



On Academic Freedom: A Response to Interim Provost Farquhar

In a 5/15/26 email to UD faculty, Interim Provost Farquhar declared that “academic freedom is a foundational value for the entire University of Delaware.” He also encouraged faculty to read his [update](#) about the latest bargaining session on 5/13, during which the administration proposed yet again to change the language about academic freedom in the collective bargaining agreement (CBA). This language was negotiated between AAUP-UD and the administration just three years ago, but according to Interim Provost Farquhar, the proposed revisions are necessary to protect faculty because they align better with national AAUP principles: “The reality is that the University’s ability to defend faculty speech under the foundational banner of academic freedom is strongest when we closely align our governing documents with the national AAUP.”

We fully agree with Provost Farquhar—the AAUP’s principles surrounding academic freedom should be “foundational.” We completely reject the idea that the administration understands and applies these principles in their latest proposed revisions to the CBA involving not only academic freedom but also the use of adjunct faculty and the rights of CT faculty.

Below, please find a detailed explanation of why the administration has failed to demonstrate a true commitment to academic freedom during the bargaining process for the next faculty contract.

I. The administration’s refusal to accept limitations on the use of adjunct faculty and its attempts to roll back protections for CT faculty threaten academic freedom at the University of Delaware.

According to the [AAUP](#), tenure is one of “the two most essential protections for academic freedom.” (The other is due process for faculty members.) More specifically, the [AAUP](#) notes, “The principal purpose of tenure is to safeguard academic freedom, which is necessary for all who teach and conduct research in higher education. When faculty members can lose their positions because of their speech, publications, or research findings, they cannot properly fulfill their core responsibilities to advance and transmit knowledge.”

It is logically impossible to argue, then, that one can consider academic freedom to be “foundational” and then refuse to accept limitations on the use of contingent faculty at the same time. This is exactly what the administration has tried to do in recent bargaining sessions. By **refusing to accept conditions on the use of adjunct faculty** and by asserting, despite evidence to the contrary, that **CT faculty on five-year rolling contracts can be dismissed with only one-year’s notice**, the administration has clearly demonstrated the **limits** of its commitment to academic freedom.

II. The administration’s proposed revisions to Article 2.2 of the CBA threaten academic freedom at the University of Delaware.

A. Their reliance on 1940 language

In their proposed revisions to Article 2.2, the administration seeks to add this limitation: “Faculty should be careful not to introduce into their teaching controversial matter that has no relation to their subject expertise.” This language is, indeed, similar to that found in the AAUP’s [1940 Statement of Principles on Academic Freedom and Tenure](#), which reads, “[Faculty] should be careful not to introduce into their teaching controversial matter which has no relation to their subject.” However, in 1970, the AAUP, in collaboration with the American Association of Colleges, provided [interpretive comments](#) to this statement based on “the experience gained in implementing and applying it for over thirty years and of adapting it to current needs.” In the interpretive comment to the 1940 quotation noted above, the AAUP said, “The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject” (emphasis added). “Persistently” suggests that an instructor should be cautious about making a practice of going “off-topic” rather than self-censor every word or statement. Moreover, the updated verb “intrude” (rather than “introduce”) suggests that instructors should be cautious about persistently making statements that students feel are being imposed upon them. The administration’s proposed language, then, would exclude single statements,

regardless of their acceptance by students as welcome or benign, from the protections of academic freedom.

B. Their use of the word “controversial”

As does the AAUP’s 1940 Statement of Principles on Academic Freedom and Tenure, the administration uses the word “controversial” to describe the type of material unrelated to the subject matter that faculty should avoid. However, the AAUP clarified the definition of “controversial” in its 1970 [interpretive comments](#) of the 1940 statement: “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.” True, in his bargaining update Interim Provost Farquhar references and endorses a similar statement by the AAUP, but nowhere in the administration’s proposed revision of Article 2.2 does such clarifying language exist.

C. Their use of the word “expertise” in defining academic freedom in the classroom

In its proposed revisions, the administration inserts the word “expertise” into its very definition of academic freedom in the classroom: “[A]cademic freedom is the freedom held by the faculty to teach and discuss their subject expertise in academic instructional settings, including in person and virtually” (emphasis added). The administration goes on to use the word “expertise” again in its next sentence: “Faculty should be careful not to introduce into their teaching controversial matter that has no relation to their subject expertise” (emphasis added).

