

President's Message

Michael Harkins
President, Illinois AAUP



Since our last issue of *Illinois Academe*, the Illinois Conference has been active in protecting academic freedom and shared governance. Daily our officers and board members speak with faculty and provide assistance and support. Over the past 6 months we have consulted with National on major issues affecting higher education in Illinois. Together, we are able and willing to support and protect academic freedom in higher education.

On October 12 the Conference held its fall meeting at the Field Museum of Natural History in Chicago. The Museum's Chapter of AAUP hosted and sponsored the meeting. Close to 50 professors from throughout the state attended. Dr. Margaret Thayer, Curator of Insects and Chapter Chair, along with many of the curators including Corrie Moreau (Assistant Curator Insects), Ken Angielczyk (Associate Curator Fossil Mammals), Petra Sierwald (Associate Curator Insects), Rudiger Bieler (Curator Invertebrates) and Janet Voight (Associate Curator Invertebrates) provided tours of behind the scenes collections. These scientists also provided overviews of their research interests and specializations. All of us are indeed fortunate to have world class scholars and scientists here in Illinois at the Field Museum. The collective scientific knowledge and research skills of the 27 curators is unmatched. Thank you all for hosting the Conference and making our day so very special, informative and productive.

The October 12 Conference also featured our National President Dr. Rudy Fichtenbaum, Wright State University, who presented AAUP's Mission in the 21st Century. The state conference will make this presentation available to our members and chapters through our web-site. Leo Welch, conference board member and legislative liaison spoke on current legislative issues emerging from Springfield that involves higher education faculty.

Linda Brookhart, Illinois Annuitants, shared the latest status of pensions and health care in higher education. Summaries of these presentations will be added to our website. Professor Jerry Kendall, John Marshall Law School, discussed emerging problems that higher education faculty are encountering with state and federal grants. He provided a checklist of cautions to help guide faculty. The checklist will also be shared with faculty through our web-site.

The Illinois Conference will hold its spring meeting next April, 2014. Topics, date and location will be available before the first of the year. The success of the Illinois Conference depends on the leadership of our Board who serves you, our members. I commend our officers, Committee A, John Wilson, Illinois Academe Editor, and our Chapter Chairs for the time and resources they devote to academic freedom and shared governance in Illinois. Our attendance at each conference continues to grow. New chapters are being discussed. Before the first of the year, two more will be started and several re-activated.

In closing, I would like to officially recognize and commend Dr. Ken Andersen for his service to AAUP at the national and state levels. Ken started the Illinois Conference and served the Conference as President and Treasurer. He represented our Illinois Conference consistently at national meetings for many years. On behalf of all your colleagues in higher education Ken, thank you for giving us the state conference, your leadership, and a strong voice in shared governance.

In His Own Words: Louis Wozniak on His Firing

On Nov. 14, 2013, University of Illinois at Urbana-Champaign engineering professor Louis Wozniak had his tenure revoked and was dismissed by a unanimous vote of the Board of Trustees. Illinois Academe invited him to tell his side of the story.

By Louis Wozniak

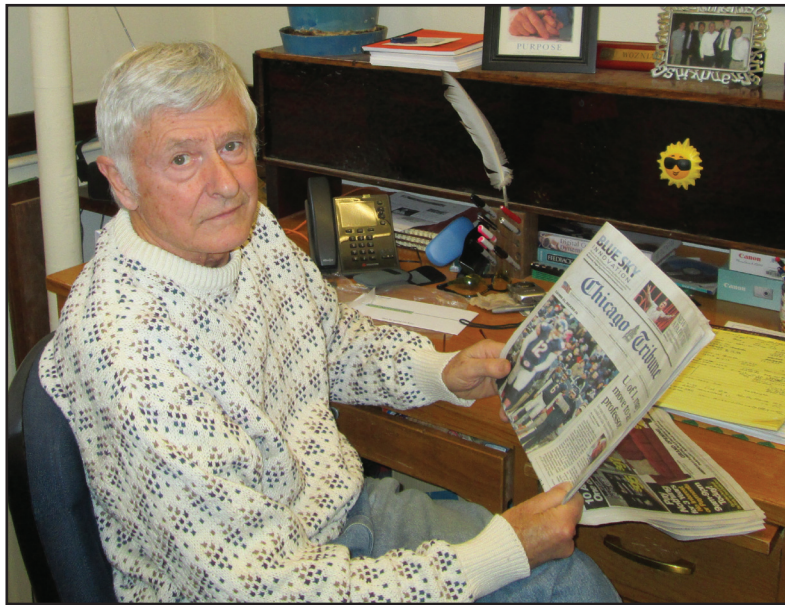
This is not about a 52-year veteran of the University of Illinois with the dubious distinction of having been recommended by President Easter to the Board of Trustees for revocation of tenure and dismissal. Having defended

convincingly at all faculty-staffed committees, and to have their recommendations unheeded by administration, this is about faculty "shared governance" that has degraded to an oxymoron.

I have achieved local notoriety over the past few years through *Champaign News-Gazette* articles and the November 11, 2013 *Chicago Tribune* lead article. What follows is a summary of early events that brought the case to the Nov. 14, 2013 decision to revoke tenure and dismiss. More recent events are presented on my web-site, ILLEthics.com.

They summarize events during three years of suspension, filing of charges with the Faculty Senate Committee on Academic Freedom and Tenure and having been found innocent of all allegations except for a joke in poor taste, and ultimate hearing before the Board of Trustees, not to mention six digits

WOZNIAK continued on page 8



Louis Wozniak reads about the plans for his dismissal on the front page.

A Troubling Case at the University of Illinois

By John K. Wilson

The firing of Louis Wozniak by the University of Illinois raises disturbing questions about academic freedom, due process, and the failure of faculty to defend these principles. Normally, the firing of a tenured professor is such an extraordinary event that it involves acts of breathtaking misconduct or total incompetence. This is not the case with Louis Wozniak. In fact, if Wozniak were a mediocre teacher, he would still be working at the University of Illinois. It was Wozniak's excellence in teaching that led him to be given awards, and then to being fired when he objected to not receiving a teaching award that he had earned.

The Board of Trustees report on Wozniak is startling because of the reasons actually given for his dismissal: causing a student to cry, reporting this fact publicly, and then refusing to censor his website or conversations about it. This, according to the Board of Trustees, was the reason for Wozniak's firing: "Professor Wozniak engaged in professional misconduct when he publicly disseminated information about a student's emotional reaction during a private conversation between her and Wozniak."

The student in question was a leader of a student honor society that presented a teaching award to the professor with the most votes from students. Wozniak was surprised that he hadn't won the award again, and spoke with her about it. She lied at first and said that he didn't receive the most votes, and then cried, ad-

mitting that he had. Wozniak reported this fact in detailing what he suspected was administrative influence against him receiving the award.

There is no university policy demanding teacher-student confidentiality. The U of I's ethics website has a code of conduct that only requires confidentiality of particular documents such as "student records," not all faculty-student interactions. The AAUP's policies say nothing about confidentiality, except for a recent statement condemning any requirement of confidentiality for faculty on committees. Confidentiality, in general, is a principle anathema to a free university. And certainly revealing a student's reaction to controversy about an official award is not the same as revealing a private confidence about a student's personal crisis. While some might feel morally that Wozniak should not reveal such details, it clearly does not rise to the level of any academic misconduct.

To fire a tenured professor on such grounds is literally unheard of in the history of modern higher education in America.

Of course, the crying student was not the real reason why Wozniak was fired. But faculty committees at the University of Illinois had rejected other accusations against Wozniak (such as making a bad sexual joke in an email to graduating seniors, which was the original reason for his suspension) as inadequate to

UNIVERSITY OF ILLINOIS continued on page 8

American Association of
University Professors of Illinois
2002 Galen Drive
Champaign, IL 61821-6010

PRESORTED
STANDARD
U.S. POSTAGE PAID
ASTORIA, IL
PERMIT NO. 9

IN THIS ISSUE

Angry Ken Andersen, page 2

Unlearning Liberty, page 4

Chicago State faculty targeted, page 5

Cary Nelson on open access, page 6

Fingerprinting Faculty at City Colleges of Chicago, page 7



Dealing with Our Justified Anger

KEN ANDERSEN



By Ken Andersen

There are a lot of angry people in the nation and Illinois. Members of Congress and the legislature continue to give us manifold reasons for being angry about the current state of affairs and implications for our future.

Nationally, the Sunday papers give us snapshots of reasons to be angry. The first page of the October 13th issue of the *New York Times* has articles ranging from the difficulties of enrolling in the Affordable Care Act and the cost of prescription medicines (one at \$7 in Europe and \$280 in the United States). Later articles deal with the government shutdown, the debt crisis, a German Bishop spending over \$42M to remodel his residence (what of the advice of Pope Francis?) and an educational comparison of 25 countries showing we were close to the bottom, with young adults particularly so.

In Illinois, papers dealt with our legislature's inability to resolve the crisis of the state's underfunded pension systems that have caused the state's credit rating to drop, meaning increased borrowing costs. Other articles and editorials ranged from our declining infrastructure to the large tuition increases at public universities and colleges tied to diminished state support—by no means just the University of Illinois, although a prime example. Locally, a decision by the state's Central Management Services (CMS) will cause 6000 retirees to lose their current health insurance system due to specifications CMS set up in the call for proposals. (Pardon a personal aside: Given recent surgeries and medical issues, this is a source of great personal anxiety and anger after 43 years with Carle Hospital doctors and surgeons and the highest patient satisfaction health insurance provider in the region according to the 2014 US Government's Medicare & You.)

As individuals, we need to deal with our anger in ways more pragmatically useful than going to bed and pulling the covers over our head, swearing profusely, having a glass of wine, or punching holes in the wall, although these may briefly defuse anger. Nor, despite conceal-and-carry legislation, should we stalk an individual we hold responsible.

