

President's Message

Michael Harkins
President, Illinois AAUP



Since our last issue of Illinois Academe, the Illinois Conference has continued its active involvement in issues of academic freedom, shared governance and tenure. Our Board, officers and committees have provided leadership, guidance and direct assistance to numerous faculty. Our Chapter Chairs communicate with Conference officers to apply the necessary resources and expertise to help our colleagues. Currently, several of our advocacy chapters are engaged in discussions over the fair and equitable treatment of faculty. Our collective bargaining chapters are seeking contracts.

Our membership continues to grow. Networking and enhanced communication have played a major role in our work to build new Chapters. Discussions are ongoing with faculty for the addition of several new Chapters for the summer. Each of our Chapters plays a major role in the success of the state Conference and our National office. Our state Chapters are now active in hosting our fall and spring conferences. Attendance at these meetings continues to increase. As a Conference we are engaging faculty in our mission. Our web site now includes significant documents, reports and position papers, including Rudy Fichtenbaum's presentation on "The AAUP Mission in the 21st Century" and the AAUP position on Academic Freedom and Tenure at Northeastern Illinois University, 2013.

Last November, I had the opportunity to attend the ASC Summit in Columbus, Ohio, hosted by the ASC and the Ohio State Conference. This Summit focused on building strong state conferences, improving existing conferences and best practices. The message was clear. Strong state conferences start with strong and active chapters; the Illinois Conference will continue that work.

Our Spring Conference will be hosted by North Central College in Naperville, Illinois on Saturday, April 26, 2014. Our morning sessions will present a significant tenure issue and major legislative issues concerning pension reform and lawsuits affecting higher education in Illinois. Our afternoon keynote speakers will include the AAUP Executive Director Julie Schmid and Ohio's State Conference Executive Director Sara Kilpatrick. Both will be joined by Diana Vallera, Adjunct Faculty President, Columbia College, Chicago. Their session will present the "Economic Status of Women in Higher Education." Special attention will be given to best practices and handbook language. References will also be made to collective bargaining agreements. The second part of their presentation will explain how to organize and mobilize a chapter to achieve pro-women policy changes. All higher education faculty are invited to attend. Our web site will have additional information concerning conference registration.

This June, the AAUP will hold its Annual Conference on the State of Higher Education in Washington, D.C. The Conference and business meeting runs from June 11 through June 15, 2014. The Annual AAUP Summer Institute will be held at Hofstra University on Long Island, N.Y. from July 17 through July 20, 2014. I encourage you to attend both events. Take part in the debates and discussions with our colleagues from across the country. Help us strengthen AAUP.

In closing, I would like to acknowledge the strong support the Illinois Conference has received from our National officers and staff. Their ability to engage with us and respond quickly in difficult situations has increased our effectiveness and success. Together we will continue to fight against violations of our principles of academic freedom, tenure and shared governance.



The Faculty Strike at UIC

By Dawn Tefft

Faculty at University of Illinois at Chicago went on strike February 18 and 19 for the first time in the university's history.

More than 1,000 UIC United Faculty members, students, and other supporters turned out to picket lines and rallies during the two-day strike, which aimed to move stalled negotiations over a first contract.

If not enough movement occurs, the union will go out on a longer strike later in the semester.

UICUF represents around 1,150 tenure-track and non-tenure-track faculty. About 800 are members of the union, certified in 2012, which is affiliated with both the American Federation of Teachers and the American Association of University Professors.

The university administration is refusing to move on top issues like establishing minimum salaries and multi-year contracts for the most vulnerable faculty members—those not on the tenure track.

"The charade of collective bargaining has become clear over more than 60 sessions, as we've seen university lawyers stalling while the union negotiates in good faith," said Lennard Davis, a professor in English and disability studies. "The general membership has seen clearly that the only way to achieve a fair contract is through a strike."

UICUF has spent the last several months mobilizing members for multiple protests, a teach-in, and a rally. The first week of December, 78 percent of members turned out to vote on strike authorization; 95 percent voted yes.

"We've been learning how to do this; we're all going to school basically," said Joseph Persky, pro-

fessor in economics and UICUF president. "The members are seeing power in what we do."

Furious at Furloughs

Faculty at UIC started organizing the union in 2008, concerned that their voices weren't being heard by upper-level administration.

Persky said this feeling of voicelessness was most evident when faculty members were furloughed in 2010. "A group of bureaucrats treating the heart of the university as if they're hired help," he said. "It was less the issue of money, than that it was implemented in a top-down manner, no discussion."

Administrators proved this point again in 2011 when they challenged the union's right to certify as one bargaining unit including both tenure and non-tenure-track faculty.

Tenured faculty members are considered permanent and usually split their time between teaching and research. Most non-tenured lack job security and focus primarily on teaching. It's easy to pit the two groups against each other—which is one reason why it was so important to members to remain a single union.

Faculty responded to the challenge by running a second organizing drive as one union consisting of two separate bargaining units. After once again signing up around 60 percent of those eligible in each unit, they certified in 2012.

More than 60 bargaining sessions later, members are still holding out for equitable pay and other contractual terms for both units. The union has one united team for both units, focused on bargaining similar

FACULTY STRIKE AT UIC continued on page 8

Illinois AAUP Annual Meeting

The IL AAUP annual meeting on Sat. April 26 in Naperville features the theme, "The Role of Women in Higher Education." See details on page 8.



Loretta Capeheart



Diana Vallera



Linda Brookhart



Sara Kilpatrick



Julie Schmid

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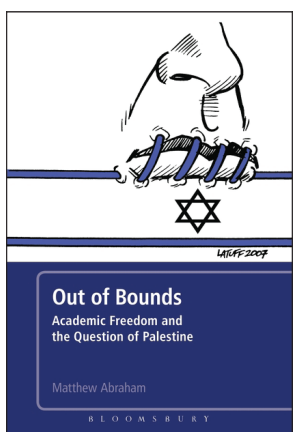
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On Incommensurate Realities

KEN ANDERSEN



Inevitably we deal with individuals—family, friends, neighbors, fellow workers—who see the world differently, sometimes dramatically so. We deal with those situations: if a friend keeps a loaded gun in the drawer by the bed, in responding to an invitation to a five year old son to come over to play, “Thanks, but we are not comfortable with a situation where he may find a loaded gun and play with it.” Similarly, we usually avoid certain topics such as politics, religion, or personal issues that may cause discomfort or an argument unless the situation warrants.

There are times when conflicts in perception, beliefs and convictions need resolution. This essay will deal with two such situations: one personal and easy to resolve; the other, much more problematic in terms of its effects on politics at every level and thus for our choices in voting.

My wife and I recently spent time on the Gulf Coast of Florida. In significant respects my “reality” differed from that of many individuals. We all appreciated the warmth of 80 degree days, the clear sky, brilliant sunsets, palm trees and birds, and were thankful to not be experiencing the 2014 Illinois winter. Newspaper editorials, letters to the editor, newscasts, billboards, and conversations reflected “realities” markedly different from ours: references to the Kenyan-born president, the harm of “Obamacare,” the necessity to cut business taxes to stimulate the economy, and high unemployment due to Democrats giving food stamps and unemployment insurance.

What most surprised me was the sense that not just one but a series of conspiracies were afoot, many existing for a long time, e.g., Obama’s false birth certification created many years ago; the theory of evolu-

tion was not science; global warming was and is bad science.

The tendency was to invoke a “faith” commitment, rarely a religious one, and to argue from one specific instance, i.e. the winter in the United States Midwest and East shows global warming is untrue. Never mind that the data for the globe as a whole show this is be a warmer than normal winter period or that the science behind global warming predicts far more extremes in drought, heat, cold, and storms that we are/will be beyond normal variations in climate.

I am reminded that we tend to live in Johnny Carson’s “hermetically sealed” envelopes in mayonnaise jars. Should I have been surprised to learn ours was the only unit of the 54 in the condo complex that subscribed to the New York Times? We felt out of synch with the milieu in which we were vacationing. Yet the sense of displacement was not a major problem as we soon went home with a reminder of cultural, social, and political variations within our country.

The impact of different or even irreconcilable realities is having a major negative impact on politics in our nation. We need to choose wisely, avoiding as many poor decisions as possible in our personal lives and our civic roles in an increasingly complex interconnected world. Inevitably the deluge of information and density of communication stimuli available to us forces us to be selective. The tendency is to fall into patterns of listening to x, reading y, and focusing on people and material that reinforce our viewpoints. Given the rapidity of change that puts us in a perilous situation if we want to be responsible for our choices, conscious or not.

This takes on a particular urgency for voters in local, state and national elections. The forthcoming Congressional elections, not to mention the nascent 2016 Presidential race already under way, are central to our country’s future. Already we are deluged with commercials, focus group tested slogans, slick brochures.

One response is suggested by Julia Andrews as Eliza Doolittle in “My Fair Lady”: “Words, words, words. I’m so sick of words....Never do I ever want to hear another word...Show me!...Show me now!” (Poor Freddie was not up to the task.) Assuming he was, she and we still have grounds for concern. “Show me” comes in the form of a plethora of repeated TV commercials—many not “approved” by the candidates but by PACs such as those funded by the Koch brothers. Many are staged scenes; some saying Obamacare is too expensive. Several of these have been debunked, turning out on examination to be inaccurate.

A partial truth is perhaps the worst lie because the material is not totally false. Sheer repetition drills home the point. Lenin reportedly declared that a lie told often enough becomes a truth. Even if made, a correction never catches up with the original. Further, some research has shown that debunking a misleading ad actually has the negative effect of increasing its impact. The targets of the ads are almost never going to know of the correction given the cocoons within which we consume media.

