

**Scholars Under Fire: 2021 Year in Review**

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## Executive Summary

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Over the past seven years, **537 incidents** targeting a scholar for some form of professional sanction over constitutionally protected speech have occurred.<sup>1</sup> Almost two-thirds of these targeting incidents have resulted in a sanction, and just over one-fifth have resulted in a scholar's termination. Our [initial report](#) covered targeting incidents from 2015-20, with minimal discussion of the targeting incidents which occurred in 2021. This report primarily focuses on the targeting incidents that occurred in 2021. Key findings include:

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<sup>1</sup>This includes 15 incidents we have documented in 2022 as of February 9, 2022.

- In 2021, 111 scholars were subjected to a targeting incident.
- Scholars were most often targeted for expressing a personal view or opinion on a controversial social issue (65 incidents; 59%).
- Over one-third of targeting incidents occurred because of a scholar’s scientific inquiry (20 incidents; 18%) or teaching practices (27 incidents; 24%).
- Almost half of scholars were targeted for expression regarding race or racial issues (54 incidents; 49%).
- Scholars were also likely to be targeted for their expression on hot-button issues such as partisanship (28 incidents; 25%) or gender (26 incidents; 23%), or for their views on institutional policy (28 incidents; 25%).
- Targeting incidents occurred most often in the disciplines of law (12 incidents), English (12 incidents), political science (11 incidents), and medicine (9 incidents).
- More than 60% of targeting incidents resulted in some form of sanction being leveled against the scholar, including 28 investigations, 18 suspensions, and 14 terminations.
- Almost two-thirds of the incidents (76 incidents; 68%) came from individuals and groups to the political left of the scholar, compared to less than one-third (33 incidents; 30%) that came from the right of the scholar.
- Although more male than female scholars were targeted, 75% of targeted female scholars were sanctioned, whereas 57% of targeted male scholars were sanctioned. A similar pattern was evident when comparing white scholars, who were targeted more often, to nonwhite scholars, who were more likely to be sanctioned.

## About Us

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The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending and sustaining the individual rights of students and faculty members at America's colleges and universities. These rights include freedom of speech, freedom of association, due process, legal equality, religious liberty, and sanctity of conscience — the essential qualities of liberty.

For more information, visit [thefire.org](https://thefire.org) or FIRE's Twitter account, [@TheFIREorg](https://twitter.com/TheFIREorg).

## Acknowledgements

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Robert Shibley,  
Executive Director, FIRE

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## Methodology

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FIRE researched targeting incidents involving scholars at public and private American institutions of higher education, including both community colleges and four-year institutions, from 2015-21. Not all demands for professional sanction result in the scholar being penalized. In the database, we include all incidents in which scholars were targeted, regardless of the outcomes. From 2015-21 we documented a total of 537 targeting incidents and almost two-thirds of them (345 in 537 incidents; 64%) resulted in some form of sanction. Below, we define who counts as a scholar and what counts as a targeting incident.

For a full description of the methodology please see our initial report: [\*Scholars Under Fire: The Targeting of Scholars for Ideological Reasons From 2015 to Present\*](#).



## **Who Is a Scholar?**

A scholar is any individual who engages in acts of scholarship within the academic domain and has an official affiliation with a college or university. Scholars include those who teach at a college or university, conduct research and submit their findings to the peer-review process, and/or discuss peer-reviewed scholarship at professional academic events (e.g., conferences, panel discussions).

Based on this definition, for the purposes of this research, scholars include: professors (assistant, associate, full, emeritus); lecturers (adjunct, clinical, instructor); postdoctoral researchers, research fellows, or scholars at universities or university-affiliated research centers (e.g., Princeton University's Center for Human Values, Stanford University's Hoover Institution); attending physicians (medical doctors working in university settings), graduate students (master's, doctoral, law); and medical trainees (medical students, residents, fellows).

We exclude deans and other administrators who have never held a faculty position, as well as researchers who work for non-university-affiliated organizations.

## **What Is a Targeting Incident?**

We define a targeting incident as a campus controversy involving efforts to investigate, penalize, or otherwise professionally sanction a scholar for engaging in constitutionally protected forms of speech. Targeting also includes cases in which the speech may have been unprotected because a school is not bound by the First Amendment, but the school's actions violate its own explicit promises. Our definition of a targeting incident does not include instances in which the scholar is subjected to harassment or other forms of intimidation, but does not face an attempt at being professionally penalized or sanctioned. Nor does it include cases in which an individual or group expresses opposition to a scholar's speech, but does not make any demands that the scholar and/or institution take action to remedy the situation.

## Overview

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In a previous report we documented how, since 2015, scholars have been investigated for pedagogical decisions; faced calls to have their peer-reviewed research retracted; been targeted for sanction because of their political views; and been the subject of petitions with more than 10,000 signatories which demand some kind of administrative condemnation of their off-campus speech.<sup>2</sup> That report primarily focuses on a span of six years from 2015-20.

This report contains two sections. The first documents the “best and worst” of 2021 by identifying 10 of the worst targeting incidents, as well as the most egregious and the most laudable responses by university administrators. We then explore the 2021 data in more detail, focusing on why scholars were targeted, the frequency of the different outcomes that occurred, and how the 2021 data helps inform our understanding of longer term trends in targeting incidents since 2015.

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<sup>2</sup> German, K.T. & Stevens, S.T. (2021). Scholars under fire: The targeting of scholars for constitutionally protected speech from 2015 to present. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/research/publications/miscellaneous-publications/scholars-under-fire/>.

## The Best and Worst of 2021

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A handful of the **111 targeting incidents** scholars faced in 2021 were particularly notable. These include the halting of a research project on political tolerance,<sup>3</sup> numerous controversies about race,<sup>4</sup> administrative censorship of multiple professors during legal proceedings,<sup>5</sup> the cancellation of a prestigious guest lecture on geophysics because the invited speaker wrote an op-ed critical of diversity, equity, and inclusion (DEI) efforts,<sup>6</sup> and the termination of a tenured professor who criticized their university for not doing enough to promote diversity, equity, and inclusion.<sup>7</sup> In this section we first identify 10 of the worst targeting incidents of 2021. Then we identify three of the most egregious institutional responses to these 10 targeting incidents. This section concludes by identifying three of the most laudable institutional responses where the college or university not only refrained from sanctioning the targeted scholar, but actively defended their academic freedom or freedom of speech.

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<sup>3</sup>Terr, A. (July 20, 2021). FIRE calls on Bridgewater State University to uphold academic freedom by rejecting proposed changes to research-approval body. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/fire-calls-on-bridgewater-state-university-to-uphold-academic-freedom-by-rejecting-proposed-changes-to-research-approval-body/>.

<sup>4</sup>Shibley, R. (March 18, 2021). One Georgetown Law professor fired, one resigns after conversation about black students' academic performance accidentally recorded. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/one-georgetown-law-professor-fired-one-resigns-after-conversation-about-black-students-academic-performance-accidentally-recorded/>; Bleisch, J. (November 22, 2021). University of Illinois Chicago reneges on agreement with law professor Jason Kilborn. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/university-of-illinois-at-chicago-reneges-on-agreement-with-law-professor-jason-kilborn/>.