A good start is to try to identify the cause of the anger, who/what is responsible, and what response is appropriate. Obviously, individuals differ as to the cause of our anger and those responsible as evi-

denced by news coverage on the governmental shutdown. Reading and talking with others about issues yields insights, just as viewing NBC Nightly News and both—Fox News and MSNBC contribute perspectives. It takes a little time and effort, but reasoned, justifiable conclusions can be reached, ones we can articulate with a substantive rationale. In managing our anger, assume responsibility by owning our viewpoint, not borrowing it.

Coming to a rational assessment of why one is angry, the “real-world” basis as to what and perhaps who is responsible for the situation provoking anger, is helpful in dealing with anger. Taking potentially constructive action helps even more. We may not accomplish much, if anything, but we tried. And who knows! We can pick issues where we may make a difference rather than tilt at windmills or remote, unreachable targets. Channel anger in talking, making phone calls, writing letters expressing our views in cogent arguments to others, particularly those who could make a difference. Public opinion has an impact. The current Congressional 5% approval rating is having a tangible impact, although whether it is enough has yet to be seen.

Dealing with the health insurance issue, I called the of-

fices of local legislators, Health Alliance (the insurance provider), Central Management Services, the Governor's office, and amassed information provided by the State University Annuitants Association. I felt better and perhaps had an impact. Individual actions such as mine may have little effect but organized activity through associations such as SUAA, the State University Retirement System Members Advisory Board, unions, and ad hoc or established coalitions of interested groups multiply the impact of our individual actions on such issues.

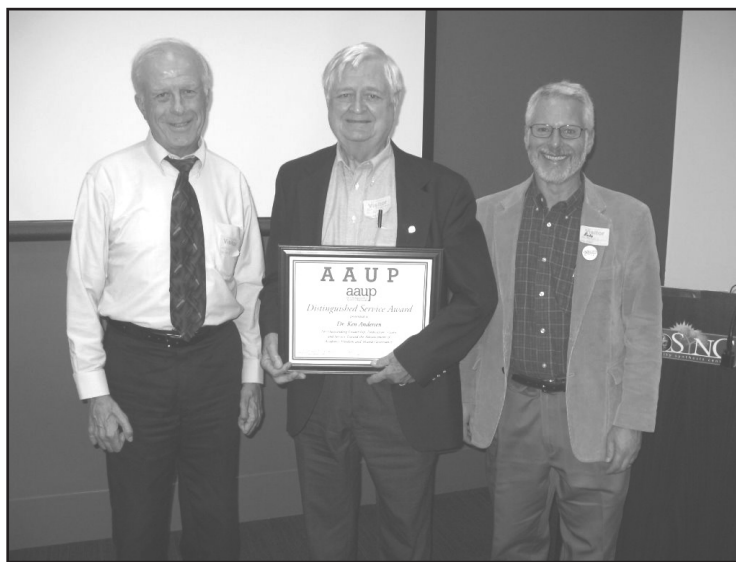
Join With Others:

Become a Member/Participant

An essential response in dealing with most things that have already or may go wrong (causing justified anger and outrage) is to join with others. That may prevent a problem from even occurring. To cite a personal example again: I belong to and was active in a number of professional disciplinary groups—state, regional, national—because they, like research, are essential to moving my discipline forward. As part of the professoriate, the day I was granted tenure I became a member of the AAUP, becoming active in the chapter, conference and nationally and drew upon the famed Red Book in faculty governance activity.

Beyond active participation, the simple act of donating money—however little—thus adding to the membership numbers gives causes we support additional power and impact. We cannot fight most battles individuals but through organizations. Such groups give us eyes, ears, and knowledge we otherwise do not and could not have. Organizations are tools of anger management even as some of them cause us to become angry. As participants in different organizations and communities—local, state, national or international—we make a difference. Rather than becoming a cynic, better than dropping out or acting out, join up!

We are and should be angry about many things but anger fades if we are take reasonable, constructive efforts to do something about them. We won't save the whole world but we can help save a piece of it.



Ken Andersen (center) was honored by the Illinois AAUP at the Fall 2013 meeting for his distinguished service to the AAUP. His award was presented by former Illinois AAUP president Jerry Kendall (left) and AAUP national president Rudy Fichtenbaum (right).

Capeheart Wins Appeal in NEIU Defamation Lawsuit

By John K. Wilson

In *Capeheart v. Terrell* (2013 IL App (1st) 122517), issued September 16, 2013, an Appellate Court of Illinois overturned a state court's previous ruling that NEIU (Northeastern Illinois University) officials were protected by Illinois' anti-SLAPP (Strategic Lawsuit Against Public Participation) law against a defamation suit by NEIU professor Loretta Capeheart. The appellate ruling reinstates Capeheart's original lawsuit, and means she is no longer liable for NEIU officials' legal costs.

Capeheart, who is a member of the Illinois AAUP's Committee A, has had a lengthy dispute with the NEIU administration after they denied her a merit raise and a faculty award, and prohibited her from

being elected chair of her department. Capeheart had criticized the administration for its failure to recruit more Latino faculty and the arrest of students protesting the CIA.

The AAUP previously filed an amicus brief in the appeal over Capeheart's lawsuit charging NEIU with punishing her for criticizing the administration, and a year ago, the federal 7th Circuit Court of Appeals overturned that initial court decision relying on the Garcetti case, which would have severely undermined faculty rights of free speech and shared governance.

This ruling addresses a different lawsuit by Capeheart, in which she sued NEIU Vice President Melvin Terrell for defamation because he publicly falsely claimed

that a student had filed “stalking” charges against her. In the initial state court ruling (now overturned), NEIU officials successfully invoked Illinois' anti-SLAPP law to not only have Capeheart's defamation lawsuit dismissed, but to make her responsible for their legal costs.

Anti-SLAPP laws, including the one in Illinois, were created to protect individuals from facing defamation suits from powerful corporations seeking to silence criticism (most notably, real estate developers). By allowing courts to dismiss unfounded defamation lawsuits and provide legal expenses, the goal was to level the playing field and encourage the freedom of speech of average people against wealthy opponents.

The initial ruling in the Capeheart case turned this logic on its head by allowing a powerful institution, NEIU, to claim this weak and vulnerable position, and seek to punish Capeheart for her lawsuit. If the original court ruling became a precedent, it would have had a devastating impact. It would have allowed big corporations almost complete immunity from defamation suits, since litigants who had suits dismissed under anti-SLAPP laws could be forced to pay the high legal fees of these companies.

In this ruling, the court relied on narrow grounds, noting that the anti-SLAPP law can only apply to “meritless, retaliatory SLAPP lawsuits” and Capeheart's suit did not fit this description.

Legislative Report By Leo Welch

1. HB2353—Veterans' Benefits
Veterans from any state who are using federal benefits may receive in-state tuition
Governor Approved
2. SB2202—Smoke Free Campus Act
All state supported institutions of higher education would become smoke free
Referred to Rules Committee
3. HB1032—Tuition Waivers
Repeals employee tuition waivers (50% after 7 years of service)
Referred to Rules Committee
4. HB5—Minority Status
Would redefine existing definition of “minority” to include individuals of Middle Eastern descent
Referred to Rules Committee
5. SB1900—Public Access to Published Research
Would provide free public access to final peer reviewed manuscripts and requires public access to all published schol-

- arly works by faculty members. Includes reporting requirements.
Governor Approved
6. HB2965—Creation of 25 lower divisions courses transferable across all public institutions. Also requires ability to reverse transfer course credit back to community colleges in order to fulfill Associate degree requirements.
Referred to Rules Committee
7. HB3320—Report to IBHE on cost of online programs
Universities would be required to submit to IBHE a report on the cost of making the institution's for most popular academic programs available online.
Referred to Rules Committee
8. HB3350—Amends Illinois Tax Act
Any scholarship, grant, or waiver provided to a student would have to be treated as taxable income by the student.
Referred to Rules Committee
9. HB336—Sets tuition rates at universities
Would set undergraduate and graduate at \$103.32 per credit hour for 2014. Beginning in 2016, tuition would then increase by annual rate of inflation.
Referred to Rules Committee
10. SB1398—Early graduation waiver
Would provide tuition waiver for students who graduate early from high school, with the length of the tuition waiver being equal to the difference between 8 semesters and the actual number of semesters the student was enrolled in grades 9 through 12.
Referred to Assignments
11. HB1443—Hazing
University employees who do not report hazing would also be charged with hazing, a class A misdemeanor.
Governor Approved
12. HB183—Concealed Carry

- Prohibited areas include any college or university building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, college or university-related organization property, any real property, including parking areas, sidewalks, and common areas under the control of a public or private community college, college, or university. Veto Overridden
13. SB1687—Return to Work
Limits SURS retirees working in a SURS college or university to a salary cap of 40 percent of their highest annual salary prior to retirement. Certain exceptions apply.
In Effect
Pension Reform
Various bills were introduced, but none passed. There will be some form of bill that will be passed that will have a negative impact on public employee pensions.

An Open Letter to UIC Administrators from Leon Fink



To: Lon S. Kaufman, Vice Chancellor for Academic Affairs and Provost

Dear Provost Kaufman:

I read with interest your Oct. 8 administrative “update on the status of faculty negotiations,” but write to signal a worrisome gap between rhetoric and reality in the current union-management contract talks. As you note, negotiations between the legally qualified bargaining representative of the tenured and non-tenured track faculty—the UICUF—and the UIC Administration has now stretched out over fifteen months since August 2012.

You say that “reaching a settlement soon with both [i.e. tenured and non-tenure system] bargaining units is our highest priority. . . . We all share a mission and common interest of providing a high-quality educational experience for our students and being a place where faculty can carry out their scholarship and compete on a global level.” Such a goal is surely in keeping with the university’s “Social Justice Initiative” to which you and Chancellor Allen-Meares have contributed considerable energy and resources since 2010 dedicated to

“change and improve our world.”

Having read your words, however, I have to wonder whether you or the Chancellor have actually paid attention to what is transpiring in your names (and in your absence) at the so-called negotiating table? Taking note of the reported fiftieth (!) bargaining session between the parties, I attended last Monday’s October 21 meeting in SCE as an observer, determined to see with own eyes what lay behind the dilatory pace of the talks.

