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## The Intersection of Academic Freedom and Trigger Warnings

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### **Abstract**

The purpose of this policy brief is to explore the intersection of academic freedom and trigger warnings. The author argues that the vague language within academic freedom policies and the blurred lines between judicial jurisdiction over first amendment rights and institutional jurisdiction over academic freedom policies sets the stage for future limitations on teachers' rights within the classroom. The author also argues that while much attention is given to the academic freedoms of instructors, more attention should be afforded to the academic freedoms of students when considering their requests for trigger warnings.

**Keywords:** trigger warnings, academic freedom

## **Policy Brief**

### **The Intersection of Academic Freedom and Trigger Warnings**

#### **Introduction**

Recent conversations about trigger warnings have drawn increased attention to the concept of academic freedom as it pertains to classroom instructors. Some believe that trigger warnings are an infringement on instructor's academic freedoms (7 Humanities Professors, 2014; Lukianoff & Haidt, 2017; Suk-Gersen, 2017), which, simply defined, are the rights of faculty members to engage in intellectual activities without fear of repercussion or retaliation (Nelson, 2010). Unfortunately, few considerations are given to the academic freedoms of students. Consequently, there is an unbalanced focus on the freedoms of instructors to the neglect of the rights of students, which necessitates a reconsideration of the motivations for trigger warning calls and a reevaluation of where trigger warnings fall within the conversations about academic freedom. Within this policy brief I situate trigger warnings historically and within the context of higher education, explore the intersections of the call for trigger warnings with the concerns of attack on academic freedom, discuss the lack of clarity in the language and enforcement of academic freedom policies, and describe the impact of these intersections on students and future research.

#### **Research Overview**

Despite the prevalence of students calling for trigger warnings in higher education (7 Humanities Professors, 2014; Cano, 2020; Davis, 2014; Lilenfield et al., 2018; Lukianoff & Haidt, 2017; Que, 2019; Reiss, 2014; Schaper, 2016; Smith, 2020; Suk-Gersen, 2017; Tandanpolie, 2020; Turner 2020; Wilson, 2015), less than one percent of higher education

institutions have implemented trigger warning policies due to the backlash creating such policies has caused (*NCAC Report*, 2015). Much of this backlash comes from professors whose opposition to trigger warnings and related policies (or potential policies) is heavily rooted in constructs of academic freedom (7 Humanities Professors, 2014; Bellet et al., 2018; Boysen, 2017; Cano, 2020; Davis, 2014; Jones et al., 2020; Lilenfield et al., 2018; Lukianoff & Haidt, 2017; Martin & Frisby, 2017; McFarland, 2017; Que, 2019; Reiss, 2014; Roff, 2014; Schaper, 2016; Smith, 2020; Storla, 2017; Suk-Gersen, 2017; Tandanpolie, 2020; Turner, 2020; Wilson, 2015). For example, in 2016, Oberlin College published a quickly retracted trigger warning policy that not only implied that anything could be a trigger but that instructors should be “aware of racism, classism, sexism, heterosexism, cissexism, ableism, and other issues of privilege and oppression” (Flaherty, 2014, para. 10) within their curriculum. These are noble goals to be sure. Certainly, our students’ personal experiences impact their reception of course material; however, the growing concern is if nearly anything can be traumatic then how can instructors ensure course material does not trigger their students? What material would that leave? This prompts fears that instructors will no longer be able to teach the material they deem appropriate for their course.

Although trigger warnings come across as mere requests for warnings about the content, reports from instructors demonstrate that trigger warnings have the potential to fundamentally alter classroom curriculum by silencing critical perspectives in the classroom while also instilling fear of repercussion should a professor step outside the comfort zones of their students (7 Humanities Professors, 2014; Suk Gersen, 2017; Turner, 2020). Thus, the trigger warning debate becomes a concern of academic freedom. To determine if the use of trigger warnings does impinge on the instructor’s rights to academic freedom, we must first understand the nuances of

trigger warnings, explore the language of specific academic freedom policies within universities, and establish where, if at all, the two intersect.

