

# ILLINOIS ACADEMIE

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## PRESIDENT'S CORNER

### When AAUP Principles Collide

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Of all the major AAUP principles – academic freedom, tenure, due process, and shared governance – I often wonder which one is the most important. We may argue that all of them are interconnected in some way or another and therefore they are all important. But what if one principle appears to be in conflict with another? How can we make a judgement call in such a situation? This hypothetical question was realized in the recent developments at DePaul University when the Board of Trustees voted to close down its Barat campus.

The university promised to honor the tenure standards of its Barat campus tenured faculty and help as much as possible those who were on tenure track. This challenge was passed on to the various departments at the DePaul main campus, which were now placed in the difficult situation of “honoring tenure” by accepting tenured Barat faculty amongst them as colleagues.

Faculty in those departments wanted to have a say as to who their colleagues would be and insisted on “admission criteria,” including interviews, before accepting anyone from Barat College – even if they had already earned tenure there. Such an expectation reflects an important AAUP principle: faculty must set the standards and methods of hiring their new colleagues. On the other hand, Barat tenured faculty felt betrayed that their tenure, earned through a legitimate process at Barat, was now coming under question by colleagues in the same institution.

It is my understanding that some of the Barat tenured faculty made a smooth transition into the main campus departments and others, for a variety of reasons, decided to take an early retirement. A few tenured Barat faculty who were not hired in specific departments were to be housed under the Vice President's office in some strange capacity still unclear to me and most certainly unorthodox in practice.

I wonder if this difficult dilemma would have arisen if shared governance were fully applied in this entire story. When DePaul was about to purchase Barat College, the Faculty Senate voted against the idea. Yet the Board of Trustees ignored the faculty's concerns and went ahead with the purchase. Despite major restructuring and the launching of a more focused marketing for new students, Barat College was hit with major repair costs that undermined its financial health. The Board was contemplating closing it down, thereby cutting their financial losses.

The Faculty Senate of DePaul (which included elected representatives from Barat College) met to discuss the pros and cons of closure. After a long meeting and after hearing from administrators, faculty and students at Barat and AAUP representatives, the Senate voted in favor of continuing the operation of this 100-year-old historic institution. Although the vote was close, it was nevertheless a Yes vote in favor of preserving Barat.

Once again, and for the second time, the Board of Trustees did not concur with the Faculty Senate vote and decided instead to close down the Barat College campus.

I do not propose that the Board of Trustees was wrong in its decisions. All I am suggesting is that the system of

## The Merger Myth: The Case of Barat/DePaul

By Joan Berman, emeritus professor of economics, and former vice-president of the Illinois AAUP Council  
What faculty need to know

Although every faculty member of little, struggling Barat College in Lake Forest, Illinois knew that the so-called merger with large, affluent DePaul University of Chicago was in reality an acquisition, the language used throughout the process was consistently “merger” and “alliance.”

The faculty of DePaul University was never informed of the merger until after the fact, and even worse, Barat's faculty was told repeatedly by their administrators that no such negotiation was in progress. The specific deal struck had little chance of being received enthusiastically by either group, for even those from the failing college realized that the plan (to set up a tiny interdisciplinary liberal arts college in competition with its giant counterpart in Lincoln Park) had disastrous deficiencies, especially in light of half-hearted recruitment efforts. Nevertheless, both faculties, for the most part, played along until the end, when the Board of Trustees of DePaul University decided three years after the merger to close Barat Campus, thus in effect closing the 100-year-old college at the first moment legally possible. Significantly, this closure was decided on despite the votes by both faculties to retain the newly acquired Barat Campus.

The failure of this merger provides the costly lesson that faculty governance must be brought into this kind of decision from the beginning. Other serious dangers exist. If a merger is under discussion:

### 1. Faculty should carefully examine promises of continued employment.

DePaul pledged, according to the merger agreement not accessible to faculty, to honor tenure and later, after the Board's decision, to retain all tenured and tenure-track professors. Nothing was offered to those faculty on non-tenure-track lines, some of whom had taught at the institution for more than a decade. Further, in part perhaps an effort to assuage disgruntled DePaul faculty who were left out of the merger decision, the administration vowed not to “force” Barat faculty onto any DePaul department once Barat closed. Thus the Barat faculty were so far from “merged” that they were required to apply and interview for jobs at DePaul. This happened in many cases even after they complied by teaching the DePaul prescribed curriculum. Although the total number of Barat faculty was small, especially in light of DePaul's numbers (26 tenured and tenure-track, five non-tenure track, as compared to approximately 750 full-time faculty at DePaul), a third of the tenure/tenure-track group was not accepted into their respective departments. These mostly tenured professors have been given an option to work “at large” in the University, not affiliated to any particular program—a job description with serious professional drawbacks. Another option is a one-year salary buy-out for both the tenure-track and tenured professors. Appeals and legal actions are now pending.

2. Faculty should carefully examine academic re-organizations resulting from a merger.

Barat was set up as an “autonomous” college within the DePaul, but the old curriculum was for the most part deleted. From the outset, professors were told that they needed to invent a curriculum that would not duplicate existing DePaul programs, and to reinvent themselves as professors not of their traditional disciplines, but of interdisciplinary studies, necessitating the creation of an entirely new range of courses. The old identity of the college—the part dependent upon the curriculum—was lost. Eventually, disciplinary majors from the university were offered at Barat under the purview of other colleges of the

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## REPORT ON THE STATE OF ACADEMIC FREEDOM IN AMERICA — PAGES 3-5

### Illinois AAUP Wins Awards for Newspaper, Website



This summer at the Annual Meeting of the American Association of University Professors in Washington, D.C., the Illinois AAUP won two awards. *Illinois Academe* won an award for best state conference newspaper, and the Illinois AAUP website, [www.ilaaup.org](http://www.ilaaup.org), won the award for best website. Visit [www.ilaaup.org](http://www.ilaaup.org) to read issues of *Illinois Academe* and other news about the Illinois AAUP.



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## KEEPING WATCH: The Illinois Board of Higher Education

Most faculty try to keep abreast of things in their unit and to a lesser degree the college and campus. On occasion the focus is on what is happening in Springfield that might affect higher education. One key intermediary between the institution and the legislature and Governor is the Illinois Board of Higher Education. It bears watching because it directly impacts the institution and thus its faculty, staff and students. Public campuses establish their own mission but the specifics of that mission in terms of focus are negotiated with the IBHE. Private institutions are particularly sensitive to appropriations for the Illinois Student Assistance Program.

Appointed by the Governor, the IBHE has an office and staff in Springfield. Among other things it reviews—and cuts—budgets submitted by the four-year public institutions. It sets and recommends to the Governor and legislature the higher education budget including funds for community colleges, the monetary awards programs and various grants. (Although included in the higher education budget, appropriations to the state university retirement system are set by law.) It approves degree programs and operating authority for public and private institutions in Illinois. Faculty may not know much about the IBHE but administrators know it well since they must deal with it in a variety of respects.

Three current initiatives of the IBHE are a revision of *The Illinois Commitment*, a study of the four-year public universities in terms of Priorities, Productivity, and Accountability via an appointed committee, and formulating the FY'06 budget request.

**The Illinois Commitment.** The Board promulgated *The Illinois Commitment* in February 1999 as a strategic plan to guide higher education to 2010. It set as the goals of higher

education: contributing to economic development; partnering with K-12 to improve teaching and learning; ensuring affordability; assuring access and diversity; offering high quality education; and improving productivity, cost effectiveness, and accountability.

Responding in part to concerns of the Faculty Advisory Council (FAC) that the document did not reflect the manifold dimensions and contributions of higher education to Illinois citizens, a review of the *Commitment* was undertaken during the last year. The FAC stressed that the overarching role of higher education was to enhance the quality of life in Illinois and does so in many ways that go far beyond the education students receive in the classroom.

At its October 5 meeting, the IBHE adopted a series of revisions to the *Commitment* while continuing much of its original thrust. The *Commitment* gained a preface stating that it "is premised on the conviction that higher education provides the foundation for Illinois' future by enhancing the social, economic, and civic well-being of the state and its residents." The six goals became a policy framework with short- and long-term objectives articulated. Rather than being a static document, these objectives will change in response to changes in the broader environment. While adopting the proposed changes, members of the Board called for greater attention to the given to civic involvement of students and ethics, issues to be addressed in future action. I would like to see a greater stress on the arts and creativity and use of the term "enhanced quality of life."

However, it is clear that this is a significantly improved document over its predecessor although some in higher education would prefer to have the entire document discarded with a return to emphasis upon the individual missions of the institutions.

### Priorities, Productivity and Accountability Committee.

This committee was established in part due to budget stringencies to enable the Board to examine cost and return issues. The committee has formed two subcommittees: one to examine issues related to Board and institutional authority to change missions and focus and to examine program quality with a particular reference to online and proprietary education. It may also take up issues of faculty productivity and workload. The other subcommittee will examine issues related to regulatory relief from the burden of extensive reports and current accountability processes to see if duplication can be eliminated and more effective and efficient means identified to demonstrate accountability. The committee now plans to provide recommendations to the Board in late spring.

