

In my capacity as President of the Professional Staff Association, “The PSA”, and in preparation for the December 5, 2025 Faculty Forum on Academic Freedom, Vice Provost Sadik has asked me to share some views on the topic, specifically from a union perspective. I’d like to be clear that these are my views as a union activist and academic. They do not necessarily represent those of the PSA Governing Board or of the other PSA Officers.

Comments on Academic Freedom

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Unions such as the PSA are primarily concerned with Terms and Conditions of Employment. These are codified in a Collective Negotiations Agreement, which is the legally binding contract between the employer and the union representing those employees. One of the central components of most contracts, including ours at NJIT, is a well-defined “disciplinary procedure” which references University policies and procedures and the consequences for lack of adherence to such. The contract also states the due process rights that are afforded to employees. The PSA is legally charged with the “Duty of Fair Representation” for those that we represent. It is this duty that, in part, links unions to the defense of academic freedom. Moreover, union contracts have provisions for objective standards, transparency and the right to appeal in such matters as promotion and tenure, reappointment decisions and peer review processes, all of which are aspects in which academic freedom is essential.

No one definition of academic freedom is globally accepted. But our contract contains a straightforward description.

“Academic freedom is the right of scholars in institutions of higher education freely to study, discuss, investigate, teach and publish.”

Additionally, it is understood that this freedom should insulate an individual from retaliatory measures taken by the University Administration, individuals within the University or an outside body, namely the government.

At many Universities, academic freedom is a “policy” of the institution and not necessarily explicitly stated in a union contract. For example, the Rutgers and CUNY contracts reference those policies, but do not have specific academic freedom statements contained within them.

At NJIT, the situation is different. There does not appear to be an explicit University Policy on academic freedom. However, the NJIT Faculty Handbook contains language which speaks to it:

“Faculty members work within an environment of academic freedom, including freedom from external pressures to conform to restricted intellectual, pedagogical, or political orientations to their duties.”

“Faculty shall be free to pursue their research and publish their results.”

It is thus of great significance that the most definitive statement on academic freedom at NJIT is contained within our Collective Negotiations Agreement. Article VII of the NJIT-PSA Agreement lays out our notion of academic freedom. It is largely based on the AAUP’s “1940 Statement of Principles on Academic Freedom and Tenure”. The first paragraph of Article VII is particularly telling:

“The purpose of this statement is to promote public understanding and support of academic freedom and agreement upon procedures to assure them in New Jersey Institute of Technology. Institutions of higher education conduct their activities primarily for the common good and not exclusively to further the interests of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Institutions of higher education are committed to the solution of problems and controversies through rational discussion. Acts of physical force or disruptive acts which interfere with University activities, freedom of movement on the campus, or freedom for students to pursue their studies are the antitheses of academic freedom and responsibility, as are acts which in effect deny freedom of speech, freedom to be heard, and freedom to pursue research of their own choosing to members of the academic community or to invited visitors to that community.”

Our contract spells out aspects of academic freedom with regard to teaching and scholarship. It states the responsibilities that each of us must abide by in exercising our academic freedom. Importantly, these statements are contained within our contract, meaning that both the PSA and the University are legally bound to jointly see that academic freedom is upheld. Among other things, this means that the University Administration should not place undue hurdles in front of its employees that prohibit us from exercising our right to academic freedom.

Finally, I’d like to note that academic freedom is not equivalent to 1st Amendment Free Speech Rights. On one hand, our contract states:

“The college or University teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When they speak or write as a

citizen, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations.”

Thus, as citizens we hold 1st Amendment rights when we speak in our private capacity, as do, legal inhabitants of the country as the 2025 *AAUP vs. Rubio* decision makes clear. However, there are limitations to what this may entail, the most important of which are spelled out in the 2006 *Garcetti vs Cabello* decision in which the Supreme Court states:

“[That when public employees speak] pursuant to their official duties, the employees are **not** speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.”

For unions, this distinction between academic freedom and free speech rights is one of the gray areas that we must navigate in our duty for fair representation.

In summary, academic freedom, employee rights, and institutional responsibility are deeply intertwined. Our contract provides the vital framework that recognizes the co-dependent nature of these concepts. Our contract protects us in the work we engage in, while concurrently upholding the values that define us as an academic community.