### **Contextualizing Trigger Warnings**

Despite associations with trauma and “abnormal” (“trauma”, 2019, para. 1) circumstances that “involve intense fear, helplessness, or horror” (American Psychiatric Association, 2000, p. 463), today, colloquial use of trigger language can include sensitivities not only to those topics typically tied to trauma, but also any subject that might cause discomfort including but not limited to conversations about politics, insects, nudity, blood, or religious topics (Raypole, 2019). Considering the origins of this language in the discovery of Shell-Shock Syndrome (Pols, 2006), the current definition minimizes language historically embedded in tragedy and fosters a belief that those requiring triggers may be “overly sensitive, fragile, or incapable of coping with distress” (Raypole, 2019, para. 18) (see Bellet et al., 2018 and Jones et al., 2020 for further confirmation of these attitudes and beliefs). However, in 1918 we saw doctors harness the language of trauma to exclude soldiers from the battlefield; we also saw soldiers manipulating the symptoms of trauma to avoid war (Pols, 2006). Even today false claims of PTSD occur in “20-30% of personal civil injury lawsuits” (Frieden, 2016), so when we consider why students are asking for trigger warnings, historical analysis suggests students may harness the language of trauma to avoid “topics that are simply sensitive or that are inherently arousing...” (Boysen, 2017, p. 166) similar to, though without the same intensity as, soldiers seeking to avoid the trauma of war or criminals seeking to avoid harsh sentencing. Still, arguments surrounding trigger warnings typically cite censorship and avoidance as primary motivators for requesting trigger warnings which lead to concerns of the siege of academia (Apple, 1992; Giroux, 2009; Lilienfeld et al., 2018; Suk-Gersen, 2017) and the coddling and

removal of obstacles or uncomfortable materials resulting in socially and emotionally weakened students incapable of processing complex issues (Lukianoff & Haidt, 2017; Scott, 1999).

Unfortunately, in their use today, trigger warnings appear as an excuse to avoid controversial topics and to silence opinions that cause discomfort (7 Humanities Professors, 2014; Suk-Gersen, 2017; Turner, 2020). For example, Suk-Gersen (2014) discusses her peers' removal of rape law from criminal law courses out of fear of complaints from students. Another instructor was asked to revise a tweet about the title of a book that contains the words "tear gas" because it upset some students (Lukianoff & Haidt, 2017). A student at George Washington University suggested to her professor that he pick a different photo to show his class because the image he chose depicted a 1950s husband spanking his wife. She worried that the cartoon could be a traumatic image for victims of relationship violence, and the professor removed the image from his course (Wilson, 2015). Even Oxford students' pushed to implement trigger warnings on university reading lists. According to *The Telegraph*:

Oxford University students have voted against "ableist, classist and misogynistic" reading lists, claiming that they should not be forced to engage with any "hateful material". Students should not be required to attend any lectures, tutorials or seminars, nor should they have to sit for exams, which involve "hate speech" against a particular group, according to a new policy that the university's student union has adopted (Turner, 2020).

Because of the substantial pushback from students, instructors have chosen to modify their curriculum (holocaust teaching) or eliminate aspects of the curriculum altogether (Suk-Gersen, 2017).

Nevertheless, some argue that trigger warnings, when taken in their purest form, are a kindness offered out of consideration for the lived experiences of others (Cano, 2020; Que, 2019; Wilson, 2015). For students these actions do more than simply warn. Student Merriweather, a student who feels uncomfortable and traumatized by the violent imagery surrounding Black history constantly displayed in classrooms, says, “with the content warnings, the trigger warnings, the opportunity to do alternative assignments, I think that just communicates to me, as the student that a professor values my academic pursuit” (Tandanpolie, 2020). Furthermore, Que (2019) writes that those trauma survivors who receive a warning and stay are ready to share and to talk while those that leave after a warning were likely to leave regardless. She says, “the only difference [between offering a warning and not] being whether the latter could leave unharmed or not” (Que, 2019). In other words, some instructors and students view trigger warnings as a buffer, particularly for minoritized students, that ensures students are not subjected to harmful classroom texts and interactions. Regardless of one’s stance on trigger warnings in the classroom, it is impossible to ignore the alteration of curriculum or student experience in response or reaction to these warnings.