<sup>5</sup>Howell, J. (November 1, 2021). In letter to University of Florida, FIRE demands university rescind controversial decision banning professors' voting rights testimony. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/in-letter-to-university-of-florida-fire-demands-university-rescind-controversial-decision-banning-professors-voting-rights-testimony/>.

<sup>6</sup>Morey, A. (October 6, 2021). The threat of campus orthodoxy has been looming. Dorian Abbot's MIT disinvitation suggests it's arrived. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/the-threat-of-campus-orthodoxy-has-been-looming-dorian-abbots-mit-disinvitation-suggests-its-arrived/>.

<sup>7</sup>Piro, G. (July 9, 2021). Professor files lawsuit alleging university fired him for criticizing diversity policies. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/professor-files-lawsuit-alleging-university-fired-him-for-criticizing-diversity-policies/>.

## 10 Worst Targeting Incidents of 2021

In this section, we begin by identifying 10 incidents when scholars were targeted for being critical of institutional policy, or for expression that involved scientific inquiry, pedagogy, or pro bono work. In some of these cases the “offensive” content was not intended to be seen or heard publicly. Regardless of the context of expression, in each incident the targeted scholar or scholars expressed something considered unacceptable, or perhaps even heretical, to those who targeted them for sanction.

The institutions represented in these 10 incidents include four “red light” schools (Fordham; Georgetown; Harvard; University of Illinois, Chicago) and four “yellow light” schools (Bridgewater State, Massachusetts Institute of Technology, University of Michigan, University of Rhode Island). Just one “green light” school made the list (University of Florida); This incident involved administrative censorship of scholars and was not instigated by outcry from students and/or other scholars. Finally, one school on the list (Linfield University) has not received a FIRE speech code rating.<sup>8</sup> The table below lists each of these incidents and provides a brief synopsis of each one:

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<sup>8</sup>FIRE rates the written policies governing student speech at 481 institutions of higher education in the United States. Three substantive “Spotlight” ratings are possible: Red, Yellow, or Green. A rating of Red indicates that the institution has at least one policy that both clearly and substantially restricts freedom of speech. Colleges with Yellow ratings have policies that restrict a more limited amount of protected expression or, by virtue of their vague wording, could too easily be used to restrict protected expression. The policies of an institution with a Green rating do not seriously threaten speech, although this rating does not indicate whether a college actively supports free expression. A fourth rating, Warning, is assigned to a private college or university when its policies clearly and consistently state that it prioritizes other values over a commitment to freedom of speech. See: FIRE (2021). Spotlight on speech codes 2022. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/resources/spotlight/reports/spotlight-on-speech-codes-2022/>.

<b>University</b>	<b>Scholar(s)</b>	<b>Synopsis of Event(s)</b>
<a href="#">Bridgewater State University</a>	<a href="#">Elizabeth Spievak</a>	Spievak was forced to terminate a study on clashing political views following student complaints over the inclusion of a vignette that described a hypothetical speaker who describes Black Lives Matter as a “wild beast preying on your local community.”
<a href="#">Fordham University</a>	<a href="#">Christopher Trogan</a>	Trogan was terminated by Fordham University after he accidentally confused the names of two black students in class.
<a href="#">Georgetown University</a>	<a href="#">Sandra Sellers</a> and <a href="#">David Batson</a>	Sellers was terminated over a viral video in which she was unknowingly recorded commiserating with her colleague, Batson, about the relatively poor performance of black students in her class. Batson later resigned amid backlash.
<a href="#">Harvard University</a>	<a href="#">Kit Parker</a>	Parker’s course, Counter Criminal Continuum Policing, was canceled following student backlash over the controversial policing technique.
<a href="#">Linfield University</a>	<a href="#">Daniel Pollack-Pelzner</a>	Pollack-Pelzner was terminated after criticizing the university’s handling of sexual abuse scandals and claiming that the university president and chair of its board of trustees made anti-Semitic comments.
<a href="#">Massachusetts Institute of Technology</a>	<a href="#">Dorian Abbot</a>	Abbot’s rescheduled 2020 Carlson Lecture, titled “Climate and the Potential for Life on Other Planets,” was canceled to “avoid controversy” over his recent op-ed criticizing diversity, equity, and inclusion efforts.
<a href="#">University of Florida*</a>	<a href="#">Sharon Austin</a> , <a href="#">Michael McDonald</a> , and <a href="#">Daniel Smith</a>  <a href="#">Jeffrey Goldhagen</a>	Austin, McDonald, and Smith were barred from assisting plaintiffs in a lawsuit to overturn the state’s new law regarding voting by the university administration.  Goldhagen was forbidden by the university administration from providing pro bono expert witness testimony in a lawsuit challenging the governor’s ban on school mask mandates.
<a href="#">University of Illinois, Chicago</a>	<a href="#">Jason Kilborn</a>	Kilborn was suspended after a student complaint about an exam question that presented expurgated racial and misogynistic slurs.
<a href="#">University of Michigan</a>	<a href="#">Bright Sheng</a>	Sheng resigned from teaching amid student backlash over showing the 1965 film version of “Othello,” in which a white actor appears in blackface. He was subsequently reinstated.
<a href="#">University of Rhode Island</a>	<a href="#">Louis Kwame Fosu</a>	Fosu was suspended and later terminated after criticizing the university’s success at promoting diversity, equity, and inclusion, and saying that the university practiced “de facto Jim Crow racism” in its hiring and promotion. Fosu was subsequently reinstated.

\* = These are two separate targeting incidents, but both involve administrative censorship of faculty participation in legal proceedings.

## Most Egregious Institutional Responses

Here we identify three of the 10 worst incidents where university administrators faced a conundrum: protect a targeted scholar’s academic freedom and/or free speech, or give in to mob-like demands to penalize them. Two of these incidents occurred at red light schools (Georgetown; University of Illinois, Chicago) and the third occurred at a yellow light school (Bridgewater State). All three of these institutions unfortunately chose to penalize the scholar, and in doing so have risked chilling other scholars’ expression on their campuses:<sup>9</sup>

University	Scholar(s)	University Response
<a href="#">Bridgewater State University</a>	<a href="#">Elizabeth Spievak</a>	University President Frederick W. Clark and Provost Dr. Karim Ismaili issued a <a href="#">statement</a> saying that the university “firmly stands” with the Black Lives Matter movement and is “deeply sorry for the pain and harm this has caused our students and other members of our community.” They also explained, “Both the researchers and the university strongly condemn the viewpoint articulated through the hypothetical vignette.”
<a href="#">Georgetown University</a>	<a href="#">Sandra Sellers</a> and <a href="#">David Batson</a>	Bill Treanor, Dean of the Georgetown University Law Center, issued <a href="#">a series of statements</a> condemning Sellers and Batson, then pledged his commitment to DEI.
<a href="#">University of Illinois, Chicago</a>	<a href="#">Jason Kilborn</a>	The law school issued a <a href="#">statement</a> explaining that “faculty should avoid language that could cause hurt and distress to students” and that it is “working with UIC’s Office for Access and Equity to conduct a thorough review” of Kilborn’s exam question that presented expurgated racial and misogynistic slurs.

