

President's Message

Michael Harkins
President, Illinois AAUP



Our Spring 2018 Conference, held at the Healey Center in Westmont, focused on protecting academic freedom and shared governance. We linked with our collective bargaining colleagues in highlighting strategies to protect faculty rights. Michelle Paul, Director of Political Activities, Illinois Federation of Teachers, presented "Higher Education and Political Action, A Direction for the Future." Diana Vallera, Columbia College, Chicago, covered the 2-day strike at Columbia College. Ben Trachtenberg, Associate Professor of Law, University of Missouri, presented "How Shared Governance Served Free Speech at Missouri."

Since our April Conference, the officers and board members have continued efforts to support and protect academic freedom. The challenges of today can be met with unity and one voice. This solidarity combined with efforts of faculty in both our advocacy and collective bargaining chapters will be effective in fighting attacks on academic freedom and shared governance. Our combined efforts will empower faculty to engage the debate and challenge these attacks. To move forward in the current state of higher education, we need to build new chapters.

In a recent conversation with our National President, we discussed the importance of Chapter growth. Encourage your colleagues to join an existing Chapter. If a Chapter does not exist, start one. We all need to step forward and focus on growth. Take some time to visit with your colleagues on and off campus. Talk with them during office hours. Explain the benefits of AAUP and what it means to our profession. Existing Chapters should meet on a regular basis. Speakers, panels and discussions are ways to spark interest and dialogue over critical issues. Our National office and State Conference can assist with speakers, campus visits and strategies to involve faculty.

In November, the Conference Board met at the Healey Center in Westmont to plan our Spring 2019 Conference. Announcements concerning the Spring Conference will be sent by email and posted on our website once the date is confirmed. We would like to continue our cooperative outreach with our collective bargaining chapters as well as providing assistance to our advocacy chapters.

Over the summer, the Conference submitted grant applications to the ASC. Once received, these grants will help continue our services and workshops for existing and new chapters. We are still working in updating the website to include additional resources. To continue our efforts to uphold the principles of AAUP, we need your help. Please consider participating by joining a State Conference committee. Each year we seek faculty to work with us in meeting the needs of our Chapters and colleagues. Please review our current committees and contact any of our officers regarding volunteer opportunities. All committee descriptions can be found on our website.

This June, the AAUP Annual Conference and meeting on the State of Higher Education will be held in Arlington, Virginia, June 12-15, 2019. National's website will have details posted once the programs are finalized.

In closing, I want to thank our Conference membership, Board and Officers for protecting our academic freedoms. The challenges are real. Only through strong support are we able to confront and overcome the challenges. The task is never easy. Through collective leadership and unity our voices will be heard.



College Campuses Are Far From Radical

By Ed Burmila

The 2014 right-wing fever dream of a film *God's Not Dead*, a fantasy version of higher education for young adults raised on the Left Behind series, is a comic masterpiece, at least to me and my fellow college faculty. Kevin Sorbo (of *Hercules: the Legendary Journeys* fame) stars as a philosophy professor who believes — get this — there is no God. And he insists his students believe the same. He really insists. He insists with a passion that could only exist in the imaginations of people who have never taught, and perhaps never stepped on an actual college campus.

In the mind of the American conservative, this is precisely what happens in college: Professors stand before students and scream the correct beliefs at them. When the students don't reprogram quickly enough, we punish them.

In reality we don't get paid enough to do the hard work brainwashing would require. Political indoctrination? I can't even get students to read the syllabus.

The American right is so heavily invested in the fantasy of radical leftist professors that no evidence can convince them otherwise. Many of them draw that conclusion without any contact with academia whatsoever. Turning Point USA frontman and diaper enthusiast Charlie Kirk, for example, spends his days spamming Twitter about left-wing bias on campus despite not having attended college.

There is no point denying the fact that most professors are liberals. This is no great shock given the intense anti-intellectualism and Choose Your Own Reality nature of modern conservatism. But to draw from this data the conclusion that academia is rife with Marxist gate-crashers is as stupid as most arguments repeated as articles of faith on Fox News. The Ivory Tower Leftist Radicals fantasy requires conflating the center-left liberalism of the Democratic Party with hardcore communism — something conservatives are only too happy to do. Sure, professors look like radical leftists if your definition of radical leftist is any person who doesn't consider Ben Shapiro an intellectual giant. If you're not that stupid, though, in real life academia is populated heavily with people whose platonic ideal of a politician is someone like Tim Kaine. Faculty make the Democratic National Committee look like the Shining Path.

I'm in political science, a field that would be on the forefront of any plot to radicalize students. Our conferences would be such a disappointment to the Fox News crowd. You've never seen so many pleated Dockers in your life. You'll find more political extremism at a Scrabble tournament. If all the evidence you need to declare academia lousy with Chomskyites is more faculty calling themselves liberals than conservatives, congratulations. You did it. But it takes very little scratching beneath that surface to see how little universities and faculty conform to the right-wing delusions about academia.

Cherry-pick an issue carefully, hold it at the right angle, and you can make academics look like the vanguard of progressivism. For example, academia has made legitimate and commendable strides in the 21st century toward addressing persistent problems with diversity; it has been, and in many areas stubbornly remains, a majority white male profession. Faculty are, on the whole, seriously enthusiastic about righting these wrongs and about creating an inclusive environment for all students. This is, if anything, long overdue.

Yet these strides coincide with the profession becoming more economically exploitative and unequal than ever. That receives very little attention. Confronting the lack of diversity in the profession makes faculty feel good, so they do it with gusto. Confronting the fact meritocracy remains the dominant view of a profession with staggering economic and status inequality... kind of a downer. Inequality is seen as the natural order of all things academic; some people get huge salaries, great benefits, light teaching duties, armies of graduate research assistants, and big budgets because they earned it. If you are not similarly rewarded, it is because you have not. And no matter what, we mustn't question why the circles of those deemed good enough and academics who attended a handful of elite institutions for graduate school overlap so significantly.



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Call for Nominations

Illinois AAUP officers, council and delegates to the national meeting: See page 2

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University Professors of Illinois
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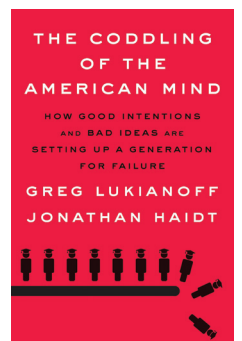
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How Illinois Higher Education Still Suffers

By Leo Welch, legislative officer, Illinois AAUP

In recent history, Illinois' support for higher education has shown little growth and in fact has lagged far behind inflation. Susana Mendoza, Illinois Comptroller, released a report on September 20, 2018 on the Consequences of Illinois' 2015-2017 Budget Impasse and Fiscal Outlook. The full report includes the background and history of Illinois' fiscal crisis, service providers, higher education and trends for the future. The following is an analysis of the fiscal impact on Illinois' public higher education from Mendoza's report.

In fiscal year 1990 the state spent \$1,098,493,200 on public four-year universities and \$1,612,927,700 on higher education overall. By fiscal year 2015, the state was spending \$1,201,776,600 on public four-year universities and \$1,947,639,900 on higher education overall. If the 1990 higher education spending had been simply increased with inflation, the expected expenditure in fiscal year 2015 would be roughly 1.5 times what was actually appropriated.

Following years of limited increases or cuts in state support, the impasse affected public universities, community colleges and need-based scholarship programs associated with higher education dramatically. In fiscal year 2016, without a fully appropriated budget, state spending on four-year public universities fell by 70.77 percent. Although a stopgap budget for higher education was enacted for fiscal year 2017, and an annual appropriation was provided in the fiscal year 2018 budget, state support for higher education programs is still well below fiscal year 2015 levels.

Despite the fiscal year 2018 budget funding, the long-term impacts of the massive cuts to higher education spending in fiscal year 2016 are far reaching.

The major credit ratings agencies downgraded multiple public universities' debt during the impasse, with some falling below investment grade, which threatened university accreditation. As a result of the impasses, public universities and community colleges enrolled 72,196 fewer students, cut 7,490 jobs, and the state lost roughly \$948.7 million in generated economic output—\$461.7 million of which was felt outside the Chicagoland area.