### **Exploring Language of Academic Freedom**

Instructors’ fears of repercussions for teaching controversial and complex materials (7 Humanities Professors, 2014; Suk-Gersen, 2017) has caused the arguments in favor of trigger warnings to draw scrutiny for infringing on the academic freedoms of instructors. Universities tend to draw from The American Association of University Professors (AAUP) and The Association of American Colleges and Universities (AACU) who jointly drafted a statement on academic freedom in 1941 when crafting their own academic freedom policies. The term

academic freedom encompasses the right of the teacher to research and publish freely, to teach subject-relevant controversial material and discuss said material in their classroom, and to speak and publish without censorship or discipline so long as they clearly exhibit restraint, demonstrate respect for others, and establish that they are not speaking for an institution (Euben, 2002). This policy was enacted to ensure the protection of instructors against censorship and disciplinary actions under the auspices of the first constitutional amendment's freedom of speech (Nelson, 2010). Unfortunately, the extent of these protections remains unclear, for the protections afforded by the term "academic freedom" and those secured under the first amendment continue to be determined on a case by case basis at institutional and court levels (Levinson, 2007). This mix of university and judicial decision-making blurs the distinction between protections of academic freedom at an institutional level and those of first amendment rights protected and enforced by the government (Byrne, 2006). In other words, there is still no clear line delineating protected speech from problematic speech in higher education classrooms because there is not a consistent application of either institutional or judicial models. This proves problematic when "public, including judicial support of academic freedom [waned]" (Byrne, 2006, p. 952) because they feel the actions taken by classroom instructors no longer serve public interests. The call for trigger warnings, which has proven an issue of public interest on several occasions, pushes the unclear boundaries of protected speech for instructors in higher education classrooms and reminds that students have protected academic freedoms as well.

Though the intersection of students' academic freedoms and instructors' academic freedoms are still highly contested, the AAUP declared in 1915 the teacher's right to teach and the students' right to learn as inseparable (*Academic Freedom*, 2013). They extend the right to learn as "depend[ing] upon appropriate opportunities and conditions in the classroom, on the



campus, and in the larger community” which includes the information presented by and activities required by the instructor as well as the students' right to free expression (*Academic Freedom*, 2013). Still, the students are expected to learn and though some institutions offer academic freedom policies for students, there are no legal protections for students who feel their academic freedom to learn has been violated. Further there is no clarity or consistency in protections for students, and where students' academic freedoms are mentioned, they are generally freedoms dependent on the authority of the instructor or the institution (MacFarlane, 2011). One need only look to *Tinker v. Des Moines* (1969), *Hazelwood v. Kuhlmeier* (1988), or *Bethel v. Fraser* (1986) (explained more thoroughly under *Research Implications*) to see how students are prohibited in the scope of speech or practice when it contradicts the goals of the institution. This dependence draws attention not only to the continued historical power discrepancy between students and teachers but also to larger considerations of how learning takes place, where, and in what contexts. If instructors acknowledge that the lived experience of students is linked to the texts that instructors present - that the curriculum educators share is directly tied to the identities and experiences of our students (Grumet, 1988)- then the students' right to learn and their ability to learn is directly tied to the curriculum instructors include in their classrooms; and though instructors have the freedom to choose and teach whatever they see fit within their classroom, this should be done with the knowledge that what is taught finds body in the lives of the students who receive it. If, as the AAUP suggests (*Academic Freedom*, 2013), academic freedoms extend to both teaching *and* learning, then the protections afforded to instructors should also extend to students. For this to happen, academic freedom policies require extensive revision for clarity.

## Discussion and Analysis

This current lack of clarity between protected and unprotected speech becomes particularly concerning when trigger warnings are brought into the conversation. While student calls for trigger warnings may be warranted, the expectation that professors allow students to opt-out of material or that they omit or alter curriculum to accommodate the fear of triggers (7 Humanities Professors, 2014; Cano, 2020; Davis, 2014; Lukianoff & Haidt, 2017; Lilenfield et al., 2018; Que, 2019; Reiss, 2014; Schaper, 2016; Smith, 2020; Suk-Gersen, 2017; Tandanpolie, 2020; Turner 2020; Wilson, 2015) does violate the academic freedom of instructors. It is widely accepted that professors do have the right to teach and research relevant material without censorship; however, the language within academic freedom policy is that material must be relevant and language must demonstrate respect for others (Euben, 2002). While it is within the purview of an instructor to teach controversial material relevant to their subject, the blurred lines occur when we begin to question what constitutes a demonstration of respect with regard to the “racism, classism, sexism, heterosexism, cissexism, ableism, and other issues of privilege and oppression” that regularly and sometimes necessarily appear within the curriculum (Flaherty, 2014, p.). Naturally, the previously mentioned -isms can cause distress due to the stories that accompany them, but there is merit to teaching about these subjects. Research alludes to students’ development of democratic values and their ability to become agents of change and acceptance when provided opportunities to engage in discussions about controversial issues (Misco, 2012). Still, with new knowledge of historical (*Historical Trauma*, 2021) and vicarious (*Vicarious*, 2021) traumas and the long-lasting effects of post-traumatic stress disorder well documented, it is now imperative to reconsider the balance and pride that accompany academic

freedom with the moral obligation of instructors to provide a safe and equitable learning environment for all students.