I have to say that I was appalled at what I observed. Scheduled for a 10 am start, the Administrative team did not arrive until 10:45. Then, their chief representative, UIC Labor and Employee Relations Director Tom Riley began the meeting by cautioning us observers against any show of “emotion” or “demonstrations.” Like you, Provost Kaufman, he observed that he was there to “bargain in good faith.”

Alas, I witnessed from the Administration no real “bargaining” and precious little “good faith.” The union side had anticipated that it might receive a new proposal regarding key compensation issues, but none

was forthcoming. So the union proceeded to outline a compromise plan regarding more subsidiary concerns including transportation subsidies and infrastructure support such as timely replacement of faculty computers. Rather than discuss, debate, or brainstorm over any of these matters, however, the Administration team immediately withdrew from the table for a “caucus.” Nearly an hour later, they returned—not with a counter-proposal but rather an outright rejection of all the union initiatives.

This, I take it, has been the rule, not the exception, of Administration behavior throughout the negotiations. Especially on any and all proposals entailing financial obligations, the response is implacable negativity. I submit that this is an approach that will lead to precisely the “unnecessary animosity and confrontation” that your October 8 memo seeks to avoid. I note, as well, that a 2009 Cornell ILR study, points to delay in negotiations as one of the chief managerial tactic in the private sector for thwarting the democratic will of those seeking union representation.

Things surely need not proceed down

this unhappy path. Labor-management negotiators are quite familiar with a process of “mutual gains” or “interest-based” bargaining whereby both parties identify their priority concerns, then work together—in conversation, not frozen caucuses—to reach common ground.

Is such an approach not more in keeping with the ideals of a great urban research university than the adversarial process that seems to be emanating from the system’s Urbana-based Office of Labor Relations? Can we learn from collaborative models of governance and successful contract negotiations such as recently accomplished at the University of Oregon? Or does UIC prefer to follow the lead of dead-end anti-union employers in the private sector like Walmart? In short, I encourage, even implore, you to get personally involved in the negotiations before they break down in bitter acrimony. Surely, both you and Chancellor Allen-Meares recognize that social justice begins at home.

Sincerely yours,

Leon Fink, UIC Distinguished Professor and Researcher of the Year, 2011-2012

2013: The Perfect Storm for Adjuncts in Illinois

By Keith R. Johnson, Oakton Community College

The Great Recession impacted everyone, but it contributed to a real hit for public college and university adjunct faculty. Pressures on budgets over decades have slowly increased higher education’s dependence on adjunct faculty. Now they are a majority of teachers at all levels, and an astonishing 80 percent at community colleges. They form a pool of poorly paid, qualified teachers who can be drawn on (or let go) as needed. But this year new laws have exacerbated this long term trend to pay a majority of faculty inadequately and deny them benefits and job security.

The Affordable Care Act (“Obamacare”) requires employers to provide health insurance for part-time employees who work at least 30 hours a week. The response of most administrations this spring was to unilaterally cut the hours of adjuncts below that limit, first calculated at 21 credit hours a year. Part-time faculty were faced with a double whammy: (1) less work and lower pay, while (2) being required to buy and pay for their own health insurance from their reduced income.

To many adjuncts, the inequity of their situation was dramatized in the action of administrations to make every effort to deny them a basic need, health insurance. Adjunct union member rallied and protested, picketing the meeting of community college presidents and filling Board of Trustee meetings to overflowing. The shock was mutual: adjuncts reeling from what they perceived as heartless and cruel administrative denial of their rights, and administrations who have long been asleep at the switch concerning

their growing dependence on adjunct faculty. No longer would adjunct matters be managed by “business as usual” without a reaction.

To add to the perfect storm, the Biss Law (Public Act 97-0968) takes effect, penalizing a public college or other SURS entity that pays more than a fraction (40 percent) of an annuitant’s base salary before retirement. Many adjuncts are in fact annuitants; about one in four adjuncts at Oakton are semi-retired, a few of them former full-time faculty who stay on part-time after retirement. Administrations face another drastic choice in the face of this law: either develop substantial amounts of paperwork to monitor the hours of annuitants and their employment at any other SURS entity (for these hours add up), or again, simply fire all annuitants, as has the College of DuPage.

A study of the adjunct faculty at Oakton Community College (OCC) sheds some light on this situation. How many hours does an adjunct faculty member actually work? Enough to qualify as full-time for purposes of Obamacare? Data from the Illinois Community College Board shows that the average adjunct at OCC is slightly above 7 credit hours a semester, compared with 10 for full-time faculty. This is just short of the three-quarters that the federal guidelines set for full-time. But 55 percent of the adjuncts report they “Find you are working full-time at a part-time job” on our survey (142 adjuncts responded to this spring’s survey). A majority also report “Meeting your expenses is a constant concern/worry.” A large majority of OCC’s adjuncts also report that they desire a full-time po-

sition, leaving the labor pool that has been constructed for them over time. In this desire, they mirror adjunct faculty survey results nationally. Unfortunately, given current and foreseeable future economic conditions, meeting this desire is not possible. Some positive steps have been worked out at the community college level, with Illinois employers offering health insurance to at least some adjuncts, as at Oakton. Other employers have adamantly refused to help or change in the face of the new law.

The positive side of this perfect storm is that many adjunct needs, as revealed in the survey, can be met within the fiscal limits placed on Oakton or any other employer. While all the areas questioned were reported to be important, including pay, job security, benefits and inclusion, inclusion was given the highest rating.

Respect, recognition, equal treatment and access will not bankrupt any employer. However, they will require a massive change in campus culture that will be resisted and denied, judging from past experience. The problem of adjunct faculty has been building for decades, and it will not be resolved in a short time. But now that adjuncts are more visible, united and pressing their demands, we are moving in the right direction.

Keith Johnson is an Adjunct Professor of Sociology at Oakton Community College. His Open Letter to the Oakton community reporting his survey results in greater detail can be accessed at the Adjunct Faculty Association’s website at <http://www.oaktonafa.org/KJohnson.pdf>

Retirees Return to Work, Face Earning Limits from New Law

By Leo Welch

Illinois as a state has generated a pension obligation debt of over 100 billion dollars. This deficit is primarily due to the General Assembly failing to pay the state’s share of the pension funding obligation. Now legislators are pushing for “pension reform” with considerable help from anti-public sector pension organizations. One of these bills was Senate Bill 1687, “Retun-to-Work,” sponsored by Daniel Biss, a Democrat from Evanston. The bill was passed by the House and Senate and has been signed by the Governor. It now exists as Illinois Compiled Statute 5115-139. The implementation of the bill took public colleges and Universities by surprise since it took effect to on August 1, 2013, a very short time prior to the start of the Fall Semester. It also required the State University Retirement System (SURS) to provide guidelines to colleges and universities as to how to determine eligibility for those that were returning to work after retiring.

The information provided by SURS is as follows:

General Information

Under the SURS return-to-work restrictions, an annuitant may not return to work with a SURS-covered employer until retired for at least 60 calendar days. If the annuitant does not satisfy this requirement, the annuity will be cancelled.

It is the annuitant’s responsibility to notify SURS upon returning to employment for a SURS-covered employer.

If the annuitant returns to SURS-covered employment after the 60-day period the annuitant will be subject to an earnings limitation. The exact amount of the earnings limitation will be stated on the Certification of Retirement Annuity upon finalization of the retirement claim. If the annuitant exceeds the earnings limitation, the retirement annuity will be reduced or suspended.

If an annuitant chooses to resume active participation in SURS and forego the annuity payments, special limitations may apply. Please contact SURS for more information.

There is no limitation on the post-retirement earnings if an annuitant returns to work with an employer who is not covered by SURS.

If the annuitant’s first participation began on or after January 1, 2011 (Tier II), and the annuitant begins full-time employment with an eligible retirement system covered under the Illinois Retirement Systems Reciprocal Act, SURS may be required to suspend the annuity during that employment.

Annuitants under the Self-Managed Plan (SMP) are not subject to any post-retirement limitations.

Earnings Limitation

If an annuitant receives any compensation from a SURS-covered employer, it will be subject to the earnings limitation.

The only exception to the above would be if an annui-

tant is an independent contractor as determined by the IRS. Independent contractors must file a form SS-8 (Determination of Employee Work Status for Purposes of Employment Taxes and Income Tax Withholding) with the IRS. Once the IRS makes the determination of independent contractor status, the annuitant must provide SURS a copy of the IRS determination letter.

Retirement before age 60:

If the annuity payments began before age 60, the base monthly earnings from a SURS-covered employer cannot exceed the current monthly base annuity. This limitation continues to apply after the annuitant turns 60.

Retirement at age 60 or later:

If the annuity payment began at age 60 or later, the earnings from a SURS-covered employer during any academic year after the retirement date, combined with the annual base annuity from SURS, may not exceed the annuitant’s highest earnings during any academic year before the retirement.

Once the annual earnings limitation is calculated, it does not change.

Example:

If the highest academic year earnings during the annuitant’s career were \$50,000 and the annual base annuity is \$24,000 (\$2,000/mo. x 12 months), the annual earnings limitation would be \$26,000 (\$50,000-\$24,000).

Book Review: Unlearning Liberty

Review of Greg Lukianoff, *Unlearning Liberty: Campus Censorship and the End of American Debate* (Encounter Books, 2012).

By Steve Macek, Speech Communication, North Central College

A student expelled for a Facebook post criticizing the construction of a new parking ramp at his college, a faculty member reported to a “threat assessment team” for posting a quote from a TV show on his office door, a campus Christian organization prevented from showing *The Passion of the Christ* at a meeting—these are just a few of the many attacks on free speech at institutions of higher education that Greg Lukianoff details in his new book, *Unlearning Liberty: Campus Censorship and the End of American Debate*.

