"We all want to talk about this."
A Study of Freedom of Artistic Expression in Academic Art Museums and Galleries

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1. Introduction

Professional staff in academic museums and galleries frequently report that the work they do in the 'sacred' spaces where communities come together to view art, enables critical conversations that can't easily be had elsewhere on campus. At the same time, exhibitions that are relevant to topics on which there is much disagreement can also create a firestorm of protest and acrimony. Exhibiting provocative work clearly carries pedagogical rewards, as well as personal, professional, and institutional risks. One thing we can say for certain is that freedom of artistic expression is similar to academic freedom in its dimensions and dynamics, and that professional decision-makers in academic museums and galleries are on the front lines of protecting this foundational and multi-dimensional ideal of American higher education.

This report summarizes fellowship research on "Freedom of Artistic Expression in Academic Art Museums and Galleries," which was sponsored by the U.C. National Center for Free Speech and Civic Engagement, and completed between July, 2021 and May, 2022. Methodologies include a literature review; 45-minute qualitative interviews with 25 decision-makers in academic art museums and galleries; and creation, distribution, and analysis of a quantitative survey with 50 questions which was completed by 92 decision-makers. This report includes a detailed description and analysis of my findings, as well as suggestions for proactive best practices to maintain and strengthen freedom of artistic expression in academic art museums and galleries.

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1.1 Scope of Work

Academic art museums and galleries vary enormously in their size and staffing, and decisions about what can and cannot be exhibited may be made at many different levels of the college or university which houses them. This study focuses on the professional museum and gallery staff whose principle or only role on campus is to make decisions about the exhibition and interpretation of art. An initial email sent to sixty individuals in this category stated:

> My project is to interview and then survey curators and other decision-makers in academic museums and galleries to get a sense of how they view the concept of freedom of expression in their work, and how that ideal intersects with competing demands and various constituencies both on and off campus.

I promised to all participants that all responses "will be treated as confidential, and anonymized in my report and any other dissemination of my research." I am enormously grateful to the 25 individuals who spoke with me. When I told one of them that I was surprised that so many individuals signed up for interviews, she replied: "We all want to talk about this."

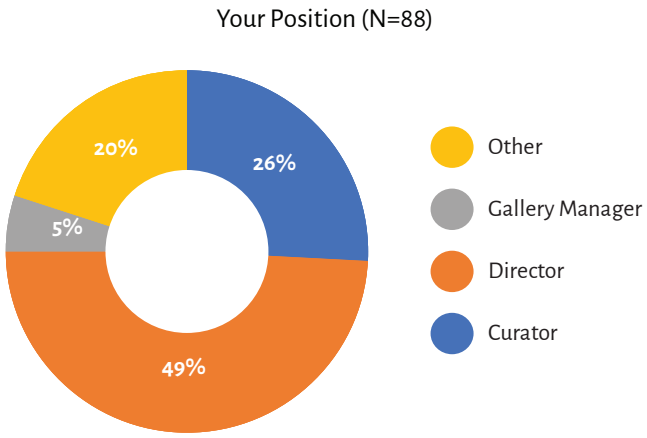
My hope is that this report will provide a useful touchpoint for further conversations about this important topic.

1.2 A broad sweep of the country and higher education

Those who took part in the initial qualitative interviews in October and November 2021 included six curators, ten directors, four gallery managers, and five individuals who held the joint position of director and curator. The institutions they work for include 12 public universities, four private universities, four private liberal arts colleges, four Christian or Catholic institutions, one Historically Black College or University [HBCU], and one Tribal College or University [TCU]. These institutions are located in 20 different states. To the best of my ability, I have removed any identifying information, and quotations from these interviews have been further edited only for the purposes of brevity and correct punctuation, spelling, etc., which largely resulted from errors in the voice-to-text transcription process.

I next developed the 50-question survey based on answers given and questions raised by the initial interview subjects. A link to the survey was sent by message to hundreds of members of the Association of Academic Museums and Galleries [AAMG] using their directory and the search terms "art," "director," and "curator." A link to the survey was also shared on the AAMG listserv. **Survey results which are statistically significant as the result of regression analysis are indicated in bold**. Survey participants were sampled anonymously, and may include some of the same individuals who took part

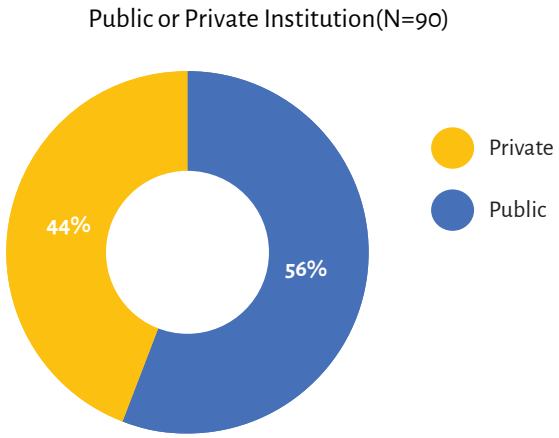
in qualitative interviews. They reported the following titles in response to Survey Question Seventeen, "Your Position:"



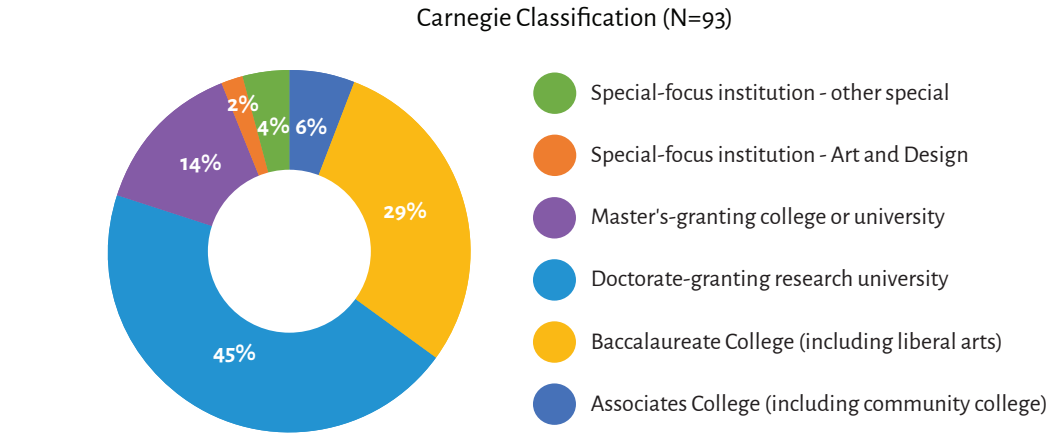
Survey Question Seventeen

Responses to "other" included: Director and Curator, Educator, Head of Education, Curator of Academic Programs, Senior Manager of Special Programs, and Professor and Education Organizer.

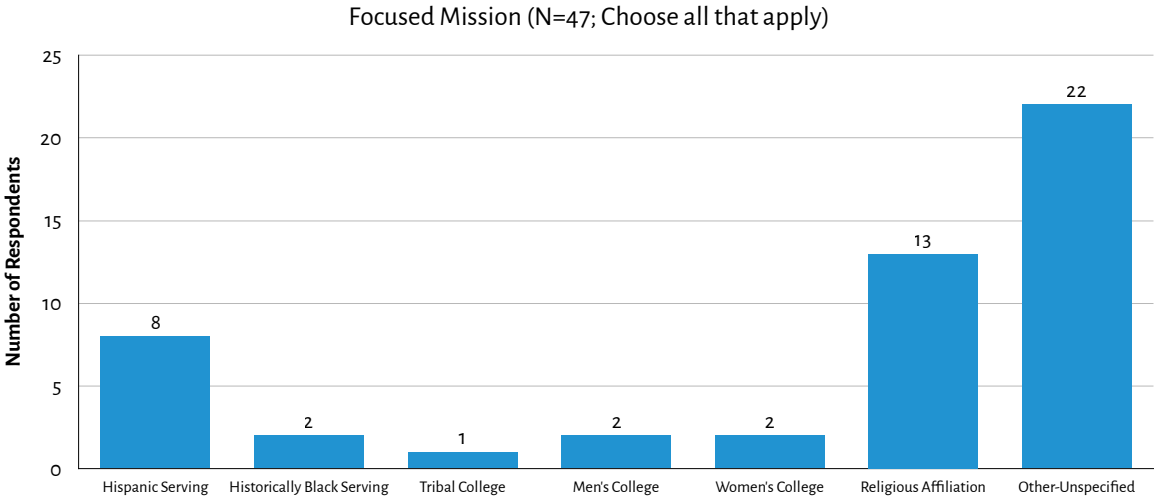
Those who participated in the survey also work at many different types of institutions, as can be seen in answers to several of the following questions:



Survey Question Two

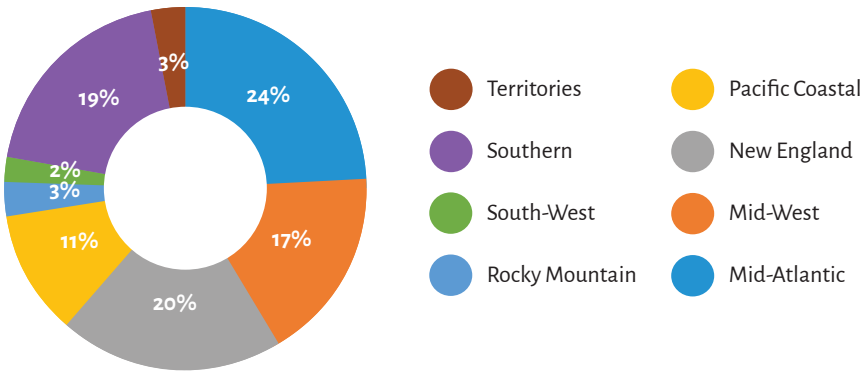


Survey Question Three



Survey Question Four

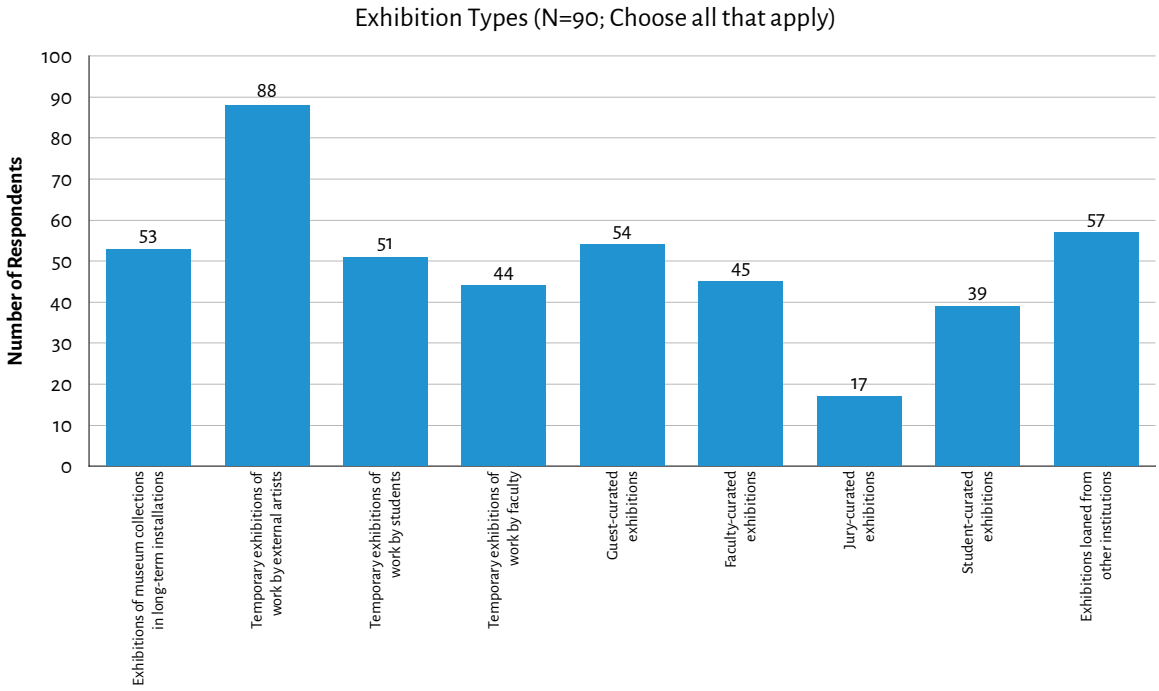
Region/Location (N=90)



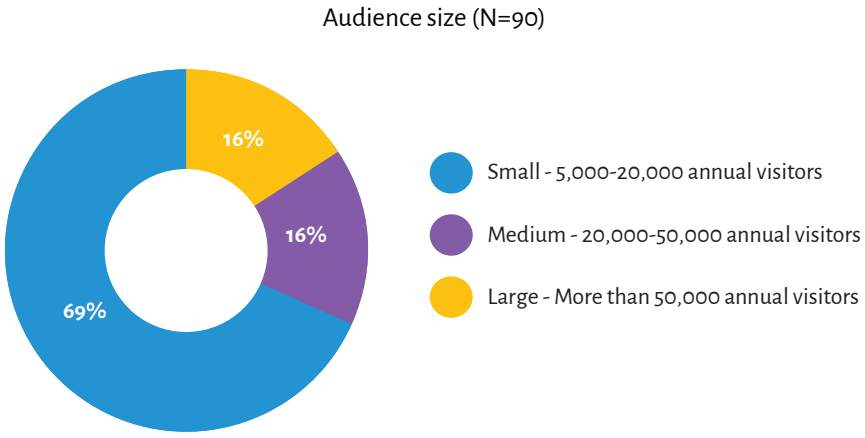
Survey Question Eight (choose one)

1.3 A few definitions

This study considers the terms '**museum' and 'gallery'** interchangeably. Academic arts exhibition spaces vary dramatically, from a sole room inside a campus building devoted to student and faculty work, to a freestanding building with multiple rooms for the display of permanent collections and temporary exhibitions welcoming national and even international audiences. Academic institutions also sometimes manage satellite spaces in partnership with private companies or municipalities. Survey participants reflect this range of institutional difference in answer to Survey Questions Eleven through Thirteen:

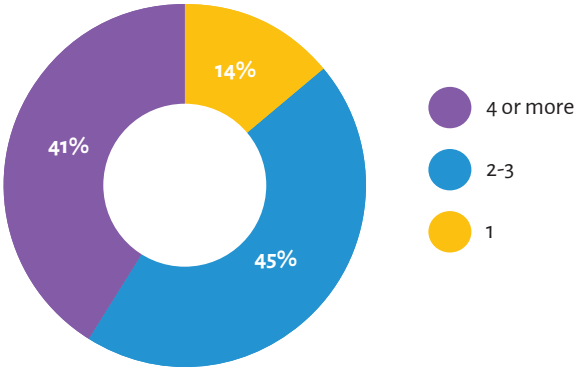


Survey Question Eleven



Survey Question Twelve

Number of Exhibit Spaces (N=91)



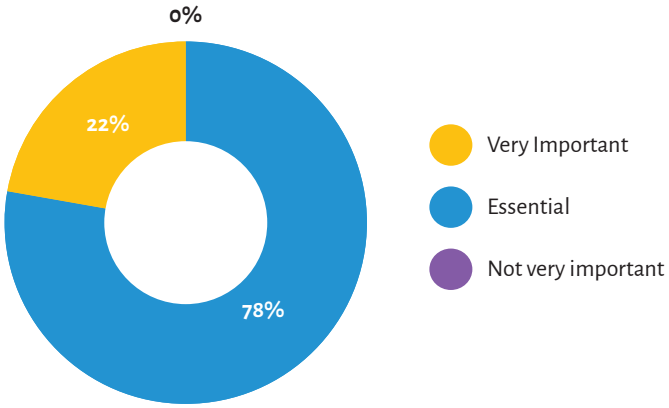
Survey Question Thirteen

Although all of these institutional differences are important, they do not prevent analysis of shared commonalities, including the increasingly difficulty mission of exhibiting art on campus that is relevant to contested issues in contemporary society. This study illuminates what is happening now as the basis for discussing how we may strengthen freedom of artistic expression in the years ahead. That work starts with understanding why this freedom is so important.

2. Takeaway One: Decision-Makers in Academic Art Museums and Galleries Overwhelmingly Value Freedom of Artistic Expression

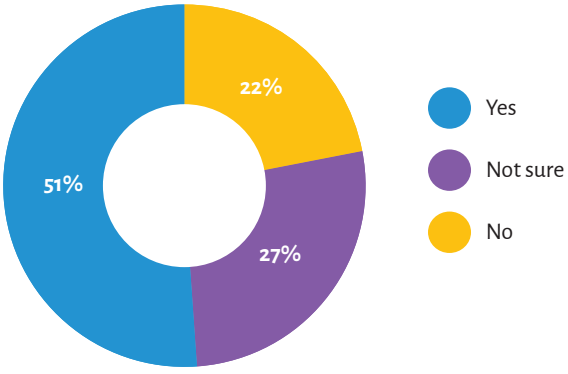
The most obvious and important finding in this research study is that respondents overwhelmingly value freedom of artistic expression in their work, as demonstrated by the answers given to Survey Question One. Most, by a slim majority, also perceive that academic art museums and galleries enjoy more freedom of artistic expression than others, as demonstrated by answers to Question Twenty-Two.