**Budget.** The Board staff is holding a series of meetings with institutions as the FY'06 budget is being built. Clearly the state has continuing negative budget pressures that will constrain budget recommendations. With regard to this year's current budget, the IBHE deserves praise for holding to its recommended budget in the face of the Governor's efforts to reduce the budget. The Board, colleges and universities, and individuals worked with the legislature to achieve what was essentially a no-growth budget, a meaningful accomplishment given the Governor's efforts to slash state funds going into the higher education budget even after the sharp reductions of the previous two years. State funding for public universities is down 14.7% from FY'90 to FY'05 adjusted for inflation. Inflation adjusted funding for the Illinois Student Assistance Commission in that period rose 32%.

All three of these substantive areas of concern merit a watchful eye during the coming year.

**Speakers Bureau**  
We invite all our chapters and members to use this Speakers Bureau and bring these speakers to your campus. Contact IL AAUP Executive Director Lynne Meyer at (773) 510-5923, [lmeyer@mindspring.com](mailto:lmeyer@mindspring.com). We are accepting nominations and applications from experienced AAUP members who wish to serve on this bureau.

**SPEAKERS:** Ken Andersen, Speech Communication, University of Illinois at Urbana-Champaign, past president, IL AAUP; Joseph Felder, Economics, Bradley University, Secretary, ILAAUP; Jack Leahy, Religious Studies, DePaul University, and past president, IL AAUP; Pan Papacosta, Columbia College in Chicago, and president, ILAAUP; Lawrence Poston, English, University of Illinois at Chicago; Leo Welch, Biology, Southwestern Illinois College, and past president, ILAAUP; John K. Wilson, editor, *Illinois Academe*.

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shared governance failed DePaul University by not including faculty input in the early deliberations, when contemplating the purchase of Barat College. As a result, faculty were faced with difficult decisions in dealing with the aftermath of the Barat closure. This is how two fundamental AAUP principles came to collide. The big lesson from this sad story is this: institutions that plan to merge or pursue the acquisition or integration of another college must fully engage the faculty from the initial stages of the process. Academic careers and principles are at stake and the Trustees must be prudent to consider such faculty participation as vital to the smooth operation of the institution and the morale of the college community. Faculty concerns are just as important to consider as the financial ramifications associated with a merger or acquisition.

As we witnessed in the case at Barat College, sometimes these acquisitions do not work. Safety nets that protect the faculty must be set in place before the acquisition is made. Think of it as a prenuptial agreement arranged prior to academic mergers, designed to protect faculty rights and AAUP principles, regardless of the outcome of the merger. It is extremely important that such mergers involve the faculty from the onset if we are to avoid future situations where AAUP principles collide, and faculty morale is injured.

## Illinois Legislative Report

By Leo Welch, Vice President, AAUP Illinois Conference

Prior to the presentation of Governor Rod Blagojevich's proposed 2005 fiscal year budget for higher education, there was little optimism among the representatives of public colleges and universities. Revenue for the state did not meet expectations, and the consensus was that higher education funding was not a priority. There was, however, support in the General Assembly to prevent further cuts. Fifty four days after the constitutional deadline of May 31, 2004, the FY 05 budget was finally adopted after eighteen special sessions were called by Governor Blagojevich. Although the news out of Springfield was not great, it was certainly better than earlier budget proposals for Illinois higher education.

### Public Universities

Public universities received an increase of \$3.2 million or 0.2 percent over fiscal year 2004 appropriations. This amount is considered "flat funding" by most of the university presidents. Separate from the budget bill, the Governor also signed a "memorandum of understanding" with members of the General Assembly that the Governor would not request any "take backs" from the universities for fiscal 2005. During fiscal 2004 the universities were forced to pay \$45 million in employee health insurance costs as "take backs." These "take backs" together with the 6.1 percent decrease in funding from the previous fiscal year caused severe stress on university budgets.

### Community Colleges

The FY 05 budget for community college grants and operations was increased by \$5.9 million or 2.0 percent from the fiscal year 2004 base. The governor's FY 05 budget proposal of \$284 million was increased as a result of General Assembly action by \$15 million for the City Colleges of Chicago. The City Colleges have experienced a significant

decline in revenue and are limited in raising local taxes since Cook County has tax caps. Although the 2 percent increase looks good, 24 of the 39 community college districts showed reductions in grants for fiscal year 2005.

### Monetary Award Programs

On September 2, 2004, Governor Blagojevich signed Senate Bill 1971 which adds new flexibility to the Monetary Awards Program (MAP). These grants help pay for tuition and mandatory fees to Illinois students based on financial need. Previously MAP grants were available for students who were enrolled full time in fall and springs terms only and who completed a bachelor's degree in four years. These requirements do not reflect the current pattern of student attendance. The new law, however, allows students eligible for the needs-based program to receive aid while taking up to 135 credit hours and makes the grants available for summer term as well. The summer MAP grants are available to a student if he did not exhaust his annual MAP eligibility during the fall and spring terms. The first summer MAP grants will be available in 2006. Students will continue to be limited to an annual maximum award, currently funded around \$4,400 per student, depending on tuition and fees established at the college or university attended.

### Budget Projections

Although the FY 05 budget for higher education in Illinois is not as bad as originally projected, the future of state funding for higher education does not look promising. At the April 17, 2004, Annual Conference of the Illinois AAUP, University of Illinois-Chicago Chancellor Sylvia Manning cited data from the January 2004 issue of *Postsecondary Education Opportunity* prepared by Thomas G. Mortenson at the Pell Institute. The report illustrates a disturbing trend. Mortenson charted the changes in state tax fund appropriations per \$1,000 of state personal income between fiscal years 1978 and 2004. Manning states that the data shows, "In 49 states there is a decline from one-half of one percent in Kentucky to 67.5 percent in Colorado."

Manning further reports that Mortenson and Associates then calculated the dates by which, if circumstances don't change, the state tax appropriations to higher education will reach zero. In Illinois, the decline in state tax fund appropriations per \$1,000 of state personal income between fiscal years 1978 and 2004 show Illinois ranking 18th (from least to greatest decline), at 28.2 percent. If this trend continues unchecked, state funding for Illinois higher education could be zeroed out in 2093.

## Write to Illinois Academe

Write us a letter, express your opinion, or submit an article or a book review.

Email editor John K. Wilson at [jkwilso2@ilstu.edu](mailto:jkwilso2@ilstu.edu).



# PATRIOTIC CORRECTNESS

## and other attacks on Academic Freedom

*A Report by John K. Wilson*

The Patriot Act isn't just a theoretical danger to civil liberties. Just ask Muslim scholar Tariq Ramadan, who was hired by Notre Dame University's Joan B. Kroc Institute for International Peace Studies to teach this fall. But the US government revoked Ramadan's work visa in July (after approving it in May) before he could come to America.

Section 411 of the Patriot Act allows the government to ban anyone who has "used his position of prominence within any country to endorse or espouse terrorist activity ... in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities." The government does not offer an explanation for why Ramadan was banned from the country.

Ramadan wrote in the *Chicago Tribune*, "Anyone who has read any of my 20 books, 700 articles or listened to any of my 170 audio-taped lectures will discern a consistent message: The very moment Muslims and their fellow citizens realize that being a Muslim and being American or European are not mutually exclusive, they will enrich their societies."

The Network for Education and Academic Rights issued an academic freedom alert for the United States, the fifth time the US government has been cited internationally for violating academic freedom since January 2002.

A visa is not simply a license to enter the United States; it is also a license to stay in the US. International scholars and students in the US are all subject to having their visa revoked at any time under this provision of the Patriot Act, without any reason being given. And unlike some immigrants who can participate in the underground economy and stay in the US after losing their visa, it is impossible for a scholar targeted by the US government to remain in this country and do academic work.

While any violation of academic freedom is a serious matter, the Ramadan case is the only one that directly impacts thousands of scholars and students at colleges across the country. The Ramadan case also reveals the rising power of conservative advocacy groups within the Bush Administration, which pushed for H.R. 3077 to establish an Inter-

national Higher Education Advisory Board with broad investigative powers "to study, monitor, apprise, and evaluate" activities of area studies centers.

Part of the effort to ban Ramadan from the country was led by Daniel Pipes, an influential conservative who was appointed to the US Institute for Peace. Pipes runs [www.campus-watch.org](http://www.campus-watch.org), and he assisted some French pro-Israel groups in lobbying the Bush Administration to exclude Ramadan after his visa was initially approved.

Pipes has repeatedly defended his website, which posted what it called "dossiers" on professors of Middle East Studies that it deemed too left-wing, on the grounds that he was simply criticizing these faculty, not infringing on their academic freedom. The Ramadan case shows that Pipes goes far beyond criticism to helping to coordinate attacks on academic freedom.

The danger is clear: under the Patriot Act, criticism of Israel is being categorized as support for terrorism, and serves as justification for revoking a visa. Yusof Islam, better known as Cat Stevens, was secretly put on a no-fly list and banned from the US, apparently because he donated money to Muslim charities that the US government thinks may be linked to terrorist organizations.

