

## President's Message

**Michael Harkins**  
President, Illinois AAUP



We will celebrate 100 years of Academic Freedom, Shared Governance and Tenure at our Annual AAUP Meeting this June in Washington, D.C. Conferences and Chapters across the county will sponsor events and programs commemorating this achievement. I would encourage every Illinois Chapter to devote a specific meeting to the history and contributions of AAUP at the national level. Higher education is stronger today because of those AAUP members who for 100 years established and fought for the principles of our profession. To celebrate this event, National has undertaken the revisions and updating of our Redbook. The new 11th edition is now available through the Johns Hopkins University website. The additions to this handbook include 18 new reports that are timely and relevant to the issues we currently face in higher education.

Since our last issue of *Academe*, the Illinois Conference has been actively engaged in issues facing our higher education faculty. Committee A continues to assist faculty members with issues of academic freedom, hiring and the use of social media. Our Legislative Committee continues to follow major state and federal proposals that impact our day to day teaching, faculty rights and pensions. Our officers and board members continue to meet with our Chapters and assist faculty members throughout the state. As more challenges confront us, it is important to establish new Chapters to help faculty protect our academic freedoms. Effective Chapters and Conferences linked with our National office can respond to requests and provide needed support and expertise. During this 100 year celebration, please encourage your colleagues at other institutions who do not have Chapters to start one. The state Conference can provide support to both new and existing Chapters through grants and regular on-site visits. For grant specifics, please check our website (ilaaup.org) or contact one of our officers or board members.

Recently, the Conference received two grants from the National office. One grant will support workshops for our existing Chapters. The second will concentrate on membership outreach and also helping faculty start new Chapters. Alan Iloff, our Conference Treasurer, worked on the grant applications and will provide specific information at our Conference this April. Details for Chapter participation will be posted to our website in early May.

Our 2015 State Conference and Annual Meeting will be held April 25 at St. Augustine College in Chicago. The program will feature Professor Rudy Fichtenbaum, our National President. His presentation will focus on the Corporatization of Higher Education. Leo Welch and Linda Brookhart, Conference Board members, will present an in-depth review of legislative issues affecting higher education. Part of their presentation will cover the use of social media. Our afternoon session will feature a panel discussion moderated by Professor Jerry Kendall, John Marshall Law School. The panel will discuss the process and outcomes of AAUP investigations and censure. Our Annual Meeting and election of officers and board members will be held after the panel presentations. For details and to register for the Conference, please check our website.

Our National meeting and 100 year celebration will take place in Washington, D.C. June 10 through June 14, 2015. The Association of State Conferences will meet on June 12. Please join us in our Capitol this summer as we celebrate the past and plan for the future.

In closing, I would like to thank our officers and board members who, on a daily basis, serve the higher education faculty of Illinois. These professionals have made a significant difference in the lives of our colleagues. Finally, I want to recognize our outgoing Secretary Lee Maltby. Lee has served the Conference as an officer for a number of years. His commitment, dedication and loyalty to the principles of AAUP cannot be duplicated. To a friend, colleague and tremendous supporter of Academic Freedom, Shared Governance and Tenure – all the best!

Illinois conference of the American Association of University Professors Spring 2015 ilaaup.org

## SPRING CONFERENCE OF IL AAUP at St. Augustine College, Chicago, IL

Join us in celebrating 100 years of Academic Freedom, Shared Governance and Tenure

Saturday April 25, 2015



St. Augustine is located at 1345 Argyle Street, Chicago, Illinois

The Spring Conference of the Illinois Conference of The American Association of University Professors will be held Saturday April 25, 2015 on the campus of St. Augustine College, 1345 Argyle Street, in Chicago, Illinois. The Conference will take place in the Charlie Chaplin auditorium. Join us in celebrating 100 years of Academic Freedom, Shared Governance and Tenure.

There is no charge to attend the Conference presentations; however, all attendees must register with Lee Maltby by April 23rd, lmalby@staugustine.edu or 773-878-3728. The event is open to all; the General Membership meeting and election is open to all current members of the AAUP.

9:45 A.M. - 10:45 A.M. Session 1 - Legislative Update: Latest Actions Impacting Higher Education Faculty in Illinois, with Linda L. Brookhart, Executive Director, State Universities Annuitants Association; and Leo Welch, Professor Emeritus of Biology, Southwestern Illinois College.

11:00 A.M.- 12:00 P.M. Session 2 - "Corporatization of Higher Education and the Attack on Academic Freedom," Professor Rudy H. Fichtenbaum, National AAUP President

12:00 P.M.- 1:00 P.M. Lunch on your own

1:15 P.M. - 2:00 P.M. Session 3 - Panel Discussion - "Investigations and Censure: A Current Perspective."

Panel moderator Professor Jerry Kendall, John Marshall Law School. Panel members including Professors: Loretta Capeheart, Northeastern Illinois University; Rudy Fichtenbaum, National AAUP President; Michael J. Harkins, Illinois Conference President; Todd Price, National Louis University; Diana Vallera, President, Part Time Faculty Union, Columbia College, Chicago; John Wilson, Illinois *Academe* Editor.

2:00 P.M. - 2:15 P.M. Break

2:15 P.M. - 2:30 P.M. General Membership meeting and elections

Transportation - Take the Chicago CTA Red line to the Argyle station, then walk west on Argyle street 2 blocks to the campus at 1345 Argyle Street. Note that you will need to walk a little south on Broadway to continue walking west on Argyle as shown on the map. Buses run on Clark, Broadway, Lawrence, and Foster; and a Metra Station is less than 1 mile away from St. Augustine. Free parking is available in the St. Augustine parking lot, and on nearby streets. Lunch is on your own. There are a number of restaurants along Broadway Avenue and Argyle.

See the Nominating Committee Report on Page 2.



AAUP President Rudy Fichtenbaum will speak at the Illinois AAUP annual meeting on April 25, 2015.

American Association of  
University Professors of Illinois  
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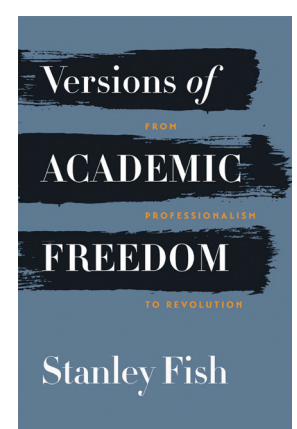
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## Report from the Illinois AAUP Nominating Committee

Nominated to be elected to Council: Linda Brookhart, SUAA; Lisa Higgins, College of DuPage; and Jane Jegerski, Elmhurst College. Nominated to be elected treasurer for a two-year term, Alan Iliff, North Park University. Nominated to be elected secretary for a two-year term, Diana Vallera, Columbia College. 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, 2015.

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, 2015, 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, 2015 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 12, 2015, and two (2) delegates to the Annual Conference scheduled June 13, 2015. 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. The Illinois Conference 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, 2015 will be eligible for reimbursement of registration fee, travel expenses, and lodging not to exceed \$600. 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, 2015. 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 lmalby@staugustine.edu.

The election, if necessary, will take place by mail in May 2015. 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 Legislative Report By Leo Welch

1. HB1397 SCH CD-RESTORE GA SCHOLARSHIP (JONES T) (D) Amends the School Code. Allows each member of the General Assembly to nominate persons from his or her district, which persons shall receive a certificate of scholarship in a State university designated by the member. Sets forth provisions concerning such nominations, including the number of persons a member may nominate and the length of the scholarships. Provides for the waiver of confidentiality as a condition of nomination. Provides for the use of a scholarship, including that the scholarship exempts the holder from the payment of tuition and fees.

Current Status: 2/19/2015—Added Chief Co-Sponsor Rep. Rita Mayfield

2. HB2526 PROP TX-TAX BILLS-PENSION (TRYON M) (R) Amends the Property Tax Code. Provides that each property tax bill shall contain a separate statement for each of the taxing districts setting forth the dollar amount of tax due that will be used by the taxing district to pick up or otherwise pays its employees' contributions to a public pension fund. Provides that each taxing district that picks up or otherwise pays its employees' contributions to a public pension fund must certify this information to the county clerk on or before the last Tuesday in December. Effective immediately.

Current Status: 2/18/2015-Referred to House Rules

3. HC13 CON AMEND-GA NO OTHER OFFICE (DRURY S) (D) Proposes to amend the Legislative Article of the Illinois Constitution. Provides that a person who is a member of the General Assembly may not, during his or her term of office, hold any other elected public office. Effective upon being declared adopted.

Current Status: 1/27/2015-Referred to House Rules

4. HC25 JUDGES-SELECTION-RETENTION (KAY D) (R) Proposes to amend the Judiciary Article of the Illinois Constitution. Provides that, whenever a vacancy occurs in the office of Supreme, Appellate, or Circuit Judge by death, resignation, retirement, removal, or upon the conclusion of the judge's term without retention in office, the Governor shall fill that vacancy by appointing one of 3 qualified persons who are nominated by a nonpartisan judicial commission. Creates separate nonpartisan judicial commissions for the Supreme Court, for each Judicial District, and for each Judicial Circuit. Sets forth the membership of the commissions. Effective upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Current Status: 2/17/2015-Referred to House Rules

5. HJ20 DUPAGE COLLEGE—BREUDER (IVES J)(R) Urges the Board of Trustees at the College of DuPage to reconsider the severance agreement reached with Dr. Robert Breuder and to rename the College of DuPage Homeland Security Education Center in honor of Staff Sergeant Robert J. Miller.