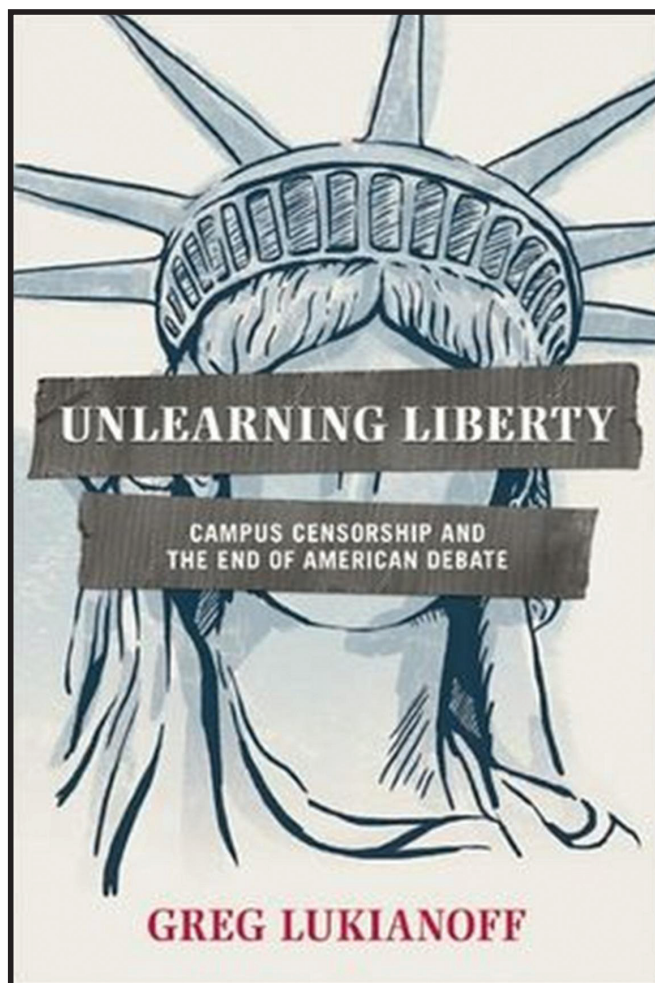
Lukianoff is president of the Foundation for Individual Rights in Education (FIRE), a libertarian-leaning organization known for combatting speech codes and defending the rights of religious and conservative groups at America’s colleges and universities. Drawing on the hundreds of censorship and due processes cases that FIRE has handled since its founding in 1999, Lukianoff argues that free expression on college campuses is today being stifled by authoritarian student handbooks, Orwellian administrators, politically correct professors and dictatorial student governments. Moreover, he attempts to connect the institutionalized intolerance for dissent on campus to the alleged descent of our national political discourse into “a culture of smug certainty, partisanship, sound bites and polarizing überpundits.”

Lukianoff organizes *Unlearning Liberty* as a guided tour through a “typical” college student’s experiences of visiting prospective schools, going through Freshman orientation, attending the first day of class, strolling through the student activity fair and so on, showing how his hypothetical student’s desires for self-expression and real debate are thwarted at every turn. While this approach to presenting his central argument is a bit hokey, the egregious violations of student rights highlighted along the way are anything but.

Not surprisingly, the strongest parts of the book are the ones that deal with FIRE’s signature issues: campus speech codes that prohibit Constitutionally-protected expression, and the lack of due process in the administration of such codes. In his chapter on official regulations that restrict student speech, Lukianoff surveys dozens of colleges of all types and sizes that have rules banning everything from “embarrassing remarks” to “inconsiderate jokes” to “negative or offensive comments.” One SUNY school, the College at Brockport, actually forbids “uses of Internet/email that harass, annoy or otherwise inconvenience others’ including ‘offensive language and graphics (whether or not the receiver objects, since others may come in contact with it).” Sweeping and ill-considered sexual and racial harassment policies are especially common, according to Lukianoff, and he offers some outrageous illustrations such as a Davidson College policy that bans “comments or inquiries about dating.” While only a few schools have taken their policing of speech to such extremes, a 2012 FIRE study found that 65 percent of the top 392 colleges in the country have policies that “severely restrict speech protected by the First Amendment.”

Perhaps as alarming as the speech codes themselves is the arbitrary and selective

way they are enforced. As Lukianoff explains in his chapter on the “campus judiciary,” university disciplinary committees typically operate in secrecy and as a result can “violate a student’s due process rights in a rush to find them guilty.” The examples he cites of institutions abusing students’ due process rights are legion. One student at University of Akron was expelled for dealing drugs based on the testimony of a single informant even though a criminal court had earlier acquitted him of the charge. The administration at Indiana University-Purdue University Indianapolis found another student guilty of racial harassment for reading a scholarly book about the Ku Klux Klan in public. At Michigan State, students have been required to attend—and pay for—mandatory student accountability seminars for petty offenses such as being rude to a dormitory receptionist or telling off an imperious administrator. One student at a community college in Mississippi was found guilty



of “flagrant disrespect of any person” for swearing while complaining to another student about the grade he had received on an assignment.

Of special interest to AAUP members, Lukianoff also chronicles a number of cases in which faculty have been punished for extracurricular political remarks or for criticizing their institution’s policies. For instance, he tells the story of SUNY-Fredonia professor of philosophy and newspaper columnist, Steven Kershnar, who was passed over for promotion to full professor because the president of his university felt Kershnar’s columns “impugned the reputation of SUNY-Fredonia.” Even more sobering, Lukianoff enumerates example after example of faculty members who got into trouble with their administrations for sending politically controversial messages over campus listservs, circulating petitions online or posting ideologically charged artwork on their doors.

Yet, as edifying as it is in places, *Unlearning Liberty* is not without its shortcomings. Lukianoff’s cherry-picked examples appear designed to bolster the myth that college campus are hotbeds of unthinking liberal orthodoxy and “political correctness run amok,” a phrase that recurs a number of times throughout the book. He smears all efforts on the part of colleges and universities to promote awareness of

racism, sexism and other forms of oppression as coercive or as instances of heavy-handed liberal indoctrination, even though participation in such programs is rarely mandatory. For instance, he impugns the “tunnel of oppression” displays that have sprung up at schools around the country by implying that students are forced to view them when in fact at most institutions viewing such displays is purely voluntary. Similarly, he makes much of the fact that teachers at two different Social Work programs required students to lobby state legislators for progressive causes; while forcing students to engage in partisan advocacy is certainly an affront to their rights, Lukianoff offers no evidence that these two isolated instances constitute anything approaching a trend.

So fixated is Lukianoff on sustaining the illusion that “socially conservative opinions are the ones most likely to be stifled at college and universities today” that he overlooks or downplays

a number of dramatic recent assaults on the campus left, assaults often perpetrated by right-wingers and their allies in the national security apparatus. While he rightly condemns University of Colorado’s politically motivated investigation of Ward Churchill for his controversial essay on the 9/11 terrorist attacks, he fails to discuss the notorious persecution of Middle East Studies scholars with pro-Palestinian views like Norman Finkelstein (denied tenure at DePaul University) and Margo Ramlal-Nankoe (denied tenure at Ithaca College). He also overlooks the Republican Party’s use of open records laws to harass University of Wisconsin history professor William Cronon for daring to criticize the GOP’s effort to dismantle basic social programs and repeal collective bargaining rights. Lukianoff’s relative lack of concern about the way law enforcement and campus security routinely infringe the civil liberties of progressive student groups is also revealing. He devotes just

one line to the brutal, unprovoked pepper-spraying of Occupy Cal demonstrators at University of California-Davis. He is silent about the FBI’s secret monitoring of peace activists at the University of Iowa. And he says nothing at all about the shocking revelation that the New York Police Department spied on Muslim Student Association chapters at Rutgers University, Yale, New York University and several other universities on the East Coast.

Lukianoff also completely ignores the wholesale repression of dissent at religious colleges and universities. Such institutions frequently require faculty to sign a “statement of faith” binding them to a fairly rigid set of religious beliefs. In 2006, Wheaton College in Illinois, which requires faculty to adhere to a variant of evangelical Protestantism, famously fired philosophy professor Joshua Hochschild for converting to Catholicism. In the same year, an adjunct philosophy instructor at Mormon-affiliated Brigham Young University was fired for publishing an op-ed that contradicted church dogma by urging the legalization of same-sex marriage. Meanwhile, students at religious colleges lack even most of the basic free speech rights enjoyed by their counterparts at public or private secular institutions. The Reverend Jerry Falwell’s Liberty University in 2009 de-recognized the campus chapter of the College Democrats

on the grounds that the national Democratic Party espouses views at odds with the stated moral principles of the university. Though widely reported, the suppression of heterodox ideas at places like Wheaton, Liberty and BYU receives no mention at all in *Unlearning Liberty*.

But the most glaring omission in the book is that Lukianoff avoids any discussion of the threat to free speech and academic freedom posed by the so-called “Academic Bill of Rights,” model legislation drafted by right-wing activist David Horowitz in 2004 to promote “intellectual diversity” in the higher education and to protect students from the alleged liberal bias of the professoriate. As written, the ABOR would have mandated hiring quotas for conservative faculty and political monitoring of course reading lists in the humanities and social sciences at public universities, severely curtailing academic freedom in the process. Versions of the ABOR were introduced into more than two dozen state legislatures and came perilously close to becoming law in Georgia and Pennsylvania. Yet FIRE never once spoke out publicly against the legislation. Indeed, Lukianoff’s immediate predecessor as FIRE President, David French, during the debate over the ABOR, repeatedly made public comments about the “ideological monoculture” supposedly prevailing inside the ivory tower that echoed the spurious claims being made by Horowitz and his supporters. French also testified before and served as legal advisor to the Pennsylvania state legislature’s McCarthyite investigation of academic freedom in that state, an investigation directly inspired by Horowitz and the ABOR movement. One FIRE Advisory Board member, Candace de Russy, used her position on the State University of New York Board of Trustees to push energetically for the adoption of Horowitz’s proposal as official policy throughout the SUNY system.

Given the frenzy of media attention surrounding the ABOR during the period covered by *Unlearning Liberty*, and given the involvement of people associated closely with FIRE in the campaign for the proposed legislation, Lukianoff’s silence about this shameful little episode in the recent history of American higher education smacks of bad faith, especially since the sole mention of Horowitz in the book is as the victim of heckling and abuse at the hands of rambunctious PC protestors. Of course, this silence is also perfectly understandable. Though Lukianoff is a liberal and a registered Democrat—as he never tires of telling his readers—the organization he heads up is largely funded by right wing donors like the Bradley Foundation, the Sarah Scaife Foundation and the Castle Rock Foundation. FIRE’s board is populated by an assortment of libertarian intellectuals and Republican business people. Even his publisher, Encounter Books, specializes in conservative authors such as William Kristol, Thomas Sowell and Roger Kimball. No doubt if Lukianoff’s book had given the post-9/11 assault on the civil liberties of leftist professors and student activists the detailed attention it deserved, he’d currently be looking for a new job.

