

# ILLINOIS ACADEMIE

www.ilaaup.org □ The award-winning newsletter of the Illinois Conference of the American Association of University Professors □ Spring 2010

## PRESIDENT'S CORNER

### Making a Difference

By Michael Harkins

President,  
Illinois Conference  
American Association of  
University Professors

Our national organization as well as the Illinois Conference have been very active these past months meeting the challenges of higher education 2010. Daily, the officers and board of our state conference work on your behalf to defend and support Academic Freedom, Tenure, and Shared Governance. The Illinois Conference is dedicated to serving our members and all engaged in higher education.

As a state conference, our goals are to increase the number of chapters, add new members, and provide the necessary support and funding to enable existing chapters to meet the issues of 2010. Each year this conference sponsors workshops and programs that inform our members on the issues and provides a forum to discuss responses to challenges facing higher education. This spring our conference will address the corporatization of higher education, contingent labor, and future trends in public higher education.

I urge all members and interested educators to attend and become more informed of these issues and the responses put forward by our national office. Together we can and will have our voices heard and make a difference in our profession. Several weeks ago, I received a call to action statement – “March and Beyond” from Gary Rhoades, our AAUP General Secretary. I can think of no better way to state our case than this call. Please share his thoughts with others.

Together, we can make a difference.

## A Time for Action: March 4 and Beyond

By Gary Rhoades, AAUP General Secretary

This is a time of and for action. A time for faculty, professionals, and students in the academy to form common cause and to take the lead in reversing current patterns of policy and practice. A time to rebalance the academy and to re-focus our public policy on the broader public purposes of higher education.

Around the country, AAUP chapters and members are engaging in activities supportive of the statewide day of action for higher education and the e-march in California on March 4. Our members who are faculty, academic professionals, and students are forming coalitions with staff in the academy as well as with groups outside the academy, to convey a clear message about the public value of higher education.

The American Association of University Professors endorses those actions, and encourages our members and their colleagues nationally to make the following weeks and months a time of action and education. We must take the lead in charting the future.

First, our challenge is to reverse patterns of public policy that are further privatizing higher education in terms of who it most serves and benefits, shifting costs to students and families in what amounts to an excise tax on education, and increasingly focusing colleges and universities on serving an ever narrower band of private interests. In this context too many universities and colleges are focusing more on narrow organizational self-interest in aspired to rankings and revenues, and less on serving broader academic, educational, social, and cultural purposes.

Second, our challenge is to reverse patterns of resource allocation within institutions that have been moving monies away from educational purposes. Over several decades institutions have increased their relative investment in administrative positions and expenditures, and decreased the

relative investment in educational ones. At the heart of that has been a restructuring of the academic workforce from a largely full-time tenure track one to one that is overwhelmingly contingent on managerial discretion and whim.

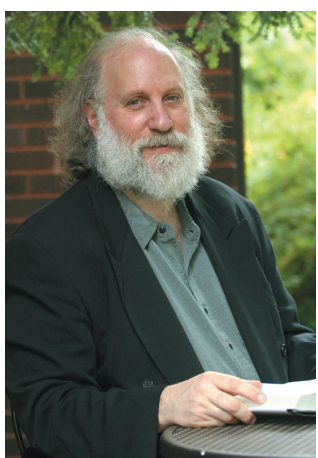
We are depleting our intellectual capital, the faculty and professionals who serve our students. We are charging students more for less even as there are more prospective students in society with less by way of economic resources. And we end up having less capacity and investment in serving the communities in which we are situated.

The AAUP's basic principles as an association support our members exercising an independent voice in more meaningful involvement in shared governance, with-

out fear of discipline or punishment by the institution. Academic freedom in teaching, research, extramural speech, and speech about institutional matters, is at the core of higher education's quality, of sound governance, and of engagement with and service to the external world. It is at the core of the public mission and dimensions of higher education.

It is time to rebalance and recognize that higher education is a public good worthy of investment and essential to our nation's future. We salute our colleagues in California higher education who have undertaken this action, as well as colleagues nationally who are undertaking their own coordinated actions. We particularly salute the students who have most aggressively taken the lead in establishing and coordinating these state and nationwide activities.