Current Status: 2/18/2015-Referred to House Rules

6. HB2529 HIGHER ED-ONLINE DEGREE-STUDY (TRYON M) (R) 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.

Current Status: 2/18/2015-Referred to House Rules

7. SB688 HIGHER ED-SUPPLIER DIVERSITY (LIGHTFORD K) (D) Amends the Board of Higher Education Act. Provides that the Board of Higher Education shall require all public and private institutions of higher education located in this State to submit an annual report on or before April 15, 2016 and on or before each April 15 thereafter, in a searchable Adobe PDF format, on all procurement goals and actual spending for female-owned, minority-owned, veteran-owned, and small business enterprises in the previous calendar year. Provides that each institution shall include certain information in its annual report. Provides that the Board and all institutions shall hold an annual workshop open to the public in July of 2016 and each July thereafter on the state of supplier diversity to collaboratively seek solutions to structural impediments to achieving stated goals. Sets forth other Board requirements. Effective immediately.

Current Status: 2/19/2015-Added as Co-Sponsor Sen. Michael Noland

8. HB134 PEN CD-TIER III-STATE SYSTEMS (THAPEDI A) (D) Amends the Illinois Pension Code. Creates a Tier III benefit package applicable to persons who first begin participating in one of the State-funded retirement systems on or after July 1, 2015. Provides for retirement benefits and certain employee contribution changes that supersede the corresponding provisions of the applicable retirement system. Provides that those retirement benefits may be annually increased or decreased in response to the retirement sys-

tem's investment earnings. Changes the amount of the required State contributions and, in the State Universities and Downstate Teacher Articles, requires the actual employers to make contributions to amortize any unfunded liabilities arising out of their employees who are Tier III participants. Provides that, when the State's total debt service obligation for certain pension bonds has ended, any funds remaining available for the payment of that debt service shall be distributed to the 5 State-funded retirement systems, to be used to reduce their unfunded actuarial liabilities. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

Current Status: 1/14/2015-Referred to Rules Committee

9. HB254 PEN CD-ST SYS-FUNDING RATIO (SOSNOWSKI J) (R) Provides that if and only if the Supreme Court of Illinois, in the consolidated case of *In re Pension Reform Litigation*, No. 118585, finds that either Public Act 98-599 is unconstitutional in its entirety or that the changes made by Public Act 98-599 to certain Sections of the Illinois Pension Code are unconstitutional, the Illinois Pension Code is amended to make changes to the prescribed funding formulas for the 5 corresponding changes. Effective immediately.

Current Status: 1/23/2015-Referred to House Rules

10. HB429 PEN CD-EMPLOYER CONTRIBUTIONS (MORRISON T) (R) Amends the State Universities and Downstate Teacher Articles of the Illinois Pension Code. Provides that, for academic years beginning on or after July 1, 2015, if the amount of the participants earnings for any academic year used to determine the final rate of earnings, determined full-time equivalent basis, exceed the amount of his or her earnings with the same employer for the previous academic year, determined on a full-time equivalent basis, by more than the unadjusted percentage increase in the consumer price index-u for that year (rather than 6%), then the participant's employer shall pay to the applicable System, in addition to all other payments required and in accordance with guidelines established by that System, the present value of the increase in benefits resulting from the portion of the increase in earnings that is in excess of the unadjusted percentage increase in the consumer price index-u for that year (rather than the present value of the increase in benefits resulting from the portion of the increase in earnings that is in excess of 6%). Defines "consumer price index-u". Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

Current Status: 1/30/2015-Referred to

House Rules

11. HC9 CONAMEND-REPEAL PENSION RIGHTS (SOSNOWSKI J) (D) Proposes to amend the General Provisions Article of the Illinois Constitution. Repeals a provision that specifies that membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired. Effective upon being declared adopted.

Current Status: 2/18/2015-Added to Co-Sponsor Rep. Thomas Morrison

12. SB104 PEN CD-SALARY-NO SICK/VACATION (MURPHY M) (R) Amends the Illinois Municipal Retirement Fund (IMRF), Cook County, State Employees, State Universities, Downstate Teachers, and Chicago Teachers Articles of the Illinois Pension Code. For participants who first become participants on or after the effective date of the amendatory Act, prohibits (i) payments for unused sick or vacation time from being used to calculate pensionable earnings and salary and (ii) unused sick or vacation time from being used to establish service credit. Effective immediately.

Current Status: 2/19/2015-To Subcommittee on Special Issues (EX)

13. SB1291 SEVERANCE PAYMENTS (BUSH M) (D) Amends the State Universities and State Employees Articles of the Illinois Pension Code to specify that severance payments are not included in "earnings" or "compensation" for pension purposes. Amends various Acts relating to the governance of public universities in Illinois and the Public Community College Act. Provides that, with respect to an executive administrator of a university or community college whose final rate of earnings exceeds \$200,000, the governing board of the university or community college district may not award a severance payment to that employee that exceeds 30% of his or her final rate of earnings unless the severance payment is reviewed by the Board of Higher Education or the Illinois Community College Board and the respective Board approves the payment by a record vote of a majority of its members. Effective immediately.

Current Status: 2/18/2015-Referred to Senate Assignments

14. HB315 PEN CD-SURS-ROTH ACCOUNT (SOSNOWSKI J) (R) Amends the State Universities Article of the Illinois Pension Code. In a Section relating to the self-managed plan, provides that pursuant

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# Major Attack on Public Employee Unions in Illinois

By Martin Kich

The recently inaugurated Republican governor of Illinois, Bruce Rauner, has signed an executive order banning public-employee unions from collecting fair-share contributions from those employees who choose not to belong to the unions that represent them.

Rauner, previously the CEO of a private-equity firm, would like to see Illinois become a “right to work” state and has advocated that local communities pass right-to-work ordinances that apply all public and private unions since the Democratic control of both houses of the legislature makes the passage of such legislation seemingly impossible on a statewide level.

Rauner has presented three main arguments for imposition of “right to work,” all of which have become as commonplace as they are misleading.

The first of Rauner’s arguments is that workers should not have to be represented by unions to which they do not belong. What Rauner has conveniently left unsaid is that those workers still benefit from contracts negotiated by the unions, those unions still must represent the workers even though they are not paying dues, and those workers can even sue the unions, to which they have chosen not to belong, for inadequate representation.

The second of Rauner’s arguments is that workers should not have to pay dues to unions that are then making contributions in support of political parties, political candidates, or political causes that the individual worker may not support. What Rauner has conveniently left unsaid is that,

in most pro-labor states, those workers who pay fair-share pay reduced dues, covering the approximate costs incurred in collective bargaining or in directly representing members, or those workers may have the option to declare themselves to be “objectors, in which case they pay dues that are annually adjusted to reflect formal audits that identify the percentage of the union’s expenditures that is “chargeable,” or directly related to collective bargaining or in directly representing members. So, it is very unlikely that much, if any, dues paid by those who pay fair share or who declare as objectors is actually going to any political contributions.

Moreover, it is very telling, not to mention hypocritical, that Rauner does not seem to have any problem with corporate donations in support of political parties, political candidates, or political causes—even though those donations are made without allowing any stockholders a mechanism for opting out. The retort from Rauner would almost certainly be that stockholders can always sell their stock in one company and buy stock in another company.

And my response to that would be that an employee who does not wish to work in a “union shop,” a place where workers have democratically voted to unionize, can always quit that job and find another place to work. Certainly in the private sector, it would be much easier for a conservative worker to find a non-unionized workplace than for a stockholder to find a corporation whose political contributions have gone almost entirely to progressive candidates and

causes. Indeed, even in the public sector, two out of three workers are not represented by unions.

It is extremely ironic, but actually quite consistent ideologically, that the corporate proponents of “right to work” who express such concern about individual workers being forced to pay dues to a union that is legally required to represent them are also the corporate proponents of scaling back the mechanisms for workers to seek redress if they are summarily fired without any due cause.

The third of Rauner’s arguments is that unionized public employees represent an inherent conflict of interest because they are negotiating contracts with office holders to whose campaigns they have contributed. What an odd, not to mention hypocritical, argument for a Republican to be making in this Citizens United era, when corporations are allowed to make unlimited contributions to office holders who are bent on privatizing public services and public education and who are with one hand taking contributions and with the other hand taking bids from the corporations who are increasingly vying to run our prisons, our schools, and our economic development offices.

Rauner is correct that most unions have supported Democratic candidates and progressive causes. But that is not because the unions are inherently corrupt. It is, instead, because the Republicans have been very openly and aggressively anti-union. Any union leader who would advocate supporting a Republican in this current environment would either be a complete idiot or

an absolute idiot.

Nonetheless, the sad truth is that Democratic politicians have often been not much more supportive of unions than Republicans have been. Witness Rahm Emanuel’s attacks on the teacher’s union in Chicago and Arne Duncan’s constant denigration of unionized public school teachers.

