Censorship and Academic Freedom in the Public University Library

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Executive Summary

Research libraries are expected to provide and preserve collections in support of their institutions' research and teaching priorities and to support long-term access to cultural, historical, and scientific works. In today's polarized political environment, both libraries and universities have been at the heart of controversy. In this project, we examine some of the impacts of this polarization at public research university libraries.[1]

To do so, we examine and compare experiences among library leaders in two different contexts. We look carefully at states that have already passed laws or policies limiting the way programs, positions, or funds can be used to support diversity, equity, and inclusion or issues related to sex, gender, and sexuality, as well as states where these laws advanced in legislatures or regulatory bodies but were tabled or defeated. For the sake of brevity, throughout the report, we refer to these as "states with restrictive policies." We also look at the dynamics in states without these restrictive policies.

To this end, we spoke to 10 library leaders from five states with restrictive policies, comparing their experiences to five library leaders in five states without such policies.[2] Based on these interviews, conducted in September and October 2023, we find that:

- Academic library collections are not being directly censored by policy or subject to large-scale, systematic content challenges.
- Decisions around collection building are, however, being influenced by state and university policy and politics.
- University academic freedom policies continue to serve as a defense against content challenges.
- University and library leadership require an extensive amount of political savvy, balancing commitments to different groups with sometimes differing values or perspectives.
- Diversity, equity, and inclusion initiatives, programs, and units in universities and their libraries are being eliminated, renamed and/or reorganized in a number of states. Even among interviewees who suggest that the underlying services and their impacts will be unhindered, a critical issue is that many of their employees are scared, which is impacting the workplace.
- Library directors in certain states feel it has become more difficult to recruit and retain top talent, especially when prospective employees or their family members are LGBTQ+.
- Library directors are seeking opportunities to speak to others at peer institutions about these issues without drawing public attention. They do not want organizations to speak for them or advocate on their behalf, out of fear that it will draw negative attention to their libraries.

These findings represent a snapshot in time at a sample of institutions and not a forecast of the future. It is important to note that when we conducted this research, regulations governing the implementation of several key restrictive policies were not yet in place. That said, our approach serves to distinguish the direct impacts of restrictive policies from the indirect impacts generated by the overall political environment. We hope that our findings can serve as a baseline for performing broader studies on these topics and to track change over the course of time.

Background

Speech has become an increasingly contentious issue on university campuses in recent years, with observers and advocates across the political spectrum arguing that free speech and discourse are being hindered.

The broader societal context has been one of political polarization, with substantial attention given to speech and content that has been said to be liberating, inappropriate, equitable, or dangerous, depending on one's political position. Speech has become an increasingly contentious issue on university campuses in recent years, with observers and advocates across the political spectrum arguing that free speech and discourse are being hindered.

In recent years, universities have taken a leading role in addressing inequities and supporting historically underserved populations, establishing a variety of student support services, reconfiguring campus spaces to support previously unrecognized identities, implementing diversity training, and strengthening incident reporting procedures and disciplinary processes. Many have focused attention on minoritized racial and ethnic groups and transgender individuals, with particular emphasis on intersectional considerations.

At the same time, legislative and policy changes at a state level have been proposed and in some cases enacted with the intention of limiting language and programming said to be divisive. Much of the language and programming under such scrutiny are related to two contentious topics, sometimes dealt with together in legislation as "divisive concepts": diversity, equity, and inclusion initiatives and programming focusing on sex, gender, and sexuality.[3] These legislative and policy proposals, whether discussed or enacted, are usually aimed at public universities (in addition to K-12 education and public libraries).

State legislative scrutiny of public universities goes beyond language and programming. Today, universities are increasingly seen as being to the left of center, and polls of faculty political orientation have tracked a surge toward the left in the early 2000s, which Phillip W. Magness and David Waugh suggest has provoked conservative scrutiny and intervention.[4] On

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[3] This is part of a larger social and political debate about the value and validity of a variety of academic sub disciplines that critically study the historical construction of race and ethnicity, on one hand, and sex, gender, and sexuality, on the other.

[4] Magness and Waugh trace the long history of political surveys of academics and argue that the arc of liberal bias changed after 2001 with an increasingly radical left lean, see:

the other hand, scholars of higher education policy, like Linda Stamato, suggest that conservative legislative scrutiny is part of a longer history of legislative activism aimed explicitly at reshaping the ideological terrain of higher education.[5] It is important to recognize that these narratives, like many about higher education writ-large, are driven by trends observed in, and arguments over the control of, elite research universities.[6] In recent years, legislators and governors from the right of center have increased scrutiny on college culture and policy, passed legislation restricting diversity, equity, and inclusion programming, and remade governing boards, among other initiatives to restrict how campuses engage with divisive language and concepts.[7] And the shift to a fragmented media

Phillip W. Magness and David Waugh, "The Hyperpoliticization of Higher Ed: Trends in Faculty Political Ideology, 1969–Present," *The Independent Review* 27, no. 3 (Winter 2022/2023), https://www.independent.org/publications/tir/article.asp?id=1782.

[5] Stamato traces many of the contemporary legislative and policy pushes to reshape the university back to a 1971 memo written by Lewis F. Powell Jr. for the US Chamber of Commerce, originally intended as a confidential document, "Attack on American Free Enterprise System." Stamato's argument provides a parallax view of the moment just preceding systematic attempts to survey and track faculty political alignment. Linda Stamato, "The Launch of the Long Game," *Inside Higher Education*, 9 May 2023, https://www.insidehighered.com/opinion/views/2023/05/09/launch-long-game. The Powell Memo, was made available through the Washington and Lee University School of Law Scholarly Commons, formally titled "Powell Memorandum: Attack on American Free Enterprise System," and available at https://scholarlycommons.law.wlu.edu/powellmemo/1/.

