North American Perspectives on Protecting Academic Freedom from State Censorship



Beyond Resilience: Universities as Active Value-Driven Agents in a Changing World
Anniversary of the Magna Charta Universitatum
MCU2020: Vilnius, 14-16 October, 2026

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Dr. Amy Reid, Program Director
Freedom to Learn at PEN America
abreid@pen.org

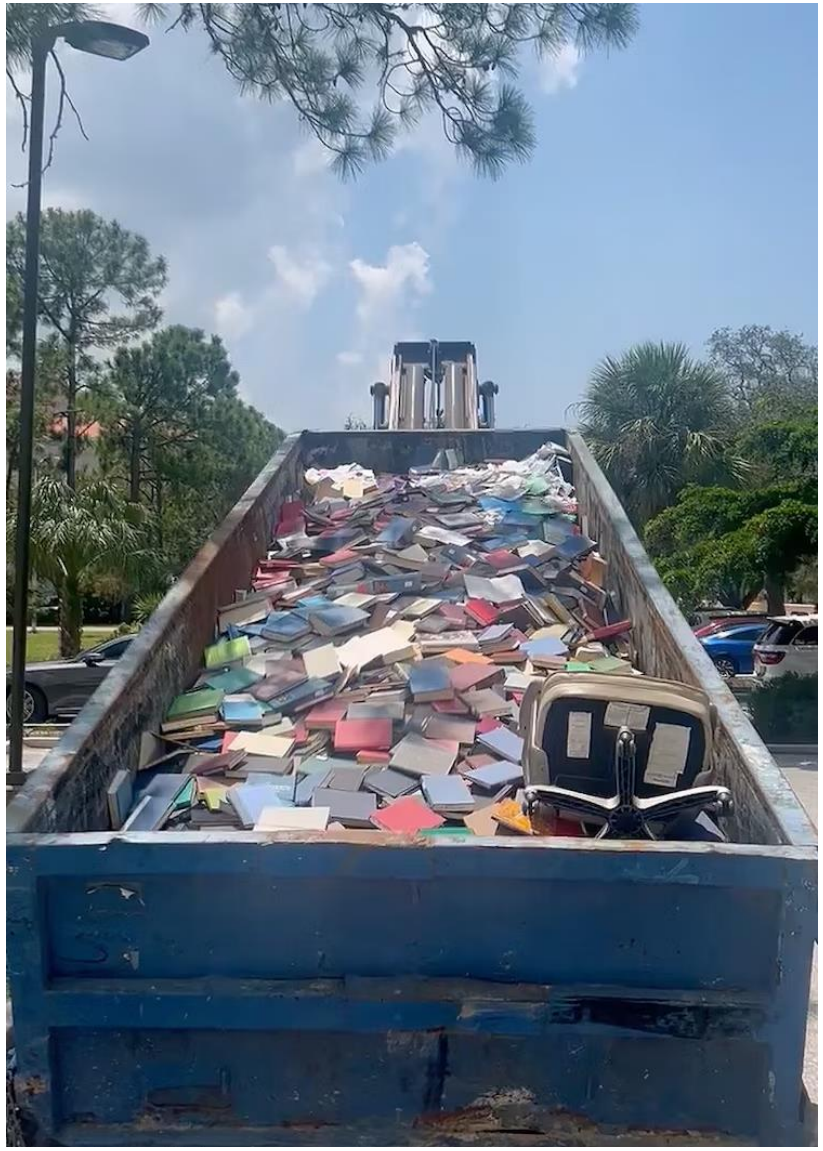
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“We abolished the gender studies program, now we’re throwing out the trash” – a Trustee of NCF



New College of Florida Destroys Gender Studies Books

PUBLISHED 8/29/2024 by **CARRIE N. BAKER**

Ms. Magazine (msmagazine.com)

Photo credits: Steven Walker & Zander Moricz

A Human Rights Framework for Academic Freedom & Students' Right to Education



The right to education is enshrined in the **Universal Declaration of Human Rights (1948)** because access to an education free of government censorship is not only essential to the ability of each individual to realize their potential, but central to the health of a democratic society.