Worse, even in strongly Democratic states such as Illinois, Democrats have developed a knack for running candidates who are simply not very electable. Pat Quinn, who lost to Rauner, never escaped the shadow of Rob Blagojevich’s corruption.

As his state responded to the Great Recession and budget deficits that were often linked pointedly to deficits in the public pension systems, which were largely the result of state’s mismanagement of the pension funds, Quinn became one of the most unpopular governors in America. After he was appointed to replace Blagojevich, he won re-election in 2010 with about 46.5% of the vote, then received about 46.5% of the vote in losing to Rauner in 2014. He carried the Democratic stronghold of Cook County, but nowhere else: that is, he never expanded his base of political support beyond any Democrat’s almost automatic base of support. He would have been the worst Democratic gubernatorial candidate anywhere in America in 2014 if not for Ed Fitzgerald in Ohio.

Still, despite Quinn’s almost singular lack of popularity, Rauner won with only 50.27% of the vote—hardly what anyone would describe as a mandate for his radical Far-Right and anti-worker agenda.

## Rauner Plans Massive Budget Cuts for Higher Education in Illinois

By John K. Wilson

On Feb. 19, 2015, Illinois Gov. Bruce Rauner announced a proposal to cut state funding for higher education by \$387.3 million, a reduction of 31.5%. Illinois State University President Larry Dietz noted, “Cuts of this magnitude would have a devastating impact.”

The UIC Faculty (an AFT/AAUP affiliate) declared, “The budget plan the Governor announced yesterday is not only a catastrophe for the University but an attack on the very idea of public higher education in Illinois. He wrongly thinks that cutting back on our citizens’ access

to a serious research university will grow our economy and (like his colleague in Wisconsin) he also thinks somehow that attacking public workers is the way to prosperity. Members of our union will naturally differ on how to solve the state’s budget problems. But it’s hard for any of us to see how the Governor’s cutbacks are taking us in the right direction. After all, as the nonpartisan Center for Tax and Budget Accountability has shown in its recent analysis of Illinois public finances, the state has been cutting spending for more than 15 years, to the point where the current fiscal year budget spends between 23% and 28% less than

was spent in FY 2000. That includes a 41% cut (inflation adjusted) in money for higher education. Illinois has the country’s 5th largest population, 5th highest GDP, and 12th highest per capita income, yet ranks 28th in general fund spending per capita, 36th in general fund spending as a share of state GDP. Illinois ranks 49th in number of state workers per 1,000 residents. But even for those who are unimpressed by the statistics, it is impossible not to see that abandoning higher education at the very moment when education matters more than ever is a recipe for disaster.”

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to federal law, all employees with applicable retirement plans will be provided plans to: (i) establish, (ii) contribute to, and (iii) transfer any guaranteed or vested portion of their traditional accounts, on any day, into qualified in-plan Roth accounts, without distribution. Effective immediately.

Current Status: 2/18/2015-Added Co-Sponsor Rep. Thomas Morrison

15. HB1456 PEN CD-SURS-ADMINISTRATIVE (NEKRITZ E) (D) Amends the State Universities Article of the Illinois Pension Code. Adds a cross-reference to a provision relating to earnings for service before becoming a participant. Defines “plan year”. In a provision concerning repayment of certain funds, requires interest from the date the refund was issued rather than the date it was received. Clarifies a provision relating to the purchase of service credit by inactive participants. Current Status: 2/6/2015-Referred to House Rules

16. HB2550 PEN CD-SURVIVOR CONTRIBUTION REFUND (HARRIS G) (D) Amends the Illinois Municipal Retirement Fund (IMRF), State Universities, and Downstate Teacher Articles of the Illinois Pension Code. Provides that certain annuitants who received a refund of contributions for survivor benefits may elect to repay the refund, with interest, and have their survivor benefit rights reinstated. Specifies the required time and manner of repayment. In the IMRF and State Univer-

sities Articles, requires that the annuitant (1) retired prior to June 1, 2011, and (2) is a party to a civil union, marriage, or other legal relationship that is recognized as a civil union or marriage under the Illinois Religious Freedom Protection and Civil Union Act or the Illinois Marriage and Dissolution of Marriage Act on or after certain specified dates. Also, in the IMRF Article, extends application of a provision added by the Public Act 87-850 to spouses of annuitants who die on or after the effective date of this amendatory Act. Effective immediately. Current Status: 2/18/2015-Referred to House Rules

17. SB777 PEN CD-SURS-ADMINISTRATIVE (BISS D) (D) Amends the State Universities Article of the Illinois Pension Code. Adds a cross-reference to a provision relating to earnings for service before becoming a participant. Defines “plan year”. In provision concerning repayment of certain refunds, requires interest from the date the refund was issued rather than the date it was received. Clarifies a provision relating to the purchase of service credit by inactive participants. Current Status: 2/19/2015-Placed on Calendar of 2nd Reading March 3, 2015

18. HB403 UNIV-TUITION WAIVERS-REPEAL (FRANKS J) (D) 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. Effective immediately. Current Status: 2/13/2015-Assigned to House State Government Administration

19. HB2524 INC TX-TUITION WAIVERS (TRYON M) (R) Amends the Illinois Income Tax Act. Creates an addition modification in an amount equal to any tuition waiver, grant, or scholarship awarded by the public university to the taxpayer, or to the taxpayer’s child, spouse, parent, or other family member, on the basis of the taxpayer’s employment with the university if (i) the waiver, grant, or scholarship is used by the recipient in that taxable year and (ii) those amounts are not otherwise included in the taxpayer’s adjusted gross income. Provides that 100% of the revenue realized from that addition modification shall be deposited into the Monetary Award Reserve Fund. Effective immediately.

Current Status: 2/18/2015-Referred to House Rules

20. HB2528 UNIV EMPLOYEE EDCU BENEFITS (TRYON M) (R) Amends various Acts relating to the governance of State universities. With respect to any contract or collective bargaining agreement entered into, amended, or renewed on or after the effective date of the amendatory Act, provides that a university is prohibited from entering into a contract

or agreement that offers its employees or contractors tuition waivers, grants, scholarships, or any other higher education benefits for the children, spouses, or other family member of an employee or contractor to borrow money for higher education expenses or apply for and be awarded a tuition waiver, grant, scholarship, or other award for higher education expenses, provided that there is no conflict of interest and no preference is given on account of the person being the child, spouse, or other family member of an employee or contractor. Provided that nothing in this prohibition shall diminish the value of contractual rights existing before the effective date of the amendatory Act that are enjoyed by employees and contractors of the university or their children, spouses, and other family members. Repeals provisions that permit the children of employees of a State university who have been employed by and one or by more than one State university for an aggregate period of at least 7 years to receive a 50% tuition waiver. Effective immediately.

Current Status: 2/18/2015-Referred to House Rules

21. HB208 DESIGNATIONS-STATE PIE-PUMPKIN (SOMMER K) (R) Amends the State Designations Act. Designates pumpkin pie as the official State pie of the State of Illinois.

Current Status: 2/4/2015-Added Chief Co-Sponsor Rep. David McSweeney

# Stanley Fish's Versions of Academic Freedom

Stanley Fish, *Versions of Academic Freedom: From Professionalism to Revolution* (University of Chicago, 2014)

Reviewed by Steve Macek, North Central College

Literary critic, law professor, one time New York Times columnist, former dean and noted public intellectual, Stanley Fish has made a name for himself as a wry commentator on college life and campus politics. In *Save the World on Your Own Time* (2012), he famously argued that the only legitimate aim of college teaching was to expose students to new “bodies of knowledge and traditions of inquiry” and argued that partisan advocacy—indeed, advocacy of any kind—should be banished from the college classroom. In his new book, *Versions of Academic Freedom: From Professionalism to Revolution* (2014), Fish argues for a “deflationary” conception of academic freedom that corresponds to his view of the proper and necessarily limited aims of faculty work.

Starting from the hardly controversial premise that “academic freedom” is an ambiguous concept, Fish over the course of 135 terse and often witty pages sketches five distinct conceptualizations or “schools” of academic freedom that he thinks dominate the way people today talk and think about the topic. The first school, and the one he explicitly supports, is the “It’s Just a Job” school. From this perspective, academic freedom is nothing more than the liberty college teachers require to engage in a specific set of professional tasks: imparting knowledge and skills to students and conducting research to expand “the body of what is known” (10). Understood in this way, academic freedom provides faculty with the freedom to do their jobs but otherwise gives them no special protection for their speech and conduct beyond that afforded to other citizens.

The second school, which Fish labels the “For the Common Good” school, views the work performed by academics not simply as a job but as a vocation, one that makes a special contribution to democracy by providing expert knowledge to guide political debate and by challenging the “tyranny of public opinion” (11). This notion of academic freedom treats shared governance as part and parcel of the self-determination required by the scholar’s democratic calling and insists that faculty should have a voice in any and all administrative decisions that affect “academic matters” (44). As Fish himself acknowledges, this version of academic freedom is the one embodied in the AAUP’s founding documents, including the 1915 Declaration of Principle and the 1940 Statement on Academic Freedom and Tenure. Nevertheless, he rejects this school because, supposedly, “shared governance ... is not necessary to the flourishing of academic work” (42) and because this approach locates the value of academic work in something external to the academic enterprise itself, namely, democracy.