<sup>9</sup>Hudson, D. L. (February 15, 2017). Chilling Effect Overview. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/chilling-effect/>.

## Most Laudable Institutional Responses

In contrast to the three previous institutions, here we identify university administrators who chose to defend their scholars’ academic freedom and/or free speech, thereby exposing themselves to temporary blowback. Two of these institutions are green light schools (University of North Carolina, University of Virginia) and the other is a yellow light school (Syracuse University). Hopefully these clear actions in defense of academic freedom and free speech discourage future targeting attempts on their campuses:

University	Scholar(s)	University Response
<a href="#">Syracuse University</a>	<a href="#">Jenn Jackson</a>	Chancellor Kent Syverud and Dean David Van Slyke addressed the matter in a <a href="#">joint statement</a> to students, faculty, and staff, saying that Jackson would not be disciplined for controversial social media posts made on the 20th anniversary of the September 11 terrorist attacks.
<a href="#">University of North Carolina, Chapel Hill</a>	<a href="#">Kylie Broderick</a>	UNC Chancellor Kevin Guskiewicz wrote a <a href="#">letter</a> to the nonprofit Voice for Israel at North Carolina to explain its commitment to respecting “the First Amendment, academic freedom, and the free exchange of ideas.”
<a href="#">University of Virginia</a>	<a href="#">Larry Sabato</a>	A university spokesperson <a href="#">told</a> The Washington Times that “free expression and exchange of ideas is a core value” of the school and that “there is nothing in our Code of Conduct that limits University employees from engaging in expression that is protected under the First Amendment.”

## Key Findings

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We now turn to a more quantitatively descriptive analysis of the targeting incidents we documented in 2021. In this section we will explore what factors made it more likely for a scholar to be targeted in 2021, and what outcomes occurred in response to these attempts. We then conclude by placing these findings from 2021 alongside those we previously recorded from 2015-20 to document emerging trends in the suppression of scholars' expression.



## Why Were Scholars Targeted?

Scholars have many reasons for expressing their views and many forums in which to express them. For instance, they may cover a topic in a course, offer a hypothesis about a phenomenon based on their area of expertise, or express their views — political or otherwise — as a private citizen in public, on social media, or in an opinion piece. For instance, [Sally Satel](#) — a psychiatrist at Yale University — was targeted for sanction by Yale psychiatry residents. Why? Because she presented research concluding that although socioeconomic status, geographic location, and race *all* have an impact on health disparities, socioeconomic status and geographic location have a *greater* impact than an individual's race.<sup>10</sup> In academia, when individuals disagree with a scholar's research conclusions, the appropriate response is to critique the methodology or the data analysis decisions, and/or collect one's own data on the topic; it is *not* appropriate to call into question the scholar's academic affiliation with their university, as doing so represents nothing more than an ad hominem attack.

Another notable targeting incident from 2021 involved University of Illinois, Chicago law professor Jason Kilborn. On a final exam in his Civil Procedure course Kilborn described a hypothetical employment discrimination scenario, which presented expurgated racial and misogynistic slurs:

Employer's lawyer traveled to meet the manager, who stated that she quit her job at Employer after she attended a meeting in which other managers expressed their anger at Plaintiff, calling her a "n\_\_\_\_" and "b\_\_\_\_" (profane expressions for African Americans and women) and vowed to get rid of her.

Despite the fact that he did not use the actual slurs in the example, law students called for him to be sanctioned and his university opened an investigation.

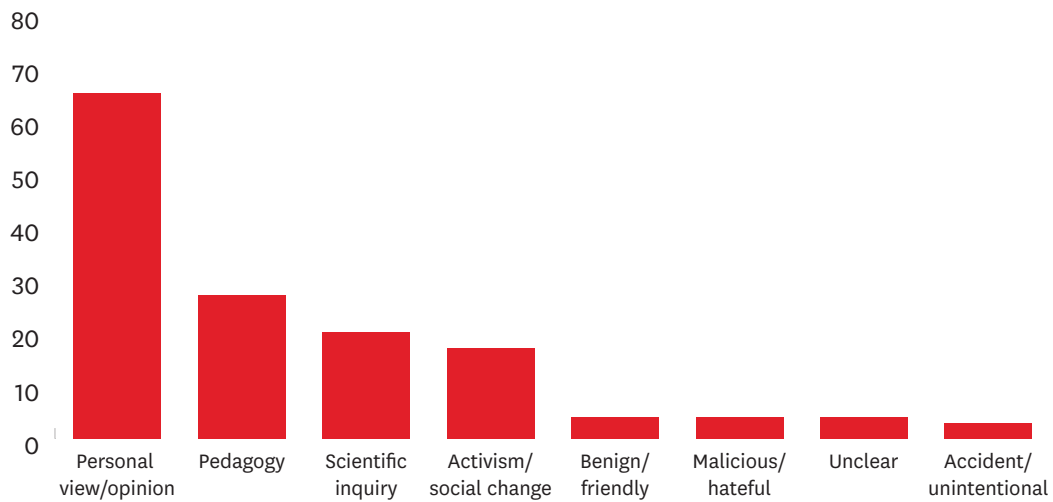
Whether it is appropriate to present the terms — even in their censored state — can be debated. What is not up for debate, however, is the fact that this hypothetical scenario is something a lawyer could easily encounter while working on an employment discrimination lawsuit.

Overall, roughly three in five of the incidents in 2021 (65 in 111 incidents; 59%) involved scholars targeted for expressing a personal view or opinion on a controversial social issue. Although this finding is concerning, we find it even more alarming that almost a quarter involved a scholar's teaching practices (27 incidents; 24%), and almost a fifth occurred because of a scholar's scientific inquiry (20 incidents; 18%). In these incidents, scholars — like Satel and Kilborn — discussed scholarship, conducted research, and/or offered testable hypotheses, or presented sensitive, controversial, and/or difficult content for purposes of encouraging discussion and learning. Such targetings undermine the primary function of academic freedom: ensuring the furtherance of knowledge in American institutions of higher education.

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<sup>10</sup>Satel, S. (January 8, 2021). "My Year Abroad: Ironton, Ohio and Lessons from the Opioid Crisis." *Yale School of Medicine*. Available online: <https://medicine.yale.edu/psychiatry/education/grand/2021/0108/>.