- **Farida Shaheed (2025)**, special rapporteur on the right to education, report on the US.
  - "Political interference, discriminatory censorship laws, book bans and other attacks on academic freedom further restrict access to diverse perspectives and critical inquiry, creating what has been identified as a chilling effect by a number of interlocuters. Student protests are increasingly met with criminalization, surveillance and disciplinary actions, stifling free expression and civic engagement."
- **David Kaye (2020)**, special rapporteur on the promotion and protection of the right to freedom of opinion and expression:
  - "Without academic freedom, societies lose one of the essential elements of democratic self-governance: the capacity for self-reflection, for knowledge generation and for a constant search for improvements of people's lives and social conditions."
  - "Academic institutions must: (a) Respect the rights of all members of their communities, including faculty, students, researchers, staff, administrators and outsiders who participate in academic pursuits. That respect must include the right of all members to freedom of opinion and expression, including peaceful protest on academic premises; (b) Ensure that members of academic communities have protection against coercion by third parties, whether the State or groups in society.

America’s Censored Campuses 2025: Expanding the Web of Control



To read the 2025 report:

- **America’s Censored Campuses 2026: coming in November**

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2025: "A Year of Catastrophe Higher Education"

On the State level : 2025 set new records for higher ed censorship with :

- the highest number of new laws censoring higher education in a single year (21)
- the highest number of states passing them (15)
- and the highest number of states passing these laws for the first time (8)

On the Federal level :

- An estimated $3.7 billion in federal research funding targeted for cuts, with projected annual economic losses of $10–16 billion
- 383 clinical trials affecting approximately 74,000 participants have been disrupted
- 38 universities have been proposed for suspension from federal research partnerships over DEI hiring practices
- 19 executive orders issued in 2025 directly target or significantly affect higher education
- More than 8,000 international student visas have been revoked, contributing to a 17% drop in new international enrollment, with 57% of institutions reporting enrollment declines