We hope that the California emarch, and its corollaries nationally serve as a call to action to all who care about the not-for-profit, public missions and functions of higher education and to all who are concerned about the academy's current direction. It is time for us to take the lead to define a more promising set of possibilities for the future.



Cary Nelson

St. Augustine College, Charlie Chaplin Auditorium, 1345 W. Argyle, Chicago, IL  
1pm: **Kevin Mattson**, Ohio University, Connor Study Professor of Contemporary History, “The Corporatization of Higher Education.”  
1:45pm: **Rima Kapitan**, attorney, “Academic Freedom and Contingent Labor: A Case Analysis.”  
2:30pm: AAUP National President **Cary Nelson** discusses his new book *No University is an Island*. Introduction by Peter N. Kirstein, Vice-President, IL-AAUP  
3:30pm: IL-AAUP Business Meeting—elections, delegates to annual conference, acknowledgements  
3:45pm: Adjournment

The conference is free and open to the public.

St. Augustine College is located at 1345 W. Argyle, Chicago, IL 60640, north of downtown Chicago. The Red Line El stops 3 blocks east of the College at Argyle St. The College is also accessible by CTA buses on Clark, Broadway, Lawrence, and Foster. If you are driving there is free parking at the College. From downtown exit Lake Shore Drive at either Lawrence or Foster Avenue. For more information email Lee Maltby at [lmaltby@staugustine.edu](mailto:lmaltby@staugustine.edu), or phone, 773-878-3728.



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How Leo Koch and the University of Illinois transformed academic freedom

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# KEN ANDERSEN



## Illinois: Will It Shoot Itself in the Other Foot?

Our dysfunctional state government has already dug itself into a very deep hole but apparently is not convinced it has reached the bottom yet. The lessons our history should teach us are not understood by those we have charged with responsibility for governing the state. But, remember, that government is the result of our actions in voting or not voting and our interactions with it.

So, we may ask, "How did we through Springfield first shoot ourselves in the foot?" From my perspective, the most glaring example is the failure to fund on an annual basis the state pension systems. Universities that use TIAA/CREF or similar systems and are covered by social security have both employer and employees' contributions being made on a regular basis. Illinois chose to have its own pension system for state employees and teachers. While it should have made regular contributions, it chose not to do so: sometimes contributing too little, sometimes nothing. If it had contributed, the interest earned would have mean zero or minimal contributions in some years.

The result: The Pew Center on the States (New York Times, Feb. 18, 2010, p. 8) found the worst state "because they made no progress on keeping their retiree benefit plans sound...was Illinois, with a \$54 billion gap between the cost of the benefits...and the amount set aside." The state in 1995 adopted a plan to gradually fill in the gap and has repeatedly failed to do so.

The failure of Illinois to pay its bills on time results in interest charges and bonds floated to cover shortfalls result in more interest on those debts. The refusal to fulfill its budget commitments to higher education has resulted in layoffs of faculty and staff at the University of Illinois and threatens the ability to meet payrolls at other institutions.

The failure to act in a fiscally responsible manner—whether in the pension shortfalls, increased state debts, underfunding of needed social services—is a problem for every citizen in the state because it threatens the future viability of the state.

### Where Are We Now?

A March 11, 2010 press release by Carrie Hightman reported, "Even accounting for inflation, state support for higher education is \$212 million, or 8.7% less this fiscal year than it was in fiscal 2002." The governor proposes another 4.1% reduction in his budget. (Note the sharp increases intuition tuition to cover previous state cuts!)

The Pension Modernization Task Force set up to suggest solutions for the much maligned state pension systems was unable to agree upon a solution. But it did find that the cost of the system to taxpayers is less than in the private sector, benefit levels compared to 85 public retirement systems are average, and any change in pension benefits for future employees will not reduce the debt for past underfunding.

Social service groups providing much of the safety net for those in need all over the state are struggling laying off staff, facing closure.

Illinois' bond rating is "A, Rating Watch Negative" (Karen Krop, analyst with Fitch Ratings)—lower than any other state except California, which means higher borrowing costs.