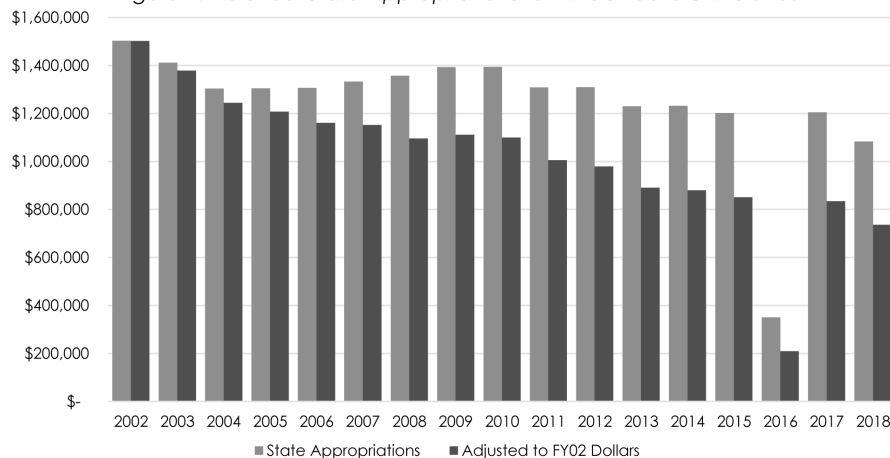
Low-income students suffered inordinately under the budget impasse. The Monetary Award Program (MAP), which is a state-administered college tuition grant program de-

signed to benefit low-income students, experienced a decrease in funding from \$364.1 million to \$169.8 million between fiscal year 2015 and 2016, a 53.36 percent cut. In a July 2016 survey conducted by the Illinois Student Assistance Commission, which received more than 10,000 responses from current MAP grant students, one in seven receiving MAP grants stated they would drop out of school or have extreme difficulty finishing if MAP grants were not funded.

While there was a stopgap budget in fiscal year 2017 and an annual appropriation for fiscal years 2018 and 2019, the uncertainty and delays in MAP funding in fiscal year 2016 and fiscal year 2017 put needless pressure on low-income students in Illinois—with the number of MAP grants awarded continuing to lag pre-impasse levels to this day.

The impasse starved many of Illinois' institutions for higher learning in a dramatic way, and the state still has a long path ahead before it adequately funds higher education.

Figure 1: Historical State Appropriations for Illinois Public Universities



Illinois Conference of the AAUP Call for Nominations

Elections will be held for Delegates to the National AAUP meeting and for Officers and State Conference Members of the Illinois State AAUP Conference. If an election is needed for Delegates it will be held by secret mail ballot after nominations close on March 12, 2019. The election for State Conference Officers and Board Members will be held at the Annual Illinois State Conference meeting in the Chicago area in April 2019.

1. Delegates to the National AAUP Meeting

The Illinois Conference of the AAUP seeks the nomination of members in good standing as Delegates or Alternates to both the National meeting and the Association of State Conferences meeting held June 12–15, 2019, in Arlington, Virginia. The Illinois Conference may elect up to two Delegates and two Alternate Delegates to this Annual Meeting as well as four Delegates and two Alternates to the Assembly of State Conferences (ASC). Illinois members of the AAUP who wish to offer nominations or self-nominate should forward these nominations to Leo Welch, Illinois Conference AAUP, 14 Treetop Lane, O'Fallon, IL 62669, or to lk-welch@att.net. All nominations are due to the Illinois Conference of AAUP by midnight March 12, 2019. Nominations should include the

name, institution, Delegate position sought (either National meeting Delegate or Alternate or ASC Delegate or Alternate), and email address of the individual nominated. All delegates must be members in good standing of AAUP, register and attend the meeting in June.

2. Officers and State Council Members

Nominations for Secretary of the Illinois State AAUP Conference and for Treasurer of the Illinois State AAUP Conference are now being accepted. Both positions are two year terms. In addition, three State Conference Board positions are open, each for three-year terms. Illinois members of the AAUP who wish to offer nominations or self-nominate should forward these nominations to Leo Welch, Illinois Conference AAUP, 14 Treetop Lane, O'Fallon, IL 62269, or the lk-welch@att.net. All nominations are due to the Illinois Conference of AAUP by midnight March 12, 2019. Nominations should include the name, institution, position sought (either Office or Conference Board Member), and email address of the individual nominated. All candidates seeking nomination must be members in good standing of AAUP.

AAUP/AAC&U Joint Statement on the Liberal Arts

The AAUP issued, jointly with Association of American Colleges and Universities (AAC&U), the following statement on the liberal arts disciplines.

In recent years, the disciplines of the liberal arts, once universally regarded as central to the intellectual life of the university, have been steadily moved to the periphery and increasingly threatened—by some administrators, elected officials, journalists, and parents of college-age children. The study of the history of human societies and forms of human expression is now too often construed as frivolous, and several colleges and universities have recently announced the wholesale elimination of liberal arts departments. Politicians have proposed linking tuition to the alleged market value of given majors. Students majoring in literature, art, philosophy, and history are routinely considered unemployable in the technology and information economy, despite the fact that employers in that economy strenuously argue that liberal arts majors make great tech-sector workers precisely because they are trained to think critically and creatively, and to adapt to unforeseen circumstances.

The American Association of University Professors and the Association of American Colleges and Universities are not disciplinary organizations, but we believe that institutions of higher education, if they are truly to serve as institutions of higher education,

should provide more than narrow vocational training and should seek to enhance students' capacities for lifelong learning. This is as true of open-access institutions as it is of highly selective elite colleges and universities. The disciplines of the liberal arts—and the overall benefit of a liberal education—are exemplary in this regard, for they foster intellectual curiosity about questions that will never be definitively settled—questions about justice, about community, about politics and culture, about difference in every sense of the word. All college students and not solely a privileged few should have opportunities to address such questions as a critical part of their educational experience. And the disciplines of the liberal arts are central to the ideal of academic freedom, as well, because the liberal arts, by their nature, require free rein to pursue truth wherever it may lead. As a result, they provide an intellectual bulwark for academic freedom.

Almost eighty years ago, in their joint 1940 Statement of Principles on Academic Freedom and Tenure, the AAUP and AAC&U emphasized that “institutions of higher education are conducted for the common good” and that “the common good depends upon the free search for truth and its free exposition.” The free search for truth and its free exposition in the liberal arts are essential components of a functioning democracy. Higher education's contributions to the common good and to the functioning of our democracy are severely compromised when universities eliminate and diminish the liberal arts.

Journal of Academic Freedom Call for Papers: Who's a Bully? Civility, Authoritarianism, and Power in the Contemporary Academy

For its next volume, scheduled for publication in fall 2019, the AAUP's Journal of Academic Freedom seeks original, scholarly articles that consider how “bullying” is implicated in conflicts taking place around discourses of civility and academic freedom. How do admonitions of “civility” operate along lines of power? How do authoritarian cultural and political formations impact practices of academic freedom? We will consider any essay on the topic of academic freedom but are especially interested in the following:

- Precarity, identity, and labor: How do discourses of civility operate in terms of social and labor hierarchies in the university? How do such conflicts travel along lines of race, class, gender, national origins, and sexuality? How does the increased precarity of academic labor effect issues of civility and power for students, administrators, faculty, and staff? How are these issues related to struggles over “sanctuary campuses”?

- Campus discourse: What is the relationship between “civility” and academic freedom in the classroom, administration, and campus in general? Why are colleges and universities real and imagined sites for broader issues of civil comportment? How do conflicts around “civility” and power impact workplace democracy and faculty governance? How do these issues extend to K–12 education?

- Globalization: What are the challenges for academic freedom in an era of global-

ization? How does the rise of popular and governmental authoritarianism affect academic freedom? Are conflicts around civility and power transnational? How might international solidarity movements respond to these challenges?

- Social media and communications: How is social media an arena for conflicts around “civility” and power, and how does that impact academic freedom? How do these conflicts take shape in libraries and archives? How does the proliferation of university policies around the use of technology enact questions of civility and power?

- Private consulting and university discourse: The rise of private educational consulting firms and their use by university and college administrations brings corporate discourse into key institutional decisions. This raises questions of power and civility from actors often not publicly represented in governance processes. How does corporate discourse impact questions of academic freedom?

Electronic submissions of no more than 8,000 words should be sent to jaf@aaup.org by March 1, 2018, and must include an abstract of about 150 words. We welcome submissions by any and all faculty, graduate students, and independent scholars. If you have any questions, contact faculty editor Rachel Ida Buff at rbuff@uwm.edu.

Illinois AAUP's 2019 Legislative Action Plan

By Leo Welch, Illinois AAUP Legislative Officer

OPPOSE—“Higher Education Reform,” which establishes “Centers of Excellence,” requiring uniform admission requirements for universities, elimination of programs/majors, sever limits to programmatic expansion and changes the Illinois Board of Higher Education from a coordinating board to a governing board.

OPPOSE—Consolidation of the Illinois Board of Higher Education, the Illinois Community College Board and the Illinois Student Assistance Commission with all rights, powers, duties and func-

tions of the ICCB and the ISAC to be transferred to the IBHE.

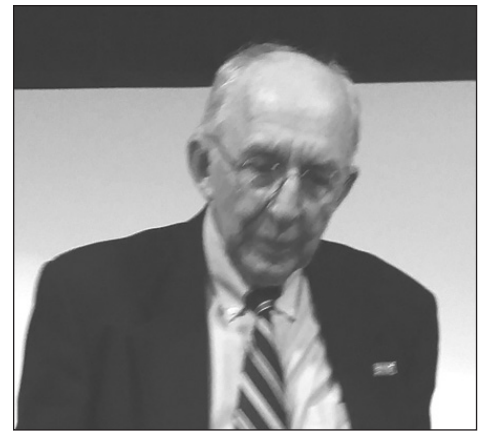
OPPOSE—Prohibition of nonessential expenses for FY 2019, 2020, and 2021. Nonessential expenses are defined to include all promotion or advertising for public colleges and universities. Colleges and universities would be prohibited from funding any and all travel expenses.