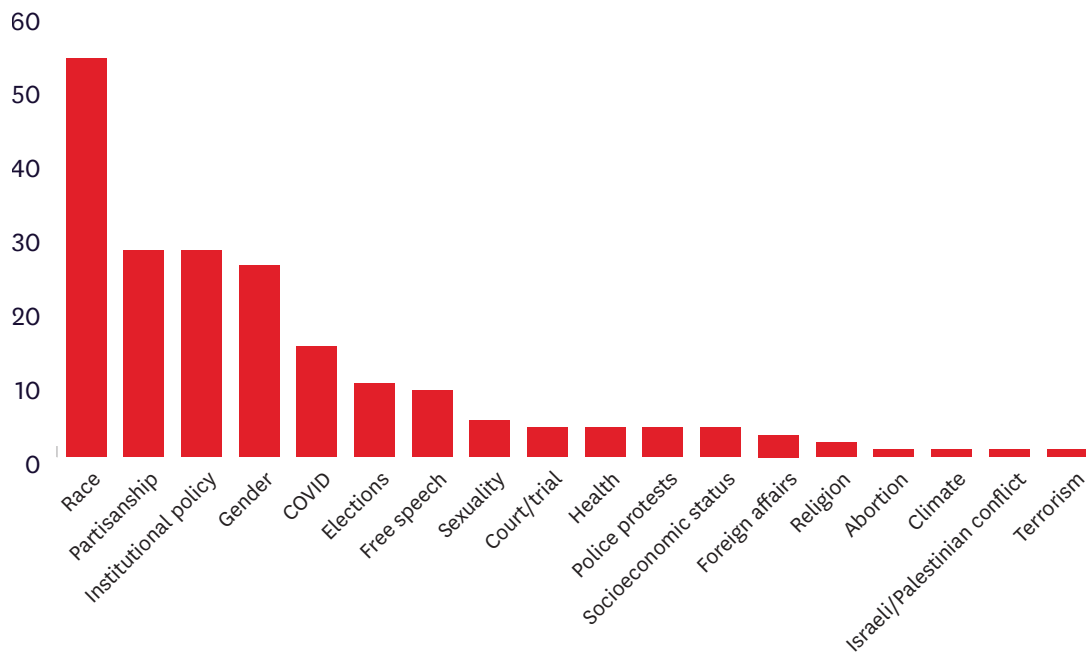
Scholars are targeted most often for expressing their views on controversial social issues.



When it comes to the content of expression, scholars were most frequently targeted for expression about race, partisanship, or institutional policy. Race-related expression includes expression regarding racial inequality, historical racism, race-specific DEI efforts, the Black Lives Matter movement, and the use of racial slurs. Partisanship-related expression constitutes expression mentioning specific politicians, or terms like Democrat, Republican, liberal, conservative, left, or right. Lastly, institutional policy-related expression constitutes expression about a college or university’s conflicts of interest, funding, grants, outside pressure, or specific DEI policies. Specifically, almost half of the targeted scholars engaged in race-related expression (54 incidents; 49%). Targeting incidents also tended to involve partisanship or institutional policy (28 incidents each; 25%).

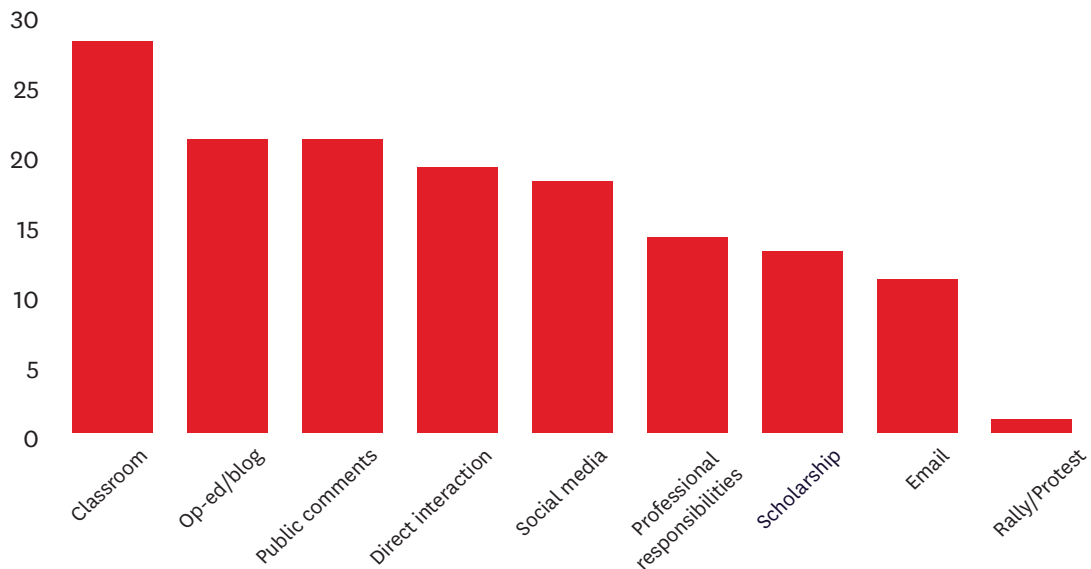
**Scholars are targeted most often for expressing their views on race.**

Number of scholars targeted for expression about the following topics:



When it comes to where the expression occurred, the most common contexts were in the classroom (28 incidents), in an op-ed or blog (21 incidents), or in public comments (21 incidents). Expression “in the classroom” includes in-person and/or virtual sessions, assignments, exams, syllabi, and/or course descriptions. Expression “in an op-ed/blog” includes articles written by scholars for non-academic outlets or on a personal blog. Finally, “public comments” occur during interviews, speeches, or podcasts directed at non-academic audiences.

**Scholars are targeted most often when expressing their views in the classroom.**



## Who Was Targeted?

We now shift our focus from identifying the reasons why scholars were targeted in 2021 to describing who was targeted for sanction and whether some kinds of scholars were more likely to be targeted than others. For instance, we ask, are scholars in the social sciences and humanities more likely to be targeted than those in the natural sciences? What about tenure status? Does having tenure provide any protection for scholars? Are scholars from historically underrepresented groups more likely to be targeted than white male scholars? What about conservative scholars; Are they more likely to be targeted than liberal or progressive scholars? This section explores these questions.

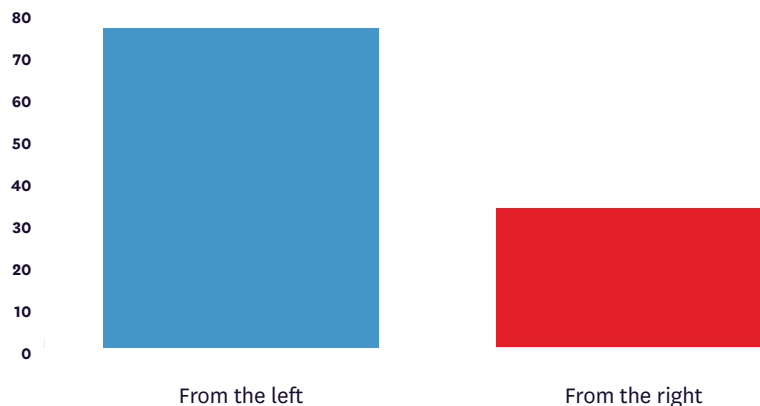
First, scholars from disciplines that routinely discuss and debate what it means to live in a free and open society, namely law (12 incidents), English (12 incidents), political science (11 incidents), and medicine (9 incidents) were targeted more often than scholars from other disciplines. Although a large percentage of the total faculty population come from these fields, they are nevertheless overrepresented in the database. By contrast, many other highly populated disciplines (e.g., business, engineering, computer science) have had fewer than 10 incidents since 2015. The fact that scholars in fields of law, English, political science, and medicine<sup>11</sup> are disproportionately under siege suggests that some of the core disciplines of liberal arts in higher education institutions are among the primary sites of our current “culture war.”