The Center for Tax and Budget Accountability provided a table of the FY2011 Starting Budget Shortfall-Minimum:

Replacement of one time FY 2010 revenues and debt: \$6.265 billion.

First installment of 5-year Debt Service on Pension Notes \$800 million

Carry Forward of Operating Deficits of FY 2009/2010: \$4.0 billion.

Increase in required pension contribution under the Pension Ramp: \$1.2 billion.

Revenue shortfall predicted for FY 2010: \$900 million.

Total Minimum FY 2011 Starting Deficit: \$13.165 billion.

### Solutions?

The need is urgent, the suggestions are many, but the likelihood of meaningful action to address the need to de-

velop a realistic funding mechanism for the state is almost nil. The Governor's budget proposed cuts, going further into debt, and delays in paying bills. However, in delivering his budget message he also called for an increase in the state income and corporate taxes. The Republican candidate has proposed a 10% cut across the board.

Two bills in Springfield propose increases in taxes: HB174 introduced by Miller in the House and SB 750 by Cullerton in the Senate amend the Illinois Income Tax Act. One bill would increase the income tax for individuals to 5% and corporations to 7.2% while simultaneously extending a variety of tax credits for property tax, education expenses, etc. A version of the bill passed the Senate and in the House is referred to the Rules Committee. Speaker Madigan wants Republicans so sign on for some portion of the needed votes; Republicans say something along the lines of, why should we?

Most observers expect no action on taxes until the election is over. Previously it was until the primary was over. And there is always another election coming along.

Sooner or later the state will be forced to address its fiscal irresponsibility but apparently too many of our elected officials think that time is not now.

I am reminded of a conversation with one legislator many years ago who said, "The most important thing I have to think about is my reelection. Everything else comes second." Is it time to tell them that without a tax increase—revenue enhancement if you prefer—you won't be re-elected? Only the future of the citizens of the state is at issue.

What we are facing is a problem for every citizen in the state: it is not a pension issue, a higher education issue, a number of state employees issue, it is the viability of Illinois as a state.

### Prediction!

Legislative actions/inactions mean we will shoot ourselves in the other foot.

## Institutional Change We Can Believe In

By Lee Maltby, MSW, Dean of Instruction, St. Augustine College, Chicago (with thanks to Amanda K.)

I am a dean at a small private college in Chicago. We are an Hispanic-serving institution not quite thirty years young. I arrived eleven years ago as a social worker who had no experience in academia except as a student. I showed up at the main campus with the proper credentials, a working ability in Spanish, and some knowledge of the Hispanic community. I had ideas about how faculty should serve the students and institution, as well as how faculty should be treated by the institution. What I discovered was that my ideas about academic freedom and the roles of faculty had little basis in reality. This is a cautionary tale that describes my experience of how things have changed at the institution where I serve, and how important it is for faculty to uphold their place in the academy.

My initial shock came the very first day, when I was told that I had to punch in and punch out when I came to work. It had never occurred to me to even ask! A time clock?! The second report (like a gunshot) was when I discovered that full-time faculty were expected to teach five courses a semester—and each course was four credit hours! The third blow—that faculty were given annual contracts. The fourth—the faculty were a group who in too many cases lacked a sense of professional identity, voice, and power.

Yet, as a department chair (yes, chair!) I had a little more freedom to operate, but all the conditions above applied to me except for the teaching load. Six months later after a visit from the Higher Learning Commission (for which I was totally unprepared), the financial house of cards tumbled down. An acting president was appointed, and we went into survival mode, trying to operate with few resources and many doubts about the future.

During the time of the interim president, I wrote the draft of a faculty manual (since revised, of course). In 2004 I joined the AAUP, attended the summer institute, and later went to Washington DC for my first annual meeting. I became the secretary for the Illinois conference. The interim president approved the draft of the manual as a means to upgrade the

status of full-time faculty. In the approved draft, adjustments were made in the teaching requirements. Professional development was to be required. Faculty were expected to serve the students, college, or community in some way. Not wishing to go with a no-start position, I drafted a proposal for multi-year contracts as a compromise between a tenure system and an outrageous and potentially abusive system of annual contracts (and don't even think about sabbaticals).