OPPOSE—Three year teaching degree. Amends the Educator Licensure Article of the School Code requiring every public university in Illinois to offer students enrolled in the educator preparation program a three-year degree completion

program including a bachelor's degree and qualification for licensure.

SUPPORT—Amending the State Universities Article of the Illinois Pension Code overturning the requirement that an employer has to make an additional employer contribution for an employee participant whose earnings for any academic year used to determine the final rate of earnings exceed the amount of earnings with the same employer for the previous academic year by more than 6% instead of the current 3% rule.

SUPPORT—Increasing the funding of the Monetary Award Program (MAP). Re-



store funding to \$364 million level during fiscal year 2015. The funding level in fiscal year 2016 was \$169.7 million. This represents a 53.5% cut.

AAUP-Purdue Resolution Against Purdue Global University

Members of Purdue University's chapter of the American Association of University Professors (AAUP) passed a resolution at a special meeting Thursday night calling for an end to Purdue University Global's unfair labor practices. Purdue University Global (PUG) is the new name of Kaplan University, a private, for-profit university acquired by Purdue last year. The acquisition of Kaplan by Purdue raised concerns among faculty on the West Lafayette campus, as the faculty was not invited to contribute their thoughts in advance of the decision.

Purdue University Global has recently come under fire nationally for requiring faculty members sign as a condition of employment a non-disclosure agreement containing a gag clause and language waiving the intellectual property rights of faculty to own their own original course content. Under pressure from the Indiana State Conference of the AAUP, Purdue University Global changed its policy on the non-disclosure agreement, but has not yet changed other policies of concern. These include requiring PUG students to consent to forced arbitration and giving up the right to a jury trial or being part of a class action lawsuit related to PUG, and the practice of prior restraint, where PUG faculty must report to the administration when they have been contacted by the media within 60 mins of that contact.

“We consider these intimidation practices that are designed to limit students' access to a fair education and to limit faculty capacity for academic freedom and control of their work,” said AAUP-Purdue chapter member Bill Mullen, who brought the resolution to the chapter along with chapter member David Sanders. “While these may be commonplace practices in for-profit higher education, Purdue University administrators, the Board of Trustees, and the State of Indiana now consider PUG part of the Purdue University system, a not-for-profit educational system. These problematic practices should have no place in the Purdue University system, including in PUG, and their presence signals a devastating turn for higher education away from faculty governance and academic freedom for all our universities.”

Purdue AAUP Members passed unanimously the resolution condemning these PUG policies. Specifically, the resolution seeks “to end the use forced arbitration agreements as a condition of student enrollment,” and “to end the use the use of prior restraint of faculty, including any requirement that infringes upon faculty to freely comment on any matter related to the university, including any matters of governance.”



AAUP Statement on Legal Definitions of Gender

The American Association of University Professors' Committee on Academic Freedom and Tenure joined with the Committee on Women in the Academic Profession to release a statement, which appears below, regarding the reported move by the Trump administration to promulgate a new legal definition of gender under Title IX, the federal law prohibiting sex discrimination in federally funded education programs.

On October 16, 2018, Hungarian prime minister Viktor Orbán issued a government decree effectively prohibiting gender studies courses in all universities in the country. Orbán's deputy Zsolt Semjén stated that gender studies “has no business [being taught] in universities,” because it is “an ideology not a science.” On October 21, The New York Times reported that the Trump administration may promulgate a new legal definition of gender under Title IX, the federal law prohibiting sex discrimination in federally funded education programs. As part of a broader attack on civil rights, gender would be narrowly defined as “a biological, immutable condition determined by genitalia at birth.” The US Department of Health and Human Services (DHSS) seeks to codify gender as determined “on a biological basis that is clear, grounded in science, objective, and administrable.” As The New York Times reports, the director of the DHHS Office for Civil Rights, Roger Severino, who has ties to Secretary of Education Betsy DeVos, has also written in the past about the “dangers” of “gender ideology.” Both the Trump and the Orbán administrations insist upon a biological basis for gender that has been thoroughly discredited by over fifty years of feminist, trans, queer, and critical race research and by lived experience. These two administrations are not the only ones attacking so-called gender ideology. In Poland, Brazil, and Bulgaria, there have also been attempts to refute the scholarly consensus that gender identity is variable and mutable.

The AAUP's Committee A on Academic Freedom and Tenure and the Committee on Women in the Academic Profession strongly condemn these efforts to restrict the legal meaning of gender to what are said to be its natural, immutable forms. Restrictions like those imposed in Hungary directly interfere with the academic freedom of researchers and teachers. Biologists, anthropologists, historians, and psychologists have repeatedly shown that definitions of sex and sexuality have varied over time and across cultures and political regimes. Some of their work suggests that state-enforced preservation of traditional gender roles is associated with authoritarian attempts to control social life and to promise security in troubled times by pledging to protect patriarchal family structures. Authoritarian efforts such as these can justify racial, class, and sexual policing that disciplines forms of kinship

and homemaking—including same-sex, multi-generational, or other nonnormative households—that deviate from established nuclear family norms. Politicians and religious fundamentalists are neither scientists nor scholars. Their motives are ideological. It is they who are offering “gender ideology” by attempting to override the insights of serious scholars. By substituting their ideology for years of assiduous research, they impose their will in the name of a “science” that is without factual support. This is a cynical invocation of science for purely political ends.

WHEREAS, it is the mission of the American Association of University Professors (AAUP) to advance academic freedom and shared governance; to define fundamental professional values and standards for higher education; to promote the economic security of faculty, academic professionals, graduate students, post-doctoral fellows, and all those engaged in teaching and research in higher education; to help the higher education community organize to make our goals a reality; and to ensure higher education's contribution to the common good;

WHEREAS, it is the purpose of the Purdue University AAUP Chapter to serve as a faculty voice to advocate for and defend the rights of faculty and students associated with Purdue University;

WHEREAS the Purdue faculty was not invited to contribute in advance to the decision for Purdue University to acquire and partner with Kaplan to produce Purdue University Global, and have had little opportunity as a body to substantially discuss or vote on policies and practices already governing the work practices of faculty and students employed by or studying through Purdue Global;

WHEREAS, the Indiana Conference of the AAUP has strongly urged Purdue faculty to reject collaboration with Purdue University Global until it ends the use of forced arbitration as a condition of student enrollment and prior restraints;

WHEREAS, Purdue University Global has rescinded its use of nondisclosure agreements for faculty after increased public scrutiny and a successful public pressure campaign led by the Indiana Conference of the AAUP, but still requires students to consent to forced arbitration agreements as a condition of enrollment;

WHEREAS, new information has emerged showing that Purdue University Global is enforcing a system of prior restraint by requiring faculty to notify administration within sixty minutes of any contact with a media outlet;

BE IT RESOLVED that the AAUP chapter of Purdue University calls on Purdue University Global Board Chair Michael Burghoff, the Board of Trustees, and Chancellor Betty Vandenbosch to end the use of forced arbitration agreements as a condition of student enrollment; and

BE IT FURTHER RESOLVED that the AAUP chapter of Purdue University calls on Purdue University Global Board Chair Michael Burghoff, the Board of Trustees, and Chancellor Betty Vandenbosch to end the use of prior restraint of faculty, including any requirement that infringes upon faculty to freely comment on any matter related to the university, including any matters of governance; and,

BE IT FURTHER RESOLVED that the AAUP chapter of Purdue University ask the Purdue University Senate to join us in calling for the end of forced arbitration and prior restraint, and non-disclosure agreements.

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The Myth of the Campus Coddle Crisis

Book Review: *The Coddling of the American Mind*

By John K. Wilson

Jonathan Haidt, a professor of psychology at New York University, and Greg Lukianoff, president and CEO of the Foundation for Individual Rights in Education (FIRE), have written a new book, *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure*.

Haidt and Lukianoff's best-selling book has received laudatory reviews from many places. This is not one of those laudatory reviews. Although I agree with many things they write, and share their general outlook in opposition to safetyism (protecting people from any possible harms, including offensive ideas) and in favor of free speech, I want to focus on my disagreements because dissent is more interesting and more important.

Back in 2015, I criticized the *Atlantic* article Haidt and Lukianoff wrote that this book is based on. Their thesis was simple: "A movement is arising, undirected and driven largely by students, to scrub campuses clean of words, ideas, and subjects that might cause discomfort or give offense." As I wrote: "Unfortunately, their thesis is dead wrong: they completely misdiagnose the problem on campus, blaming a massive generational psychological shift for censorship on campus, instead of the real cause: a political problem of powerful administrative structures promoting repression at colleges."