### **Research Implications**

As it stands, the language of academic freedom is far too broad to be useful, as is its association with the first amendment. Within the policy itself, the vague notions of “relevance” and “restraint” are arbitrary at best and, at worst, inclined toward the whims of the university. The fragile threads between academic freedom and first amendment rights also leave instructors questioning what is protected speech and what is not (Turner, 2020; Moody, 2022). While these policies are intentionally vague so as to facilitate local control, they provide room for misinterpretation and, therefore, hardly offer the protections assumed within the policy. It only takes one supreme court decision to suddenly and sharply draw a line where previously lines were unclear. There are several cases regarding first amendment rights that can attest to this.

In cases like *Tinker v. Des Moines* (1969), *Hazelwood v. Kuhlmeier* (1988), or *Bethel v. Fraser* (1986), the Supreme Court upheld the students’ rights to free speech while also delineating the circumstances in which students could freely exercise this right. The first determined the students’ right to protest in a non-disruptive manner. In this case, the courts ruled that the schools’ suspicion of disruption was not substantial enough to infringe upon the first amendment rights of students. Students posed no significant disruptive threat to the learning environment. The second case, *Hazelwood v. Kuhlmeier* (1988), granted schools the right to censor students’ speech in non-public platforms. The court ruled that publications designed by the schools for school based intent did not constitute a public forum and could therefore be regulated by the expectations of the school. The third, *Bethel v. Fraser* (1986), established the schools’ right to punish students for lewd and vulgar speech. The court argued the significant

differences between presenting controversial political views as in the *Tinker* case, and the “socially inappropriate” sexual comments Fraser used within his speech at a school assembly. In a matter of three cases, the Supreme Court created distinctions between the speech rights of students in schools and the speech rights of everyone else. Where students’ speech poses distractions and disruptions to the learning environment or stands in contrast to the intents and purposes of the school or district, students are silenced. Similar restrictions and distinctions are already being imposed on teachers. In fact, though it has not proliferated higher education yet, states like Texas (Lopez, 2021), Florida (Diaz, 2022), and Arizona (Pendharkar, 2021) are beginning to consider and/or pass laws restricting what teachers are allowed to discuss and teach. It is only a matter of time before a case comes forward that forces the creation of sharper lines for classroom instructors in place of otherwise vague notions of academic freedom.

Though concerns for the academic freedoms of instructors proliferate the trigger warnings argument, these same conversations protect and defend the rights of professors while neglecting the rights of students. Within the academic freedom policies of instructors should also be the language of freedom for students. The conditions placed by the language of respect or representation of the institution should be coupled with reminders that students are equally entitled to the pursuit of an education – an education in which “students should be consulted in decisions regarding the development of already-existing programs and the establishment of new programs” (Reichman, 2015). At its core, education is a symbiotic relationship between the student and the teacher in which a teacher cannot teach without students, and students cannot learn without a caring teacher (Lumpkin, 2007; Foster, 2008; Walker & Gleaves, 2015; Tang et al., 2021). The students’ rights to academic freedom and the protections implied need to be considered.

### **Future Research Direction**

Future research should focus on analyzing how academic freedom applies to student rights in the classroom and how this coincides or is in conflict with the academic freedom policies created for instructors. Though there is a strong desire to preserve the institution of higher education, to neglect student voice and identity within the classroom is counterproductive to these purposes.

### **Conclusion**

Ultimately, an academic freedom policy needs to be created for everyone. Rather than continuing the dichotomy of students' rights versus instructors' rights, institutional policies on academic freedom should encompass the relationship between students and teachers and facilitate practices that honor the responsibilities of both. Tightening the language of the academic freedom policies while fusing the rights of students and instructors would simultaneously ensure protections for both parties and restore the position of students to co-constructors rather than passive recipients of knowledge.

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