The third of Fish’s schools is “Academic Exceptionalism” or the idea that faculty

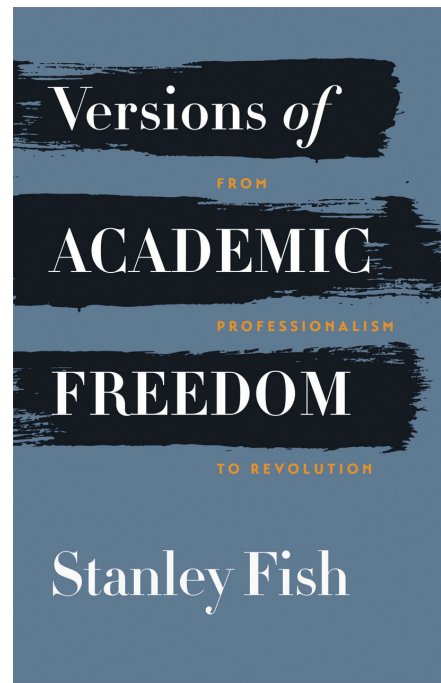
are especially gifted individuals who by virtue of their exceptional talents “need and deserve more latitude than do other citizens” (85). This concept of academic freedom is epitomized by the arguments advanced in *Urofsky v. Gilmore*, a 2000 lawsuit brought by a group of professors who study Internet pornography challenging a Virginia state law that prohibits state employees from accessing sexually explicit material on their office computers. The professors argued that even if the law is valid for most state employees, it does not apply to them by virtue of their academic freedom rights. The Fourth Circuit Court of Appeals rejected this reasoning unequivocally and upheld the Virginia law. Fish uses this example to underscore the tenuous legal status of the academic freedom most faculty see as their rightful due.

The fourth school Fish examines is “It’s for Critique” which sees academic freedom as the freedom to interrogate all norms and standards, including the professional norms governing current disciplinary boundaries and the departmental structures limiting the teaching and research of individual scholars. Naturally, he spurns this view—which he identifies with critical theorist Judith Butler—as “substituting for the imperatives of a narrow professionalism the imperatives of a political vision” (73).

Finally, Fish’s fifth school is something he calls “academic freedom as revolution,” the idea that academics must be committed to social justice in both word and deed and that “when university obligations clash with the imperatives of doing social justice, social justice always triumphs” (14). He identifies this concept of academic freedom with a radical Canadian physicist who claimed academic freedom protected him when he appropriated an existing course in the physics curriculum and transformed it into a practicum that trains students to be political activists. Needless to say, for Fish, this departure from the narrow, professional objectives of disciplinary teaching and research betrays the true purpose of the academic community. It is also, he charges, logically inconsistent and self-subverting because it invokes the privileges afforded by the academy to attack the academy.

As pithy, entertaining and insightful as it is in places, Fish’s book has a number of glaring flaws.

To begin with, Fish largely dances around the crucial issue of whether or not academic freedom protects, or ought to protect, a faculty member’s extracurricular political activities and utterances. This omission is baffling because virtually all of the celebrated academic freedom controversies of recent years—the Ward Churchill affair, DePaul’s denial of tenure to political science professor Norman Finkelstein, the recent Steven Salaita case—have involved professors coming under fire mainly for their public, political pronouncements (rather than for their teaching, criticisms of university policies or scholarly research). Nor is debate surrounding professors’ freedom of extracurricular utterance a new development. The



catalyzing impetus behind the formation of AAUP was not that trustees or administrators were meddling with faculty teaching or research but that some high-profile professors—notably, Stanford University economist Edward A. Ross and University of Pennsylvania economist Scott Nearing—had been fired for espousing political views university trustees disdained.

Because Fish in this book does not deign to address directly the many well known cases of academics fired or disciplined for their political statements (Ross, Nearing, Finkelstein, Churchill, etc.), it is difficult to determine precisely how his narrow, deflationary view of academic freedom applies to them. Fish again and again claims that any time an academic argues for a partisan political position—whether in a scholarly journal or a popular newspaper—“he has become a political agent and no academic freedom protection attaches” (62).

This seems to imply that, under his “Just a Job” version of academic freedom, it would be perfectly legitimate for a university to punish a professor for making unpopular political statements. Yet, Fish goes on to claim that it would be illegitimate to dismiss law professor John Yoo—who, as an employee of the Justice Department, advised the Bush administration that waterboarding prisoners was not torture—just because he urged morally abhorrent views “in a nonacademic context” (63). But Fish’s defense of Yoo here certainly does not follow logically from that the deflationary concept of academic freedom he proposes. And if the “Just a Job” view really does protect a professor’s right to say whatever he or she wants “in a nonacademic context” is there any real, practical difference between it and some of the other “versions” of academic freedom Fish discusses?

Even more troubling, Fish repeatedly questions the need for a strong faculty voice in the administration of colleges and universities and comes close to rejecting the very institution of shared governance, usually backing up his arguments with little more than strongly worded assertions from past or current university presidents or glosses on judicial rulings unfavorable to employees’ freedoms. It is hardly surprising that a former university president

would claim that joint governance is “cumbersome and awkward at best” (43). And it isn’t exactly news that the courts these days are stacked with judges hostile to labor rights. But the mere fact that elites think higher education would be better off if faculty simply shut their mouths and followed orders when it comes to the sorts of institutional decisions which have been traditionally been subject to shared governance doesn’t make it so.

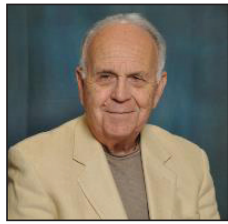
Also troubling is Fish’s curious insistence that academics in both their teaching and research should refrain entirely from making policy recommendations or engaging in any sort of political advocacy, even when such recommendations are not extraneous to what is being taught or studied (a stricture which is, of course, especially curious coming from someone often seen as a neo-pragmatist). Not only is this position barely supported—Fish cites Max Weber on the need for teachers to be value-free and impartial, although such appeals to authority prove nothing—but it is plainly wrong.

While it would certainly be an abuse of academic freedom for a professor to attempt to indoctrinate students into a specific partisan ideology or political program, it certainly would not be an abuse for a professor to point out that a particular policy or course of political action is more likely to be successful or would benefit more people than another. It might be possible to avoid engaging in advocacy or making policy recommendations in fields such as math, astronomy, Latin, computer science and chemistry but in fields such as urban planning, public policy, social work, international development, public health and environmental studies—fields whose whole point is to figure out how best to solve the problems facing society—it is next to impossible.

Perhaps the worst thing about this book, though, is the resolutely ahistorical way Fish approaches his subject. Aside from some scattered references to Arthur Lovejoy and the founding documents of the AAUP, he makes no attempt to situate his five schools in relation either to the history of higher education in the U.S. or to the series of legal, political and intellectual battles by means of which AAUP members won the academic freedom so many of us today take for granted.

I suspect that contextualizing these five approaches in that history would reveal an inconvenient truth: that the version of academic freedom Fish champions, the “Just a Job” school, is a late arrival, one that developed in the contemporary corporate university with its overcompensated administrators and bloated bureaucracies performing functions that once belonged to faculty.

As such, Stanley Fish’s *Versions of Academic Freedom* can be understood as an attempt to justify the corporate university’s novel configuration of institutional power—a configuration in which presidents and administrators are given free reign and the faculty’s right of intramural criticism is severely constrained—as the only rational or defensible one. Those of us in the AAUP know better.



## Campus News Briefs

Nicholas Stewart, a student at Western Illinois University, and editor-in-chief of its student newspaper, the *Western Courier*, was suspended from his position in January by the administration, and brought up on charges of violating the Code of Student Conduct because he recorded video of a riot on campus, and sold that video to news organizations around the country. Although the Illinois College Campus Press Act prohibits universities from controlling campus newspapers, the administra-

tion argued that it was merely punishing the editor, not controlling content. After a public outcry, Stewart was restored to his position....

Rep. Jack Franks has sponsored a bill, HB 403, to phase out the 50% tuition waivers given to children of university workers employed for seven years or more. College presidents have spoken out against the bill....

Cornel West and Anita Hill cancelled speaking engagements this semester at the University of Illinois at Urbana-Champaign in response to the ongoing debate over the dismissal of Steven Salaita....

Republicans in the U.S. House of Representatives re-

leased a 2016 funding blueprint that calls for freezing the maximum Pell Grant award at the current \$5,775 for the next 10 years....

State Rep. Charlie Meier has introduced HB150, which would ban state universities from hiring anyone convicted of terrorism. The bill is a response to the hiring by the University of Illinois at Urbana-Champaign of adjunct professor James Kilgore, an ex-felon who was involved in the Symbionese Liberation Army. However, because the bill only deals with people convicted of terrorism, it would not apply to Kilgore or any other professor in the US.