Now they have expanded their article into a longer, and worse, book that aims to diagnose the safetyism ills of our entire culture, not just universities. But the book is deeply flawed when it examines campus free speech, because it is based on a dubious and unproven premise, and because Haidt and Lukianoff identify the wrong underlying causes of campus censorship today.

Haidt and Lukianoff ask, "Why did things change so rapidly on many campuses between 2013 and 2017?"(15) The problem is that the premise is flawed. There has been no rapid change on college campuses in the past five years. Critics point to a few anecdotes (Middlebury! Berkeley!) and imagine we're in the middle of a grand cultural revolution that no evidence actually supports.

According to Haidt and Lukianoff, "Something began changing on many campuses around 2013, and the idea that college students should not be exposed to 'offensive' ideas is now a majority position on campus."(48) Their basis for this is a 2017 survey where 58% of college students agreed that it is "important to be part of a campus community where I am not exposed to intolerant and offensive ideas."(48) But 45% of conservatives also agreed, and it's not surprising that most students want a college community that's tolerant of them. The same survey found that 91% of college students agree that it "is important to be part of a campus community where I am exposed to the ideas and opinions of other students, even if they are different from my own." This is not evidence of a censorship revolution caused by safetyism.

The cause of this alleged spike in censorship (which they offer no evidence to show), according to Haidt and Lukianoff, is that "Students were beginning to demand protection from speech..."(9) The problem on campus is distorted policies enforced by administrators, not the distorted thinking of students. There's a simple reason why: students do not have power. No one really cares what they think. As has always happened, students who think badly may indeed demand censorship. Well, get in line. There's a whole of other people—administrators, trustees, politicians, donors, advocacy groups—who also want censorship and have far more power and money than students do.

Safetyism is not the cause of campus censorship; safetyism is the excuse given for a small proportion of censorship cases. You could eradicate safetyism entirely, and it would not change campus censorship much at all.

At the core of the book are these three "Great Untruths":

#1: "What doesn't kill you makes you weaker," or the idea that exposure to offensive or difficult ideas is traumatic.

#2: "Always trust your feelings," or the notion that feeling upset by an idea is a reason to discount it.

#3: "Life is a battle between good people and evil people," or homogenous tribal thinking that leads people to shame those whose views fall outside that of their group.

These are great untruths denounce straw figures constructed from simplistic attacks that bear little resemblance to the actual concerns and tactics of activists.

Great Untruth #1: "What doesn't kill you makes you weaker."

The problem with this idea is that Haidt and Lukianoff are wrong. Most of the time, harmful things do make you

shows how incorrect they are. Just because Lukianoff is emotional about CBT doesn't mean he's wrong. I'm emotional about censorship, but I'm still correct to favor free speech and logical in my arguments. Merely because some people get upset about racism doesn't mean that their arguments can be dismissed as "emotional." There is nothing more cringe-worthy than watching two white guys condescendingly tell women and minorities that they're being

"emotional" for criticizing racism and sexism.

Consider Haidt and Lukianoff's deeply misguided attack on the concept of microaggressions. They accuse people who discuss microaggressions of being emotional and claim that activists "encouraged them to engage in emotional reasoning."(40)

Haidt and Lukianoff assert that students are being told to "always trust your feelings." Who, exactly, is telling them this? They quote no one in their book who makes an assertion like this. Instead, Haidt and Lukianoff merely criticize a 2007 article by Derald Wing Sue and colleagues who popularized the idea of microaggressions. Haidt and Lukianoff write, "Unfortunately, when Sue included 'unintentional' slights, and when he defined the slights entirely in terms of the listener's interpretation, he encouraged people to make such misperceptions."(40)

I can't find anywhere in Sue's article where it says that microaggressions are always defined "entirely in terms of the listener's interpretation" and some parts of Sue's article directly contradict that idea ("persons of color may be unable to determine whether a microaggression has occurred"). Even if Sue had made this claim, one article's interpretation from 10 years ago about the meaning of microaggressions is far from definitive. There's absolutely no evidence that anyone defines microaggressions entirely in terms of the listener's subjective interpretation rather than an objective understanding of the evidence.

Bizarrely, Haidt and Lukianoff instead argue that microaggressions should be defined solely based on the offender's emotional state. This is the flip side of "trust your feelings": it's trusting the feelings of people who commit microaggressions. In other words, if you don't personally feel like you're being racist, then you can't be racist, no matter how racist what you actually did is. This approach urged by Haidt and Lukianoff is purely emotional reasoning: You're not being

racist unless you feel racist, that is, you intend to be racist. This standard of trusting the offender's feelings in every case is deeply misguided. After all, Donald Trump routinely will declare that he's not sexist or racist despite a long litany of racist and sexist words and actions.

According to Haidt and Lukianoff, "the microaggression concept reveals a crucial moral change on campus: the shift from 'intent' to 'impact.'"(43) One section of the book is titled "Microaggressions: The Triumph of Impact Over Intent."(40) Imagining that "aggression" is always violence is deeply mistaken. Imagining that "aggression" can only happen if someone intends to be aggressive is contrary to all logic and evidence.

Haidt and Lukianoff claim, "If you bump into someone by accident and never meant them any harm, it is not an act of aggression, although the other person may misperceive it as one."(40) That's obviously wrong. Consider this example: a guy at a concert physically pushes his way through the crowd to get to the front. Is he being aggressive when he bumps into people? The answer should be easy: Yes. But Haidt and Lukianoff argue that the answer is subjective based on the emotions of the guy. If he intended to be aggressive, then it's aggressive. But if he's an oblivious asshole, then it's not aggressive. And this same standard could apply to other topics. If a man harasses someone, then it can't be harassment unless it was intended to be harassing. Their subjective "intent" standard relies on the emotions of the offender ("intent") to be the sole determinant of what has happened. The notion that there is no such thing as unintentional racism or sexism strikes me as shockingly ignorant.

Haidt and Lukianoff argue, "Teaching students to use the least generous interpretations possible is likely to engender precisely the feelings of marginalization and oppression that almost everyone wants to eliminate."(46)

THE CODDLING OF THE AMERICAN MIND

HOW GOOD INTENTIONS
AND BAD IDEAS ARE
SETTING UP A GENERATION
FOR FAILURE

GREG LUKIANOFF
JONATHAN HAIDT



weaker, which is why we try to avoid being harmed. Haidt and Lukianoff would certainly not apply their theories on this point to campus censorship. They don't celebrate repression as a way to toughen up its targets and make them stronger. To the contrary, they understand that censorship and fear weaken their victims and universities, and that we need to oppose repression because it harms us all and makes us weaker.

The key in understanding harm is to distinguish between actions and ideas. Harmful actions (violence, threats, punishments, discrimination, censorship) need to be stopped because they endanger people and their rights. Harmful ideas are different. Harmful ideas shouldn't be banned in the same way that harmful actions are. Harmful ideas even have the potential to be good if used and understood in the right way. But instead of making this key distinction, Haidt and Lukianoff spout their gym coach nonsense about how suffering makes you stronger.

**Great Untruth #2:
"Always trust your feelings."**

Attacking your opponents as "emotional" is a classic example of lazy argumentation.

Not only is it mostly inaccurate, but even when it is accurate, it's irrelevant to any philosophical debate. And it's hypocritical.

The book reveals that the origin of this project was Lukianoff's struggles with depression, and how he found a cure in Cognitive Behavioral Therapy (CBT). Obviously, if you believe that something may have saved your life, you have a deep emotional attachment to it and want to share it with others, as Haidt and Lukianoff do in the Appendix ("How to Do CBT") and in their recommendations to train all students in CBT.

The fact the Haidt and Lukianoff denounce "emotional responses" in a book devoted to Lukianoff's emotional response to CBT reveals this kind of hypocrisy, but it also

Obituary: Robert M. O'Neil, 1934-2018

By Hank Reichman

The sad news arrived of the passing of Bob O'Neil, founder of the Thomas Jefferson Center for Free Expression, former president of the University of Virginia and of the University of Wisconsin system, and prominent First Amendment scholar. Bob served three terms as general counsel of the AAUP and was chair of Committee A, among many other contributions to our association.

I got to know Bob only late in life, when I was first elected to AAUP's Executive Committee in 2010 and Bob was in his third stint as AAUP general counsel. We quickly bonded over our common commitment to free speech and academic freedom but especially to our mutual friendships with two individuals whose passing a few years before we both deeply mourned — Reginald Zelnik and Judith Krug, to whose memories I have dedicated my forthcoming book on academic freedom.

Reggie Zelnik, a leading historian of Russia and the Soviet Union, was my teacher and mentor in graduate school at Berkeley. As a first-year assistant professor in 1964 he emerged as the most prominent faculty supporter of the Berkeley Free Speech Movement. In, I believe, 1971

Reggie came up for tenure and there was considerable concern that regents appointed by Governor Ronald Reagan would deny his application because of his free speech and antiwar activism, despite the unanimous support he had received from colleagues and administrators.