What should we do? To the degree we are willing, we can seek out information, become informed about issues and, by sharing the information, possibly learn from others. We can seek out opposing views and test them to see if they withstand

our scrutiny. That demands more time and far greater motivation that most of us have, although we can turn to third parties to do the work for us. But, why look for more data when we know the answer? Faith is an essential element in religious beliefs. But faith about the workings of the world leads to errors including the likelihood of confirming a hypothesis in a scientific experiment that is invalid.

Teaching courses in persuasion I stressed that ethical, logical, and motivational appeals need to be a unity—a natural fusion that invigorates one another—for maximum persuasive impact. One cannot be simply slathered on the others; there must be a valid link. (Full disclosure: the Aristotelian terms are ethos, pathos, and logos—the ethical, logical, and emotional proofs.) Like the Sinatra song of “Love and Marriage,” the three go together; you can’t be maximally persuasive with one without the other two.

Much is often made of the power of a specific instance or example. Witness the Reagan image of a food stamp recipient in a mink coat, or references to voter fraud in states such as South Carolina with no significant evidence it exists to any meaningful degree. The importance of moving beyond the specific example to a larger data set and judge the appropriate level of confidence in the conclusion is suggested by Florence Nightingale—yes, that Florence Nightingale!—“To understand God’s thought, we must study statistics.”

We can work to make our “reality” an accurate reflection of the universe and our world grounded in facts (accurate data) and the best of what science and the arts can tell us.

Report from the Illinois AAUP Nominating Committee

Nominated to be elected to Council: Kathy Westman, Waubonsee Community College. Nominated to be elected president for a two-year term, Michael Harkins, Harper College. Nominated to be elected vice-president for a two-year term, Peter Kirstein, St. Xavier University. Nominations may also be made by petition signed by at least fifteen (15) members of the Conference, counting no more than five (5) from any one chapter. Nominations by petition must be received by the President, Michael Harkins (mharkbhs@att.net) by April 15, 2014.

The Illinois Conference of the AAUP Delegate Nomination Notice Qualifications to Nominate: Any AAUP member in Illinois who is current in his or her dues as of March 1, 2014, is a member in good standing and eligible to nominate members. Qualifications for Delegate: Any AAUP member in Illinois who is current in his or her dues by March 1, 2014, as certified by National to

the Illinois Conference is eligible to run as a delegate or alternate. Self nominations are permitted. No seconds are required.

The Illinois Conference of the AAUP seeks nominations from members in good standing to run as delegates and alternates to the Assembly of State Conferences (ASC) and the Annual Conference of the AAUP. These meetings are very important as they help to determine the priorities and future direction of the AAUP.

The Illinois Conference is entitled to send four (4) delegates to the ASC meeting, one of which is the President by virtue of the office. The election is to determine the remaining three (3) delegates to the ASC meeting scheduled June 13, 2014, and two (2) delegates to the Annual Conference scheduled June 14, 2014. Individuals may run for both delegate positions.

Two (2) alternate delegates for the ASC and one (1) alternate delegate for the Annual Conference will also be elected. Alternates will attend only if elected delegates are unable to participate. The Illinois Confer-

ence has some funding to defray the cost of attending. Elected delegates that attend the ASC meetings, the Annual Meeting, and file a written report summarizing the issues discussed at the sessions by July 12, 2014 will be eligible for reimbursement of registration fee, travel expenses, and lodging not to exceed \$600.00. The report must be sent to the Conference President. Receipts must be submitted to the Conference Treasurer no later than 30 days after the meeting. All nominations must be received by midnight April 15, 2014. Nominations should be sent by mail to the Secretary of the Illinois Conference of the AAUP, care of Lee Maltby at St. Augustine College, 1345 W. Argyle Street, Chicago, Illinois 60640 or emailed to lmaltby@staugustine.edu.

The election, if necessary, will take place by mail in May 2014. Please provide the nominee’s contact information in the nomination. The Illinois Conference will contact those who have been nominated to verify their acceptance of the nomination. Election results will be sent to all members via e-mail.

Illinois Higher Education Coalition Created

The initial meeting organizing the Illinois Higher Education Coalition (HELCO) took place in Springfield on July 18, 2003. The principal organizers were Donna Manering, Director of Higher Education for the Illinois Education; Sue Kaufman, President of the University Professionals of Illinois which is represented by the Illinois Federation of Teachers; and Leo Welch, Legislative Officer for the Illinois Federation of Teachers’ Community College Council.

Manering, Kaufman and Welch were usually in attendance together at the Illinois Board of Higher Education meetings and often discussed common higher education issues. Manering suggested that we should meet formally and discuss common objectives. Out of that concept the coalition was formed. At the initial meeting representatives of the Illinois Community College Trustees were present. So from the beginning the coalition was a labor-management organization.

Since FY2002 Illinois public colleges and universities had experienced significant cuts in appropriations. A common front was deemed necessary to attempt to stop continued cuts for high education by the Illinois General Assembly and to maintain pension and health benefits for

participants of the State Universities Retirement System. The HELCO also attempted to be the organization that provided exchanges of information relating to higher education institutions and programs and to use that information to promote quick action on issues affecting all state public universities and community colleges.

Currently the following organizations are members of the HELCO:

- American Association of University Professors
- City Colleges of Chicago
- Cook County College Teachers Union, Local 1600 (IFT)
- Education Management Corporation
- Federation of Independent Illinois Colleges
- Illinois Board of Higher Education
- Illinois Community College Board
- Illinois Community College Faculty Association
- Illinois Community College Trustees Association
- Illinois Council of Community College Presidents
- Illinois Education Association (IEA)
- Illinois Federation of Teachers Universities Council
- Illinois Retirement Security Initiative

- Illinois Student Assistance Commission
- MJS Associates (higher education lobbyists)
- State Universities Annuity Association (SUAA)
- University Professionals of Illinois 4100 (IFT)

With the retirement of Donna Manering and Sue Kaufman, the leadership was taken up by Linda Brookhart, Executive Director of SUAA. Brookhart sends notices for meetings and provides an agenda for pressing higher education issues, usually focusing on adverse legislation and pension issues.

Meetings are held in Springfield during the Fall veto session and during the regular Spring session of the Illinois General Assembly. Although they are not formal members, usually representatives of public universities and state agencies attend.

With the continued reduction of funding for public higher education in Illinois and continued attacks from a variety of sectors, a coalition of supporters of higher education is more important than ever.

*Linda Brookhart, Executive Director SUAA
Leo Welch, AAUP Illinois Legislative Officer*

Anti-Academic Freedom Bill in Illinois Senate

By John K. Wilson

After the American Studies Association (ASA) endorsed an academic boycott of Israel last December, legislators responded by trying to punish universities. In Illinois, state Sen. Ira Silverstein (D, Chicago) introduced SB3071, which uses similar language to a bill passed by the New York State Senate earlier this year. Similar threats to academic freedom have been proposed in Maryland and in the US Congress.

Howard Bunsis, Chair of the AAUP Collective Bargaining Congress, warned that “The ‘Protect Academic Freedom Act,’ jointly filed by House Chief Deputy Whip Peter Roskam (R., Ill.) and Rep. Dan Lipinski (D., Ill.) could serve as a deterrent to other groups considering Israeli boycotts. It would amend the Higher Education Act of 1965 ‘to prohibit an institution that participates in a boycott of Israeli academic institutions or scholars from being eligible’ to receive federal funds, according to text of the legislation.”

Although the AAUP opposes academic boycotts, the national AAUP spoke out against these proposed laws, noting that “it would impose a political litmus test on faculty members seeking university support for research meetings and travel.”

The Illinois bill is so badly written that the intended target of it, groups who call for a boycott of Israel, are clearly exempt under the law’s provision when a boycott is for “the purpose of protesting unlawful discriminatory practices,” which the Israel boycotts obviously fall under.

But the bill has a very broad application. It covers any “resolution” supporting a boycott, even if there is no action, and even if it is only support for an economic boycott and not an academic boycott. It also applies to a boycott of any colleges in America, since it covers any country in the OECD. So, the law might apply to the AAUP, since its

censure list is, arguably, a form of boycott of a college. It could also apply to any academic organization that urges a boycott of diploma mills, since these are higher education institutions. The bill is so severe that if the University of Illinois accidentally funded a scholar’s travel to the AAUP conference in June 2014, the University of Illinois could instantly lose \$663.5 million in state funding and go bankrupt.

The bill also sets no time limits on these resolutions. The standard is simply “has issued a public resolution.” In fact, if a scholarly organization during World War II passed a resolution calling for a boycott of Nazi universities, then the Illinois bill would permanently prohibit funding of travel to that group’s events.

And since no one knows which organization “has issued a public resolution” for a boycott at any point in its history, all public universities in Illinois would have to respond to this law by banning state funds for any scholarly groups (including any groups meeting on Illinois campuses) or for any travel to conferences of any kind.

Of course, even if the proposed Illinois law had not been incompetently drafted, and actually had targeted critics of Israel as legislators apparently intended, it would remain an indefensible attack on academic freedom.

As the AAUP noted in a statement about these bills, “Legislative interference in academic decision-making and with the freedom of scholars to associate and exchange views with their peers is even more dangerous than the academic boycotts this legislation is intended to oppose. That is because this legislation undermines constitutionally protected academic speech and debate in order to promote a particular viewpoint.”