How important do you think freedom of artistic expression is in academic museums and galleries? (N=93)



Survey Question One (choose one)

Do you feel that academic museums and galleries in general have more freedom of artistic expression than other types of museums? (N=89)



Survey Question Twenty-Two (choose one)

2.1 Why freedom of artistic expression matters.

When asked why freedom of artistic expression matters, many decision-makers in the interview group elaborated on their belief that their art exhibitions play a central role in achieving core pedagogical aims of higher education Four interview subjects offered similar explanations:

> There are certain encounters I think that art museums need to be able to offer, that have to do with the sadness and grief of the world and offering windows into situations that the upper middle class privileged person or student doesn't see unless they walk in to the art museum and have some experience that is more about asking a question, 'Is this really okay?' I'm so much more worried about that than I am getting into trouble.

> How can I break these rules as quickly as possible? That's what happens. Then those are the artists that we are supposed to be showing in an academic gallery because academic galleries are the places to push the boundaries, to have those discussions, to utilize those spaces for educating ourselves on those topics, as opposed to just shutting them down and saying they don't exist.

> I think that one of the reasons it's been a joy to work at a university museum is that there is this really deep interest in scholarship and exploration and investigation, that my primary constituency is the university students and the faculty, so that we're really a laboratory for experimentation. I don't have the types of stakeholders that a municipal museum has. I'm not getting money. I do obviously from the state, but I don't feel that as directly as somebody who's running a municipal museum or just general whatever museum. I don't have board members who have fiduciary responsibility and might threaten to pull up stakes and leave if I don't do this or that or the other. There's a lot of freedoms here.

> There's something about visual art that I have that I feel is a really effective way to have these really difficult conversations, in a way that doesn't become a shouting match. It doesn't become a personal attack.

A survey respondent also shared in an open text box:

> I definitely feel as one of the only galleries on a college campus in our community that engages nationally acclaimed artists that we have a responsibility to often bring in artists dealing with more controversial subjects as our peer institutions, which are often privately funded or that rely on governmental grants, must think more about and cater to the public opinion on certain topics or jump through hoops with funders on the same.

2.2 Freedom of artistic expression on campus is academic freedom.

The language campus art museum decision-makers use to describe the value of artistic expression – push the boundaries, exploration and investigation, tough conversations, and big ideas – is similar to the language used to describe the ideals of academic freedom more broadly. An interviewee commented on this:

> I do feel like academic freedom is always there for me to grab on to. That is something that the faculty of [our university] – It's always there for them and it's highly valued. There are plenty of faculty who would have my back for anything that I did. I think the provost and the dean would have my back. I do. I feel like the argument that that faculty always uses, 'This is within our rights,' that academic freedom always trumps everything.

This sentiment also was echoed by a comment shared in the survey:

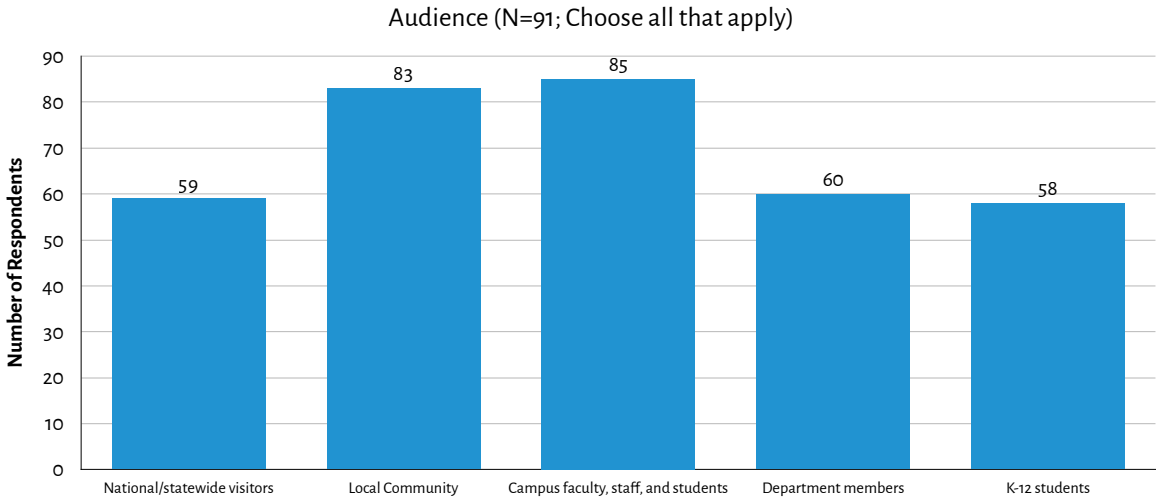
> I think that you can and should equate freedom of artistic expression in academic museums with academic freedom.

Although academic museum staff (who do not also teach) often are treated as administrators rather than faculty, it is critical to understand that their ability to perform critical pedagogical roles on campus relies just as much on vibrant academic freedom as the work of professors.

3. Takeaway Two: Freedom of artistic expression is essential for Diversity, Equity, Inclusion and Accessibility initiatives, but lack of diversity in staffing is a problem.

3.1 Academic art museums and galleries are instrumental to expanding diversity, equity, and inclusion initiatives on campus – and in the community.

Academic art museums frequently are viewed as essential gateways to the surrounding community, which may extend even to national and international audiences. Their educational mission, therefore, can extend well beyond students and faculty. Survey respondents curate exhibitions for a wide range of audiences, as seen in answers to Question Fourteen.



Survey Question Fourteen

In recent years, national attention to racial violence and other forms of social injustice have prompted many academic art museums and galleries to respond with relevant exhibitions and programming. Six decision-makers discussed ways in which their work was instrumental to campus and community diversity, equity, and inclusion efforts:

> I had heard in previous years, students for senior thesis had been discouraged from having work about LGBTQ in their content. That's when I thought, if that's the case, and it is the case because I knew who the students were, well, then I'm going to do a show that is completely about this content.

> I feel so fortunate to be able to be bringing [shows about Black Lives Matter related-issues] to campus right now in this moment in time, and to be able to be a place where conversations can be happening about these topics, and that that's what academic museums are here for, and that people are actually seeing that.

> We really try and bring something to [campus] that's going to push our students, at least in their thinking and expose them to things that they maybe haven't experienced before. We'll have those tough conversations. That's part of what we do. Part of our mission is to create global citizens, it's part of the mission statement, and so we take that to heart. We're like, 'This is part of living in a global society, having different ideas from people and talking about these big ideas.' Most of the time people go, 'Oh, I've never experienced this and I thought it was one way and now I'm open to experiencing other things.'

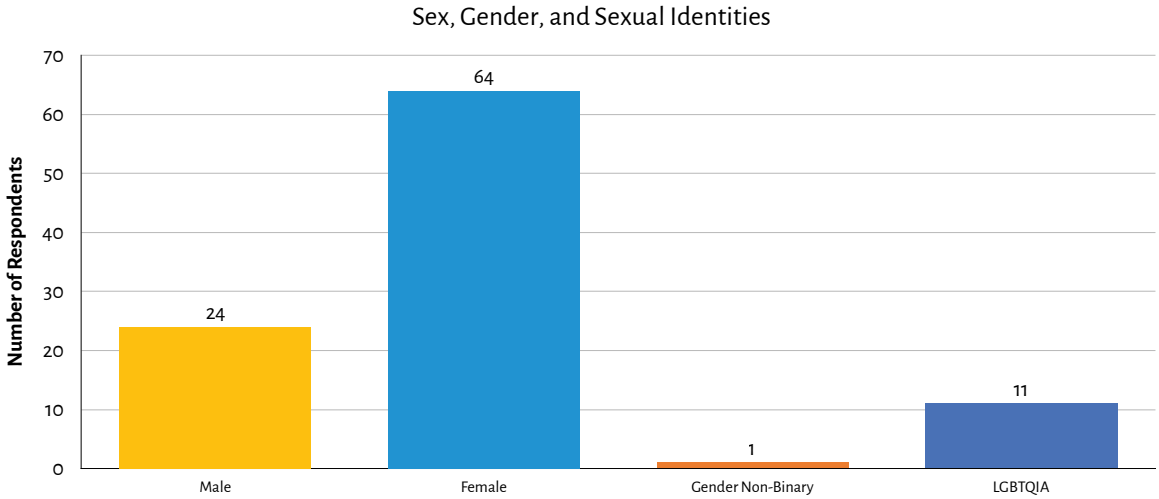
> We've had probably more exhibitions of artists of color since I've been here than probably in the 15, 20 years before that, and all we've ever– actually heard from administration is like, "This is great, this is what we need the museum to be doing."

> The college recognizes that we are that conduit or we're that gateway to having conversations around diversity, equity and inclusion in ways that maybe the college can't directly do. . . I think for us, the balance is also interesting in thinking about our college students that we serve but also our community, and again, balancing the fact that we do rely upon our community for a significant portion of our funding. Also recognizing that we do live within a predominantly white, I would say more conservative region of the state.

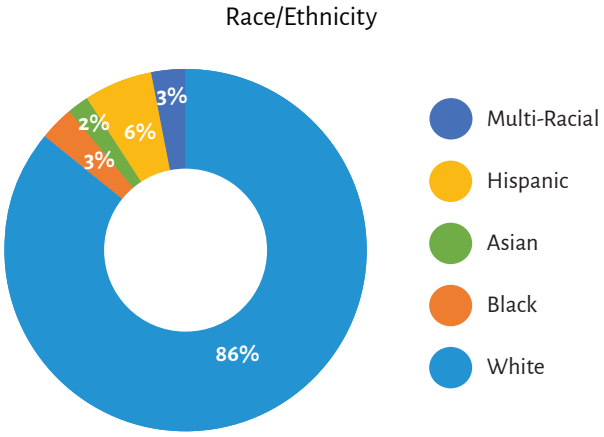
> All of a sudden, there were 10 people that would meet and all say, "Hey, look, what Georgetown is doing about its history and its links to slavery. Look what Princeton is doing." There were models to follow. . . I was being invited to the conversations that the head of public relations was having with the head of campus ministry. Then I would be sitting there saying – for me, it was all about the programming, what are we actually going to do with the show?"

3.2 Lack of diversity in museum and gallery staff is a challenge to the idea that the free expression shared on campus reflects everyone's voice – especially when historical collections are offensive.

Ideally, every academic art museum and gallery would have well-paid full-time staff who mirror the diversity of the campus community, and also hold specializations in the work exhibited on campus. The reality is that most academic art museums have a very small number of staff who wear many hats and reflect the relatively homogenous demographics of the museum field as a whole both as measured by the Mellon Foundation,[1] and as indicated by respondents in this survey asked to indicate their own identities:



Survey Question Nineteen



Survey Question Nineteen

[1] Mellon Foundation. Art Museum Staff Demographic Survey, 2018. https://mellon.org/news-blog/articles/art-museum-staff-demographic-survey-2018/ (Accessed May 5, 2022).

One interview subject discussed that becoming more inclusive as an institution was a more pressing issue than freedom of artistic expression:

> The thing that's most on my mind these days is just being able to move forward with our diversity, equity, accessibility, and inclusion. It's different though than freedom of expression. It's more about how we can become more diverse in terms of staff. That's really top of my mind these days more so than worrying about censorship and freedom of expression.

This concern over a lack of diverse staffing in many institutions is related to the desire for informed and inclusive decision-making regarding what to do with offensive historical collections. One research participant discussed the quagmire often presented by historical materials, and another expressed the problem of competing 'freedoms:'

> We are all in a quandary over whether to teach Uncle Tom's Cabin, whether to talk about Farmer's Nooning in art history class, what to do about racist images in the art collection/ special collections, offensive titles of books, etc. We all need a lot of help with this. I am not an unequivocal supporter of free speech and think that some images should be taken down because they are deeply offensive and hurtful.

> So many times with issues concerning freedom of speech and freedom of expression, it runs into ideas in which your freedom of expression is encroaching upon somebody else's freedom of some sort and that's where you can't write those down. There's an infinite amount of issues that could come about from that as opposed to a finite here's ten things that absolutely you cannot do, or this is exactly what's going to happen and this is how you follow it in every single situation.

For both of these museum professionals, the 'right thing to do' is hard to discern, and homogenous staffing can make confidence about how to proceed more difficult.

3.3 Successful museum staff reach out to diverse partners in interpretation – but it matters how it is done.

A common strategy for museum and gallery staff is to invite collaboration from communities with lived experience relevant to exhibition content. Three decision-makers shared their feelings of success in creating expansive conversations regarding difficult subjects:

> We had so many panelists in this discussion [accompanying an exhibition related to mass incarceration]. We had lobbyists, we had people who were involved in voting rights for the incarcerated, we had somebody who was formerly incarcerated, we had state congressional representatives, we had a faculty member. Those were the kinds of people that we reached out to help us present multiple perspectives. It was a very civilized discussion and probably the most diverse audience we've had, the most, I'd say, non-white audience that we've had at a program in our museum.

> Several examples where we had exhibitions that were dealing with complicated topics, I would try to bring together a team of people who could speak from different forms of expertise, from lived experience, from subject expertise and things.

> They were prints of [lynched] bodies. It was right after the George Floyd uprising. I went through a lot of discussions with our DEI subgroup on the board, with our curatorial and our senior staff. . . We worked together with Black faculty and staff . . . It was very useful for us to get these different perspectives. Actually, we had a really great response in our local newspapers. The work was worth it.

Two interviewees shared that they had learned from missteps when initially trying to add interpretation from diverse voices outside the museum or gallery. In one case, outreach that assumed a lot of shared knowledge resulted in a rocky start:

> We bring our own biases to the table whenever we talk about objects, and that's where we didn't start with that understanding when we went into that meeting . . . we're trying to diversify and include more voices and that's where you have to meet people where they are.

In another case, timing was a critical misstep. Bringing people to the table early in the process is key:

> If you want particular voices or people in the space, work with them from the very beginning.

In the real world, none of these strategies can replace having diverse, empowered, voices at the table who represent student, staff, faculty, and community through their lived experience as well as their expertise. A decision-maker at an HBCU museum recalled a student's concise summation of what it feels like to be on a campus where others share your experiences:

> At an HBCU, I don't have to say Black Lives Matter.

3.4 Sacred Indigenous Arts raise distinctive issues

The issue of diverse perspectives is especially acute in consideration of sacred Indigenous arts. Most academic art museums and galleries display Indigenous arts within a framework which derives from European traditions first developed in the era of colonization. An Indigenous curator working in a TCU museum discussed a very different framework for thinking about display, including the importance of seeking advice from spiritual practitioners regarding objects which could cause physical harm:

> We believe that we have to be very careful in what we display in terms of ceremonial objects as well as items of cultural patrimony. Growing up with a heavy cultural background there are things that should not be displayed to the public. Our stories need to be told from our perspective and not so much from an anthropological or archeological storyline anymore. That has been one of the things that I determined to do was really make sure that in any exhibitions that we display that there is a truth behind it and that truth being our stories, our value system incorporated into those stories and why we deem that they're important. There's a lot of taboos traditionally speaking. I think students are very, very mindful in that sense of what they want to display and how they want to display things.

Non-Indigenous institutions in contrast typically make curatorial choices with aesthetic, "anthropological or archaeological" frameworks, which can result in alienation from Indigenous community members. One curator at a large public university museum shared:

> We left up almost everything, but you see now there's a new thing. We have images that are sacred, that aren't supposed to be seen. Our heightened awareness is starting to come on here and here and here. It's not only what people find tolerable. It is what various groups call sacred. We might call symbolic flags sacred or a national symbol. Others might say, 'You don't show the inside of an antelope's ear.' I don't know. It could be anything. Or areas of the collection that are not supposed to be visited by women.

These two radically different approaches to deciding what Indigenous objects should be exhibited demonstrate the problem of opposing frameworks for decision-making. A growing number of curators are including Indigenous interpretation in non-Indigenous museums, but there are definitely pitfalls to be avoided that can make a fragile relationship even worse:

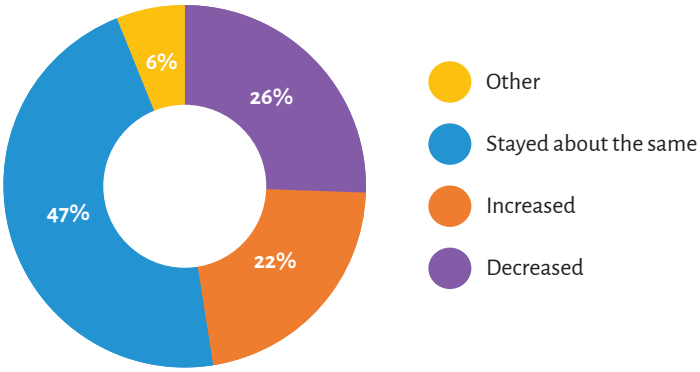
> In general, how we approach indigenous material, there's an advisory group. What I heard from that advisory group in the way that they work with all institutions is, it seems like it really varies. They're pulled in at moments, but sometimes it's not clear how much they're going to be paid. Sometimes they're a group, sometimes they're a council. Sometimes they are decision making. Sometimes they're just giving advice. Sometimes they are intensely working on something. They'll come and do a summit for two days and then they won't hear anything for a year. Then sometimes their name is put on stuff. I think that that's an area where there's lots of room for major missteps, and that there's a lot of room for it to be clarified.

