

## ILLINOIS AAUP ANNUAL MEETING, APRIL 22, 2017, COLUMBIA COLLEGE CHICAGO

The 2017 Spring Conference of the Illinois Conference of AAUP will be held Sat. April 22, Columbia College in Chicago, 618 S. Michigan Ave., Chicago, lecture hall "Stage Two" on the second floor. The meeting is free and open to all faculty in higher education. The General Membership meeting and election at 3:45pm is open to all current members in good standing of the AAUP. All attendees should pre-register with Diana Vallera, Illinois Conference Secretary by April 14th at [diana@studioera2.com](mailto:diana@studioera2.com).

Conference Theme: Protecting Faculty Rights: Academic Freedom, Tenure and Shared Governance  
8:30am-9:15am: Board meeting, Second Floor Lobby  
9:15am-9:30am: Welcome  
9:30am-10:45am: Session 1 - "Protecting Academic Freedom and Due Process Through the Faculty Handbook," with Rima Kapitan, Kapitan Law Office  
11am-Noon: Session 2 - "The Death Spiral of Illinois Public Higher Education," with Linda L. Brookhart, Executive Director, SUAA; and Leo Welch, Southwestern Illinois College

1:15pm-2pm: Session 3 - "Effective Strategies for State Conferences to Maintain and Strengthen Academic Freedom, Tenure and Shared Governance in a Changing Academic Environment," with Brian Turner, Chair of the Assembly of State Conferences, AAUP.  
2:15pm-3:30pm: Session 4 - "Resistance within Academia: Protecting Faculty Rights." Diana Vallera, Columbia College, and Kira Schuman, Senior Program Officer, Midwest Lead Organizer, AAUP in Chicago.  
3:45pm-4pm: General Membership meeting and IL AAUP elections

### President's Message

**Michael Harkins**  
President, Illinois AAUP



The annual meeting of the Illinois Conference of the AAUP will be held Saturday, April 22, 2017, at Columbia College, Chicago. This year's Conference will focus on the current state of higher education in Illinois and the issues faculty now face. Individuals can register for the Conference by emailing Diana Vallera, Conference secretary at [diana@studioera2.com](mailto:diana@studioera2.com)

Faculty participation is vital to a strong AAUP. Illinois higher education is facing significant challenges to academic freedom and shared governance. The current financial stalemate within the state has added to the difficulties faculty are now encountering. The April 22 Conference has assembled a group of talented presenters who will address these concerns and present strategies to protect the principles of effective higher education.

In early January of this year, the Conference received a grant from the Assembly of State Conferences (ASC) to address the threats to academic freedom and shared governance. Alan Iliiff, a current officer, and a team of our Board members will be presenting a number of workshops throughout the state starting this summer and continuing in the fall. These workshops will cover faculty handbooks, strengthening shared governance and specific strategies to maintain and enhance faculty rights. More information about scheduling a workshop will be available at the Conference and on our website in early May.

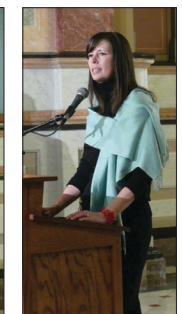
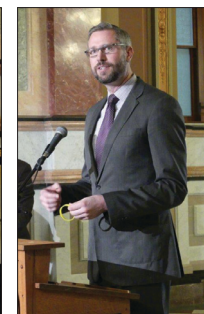
Our National meeting will be held June 14-18 in Washington, D.C. The Conference will focus and highlight the rights and freedoms of students. All faculty should consider attending. On Friday, June 16, the Assembly of State Conferences will meet. The ASC provides leadership, expertise and direct support to state conferences. The Assembly board has a strong network of resources ready to support state conferences, local chapters and faculty at large. They work to protect faculty rights and our profession. Since our November, 2016, board meeting, the officers and board have supported faculty throughout the state. The challenges and threats to academic freedom and shared governance are evident. As these threats continue, the Conference will provide support, expertise and resources to help our Chapters and faculty in general.

Committee A will continue defending faculty rights and assisting our colleagues. The journey ahead in higher education may continue to be difficult. Faculty should be prepared for these challenging times. If you do not have an AAUP Chapter, consider starting one. If you have a local Chapter, make sure to meet regularly and involve your Chapter members and faculty-at-large. If you have achieved a level of engagement, become active at the state and national levels. Faculty can volunteer for committee work, submit proposals to the state and national conferences, contribute to *Academe*, and develop workshops to present to other state chapters. By moving in this direction you can make a difference in the future of higher education in Illinois and at the national level.

Engagement and involvement are critical to the protection and enhancement of academic freedom, shared governance and tenure. The Illinois State Conference of the AAUP is looking forward to your participation and contributions.



The Illinois Coalition to Invest in Higher Education rally on Feb. 8, 2017 included WIU President Jack Thomas (top), SIUE supporters, Treasurer Mike Frerichs, Rep. Kelly Burke, and IBHE head Tom Cross (bottom)



### To Save Higher Education in Illinois

By Leo Welch

The "To Save Higher Education" rally was held at the Illinois State Capitol in Springfield on February 8, 2017. The rally was organized by the Illinois Coalition to Invest in Higher Education largely through the efforts of the University of Illinois.

The Illinois Coalition to Invest in Higher Education represents public universities and public community colleges as well as private colleges and universities. Private colleges and universities receive state funding as well as public schools especially in MAP Grant funding. Of the invited speakers from the Illinois house and senate, five of them graduated from different private universities. Representative Jehan Gordon-Booth graduated from Illinois Central College in East Peoria.

The University Professionals of Illinois, an IFT union representing most of the public universities, provided major faculty support at the rally. There was no state-wide IFT community college representation. The IEA was represented by the newest IEA unit president from SIUE.

Linda Brookhart of the State University Annuitants Association (SUAA) was an invited speaker. All of the speakers were supportive of higher education, but most pointed comments came from Kim Archer, SIUE/IEA faculty union president, who reminded listeners of the budgets that Governor Rauner has vetoed and his so-called "Turnaround Agenda" that would abolish unions in Illinois.

Liz Brown, who lobbies for the Community College Presidents' Council, gave the closing remarks, which were not specific to community colleges.

The standing-room-only crowd contained a significant number of students from private universities. At least eight different media outlets were filming the speeches. Bottom line—a lot of nice words, but WE NEED ACTION, NOW. After the rally, I had to clean about three inches of snow off my car and drive back to Belleville on icy roads.

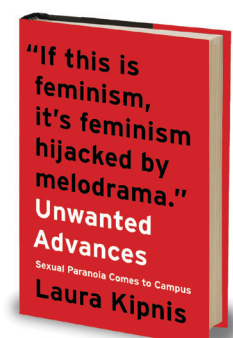
**READ LINDA BROOKHART'S REMARKS AT THE RALLY, page 8**

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# Illinois Committee A on Academic Freedom and Tenure Report

By Peter N. Kirstein, chair of Illinois AAUP Committee A and history professor, St. Xavier University

Illinois Committee A on Academic Freedom and Tenure continues to battle for academic freedom, tenure, shared governance and non-tenured faculty. We received a complaint from a full-time non-tenure track instructor who claimed she was a victim of racial discrimination when an allegedly less qualified white full-time non-tenure track faculty member received a tenure track line. We advised the colleague to seek counsel, and to contact the Equal Employment Opportunity Commission.

Normally, AAUP does not have the expertise to determine if there were a violation of civil rights laws. While we remain engaged in the matter, the instructor thus far has not experienced job loss, sanctions or any pecuniary penalty as a result of the complaint. Usually, AAUP looks for sanctions or some employment degradation. However, discrimination in the area of employment is a persistent problem in the neo-liberal university, that is fueled with society's growing hostility toward affirmative action as amplified from the judicial and legislative branches.

Another minority adjunct professor was the subject of a student complaint of ideological bias in the classroom. This is a frequent ruse for a student to purge a professor with whom a student disagrees. Students make take "reasoned exception" to material presented but should refrain from going after a person's livelihood and avoid complaining to those with institutional power. One witnessed such behaviour with the vicious persecution of a teaching assistant at Marquette University, who was taped without her permission, and became an object of right-wing scorn and ridicule by a rogue, bully professor on campus. The adjunct, cited above, was able to thwart any sanctions by informing his or her institution of a prior Illinois Committee A ruling on a similar case at another university.

It is comforting to note that Illinois Committee A reports have become case law for instructors on other campuses to utilize as they battle for academic freedom and the right to be "sole judge" of how one presents material in the classroom. This is a warning to

administrators. If a student comes to you and complains about a professor's purported "bias" in the organisation and presentation of material, you should ask the student this question? "Have you addressed this pedagogical concern with your professor?" If there has not been an instructor-student conference, then the student should be asked to initiate such a meeting.

Administrators should only enter the fray after the professor and a student have failed to resolve the matter, and not before the student has subsequently spoken to a chair or division head. It is essential that administrators not intimidate tenured or non-tenured faculty by asking them if they are "balanced" or if they are teaching both sides of an argument. Many topics do not merit counter-argumentation such as child pornography, Jim Crow, slavery, colonial settler occupation, and sexual assault. Let the professor determine when "balance" is necessary. The instructor of record is in charge of the classroom, and not an administrator or department chair who seeks equipoise over critical thinking, stability over controversy, and the satisfaction of consumer (student) demand.