Despite its obvious blind spots, *Unlearning Liberty* usefully underscores the way administrative abuses of power are eroding the open debate and free expression that ought to be the hallmark of all academic institutions. Though it tends to downplay the censorship endured by the left inside the post-9/11 university, the instances of campus censorship it does examine are serious enough. As such, the book deserves to be read by anyone concerned about the future of higher education in America.

Crony State University

By Robert Bionaz

The reputation of Chicago State University, a public state institution on Chicago's south side, has suffered for much of the past decade for its purported graduation deficiencies and financial shenanigans. Now the current politicized administration, with its assaults on academic freedom and integrity and its crony hiring practices, threatens the life of the institution in new ways. Control of the university has passed into the hands of local Chicago politicians and an ethically-compromised Board of Trustees that fully supports a failed president and his administration. This toxic political environment severely damages the school as state and board leadership has allowed politics to pervert Chicago State's academic mission.

Crony hiring and rewards for incompetence abound at the institution, bestowed by Wayne D. Watson, the current Chicago State President. Watson, the recipient of a Ph.D. in Education in 1972 from Northwestern University, has built a career in college administration despite having no significant teaching experience and negligible scholarly achievements. As Richard M. Daley's Chancellor of the City Colleges of Chicago from 1998-2009, Watson's administration proved notable for several reasons: incursion into curriculum and academic matters, a faculty strike and subsequent no-confidence vote in 2004-05, and dramatic enrollment declines: a 22 percent decrease in 9 years, compared to a 7.6 percent increase at all other Illinois community colleges. Watson distributed \$90,000,000 in no-bid contracts to a computer company owned by family members of former State Senate President Emil Jones, Jr., one of his closest political allies. Watson also got himself into hot water for using taxpayer monies to make fawning videos of his political allies, including Jones and Jesse Jackson, and for the massive and untraceable cost overruns incurred by the construction of the new Kennedy-King College in 2005-07.

Despite Watson's questionable "leadership," at City Colleges, he soon parlayed his political connections into another lucrative position: the Chicago State presidency. In 2009, the rump Chicago State Board (with two vacancies and two members whose seats had expired in 2007), led by Chairman Leon Finney, long-time Daley and Watson crony, orchestrated a sham search that resulted in Watson's hiring in April 2009. In late March, virtually the entire Presidential Search Advisory Committee resigned in protest at the "rigged" nature of the search, and faculty and students protested. The Chicago State Faculty Senate took the extraordinary step of calling on Governor Quinn to halt the search and to appoint four new board members: two to replace the members whose terms had expired, and two more to fill the existing vacancies. Despite the urging of the faculty senate and a number of media outlets, Quinn declined to do anything, assuring the selection of Watson and, in effect, putting the control of the university into the hands of Emil Jones.

Since assuming control of Chicago State, Watson has damaged the university through a variety of practices. As he did at City Colleges, he has intruded into curriculum matters and degree requirements under the guise of "raising standards." His administration has made at least three separate attempts to stifle campus dissent and free speech, the last coming in spring 2012 in the form of an aborted "Communications Policy," that prohibited faculty from any outside communication without prior approval from the administration. AAUP president Cary Nelson called the policy "an obscenity and absurdity." Watson has also committed multiple violations of university policy and the CSU-UPI contract by interfering (aided by chairs and deans) in the process of setting internal disciplinary standards for retention, promotion, and tenure; orchestrating "sham" faculty searches—with no faculty participation—that have resulted in crony hires; inserting himself into the faculty hiring process by conducting interviews and failing to follow the recommendations of faculty search committees; and lengthening the tenure-track by creating extra-contractual "do-over" years for faculty seeking retention.

While these presidential incursions into areas in which he has absolutely no expertise damage the morale of university employees and ultimately affect our students, by far the most harmful practice of the Watson administration is the crony hiring of unqualified top administrators. Early in Watson's term as president, he brought a number of City College administrators to Chicago State. Watson has rewarded the loyalty of these administrators with steady pay increases, in some cases more than 25 percent in three years and for one administrator, a 76 percent pay increase since 2009.

On November 9, 2009, Watson hired Cheri Sidney, a

woman with whom he is romantically involved, as the Assistant Director of Human Resources, a newly created position. After occupying that position for a few months, she received a promotion to another new position: Director of Enrollment Management. The following year, she received another promotion to a new position: Associate Vice President of Enrollment Management. Starting at \$90,000 in 2009, she currently earns \$113,004. Other than her relationship with Wayne Watson, what qualifications does Sidney possess? Simply put: none. A recent university response to a FOIA request revealed that Sidney apparently lied on her employment application and on her resumé by claiming a non-existent master's degree and unsubstantiated work history.

In 2011 Watson hired another long-time crony, Angela Henderson, to the position of Vice President of Enrollment Management. Henderson had no previous enrollment management experience. Henderson and Sidney have presided over a breathtaking 22 percent drop in enrollment from fall 2010 to fall 2013. This decline mirrors the Watson administration's enrollment losses at the City Colleges (albeit much more rapid) and represents the worst decline among 63 public institutions in Illinois and its six contiguous states. Despite Henderson's clear failure as Vice President of Enrollment Management, on July 1, Watson promoted her to interim Provost following the incumbent provost's retirement. Since Henderson at the time of her promotion held only a Master's Degree, she became the only Provost in the Illinois public university system without a Ph.D., which she finally received—in Nursing—on August 11, 2013. She is also the only newly-minted Ph.D. to hold such an important academic position. Although unqualified, she has parlayed her personal relationship with Watson into an important and well-paid position.

As the examples of Sidney and Henderson demonstrate (and I could relay others), cronyism ensures that incompetent employees remain in their positions or even receive promotions. The influence of local political leaders guarantees that the prime benefactor of patronage hires remains at the helm of the university. Following an overwhelming no-confidence vote in Watson's leadership by the Faculty Senate in November 2012, several members of the Board of Trustees came to the decision to fire Watson. At that point, Emil Jones rode to the rescue, mobilizing various politicians and community "activists" in support of Watson. Interestingly, the entire effort to save Watson's job revolved around his "victimization" at the hands of unscrupulous trustees, with no discussion of his failures as president. Victor Henderson, Watson's attorney and Angela Henderson's husband, compared Watson's travails to the suffering experienced by Jesus and Martin Luther King, Jr.

As in 2009, several board members' terms had expired. Watson's supporters cynically urged Governor Quinn to replace those trustees in order to eliminate the board's alleged political interference in Watson's university governance. The Watson cabal prevailed as Quinn meekly allowed the terms of the trustees seeking to oust Watson to expire without reappointing them, ending an ongoing investigation into Watson's activities and eliminating any possibility of his termination. Although conflicts of interest surrounded the most prominent Watson supporters—Emil Jones' family had received \$90,000,000 in no-bid contracts from City Colleges, vocal supporter Hermene Hartman's publishing company had received nearly \$300,000 in no-bid contracts from the same source and another \$19,000 from Chicago State, while Victor Henderson's wife stood to benefit materially from Watson's continued incumbency—this did not seem at all newsworthy as no local news outlet gave the story serious coverage.

This brouhaha saw Watson and his supporters effectively fire the members of the Chicago State Board of Trustees who favored Watson's removal. Ultimately, Quinn appointed three new trustees whose loyalty to Watson seems secure. The March fiasco illuminates the problems faced by students, faculty, and staff at Chicago State opposed to both Watson's failed leadership and the control of Chicago politicians. Despite ample evidence for his removal, our material carried no weight in an environment of naked politics. The control of the board and the school by local politicians, the continued inept and venal administration of Wayne Watson, and the unwillingness of mid-level administrators and many of the faculty to advocate for the interests of our students are doing immense damage to the university, with no end in sight. The question remains: can the university survive as a wholly-owned subsidiary of the south side Chicago political machine?



Csufacultyvoice.blogspot.com before (top) and after (bottom) legal threats from the administration.

Chicago State Targets Faculty Critics

By Hank Reichman

Let me thank the administration of Chicago State University for calling my attention — and the attention of thousands of others — to the informative and entertaining blog maintained by Chicago State faculty as a forum for "the faculty's uncensored voice." As the *Chicago Tribune*, *insidehighered*, and the *Chronicle of Higher Education* all reported, the university on November 11, 2013 sent Political Science Professor Phillip Beverly, an Academic Senate officer and founder of the CSU Faculty Voice blog, a "cease and desist" letter demanding that site administrators "immediately disable" the blog and provide written confirmation that they had done so by the end of the week.

In the letter, now posted on the blog site, Patrick Cage, university vice president and general counsel, said the site employed university "trade names and marks" without permission. Cage also claimed the blog "violates the University's values and policies requiring civility and professionalism of all University faculty members." In response, Beverly removed a photo of a campus sign and a "CSU" hedge sculpture from the site, replacing them with a photo of a building from another university. He also changed the name of the site to "Crony State University," an ironic reference to an ongoing faculty concern with university administrative hiring practices.

"We had that (old) picture up since April of 2009. I've actually gotten tired of it," Beverly told the *Tribune*. "It's time for a change, and this is good enough reason to change it."

In a March 2012 email to faculty and staff, Chicago State announced a policy that would require all employees, including faculty, to obtain prior approval to talk to any reporter, use social media, or engage in most forms of public communication. Those who violated the policy would risk losing their jobs, the email stated. Facing widespread complaints that the policy was inappropriate and illegal (and no small amount of ridicule), the university backed down. Apparently, the administration has now concluded that it is time for some additional negative publicity.