A couple of years later—we had a new president. I was a little smarter, and steps had been taken toward accrediting the BSW program of which I was in charge. Two full-time faculty had been hired, adjustments were made in their job descriptions, the time clock was long gone, and I was hopeful that things would turn around. When the newly hired president was presented with the draft approved by her predecessor, she began to "work" on the faculty manual. The grass in my backyard grew faster than the pace at which this manual was being edited. We went nowhere.

Nowhere eventually led to a dead end. To our credit, the faculty managed a vote of no-confidence. The good news was that we had found our voice, common cause, and even a blog. But it was a calculated risk. If the faculty vote of no-confidence didn't "take," we could have all potentially been out of a job at the end of May that year. The stress took its toll on everyone.

2008—déjà vu! After a few more years of an interim president (same person as before!) we had a legitimate search for a new president. I was on the search committee. He is hired, and the faculty manual is approved in less time than it takes my son to cut the lawn (not quite, but you get the idea). Kudos to the president! Faculty workloads are still high, but we have more opportunities for creativity and participation in the life of the college and the community; we are to seek out professional development activities, and we have a better sense of what it means to be faculty. There are still a few whose "full potential is not realized," but we are moving ahead.

Our participation in the governance of the institution is

much improved at the departmental and college level, including several committees. Communication has improved both horizontally and vertically, including quarterly meetings with the president, faculty presence on the board, faculty council, etc. Yet we really have little to say about how the college budget is crafted, except to verbalize what we need (what some VP's call "faculty whining"). And we can speak out, professionally of course, because we have an administration that has its head on straight, and faculty who know that they have the right and the responsibility to speak.

As the mission of our college is teaching, not research, academic freedom in the classroom primarily concerns courses in social sciences and humanities. But the faculty have a sense of how to exercise that freedom and we have not had any problems. No one here is talking about the Academic Bill of Rights and other such nonsense. We have seen our roles increase in the development of curriculum and assessment (boy have we!), and we are discussing and implementing policies related to student success.

As a young institution and one that is still growing in its understanding of what it means to be faculty, we are still getting our bearings. The organizational culture of those earlier decades stunted our growth. The original administration sought to control faculty through fear and suppression. Like any organism, we "connived" the system while suffering administrators whose methods were at times unfair and incoherent. How we managed to survive is an amazing feat, and I might add all the more remarkable considering the financial sandpit we seemed unable to escape.

Ultimately this is a tale of leadership, of how key individuals can persevere and make a difference in the life of an institution. Change is difficult, but we are growing. Enrollment has risen after several years of decline. I think that morale has never been this good among the full-time faculty (yet we do struggle with very large workloads). Our upcoming climate survey for full-time faculty (which includes several AAUP questions on governance) and our adjunct faculty survey should provide us with ideas to improve what has begun here.

The naivete is gone, replaced with a much more realistic understanding of what it means to be faculty. Academic freedom is a fragile thing. It should not be taken for granted, even at institutions with collective bargaining. We are all at risk here. The academy needs leaders—at all levels.

### Write to Illinois Academe

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

Email editor John K. Wilson at [collegefreedom@yahoo.com](mailto:collegefreedom@yahoo.com).



# Academic Freedom and Free Speech at Eastern Illinois University

By Leo Welch

On November 19, 2003 the state officials and Employees Ethics Act went into effect. This act was pushed by former Illinois governor Rod Blagojevich, who now awaits trial on ethics violations and other charges. Like many acts that have passed, there were many unfortunate consequences of this Act. One such impact of this law is that all state employees are required to undergo annual ethics training under the auspices of the Office of Executive Inspector General. The major item required was to take and pass a test on “ethical” behavior.

Those individuals required to take the test included anyone that was considered a state employee. This became somewhat of a logistic nightmare in higher education to round-up employees to ensure that they took and passed the test. This unfunded mandate resulted in the twelve public universities and forty-eight community college spending thousands of dollars and many hours away from other duties to take this simplistic test.