Illinois Committee A on Academic Freedom and Tenure is here to help. Yet we need help too. We need governors, governing boards, university presidents, provosts and others with institutional power to recognise that education does really matter. It is their primary responsibility to allow unfettered pursuit of the truth to dominate pedagogy. The AAUP cannot swim upstream very far. It can complain, write briefs, claim to be the common law of the academy, but since it is not a policing organisation, it has significant restraints on its power. It is a soft power that relies on the status of its documents that span a century.

The ultimate fate of the American university is in the hands of those on a campus: administration, faculty and staff. In the face of defunding and the withering away of the tenure system, we are left with mindless assessment, a demoralised professoriate, and a higher ed system that is preoccupied with survival. Yet the struggle continues for academic freedom and critical thinking: we owe it to our students to keep our eyes on the prize until the bitter end.

## ICCB Resolution on Residency of Undocumented Students

Illinois Community College Board  
RESOLUTION ON RESIDENCY OF UNDOCUMENTED STUDENTS  
RECOMMENDED ACTION

It is recommended that the following resolution be adopted:

WHEREAS, Nearly three thousand undocumented students attend an Illinois community college each year; and

WHEREAS, Illinois needs the talents of all its students to meet its goal of 60 percent of its workforce with a valuable college credential; and

WHEREAS, Illinois community colleges are often cited as a positive example of higher education providing educational opportunities for undocumented students; and

WHEREAS, Public Act 93-0007 requires that universities and community colleges assess an individual that is not a citizen of the United States in-state tuition if the individual meets specified conditions; and

WHEREAS, Illinois community colleges have two in-state tuition rates: in-district and out-of-district; and

WHEREAS, The Illinois Community College Board Administrative Rules (23 Admin Code 1501.501) estab-

lishes residency rules for in-district tuition;

therefore, be it RESOLVED by the ILLINOIS COMMUNITY COLLEGE BOARD ON THIS 20TH DAY OF JANUARY IN THE YEAR TWENTY –SEVENTEEN, that in-district tuition should be paid by those community college students meeting the residency rules for in-district tuition regardless of citizenship status;

And be it further RESOLVED that a copy of this resolution shall be forwarded to the leadership of each community college district.

## Illinois Legislative Report By Leo Welch

HB0672  
LABOR RELATIONS-RIGHT TO WORK  
House Sponsors  
Rep. Allen Skillicorn (R) Crystal Lake  
Synopsis As Introduced

Amends the Illinois Public Labor Relations Act. Removes language requiring employees who are not members of a representing labor organization to pay a proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and conditions of employment under a collective bargaining agreement. Provides that employees shall not be required to perform certain acts as a condition of obtaining or continuing public employment. Provides that an agreement, contract, understanding, or practice between or involving a public employer, labor organization, or exclusive representative that requires an employee to perform certain forbidden acts as a condition of obtaining or continuing public employment is unlawful and unenforceable. Removes language concerning fair share agreements in collective bargaining. Removes the term "fair share agreement". Makes conforming changes.

HB0673  
LABOR RELATIONS-INDEP BARGAIN  
House Sponsors  
Rep. Allen Skillicorn (R) Crystal Lake  
Synopsis As Introduced

Amends the Illinois Public Labor Relations Act. Removes language requiring employees who are not members of a representing labor organization to pay a proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and conditions of employment under a collective bargaining agreement. Provides that employees shall not be required to perform certain acts as a condition of obtaining or continuing public employment. Provides that public employees shall have the right to bargain independently in their relations with the public employer. Provides that an agreement, contract, understanding, or practice between or involving a public employer, labor organization, or exclusive representative that violates the provisions concerning independent bargaining or requires an employee to perform certain forbidden acts as a condition of obtaining or continuing public employment is unlawful and unenforceable. Removes language concerning fair share agreements in collective bargaining. Provides that public employees who are not members of a labor organization may represent themselves in grievance resolution procedures. Provides that public employees who have chosen to bargain independent-

ly may be party to mediation and fact-finding proceedings. Modifies the terms "collective bargaining", "exclusive representative", and "labor organization". Removes the term "fair share agreement". Defines "independent bargaining" or "to bargain independently". Makes conforming changes.

HB3498  
COMM COLLEGE-FREE TUITION  
House Sponsors  
Rep. Thaddeus Jones (D) Dolton  
Synopsis As Introduced

Amends the Public Community College Act. Provides that the Illinois Community College Board shall establish and implement a program that provides tuition to the first 1,500 students per year that enroll at each designated community college, which will be paid from the Community College Free Tuition Trust Fund. Provides that 16 community colleges shall be designated for the program for a 2-year period on a rotating schedule determined by the Illinois Community College Board. Creates the Community College Free Tuition Trust Fund as a nonappropriated trust fund to be held outside the State Treasury. Amends the Illinois Banking Act. Requires every bank under the Act to pay into the Trust Fund. Amends the Illinois Credit Union Act. Requires every credit union to pay into the Trust Fund.

HB2939  
CAMPUS FREE SPEECH  
House Sponsors  
Rep. Peter Breen (R) Lombard  
Synopsis As Introduced

Creates the Campus Free Speech Act. Requires the governing board of each public university and community college to develop and adopt a policy on free expression; sets forth what the policy must contain. Requires the Board of Higher Education to create a Committee on Free Expression to issue an annual report. Requires public institutions of higher education to include in their freshman orientation programs a section describing to all students the policies and rules regarding free expression that are consistent with the Act. Contains provisions concerning rules, construction of the Act, permitted restrictions, and enforcement.

HB0476  
SCH BD/COM COL BD-TERM LIMITS  
House Sponsors  
Rep. Thaddeus Jones (D) Dolton  
Synopsis As Introduced

Amends the School Code and the Public Community College Act. With respect to school boards of school dis-

tricts and boards of trustees of community college districts, provides that a person may not serve as a board member for more than 2 terms of office that begin on or after the effective date of the amendatory Act.

HB1776  
COM COL-CHICAGO-ELECT BOARD  
House Sponsors  
Rep. Robert Martwick (D) Norridge, and forty seven other sponsors  
Synopsis As Introduced

Amends the Election Code. Provides for the election of the board of trustees of the City Colleges of Chicago, Illinois Community College District No. 508, at the general primary election in 2018 on a nonpartisan ballot. Provides that a member of the board of trustees shall be elected at each consolidated election thereafter. Makes related changes. Amends the Public Community College Act. Sets forth provisions concerning nominating petitions and ballots. Provides that the City of Chicago shall be subdivided into 20 trustee districts by the General Assembly for seats on the board of trustees, in addition to one at-large trustee. Provides that in the year following each decennial census, the General Assembly shall redistrict the trustee districts to reflect the results of each decennial census. Makes other changes. Effective immediately.

SB1560  
CAMPUS FREE EXPRESSION  
Senate Sponsors  
Sen. Michael Connelly (R) Lisle  
Synopsis As Introduced

Creates the Campus Free Expression Act. Deems the outdoor areas of campuses of institutions of higher education (both private and public) as traditional public forums. Provides that institutions of higher education may maintain and enforce reasonable time, place, and manner restrictions in service of a significant institutional interest only when such restrictions employ clear, published, content-neutral, and viewpoint-neutral criteria and provide for ample alternative means of expression, with any such restrictions allowing for members of the higher education community to spontaneously and contemporaneously assemble. Provides that any person who wishes to engage in noncommercial, expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful (subject to an institution's restrictions). Contains enforcement provisions. Amends the Campus Demonstrations Policy Act to make a corresponding change. Effective immediately.

# Winning Again: Settlement in Moraine Valley Community College Case

By Robin Meade

I can't title this article "I Won" because I already used that title. But now I have won a \$125,000 settlement and reinstatement after being fired for criticizing the administration of Moraine Valley Community College.

The fact that I keep winning in court should provide everyone with hope and embolden those in the struggle to continue to fight. The AAUP has my eternal gratitude for providing me with support through a grant from the AAUP Foundation Legal Defense Fund and the support of Committee A here in Illinois.

Adjuncts are part-time college instructors, advisors, counselors and librarians. Traditionally adjuncts taught around 20% of college courses but in the last few decades this has risen to as high as 80% nationwide. At any community college you or your children are likely to have most of your advising, counseling and teaching at done by adjuncts. This rise in adjuncts was to "cut costs" for the school but be sure to check if there has been any cutting in administrator salaries or building on campus before buying in to that line of thinking.

I was an adjunct professor of business at Moraine and president of the adjunct union. The college asked me to write a letter of support for their application to the League for Innovation. After doing some research with the union members, I wrote a letter of dissent. Before sending the letter, I tried repeatedly to engage the administration regarding the issues the adjuncts raised. These efforts at collaboration received no response.

I sent the letter of dissent to this League for Innovation and was fired two days later. I was not given the opportunity to meet and discuss my dismissal with representation

from the union. The police chief of the college delivered my termination letter to my house. This letter was written by the Executive Vice President of the college. He testified during his deposition this letter was written AFTER he consulted the college attorney. The letter states that I was being fired for my activities as union president, especially the writing of the letter to the League for Innovation. Firing a union president for being a union president is wrong. Writing a letter as the union president is protected free speech. This is covered in the US Constitution. (The AAUP has a long history of defending cases which support free speech.)

Firing me resulted in two legal cases, one with the Illinois Education Labor Relations Board (IELRB) and one in Federal Court for violation of my First Amendment rights. Last fall the Federal District Court granted me my summary judgment, meaning the college had no valid defense to even warrant going to trial.

So ridiculous was the college attorney's attempt at defense, that he tried to argue that the "Employment Agreement" (which includes the description of work I was expected to perform for the semester, the payment expected, signatures from myself and the business dean) was not a contract.