Legislators have no absolutely business attempting to ban incidental state funds for anyone in order to silence freedom of speech. It is an assault on the First Amend-

ment, and contrary to the fundamental principles of liberty.

The AAUP declared, “Legislative interference in academic decision-making and with the freedom of scholars to associate and exchange views with their peers is even more dangerous than the academic boycotts this legislation is intended to oppose. That is because this legislation undermines constitutionally protected academic speech and debate in order to promote a particular viewpoint. If enacted, such legislation will set a deplorable precedent for future legislation that might further reduce academic speech.”

Contact Your Legislators

By Leo Welch

Senator Ira Silverstein, Democrat from the 8th Congressional District in Chicago, is the chief sponsor of SB3017 which the AAUP and the Illinois AAUP oppose.

The bill would penalize public universities if an employee attends a conference where a boycott of Israel is supported. Although the bill does not specifically mention Israel, that is clearly the intent.

This bill would prohibit any use of state funds for any employee that attends a conference where a boycott is supported. In addition, the public university is not eligible for state aid during the academic year in which the university is in violation of this law. This clause would, in effect, close down a public university. Please consider contacting the following state senators and voice your opposition:

Senator John Cullerton (D) 217-782-2728, President of Illinois State Senate.

Senator Michael Frerichs (D) 217-782-2507, Chairman of the Higher Education Committee.

Legislative Report By Leo Welch

HB3669 Concealed Carry—School Penalty

Synopsis As Introduced

Amends the Firearm Concealed Carry Act. Provides that a licensee who knowingly carries a firearm on or into a building, real property, or parking area under the control of a public or private pre-school, elementary or secondary school, college, or university is guilty of a Class felony for a first offense and a Class 3 felony for a second or subsequent offense.

HB5385 University—Tuition Waivers—Repeal

Synopsis As Introduced

Amends various Acts relating to the governance of State universities. Repeals provisions that permit the children of employees of a State university who have been employed by any one or by more than one State university for an aggregate period of at least 7 years to receive a 50% tuition waiver.

HB5427 School Bullying Prevention

Synopsis As Introduced

Amends the State Finance Act, the School Code, and the Board of Higher Education Act. Sets forth provisions concerning staff instruction in suicide prevention; an annual report on violence, vandalism, and harassment, intimidation, or bullying; a guidance document for student harassment, intimidation, and bullying complaints; an online tutorial on harassment, intimidation, and bullying; school board training on harassment, intimidation, and bullying; an educator licensure program on harassment, intimidation and bullying prevention; the reporting, by school employees, of acts of violence, vandalism, and harassment, intimidation, or bullying; causes for suspension or expulsion of pupils; a school district policy and a public institution of higher education policy prohibiting harassment, intimidation, or bullying; a prohibition on reprisals, retaliation, and false accusations; the establishment of bullying prevention programs; the appointment of a school anti-bullying specialist and a district anti-bullying coordinator;

the formation of school safety teams; the establishment of a formal protocol for investigating a complaint; and the creation of the Bullying Prevention Fund. Effective June 1, 2015

HB5831 Baccalaureate Degree Pilot Program

Synopsis As Introduced

Creates the Baccalaureate Degree Pilot Program Act. Establishes the Baccalaureate Degree Pilot Program, to be implemented and administered by the Board of Higher Education, in conjunction with the State Board of Education and the Illinois Community College Board, with the goal of creating a model of articulation and coordination among grade K-12 schools, community colleges, and public universities that will allow students to earn a baccalaureate degree for a total cost not exceeding \$10,000, including textbooks. Provides that the Board of Higher Education, in conjunction with the State Board of Education and the Illinois Community College Board, shall determine which public universities, public community colleges, and school districts are to participate in the pilot program (in 3 areas of this State). Requires the universities, community colleges, and school districts participating in the pilot program to coordinate their efforts to expedite the progress of participating students from high school to community college to university to earn their baccalaureate degrees for a total cost not exceeding \$10,000, including textbooks. Sets forth the components of the pilot program.

HB5832 Higher Education-Online Degree Study

Synopsis As Introduced

Amends the Board of Higher Education Act. Requires each public university to submit to the Board of Higher Education a study of the costs of making available online 4 of the university’s most popular degree programs, as determined by the university. Sets forth what must be included in the cost study. Requires the Board of Higher Education to use new and existing data to evaluate probable student outcomes for online degree plans identified by the

universities; sets forth other Board requirements.

HB5833 Higher Education—Tuition Freeze—Stem Major

Synopsis As Introduced

Amends various Acts relating to the governance of public universities in Illinois. Provides that, subject to appropriation to offset the costs, for the 2015-2016, 2016-2017, and 2017-2018 academic years, the tuition charged an undergraduate student who is an Illinois resident pursuing a major in a science, technology, engineering, or mathematics field of study must not exceed the tuition amount charged an undergraduate student who is an Illinois resident for the 2014-2015 academic year. Provides that if money is not appropriated in a given fiscal year to offset the costs of this freeze on the tuition rate, then the governing board of the university, for that particular academic year, is authorized to charge a lesser amount of tuition to students who are Illinois residents pursuing a major in science, technology, engineering, or mathematics field of study than the tuition charged students who are Illinois residents pursuing majors in other fields of study.

HB5834 Board of Higher Education—Workforce Needs

Synopsis As Introduced

Amends the Board of Higher Education Act. Requires the Board, in consultation with the Department of Labor, the Illinois Community College Board, and any other entity the Board deems appropriate, to produce an annual report regarding State workforce need projections and credential production. Sets forth the contents of the report. Sets forth when and to whom the report must be provided. Effective immediately.

HR0832 College Textbook Options

Synopsis As Introduced

Encourages the Illinois Board of Higher Education, the Illinois Board of Higher Education Student Advisory Committee, and other student leaders, college officials, faculty, college bookstores, and publishers

to discuss ways that college students may be better informed of these different textbook options and how access to them can be increased, without adversely impacting any existing textbook rental or already established access or affordability programs available to Illinois students.

SB2950 Higher Education—Performance Metrics

Synopsis As Introduced

Amends the Board of Higher Education Act. Provides that the funding for the allocations to public institutions of higher education based upon performance metrics for Fiscal Year 2015 must be at least 0.5% above Fiscal year 2014’s funding and, for each of Fiscal Years 2016 through 2019, must be at least 1% above the previous fiscal year’s funding. Effective immediately.

SB3441 Higher Education—Distance Learning

Synopsis As Introduced

Creates the Higher Education Distance Learning Act. Provides that in recent years, distance education offered by institutions of higher learning has been increasing, with such distance education being offered on an interstate basis by many institutions. Provides that the provision of distance education is declared to affect the public safety and welfare and shall be subject to regulation and control in the public interest. Provides that the Board of Higher Education is authorized to participate in a state authorization reciprocity agreement on behalf of this State. Provides that the Board of Higher Education shall be the lead agency in coordinating interstate reciprocity for distance learning for participating institutions in this State. Sets forth provisions governing agreements where Illinois is the home state or the reciprocal state. Provides that this Act applies only to distance learning programs and authorizes the Board of Higher Education to adopt rules for the execution of its powers and duties under the Act. Creates the Distance Learning Fund to supplement support for the administration and enforcement of the Act. Amends the State Finance Act to create the Distance Learning Fund.

Academic Freedom and the Question of Palestine: An Interview with Matthew Abraham

Matthew Abraham's new book, *Out of Bounds: Academic Freedom and the Question of Palestine*, examines intellectual freedom and the Israel-Palestine debate in America. Illinois Academe editor John K. Wilson conducted this interview via email with Abraham, who has served on the Illinois AAUP Council and Committee A.

1) *You devote a lot of the book to the case of DePaul University denying tenure to Norman Finkelstein. Why is that case so important, and why do you think that the AAUP failed to investigate Finkelstein's case, and did not adequately defend him?*

MA: I really think that the Finkelstein case demonstrates how, when the stakes are high enough, institutions will employ very underhanded means to deny an active and outspoken scholar tenure. Finkelstein's long-term presence on the faculty was a veritable disaster for DePaul's long-term institutional growth, from the perspective of DePaul's administration. "Long-term institutional growth" is a code phrase for "fundraising." I'm sure DePaul's administration quickly realized having Finkelstein onboard for a thirty-year career would be ruinous for fundraising efforts, particularly when the institution was in the midst of a large capital campaign, substantial real estate acquisitions, and seeking to take the university to a higher level of academic excellence.

In my mind, the case is one of the most significant academic freedom cases in the last fifty years, as it demonstrates the substantial pressure outside parties can place on a mid-tier religious institution when the perspectives advanced by a controversial scholar threaten dominant interests. In this case, the parties are obvious enough--the Israel Lobby and its many affiliates that extend deep into American civil society. Alan Dershowitz's role in the Finkelstein case has been well documented. Dershowitz's reputation stood to suffer an even more significant blow than it did after the publication of Finkelstein's *Beyond Chutzpah: The Misuse of Anti-Semitism and the Abuse of History with the University of California Press*, if Finkelstein had been granted tenure. However, Dershowitz was just one of many parties possessing an intense interest in the outcome of the case. Of course, Israel's power within American civil society has been well documented by James Petras, Walt and Mearsheimer, Peter Grose, Warren Bass, and so many others, that the Finkelstein denial should not really have come as a surprise.