While Chicago State may have an argument that use of its trademarks without permission is illegal, its contention that the bloggers cannot use its name or must adhere to some ill-defined standard of "civility" is entirely without legal, much less ethical, foundation. Anyone who might be misled to believe that the blog is an official publication of the University needs some serious assistance in life. This is clearly an independent, albeit critical, voice, maintained outside the university and hence fully protected by the First Amendment to the U.S. Constitution, as well as the most basic principles of academic freedom. Moreover, the publicly funded university's claim that the blog violates its standards of civility is itself a flagrant violation of principles of academic freedom long endorsed by the AAUP.

Earlier in November, the AAUP's Committee A on Academic Freedom and Tenure approved a revised draft policy on "Academic Freedom and Electronic Communications," which will be posted on the AAUP website for comment soon. That policy draft specifically addresses the issue of "unwarranted inference of speaking for or representing the institution." Noting that the AAUP's 1940 Statement on Academic Freedom and Tenure cautions that faculty members "should make every effort to indicate that they are not speaking for the institution" when in fact they are not doing so, it recognizes that in the digital world avoiding such an

The New Illinois Law on Open Access Publishing

By Cary Nelson

Over the last decade there has been a rapid evolution toward increased scholarly publishing online. Much of it remains proprietary publishing available only through paid access, but there are now a number of peer-reviewed gold access online scholarly journals, and book publishers commonly make a table of contents and a sample chapter freely available. Google meanwhile has made the complete texts of millions of public domain books available for free. And there are countless websites devoted to more narrowly defined online publishing projects.

After an initial impetus toward mandating that all Illinois public university faculty put their published articles online for free six months after publication, the Illinois legislature instead passed Public Act 098-0295 in August 2013, a bill directing universities to come up with a plan to deal with the possibility and desirability of making scholarly publications freely available to all citizens. The Illinois law deserves some national publicity since other states may do the same. Existing university policies have generally been adopted by faculty senates. Illinois is initiating a policy through legislative action.

While a university would be performing a useful service by giving faculty a vehicle for voluntary self-archiving, making it possible for them to reprint publications freely online, it would be quite another matter for either a public or a private university to require faculty to place all their publications there. An optional, but not mandated, green access model (in which faculty can reprint publications on a university website) would increase the public availability of published research and promote a trend toward open-access publishing without constraining faculty publication rights.

Yet either an optional or a mandated online publication policy will require adequate funding if it is to be fair and practical. Colleges and universities have long needed a stronger commitment to publishing support that makes non-commercial scholarly communication a part of the fabric of the institution. But open access systems require new infrastructure, including appropriate software and either new staff to handle the responsibility or a reassignment of existing staff.

The national American Association of University Professors (AAUP) stands firmly behind the principle that academic freedom guarantees faculty members the right not only to decide what research they want to do and how to do it but also the right to decide how the fruits of their research will be disseminated. Academic freedom does not terminate at the moment when you create a publishable book or essay.

Publications have long been covered by copyright law, and faculty members in the modern university have traditionally owned the rights to work they create that can be copyrighted. It would be a major change in intellectual property tradition, policy, and law for a state or a university to claim ownership or control. Of course a university-mandated free publication requirement does not appear on the surface to affect ownership, but in fact it eviscerates ownership by divesting it of meaningful control. A Creative Commons license is only of limited help at that point, since a freely available publication has pretty much lost all the commercial value associated with copyright.

A policy mandating free and open online publishing — even after a defined period of time — would violate academic freedom and potentially cause serious harm to faculty members. Such a policy relies implicitly on the assumption that both public and private university faculty are no different from other state or company employees, indeed that they are all

equivalent to corporate employees, subject to the unqualified workplace dictates of the state or the corporation. But U.S. courts have long recognized that academic freedom is an important value in higher education and that it limits the control the state or an institution can exercise over the distinctive faculty speech rights entailed in teaching and research. A university policy that preempts a potential contract between a researcher and a publisher would abridge academic freedom.

A state-mandated blanket policy requiring open-access publishing would also change the conditions of employment for existing faculty who were hired without such a restriction, effectively significantly changing their academic freedom expectations without their consent. Such a change could not be imposed on individuals by a collective decision or by a vote by a representative body.

The harm at issue would vary by discipline and form of publication. An assistant professor's tenure case could be seriously damaged if he or she had to seek publication only in gold access journals (those online from the outset) or in journals permitting green access (delayed self-archiving), rather than in the best journals in the field. Science disciplines whose academic journals have traditionally levied page charges, costs often built into grants, may be relatively well-positioned to handle processing fees from open access journals. Humanities, fine arts, and social science disciplines with no such traditions and no such revenue sources would find such a mandate not merely damaging but impossible to honor.

There may well be another disciplinary disadvantage built into a specified wait time for an open-access electronic version to become available. Prospective individual buyers of expensive hardbound academic books typically wait until a paperbound edition is published or until a used hardbound copy becomes available from an online used book service. Faced with a one-year wait for a free electronic copy, how many individuals or libraries would still buy either an electronic or a material version of a scholarly book at all? Paid electronic or hard copy journal subscriptions in many fields would certainly suffer the same fate. Scientists, engineers, or medical faculty might successfully lobby their institutions for more rapid access to the latest papers, but how many humanities disciplines could convincingly wage such a campaign? Mandated gold or green access at least for now is likely to seriously disadvantage humanities, arts, and interpretive social science fields.

Such a campus requirement would be an open invitation for humanities and fine arts faculty who could do so to move elsewhere and would make recruitment in such disciplines much more difficult. Imagine telling a potential senior hire that he or she would have to switch to a publisher supporting green access if they came to your campus.

In any case, gold access publications typically need mechanisms to cover their editorial, copyediting, design, and promotional costs. Nothing would be accomplished by a state or university policy that ignores that reality. Nor is anything to be gained from a university deciding that it knows what is best for publishers on campus or elsewhere.

Given the Illinois bill's legislative history, concern about its intent may justify raising some questions about the law. Al-

though the Illinois law refers to "articles," not books, it is not clear that the legislature recognized the difference between article and book publication, or whether such distinctions as those between authored and edited books were anywhere in play. Is a book chapter in an edited book an article? And one may reasonably wonder whether an effort to mandate online book publication might follow. Edited books, for example, would almost always encompass authors from other states or countries; in cases where work was being reprinted the copyrights held by both profit and non-profit publishers in other states and countries would be at issue. No editor would be likely to be able to get such a range of other publishers to agree to grant open-access online publishing rights to documents whose copyrights they control. An editor would simply have to abandon such a project if he or she had to obtain online publishing rights for its contents, an obvious and intolerable abridgement of academic freedom.

Even a two-year moratorium on open access publication of book chapters would be highly problematic, since that is commonly the point when a publisher seeks to market a paperbound edition. An open access policy limited to journal articles would be far more manageable, but even that should be voluntary.

Even the definitional problems just listed are not well-handled in existing uni-

versity open access policies. As a University of Illinois library committee noted when it compared policies at Harvard University, the Massachusetts Institute of Technology and the University of California, all refer exclusively to "scholarly articles," without defining the term. Is a piece of creative non-

fiction a scholarly article? Might it convey research findings? Nor is it clear whether the policies cover adjunct or part-time faculty. My own view is that adjunct faculty should be given the opportunity to archive their publications but never be required to do so.

Academic freedom means that a faculty member has the right to choose which journals to publish in and which publishers to offer a book project. Journal editors and book publishers often also approach a faculty member with a potential project. Again, academic freedom grants faculty members the right to accept or reject such offers. A faculty member cannot be required to publish in places that have adopted gold open-access publishing principles or that grant green open-access reprint rights to their authors. A faculty member can, however, request that a contract for publishing an essay be granted through a "nonexclusive first publication rights only" clause, and some publishers who are inclined to offer (or initially do offer) more restrictive contracts are willing to accept such language. That should enable reprinting rights on a university web site. A university policy mandating online reprinting will persuade some, but likely not all, publishers to cooperate, and it still compromises faculty rights. A book publisher, moreover, is far less likely to agree to such terms for an entire book. And those faculty members who regularly propose gathering their scattered journal articles into a book will find that almost impossible to do if all the articles are already available on a university website.

It is also inappropriate for a state to man-

date open-access publishing for university published or edited books or journals. A university press has to have the freedom to follow its own rationally chosen business model. Such business models do not typically entail a one-size-fits-all model covering every book and journal. Indeed a press may rely heavily on the income from a few highly marketable books. On the other hand, a press might decide that a particular book would benefit from simultaneous or relatively rapid online open access publication. And in some cases sales of the book might benefit. Publishing professionals with the expertise to make such decisions must be left to do.

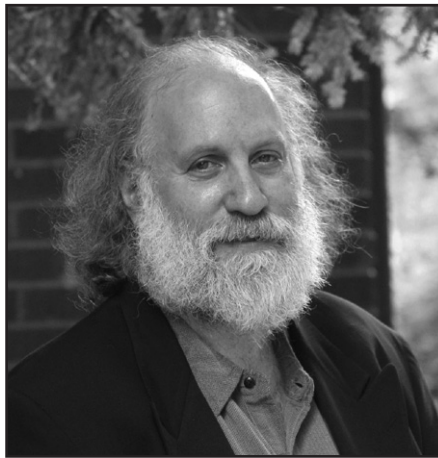
That said, there are many benefits to gold access online publication. There is the potential to reach wider audiences and the chance of doing so rapidly. Educational outlets like Times Higher Education and Inside Higher Ed that operate with in-house editorial (rather than peer reviewed) decision making can sometimes publish in a week or less, which can be a considerable benefit with time sensitive publications.

Books that really have no likelihood of reaching a broad audience may be better off being published freely online than in a hardbound edition that can barely sell 200 copies. But that reality does not address editorial cost recovery or the relative prestige issues that faculty have a right — because of academic freedom — to take into account when they make publication decisions. Nor does it make sense to tell an author or publisher that they should not limit a book that can readily sell thousands of copies to a print edition or that they should offer it for free instead. Indeed there are numerous academic authors who publish with commercial publishers who would be quite amused at the suggestion they offer their books or journals for free.