The court required us to engage in settlement discussions, which we did. Those discussions resulted in a settlement in which Moraine paid me \$125,000 in return for an agreement to dismiss my suit against it. I could've gone to trial to get a bigger settlement but I saw no reason to

put my family and former coworkers through testifying (or watch the college waste more taxpayer money) since I had already won the case. I would like to thank the taxpayers in the Moraine Valley College District 524 for helping me become a first time home owner.

The Labor Board found in my favor as well but this decision was appealed by the college; however, a March 10 ruling by Illinois State Appellate Court, dismissed all of the college's arguments, repeatedly citing a lack of evidence. To date the college has spent over a quarter of a million dollars on these cases. From reading the testimony in the depositions taken from college administrators, I wonder if the entire board has never been given a copy of the letter I wrote the League for Innovation to read or if they have seen any of the court documents from these cases.

Although I am happy to be vindicated, regardless of my winning this battle with the college, the war for the adjunct instructors at Moraine continues. The adjunct union has been fighting to improve their weak eight-page contract. The adjuncts have been without a contract since June of 2016. I look forward to being reinstated at the college and continuing the fight for the adjuncts there.

Are you interested in the future of education? Do you have a community college or K-12 school district where you live? Would you be willing to run for a board position there? Ensuring checks and balances is as simple as taking this first step. What happens to the education system affects us all.



# Disruptive Conduct and the University of Chicago

By John K. Wilson

The University of Chicago's Committee on University Discipline for Disruptive Conduct has issued a new report. Peter Wood of the NAS praises the Chicago Report: "It is a welcome step for all of American higher education. Mostly it restores to the campus authorities charged with maintaining order the tools they need to do their jobs."

In reality, the Report fails to address serious problems with free speech and due process in the University of Chicago's rules, and mostly makes proposals to reduce free expression on campus by aiming to suppress protest, which seems to be the goal of the University's Statute 21.

First, let start with what the Report gets correct. The Report calls for a "centralized disciplinary system." This is absolutely right. The current decentralized system (where each academic unit decides what is disruptive) is confusing and difficult to determine (I haven't been able to get an answer from the University of Chicago about what the student conduct rules are in different units, and they aren't posted online). The University needs a single system to warn students, and to provide fair and consistent enforcement across the campus.

And another part of the Report is correct: it fixes the rules for campus regulations to apply to non-students who engage in disruption. Unfortunately, it forgets to also apply the same protections to them, since it retains the old language of Statute 21 banning "use or threatened use of force against any member of the University community or his or her family that substantially and directly bears upon the member's functions within the University."

This is a bad definition because it's too narrow. Under this rule, you can beat up an outsider at a protest and it's not disruptive as long as they're not part of the University. In fact, you can beat up anybody as it doesn't directly bear upon their "functions," whatever that means. Why not just say, "use or threatened use of force, except in legitimate self-defense"? In fact, this provision should be removed altogether, because use of force and threats is an entirely different violation, one that is much more serious than "disruptive conduct."

For outsiders, the University of Chicago uses its power to bar people from

campus, and the Committee "expects that a permanent bar will be a rarely used outcome." What's missing here is any kind of monitoring and reports about such bans, or guidance about when it's appropriate.

Unfortunately, the Report offers many flawed definitions of a disruptive protest: "Disruptive protests include: blocking access to an event or to a University facility and shouting or otherwise interrupting an event or other University activity with noise in a way that prevents the event or activity from continuing in its normal course."

This is a terrible definition of a disruptive protest. There is a fundamental difference between "interrupting" an event and shutting it down. A protest can disrupt the "normal course" of an event without preventing it from continuing altogether.

Statute 21 already includes a terrible definition of disruption: "Disruptive conduct includes but is not limited to: (1) obstruction, impairment, or interference with University-sponsored or -authorized activities or facilities in a manner that is likely to or does deprive others of the benefit or enjoyment of the activity or facility"

This is a bad definition because it is way too broad. Any rule that says "includes but is not limited to" is completely unlimited. The University can literally say that anything is disruptive conduct. But the rest of the definition is also dangerously broad. The definition should be obstruction, not merely "impairment" or "interference." It should be limited to action that actually deprive others of their rights. And it definitely should not be defined to include "enjoyment of the activity or facility." The "enjoyment" standard is absolutely unacceptable. "Enjoyment" is a subjective standard, not an objective basis for punishment. A protest almost always affects the enjoyment people have at an event. It can annoy and inconvenience people. But being annoying shouldn't be punishable behavior.

The Report also suggests a new provision to Statute 21 to make it easier to punish protests: "Substantiality may be judged based on a single incident or on an aggregation across incidents." This vague language should not be adopted. If a single incident does not justify punishment, then repetition of it at different events should

not be punished. The only other change it recommends to Statute 21 is altering the rules to remove individual punishment and allow for penalties "whether individually or as part of a group." This seems to suggest that if a person is part of a group that breaks the rules, even if the individual doesn't, that person can be punished.

The University of Chicago famously proclaimed itself a place where there are no "safe spaces": "we do not condone the creation of intellectual 'safe spaces' where individuals can retreat from ideas and perspectives at odds with their own." But it turns out that the University of Chicago does, in fact, create these safe spaces where dissent and protest are banned. The Report concludes, "The University is entitled to impose strict limits on protest activity that threatens especially sensitive facilities and to enforce those limits if they are breached. We do not think it is possible to specify, acontextually, what these limits might be." I am more than a little disturbed at a Report that endorses "strict limits" on free speech and announces that it is impossible to define what those limits should be.

So what are these "sensitive" spaces? Are they locations where "snowflake" students gather to sob, as so many conservatives might imagine? No. A previous committee reported that it was asked "to consider whether protests and demonstrations at especially sensitive University facilities, such as health care and research facilities, should be treated differently from demonstrations at other University buildings." So there are special bans on protests if they involve the hospital or the research facilities, that is to say the big money spaces at the university. I suspect that this is an attempt to ban union activism and to bar animal rights activists, and it amounts to a widespread ban on any protests against

research or medicine at the University of Chicago, which encompasses a huge part of the university.

Oddly, the Report makes no attempt to explain what facilities are sensitive or to justify why there should be a double standard to ban protests at them. It simply hands over absolute authority to the administration to designate safe spaces and enforce massive bans on free speech at them.

The University of Chicago should not have safe spaces imposed. In fact, Statute 21 should be completely eliminated. "Disruptive conduct" is the only aspect of conduct that is dealt with in the University Statutes (plagiarism, academic dishonesty, illegal drugs, sexual assault, murder, and all other crimes are ignored in the Statutes). The Statutes are an inappropriate place for campus conduct codes, and the fact that the only punishable item in the Statutes is a section about protesting indicates that the University of Chicago is targeting protests for repression.

The University Statutes are the foundational document for the structure of the University. Yet the Statutes have no mention of academic freedom and freedom of speech, or due process, or the right to dissent and protest. The Statutes do not mention a word about campus disciplinary processes or rules, with the sole exception of Statute 21, which presumably was adopted with the goal of suppressing campus protests. (This is like taking the US Constitution, removing the Bill of Rights, and then inserting an article banning disruptive protests against the government.)

What the University of Chicago needs to do is add statements about freedom to its Statutes, delete Statute 21 completely, and then fix its campus code of conduct to remove broad regulations on free speech and protest on campus.

**Write to Illinois Academe**  
 Illinois Academe is seeking articles, opinion pieces, chapter news, announcements, and letters to the editor. Email Illinois Academe editor John K. Wilson at [collegefreedom@yahoo.com](mailto:collegefreedom@yahoo.com).

# Book Review: *Unwanted Advances*

Review of *Unwanted Advances: Sexual Paranoia Comes to Campus* by Laura Kipnis

Reviewed By John K. Wilson

When Northwestern University professor Laura Kipnis wrote an irreverent essay for the *Chronicle of Higher Education* in 2015 about regulations on campus, and discussed a sexual assault case, it sparked discussion, praise, outrage, protest (literal mattress-waving protest), clarifications, and several Title IX complaints against her for retaliation against a Title IX complainant.

These responses to a controversial essay are to be expected and encouraged, with the exception of the last item: formal university complaints demanding punishment of professors who express their opinions on campus events are a threat to academic freedom, and Kipnis' follow-up essay, "My Title IX Inquisition," detailed her disturbing experience with this particularly repressive form of campus bureaucracy.

Now Kipnis has written a book about her experience, and about the case of former philosophy professor Peter Ludlow that sparked her essay. But the bigger issue for Kipnis in her book is an attack on the fate of feminism. On the cover of Kipnis' book is her own pull quote: "If this is feminism, it's feminism hijacked by melodrama."

But actually it's Kipnis' book that gets hijacked by melodrama, by virtue of the story she gets tossed into and then her choice to view all feminism on campus through the lens of this experience. Kipnis accuses people of "casting real people in fictive roles" (84) But Kipnis is just casting Ludlow in a different fictive role, one at least as implausible.

Kipnis reveals evidence that undermines the case against Ludlow. But the defense Kipnis makes of Ludlow is hard to swallow. She praises his "misplaced egalitarianism" to explain why he bought drinks for an underage undergraduate, kissed her, persuaded her to come back to his apartment, and then slept in the same bed with her. Kipnis tells us "he thinks treating women as equals temporarily brackets the issue." (64)

Let's be honest here. Ludlow's an old man with a penchant for young female students, not a paragon of feminism guilty only of believing too much in equality.