[6] One of the centerpieces in Mangess and Waugh's study comes from the UCLA-HERI faculty survey, which is a wide-scale survey of instructional faculty at two and four year institutions. The survey utilizes faculty self-identification, which provides more interesting and nuanced data than other large-scale surveys that track political party registration; however, the survey is subsidized by fees collected from participating institutions and designed to be used for internal assessment. There are additional, optional fees for a variety of aspects of the survey, including optional modules, and even the distribution method is impacted by optional fees, making the survey more accessible to well-resourced institutions. For more see the faculty survey's website: https://heri.ucla.edu/heri-faculty-survey/. This is not to diminish the results of those surveys or to argue that their data is not relevant or significant, but merely to demonstrate self-selection factors that may vary by budget.

[7] The most famous and well documented examples come out of Florida, where Governor Ron Desantis and the legislature have combined to appoint a new conservative board for The New College, passed the STOP WOKE Act and attempted to expand its reach to higher education and workplaces, and enacted policy that limits how colleges can engage in diversity, equity, and inclusion work and support scholarship and initiatives focused on sex, gender, and sexuality. The media focus on Florida does tend to draw attention away from other states that have passed similar policies, such as Texas, North Carolina, and North Dakota, for example. For the full landscape of anti-DEI policy, see Char Adams and Nigel Chiwaya, "Map: See Which States Have Introduced or Passed Anti-DEI," *NBC News*,

market with an increasing reliance on social media and niche news in recent years has made parsing these narratives particularly challenging.[8]

A 2022 survey conducted by Ithaka S+R indicated that library directors' confidence in their diversity, equity, and inclusion (DEI) strategies was waning, and, as we noted at the time, this was before states introduced legislation aimed at restricting DEI programming, hiring, or training at public colleges and universities.[9]

In order to cut through the noise of these competing narratives and findings and understand what was happening in public university research libraries, which enjoy robust academic freedom protections but are also beholden to state oversight, we spoke directly with library leaders around the US. Ultimately, most of the leaders we spoke with see this moment as unique in its scope and intensity, if not unprecedented in terms of actual censorship or political maneuvering.

Methods and Key Concepts

Ithaka S+R conducted 15 semi-structured interviews with the leaders of academic libraries at public research-intensive universities throughout the US. In every case, we spoke with the head librarian—typically a dean, vice/associate provost, or university librarian. We recruited leaders from a geographically and politically diverse set of states but paid special attention to universities in states where restrictive policies have been

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Data Graphics, 2 March 2024, https://www.nbcnews.com/data-graphics/anti-dei-bills-states-republican-lawmakers-map-rcna140756.

For more on what happened at The New College in Florida, see Johanna Alonso, "Chaos at New College of Florida," *Inside Higher Ed*, 16 August 2023, https://www.insidehighered.com/news/students/academics/2023/08/16/chaos-reigns-new-college-florida-fall-semester-nears.

[8] Emily Kubin and Christian von Sikorski performed an expansive literature analysis of the topic in 2021, "The Role of (Social) Media in Political Polarization: A Systematic Review," *Annals of the International Communication Association* 45, no. 3 (2021), https://www.tandfonline.com/doi/full/10.1080/23808985.2021.1976070. More recently, Christian Staal Bruun Overgaard argued that news and social media content is driving affective polarization and meta-perceptions (aka how the parties perceive one another). Christian Staal Bruun Overgaard, "Perceiving Affective Polarization in the United States: How Social Media Shape Meta-Perceptions and Affective Polarization," *Social Media + Society*, 21 February 2024, https://doi.org/10.1177/20563051241232662.

[9] Ioana G. Hulbert, "US Library Survey 2022: Navigating the New Normal," *Ithaka S+R*, 30 March 2023, https://doi.org/10.18665/sr.318642.

passed or extensively discussed. In order to encourage candor and protect our interviewees, we have deidentified interview responses, provided no institutional or individually identifying information in the report, and deleted all interview notes. To review our interview guide, please see the Appendix.

Two terms key to discussions of censorship and policy are used throughout this paper. Self-censorship refers to individual decisions to limit speech or expression, often because others might find it objectionable or one fears negative consequences. Chilling effects, on the other hand, refer to a specific type of self-censorship where individuals or groups limit speech or expression out of fear that not doing so will break a policy or law. The distinction is critical because self-censorship may be driven by a number of real or perceived social pressures, but chilling effects occur in direct response to policy or regulation. Furthermore, while self-censorship is often framed as an individual decision, chilling effects are often far-reaching.[10]

This paper also engages two separate concepts that are often collapsed in popular discourse about censorship: (1) free speech and (2) academic freedom. Freedom of speech is the legal right of individuals to speak their mind freely without government intervention outlined in the first amendment of the Bill of Rights. Academic freedom, on the other hand, is not strictly a constitutional concept, though it is intimately tied to freedom of speech and the first amendment through court decision.[11] Academic freedom is more properly understood as a professional standard protecting the pedagogical and research rights of teachers and students, that is, protecting their capacity as experts and knowledge seekers in a professionalized capacity, not a personal one. In this way, academic freedom policy carve outs can afford special professional protections for speech acts, but also typically do not cover personal free speech unrelated to professional actions.

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[10] For an introduction to what chilling effects are with examples, see David L. Hudson, Jr., "Chilling Effect Overview," *Foundation for Individual Rights and Expression*, https://www.thefire.org/research-learn/chilling-effect-overview.

[11] For a concise overview of the term and its legal history up to the early 2000s, see: Donna R. Euben, "Academic Freedom of Professors and Institutions: The Current Legal Landscape," AAUP, https://www.aaup.org/issues/academic-freedom/professors-and-institutions.

Findings

At the same time that the bulk of the library's work remains unchanged, existing and proposed policies, and intensified political discourse around them, were already having an impact.

Public university library leaders face a diverse but uneven set of challenges. On one hand, our research indicates that public universities are partially insulated from the most controversial and restrictive policies. While in some states, prohibitive laws have centered on diversity, equity, and inclusion and sex, gender, and sexuality, causing universities to adjust policies and job titles,[12] the library leaders we spoke with were adamant that their collections, instruction, and programming remain largely unhindered. At the same time that the bulk of the library's work remains unchanged, existing and proposed policies, and intensified political discourse around them, were already having an impact.