The growing right-wing network of classroom spies makes the Ramadan and Islam examples particularly dangerous. Websites like [noindoctrination.org](http://noindoctrination.org) and [studentsforacademicfreedom.org](http://studentsforacademicfreedom.org) allow students to post anonymously attacks on their professors and what they say in class, without any verification of the accuracy of the comments.

Martin Kramer, one of the critics of Middle East Studies, has noted gleefully to Middle East scholars, "You are being watched. Those obscure articles in campus newspapers are now available on the Internet, and they will be harvested. Your syllabi, which you've also posted, will be scrutinized. Your websites will be visited late at night."

Foreigners at American universities must now literally watch what they say and write, for fear that it might lead to banishment.

cause of a policy banning political speakers. Ralph Nader, however, was paid to give the University's commencement address because the event was scheduled before he announced plans to run for president. Toomey instead spoke nearby off-campus.

Calvin College: a student who listed an interest in gay rights in a Congressional internship application had his application sent to Barney Frank's office, but an adviser at the college told the student not to do an internship in a "homosexual environment." When David Halpern, program supervisor at the Washington Center for Internships and Academic Seminars, objected to reassigning the student based on the adviser's beliefs, Halpern was fired the next day.

Le Moyne College: in fall 2003 refused to allow a speaker from Call to Action to talk on campus, claiming that a full dialogue required an opposing speaker.

University of California at Berkeley: three students, Rachel Odes, Michael Smith and Snehal Shingavi were found guilty of "disturbing the peace" for a peaceful anti-war sit-in at Sproul Hall's front lobby. Although all criminal charges were dropped, the three students were selected for punishment by the university, not allowed to offer a defense for their actions, and convicted in absentia.

Forsyth Technical Community College: writing teacher Elizabeth Ito was fired for spending 10 minutes in a class criticizing the war in Iraq in Spring 2003, and refusing to promise never to mention the war in class again.



**More on Academic Freedom:**  
**Freedom of the College Press: page 4**  
**Academic Freedom and Religion: page 5**  
**Illinois' New Ethics Law: page 5**  
more cases at [www.collegefreedom.org](http://www.collegefreedom.org).

### Silencing Dissent on Campus

One of the most alarming trends of the past year has been the firing of faculty who criticize their institutions. Shared governance means little without the right of faculty to speak openly and critically.

Penn State Altoona: tenured theater professor Nona Gerard was accused of "grave misconduct" and dismissed for criticizing colleagues and programs in her department.

Academy of Art University: creative writing instructor Jan Richman was fired after a student wrote a story full of sex and violence, and was expelled.

Cumberland College: Robert Day, an assistant professor of social work, was fired for creating a website, [wecareforcumberland.com](http://wecareforcumberland.com), which called for financial and administrative reforms at the college.

Shaw University: a student was expelled from the dorms and a professor fired for circulating a petition critical of the university president.

College of the Ozarks: Jon Davis, an assistant professor of biology, was fired for revealing that an administrator had bought his doctorate from a diploma mill.

Benedict College: two professors were fired for refusing to follow a school policy requiring 60% of the grades for freshmen be based on effort. Benedict President David Swinton accused the professors of "insubordination."

University of Southern Mississippi: two professors were summarily fired for investigating alleged resume inflation by a top administrator. In a settlement with the university, the professors are banned from criticizing the administration.

Drake University: A Nov. 15, 2003 Drake forum on "Stop the Occupation! Bring the Iowa Guard Home!" sponsored by the Drake chapter of the National Lawyers Guild included nonviolence training for activists. The next day, 12 protesters were arrested at an anti-war rally at Iowa National Guard headquarters in Johnston. Because of this, Drake University was ordered in a Feb. 4 2004 subpoena from an FBI Joint Terrorism Task Force to give up "all documents indicating the purpose and intended participants in the meeting, and all documents or recordings which would identify persons that actually attended the meeting" and any campus security records "reflecting any observations made of the Nov. 15, 2003, meeting, including any records of persons in charge or control of the meeting, and any records of attendees of the meeting." Drake University was also ordered not to tell anyone about the subpoena. The subpoena was eventually dropped.

University of Texas at Austin: on Feb. 2, 2004, Army intelligence agents asked for information about people who attended a law school conference on about Islamic law and sexism. Army agents visited several campus offices seeking a list of those who attended and a videotape. The Army admitted that the visit overstepped its rules. "The special agents and their detachment commander exceeded their authority by requesting information about individuals who were not within the Army's counterintelligence investigative jurisdiction."

### The Politics of Controversy on Campus

Bans on political speakers or requirements for "balance" create a dangerous atmosphere for academic freedom on campus. An effort to ban Michael Moore from campus does not silence Moore; but it certainly intimidates students and faculty who may want to express similar ideas and feel that they have been prohibited from campus. Lacking Moore's outspokenness and celebrity status, these individuals are likely to remain silent.

Utah Valley State College: public outcry over a planned Oct. 20, 2004 speech on campus by Michael Moore led President William Sederburg (a former Republican state senator) to order student leaders to find a conservative speaker to "balance" Moore.

California State University at San Marcos: the president rescinded support for Moore's speech, claiming that state law compelled the university not to pay for a speaker with strong political views. After protests, Moore's speech was moved to a larger arena off campus and privately financed.

Yeshiva University: The Israel Club dis-invited Israeli Defense Forces refusnik Guy Grossman after the other speaker in a planned debate withdrew. Reportedly, the group was "under pressure from those who feared the consequences of giving an 'open forum' to a left-wing speaker."

Bucknell University: general counsel Wayne Bromfield refused to allow Congressman Pat Toomey to give an April 8, 2004 speech on campus about "civic engagement" be-



# Censoring the Student Press

By John K. Wilson

Any day now, the 7<sup>th</sup> Circuit Court of Appeals in Chicago will issue one of the most important decisions in the history of the campus press. The case is *Hosty v. Carter*, and the principles at stake not only will determine whether college students have the right to print what they want, but also will affect the idea of academic freedom itself.

The *Hosty* in *Hosty v. Carter* is Margaret Hosty, a graduate student at Governors State University in south suburban Chicago, where she helped edit the *Innovator* newspaper until it started printing articles critical of the administration. In 2000, a few days after Governors State's president sent a campuswide memo denouncing the newspaper, the dean of students called up the *Innovator's* printer to order him not to print any further issues of the paper without prior review of the content by the administration.

The state of Illinois continues to defend the administration's actions, and asserts that college students should be treated like high school students and subjected to the censorship of student newspapers.

## Faculty Advisors Fired

The right of students to produce a newspaper without direct censorship by the administration are well established. But administrators are beginning to realize that the faculty advisor can be a powerful force in controlling student newspapers. In the past year, faculty advisors faced an unprecedented number of firings.

Barton County Community College (Great Bend, Kansas): the Board of Trustees fired Jennifer Schartz, part-time professor and adviser of the *Interrobang*, on April 20, 2004, without explanation. The *Interrobang* had published a letter to the editor, written by a former basketball player, critical of the coach, despite being asked by the administration to censor it. University lawyers wrote to Schartz, "since Barton County Community College is ultimately responsible for the content of this publication, it is the Administration's position that letters of this type will not be printed as letters to the editor," but Schartz noted that censoring the newspaper would be illegal. The board ordered her to ban negative letters from the student newspaper, *Interrobang*, after a letter from a former basketball player criticized the coach. "the Administration has decided that no letters to the editor will be published which are by and large personal attacks upon other members of the Barton County Community College family. I am certain that you and your student staff persons do not agree with this position but unfortunately, the ultimate responsibility from a liability perspective with regard to this newspaper falls on the greater College community and this is why this decision has been made."

Vincennes University: Michael Mullen was removed as student newspaper adviser to the *Trailblazer*, claiming that he was fired because of stories criticizing the administration for failing to investigate a theft of the newspaper, and questioning whether the president had enough experience for the job. After an April Fool's issue in 2003 offended some people, Dean of Humanities Mary Trimbo ordered the newspaper not to produce another, but it did in 2004. Mullen declared, "I think the message is loud and clear — if you speak out, you will pay."

Manatee Community College: the student newspaper, *The Lance*, was banned and a journalism class for Fall 2004 eliminated because it published a March 2004 story without prior approval from the faculty advisor. The newspaper may be allowed to resume in the fall of 2005. An article titled "Dude, where're my student activities?" complained about the lack of events on cam-

pus. Rebecca King, a faculty adviser to the newspaper, said about the administration's decision: "They thought of it as protecting the college from what could be unflattering coverage. Do I think that's censorship? Yes. But I don't think anybody was intentionally trying to censor the students."

Long Island University: faculty adviser Mike Bush was fired and editor Justin Grant was suspended from the newspaper for a month because an article appeared in the Jan. 21, 2004 *Seawanhaka* about the grades of the student government president who resigned. Administrators took control of the newspaper and changed the office locks. In a story about the resignation of the student government president, the newspaper reported his poor grades that another reporter had found and confirmed with several students. Although no university records were released, the university claimed that the student newspaper was violating federal privacy laws which prohibit the administration from releasing personal records of students.