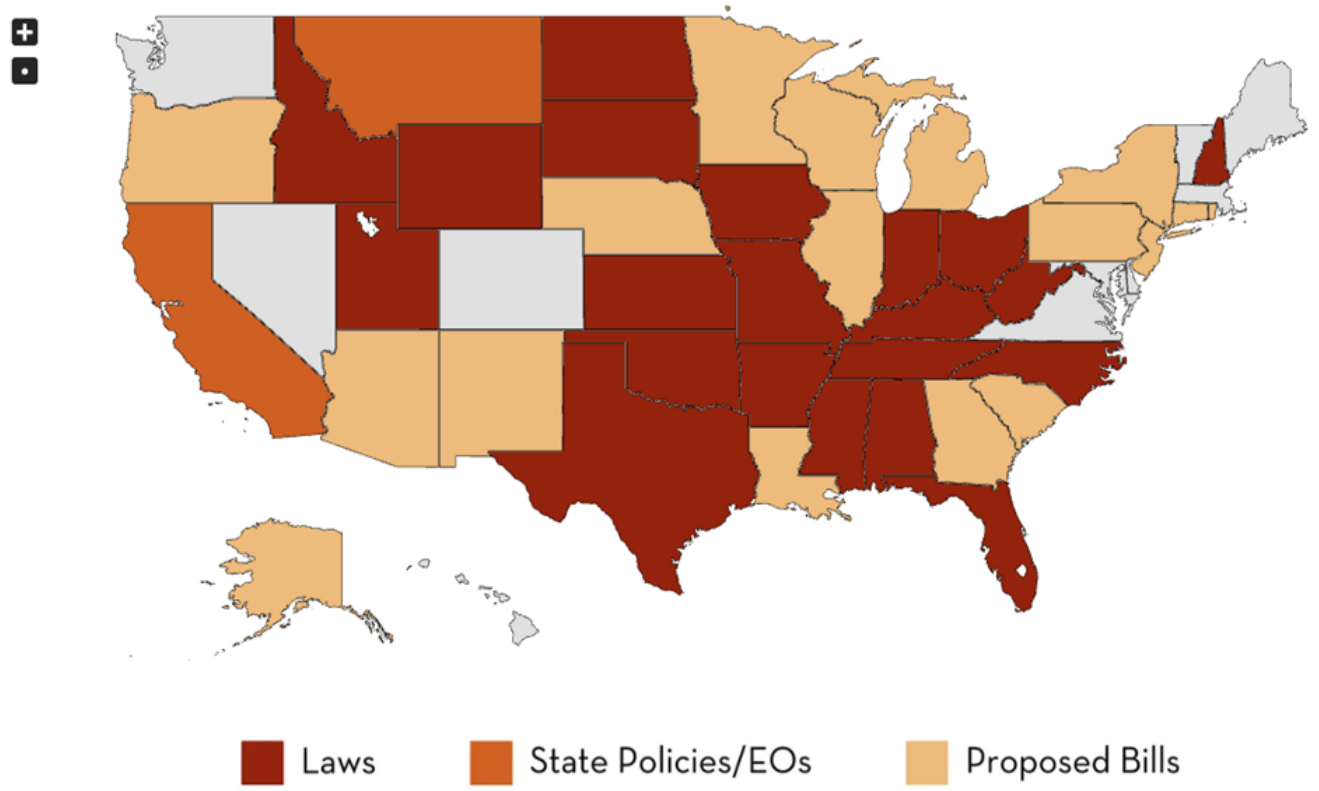


Censoring Higher Education 2021-2025: A Nationwide Crisis

Topline Numbers for State-Level Higher Education Censorship in 2025

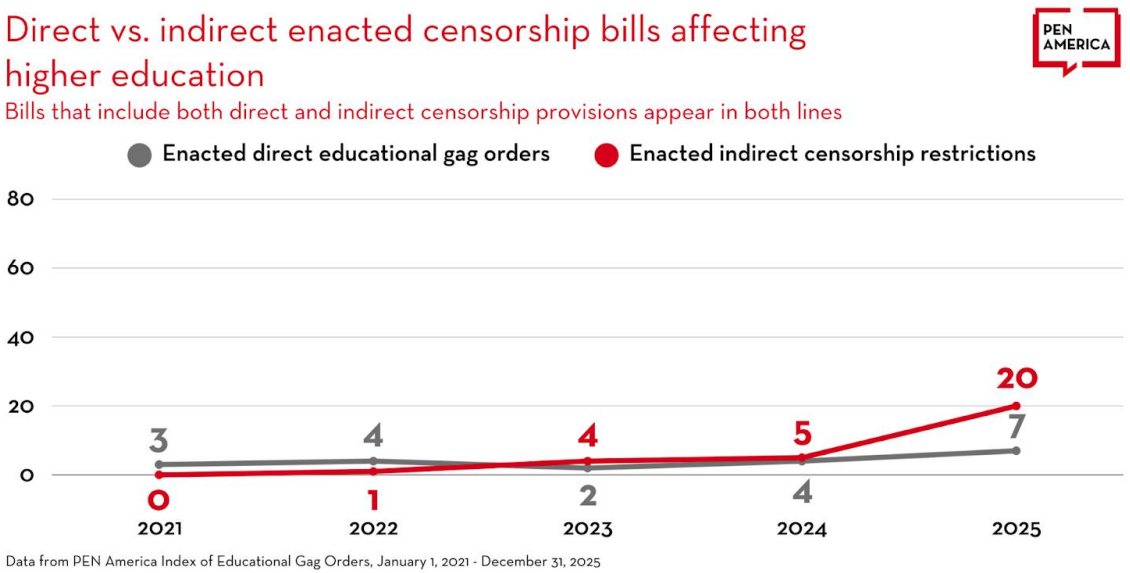
- State legislators introduced **93 bills** across **32 states** that would **censor higher education.**
- This includes **15 educational gag orders**, **56 bills with indirect censorship** provisions, and **22 bills that include both.**
- Of the 93 proposed bills, **21 bills – or 23% –** became law in **15 states**.
- Since 2021, **23 states** have passed higher ed censorship bills or policies, with **8 states** doing so for the first time in 2025
- More than **50% of U.S. college and university students** now study in a state with at least one law or policy restricting what can be taught or how campuses can operate.

