

Academic Freedom, Viewpoint Diversity, and the “Compact for Academic Excellence in Higher Education”


In a year of challenges for the higher education sector, the past month has been perhaps the most difficult on record. A new wave of cancel culture, driven in part by critics of higher education, has led to an increase in social media hunts and watchlists targeting faculty, staff, and students. And the White House sent letters to US universities asking campus leaders to sign a ten-page “Compact for Academic Excellence in Higher Education” or risk losing access to federal funding.

In this issue, we offer facts, resources, and analysis relating to academic freedom, viewpoint diversity, and the Compact itself.

Academic Freedom

- Many colleges and universities have adopted the 1940 Statement of Principles on Academic Freedom and Tenure, co-authored by AAC&U and the American Association of University Professors. The 1940 Statement identifies four aspects of academic life that are included in academic freedom for faculty: research, teaching, intramural speech, and extramural speech. The 1940 Statement also stated that academic freedom “carries with it duties correlative with rights,” and cautioned that “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 US Supreme Court, in *Sweezy v. New Hampshire* (1957), defined academic freedom differently: as the right of an institution of higher learning to “determine for itself on academic grounds who may teach, what may be taught, how it should be taught, and who may be admitted to study.” In *Keyishian v. Board of Regents* (1967), the Court called academic freedom “a special concern of the First Amendment,” but it has never gained recognition as a standalone Constitutional right. In *Garcetti v. Ceballos* (2006), the Court limited First Amendment protections for public employees, but stated that it was reserving judgment on academic freedom. Since then, the Court has not revisited the question.
- Extramural speech—the right to speak freely on matters of public concern—is the most controversial of the four components of academic freedom named in the 1940 Statement. Some scholars have argued that it is not part of academic freedom at all, or only when the faculty member’s comments touch on their scholarly expertise; others believe it is inextricable from other aspects of academic freedom. The AAUP’s *Committee A Statement on Extramural Utterances* (1970) advocates for due process before a faculty committee, and suggests a standard of “weighty evidence of unfitness” before taking action against a faculty member on extramural speech.

Continued next page



Academic Freedom, Viewpoint Diversity, and the “Compact for Academic Excellence in Higher Education” *Continued*

Viewpoint Diversity

- Large surveys of the [University of North Carolina system \(2022\)](#) and the [University of Wisconsin system \(2023\)](#) showed conclusively that many conservative students feel uncomfortable expressing their views on campus. However, very few reported fear of censorship by their professors, who received generally high marks for creating welcoming environments. Instead, they were afraid of being judged or publicly shamed by their left-of-center peers, either in in-person settings or on social media.
- Civic dialogue scholar Lara Schwartz—author of *Try to Love the Questions* (2024), a dialogue primer aimed at first-year students—has argued that some student self-censorship is developmental in nature. Students need time and guidance to learn the discourse norms of a college campus, which are very different (and even operate under different laws) than in high schools. Helpful resources include PEN America’s [Campus Free Speech Guide](#), research from the [Constructive Dialogue Institute](#), and a [help desk](#) and [discussion guide](#) from AAC&U’s Institute for Democracy and Higher Education.
- Studies have shown that faculty are on average more liberal than students, and that conservative faculty often feel isolated on campus. The Foundation for Individual Rights and Expression maintains a [database](#) of deplatforming incidents on campus, of which the majority involve conservative speakers. Some universities are exploring ways of building supportive pipelines for conservative scholars and ideas into the academy, for instance through [civic thought](#) programs.

The Compact for Academic Excellence in Higher Education

- AAC&U’s [statement](#) on the Compact notes that “America’s colleges and universities are open to change and have always welcomed constructive reform. Indeed, their historic partnership with government has been a key driver of innovation and improvement. In renewing the call for constructive engagement, AAC&U also strongly opposes any alternative that would erode or eviscerate essential freedoms and promote instability by making America’s colleges and universities subject not to the law and the principles that have served us so well for centuries, but to the changing priorities of successive administrations.”
- The Compact has been criticized by distinguished conservatives (including [Frederick Hess](#) and [David Ramadan](#)), libertarians (including [Eugene Volokh](#) and [Neal McCluskey](#)), and liberals (including [Kevin Carey](#) and [Erwin Chemerinsky](#)).
- In *Liberal Education*, Jeremy C. Young [writes](#) of the dilemma the Compact poses for presidents. “In order to continue serving their students and communities, higher education leaders need to make hard choices that will allow their institutions to survive—but they must remember that their goal is for institutions to survive for a purpose, not merely to continue to exist.”