Proactive clarification of roles is highly advisable when trying to balance the competing goals of freely – and respectfully – exhibiting Indigenous art to educate campus and public audiences, while also actualizing respect for Indigenous collaborators and communities.

4. Takeaway Three: Decision-makers report varied types of constraints on art exhibitions based on their content and potential negative consequences.

Although academic museum decision-makers report that they highly value freedom of artistic expression, most feel that freedom of artistic expression has stayed the same or decreased during their career. Analysis of survey data showed that having six or more years of experience significantly *($p < 0.01$)* increased the likelihood of a decision-maker's perception that freedom of artistic expression had decreased or stayed the same.

Over the course of your career, do you feel that freedom of artistic expression in academic museums and galleries has: (N=88)



Survey Question Twenty

To break down what constraints 'increasing' or 'staying the same' means in visceral terms, research participants were asked to identify the types of content/viewpoints which have been treated differently or constrained from exhibition, as well as the rationale for these constraints. Takeaway Three will examine these results from a structural perspective, considering the roles, players, and processes through which constraints on art exhibitions are applied. Here we will consider means of constraint and common content/viewpoints which fall into this category.

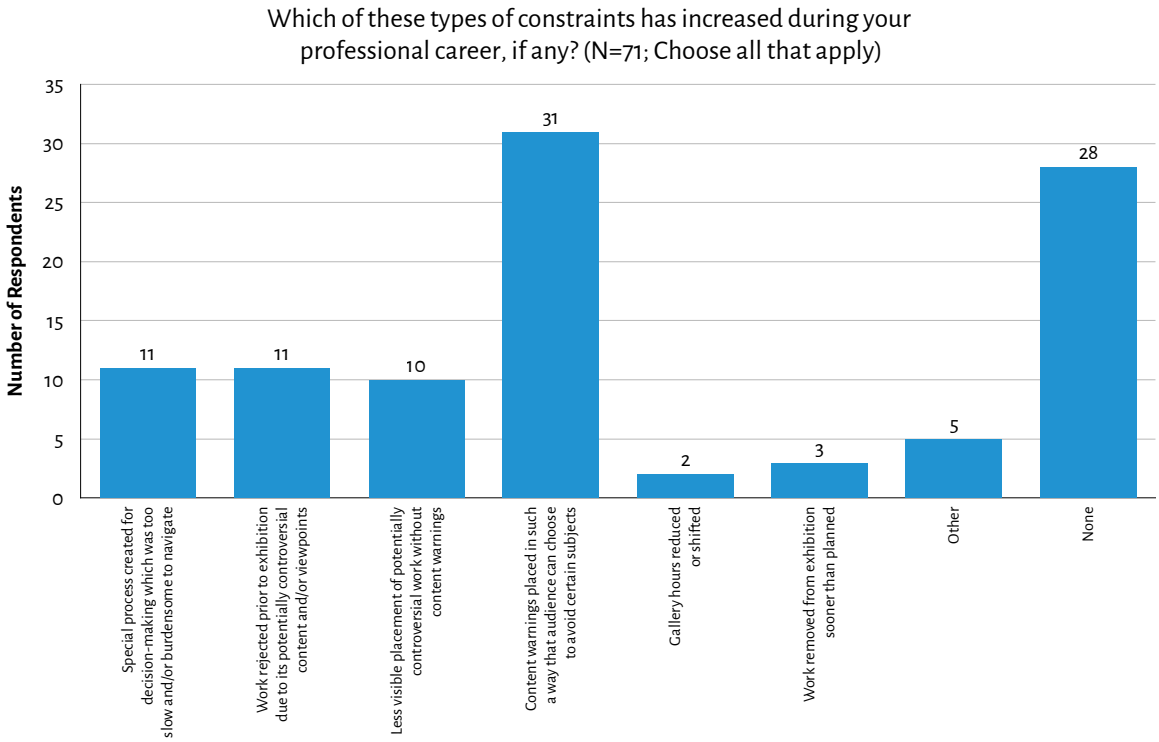
4.1 Constraints placed on art exhibitions on the basis of content and / or viewpoints are not unusual.

Directors, curators, and other professional staff and faculty working in academic art museums and galleries by definition curare, or 'care for' art. They also select, organize, present, and interpret works of art for exhibition. All of this involves making choices, typically with an eye towards the mission and audience of the institution. Both interview subjects and survey respondents were asked a series

of questions based on practices related to "exhibition of art based on its content and / or viewpoints." Importantly, this phrasing and other language was included to steer away from evaluation of art based on other factors, including aesthetics, style, quality, size, health and safety factors, etc., all of which typically also are factors in choosing art for display.

Despite the clarifications added to these questions, it is worth pointing out that these "other factors" are almost always bound up in a consideration of appropriateness for display. A very small and blurry nude might be more acceptable than a large and crisply-rendered representational nude, for example. Nevertheless, respondent answers are still highly informative about practices which regulate, limit, or remove art from view on the basis of its content and/or viewpoints.

Question Thirty-Four asked:
What types of constraints on art based on its potentially controversial content and/or viewpoints has your institution implemented in the past, if any? (choose all that apply)



Survey Question Thirty-Four

Answers added to the option "other" included: "Visitation restricted to campus community. Advertising and promotion not allowed under any circumstances (no social media, postcards, etc.)"

4.2 Content warnings are the most commonly-used constraint when potentially-controversial art is exhibited.

The two most frequent strategies employed by decision-makers exhibiting potentially controversial art clearly are "less visible placement" and "content warnings." Two interviewees elaborated on how they implement these approaches:

> In our press releases and on our website we say that there is adult content in the exhibition. Even with our docents, and with the students, the student ambassadors who we work with– And there are signs, too, that it may have adult content.

> There was some very suggestive imagery in [an artist's] video, for example. We put up a sign just outside the door saying "This content is not ideal for children" and yes, we try to be proactive about it.

Although content warnings are extremely popular, they are not embraced by some museum professionals who feel that they prejudice and limit the viewer's interpretation and appreciation of the work displayed. Two interview subjects shared commonly-voiced sentiments in opposition to content warnings:

> We try not to put signs up just because we want people to come in and make up their own mind unless it is something triggering or something that might really upset somebody, but, typically, we don't do that.

> We talked about things like who is a content warning for? Is it for like liberal, middle-class liberal elite students who might need to get on the fainting couch because they've seen something that upsets them? Who is this for? It was really interesting because a number of those folks in the team felt that content warnings are really for the privileged. Super interesting. What we ended up doing, in the end, was just saying, 'This is an installation by the artist that asked us to explore questions such as . . . We just had a couple of guiding questions. Maybe not a traditional content warning, but more a set of, 'Here's the thoughts to go in with. We're not going to lead you to conclusions but here are some questions.'

Svetlana Mintcheva, former Director of Programs at the National Coalition Against Censorship [NCAC], recommends going even further in avoiding prejudicial signage: "warning signs also have the effect of prejudicing viewers, reinforcing taboos and framing subject matter as inherently problematic. They also privilege the assumption that there is a right not to be offended – or disturbed. The National Coalition Against Censorship therefore recommends warning signs at the entrance to the museum that are general, rather than referring to any work of art or exhibition, e.g.: 'The works this institution exhibits may awe, illuminate, challenge, unsettle, confound, provoke, and at times,

offend.'" (Mintcheva 2021, 223). The museum professionals who answered 'none' to these questions may already be following this advice and/or have not exhibited work which might be considered provocative.

4.3 Nudity, sexuality, racial stereotypes, and the United States flag are common subjects of complaint, and constraint.

News stories in recent years regarding campus art controversies report a large variety of content that has provoked acrimonious debate. Case studies included in the bibliography reference many of the same types of work that interview subjects also discussed as problematic. These two types of sources were used to formulate Question Thirty-Nine, which asked participants to select which content and/or viewpoints of work had been restricted in the past in their institutions. From a total of 71 respondents, 39 answered "none." However, there were many other boxes checked from the following choices across the ideological spectrum:

- No Constraints Placed (39)
- Graphic sexuality (10)
- Nudity (9)
- Racial stereotype (8)
- Political – supporting Democratic politicians and/or ideas (7)
- Colonizer perspective and/or provenance (7)
- Artist's known views, statements, and/or actions are problematic, even if not reflected in the proposed art (7)
- Painful historical subjects (6)
- International conflicts (for example pro- or anti-China, Israel, Cuba, etc.) (5)
- Other (5)
- Anti-vaccine and masking (4)
- Climate change (4)
- Anti-immigrant (3)
- Anti-reproductive rights (3)
- Derogatory, explicit, or offensive language (3)
- Campus presented in an unflattering light (3)
- Political – supporting Republican politicians and/or ideas (3)
- Pro-LGBTQIA (2)
- Insulting to faith tradition (specify) (2, Islam and Christianity)
- Police violence / mass incarceration (2)
- Pro-Black Lives Matter (2)
- Anti-Black Lives Matter (2)
- Pro-Confederate symbols (2)
- Anti-Confederate symbols (2)
- Pro-gun (2)
- American flag transformed or 'damaged' in negative manner (2)
- Critical Race Theory (1)
- Anti-LGBTQIA (1)
- Pro-vaccine and masking (1)
- Animal abuse (1)
- Pro-immigrant (1)
- Pro-reproductive rights (0)
- Anti-gun (0)
- State flag or other icon transformed or damaged in negative manner (0)
- Campus mascot or other icon transformed or damaged in negative manner (0)

The most common difficult content clearly relates to nudity and sexuality, which also were referenced in multiple interviews and additional survey comments as controversial:

> It's mostly nudity. It's mostly any kind of sexual content, dealing with identity in any way – gender identity has been a bit touchy. Those have been the main things.

A survey respondent agreed:

> Staff administrators and students tend to be very sensitive to nudity without acknowledging its history in art, showing that art history is woefully undertaught and the place of the figure in the history of painting is unacknowledged even in a university setting.

Although flags were only specifically selected by two survey respondents (although we may assume this is how "Confederate symbol" was interpreted), three decision-makers shared challenges when asked to exhibit art that incorporated these powerful symbols in a manner deemed by some to be disrespectful:

> The American flag is a real sore point for [our Director.] He asked, through my supervisor, that we not use that in our publicity. The theme of the show was not a problem to him, but the use of the flag was.

> I've had sex, I've had religion, I've had all this stuff, but the flag was something else. I did animal rights, which was a pretty big deal, but the flag, [everyone] got involved.

> Just hypothetically, I can't imagine what the committee would do if we had received a submission of Confederate flag art. I don't think we would have gone forward with that, not only because the administration would have put the kibosh on it, but also because we wouldn't have wanted to show it, and that's an interesting wrinkle that I had not considered. I don't think that that work would ever have won in a competitive environment.

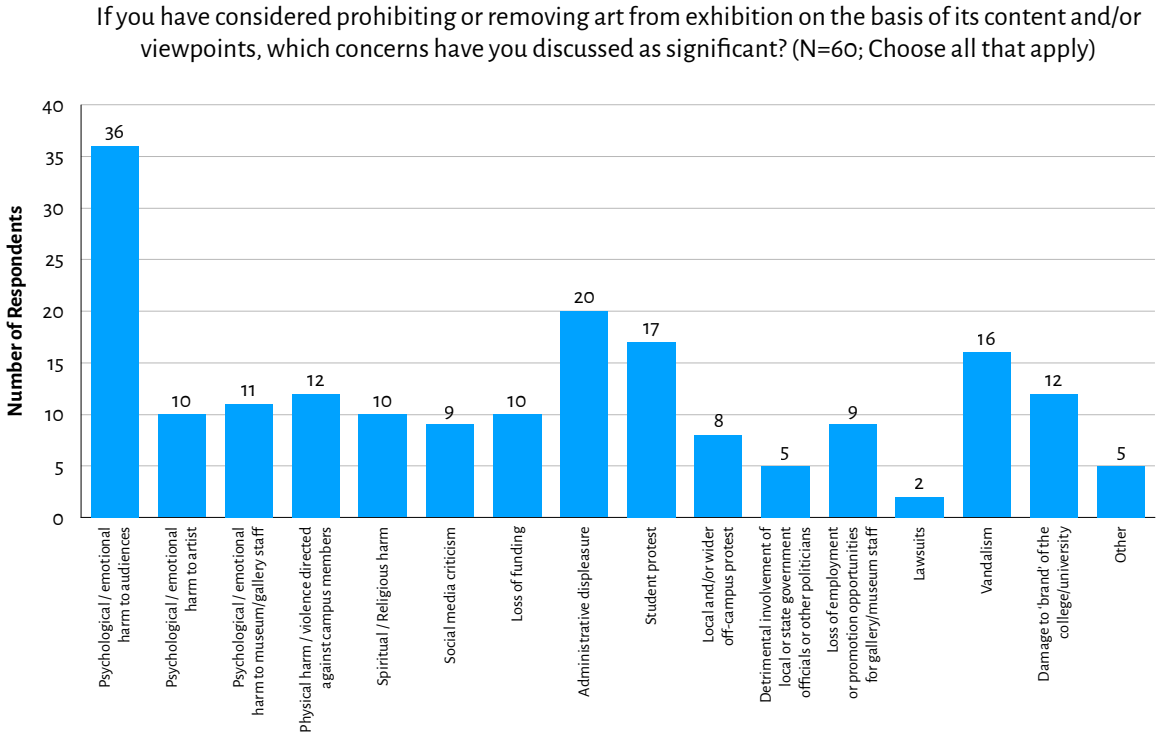
Student thesis exhibitions are common sources of controversial subject matter, as referenced by several interview subjects as well as by a survey respondent:

> The rare complaints have involved objects displaying racial stereotypes related to people of African descent and/or sexually explicit or nude materials depicting students, produced as part of the senior art major's capstone seminar.

Based on this set of data and comments, it is clear that museum professionals have imposed constraints on the exhibition of art based on a variety of content and/or viewpoints. However, it is also important to note that many museum professionals do not report this at all, and most constraints have not involved preventing work from being exhibited.

4.4 Avoiding harm is the most common justification for placing constraints.

The cherished ideal of freedom of artistic expression coexists with many other ideals, including ensuring that a college or university campus is welcoming to everyone, and does not foster a hostile working or learning environment. Avoiding harm to a variety of audiences was most frequently cited by research participants as the justification for constraints their institutions had placed on the exhibition of art, as demonstrated by the answers to Survey Question Thirty-Six.



Survey Question Thirty-Six

A few decision-makers elaborated on the idea of making choices thoughtfully to avoid harm to various audiences:

> Even when there's the challenging things like sexuality– I almost feel like if there's issues of censorship, now it's going to be about being sensitive and the ideas of triggering people. That's where my awareness is.

> I've thought a lot about if we're going to be dealing with really difficult content, I need to be thinking about the person for whom this will be most painful, and then I can construct a series of questions and a path using that as my guide.

Despite the large number of participants who chose harm to audiences as a concern, the total number of respondents to this question was only 60, indicating that many participants had never "considered prohibiting or removing art' on any of these bases. In interviews, museum professionals in a variety of institutions also expressed some unease with the idea of curating for the purposes of "healing and wellness."

A decision-maker working in an HBCU shared that part of the job was to interpret "triggers" in a manner that helped audiences move forward in discussion, and in community:

> The docent training and the student assistant training, we also share with them about the content and conversations that may come up about it, because we understand that people may be triggered now . . . It's interesting that we're in this new age where we are looking at triggers. I'm eager to see how we, as a whole, can handle the triggers . . . Helping the audience through that content is part of their training. . . No. It's not healing and wellness, we're here for open conversations, for generative conversations, for creating community.

Another decision-maker in a large private research institution described a thoughtful approach to security staffing during an exhibition that included images of lynching:

> We did think quite a bit about the security staff who is among our most diverse group of people who work at the art gallery, and they are the people who would sit in that exhibition for hours on end. We actually asked if we could have people choose to be there or choose not to be there, which is what happened. My colleague added a little library, so there's a place you could sit and read if you wanted to read more, and then there was a table with paper and pencil and a box, and [visitors] wrote reflections, which were really beautiful.

And a decision-maker at a large public research university in a conservative state shared:

> Maybe flag burning could be traumatizing to someone. A lot of students that make up the student body . . . come from conservative backgrounds, or conservative school districts. That could be something that we may consider as a traumatic experience that may cause for someone. I don't think it's something that is an overriding factor of what is displayed at either art institution on campus. I think maybe explicit intercourse may be something that we will maybe put a trigger warning sign up. Nudity, no. It will be something super-explicit . . . One of the conversations I had with my executive director, was the type of subjects and content that I would have to be mindful of. There was work that I wanted to show. I was like, 'I really want to show all this work but I'm unsure because it's like this six and a half foot painting with this nude guy. I'm not sure what we do about that.' She's like, 'Nothing. We do nothing. We show art. That's what we do.' For me, that was reaffirming.

Based on these varied responses and comments, it is important to acknowledge the diversity of institutional experiences, and large variety of content which is treated as potentially problematic in our very pluralistic higher education landscape. As response to Survey Question Thirty-Nine demonstrates, however, in most cases (39 out of 71), museum professionals reported that they have not prevented or removed art from exhibition on the basis of its content and/or viewpoints.