“Expertise” is not a word that appears in the current CBA, the AAUP’s 1940 statement, or in the AAUP’s interpretive comments to the statement. In fact, in 1949, an [AAUP investigative committee](#) interrogated the notion that professors should limit their discussion to topics related to their expertise by stating the following: “All experienced teachers realize that it is neither possible nor desirable to exclude rigidly all controversial subjects, or all topics upon which the teacher is not an expert. Many things introduced into the classroom—illustrative material or applications, overtones of significance, illuminating *obiter dicta*—may not be in the bond as far as the subject of the course is concerned, but these and kindred techniques may be of the essence of good teaching.” In its 2007 report [Freedom in the Classroom](#), the AAUP’s Committee A on Academic Freedom and Tenure endorsed this statement by saying, “The investigating committee’s point

still holds.” In excluding from its proposed protections statements about subjects in which faculty may not be experts, the administration’s revised language would limit academic freedom.

D. Their constriction of language protecting faculty who criticize the institution

In the current version of the [CBA](#), the language involving institutional criticism reads as follows: “Academic freedom also encompasses the freedom to address any matter of institutional policy or action whether or not as a member of any agency of institutional governance” (emphasis added). The administration proposes the following language instead: “Academic freedom protects the right of a faculty member to speak freely when participating in institutional governance” (emphasis added). The administration’s proposal provides no definition of what “institutional governance” encompasses. However, on its face, it appears that the administration’s proposed language would protect, say, a faculty senator criticizing the administration on the senate floor but not a faculty member criticizing the administration in a “non-governance” setting.

E. [Interim Provost Farquhar’s suggestion](#) that the administration’s proposed revisions are “grounded in ...relevant law” and “clearly articulate what academic freedom protects”

In his 5/15/26 email to UD faculty, Interim Provost Farquhar suggested that the 5/13/26 “Academic Freedom: Principles, Protections, and Responsibilities” event “provided us all with a clear understanding of [academic freedom’s] principles, protections and responsibilities.” However, the event’s keynote speaker, constitutional scholar Jeffrey Rosen, emphasized that the courts have “failed to provide clarity” on the legal meaning of academic freedom and asserted that the law was “very undeveloped” in this regard. Therefore, the Interim Provost’s statements in his email and in his [bargaining update](#) (in which he suggests that the administration’s proposed revisions to the CBA are “grounded in ...relevant law” and will “clearly articulate what academic freedom protects”) seem to be based on the false assumption that such legal clarity exists, or is even possible. His position further suggests that academic freedom has some constitutional limitation, which is not supported by law.

F. The Interim Provost’s assertion that academic freedom confers both rights and responsibilities

In his introduction of Jeffrey Rosen, Interim Provost Farquhar indicated the need to balance the “rights and responsibilities” of academic freedom. We agree. Inexplicably, however, the administration has proposed to remove the current language of the [CBA](#) indicating that the rights of academic freedom apply “save for statements or actions that demonstrate disciplinary incompetence or that violate the University’s Professional Ethics Statement (as edited on February 12, 1999), or the University’s standards pertaining to disruptive behavior (Faculty Handbook Section 4.2.4 adopted on June 1, 1970, revised May 2021).” In other words, and as the AAUP-UD’s bargaining team argued in the 5/13/26 bargaining session, the rights and responsibilities of academic freedom are already balanced in the CBA.

G. The administration’s response to questions about enforcing their version of the CBA language on academic freedom

Despite their proposed new restrictions on academic freedom, the administration’s bargaining team admitted that they did not know how their version of the policy would be enforced. They said that they would get back to us on this matter. The AAUP-UD team also asked the administration’s team how widespread the issue actually was of professors espousing “controversial” ideas in the classroom. The administration’s team admitted that they did not know this either. Based on the following information provided in the AAUP’s 2007 report [Freedom in the Classroom](#), the AAUP-UD doubts that the problem at UD is substantial: “According to a leading survey, faculty overwhelmingly subscribe to the proposition that it is wrong for instructors frequently to introduce ‘opinions on religious, political, or social issues clearly outside the realm of course topics’ or to insist ‘that students take one particular perspective on course content.’ Although contemporary critics of higher education have alleged that widespread abuse of the classroom is a fixture of the academic scene, the many legislative hearings and investigations nationwide have failed to substantiate the charge” (numerical footnote removed for legibility).

The administration’s team insisted that even if the “problem” of faculty transgressing the bounds of academic freedom at UD is relatively small, we should still be “proactive” in preventing one. The AAUP-UD team believes that proactively trying to enforce limits on academic freedom is unwise. To refer back to the AAUP report [Freedom in the Classroom](#), **“We ought to learn from history that the vitality of institutions of higher learning has been damaged far more by efforts to correct abuses of freedom than by those alleged abuses.”**

The AAUP-UD's bargaining team remains committed to securing not only academic freedom but also fair benefits and compensation and positive working conditions for UD's faculty. If you have not yet joined the AAUP-UD, we encourage you to show your support for us now by clicking [here](#) to enroll. Bargaining time is running short, so we hope that you act quickly to help improve our bargaining power.

If you have any questions or comments for us, please send them to admin@aaupud.org.

Thank you,

AAUP-UD's Bargaining Team