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<sup>11</sup>The high prevalence of targetings among scholars in medicine is unique to 2021. In no other year between 2015 and 2021 were these scholars disproportionately targeted. This surge is likely due to COVID-19, which has placed a spotlight on medical researchers.

Second, tenured scholars were slightly more likely to be targeted than untenured scholars (67 vs. 44 incidents). Third, with regard to gender, more than twice as many male scholars, as compared to female scholars, were targeted (79 vs. 32 incidents). Fourth, when it came to race, white scholars accounted for 91 (82%) in 111 targeting incidents. Finally, when considering the political motivations of those who target scholars, we found that over two-thirds of targeting incidents were initiated by individuals or groups to the left of the scholar (76 incidents; 68%), whereas less than one-third (33 incidents; 30%) came from the right of the scholar.<sup>12</sup> When expression involved partisanship scholars were just as likely to be targeted from the left or right (15 vs. 13 incidents, respectively).

**Scholars are targeted more often by individuals and groups to their political left than to their political right.**



<sup>12</sup>Often, scholars are targeted by individuals or groups who are not ideologically dissimilar from them (e.g., the scholar is “slightly liberal” and those targeting them are “very liberal”). Political motivations are therefore classified as relative, coming “from the left” or “from the right” of the scholar.

## Outcomes

So far we have primarily focused on the frequency of targeting incidents, documenting the sheer number of *attempts* to sanction scholars. This section explores the *outcomes* of these attempts. It is important to note that regardless of whether a scholar is ultimately sanctioned, the experience of being targeted can have a chilling effect not only on their own willingness to express themselves, but also on the willingness of *others* on campus to do so.<sup>13</sup> When a scholar is sanctioned or even terminated, this chilling effect can be amplified.

In 2021, more than 6 in 10 incidents (69 incidents; 62%) resulted in some form of sanction. The most common outcomes were investigations, suspensions, and terminations. In 28 incidents, the scholar was subjected to a formal investigation by the institutional administration. In 18 incidents, the scholar was suspended, meaning that the scholar was placed on leave and/or temporarily relieved of their teaching duties. In 14 incidents, the scholar was terminated, meaning that the scholar's contract was terminated or not renewed, the scholar's contract extension or tenure was revoked, the scholar was forced to resign, or the scholar was not hired.<sup>14</sup>



<sup>13</sup>Stevens, S. (September 25, 2020). Faculty report from University of Southern California's business school reveals deep concerns about academic freedom. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/faculty-report-from-university-of-southern-californias-business-school-reveals-deep-concerns-about-academic-freedom-a-recent-internal-report-from-the-university-of-southern-california/>

<sup>14</sup>The [Scholars Under Fire Database](#) lists 15 terminations in 2021, however one of these cases involved termination from an editorial position at a journal and not termination by a university.

The topics most likely to result in termination were similar to the topics for which scholars were most often targeted. In terms of overall frequency, more scholars were terminated for speech regarding race (7 terminations in 54 incidents) than for speech regarding any other topic. Scholars were also likely to be terminated for expression regarding institutional policy (5 terminations in 28 incidents).<sup>15</sup>

Tenured scholars, compared to their untenured counterparts, were more likely to be sanctioned following a targeting incident (41 vs. 29 sanctionings, respectively). However, untenured scholars were far more likely to be terminated. Only one in 67 tenured scholars (1.5%) was subsequently terminated, compared to 13 in 44 targeted untenured scholars (30%).<sup>16</sup>

This pattern was also evident when comparing male and female scholars. Although a greater number of male scholars were sanctioned as a result of a targeting incident (45 vs. 24), the percentage of female scholars who were targeted and sanctioned (75%) was considerably higher than the percentage of male scholars who were targeted and sanctioned (57%). In other words, in 2021, when a female scholar was targeted she was also very likely to be sanctioned. Furthermore, an equal number of targeted male and female scholars were terminated (7 terminations each), yet the percentage of female scholars targeted and terminated (22%) was more than double the percentage of the male scholars targeted and terminated (9%).

Results regarding race were similar to the findings regarding gender. A greater number of white scholars were sanctioned compared to nonwhite scholars (56 vs. 14). Yet, the percentage of white scholars who were targeted and sanctioned was 60% as compared to 70% among nonwhite scholars.<sup>17</sup> When it came to terminations, 10 involved white scholars (11% of those targeted), 4 involved nonwhite scholars (20% of those targeted).

Outcomes were different from those regarding gender and race, when it came to political motivations for targeting a scholar. Of the attempts that came from the left of the scholar, 48 resulted in a sanction as compared to 20 that came from the right of the scholar. However, the percentage of scholars targeted from the left and sanctioned (63%) was roughly equal to the percentage of scholars targeted from the right and sanctioned (61%). Finally, university administrators were almost three times more likely to publicly support the scholars who were targeted from their right compared to those scholars targeted from their left (21% vs. 8%).

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<sup>15</sup>Scholars were also terminated for expressing their views on other topics. Three scholars were terminated for expression regarding gender, 2 for COVID, and 1 each for abortion and partisanship. The totals add up to more than 14 because the topic of expression is not mutually exclusive and can overlap (e.g., gender and institutional policy).

<sup>16</sup>In 2021, 4 out of 6 tenure-track, but untenured, assistant scholars were sanctioned, compared to 28 out of 41 non-tenure track, untenured scholars. Furthermore, 1 out of 6 tenure-track, untenured assistants were terminated, compared to 12 out of 41 non-tenure track, untenured scholars.

<sup>17</sup>Among non-white scholars, all 4 of the targeted Asian scholars were sanctioned, 3 of the 6 targeted Black scholars were sanctioned, all 5 of the targeted Hispanic scholars were sanctioned, 1 of 2 Middle Eastern scholars were sanctioned, and 1 of 2 targeted multiracial scholars were sanctioned.