I think the AAUP was pretty helpless in the midst of the national outrage around Finkelstein's tenure denial. I think a convenient mythology has been constructed in the wake of the controversy to suggest that the AAUP was more helpful than it really was. I remember writing to many people at National in the months leading up to Finkelstein's denial that something really terrible was afoot. The response was always, "Well, if he's denied tenure, he should file an appeal, etc. etc." National wrote some letters after a substantial national outcry, objecting to DePaul's insistence that its handbook did not provide for an appeal of a tenure denial. Well, at that point, National said, "What? You don't have an appeals process?" You'll have to ask Finkelstein if AAUP National was really helpful to him. Of course, all of this did not really matter for Finkelstein. DePaul was not going to grant him tenure, regardless of how farcical the tenure process was. As I have demonstrated, DePaul sought to justify the tenure denial by arguing that Finkelstein's scholarship was at odds with DePaul's institutional mission as a Catholic, Vincentian institution, seeking to create a legal-

ly-justifiable grounds for dismissal. If the case went to court, I'm guessing DePaul would have won as a private institution on these grounds.

I suspect that's the reason Finkelstein decided to accept a settlement and not fight it. After the settlement, AAUP stated that it would not conduct a Committee A investigation after the complainant reaches an agreement with the institution.

2) *Your book reflects a very pessimistic position on the possibility of academic freedom for critics of Israel. Do you think that the same is true for academic freedom in general, or is it Israel in particular that leads to harsh punishment for dissent in academia? Do you see academic freedom improving, or getting worse?*

MA: I definitely think the Israel-Palestine conflict presents a unique set of challenges for those seeking to mount a principled defense of academic freedom. Clearly, given the number of pro-Palestinian scholars who have been subject to intense surveillance, and even termination, over the last ten years, one may wonder if conditions for open debate are getting better or worse. The academy can't always stave off external attacks from powerful interest groups connected to AIPAC. I think the discourse around Israel-Palestine has opened up considerably, especially since the Palestinian bid for statehood at the UN in September 2011. I think what can be discussed and considered within the American mainstream about Israel-Palestine has shifted. People recognize, I think, that there's been a cover-up with respect to what they are being told by the mainstream media about the Middle East, Israel's role in the formulation of US foreign policy in the region, and the plight of the Palestinians.

3) *You write that for critics of Israel, "academic freedom does not exist for them as either an individual right or within the context of institutional, disciplinary, or professional norms." (81) Despite getting some warnings that supporting Finkelstein might hurt your academic career, you did receive tenure at DePaul. Many critics of Israel who have faced attacks have not been punished for their views. And while the critics of Israel may have received punishment more often, isn't it the case that pro-Israel scholars have also encountered attacks for their views? There have been efforts to disinvite some speakers from campuses, and DePaul even fired a pro-Israel adjunct professor, Thomas Klocek, who engaged in a heated argument with Palestinian students at an extracurricular event. So, doesn't that indicate that academic freedom often does protect critics of Israel, while supporters of Israel are also vulnerable to attacks?*

MA: Well, tenuring me did not present a problem for DePaul's fundraising efforts. No one really cared if I got tenure. No powerful external parties were saying, "Don't tenure Matthew Abraham, or we'll hurt you financially." Yes, I was outspoken about the Finkelstein case in various venues, but ironically being in Finkelstein's corner may have actually protected me from being denied tenure. DePaul did not want any further controversy around the Finkelstein case, so tenuring me may have been a way to actually avoid further controversy, as minor as it would have been. Let's be clear: I did possess a strong and tenurable record. Furthermore, I am not a scholar of the Middle East, as Finkelstein is, so I don't think anything I was writing at the time (prior to being tenured) particularly threatened anyone. There were

undoubtedly some scary moments and a lot of uncertainty, but everything worked out in the end. Nadia Abu-Haj, a Palestinian anthropologist at Barnard, and Joseph Massad, a Palestinian Middle East scholar at Columbia, withstood campaigns to derail their tenure bids. A number of Zionist alumni sought to disrupt the normal tenure processes in these two cases.

I don't think Klocek is a good example of a pro-Israel scholar who was attacked because of his views. Klocek was a math instructor and never on the tenure-track; I don't believe he actually ever wrote anything about the Middle East. As far as his telling Palestinian students in the DePaul



Student Union several years ago that he did not see them because they don't exist, that was just not very smart on Klocek's part and simply recites long-ago discredited Zionist propaganda. Furthermore, I understand that Klocek's firing was not entirely about his exchange with Palestinian students and that other factors figured into it. Pro-Israel scholars are rightfully attacked for their views, but there is little or no evidence that they have incurred serious material penalties for these attacks. The only person who insists that pro-Israel scholars are at risk is Alan Dershowitz, who claimed in his *The Case for Israel* and *The Case for Peace* that pro-Israel professors are afraid to speak up on campus for fear of being retaliated against. Is anyone able to cite a single assistant professor who was denied tenure, terminated, or really experienced intimidation because of his or her advocacy for Israel? I can't think of a single case. Sounds like agit prop to me.

4) *There is a very marginalized left-wing approach against academic freedom, arguing that academic freedom only protects a privileged class and therefore the concept of academic freedom should be abandoned and the left should use any means possible to silence their political enemies. You seem to agree that academic freedom often is sharply limited, but what would be your position about this viewpoint?*

MA: I'm not quite sure what it would mean to "abandon" academic freedom since it largely serves as a rhetorical device anyway. I'm familiar with this critique, but I don't think it tells us anything. If the stakes are high enough, academic freedom will be redefined to protect the powerful, as it clearly was in the Finkelstein case. The privilege of academic freedom is highly contextual and is only operative, according to figures such as Stanley Fish, in professional contexts. As he has pointed out, and as I'm sure he'll explain in his forthcoming book on academic freedom from Oxford, as the claim for freedom in the concept of "academic freedom" gets larger and larger, the claim that one is performing an "academic" task becomes smaller and smaller. In other words, there is a dialectical rela-

tionship between "academic" and "freedom" in the concept of "academic freedom."

I think this is an important point, one worth reiterating and remembering. Academic freedom is defined and delimited by professional and disciplinary norms.

5) *The American Studies Association resolution in favor of an academic boycott of Israel sparked an enormous backlash, including letters from college presidents denouncing the ASA and legislative proposals to punish the ASA. What do you think of this controversy, and does it indicate a threat to academic freedom? What is your response to the AAUP's position criticizing both academic boycotts and attempts to punish academic boycotters?*

MA: I think it's important to remember that the ASA simply endorsed the call from Palestinian society to boycott Israeli universities. Frankly, I think the controversy was really a manufactured one, enabling pro-Israel forces to claim that academia has been infiltrated by anti-Semites and Israel haters. Of course, nearly two hundred college and university presidents were able to display their pro-Israel credentials by condemning the ASA resolution, but that is not surprising.

I don't really understand the AAUP's position on boycotts. Ever since the Belaggio conference fiasco, I'm not quite sure AAUP has displayed either the backbone or the leadership to help us understand the relevant issues. Boycotts have long been used by oppressed populations to resist colonial occupations and racist regimes, as they were during the fight against apartheid in South Africa in the 1990s. The AAUP wants to avoid dealing with the boycott issue with respect to Israel-Palestine altogether; its position statement (if that's what it can be called) is a convenient way to do that.

I found some of the AAUP leaders' responses to the special issue of *The Journal of Academic Freedom* on academic boycotts that Bill Mullins and David Lloyd put together nearly comical. I think Matthew Finkin ended up resigning from the editorial board over the whole flap. After the issue came out and was deemed hostile to Israel, several response pieces were included to "balance" out the presentation. Of course, anti-Israel partisans hijacked the issue! I'm being facetious, of course, but I think you get my point: on what other issue do we see such desperate attempts to create "balance"?

6) *Your book has a very pessimistic (or perhaps realistic) view of academic freedom. What do you think that colleges, faculty, and organizations such as the AAUP can do to better protect academic freedom?*

MA: The concept of academic freedom remains a selling point for the American university. University administrations continue to insist that it is a fundamental and much-valued principle of scholarly life. As I have written elsewhere, no university has ever admitted to violating a faculty member's academic freedom; when a scholar with controversial views is terminated, it's always for some "other reason," supposedly unrelated to their speech or scholarship. Professional misconduct is loosely defined, so much so in fact, that being controversial and upsetting people can be interpreted as unprofessional conduct.

DePaul's University Board on Tenure and Promotion stated that Finkelstein did not comport himself in a manner consistent

ABRAHAM continued on next page

Book Review: Out of Bounds

Matthew Abraham, *Out of Bounds: Academic Freedom and the Question of Palestine* (Bloomsbury, 2014).

Reviewed by Steve Macek, North Central College

Israel, its close relationship with the United States and its brutal repression of the Palestinians have long been the proverbial “third rail” of American politics. To even broach the topic of Israel’s awful human rights record or the illegality of its ongoing occupation of the West Bank and Gaza is almost unthinkable for a politician in this country with any aspirations for higher office. And the reason it is unthinkable is that powerful interests with deep pockets (Zionist organizations, rightwing hawks, conservative Christian fundamentalists, defense contractors, etc.) are willing to spend unlimited amounts of money to defeat any candidate who dares to criticize Israel or US support for Israeli aggression.