5. Takeaway Four: There are Important Differences Between Freely Curating, Self-Censorship, and Censorship.

5.1 Fear of controversy can result in self-censorship.

Although a minority of decision-makers reported instances of work being prevented or removed from view, we must ask whether that is also a reflection of decisions made well before a checklist of works was drafted. Failing to curate, in the traditional sense of selecting, exhibiting, and interpreting art in the light of mission and audience, is an abrogation of professional responsibility. But how do we determine when the line is crossed from freely curating works of art for exhibition, into the other 'c-word,' censorship? Svetlana Mintcheva writes: "while there may be many reasons to include or exclude a specific work or a particular artist in the programming of an institution, self-censorship can be defined as the decision to cancel a show or exclude a work or an artist solely because of (potential) external pressure and the fear of controversy or repercussions." (Mintcheva, 2021), 212.

Speaking to the topic of self-censorship, two survey respondents complained in a text box asking for "any thoughts on freedom of artistic expression in academic museums and galleries which you have not already addressed:"

> On this campus, the identity group that an artist belongs to is as important as their art. Further, we have objects in the collection that our staff is afraid to exhibit because we are not part of an identity group deemed appropriate to comment on them.

> I believe the issues facing many curators is not so much the existence of actual policies or rules for the gallery, but the self-censorship that comes from intuiting the likelihood of controversy should particular exhibitions be presented. For example, as much as I would like to show a show devoted to Palestinian art and the resistance against the Israeli occupation, I know that it would be a career-killer. The controversy from our Congressman on down would be a firestorm. So, in my own self-interest, I shy away from putting such an exhibition together. I would not want to be put in the position of having to present some kind of bullshit disclaimer or alternative view of the conflict. So the censorship is there, whether officially stated or not.

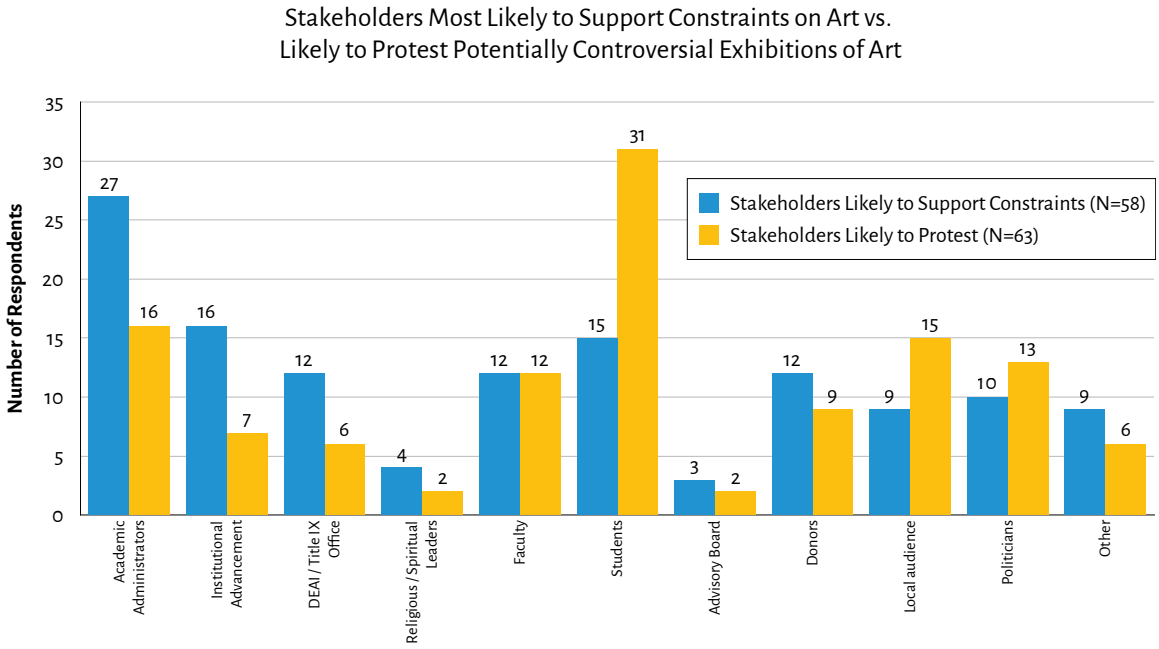
These respondents' comments allude to what Mintcheva refers to as "the less noble demands of funding needs, as well as by community and special interest pressures and, ultimately, by the fear of controversy. This ecosystem fosters a kind of constitutional – or structural – pre-censorship that constrains the ability of the art to offer unexpected or dissonant perspectives on political and social reality." (Mintcheva, 2021, 212). In both cases, these survey respondents discussed generalized concerns, rather than specific examples. To try and more accurately evaluate our current curatorial/

censorial 'ecosystem,' a series of questions were asked of both interview subjects and survey respondents, including questions Forty-One and Forty-Two:

Which stakeholders are most willing to support constraints on the exhibition of art on your campus due to its potentially controversial content and/or viewpoint? (choose all that apply)

and

Which stakeholders are most willing to protest exhibition of art on your campus due to its potentially controversial content and/or viewpoint? (choose all that apply)



Survey Question Forty-One vs. Survey Question Forty-Two

These results demonstrate that museum decision-makers worry about a variety of stakeholders, including most notably academic administrators, institutional advancement officers, and students. The perception that students would be twice as likely to protest art they don't like rather than support constraints on potentially controversial art presents an opportunity for conversation with students about the inherent competing 'goods' of freedom of expression and other important values. This complex paradox is always difficult to parse. For example, one survey participant reported in the "additional comments" text box:

> I would not show art work that promoted white supremacy, violence towards women and hatred, so I do censor — though I have not had any offered either.

Here, the respondent suggests a certainty that curators would be able to readily identify works "promoting" discrimination, violence, and hatred. In reality, there are many contested definitions of all of these categories, and students can be productively engaged in discussing them.

In my course on African American art, for example, we look at silhouettes depicting vile acts in the context of slavery by Kara Walker, Confederate flags re-worked by Sonya Clark, self-portraits of the African American artist Nona Faustine Simmons standing nude on an auction block on Wall Street, and Michael Ray Charles's painted appropriations of racist caricatures. My students disagree every semester on whether these images help or harm – but the point is that we are having the conversation because we can look at the work. Faculty and museum professionals are more likely to understand the pedagogical value of these intense conversations than others with less expertise who may be involved in decisions regarding what art may be exhibited on campus.

5.2 When the exhibition decisions made by museum professionals are overridden by administrators and others, then it's almost definitely censorship.

The delicate distinction between curating and censoring is not a new problem. Instead, this dynamic has a long history in the United States, particularly as our legal and cultural expectations of freedom of expression set expectations and assumptions which are difficult if not impossible to meet. Freedom of artistic expression often raises the potential for conflict with other important goals, such as maintaining campus, public, political, and philanthropic support for higher education institutions, and fostering an atmosphere of genuine welcome and inclusion for diverse audiences.

Instead of 'naming' censorship acts and 'shaming' academic institutions and their community members, this study purposely focuses instead on understanding the structures and processes through which curatorial decisions are made. As we have seen in previous Takeaway sections, trained museum staff understand the important role art can play in fostering dialogue, and they also have the expertise to physically situate and textually and /or in other ways present and interpret art to enhance its pedagogical value.

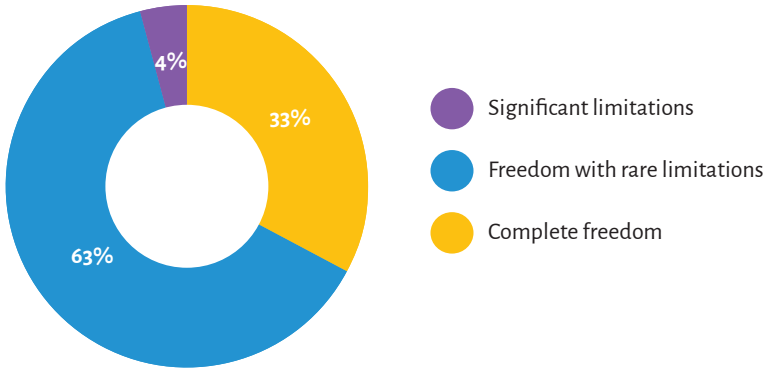
Although self-censorship is clearly a concern, the topmost worry we should have about censorship regard those moments when individuals in administrative or external roles take over decision-making functions that should properly rest with museum professionals.

To interrogate the question of power in decision-making, both interview subjects and survey respondents were asked a series of questions about normal processes, and how those changed when art exhibited on campus might be controversial.

5.3 Many campus administrators recognize the expertise of museum staff, and stay out of decision-making regarding what art can be exhibited.

Overall, in good news, research participants indicated a generally robust sense that campus arts professionals have the freedom to decide what art can be exhibited, as indicated in answers to Question Thirty-Three:

Which of these phrases best describes the degree of freedom of artistic expression currently enjoyed by curators and jury members (internal and external) in selecting works of art to exhibit on campus? (N=77)



Question Thirty-Three

Six interview subjects described what it felt like to curate with "complete freedom:"

> The museum has been blessed to have supportive administrators who let us take those risks that other museums can't take, and to foster generative communities and whole communities. Our success and being able to be free thinkers and free displayers and free arbiters of our experiences, is wholly supported by the administration. This is what they try to impart upon the students as well.

> I was told by my supervisor that the director, he didn't want to be saying yes or no to exhibition ideas. That's why they hired me was they had faith in my knowledge of art, my years within the field, and so forth.

> I think we've always been an institution of, ask for forgiveness instead of permission. We've been empowered by the past two presidents to take on that attitude or that perspective and that practice.

> No, we never decided this is too risky. The director was very vociferous with administration and with faculty that we are not here to censor and we will not do so, do not ask us to.

> I have a lot of freedom. I always have, at all three of the campuses where I've worked, I've had a lot of freedom. Sometimes I've had an external board, sometimes I've had an academic advisory council. I have to say, in 20 years, I've never been told by anyone above me.

> Academic freedom is a very strong subject here, especially in [my very conservative state]. We don't do content warnings. I think that they hired me because they have confidence in my judgment, and I think museums are safe spaces for provocative ideas. I believe that our top brass feel the same way.

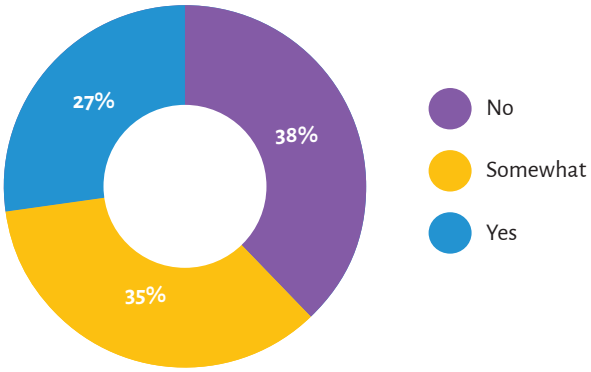
Museum staff working in many different types of institutions, including those quoted above, reported feeling confident that they had the authority to exhibit even very controversial art. 'Reporting' to supervisors in these cases did not mean ceding authority. For many other staff, however, these lines of authority are less clear.

5.4 Decision-trees say a lot about who has power . . . if you can find them.

Although very few survey respondents indicated that they experienced "significant limitations" regarding art they wanted to exhibit, on the other hand most reported that limitations did occur, even if for most they were 'rare.' Drilling down on the mechanisms through which these limitations occurred reveals a diverse mix of decision trees, many of which are opaque at best.

On the question of roles and responsibilities, only 27% of survey respondents indicate that they even know who has the "authority to decide" in their institution, as indicated by answers to Survey Question Twenty-Seven:

Are roles and responsibilities clear regarding who has the authority to decide what art may be exhibited on campus on the basis of its content and/or viewpoints? (N=79)



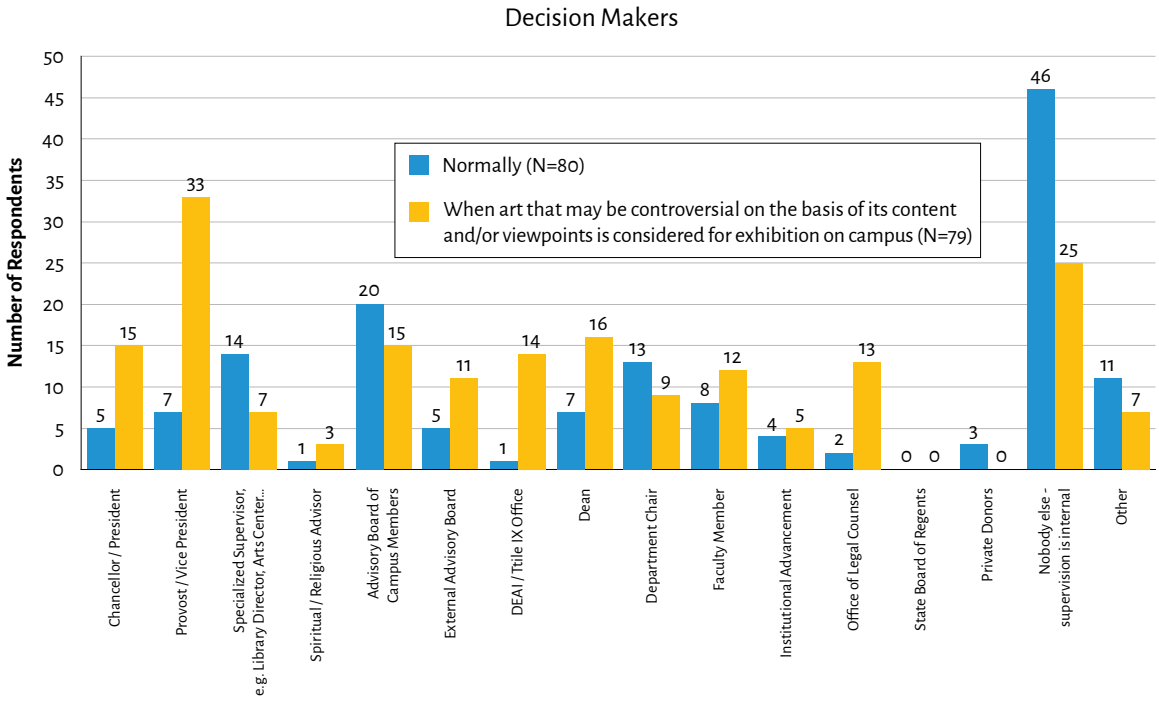
Survey Question Twenty-Seven

For the 62% of respondents who answered 'no' or 'somewhat,' this confusion may be due to changes in decision trees when art has the potential to be controversial. Survey Questions Twenty-Three and Twenty-Four asked more specifically about this distinction:

Who is NORMALLY involved in deciding what art will be exhibited on campus on the basis of its content and/or viewpoints?

and

When artwork which may be controversial on the basis of its content and/or viewpoints is considered for exhibition on campus, who is added to the decision-making process?



Survey Questions Twenty-Three and Twenty-Four

A comparison of these answers demonstrates sometimes dramatic shifts in who is at the table to make decisions when art may be controversial. This creates an opportunity for the expertise held by museum staff, guest curators, and jury members to be challenged or even overridden by administrators, external advisory boards, legal counsel, and the DEAI office. To avoid this possibility, many research participants reported the need to strategize how conversations are framed.

5.5 Giving heads-up, seeking guidance, and asking for permission are three different things.

As one interview subject aptly stated, it can be dangerous to "seek guidance" when that might be interpreted as asking permission:

> Thin line, I think if you seek guidance, you might get someone telling you, 'No, you can't do that.' That's not what I was seeking. That's why I've avoided it in the past because I don't want to be put in that position.

Another interview subject framed conversations with an advisory board carefully:

> The idea is presented to the advisory group, and it was more a discussion of like, 'Okay, so it's not a question of if we're doing it, it's more a question of how we do this well.' It's like coming up with ideas on how we need to present the information, and where we need to make sure people know about certain things.

Three other interview subjects discussed that they routinely give a 'heads-up' to supervisors and staff who never challenge their decisions, even if lines of authority are not expressly clear:

> I run everything by my boss, who's the director and he gives me a green light on everything I do. He's great for a sounding board and he's absolutely great. If I have a question about something, whether it's an individual work of art or an idea for an exhibition or whatever, he's a terrific sounding board and he often gives me terrific advice.

> One requirement, I think it's a requirement, or it's a traditional practice that we do, is whenever we prepare programming, we always send everything to HR and all these other places. Not for approval, because we never get a subsequent email or document back saying, yes, this has been approved. Every department around the university is included in this email blast of preliminary programming. I think it gives them opportunity to contribute if they want to, but we haven't had anyone to email back and say, 'Oh, no, don't do that.'

> We have a PR person that is assigned to us. We're not the only group, on campus, that they are in charge of. This is a person that—I've worked with this person for almost 10 years now, at this point. I always tell them upfront too. I'm like, 'Look, this exhibition has X, Y, and Z in it, just so you know.' Their response has always been the same for 10 years. She said, 'I'm not in the business of censoring art or anything that you do.'