# The Myth of Political Correctness, 20 Years Later

By John K. Wilson

Two decades ago, I wrote a book titled *The Myth of Political Correctness: The Conservative Attack on Higher Education*. Two decades later, the myth continues. Today, the proponent is Jonathan Chait, who warns us in *New York Magazine* of this dire evil resurrected from the distant past: Political correctness.

According to Chait, “Political correctness is a style of politics in which the more radical members of the left attempt to regulate political discourse by defining opposing views as bigoted and illegitimate.” And Chait responds with a style of politics in which centrists attempt to regulate political discourse by defining opposing views as repressive and illegitimate.

Of course, Chait does manage to cite a few real cases of mild censorship. There’s a University of Michigan columnist who gets fired after writing an offensive column for a competing newspaper, plus four idiots who left some trash outside his building. And he correctly condemns a few cases where leftists protested commencement speakers they disliked, while he says nothing about the right-wing calls to censor commencement speakers such as Barack Obama.

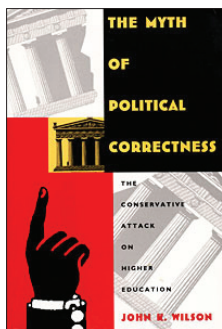
Chait argues, “the new political correctness has bludgeoned even many of its own supporters into despondent silence” He accuses them of “eliminating” freedom and claims, “In a short period of time, the p.c. movement has assumed a towering presence in the psychic space of politically active people in general and the left in particular.”

According to Chait, “large segments of American culture have convulsed into censoriousness.” But his evidence mostly consists of things like a private Facebook group where some feminists are mean to each other. That’s not a convulsion, it’s not censoriousness, and it’s certainly not a large segment of American culture.

Chait shares with the far right a laughable belief that the left is all-powerful. Chait writes, “Two decades ago, the only communities where the left could exert such hegemonic control lay within academia”—now, he says that left has “hegemonic control” of both academia and social media, where political correctness “flourishes.” Considering that Chait also argues for a sudden new resurgence of PC, I can’t figure out exactly when he thinks the left made a hostile takeover of all social media in the world.

I understand some of Chait’s perspective. I’m a white male liberal, too, and I think many leftists are wrong about many things. I think trigger warnings are stupid, too. And I think some people are oversensitive. That’s why I try very carefully never to be oversensitive or to suggest that the solution to a debate is for one side to stop talking.

What made “political correctness” a myth (then and now) were two things: 1) the gross exaggeration of intolerant leftists into a monumental threat to American culture and colleges; and 2) the complete



obliviousness to the greatest threats to free speech in America, which come from conservative and corporate forces (which I called “Patriotic Correctness” in a 2008 book).

Leftists today try to suppress free speech about as often as they did in 1995, which is not very much, and with very little success. Some people imagined that the title

of my book was an act of denial. I never said that political correctness didn’t exist. There are certainly some leftists, then and now, who call for censorship, and there are cases where conservatives are victimized, as I detailed then, and for 20 years since. And there are certainly some leftists, then and now, who make silly arguments obsessing about stupid things.

Chait argues, “After political correctness burst onto the academic scene in the late ’80s and early ’90s, it went into a long remission. Now it has returned.” This is completely made up history. What really happened is that right-wingers and annoyed liberals like Chait united to attack leftists in the early 1990s, eventually got bored of whining about the fictional PC police, and then Chait resurrected the same old arguments after getting annoyed by leftists again.

Even by the lowly standards of fake trend journalism, Chait’s evidence is weak. Chait’s proof that PC has been resurrected is that “one professor at a prestigious university” told him so: “Every other day I say to my friends, ‘How did we get back to 1991?’”

I wonder the same thing. Back in 1991, Chait’s publication, *New York Magazine*, published an infamous cover story, “Are You Politically Correct?” Back then, the feared words were “Native American” and “Animal Companion,” but the thesis was the same. That 1991 cover story, written by John Taylor, began with these ominous words:

“Racist” “Racist!” “The man is a racist!” “A racist!” Such denunciations, hissed in tones of self-righteousness and contempt, vicious and vengeful, furious, smoking with hatred—such denunciations haunted Stephen Thernstrom.

As I noted in my book, *The Myth of Political Correctness*, these hissing, smoking words were never spoken. Even Thernstrom was “appalled” at the article and declared, “nothing like that ever happened.” Some African-Americans students didn’t like the way Thernstrom taught his class at Harvard, and criticized him. Thernstrom decided not to teach his course, and his cowardice was turned into one of the most cited examples of the power of political correctness.

Now, the magazine that helped turn a fabricated anecdote into an imagined totalitarian movement is back to dig in those abandoned mines of PC.

Chait devotes a substantial part of his article to a dumb professor at the University of California at Santa Barbara, Mireille Miller-Young, who was offended by an anti-abortion protest sign with graphic images, and decided to take the sign away. Mill-

er-Young was denounced and humiliated across the internet, faced a campaign to get her fired, and was ultimately sentenced to three years of probation, plus 100 hours of community service and 10 hours of anger management classes (none of these rather important facts are mentioned by Chait). Is this the mighty power of political correctness?

If we’re going to talk about political correctness suppressing debate, surely we have to mention the fate of Steven Salaita, who was dismissed by the University of Illinois for tweets criticizing the Israeli invasion of Gaza. You might imagine that a man like Chait who is so oversensitive about oversensitivity would jump right on the bandwagon to defend someone whose

from those on the right seeking to suppress opposing views.

Perhaps the best proof of Chait’s misguided priorities is one example of the evil PC police cited by him: “A theater group at Mount Holyoke College recently announced it would no longer put on *The Vagina Monologues* in part because the material excludes women without vaginas.”

It’s hardly surprising that a 20-year-old play about gender might be regarded as outdated, nor is it an act of repression for a theater group to decide to write its own play about sexuality rather than repeating the same old one they’ve used. But what’s remarkable is that Chait somehow ignores the fact that *The Vagina Monologues* is the most frequently banned play in America—



crime was tweeting a few offensive comments critical of Israel. But Chait seems to have never uttered a word about Salaita, and certainly doesn’t include him in his parade of evils in our culture today.

After all, Salaita was merely fired from his job, banished for life from an academic career, and forced to move his family into his parents’ house. He didn’t really suffer, like Chait did, the horrors of listening to people talk about microaggressions.

Chait himself is guilty of what he calls a “central tenet” of the PC movement: “treat even faintly unpleasant ideas or behaviors as full-scale offenses.” So, using silly trigger warnings isn’t a sincere sensitivity to students, but a full-scale offense in Chait’s eyes.

At least we’ve made some progress since 1991: leftists are no longer called “humorless”; instead, Chait claims that their mockery is too sharp and painful for the soft tummies of well-intentioned liberals, as shown by his anger at terms such as “mansplaining” and at the feminists who used the mocking hashtag #RIPpatriarchy to criticize someone who argued that patriarchy is dead.

When I called political correctness a “myth,” I was never denying the fact that some leftists are intolerant jerks, and sometimes their appalling calls for censorship are successful. My point was that even though political correctness exists, the “myth” about it was the story that leftists controlled college campuses, imposing their evil whims like a “new McCarthyism” or “China during the Cultural Revolution.” In reality, then and now, the far greater threat to freedom on campus came

but the cause isn’t the PC police. It’s a right-wing organization named the Cardinal Newman Society.

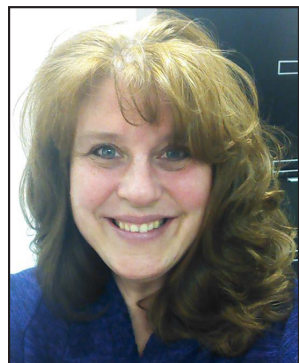
The Cardinal Newman Society notes with approval that “many Catholic institutions have not allowed the play on campus” and annually lists the Catholic colleges that allow the play, calling upon their wealthy and influential supporters to demand censorship. The Cardinal Newman Society has taken credit for reducing the number of Catholic colleges with performances of the play from 32 in 2003 to 10 in 2014. It’s quite likely that this play has been banned from college campuses hundreds of times due to the influence of this right-wing group.

But in Chait’s bizarre world, a theater group performing their own play is part of the PC thought police destroying freedom, while highly successful right-wing censors are simply ignored.

Chait isn’t attacking the idea of whiny victimhood. He’s embracing it, with the white male liberal in the mirror as the swooning victim of mean feminists and angry black folks.

We should worry about anyone who wants to silence debate, whether it’s left-wingers who want to suppress opposing views, right-wingers who try to punish controversial ideas, or centrists who fear political correctness lurking under every tweet. The paranoia about political correctness became the excuse for a variety of right-wing censorship in the past quarter-century. Let’s hope that Chait’s ramblings don’t create a new myth of political correctness that is used to promote another wave of repression.

## Robin Meade Wins Ruling for Her Adjunct Job at Moraine Valley



By John K. Wilson

The Fall 2014 issue of *Illinois Academe* included an essay by Robin Meade, an adjunct instructor and head of the adjunct faculty union at Moraine Valley Community College in Illinois, who was fired in 2013 and banned from campus because she wrote a letter critical of how the administration treated adjuncts. On January 22, 2015, Administrative Law Judge Ellen Maureen Strizak for the Illinois Educational Labor Rela-

tions Board ruled in favor of Meade as an unfair labor practice.