Arapahoe Community College: Chris Ransick was dismissed as newspaper adviser after battles over content of the paper.

Fort Valley State University in Georgia: Dan Archer, faculty advisor, was dismissed over content issues in the student newspaper.

Kansas State University: Ron Johnson, director of student publications and adviser to the *Kansas State Collegian*, was fired from these positions by the administration. Members of the Black Student Union had called for Johnson's resignation after the paper did not cover the Big 12 Conference on Black Student Government. In 2004, the *Collegian* was named the best four-year daily broadsheet newspaper in the country. Journalism school director Todd Simon declared, "It's kind of like a coach; if the record is middling, usually you change coaches." After receiving five "outstanding" ratings from 1999 to 2003, Johnson received an "exceeds expectations" rating in 2004 and was recommended for a raise. On July 6, 2004, a federal judge ordered the administration to reinstate the newspaper's faculty advisor.

California State University-Long Beach: Daily Forty-Niner publisher William Mulligan was removed after printing a full-page ad criticizing journalism department chair William Babcock for his "chilling censorship warning" to the staff. Babcock discouraged the newspaper from reporting the dispute within the journalism department, declaring, "It's not a news story."

## Sex and the University

Perhaps no topic is a greater source of censorship than sexuality. Numerous newspapers have been censored or stolen because of sexual content, especially at religious universities.

Spokane Falls Community College: new campus rules will allow administrators to fire or punish journalists and require advance permission for publishing any "controversial material." Two student editors who printed a small photo of a couple having sex (covered with black bars) were not fired because the previous policy would not allow it.

University of Missouri at Kansas City: a building manager removed 450 copies of the *University News* because of a front-page article on "Sex at Swinney."

La Roche College: the president destroyed 900 copies of the April 14, 2004 *La Roche Courier* because a columnist advocated teaching students about safe sex.

University of North Florida: the student government sharply cut funding for the student-run radio station and required Osprey Radio to survey students every other week about what music it should play. One student senator complained that the station was playing "the filthiest, most vulgar, disgust-

ing, unbelievable stuff."

University of Scranton: The 2004 April Fools edition of *The Aquinas* led officials to shut down the newspaper for more than a month, fire the editor, and remove all remaining copies of the newspaper. The edition of *The Aquinas* included a "fictitious reference to a priest caught fooling around with a woman during the screening of *The Passion of the Christ*," and a *Celebrity Death Match* between the former and current university president. In a special full-page "statement of ethics" in the May 13, 2004 issue of *The Aquinas* compelled by the university before the newspaper was allowed to publish again, the staff and editorial board of the newspaper promised, "it is important that we strive for the same goals as our University" and added, "Though our mission is to serve as a paper of record and voice of the student community, we cannot appropriately foster the overall mission without respect for the ideals of Jesuit pedagogy." An editorial in the same issue proclaimed, "Through errors of omission and commission the newspaper developed a forked tongue. This will be no more."

Baylor University: The *Lariat* staff was threatened with disciplinary action for a Feb. 27 2004 editorial supporting gay marriage. "Taking into account equal protection under the law, gay couples should be granted the same equal rights to legal marriage as heterosexual couples," the editorial said. In a strongly worded statement that appeared in the newspaper on March 2, Baylor President Robert B. Sloan Jr. denounced the editorial: "Espousing in a Baylor publication a view that is so out of touch with traditional Christian teachings is not only unwelcome, it comes dangerously close to violating university policy, as published in the student handbook, prohibiting the advocacy of any understandings of sexuality that are contrary to biblical teaching," Sloan wrote. The student publications board, a group of faculty and administrators overseeing the newspaper, called the editorial a violation of student publications policy which says that student publications should not "attack the basic tenets of Christian theology or of Christian morality." The statement assures, "The guidelines have been reviewed with the *Lariat* staff, so that they will be able to avoid this error in the future."

## Other Cases of Censorship

Other types of censorship range from newspapers being shut down by the administration to efforts to fire columnists for expressing controversial viewpoints.

Hampton University: the president ordered newspapers confiscated after the students refused to publish her letter on the front page, and instead printed it on an inside page. After protests, Hampton adopted new policies on Dec. 19, 2003 protecting freedom of the campus press and prohibiting confiscation of newspapers.

Oregon State University: The *Daily Barometer* fired columnist David Williams after his column, "A message from a White Male to the African American Community" offended many readings. It later was revealed that parts of the column had been plagiarized from a syndicated columnist.

University of California at San Diego: administrators temporarily shut down a student television station because it showed the video of the beheading of Nicholas Berg in Iraq, canceling all student-produced shows for the remaining two weeks in the semester.

St. Cloud State University: former dean Richard D. Lewis sued the university because of a critical article about him accusing him of anti-Semitism that appeared in the Oct. 27, 2003 student newspaper, the *University Chronicle*. The newspaper retracted the article and apologized to Lewis. A judge



dismissed the suit.

Rutgers University: *The Medium*, a campus humor magazine, offended people with a cartoon that declared, "Knock a Jew in the oven! Three throws for one dollar! Really! No, REALLY!" Some critics called for the publication to be shut down. In fall 2003, the newspaper printed personal ads with slurs against African-Americans, Asians, Hispanics, Jews, Christians, women and homosexuals. Former New York City mayor Ed Koch denounced the president for failing to punish the newspaper, and urged New Jersey governor McGreevey to "initiate remedial action" against the university.

Carnegie Mellon University: President Jared Cohon established a commission to review *The Tartan*, the student newspaper, after an April Fools' edition sparked protest because it included a cartoon with a racial slur, poems about raping a teacher and mutilating a woman with an ice skate, and an illustration of female genitalia. The editor-in-chief fired the cartoonist (who intended for the cartoon to criticize racists) and apologized, and ceased publication for the rest of the semester, but the commission will examine possible disciplinary action. A content review board will examine future editions of the newspaper. Dean of Student Affairs Michael Murphy, who will serve on the board, noted: "We all make mistakes and people err in judgment, but this cannot be tolerated. The *Tartan* is sitting in judgment of itself ... the administration will also sit in judgment of *The Tartan* and the students involved in this." Demonstrators called for all the students involved in allowing the racial slur to be printed to be suspended or expelled.

Cornell University: The campus NAACP sought to remove funding from *The Cornell American* and *The Cornell Review* after articles on racial preferences and violence were published that the NAACP regarded as an "orchestrated attempt" at "hate."

Roger Williams University: *The Hawk's Right Eye* had its funding cut off. President Roy Nirschel declared, "While we affirm the right of campus organizations to hold different points of view and to disagree, the university will not condone publications that create a hostile environment for our students and community."

Whittier College: a conservative campus newspaper, the *Liberty Bell*, was not allowed to distribute on campus without prior approval from the school publications board.

Southwest Missouri State University: officials investigated the faculty advisor and student editor of *The Standard* for publishing an editorial cartoon (drawn by an American Indian student) on Nov. 21, 2003 that a Native American group found "offensive" because it shows two Native Americans meeting a Pilgrim woman with a gift of canned corn, and the Pilgrim responds, "Gladys, the Indians are here and it looks like they brought corn...Again..." Editor-in-chief Mandy Phillips was told to attend "mediation" and that reporting on the administration's investigation could violate university policy. Also, SMS Young Americans for Freedom members claim they were prohibited from distributing their newspaper on campus because they were not a recognized student group.



# Threats to Academic Freedom from Illinois' New Ethics Law

By John K. Wilson

The State Officials and Employees Ethics Act is being applied to academic settings in dubious way, and the misinterpretations of these rules poses a threat to academic freedom.

The clear intent of the new state ethics law was to address the activities of political appointees in non-academic offices, who might misuse public resources for purely political purposes. It was not intended to restrict independent expressions of political opinions by individuals, particularly in the academic context. Such restrictions of political views on college campuses would not pass constitutional scrutiny.

Because the law was intended to address abuses in other state offices, not state colleges, and because the "work time" restrictions on faculty are exacerbated since there is no clear "work time" for faculty, interpretation of these rules for college campuses need to be radically changed.

In a May 11, 2004 memo to state university and community college general counsels, the new ethics rules were given a highly restrictive interpretation by the Inspector General. Although this memo proclaims it is not a formal legal opinion, many colleges may be following this opinion in enforcing the new law and in ethics training for faculty. Many of the interpretations in the memo violate constitutional rights of freedom of speech and academic freedom, and are also contrary to the language of the ethics law.

For example, state law prohibits use of state work facilities to "prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event." The May 11, 2004 memo interprets this to mean, "This includes, for example, sending an e-mail about a political rally to friends and colleagues during work hours or from a work computer..." This is an extreme misinterpretation of the law. An email informing people about a political rally in no way constitutes organizing a political rally using state resources. It is perfectly appropriate for faculty, students, and staff at an institution of higher learning to inform people about any meetings, rallies, or demonstration. Any attempt to restrict this right is a clear violation of freedom of speech and academic freedom.