Museum Director John Wetenhall reminds museum staff that easygoing partners one day can make life difficult another, especially in reference to museum boards:

> Notwithstanding legal status, an unruly museum board can still obstruct, complain, micromanage or otherwise drain time and energy. As individuals, board members may have some phone numbers that you wish they had not: the dean, provost, president or maybe a university trustee. So please be aware that the "advisory" board you believe has no "legal authority" may have all that it needs to make your life a living hell. (Wetenhall, 2019), 192.

The same could be said of almost anyone given a seat at the table when decisions are made about the exhibition of potentially-controversial art on campus. Which is not to say that all of this input is not beneficial and even critical, but rather that freedom to curate can slip away if the authority to restrict art exhibitions on campus is perceived to extend beyond the offices of museum professionals.

5.6 When alumni, donor, and public relations staff are calling the shots, mistakes are made and opportunities are lost.

In a recent essay, critic John Warner complained that rising censorship on campus (in general) "is not so much a left/right phenomenon or a problem of viewpoint discrimination on campus, but an operations/mission disconnect. Too often institutions reflexively respond to controversy like customer service representatives, rather than leaders invested in an academic mission. This leads to knee-jerk overreactions treating incidents like a PR problem, rather than something that requires engagement with deeper institutional values." (Warner, 2021).

Two interview subjects described instances when their own priorities were in conflict with administrative offices much more concerned about brand management than teaching and learning:

> We would never blindside anyone, but we also would never purposefully censor ourselves to avoid difficult conversations. I will say that some of the most difficult conversations for us right now are with our advancement colleagues, who have a very different agenda than we do. . .
>
> I think just as [our university] is, they're very image and brand-focused. We do have a permanent person from the marketing department who sits inside the [department we report to], and we work with her quite a bit. I know, if something were to happen with like social media specifically, that would go past the committee and just go straight to the marketing and the dean to sort out what to do with something like that. . . I will say that wouldn't be very great because I think they would definitely restructure how things are done with the gallery– like right now we have a lot of freedom, but if something like that were to happen. I think they would restructure certain things for sure.

One decision-maker regretted the lost opportunity that arose when administrators valued speed over thoughtfulness in the heat of a controversial moment after students had torn down an American flag on display:

> We actually should not have gotten so cowed by the public response. They should have said, 'Sure, you know what? That wasn't necessarily a great action that students took, but who is this [U.S.] flag for? What does it stand for? How do we relate to it? Let's not put it up again until we can have these conversations,' whereas the university just immediately got another flag and put it up. . .

Individual examples of art censorship included here in the Bibliography provide many case studies in lost pedagogical opportunities when administrators – often cowed by members of the public, politicians, and major donors – acted in haste to remove art rather than look at it – and talk about it.

6. Takeaway Five: The Future Threat Landscape is Not Great, But There Are a Lot of Best Practices That Can Help.

While we may parse nuances and debate whether the choice not to exhibit art amounts to curating or self-censorship, there is no question that when the person making the decision to pull the plug is your elected representative, then it's definitely censorship. One of the more unexpected findings of survey data analysis was that **staff at private institutions reported significantly ($p < 0.05$) fewer past constraints on art exhibitions than their counterparts in public institutions**. For those of us schooled in First Amendment law, this result is entirely counterintuitive. As employees of public universities, museum staff – and their tax-payer supported colleagues in the Institutional Advancement office – are all government agents, and not permitted to 'abridge the freedom of speech.' Over the past century, the Supreme Court has held that this freedom extends to every conceivable form of artistic production, including tattooing and striptease. (Werbel, First Amendment Watch Teacher Guide, 2020).

A further finding of survey data analysis was that **being a private institution also significantly ($p < 0.01$) reduced the expectation of future censorship, compared to public institutions**. This finding is even more dramatic if we consider that museums decision-makers on the whole expect significantly more constraints on art exhibitions in the future in general. This result is apparent when answers to Questions Thirty-Nine and Forty are compared:

Question Thirty-Nine: Has your institution placed constraints on the exhibition of art due to its potentially controversial content and/or viewpoints in the past? (if yes, choose all topics that apply)

and

Question Forty: Do you feel that your institution would be likely to place constraints on the exhibition of art due to its potentially controversial content and/or viewpoints in the future? (if yes, choose all topics that apply)

	Past N=71	Future N=66
No Constraints Placed	39	31
Racial stereotype	8	18
Pro-Confederate symbols	2	16
Graphic sexuality	10	16
Images of racial violence, e.g. lynching, KKK	6	15
Artist's known views, statements, and/or actions are problematic, even if not reflected in the proposed art	7	13
Colonizer perspective and/or provenance	7	12
Anti-immigrant	3	12
Derogatory, explicit, or offensive language	3	12
American flag transformed or 'damaged' in negative manner	2	11
International conflicts (for example pro- or anti-China, Israel, Cuba, etc.)	5	10
Nudity	9	9
Political – supporting Democratic politicians and/or ideas	7	9
Campus presented in an unflattering light	3	9
Other	5	9
Insulting to faith tradition	2	9
Painful historical subjects	6	8
Animal abuse	1	8
Anti-LGBTQIA	1	8
Anti-Black Lives Matter	2	7
Critical Race Theory	1	7
State flag or other icon transformed or damaged in negative manner	0	6
Pro-gun	2	6
Anti-reproductive rights	3	6
Pro-LGBTQIA	2	5
Police violence / mass incarceration	2	5
Pro-Black Lives Matter	2	5
Anti-Confederate symbols	2	5
Anti-gun	0	5
Pro-reproductive rights	0	5
Pro-immigrant	1	4
Anti-vaccine and masking	4	4
Climate change	4	4
Pro-vaccine and masking	1	4
Campus mascot or other icon transformed or damaged in negative manner	0	3

One obvious reason for an expectation of future restraints is the clear chilling effect that comes from reading news stories – and/or personally experiencing – conflict on campus that arises based on the exhibition of provocative art. Several interview subjects referred to these worrisome episodes, and also particularly referenced the fear of state legislative action.

6.1 Legislators unfortunately do have the power to threaten to defund your institution if you exhibit art they don't like.

It's impossible to get around the fact that much funding for public higher education flows from state legislatures, and that in many conservative states running a campaign against higher education (and art) is an effective political tool. Several museum staff referenced real or anticipated problems resulting from the harsh spotlight of partisan conservative politics in their interviews:

> I think that the fear was that if the people in charge of the Republican legislature got hold of something like that performance, . . . if that went viral and they caught that, that there could be real ramifications for the university. That it could be financially punished, in a sense. The funding could get taken away. At one point, when [the director] realized that it was really going to be a problem, that we were going to get some backlash from the attempt to shut down the exhibition, he took it to his boss, who took it to University Legal. Legal came back and said, 'We think you should let the exhibition go forward. We think that it should not be closed and that you should let this happen in the interest of free speech.' They would allow us to do the performance in the gallery and let the performance take place. They did not want it to be on Instagram. They did not want it to be a live event on the internet, but it could take place in the gallery.

Another interview subject shared the constant fear that epitomizes the 'chilling effect' of political threats, which are so corrosive to academic freedom in particular and civil liberties in general:

> That's always my personal fear is politicians and board of trustees that have those types of political and lobby interests . . . we're never intentionally trying to pick a fight with anyone. We are definitely mindful of the fact that the narratives and the dialogues and the conversations and the way we talk about the exhibitions are just as important if not more than the artwork itself.

Needless to say, museum staff should be focusing on crafting narratives for the edification of their students, not "political and lobby interests" – but they can hardly be blamed for this situation. A decision-maker at a private institution shared fear of working in a public institution due to potential political interference:

> I can't imagine running an art space at a public university. I won't lie. I think it may be more important than the work that I did, but also the idea that there could be legislative overview [at the state level] would be really scary."

Another decision-maker summarized:

> It is a very different world of decision trees in a public institution that is partially funded by state and federal government.

The expectation of so much more controversy related to flags is a good indication that state legislative political interference is on the minds of survey respondents as well, when past vs expectation of future constraints based on content and/or viewpoint are compared:

American flag transformed or 'damaged' in negative manner	2	11
State flag or other icon transformed or damaged in negative manner	0	6

In this case, a museum decision-maker wanted to support free artistic expression, but the hysterical process put into place to 'prepare' the university for potential political fallout proved too burdensome:

> We do a lot of student shows and my approach is I never want to censor any student. I had a grad student who does nude performances. We had to pause their performance because we had to go get some approvals. Approvals in the sense that we wanted to make sure that the Dean was aware of it, that it was happening and that should anyone say anything, they were already prepared to defend the student's artistic performance. The student actually I think was a little frustrated by the approvals and ended up not doing it. . . I have a hunch the legal was probably consulted just to be safe. I'm often not on those emails but usually, if there's a minute where there is a slower response, I am fairly sure that they are running it by public relations to make sure that we have the right language prepared should anyone say anything? We learned that we needed to formalize that process with students in particular because we want to encourage everything that they do, but we also have to be cognizant that we are a public university in a conservative state and we are publicly funded and we do want to respect as much as we can without censoring respect that relationship and that identity that we operate under.

The hyperbolic rhetoric flowing from some state legislators often far exceeds their capacity to do harm. Nonetheless, the threat of punishing consequences for speech unpopular with government agents causes a 'chilling effect' that is often enough to do the damage. This is unfortunately a playbook well used in dictatorships reliant on threats of punishment for dissident expression as a principal tool of power and control over individual and institutional speech.

6.2 Research participants voice fears of politicization and punishment from both the right and the left.

To be fair, survey respondents and interview subjects expressed concern about criticism from the left as well as the right.

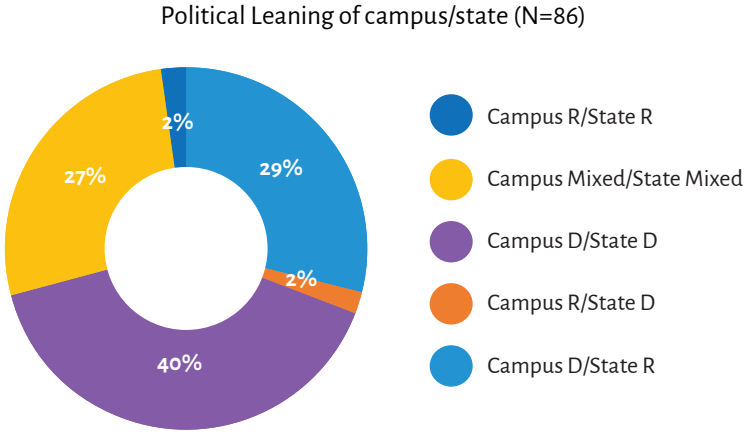
A survey respondent in the open forum shared:

> Political opinion seems to be on a circular continuum these days, with the left and the right meeting in the middle regarding their views of freedom of speech. I am always surprised at how many left-leaning students and faculty oppose freedom of expression explicitly or implicitly–and how much fear has been generated on campuses for those who dare to speak out on various issues–with censorship coming from the left and from the right.

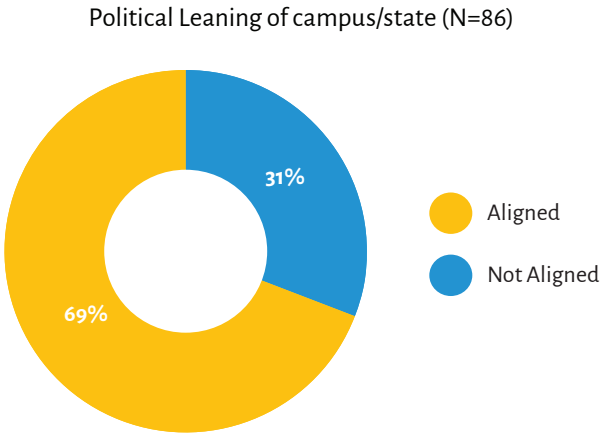
And another survey respondent answering 'other' regarding constrained subjects wrote:

> Anything offering a counterpoint to the campus' ultra-leftist policies and initiatives.

Polarization in both camps is most likely responsible for the expectation of a continuing increase in constraints on art exhibitions. This causal relationship can be inferred from two further statistically significant results of the survey. Respondents were asked about the 'alignment' of their campus with the state political climate, as seen in two views of Question Seven:



Survey Question Seven



Survey Question Seven

Survey data analysis showed **that political alignment significantly *(p < 0.05)* increased the likelihood of some future constraints on the exhibition of art**. The number of respondents in the R/R category was quite small, however, this finding is supported by another significant finding of survey data analysis: **Compared to being rural, being urban significantly (p < 0.05) decreased the likelihood of reporting one or more past constraints on the exhibition of art.**

A reasonable conclusion we may draw from these several findings is that greater diversity on campus in general (whether through political difference and/or urbanicity) predicts fewer instances of constraints on the exhibition of art.

6.3 The effect of educational gag orders could be devastating.

Although conservative legislators can huff and puff all they want, it is very unlikely that the prosecution of campus museum professionals would be successful. Legal protections (which will be discussed further in Takeaway Six) are, for the moment, "settled law." However, a new threat is emerging via the much less protected domain of K-12 education, thanks to the recent wave of educational gag orders which could interfere with the significant contributions academic museums and galleries make to public education.

Out of 91 respondents answering Survey Question Fourteen, "Audience," 58 museum professionals selected K-12 students. Professional staff organizing frequent visits from these groups already think about those audiences when curating. In many instances, decision-makers reported that their institution had several gallery spaces, so it was easy to invite school groups to see exhibitions appropriate for them while also using other spaces for content appropriate to higher education.

One survey respondent reported:

> for some K-6 tours, we have guided groups past parts of exhibitions that contained subject matter too complex to discuss in a short viewing with minors;

and another reported:

> temporary removal of sexually explicit works during K-12 tours.

An interview subject admitted that the K-12 groups were always kept in mind:

> Sometimes when I'm thinking about wanting to work with the kids, will I choose one thing over something else? Because do we all need to see a whole bunch of breasts? I don't know, it's just not that important sometimes. Like, will I choose—Just literally within paintings, just so that I can have kids come because I don't need that painting of breasts, that other painting's just as good, you know? If that's going to be the difference between being able to have field trips come or not.

In many states, curating for K-12 school groups – and even for college students in some places – is about to become much more problematic, as indicated by a survey respondent asked about pertinent laws who added:

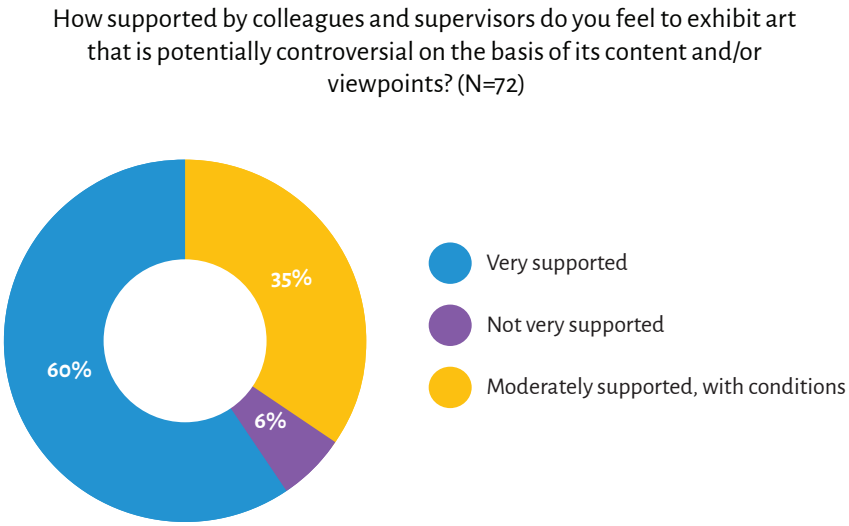
> Critical Race Theory just banned today statewide (K-12 plus colleges & universities).

As of the present moment (May, 2022), legislation has been introduced or passed in fourteen state legislatures that curtails educational programs, training, and/or curricula that address subjects including race, gender, and sexuality, many with harsh financial penalties for infractions. (PEN America, *Index of Educational Gag Orders)*. Even where these laws do not explicitly apply to higher education, they would severely impact K-12 school groups who are an important audience for many academic museums and galleries. In short, museum professionals have every reason to expect a landscape of much greater threat, and much greater self-censorship and external censorship, in the coming years.

