.”¹⁹

Finally, by pushing for legislative enactment of the ABR, proponents are substituting political decision making for academic judgment. The proposals to monitor intellectual diversity, which typically require colleges and universities to submit annual reports to a governmental body on the steps they have taken to promote intellectual diversity, raise additional disturbing questions. In practice, both the ABR and ID proposals would place government entities directly into the academic process and inappropriately insert political decision making into academic affairs.

These controversial proposals purport to protect a student’s academic freedom and have highlighted a specific problem arising from conflating academic freedom with First Amendment rights. In his final comments on a 2006 legislative report in Pennsylvania, State Representative Lawrence Curry argued that in the academic community,

the usual meaning of “academic freedom” is not a right given to students. Instead it is a right/responsibility afforded to the community of scholars, and applies to both *professional research* and *teaching* [emphasis in original], two aspects of university life vested entirely in the faculty.... A student academic freedom policy could not exist because students do not hold academic freedom responsibilities.”²⁰

Curry did point out that this did not mean that “students do not have rights” and that “there are complaint procedures currently in place on university websites and in student handbooks.”²¹ Note that the confusion over student academic freedom predates any current controversy. In an 1885 essay, “What is Academic Freedom?”²² Dean Andrew West of Princeton University answered the question by articulating student rights such as “the elective system, scientific courses, [and] voluntary chapel attendance.”

In 2004, the Georgia Senate passed a resolution promoting language based on the ABR, the Colorado Legislature passed a resolution urging universities to publicize existing student grievance procedures, and the California Senate Education committee rejected



a bill. See Table 1 for legislative activity, 2005–2007. For more detail on the 2005–06 legislative cycle see <http://www2.nea.org/he/freedom/aboraction.html>, and for more detail on the 2007–08 legislative sessions see the Free Exchange on Campus (FEOC) legislative tracker at http://www.freeexchangeoncampus.org/index.php?option=com_content&task=section&id=5&Itemid=61. NEA is a founding member of the FEOC coalition, which is resisting these threats across the country.

Although most states simply rejected the imposition of these dangerous measures, in two states, some situations involved more activity. For example, the sponsor of Ohio’s bill imposing an ABR withdrew the proposal in late 2005 after discussions with the public institutions in the state resulted in a pledge to reexamine their student grievance procedures and upgrade any that did not provide the necessary protection for students. In the end, none was found to need revision.



Table 1. Legislative Threats to Academic Rights in State Legislatures, 2005–2007

State	2005		2006		2007	
	Bill	Status	Bill	Status	Bill	Status
AZ	—	—	AC	Defeated in Senate	ABR	Pending in committee
CA	ABR	Defeated in committee	ABR	Failed	—	—
FL	ABR	Passed committee; failed in House	ABR	Failed	—	—
GA	—	—	—	—	ID	Pending in committee
HI	—	—	ABR	Failed	—	—
IN	ABR	Failed	—	—	—	—
KS	—	—	ABR	Failed	—	—
KY	—	—	—	—	ABR	Pending in committee
LA	—	—	ABR	Failed	—	—
ME	ABR	Failed	—	—	—	—
MD	ABR	Failed	—	—	—	—
MA	ABR	Carried over	ABR	Failed	ABR	Pending in committee
MN	ABR	Carried over	ABR	Failed	—	—
MO	—	—	—	—	ID	Passed House; pending in Senate committee
MT	—	—	—	—	ID	Bill defeated in House; resolution pending in committee
NY	ABR	Failed	ABR	Failed	ABR	Pending in committee
NC	ABR	Failed	—	—	—	—
OH	ABR	Withdrawn after institutions offer to review policies	—	—	—	—
OR	—	—	—	—	ABR; ID	Both pending in committee
PA	ABR	Resolution to establish committee	ABR	Committee issues report: legislation “not needed”	—	—
RI	ABR	Failed	—	—	—	—
SD	—	—	ID	Defeated in Senate	—	—
TN	ABR	Carried over	ABR	Failed	—	—
TX	—	—	—	—	ABR	Failed in committee
VA	—	—	—	—	ID	Failed in committee
WA	ABR	Carried over	ABR	Failed	—	—
WV	—	—	—	—	ABR	Pending in committee

AC = “Alternative coursework.” ABR = “Academic Bill of Rights” measure. ID = “Intellectual Diversity” measure.

