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Statement by the American Association of Colleges and Universities (AAC&U) and PEN America Regarding Recent Legislative Restrictions on Teaching and Learning

Since January 2021, seventy bills intended to impose restrictions on teaching and learning in colleges and universities have been introduced in twenty-eight states. Such bills have already become law in seven states. The majority of these restrictions are focused on concepts related to race, racism, or gender that legislators regard as divisive or otherwise objectionable. These legislative restrictions infringe upon freedom of speech and academic freedom, constraining vital societal discourse on pressing questions relating to American history, society, and culture.

The American Association of Colleges and Universities, a membership organization representing over one thousand higher education institutions in the United States, and PEN America, a hundred-year-old free expression organization, view these developments with alarm. Legislative restrictions on freedom of inquiry and expression violate the institutional autonomy on which the quality and integrity of our system of higher education depends. In the United States, the content of what is taught and discussed in higher education classrooms is shielded from direct governmental control. Colleges and universities are self-governed and self-regulated according to widely accepted principles that are safeguarded by a well-established network of seven regional accreditation agencies.

These agencies play an essential role in upholding the quality, academic integrity, and independence of American universities, and are a linchpin of the United States' global leadership role in higher education. The accreditors monitor institutions' adherence to a series of self-governance principles, including freedom from undue political influence. Colleges and universities forced to comply with political edicts governing curricula and classroom discussions may forfeit their eligibility for accreditation, a drastic result that could compromise students' eligibility for federal financial aid and place the institutions themselves in jeopardy.

Among the principles that guide higher education is that of shared governance, which ensures the appropriate inclusion in institutional decision-making of members of the governing board, administration, faculty, staff, and student body. This principle assigns to the faculty primary responsibility for the academic program for matters related to curricula, instruction, scholarship, and research. The imposition of political restrictions on college and university curricula usurps and unduly constrains this faculty prerogative, substituting ideologically motivated government dictates for subject matter expertise and undermining the integrity of the academic enterprise.

The principle of academic freedom also undergirds all higher education academic environments dedicated to the advancement of knowledge and pursuit of truth. In teaching and learning, as in scholarship and research, the freedom to engage in intellectual debate, and to share ideas and raise questions without fear of retribution or censorship, expands the boundaries of knowledge and drives innovation.

A liberal education extends this freedom to students and invites them into the scholarly community, exposing them to competing ideas, training them in the evaluation of evidence, and empowering them to form independent judgments. This approach to undergraduate education prepares students to become informed and responsible contributors to economic, civic, and community life. Any legislative effort to circumscribe freedom of inquiry and expression in order to hew to political directives and agendas denies students essential opportunities for intellectual growth and development. In doing so, such an effort undermines our society's democratic future.