Under the ruling, Moraine Valley is required to “offer Robin Meade immediate and full reinstatement to the position of adjunct faculty professor without prejudice to her seniority or other rights and privileges” and provide her “backpay with interest.”

The Moraine Valley administration was also ordered to cease and desist from “interfering with, restraining or coercing employees in the exercise

of the rights guaranteed them in the Act” and from “retaliating against employees” for their union activity.

Without the existence of a union and the enforcement of legal protection against retaliation for union activities, it’s unlikely that Meade would have ever gotten her job back even with the favorable legal ruling last fall, and any compensation would have required many years of litigation that no adjunct could afford for such a minimal payout.

Moraine Valley is expected to appeal the ruling.

# Unionization at Private Colleges and Universities

By Leo Welch

Can faculty members at private colleges and universities form and belong to a union? The answer, based on the 1980 U.S. Supreme Court decision ruling in a National Relations Board v. Yeshiva University case, was no! The ruling stated that faculty were considered “management” and therefore not eligible to be members of a collective bargaining unit. That decision not only ended union organizing campaigns, but also resulted in desertification of most faculty unions at private institutions.

Since that decision in 1980 the National Labor Relations Board (NLRB) in Washington, D.C. has ruled against over 20 union organizing attempts in the private sector.

The winds have now changed since a December 20, 2014 ruling by the NLRB rejected claims of Pacific Lutheran University, in Washington, that its full-time, non-tenure track faculty are managerial employees and therefore are not eligible to form a collective bargaining unit. The Pacific Lutheran University administration cited the NLRB v. Yeshiva University decision that essentially ruled out faculty unions at private colleges and universities based on their role as manager.

The NLRB looked at five areas of shared governance or managerial role of the faculty. They were:

- Curriculum
- Enrollment management
- Finance
- Academic policy

- Faculty hiring, promotion and tenure

The NLRB gave “greater weight” to the first three and gave “lesser weight” to the last two.

The NLRB decision was based on the fact that faculty rarely or never exercise any real authority over enrollment management or institutional budgets or finances. The institution must provide evidence that faculty have real decision making authority rather some mention in a document such as a faculty handbook.

The two areas of lesser significance included in academic policy are grading, the syllabus, course content, and scholarship. Faculty also have the ability to make recommendations on faculty appointments, promotion and tenure. The final authority, however, usually rests with the president and or the board. The NLRB decision stated that “over the 30-plus years since Yeshiva was decided the university model of delivering higher education has evolved considerably. Colleges and universities are increasingly run by administrators, which has the effect of concentrating and centering authority away from faculty”. This is not news to most faculty who view their slice of the shared governance pie continuing to be diminished.

The second major claim by Pacific Lutheran was the reference to NLRB v. Catholic Bishop of Chicago (1979), in which the unionization of lay teachers in a Catholic high school was prohibited because it could infringe on religious freedom. The NLRB ruling stated that “Faculty members who are not expected to perform a specific role

in creating or maintaining the school’s religious educational environment are indistinguishable from faculty at colleges and universities which do not identify themselves as religious institutions and which are indisputably subject to the board’s jurisdiction.” Additional statements from the NLRB rejected Pacific Lutheran’s religious freedom argument. The bottom line was that there was no right to block collective bargaining based on religious grounds.

The religious argument has been to put forward by three other Catholic institutions, Manhattan College, St. Xavier College, IL and Duquesne University. Recent decisions by the NLRB have remanded these cases back to regional NLRB offices to compare the religious freedom argument to Pacific Lutheran University and the NLRB v. Catholic Bishop. All three cases involve collective bargaining rights for adjunct faculty.

Apparently, religious institutions want it both ways. St. Louis University, a Catholic university, claims it was not a religious institution when it wanted to build a new basketball arena, and succeeding in getting taxpayer money to help fund the project. I wonder what the claim would be if faculty wanted to unionize?

Another example was when I was contacted by a staff member for Notre Dame who complained about salary and working conditions and wanted to unionize. I called an organizer who stated, “The Pope supports unions in the Philippines but not in the South Bend.” End of story.

## University of Chicago Committee on Free Expression

*The Committee on Freedom of Expression at the University of Chicago was appointed in July 2014 by President Robert J. Zimmer and Provost Eric D. Isaacs “in light of recent events nationwide that have tested institutional commitments to free and open discourse.” The Committee’s charge was to draft a statement “articulating the University’s overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University’s community.”*

*The Committee has carefully reviewed the University’s history, examined events at other institutions, and consulted a broad range of individuals both inside and outside the University. This statement reflects the long-standing and distinctive values of the University of Chicago and affirms the importance of maintaining and, indeed, celebrating those values for the future.*

From its very founding, the University of Chicago has dedicated itself to the preservation and celebration of the freedom of expression as an essential element of the University’s culture. In 1902, in his address marking the University’s decennial, President William Rainey Harper declared that “the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago” and that “this principle can neither now nor at any future time be called in question.”

Thirty years later, a student organization invited William Z. Foster, the Communist Party’s candidate for President, to lecture on campus. This triggered a storm of protest from critics both on and off campus. To those who condemned the Uni-

versity for allowing the event, President Robert M. Hutchins responded that “our students . . . should have freedom to discuss any problem that presents itself.” He insisted that the “cure” for ideas we oppose “lies through open discussion rather than through inhibition.” On a later occasion, Hutchins added that “free inquiry is indispensable to the good life, that universities exist for the sake of such inquiry, [and] that without it they cease to be universities.”

In 1968, at another time of great turmoil in universities, President Edward H. Levi, in his inaugural address, celebrated “those virtues which from the beginning and until now have characterized our institution.” Central to the values of the University of Chicago, Levi explained, is a profound commitment to “freedom of inquiry.” This freedom, he proclaimed, “is our inheritance.”

More recently, President Hanna Holborn Gray observed that “education should not be intended to make people comfortable, it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom.”

The words of Harper, Hutchins, Levi, and Gray capture both the spirit and the promise of the University of Chicago. Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the

University, the University of Chicago fully respects and supports the freedom of all members of the University community “to discuss any problem that presents itself.”

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University’s commitment to a completely free and open discussion of ideas.

In a word, the University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by

openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University’s educational mission.

As a corollary to the University’s commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The University of Chicago’s long-standing commitment to this principle lies at the very core of our University’s greatness. That is our inheritance, and it is our promise to the future.

Geoffrey R. Stone, Edward H. Levi Distinguished Service Professor of Law, Chair  
Marianne Bertrand, Chris P. Dialynas Distinguished Service Professor of Economics, Booth School of Business

Angela Olinto, Homer J. Livingston Professor, Department of Astronomy and Astrophysics, Enrico Fermi Institute, and the College

Mark Siegler, Lindy Bergman Distinguished Service Professor of Medicine and Surgery

David A. Strauss, Gerald Ratner Distinguished Service Professor of Law

Kenneth W. Warren, Fairfax M. Cone Distinguished Service Professor, Department of English and the College

Amanda Woodward, William S. Gray Professor, Department of Psychology and the College

## North Central College Chapter Report

By Steve Macek

The North Central College AAUP chapter has had a busy year. Last spring it hosted the IL State Conference meeting which was very well attended. At the around the same time, NCC’s faculty governance finally ratified policy revisions to bring our grievance procedure into compliance with AAUP recommended institutional regulations, wrapping up a process initiated by our chapter’s petition calling for action on the issue.

This fall, the chapter’s energies were focused on North Central’s search for a new Dean of Faculty/Vice President of Academic Affairs. Several AAUP members were on the search committee for the new Dean/VPAA which was chaired by a former member of the NCC AAUP Executive Committee. The chapter convened a special meeting to brainstorm questions to pose to the candidates when they met with the faculty and our entire membership was extremely engaged in the search from beginning to end.

Looking forward, the NCC chapter plans to convene a discussion about faculty workload sometime in the next few months. We also intend to organize some sort of public event about the importance of academic freedom to commemorate the centennial of the AAUP’s 1915 Declaration of Principles on Academic Freedom and Tenure.

### AAUP Annual Meeting June 11-13, 2015

The national AAUP will hold its annual conference and meeting in Washington DC, June 11-13, 2015. Register at [aaup.org](http://aaup.org).

# A Fired Administrator Reveals Chicago State's Conspiracy to Silence Phillip Beverly and the CSU Faculty Voice Blog

*LaShondra Peebles, who was Interim Vice President of Enrollment and Student Affairs at Chicago State University, was fired on June 2, 2014. On February 18, 2015, she filed a civil lawsuit accusing President Wayne Watson of firing her in retaliation against her protected speech, claiming that she was fired in part because she refused to file false claims of sexual harassment against Phillip Beverly in an effort by the administration to shut down the CSU Faculty Voice blog. Below is part of a March 19, 2015 declaration in the case by Peebles.*

As a CSU employee, I was familiar with Professor Beverly because he and other CSU faculty members publish a blog titled CSU Faculty Voice. The blog discusses management by the CSU administration, and provides links to public documents regarding CSU. It contains information and opinions critical of CSU management and President Watson.