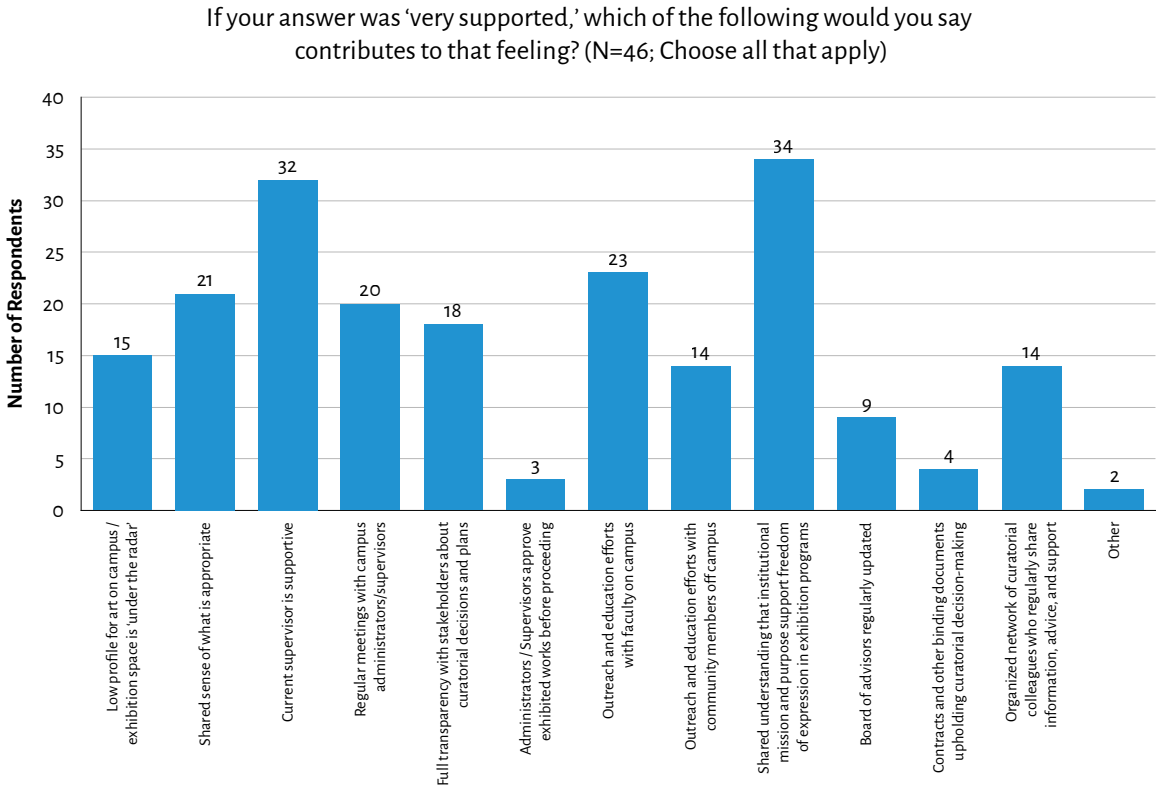
To add to this list of worries, it may reasonably be observed from both interview subject and survey responses that many museum professionals may find themselves feeling unsupported if the firestorm comes to their campus.

6.4 Museum staff cannot take for granted that they will always enjoy support from campus administrators.

Survey Questions Forty-Three and Forty-Four asked museum professionals how supported they felt by colleagues and supervisors when exhibiting artwork which might be controversial, and then asked what elements of their jobs contributed to feeling supported. A majority of decision-makers reported feeling very supported, with the top two answers attributing that to a shared commitment to freedom of artistic expression and "current supervisor is supportive."



Survey Question Forty-Three



Survey Question Forty-Four

Even though most research participants expressed a feeling of support from their current supervisors, several voiced concern that there was no guarantee that future supervisors would value their independence. Four interview subjects shared:

> I would say most of the people that we would reach out to, they wouldn't want a voice, I don't think with what we do or anything like that. We do have a new university president that I haven't met yet, and he's a business-minded person. It'll be interesting to see how much he is involved in the arts and in what we do.

The person who could put the kibosh on something would be the chancellor. We could do all the right things, engage all the right voices, make the case, and he could ultimately decide that's not what he wants for the university. We haven't faced that yet.

> I've never once had anyone intervene or tell us no, or tell us you should present it this way. I've never had anyone. I'm not saying that that's a luxury that I'm going to enjoy for the rest of my career necessarily, but so far I've had complete and total independence in terms of the creative content, and the content of the exhibits and the way we present them. . . We are a public institution and the institution that we're then housed in is a state-run institution. I've seen things go south very quickly for a lot of counterparts in other parts of the country in these kinds of situations. That is the only thing that I was alluding to that one day this could go south and if I get the attention of the wrong person . . . who knows?

> Now, I am thinking a little differently both with the new administration and with new issues and new complications that could arise in certain cases.

Many research participants further related that their freedom to curate as they liked relied on "benign neglect," to put it nicely, or ignorance and isolation, including these four:

> We just don't get good enough publicity in part. I think some of that's not a best practice, but I do think like some of that was that we were under the radar.

> I think that the gallery could fly under the radar. I could just be like, 'Oh, no one's going to notice, no one's going to see it.' For the most part, I've felt like in the past anyway.

> Honestly. I feel like a lot of times we work in a silo and we are left alone. We choose our exhibitions and no one really asks questions or questions why we're doing something.

> It's interesting. I don't actually think the highest-level administrators were unhappy with it because I don't think they paid any attention to it. It generally wasn't a very prominent space on campus.

And a survey respondent wrote in the open forum:

> Art is not a focus or emphasis at my college, so our gallery strategy has largely consisted of remaining below the radar of higher administrators. If we consulted or otherwise brought up potential concerns, our freedoms would potentially be lowered if we asked questions or brought up ideas for consultation or support.

Although flying 'below the radar,' and 'benign neglect' provide a feeling of freedom, one decision-maker also discussed that this was a fragile ground for freedom of artistic expression:

> We operate in this benign neglect. No one is really concerned about what we're doing, even at the highest level. They're pleased with what we're doing, they're happy. The president, the provost, they think we're doing a great job, it's all good. They love seeing the publicity. Whenever something good happens, it's all great, but they just don't get involved, they just don't really care. So long as it's all good, it's good. I guess I'd be worried about the provost, but she just wouldn't care. The only reason she would care would be if the president was annoyed for some reason and the only reason he would care would be if the trustees were not pleased for some reason, and the only reason they would care would be if there was bad press-damaging the university's reputation for some reason.

One interview subject who works at a private liberal arts college in a conservative rural area stated the dilemma well:

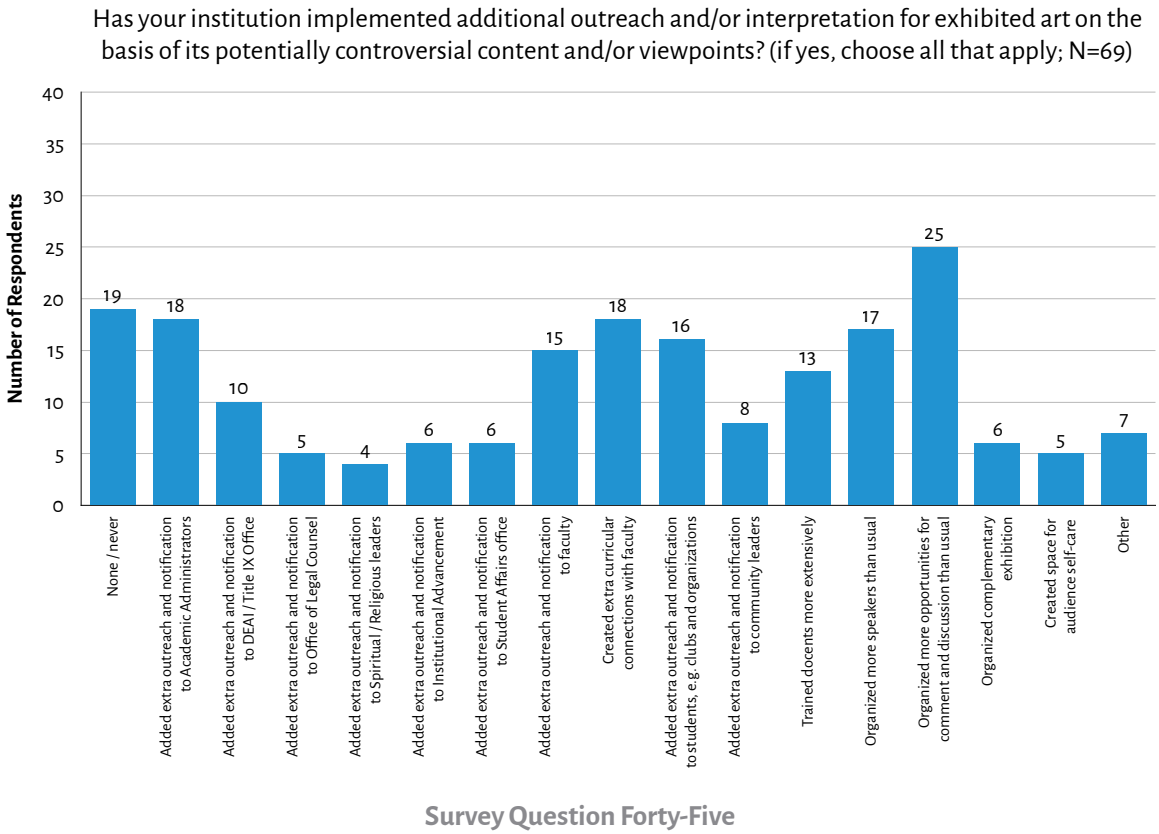
> It's very much, do your thing, do your thing, do your thing and then once something bad happens, then it's shut down, as opposed to here's guidelines to follow as long as you stay within those guidelines, we're good to go.

Although censorship threats via politicization, defunding, legislation, and administrative fragility all seem likely to increase, veteran museum professionals also report great confidence in some tried and true strategies for exhibiting work that sparks important conversations.

6.5 Smart curatorial strategies, including curriculum integration and wide-ranging networking enable successful exhibition and interpretation of work which may be provocative.

Despite ominous threats to freedom of artistic expression, many research participants voiced confidence in their ability to successfully exhibit art which might be provocative on campus, and were happy to share the lessons they had learned in the trenches. In many cases, their approaches mirrored those recently described by Svetlana Mintcheva: "a deliberate and focused effort to understand the local environment and build local networks of support is a crucial part of preparing an exhibition. Even before any program or exhibition is planned, curators and museum administrators need to research the institution's social, political, and economic context, find out who the key political actors and local special interest groups are and where the social tensions lie. They should reach out to these groups formally and informally and establish and nurture relationships that could be activated when necessary. Failing to do so could be costly to an institution." (Mintcheva 2021, 219).

Choices in Survey Question Forty-Five were based on conversations with interview subjects, who described wide-ranging 'networks of support' similar to those referenced by Mintcheva:



Several interview subjects elaborated on their extensive and proactive networking. which provided a team of allies "if things do get dicey:"

> We obviously have a huge resource right at our fingertips in terms of the faculty. We're a large research university and so chances are there's an expert on just about anything you can imagine. We love to go to that resource first, but then we will always have at least one or two community. Whether it's a community non-profit, or if it's another colleague institution, we often try to reach out. Sometimes we even get the city involved. We've done exhibitions with the mayor's office. We try to be very strategic in the sense that if things do get dicey, it's not just us out on the limb. You know what I mean? . . . Our current exhibition, it got into the curriculum of, I think, 50 classes this semester. In the actual syllabus."

> I think figuring out where the big mission points of the university are, and who are the people who are connected to that because if you can build programs and exhibitions that are in dialogue with those folks and their agendas and needs, and sympathies and all that kind of thing, you just make for a stronger, more inclusive program.

Several veteran museum professionals also looked back on years of building support through programming that attracted diverse audiences in the community:

> You can't just show things that are all the time provocative or political or super-scholarly or super crowd-pleasing, like vapid. You have to have a mix. It has to be a mix, and there has to be something for everyone I think.

> For our place, what has worked best is to build a relationship with the museum as a whole and not to try to sell it like a commodity, like, "Do you love this idea? Do you hate this idea?" It's not to say that sometimes we don't go for specific we often do, but the base level funding is, I think, coming out of a respect and a trust in our ability to have a menu of things. If you hate one thing, come back next time and see something different. I'm very focused on weathering controversy by building relationships before you need them, while you need them, after you need them.

> Never leaving the relationship open and raw, circling back, even if it's three years, circling back, talking to people, even if they never come back as donors, because it's the long haul we're talking about. It's not the exhibition, it's not the one chance or it's not the museum curator, it's not anything, it's like investment in your institution on a decade by decade basis."

6.6 Communicating early, often, and inclusively with campus stakeholders can help leverage power with allies – and defuse the opposition.

Although external community support is helpful, it probably won't matter if the campus community is not already informed and included in outreach efforts. Again, veteran museum professionals shared that being proactive and inclusive were essential to building support. This was never about asking permission, but rather making sure that administrators, staff, faculty, students, and others could never say they didn't know:

> I've been doing this for 20 years at this institution, and so I think now I just know what I can do and what I can't do. We did a performing gender exhibition, and I think we did a great job of prepping the institution for that so that there was minimal impact on it. It was all the prepping of the institution to show that.

> One strategy that has worked very well for us is always communicating up when we think there's a problem, through the chancellor's office, through the provost's office . . . We don't always make it, because sometimes we don't know what's going to tick people off, but we try to send everything up ahead of the firestorm.

> I had these same people that I had met during the [first controversial] exhibition, I invited them to come see the show before it opened so that they would be able, at least, if there were any– I think it's one thing to not know anything and then try to deal with any kind of public response that is very critical. I wanted them to see the artwork so that if there were any backlash, they would be prepared. They came and they said, 'We have no problem with this, this is all fine.' There was a piece that said, "Fuck Trump." I did want them to see that this was going to be part of the show and that I'm not going to take it out of the show. I wanted them to know that this was there. It was more of a courtesy, I think, and also, it's educating them.

> Again, that's what I mean by the prep, meetings with the president, meeting with the provost, doing all of that upfront, and student academic, like the Student Services Office just in case anything came their way, or it was triggering for somebody, things like that. They were okay with caveats. They're like, "Okay, so you have to do X, Y, and Z. If you're going to do this, then let's make sure we do X, Y and Z." As long as we made sure about the signage. We put out a lot of media, probably more media than we normally would, to make sure that people understood there was explicit imagery.

If and when it is your turn in the court of public opinion, demonstrated professionalism and strong relationships can mean the difference between success and failure. One veteran museum professional working in a pubic flagship in a conservative state shared sage advice about the importance of doing your homework, standing firm in support of freedom of artistic expression, taking responsibility, and demonstrating confidence and leadership if controversy does erupt:

> I'm so much more worried about the chilling effect that you see on director's boards, chancellors, boards of regents. I can't tell them it'll all be okay. Only thing I can say is, 'I'm going to be there with you every step of the way, I'm going to build a relationship. I'm going to take some of the hard questions. I'm going to be there first.' That's all I can do. . . I've never gotten fired and I've been in a ton of trouble.

6.7 Tenure for museum professionals, union membership and representation, and endowed funding untouchable by meddlesome politicians, are the best ways to strengthen freedom of artistic expression.

In the real world, money matters, and few museum professionals can afford to lose their job, or even worse go out under a cloud of angry denunciations that makes getting a new job less probable. Self-censorship is unquestionably more likely if someone fears losing their livelihood, which is why it should come as no surprise that **a clear finding of the survey was that having some job protection significantly *($p < 0.05$)* reduced the likelihood that an institution had placed constraints on the exhibition of art in the past, as compared to no job protection. Being protected meant that decision-makers also were less likely *($p < 0.01$)* to report "significant" or even "rare" limitations in their perception of freedom of artistic expression.**

Several research participants elaborated on the ways that job protections gave them confidence in the same manner that faculty members with these protections have their academic freedom strengthened:

> I just think about [my old job at a private liberal arts college], for example, where 100% of my funding came directly from the college, right? If anything happens, if there's some issue there with that relationship, what do I do? I can't pay for my staff. I can't do anything. I'm a little more of this quasi freestanding entity here because we have such a significant endowment that directly supports what we do in addition to annual fund and membership and all this kind of stuff.

> My official on-record job description, [states] that I have creative control over the contents of the exhibitions. Part of what I feel has really helped secure our creative freedom over here is my boss and I just recently were able to get my position endowed. If you have the support of major donors to the university. That always makes them happy.

And a survey respondent in the open forum shared:

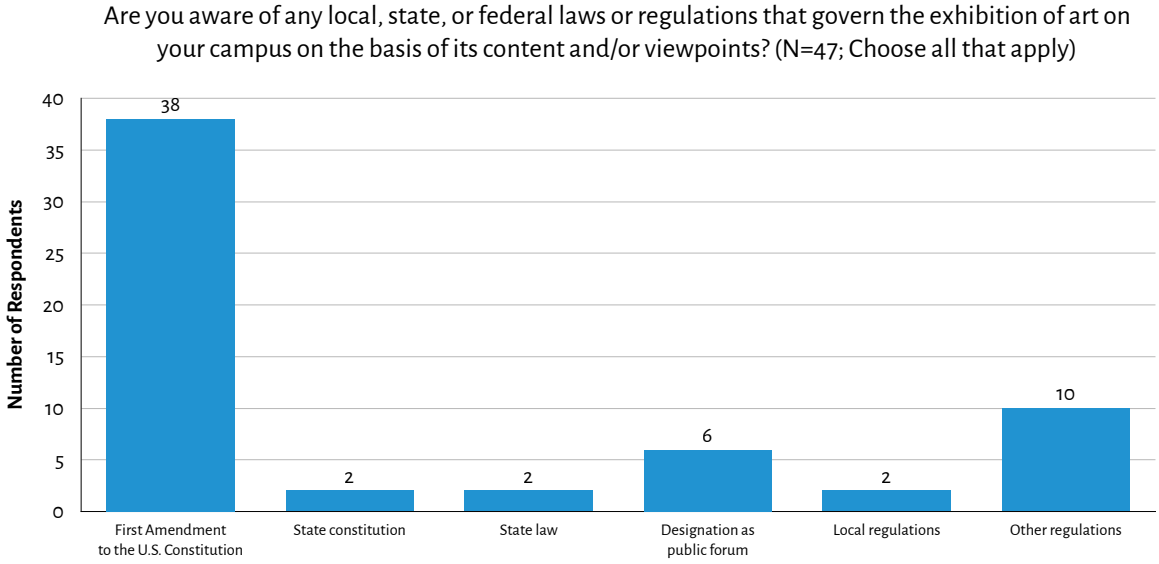
> I have actually been surprised by the level of support and freedom I experience at my institution. I am protected by tenure and a union, and at our institution curatorial work is considered my research and protected by a robust collective bargaining agreement. I have never had to rely or reference this, however, even when curating exhibitions about topics such as reproductive justice, climate change, civil rights, and Indigenous autonomy. I believe that our policy of tenuring curators and classifying our work as research is foundational to the culture of freedom.