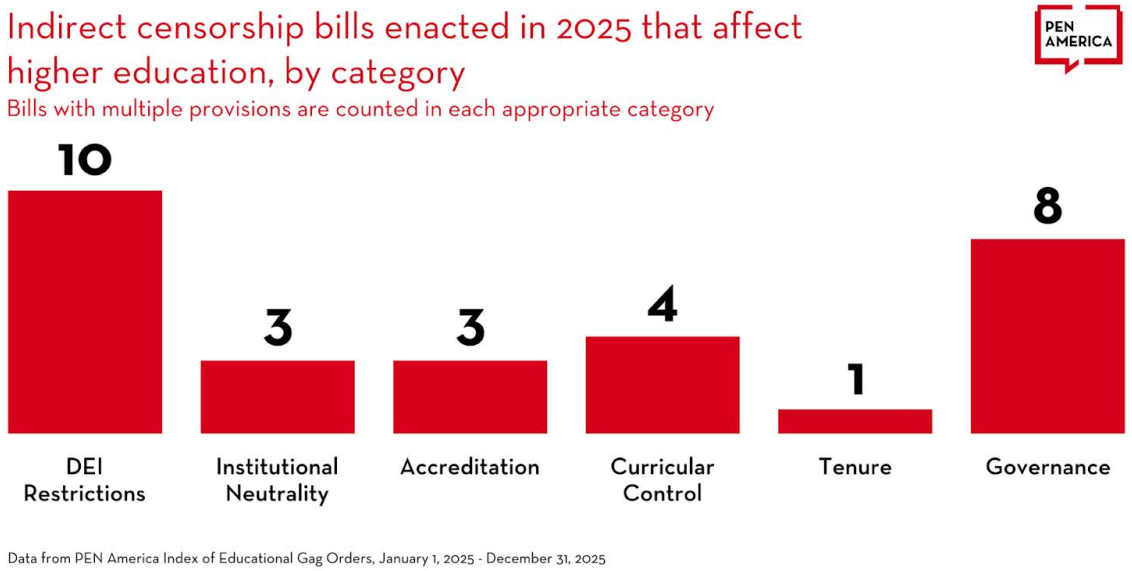
Higher Education Restrictions, including educational gag orders and other restrictions, 2021-2025



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Direct vs Indirect Censorship





DIRECT CENSORSHIP: Educational Gag Orders
State-level measures directly limiting formal instruction in classrooms, including prohibitions on teaching about race, gender, and LGBTQ+ identity.

INDIRECT CENSORSHIP: State-level measures that threaten the norms and mechanisms that protect academic freedom and institutional autonomy**:** Accreditation Restrictions, Curricular Control Measures, DEI Restrictions, Dissolving Faculty Senates Institutional Neutrality Mandates, & Tenure Restrictions,

Snapshots of CENSORSHIP







Dr. Reem Jaafar
“When Grants are Cancelled, Students Pay the Price,”
Laguardia Community College



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Dr. J. Timmons Roberts
“Tilting at Windmills,”
Brown University



Policies Messing with Texas in 2026

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Texas A&M University System Policy 08.01 on Civil Rights Protections and Compliance and Policy 12.01 (amended by Board of Regents, Nov/Dec 2025) Policy 08.01 prohibits courses from advocating "race or gender ideology," or "topics related to sexual orientation or gender identity," with only narrow exemptions for non-core curriculum or graduate courses. Policy 12.01 prohibits introducing "a controversial matter that has no relation to the classroom subject or teach material that is inconsistent with the approved syllabus for the course."

