

Infringements on Academic Freedom:

What They Mean for Institutions, Faculty, Students & Publishers

Academic Freedom is the freedom of faculty to determine the substance of the courses they teach and the materials they use to teach them. Without the independence to structure a course as they like with materials they choose, faculties are greatly hindered in their ability to be exemplars of open-mindedness and free inquiry.

The Problem

State legislation is being introduced that directly infringes the freedom of faculty to choose the learning materials they believe best suited for their classrooms, by limiting the choice of course materials, often with regard to price or newness. These bills offend First Amendment principles and would likely be struck down by the courts. The government attempts to justify its intrusion into Academic Freedom on the grounds that it was responding to complaints it received from parents regarding “the excessive cost of textbooks” and because the textbook industry is a for profit industry

Academic Freedom and Learning Materials

The selection of course materials – materials that provide the guideposts to “free inquiry” – are a crucial component of Academic Freedom. Colleges are meant to be a marketplace of ideas. In his famous concurring opinion in *Sweezy v. New Hampshire*, Justice Felix Frankfurter set forth what are now the generally accepted “four essential freedoms” of the university to determine for itself:

- **Who may teach**
- **What may be taught**
- **How it shall be taught; and**
- **Who may be admitted to study.**

By the choices they make with course materials, faculty are defining the substance of their course and determining how best to communicate that content to their students. For that reason, the adoption of textbooks involves the exercise of Academic Freedom protected by the First Amendment.

AAP Supports Academic Freedom

The right of faculty and institutions to select the digital learning platforms, textbooks or other course materials that are most appropriate and serve to provide students with the best possible learning experience is fundamental. Efforts to curtail these freedoms not only chill civil liberties, they threaten to degrade the quality of our institutions of higher learning.

We stand in support of the rights of institutions of higher learning, faculty and students to have available to them the very best learning materials our members and other publishers and the rights of authors to have access to readers both on and off campus.

Full version: <http://bit.ly/heacademicfreedom>

Current legislation offending Academic Freedom: <http://bit.ly/AFoffendingleg>