Fundamental Supreme Court Cases on Academic Freedom

The United States Supreme Court has dealt with a number of cases over the years that affect academic freedom, but it has never clearly held that the First Amendment or the doctrine of academic freedom protects the right of professors to speak freely in the classroom. It remains an open question.

- ***West Virginia Board of Education v. Barnette***, 319 U.S. 624 (1943): If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.
- ***Sweezy v. State of New Hampshire***, 354 U.S. 234 (1957): The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation.... Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.
- ***Keyeshian v. Board of Regents***, 385 U.S. 589 (1967): Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom. "The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools." ... The classroom is peculiarly the "marketplace of ideas." The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth "out of a multitude of tongues, [rather] than through any kind of authoritative selection."
- ***Pickering v. Board of Ed. of Tp. High School Dist. 205, Will County, Illinois***, 391 U.S. 563 (1968): [I]t cannot be gainsaid that the State has interests as an employer in regulating the speech of its employees that differ significantly from those it possesses in connection with regulation of the speech of the citizenry in general. The problem in any case is to arrive at a balance between the interests of the teacher, as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees.... The employee's speech is not protected under the First Amendment if it impede[s] the teacher's proper performance of his daily duties in the classroom or...interfere[s] with the regular operation of the schools generally.
- ***Connick v. Myers***, 461 U.S. 138 (1983): [When a public employee speaks as a citizen on a matter of public concern, his/her speech is constitutionally protected. Employee complaints about office policy or personal working conditions are not protected.]^a

- ***Rust v. Sullivan***, 500 U.S. 173 (1991): [W]e have recognized that the university is a traditional sphere of free expression so fundamental to the function of our society that the Government's ability to control speech within that sphere by means of conditions attached to the expenditure of Government funds is restricted by the vagueness and overbreadth doctrines of the First Amendment.

- ***Waters v. Churchill***, 511 U.S. 661 (1994): [I]t is permissible for a government employer to fire an employee for speaking on a matter of public concern if: (1) the employer's prediction of disruption is reasonable; (2) the potential disruptiveness is enough to outweigh the value of the speech; and (3) the employer took action against the employee based on this disruption and not in retaliation for the speech.]

- ***Garcetti v. Ceballos***, 126 S.Ct. 1951 (2006): [The Supreme Court held that when a public employee is speaking as a part of his "official duties," i.e., is just doing his job, then the employee's speech is entitled to no First Amendment protection at all, and can be the basis for discipline or discharge. The Court added, however, that this rule may not apply to higher education faculty performing their official duties of teaching and research and explicitly reserved that question for a later date.

In his dissenting opinion in *Garcetti*, Justice Souter wrote: "I have to hope that today's majority does not mean to imperil First Amendment protection of academic freedom in public colleges and universities, whose teachers necessarily speak and write 'pursuant to official duties.'" 126 S.Ct. at 1969. In response, Justice Kennedy wrote (for the majority):]

Justice Souter suggests today's decision may have important ramifications for academic freedom, at least as a constitutional value. There is some argument that expression related to academic scholarship or classroom instruction implicates additional constitutional interests that are not fully accounted for by this Court's customary employee-speech jurisprudence. We need not, and for that reason do not, decide whether the analysis we conduct today would apply in the same manner to a case involving speech related to scholarship or teaching. 126 S.Ct. at 1962.

^a Within the bulleted text, brackets enclose the language of Michael D. Simpson, NEA Office of the General Counsel, summarizing or paraphrasing a decision. All other bulleted text Simpson has extracted directly from the cited opinions.

Source: Michael D. Simpson, "Legal Issues Concerning Academic Freedom," paper presented at the NEA Higher Education Conference, San Diego, Calif., March 3, 2007. Available online from NEA at <http://www.nea.org/he/freedom/images/legalissues.pdf>.

Note: In the full presentation, Simpson cautioned in particular against over-reliance on the courts as protectors of academic freedom.