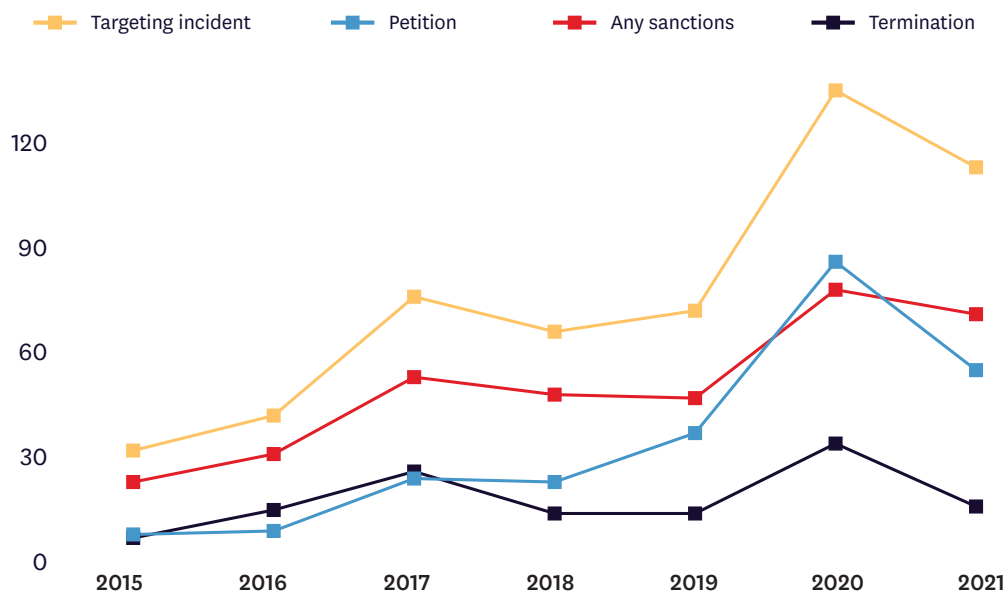
## Trends Over Time: 2015-2021

Perhaps the most concerning findings from our initial report are that the number of professors targeted for sanction in 2020 is over four times greater than the number targeted in 2015 and that these targeting incidents are increasingly being initiated from within academia.<sup>18</sup> The use of online petitions targeting a scholar has also increased, from six in 2015 to 53 in 2021, peaking at 84 in 2020. These petitions frequently include a list of the sanctions demanded and are typically shared widely on social media, with some amassing [tens of thousands of signatories](#).

For now, 2020 appears to be an outlier year with regards to the number of targeting incidents and the number of petitions. Even though the frequency of these events declined in 2021, they still occurred at a rate considerably higher than that of 2015. Indeed, when it comes to the number of targeting incidents, petitions, and opened investigations, 2021 trails only 2020. This past year also represents the peak for the number of times a scholar was successfully censored, the number of retractions, and the number of demotions.

## Scholars Under Fire 2015 to 2021

Number of Incidents Per Year



<sup>18</sup>German, K.T. & Stevens, S.T. (2021). Scholars under fire: The targeting of scholars for constitutionally protected speech from 2015 to present. *The Foundation for Individual Rights in Education*. Available online: <https://www.thefire.org/research/publications/miscellaneous-publications/scholars-under-fire/>.

Since 2015, undergraduate students have initiated almost half of all targeting incidents (250 in 537 incidents; 46%), more than any other group on or off campus. In terms of politics, 8 in 10 incidents initiated by undergraduate students came from the left of the scholar (200 in 250 incidents; 80%), compared to less than 1 in 5 incidents initiated by undergraduates from the right of the scholar (47 in 250 incidents; 19%). This pattern is not surprising considering that undergraduate students predominantly identify as liberal.<sup>19</sup> The number of undergraduate-initiated incidents hit its current peak in 2020, with 76 incidents (64 from the left, 11 from the right).

Another frequent source of targeting incidents was other scholars, who initiated 1 in 5 of the attempts (109 in 537 incidents; 20%) since 2015. Almost 9 in 10 of these (95 in 109 incidents; 87%) came from the left of the targeted scholar. Again, as with undergraduates, this trend is not surprising because the professoriate also skews liberal.<sup>20</sup> It is also noteworthy that scholar-initiated targeting reached a peak in 2021 (rather than 2020, when the overall number of incidents peaked), with 37 incidents (30 from the left, 7 from the right).

Administrators also initiated 1 in 5 targeting incidents (118 in 537 incidents; 22%). However, unlike the targeting incidents initiated by undergraduate students and other scholars, those initiated by administrators came more often from the right of the scholar (61 in 118 incidents; 52%) rather than from the left (46 in 118 incidents; 39%). Attempts from the right of the scholar are also more likely to be initiated by *off-campus* individuals and groups. For instance, 41 in 50 targeting incidents (82%) initiated by politicians/the government since 2015 came from the right of the scholar, as did more than three-quarters of the incidents initiated by the general public (48 in 62 incidents; 77%). In recent years, institutional leaders and administrators have increasingly looked to build relationships with government officials, donors, CEOs, and other constituencies that help them generate revenue and enhance their university's reputations.<sup>21</sup> Because a significant number of the targeting incidents from the right of the scholar are initiated by such individuals and groups, administrators may be motivated by a desire to maintain positive relationships with these constituencies.

Finally, in almost every year since 2015, expression regarding race, partisanship, and institutional policy has been targeted at higher rates than expression regarding all other topics (e.g., gender, sexuality).<sup>22</sup> Overall, since 2015, 45% of targeted scholars expressed something about race (241 incidents), 24% expressed partisan political views (131 incidents), and 23% expressed views about institutional policy (124 incidents).

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<sup>19</sup>Stevens, S.T. & Schwichtenberg, A. (2021). 2021 College Free Speech Rankings: What's the Climate for Free Speech on America's College Campuses? *The Foundation for Individual Rights in Education*. Available online: <https://rankings.thefire.org/>.

<sup>20</sup>Gross, N., & Fosse, E. (2012). Why are professors liberal?. *Theory and Society*, 41(2), 127-168.; Langbert, M. (2018). Homogenous: The political affiliations of elite liberal arts college faculty. *Academic Questions*, 31(2), 186-197; Ladd, E. C., Liset, M. (1976). *The Divided Academy: Professors and Politics*. New York: W. W. Norton & Company; Zipp, J. F., & Fenwick, R. (2006). Is the academy a liberal hegemony? The political orientations and educational values of professors. *International Journal of Public Opinion Quarterly*, 70(3), 304-326.

<sup>21</sup>Lutchen, K. R. (2018). Why companies and universities should forge long-term collaborations. *Harvard Business Review*, 24.