To most state employees, political rallies are inappropriate for their work context. But in the academic context, political rallies are often part of the larger educational mission. Far from being silent, faculty often feel an obligation to inform students and colleagues about political rallies and meetings because of the educational value in serving the goals of getting students more actively involved.

The same is true for other provisions in the memo. A ban on conducting public opinion polls would normally be reasonable for state employees. But in a class on public opinion polls, a faculty member surely is al-

lowed to engage in polling "on an issue" despite what the memo says. (According to the memo, the ban also restricts faculty from participating in a public opinion survey "at work" even though the law itself only prohibits it during "work time," which for faculty is not the same thing.)

Other provisions in the memo must be clarified to protect freedom of speech and academic freedom. For example, a professor who encourages students to go and vote should never be thought to be violating the rule against helping "get voters to the polls."

The ethics law provisions requiring detailed descriptions of work activity are already reasonably being interpreted as inappropriate when applied to college faculty. The provisions restricting political activity are also largely inappropriate in the academic context and are not intended to restrict expression protected by freedom of speech and academic freedom under the state and US constitutions.

There is evidence that this ethics law is being interpreted in restrictive ways. A student at the University of Illinois at Urbana-Champaign who is also a third party candidate for state representative was given a disciplinary ticket and warned because he used his uiuc.edu email address to send out an email about his campaign. (This is also a case of retaliation, since this student was apparently targeted because he had complained about state employees under House speaker Michael Madigan violating the ethics law by challenging his petitions while working for the state.)

The Inspector General should withdraw the May 11, 2004 memo, and inform state college general counsels that some of its recommendations in that memo may violate the constitutional rights of state employees on college campuses. Instead, a new memo of interpretation should be adopted which does the following:

- 1) informs colleges that the new ethics law cannot supersede constitutional protections for freedom of speech and academic freedom;
- 2) describes some of the cases of political expression which cannot be restricted by the new law (instead of the current memo, which restricts freedom beyond what the law demands);
- 3) clarifies that because faculty have flexible hours, all of their political activities will be assumed to be conducted outside of "work time";
- 4) clarifies that restrictions of use of work facilities does not impede the normal academic use of computers, telephones, email, etc. for expression of ideas;
- 5) clarifies that the law does not apply to any activities done for legitimate educational or research purposes;
- 6) urges colleges to inform employees of these facts and explicitly note that academic employees retain academic freedom and free speech rights.

alternative newspaper *The Trojan Horse* were stolen, probably because the issue focused on the Israeli/Palestinian conflict.

Queens College: On March 31, 2004, 80% of the 4,000 print run of *The Knight News* was discarded because of a student government election story.

Cal Poly Pomona: 2,500 copies of the *Poly Post* were stolen because of a story about the student government election.

Western Oregon University: most of the copies of the weekly student newspaper were stolen; several eyewitnesses saw the subject of a political cartoon about the student body election taking the newspaper.

University of Nevada at Las Vegas: On Oct. 16, 2003, copies of the campus newspaper were put in garbage bags because of a column titled, "Christopher Columbus, we salute you" which called American Indians "primitive Stone Age level savages."

## Religious Orthodoxies

By John K. Wilson

Some of the most pervasive restrictions on academic freedom occur at religious colleges. It is often wrongly assumed that religious institutions are allowed to violate academic freedom because of their religious doctrines. The AAUP's 1940 Statement of Principles included a provision allowing religious universities to impose restrictions on academic freedom based on their faith, so long as faculty and students are forewarned. However, the AAUP effectively repealed this rule in its 1970 Interpretive Statements, which notes that the special exemption for religious institutions is no longer needed nor desired.

The restrictions on academic freedom in the past year have been particularly alarming at Catholic institutions. A group called the Cardinal Newman Society has been pressuring Catholic officials to ban from campus any speaker who deviates from Catholic doctrines. According to the Associated Press, "Most Catholic schools already vet commencement speakers and honorary degree recipients for their positions on key Catholic issues." At Ave Maria College, Domino's Pizza founder Tom Monaghan, funder of this new conservative Catholic university, has promised, "there will be no pro-abortion politicians on campus giving talks or getting honorary degrees."

On Feb. 13, 2004, Archbishop James P. Keleher of Kansas City, Kan declared that Catholic institutions must ban politicians who support abortion rights from speaking on campus, and no pro-abortion rights speaker or politician should be allowed to "address, give workshops, or otherwise make any presentation" at Catholic institutions. Kansas Gov. Kathleen Sebelius, a pro-choice Catholic, spoke the day before at the University of St. Mary about education and economic development.

In July 2004 the U.S. Council of Catholic Bishops released a report on *Catholics in Political Life*, declaring: "The Catholic community and Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms which would suggest support for their actions."

Seton Hall University: religious officials called the "conferral of awards to people who publicly espouse views contrary to the university's fundamental Catholic identity" to be a "serious lapse" after a judge who had struck down a ban on so-called "partial-birth" abortion was honored. Newark Archbishop John Myers, the president of the board of trustees, called the award "profoundly offensive and contrary to the Catholic mission and identity" of the university, and promised to prevent it from happening again.

Catholic University of America: the university refused to recognize a student chapter of the NAACP because the national NAACP had expressed support for abortion rights. In fall 2004, the university relented and allowed an NAACP chapter to be organized, but it is prohibited from expressing any support for abortion rights.

Gonzaga University: On Sept. 12, 2003, the Board of Trustees passed a new policy requiring all faculty and students to receive prior approval for speakers and events. Any speakers can be banned if "it would not constitute a legitimate educational experience or contribute to the university's mission"; "if there is substantial risk the speech or event would create a hostile learning environment"; or if "it is likely to confuse the public or students about the university's core values, or offend the university's mission by advocating positions or activity contrary to Catholic teachings." Ironically, this policy permitting censorship is actually seen as more open-minded than the arbitrary cancellations of liberal speakers and plays made in the past by the president, Rev. Robert Spitzer.

University of Saint Francis: Dr. Nancy Snyderman was dis-invited to give the 2004

commencement address four days before graduation. A surgeon, author and former ABC medical correspondent, Snyderman had mentioned in a medical report on ABC's "Good Morning America" on Oct. 30, 1997 that some doctors recommend "selective reduction" via abortion for a woman pregnant with septuplets because of the high risk in having seven babies. A letter to her from the university read, "The university recently received information ... containing comments by you on the topic of abortion, and these comments appear to be contrary to the teachings of the Catholic Church. As a Catholic university, we have no choice but to rescind our invitation."

## Public Universities and Religion

The most pervasive threat to freedom of religion comes from the Foundation for Individual Rights in Education (FIRE), which is a leading conservative civil liberties group that normally is a strong defender of academic freedom. However, FIRE is asserting that religious student organizations at public colleges should have the right to exclude anyone with dissenting ideas from serving as leaders or members, and is threatening lawsuits against public colleges that require student groups to follow non-discrimination policies. FIRE's approach (to favor the group's right to exclude over the individual's right to be included) poses several dangers. First, colleges should be given the leeway to decide what approach to student organizations works best for their campus. Second, students have a right to be included in student groups even if they may dissent from some of the beliefs of that organization. (By FIRE's reasoning, a Catholic student could be banned from a Catholic student group for views supporting abortion rights or gay marriage or women priests.) Finally, enforcing exclusionary student organization constitutions will require public colleges to examine the religious and political beliefs of students to determine if they should be excluded. It is far better to allow all students to join any student organization, and allow students to select the leadership they want.

University of Utah: Christina Axson-Flynn, a former theater student and a devout Mormon, refused to "take the name of God or Christ in vain" or use certain "offensive" words during in-class presentations of plays. When theater instructors refused to allow her to change scripts to fit her beliefs, she sued. On February 3, 2004 the Tenth Circuit reversed a lower court decision and ruled on behalf of Axson-Flynn. The court concluded that "there is a genuine issue of material fact as to whether [the professors'] justification for the script adherence requirement was truly pedagogical or whether it was pretext for religious discrimination." It may seem absurd that the court actually thought that asking theater students to follow the script of a play was a ploy in order to discriminate against religious individuals. Yet that was the ruling of the court, and the University of Utah reached a settlement with Axson-Flynn that now entitles students to alter the scripts in a theater class.

Washburn University: student Andrew Strohl and biology professor Thomas O'Connor filed suit against the university, claiming that the statue "Holier Than Thou" outside the student union is offensive because the hat worn by the clergyman in the statue resembles a penis and the man has an odd expression on his face. In his ruling, U.S. District Judge Thomas Van Bebber wrote: "In an environment of higher learning on a college campus, the court cannot conclude that a reasonable observer would perceive the university's display of 'Holier Than Thou' as an attack on Catholics." Several school districts in Kansas, including the Catholic and public schools in Wichita, banned Washburn from recruiting at their high schools because of the statue.

George Mason University: administrators at this public university stopped dispensing the "morning after pill" to women at its health clinic after a complaint from Republican legislator Bob Marshall.