Across interviews, library leaders noted how enacted and proposed state policies have affected their recruitment, retention, and staffing, workplace dynamics and communication, and strategic approaches to content and collection development and leadership. The effects of state policies and polarized political discourse centering on diversity, equity, and inclusion and sex, gender, sexuality, and the LGBTQ+ community were a focal point in roughly two-thirds of our conversations. Participants in states where restrictive laws were never likely to be passed were, accordingly, unlikely to raise them in conversation as pressing issues on campus. However, interviewees in states where restrictive policies were passed and those in states where they nearly passed were equally likely to raise these topics and discuss them in similar ways.

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[12] To clarify, a number of states have laws restricting how state or university funds can be spent on diversity, equity, and inclusion initiatives and programming. Currently, one of the most commented upon examples of these laws impacting higher education is Florida S0266, which extended the reach of the policies from the Stop WOKE Act to higher education and explicitly mandated that colleges and universities in the Florida College System "may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that ... Advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education and regulations of the Board of Governors." For the full language of the bill, see: FL S0266, passed 16 May 2023, https://legiscan.com/FL/text/S0266/id/2798308/Florida-2023-S0266-Enrolled.html.

Career Experience

The leaders we interviewed all work today in academic libraries, but they have an array of professional backgrounds. While many of them have spent most of their careers in academic libraries in the United States, many have had other professional experiences, including outside the US and in government institutions, as well as in less research-intensive academic institutions.

Several interviewees reflected on the values that drove the library and its professionals earlier in their careers. One interviewee described how they and their colleagues see "the library as a place that defends the first amendment." Another offered that "It used to be, before the Trump administration, that facts were facts, and you couldn't have alternate ones. That's the whole thing, though, you shouldn't be advocating for a point of view." One reflected on whether "libraries are neutral," saying "I've never believed that. We've never had the money to buy as widely as we'd like"—and therefore have always had to make choices.

The interviewees had experienced challenges to materials and censorship with respect to collections throughout their careers. One explained that at a previous institution, the concerns they faced came internally, "from staff, usually technical services, that were offended by what they had to process. It was usually around art books, think Mapplethorpe type art... frequent staff complaints about any nudity." Another shared that they used to receive letters "that had whole big, long lists of books that we should pull," a dynamic that continues but "It's broader because of social media." Another shared examples where "a group in [the state] that thought some of the content in [a major scholarly database] package was inappropriate, and they were trying to get libraries to drop that package." One offered that "the vast majority of complaints to challenges about collections came from the left and it was from our own faculty. Ninety percent plus of the challenges were from the left and 90 percent or more were from faculty and occasionally grad students." Still another noted that they restricted access to sensitive collections such as "Playboy, Nazi paraphernalia, anything that may be thought to be a theft or razoring [vandalism] risk." For these materials, "staff would often categorize where something would be and that could restrict access... Not really censorship, but creating a barrier to access for an end user and not in an objective way... It was probably more to protect the collection."

Some interviewees shared experiences with spaces, exhibitions, and programming. One recalled reporting to "a very conservative leader who wanted programming to avoid controversial topics." Others shared accounts of a library exhibit being vandalized and a library building being defaced. Another interviewee described how the ways in which materials are cataloged or labeled can also be the source of controversy, offering as an example of describing something as about climate change or instead about coastal property.

Ultimately, interviewees made few references to censorship by the government, though some recalled the impact of the USA Patriot Act. One library director noted that "it was different from the standpoint of the weight of the government coming down. It was a chilling effect."[13]

A few interviewees reported that in earlier roles they had not faced challenges to collections or programming. One noted that they had "never had anything challenged until the current climate that we're in." Another said that in previous positions they had not been "aware of any issues or found any issues."

For most, the current dynamics feel like a substantial disjuncture. That said, one interviewee told us, "as somebody who has been around longer in the profession, for me, I'm not seeing anything I haven't already seen in my career."

Current Context

Many interviewees currently work in, and in some cases have extensive career experience in, states whose governments have taken restrictive positions on sexual orientation and gender expression, reproductive health, racial diversity and reconciliation, and immigration, and how these issues can be represented in settings that include public schools and

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[13] For context, the USA Patriot Act was the acronym and common name for a bill officially titled Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. The law was passed in the wake of the September 11, 2001, terrorist attacks on the US, and it provided sweeping new security and surveillance powers for several US agencies. One of the widely publicized— and criticized—components of the law included a clause allowing FBI agents to obtain the library records of individuals. The law was renewed in 2006 and much of it was permanently enshrined thereafter. For the full text of the original law see: https://www.govinfo.gov/content/pkg/PLAW-107publ56/pdf/PLAW-107publ56.pdf.

libraries. In some cases, much of the energy for implementing policies on these issues comes from state legislatures which meet in limited sessions and only actively legislate for a few weeks at a time, a few times each year. This limited schedule means that the calendar year is filled with rhetoric-driven uncertainty that is occasionally punctuated by legislative action.

For many interviewees, state interventions or mandates—particularly those driven by political rhetoric—are perceived as unpleasant if not actually hostile to their values. One interviewee for example used the term "scary" several times to explain their feelings, and another used the term "depressing." One talked about the "totalitarian mindset" they see developing in their state.

At the same time, several interviewees understand these dynamics as long standing, explaining how their university has historically worked with the state legislature and its committees to influence policy and funding outcomes for their institution. One told us that in their state, "We just had a performative legislative session….What I like to call a fundraising session," or, as they further described, the purpose of the session was to position legislators with great sound bites more than to pass particular bills. Their university's lobbyists and leaders have historically worked behind the scenes to ensure that these positions do not become law. This interviewee also shared that "I think the thing I worry about most is the next legislative session. Because they are always upping the ante, because it's gotta be performative. It's gotta be." A few interviewees live in states that have grown more politically conservative on cultural issues only in recent years and while they have been working in their current institution.

Several interviewees currently work in, and have had career experiences in, states whose governments have taken more liberal positions on cultural and rights issues. These interviewees also expressed concern about censorship, self-censorship, and new restrictions on academic freedom, but noted that they understood these issues through a combination of news reporting and professional networks rather than through first-hand experience in their own state. They tend to feel some gratitude or relief for the environment in which they live and work, or in some cases they may take it somewhat for granted.