If the big money funders of "free speech in higher education" campaigns really want to make a difference, they should spend their money on unrestricted endowments instead of larding campuses with agitation, legislation, and litigation.

7. Takeaway Six: We Need to Talk and Plan (A Lot More) If We Want to Sustain and Strengthen Freedom of Artistic Expression on Campus for the Future

Given all the heat (and some light) shed on free expression concerns in higher education in recent years, two survey question results were particularly surprising. Museum decision-makers were mostly unaware of any relevant laws or regulations they could refer to when making difficult decisions about the exhibition of art which might be controversial. And an overwhelming majority of respondents reported that conversations about freedom of artistic expression were not happening on their own campuses.

7.1 Governance matters, but few people know which rules apply to them (or don't)



Question Twenty-Eight

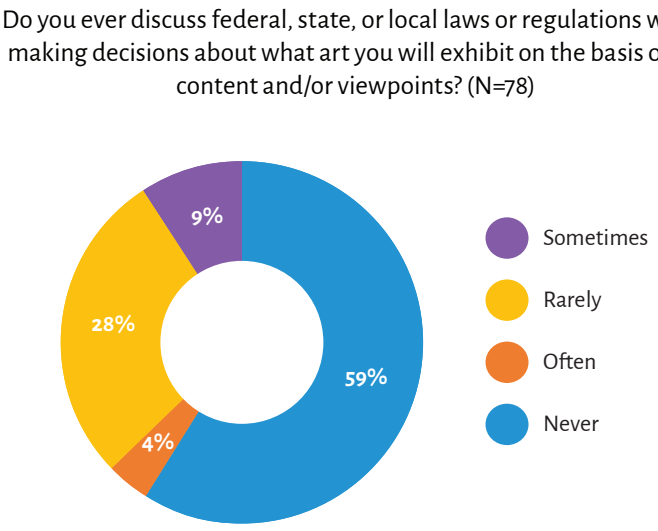
Only approximately half of the total survey respondents answered Survey Question Twenty-Eight, indicating that they were aware of any "local, state, or federal laws or regulations" that governed the exhibition of art on campus. And of the 38 respondents who selected that they were subject to the First Amendment, 20 also indicated that they worked at public institutions (hence a correct answer), while 17 worked in a private institution (hence not really true).

Although technically employees at a private institution are not required to adhere to the First Amendment (which only applies to the federal government, states and territories, and agents of government), many institutions do adopt its ethos in other guiding documents, such as employee handbooks and/or mission statements.

Therefore, the fact that there is some confusion over which rules apply is understandable. Numerous additional answers in the "other" text box demonstrated further vagueness regarding guidelines and policies:

- Critical Race Theory just banned today statewide (K-12 plus colleges & universities).
- Campus policies on "hate speech"
- Not sure what this means exactly. This is not an explicit policy or consideration.
- University protections for free speech
- We also have pretty strong campus-wide language in policies dealing with DEI and an art department statement regarding teaching content about being free from censorship and advising students to carefully read warnings and syllabi before viewing things they may find questionable
- When content is challenging, we do place signage at entrances alerting the public to the nature of its content and that the views expressed are that of the artist and not the university.

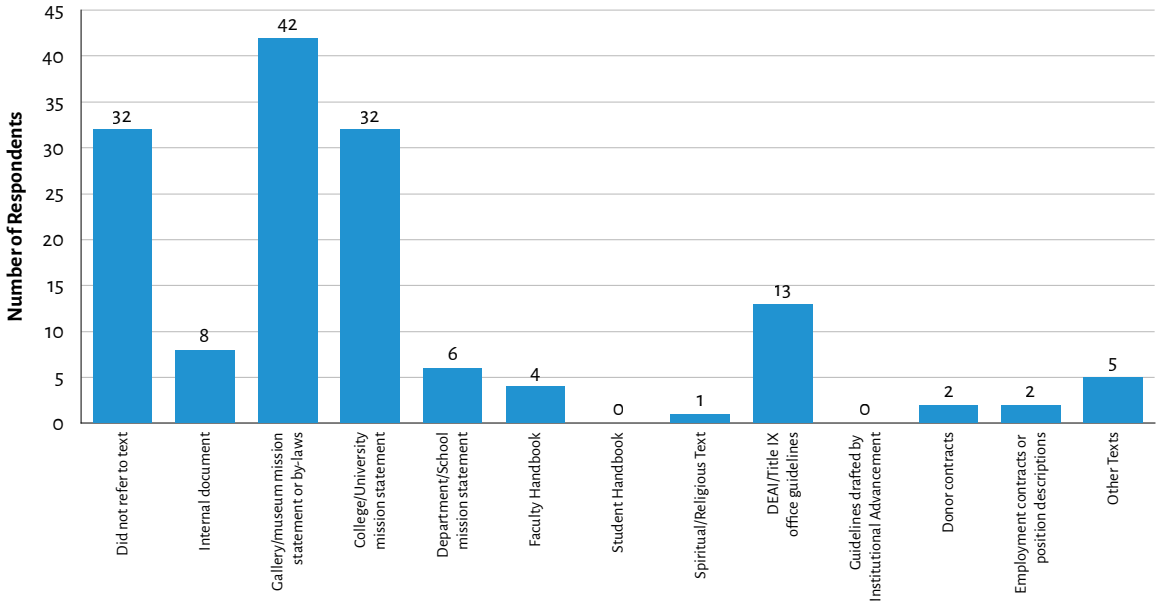
Given the limited and sometimes irrelevant answers to Survey Question Twenty-Eight, it is perhaps not surprising that only 13% of survey respondents who answered the next question reported discussing laws or regulations 'often' or even 'sometimes.' A solid majority chose 'never:'



Question Twenty-Nine

In contrast to state, federal, or local laws, survey respondents indicated a relatively robust awareness of other guiding documents in their curatorial practice, as evident in answers to Survey Question Thirty:

Do you ever refer to written documents when deciding what art to exhibit or not exhibit on the basis of its content and/or viewpoints? (N=76; Choose all that apply)



Question Thirty

Here, we can see that gallery/museum and college/university mission statements are frequently consulted in the decision-making process. Interview subjects elaborated on how this works in practice:

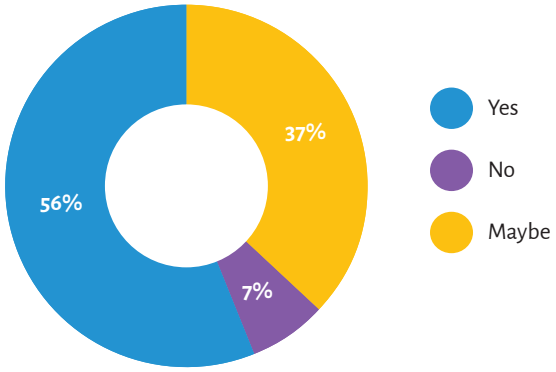
> If I'm going to do something– I don't know, that might be viewed as controversial – I'm definitely going to check the boxes first to make sure that I have approval, but we also have this strategic plan, and I was asked to lead a DEIA committee, and I feel like I can often say, but it says here, this is the work I'm meant to be doing, or it says here this is what we care about. I also have some documents that I can fall back on, but I haven't felt that I was left alone.

> I'm always very clear with my students that this is a private university and that your free speech is not protected. The only thing that protects your free speech is both the student handbook and the faculty. In our student handbook and faculty handbook, freedom of speech is protected.

In both these cases, guiding documents served as support and affirmation in forging ahead with artistic expression that might be provocative or controversial. If we are going to sustain and hopefully even strengthen freedom of artistic expression in the future, at the very least, decision-makers should brush up on the handbooks, regulations, and laws which govern their work – and write new ones if necessary.

In keeping with the observation that guiding documents can help museum professionals feel supported in their work, respondents to Survey Question Forty-Nine indicated overwhelming agreement that campuses need more dialogue about the concept of freedom of artistic expression:

Do you think it would be helpful to have more dialogue about the concept of freedom of artistic expression in your institution? (N=71)



Question Forty-Nine

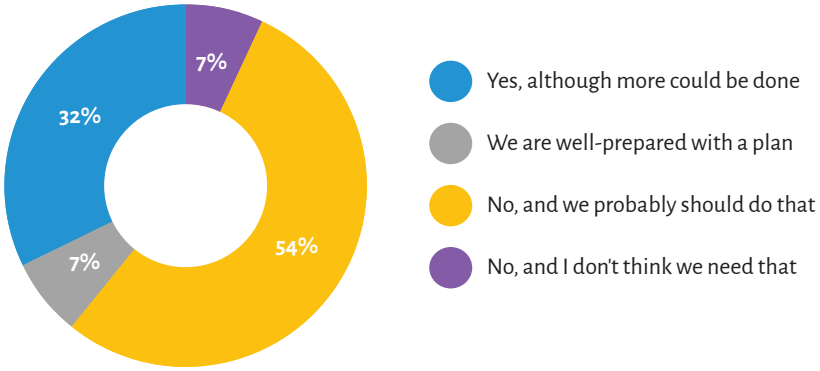
As 56% of respondents to Question Forty-Nine clearly agree, more discussion of this important topic would strengthen support for freedom of artistic expression. As one interview subject noted:

> My Director has always said, "You're the art expert. If you think this is good for the community and good for the campus, then I'm supportive of it . . . I do feel very lucky, but I want to think more in advance about the what-ifs and have resources."

7.2 Professional development and planning for potential controversy significantly support perceptions of freedom of artistic expression.

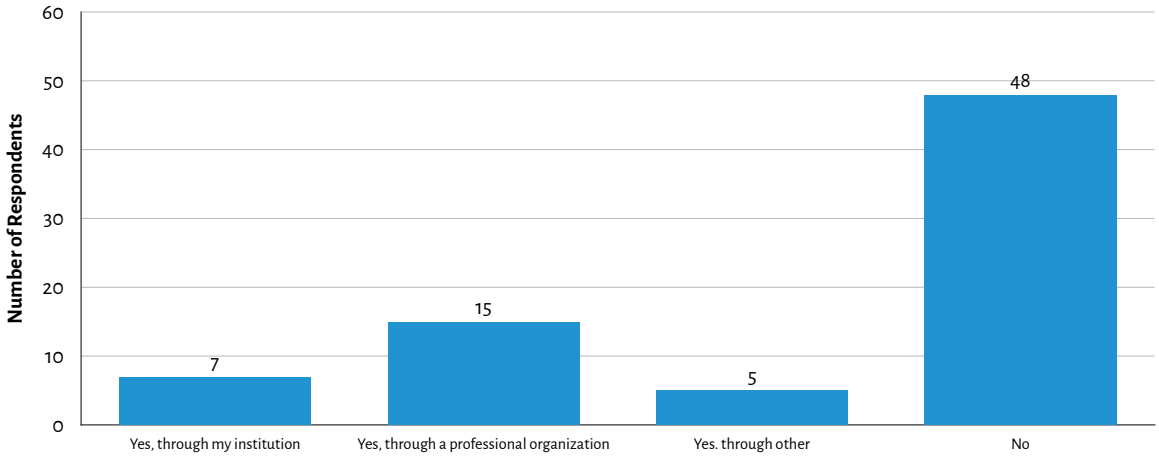
Thinking in advance about the 'what-ifs' is exactly the work of professional development and proactive planning – two resources museum professionals indicated are rarely available in answers to Survey Questions Forty-Six, Forty-Seven, and Forty-Eight:

Does your institution have a plan for dealing with public controversy, should it arise? (N=72)



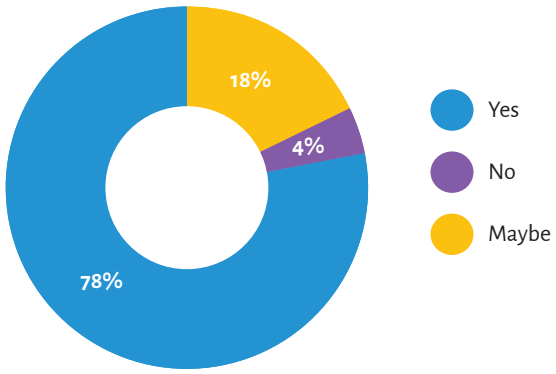
Survey Question Forty-Six

Have you received any professional development training regarding legal, social, and/or cultural dimensions of freedom of artistic expression? (choose all that apply)



Survey Question Forty-Seven

If the answer is no, would you like that opportunity? (N=55)



Survey Question Forty-Eight

The necessity for increased professional development and planning on the topics of freedom of artistic expression and the potential for controversy are clearly affirmed by one more finding of survey data analysis: based on Chi-square test, **having plans in case of controversy significantly ($p < 0.05$) predicted the perception of freedom to exhibit art which might be controversial and significantly ($p < 0.001$) predicted feeling supported to do so.**

7.3 Professional organizations including AAMG should prominently feature opportunities to learn more about concepts and legal frameworks relevant to freedom of artistic expression.

Despite the clear desire for, and efficacy of, professional development and planning, quick review of available resources indicates a troubling absence of freedom of artistic expression in training documents for museum professionals. The topic is entirely absent from the AAMG "Professional Practices for Academic Museums & Galleries" (June, 2017) handbook distributed to members. AAMG's "New Approaches to Museum Training: AAMG Praxis Findings" extensively outlines competencies and assessments, but none of these specifically mention a professional obligation to support freedom of artistic expression.[2] AAMG's website further directs members to legal counseling for museum professionals available through the American Legal Institute. However, the Institute offers no course on freedom of expression or even mentions this topic in the outline for "Legal Issues in Museum Administration 2021 Full Course." And another course titled "Get Smart: Museum and Pre K-12 Audiences" lists no discussion of issues which could potentially arise in states with 'harmful to minors,' 'divisive concepts' statutes or other educational gag orders. The American Alliance of Museums [AAM] similarly lacks any obvious professional development resources for its members on the topic of freedom of artistic expression.

[2] Association of Academic Museums and Galleries, "New Approaches to Museum Training: AAMG Museum Praxis Findings," https://www.aamg-us.org/praxis-2021/ (accessed May 6, 2022).

7.4 Understanding applicable laws can help decision-makers articulate the legal basis for protecting core ideals of freedom of artistic expression.

At the very least, decision-makers in academic art museums and galleries should understand at a basic level the history of United States law in supporting freedom of artistic expression – especially if they work in public institutions (and thus subject to the First Amendment), or in those states and private institutions which have pledged to uphold First Amendment principles. Although there are few references to art as opposed to other types of expression, PEN America's *Campus Free Speech Guide: The Law* is a good place to start.

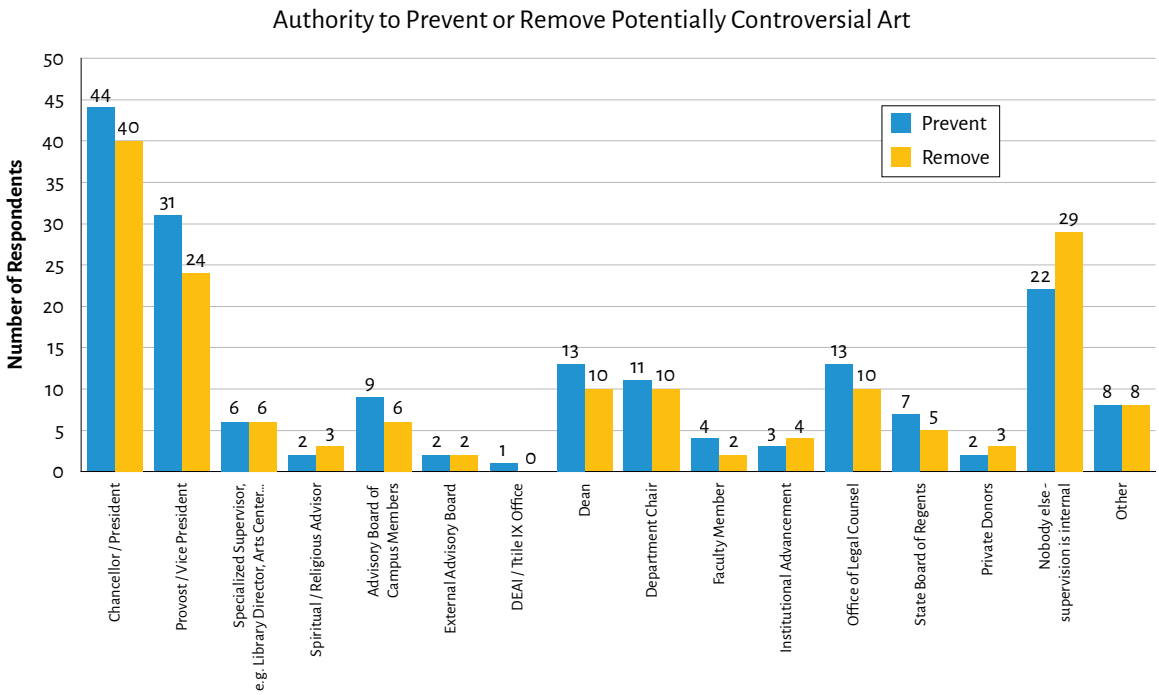
The relevance of applicable case law to what can be exhibited on campus is evident in the fact that in every instance in which interview subjects told me that potential censorship of art on campus "went up to legal," they were told that the art in question should go up, or stay up.