At least at present, moreover, a university press would be at a tremendous — and likely fatal — disadvantage if it offered only online book publication, given that many authors still want to see their book manuscripts published as books and that university tenure and promotion committees still value physical books more highly than electronic ones. A university would garner a very rich bouquet of bad publicity, no few lawsuits, and likely AAUP action if it tried to restrict its faculty to either gold or green access publishers. We all, of course, know the example of a rogue publisher of academic journals that charges extortionate prices for its publications. But that requires targeted action, not a wholesale regime of academic freedom restraint as a solution.

The bottom line is that universities should move forward with increased gold and green publishing opportunities, not with mandates, prohibitions, and penalties — and with faculty leadership and attention to differences in types of publications, fields, and, most importantly, the preservation of individual choice. Faculty need a mechanism to opt out of the expectation that articles will be made freely available without offering a reason. Such an opt-out mechanism should, like that at Berkeley, be automatic, automated, and immediate. Not overseen by a bureaucrat making decisions about what does and does not qualify for an exception. One hopes that, with a system to encourage, but not mandate, open access publishing, the state legislature, including the bill's main sponsor, will be satisfied. If not, as I've tried to indicate, we will be in for a rough ride.

Cary Nelson is professor of English and Jubilee Professor of Liberal Arts and Sciences at the University of Illinois at Urbana-Champaign, and was president of the AAUP, 2006-12. This essay originally appeared at InsideHigherEd.com.



FINGERPRINTING FACULTY AT CCC

Our dignity and our rights have no price

On August 13, 2013 the employees of the City Colleges of Chicago (CCC) received an email notifying them that beginning in the fall all would have to submit to a daily biometric scanning system to verify their attendance. Some of us were able to verify at our work locations the installation of fingerprint-scanning machines. We are appalled at this arbitrary measure and ask for public support in our campaign to eliminate such practices at the CCC.

None of the unions nor the ordinary employees were consulted about a process that would profoundly affect their privacy. We were just told that we were on a schedule to be trained in the use of this new system. There was no advance information about this system, no description of its cost, no justification for this drastic change. Everything we have learned along the way had to be extracted from the administration.

After questions presented to the administration by the adjunct professors' union (CCCLOC) and to the Board of Trustees of the CCC by the chapter chair of Harold Washington College, representing faculty, professionals and security guards (AFT Local 1600), and an open letter submitted to the administration by the Faculty Council of Harold Washington College, the administration finally provided some information.

Throughout this process the justifications for this arbitrary measure have shifted. Now, the weightiest justification revolves around expense savings. It is a sad state of affairs that the pursuit of savings is placed ahead of the rights and privacy of the employees that make the CCC system work. This is not an inexpensive system, with an initial cash outlay of over \$2 million, in addition to the annual operating expenses. The projected savings of this privacy hijacking are waved as enough justification to coerce us into giving the administration personal information from our bodies. Is there any limit beyond which they are not willing to go to "save" at our expense?

Vice Chancellors Laurent Pernot's and Stephanie Tomino's responses to our questions are outstanding in the degree of dismissal of our concerns. One has to wonder if these vice chancellors disregard the scientific literacy of our faculty and staff when they claim that the sched-

uled fingerprint collection system does not collect the equivalent of a fingerprint identifier and that somehow it is safely stored because it is saved as encrypted binary data. Modern, digital fingerprinting processes never compare the full fingerprints but a limited number of fingerprint "characteristics," somewhere between 7 and 15 of them. That is precisely what this system will do. Any data that are stored electronically, are stored in binary form, as in our jump-drives, hard disks and cell phones. That is widespread knowledge, and it neither provides any guarantees for the confidentiality of body characteristics, nor does the encryption. Most modern electronic data transfer protocols are protected by encryption, yet that does not guarantee the theft of this information, as the recent theft of encrypted computers at Park Ridge's Lutheran Hospital forced Advocate Healthcare to offer free anti-identity theft services to all its patients in the Chicagoland area.

Another justification offered to extract personal information from our bodies is that the administration will be able to catch employees who commit fraud with their payroll attendance reports—or in the jargon, "time theft." One would be excused to assume that there must be a "time-theft" epidemic at the CCC. However, Vice Chancellor Pernot informed us that the Inspector General reports 12 such incidents. The Vice Chancellor never informed us about the time frame of these time thefts. He never indicated who stole the time or if they were found guilty. For the sake of argument let's assume that it happened over the course of one year. With approximately 6,000 employees at the CCC, this would amount to about 0.2 % per year! This is far from an overarching malaise that deserves to have more than \$2 million thrown at it.

It is an irony that the week that the CCC administration revealed its plans for our fingerprinting, a court in New York found that the "Stop-and-Frisk" practice of the NYC police department was unconstitutional because it deliberately targeted African Americans and Latinos. It said that the racial profiling used by the NYPD amounted to the assumption that every Black and Latino young man was a potential criminal. That is similar to what the planned fingerprinting attendance system assumes of each one of us: That we are potential "time thieves" despite the fact that the overwhelming numbers prove otherwise.

Our students, who come in large numbers from communities of color, are understandably anxious about their professors and the staff that supports them being compelled to submit to such an overreaching system. Anyone reading the Chicago newspapers for the past decade is aware of how the Latino and African American communities have been unfairly treated by the Chicago criminal justice system. And now they are concerned that their professors and other CCC employees will be subjected on a daily basis to a fingerprinting process that eerily evokes the processing of an arrestee. They ask themselves if they will be next. And this is not far fetched for similar systems have been attempted in other states (e.g., Florida) to track their class attendance.

The CCC administration conveniently confuses the right to privacy afforded by the constitution of the U.S. with the expectation that the fingerprint information is not divulged or shared with other parties. As bad as that would be, this is not the main issue. The privacy guarantees afforded by the constitution refer to the guarantees against unwarranted searches without probable cause, and the inviolability of our bodies. This is the privacy the CCC administration wants to breach, and it says it wants to do it because things will become cheaper for them.

We say No: Our dignity and our rights have no price. We seek the support of our students, their families, and every citizen of Illinois who understands the severity of this violation of our privacy.

Please contact Vice Chancellors Pernot (lpernot@ccc.edu) and Tomino (stomino@ccc.edu, 312-553-2987) and let them know that you repudiate this arbitrary decision, that it stains the reputation of the CCC as a serious institution of higher education and makes it look like a cheap commercial franchise in which the bottom line predominates, and not the democratic goals of freedom from coercion and intellectual inquiry.

Rochelle Robinson-Dukes, Vice President for the CCC, AFT Local 1600 (full-time faculty, full-time and part-time professionals, and security guards)

Delores Withers, President, AFT Local 1708 (full-time and part-time clerical and technical workers)

Floyd Bednarz, President, CCCLOC (adjunct faculty)

Report of the Illinois AAUP's Committee A on Academic Freedom and Tenure

By Peter Kirstein, VP, IL AAUP, Chair IL Committee A

Illinois Committee A has had a very active season and has been receiving considerable support from the Washington, D.C. national AAUP office. Our heavy case load is inversely proportional to the degree of justice and equity that is evident across the academy in Illinois. Faculty members are being suspended, denied tenure and threatened with dismissal in alarming numbers. What is particularly notable is the lack of pre-sanction review procedures on many campuses; or, if present, they are being cavalierly ignored by arbitrary administrators and supine faculty members who are more concerned with conformist calm than stirring the pot for justice and critical thinking. It seems progressivism is more evident in the classroom than the ruling class that governs. Hence, shared governance is difficult due to the frequently competing ideological positions of the corporate ruling elites and a faculty that still holds onto the values of education and expanding knowledge through it! It needs to be stated that faculty need to know their rights in the bylaws, faculty handbook, and AAUP-articulated principles.

The four documents in the so-called Redbook that are most relevant in identifying procedural and substantive rights of at-risk faculty are 1940 Statement of Principles on Academic Freedom and Tenure, the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings, the revised, 2013 Recommended Institutional Regulations on Academic Freedom and Tenure, and the 1966 Statement on Government of Colleges and Universities. Before an administration can dismiss or suspend a tenured faculty member, it must adhere to certain due process safeguards.

In the case of dismissal, for example, as elucidated in Regulation 5 from the 2013 Recommended Institutional Regulations on Academic Freedom and Tenure. "Adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens." Dismissal of a tenured faculty member, supposedly the most protected with job security, must be preceded by a statement of charges, and the faculty member must have the right to take his or her case before an adversarial hearing with an ad hoc or elected standing faculty-hearing committee.

If an administration, in its zeal to purge a faculty member, decides that a paid suspension should precede the final determination of dismissal, it is in violation of the faculty member's rights. Suspension can only be imposed "if immediate harm to the faculty member or others is threatened by continuance." Rarely are suspended faculty given this consideration in the United States and even more rarely does AAUP investigate a suspension case that is imposed without this clear standard. Post-secondary institutions just assume that a suspension is appropriate as long as one is being compensated. They are

wrong, and should be held accountable for such a grievous violation of suggested AAUP principles.

The hearing committee that must precede a major sanction such as dismissal or a suspension can gather facts, interview parties from the administration and the faculty member. The faculty member can submit documents, state her or his case, and have counsel and a faculty advisor present. Again, this is to precede any administration dismissal or suspension against a faculty member. Without such an adversarial hearing, we have a shredding of shared governance and an evisceration of academic freedom in which whim and bias can replace process and rights. Faculty must resist such arbitrary treatment by any means necessary within institutional grievance and legal remedies that are available.

It should be emphasized that unlike an application for promotion or tenure, a move to dismiss a faculty member must achieve a higher standard of proof. According to AAUP Recommended Institutional Recommendations, "The burden of proof that adequate cause exists rests with the institution and will be satisfied only by clear and convincing evidence in the record considered as a whole." While the administration need not adhere to a faculty-hearing committee's recommendation against dismissal or other major sanction, it is required to state its reasons in refusing to accept the hearing committee's recommendation.

While governing boards make the ultimate decision, they rarely make hard choices on behalf of the professoriate. They are usually too remote from the institution, or hostile to the professor who makes waves and exudes an independence challenging the current order. Many are either appointed by a state governor and are political hacks or major donors. Others are appointed by the institution's president and are beholden to that individual. They are frequently reluctant to exercise independence of thought and action in order to defend academic freedom and the rights of faculty. I am unaware of a governing board reversing a president's recommendation for dismissal over the objections of a hearing committee. If it happens, you can bet it is quite rare.