## FREE PRESS continued from page 4 Newspaper Trashings

One of the most common types of censorship is throwing copies of a free newspaper in the trash. The most frequent reason for destroying a newspaper continues to be endorsements in a student government race.

Laramie County Community College: more than 300 out of 1000 copies of the March 8, 2004 issue of *The Wingspan* were stolen. Editors blamed a student government member who was angry about an editorial concerning tobacco sales on campus.

University of Central Florida: the homecoming queen who asked friends to trash copies of *The Future* because of an article revealing her criminal record was required by the university to do 16 hours of community service and pay the newspaper \$1,000.

University of Southern California: copies of the Jan. 27, 2004 issue of the left-wing



# The Growing Crisis in Public Higher Education

Sylvia Manning, chancellor of the University of Illinois at Chicago, gave this address at the Illinois AAUP's 2004 Annual Meeting in Chicago.

## By Sylvia Manning

I was asked to speak on any topic of my choosing—so long as it was related to the conference theme of Contingent Faculty. What I would like to do is to set the topic of contingent faculty in a wider context, and then return to some of the consequences as I see them. In the process, it is probable that I will say some things that some people here will find offensive. But among my privileges as chancellor is to serve the campus on which Stanley Fish resides (and presides) as dean of the College of Liberal Arts and Sciences. I have learned much from Stanley, including to offend honestly and without rancor, and not to swerve from the logic of my position for fear of giving offense.

The wider topic is the entire issue of public higher education. Let me begin with some data from the January, 2004 issue of *Postsecondary Education Opportunity*, prepared by Thomas G. Mortenson at the Pell Institute for the Study of Opportunity in Higher Education. Mortenson and his associates charted the change in state tax fund appropriations per \$1000 of state personal income between fiscal years 1978 and 2004. In 49 states, that change is a decline, from one half of one percent in Kentucky to 67.5% in Colorado. The one exception is New Mexico, which shows a gain of a whopping 0.2%. When they tracked the change over only three years, between fiscal years 2001 and 2004, five states showed positive, from 1.1% in South Dakota to 29.5% in Nevada; the rest are negative, up to negative 36.9% in Massachusetts.

Based on these trends, they then calculated the dates by which, if circumstances don't change, the state tax appropriations to higher education will reach zero. There are different dates for different states, as one would expect, with the first being Alaska in 2019 and the average, so to speak, being 2053. Right now, the University of California is talking about cutting back enrollment, and in Colorado the legislature is thinking about zeroing out the state appropriation to higher education right now and replacing it with a voucher system—something that is actually looking good to many in the universities.

To indulge our natural provincialism, one might ask where Illinois stands in these numbers. In the decline in state tax fund appropriations per \$1000 of state personal income between fiscal years 1978 and 2004, Illinois ranks #18 (from least to greatest decline), at 28.2%. Between fiscal years 2001 and 2004, Illinois ranks #27, at 11.3%. We can expect to reach zero in 2093. By that time I will have been chancellor for 95 years, but I worry nonetheless.

I have two additional measures for Illinois that may be of interest to you. According to the Illinois Economic and Fiscal Commission, July 2003, in per capita state and local government expenditures for higher education in 2000, Illinois ranked 41<sup>st</sup>. Thus while the Mortenson analysis puts us about in the middle of the states, the EFC approach puts us far lower.

The other measure is simply to chart state tax appropriations to higher education in Illinois in constant dollars since FY1990. In that 14-year period, it can be argued that higher education funding about tracked the CPI. But if you look at it by sector, you see that funding for the retirement system increased 126% as the state attempted to address the deficit created by prior years' failure to fund the program; student assistance commission (ISAC) funding increased by 42%; while community college funding declined by almost 8% and public university

funding declined by almost 12%. The latter represent the operating budgets of the institutions.

What we see here is a precipitous and, I would argue, not thought out, retreat from the fundamental commitment to public higher education that has been part of public policy in this country since the Morrill Act. A century of progress, gradual, fitful, but ultimately powerful, in being reversed. The Morrill Act, for all its recognition of the liberal arts, had its focus upon agriculture and the mechanical and industrial arts, later to be spoken of as engineering.

**“The quality of true higher education depends upon academic freedom, and the safeguard for academic freedom is tenure.**

Our development of public higher education, education within reach of the children of farmers and laborers, followed the shift in the economic base of the country from agrarian to industrial while it recognized as well the importance of higher education to a democratic citizenry. In the post-Sputnik era, our cold war fears drove a significant spike in spending on higher education.

Has anything changed to make higher education less important, less critical to the sustenance of democracy or simply to our economic well-being? Obviously not. Few would disagree with the proposition to the contrary, that higher education continues to grow more important, more critical, more fundamental to our prospects for comfort, let alone prosperity. Even those who see long-range good in that current object of media hype, the outsourcing of white-collar, service industries to countries like China and India, put their faith in the new, still knowledge-based jobs to come. But what if we lose not only our technological leadership, but our supply of workers educated or educable for those jobs?

We see this condition looming in the sciences, and likely to be exacerbated by the recent dramatic decline in graduate-school applications from foreign students, propelled by the difficulties of obtaining visas and the perception that the U.S. is no longer a friendly host. We simply do not have in the U.S. the high school graduates to lead to the college graduates who can run our laboratories. We also see universities, strapped for resources, raising fees for foreign students, to the point where they become less competitive for the ablest of those students. One may understand the argument that taxpayer resources should not subsidize the education of non-residents, but the brute fact is that we need their brain-power. At the same time that we are cutting back on our preparation of domestic students, political and financial circumstances are leading us to choke off the supply of foreign students.

Let me honor my humanist background by closing this segment of my argument with some reference to the non-economic and non-technological importance of a wider and better, not narrower and leaner, higher education for Americans. Democracy is always fragile, and ours is not at a particularly strong point. We are torn by ideological strife and by the inequities of our society, especially as those inequities parallel ethnic and racial difference. While higher education is no guarantor of mutual understanding, tolerance, or peaceful coexistence, it seems to go further towards those ends, in an irreversibly multicultural society, than anything else we know or have.

Certainly we have evidence that higher education has significant effect upon lifetime earnings, and earnings, in the United States, are the markers of class. There is in reality no such thing as equal opportunity without equal access to education, be that education technological, scientific, artistic,

humanist, or professional. If access to higher education diminishes, class stratification increases.

Nothing I have said is original. These things are known, and known widely. Why, then, has the decline in state support for higher education happened, what are its likely consequences, and what ought we to do about it?

The recent recession has focused us upon issues of revenue. But from what I read, it seems that in the longer term the problem will not be revenue; it will be expense. Illinois, at present, is trapped in a vise created by a governor committed not to raise the state's flat, unprogressive, 3% personal income tax, yet faced with a multi-billion-dollar shortfall. For many of us, myself included, the middle-term solution is to raise taxes. The stinker is that whereas an increase in taxes—even the suggestion of an increase—will be felt immediately, it will take some years before the effects of the current cutbacks to higher education will be apparent. And legislators generally respond to the immediate effects.

But I'm not sure that a tax increase alone would do it in the longer term. State budgets are being pressed by rising health care costs, and as the population ages and lives longer, will be even more pressed. The federal budget will reel under social security unless major reforms are enacted, and pension plans at other levels may have similar problems. States don't have the money, health care costs grow and seem unavoidable, K-12 is sacrosanct (and should be): what's left, other than higher education? And higher education has, seemingly, another option: it can raise tuition.

And we have raised tuition, dramatically, across the country. Now I happen to be a firm believer in a high-tuition/high-aid approach. If the government cannot afford to provide a quality education at low price for all, then in order to sustain quality those who can afford it should pay more, and those who cannot should not. The way to get to that condition is to set a high tuition price and then discount based on need (and need only, not so-called merit). To some extent, therefore, I am an advocate of raising tuition prices—so long as financial aid is raised

**“a two-tiered system of higher education based upon family wealth is inequitable.”**

commensurately. So far, we have done that at the University of Illinois. It is not clear that we can continue to do that much more, if only because at some point we reach the limit in the top price. And even so, we have only partly offset the state cuts.

So what happens then? One of two things, or some uneasy mixture of both. One, the public universities price themselves out of reach of the lower-income students, failing to provide adequate financial aid to offset the higher prices. Alternatively, the public universities keep their tuition down and allow the quality of the education they offer to decline. Either way, what then evolves is a two-tiered system of higher education, one for the well-to-do and a lesser, poorer one for the not-well-to-do—and for some of the latter, none.

Some will argue that the solution is for public universities to become more efficient, to eliminate waste, cut down bureaucracy, etc. We have been doing that, arguably for 25 years, except where federal and state legal requirements forced us in the other direction. And if we haven't yet found every possible saving, at some point we will have done so. For most of us, cuts have already reached the core mission. We can be leaner, but our best faculty and staff will migrate to



the less lean. It has already become, in some quarters, a recruiting field-day for the better-off private institutions.