When reporting the student's claim that Ludlow said older woman become "mentally rigid," Kipnis doubts Ludlow is telling the truth in his denial: "he looked abashed and said he'd recently been dating an 'age-appropriate' woman who barely wanted to leave the house. His social world had shrunk to the size of a postage stamp." (86) Poor Ludlow, with his stamp-sized social world, forced by the flaws of old women to go drinking and sleeping with young students. Even here — where Kipnis realizes that Ludlow was probably lying — she manages to convey sympathy for the unfortunate man who tries to date women his own age, only to realize that they are too dull for a man of his greatness.

It's notable that Ludlow was never actually seriously punished by Northwestern. He received a slap-on-the-wrist for being found responsible in the initial complaint, and then quit his job before there was a ruling in the second complaint.

Kipnis is so desperate to attack her feminist enemies that she ignores the men running her university who were the ones who decided to let her twist in the wind for a few months. The complaint against Kipnis should have been rapidly dismissed, but instead Northwestern said it was obligated to investigate every Title IX allegation.

Alan Cabbage, spokesperson for Northwestern, said in a statement: "Northwestern University is firmly committed both to academic freedom and to free speech, but it is also required to investigate and respond to allegations made by complainants that particular actions or statements might violate Title IX."

That is absolutely not true. Northwestern University is not required to investigate allegations of a violation of Title IX. It is only required to investigate allegations that actually might violate Title IX. Northwestern has recently altered its policies to reflect this fact.

Expressing opinions about campus issues is not an act of retaliation. If it were, it would be a devastating blow to academic freedom and also the right to speak out against sexual violence on campus. Every accused rapist could file a counterclaim and effectively silence the victim and her supporters from speaking out.

In this particular case, because the student had filed a Title IX complaint against Northwestern's Title IX coordinator, the complaint against Kipnis was given to outside lawyers hired by Northwestern, who then spent 72 days investigating the complaint. Obviously, lawyers are going to pick the path that minimizes legal risk for the University and maximizes billable hours.

There are fundamentally three problems with Northwestern's system. First, it has no faculty involvement. Sec-

ond, it has no system for dismissing frivolous complaints. Third, it has a disastrous appeal process.

Interestingly, Kipnis wrote that the investigators had offered to mediate by claiming that the complainants were willing to settle for an apology from her and a promise that she wouldn't write about this subject again. A graduate student who had filed a complaint against Kipnis declared, "We never offered to withdraw our complaints, we never asked her to apologize, we never asked that she never write about this again."

This creates the disturbing possibility that lawyers working for the Northwestern administration had unilaterally offered to dismiss the Title IX complaints against Kipnis in exchange for her silence about the issue. If so, this is an astonishing attack on academic freedom, and one that needs further investigation.

But Kipnis mentions none of this in her book. It's possible she never noticed what was happening, because she was convinced that the feminists were the enemy, not the people running her own university.

It also important to note that Northwestern's policy on retaliation has nothing to do with Title IX. It's a general policy that applies to any kind of retaliation for any kind of complaint, and it remains poorly defined and subject to abuse.

Yet Kipnis lets the Northwestern administration off with barely a complaint in her book. She sympathetically explains that "no one knows what Title IX demands of universities. University presidents don't know." (140) According to Kipnis, "I never really learned if any Title IX charge that's filed has to go forward (this was later a matter of dispute)..." (139)

Kipnis was a victim of administrative indifference to academic freedom. But targeting the real villains is the last thing Kipnis wants to do. Those administrators are nice, sympathetic people (as she repeatedly points out in her book). They seem to defend her at times. They never speak out against her. And ultimately, they hold the power in this relationship. It's her job, and her salary, that they control. More importantly, blaming administrators is a dull business. Blaming a whole ideological movement, the misguided feminists, the federal government—that's what really interests her.

Kipnis loves drama. She writes about how "Shakespearean" the Ludlow case is, and how much she enjoys that part of it. Administrators are death to drama. They drown you in paperwork and carefully lawyered statements. They never take a side, never express a position, never fight for a cause. So Kipnis could never tell a compelling story about bad administering.

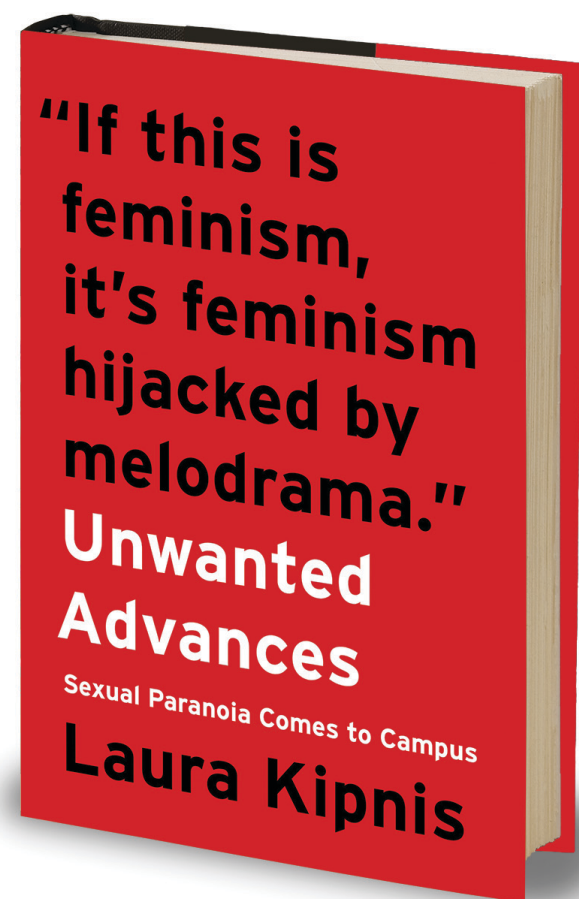
Kipnis' error is imagining that feminism rather than the campus administration is the real problem. But her sex-positive version of feminism has some serious flaws. Kipnis worries that the anti-rape feminist activists are reinforcing archaic stereotypes of women as victims. But Kipnis herself likes to employ some nasty old stereotypes of women as gold diggers, wondering if a student "spotted a potential gravy train" (85) and asking, "aren't Title IX officials setting schools up as cash cows for some of our more creatively inclined women students?" (173)

According to Kipnis, "male professors who become the object of someone's fantasies are likely to end up jobless and destitute." (84) In this anti-feminist fantasy, men are the powerless victims of the evil women. Kipnis informs us that tenured male professors don't really have the power in any relationships: "Youth and attractiveness may also offset the weight of institutional standing and higher degrees." (94) Yes, what power does a mere tenured professor at a top university have in academia compared to the mighty influence of any random sexy lady? Is this really supposed to be a feminist argument?

Kipnis thinks a woman "can now change her mind about whether she really consented." (122) The real question is whether we believe a woman who claims lack of consent years later with no substantive evidence, not this mythical evil of retrospective non-consent.

Over and over again, Kipnis tells us how oppressed male professors are, how powerless in the face of the vast feminist machine: "sex is our era's Communist threat, and Title IX hearings our new HUAC hearings." (32)

Kipnis dips into paranoia when she wonders if one feminist professor "had advised her students to file the Title IX complaints against me—she did seem rather invested in the situation." (131) Oddly, although Kipnis certainly knows about Ludlow's numerous defamation lawsuits against his critics, she seems unconcerned at the notion that a professor would sue another professor for helping a student who says she was sexually assaulted file a Title IX complaint. Yet how is that any different from the injustice done to Kipnis? Anyone can sue anyone. Anyone can file a Title IX complaint. The issue is not whether people make complaints, but how universities respond to them.



Ludlow's case has a lot of ambiguities, and even Kipnis admits to thinking, "I wasn't convinced that Ludlow shouldn't be dismissed." (223) But there are very real violations of academic freedom done in the name of campaigning against sexual misconduct, some far worse than what happened to Kipnis.

One is the disturbing case of David Barnett at the University of Colorado, who was charged with retaliation and discrimination and harassment for defending a student of his who was found guilty on dubious grounds of sexual misconduct. The administration fired him, although a faculty committee recommended a year's suspension, and eventually paid Barnett a big settlement. But Barnett was found not guilty of discrimination, harassment, or retaliation. In the end, Barnett was dismissed for "unprofessional" behavior in writing a critical report in which he committed the crimes of "hearsay," "sarcasm," and being "offensive" "derogatory" and "inappropriate."

Kipnis admits that at colleges with rape cases, "in some cases they have done disgracefully little." (39) Kipnis deserves some credit for actually talking to some students at Northwestern: "I became a bit less dubious about the alarming stats as I started hearing just how normalized unwanted sex is..." (191)

Let's not pretend that teaching women how to yell "no" and avoid getting too drunk (Kipnis' primary solution to the problem of campus rape) have anything to do with increasing female agency.

Still, Kipnis is right when she argues that there are some serious problems with how universities address sexual assault on campus. As Kipnis observes, universities see sexual misconduct more often in terms of PR than the rights of individuals: "Ludlow was bad for the brand." (226) Unfortunately, Kipnis buys into the argument of male oppression by feminists rather than seeing the nuances of how colleges deal with sexual assault and mistakes made against all parties.

Kipnis doesn't really offer much in the way of structural solutions. She recounts her mother being literally chased around a desk by a professor she worked for, and Kipnis calls upon us "to see a professor's idiocy as comic fodder, not an incapacitating trauma." (156) But why can't we say that it's sexual harassment, and let women decide for themselves whether having sexual predators as bosses is funny, traumatic, or simply disturbing?

Kipnis imagines a great rape hysteria rampaging across campuses and destroying the lives of oppressed male victims. But the truth is that most sexual assaults at universities are never reported or punished.