Most interviewees reflected on the impact conservative policies have on censorship and academic freedom, but several took another view. One interviewee described how, at their institution in a liberal state, political

pressure comes "more from the left, where the purity of your leftist beliefs is being tested and judged a lot." Another said that "I see it just about equally on both sides, the polarity extreme. [But] If I expressed a view like this, I would actually be assaulted and attacked on campus."

While the national political context has been one of growing polarization, the interviewees experienced these dynamics in different ways. Many feel that their institutions are the victims of a movement that fundamentally does not believe in education and freedom of expression. Others believe that the library profession has contributed, at least in a small way, to some of the problems it now faces by taking positions and choosing leaders that are unnecessarily divisive.

Talent Management

We framed our interviews by stating that we "want to hear about how things like censorship policies and challenges to academic freedom are impacting you and your staff and services, and how you're navigating them or if you're thinking about how to do so." Most participants noted that these issues have directly impacted their recruitment, retention, or staffing in some way, creating novel challenges in talent management. According to the interviewees, this has forced them to alter their approaches to talent management, in many cases leading to new challenges in how they support library faculty and staff and communicate with them.

Recruitment

Interviewees in states across the political spectrum noted impacts on recruitment. Library leaders at universities in states with liberal legislatures noted that policies in other states have driven a positive trend in recruitment. As one interviewee put it: "We really feel that we're like a sanctuary and it's helping our recruitment." Those we spoke with in states directly or nearly impacted by such policies provided more nuanced, predominantly negative responses. In short: interviewees in states where restrictive policies either nearly passed or were enacted believe that recruitment is being impacted. Their applicant pools are changing, and they have shifted their job advertising and recruitment strategies in response.

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Some interviewees, however, said that their recruitment has not been impacted. This was typified by responses like, "We should be concerned, but we haven't seen many impacts," and "There is also a lot of chatter in news sources about not being able to recruit for some positions. I know that some recruiters have said candidates told them no way, but we're still getting great pools." Others noted that while they have not yet seen impacts on their recruitment, it is happening elsewhere on campus: "Other deans are telling me that they are at the point where faculty are going to sign [employment agreements] and they back out, say I'm gonna pass and go someplace else." Still others noted that while they are finding qualified candidates, their recruitment pool is different and, in many cases, smaller, with one noting that while in previous years they would have expected a national pool, "recruitment has to be from [in-state], basically."

One interviewee noted that they have shifted their recruiting strategy, with the hope of attracting a diverse applicant pool: "We advertised positions in places we did not previously, and we were able to find highly, highly qualified people who were willing to come to [the state]....If our pools are not diverse, I ask that we close it and try again." Another noted that, although they were not currently hindered by legislation restricting how universities engage with diversity, equity, and inclusion, in the wake of the United States Supreme Court's decision on race-based admissions preferences, "we were told we aren't allowed to ask DEI questions in hiring, even though that wasn't what the SCOTUS decision is about." The interviewee found this interaction troubling: "I left that meeting a little more concerned about where [things here] are going."

Many interviewees in states that passed restrictive laws centering on sex, gender, or sexuality noted that the political climate, media coverage, and legislative situation were impacting their ability to recruit staff who identify as LGBTQ+ or have family members who do. One interviewee explained: "We were actively trying to recruit someone in a same sex marriage, and they were very concerned. They were concerned this was just the beginning of something worse and it was not welcoming." Moreover, a few of the library leaders we spoke to mentioned that they had LGBTQ+ family

members who were hesitant to visit them and unwilling to attend the universities they lead.

Interviewees are intimately aware of the barriers to tracking and comprehending how these issues might be impacting recruitment:

> The recruiting questions are really hard. We don't know who didn't apply. We don't know who's not in the pool. It's easier to hire people that are already [in-state]. It's easier to hire people that are already working in the university because they're already adapted to it. It's very hard to bring people from New England or the Midwest. The news makes it seem like that this is all that's happening. Our pools are not as big as we'd like and we're not hearing a lot of people saying they are backing out because of the news here, but we have heard some. There's a lot of anecdotal rumor not backed up by data.

Retention

While interviewees provided a spectrum of responses about how these issues may be impacting recruitment, comments on retention were considerably more clustered. Interviewees from states without restrictive policies did not express any concerns around retention. Most library leaders in states where restrictive policies have been passed or advanced, however, were worried about retaining staff and faculty of color and suggested that retaining LGBTQ+ personnel is or would soon be a challenge. Notably, their concerns around retention were tied to a shift in the workplace climate and a noticeable drop in morale.

One leader noted that concerns about academic freedom and autonomy were energizing faculty, that their "librarians are much more involved, but also looking to leave." Several interviewees shared anecdotal stories about losing staff, faculty, or campus leaders because of the political climate and its impact on the university. For example, one described how a director-level employee with an LGBTQ+ child resigned and decided to leave the state because of fears about a pending state law. Another library leader in a state that had passed legislation that restricted diversity, equity, and inclusion initiatives and spending, but had not yet received guidance on how that legislation would be implemented, highlighted that while stories of individual departures are proliferating, there are no mechanisms in place to capture data about why people are leaving, and lacking the data to make informed decisions, some university administrations are opting to simply wait and see:

Certainly there's a lot of university faculty who are leaving saying we don't want to raise our kids in [this state], it doesn't seem like a huge brain drain but it's impossible to record it, so we don't know. That's one of the reasons that we're being told not to make any changes until we get the regulations.

These sentiments, that staff were leaving to go to states that would be more accepting of their LGBTQ+ family members, came up in a handful of interviews. Additionally, a few library leaders suggested that they would not have accepted their job in the current climate. As one described, "People who might be or have children that are LGBTQ are afraid, people with daughters [are concerned about] reproductive rights. I would not have come to [this state] if the situation had been this way when I came. I would not have considered it." One leader also described how they are concerned about their own job security: "At one point I mentioned to my [partner], you know we have to think about our timeline in case the governor fires me." Another interviewee, however, noted that the political climate was less important to them than the economic one, which they characterized as strong in their state, and that they sought work in states and cities with growing economies and student bodies.