It is not only that a two-tiered system of higher education based upon family wealth is inequitable; it is also that it is not in the public interest. By failing to provide first-quality opportunity to all our children,

we fail to mine all the talent we have. For quality of life, for economic competitiveness, for justice and health, we need all that talent. Those who are denied opportunity are not the only ones who suffer: the entire society loses the benefit of their development as members of that society.

Now, let's get to contingent faculty. I want to say a few things. One should be obvious by now: I believe that the rise of contingent faculty—excepting always those professionals who teach part-time by choice and who bring the special value of their professional lives to the classroom—has been neither more nor less than one outcome of the financial squeeze on higher education.

I recognize that not everyone here today works at a public university. But public universities, nationwide, drive the statistics: almost 80% of students are in public institutions, and probably a similar percentage of faculty. And in Illinois, and some other states as well, the cutback in state tax-based support of higher education has affected private institutions as well, if only through the student financial aid program.

Because contingent faculty are not eligible for tenure, and because they participate much less, often not at all, in university governance, their employment in large numbers negatively affects not only their lives, but the institutions that employ them. Joe Berry's lead article in the Spring 2004 issue of *Illinois Academe* describes these effects in detail, and I won't repeat them. Basically, the employment of large numbers of contingent faculty saves money—and does nothing else that is good, and a number of things that are bad for students and bad for the institutions.

On the matter of governance, however, I do want to quote Mr. Berry. He writes, “An even more insidious impact is the collective disempowerment of the faculty as a whole. With the majority now contingent, the power of faculty to impact administrative decisions is greatly reduced.” I agree with that statement, though it may make a difference to some that I am concerned about what it says less as a matter of faculty power per se than as a matter of good governance. That is, I don't think a university reaches good decisions without a lot of strong faculty input, and even when it reaches good decisions, it can't implement them without preferably enthusiastic, and at any rate willing, faculty cooperation.

But then Mr. Berry writes two further sentences: “That is not accidental. It is part of a conscious administrative strategy with the abolition of tenure as a major part.” Those two sentences—and don't say I didn't keep my promise to offend—are nonsense. Unlike most of the other statements in the essay, they are offered without any evidence, and I suspect there's good reason for that.

That the growth of contingent faculty results in the weakening of tenure must be true, at least at some undetermined tipping-point in that growth. But that there exists some administrative strategy to destroy tenure, either among a smaller group of unnamed administrators at unnamed institutions, or uniformly nationwide, or in some Platonic meta-reality, is a ridiculous and, I would submit, dangerous proposition. Let me say why.

First, it is useful to keep in mind that those administrators who make the critical decisions, including the decision to hire con-



# Contingent Faculty Unite: Report from COCAL VI

By Joe Berry

Over 200 people, contingent faculty activists and their allies, assembled August 6-8 at Roosevelt University and Columbia College for the sixth Conference on Contingent Academic Labor (COCAL VI). For the first time, the conference included a significant delegation from Mexico as well as participants from throughout Canada, including Quebec, and all over the United States.

Besides the heavier international participation, one of the contrasts between COCAL VI and earlier conferences was the much more extensive focus on strategy. This included a series of three workshops on local, national/international and whole-society vision strategic strategies, as well as plenary panels where national faculty union leaders and leaders of other organizations of contingent workers were asked to put forward their strategic perspectives.

Another addition to previous conferences were a series of pre-and-post conference activities that included a mural tour, a Haymarket Labor History tour and a trip to the Second City comedy club.

It should be noted that COCAL VI was only possible because it built upon the achievements of the previous COCALs, back to 1996, in Washington, NYC, Boston, San Jose, and Montreal. It was their efforts that drew together a truly binational movement network that could then engage in the discussion and activities that were COCAL VI.

For many people, the highlight of the first day was the march through downtown Chicago where a "Progressive Report Card" was presented to five of the local institutions that employ large numbers of contingent faculty. With final grades ranging from C+ to F, the Report Cards made clear that while unionization clearly improves the situation, general standards remain low and

many faculty are still working in truly intolerable situations.

The march dramatized for many visitors how important it is to have a large enough percentage of contingent faculty organized in order to really push up area standards to something resembling what exists in highly organized areas such as California. The march also received press coverage from the major commercial media, both the Chicago Tribune and the local ABC television station.

The conference itself reflected a high level of sophistication in many discussions. One example of that was a pre-conference author's panel where most of the presenters and the books they were representing were themselves contingent faculty rather than outsider researchers.

In addition to the three strategy workshops there were also three workshops on campus organizing and three on contract bargaining, all of which attracted large attendance. Additional workshops focused on such issues as contingent advocacy in professional associations, the experience of graduate employee unions, discrimination on the job and in the movement, recent job actions, and legislative and political initiatives.

Particularly provocative for those who attended was a workshop on teaching for equity: promoting justice for contingent workers in the classroom, where participants discussed the techniques for effectively "coming out of the closet" as a contingent to one's students, risks involved, and the value of collective support in doing so.

Three social events symbolized how far the movement has come in the past eight years since the first Congress of Adjunct, Part-time, Graduate Teaching Assistants, and Non-tenure Track Faculty in Washing-

ton in 1996. One indicator was a reception held after the demonstration at a local club that was sponsored jointly by the often warring Illinois Federation of Teachers and the Illinois Education Association, as perhaps their first public jointly-sponsored membership event. The Illinois AFL-CIO also provided financial support for this reception.

This sort of joint endorsement of the independent contingent faculty movement would have been unthinkable just a few years ago, especially in Illinois.

The following day, at a reception at Roosevelt, awards were given out in the memory of Dave Wakefield and Jim Prickett, two movement activists from the California Community Colleges who died prematurely. The awards, given to Rodger Scott of San Francisco and Margaret Quan of Contra Costa Community College District honored two recent retirees for their lifelong contributions to the cause of contingent faculty, particularly in the California Community Colleges where organized struggle has been going on since the mid-1970s. These awards represented the first time that COCAL has consciously recognized its own history and begun the process of honoring its own ancestors.

The third social event was also a

marker. At the conference dinner, Saturday night, participants heard from Stewart Acuff, Organizing Director of the AFL-CIO, who was pleased to come and speak about the difficulties and promises of organizing generally, to a group that he knew was actively involved in just that back home. He was quite well received as was the AFL-CIO's workers rights teach-in program that is attempting to build support for the right to organize through teach-ins on college campuses.

Finally, the conference held a closing plenary at which it heard some strategic reports and made plans for future activities, such as the continuing success of Campus Equity Week. This session, though short, represented the first time in the history of the movement that a general discussion of what can and should be done was conducted that included active participation from the United States, both English and French Canada, and Mexico. No one that heard it failed to recognize what a step forward this represented for the movement as a whole.

A number of resolutions were considered and passed. After that session, though it was the Sunday of a three day conference, dozens of people stayed to caucus first by national union organization, then by region, to make plans how to implement many of the ideas that had been discussed in plenaries and workshops. An advisory committee of over twenty then met to debrief and evaluate the conference and officially encourage our colleagues in Vancouver and the Pacific Northwest generally to follow through on their tentative initiative to hold COCAL VII there in 2006.

*Full conference information, pictures, and a revised program reflecting the actual conference as it transpired are available on the conference web site, [www.chicagococal.org](http://www.chicagococal.org)*



## The Higher Education Crisis continued

tingent and part-time rather than tenure-track and full-time faculty, come, at about 98%, from faculty ranks. (I must confess: I made that number up, but I'd bet on it.)

I have always been bemused by the apparent belief that as these people move from their full-time faculty positions into administrative roles, a profound change in their values takes place. People have various ideas as to which administrators make those decisions. At the lowest level, it's the department head or chair. I've never met one who wouldn't rather get a tenure-line from the dean than some one-year or one-semester cash. The same goes for the dean's preference with regard to the provost. And it is usually the provost who is stuck having the balance the checkbook.

Certainly there is pressure upon presidents and provosts to balance that checkbook. Usually, in fact, there is no possibility of imbalance. Contingent faculty, I would argue from what experience and knowledge I have, is a contingent decision, forced by unpleasant circumstances.

Do the provosts and presidents want to satisfy those who require the balanced budgets? Certainly. Can they lose their jobs if they don't deliver balanced budgets? Often. But is that their highest aspiration? Rarely. How do we know what their highest aspiration is? I'd suggest, by listening to what they brag about. They don't brag about their balanced budgets, and they brag about their cost-savings only to audiences that require cost-savings as a condition of further funding. They do brag, incessantly, about the quality of their institutions. The quality of true higher education depends upon academic freedom, and the safeguard for academic freedom is tenure.

You might wonder why I am going on about this. It is because the belief that there is a malevolent force at work here against

the contingent faculty is part of a stance that can do us yet more harm. Higher education, and especially public higher education, is up against some formidable forces. In various quarters we face postures of hostility bred of political opportunism, genuine hostility, enormous competing social needs, indifference, suspicion as to both our motives and our competence. We face these things together. We may see ourselves in numerous parts—faculty, staff, administration and students; or scientists, humanists, artists and health professionals—but most of the world sees us as monolith: universities. I'll get back to this point in a minute.