The title of Kipnis' book has a double meaning. She's saying that "unwanted advances" by men are not a big deal ("how do you know they're unwanted until you try?") and that anti-rape activism is an unwanted advance in feminism that undermines women's autonomy and treats them as victims. Kipnis asks, "What dimwitted sort of feminism wants to shelter women from the richness of their own mistakes?" When those mistakes lead to nonconsensual sexual activity, the feminist sort of feminism should want to shelter women from the "richness" of that experience and punish the criminals who target vulnerable women. For Kipnis, the personal is political, and her own experience with attempted censorship causes her not to question the Feminazi stereotype imagined by conservatives who think that militant anti-rape feminism has taken over campus administrators.

# How I Learned the Value of the AAUP

By Galen Leonhardy

One light illuminated the office, a soft-white bulb within the yellowed burlap-upholstered confines atop a standing lamp. Five of us gathered in one place. To my left and behind me stood our vice president of instruction and acting president, a former math teacher and colleague recently promoted from a dean's position to vice president of instruction shortly after organizing with exuberance a school-wide painting spree that never reached its completion: one hallway of faculty offices still shows an inch or so of unpainted space between the ceiling and dark-wood. Everywhere else in that hallway had been whitewashed. And there are uncounted hallways and entryways all over our small campus still waiting for orange or green paint. She had just replaced the second president in a row to leave the school for "medical" reasons.

To my right and in front of me stood my academic dean — a former music teacher and practicing trumpet player then charged with overseeing the Department of Humanities, Languages, and Journalism, which included English and reading teachers, but, as of this year, longer includes a full-time foreign-language professor. In front of him and sitting was the chair of my department, a long-bearded philosopher who dressed in handmade Civil War era work clothing and who spoke often of and wrote emails noting his ongoing use of prescribed morphine. To the left and just behind the vice president's empty chair sat my union president... for obvious reasons.

Like many academics, my reading included labor-related works, but none of my coursework had prepared me for this. I had been reading Giroux's work for a few decades. Students learned labor history in my humanities class. But, when push came to shove, nothing prepared me when I finally realized that my administrators had crossed the line separating healthy academic interactions and unhealthy forms of domination enforced by the power of business law.

I had not really paid much attention to the AAUP and had no idea really that my academic workplace conditions could deteriorate to the point where resistance was necessary. I knew "things" were happening to academics in other institutions, but those things all seemed so distant from my academic realities. So, when our administrators so thoroughly transformed from supportive to sadistic, it seemed to happen overnight. One day, everything was functioning smoothly. The faculty senate members were part of the everyday interactions and collaborated fairly well with school administrators. The union had a contract that allowed for clarity in terms of workplace processes and expectations. We were all working to support student learning.

The next day came, and I was somehow caught up in an administrative web looking at a horrendous sadistic beast that had wrapped me up and would soon be sucking from me the very stuff that kept me alive. The reality, of course, was that the process had been years in the making. And the reality is that there had been hints of the oncoming transformation that we might have better seen and prepared for had we been paying attention to the AAUP.

I think I realized things were really amiss not too long after I started openly questioning the community college's dual credit (high school classes counting as both high school and college credit) program. A colleague, the advisor for the school paper, told me the student reporters discovered the administration had not been following the Illinois (110 ILCS 27) Dual Credit Quality Act. The student reporters, while doing a routine story on dual credit, discovered inconsistent responses from administrators. Rather than shying away from the story, my colleague helped the reporters learn how to ask difficult questions. The administrators started refusing to comment, choosing instead to rely on avoidance and an intermittent banter of half-truths. My friend showed the student reporters how to file FOIA requests, which revealed the administration did not have documentation showing how state laws were being met.

Letters were written by myself and other faculty members. Senate representatives responded with a series of internal discussions that culminated in interviews with administrators. Still, the administration would not budge in terms of admitting that state laws were being violated, and then our faculty senate members let the ball drop, so a few of us chose another path. I don't think I realized how serious things were even at that point. Each escalation in the process kept showing me how powerless faculty members were to call administrative impropriety into question, but I don't think I really believed that administrators actually had that much power. I really could not believe the administrators could violate state law with impunity.

Abandoned by our union representatives and abandoned by our faculty senate colleagues, we collabora-

tively authored letters to the Higher Learning Commission (HLC) representatives and to the Illinois Community College Board (ICCB) members in charge of the dual credit programs. Two of my colleagues and I were offered a phone interview with ICCB representatives. In order to give the upper-level administrators opportunity to respond, I purposefully revealed to lower-level administrators that my colleagues and I would be chatting with the ICCB representatives. About three days before the interview, I received an email summons to meet with the vice president of instruction, who refused to explain why we were meeting.

That's how I had ended up in the dimly lit room surrounded by what is referred to at my academic institution, in militaristic terms, as our chain of command.

The vice president of instruction (not then technically the college's president, though later promoted to the position) put the school counseling center's pamphlet on a faux wood table. With her fingertips resting on the glossy pamphlet like a ouija planchette, she slid it toward me, to a place just beyond my reach, saying in an icy tone, "We are deeply worried about your current emotional state. You are happy one moment and then sad the next."



I laughed. I really laughed. A deep, authentic belly laugh. This was the same person who knew about my book and article publications and who had asked me about developmental teaching strategies and methods of reducing costs while increasing support for students. The vice president paused and then said, "Oh, you laugh, but we are serious." She moved past me, leaving the glossy pamphlet just out of my reach, and sat down in a chair to my left and in front of where my union president silently hunched over a yellow legal notebook.

A collective silence followed. From behind my department chair's seat, the dean, who would later serve as acting vice president of education, said, "I hear ya sing and dance in the classroom. Ya aren't doing that now, are ya?"

I just looked at him. It's true: I sing and dance in my classrooms as a pedagogical tool. In order to communicate the idea that adverbial structures often move and can be identified because of that characteristic, I do what I call the adverb dance. And I sing traditional Nez Perce Indian songs in my humanities classes, songs the chair of my department described in an email correspondence as caterwauling after being asked why he had (after more than twelve years of past lessons, often in the same room) pounded on the walls of my classroom while students were singing. All I could do was stare at the dean because, as a former marine, I knew that what I really wanted to say should be kept to myself. When you're called on the carpet, you keep your emotions in control. You speak the truth. So I did not reply to his taunting.

Then it was my chair's turn. With the voice of a man barely able to force a whisper, he let me know that my psychological condition was deeply troubling. I asked if he realized that his philosophy degree hardly put him in a position to hand out a psychiatric diagnosis. Again, a hush fell across the dimly lit room. My chair scratched at the cheek somewhat hidden under his belly-length white beard. The vice president commented on something I have since forgotten.

There was another silence, and then the chair asked what degree I held. I said I had a master's degree in rhetoric and composition theory. The chair asked me how that degree made me any more qualified than he to know my own psychological condition. I scoffed, saying, "The voices in my head tell me I'm just fine." Just to make it clear, I don't hear voices in my head beyond the kind of voice many hear when reading or thinking.

I don't recommend that others say something similar in such a situation. Every time I tell a lawyer what I said, the lawyer gets worried and tells me I should never have said such a thing.

My union president said nothing. She just kept taking notes. Fortunately, my administrators were not prepared enough to recognize the mistake I made in responding to the chair's taunting. After the meeting, the union president told me that my approach to questioning the administration about its lack of adherence to state law was the same as the strategy used by Tea Party leaders in response to Obama administration proposals.

After the taunting ceased, the vice president got to the point. "So is it true that you are going to have a phone conversation with ICCB representatives?" I confirmed I would be doing so. She wanted to know with whom, specifically, I would be speaking. The names escaped me. She quizzed me on a few of her other concerns about the phone conference and let me know I was not allowed to represent the college in any way. I remember smiling and nodding as she lectured me, and I remember letting her know that it would be perfectly acceptable with me if she wanted to participate in the conversation. At first she agreed, but then said the notification did not provide her enough time to prepare.

Silence once again fell across the darkened room.

I asked, "Is that all? Are we done now?" Soon after, the meeting was dismissed.

That was near the end of the spring semester 2014. By that summer, an online class I taught was taken away from me without notification; I was told in an email that if I continued to question the loss of that class, the chair would take away other classes to keep me from "burnout." My colleague who had advised the student newspaper retired that semester and the president of the college board, likely in violation of state law, denied emeritus status, saying that my colleague had acted inappropriately as advisor and, therefore, needed to be punished. The next fall, students in my basic writing class were given a departmental barrier examination in the fourth week of an eight-week class, an examination that was normally completed in the sixth and seventh weeks. I let the chair know that I would not support that sort of high-stakes practice. The next eight-week class was given the barrier examination in the third week of class.

Early that same summer, I drafted a version of what you have just read (above) and posted it as a Facebook note. In the fall of 2014, the chair reported I had written a draft of the essay. I received a letter from human resources telling me to remove Facebook notes with writing from a specific date as well as any other material I might have ever written that might be considered a violation of privacy. No specific titles were provided then nor later when I met with the director of human resources.

I chose to take down all of my Facebook notes (drafts of essays, poems, editorials written for the local newspaper, everything), change my user name, and put my privacy settings on "friends only." I then removed every friend from the local area where I teach. While the investigation progressed, the AAEO verbally commanded me to report any blogs I kept. I confessed to having one blog with around 600 entries and more than 15,000 viewers worldwide. The AAEO told me I was to take down any posts that might contain violations of privacy. I chose to take down the entire blog in order to avoid any possibility of violation. After about four months of investigations, I was found guilty in the spring of 2015 of violating the zero tolerance for harassment and terrorism in the workplace policy. Specifically, I was charged with being a perceived threat and harassing authority for reasons that could not be revealed to me. I was then banished from the floor of the building where the department holds meetings and sentenced to psychotherapy for an undisclosed behavior pattern in order to achieve undefined outcomes.