Climate and Morale

Many of the leaders talked about changes to how they support and promote diversity, equity, and inclusion. Some leaders noted that, on their campuses, DEI initiatives and programs are being restructured or dismantled. While some of these changes were in direct response to state mandates, some interviewees suggested that these changes are also happening in states that have not passed restrictive policies. Some institutions have proactively decided to change the way they talk about, serve, and promote diversity, equity, and inclusion by renaming and restructuring programs and initiatives. In some universities this meant a simple change in nomenclature, while in others DEI personnel and programs are being folded into other units—such as human resources, assessment, or institutional research.

Roughly half of the interviewees talked explicitly about a developing and pervasive culture of fear among faculty and staff.

A few interviewees believe that these changes reflect the desire of university leaders to avoid seemingly unproductive conflict with legislators, leaving some university leaders feeling vulnerable. However, other library leaders emphasized that their faculty and staff "are keen to see us continue doing DEI work."

Some library leaders believe that their increasing challenges with talent management and faculty and staff retention are being driven by a growing sense that the university has "abandoned" marginalized groups on campus. According to these interviewees, this is creating a pervasive chilling effect, where faculty and staff are increasingly confused about what they can and cannot do or say and fear legal or employment consequences. Roughly half of the interviewees talked explicitly about a developing and pervasive culture of fear among faculty and staff. As one described, "Faculty are freaked out, to be blunt...there is a culture of fear. There is a sense [that a particularly restrictive policy in the state] hasn't been fought enough... so we're trying to mitigate and to moderate. It's very vague." Another noted that the climate is "taking a slow emotional toll on people," and doing so unevenly across demographics, disproportionately impacting marginalized communities who feel targeted.

Two different library leaders, operating in different states both noted that while Black, Indigenous, and People of Color (BIPOC) on campus are upset, LGBTQ+ people feel particularly threatened and abandoned. One describing how,

> In my observation and discussion with our staff ... communities of color on campus, their response seems to be we're not crazy about changing the name [of DEI related work], but we'll go along with it, especially if it means it will save jobs etc. And the LGBTQ community feels abandoned. And it is a community that doesn't share the same broad protections that other communities have.

And the other noting that

> The LGBT community even more so than the BIPOC community is really frightened. I don't have any reassurances to pass on to them. I find that very hard for me personally. I feel responsible for trying to make them comfortable or alleviate their anxiety, and they are anxious. It's not so much [that they are] anxious about their jobs, although some of them are concerned about public records requests about [their campus activities], but just the environment—they don't feel as safe or as comfortable about where the next upsetting event is going to come from.

While the majority of leaders we spoke to directly addressed the need to reassure, protect, and comfort faculty and staff among the LGBTQ+ and BIPOC communities, they also expressed increasing challenges around workplace dynamics and communication.

Communication Dynamics in the Library

Communications Oversight and Policies

In an increasingly polarized environment, administrators and campus leaders are reconsidering how to regulate, oversee, and provide guidelines around the use of communication platforms in virtual and material library spaces—from bulletin boards and university social media accounts to listservs and Slack channels. We heard several anecdotes from library leaders about how the erosion of dissenting discourse, the emboldening of provocative political actors on campus, and the existence of largely unregulated communication tools are changing the way campus communities communicate.

Based on our interviews, campus administrators and library leaders are under pressure to evaluate and revise or create formal policies around what information can be shared through library communication channels and how library spaces can be used. Leaders are also asking deeper questions about how to best support academic freedom, free and open discourse, and the mental health and safety of their staff and faculty. Bulletin boards can also be a flashpoint as one library leader related, with their organization having to consider what content can and cannot be posted, who is allowed to post materials, what materials and methods may be used to post (i.e. paper stock and size, thumbtacks, staples, sticky tack, tape), who will maintain and moderate use, how campus constituencies will be notified of the formal policy, and what pathways for dispute or dissent need to exist.

Interviewees highlighted ways that both liberal and conservative factions on campus are impacting the way that faculty and staff communicate and feel about one another. One interviewee highlighted how a conservative staff member has felt personally attacked and punished by mandatory DEI training, stating that the individual feels "he is being penalized for his political and religious beliefs. He is not, but he also doesn't believe he is making it a hostile workplace for his colleagues, which he is." The same

interviewee went on to say that "it's a continuum of employee beliefs. We have newer employees that are taking a louder [politically liberal] perspective, and it is bothering other people." A few individuals emphasized that this polarization is pervasive among higher education or society writ large, regardless of one's state politics.

> Leaders are genuinely concerned about the impacts of this polarization on discourse and the threat of violence on campus.

Leaders are genuinely concerned about the impacts of this polarization on discourse and the threat of violence on campus. One interviewee noted how a student had taken to aggressively posting political fliers in the university library and another student angrily tore them down. Some library leaders also made clear the line between posting materials that engage in political discourse—such as fliers—and vandalism or violence: "Speech and being able to enter in that debate—to me, that's different than force. Enter into the arena and the debate with integrity, show your face. [Vandalizing a building with a slur follows a] totalitarian mindset: I must force you to believe what I believe."

Self-Censorship and Chilling Effects

In addition to chronicling tensions around political polarization, some interviewees also highlighted specific concerns that they have about how this climate may be increasing self-censorship and contributing to a chilling effect on campuses. Library leaders were, however, quick to note the complexity of self-censorship as an issue and to highlight how hierarchical power structures, differing values across offices and units, and complex job responsibilities modify and limit how they, and the faculty and staff that they manage, engage with others. That is, self-censorship itself is complex, multivalent, and, to some extent, part of the structure of the university.

Organizational leadership typically requires that library leaders put aside their personal views to some extent in order to serve their university effectively. At some universities and for some library leaders, this feels like self-censorship. In particular, interviewees noted how presidents and communications offices "like to control the narrative" and "universities surveil their employees." A few interviewees noted how social media is

monitored by universities, with one explaining that "the trouble that people have gotten in because of social media is not worth it." Highlighting the complex nature of their role, one interviewee noted that they actively self-censor based on the audience or constituents with whom they are engaging, explaining that "I do censor myself with donors" because in those instances "my job is to get resources." Another interviewee explained that the complex, public facing nature of the role required withholding one's personal beliefs: "I do not represent [the university] libraries, I represent [the university] in all the places that I go. I can share with you in private what my personal views are, but I can't say that in public."