In Pennsylvania, the House passed a resolution in the summer of 2005 that established a committee that held hearings and spent a year examining the public institutions in the state. The committee's main finding was "that legislation requiring the adoption of a uniform statewide academic freedom policy, which, as referenced by several testifiers, was *not* necessary." [Emphasis in original.] The committee "determined that academic freedom violations are rare" and that "at institutions with academic freedom policies in place, it appears the policies are effective at resolving disputes."²³

Model Contract Language on Academic Freedom

With the lack of a definitive Supreme Court ruling securing faculty academic freedom, faculty and academic staff have concentrated their efforts on protection on institutional policies developed through faculty senates and contracts negotiated through collective bargaining. NEA maintains the Higher Education Contract Analysis System (HECAS) to track contract provisions on various topics. Collective bargaining agreement language in two-year and four-year faculty/academic professional contracts has been collected in "Academic Freedom in Collective Bargaining Agreements—Summary and Analysis," available from NEA online.²⁴

Academic freedom clauses in contracts share many features. However, the contracts vary substantially in their degree of specificity; specific references to the teaching of controversial topics or limits on discussion of topics unrelated to the course; and relative emphasis on faculty rights, faculty responsibilities, and student rights with respect to academic freedom. Some differences between two- and four-year contracts include the following (drawn from NEA's online document, *Academic Freedom in Collective Bargaining Agreements*):²⁵

- Two-year institutions are more likely to address textbook selection, student rights, adherence to topics in the course, and other balancing concerns (controversy, image of the professoriate).
- Four-year institutions are more likely to address intellectual property concerns and their relationships to academic freedom; to reference a grievance or appeals process; and to have specific references to academic freedom in evaluation

(especially post-tenure evaluations), tenure, promotion, and discipline sections of the contracts.

Selected Academic Freedom Issues for Inclusion in Contracts

The following academic freedom issues are among those suggested in NEA counsel Michael Simpson's "Legal Issues Concerning Academic Freedom":²⁶

1. **Academic freedom.** Academic freedom shall be guaranteed to teachers, and no special limitations shall be placed upon study, investigation, presenting and interpreting facts and ideas concerning human society, the physical and biological world and other branches of learning subject to accepted standards of professional responsibility. The right to academic freedom herein established shall include the right to support or oppose political causes and issues outside of the normal classroom activities.
2. **Classroom presentation and discussion.** As a vital component of academic freedom, teachers shall be solely responsible for decisions regarding the methods and materials used for the instruction of students. Accordingly, employees shall be guaranteed full freedom in classroom presentations and discussions and may introduce issues that have economic, political, scientific, or social significance, or otherwise controversial material relevant to course content.
3. **Personal expression.** No teacher shall be prevented from wearing pins or other identification or symbolism in expression of membership in the association, religious orders, political systems, or sympathy with social causes or traditions in or outside the classroom. In performing teaching functions, teachers shall have reasonable freedom to express their opinions on all matters relevant to the course content in an objective manner. A teacher, however, shall not utilize her/his position to indoctrinate students with her/his own personal, political and/or religious views.
4. **Nondiscrimination.** No teacher will be subject to discrimination or harassment in any terms or conditions of employment because of her/his personal opinion or scholarly, literary, or artistic endeavors.



5. **Alteration of grades.** Grades given a student by a teacher shall be final and not subject to alteration unless fraud, bad faith, incompetency, or mistake can be shown on the part of said employee.
6. **Internet usage.** Academic freedom, subject to accepted standards of professional responsibility, will be guaranteed to bargaining unit members, and no special limitations will be placed upon study, investigation, presentation, and interpretation of facts and ideas, including e-mail and Internet usage.

Conclusion

A college or university campus is a place where controversial, and sometimes even foolish, ideas can be debated and propounded. Debates over controversial issues have characterized the history of higher education and are a vital part of the educational process. A strong academic freedom policy spelled out in

the university handbook and reinforced by strong language in the collective bargaining contract remains the best means of ensuring that college or university campuses continue to provide the kind of education that allows all students to become fully functioning citizens and productive members of society. In the mid-nineteenth century, Cardinal John Henry Newman recognized that the university was where humans prepared themselves for engagement with the issues of their time. In his classic treatise, *The Idea of a University*, Newman argued:

For why do we educate, except to prepare for the world? Why do we cultivate the intellect of the many beyond the first elements of knowledge, except for this world? ... If then a University is a direct preparation for this world, let it be what it professes. It is not a Convent, it is not a Seminary; it is a place to fit men of the world for the world.²⁷

Notes

¹ Charles A. Beard, "A Ray of Light," Editorial, *Bulletin of the American Association of University Professors* 24, 3(March 1938): 294.

² National Education Association of the United States, *Proceedings of the Sixty-Sixth Annual Meeting, July 1–6, 1928*. (Washington, DC: NEA, 1928): 1110.