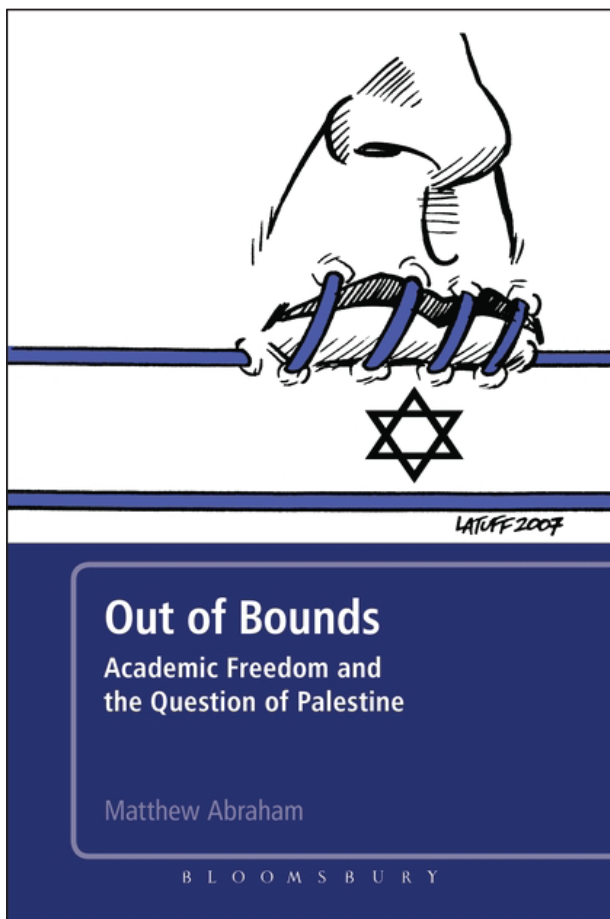
Theoretically, academia ought to operate according to different rules. The ivory tower is supposed to be a protected sphere where scholars are free to seek out and speak the truth on controversial issues, no matter how many powerful interests they happen to offend in the process. Unfortunately, as Matthew Abraham argues at length in his new book, *Out of Bounds: Academic Freedom and the Question of Palestine*, this is not the case when it comes to the question of Palestine.

Abraham contends that figures like Juan Cole and Joseph Massad who have the temerity to reject the dominant, pro-Israeli understanding of the Israeli-Palestinian conflict and who raise troubling questions about the influence of pro-Israel lobbyist over US policy on the Middle East are routinely denied the academic freedom accorded to others. Indeed, he claims that “academic freedom and free speech have been redefined to explicitly classify criticism of Israel on college campuses as a form of harassment against Jewish students and faculty” (p. 50). Faculty who write and teach critically about Israel find themselves spied on, accused of anti-Semitism, charged with producing shoddy scholarship and subjected to coordinated attacks designed to remove them from the “contemporary academic landscape.”

At the heart of the book is Abraham’s analysis of DePaul University’s notorious 2007 decision to deny tenure to Norman Finkelstein, a member of its political science department and a leading critic of Israel and Israel’s academic apologists. At the time of the decision, Abraham was a member of DePaul’s English Department and witnessed the case firsthand. Finkelstein is the author of at least five books but is perhaps best known for *The Holocaust Industry: The Exploitation of Jewish Suffering* (2000), a strong-

ly worded polemic that alleges that “American Zionist Jewry has used the Holocaust to immunize Israel against international criticism in its continued human rights violations against the Palestinians living in the West Bank and Gaza” (p. 60). In 2003, he became involved in a bitter and long-running dispute with Harvard Law Professor Alan Dershowitz over claims made in Dershowitz’s *The Case for Israel* (2003). Eventually Finkelstein published *Beyond Chutzpah: The Misuse of Anti-Semitism and the Abuse of History* (2005), “a near point-by-point rebuttal” of Dershowitz’s book which purported to show that Dershowitz and other Zionists misrepresent the history of the conflict between Israel and its Arab neighbors and obscure the apartheid practices Israel has implemented against Palestinians. The book also charged Dershowitz with massive plagiarism. As Abraham explains, Dershowitz repeatedly contacted Finkelstein’s publisher, University of California Press, in an unsuccessful attempt to prevent *Beyond Chutzpah* from being released.

According to Abraham, Dershowitz then turned his attention to a fairly unprecedented public campaign to undermine Finkelstein’s job security. In 2004, he sent DePaul



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with the broader expectations guiding the conduct of DePaul faculty. What was Finkelstein’s supposed transgression? He upset Israel’s staunchest supporters such as Alan Dershowitz with “reputation-demeaning attacks.” The most humorous explanation I received came from DePaul’s Dean of the College of Liberal Arts, who stated that one can freeze out others through their scholarship by tearing down the individual and deterring others from participating in the “scholarly” conversation. One would think only a journal editor would have the power to freeze someone out of a scholarly conversation. Clearly, the Dean had the Finkelstein case in mind. The President of DePaul, in his letter denying Finkelstein tenure, stated that Finkelstein’s scholarly analyses were not “subtle and layered” enough. What does that mean? It means that Finkelstein’s scholarly conclusions about the Israel-Palestine conflict did not conform to the necessary doctrinal constraints, e.g. refusing to join the international consensus for a just resolution of the Question of Palestine; providing ideological cover for U.S. and Israel rejectionism; and rejecting the Palestinians’ national aspirations.

University legal counsels are quite skilled in crafting the arguments for dismissal and exclusion, ably sidestepping academic freedom protections when the stakes are high enough. If keeping a scholar on the faculty is going to extract an exorbitant cost in terms of fundraising and institutional growth, it’s likely that the scholar is going to face serious challenges in disseminating his or her work. Outside really prestigious places like the University of Chicago, Columbia, MIT, most universities seek to cut off any controversy that is going to have serious repercussions for the institution’s reputation. The University of Colorado’s handling of the Ward Churchill case and the University of South Florida’s quick termination of Sami Al-Arian prove that.

Your last question about how faculty and staff can support academic freedom is interesting, but the answer is fairly straightforward. I cannot tell you how disappointed I was with my colleagues at DePaul, who chose to remain silent during the administration’s persecution of Norman Finkelstein. I asked so many tenured colleagues, full professors even, to get involved in speaking out against what was being done to Finkelstein. As usual, lame excuses and the “duck and cover” mentality prevailed for the most part.

Here was the most important academic freedom case in recent memory developing on our campus and these faculty were more concerned about appeasing the Dean, not rocking the boat, and toeing the institutional line. It was a low point in my academic career, confirming that you cannot always trust colleagues to act on, or speak out in the defense of, principle—even on something as important as academic freedom. I know many faculty members at DePaul who made a conscious choice to stay far away from the Finkelstein case to solidify their bona fides for administrative positions, departmental funds, and general political gain. One day I’ll name specific individuals.

One can’t shame one’s colleagues into supporting and defending academic freedom. People act when there is something at stake for them. For example, if you were to threaten to take away the number of course releases senior faculty believe they are entitled to as program directors, publishing scholars, department chairs, etc., you can be sure those faculty will be the first to invoke academic freedom to protect those privileges. So, academic freedom is frequently invoked, but rarely defended in the way we would like to think it is. In short, academic freedom means many things to many people. Alan Dershowitz, for example, insisted that the Finkelstein case was not about academic freedom at all, but about academic standards. How does one respond to this kind of argumentation? It’s really breathtaking.

President Dennis Holtschneider a screed entitled “Literary McCarthyism” that suggested that “DePaul should fire Finkelstein because of his ad hominem attacks and unprofessionalism in leveling accusations of plagiarism against supporters of Israel” (p. 85). Dershowitz also contacted the chair of DePaul’s political science department and attempted to contact members of the Board of Trustees. And just as Finkelstein’s tenure case was about to be considered, Dershowitz sent many DePaul faculty members a dossier of materials designed to discredit Finkelstein.

When Finkelstein applied for tenure in 2007, he had what appeared on paper to be a very strong case: a distinguished publication record, countless high profile public lectures and excellent teaching evaluations. His department supported his tenure bid by a vote of 9-3 and his College supported the bid by a vote of 5-0. Yet, the Dean of Liberal Arts, Charles Suchar, refused to support Finkelstein’s application. Ultimately, the University Board on Promotion and Tenure voted 4-3 to deny tenure citing concerns about Finkelstein’s “inflammatory style and his personal attacks in his writings and intellectual debates.” (p. 83). In his letter to Finkelstein explaining the tenure decision, DePaul President Holtschneider questioned whether Finkelstein respected the opinions and free inquiry of others. As Abraham demonstrates, it is clear this rationale and the reasons for denial offered by the University Board were taken wholesale from Dershowitz despite the President’s protests to the contrary. What is especially perverse about this, Abraham explains, is that DePaul invoked the values of academic freedom (i.e. respect for free inquiry) in order to deny “basic academic due process to a dissenting intellectual” (p. 90) whose work is designed to protect the rights of a vulnerable and oppressed minority. He suggests that concerns about political backlash from the pro-Israel lobby and possible damage to DePaul’s reputation (and ability to attract big dollar donations) were likely the real motives for the negative tenure decision.

The remainder of the book explores in some depth the way the academic conformism and “the guild structure of universities” (p. 201) silence or marginalize criticism of Israel and US support for Israeli militarism. He discusses the hostility and public attacks endured by post-colonial thinker Edward Said after 9/11. He devotes an interesting chapter to the inability of a group of critical rhetorical scholars participating in an online forum with Noam Chomsky and Finkelstein to engage with their empirically- and historically-grounded critiques of the myths surrounding the Israel-Palestine conflict. He also details the angry way a group rhetoric and composition scholars reacted to a teaching award named after Rachel Corrie, a young American solidarity activist who was killed facing down an Israel Defense Force bulldozer while attempting to protect a Palestinian home slated for destruction.