One interviewee highlighted that many administrative roles are "contract roles where you serve at the pleasure of the president, so there are limits to academic freedom," and went on to explain that the role of library leadership is largely to leave "the conversation open to different perspectives." In the face of increasing polarization, avenues for dialogue between those with different perspectives are eroding, and concerns about institutional retribution for personal political speech are intensifying. As the interviewee explained: "there are some people that want to go out and protest [newly enacted restrictive policies] and if we did that, we could lose our president and our provost, and if we did that somebody could be put in place that would change the work that we're doing in a real way."

Many interviewees described new and emergent censorship and self-censorship concerns, especially in places where legislative policy or university policy is changing. One library leader noted that, "There's been no explicit threats or changes, but a lot of implicit questioning that causes a chilling effect." Library leaders highlighted how the vague and confusing wording of a new policy can contribute to a chilling effect, with a couple of interviewees speculating that this effect seemed to be the purpose of the policies themselves. One interviewee, describing the text of a new policy restricting the way colleges and universities can engage in the work of diversity, equity, and inclusion, noted "It's so vaguely worded that I really don't know how else to interpret it other than an intentional chilling effect that they are producing through the legislation."

Several library leaders went on to speculate that, as a direct result of legislative or university policy changes, increasing uncertainty and fear among faculty and staff has been driving self-censorship. Some interviewees noted that faculty and staff have changed how they work and

communicate. For example, interviewees expressed concerns over "soft censorship," and its impact on librarians doing DEI related work, such as developing anti-racist reading lists or doing reparative description work to make archives and collections catalogs more inclusive. A few interviewees noted their faculty and staff's concerns that Freedom of Information Act requests might be used to identify individuals working on sensitive issues.

At the same time, one interviewee described how, even without a direct state legislative or a university-level policy mandate, the faculty union at their university has warned members "not to educate students on how to get absentee ballots" as part of ongoing education on voting and voter registration. "They are afraid we'll be seen as political agents, trying to get them to vote for liberal candidates," said the interviewee; "it's definitely on the minds of faculty members and they're stopping and looking in the proverbial mirror and asking themselves, is there anything I might do that will put me in danger?"

One library leader also emphasized how the changing climate on their campus is altering university spending. This interviewee explained they felt an increasing need to scrutinize how and when campus leadership funds are used to promote speakers and events on campus, noting that one campus leader had recently "decided to contribute funding to a very controversial speaker who holds anti-LGBTQ stances," because this leader "felt they needed to fund this talk for viewpoint diversity." The interviewee went on to explain that they took a different approach and have stopped offering financial sponsorship to almost all campus engagements, stating: "I've chosen not to sponsor anything anymore. Any student group, scholarly group, any speaker coming to campus, I used to be pretty generous," but "I just feel like I can't sponsor anyone, I can't get caught up in the 'viewpoint diversity.'"

A few library leaders believe that the vagueness of some policies and the instructional carve-outs leave their staff free to continue doing their work:

> These things that we're being told are very broad. These are up for interpretation, and we need to figure out a way to do that. Some people saw them as so broad they were censoring. I saw them as so broad that we could interpret them to continue to do our work.

Further, some interviewees noted that many of the restrictive policies enacted by state legislatures do not deeply or directly censor library instruction, programming, or collections.

Content and Collections

All the library leaders we spoke to made it clear that the content and collections in their libraries were not being censored by state or university policies. This is an essential finding of the project and also a baseline for future research. However, several emphasized that indirect pressures from policy and politics are affecting their collecting practices.

Book challenges and similar collections inquiries are not new for most library leaders we interviewed. About half noted that they had received book challenges or collections inquiries in their career. Leaders also experienced inquiries and challenges in a variety of different university, state, and political configurations. Indeed, one individual operating in a state with liberal leadership highlighted donor concerns that the university might "weed or remove from [their] active collections things that would be deemed quite offensive," to which they emphasized their "responsibility to represent different thoughts and perspectives on issues" and confirmed, as the donor hoped, they would not be weeding or restricting offensive items.

Many interviewees consider book challenges and similar collections inquiries to be a routine part of their work. They were comfortable discussing their processes for addressing such inquiries as well as the proactive efforts they are making to prepare for growing scrutiny. Some noted that academic freedom policies play an important role in resisting content challenges, regardless of the challenger's political alignment, with one interviewee noting that it is "easy to say we're equal opportunity offenders" and another noting that they "just point to our academic freedom policies," that they don't even worry about book challenges "because it is so minor."

A few interviewees did, however, discuss how content challenges and collections inquiries are being lodged differently than in the past. One described how they "received an open [records] request for our entire catalog with metadata," and further explained that this type of request has increasingly been made of "a school library or a public library," where a complete catalog might be easily gathered, compiled, and downloaded. The interviewee explained that, at the academic research library, such a request is simply untenable: "we don't have a thousand books in our library, we have eleven million."

A couple of interviewees connected the increased polarization on campuses to expanding threats to academic freedom, which could threaten the university library and research itself. One interviewee noted that "people feel more empowered because they feel they have the right to challenge these things" and "everyone believes they are an expert on these things now." As a result, they suggested, "the violations of academic freedom in public libraries" might "pollute the research university" and "create a chilling effect that stifles discovery, exploration, ingenuity." Another library leader offered a more concrete example of how the campus climate is impacting their own collections practices. When a significant number of books in their collection, including books on LGBTQ+ and gender and women's studies, were damaged, they felt both duty bound to replace the books, and politically pressured to obscure that fact:

> I very quietly, not in writing, said replace these books. We needed to do that before [state or university leadership] did anything [to restrict it]. And it does not feel good that you have to do that. The fewer people that knew the better, because if the wrong people found out we might be told not to do that. Have we been told that? No. But we might be. It's here though, it's every day, it's pervasive.