I and other graduate students at the time were interviewed during the process and asked awkward — and I now know entirely inappropriate — questions about our teacher's politics. Bob was then a law professor at Berkeley and chair of the Academic Senate Committee on Academic Freedom.

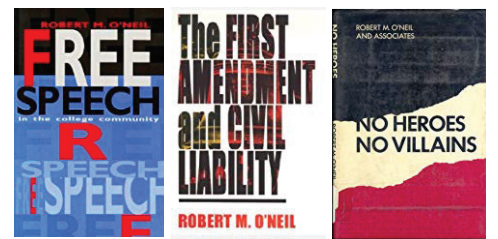
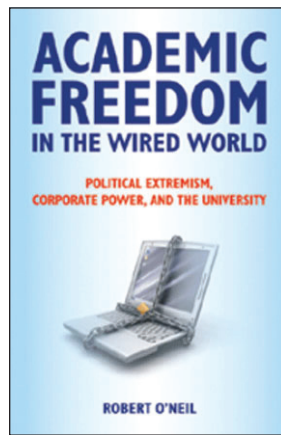
When word got out that Reggie's application had, unlike all others, not been forwarded to the Board of Regents, it fell to Bob to confront the chancellor. As he later recounted to me, Bob was prepared for battle, but was comforted to learn that this had been a tactical move, as the chancellor explained that at the next meeting Reggie's principal antagonist would be con-



veniently out of the country, allowing the appointment to a tenured position to sail through unopposed, which it did.

Judith Krug was the founding director of the American Library Association's Office for Intellectual Freedom. I worked as her assistant director for what turned out to be a life-transforming nine months in 1980-81 and for nearly four decades after that edited the office's *Newsletter on Intellectual Freedom* (now the *Journal of Intellectual Freedom and Privacy*).

When Judith was dying of cancer in 2009 Bob was instrumental in making sure that she learned that she had won the Center's prestigious William J. Brennan Jr. Award, as she passed away before the formal presentation, which became a moving memorial meeting and yet another place where Bob's and my paths crossed. Bob, of course, had clerked for Justice Brennan. In 2010, the ALA's Freedom to Read Foundation added Bob's



name to its Roll of Honor.

When, as Committee A chair, I had occasion to work on expanding and updating the AAUP's statement on Academic Freedom and Electronic Communications I relied a lot on Bob's important book, *Academic Freedom in the Wired World*.

But this was not the first of Bob's books that I had encountered. His 1981 book, *Classrooms in the Crossfire*, was a pioneering study of library and school book and curriculum censorship that I enthusiastically reviewed for the Newsletter that I edited.

Bob O'Neil was truly a giant in higher education, the AAUP, and in the ranks of scholars of the First Amendment. He was also one of the kindest and most decent individuals I have had the pleasure to know. He will be missed.

Bob's family has requested that donations in his memory be given to the AAUP or to the ACLU.

AAUP Committee A Statement On Anti-BDS Legislation

According to the National Coalition Against Censorship, at least seventeen states have passed legislation imposing punitive measures against supporters of boycott, divestment, and sanctions (BDS) with regard to Israel. As a result, some public universities in those states have begun to require that external speakers invited to campus and others who contract with these universities, such as external reviewers of tenure and promotion materials, sign a statement pledging that they do not now, nor will they in the future, endorse BDS.

The American Association of University Professors does not endorse BDS. We take no position on the Israeli-Palestinian conflict nor on calls for divestment or economic sanctions. But we oppose all academic boycotts, including an academic boycott of Israel, on the grounds that such

boycotts violate the principles of academic freedom and the free exchange of ideas for which our organization has stood for over one-hundred years. We believe that academic freedom ought not to be subordinated to political exigency; there will always be compelling political causes that will challenge the ideal of free and open scholarly exchange.

It is precisely for this reason that our opposition to BDS is matched as resolutely by our opposition to these pledges, which are nothing short of an attempt to limit freedom of speech and belief. Indeed, they conjure the specter of loyalty and disclaimer oaths, mainstays of McCarthyism. The right of individuals to engage in political boycotts, and to come together collectively to support a boycott, has a long and storied history in American civil protests.

At colleges and universities especially, where reasoned disagreement and debate should be the order of the day, demands that faculty and students forswear support for a peaceful protest are repugnant.

At a time when there is widespread interest in making sure that speakers on all points of the political spectrum are able to make themselves heard on American campuses, the contradiction in seeking to ban advocates of this particular position is obvious and unacceptable. We therefore call on all institutions of higher education in the United States to challenge the required renunciation of BDS and uphold freedom of speech and belief for all members of the academic community

AAUP Letter to the University of Michigan Regarding John Cheney-Lippold

Dear President Schlissel:

Dr. John Cheney-Lippold, associate professor of American culture at the University of Michigan, has sought the advice and assistance of the American Association of University Professors as a result of an October 3, 2018, letter from Dr. Elizabeth R. Cole, interim dean of the College of Literature, Science, and the Arts (LSA), notifying him of actions that she had taken as a result of her determination that his "conduct ha[d] fallen far short of the University's and College's expectation for how LSA faculty interact and treat students."

Dean Cole's determination primarily concerned Professor Cheney-Lippold's widely reported decision not to write a letter of recommendation for a student for whom he had previously promised to write. Professor Cheney-Lippold stated that he changed his mind when he learned that the purpose of the letter was to support the student's application to an academic program offered by an Israeli university. Dean Cole also faults Professor Cheney-Lippold for statements he made to the press about the case and for expending class time "to discuss [his] reasons for not writing the recommendation, as well as [his] opinions on the boycott movement" against Israel.

The sanctions enumerated in the letter include making Professor Cheney-Lippold ineligible for a merit increase for the 2018-19 academic year and freezing his sabbatical eligibility and credits for two years. It seems unlikely that most members of the general academic community would consider these sanctions to be minor.

On October 9, you and Provost Martin A. Philbert released an open letter titled "Important questions around issues of personal beliefs, our responsibilities as educators, and anti-Semitism," which addresses the case of Professor Cheney-Lippold and that of another instructor who also declined to write a letter of recommendation for a student applying to study in Israel. Your letter states: "Withholding letters of recommendation based on personal views does not meet our university's expectations for supporting the academic aspirations of our students. Conduct that violates this expectation and harms students will not be tolerated and will be addressed with serious consequences."

Apparently referring to the sanctions imposed on Professor Cheney-Lippold, your letter further states that "[t]he denials are being addressed with those involved through our existing policies..." The Association's interest in the case of Professor Cheney-Lippold stems from our longstanding commitment to academic freedom and tenure, the basic tenets of which are set forth in the enclosed 1940 Statement of Principles on Academic Freedom and Tenure. That document, a joint formulation of the AAUP and the Association of American Colleges and Universities, has received the endorsement of more than 250 educational and professional organizations.

Derivative procedural standards relating to the imposition of sanctions against faculty members are set forth in Regulations 5 and 7 of the AAUP's Recommended Institutional Regulations on Academic

Freedom and Tenure (also enclosed).

Under Regulations 5b and 7a, charges that may lead to the imposition of severe sanctions are to be preceded by an informal inquiry conducted by a duly constituted faculty committee charged with determining whether proceedings for imposing sanctions should be undertaken. Following such a determination, AAUP-supported standards require an administration to demonstrate adequate cause for imposing a severe sanction in a hearing of record before an elected faculty body. It does not appear that the procedures followed by Dean Cole prior to imposing the sanctions on Professor Cheney-Lippold were consistent with these Association-supported standards.

We are additionally concerned that Dean Cole's letter appears to misrepresent AAUP-supported standards of academic freedom. In faulting Professor Cheney-Lippold for "discuss[ing] [his] reasons for not writing the recommendation, as well as [his] opinions on the boycott movement" in two class sessions, Dean Cole cites A Statement of the Association's Council: Freedom and Responsibility (enclosed) which states that "it is improper for an instructor persistently to intrude material that has no relation to the subject." Having cited the AAUP's "persistent intrusion" standard, Dean Cole characterizes the two incidents as Professor Cheney-Lippold's "misuse" of his "role as a faculty member," even though she acknowledges that "this material was discussed in only one session" of each of the two classes, which, by her own acknowledgement, would appear to fail to

meet the "persistent intrusion" standard. Moreover, reports conflict regarding the amount of time actually dedicated to this discussion in each session, with Professor Cheney-Lippold contending that he spent fifteen minutes on the topic and individual students reporting that he dedicated the entire class period to the discussion, thus highlighting the need for an appropriate proceeding in which to establish the facts that might justify the sanctions.

The information in our possession relating to the case of Professor Cheney-Lippold has come to us from him and from reports in the press, and we appreciate that you may have additional information that would contribute to our understanding of what has occurred. We shall therefore welcome your comments. If the facts as we have recounted them are essentially accurate, we urge that the sanctions imposed on Professor Cheney-Lippold be rescinded pending affordance of proceedings consistent with the above-cited procedural standards. As the AAUP's statement on Freedom and Responsibility, cited by Dean Cole above, observes, "In all sanctioning efforts ... it is vital that proceedings be conducted with fairness to the individual, that faculty judgments play a crucial role, and that adverse judgments be founded on demonstrated violations of appropriate norms."

We look forward to your response.

Sincerely,

Hans-Joerg Tiede, Associate Secretary, AAUP Department of Academic Freedom, Tenure, and Governance

Janus Is Law, Time to Step Up!

By Hank Reichman

On June 27, as expected, the U.S. Supreme Court in a narrow 5-4 ruling capped a week of outrageous decisions by declaring agency fee payments by non-union members unconstitutional in the public sector. The ruling, which overturned a unanimous 1977 decision supported by such conservative luminaries as William Rehnquist, Lewis Powell, and Warren Burger, makes little logical or legal sense, running counter to the justices' own recent case law governing public employee speech. If proof were still needed that the court majority is more concerned with the raw exercise of political power than with legal principle, this decision alone should be adequate. As Associate Justice Elena Kagan put it in her blistering dissent, the Janus decision has "weaponized the First Amendment" against working people.

A weapon indeed, but by no means necessarily a lethal one. There can be no denying that Janus has dealt a blow to public employee union finances and, specifically, to the finances of the AAUP. But the decision also poses a challenge: Are we willing to stand up for our collective rights? Are we willing to foot the bill ourselves? As the AAUP put it in a statement: "our fight as AAUP members to have a positive impact on our colleges and universities, to strengthen public higher education, and to protect academic freedom is not over. Together, we will continue to fight for our students, our campuses, and our communities. We will continue to say, loudly and clearly, that strong universities and well-educated citizens are essential to our survival as a democracy. That's why our work as educators, union members, and advocates has never been more important than it is now."

But the AAUP cannot do it alone. Our funding comes overwhelmingly from member dues. And we punch well above our weight class owing to the activism and dedication of so many of those members. In short, we are only as strong as our numbers permit. Therefore, now is the time for more faculty members everywhere to step up and enter the fray. Here are some things you should do.

JOIN THE AAUP! For those faculty members in the public sector fortunate enough to work under a collective bargaining agreement, Janus creates a "free rider" problem — non-members can now reap the benefits of contractual protections without paying their fair share of the cost of representing them. But, in a sense, the AAUP has had its own "free rider" problem for over a hundred years. Eighty percent of U.S. faculty members are not entitled to bargain collectively under the law, yet by developing and enforcing standards and policies for the entire profession the AAUP has represented them all. When we investigate severe violations of academic freedom or governance standards we don't do so only for our members. Serve our members we must and will always do, but we would not be the AAUP if we didn't stand up for our entire profession and for our hallowed principles and the common good. So, if you teach or conduct research in higher education and you're not yet a member of the AAUP, you're

already a kind of free rider. But you don't have to be. You can pay your fair share — and become more involved with the defense of academic freedom, shared governance, and higher education as a common good essential to democracy — simply by joining the AAUP. Go here now to begin the process: <https://www.aaup.org/membership/join>

RECRUIT NEW MEMBERS! If you're already an AAUP member, thank you! But how about doing a little organizing? At present outside of AAUP chapters with collective bargaining rights, fewer than 10,000 faculty members are part of the AAUP, what we commonly call advocacy members. Given that there are literally millions who are eligible it shouldn't be too difficult to recruit more — if only everyone worked a bit at it. So here's a challenge to all members reading this post: this summer why not try to recruit 5 colleagues to join the AAUP? If every member did that, we could probably negate the entire cost of the losses in agency fee created by Janus. I'm sure you can find people willing and able to step up in your department, on your campus, in your disciplinary associations, or among your friends. Don't be shy. And if they want to

know more about what we do and why it's so important, direct them to the "One Faculty, One Resistance" website here: <https://onefacultyoneresistance.org>.

SUPPORT THE AAUP FOUNDATION! An important way that AAUP members and supporters from outside the faculty can increase their support of our work is by donating to the AAUP Foundation. Through its Academic Freedom Fund the Foundation provides critical financial support to faculty colleagues whose academic freedom has been attacked, as well as to the AAUP itself to cover the costs of academic freedom investigations, publications, and other critical activities. Later today I will make a Janus-response donation to the AAUP Foundation of \$750, split equally between the Academic Freedom Fund, the Contingent Faculty Fund, and the general fund, which helps cover the expense of maintaining the Foundation. Won't you join me? To learn more about the Foundation and make a donation go to <https://www.aaupfoundation.org>.

As the old labor adage has it, "Don't mourn, organize!" Now more than ever, it's time to step up.

University of Northern Iowa Faculty Votes To Recertify Union With 85% Support

In October, the United Faculty of the University of Northern Iowa (UNI) successfully finished its first union recertification election. Recertification became necessary after a 2017 bill drastically altered Iowa's collective bargaining law for state employees. Despite intense anti-union pressure, of the 643 faculty members who were eligible to vote in the election, 547 faculty members voted in favor of United Faculty, a total of 85 percent support overall. The chapter represents full-time faculty and a significant portion of part-time faculty at UNI. United Faculty, first established in 1976, is the sole negotiating agent for the University of Northern Iowa's faculty members, and it is affiliated with the AAUP.

Carissa Froyum, an associate professor of sociology at UNI and United Faculty's vice president, said: "The results of the election show that repeated attempts to dismantle unions in Iowa have failed. In fact, they have made us stronger," Froyum says. "We are more organized than ever, and we won't back down. Our union is unique because it brings together tenured faculty, probationary faculty, and non-tenure-track faculty. That combination allows us to address workplace issues for all faculty at UNI."

The election was conducted electronically between October 15 and 29. In order for the union to maintain its certification, it needed to get majority support from all eligible faculty members, not just a majority of those voting. This stems from new rules passed by the Iowa House and Senate in February 2017. In addition to limiting the mandatory and permissive subjects of bargaining (for example, health insurance and evaluation procedures are now prohibited subjects of bargaining), the law also eliminated payroll deduction and requires recertification of the bargaining unit one year prior to the expiration of each collective bargaining agreement.

Kyle Rudick, assistant professor in communication studies and United Faculty chapter leader for the College of Humanities and Arts commented on the victory: "Ninety-seven percent of voting faculty that cast a ballot said 'yes' to keeping union representation. That 97 percent knows that union representation promotes student learning and achievement," says Rudick citing the near universal support from faculty who cast a vote. "That 97 percent knows a union guarantees fair wages for highly skilled labor. They know that a union is the best way to safeguard academic freedom. And, we won't stop until we turn that 97 to 100 percent!"

Froyum describes the benefits that the United Faculty chapter offers to tenured faculty, probationary faculty, and non-tenure-track faculty: "We are partnering with the administration to create a promotion ladder for non-tenure-track faculty," she explains. "We are also advocating for voting rights for non-tenure-track faculty. We have done a salary equity study, which led to real change for all faculty. And we have worked collaboratively with the administration to advance faculty governance on campus. After the recertification vote, everyone knows that we have our faculty's back, and they have ours."

The Coddling of the American Mind CONTINUED FROM PAGE 4

What nonsense. The notion that people who discuss microaggressions are using "the least generous interpretation possible" is obviously false. "Micro" is never the prefix used in the least generous interpretation possible. Second, the idea that talking about racism creates oppression has absolutely no evidence to support it, and Haidt and Lukianoff don't bother to cite any evidence. This kind of concern trolling—we all want to end racism, so please stop talking about racism in order to avoid upsetting people and making them become racist—is ridiculous.

The problem with microaggressions is not that people have the wrong opinions about what is racist or not. People should be free to argue about what is racist and what's not. The potential danger is that microaggressions might be punished by campus regulations, but that's a theoretical problem of bad policies, not bad thinking by people who want to criticize bigotry. H&L offer no examples of any college policies that prohibit microaggressions.

Great Untruth #3: "Us versus them."

H&L write, "The Reverend Dr. Martin Luther King, Jr. epitomized what we'll call common-humanity identity politics" because he "appealed to the shared morals and identities of Americans by using the unifying languages of religion and patriotism."(60) They add, "There has never been a more dramatic demonstration of the horrors of common-enemy identity politics than Adolf Hitler's use of Jews to unify and expand his Third Reich."(63)

There is no better example of "good vs. evil" thinking than claiming that we have to choose King or Hitler as our models. And the notion that "religion and patriotism" help unify us by appealing to a common humanity is a laughable claim in the age of Trump. The fact is, everybody tends to invoke common enemies, including H&L.

Haidt and Lukianoff have a blind spot that's common among people who denounce Manichean thinking. They ignore their own Manichean tendencies. The whole idea of FIRE is deeply Manichean: FIRE is the good, and the censors are evil. That's a story FIRE tells over and over again. And it's a true story. They urge "taking a generous view

of other people"(14) which is odd considering how thoroughly they denounce people who invoke concepts like microaggressions. For example, Haidt denounces the president of LSU for once saying something as innocuous as, "we'll keep you safe here."(199) But there's nothing wrong with physical safety, and no reason to believe that this president was promising psychological safety by banishing any ideas that students might find offensive.

By psychologizing the problem of censorship, H&L lead us down a delusional path. They imagine that if only we could persuade people to talk about our common humanity, rather than our common enemies, we would eliminate the motivation to censor. But that's an impossible task, and the only way to achieve it would be by massive repression of those who talk about common enemies.

The problem is not that some people have bad ideas. The problem is when institutions use censorship to try to suppress bad ideas. When you decide to target bad thinking rather than censorship, as H&L do in this book, you're actually contributing to the problem. Many readers may respond to H&L's book, as many conservatives have responded to the PC wars on campus, by concluding that we don't need to get rid of campus censorship, we just need to start censoring the bad ideas. If common-enemy identity politics is the ultimate source of evil on campus, why shouldn't we strive to eliminate it by firing the professors who are spreading these terrible ideas like a plague?

Haidt and Lukianoff seek to medicalize the campus free speech problem and offer their preferred mental health approach of CBT as the solution. If only we could cure these poor unfortunate young'uns and their sick thoughts, they think, the campus free speech problem would be solved. The entire history of higher education begs to differ with them. If we had censorship before safetyism (and we obviously did), that suggests safetyism isn't the core cause of repression on campus. Every generation brings a few new excuses for censorship. But these generational differences are of little importance. Even if you could banish safetyism from the world, people would gravitate to another reason for silencing views they don't like.

Why *McAdams v. Marquette* Is a Victory for Academic Freedom and Shared Governance

By John K. Wilson

The Wisconsin Supreme Court's 4-2 ruling this summer in favor of John McAdams against Marquette University has received an enormous amount of media coverage, and it deserves it. This is a very important decision protecting the contractual right of academic freedom (and the AAUP's definition of it), which sets a precedent for all private universities (and even public ones). There will be no appeals, because this is an interpretation of state law rather than the US Constitution, so it cannot go up to the US Supreme Court.

Unfortunately, Marquette's response to the McAdams ruling is particularly alarming: "However, in light of today's decision, Marquette will work with its faculty to re-examine its policies, with the goal of providing every assurance possible that this never happens again." Marquette added, "We must, however, ensure that this doesn't happen to another student. Marquette will continue to uphold its values and protect its students."

This suggests that Marquette plans to change its policies in order to eliminate (or at least severely restrict) academic freedom as a contractual right. It would be terrible if Marquette's faculty, out of a desire to please the administration or a personal dislike of McAdams, agreed to throw away their own academic freedom. And it will be terrible if colleges use this case as an excuse to eliminate academic freedom provisions.

The lengthy opinions of the majority, concurrences, and dissent all deserve some careful scrutiny, since they are all some flaws. The McAdams case reveals that judges often have a poor understanding of both academic freedom and shared governance. But the more I read this ruling, the more convinced I am that it is a powerful tool for expanding both academic freedom and shared governance.

The opinions also uncover an important political fact: McAdams won because he is a conservative, and if he had been a leftist in exactly the same position, it is almost impossible to believe that the conservative Wisconsin Supreme Court would have gone his way.

In addition to being an expert witness (unpaid, since that is the usual market value for my thoughts) on behalf of McAdams in this case, I have been arguing for years now that Marquette was wrong to punish McAdams for his blogging.

The McAdams case is really two cases: The first came when a faculty committee endorsed a one-year suspension for McAdams due to writing his blog. The second came when the administration made the suspension permanent, without any hearing or due process, unless McAdams would agree to admit that he was wrong (which effectively destroy his lawsuit against Marquette).

In the first case, the suspension was procedurally correct but (in my view) substantively wrong as a violation of academic freedom (criticizing a student is a protected extramural utterance). In the second case, as the AAUP argued, the ongoing suspension is both a violation of due process and clearly wrong as an issue of substance (refusing to agree with a punishment is not grounds for further punishment).

The failure to understand the difference between these two cases has created an enormous amount of confusion.

The majority opinion interprets academic freedom correctly, largely by relying upon the AAUP (even to the point of comprehending that the AAUP's 1940 Statement must be understood with the 1970 Interpretive Comments). But when it gets to shared governance and due process, the majority goes completely off the rails, but in a way that ultimately may strengthen shared governance.

Everybody on the court gets shared governance wrong. The majority argues that the Faculty Hearing Committee's unanimous finding against McAdams should be ignored due to "the FHC's lack of authority to bind the parties to its decision" because "the authority to suspend or dismiss tenured faculty members rests exclusively with the president."

The majority announced, "The Discipline Procedure produced advice, not a decision. We do not defer to advice." Both the majority and the dissent see deference in absolute terms. The dissent wants total deference to the university, and the majority wants zero deference.

The majority's hatred of shared governance is puzzling: "Operationalizing the dissent's ode would have disastrous consequences for academic freedom. The outwardfacing protection against governmental interference would turn inward, pitting the institution's academic freedom against the faculty's academic freedom. The result would be a never-ending pitched battle in which each side tries to expand its own sphere of academic freedom at the ex-

pense of the other. That reimagining of this doctrine has no support in the Contract, the Faculty Statutes, the Faculty Handbook, or our cases. And there is probably no better way of ending the University's carefully balanced shared governance than turning a cooperative relationship into an adversarial contest."

This is a very confused understanding of shared governance and academic freedom, but it appears that the majority is saying that the faculty need to cooperate with the administration to utilize shared governance, and if the powerless faculty alone were responsible for enforcing academic freedom without involvement from the courts, that would be bad for the faculty (who would constantly need to spark fights over it) and bad for academic freedom.

I think this is highly dubious reasoning, but it has no real legal enforcement. The majority seems to think that a formal arbitration process will be better for academic freedom than faculty committees. In reality, corporations tend to love forced arbitration clauses because they are often favorable to management. It would be terrible for academic freedom and shared governance if universities followed the majority's advice and replaced faculty committees with arbitration.

The Wisconsin Supreme Court is not prohibiting faculty committees, just stating that as they exist they provide no cover for contractual violations. And it does open an important door: If colleges agree to follow whatever an impartial faculty committee says the punishment should be (with the president serving solely as the appeal body for the faculty member being punished), then they will be given legal protection. And that's the way it should be. For too long, we have accepted the idea that faculty commit-



MARQUETTE
UNIVERSITY

tees merely advise and administrators have the only real power. The McAdams ruling is a tool to advocate for faculty committees as the final jury with binding authority because that is the only way to guarantee judicial deference.

Daniel Kelly, who wrote the majority opinion, also wrote a concurring opinion (with Rebecca Grassl Bradley's support as well) which declared: "I believe that not only was the FHC compositionally biased, the University's Discipline Procedure is itself structurally biased. The FHC cannot be considered impartial because, even though it was hearing the case, it was also one of the contending parties: The FHC is the University inasmuch as it is composed entirely of University employees."

Kelly is deeply misguided here. Having decisions made by a faculty committee is a good thing, not a structural bias. Although faculty are employees, tenure provides a strong level of independence. Kelly's view would prohibit deference to colleges even if faculty committees have binding authority. Apparently Kelly thinks that only outside arbitrators (or judges) should be making these rulings. Still, this is a concurring opinion of two judges, and doesn't represent the majority.

The dissent by Ann Walsh Bradley accuses the majority of "jettisoning the shared governance of colleges and universities that has been forged over decades to address the specific issues that arise in this unique workplace." But Walsh Bradley herself ignores shared governance, as Marquette did, by endorsing the ongoing suspension of McAdams without a hearing and in violation of the FHC's requirement that a suspension could not exceed two semesters.

Even if you accept Marquette's argument that the FHC should be followed and courts should not second-guess a faculty committee, you would still have to conclude that McAdams must be reinstated and given back pay. The only debate would be over whether he deserves 5 or 7 semesters of back pay.

Walsh Bradley, dissenting, called the majority opinion a "travesty." Walsh Bradley argued that the idea of academic freedom "embraces the academic freedom of the faculty as well as the academic freedom of the institution." Accordingly, she claimed, "The majority errs in conducting only half of the academic freedom analysis. It fails to

recognize, much less analyze, the academic freedom of Marquette as a private, Catholic, Jesuit university."

Institutional academic freedom is the death of academic freedom. If an institution owns half of the idea of academic freedom, then it will always cancel out an individual's academic freedom, and the status quo (whatever the institution has decided) will prevail.

The majority is right to reject institutional academic freedom: "A university's academic freedom is a shield against governmental interference; the dissent, however, would reforge it as a sword with which to strike down contracts it no longer wishes to honor."

However, two of the judges in the majority have their own flawed ideas about academic freedom. Rebecca Grassl Bradley was more than a bit melodramatic in her concurring opinion (joined by Kelly), declaring: "In this unprecedented dispute between a university and a professor, academic freedom was put on trial. Would the sacred 'right of faculty members to speak as citizens—that is, "to address the larger community with regard to any matter of social, political, economic or other interest without institutional discipline or restraint"—succumb to the dominant academic culture of microaggressions, trigger warnings and safe spaces that seeks to silence unpopular speech by deceptively recasting it as violence? In this battle, only one could prevail, for academic freedom cannot coexist with Orwellian speech police."

There was nothing "unprecedented" about this dispute (faculty have been fired on far flimsier grounds), and it had literally nothing to do with microaggressions, trigger warnings, and safe spaces.

Grassl Bradley argued, "academic freedom, and concomitantly, free speech, is increasingly imperiled in America and within the microcosm of the college campus." And she was clear about the ideological perspective that needs protection: "It is the expression of opinions divergent from what is currently politically correct that needs protection under the doctrine of academic freedom." This is a disturbing idea, because it indicates that McAdams' conservative views were the primary reason why the Supreme Court stepped in.

In fact, I think it's quite likely that a leftist professor in exactly the same situation as McAdams would have lost this case, because it was only the fear of leftist thought control and "political correctness" that drove the conservative-dominated Wisconsin Supreme Court to rule against Marquette. If a left-wing professor had publicly shamed a conservative student, it's hard to imagine how a court with at least two judges solely obsessed about leftist "speech police" would have overruled the university in a case that had a one-judge margin.

By embracing academic freedom provisions as an enforceable contract, the Wisconsin Supreme Court has significantly strengthened faculty rights. By overturning Marquette's ongoing suspension of McAdams (in violation of a faculty committee's two-semester limit), the decision actually supports shared governance. And by giving colleges the opportunity to avoid judicial scrutiny if they adopt shared governance policies

If other courts follow the lead of the Wisconsin Supreme Court (and avoid some of their missteps), this ruling could have a substantial positive impact on academic freedom. But ultimately, the result will depend upon how colleges choose to react. Will they try to revoke academic freedom and shared governance, as Marquette has hinted they will do? Or will colleges support both academic freedom and shared governance by giving faculty committees the full authority to judge cases of faculty misconduct?

Illinois AAUP Speakers Bureau

The Illinois AAUP offers speakers to AAUP chapters and other groups, and the Illinois AAUP can cover most expenses for AAUP chapters or those interested in starting one. Speakers include Michael Harkins, Leo Welch, and John K. Wilson, and topics can include academic freedom, shared governance, policy reforms, and how to start and build an AAUP chapter. For information, email collegiefreedom@yahoo.com.

Write to Illinois Academe

Send letters or submissions for *Illinois Academe* to collegiefreedom@yahoo.com.

AAUP Statement on Unacceptable Attacks on Science

The Trump administration's disregard for and assault on science have been well documented by the AAUP, the Union of Concerned Scientists, and others. Now President Trump himself has attacked the credibility of a study by George Washington University's Milken Institute School of Public Health. He falsely claimed that the study, which found some 2,975 excess deaths in Puerto Rico after Hurricane Maria hit the island in September 2017, was "done by the Democrats in order to make me look as bad as possible."

For the president of the United States to accuse scholars of political bias, without a shred of evidence, is an unacceptable assault on independent research and the academic freedom of scientists.

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ONE FACULTY
ONE RESISTANCE

The AAUP takes no position on the accuracy or inaccuracy of the GWU study or, for that matter, of any other scientific research. But such research can be properly evaluated only by qualified experts through open channels of review and debate. Studies of this sort must not become political footballs. For the president of the United States to accuse scholars of political bias, without a shred of evidence, is an unacceptable assault on independent research and the academic freedom of scientists.

Colleges Aren't Radical

CONTINUED FROM PAGE 1

Obviously not every academic can be a professor at Stanford but it is possible, were anyone interested in pursuing it, to treat the itinerant and temporary labor pool in the industry better. Adjunct positions could pay better (administrative salaries give the lie to the claim that colleges can't afford it) and the institution could be more sensitive to the pressures of doing more work, earning less, and being under the constant stress of trying to find a permanent position. Instead, the cold market logic that so many Ph.D.s are looking for work that someone will be desperate enough to take any job, no matter how poorly paid or miserable, prevails. Higher education relies heavily on underpaid and insecure labor beneath a class of Star Researchers reluctant to discard the Horatio Alger narrative central to the profession. Success is a product of talent and hard work; ergo lack of success means you're missing one or both.

What's radical about that? Nothing. It demonstrates that academia differs little from any other profession. The big research school faculty with tenure only challenge power structures that don't question the unequal system that places them on top. The only issue they are radical about is parking.

If you have considerable time on your hands and wish to see just what kind of leftists run universities, go to the graduate school and propose unionizing Research Assistants, Teaching Assistants, and other itinerant quasi-employees. You'll discover quickly that senior faculty — the same ones who can't wait to show you their picture with Tom Hayden or some other talisman of progressive cred — turn into staunch capitalists in a hurry.

For the less adventurous, skip grad school and read up on the last two decades in which universities have been forced into the same "run it like a business" model that ruins every public good in this country. This is usually, if not exclusively, driven by GOP political appointees (as trustees) or vengeful GOP state legislative majorities looking to cut spending and score cheap political points with their constituents by showin' them college boys the what-for.

Administrative bloat — the plague of Dean-lets with highly-paid, nebulous titles like "Associate Dean of Library Engagement" that materialize out of nowhere — is real, and decision-making has become increasingly autocratic. Higher ups push for short-term results like CEOs trying to juice a quarterly earnings report, long-term consequences be damned. "Consultants" making twice faculty salaries for a few weeks of work appear and disappear mysteriously. Constant campaigns for "retention" — a code word for keeping students enrolled and paying tuition at all costs — push faculty toward grade inflation and dumbing-down. Expenses (read: labor costs) are forever squeezed, and demonstrably inferior products like online courses taught by some adjunct paid \$2000 per semester are offered to Student-Customers happy to have them so long as they're easy. More money is spent on administration and less is spent on instruction.

Not quite the organizing principles of an egalitarian commune. Sounds more like the business model of any mundane corporation in America.

Which brings us to the creep of corporate money into every aspect of university research and administration in the 21st Century — a fact that deals the Campus Commies premise a fatal blow. Nothing says "leftist hotbed" quite like Department of Biology, a Proud Partner of Monsanto. The cause for alarm, in fact, is that the direction of university teaching and research increasingly is dictated by donations from politically motivated billionaires and big corporations. If you believe that billions in donations from the Koch Brothers, Silicon Valley tech billionaires, and petrochemical companies is turning campuses ultra-liberal, you are beyond help.

I don't think Marx listed "aligning with corporate interests" as the final ideological step toward communism. None of this is to suggest that professors as a group should be more or less liberal, or that universities should be run more or less like businesses with corporate partners. The point is simply to illustrate the stupidity of the caricature of universities, faculty, and students as a barely-controlled gang of wild-eyed leftists. Were any of the incessant accusations from the right about the Ivory Tower true, campuses would be very different places to work and study. It is a febrile fantasy peddled to people who really enjoy yelling about things they don't understand and who believe Kevin Sorbo films are documentaries.

Ed Burmila is assistant professor of political science at Bradley University. This essay is reposted with permission from The Outline (theoutline.com).



Bargaining Update from Northern Illinois University

The United Faculty Alliance, a chapter of UPI Local 4100, representing tenured and tenure track faculty at Northern Illinois University continues bargaining our first contract. We have seen real progress this semester: almost all of the articles that will make up our contract have been presented.

But we need more responses from the administration! From July 2017, when bargaining began, through April of 2018, the NIU administration refused to provide any proposals or counterproposals, until union members lined the hallways outside the bargaining room.

At our most recent bargaining session on Friday, Nov. 2, the UFA bargaining team proposed another article for our contract and countered an administrative proposal. The administration gave us no proposals or counterproposals. We are still awaiting responses from the administration on articles that are critically important to our membership, including salary, benefits, leaves, and workload. In other news, UFA members participated in get out the vote activities on campus that led to an unprecedented number of students voting in the midterm election.



AAUP Annual Conference June 12-15, 2019, Arlington, VA

The AAUP's Annual Conference on the State of Higher Education includes panel presentations, plenary speakers, and the annual business meeting of the AAUP. It will be held June 12-15, 2019 at the DoubleTree Hotel Crystal City in Arlington, VA. Conference sessions will occur on Thursday and Friday, June 14-15. The 105th Annual Meeting will take place Saturday, June 15. For more information on submitting proposals and registration when it becomes available, visit aaup.org.

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The Greater Our Numbers, the Stronger Our Voice

If you care enough about the future of higher education, we hope you'll now take the next step and encourage your colleagues to join the AAUP at www.aaup.org. You can also donate a tax-deductible gift to the AAUP Foundation.

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