

Some Truths About Academic Freedom at CUNY

On September 26, Alicia M. Alvero, CUNY's Interim Executive Vice Chancellor and University Provost, sent a message on behalf of the Office of Academic Affairs that contained, among other things, a section on academic freedom. While we're happy to see CUNY management at least acknowledging the importance of academic freedom, Dr. Alvero's claims are riddled with inaccuracies, misrepresentations, and omissions. As academic workers who have dedicated ourselves to the protection of academic freedom at CUNY, we think it's important to set the record straight.

Fact: Our right to academic freedom is guaranteed by our contract.

Dr. Alvero's statement makes no mention of the fact that, for all PSC members, academic freedom is a *contractual* right. This right is guaranteed in the Preamble to the CUNY contract:

WHEREAS, CUNY and the PSC seek to maintain and encourage, in accordance with law, full freedom of inquiry, teaching, research and publication of results, the parties subscribe to Academic Freedom for faculty members. The principles of Academic Freedom are recognized as applicable to other members of the Instructional Staff, to the extent that their duties include teaching, research and publication of results, the selection of library or other educational materials or the formation of academic policy.

This means that *violations of academic freedom by CUNY management may be subject to grievances*, just like any other contractual violation. If you believe your academic freedom is being violated, be sure to reach out to [your chapter grievance counselor](#) and [the PSC's Academic Freedom Committee](#).

Academic freedom is not just one right among many; it is the basis of all the work we do as academic workers at CUNY. As [the AAUP](#)—whose 1940 [Statement of Principles on Academic Freedom and Tenure](#) provides the definition of academic freedom used in Article I of CUNY's [Manual of General Policy](#)—makes very clear, “Academic freedom is the indispensable requisite for unfettered teaching and research in institutions of higher education.”

Fact: CUNY management is not the arbiter of our academic freedom.

Dr. Alvero suggests that those who have questions about academic freedom should “seek support and guidance from your department chair, academic dean and provost to assist in addressing these issues.” There is, however, a big difference between discussing academic freedom with other faculty members, including department chairs, and discussing it with management (deans, provosts, and executive vice presidents are all part of management, whether or not they like it

when we call them that). Questions regarding the scope of academic freedom are best discussed with colleagues, not supervisors.

The AAUP's [*Statement of Principles on Academic Freedom and Tenure*](#), which provides the definition of academic freedom used at CUNY, was written *by academic workers for academic workers*. It was *not* intended to be a document from which deans or provosts can pick and choose in order to make their own rules about what does or does not count as academic freedom. *If a supervisor or member of the administration specifically asks you to discuss what they describe as an academic freedom issue, you [should bring union representation](#) if there's a reason to think the meeting may lead to disciplinary action.*

The real arbiter of whether an instructor or scholar or other academic worker is abiding by the responsibilities of their position is the system of appointment and reappointment, tenure, and promotion (the AAUP's 1940 statement is about academic freedom *and tenure*), which is intended to be free from interference by university management, politicians, or any other outside forces. This is strongly affirmed in the AAUP's 1994 statement [“On the Relationship of Faculty Governance to Academic Freedom.”](#)

Fact: CUNY management has no right to impose restrictive definitions of what is “relevant” to our classrooms.

Dr. Alvero claims that our academic freedom in the classroom is limited by “the scope of the course subject,” and that “faculty are expected to have classroom discussions that are both relevant to the course subject matter and do not have the effect of being discriminatory or creating a hostile environment for students.” This is an alarming interpretation of “academic freedom” that would severely restrict the scope of what faculty can teach. In other words, this is a not-so-subtle threat to faculty: stay in your lane or else!

The AAUP's 1940 statement does suggest that teachers should in general stick to their subject matter. This should not be news to any of us: English teachers want to teach English, math teachers want to teach math, and so on. But a footnote added to that statement in 1970—in part because it was being misused to try to prevent teachers from addressing “controversial” issues—insists: “*The intent of this statement is not to discourage what is ‘controversial.’ Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster.*” And the AAUP's most recent statement on [“The Freedom to Teach”](#) makes it very clear that the teacher, and the teacher alone, has the right to determine what is relevant to their course:

“The freedom to teach includes the right of the faculty to select the materials, determine the approach to the subject, make the assignments, and assess student academic performance in teaching activities for which faculty members are individually

responsible, without having their decisions subject to the veto of a department chair, dean, or other administrative officer.”