Watson referred to the "fight" that he was in against the CSU Faculty Voice, Beverly, and the blog's contributors. Watson routinely had his assistants, Joy Hearn and Binta Chauncey, print copies of blog articles that angered him and distribute the copies to CSU officials. I heard many conversations among management critical of the blog.

Watson described Professor Beverly in my presence as a trouble-starter.

When I began my position as Interim Vice President of Enrollment and Student Affairs, Watson advised me that he wanted to be immediately informed if Professor Beverly spoke with me and that I was to report the substance of any conversations with Beverly to Watson.

From at least September 2013 through April 1, 2014, I was present during several conversations about Professor Beverly and the CSU Faculty Voice among CSU officials who discussed what actions they could take to remove Beverly from campus and shut down the blog. During that time, I was present during numerous meetings in which Watson, Patrick Cage, General Counsel and Vice President for Labor and Legal Affairs; Angela Henderson, Interim Provost and Senior Vice President for Academic Affairs; Hon. Bernetta Bush (Ret.), Ethics and Diversity Officer and Special Counsel to the President; Farah Muscadin, Director of Intergovernmental Affairs; Renee Mitchell, Director of Human Resources, and other CSU officials discussed ways to remove Beverly from the CSU faculty and shut down the blog.

In November 2013, I attended a meeting in Henderson's office along with Watson, Cage, Bush, and Mitchell to discuss sending Professor Beverly a letter to cease and desist from publishing the Faculty Voice blog. Henderson typed the letter and all attendees at the meeting were asked to assist in drafting the letter. The letter was conceived to shut down the CSU Faculty Voice blog and silence Beverly and other blog contributors who criticized Watson's administration. I believe the letter was sent within one or two days of the meeting.

Attendees at the meeting offered various suggestions for what grounds could be asserted for shutting down the blog. Cage suggested that the letter assert that the name of the blog violated a registered CSU

trademark. Watson said that even if the intellectual property claim did not "stick" he wanted the letter sent to Professor Beverly. Watson suggested that the letter reference CSU's civility standard, as set forth in the Computer Usage Policy.

In November or December 2013, Henderson spoke with me and asked me to research examples of cyber-bullying policies at other universities. A meeting of CSU officials was convened to discuss adopting a cyber-bullying policy. I brought the sample policies that I researched from other schools to the meeting.

At the meeting, Watson, Cage, Henderson, Bush, and Muscadin discussed whether a cyber-bullying policy could be used at CSU to discipline Professor Beverly and shut down the Faculty Voice blog. The cyber-bullying policy was promoted by the CSU officials who attended as a response to the Faculty Voice blog and a means to close down the blog.

A draft CSU cyber-bullying policy was presented to the CSU Board of Trustees.

At the March 2014 CSU Board of Trustees meeting, the Board heard a "first reading" of the final proposed cyber-bullying policy, which was presented to the Board by Watson and Cage.

In September 2013, Professor Beverly visited my office and asked to schedule an appointment with me to discuss CSU enrollment issues. I told him that no appointment would be necessary and offered to speak with him immediately in my office. We sat at my conference table and discussed CSU enrollment strategy and my professional qualifications to address CSU's enrollment issues. Our conversation lasted ten to fifteen minutes. At the conclusion of our conversation, Beverly referenced his military experience and said that he had found it essential in life – as in the military – to have a "wing man" or someone to "watch your back."

Per Watson's request that I inform him if I had any contact with Professor Beverly, I immediately went to Watson's office and reported my conversation with Beverly. Watson responded by characterizing Beverly's parting words a "threat." I responded that I did not feel threatened.

In a later conversation the same day in his office, Watson advised me that he needed to "protect" me and asked me if I felt threatened by Professor Beverly. I told him I did not feel threatened by Professor Beverly. Watson advised me that I should not talk further with Beverly and that Watson would "teach me" how to respond to Beverly in the future. The incident did not come up again until several months later.

In December 2013 I hired Monica Moss as Dean of Students. I passed along Watson's instruction and told Moss to report to me if Professor Beverly spoke with her because Watson had said Beverly was out to "get him."

In late January, Moss called to inform me that Professor Beverly had met with her and asked her questions about her professional experience and qualifications for her role as Dean of Students.

Complying with Watson's standing in-

structions, I called Watson and informed him that Professor Beverly has spoken with Moss without discussing the content of the conversation. Watson responded by stating "that's three," claiming that Beverly had threatened and sexually harassed Angela Henderson, Moss, and myself. Watson stated that he needed the three of us to charge Beverly with sexual harassment. Watson said that he and the CSU administration were in a fight against Beverly and that he wanted to get rid of Beverly. Watson told me that he needed my help in the fight and advised me to file a lawsuit for sexual harassment against Beverly based on Beverly's visit to my office. I told Watson that I did not feel threatened or harassed by Beverly's conversation. Nevertheless, Watson asserted that I had been harassed and that I "did not realize it."

I later spoke with Moss who informed me that she had been contacted by Watson and that Watson asked her to file sexual harassment charges against Professor Beverly. She resigned her employment February 28, 2014.

In early 2014, I was interviewed by Patrick Cage about my meeting with Professor Beverly. I was not advised about the subject of the meeting in advance. I described my conversation with Beverly and in response to his questions told Cage that I did not feel harassed or threatened by Beverly. I was subsequently pressured by numerous CSU officials to file false sexual harassment charges against Professor Beverly. I was pressured in approximately ten different meetings with various CSU officials including Watson, Cage, Henderson, Bush, Muscadin, and Mitchell. The meetings would be initiated by a request via phone, in person, or via my assistant, Arlina Worrill, to participate in an ad hoc conference in an office or conference room without prior notice.

On another occasion, in early 2014, I was summoned to a meeting in Muscadin's office, along with Watson, Cage, and Henderson, as well as Robin Hawkins, Assistant General Counsel and Tom Wogan, Director of Public Relations. I was again questioned about whether I was sexually harassed by Professor Beverly. When I denied any harassment, Watson to me that I was "too strong" and that he needed me to file the harassment lawsuit against Beverly so Watson could protect me. I reiterated

that I did not feel threatened by Beverly and did not intend to sue Beverly. I stated that if I testified that Beverly harassed me, my testimony would be false.

In late February 2014, I received a text from Henderson to come to Watson's home for a dinner meeting. At the meeting were CSU officials and others, including Watson; Bush; Muscadin; Hawkins, Cage; Angela Henderson and her husband Victor Henderson, Esq.

A discussion was held over several hours on how to get rid of Professor Beverly and shut down the CSU Faculty Voice. Attendees voiced their anger that blog contributors continued to post articles criticizing the administration without punishment.

Victor Henderson criticized Cage for not enforcing the cyber-bullying policy to get rid of Professor Beverly and blog contributors in light of recent blog reports suggesting that Angela Henderson had plagiarized her dissertation. Watson asserted that the administration had developed the policy to be used to shut down the blog and complained that no action had been taken against Beverly or any blog contributors via the policy yet.

There was also a discussion of filing a CSU lawsuit that would be used to obtain an injunction preventing publication of the blog.

The conversation then turned to whether or not CSU should file suit against Professor Beverly for sexual harassing me.

Angela Henderson said that she had agreed to file a sexual harassment complaint against Beverly.

Bush told me I was threatened by Professor Beverly and just did not realize it. I again stated that I did not feel harassed or threatened by Beverly's conversation related to CSU administrative matters. I stated that would not falsely testify in support of such a complaint.

Bush offered to file a sexual harassment complaint if Moss and I refused.

The discussion became heated, with individuals telling me to file a claim against Professor Beverly. I was accused of not being a "team player." I became distressed by the discussion and left the meeting.

In March 2014, I was interviewed once again regarding my conversation with Professor Beverly in a teleconference with Cage and lawyers who introduced themselves as attorneys retained by CSU to investigate the conduct of Beverly's interaction with me and other CSU employees. I answered questions from the attorneys regarding my conversation in September 2013 with Beverly and stated again that Beverly had not sexually harassed me.



## Achieving Tenure and Promotion: Policies and Procedures at UIUC

Workshop Sponsored by the UIUC Chapter of the AAUP

Thursday, April 30, 2015, 2:30-4:00 pm, 210 Illini Union (General Lounge)

You are cordially invited to an AAUP Workshop dealing with tenure and promotion issues. A panel of experts will make short presentations, lead the discussion and answer questions from the audience. This program is of particular interest to new and continuing tenure track assistant professors and to associate professors seeking promotion, and those who serve as mentors to these individuals. The panelists (and some of the topics they will address) will be:

Ilesanmi Adesida, UIUC Vice Chancellor for Academic Affairs and Provost  
Abbas Benmamoun, UIUC Vice Provost (campus policies, three year re view procedures, tenure roll backs)

Barbara J. Wilson, Dean, LAS (dean's and college perspectives)

James A. Imlay, Professor of Microbiology, Past Chair of the Campus Promotion & Tenure Committee (UIUC P&T Committee Procedures)

Craig M. Koslofsky, Professor of History, Past Chair and current Member of the UIUC Faculty Advisory Committee (FAC, appeal procedures)

John E. Prussing, Professor Emeritus of Aerospace Engineering, UIUC AAUP Chapter Past President (AAUP position and support provided by the National and Campus AAUPs)

No prior registration is required. All faculty are welcome. Refreshments will be served. For questions about the workshop please contact Harry H. Hilton, h-hilton@illinois, <http://www.aaup-ui.org/>. For information on campus promotion & tenure policies see: <http://www.provost.illinois.edu/communication/09/index.html>

## Illinois AAUP Speakers Bureau

The Illinois AAUP offers speakers to AAUP chapters and other groups, and the Illinois AAUP can cover most expenses for AAUP chapters. Speakers include Michael Harkins, Peter N. Kirstein, Leo Welch, and John K. Wilson.