First, I want to give a bit more time to the question of what we should be doing. It has become fairly common wisdom that we in public higher education must "privatize." To privatize apparently means to start acting more like private institutions, to be less dependent on state government funding. The question is, which private institutions should we, and could we, be more like? I would like UIC to be more like Harvard. If you're old-time Chicago you may recall the moniker for Navy Pier of "Harvard on the Rocks." I'd like to just drop the Rocks. But I'll compromise: we'd only be a bit like Harvard, just the bit that would trade off our state tax revenues for endowment income revenues.

UIC has been getting about \$300 million from the state. To get endowment income of \$300 million, you need an endowment of about \$6 billion. Yes, philanthropy has a role to play, but it isn't going to replace lost state revenues any time soon. Harvard recently announced with pride that it would no longer charge tuition to students from families earning less than \$40,000. That's admirable and enviable. But at UIC, it is already the case that 34% of our undergraduates receive Pell grants and about 35% receive Illinois MAP awards. I found myself wondering what per-

cent of Harvard undergraduates actually come from families with incomes under \$40,000.

We could also privatize by raising tuition as high as the market would bear. For our student demographic, we would also have to raise financial aid at a somewhat faster rate than we raised tuition, if we were

**"[If] we no longer see ourselves as fighting essentially on the same side of the larger issue, then it won't matter who wins the battle between us, because together we will lose the enterprise itself."**

going to sustain access. Or we could privatize in the sense that we could decide that full access is someone else's problem. Access has been the problem—and the privilege—of the publics, but if the publics privatize, whose will it be?

There are other things we can do, and most we will do. We will seek more philanthropic assistance, and invest in doing so. We will raise tuition somewhat. We will encourage the patenting and licensing of our intellectual property that has commercial potential, in the hope of payoffs that can support our mission, of which advanced research is a major part. We will pursue greater administrative efficiency, trying at the same time not to cut the services that make our environment attractive to faculty and students. We may even figure out how to make more money through self-sustaining continuing education enterprises.

But at the end of the day, I believe that

if we cannot recapture the public confidence in what we do and the public commitment to the social value of what we do, we will not be able to sustain our mission of access to quality education. And I also believe that we will not succeed in that recapture if we do not act together. Against the array of circumstances and forces threatening the very nature of our mutual enterprise, our only hope is to stand together. We need all our collective resources. If we are divided, we will be conquered.

And that is why I said a few minutes ago that Mr. Berry's hypothesis of an adverse administrative intention is dangerous. In some dimensions, the structure of universities puts administration and contingent faculty in a relationship of conflict. I have \$10,000 and I need to cover two courses and so I want to hire two people at \$5,000. The two people want \$6,000 each and probably both need and deserve it. Now what?

I'm not going to try to answer that, at least today. But if the answer drives us into opposing camps, if the opposition created on this particular issue becomes generalized, so that we no longer see ourselves as fighting essentially on the same side of the larger issue, then it won't matter who wins the battle between us, because together we will lose the enterprise itself.

We need to work together not only to ameliorate the employment conditions of contingent faculty and to return the large preponderance of faculty positions to regular, tenure-track positions, but to preserve that fundamental nature of our institutions that draws us to work for them.

Thank you for listening.

*I am grateful to W. Randall Kangas, Assistant Vice President, University of Illinois, for assistance with most of the numbers in this paper.*



**MERGER** continued from page 1

University. This complicated system, not without problems, lasted for only a short time. During one year, some professors were teaching both semester and quarter courses simultaneously as the college moved to the quarter system. The faculty was offered no support or released time to redesign and adapt their courses to the quarter calendar. Faculty careers were jeopardized by administrative directives that threatened the intellectual and professional identity of the professors. The re-organization at times even encouraged faculty to abandon their disciplines and areas of expertise.

**3. Faculty should examine recruitment promises up front and hold the new institution to such promises.**

**The Last Months: The Decision to Close Barat and the Lessons to Learn**

The decision to close the newly merged college came after months of sometimes highly publicized events that involved faculty, students, staff, alumni, and community members. Many of these were collegial, peaceful protests, but in the end they were unsuccessful. In the summer of 2003, the EVP for Academic Affairs resigned. Although he had committed DePaul to the acquisition of Barat two years before without widespread support from the University's constituencies, the new administration decided almost immediately that it would not retain Barat.

Their predisposition to close the campus was predicated on a particular assessment of the finances and future of the school. The dominant narrative was developed by DePaul's administration and the Barat Task Force. The latter was organized by the administration in the fall of 2003 and consisted of DePaul administrators predisposed to close the Barat campus. Unfortunately, the Task Force reached its conclusions without fully considering the alternative proposals from the Barat community.

Barat was told that its enrollment would increase immediately due to the large recruitment machine of DePaul, and the new goal would be to increase the number of students from 1000 to 2500. But rather than seeking students who wished to attend a small, suburban, historic campus, one of the first moves was to shift DePaul's high-risk students to the Barat Campus with the result that in its first year, the College had well over 50% of its new students at high risk. With a lack of available housing in Lincoln Park, the major campus of the University, the students who could not get housing there were forced to attend Barat. Little to nothing was done to recruit the non-traditional-age students who have been a major component of the population. Nor were those who graduated from the local commu-

**1. Recruitment Failures**

The university neglected to develop and execute a coherent recruitment strategy for Barat. It also overlooked the "Next Generation" plan Barat had developed for increasing enrollment. That plan was to serve the growing immigrant population in Lake County and would have enhanced Barat's financial situation.

**2. Renovation Costs**

Much of the argument turned on the rehabbing undertaken by DePaul to bring historic Old Main up to code and to the university's plant standards. Barat's operating budget accounted for only 2.5% of DePaul's annual budget, but the money spent for renovation and the actual figures for past and future renovation were a matter of dispute throughout this debate — was exaggerated. DePaul projected spending \$400 million over ten years to renovate all of the University's infrastructure. Barat's portion would amount to a small fraction of this total. This was never put into perspective. Barat was portrayed as representing irreparable harm to DePaul's financial health.

**3. Operating Costs**

One of the attractions of Barat was that it was a small liberal arts suburban campus where students received individual atten-

tion. Now the ratio of faculty to students was depicted as cost-inefficient. The dominant culture of the controlling institution after the merger determined the interpretation of these facts. Further frustration arose from a series of blocked efforts to convey the "other side of the story" and to show that adhering to "one side of the story" would undermine a fully-informed choice. This resulted in a misguided and potentially harmful decision for the university and others. Many members of the Board never visited the campus. The Barat attitude was that dialogue and a full hearing of factors and alternatives could cultivate a collegial "win-win" solution for DePaul and Barat.

**4. Faculty should be acutely aware of, and work to forestall, any policies that pit faculty of one institution against the other.**

Because of the history of failed shared governance, the DePaul faculty was suspicious of the merger and also the faculty of Barat. An unstated perception was that financial insufficiency somehow meant academic insufficiency—that poor equals bad. Despite the efforts of the DePaul AAUP chapter and some faculty of good conscience in that university, Barat College and its faculty were consistently characterized as inferior. Women's institutions in particular (with only a few exceptions) have lacked

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Among the blocked efforts were Barat's attempts 1) to use the media to inform the wider public, including alumni, and gain a fair hearing from the DePaul Board and administration, 2) to present 400 letters (from Barat advocates, including alumni, students, faculty, administrators, and community leaders) to the Board prior to the critical board meeting, 3) to contact the Board by phone or in meetings to present Barat's side, and even such extreme measures as 4) ordering Barat staff not to participate in efforts to save the college. Barat advocates were consistently unable to communicate

the endowment to remain independent. Barat, a small woman's college until 1982, is no exception.

**5. Faculty of each institution (especially the smaller party) should monitor how in negotiations its administration represents its faculty, students, and curriculum.**

Administrators eager to solve financial problems can easily neglect faculty interests. Without strong leadership, the rights and priorities of the smaller institution can be subordinated to the larger institution if its negotiating administrators are not capable of crafting a plan that protects the integrity of the smaller college. Not only faculty rights are at issue, but things as material as space and resource allocation can be negotiated away.

**6. Conclusion: The faculty needs legal representation before completing a merger.**

with the constituencies of the University in order to give input into the Board's deliberations and to undermine institutional antagonism through creative and persistent means.

Ultimately, DePaul's Board and administration failed to solicit faculty opinion prior to the merger. Before the Board made its final decision to close Barat, it sent the question to the Faculty Council. Despite the Council's majority vote (14-11) to retain Barat, the Board chose to ignore the recommendation of faculty, in essence circumventing shared governance a second time.

And finally, in addition to the lost jobs by some faculty and most staff, the decision had dire consequences for students. Students suffered, no matter how well intentioned the efforts of faculty and administrators. Some students got caught in the middle, unable to complete their programs at the campus of their choice and were forced to transfer. Place-bound students were particularly disadvantaged. Other students, not willing to embrace a vastly different environment, refused to transfer to another campus of the university. In the end, students in a culture of community, especially in a small environment, experienced a bitter disappointment at the deconstruction of their academic home.

-- Joan Berman

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