Survey Questions Twenty-Five and Twenty-Six are directly relevant to situations in which legal precedent is on the side of exhibiting art which may be controversial on the basis of its content and/or viewpoints:

Who has the authority to prevent art from being exhibited on campus on the basis of its content and/or viewpoints?

and

Who has the authority to remove art from exhibition on campus on the basis of its content and/or viewpoints?

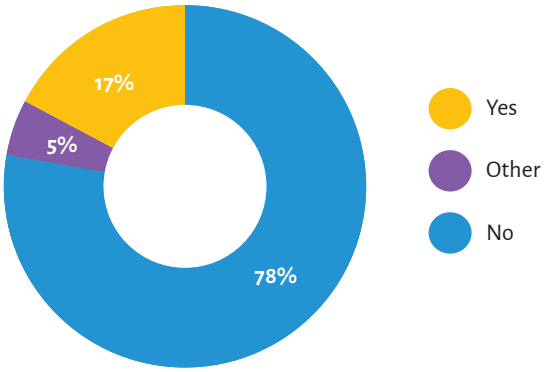


Survey Questions Twenty-Five and Twenty-Six

These answers reflect that at least some decision-makers on campus know that the standard for removing art (more clearly an act of censorship) is higher than the standard for preventing its exhibition in the first place (for which there may be many reasons). This distinction is reflected in two leading cases in this area: *National Endowment for the Arts v. Finley*, 524 U.S. 569 (1998) and *Hopper and Rupp v. City of Pasco*, 241 F.3d 1067 (9th Cir. 2001).

Legal precedents also should discourage campus officials from using 'pretextual' excuses for the removal of art, when in reality the art is being targeted because of its content and/or viewpoints. It is worth noting that nearly one in five respondents (17%) to Survey Question Thirty-Two reported such incidents:

Have health and safety regulations and/or other concerns been used as a pretext for removing or preventing the exhibition of art on campus on the basis of its content and/or viewpoints? (N=77)



Question Thirty-Two

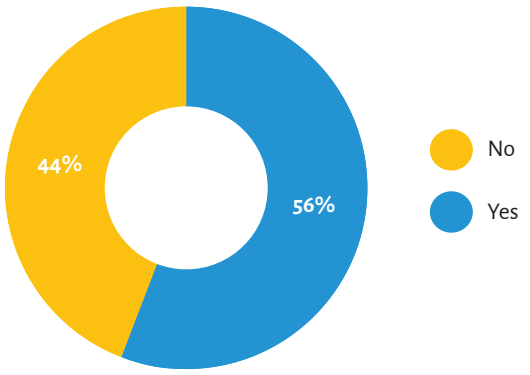
Providing legal advice regarding art censorship case law is clearly outside the scope of my own expertise and this research study as a whole. Nevertheless, museum professionals should remember that removing art from view on the basis of its content and/or viewpoints can cause just as many problems – if not more – than standing firm in upholding freedom of artistic expression.

7.5 Censorship is Just as Controversial as Controversial Art – and Administrators Need to Be Reminded of That

Another important observation about the downside of acts of censorship is that they so often backfire from a public relations perspective. Many public and private college and university campuses commit themselves to First Amendment principles, or at the very least profess a commitment to freedom of artistic expression. When those expectations are breached, it often results in public criticism and other forms of protest. This is demonstrated by answers to Survey Questions Thirty-Seven and Thirty-Eight.

In Survey Question Thirty-Seven, 56% of respondents indicated that there had already been controversy on campus because of the content and/or viewpoint of exhibited art:

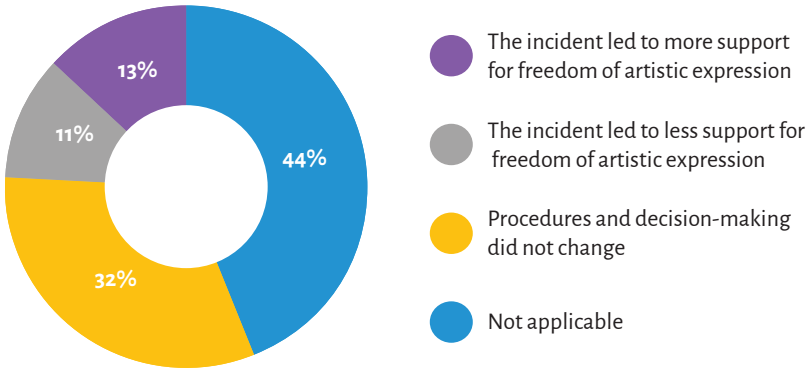
Has your campus experienced controversy on the basis of the content and/or viepoint of art on display? (N=77)



Question Thirty-Seven

We might expect that freedom of artistic expression would be more constrained following controversy regarding art on exhibition. However, only 11% of respondents to Survey Question Thirty-Eight reported that an incident of controversy "led to less support for freedom of artistic expression:"

If yes to the previous question, did support for freedom of artistic expresssion shift following the incident? (N=62)



Question Thirty-Eight

In fact, instead survey data analysis using Chi-square testing showed that **institutions that experienced controversy were significantly ($p < 0.05$) more likely to have placed constraints on art in the past**. One possible inference of this result is that the censorship itself provoked the controversy.

This cycle is typical of historical waves of censorship and backlash, as I discuss in numerous publications including *Lust on Trial: Censorship and the Rise of American Obscenity in the Age of Anthony Comstock* (Columbia University Press, 2018).

One interview subject demonstrated this point:

> Our former president exercised more control and would dismiss exhibition ideas he viewed as leftist especially (anti-capitalist.) The current president is less involved but did panic in the weeks following Charlottesville and restricted access to an exhibition exploring the history of racial violence in the US. She received such strong criticism for that decision in the press that I think she'd be reluctant to intervene in the future …

And another curator shared an internal conversation regarding the potential for bad press – either due to exhibiting a U.S. flag defaced in a work of art (clearly legally-protected speech) or its censorship:

> I know that a couple of us brought [the First Amendment] up, but I think the dominant part of the conversation was really fear and concern over the reputation, like the very beleaguered reputation of the university at that point. I feel like there was not really the ability to have conversations on those precedents in cases because it was really about like, we need to keep this campus going. We've got all this negative press, we can't be seen to be anti, whatever it is anti-freedom, anti-veterans. . . They certainly wouldn't have wanted to be accused of censorship, because it would be so anathema to their vision and ethos.

Several other interview subjects working in conservative rural areas also shared that they had experienced less protest than they expected when exhibiting art seemingly at odds with local audiences.

> I've exhibited work here specifically about trans bodies and about HIV/AIDS. and no one has said anything. I do notice a drop in attendance. I was speaking with the curator at [a nearby museum] and she said the same thing, "When we do controversial shows, our audience, specifically the conservative part of our audience, they just don't show up." Like, "I'm going to ignore you for then. I'll check back in later."

In this case, community members were willing to just ignore art they did not like – not ideal, but a thoroughly workable stance in a pluralistic society inclusive of many points of view.

It may not be any comfort to know that museum professionals may receive complaints for not censoring OR for censoring art, but this can be an effective talking point when advocating for freedom of artistic expression. Perhaps even more important, exhibiting and interpreting art in a manner that affirms the value of freedom of artistic expression is the best way to strengthen everyone's understanding of this primary role of campus art museums. When higher education professionals lead with courage, the results can be inspiring, as in the case of a curator at a Catholic institution who shared his experience exhibiting art that searingly addressed clergy sexual abuse.

Although the topic was sensitive, he knew that the art he wanted to display could facilitate conversation about a topic that was clearly on the minds of many in the community. He reached out early in the process to one of the priests on campus who he knew well. That initial outreach ultimately resulted in a rich collaboration and series of conversations which benefitted not only campus members, but also the larger religious community which discussed the exhibition in productive conversations.

In this case, as in so many others discussed in this study, higher education professionals – working in museums and beyond – demonstrated that art plays an invaluable role in furthering important conversations which cannot easily be facilitated anywhere other than an academic museum.

8. Conclusion. It is Time to Step Up and Speak Out, and Resources Are Readily Available to Help.

If we self-censor in the expectation of a bleak future for freedom of expression, then that is the future we effectively will create and bequeath to the next generations who come after us. It doesn't have to be that way. We also don't have to imagine that upholding freedom of artistic expression needs to look like it did in the initial days of the campus Free Speech Movement, with students sitting on police cars and rallying teams of lawyers to bail them out of jail.

Many of the research participants in this study remind us that strengthening freedom of artistic expression can be accomplished through inclusive networking, rather than protest and litigation. In short, we don't need to have angry dissension on campus to know that we have freedom of artistic expression.

This research study demonstrates that freedom of artistic expression in the present moment can best be safeguarded by building support for this essential ideal on campus through courageous, strategic, proactive, and inclusive curating and interpretation, professional development and planning, structural diversification of staffing and funding, and empowerment of museum professionals through job protections.

Academic museum decision-makers also should understand and have at hand the mission statements, state and federal laws, precedential court decisions, and other guiding documents and resources which articulate the strong rationale for exhibiting art on campus which may be controversial. They should also state a clear commitment to freedom of artistic expression in their internal and external documents, and make sure that message is received by administrators, faculty, staff, students, advisory board and other community members. None of this needs to be newly-invented.

In 2011 and 2012, the National Coalition Against Censorship led a group of curators in a variety of institutions through a process of formulating a set of "Best Practices for Handling Museum Controversies." This concise guide remains a valuable resource for museum staff and academic administrators. The guide describes:

three strategies museums can use to resist pressure and assure their curatorial autonomy:

1. Public Statement Affirming Commitment to Artistic and Intellectual Freedom of Speech (Freedom of Speech Commitment);
2. Preparation in Advance of Upcoming Programs and Potential Controversy, through agreement on clear curatorial procedures, feedback mechanisms, and educational plans;
3. Procedures for Addressing the Press or Complaints from the Public after an Exhibition or Special Program Opens."

Principles 2 and 3 clearly are affirmed by the results of my research this year – academic museum professionals want and need more guidance regarding roles and responsibilities, and more proactive professional development and planning for potential controversy.

We do need to ask, however, why so few museum decision-makers, professional organizations, and/or academic museums reference anything like a "Freedom of Speech Commitment." The language developed by NCAC a decade ago clearly is still resonant and reasonable today:

> Freedom of speech is the foundation of our communities and our nation. The works this institution exhibits may awe, illuminate, challenge, unsettle, confound, provoke, and, at times, offend. We defend the freedom to create content and exhibit such work anywhere in the world, and we recognize the privilege of living in a country where creating, exhibiting, and experiencing such work is a constitutional right.

> To exhibit a work of art is not to endorse the work or the vision, ideas, and opinions of the artist. It is to uphold the right of all to experience diverse visions and views. If and when controversies arise from the exhibition of a work of art, we welcome public discussion and debate with the belief that such discussion is integral to the experience of the art. Consistent with our fundamental commitment to freedom of speech, however, we will not censor exhibitions in response to political or ideological pressure.

Undeniably, the history of free speech in America is checkered at best in terms of whose rights have been upheld in moments of competing claims. In recent years, Supreme Court decisions amplifying the power of corporate speech and disempowering workers and unions have brought into question the ability of the First Amendment and the legal system as a whole to contribute to social justice goals.

Historians of censorship, including myself, however, know that the gains in civil liberties which have been attained by those in disempowered positions in society have always relied upon a strong assertion of First Amendment and other freedoms – from artists, feminists, and birth control advocates in the 19th century, through activists for a variety of causes in the contemporary era.

In light of the slew of educational gag orders conservative state legislatures now are proposing and enacting, it is past time to wonder whether the First Amendment and its assertion of content and/or viewpoint neutrality can still serve the cause of greater social justice. Freedom of artistic expression is still our greatest asset and best hope in enabling artists to speak truth to power, so that they can inspire us to better understand past and present, and reimagine the future with new clarity, vision, and imagination.

9. Acknowledgments

Throughout the past year, I have enjoyed invaluable assistance from the University of California National Center for Free Speech and Civic Engagement, including most especially from Michelle Deutchman and Brenda Pitcher. My collegial fellows at the U.C. Center, including Lynn Comella, Jennifer Lambe, Teri Platt, Nicholas Havey, Ryan Miller, and Cassie Barnhardt also graciously extended both time and expertise. I am enormously grateful as well to the Board and Staff of the Association of Academic Museums and Galleries including Alexandra Chamberlain, whose support was invaluable in helping me reach out to AAMG members.

I have been heartened and inspired by the professionalism, thoughtfulness, courage, and conviction of everyone who has participated in this research project including most especially the twenty-five individuals who spoke with me at length, and the many people who took the time to write lengthy comments in the open text forums in the survey.

Finally, two assistants contributed substantially to this project. Milad Mohebali (soon to be Dr. Mohebali), analyzed survey data and produced the visualizations in this report and patiently explained basic statistics to me as we discussed the goals of the project. And my husband Fred Lane served as editor as well as picking up household responsibilities over the past year as I took time from normal home life to finish this work. The research, analysis, and opinions shared in this report are mine alone, and not the responsibility of any of these wonderful colleagues.

10. Appendix 1: Notes on Methodology in Analysis of the Survey Data

To answer research questions, a logistic regression model was used to examine the relations between various outcomes and several sets of covariates. The total N for survey respondents was 102, out of which 76 (or 74.51%) had answered to all of the questions. All survey respondents were included in all analysis to maximize the analytical sample. Respondents with missing values on any covariates were dropped through listwise deletion. Stata 17 was used to run all the regression models. The equation was

$$y_i = \alpha + \beta(Outcome_i) + \gamma X_i + \varepsilon_i \qquad (1)$$

where y_i is the outcome of interest for respondent i, $Outcome_i$ is an indicator of outcome of interest, Xi is a vector of control variables, and εi is an idiosyncratic error term. The outcomes of interest included responses to the following questions and were coded according to the table below:

Survey Question	Outcome Variable	Coding
Which of these phrases best describes the degree of freedom of artistic expression currently enjoyed by curators and jury members (internal and external) in selecting works of art to exhibit on campus?	Significant or Rare Limitations	0 = Complete Freedom 1 = Complete Freedom with rare Limitations, or Significant Limitations
How supported by colleagues and supervisors do you feel to exhibit art that is potentially controversial on the basis of its content and/or viewpoints?	Feeling Very Supported	0 = Moderately supported with conditions or not very supported 1 = Very Supported
Has your institution placed constraints on the exhibition of art due to its potentially controversial content and/or viewpoints in the past? (if yes, choose all topics that apply)	Past Constraints	0 = No Past Constraints 1 = One or More Past Constraints
Do you feel that your institution would be likely to place constraints on the exhibition of art due to its potentially controversial content and/or viewpoints in the future? (if yes, choose all topics that apply)	Future Constraints	0 = No Future Constraints 1 = One or More Future Constraints
Over the course of your career, do you feel that freedom of artistic expression in academic museums and galleries has:	Freedom of Expression in Art Has decreased or Stayed the Same	0 = Increased 1 = Decreased or Stayed the Same

For model building, five different sets of covariates were added to the analysis. The models included the following sets of covariates:

1. **Institutional variables:** Institutional Control (0 = Public; 1 = Private), Carnegie Classification (0 = 2- and 4-year institutions and specialized schools; 1 = Master's or Doctorate Granting Institutions), Urbanicity (0 = Rural; 1 = Suburban; 2 = Urban), Religiously Affiliated Institution (0 = No; 1 = Yes), and Size of the Student Body (1 = Large >10k; 2 = Medium 3-10k; 3 = Small <3000).

2. **Campus Environment variables:** Political Alignment of Campus with state (0 = Not Aligned; 1 = Aligned), and Racial Diversity of the Student Body (0 = Diverse or Very Diverse; 1 = Moderately Diverse or Homogenous).
3. **Respondents' Identities:** Gender (0 = Man; 1 = Woman), and Sexual and Gender Non-Conforming Identities (0 = Cis and Straight; 1 = LGBTQIA or Gender Non-Binary)
4. **Job-Relevant Variables:** Position (0 = Curator; 1 = Director; 2 = Other), Experience in Decision-Making Positions (0 = 0-5 years; 1 = 6+ years); and Job Protections (0= No Job Protections; 1 = Some Job protections)
5. **Respondent's Race:** White (0 = Yes; 1 = No)

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