My assigned psychotherapist called to find out what I did and what needed to be changed. She was told that information could not be revealed beyond the notion that I had developed a change in behavior that needed to be modified.

This fall, 2015, the community college was in the newspapers for making changes to the dual credit program. Specifically, the administrators had magically discovered that teachers in the district did not actually have required credentials needed to teach dual credit. That, however, was just one aspect of the program that FOIAs showed to be in violation of state law. It is within reason to think the school is still not actually in compliance with state law, though it is nearly impossible to know for sure as there is no real transparency. There are other issues as well. According to the faculty member charged with direct supervision of one

HOW I LEARNED continued on page 6

# American Authoritarianism and Academic Administration

By Galen Leonhardy

For those who don't know, we've had a recent hullabaloo at Black Hawk College in Moline, Illinois. I've written before about how American authoritarianism plays out at my small community college in the heartland, but this most recent episode provides a tale especially worth the reading.

Our February 24 Board meeting was filled with authoritarian decision making. A total of twenty-six concerned community members, students, faculty, and regional experts attempted to engage in democratic exchange by explaining why terminating programs and upper-level, full-time faculty positions was problematic, and they did all that just prior to being ignored by BHC Board members who promptly voted to eliminate 8 full-time faculty positions, hack off half the art department and the entire earth science program, and then allocate nearly a half million dollars in spending for renovations. Our union leaders tell us we are at 30 percent full-time faculty and 70 percent part-time. That's down from about 80 percent full time and 20 percent part time less than a decade ago. So it should come as no surprise that the authoritarians had not included within their decision-making process the concept of shared governance. Instead, they hired some east-coast consulting firm to facilitate the implementation of ubiquitous prevarications justifying their decrees.

The administrators and Board of Trustees continually blame the Illinois State government for our institutional woes, rather than accepting responsibility for hiring two failed presidential candidates and never having the foresight to replace fading programs with programs that would attract students wanting to learn skills relevant to economic growth area needs. That's not to say that Governor Bruce Rauner's authoritarian practices have not plagued education in Illinois, but the fact is, our Board members and upper-level administrators have not allowed for shared governance nor added new programs to match growth area needs. And then there are the prevarications used to facilitate outrageous levels of borrowing in a time of austerity: last August, the Board members approved borrowing 31 million dollars for improvements that included such justifications as needing to make classrooms larger so that wider desks might be purchased to meet the needs of students who are now supposedly too large to fit into the seats all of my students have been using every day for the past fourteen years.

So why do I believe this is authoritarianism playing out in my context? The answer to that comes in the form of an attack on faculty and students' free speech and academic

freedom. You see, as the BHC Board of Trustees tapped their fingers and twiddled their thumbs while the mass of concerned citizens offered beautiful orations in tribute of those fine faculty members and programs soon to be terminated, another issue unfolded: the three daughters of our recently deceased colleague, Professor Erskine Carter, proposed that their dad ought to be posthumously awarded the title of professor emeritus.

Who was Carter? Well, Professor Erskine Carter taught at the College for just shy of thirty years. He did everything you might imagine a great scholar would do: helped students, wrote books and articles, served on the Illinois Humanities Council, brought authors like Robert Bly, Jamaica Kincaid, Richard Rodriguez, and James Loewen to our community. He was also the advisor for the Black Hawk College newspaper, *The Chieftain*. When he was advisor for the student newspaper, the student reporters chose to cover a story about how Black Hawk College was in violation of The Illinois State Dual Credit Quality Act (110 ILCS 27/), and they won a bunch of State-level awards for their hard work. Carter retired at the end of that year and was denied emeritus status. Rumor had it that the Board members were punishing him for his role as advisor for the student newspaper, but nobody seemed able to verify any statements that would confirm such an authoritarian practice. The only explanation we were given was that Carter had mistaken a picture of the Board president for a picture of Ted Cruz, which apparently upset the majority of College Board members.

Understandably, after his death, his daughters had worked to correct the situation. Unfortunately, right before the Board of Trustees voted to terminate faculty members and chop off a couple of needed programs, those same Board members saw fit, in a 4 to 3 vote, to deny Erskine Carter's emeritus. The Board members who voted against Carter's emeritus did so despite the fact that Carter's department members and the BHC Faculty Senate had unanimously agreed on not just one but two different occasions to recommend Carter for professor emeritus.

This is the only time the BHC Board of Trustees has ever rejected an emeritus recommendation. Like me, you might wonder why those four Board members chose to make such a decision. Well, I can't tell you what all four were thinking, but I can now tell you what one was thinking because we have eyewitness accounts that verify the

story.

A short break followed the February 24 Board decisions. During that break, Professor Carter's daughters confronted Board President Emerick, and all three attest to hearing Emerick explaining his reasoning to Professor Carter's middle daughter, Miranda. She had asked Emerick to justify the decision. Emerick reportedly first said he would not reward "bad behavior." When asked what exactly that was, Emerick said that Professor Carter was guilty of writing fake news. Miranda reminded Emerick that her father did not write any of the articles published in the student newspaper. Emerick then told Miranda that their dad likely had more than a little to do with writing the articles and that their dad had caused a lot of trouble for the College by allowing the students to cover the dual credit stories.

The last time I checked, Section 15 of The Illinois College Campus Press Act (110 ILCS 13) (110 ILCS 13/15) tells us that "...A collegiate media adviser must not be terminated, transferred, removed, otherwise disciplined, or retaliated against for refusing to

suppress protected free expression rights of collegiate student journalists and of collegiate student editors.

So now there are three witnesses who attest to hearing Board President Emerick make the claim that he was, in effect, disciplining Professor Carter for facilitating the protected free expression rights of the student journalists and their editor.

That the Board president used terms common to Trump's American authoritarian rhetoric in order to justify actions that serve to chill First Amendment rights and deny academic freedoms provides a certain example of American authoritarianism playing out in our small community college context. As noted earlier in this essay, this is not the first instance of obfuscation, fabrication, and retaliation, three hallmarks of authoritarian practice, being used by administrators at our college. And I doubt it will be the last. Consequently, though I would welcome the chance to be incorrect, I also doubt Board President Emerick would be willing to explain his Trump-inspired rhetoric and his subsequent determination to punish the dead now in order to send a clear authoritarian warning to current and future student journalists and their faculty advisors.

*Galen Leonhardy teaches at Black Hawk College.*



## How I Learned the Value of the AAUP CONTINUED FROM PAGE 5

dual credit program, some high school students had not been paying for dual credit classes. At our school, high school students were paying forty-five dollars per course when the school paper investigated. That price was increased since then. Regardless, the students who were not paying ended up getting a free ride as no money can be collected after the fact, nor can degrees be retracted. So who knows how much money the dual credit program has cost the college over the years? And then there are so many other questions. Basically, the dual credit program still appears plagued by obfuscation and fabrication.

In the end, it appears that business law allows the administration the liberty to punish faculty members who question administrators, point out violations of state law, and write truthfully. The key — no harm was done. Specifically, the administration did not cause me or my colleague economic harm. I contacted six or so lawyers, none of whom would take the case. Several helped me in terms of selecting the proper wording relating to the administration's not meeting the burden of proof and in terms of the administration's quelling of my First Amendment rights. One lawyer said that because I had commented on the chair's prescribed drug use and had posted my essay drafts on Facebook that the case could not be defended. Another said that for about 3,000 dollars, she could get an injunction filed that would keep the school from continuing to violate my First Amendment rights. Beyond that, finding lawyers who will explain to me what has happened and how what my colleague and I experienced was orchestrated has not yet happened.

I'll confess to having given up calling legal representatives in the spring of 2015. There were a couple who charged around 400 dollars an hour who said they would chat with me if I paid, but I have a kid studying astrophysics at Berkeley, and I decided her needs outweighed my desire and ability to pursue the matter in the courts. In the spring of 2016, the president of the college board paid the school lawyer for studying Roberts' Rules in order to find a rule that allowed the board president to reject a motion to revisit my colleague's emeritus denial and have another discussion and vote on the matter. Obviously, there is no

way I could ever compete financially.

The reasons I have penned this essay are twofold. First, it's a warning related to academic labor issues. If administrators at a small college in Illinois can do such things to me and my colleague (in addition to charging the faculty senate president with violations for asking the senate members to discuss one dean's acceptance of gifts that exceeded the college board's limits), then administrators all over the country can do such things to academics who question policies, who question administrative actions, who question compliance with state law, or who have the audacity to write essays or voice their opinions about workplace-related issues on Facebook or in blogs. As faculty, my colleagues and I had no idea that business law allowed administrators so much power. We thought we could post our thoughts on Facebook or in the form of blogs. As it turns out, that is not necessarily the case as long as the administration does not cause economic harm, and my hunch is that what happened at my school is but an echo of what's happening nationally.

Second, it is my hope to convey what so many already realized and what it would have helped me to know: we need unions and lawyers and the desire to stand up for our rights and the will to support those who are standing up for their rights. The AAUP continues to make public announcements and disseminate information about folks all over the country who are doing what it takes to strengthen academic freedom and labor rights.