Email the Illinois AAUP at [collegefreedom@yahoo.com](mailto:collegefreedom@yahoo.com) for more information on hosting a speaker.

## Steven Salaita Files Lawsuit Against the University of Illinois for Dismissal

By John K. Wilson

Steven Salaita filed a lawsuit on Jan. 29, 2015 in a federal district court against the University of Illinois trustees and top administrators, seeking reinstatement and damages because of his dismissal.

The lawsuit makes many counts against the University of Illinois, including federal violations of the First Amendment (“firing him for his political speech”), procedural due process (“summarily stripping him of a tenured position without due process”), as well as violations under state law for Promissory Estoppel and Breach of Contract.

Salaita is seeking his job back and compensation for the harm done against him in what he called “this ordeal” in a conference call today. Salaita said, “the University’s actions have... left my academic career...in shambles.” Noting, “I am now jobless,” Salaita said that his family has been “forced to move in with my parents and struggle to make ends meet.”

Salaita’s lawyers noted, “We bring this lawsuit only after the University made it clear” it would refuse to follow the recommendations of a faculty committee (CAFT) to re-examine his case.

The most controversial part of the lawsuit will be the plan of the lawyers to file “claims against financial donors” for threatening to withhold donations if Salaita were hired. Salaita’s lawyers said they were “people who, based on their wealth, injected themselves into

the hiring process.”

However, these donors have not yet been identified because the University of Illinois has refused to release documents under the Freedom of Information Act, claiming that there were “too many” emails about Salaita for them to process.

Salaita’s lawyers indicated that they would prove that “pressure from donors” constituted the “improper motivation” for Salaita’s dismissal. But they noted that the trustees’ professed objection to Salaita’s political speech was also an improper motivation, and was sufficient to allow them to prevail.

On January 15, 2015, the University of Illinois Board of Trustees announced that it will never reconsider the dismissal of Steven Salaita, and it will not listen to any faculty committee about Salaita’s qualifications: “That decision is final.”

Salaita said his aim is to be reinstated: “I have been and continue to be interested in reinstatement and joining my colleagues there.” He added, “We don’t want the type of precedent to be established where upper administrators can violate their own rules.”

The University of Illinois has promised to pursue a settlement with Salaita, but the trustees rejected any possibility of reinstatement, so it would take a court order after a long legal victory for Salaita to get his position back.



## Judge Rules Salaita Wins the Right to Sue University of Illinois over F.O.I.A.

By Peter N. Kirstein

Steven Salaita’s lawsuit against the University of Illinois will proceed. The University of Illinois had argued, since the lawsuit had been filed by the professor’s lawyers, the Center for Constitutional Rights (C.R.C.), and not specifically by Professor Salaita, that the plaintiff did not have legal standing. Judge Chase Leonhard, a Champaign County state judge, issued the ruling that rejected the U. of I. argument. He is allowing Dr. Salaita to pursue his Freedom of Information Act requests, by amending the complaint, in order to clarify precisely the plaintiff in the case. It is the professor, and not the C.R.C.

Beginning last September, a month after he was fired for tweets describing his response to Israeli military strikes in the Gaza Strip, Professor Salaita has attempted to receive, through open-records claims, e-mail and other communication from the University of Illinois at Urbana-Champaign. The university complained the volume of documents requested were “unduly burdensome.” A major objective is to examine the role played by wealthy donors in derailing the tenured appointment in the American Indian Studies Program.

The next hearing on the matter is scheduled for April 13. As this case proceeds, I expect the University of Illinois can overcome their “burdens,” and abide by the Illinois F.O.I.A. and produce the documents that a public institution in Illinois is required to provide. Any cover-up, any further delay, simply prolongs this ordeal for Professor Steven Salaita, who is eager to get back into the classroom, and resume his academic career that he earned in a national search confirmed by a contract proffer in 2013.

Anand Swaminathan of Loevy & Loevy in Chicago has been a courageous lead attorney defending a professor against a powerful and well-connected academic institution. He is quoted in the article as stating at the hearing: “The records requested concern the university’s decision to terminate Professor Salaita’s appointment to a tenured faculty position at the university based on Professor Salaita’s political speech on a matter of tremendous public concern. Because of the devastating impact of the university’s decision on Professor Salaita personally, and the hugely important principles at stake—free speech, academic freedom, faculty administration, shared governance, insulating faculty hiring decision from the influence of wealthy donors—the circumstances surrounding Professor Salaita’s firing have garnered national attention...”

## Statement by the UIUC AAUP Chapter Policy Committee on Academic Freedom and Shared Governance

American Association of University Professors

University of Illinois at Urbana-Champaign Chapter  
January 21, 2015

Based on our review of Dr. Steven Salaita’s case, we conclude that the University of Illinois at Urbana-Champaign (UIUC) has violated principles of shared governance and of academic freedom, both in procedure and in substance. These beliefs are limiting the University’s ability to engage with potential visiting scholars and to hire faculty. The University administration should recognize that this situation will present challenges now and in the coming years. We must devise and publicize strategies for facing and overcoming these chal-

lenges promptly. It is in that spirit that we strongly urge the Board of Trustees and University administration to act on the following in an urgent manner:

1) Implement the recommendations of the Final Report of the UIUC Provost’s Hiring Policies and Procedures Review Committee (dated December 12, 2014) regarding changes in hiring policies. In particular, we believe prompt action is needed on implementation of the Committee’s second recommendation which states, “The UI Board of Trustees should formally delegate its responsibility for tenured and tenure-track academic appointments that do not involve administrative positions at the level of deans and above to the president, who

in turn should continue the existing policy of delegating to the chancellor and provost.”

2) Express their unwavering and unconditional commitment to academic freedom and shared governance as articulated by the American Association of University Professors and widely accepted throughout the academic community nationwide.

3) Rescind remarks made in Chancellor Phyllis Wise’s mass email of August 22, 2014, to the UIUC Community.

We believe it is critical that these steps are taken promptly to regain the University’s stature as a world-class research institution with appropriate values.

State University Inc.



By CFAIllinois.org, illustrated by Damian Duffy (damianduffy.net)

## Statement by the UIUC AAUP Chapter Policy Committee Regarding the December 23, 2014 Report of the Senate Committee on Academic Freedom and Tenure

AAUP University of Illinois at Urbana-Champaign Chapter  
January 29, 2015

In September 2014, the Board of Trustees (BoT) of the University of Illinois declined to approve the faculty appointment of Dr. Steven Salaita, who had received and accepted a University offer of appointment contingent on BoT’s approval. Since the Board rescinded the offer, the University community has been deeply divided into critics and supporters of the University administration’s decision. A national outcry and boycott movement have also grown in response to the Board of Trustees’ decision, and the University risks further sanctions.

On December 23, 2014, the Committee on Academic Freedom and Tenure (CAFT), a committee of the Senate of the Urbana-Champaign campus, issued a report on the University administration’s and the Board’s actions with regard to Dr. Salaita. CAFT has the special charge, written into the University Statutes, of evaluating possible violations of academic freedom and shared governance. Faculty from five different Colleges plus a representative of the University Library produced a report that was the result of months of investigative work and deliberation.

The UIUC AAUP Policy Committee urges the administration of the University to respect the recommendations of this committee, as it is the duly appointed faculty body for consideration of this matter. While one recommendation may no longer be feasible (the recommendation to appoint a committee in the College of Liberal Arts and Sciences to reconsider whether Dr. Salaita should be appointed), all other recommendations should be adopted. The administration’s delay risks further damaging the University.

# 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](http://www.aaup.org).

## Illinois AAUP

**Michael J. Harkins**  
President  
Assoc. Prof. of History  
Harper College  
[mharkbhs@att.net](mailto:mharkbhs@att.net)

**Peter N. Kirstein**  
Vice-President  
Prof. of History  
St. Xavier University  
[kirstein@sxu.edu](mailto:kirstein@sxu.edu)

**Lee Maltby**  
Secretary  
Dean of Instruction  
St. Augustine College  
[lmaltby@staugustine.edu](mailto:lmaltby@staugustine.edu)

**Alan Iliff**  
Treasurer  
Professor of  
Computer Science,  
North Park University  
[ailiff@northpark.edu](mailto:ailiff@northpark.edu)

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John K. Wilson, [www.academeblog.org](http://www.academeblog.org)  
[collegiefreedom@yahoo.com](mailto:collegiefreedom@yahoo.com)

Photos of Salaita protests by Jeffrey Putney, Flickr.com.

[www.ilaaup.org](http://www.ilaaup.org)

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