

This article is inspired by the recent and leading case on free speech in the workplace, *Garcetti v. Ceballos*. In *Garcetti*, the Supreme Court held that the First Amendment does not protect the speech of government employees who speak out pursuant to job responsibilities. However, the Court stated in dicta that an academic freedom exception to this limit may exist, explaining that expression related to academic scholarship or classroom instruction implicates additional constitutional interests. In the seven years since the *Garcetti* decision, the Court has yet to provide any guidance for this hypothetical exception; moreover, few courts have recognized an academic freedom exception to First Amendment jurisprudence. Of those that have, even fewer have attempted to define the boundaries for this exception, leading to an inconsistent interpretation of educators' constitutional rights. These jurisdictional discrepancies threaten to undermine the First Amendment freedom of speech by choking off an area of expression that actually turns on a lack of restriction for its value. In order to allow free academic speech to thrive in its fullest form, it is essential that the Supreme Court establish a clear academic freedom exception to First Amendment jurisprudence. This article's mission is two-fold: first, to illustrate trends across circuits in the treatment of academic speech following *Garcetti*, distinguishing the treatment of speech with enumerated roles that public college and university faculty assume; second, to argue for a distinction between the protection of speech related to the roles of teaching and researching and those related to the roles of administrator and advisor. This article offers two proposals for the protection of academic freedom, the first describing areas of speech that should be assured protection from courts, the other suggesting areas of speech for which academics themselves are the most appropriate guardians.