Like all American workers, I have no overt quest to lose my position, no desire of returning to poverty, no desire to rob my children of the health benefits won by past unionists who put their lives on the line while resisting domination. Those unionists, like others who fought the power of legislated interferences with the content of public education in all its myriad forms, had to face domination by working hard, by sticking together, and by being smart. We owe a great debt to those past unionists, and, consequently, a compelling moral obligation exists. We owe it to those past unionists to keep up the fight so future generations of academics and other laborers will have healthy working conditions.

Hopefully, this essay helps other scholars, so they do not have to learn the hard way. I still don't quite know what happened to me and my colleague or how the administrators gained the authority they appear to have. I survived the Kafkaesque process and did not lose my job. And I have not stopped questioning the autocratic administrators who govern education and workplace interactions where I teach, though I am learning to think before I act.

There are significant indicators that let us know when to wait or not to wait when making a stand. Information from the AAUP has helped me to not make the mistakes I made the first time I challenged my autocratic administrators. If we are to strengthen our collective rights, the very least we can do is disseminate the content offered by the AAUP. The first place we can do that is on our Facebook pages. In our own workplaces, we need to support those brave enough to take a stand. The least we can do is help those taking a stand by doing the research that helps our colleagues know what they can or cannot do and what administrators can or cannot do.

Again, disseminating materials provided by the AAUP is a great way to increase collective strength. We also need to monitor autocratic administrators who are willing to use business law to limit what we write and where we write or to limit our ability to question and share in the governance of our academic workplaces. I promise that such autocratic educational administrators make mistakes. They violate laws, and when they do, we need to be watching, be informed, and be willing to act.

There's the rub of real academic responsibility in terms of labor issues, and, thanks to the AAUP, I am learning the realities of what it takes to be part of the resistance movement. To engage, to resist creatively, to question systematically, to face the adversity of administrative and legislative domination with laughter, to strive for equity, fairness, and quality, to be filled with hope, to know the laws and past precedent, these are the keys of our resistance, and I am grateful that the AAUP leads the way in making those keys available to all of us who have discovered that there is a need to resist.

# Targeted Online Harassment of Faculty

This statement addresses increasing concerns about efforts to intimidate and harass faculty. The Professor Watchlist website, claiming to identify professors who “advance leftist propaganda in the classroom” is one example of such efforts. The statement includes recommendations for administrations, governing boards, faculty bodies, and individual faculty members to defend academic freedom, condemn targeted harassment of faculty, and to prohibit surreptitious recordings of faculty and students.

## Targeted Online Harassment of Faculty

The 2016 election has exacerbated a political climate that was already inimical to academic freedom. Six years ago the American Association of University Professors conveyed its concern that “the war on terror, the conflict in the Middle East, and a resurgence of the culture wars in such scientific fields as health and the environment” had created an atmosphere “in which partisan political interests threaten to overwhelm academic judgment.”[1] Since the election, we have seen a resurgence of politically motivated witch hunts against academic scientists working in fields such as climate change and fetal tissue research, where the implications of scientific findings are perceived as threats by entrenched interests and partisan ideologues. In addition to the “danger zones” for academic freedom enumerated in 2011, issues related to racial justice have also come to the forefront in the course of the last two years and played a prominent role in the most recent election.

Against this backdrop, ongoing and new efforts by private groups to monitor the conduct of faculty members have heightened concerns about the impact of the political climate on academic freedom. Thirteen years ago the Association’s Special Committee on Academic Freedom and National Security in a Time of Crisis remarked that such groups, “parading under the banner of patriotism or acting to further a specific cause, have been monitoring academic activities and have denounced professorial departures from what these groups view as acceptable. A private project called Campus Watch, for example, has subjected professors of Middle Eastern studies to such scrutiny. Antecedents to these efforts can be found in the activities of the John Birch Society in the 1960s and of the Accuracy in Academia movement in the 1980s.” Today, their descendants can be found on websites such as Campus Reform, College Fix, or Professor Watchlist.

A website like Professor Watchlist, which purports to identify faculty who “discriminate against conservative

students and advance leftist propaganda in the classroom” and which had initially also aimed to identify those who “promote anti-American values,” lists names of professors with their institutional affiliations and photographs, thereby making it easy for would-be stalkers and cyberbullies to target them. Individual faculty members who have been included on such lists or singled out elsewhere have been subject to threats of physical violence, including sexual assault, through hundreds of e-mails, calls, and social media postings. Such threatening messages are likely to stifle the free expression of the targeted faculty member; further, the publicity that such cases attracts can cause others to self-censor so as to avoid being subjected to similar treatment. Thus, targeted online harassment is a threat to academic freedom.

Commenting on the distinction between governmental interference in academic freedom and the activities of external faculty monitors, the Association’s special committee made the following observation about the latter:

As private entities, these groups are protected by the First Amendment from state censorship or sanction as long as they stay within lawful bounds. They are sheltered by the same freedom of expression that we seek for ourselves, and they are equally subject to public rebuke. Insofar as a particular professor might be thrust into the rough and tumble of the public arena, the law demands, as a prominent legal scholar once put it, a certain toughening of the mental hide. Such is the price of free speech.[2]

But while it may indeed be wise counsel for those who have been thrust into the public arena (willingly or unwillingly) to steel themselves against harsh criticism, surely such advice does not extend to threats against faculty members’ lives or those of their family members. In 2011 “alt-right” publisher Andrew Breitbart posted a surreptitiously recorded video clip of a labor studies class at the University of Missouri that had been edited to distort the context of the classroom discussion, an action that led to death threats to the instructors. In response to Breitbart’s action, the AAUP observed: “When students voice their views in class, they should not have to fear that their comments will be spread all over the Internet. When faculty members rightly explore difficult topics in class, they should not have to fear for their jobs or their lives.”

The AAUP does not dispute the First Amendment rights of these organizations, nor does it call for government censorship or sanction against them. It does, however, condemn efforts to intimidate or silence faculty members,

and it urges others to do so as well. Governing boards of colleges and universities have a responsibility to defend academic freedom and institutional autonomy, including to protect institutions from undue public interference, by resisting calls for the dismissal of faculty members and by condemning their targeted harassment and intimidation. As the AAUP’s Statement on Government of Colleges and Universities asserts: “When ignorance or ill will threatens the institution or any part of it, the governing board must be available for support. In grave crises it will be expected to serve as a champion. Although the action to be taken by it will usually be on behalf of the president, the faculty, or the student body, the board should make clear that the protection it offers to an individual or a group is, in fact, a fundamental defense of the vested interests of society in the educational institution.” But while the board has a particular responsibility to protect the institution, the maintenance of academic freedom is a responsibility shared by all components of the institution: governing board, administration, and faculty.

## Recommendations

1. The AAUP urges administrations, governing boards, and faculties, individually and collectively, to speak out clearly and forcefully to defend academic freedom and to condemn targeted harassment and intimidation of faculty members.

2. The AAUP recommends that administrations and elected faculty bodies work jointly to establish institutional regulations that prohibit the surreptitious recording of classroom discourse or of private meetings between students and faculty members.

1. “Ensuring Academic Freedom in Politically Controversial Personnel Decisions,” in *Bulletin of the American Association of University Professors* (supplement to *Academe*), 2011, 88.

2. “Academic Freedom and National Security in a Time of Crisis,” *Academe*, November–December 2003, 37. The Association publicly rebuked the John Birch Society, Accuracy in Academia, and Campus Watch, calling them, respectively, “the very antithesis of the scholarly community”; “antithetical to the freedom of faculty members to teach and of students to learn, as well as a threat to the freedom of the academic institutions themselves”; and “a menace to academic freedom.”

## Northwestern’s Academic Freedom

By John K. Wilson

In February, an ad hoc committee of the Northwestern University faculty senate issued a report addressing the cases of Laura Kipnis and the censorship of *Atrium* magazine.

The report observed that Northwestern has changed its policies to allow for dismissal of dubious accusations without a full investigation. The report recommended an apology over the *Atrium*’s censorship and noted, “The university’s claim that having public-relations staff veto scholarly editorial decisions is ‘customary for academic journals’ is preposterous and outrageous.”

The report proposed a new rule: “Neither administrators nor public relations staff may participate in the editing of journals edited by faculty or students, nor have any control over the content of those journals.” This is generally a good idea, but it’s far too broad.

What if students choose to ask a staffer to help edit a story? That should be up to the students (and the administrator) to decide. It’s also very common for staff to be hired to do editing work on academic journals. And what if a faculty member is editor of an important journal, and then is asked to be an interim department chair or other administrative position? It’s not clear how “administrator” gets defined.

The ad hoc committee’s rule is also not broad enough. For example, under this rule, administrators are still free to take control of a university-owned journal away from controversial faculty and turn it over to a more sympathetic professor (or even students), as long as they don’t personally edit it. That’s obviously not what should happen.

It might be better to make the rule something more like this: “Administrators cannot impose editorial control or demands on journals run by students or faculty.”

The report also recommends a new policy

for harassment, that speech in “an academic, educational or research context” cannot be harassment unless it meets the definition and is also “targeted at a specific person or persons, is abusive, and serves no bona fide academic purpose.” This provision, taken from the University of Chicago’s policy, is a little too broad for me.

For example, during a class, a professor could make all kinds of sexual compliments directed at a student and ask her out on a date. This is arguably not “abusive” (which typically only means negative comments) but nevertheless should meet a reasonable definition of sexual harassment. The term “abusive” is a very vague requirement. The directedness requirement is also generally correct, but not always good as an absolute rule. One can imagine a professor expressing all kinds of sexual comments that are abusive and not relevant to the class that are not directed at specific person or persons that could be harassing (for example, repeatedly saying that all women in general are stupid and inferior).