An especially useful feature of the book is that Abraham includes in appendices much of the e-mail and list-serv correspondence he analyzes in book.

In the end, *Out of Bounds* establishes beyond a reasonable doubt that “certain types of scholarship and political orientations toward the Israel-Palestine conflict are placed ‘out of bounds’ with respect to academic freedom protections” (p. 25) and placed “out of bounds” of polite academic debate.

But the book is not without some shortcomings. To begin with, the text is marred by considerable repetition of certain key facts, descriptions and whole phrases from one chapter to another. For instance, the various UN resolutions condemning Israel’s seizure of the occupied territories are discussed at different points in several chapters using almost identical language and without adding much new information. Similarly, Norman Finkelstein’s bone fides as a scholar and the list of books he has written are repeated in at least three different chapters. Given that at least six of the nine chapters incorporate material previously published as articles, such repetition is understandable but it does give the reader a feeling of déjà vu after a while.

The book would have also benefited from some more careful copyediting and basic fact checking in places. At one point, while discussing the Israel’s 1982 invasion of Lebanon, Abraham writes that Israel made a “desperate attempt to link Abu Nidal’s assassination of Israeli Prime Minister Schlomo Argov in London to the PLO” (p.138). But, as Abraham correctly points out later in the same paragraph, Argov was the Israeli ambassador to the UK, not Israel’s Prime Minister, and in fact the assassination attempt failed (though Argov was in a coma for 3 months as a result of his injuries).

These minor issues aside, *Out of Bounds* is an eye-opening examination of the threat posed to academic freedom by the taboo on critical discussion of the Israel-Palestine conflict.

AAUP Finds Violations of Academic Freedom at NEIU

By Peter N. Kirstein

One of the unresolved structural problems within the A.A.U.P. is the relationship between State Conferences' Committee A on Academic Freedom and Tenure and the national academic freedom office.

In Illinois, we have one of the more active Conference Committee As on Academic Freedom and Tenure in the nation. It is in Illinois where the Norman Finkelstein tenure travesty occurred. It is here where Mehrene Larudee, Namita Goswami, Loretta Capeheart and the DePaul Three were involved in nationally covered cases where academic freedom, due process and faculty autonomy were eviscerated. It was National Louis University (Chicagoland) that was recently censured for firing tenured faculty and replacing them with part-time proletarian, abused labor.

Committee A of the Illinois Conference consists of five members. Walter J. Kendall, professor of law at John Marshall Law School, Loretta Capeheart, associate professor of justice at Northeastern Illinois University, Matthew Abraham, associate professor of writing, rhetoric, and discourse at DePaul University and John Wilson, editor of this newsletter. Previously we did not have the cooperation and the constructive engagement with national that would optimize the defense of faculty rights in Illinois. I have spoken and lobbied with mixed success on the great divide between the gatekeepers at national and the subaltern conferences attempting dutifully to implement the A.A.U.P. documents and suggested best practices on many recalcitrant campuses in the Land of Lincoln. Indeed, we are ground zero in the academic freedom wars in the United States.

Yet a dramatic change occurred in the John Boyle tenure case at Northeastern Illinois University. Some of my initial conversations with Hank Reichman, chair of Committee A and First Vice President of A.A.U.P., were very productive and the key in unlocking the Gordian knot with the national office. It was also the Illinois Committee A's initial investigation and subsequent report that contributed to the national office's strikingly collegial and heroic engagement in this matter.

The A.A.U.P. report "Academic Freedom and Tenure: Northeastern Illinois University is dramatic proof of this national-conference partnering." The report graciously cites on several pages the Illinois Conference Committee A report and its efforts to protect Dr. John Boyle's academic freedom and academic due process. Yet the individual not mentioned in its pages who deserved the most credit in this rapprochement is Associate General Secretary Jordan Kurland. It was Kurland who I met with in Washington, D.C. seeking A.A.U.P. intervention. It was Kurland who recognized that a great injustice had occurred when a linguistics professor, John Boyle, was denied tenure despite unanimous support from his department, department chair, school dean, and university personnel committee. Jordan recognized that the

Illinois Committee A report had raised significant violations of academic freedom and substantive due process at N.E.I.U.

It was his energy and organizational skill that led to the composition of the investigating committee under the intelligent and gifted leadership of Professor Rebecca J. Williams, University of Central Arkansas, and the path that has taken us to this moment. The Boyle case, I hope, augurs well that a new day of cooperation between national and state conferences in academic freedom and tenure cases is at hand. It creates greater resolve; it raises the spirit of those fighting for faculty rights and the preservation of freedom on our campuses. It maximizes the efficiency of the Association and, not to be provocative, challenges the increasing corporatization of the Association as was so poignantly elucidated in Cary Nelson, *No University is an Island*.

One does not know if this remarkable collaboration between one conference and the A.A.U.P.'s Department of Academic Freedom, Tenure, and Governance, as wondrous and exciting as it is, is merely an interlude or a systemic change that is revealing a new age of national-state conference cooperation in aggressively pursuing faculty-persecution cases across the beleaguered academy. It is essential that A.A.U.P. develop a new appeals process when a conference construes that a national-office decision not to intervene in an academic freedom or shared governance case is inappropriate. The gatekeeper syndrome within the national academic freedom office has been long standing: in part due to staff preeminence in handling such matters, in part due to a turf war between professional staff and faculty in the hinterland and resulting from limited resources that significantly circumscribe the number of cases that can be investigated.

The current appeals procedure is broken, obsolete and risible. It appears in a seven line, three-word conclusion of a "Report of Committee A, 1978-1979." There is no Redbook articulated procedure. It states that a state conference may notify the "general secretary" of a dispute and the "general secretary" should designate a single Committee A current or prior member to "review the matter and advise." If for no other reason than the recent elimination of the politburo-sounding name of "general secretary" to the more prosaic "executive director," change is necessary. Any appeals process worthy of the name should contain specific deadlines and time frames. Justice too long delayed, is justice denied!

The responsibility and duties of the Committee A person are not defined. I am also concerned about a buddy system where an executive director could appoint someone without any input from the conference or a non-staff person. I am also concerned about the lack of presidential involvement. Since conferences consist of post-secondary faculty members in a dispute with staff, faculty should be engaged in every step of the process including a final decision whether an investigation should

occur. That would be the president's role in my opinion and not the "general secretary" to determine if an academic freedom case should be undertaken. Whatever reforms can be addressed, ideological or procedural differences between staff and the conference Committee A in various states needs to be adjudicated in a manner that is clear, thorough and impartial.

In short, the tenure-denial case of John Boyle is an egregious violation of academic freedom and basic justice. It cynically demonstrated unbridled administration power wielded in an arbitrary and relentless manner. In its conclusion, the A.A.U.P. report states: "The Northeastern Illinois University administration, in denying tenure to Assistant Professor John P. Boyle, violated principles of academic freedom as enunciated in the joint 1940 Statement of Principles on Academic Freedom and Tenure and derivative Association documents." This corroborates the Illinois Conference Report.

The Association's report on the tenure travesty case of John Boyle affirms that the denial of tenure violated the Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments. It supported our own findings that the administration arbitrarily and capriciously used collegiality as a cynical tool to deny Dr. Boyle tenure: "The administration, by questioning Professor Boyle's collegiality

in denying him tenure, disregarded the admonitions in the statement On Collegiality as a Criterion for Faculty Evaluation." The A.A.U.P. also found that President Sharon Hahs's reversal of multiple units' unanimous support of tenure was in direct contravention of the Statement on Government of Colleges and Universities. Specifically, "that the reasons for rejecting an affirmative faculty recommendation be 'compelling' and 'stated in detail.'"

The process that led to an A.A.U.P. formal investigation of Professor Boyle's denial of tenure is an example of how the Department of Academic Freedom, Tenure, and Governance and a state conference can work in a collaborative and extremely effective manner. However, without systemic reform of the inchoate appeals process, I am afraid the joy of the moment, despite the suffering that a tenure-denial case means to the probationary-faculty member, may be transitory in which legitimate investigations and possible censures are suppressed and persecuted faculty are simply forgotten.

Peter N. Kirstein, Vice President of the Illinois AAUP and chair of the state Committee A on Academic Freedom and Tenure, will be discussing the Boyle case and NEIU along with NEIU professor Loretta Capeheart at the Illinois AAUP annual meeting on Sat. April 26 at North Central College in Naperville (see page 8).

AAUP Report on NEIU

In December 2013, a national AAUP investigating committee issued its report on the case of John Boyle, who was denied tenure at Northeastern Illinois University (NEIU). Below are excerpts from the report. To read the full report and NEIU's response, go to aaup.org/report/academic-freedom-and-tenure-NEIU.

The investigating committee finds, on the basis of the information made available to it, that President Hahs's stated reasons lack credibility as grounds for denying tenure to Professor Boyle. What stands unrebutted is the opinion, broadly held by NEIU faculty members, that the president denied tenure to Professor Boyle in retaliation for the linguistics professors' expressed opposition to the administration and for their central role in the votes of no confidence in her and her provost.

The Association's guiding principles of academic freedom are widely accepted as protecting a faculty member's participation in challenges to administrative policies and actions. In the absence of a rebuttal to the allegations of retaliation against the untenured Professor Boyle for the actions of his tenured colleagues, the investigating committee finds that the president's decision to deny him tenure was in violation of principles of academic freedom. The votes of no confidence by the NEIU faculty, the extent to which the tenured linguistics professors may also have suffered retaliation, and the expressed concerns of other faculty members interviewed by the investigating committee suggest to the committee an unfavorable climate for academic freedom at NEIU.