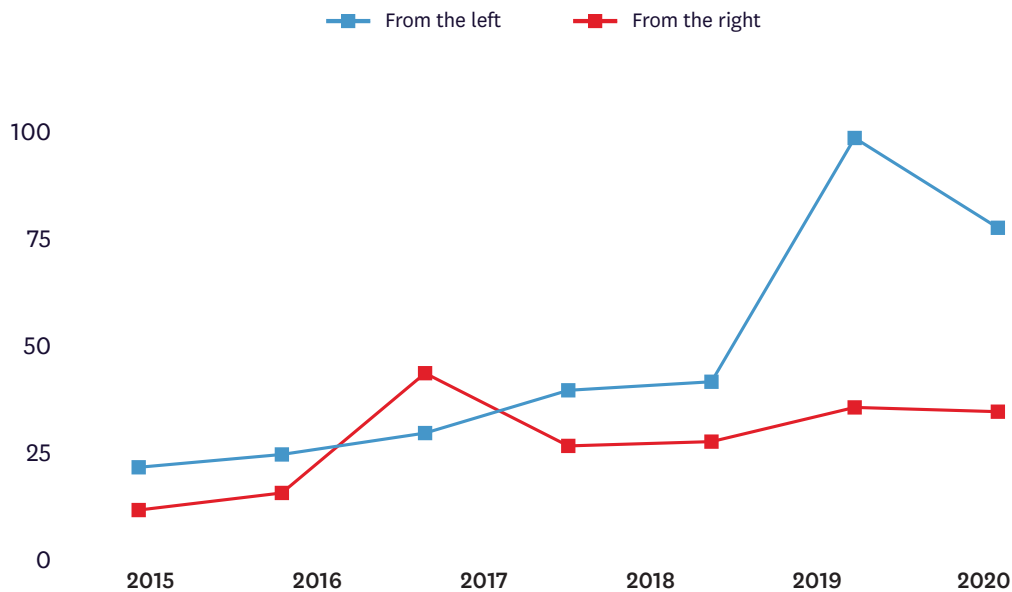
<sup>22</sup>In 2018, gender was the topic most likely to result in a targeting incident (28 incidents), followed by race (17 incidents) and institutional policy (14 incidents). In 2020, race was the topic most likely to result in a targeting incident (80 incidents), followed by partisanship (38 incidents), and police protests (36 incidents).

## Trends: Political Motivations

With regard to the political motivations of those who targeted the scholars, more than half of the incidents since 2015 (328 in 537; 61%) were initiated by individuals and groups to the left of the scholar, compared to over a third (193 in 537; 36%) from the right of the scholar. 2017 was the only year in which the number of targeting incidents initiated by those from the right of the scholar (42 incidents) exceeded the number initiated by those from the left of the scholar (28 incidents). Given the ideological proclivities of students and faculty, which we noted above, we suspect that although targeting incidents are more likely to come from the left of the scholar, the scholars targeted also are more likely to identify as left-of-center politically, just not as strongly as those who target them for sanction. In other words, we think a significant number of these incidents involve a scholar who identifies as “slightly” or “somewhat” liberal being targeted by those who identify as “very” or “extremely” liberal.

## Scholars Under Fire 2015 to 2021

Number of Targeting Incidents From the Left or Right Per Year



The number of targeting incidents initiated because of partisan statements has increased since 2015. That year, four scholars were targeted for their partisanship-related expression — two from the left and two from the right. Attempts from the right of the scholar peaked in 2017 with 19 incidents, whereas attempts from the left of the scholar peaked in 2020, with 26 incidents.

Between 2015 and 2021, university administrators were almost two times more likely to publicly support the free speech and academic freedom rights of scholars who were targeted from the right than the rights of those targeted from the left (24% vs. 13%). This was especially true when the scholar's intent was malicious/hateful (i.e. the scholar's words or actions were intended to offend, upset, show contempt for, and/or show support for violence against a person or group). In the past six years, university administrators publicly supported the free speech rights of only 7% (1 in 15) of scholars targeted by the left for engaging in hateful/malicious expression, whereas they supported 42% (14 in 33) of scholars targeted by the right for engaging in such expression.

This partisan difference in institutional support was even more stark in 2021, when university administrators were almost three times more likely to publicly support the free speech and academic freedom rights of scholars who were targeted from the right than the rights of those targeted from the left. Whether the scholar advocated for social change, engaged in malicious/hateful expression, expressed a personal view, or presented sensitive material for pedagogical purposes, institutions were more likely to publicly support them if they were targeted by the right than if they were targeted by the left. The one exception is scientific inquiry, wherein institutions publicly supported 1 in 17 scholars targeted by the left, and none of the 3 targeted by the right.

## Conclusion

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The phenomenon of scholar targeting is alarming yet understudied, and the goal of the ongoing [Scholars Under Fire](#) project is to provide scholars and journalists with a clearer, more complete understanding of how targeting incidents — a form of attempted censorship — occur at two-and-four-year colleges and universities across the country. It is designed to be a resource for those interested not only in broad patterns, as discussed in this report, but also in specific details regarding individual incidents. Thus, in the database, viewers will find additional important information not included in this report, such as the original content of the scholar’s expression (when available) and various news stories on each incident, to allow viewers to learn more about any incident. In addition, FIRE’s [Faculty Legal Defense Fund](#) can provide legal aid to scholars facing professional sanctions by their public institutions for constitutionally protected expression.

We distinguish between targeting incidents that do and do not result in some form of professional sanction. After all, institutions that refuse to sanction scholars, despite pressure from various constituencies to do so, are distinct from those who cave to pressure. That said, we are also concerned about institutions with a high number of attempts to sanction scholars. Simply put, this could indicate that such campuses have a poor culture of free expression. Why would so many individuals and groups both on and off campus target scholars for sanction if they do not expect to succeed, or at least expect that signaling support for censorship will earn them admiration and respect in the eyes of others? In the table below, we list the universities where more than 5 attempts to target scholars have occurred since 2015. Next to the number of sanction attempts, we list the number of “successful” sanctions (i.e., attempts that resulted in professional sanctions) and describe which specific types of sanctions occurred:

<b>University</b>	<b># of Incidents 2015-2021</b>	<b># of Sanctions 2015-2021</b>	<b>Types of Sanctions</b>
<a href="#">Stanford University</a>	20	3	2 Resignations (1 reinstated); Termination
<a href="#">Harvard University</a>	12	4	Censorship; Demotion; Resignation; Termination
<a href="#">Georgetown University</a>	11	6	Investigation; Resignation; 3 Suspensions (2 reinstated); Termination
<a href="#">University of California, Los Angeles</a>	10	5	2 Investigations; Suspension (reinstated); 2 Terminations
<a href="#">University of Pennsylvania</a>	9	4	Investigation; Resignation; 2 Suspensions (2 reinstated)
<a href="#">Yale University</a>	8	5	Demotion; 3 Resignations; Termination
<a href="#">University of Florida</a>	8	7	7 Acts of Censorship
<a href="#">Columbia University</a>	7	3	Investigation; Resignation; Termination
<a href="#">Northwestern University</a>	7	3	Investigation; Resignation; Suspension; Termination
<a href="#">Portland State University</a>	7	4	2 Acts of Censorship; 2 Investigations
<a href="#">Rutgers University</a>	6	4	Demotion; Investigation; 2 Terminations
<a href="#">University of Michigan</a>	6	4	Demotion; Resignation (reinstated); Suspension (reinstated); Termination

Our nation’s colleges and universities can take a number of steps to protect scholars’ rights. Administrators can make their stance on academic freedom and freedom of speech clear to everyone on their campus. They can do this by removing any vague and subjective language from their school’s speech policies, making clear public pronouncements in support of academic freedom and freedom of speech, and actively defending scholars when there are calls to sanction them for protected expression.

Institutions can also adopt a free speech policy statement in the model of the [Chicago Statement](#), which defends academic freedom by asserting that “the University is committed to free and open inquiry in all matters,” and that “it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn.” Since the Chicago Statement was released in 2015, [over 80 institutions](#) have publicly committed to free speech in this way, signaling to faculty, students, alumni, and the public that freedom of expression is of paramount importance on campus.