³ NEA, Resolution E-10 (Academic and Professional Freedom), 2007–08, available online at <http://www.nea.org/annualmeeting/raaction/images/2007-2008Resolutions.pdf>

⁴ NEA, "Statement of Higher Education Positions: Academic and Intellectual Freedom and Tenure in Higher Education," available at <http://www2.nea.org/he/policy1.html>.

⁵ AAUP, *1940 Statement of Principles on Academic Freedom and Tenure*, quoted in NEA Statement of Higher Education Positions: Academic and Intellectual Freedom and Tenure in Higher Education at <http://www2.nea.org/he/policy1.html>. The complete statement is in American Association of University Professors, *AAUP Policy Documents and Reports*, 10th ed. (Washington, DC: AAUP, 2006): 3–11. The quoted material is on page 3.

⁶ NEA Statement of Higher Education Positions: Academic and Intellectual Freedom and Tenure in Higher Education, available at <http://www2.nea.org/he/policy1.html>

⁷ Richard Hofstadter and Walter Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia University Press, 1955): 3. Hofstadter wrote part I, "The Age of the College," and Metzger wrote part II, "The Age of the University."

⁸ Robert McIver, *Academic Freedom in Our Time* (New York: Columbia University Press, 1955): 9.

⁹ Robert Post, "The Structure of Academic Freedom," in Beshara Doumani, ed., *Academic Freedom after September 11* (Brooklyn, NY: Zone Books, 2006): 73.

¹⁰ Merriam-Webster Company, *Merriam-Webster's Collegiate Dictionary*, 11th ed. (Springfield, Mass: Merriam-Webster Co., 2005): 6.

¹¹ Post, "Structure of Academic Freedom," p. 63.

¹² Post, "Structure," p. 70.

¹³ Post, "Structure," p. 69.

¹⁴ Post, "Structure," p. 90.

¹⁵ Thomas Haskell, "Justifying the Rights of Academic Freedom in the Era of 'Power/Knowledge'," in Louis Menand, ed., *The Future of Academic Freedom* (Chicago: University of Chicago Press, 1996): 54.

¹⁶ Judith Butler, "Academic Norms, Contemporary Challenges: A Reply to Robert Post on Academic Freedom," in Beshara Doumani, ed., *Academic Freedom after September 11* (Brooklyn, NY: Zone Books, 2006): 112.

¹⁷ Joan Wallach Scott, "Academic Freedom as an Ethical Practice," in Menand, ed., *The Future of Academic Freedom*, p. 170.

¹⁸ Scott, in Menand, ed., *The Future of Academic Freedom*, p. 175.

¹⁹ All quotations in paragraph from Students for Academic Freedom, "The Academic Bill of Rights." Available at http://cms.studentsforacademicfreedom.org//index.php?option=com_content&task=view&id=1925&Itemid=43.

²⁰ Lawrence Curry, "To the Recipients of the HR 177 Report," in Pennsylvania House of Representatives, *Report of the Select Committee on Academic Freedom*, November 21, 2006, Appendix A (Harrisburg: Pennsylvania House of Representatives): 16.

²¹ Curry, "To the Recipients," p. 16.

²² Hofstadter and Metzger, *The Development of Academic Freedom*, p. 397. West's essay originally appeared in *North American Review* 140 (1885): 432–44.

²³ Pennsylvania House of Representatives, *Report of the Select Committee on Academic Freedom*, p. 12. For more on Ohio, see Rodger Govea, "Is the Pope Catholic? The Strange Case of the ABOR Debate in Ohio" (pp. 121–34); on Pennsylvania, see Mark Smith, "In Search of a Problem: The Student Academic Freedom Hearings in Pennsylvania" (pp. 134–55), both in Stephen H. Aby, ed., *The Academic Bill of Rights Debate: A Handbook* (New York: Praeger, August 2007).



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Notes (continued)

²⁴ NEA, Academic Freedom in Collective Bargaining Agreements, Web page, available at <http://www2.nea.org/he/freedom/images/acadfreedom.pdf>

²⁵ NEA, Academic Freedom in Collective Bargaining Agreements, n.p. [page 2].

²⁶ Drawn from Michael D. Simpson, "Legal Issues Concerning Academic Freedom," paper presented at the NEA Higher

Education Conference, San Diego, Calif., March 3, 2007. Available online from NEA at <http://www.nea.org/he/freedom/images/legalissues.pdf>. Cited material is on pp. 9–10.

²⁷ John Henry Newman, *The Idea of a University* (New Haven: Yale University Press, 1996): 162. First published, 1852.