Leaders expressed two other ways that polarization has altered collections on their campuses. One interviewee explained that "whenever the state legislature is upset about something" their "collections staff buys the hell out of that subject." In this way, at some universities, political tension and outrage may be fueling the collection of politically divisive or threatened topics. Another leader mentioned discovering that selectors in their library had for some time declined to collect books authored by the state's Republican political leadership. This leader was concerned that the imbalance in this approach created an inadequate representation of the state's politics. In response, they mandated that their librarians "approach collecting in a fair and balanced way" and ensure that they "collect publications like books by our governor, surgeon general, etc." This strategy, they say, is motivated both by the knowledge that "there are people on campus who will want to read those publications," and that they are "guarding against an attack from the right, who may at some point accuse us of not collecting broadly."

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Leadership and Politics

The leaders of academic research libraries we interviewed emphasized how they must answer to disparate stakeholders with different and sometimes conflicting values. These leaders are caught between the complex interplay of state funding and governance, private philanthropic donations, partner organizations and companies, and the very different stakeholders that serve and use the library space. Moreover, the important role of state funding and/or state governance of public universities means that campus leaders—including library directors—must function within the political sphere.

Some library leaders took great pains to highlight the complex and entangled pressures that their position entails, as they must serve, support, and answer to a host of different constituencies with different politics, values, and concerns:

> You have these constituencies, the legislative leaders at public universities who control the purse strings… you have your alumni, including the alumni that give you money, and then you have your students and your staff. In our case the legislators are conservative, the alumni are more balanced, but then the staff and faculty lean more liberal.

A handful of library leaders emphasized that state funding and/or existing state institutional governance models mean that the university is necessarily beholden to politicians in state government and that comes "with strings attached and [in some cases] a lot of micromanagement." A few interviewees emphasized that this dynamic has two major impacts: it means that campus leadership at the highest level does not have any academic freedom protections and they serve at the will of state politicians, and, as a result, presidents and campus leaders do "not want to be too critical of [state politicians] because they're worried about cuts" to university funding.

A handful of interviewees noted that improving the political knowledge and efficacy of campus, and especially library, leaders will be crucial to the survival of higher education. "We need people to get more attuned to how the political process works," said one interviewee; "The lack of libraries and deans being politically savvy is killing our profession. We are playing the game from the heart instead of playing politics and that's killing us."

The importance of closed-door conversations with influential business leaders or state politicians as part of leading and governing on campus was further highlighted by a few library leaders. This "backchanneling" as one interviewee called, was typified by a few different interviewees as conversations "behind the scenes" or over "lunches and dinners," and portrayed as a key part of responsibly and effectively leading a campus. This is something a few of the leaders we spoke with emphasize librarians need more professional development in, as it is key to relationships with both the state politicians who partially govern the university and the donors who supplement its funding.

Many library leaders emphasized how political complexities of campus leadership meant that official leadership strategies largely consist of complying, having patience, and "continuing to do what we do," especially in those places where restrictive policies have been adopted or advanced. A couple of interviewees noted that official strategies of "silence" were explicit among leadership. In many places, there is a powerful urge to "stay under the radar."

Despite this, two library leaders offered specific interventions. One noted that their campus leaders were "walking that middle ground," and "not being defiant, but reasonably disagreeing," educating state politicians and influential leaders, and "hoping that the reasonable people will see this and do something more reasonable," but that they are careful not to "provoke the bully" of state leadership. Another interviewee working in a state with liberal political leadership argued that it is the duty of library leaders "to use [their] speech to push back, even if it's risky... what is leadership, unless you are willing to be brave in the perilous moments?"

Looking Ahead

We spoke with our interviewees about the future—what they need in support and what they anticipate they can do in order to advance their organizational objectives. Given increasing public distrust in higher education, rising legislative scrutiny from both sides of the political aisle, and the ongoing policy efforts to reshape academic freedom and autonomy, the future is also complicated, and leadership qualities for this

environment are particularly important.[14]

Library Organizations

Many individual librarians, and even more so library leaders, work cross-institutionally through a variety of professional and advocacy organizations, which play a particularly important role in public policy and advocacy. Leaders regularly convene through these organizations, as well as through consortia. We therefore spoke with each interviewee about the role of these kinds of professional and advocacy organizations.

One common thread was the value of private strategic analysis and a private peer group of leaders who are experiencing similar challenges—for example, peers from public universities that face similarly activist culturally conservative state governments. As one interviewee put it, these types of engagements supported "smart assessments and framing the conversation, rooted in a real thoughtful assessment...that can help us practice better." Conversely, interviewees noted how unhelpful it can be to engage in dialogue with peers who don't have a firsthand understanding of the situation they face: "we don't want to be pitied... So whenever I hear people say, 'Well how can I help?' I think, have you looked in your own backyard? Because this is everywhere. So how people help is important. [It's important to us that] we're not just looking at you poor people in the South."

Another common thread among library leaders, especially those in states with restrictive policies, was an extreme distaste for organizations making public statements on political positions or controversial issues, whether on behalf of the organization or among its elected leadership. Most interviewees felt, as one put it colorfully, these "would be throwing a gauntlet down in front of the governor" and other state political leaders. This interviewee advised library organizations, "don't throw gasoline on our fire. [Our conservative political leaders] would love it, an outside

organization saying how [the state] should run things... I think they can help but they can also put us at risk." Another said, "Super inflammatory statements...not super helpful." Another said, "We do not want to make ourselves a target. We do not want the government or the legislature to start looking at research libraries." Or as another described, "You're sort of afraid of...the consequences of any help that's too explicit. You don't want the help that will cause problems." However, interviewees did highlight that national associations can be quite helpful when they provide clarity about standard library policies and practices, "to be able to turn around and point and say 'Look..., most university libraries operate this way.' So, to have...a reference point to say, 'We need to do our business this way.'"

Some interviewees saw opportunities for library organizations to offer programs and training that they uniquely can provide. In some cases, this is because they can stay ahead of the curve on subject matters like artificial intelligence and misinformation, topics that everyone across the political spectrum can agree are important. In other cases, their unique proposition is that fees for workshops that would otherwise be scrutinized as politically controversial can be buried in an anodyne membership bundle. One interviewee wished that library leadership development included more training in navigating state politics both as a leader within the university and as the leader of the library.

Defending and Supporting Academic Freedom

All of the interviewees agreed at the most basic level that their goal is to defend and support the academic freedom necessary for fearless development of research collections and programs. As one put it vividly, "The banner in front of my ideal library would be: if you can't find anything offensive in my library, let me know."

As leaders, they see a variety of opportunities and mechanisms for pursuing this direction and note that shifting climates and landscapes will necessitate revised approaches to support academic freedom. As one told us: "I think we're all gonna have to get a lot more clever." Another shared with us an example of reframing a program about supporting banned books—which would set up a controversy with those who are indeed seeking to ban books—into an opportunity to support critical engagement with the literature.

Almost all interviewees expect to have to navigate political issues on their campus and within their libraries with growing sophistication. Some interviewees emphasized that they need to be able to alter their messaging for different groups like employees, campus leaders, and legislators ("know your audience," as one put it). Sometimes interviewees characterized the issue as being about balancing between different forces, for example providing space so that library employees "understand that they can protest [...] but I need to be able to work with leadership on campus" so may not simply echo their views upwards and outwards. In other cases, it is about threading the needle between what is done inside their library in establishing priorities and supporting staff—and what they choose to speak about and celebrate to their campus constituencies beyond the library.

Conversely, other leaders emphasized the importance of visibly doing difficult, politically charged work. One interviewee noted, "The work that has to be done is not pleasant work, but those of us getting the salaries and the prestige that we're getting … that's for you to fight for their values." Similarly, one said, "We are not complacent…. I'm trying to ally with other people about this." And some are grounding their leadership in their own personal ethics and values: "Totalitarian and authoritarian movements are expanding, and they want to attack our institutions and our professional ethics. And the more we don't push back, the more they know they can go next. Audre Lorde said your silence will not protect you."

To be sure, leaders are human, and several are clearly exhausted. Some expressed the importance of acknowledging their own humanity and in some cases making emotional space for their work. Others reflected on the challenges they will face: "we need to push back, to stand up. And at the same time we have to let people know we feel how they feel." Even where leaders cannot solve problems, the interviewees felt there are other paths to lead.

At the same time, some returned to the mission of the research library and in particular the preservation imperative that it supports. They are no longer certain of their ability to collect and maintain and preserve collections freely. Indeed, we heard from several interviewees about the potential impermanence of current structures and policies. These leaders are beginning to consider their implications for preservation and access in the broadest sense. One interviewee shared that they are thinking about failover options should collections be challenged. In some cases, they are

developing partnerships with other institutions and establishing a chain of custody (which could even be referenced in deeds of gift) to allow collections to move to a different institution should it become impossible for their library to maintain them. This approach builds on some of the inter-institutional considerations that have been developed in the digital preservation sector, recognizing that as a network, libraries can provide stronger guarantees of preservation and access than might be possible if each operates entirely independently.

In the end, library leaders recognize that they are not independently facing these issues but are deeply tied up in the fate of their higher education institution and therefore need to find ways to support it strategically.

Some expressed that their role must be to advocate for their organizations within the context of the political reality. Some therefore advise library employees, "Don't look to me to be the person that solves this, look to yourself." Another said that "Individual activity at the individual level will be the thing to turn the tide." In other words, these leaders advise their employees to channel political activism through individual political activity beyond the workplace, where they believe it can be most impactful, in the electoral landscape.

In the end, library leaders recognize that they are not independently facing these issues but are deeply tied up in the fate of their higher education institution and therefore need to find ways to support it strategically. Several interviewees spoke eloquently as leaders of their universities, recognizing the complex balance needed to support its best interests (not just those of the library). Taking such a perspective, some leaders also lift up beyond their institution. As one put it, "we want to look for ways to strengthen faith in higher education."

Appendix: Interview Guide

Academic Freedom and Censorship: Library Director Interview Guide

Demographic Information

[To be filled out prior to interview]

University or College Carnegie Classification:

State(s) of operation:

Relevant laws or policies:

Noteworthy news or events:

Introduction

[Greetings and welcome. Get all parties acquainted.]

Background:

Thank you for taking the time to chat with us today. I'd like to start by giving you a clear sense of what we're hoping to talk about, why, and what we plan to do with the information. For several years, Ithaka S+R has been researching censorship and academic freedom issues in the context of higher education in prison. Given the political environment today, we think it is important to examine how similar types of issues could be developing in the context of research libraries as well. We're interested in anything that limits your ability to provide the collections, programs, and services that library professionals believe is appropriate and needed for the research and instructional needs of your institution, whether these limits arise from government action or other forms of pressure or influence you may face.

We're here today because we want to hear about how things like censorship policies and challenges to academic freedom are impacting you and your staff and services, and how you're navigating them or if you're thinking about how to do so. We're conducting roughly 15 interviews with research library leaders on these questions. We will both

be taking notes and later will code these notes from all our interviews for key themes, disidentify them, and write a report analyzing our findings that is completely anonymized. At that point, we will delete the interview notes before publication. Our goal is to encourage as much candor as possible on these complicated issues.

Do you have any questions before we get started?

Interview Questions

1. Interviewer 1: Let's begin not with your current role but thinking back to previous institutions you've been affiliated with. Have you encountered any instances of censorship, broadly defined, facing the academic library in any of your previous roles?

2. Interviewer 2: How would you describe the political dynamics on the ground in _____ [state]?

3. Interviewer 1: And so at _____ [name of current institution], what is the political or campus climate around these issues? What is the institutional buzz or what dynamics are emerging?

4. Interviewer 2: How are staff responding to these issues? Is there activism from them that puts pressure on you?

5. Interviewer 1: What kinds of positions are university leadership taking? Does that put pressure on you?

6. Interviewer 2: At present, are these issues impacting your staffing, your services, or your collections?

7. Interviewer 1: What kind of support or assistance do you want from national advocates, membership or peer organizations, and peer institutions? What kind of help or assistance do you plan to provide them?