Institutions can also promote academic freedom and freedom of speech by offering freshman seminars and orientation programs that teach incoming students the value of free speech and the principles behind the First Amendment. FIRE, in partnership with [New York University’s First Amendment Watch](#), has developed a series of [free-to-use modules, videos, and other resources](#) that staff can incorporate into their programming.

In addition to formal policies and programs, institutions can launch campus-wide campaigns that spread awareness of what is, versus what is not, protected by the First Amendment, and can encourage students to adopt free speech idioms (e.g., “Free speech makes free people,” “Civilization was created by the first person who hurled an insult rather than a stone,” “More speech, not enforced silence”). This may also involve hosting outside speakers to discuss the value of free speech from various discipline-specific lenses. Such efforts would help students and faculty realize that every time they deploy censorial tactics in their own interest, they enable and empower the use of such tactics against themselves. Students can be encouraged to question not whether they want scholars to say particular things, but rather whether they want to grant their institution the power to *prevent* scholars from saying those things.

The reason individuals and groups attempt to professionally sanction scholars for ideological reasons is that it works. Every time an institution yields to pressure, thereby compromising its commitment to free speech and academic freedom, they increase the likelihood of future sanctioning attempts. Therefore, the incentive system needs to change. Here is a “how-to” guide for responding to attempts to professionally sanction scholars for constitutionally protected expression:

**Step 1:** A campus representative (e.g., administrator, department chair) who is well versed in the First Amendment determines whether the scholar’s expression is constitutionally protected.

**Step 2:** If the expression is constitutionally protected, an institutional leader (e.g., dean, provost) issues a formal statement explaining that the expression is protected by the First Amendment and thus will be protected at X university/college.

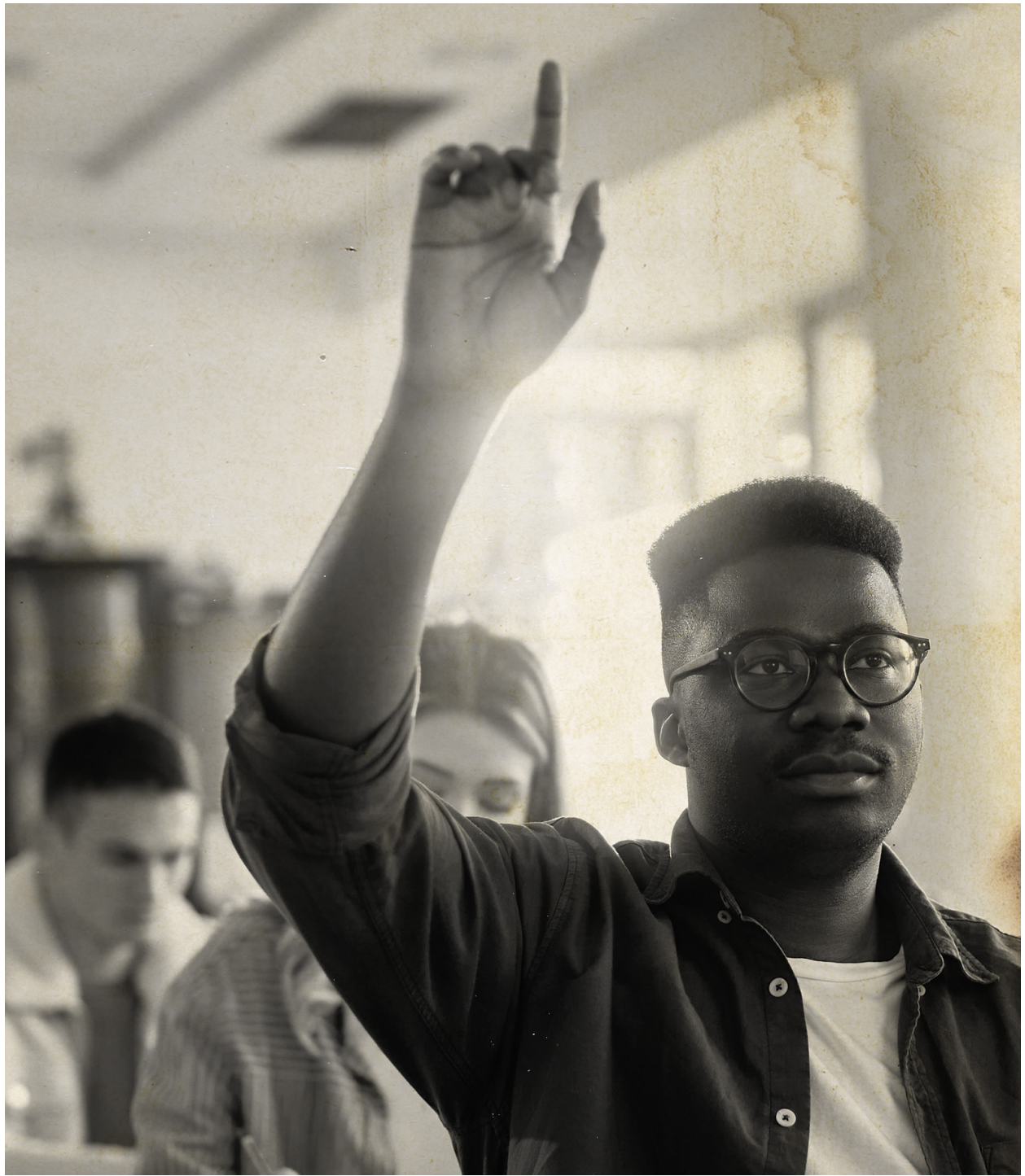
**Step 3:** The next time an individual and/or group calls for the institution to professionally sanction a scholar for constitutionally protected expression, a campus representative refers that individual and/or group to the statement described in the previous step.

When it comes to the targeting of scholars, we should not expect every year to be like 2020, or even 2021. Scholars’ speech can be chilled on a campus by a single targeting incident, as the faculty of the University of California’s business school explained following the targeting of a colleague and the administration’s actions.<sup>23</sup> In other words, year to year the number of scholars targeted may decline, but some of this decline may result from a shrinking number of scholars who are willing to openly voice their dissent. Major national events such as the 2020 presidential election, the COVID-19 pandemic and lockdowns, the death of George Floyd, and the Black Lives Matter protests and riots contributed to the 2020 surge. This confluence of factors was unique; However, we as a country may be thrown, once again, into a state of turmoil in the coming years. Our institutions of higher education must strengthen their free speech commitments in preparation.

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<sup>23</sup>Stevens, S. (September 25, 2020). Faculty report from University of Southern California’s business school reveals deep concerns about academic freedom. The Foundation for Individual Rights in Education. Available online: <https://www.thefire.org/faculty-report-from-university-of-southern-californias-business-school-reveals-deep-concerns-about-academic-freedom-a-recent-internal-report-from-the-university-of-southern-california/>







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