Conclusions

1. The Northeastern Illinois University administration, in denying tenure to Assistant Professor John P. Boyle, violated principles of academic freedom as enunciated in the joint 1940 Statement of Principles on Academic Freedom and Tenure and derivative Association documents.
2. The administration, in failing to state credible reasons for denying tenure, did not afford academic due process to Professor Boyle, acting in disregard of the Association's Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments and in blatant disregard of the requirement in the Statement on Government of Colleges and Universities that the reasons for rejecting an affirmative faculty recommendation be "compelling" and "stated in detail."
3. The administration, by questioning Professor Boyle's collegiality in denying him tenure, disregarded the admonitions in the statement On Collegiality as a Criterion for Faculty Evaluation.

Illinois AAUP Statement of Support for the UIC Faculty

The Illinois conference of the American Association of University Professors expresses our strong support for the faculty at the University of Illinois at Chicago, and their right to form the UIC United Faculty. We regret that the failure of the administration to negotiate in good faith with the faculty union makes a faculty strike necessary.

As the AAUP notes in its statement on collective bargaining, "As a national organization that has historically played a major role in formulating and implementing the principles that govern relationships in academic life, the Association promotes collective bargaining to reinforce the best features of higher education. The principles of academic freedom and tenure, fair procedures, faculty participation in governance, and the primary responsibility of the faculty for determining academic policy will thereby

be secured. Moreover, collective bargaining gives the faculty an effective voice in decisions that vitally affect its members' professional well-being, such as the allocation of financial resources and determination of faculty salaries and benefits. For these reasons, the Association supports efforts of local chapters to pursue collective bargaining." Furthermore, the statement specifically notes that "Where a faculty chooses collective bargaining, the trustees and administration have a corresponding obligation to bargain in good faith with the faculty-selected representative and should not resort to litigation or any other means intended to avoid this obligation."

Another core principle of a university is shared governance, where the faculty has a voice in the running of the institution. One key aspect of shared governance is that

faculty chooses its own representatives, and the administration cooperates with those representatives. That aspect of shared governance includes the right of the faculty to form a union, and the administration is obligated to work with any faculty-chosen union.

The UIC administration needs to respect academic freedom and shared governance, and negotiate in earnest with the faculty's chosen union representation.

Upcoming 2014 Events

- IL AAUP annual meeting, April 26 (see p. 8)
- AAUP annual meeting, DC, June 11-15
- AAUP Summer Institute, Hofstra, July 17-20
- COCAL XI, New York City, August 4-6

The Hedge Police at Chicago State University

By John K. Wilson

Chicago State University (CSU) administrators have sent another letter attempting to shut down or censor the CSU Faculty Voice blog. In November, AAUP VP Hank Reichman called CSU's earlier letter to the blog "a thuggish effort to bully and frighten, with no legal or moral justification."

This new letter is even worse, and clear evidence that the CSU administration felt no shame about its earlier attack on freedom of speech.

Donald Levine, a lawyer hired by CSU to go after the blog, writes in his Jan. 3, 2014 letter to the blog's lawyer, "Please direct your clients to not use CSU's, [sic] mark, name and any CSU images on the Blog..." Yes, you read that right: CSU is declaring that trademark law allows it to ban any pictures of its campus or any mention of the CSU name from any website. Needless to say, it's a little difficult to criticize the CSU administration if the term "CSU" is banned.

Now, it's possible that CSU's lawyer is an idiot and didn't actually intend to proclaim that trademark law allows CSU to ban the use of the university's name or its abbreviation or pictures of it in any online or print articles about it. But it's unclear

exactly where this vast demand for censorship ends.

Levine claims that the photograph at the front of the blog is one of a "distinctive" part of campus with "the widely recognized CSU hedges—which constitutes an element of CSU's trade dress." That's lawyer talk for claiming that no one is allowed to post photos of CSU's hedges. I'm not aware of any other college campus that has ever tried to ban pictures of hedges.

Levine, who mentions the hedges at least three times in his letter, argues that the hedges are "creating the impression that the blog has been endorsed or sanctioned by the university." Really? Those are mighty powerful hedges. A photograph where the word "Chicago" has been crossed off and replaced with "crony," and upon which the words "Where we hire our friends" have been added is proof that a blog is endorsed by CSU? Unless Levine thinks that cronyism and the hiring of friends are endorsed and sanctioned by the university, it's hard to believe how anyone with a brain could imagine that this blog is supported by CSU, particularly if you read the blog and its criticisms of CSU administrators along with the frequent posts about

the efforts of CSU to shut down the blog.

Levine makes some other bizarre allegations in his latest letter, repeatedly claiming that the blog "may give the impression that the professors speak as the voice of the

that would not be a violation of trademark law, especially since in my search of the Chicago State University trademarks, I found no evidence that CSU actually owns the trademark to "CSU" and certainly not to "CSU faculty."

Think of what CSU is doing as trimming the hedges of free speech. Just chop a bit off the top, and if the critics don't learn their lesson, well, there's a lawyer with a hedge trimmer ready to make some more severe cuts. CSU claims that they're not demanding censorship, even though they have demanded that the blog be shut down and have now asserted the right to shut down any website they want to that mentions CSU.

Apparently, CSU is trying to market itself as the Lord Voldemort of higher education, where no one dare speak its name. You-Know-Who is engaging in a campaign of harassment and intimidation. If the CSU administration really is worried about protecting its reputation in search engines, perhaps it should avoid looking like a bunch of incompetent idiots trying to suppress intellectual freedom by threatening frivolous litigation against faculty critics.



CSU faculty as a whole." I searched on the blog for the phrases "whole CSU faculty" and "CSU faculty as a whole" and "entire CSU faculty" and could not find any examples (except for this lawyer's letter). Levine offers no case where anyone on the CSU Faculty Voice blog claimed to be speaking for the entire faculty. The entire allegation seems to be a total fabrication. Even if the CSU Faculty Voice did falsely claim to be the voice of the whole faculty,

Interview with Rev. Joseph Lowery, 50 Years after *New York Times v. Sullivan*

On March 9, 1964, the unanimous US Supreme Court issued its decision in the case of *New York Times v. Sullivan*, revolutionizing freedom of the press. The Rev. Joseph Lowery is the last surviving figure in the case, and at the age of 92, this civil rights legend continues to be active. This interview with Dr. Lowery was conducted via email with the help of his daughter, Cheryl Lowery, Executive Director of the Joseph and Evelyn Lowery Institute for Justice & Human Rights at Clark Atlanta University. Read the entire interview at www.academeblog.org.

Q: There were many allegations of racism at the Sullivan trial, including the all-white jury, references by the lawyers to cannibalism in the Congo and Sammy Davis Jr., calling the black lawyers "lawyer" rather than "Mr.," how the word "Negro"

was pronounced, and the judge calling for "white man's justice" and segregating the courtroom after some black and white spectators sat together. What do you remember about the racism of the trial?

JL: I remember very vividly the constant references to Sammy Davis, Jr., by the plaintiff's attorneys because he had just married a white woman.

Q: You noted that you didn't mention your hometown of Huntsville in your testimony for fear that they would seize some of your family's property. How concerned were you that the hundreds of thousands of dollars sought in these lawsuits would affect your finances?

JL: Very concerned. My family had property in Huntsville so I mentioned Madison...Madison County. It kept my family property out of it.

Q: When law enforcement came to take your 1958 Chrysler, can you describe what the scene was like? Was it a surprise to you, or do you expect this to happen? And was the verdict in the Sullivan case a surprise to you?

JL: We were sure something was going to happen, but were not sure when or exactly what. I just remember my three daughters crying at the door at the car being taken away. They were traumatized and really confused about our only car being taken away. I was not surprised about the verdict. We expected to lose the case in Montgom-



ery court. Our hope was in the Supreme Court.

Q: Did you think that the civil rights movement in Alabama was being targeted in this lawsuit, or do you think this case was aimed purely at the media and the four of you were brought in purely for jurisdictional diversity, to keep the case in Alabama courts?

JL: I think the Alabama politicians welcomed the opportunity to keep the case in Alabama; involving us gave them standing in Alabama.

Q: What do you think of the impact of the Sullivan decision on freedom of the press and free speech?

JL: I think the Supreme Court decision was a very positive factor in advancing the cause of free speech—a victory for free speech.

Book Review: Sonia Sotomayor's *My Beloved World*

Sonia Sotomayor, *My Beloved World* (Knopf, 2013)

Reviewed By Ken Andersen

Most Americans probably formed their first impression of Sonia Sotomayor based on one of the many talk shows where she appeared while promoting her book. For a time the book was on the New York Times best seller lists but no surprise it did not have the staying power of Bill O'Reilly's *Killing Lincoln*, reviewed a few years ago in this newspaper. Her appearances confirmed her good sense of humor that shown through the pages of her book, her warm demeanor and personal touch.

This is a most enjoyable book, fun to read with occasional bursts of laughter by this reader, and bringing to mind more than a few parallels in experiences for two of us with dissimilar backgrounds. I suspect many readers will sense a connection given the range and warmth of this memoir.

Supreme Court Justice Sonia Sotomayor's appointment to the Supreme Court was a ground breaking one in many respects. The first Hispanic and third woman appointed to the Court, she came from a Bronx housing project, earned highest honors at Princeton and Yale Law School, and emerges as a very human and humane warm, wise woman thankful and unapologetic for the affirmative action that to a degree made possible her success. Clearly hers is a great intellect building on a high degree of self-reliance and contributions by others in her journey. She turned negatives into positives in responding to various obstacles.