Texas Tech University System Memorandum on Course Content Oversight and Review (Dec 2025) Prohibits faculty from including or advocating any course content that promotes certain concepts related to race or sex, or including course content that "promotes activism on issues related to race or sex." Faculty must also recognize only two sexes, male and female, when instructing students. Faculty may only include instruction or materials that "implicate" a prohibited topic or are "related to gender identity or sexual orientation" if the course undergoes a content review process, including final approval or disapproval by the System Board of Regents.

Texas Tech University System Memorandum on Course Content Guidelines (April 2026) : Expands upon the Dec Memorandum, setting a "strict prohibition" on content related to sexual orientation and gender identity in core and lower-level undergraduate courses. It also goes further to explicitly censor the topics graduate students are able to research. The memorandum tries to conceal blatant censorship behind a veneer of legal compliance: there is, to date, no federal law that mandates teaching that there are only two sexes."

Emerging Threats on the Federal Horizon:

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- **Accreditation (public comment open till Sep 21)**
  - Narrowing of "Academic Freedom" to exclude work on shared governance
  - Possible removal of ABA Council as national accreditor for law schools
  - Opening pathways for new (politically dependent) accreditors

- **The McMahon Letter → Compact 2.0**
  - Effort to coerce institutions into adopting a specific diagnosis of higher ed
  - Questions "merit" in hiring and admissions practices & raises specter of "foreign threats"
  - Advances "institutional neutrality" & "intellectual diversity" to privilege certain ideological positions
  - Responses are shifting the narrative: **"Renewing the Social Contract for Higher Education," Champions @PEN**

- **Revocation of the 501(c)(3) status for private minority serving institutions**
  - Part of the broad effort to exclude awareness of race & gender from public sphere
  - Paired with threats to the non-profit status of certain advocacy groups

- **Actions targeting international & undocumented students**
  - **Restrictions on visas for students and journalists (blocked as of Sep 14)**
  - **Prohibition on Iranian citizens taking the LSAT (Treasury Dept rule)**
  - **Lawsuits filed against 25 states that provided in-state tuition to undocumented students**

What can we expect in 2026-2027?

Four Ways 2026 State Laws are Censoring Campuses

By Laura Benitez & Emma Sorkin Aug. 14, 2026

3 Gag Orders: Explicit limits on what can be taught or discussed in class:

- NC SB 558 : divisive concepts ban
- TN HB 1446: Ban on the phrase "West Bank"
- FL HB 1471: prohibition on "promotion"

of "domestic terrorist orgs" including antifa & CAIR

Curricular Control Bills : ban instruction related to race, sex, gender & other identity groups in required classes

- NC SB 558 "divisive concepts" ban
- KS HB 2513 "anti DEI-CRT" bill

When asked if a course in Kansas could consider how race intersects with the law by tracking the legal history of voting rights, the BoR counsel said it's "too early" to tell

Weakening Tenure Protections:

- AL HB 580 & TN HB 2194 --

Bills with vague & subjective provisions that make it easier to fire faculty for "misconduct" or behavior that "adversely affects" the university.

- *Particularly concerning in the wake of the spate of faculty and staff fired or sanctioned in 2025 for social media comments after Charlie Kirk's murder*

Undermining Faculty Control of Curricula:

- IA HB 2800 – places control of newly required civics courses in three university "Civics Centers"
- UT HB 204 – requires faculty to exempt students from assignments that run counter to their "sincerely held religious [or] conscience beliefs"

Thank you!

Keep in touch:

Amy Reid: abreid@pen.org

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Link to PEN website: