

# ILLINOIS ACADEMIE

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## PRESIDENT'S CORNER

### MAP Grants Under Fire

Guest Column by  
**Sharon Hahs**

President,  
Northeastern  
Illinois University



For the president's column in this issue, instead of Illinois AAUP president Michael Harkins, we offer this guest op-ed from Sharon Hahs, the president of Northeastern Illinois University.

As we have been preparing for the new school year here at Northeastern, a storm is brewing downstate that will come to a head in the next few weeks. For the current school year, the Illinois Monetary Award Program (MAP) has been cut in half by the Governor and the Illinois legislature. This has dire consequences for Northeastern and all of Illinois higher education.

The Illinois Student Assistance Commission (ISAC), the agency that administers the MAP awards, allocated all available MAP funds to cover student needs for the fall semester, leaving nothing for the spring. Because there is a chance that the state legislature will restore funding for the MAP program in October, it is crucial that all of us become active in the political process. We need the Governor and legislature to hear us and, in particular, we need them to hear the voices of our students.

To give you context, let me share some facts about MAP grants with you. Since the 1970s, the state has funded the Monetary Award Program (MAP) to help reduce the disparity in educational attainment between students who can afford college educations and those who cannot.

MAP grants are used by students at Illinois community colleges, public universities, and private colleges and universities. Only Illinois residents are able to receive MAP grants. At Northeastern, over 2,000 students, close to one-third of our undergraduate students, receive some aid from MAP, with the average award being about \$2,600 for the academic year.

Currently eligible MAP recipients, under the current funding levels, will not receive MAP funding in spring 2010. Furthermore, on a statewide basis there has been a 30 percent increase in financial aid applications. Because of the funding shortfall, the eligibility deadline was moved up with very little notice for students. This meant that more than 130,000 Illinois students with financial need were denied MAP funding in the fall semester of 2009.

If you are one of the thousands of students who suddenly don't have the resources to pay for college costs, you may need to take out a loan (or a second loan), work extra hours, take fewer classes, or just take a semester off. However, research shows that three out of four students who drop out of college will never return to complete their degree. We believe the state of Illinois cannot afford to lose a generation of college students.

Even if you are not receiving MAP funding, you likely will still be affected. Lost tuition revenue to NEIU due to MAP cuts could be as much as \$4 million, which is nearly 5 percent of the NEIU's budget, which in turn might mean fewer funds for new academic programs and fewer resources for improving the academic programs we already offer. So, even if you do not receive this aid personally, as a member of the University community you will be affected if the funds are not restored.

MAP FUNDING continued on back page

## College of DuPage Board Rescinds "Academic Bill of Rights"

By John K. Wilson

On May 4, 2009 the new College of DuPage Board of Trustees voted 4-3 to reverse the previous board's passage of David Horowitz's Academic Bill of Rights. It was a victory for academic freedom, and a decisive defeat for Horowitz and his friends, such as outgoing trustee Kory Atkinson, founder and president of the Intellectual Diversity Foundation, who paid for Horowitz to speak at a private event on campus and pushed his agenda. He attended the Board meeting while wearing a T-shirt that read, "Stop Faculty Pay to Play," an apparent reference to the fact that the faculty union had donated money to help elect trustees who support academic freedom.

The real defeat for the Academic Bill of Rights had come at a polling booth a month earlier. On April 7, voters completely rejected the old board and its right-wing ideologues. Nancy Svoboda led with 46,654 votes, more than twice the number of outgoing chair Michael McKinnon, who finished fifth with only 21,756 votes.

In response, the conservatives on the Board decided to make their legacy a fit of ideological pique. On April 16, against the urging of the AAUP and three upcoming board members who had been elected, the outgoing board voted 6-0 to impose the new Board Policy Manual on the College of DuPage, including suddenly reimposing the original Academic Bill of Rights that they had previously watered down.

This attack on academic freedom has been criticized by groups across the spectrum, including the Illinois AAUP

and the Foundation for Individual Rights in Education.

At the May 4 meeting, the new Board was forced to confront the issue because of a motion to accept the previous board policy. They voted 4-3 to rescind the controversial policies objected to earlier, including the Academic Bill of Rights, and tabled the discussion of the remaining policies.

The national AAUP and the National Education Association's National Council for Higher Education sent a letter to the College of DuPage trustees, urging them to overturn this terrible mistake. Fortunately, the will of the people and the voice of reason triumphed over the efforts of right-wing Republicans to silence free speech on campus.

However, the fight for academic freedom doesn't end with one successful battle. The College of DuPage Board of Trustees is still considering the same deeply flawed policies. On October 15, 2009, the Board will consider again three of the policies that it had passed and then overturned.

## Illinois AAUP Letter to the College of DuPage

To the Trustees of the College of DuPage:

The Executive Committee of the Illinois Conference of the American Association of University Professors is deeply disappointed by the action taken by the outgoing Board of Trustees at the College of DuPage on April 16 to adopt a new policy manual containing several provisions that threaten the quality of education at the College. In our letter of March 16 we noted in particular detail how certain proposed provisions interfered with academic freedom. At the subsequent Board meeting the challenged provisions were tabled for further review. As we understand it, no further discussion took place with any persons or organizations that had raised questions about the policies. This despite the fact that the AAUP and others had indicated that the policies raised serious constitutional concerns, in addition to concerns about the impact of these changes on the quality of the education available to the students. Then, with minimum notice and no further discussion the flawed proposals were approved by the "lame duck" Board. Should this decision stand the College would be the first and only college or university in the country to have adopted these very controversial policies.

As our initial letter pointed out, the American Association of University Professors has strongly opposed the Academic Bill of Rights, and in 2003 the AAUP's Committee A on Academic Freedom and Tenure issued a statement calling it "improper and dangerous" and noting that the principles in the Academic Bill of Rights "contradict academic freedom." (<http://www.aaup.org/AAUP/comm/rep/A/abor.htm>)

AAUP's commitment to excellence in higher education

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University Professors of Illinois

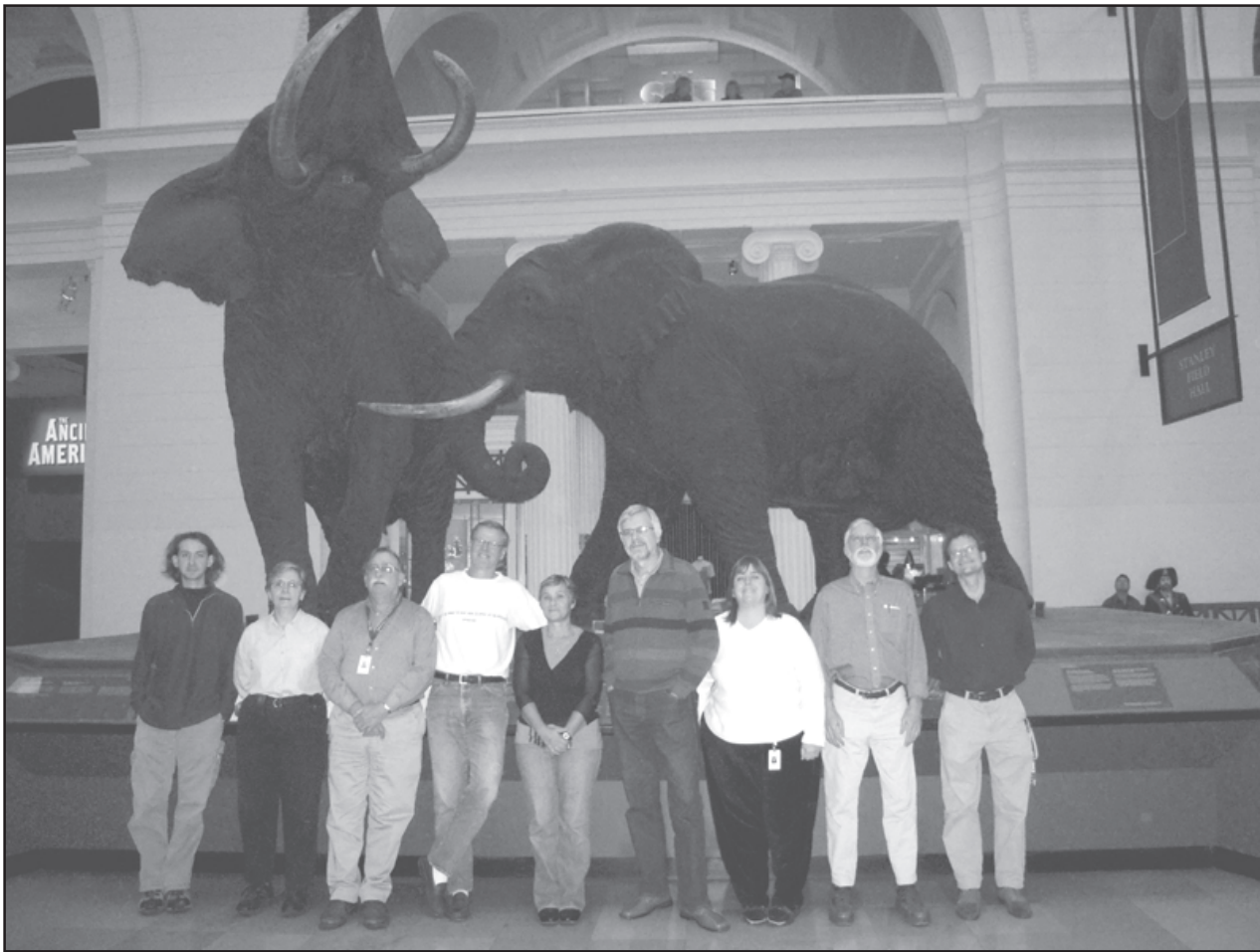
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*Nine of the 26 members of the Field Museum of Natural History AAUP chapter, standing in front of the museum's legendary elephants in Stanley Field Hall.*

## Museum Curators and the AAUP

**By Patrick Ryan Williams, Bruce Patterson, Margaret Thayer, and Ken Angielczyk, AAUP-FMNH 2009 officers**

Many university professors may wonder what museum curators have to do with the professoriate. They may think of us as stodgy collectors, hoarding specimens away in dark hallways. Especially in those disciplines in which specimen-based research is not a core component of scholarship, museum curators can often be overlooked as part of the academy. Yet, The Field Museum in Chicago recently formed its own chapter of the AAUP, and museum teachers, researchers, and scientists are proclaiming their role as educators and their concerns with academic freedom and governance in non-traditional settings for AAUP chapters.

The Field Museum of Natural History is one of the three largest academic research museums in the country, along with the National Museum of Natural History (Smithsonian Institution) and the American Museum of Natural History. It is devoted to the discovery, documentation, and dissemination of information about the natural and cultural worlds. Its staff members discover through expeditions and research, document through encyclopedic collections and analyses, and disseminate this information through exhibits, educational programs and publications. Like all true museums, The Field Museum is built and organized around its collections, and is universally regarded as one of the world's leading natural history museums, a peer among older and larger museums in New York, Washington and London.

The Field Museum is governed by a Board of Trustees, led by a President, and has a full-time staff of over 500 employees. The scientific backbone of the museum is its curatorial faculty, composed of 30-40 scientists distributed among four departments: Anthropology, Botany, Zoology, and Geology. Curators have career (tenured) appointments after a tenure-track probationary period. Their performance is evaluated in four areas: research, curation, education, and service. The contribution to higher education, including teaching and chairing dissertation committees, is thus explicitly mentioned in the tenure policy, although without specific requirements (e.g., 25% teaching or some number of courses per year). Many aspects of curators' research programs are ones that might equally well take place at a university – indeed, some individuals come to The Field Museum from university faculties, and others move to universities from the museum.

As part of their job responsibilities, most curators serve on the faculty of partner institutions. The Field Museum itself has collaborative agreements with area universities dating back to the first half of the 20th century, including collaborative graduate programs with the University of Chicago (1944), the University of Illinois (1987), and Northwestern University (2001), and individual curators have appointments at a number of other institutions and serve additional programs as readers, outside members, or external examiners. Curators also teach classes, chair or serve on

PhD committees, and mentor undergraduate, graduate and postdoctoral scholars as part of these programs.

It quickly becomes clear that museum curators have a great deal in common with their colleagues in university settings. Indeed, in university museums, curators are most often members of the academic departments in which they hold tenure. The large, independent research museums like the Field are somewhat unusual in that they are not part of a university structure, but their faculties are very much a part of the professoriate. Our concerns mirror those of our colleagues in universities, although we have multiple administrations with which we interact in the course of our professional responsibilities.

The formation of a chapter of the AAUP thus constitutes recognition by the curatorial faculty of the importance of the professoriate's ideals. With over 80% of the museum's full-time tenured and tenure-track faculty listed as charter members, the chapter has strong endorsement. The chapter's charter statement, appended here, expresses the aspirations and goals of a unified faculty, self-determined to preserve the conditions necessary to promote higher learning and academic freedom in the academy.

### **American Association of University Professors Field Museum of Natural History Chapter Charter Statement**

Individual curators and departments at The Field Museum have long built successful relationships with area universities, through teaching, undergraduate and graduate student training, and program development. These educational enterprises, as well as museum-based postdoctoral training, have not yet been fully translated into widespread public recognition of the regional leadership role of the Museum's science faculty in the education and advanced training of our nation's future scientists and science administrators.

The formation of the new AAUP Chapter at the Museum thus unites our diverse in-house science faculty under a shared set of common goals, giving the Museum a unified voice when we are communicating — and negotiating — with universities, granting agencies, foundations, and other organizations on matters concerning both teaching and the advancement of science education generally. This solidifies our standing in local, state, and federal initiatives in support of undergraduate, graduate, and post-graduate science education.

The professionalization of the Museum's scientific faculty through the establishment of the new AAUP Chapter thus builds on our past educational successes, and prominently enhances our educational goals and research mission by more fully realizing the contributions that Field Museum scientists have made and will continue to make to higher education.

### **ILAAUP Resolution on the Need to Protect the Current Pension System for Employees of Public Colleges and Universities**

Adopted April 18, 2009\*

Whereas, The State of Illinois has significantly underfunded its pension systems by legislative and gubernatorial decisions from FY 1981 to FY 1991 and FY 2006 to FTY 2009 creating an unfunded liability of over \$ 54.4B as of June, 2008, the largest dollar amount in the nation;

Whereas, Illinois public college faculty and staff are not covered by social security that requires an employer FICA tax contribution of 7.65 % which means that the state is contributing little more than the amount required for social security and Medicare in contrast to other states that cover all or half the cost of contributions to retirement systems such as TIAA/CREF in addition to the FICA amount;

Whereas, Illinois public college faculty fall behind their IBHE comparison peer groups in benefits;

Whereas, Participants have continually paid their full share to the retirement system and the interest on their contributions served to decrease the state's liability for pension shortfalls;

Whereas, Failure of the state to make its mandated contributions is the preeminent cause of the shortfall full funding of the state pension systems;

Whereas, There are numerous editorial calls for the more of pension costs to be assumed by future employees and a proposal by the Governor would exacerbate the gap in benefits between Illinois institutions and other colleges and universities competing to attract new or hire away top quality faculty;

Whereas, The budget proposal offered by the governor calls for rewriting existing law on funding of pensions to continue the underfunding of state pension systems; and

Whereas, Private universities and colleges may follow any precedent set by the state in transferring costs of benefits (including health insurance) to their faculty and staff;

Resolved, That the American Association of University Professors of Illinois calls upon the legislature and governor to recognized the necessity of fully funding its pension obligations in amounts established in existing state law;

Resolved, That the legislature and governor recognize the negative impact on retention of faculty and staff by requiring a 2% increase from current employees, thus further widening the gap in salaries and total compensation as compared to peer institutions as documented by AAUP surveys and current IBHE reports available to prospective and current faculty;

Resolved, That the state undertake the necessary steps which must include revenue enhancement to enable the state to remain solvent and meet its obligations to participants in the pension system, and

Resolved, That the AAUP of Illinois urges its members and faculty, staff and students to contact legislators personally to stress the need to deal with this issue of unmet pension obligations.

### **Illinois AAUP Resolution on the Need to Enhance State Revenue**

Adopted April 18, 2009\*

Whereas, The State of Illinois has had a consistent structural deficit in revenue for the last several years, one currently estimated to range between 4% and 5% or \$2.5 Billion to \$4 Billion dollars;

Whereas, Illinois has reduced sharply its support of four-year public colleges causing significant increases in tuition levels and never funded its community colleges at the level envisioned in state law;

Whereas, Higher education, public and private, and the IBHE have established affordability as a primary goal to ensure student access but tuition increases have not been matched by increases in MAAP and other scholarship grant and loan programs; and

Whereas, The state is lagging in paying its bills by as much as six months, threatening the economic well-being of business relying on state reimbursement for goods and services including medical and prescription costs;

Resolved, To ensure adequate support of Illinois higher education, the American Association of University Professors of Illinois calls upon the legislature and governor to adopt legislation to ensure a large, permanent increase in state revenue; and

Resolved, That the AAUP of Illinois urges its members and Illinois citizenry to contact legislators personally to stress the need to achieve a sustainable increase in state revenues.

*\*The information in this resolution is current as of the date of adoption of the resolution. Many changes relative to proposed legislation will occur before adoption of a state budget. Individuals need to monitor events in Springfield and continue to express their views to the legislature and governor.*

### **Illinois Academe Award Winner**

**Illinois Academe was named as the AAUP's best state conference newspaper in tabloid format at the 2009 Annual Meeting. Congratulations to all who make this paper possible.**



# Academic Freedom for a Free Society: The AAUP Summer Institute

By Todd Price

Over the summer, hundreds of AAUP members representing university chapters from around the country gathered at Macalester College to discuss and deliberate over issues critical to their collective profession, namely, how to protect, preserve and advance the aims of academic freedom in an age of not only economic blight but continual encroachment on the university mission by a range of adversarial forces.

The institute included several exceptional workshops addressing a varied number of critical issues, providing the knowledge and skills needed for members to be able to take back to their respective chapters the important message that faculty, even during economically dubious times, maintain the right to participate fully in decisions impacting their university.

I spoke with the organizers and brought back information for my own chapter information concerning academic freedom, promotion and tenure, shared governance, and faculty compensation and welfare. In this essay, we will hear from the president, secretary and one of the conference organizers, what are the most compelling observations of what we are facing, as far as faculty are concerned.

Cary Nelson, the AAUP President from the University of Illinois at Urbana-Champaign, mentioned the highlights of the Summer Institute:

Nelson: "I'm here in Minnesota, at our annual Summer Institute which is a wonderful training institute that we do. We teach people how to analyze their university budget, we teach people how to reinforce shared governance on their campuses, we give instructions on collective bargaining, we give instruction, classes, on how to strengthen your local chapter, and we do things like take cruises on the river and have some fun at the same time! It's really one of the best things we do!"

He was followed by Michael Mauer, AAUP Director of Organizing and Services, speaking about the scope of AAUP across the country:

Mauer: "We've got over 400 chapters on campuses where there is no union but we've got an AAUP chapter, they really run the gamut, but in very many of those chapters, there are enough members and there are enough committed faculty working in the chapter that decision making doesn't happen without faculty input and in very practical ways it makes huge differences in the lives of faculty at most campuses. So for example compensation decisions have to happen after appropriate dialogue with the faculty not just by unilateral fiat from the administration."

Finally, I spoke with Gary Rhoades, the Secretary of the AAUP regarding the manner in which administration keeps faculty acquiescent to receiving just compensation:

Rhoades: "So often in these situations the administra-

tion taps into the kind of general feeling the population has, about the faculty has about hard times, they vote what's going on in the larger economy, they vote what's going on with state deficits, and by virtue of those largely society hard times, they suggest that the institution itself is experiencing financial exigency at levels of financial crises that call for the faculty to give back in a variety of ways in furloughs, pay freezes even or pay reductions and so what this session was designed to do was take the empirical data and basically to puncture that argument and show that in fact higher education institutions are in much better shape than we're often led to believe, that administrations when they frame their institutions as being in deep financial crises are not utilizing the financial practices and measures that an accountant would, finance professor would, or someone who understands higher education financing would."

These interviews continue on a YouTube post called AAUP Interviews, and really serve to provide a concise and effective summary of the most important issues that every faculty should be aware of in 2009 and the years beyond.

For further comments and questions, please feel free to post questions and observations to: Todd Alan Price, National Louis University AAUP Chapter President, tprice@nl.edu or follow my new blog, Technology for Democracy at: <http://tprice1963.blogspot.com/>

## Obama's Speech at Notre Dame Protested By Conservative Groups

By John K. Wilson

**"SCANDAL: Obama to Deliver Notre Dame Commencement."**

That was the headline in an email from the Cardinal Newman Society (CNS), announcing their opposition to having President Barack Obama give the commencement address at the University of Notre Dame on May 17. They even created a website to "Help Stop the Scandal at Our Lady's University." According to the letter, "It is an outrage and a scandal that 'Our Lady's University,' one of the premier Catholic universities in the United States, would bestow such an honor on President Obama given his clear support for policies and laws that directly contradict fundamental Catholic teachings on life and marriage."

The Cardinal Newman Society is a right-wing Catholic group that, often successfully, lobbies Catholic colleges to censor liberal views (needless to say, it's never called for banning conservative supporters of the death penalty from speaking on campuses, even though they violate Catholic doctrine).

The group even attacks conservatives. Quincy University commencement speaker (and well-known conservative radio legend) Paul Harvey withdrew in 2003 after the group's criticism of his pro-choice beliefs. Reilly called upon Catholic University of America in 2006 to ban politician Bob Casey from speaking on campus. Although Casey is a Catholic who opposes abortion rights, Reilly proclaimed that "Bob Casey has no business delivering a lecture on public morality" because Casey does not want to ban contraceptives.

The Cardinal Newman Society demands that all Catholic colleges impose an unprecedented regime of censorship; in 2005, the Society presented a list of 18 professors at Catholic Colleges that the group believes should be fired because these professors took a position on the Terri Schiavo case contrary to that of the Vatican. These attacks have had a strong influence on Catholic Colleges, and administrators fear being the next target of the group.

Perhaps the most dramatic case of the Cardinal Newman Society's attack on academic freedom came at the University of St. Francis in Chicago in spring 2004. Dr. Nancy Snyderman was dis-invited from giving the commencement address four days before graduation after a campaign against her by the Cardinal Newman Society. A surgeon, author and former ABC medical correspondent (she's now featured on NBC Nightly News), Snyderman, who is personally opposed to abortion, 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 Snyderman 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." When a journalist and doctor is banned from a campus for accurate reporting on abortion issues, it indicates how far the repression of freedom at Catholic colleges has gone.

Another form of retaliation used by the Cardinal Newman Society is to remove institutions from official designation as

Catholic colleges, hurting their recruiting and fundraising. In 2003, the Cardinal Newman Society was able to pressure to have Marist College removed from the list after Eliot Spitzer was allowed to speak at its graduation. In 2005, Marymount Manhattan College was similarly de-recognized after it allowed Hillary Clinton to speak. This kind of intimidation forces colleges that wish to remain Catholic to censor the speakers allowed on their campus on the orders of a right-wing splinter faction.

But the group, although adept at getting publicity, is far outside the Catholic mainstream. The Association of Catholic College and Universities denounced the Cardinal Newman Society for making accusations that are "distorted, inaccurate and in some cases simply untrue."

Thanks to Reilly, Eve Ensler's "The Vagina Monologues" is the most frequently banned play in America. The Cardinal Newman Society has taken credit for "a marked decline in planned performances of the Monologues" at Catholic colleges. In recent years, the play has been banned at the University of Portland, Iona College, the College of New Rochelle, Loras College, Rivier College, Xavier University (Ohio), Catholic University of America, Providence College, Loyola University of New Orleans, Emmanuel College, St. Ambrose University, St. John's University, St. Joseph's College (Indiana), Wheeling Jesuit University, Alverno College, College of Saint Mary (Nebraska), Edgewood College, Fontbonne



President Barack Obama spoke at the University of Notre Dame in May.

University, Loyola Marymount University, Marquette University, the University of St. Francis, and several other institutions. Censorship has discouraged students from trying to organize performances at many other colleges.

It's time for Catholics and anyone concerned about academic freedom and free speech in this country to speak up and say that the Cardinal Newman Society is wrong. There shouldn't be repression of different views at Catholic colleges. And Notre Dame should be proud that Barack Obama has chosen to honor its campus by giving the commencement address. Although the Cardinal Newman Society was unsuccessful in its efforts to bar Obama from speaking, the power of its agitation against academic freedom creates a chilling effect at Catholic colleges.

### The Academic Freedom Controversy at Notre Dame

The Indiana Conference of the American Association of University Professors expresses its support for University of Notre Dame President the Rev. John Jenkins in standing by the university's decision to invite President Barack Obama to speak at its May 17 commencement. We are concerned by the efforts of external groups to prevent President Obama or any other invited guest from speaking on campus.

For almost a hundred years, the AAUP has defined for colleges and universities the meaning of academic freedom through its policy statements and procedural guidelines. We hold that the freedom of faculty and other members of the campus community to conduct research, publish, and exchange ideas, especially highly controversial ones, without outside interference or censorship is the lifeblood of the university and is essential to the production and dissemination of knowledge. The fact that American universities have such an enviable world-wide reputation is in no small part due to our practice of academic freedom.

While the AAUP recognizes that religious colleges and universities have the right to propagate their special faith, these institutions must also protect and model free inquiry and open dialogue. Notre Dame's embodiment of these values has helped earn it a reputation as one of the premier Catholic universities in the United States. In 1967, Notre Dame President the Rev. Theodore Hesburgh and other leaders of Catholic colleges and universities proclaimed in

the Land O'Lakes statement that "the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say this is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities."

But does this freedom apply to outside speakers? According to the AAUP's 2007 statement on the subject: "As part of their educational mission, colleges and universities provide a forum for a wide variety of speakers. There can be no more appropriate site for the discussion of controversial ideas and issues than a college or university campus....Invitations made to outside speakers by students or faculty do not imply approval or endorsement by the institution of the views expressed by the speaker." Notre Dame has a worthy tradition of inviting new presidents to speak at commencement even though none agree with all aspects of Catholic dogma. To disinvite a commencement speaker over public policy disagreements is an anathema to open discourse.

AAUP affirms the right of those who disagree with a speaker to protest.

But prohibiting or censoring a controversial speaker is a violation of the free exchange of ideas. For that reason we support Notre Dame's defense of academic freedom.

Richard Schneirov  
President, Indiana Conference of the AAUP  
Cary Nelson  
President, AAUP



# God and Cartoons at Yale

## Letter to Yale University Opposing Removal of Mohammed Images from Book September 14, 2009

Dear President Levin and Members of the Yale Corporation,

We write to protest the decision to remove all images of Mohammed from the forthcoming book, *The Cartoons That Shook the World*, by Jytte Klausen, which will be published by Yale University Press in early October. The University's role in that decision compromises the principle and practice of academic freedom, undermines the independence of the Press, damages the University's credibility, and diminishes its reputation for scholarship.

The events surrounding the decision to remove the images are deeply troubling:

- The manuscript was submitted to Yale University Press with the explicit understanding that inclusion of the cartoons was a prerequisite for publication.

- The book was accepted for publication, fully vetted by the Press and met its exacting scholarly standards. It also passed the standard legal review and was unanimously approved by the University Publications Committee.

- Nonetheless, the University undertook its own unorthodox and unprecedented review in which it consulted various individuals, not about the substance of the book but solely about the risk that the illustrations could provoke a violent response. These consultants did not receive a complete copy of the manuscript; they were provided with only the images.

- Neither the names of the consultants nor their comments have been disclosed. Even the author was denied the opportunity to read the report or comments made by these reviewers unless she signed a nondisclosure agreement, which she declined to do.

- Yale Vice President and Secretary, Linda Lorimer, has openly acknowledged that the University made the decision to remove the images, based on an unspecified fear of violence. Former Director of National Intelligence John Negroponte, who is now a member of the Yale faculty, has stated that he "agreed with the decision by Yale" to remove the images, based on a "generic threat."

No one involved in the decision has cited any actual threat of violence as a justification for the decision. Indeed, several Islamic scholars, including one of Yale's handpicked experts, openly question the notion that the illustrations pose any risk of violence whatsoever, since the book would likely attract a small and specialized readership and the images have already been widely disseminated and are easily accessible online. In fact, some of the images that were removed, such as the Gustave Doré image of Mohammed in Dante's *Inferno*, have never been associated with violence.

We recognize that there are people who will threaten violence to suppress ideas that they hate. They range from religious zealots seeking to ban images they consider blasphemous to animal rights advocates who recently threatened the staff of the San Francisco Art Institute over an art installation that they claimed represented cruelty to animals. However, even in the face of actual threats, we believe that there are ways for institutions like Yale to preserve their commitment to academic freedom and intellectual integrity.

Giving in to the fear of violence only emboldens those who use threats to achieve their ends. This misguided action establishes a dangerous precedent that threatens academic and intellectual freedom around the world.

Sincerely,

Joan E. Bertin, National Coalition Against Censorship

On behalf of:

American Association of University Professors  
American Booksellers Foundation for Free Expression  
American Civil Liberties Union  
American Library Association, Office for Intellectual Freedom  
American Society of Journalists & Authors, 1st Amendment Committee  
College Art Association  
Freedom to Read Foundation  
First Amendment Project  
First Amendment Lawyers Association  
Foundation for Individual Rights in Education  
Middle East Studies Association

## Academic Freedom Abridged at Yale Press

By AAUP President Cary Nelson

"We do not negotiate with terrorists. We just accede to their anticipated demands." That is effectively the new policy position at Yale University Press, which has eliminated all visual depictions of the Prophet Muhammad from Jytte Klausen's new book *The Cartoons That Shook the World*. Yale made the unusual decision not only to suppress the twelve 2005 Danish cartoons that sparked organized protests in many countries but also historical depictions of Muhammed like a 19th-century print by Gustave Doré. They are not responding to protests against the book; they and a number of their consultants are anticipating them and making or recommending concessions beforehand.

In an action that parallels prior restraint on speech, Yale also refused to give the author access to consultants' reports unless she agreed in writing not to discuss their contents. Such reports typically have their authors' names removed, but a prohibition against discussing their content is, to say the least, both unusual and objectionable.

Publishers often refuse to print color illustrations to save money or limit the number of black and white illustrations to reduce the length of a book, but Yale Press has not raised any financial issues here. The issues are: 1) an author's academic freedom; 2) the reputation of the press and the university; 3) the impact of these twin decisions on other university presses and publication venues; 4) the potential to encourage broader censorship of speech by faculty members or other authors. What is to stop publishers from suppressing an author's words if it appears they may offend religious fundamentalists or groups threatening violence? We deplore this decision and its potential consequences.

## Statement by Yale University Press

August 14, 2009

Yale University Press will publish *The Cartoons That Shook the World*, by Jytte Klausen, this November. The Press hopes that her excellent scholarly treatment of the Danish cartoon controversy will be read by those seeking deeper understanding of its causes and consequences.

After careful consideration, the Press has declined to reproduce the September 30, 2005, *Jyllands-Posten* newspaper page that included the cartoons, as well as other depictions of the Prophet Muhammad that the author proposed to include.

The original publication in 2005 of the cartoons depicting the Prophet Muhammad led to a series of violent incidents, and repeated violent acts have followed republication as recently as June 2008, when a car bomb exploded outside the Danish embassy in Islamabad, Pakistan, killing eight people and injuring at least thirty. The next day Al-Qaeda claimed responsibility for the bombing, calling it revenge for the "insulting drawings."

Republication of the cartoons—not just the original printing of them in Denmark—has repeatedly resulted in violence around the world. More than two hundred lives have been lost, and hundreds more have been injured. It is noteworthy that, at the time of the initial crisis over the cartoons in 2005–2006, the *New York Times*, *Washington Post*, and *Boston Globe* declined to print them, as did every major newspaper in the United Kingdom.

The publishing of the book raised the obvious question of whether there remains a serious threat of violence if the cartoons were reprinted in the context of a book about the controversy. The Press asked the University for assistance on this question.

The University consulted both domestic and international experts on behalf of the Press. Among those consulted were counterterrorism officials in the United States and in the United Kingdom, U.S. diplomats who had served as ambassadors in the Middle East, foreign ambassadors from Muslim countries, the top Muslim official at the United Nations, and senior scholars in Islamic studies. The experts with the most insight about the threats of violence repeatedly expressed serious concerns about violence occurring following publication of either the cartoons or other images of the Prophet Muhammad in a book about the cartoons.

Ibrahim Gambari, under-secretary-general of the United Nations and senior adviser to the secretary-general, the highest ranking Muslim at the United Nations, stated, "You can count on violence if any illustration of the Prophet is published. It will cause riots I predict from Indonesia to Nigeria."

Ambassador Joseph Verner Reed, dean of the under-secretaries-general, under-secretary-general of the United Nations, and special adviser to the secretary-general, informed us, "These images of Muhammad could and would be used as a convenient excuse for inciting violent anti-American ac-

tions."

John Negroponte, former U.S. deputy secretary of state, U.S. director of national intelligence, U.S. permanent representative to the United Nations, and U.S. ambassador to Iraq and other nations, said, "When Yale informed me of this challenging issue confronting the University Press earlier this summer, I advised that I had serious concerns about the Press publishing these cartoons. Given the history of this volatile issue—and my diplomatic experience, which included service in the Middle East—I believed that publishing the cartoons could very well result in violence of an unpredictable nature. I am aware of the expert counsel Yale received from well-placed diplomats, intelligence and law enforcement officials, and scholars in Islamic studies. I agree with the overwhelming majority of them. There existed an appreciable chance of violence occurring if these images were published by the Press. There is a clear track record of violence associated with the publication and republication of these images. This is more than a historical episode. The controversy continues, with violence occurring as recently as last year. Although the Danish cartoons crisis is certainly a topic worthy of scholarly analysis, Yale University Press had to walk a fine line, given the possibility that these images of the Prophet Muhammad risked perpetuating this violent controversy, as well as distracting readers from serious scholarship on this important subject."

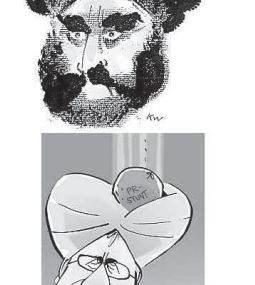
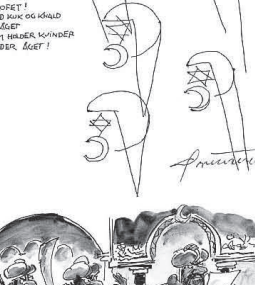
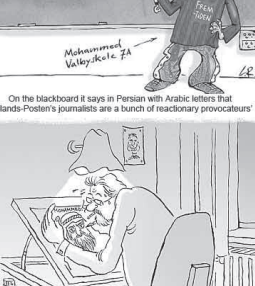
Marcia Inhorn, professor of anthropology and international affairs and chair of the Council on Middle East Studies at Yale, said, "I agree completely with the other expert opinions Yale has received. If Yale publishes this book with any of the proposed illustrations, it is likely to provoke a violent outcry."

Fareed Zakaria, editor of *Newsweek International*, writes, "As a journalist, I believe deeply in the First Amendment," but "the republication of these images would have reopened old wounds."

Charles Hill, who served in the State Department during the Reagan Administration, argues, "There is a difference between defending the freedom of even vile speech and putting the legitimacy and reputation of your institution . . . behind it."

Given the quantity and quality of the expert advice Yale received, the author consented, with reluctance, to publish the book without any of these visual images.

Yale and Yale University Press are deeply committed to freedom of speech and expression, so the issues raised here were difficult. The University has no speech code, and the response to "hate speech" on campus has always been the assertion that the appropriate response to hate speech is not suppression but more speech, leading to a full airing of views. The Press would never have reached the decision it did on the grounds that some might be offended by portrayals of the Prophet Muhammad. Indeed, Yale University Press has printed books in the past that included images of the Prophet. The decision rested solely on the experts' assessments that there existed a substantial likelihood of violence that might take the lives of innocent victims.





# Scandal at the University of Illinois

## UIUC AAUP Chapter Report

Here on the Urbana-Champaign campus of the University of Illinois, we are living in interesting times. Our monthly AAUP Chapter Policy Committee meetings are replete with interesting topics for discussion, to put it mildly. Since May the admissions “controversy” or “crisis” or “scandal” has been a primary topic for the Policy Committee, the Faculty-Student Senate, and for faculty, students, and administrators across campus.

Early in the controversy our Policy Committee published a letter in our local newspaper stating that it “strongly endorses the principle that the University has the right to autonomously determine and implement its admissions process. This is essential to maintain the integrity of the admissions process, which is central to the educational mission and reputation of the University. Admission decisions should not be influenced by pressures from those outside the University in state government, University trustees, donors, alumni, or those within the University who are not responsible for admissions. This principle extends equally to the operation of University courses.”

Following the report of the Admissions Review Commission (“Mikva Commission”) and the subsequent resignation of most of the UI Board of Trustees, our Policy Committee issued as a press release an open letter to Governor Quinn concerning principles that should govern the reconstitution

of the Board of Trustees (BOT). We cited the AAUP Statement on Government of Colleges and Universities and the UI Statutes.

This September the UIUC Faculty-Student Senate passed a resolution calling for “an orderly transition to new leadership” for the positions of UI President and UIUC Chancellor. Before the vote our AAUP Policy Committee discussed whether to endorse this resolution, but we did not due to a lack of consensus — opinions varied widely. After the vote President B. Joseph White tendered his letter of resignation effective December 31, 2009 and stated that he will forgo a substantial retention bonus due in the spring. As of this writing, any action by Chancellor Richard Herman or by the BOT is pending.

As the dust settles, our Policy Committee will continue to meet with campus and university administrators, as is our custom. This November we meet with Interim Provost and Vice Chancellor for Academic Affairs Robert Easter. Later we plan to meet with Vice President for Academic Affairs Mrinalini (Meena) Rao. Topics to be discussed include Furlough Policy and the state-mandated Positive Time Reporting. And in the spring we will host our annual Tenure Workshop: Achieving Tenure and Promotion, which is a very well attended event.

John E. Prussing  
President, UIUC AAUP Chapter

## Admissions at Illinois

By AAUP President Cary Nelson

This summer we have seen a widening controversy over politically influenced admissions for both graduate and undergraduate students at the University of Illinois at Urbana-Champaign. In August a special commission appointed by the governor recommended that all members of the Board of Trustees resign, both because several were directly involved in pressing for individual students to be admitted and because all failed their oversight responsibilities. Several trustees have now done so. An elaborate system was put in place to assure admission for politically connected applicants, some of whom fell below the university’s standards. The commission offered the following evaluation of the Urbana campus’ chancellor: [he] “personally and extensively participated in admissions applications in a manner inconsistent with University-sanctioned principles of ethical conduct and fair dealing.” The three-campus president received the same evaluation, minus the words “and extensively.”

It is not the business of the national AAUP to advise local

faculty how they should respond to the commission’s evaluations of senior administrative conduct. It is our business to point out that careful adherence to AAUP policy would almost certainly have prevented this “well-oiled” Machine that was perhaps unparalleled among universities in its level of formality and structure” (Commission report, p. 1) from ever being put in place. In 2002 the AAUP’s National Council adopted the following addition to our Statement on Government of Colleges and Universities: “With regard to student admissions, the faculty should have a meaningful role in establishing institutional policies, including the setting of standards for admission, and should be afforded opportunity for oversight of the entire admissions process.”

The first time the chancellor was approached to circumvent the normal admissions process he could have asked the responsible college deans or other admissions officials to appoint faculty members to their admissions committees. That would likely have made it impossible to admit less qualified students in secret and through political influence.

## Newspaper Editorials

“Though he still accepts little responsibility for the fiasco that unfolded on his watch, White seems to have absorbed the painful truth: He’s accountable.... White has made a difficult but honorable decision, one that puts the university’s interests ahead of his own. But what about Herman? The architect of the Category I system, Herman is now the last man standing. His culpability is undeniable.”

--Chicago Tribune.

“UI President White’s decision to resign will allow the new board of trustees to concentrate on helping the university recover from the effects of the admissions scandal.”

--Champaign News-Gazette.

“White did what was best for the university in terms of integrity, leadership and finances. He would have collected a \$475,000 retention bonus if he had remained on the job until Feb. 1.”

--Rockford Register Star.

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



## KEN ANDERSEN

### The Cancer of Corruption Metastasizes: The UIUC Admissions Scandal

The Environment. Illinois has long been noted for the frequency and significance of corruption both at the state level and in Chicago. The willingness of the electorate to tolerate the level of corruption is a mystery. The emphasis on “Pay to Play” became particularly acute under our recently indicted “Blago” but preceded him and inevitably will continue at some level after him. Corruption seems to be the heritage of the state.

The Chicago Tribune has long cast a critical eye on the University of Illinois seeking to discover malfeasance. It found what it was seeking in the admissions scandal but gave little emphasis to the external actors who brought the pressures that caused the problem. It missed the more fundamental issue of numerous other instances of improper interference in University and Campus affairs, granted a more difficult story to unearth and to interpret for the general public.

The Unreported Story. For more than a decade certain members of the Board of Trustees and the Office of the Governor have tried, sometimes successfully, to intervene in the internal management of the University, issues that should have been handled by the administration and faculty. This was notable with Jerry Shea as a Trustee appointed by Governor Ryan but the pattern intensified with actions of and appointments by Blagojevich. Note statements by U of I President White to the UIUC Senate on September 14, 2009. “I said no when I was told

Governor Blagojevich’s office wanted an IGPA research report killed rather than published.” “I said no when a senior aide to Governor Blagojevich told me the administration was at war and I was in their army.” “I have worked to insulate this University from external pressures in an extremely difficult and intensely political environment.” Blagojevich appointed Trustees who “paid to play” or had no previous ties to the University, and who were willing to give undue consideration to the Governor’s wishes. The admissions issue is but one example of this improper interference and from an insider’s perspective, not the most important example. This is not to deny the unfairness to students and to the citizens of Illinois that took place in the admissions process.

The Internal Actors. Inevitably the focus of attention fell upon the Board of Trustees, President White and Chancellor Herman. While the Trustees may not all have been culpable in the admissions debacle they have tolerated actions by members of the Board—particularly its chairs—that extended far beyond their proper role in this and other matters. All but two of the immediate past Board have resigned and a new Board put in place by Governor Quinn. Many question the credibility of the two who refused to resign. The Governor chose not to press that issue of their resignations in the face of threatened lawsuits that would have prolonged the agony of the University.

PRESIDENT B. JOSEPH WHITE. President White announced his resignation on September 23, 2009, effective December 31. As the Mikva report makes clear, White did not know of the details that led to the admissions issues. One key emphasis in bringing White to the University was fundraising as part of the Brilliant Futures Campaign. White has been successful in this. While many faculty questioned his “Global Campus Initiative,” it was more in the implementation than the concept where White was faulted. Some feel he did not do enough in monitoring the campuses. White may not have had or may not have heeded input from individuals that he should have while placing too much trust in some individuals. These are mistakes of leadership rather than ethical failures. To hold him responsible for the admissions scandal is to reach beyond what the evidence warrants. His resignation at significant personal financial cost and his efforts to reform the admissions process are commendable. (White will remain at the University as a faculty member and continue in fundraising efforts.)

The designation of much-loved and respected former President Stanley Ikenberry as interim president has huge support in the University and community. He and White show every evidence of mutual respect and the ability to work together.

UIUC CHANCELLOR RICHARD HERMAN. The tapes garnered by “The Chicago Tribune” through the Freedom of Informa-

tion Act show that Herman was intimately involved in the admissions scandal. The pattern of involvement began when he was Provost and moved with him as Chancellor. Perhaps the best explanation for his involvement is to stress the ethicists’ focus on “the slippery slope.” In short, one makes a choice that at best is a minor slip, one that all of us make at times. But then there comes a pressure to make a slightly bigger misstep, and that leads to a third, a fourth, a fifth and ultimately the slide down the slippery slope to a new unethical behavior pattern. One need not question Herman’s view that he was doing his best to protect the University from outside pressures but his acts inevitably led to continued pressures as he apparently became the “go to person” to get someone admitted. Word does get around.

Interestingly, the Tribune ran a one-day story that did not fit the theme of the admission scandal but highlighted an end result of “the slippery slope.” Page 1 of the July 21, 2009, edition reported that Herman or campus officials at his direction provided money to assist in securing a visa, paid moving expenses, sought and created an \$115,000 position using campus reserve funds for a Dutch citizen who later became the son-in-law of Board of Trustees Chair Shah. The individual left the position for a higher paying one in about ten months, four months of which were spent in training and the remainder largely doing “research.” (Shah had emailed Herman on May 23,

2007, referencing the employment, “We need to make this happen.”)

Herman remains as UIUC Chancellor as of the writing of this editorial. It would seem the question is not, “Will he resign?” but “When and under what circumstances will he resign?” Herman stresses the many good things that have happened on his “watch” and there have been many.

#### What to conclude?

1. Apparently, the responsibility to resist improper influence falls on the target. After all, it is the nature of politicians to ask for favors and use the old-boy network.

2. Always remain conscious of the slippery slope. As Aristotle noted, each choice opens a different range of future choices eliminating some, adding others. Choose the right one, the morally good one.

3. While the press unearths some scandals and explores some issues, it may fasten on one “story line” and neglect other more important issues. The Tribune ran with a story that the public could easily understand but the complexity of improper interference in the whole of the academic sphere of the University is much more difficult to report and much more difficult for a non-academic to understand and appreciate its importance.

4. Good intentions and motivations may not result in a wise, ethical decision. We are left to muddle through, do the best we can, and live with the consequences but must ensure to give ample weight to the ethics of our actions.



# Book Review: Dignity vs. Speech?

By John K. Wilson

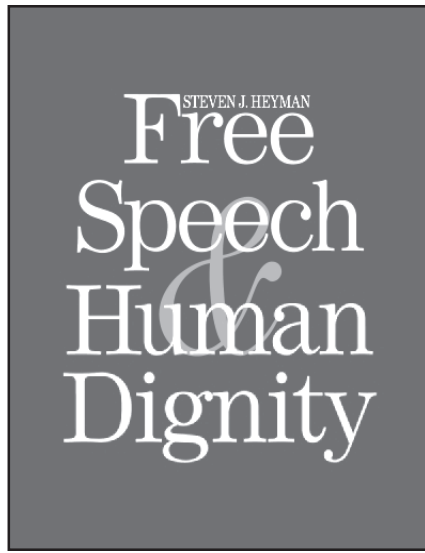
I began Steven J. Heyman's new book, *Free Speech & Human Dignity*, with a certain trepidation due to the title. Anytime "human dignity" gets equated with the fundamental First Amendment freedoms, I begin to worry. And Heyman's theories give me a lot to worry about.

Heyman, a professor of law at Chicago-Kent College of Law, evokes the natural rights tradition, and points out quite persuasively that the leading figures who guided the development of the idea of natural rights were virtually unanimous in their view that insults and defamation were not included in the protections of free speech. But Heyman is less persuasive in arguing that these long-dead thinkers were correct to believe this.

When Heyman writes about "dignitary injury," I envision ambassadors in tuxedos getting hit with cream pies. In an age of reality TV and YouTube, when so many people are gleefully abandoning their own dignity, should we really be concerned about whether insults are too undignified to be tolerated in our free society?

Of course, there is no absolute free speech. But that's no excuse for broad restrictions on free speech, either. The proper dividing line is when speech strays into threats and affects the rights of others. There are always tough cases to decide and difficult lines to draw, but these problems proliferate when far vaguer standards such as dignity are introduced. Reputation or dignity is not a real right, no matter how much Heyman tries to imagine it.

Dignity is a dangerous standard for academic freedom, too. Plenty of professors



(and students) say some things that are an affront to dignity. But once we start firing people for the thoughtcrime of being undignified, where will we stop? And who should we trust to be the Dignity Police? Heyman doesn't have a lot of answers for these practical question, but his book offers an interesting theoretical analysis. On specific issues such as the Mohammad cartoons, Heyman defends free speech against the false notion that merely "offensive" speech should be restricted. But it's far from clear that his theories would be interpreted so charitably by those in power.

In the end, I'm beginning to appreciate Heyman's title. When we defend free speech, we are enhancing human dignity in its deepest sense. Those who resort to hate speech or insults do not harm our dignity; they elevate it by proving that we live in a free society where insults are defeated with reason rather than repression.

## NCHE and AAUP Letter to the College of DuPage Board of Trustees

May 4, 2009

To the Trustees of the College of DuPage:

In March of this year our respective organizations, the American Association of University Professors (AAUP), and the National Council for Higher Education (NCHE), the advocacy group for higher education faculty and staff within the National Education Association (NEA), communicated to the previous board of trustees of the College of DuPage our concerns about a proposed new policy manual, which had apparently been revised with no faculty involvement. Our concerns spoke to issues of procedure—involving principles of sound academic governance—and to issues of substance—involving principles of academic freedom. Both are connected to, and potentially compromise the quality of, students' education.

The proposed provisions, which the outgoing board adopted on April 16, were apparently developed with no meaningful faculty involvement and contrary to the college's well-established and board-endorsed collaborative processes of shared governance (set forth in Policy and Procedure 1001) for revising the manual. Moreover, those provisions which derive from the so-called "Academic Bill of Rights" (ABOR) constitute a threat to academic freedom. Both the NEA and the AAUP are members of Free Exchange on Campus, a broad coalition of academic groups and professional associations which have consistently opposed these proposals. Finally, in 2003 the AAUP's Committee A on Academic Freedom and Tenure issued a statement calling the ABOR "improper and dangerous" and noting that the principles in the Academic Bill of Rights "contradict academic freedom" (<http://www.aaup.org/AAUP/comm/rep/A/abor.htm>).

Both the full-time and contingent faculty at the College of DuPage are represented by unions affiliated with the NEA and its state affiliate, the Illinois Education Association. It is our understanding that after tabling the provisions for further review no additional discussion took place with any persons or organizations that had raised questions about the policies. Yet, the outgoing board proceeded to approve what in our view were seriously flawed proposals. This despite the fact that the AAUP, the NEA, and other groups had indicated that the policies raised serious concerns as to the impact of these changes on the quality of the education available to the students, and good working relations with faculty, staff, students, and the community. We believe that such a process constitutes poor academic, educational, and management practice.

The AAUP and the NCHE strongly encourage the new board of trustees to vote on May 4 to overturn the provisions in the "Academic Bill of Rights," and the other policies which threaten academic freedom. We also urge that the board overturn all of the other policy changes enacted by the previous board without adequate consultation with the faculty and input from other campus constituencies, and begin a new process in accordance with the principles of shared governance we have commended to your attention. We commend to your attention a letter along these lines from the executive committee of the Illinois Conference of the American Association of University Professors. The educational quality and academic reputation of the College of DuPage are at stake. We hope that in the interests of your students, your faculty and staff, and your institution, you choose to reverse the most recent board's misguided actions.

On behalf of the NCHE, the NEA, and the AAUP, we urge you to reject these changes.

Sincerely,

James Rice, President, National Council for Higher Education

Gary Rhoades, General Secretary, American Association of University Professors

## Academic Freedom for the Common Good: An Interview with Matthew Finkin

University of Illinois law professor Matthew Finkin is the co-author (with Robert C. Post) of *For the Common Good: Principles of American Academic Freedom* (Yale University Press, 2009). Illinois Academe interview Finkin via email about his book.

*Illinois Academe: Conservatives such as ACTA and David Horowitz often point to the 1915 AAUP statement as the true embodiment of academic freedom that the AAUP has betrayed ever since. Are you appealing to the same kind of "originalist" notion of following the 1915 statement, albeit with very different conclusions, or do you think that the idea of academic freedom has evolved in a positive way over the past century?*

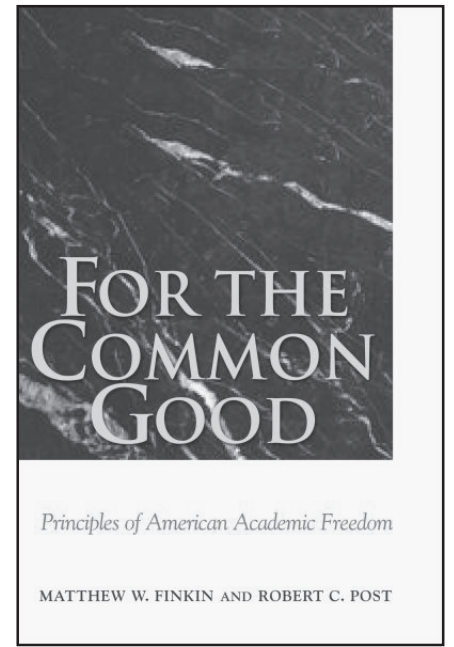
Finkin: Right wing critics are fond of quoting the 1915 Declaration; but they don't understand it. That is why Post and I wrote the book. Alas, what comes through clearly by our analysis is that elements on the academic left don't understand it either. Academic freedom licenses professional discourse, which assumes a professional standard of care. It does not license free speech.

*Illinois Academe: Where do student rights fit into your framework of basing academic freedom on professional norms? Do students (including graduate students) have any fundamental rights under this idea of academic freedom at a university?*

Finkin: The academic profession has never developed a theory of student academic freedom: *Lehrfreiheit* was translated to these shores, modified to America's circumstances; *Lehrfreiheit* didn't make it across the Atlantic. I think we should welcome some rigorous theorizing on this issue.

*Illinois Academe: According to your book, "It is difficult to see how academic freedom could effectively counter public demands for restrictions on scholarly liberty if academic freedom were reconceived simply as an individual right." (44-45) Do you think that a theory of academic freedom should be based on public opinion at all?*

Finkin: The point is this: if academic freedom protects disciplinary claims that have no grounding in disciplinary standards of care, there is no reason why the academic should be any more insulated from rebuke—even retaliation at the hands of a hostile public—than anyone else. More important, there'd be no reason for the public to support institutions that licensed speech of that nature. Institutions—and their faculties—can legitimately claim support when speech, including speech that inflames influential groups or the general public, is grounded firmly in standards that precondition the search for knowledge. That is the



institution's mission; its usefulness to the larger society upon whose resources it has a legitimate claim.

*Illinois Academe: Considering that professional norms are, by definition, sometimes incomprehensible to the general public, why do you think that they are a more powerful defense for academic freedom than the idea of individual rights, which the public seems to understand much better?*

Finkin: The problem arises when there are disputes within a discipline about what its standards of care are. The public can and should be suspicious of departments and programs that would seem to conflate propaganda with scholarship. (Oddly, the right wing has singled out social work for just this sort of criticism, which I find a most unlikely candidate.) I think David Hollinger had it exactly right in arguing that these departments and programs have to demonstrate their legitimacy within concentric academic circles, first to kindred and cognate disciplines and then to the larger academic community.

*Illinois Academe: There's a book published by Yale University Press (as was yours) that's attracted some controversy because it's about the Mohammad cartoons and it does not show the cartoons themselves. Do you think that university presses have an obligation not to restrict what they print based on fears of violence? And do you think that university presses, because of their connection to universities, should follow higher standards of intellectual freedom than commercial publishers?*

Finkin: I have criticized Cary Nelson for using the AAUP presidency to advance personal views that draw no support from Association policy or practice. But on this singular occasion, Cary wrote an editorial that is comprehensive, balanced, and devastating. It is a "must read." [see page 5]

### COLLEGE OF DUPAGE STATEMENT continued from page 1

and its experience in matters of academic freedom and governance lead us to join in support of the faculty, students, and staff who oppose these policy changes. Further, the lack of respect for the principles of shared governance in changing these policies over the past year is a serious violation of academic norms as emphasized in the march 18 letter of the AAUP National Office, and contrary to the College of DuPage's obligations to the faculty union. It is also obviously, contrary to the maintenance of a good working relationship with the faculty, staff, and students, and with the local community.

We strongly encourage the new Board of Trustees to vote on May 6 to overturn the provisions in the "Academic Bill of Rights," and the other policies which threaten academic freedom. We also urge that the Board overturn all of the policy changes enacted by the previous Board without adequate input from campus constituencies and begin a new process in accordance with the principles of shared governance we have commended to your attention.

Respectfully submitted  
Illinois Council, AAUP

### Write to Illinois Academe

Write us a letter, express your opinion, or submit an article.  
Email editor John K. Wilson at [collegefreedom@yahoo.com](mailto:collegefreedom@yahoo.com)



# Suspending Academic Freedom

By Peter Kirstein

On university and college campuses there is occurring an ever increasing use of suspensions as a sanction against progressive faculty. The American Association of University Professors, while issuing reports on the topic, has not been proactive enough in asserting what its policy is and aggressively defending it. This results in repeated violations of punishment without appropriate due process.

What is frequently forgotten are the narrow and limited circumstances under which a faculty member can be suspended. Suspension from one's faculty position is a major sanction that must never be unleashed due to external-public pressure on an academic institution. It must never eventuate from anger or an effort to suppress a professor's free speech or academic freedom. Actually, suspensions, except for extraordinary cases of a threat to public safety, should not be a sanction at all if one evaluates critically the extant literature on this growing phenomenon.

Suspensions can only be meted out "if immediate harm to the faculty member or others is threatened." Some administrations use the term "reassignment to other duties" as a more charitable and evasive expression of a *de facto* suspension but that risible term is also explicitly included as encompassing the suspension regime. The AAUP *Policy Documents and Reports*, "Redbook," 10th ed. (Baltimore: Johns Hopkins University Press, 2006) reiterates in numerous documents the specific and dramatic circumstances that may trigger a suspension in the United States. The documents are the ninth "1970 Interpretive Comment" of the "1940 Statement of Principles on Academic Freedom and Tenure," the "1958 Statement on Procedural Standards in Faculty Dismissal Proceedings" and the revised 1999 "Recommended Institutional Regulations on Academic Freedom and Tenure." While the AAUP has issued numerous pronouncements on the parameters of such a sanction, it is certainly "soft law" which evades even AAUP Committee A scrutiny.

Suspensions for extramural utterances, controversial speech, research misconduct, antiwar e-mail, provocative and radical proclamations, alleged non-threatening misconduct and a host of other reasons are inappropriate. Suspensions and reassignments to other duties are frequently meted out without due process. Administrations without faculty input and without convoking a pre-sanction review committee are arbitrarily suspending faculty members. Even faculty units are also recommending suspensions without apparent knowledge of or disregard for AAUP regulations on this issue. Suspensions frequently serve either as an end or as stop-gap measures until a final resolution of the matter is determined.

Professor Sami al-Arian, a computer scientist at the University of South Florida, is approaching seven years as a political prisoner in the United States due to his race and political ideology, in my opinion. Al-Arian, a Kuwaiti-born Palestinian, was fired from the University of South Florida by President Judy Lynn Genshaft on February 26, 2003, six-days after a fifty-count indictment was handed down by a federal grand jury. It contained charges of terrorism and using the university as a front for materially supporting an alleged terrorist organization: Palestinian Islamic Jihad. A federal jury found him not guilty on many counts and was hung on several others in 2005. At various stages, culminating in Professor al-Arian's dismissal, the University of South Florida used extremely questionable arguments and tactics to coerce a controversial and ethically outspoken tenured professor who had resided in the United States since 1975.

Al-Arian's speech was labeled "disruptive." President Genshaft accused al-Arian, with Orwellian doublespeak, of having "repeatedly abused his position." He was de-

nounced for not issuing a disclaimer that his remarks on television and other fora did not represent those of the university. Such a charge is usually selectively applied against speech an administration finds objectionable or embarrassing. Professors rarely claim to speak for an institution and are not required to issue self-effacing disclaimers whenever they speak, write an op-ed, publish an article, appear as a source in a news story and post a statement on the Internet. Certainly academicians who avoid controversy and who eschew social activism are NEVER required to issue formal disclaimers attendant to their speech.

Prior to being fired by the University of South Florida, al-Arian endured a *de facto* fourteen-month suspension—cloaked in the name of a paid leave of absence—imposed by then President Betty Castor, who later ran unsuccessfully as a Democrat for a Senate seat. This lengthy sanction exceeded any reasonable argumentation that resumption of his professional responsibilities posed any claimed threat of immediate harm. Universities cannot engage in a heckler's veto and use the possibility of disruption caused by a faculty member's exercise of free speech as an excuse to silence that speech. This is America, that claims to defend free speech, but it is meaningless if it only permits non-provocative, non-challenging discourse.

Ward Churchill was fired by the University of Colorado in June 2006 and won a legal battle in a wrongful termination lawsuit that claimed the severance of his continuous tenure resulted from his "little Eichmanns" statements concerning the victims of the 9/11 attacks. However, Denver District Court Judge Larry Naves refused to reinstate the professor this past July.

What is forgotten, however, was that the tenured full professor of ethnic studies was suspended and that the faculty was complicit in this action. One of the numerous university units that examined the professor's writings to determine if research misconduct took place was the Privilege and Tenure Committee. While it did not recommend dismissal, they did recommend suspension as a major sanction without any evidence or even allegation that the professor was a threat to others or that retention of the professor's full academic rights would cause "harm" in a physical and immediate sense to the university.

Even prior to his firing, Mr. Churchill was removed from the classroom for the entire 2006-2007 academic year in what amounted to a paid suspension. While I personally found much of his research antics to be beyond the pale (in particular his ghostwriting articles and then citing them as third-party sources for his works), due process must be enforced. The investigation into his academic writings was inspired by the failure of his critics to fire him for his 9/11 comments. Yet pending a final judgment on the merits of the University of Colorado's charges against him, his suspension constituted a material violation of his rights under the First Amendment and numerous previously cited documents of the AAUP.

While no one can reasonably argue that suspensions and reassignment to other duties should never be imposed, the proliferation of these major sanctions is troubling and represents a clear and present danger to academic freedom. Academicians need to be aware that as the tide of repression continues to accelerate in this nation, our students' capacity to develop critical-thinking skills is gravely threatened and the closing of the American mind is at hand.

Peter N. Kirstein is professor of history at St. Xavier University and vice president of AAUP-Illinois Conference. He is the author of "Challenges to Academic Freedom Since 9/11," in Matthew Morgan, ed., *The Impact of 9/11 and The New Legal Landscape: The Day That Changed Everything* (Palgrave Macmillan, 2009).

# Bill Ayers Banned from Speaking, Again

By John K. Wilson

The Spring 2009 issue of *Illinois Academe* reported on several colleges banning University of Illinois at Chicago professor Bill Ayers from speaking. Since that issue, Ayers was banned from speaking once again, this time by the administration at Boston College.

But the "reasoning" given is particularly odd: "As a university, we pride ourselves on the free expression of ideas and on the prestige that Boston College holds as a destination of choice among prominent speakers. But we are also aware of the obligation we hold to be respectful of our host community. The emotional scars of the murder of Boston Police Sergeant Walter Schroeder, allegedly at the hands of the Weather Underground, which left nine children fatherless in the shadows of this campus, was an issue that we could not ignore."

As InsideHigherEd reports, Ayers had nothing to do with Schroeder's murder in 1970, so this makes the ban particularly odd. This kind of repression of free speech should appall everyone. The "obligation" to the "emotional scars" of a "host community" could justify banning every speaker. Suppose there is a Vietnamese person in Boston who lost a relative in the Vietnam War: Would anyone who supported the war (or who supported the Vietcong) be banned from speaking?

If an Iraqi lives in Boston, would anyone who supported the war in Iraq be banned from speaking? If a Palestinian (or an Israeli) lives in Boston, should anyone who has taken one side in that dispute be banned?

There is one difference between all of these examples and Bill Ayers: Ayers had absolutely nothing to do with the killing of this police officer. So now we're dealing purely with three degrees of guilt by association: Because Ayers was involved in the Weather Underground, and someone else involved in the Weather Underground was involved in a bank robbery where someone killed a police officer, therefore Ayers should be banned from speaking in Boston.

If somebody involved in the Republican or Democratic Party committed a murder (and obviously they have), would that mean all Republicans and Democrats should be banned from giving speeches?

The absurdity of Boston College's stance is so obvious, it should embarrass anyone associated with the institution.

In response to the ban, Ayers was scheduled to speak via satellite off campus, but the Boston College administration prohibited this event as well. The real victims here are the faculty, staff, and students of Boston College, who are being told by their university that if they have ever held unpopular views, they can be silenced by the administration.

## Call for Proposals (Deadline October 31, 2009) AAUP Annual Conference on the State of Higher Education

**When:** June 9-12, 2010 **Where:** Omni Shoreham Hotel, Washington, D.C.

**Among the questions the conference intends to explore are:**

- The role of faculty in institutional decision making
- Challenges to academic freedom in the United States and abroad
- The exploitation of contingent labor in colleges and universities
- The conflict between institutional rankings and educational priorities
- Strategic approaches to furloughs, cutbacks and salary freezes
- Funding and defunding public education
- Increasing access to tenure
- On-line education: the pros and cons
- Assessment and accountability
- The corporatization of teaching and research
- Race, gender, and sexual orientation
- Discrimination in hiring, promotion and tenure
- The 21st century curriculum

Presenters are invited to propose a wide range of issues related to academic freedom, governance, faculty work life, rights and responsibilities. The goal of the conference is to provide a faculty perspective on critical issues in higher education presented in a format accessible to the general public.

**The conference will include special AAUP-sponsored workshops on:**

- Protecting an Independent Faculty Voice at Public Institutions
- Winning Anti-Discrimination Policies and Domestic Partner Benefits
- The Ratcheting Up of Expectations for Tenure

The AAUP conference receives extensive coverage in the educational press, often including coverage of individual papers at sessions of interest to the press; selected papers from the conference will be published in the *AAUP Journal of Academic Freedom*, a new online journal distributed to 400,000 faculty members.

Deadline for submission of proposals: **October 31, 2009.**

Individual presentations are limited to 30 minutes. Team presentations (3 or more panelists) are limited to 90 minutes. Individual presentations will be grouped thematically into 90-minute panels. To submit a proposal, go to [aaup.org](http://aaup.org). Registration will open on December 1, 2009.

All presenters must register for the conference by **April 1, 2010**. The registration fee will be \$250.00 for presenters.



# Illinois AAUP News



## Protest in California

Students and faculty in California protested cuts in higher education funding in September (above). The protests, supported by the AAUP and other higher education groups, opposed attempts to cut faculty and staff salaries. Protesters around the state carried signs that read "Save Our University."

## Doubting Darwin

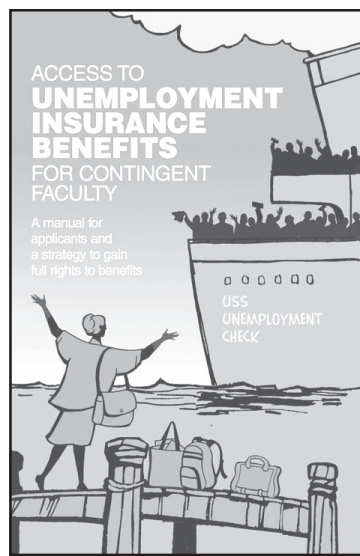
Living Waters, a fundamentalist creationist group, plans to distribute 175,000 copies of *The Origin of Species* on campuses of 100 top universities, complete with a special introduction that "lists the theories of many hoaxes, exposes the unscientific belief that nothing created everything, points to the incredible structure of DNA, and notes the absence of any undisputed transitional forms. To show the dangerous fruit of evolution, it also mentions Hitler's undeniable connections to the theory, Darwin's racism, and his disdain for women."

## Kentucky Tenure is Back

In September, the Kentucky Community and Technical College Board of Regents voted to reverse its March 2009 decision to end tenure in the community colleges.

## Tariq Ramadan Ban Overruled

The Second Circuit Court of Appeals ruled that Tariq Ramadan is entitled to contest his exclusion from the United States. Ramadan was banned from entering the country to teach at Notre Dame's Joan Kroc Center for International Peace Studies. The Bush Administration gave the excuse that a Swiss charity for Palestinians that Ramadan gave money to was later designated a supporter of terrorism by the Bush Administration (it's still legal in Switzerland), and Ramadan should have used his psychic powers to predict this. In 2006, the ACLU, the AAUP, and other groups sued. Under this ruling, the government must now, in order to deny a visa, give a reason, confront the individual with that reason, and give them an opportunity to refute it. An appalling restriction on foreign scholars from the Bush Era has now been lifted.



## Adjuncts and Unemployment Benefits

Chicago COCAL (Coalition on Contingent Academic Labor) with the help of the AAUP, the AFT, and the NEA, has produced a new guide for helping adjuncts get unemployment benefits. Written by Joe Berry, Beverly Stewart, and Helena Worthen, the guide is titled, *Access to Unemployment Insurance Benefits for Contingent Faculty: A manual for applicants and a strategy to gain full rights to benefits*.

Chicago CCOAL's website ([chicagococal.org](http://chicagococal.org)) reports that "Filing parties" are springing up like tulips - one was held at the College of DuPage on May Day, another on May 10 in Chicago, and another was held at SIU-Edwardsville."

Visit [chicagococal.org](http://chicagococal.org) to download a copy of the guide and the supplement for Illinois applicants, along with other vital information for adjuncts.

## MAP FUNDING

*continued from page 1*

Now that I've painted this fairly gloomy picture of how things could be, let's talk about what we can do together to help prevent this from happening. Please consider joining together in a campaign to let Springfield know that by cutting MAP grants, your education will be directly affected.

Timing is critical. Full MAP funding must be restored by November 1st so that continuing students can re-enroll for the spring semester. You can find out who your legislators are and see a sample letter at the website [www.saveillinoismapgrants.org](http://www.saveillinoismapgrants.org).

Personally, I have joined a coalition of presidents and chancellors from public and private colleges and universities, community colleges presidents, and representatives from the Illinois Student Assistance Commission and the Illinois Board of Higher Education. This coalition is lobbying the Governor directly, and has been meeting with the editorial boards of the major newspapers throughout the state. On October 15th, I will travel to Springfield with a group of our students to rally at the capital and lobby the legislature to restore MAP funding.

The Governor and the legislature need to know that supporting college students with financial need is a high priority for the state of Illinois and its future, and appropriately funding MAP grants is the key to assuring that everyone has an equal chance to go to college.

## IL AAUP Speakers Bureau

**John K. Wilson**, editor of *Illinois Academe*, author, *Patriotic Correctness: Academic Freedom and Its Enemies* (Paradigm Publishers, 2008). All Illinois AAUP members are invited to bring him to your campus as part of his book tour. For more information, email [collegefreedom@yahoo.com](mailto:collegefreedom@yahoo.com).

**Ken Andersen**, Speech Communication, University of Illinois at Urbana-Champaign, past president, IL AAUP: 1) Shared Governance and Due Process; 2) Academic Freedom & Tenure.

**Joe Berry**, Author, *Reclaiming the Ivory Tower* (Monthly Review Press, 2005). Visit his website at [www.reclaimingtheivorytower.org](http://www.reclaimingtheivorytower.org).

**Joseph Felder**, Economics Bradley University: 1) Academic challenges of the national AAUP office; 2) Types of services and assistance from the national AAUP office.

**Peter Kirstein**, History, St. Xavier University: 1) Academic freedom; 2) Tenure issues. Read his blog, <http://english.sku.edu/sites/kirstein>.

**Pan Papacosta**, Columbia College in Chicago, and president, IL AAUP: 1) Academic Freedom & Tenure; 2) The Faculty Handbook.

**Leo Welch**, Biology, Southwestern Illinois College, and past president, IL AAUP: 1) Legislation and academia; 2) Collective bargaining issues in academia.

*IL AAUP speakers are generally available free of charge to AAUP chapters, and the Illinois AAUP can cover most expenses. We invite all our chapters and members to make use of this Speakers Bureau.*

*Email [collegefreedom@yahoo.com](mailto:collegefreedom@yahoo.com) for more information on contacting a speaker or nominating someone to be a part of the IL AAUP speakers bureau.*

[WWW.ILAAUP.ORG](http://WWW.ILAAUP.ORG)

# Join the AAUP

The American Association of University Professors (AAUP) is the only faculty organization devoted solely to higher education. We address the issues that concern you as a teacher and as a scholar. Our policies ensure that faculty members are afforded academic due process. The AAUP protects and defends your rights. If you are a member of the faculty, you need to be a member of the AAUP.

**Yes, I would like to join the AAUP**

Please complete this form and mail it to the AAUP, 1133 Nineteenth St. NW, Suite 200, Washington, DC 20036-3655. Or join online at [www.aaup.org](http://www.aaup.org) or email [membership@aaup.org](mailto:membership@aaup.org).

Name \_\_\_\_\_  
 (Please Print) First Middle Last  
 Home Address \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Work Address \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Daytime tel.: \_\_\_\_\_ Tenured: Yes No  
 Email: \_\_\_\_\_  
 Institution: \_\_\_\_\_  
 Academic Field: \_\_\_\_\_

### 2009 Illinois AAUP Dues

- \$188 Full-Time Active Faculty Membership
- \$94 Entrant Active Faculty (new to the AAUP, non-tenured, first four years)
- \$47 Part-Time Faculty
- \$47 Graduate Student Membership
- \$141 Associate/Public Membership (administrators/others)

### Payment Options

- My check payable to the AAUP is enclosed for \$ \_\_\_\_\_
  - Please send me information about the bank debit plan
  - Please charge \$ \_\_\_\_\_ to  Visa  Mastercard
- Card No. \_\_\_\_\_ Exp. Date \_\_\_\_\_ Signature \_\_\_\_\_

Please do not include my name on non-AAUP mailing lists.

### AAUP of Illinois

P.O. Box 477  
 Chicago, IL 60614

The Illinois AAUP is a 501(c)4 organization.

Illinois AAUP

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