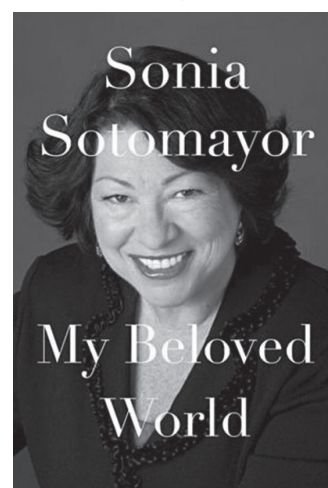
Diagnosed with diabetes before age eight, Sotomayor saw that neither her alcoholic father nor her mother was capable of giving her needed insulin shots. Her response was to master the details of the procedure and give herself the shots, a hallmark of the self-reliance that characterizes her life.

Sotomayor deals frankly with many of the issues in her life: a failed marriage to a long-time boyfriend and cur-

rent friend; managing the multiple tensions with her mother who sacrificed to provide a quality education at a Catholic school; an extended network of family, friends and their children in Puerto Rico and New York City; her tendency to be a great listener to others but be very secretive about her own problems; and her final reconciliation with and understanding of her mother. Her candor at times is breathtaking.

As an Iowa farm boy growing up in a fairly isolated social environment, except for school, how could I identify so greatly with someone with a Puerto Rican heritage growing up in a teaming city albeit largely in a New York City slum or backwater? Her experiences were so different and yet we shared many of the same concerns growing into adulthood and on our entry into school, then college and she law school and I to graduate school. Other students were seen as naturally belonging there while we faced the need to learn how function and belong in and to the institution. We share a recognition of how different this was and the future would be contrasted to the milieu from which we came and remains part of us.

Fourteen pages of largely candid pictures from early childhood to taking the oath for Supreme Court service are helpful in understanding the arc of her life and reinforce her narrative. Despite great success as high school valedictorian and highest honors at Princeton and Yale Law School and now a Supreme Court Justice, she seems as grounded and down to earth as an individual could be. Those honors and her progression from a District Attorney's office, private practice, and appointment to the Federal District Court before age 40 are treated as just part of the narrative



of how it was as she answered her call to the law. She repeatedly stresses how grateful she is for the help she received through the support and friendship of many and in turn offers that to others.

Some sense of her approach to the law and how she will function as a Court member is offered in her stress that she will continue to evolve, with the final outcome of that evolution she and we are yet to know.

)But her understanding of what it means to be poor and in need must condition her responses on as well as off the bench. Her history of forming associations to advance the interests of particular groups otherwise marginalized is one aspect of her evolution.

My assessment based on the book, is that we have a warm, humane individual whose experiences give her a rich understanding of many elements of lives and lifestyles unlike that of many justices. She brings an intellectual power to the Court that coupled with her other characteristics should serve the Court and the nation well. I look forward to the opinions that she will write whether for the majority or, particularly, the minority, even a minority of one.

This book will resonate for many academics in the sense of shared experiences. It is an important book in offering one case study of achieving through a combination of intellect, disciplined hard work and determination what we may term "The American Dream." It will be interesting to reread this book in the future as her impact on the Court becomes documented and would it would offer a fascinating comparison if she picks up the narration at some later future date: can we hope for "My Beloved Court"?

SPRING CONFERENCE OF IL AAUP at North Central College, Naperville, IL

Theme: The Role of Women in Higher Education, 2014

April 26, 2014



Faculty Strike at UIC

continued from page 1



contracts. Ideally, they aim to lessen the disparity between the two tracks.

Under the union's proposals, both units would receive a 4.5 percent raise. Even this won't meet increases in the cost of living, since faculty last received raises in 2011. Yet administration is only offering 3.25 percent—while giving raises of more than 4 percent to faculty at the downstate Urbana-Champaign campus, who are not in the union.

Administration claims it can't offer more than 3.25 percent. But an independently audited financial report shows the university has more than \$1 billion in expendable reserves. Employers are notorious for dragging their heels on negotiating first contracts—hoping members will give up and abandon their new union.

The union is also asking that the minimum salary for full-time, non-tenure-track faculty be raised from \$30,000 to \$45,000 and that they receive multi-year contracts.

Tackling a Two-Tier System

Nationally, around 70 percent of college and university classes are taught by non-tenure-track faculty; the preferred terms vary from campus to campus, including "adjuncts" or "contingent faculty." Over the last several decades, universities and colleges have eliminated tenure-track positions and replaced them with two or more part-timers.

Often these positions come with little to no benefits, and salaries equivalent to minimum wage. It's common for non-tenure-track instructors to work multiple jobs to make ends meet.

At UIC most non-tenure faculty members are full-time and receive health benefits—but they still make thousands less than their tenured counterparts. Many with Ph.D.s make only \$30,000 a year. And they tend to be hired on a semester-to-semester basis, with no job security.

Ironically, these are the faculty with the greatest impact on the retention and success of UIC's nearly 17,000 under-

graduates. Non-tenure-track faculty are responsible for teaching the majority of first- and second-year college students, so their working conditions are directly related to the learning and retention of beginning students.

Yet the university refuses to invest in its faculty—even as tuition and the numbers of non-teaching administrators steadily increase.

"Clearly there are administrators who believe the education of students isn't worth very much," said Charitianne Williams, a lecturer in English. "The conditions that I teach under limit my ability to respond in the ways I want to respond."

"My students always ask for more office hours, but I'm not able to add on extra hours because I'm taking on extra classes and small administrative tasks just to cobble together enough money."

United Front

Many faculty realize that tenure positions are endangered by their gradual replacement with cheaper non-tenure positions. UICUF says the only way to strengthen the university is to organize the two tracks together.

"We're all concerned about maintaining the integrity of the UIC experience," Williams said. "Our concerns are really all the same, regardless what the details of our contracts are. Everything that everyone is asking for will benefit students in the long run."

Says Persky, "The way to re-focus on academics is to make sure the non-tenured faculty are considered part of their departments and part of their university rather than academic temps."

Dawn Tefft is AFT's lead organizer on the UIC United Faculty contract campaign. This article originally appeared on the website of Labor Notes, www.labornotes.org. The Labor Notes Conference in Chicago, April 4-6, 2014, will feature a campus workers meeting and an adjuncts meeting, as well as a panel on winning first contracts.

8:00 - 9:00	Coffee and rolls
8:30 - 9:30	Board meeting
9:45 - 10:45	Session 1 - The John Boyle Tenure Travesty, presented by Professor Peter Kirstein, St. Xavier University, Chicago, IL, and Professor Loretta Capehart, Northeastern Illinois University, Chicago, IL.
11:00 - 12:00	Session 2 - Legislative Overview, presented by Leo Welch, Southwestern Illinois College, Belleville, IL, and Linda Brookhart, State Universities Annuitants Association, Springfield, IL.
12:00 - 1:15	Lunch
1:15 - 2:45	Session 3 - The Economic Status of Women in Higher Education, presented by Dr. Julie Schmid, Executive Director, AAUP, Sara Kilpatrick, Executive Director of the Ohio Conference of the AAUP and Diana Vallera, Adjunct Faculty President, Columbia College, Chicago, IL.
2:45 - 3:00	Break
3:00	General Membership meeting and elections

The Spring Conference of the Illinois Conference of The American Association of University Professors will be held Saturday April 26 on the campus of North Central College in Naperville, Illinois. The Conference will take place in Smith Hall. The Conference Theme is "The Role of Women in Higher Education, 2014."

The Conference Board will gather at 8:00 a.m. at the 'AA Smith House' (not Smith Hall) for coffee and rolls. The Board meeting will take place from 8:30 a.m. until 9:30 a.m.

The Conference will break for lunch at noon and reconvene at 1:15 p.m. in Smith Hall. There are a number of restaurants within walking distance of the College in downtown Naperville.

At 3:00 p.m. the Conference will hold the General Membership meeting and elections.

For on site information, please contact Professor Steve Macek, Chapter Chair, North Central College, Naperville, IL, at 1-630-637-5369.

Please note all attendees must pre-register with Lee Maltby by April 24th
lmaltby@staugustine.edu



The Conference will be held in Smith Hall in the Old Main building

Conference Information

The Conference program is open to all faculty in higher education from 9:45 a.m. - 2:45 p.m. There is no charge to attend the Conference presentations; however, all attendees must register with Lee Maltby. The General Membership meeting and election is open to all current members of the AAUP.

Public transportation - Take the BNSF Metra line to the Naperville station, then walk south on Ellsworth street 4 blocks to Franklin Avenue and turn left (east) to enter the campus. Smith Hall is in the 'Old Main' building directly ahead of you as you head east. Please consult the NorthCentralCollege.edu web site, or contact Professor Steve Macek, Chapter Chair, North Central College, Naperville at (630) 637-5369 for more information on public transportation.

Free parking available in NCC lots or on nearby streets.

Lunch is on your own in downtown Naperville. Head west 2 blocks from the corner of Ellsworth and Franklin to Washington Street, then south 2-3 blocks to downtown Naperville. There are many restaurants to choose from such as Lou Malnati's, bd's Mongolian Grill and Potbelly.

Please note all attendees must pre-register with Lee Maltby by April 24th
lmaltby@staugustine.edu



Board meeting is in AA Smith House

Join the AAUP!

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.

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