

---

## Executive Summary

# Academic Freedom and Electronic Communications

(APRIL 2014)

This report brings up to date and expands on the Association's earlier report *Academic Freedom and Electronic Communications*, adopted in 2004. It reaffirms that report's "overriding principle": "Academic freedom, free inquiry, and freedom of expression within the academic community may be limited to no greater extent in electronic format than they are in print, save for the most unusual situation where the very nature of the medium itself might warrant unusual restrictions."

The present report seeks to apply this principle to an environment in which new social media have emerged as important vehicles for electronic communication in the academy and which has been significantly altered by outsourcing, cloud computing, expanded security concerns, and new communications devices.

With respect to research, this report reaffirms the 2004 report's conclusion that "full freedom in research and in the publication of the results applies with no less force to the use of electronic media for the conduct of research and the dissemination of findings and results than it applies to the use of more traditional media." The current report develops this principle more fully in an expanded discussion of access to research materials, including a discussion of the open-access movement and of the role of college and university libraries and librarians. It affirms that "the commitment of libraries and librarians to maximizing access to information and protecting user privacy and confidentiality should not change in the face of new technologies." The report also considers the implications of efforts to protect network security for the freedom of research and the role of social media in communications about still-unpublished research.

The 2004 report noted that "the concept of 'classroom' must be broadened" to reflect how instruction increasingly occurs through a "medium that clearly has no physical boundaries" and that "the 'classroom' must indeed encompass all sites where learning occurs." This report observes that "the boundaries of the 'classroom' have only expanded in the ensuing period" and concludes that "a classroom is not simply a physical space, but any location, real or virtual, in which instruction occurs, and that in classrooms of all types the protections of academic freedom and of the faculty's rights to intellectual property in lectures, syllabi, exams, and similar materials are as applicable as they have been in the physical classroom."

The current report includes a thorough discussion of access to electronic-communications technologies, arguing forcefully that "in general no conditions or restrictions should be imposed on access to and use of electronic-communications technologies more stringent than limits that have been found acceptable for the use of traditional campus channels of communication." While recognizing that in some rare cases a college or university, for reasons of security perhaps, may need to deny faculty members access to such technologies, this report argues that "any restrictions that an institution may need to impose on access and usage must be narrowly defined and clearly and precisely stated in writing."

This report also includes an extensive discussion of outsourcing of noninstructional information technology resources, which "can provide advantages to institutions, such as lower cost and potentially better security, and help an institution focus on its core mission of education instead of on the provision of

services.” However, the report emphasizes that “outsourcing presents several identifiable risks,” and it offers eight specific recommendations for strengthening an institution’s posture on academic freedom in outsourced situations.

The 2004 report essentially assumed that electronic communications were either personal, as with e-mail messages, or public, as with websites, blogs, or faculty home pages. The growth of social media calls such a distinction into question, because social-media sites blur the distinction between private and public communications in new ways. The current report therefore includes an extensive discussion, with reference to several specific recent cases, of the implications of social media for academic freedom. It “recommends that each institution work with its faculty to develop policies governing the use of social media. Any such policy must recognize that social media can be used to make extramural utterance and thus their use is subject to Association-supported principles of academic freedom, which encompass extramural utterances.” The report also argues that in electronic media “faculty members cannot be held responsible for always indicating that they are speaking as individuals and not in the name of their institution, especially if doing so will place an undue burden on the faculty member’s ability to express views in electronic media.”

This report also includes discussions of requests made under the Freedom of Information Act (FOIA) for electronic records and of threats to academic freedom associated with defamation claims involving statements made through electronic media, such as in blogs. A section of the report is devoted to a discussion of privacy concerns, affirming that “privacy in electronic communications is an important instrument for ensuring professional autonomy and breathing space for freedom in the classroom and for the freedom to inquire.” The report develops five specific criteria for electronic-communications policies responsive to privacy concerns.

The report concludes with a declaration that “electronic communications are too important for the maintenance and protection of academic freedom to be left entirely to” institutional technology offices. “Faculty members must participate, preferably through representative institutions of shared governance, in the formulation and implementation of policies governing electronic-communications technologies.” The report offers six specific recommendations for facilitating such participation. ■