If colleges and universities knew they could anticipate legal and other forms of challenges when they persecute faculty outside of normally accepted standards of due process protocol, they might be more diffident in steamrolling recalcitrant faculty. Yet the corporate university is determined to snuff out freedom, turn students into robots, insure that free-thinking faculty do not think too freely, and consider the business model of top-down strategic decision making as the preferred model in attaining institutional stability. Stability at the expense of free thinking and critical thinking. Yet not all will surrender quietly and passively accept illegitimate authority. The Illinois Committee A on Academic Freedom and Tenure is an example of that!

CHICAGO STATE

continued from page 5

inference may be more difficult. The policy goes on:

The very nature of the Internet causes attribution to be decontextualized. A statement made by a faculty member on a website or in an email or social media communication may be recirculated broadly, and any declaration that the institution bears no responsibility for the statement will be lost. . . . Institutions may reasonably take steps to avoid inferences of institutional attribution or complicity, in ways that print communications might not warrant. . . . [But] faculty members cannot be held responsible for always indicating that they are speaking as individuals and not for their institution, especially if doing so will place an undue burden on the faculty member's ability to express views in electronic media.

Chicago State's demand that the blog be shut down, and not simply that use of its trademarks cease, indicates clearly that the administration's intent is to silence a dissenting faculty voice. The university's letter is little more than a thuggish effort to bully and frighten, with no legal or moral justification. Its action therefore deserves the same sort of condemnation and contempt that greeted its previous bone-headed effort to require prior approval of all faculty communications with the media, including contributions to social media. I hope Professor Beverly and the other bloggers at "Crony State" stand firm against this demand. The AAUP certainly is ready to provide whatever assistance we can.

Hank Reichman is First Vice-President of the AAUP, and teaches at Cal State University, East Bay.

UNIVERSITY OF ILLINOIS continued from page 1

justify firing him.

Sadly, the faculty on key committees at the University of Illinois bear some responsibility for this result. The same faculty report that declared Wozniak should not be fired for his actions denounced his publicity of the student's crying, and threatened that his failure to censor his comments could be a cause for dismissal.

Law professor Eric Johnson, chair of the Committee on Academic Freedom and Tenure, declared that "CAFT was justified in directing Professor Wozniak to refrain from making future reference to this conversation in public or quasi-public communication." Johnson concluded, "The Board should dismiss Professor Wozniak if it concludes that he violated the CAFT's directive."

Johnson's comments are troubling for many reasons. The spectacle of a faculty committee demanding censorship of a website (and even "quasi-public" conversations by a professor) is deeply disturbing. Due process is also important here. Endorsing the firing of a faculty member without a further faculty hearing is a clear violation of AAUP standards. The dismissal of a tenured professor, under AAUP guidelines, must balance consideration of a professor's flaws and accomplishments, and not simply be an automatic response to a professor's failure to obey orders. And the orders given by CAFT had no basis in university policies or the ethics of the profession. If Wozniak's revelation of a student crying did not justify his immediate dismissal (and it obviously didn't), then his continued defiance would not change anything.

If Wozniak had been friendly with administrators, instead of regularly criticizing them for ethical lapses, no one can imagine that he would be out of a job today over his complaints about a teaching award that he actually earned. The Wozniak case reveals the perils for faculty who refuse to obey orders and remain defiant about what they believe is right.

National Louis Censured By AAUP

On June 15, 2013, the national AAUP at its annual meeting voted unanimously to place National Louis University of Illinois on its list of censured institutions for violations of academic freedom and tenure. AAUP First Vice-President Hank Reichman declared, "What happened at National Louis was ominous." The AAUP report on National Louis University described the administration's actions as "The Decimation of the Full-Time Faculty." The administration discontinued 14 programs and four College of Arts and Sciences departments, and terminated 63 faculty members, including 16 with tenure: "The committee was particularly struck by how quickly experienced members of the faculty, many of them with decades of service to the institution, had been replaced by a cadre of part-time faculty members with weaker academic credentials." These actions took place without declaring any financial exigency, and National Louis largely replaced the fired faculty with lower-paid adjuncts.

WOZNIAK continued from page 1

legal expenses in my defense.

Events began in 1992 when Prof. Thomas F. Conry's performance as department head greatly displeased my colleagues, who adamantly opposed his reappointment with written evaluations and a direct appeal to Dean Schowalter. I openly supported the faculty action. Additionally, the department Assoc. Head Prof. Michael Pleck wanted me to recommend him for a teaching award, which I declined.

Then, Head Conry corrupted my 1992-93 promotion papers, assigned me a teaching overload, and declined cooperation in two filed Grievances. The Faculty Advisory Committee concluded, "Professor Conry cannot be expected to treat Professor Wozniak in a fair and unbiased manner in future deliberations." University Associate Counsel Laura Clower relied on Prof. Conry to demonstrate my "long history" of malfeasance when it was Prof. Conry who had the adjudicated a long history of malfeasance.

Dean Schowalter ('96-'02) registered himself, Michigan's Dean Director, and the College accountant as directors of an Indiana Corporation to capture alums' donations, rather than route them through the University of Illinois Foundation (UIF). I obtained more data via FOIA from the UIF and published the scheme to University officials.

In a 1994 punitive teaching overload, I taught a section of graphics, chaired by Prof. Pleck. His "rules" forbade practice exams and posting of old exams. Dean Schowalter then cooperated with Head Conry to suspend me from teaching, based on allegations that I administered an unauthorized practice exam (which I had), declined to submit gradebooks (which I offered and did submit), and failed to use Assoc. Head Pleck's generated-grading program which required hours of graduate student labor. When teaching that course, I devised a computerized program that graded and reported students' errors in seconds.

Statement by New AAUP Executive Director Julie Schmid

I am excited to serve as the AAUP's executive director because this is where the fight is. US higher education is in crisis. We are four decades into a radical defunding of state institutions of higher education. Faculty salaries are stagnant, while students are asked to pay more and more for their education. The overuse and exploitation of contingent faculty and graduate student employees continues. Academic freedom is under attack, and faculty senates have seen their voices diminished—sometimes because of administrative overreach and sometimes because the faculty has not exercised the power it has. And collective bargaining—which in many instances has proven to be an important means for bettering the working conditions of faculty members and academic professionals and for maintaining academic quality—is now under attack.

The AAUP is the conscience of the

profession. For nearly a century, the AAUP has defined professional standards for higher education and vigorously defended those standards when they have come under attack. And for nearly half that time, the AAUP has epitomized faculty unionism by organizing strong collective bargaining chapters and by enshrining AAUP principles and policies in collective bargaining agreements. As someone who has spent most of my career in the field organizing academic workers, I know how important the AAUP is because I hear how important the AAUP's policy documents are any time I am on a campus. Unfortunately, this identification with AAUP principles does not always translate into membership in the AAUP.

The nature and the sheer number of the challenges facing the profession means that the AAUP must evolve. We need to make the AAUP an essential part of what it means to be an academic

in a way that isn't right now. We need to organize tenure-line and contingent faculty, graduate students, and academic professionals at the campus level and empower them to engage in this fight on their campuses and in their statehouses while continuing to issue policy statements and define standards at a national level. We need to do a better job of acculturating graduate students and new faculty members into the AAUP so that they become members of and participate in the Association. And we need to continue to work in partnership with such organizations as the American Federation of Teachers and the National Education Association, because the challenges we face are immense, and, as we learned in the fight against Senate Bill 5 in Ohio, we are stronger together. I look forward to working with the members and the staff of the Association to address these challenges and to build an even stronger organization.

Join the AAUP!

The Greater Our Numbers, the Stronger Our Voice

If you care enough about the future of higher education to be an AAUP member, we hope you'll now take the next step and encourage your colleagues to join at www.aaup.org.

The AAUP is introducing a new simplified dues structure based on income:

\$30,000 and less: \$47
\$30,001-\$40,000: \$63
\$40,001-\$50,000: \$84
\$50,001-\$60,000: \$105
\$60,001-\$70,000: \$147
\$70,001-\$80,000: \$173
\$80,001-\$100,000: \$195
\$100,001-\$120,000: \$215
More than \$120,000: \$237

The most effective way to get new members is to go door to door to your colleagues' offices, because people are more likely to join if asked directly and offered the chance to talk with you in person about the work of the AAUP on behalf of the profession, at the local, state, and national level. Give them the new dues schedule, ask them what their key concerns about higher education are, and try to show them what AAUP is doing to help. See if they will join while you are there.



Join new AAUP Executive Director Julie Schmid in the "I'm Still Fighting" campaign.

Illinois AAUP

Michael J. Harkins
 President
 Assoc. Prof. of History
 Harper College
mharkbhs@att.net

Peter N. Kirstein
 Vice-President
 Prof. of History
 St. Xavier University
kirstein@sxu.edu

Lee Maltby
 Secretary
 Dean of Instruction
 St. Augustine College
lmaltby@staugustine.edu

Alan Iliff
 Treasurer
 Professor of
 Computer Science,
 North Park University
ailiff@northpark.edu

State Council Members:

Matthew Abraham, DePaul University
Ken Andersen, University of Illinois
Linda Brookhart, SUSA
Loretta Capeheart, NEIU
Brian Frederking, McKendree University
Lisa Higgins, College of DuPage
Jane Jegerski, Elmhurst College
Steve Macek, North Central College
Todd Alan Price, National Louis University
Hans-Joerg Tiede, IL Wesleyan University
Dan Tomal, Concordia University
Diana Vallera, Columbia College, Chicago
Leo Welch, Southwestern Illinois College

Past Presidents:

Walter Kendall, Leo Welch, Michael McIntyre, Pangratios Papacosta, John Leahy

Illinois Academe Editor:

**John K. Wilson, academeblog.org
collegefreedom@yahoo.com**

www.ilaaup.org

Visit Illinois AAUP online
 for more news, and learn
 how to get more involved.

To Join the AAUP, Visit www.AAUP.org