Dr. Alvero’s message is guilty of precisely what the 1970s footnote warns against: silencing discussion of controversial issues that are at the heart of free academic inquiry. If teachers feel unable to discuss pressing issues or current events in their classes—whether it is an upcoming election or children being starved in Gaza or a racist incident on campus or the latest Supreme Court decision—then the classroom has become *a less free place* than all the other places where we might discuss these things: with colleagues in the breakroom, at a coffee shop, or at our dinner tables. That’s not academic freedom; that’s unfreedom.

Fact: While we ALL have a responsibility to ensure that CUNY is an anti-racist institution free from discrimination, CUNY’s non-discrimination policies are clear about ensuring the “paramount importance” of academic freedom.

Dr. Alvero’s statement is notable for being clearer about what she sees as its “limits” than she is about academic freedom itself. For example, she points to a “delicate balance between academic freedom and the University’s obligation to ensure that the campus environment is free from discrimination and harassment.” But in fact, CUNY’s own non-discrimination policies insist that there is no conflict here.

To be very clear: we ALL have an obligation to ensure that CUNY is free from discrimination and harassment. There are procedures in place, most significantly [CUNY’s Policy on Equal Opportunity and Non-Discrimination](#). Just as important, there are very specific [CUNY policies and procedures for student grievances of faculty conduct](#). These policies make it clear that the primary responsibility for student complaints lies, not with management, but with faculty, and that the student complaint process is intended to be handled by department chairs, NOT deans or provosts.

Moreover, these policies categorically state that *there is no conflict between opposing discrimination and harassment and upholding academic freedom*. The Equal Opportunity and Non-Discrimination policy could not be clearer about this: “*This policy shall not be interpreted so as to constitute interference with academic freedom.*”

The policies regarding student complaints are even clearer: “The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. *Indeed, academic freedom is and should be of paramount importance.*”

Most significantly, *CUNY’s Procedures for Student Grievances of Faculty Conduct* state that if “*the conduct complained of is clearly protected by academic freedom,*” *then the complaint must*

be dismissed. In other words: a complaint that tries to limit the right of a teacher to select course materials, determine the approach to the subject, or make assignments must be dismissed, according to CUNY's own policies.

We encourage our colleagues to read these policies and procedures closely. We hope that Dr. Alvero will do the same.

Fact: “Controversy” and “safety” are not opposites.

Perhaps the most concerning sentence in Dr. Alvero's statement is this one: “Balancing the obligation to create a safe learning environment with the critical importance of addressing controversial topics as part of academic freedom can be challenging.”

In the current political context, having a member of CUNY management suggest that maintaining “safe learning environments” and “addressing controversial topics” are opposed to each other is deeply chilling. It echoes the talking points of political leaders whose aim is to control universities and stifle our academic freedom.

Dr. Alvero's language echoes those who support laws restricting what we can discuss in our classrooms. These are laws that have targeted scholars in fields such as critical race studies, gender, sexuality, and transgender studies, settler colonial studies, and indeed any subject that can be deemed, by an opportunistic politician or angry op-ed writer, to be “controversial.” Ironically, given Dr. Alvero's stated concern with maintaining CUNY as a space free of discrimination, these are precisely the fields designed to address issues and communities that have traditionally been excluded from the university.

We find ourselves today in a situation where those with political power are able to claim that even the most fact-based statements—“Genomic studies prove that there is no real biological basis to race as a human category”; “A UN Commission has declared that Israel is committing genocide in Gaza”; “Most medical experts contest the idea of a connection between Tylenol and autism”—are somehow “controversial.”

A safe learning environment is one in which all students have an equal opportunity to learn, one in which they are exposed to new ideas and are able to speak freely about them. A safe classroom is not one in which they will only hear ideas with which they already agree; it is one in which they feel able to engage in free inquiry, knowing that their instructors can do the same.

Under these circumstances, university leaders like Dr. Alvero need to clearly defend our right to address “controversial topics” in the classroom—that is to say, to exercise our academic

freedom. Her refusal to do so makes it harder for us to do our jobs as public educators. It is a failure of leadership; and by making our classrooms feel less free, it fails our students as well.