The bona fide academic purpose exemption is a good idea, but the remaining rules are just too broad, even if they might help prevent some bad interpretations of harassment that endanger academic freedom.

Northwestern (with the faculty senate) should establish a permanent committee (made up of knowledgeable faculty) on academic freedom, for the administration and faculty to consult, and to evaluate cases. The Faculty Senate does have committees on Cause (for disciplinary matters) and Faculty Rights and Responsibilities, but these don’t specifically address academic freedom (nor do they go beyond faculty issues). In addition to this, Northwestern needs an AAUP chapter to keep the pressure on the administration to make reforms.

## 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. For information, email [collegefreedom@yahoo.com](mailto:collegefreedom@yahoo.com).

## “Skinny” Budget Undermines Science, Education, and the Public Good

*An Open Letter from the AAUP to the Chairman of the U.S. Senate Committee on the Budget, Ranking Member of the U.S. Senate Committee on the Budget, Chairman of the House Budget Committee, and Ranking Member of the House Budget Committee.*

President Trump released an initial budget proposal Thursday containing deep cuts that would severely damage scientific research, the arts and humanities, and access to higher education.

The budget proposal includes a cut of nearly 20 percent to National Institutes of Health funding and deep cuts to research programs at the Department of Energy, Department of Education, and other government agencies. It decimates funding for climate change research and programs within the Environmental Protection Agency and completely eliminates the National Endowment for the Arts and the National Endowment for the Humanities. The repercussions of these cuts, if enacted, would be very serious for faculty, our students, and the public.

Cuts to student aid are also severe, and disproportionately affect students of color and working class students. The proposal slashes work-study programs, grants for low-income college students, and programs that prepare disadvantaged students for college. It robs Peter to pay Paul by moving \$3.9 billion in surplus Pell Grant funds to noneducational uses.

While we aren’t surprised by this proposal—just one in a string of politically motivated attacks on higher education—we are dismayed by it. This is not a design for the world class system of higher education that Americans have come to expect. It is, instead, a design that will undermine the world’s finest system of higher education and further harm low-income college students. It is not in the interest of the American people.

The AAUP has long supported teaching, research, and student access to higher education, including expanding opportunities for students of color. We believe that colleges and universities are a public good and learning and the search for truth are vital for a functioning democracy.

# Remarks at the Illinois Coalition to Invest in Higher Education Rally

By Linda Brookhart, Executive Director, SUAA

The State Universities Annuity Association represents all participants and recipients in the State Universities Retirement System. As students, this might not be important to you. As a legislator, this might not be important to you. But to the campuses, these people are the glue that holds higher education together. These are the very people who keep our higher education structure intact. The very people who hold their loyalties to these institutions. The very people who work exceptionally hard to make sure students get a fair run at life's hurdles.

We continue to listen to the many voices who think further cutting of funding to higher education makes sense because of the alleged over-spending, whether it be curricula, services, maintenance or salaries. We believe that all campuses have worked hard to take the excess spending out of their budgets. So much so that they are now running on fumes – the perks have gone away – those perks have been forced out.

Our members are on the front lines of cutbacks, furloughs, and job losses. Our members are the ones who are picking up the pieces for their campuses as their associates, their friends, their colleagues are forced out. They do this by adding one more task to their already overloaded schedules. They do this out of loyalty for their campuses and loyalty to their profession. It is important to them that their campus be viewed as having enough personnel to keep operations going, faculty to teach, and the administration to pull it all together. They do this for the students.

The loss of personnel, regardless of their positions, goes beyond the borders of our campuses. The cutbacks and unemployment dig into the mainstay of our communities. Our members contribute to their communities through buying power – think real estate, shopping, restaurants, recreation and hobbies. Through volunteerism – social services, churches, community projects and their campuses. They help to raise money; and they contribute heavily.

There are almost 180,000 active members and retirees in the State Universities Retirement System who have the ability to put over \$1.45 Billion back into the economy of their communities and the State of Illinois every year. In addition, seventy eight percent of the annuitants continue to live in Illinois.

The SURS members – participants and recipients alike – are the very people who brought their talents to lead our students to their dream jobs; the very people who without them, there would be no success stories to share.

Higher Education Creates Jobs! Quit telling them to go away!

## Political Litmus Tests Have No Place in Higher Ed

The following statement was released today by Rudy Fichtenbaum, AAUP president, and Hank Reichman, AAUP first vice-president and chair of Committee A on Academic Freedom.

Shortly after the 2016 election, the AAUP warned that we could be facing the greatest threat to academic freedom since the McCarthy period. It now appears that such a warning was not misplaced. Extremists in the administration, Congress, and several state houses have created an atmosphere in which “alternative facts” reign supreme, and which encourages the introduction of legislation that threatens the core principles of our democracy.

The latest examples of extreme legislation come from Iowa and North Carolina. In Iowa, a bill has been introduced that would prohibit the hiring of a professor or instructor at a public university or college if his or her most recent party affiliation would “cause the percentage of the faculty belonging to one political party to exceed by 10 percent” the percentage of the faculty belonging to the other dominant party.

In North Carolina, legislation (since tabled) was introduced that would require tenure-track and tenured faculty members to “reflect the ideological balance of the citizens of the state,” so that no campus “shall have a faculty ideological balance of greater or less than 2 percent of the ideological balance” of North Carolinians.

Many may rightly believe that initiatives like these cannot pass and that if passed they would be overturned immediately by the courts. However, the introduction of such legislation has a chilling effect. Moreover, implicit in these proposals is the demand that prospective and current faculty members disclose their political affiliations and personal political views as a condition of employment, which is precisely what happened during the McCarthy period.

The AAUP opposes in the strongest terms any legislation that would create an ideological or political litmus test as a qualification for employment as a faculty member at a university or college. Our commitment to academic freedom is rooted in a vision of democracy that thrives on dissent, critical inquiry, free speech, and free research. We will continue to join with other organizations to resist threats to academic freedom, legislative intrusions into higher education, and harassment of faculty.

# 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).



# Statement of Solidarity Against Trump's Entry Ban

On January 30, the AAUP urged faculty and supporters to sign a statement of solidarity against the ban imposed by Donald Trump's executive order, “Protecting the Nation from Foreign Terrorist Entry into the United States.” Thousands signed in the first hours, and support continues to grow. Just as spontaneous protests at airports and elsewhere mobilized opposition to the ban, your expression of support for those targeted by the ban—including many faculty and students—sends a powerful message that this abuse of executive power for discriminatory purposes is unacceptable. Sign the statement below and encourage others to sign by sharing links by e-mail and on social media. On March 6, the AAUP issued a follow-up statement below.

## Stand Against the Ban

The AAUP strongly opposes Donald Trump's unconstitutional and discriminatory ban on entry into the United States for people from some Muslim-majority countries.

Large numbers of our students and faculty members are affected by administration's ill-considered executive order, which violates so many American traditions and beliefs. We fear that the abuse of power we are witnessing will wreak havoc on our institutions of higher education.

We call on faculty, students, and all citizens to remain engaged in the struggle for justice on every campus and in every community. We call on all reasonable politicians to oppose this administration's discriminatory order.

Add your name in solidarity at

<https://www.aaup.org/statement-solidarity-against-trumps-entry-ban>

## New Ban, Same Discrimination

It's still a ban. It's still exclusionary. It's still aimed at Muslim-majority countries. And it still has a chilling effect on academic freedom and the movement of people and ideas.

Under the new travel ban signed today, people from Iran, Somalia, Sudan, Yemen, Syria, and Libya will face a 90-day ban on entering the United States. This despite a leaked Homeland Security draft report from last week that said that citizenship is an “unlikely indicator” of a threat and the fact that there are already stringent vetting procedures in place for people seeking visas to enter the US.

Those being excluded from the US will doubtless include faculty and students who seek to travel here to speak, participate in conferences, or conduct other academic work. Their exclusion is at odds with fundamental AAUP principles and with our nation's historic commitment to the free exchange of ideas.

The AAUP is planning to join the legal fight that will follow this new ban. Indeed, we have a long history of legal action in this arena. In 2006, we joined the American Academy of Religion and the PEN American Center in a suit contesting the exclusion of Tariq Ramadan, a scholar who accepted a tenured position at the University of Notre Dame only to have the government revoke his visa, apparently on the basis of what is known as the ideological exclusion provision of the USA Patriot Act.

The same year Adam Habib, a scholar coming to meet with officers of the Social Science Research Council, Columbia University, the National Institutes of Health, and the World Bank was intercepted at the airport and denied entry to the United States, based on a portion of the USA Patriot Act excluding aliens who have “engaged in a terrorist activity.” The government did not, however, provide any evidence for its determination that Habib had engaged in terrorist activity or define the type of activity in which he had supposedly engaged. The AAUP joined the ACLU in filing suit on behalf of the AAUP and other organizations that had invited Habib to speak in the United States.

Academic freedom eventually prevailed in those cases—the bans on entry for both men were lifted in 2010—and it will prevail again, though the fight will not be quick or easy.

In the meantime, the most important thing you can do is continue to support the fight. Make a donation to the AAUP Foundation's Legal Defense Fund.

When you ban people, you threaten academic freedom.

## 2017 Summer Institute

The 2017 AAUP/AAUP-CBC Summer Institute is coming to University of Cincinnati in Cincinnati, Ohio. From July 27 to July 30, more than two hundred other higher education professionals from around the country will gather for four days of exciting workshops and special programs to build your skills as an advocate for AAUP principles, collective bargaining, and higher education. Learn more and register at [aaup.org](http://aaup.org).

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