The frustration over the test requirement, especially by faculty, resulted in a lawsuit filed by Marvin Zeaman, president of the faculty union at Southern Illinois University in Carbondale, and Walter Wallis, also of SIUC. The suit was filed against James Wright, Inspector General, and the Executive Ethics Commission.

There were 159 SIUC employees deemed to be in non-compliance because they took the test too fast, even though there were no published information regarding the time required to take the test. The state could have imposed discipline up to and including termination of employment for failing to meet test requirements.

There is also another major component of the Act that also raises concerns more serious than taking the “ethics” test. This section of the Act is “prohibited political activity” which includes a significant number of “thou shall not” items. Item (1) states that an employee may not be involved in:

“Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.”

This component came to a head in 2004 during the presidential election campaign. At the University of Illinois, Urbana-Champaign it was announced that prohibited political activities would be enforced including a ban on employees attending political rallies and a ban on bumper stickers that were politically partisan in nature. No motor vehicles would be allowed to use university parking if these types of bumper stickers were displayed.

The uproar that followed gained not only widespread coverage in the media, but apparently got the attention of some legislators as to the impact of the ethics act on political discourse.

The action of the administration at the University of Illinois and faculty and staff protests led to two public acts signed into law in 2009 that blunt certain aspects of prohibited political activity.

## Public Act 96-0147

Synopsis as Introduced: “Amends various Acts relat-

ing to the governance of public universities and community colleges in Illinois. Provides that a university or community college may not prohibit any faculty or staff member from (i) displaying political buttons, stickers, or patches while on university or community college property, provided that such display by any member of the faculty in an instructional setting is for a purpose relevant to the subject of instruction; (ii) attending a partisan political rally, provided that the employee is not on duty; or (iii) displaying a partisan bumper sticker on his or her motor vehicle. Effective immediately.”

## Public Act 96-0148

Synopsis As Introduced: “Amends various Acts relating to the governance of public universities and community colleges in Illinois. Provides that all faculty and staff members of a university or community college are free to communicate their views on any matter of private or public concern to any member of the legislative, executive, or judicial branch of government, State or federal, without notice to or prior approval of the university or community college, so long as they do not represent that they are speaking for or on behalf of the university or community college. Effective immediately.”

Although the two public acts overturn some of the prohibited political activities many other troubling components of the “ethics act” remain.

Another blow to speech rights to higher education faculty and staff came when the U.S. Supreme Court narrowed First Amendment protection for public employees. In *Garcetti v. Ceballos*, 126 S. Ct. 1951 (2006) the Supreme Court ruled that a public employee invoking First Amendment rights must now establish not only that the speech pertained to a matter of public concern, but it was not made pursuant to official duties. If the statement was made pursuant to the employee’s official duties, then the speech is not entitled to constitutional protection and the government employer prevails.

The Court did make a statement on the impact of the decision on the principles of academic freedom. Even though the Supreme Court provided a cautionary note “not decide whether the analysis we conduct today would apply in the same manner to a case involving speech related to scholarship or teaching.”

However lower courts have issued decisions based on *Garcetti* that narrow the scope of public employees’ free speech. The end result is that when public employees make statements that are “pursuant to their official duties” their employers can discipline them even if their speech also deals with matters of concern to the public at large.

As Chairman of the Eastern Illinois Board of Trustees Policy and Regulations Committee, I decided to try to incorporate language of Illinois Public Act 96-0147 and Public Act 96-0148 into the Eastern Illinois Board of Trustees Governing Policies. I submitted the language to the General Counsel of the University, Robert Miller.

He advised that the new language be amended to the Academic Freedom and Responsibility policy that currently

existed.

That recommendation was followed, and the First Reading of the amendment, were formally presented at the regular meeting of the Board of Trustees on November 20, 2009. The Second Reading and potential adoption would take place at the next meeting of the Board of Trustees on January 22, 2010. During discussion after the First Reading was presented Trustee Robert Webb spoke in opposition of the proposed amendment. One of his objections was that since the amendments already existed as law there was no necessity to amend the current policy. He also believed academic freedom existed only as speech related to a professional discipline in the classroom and publication.

After the board meeting I presented the amendments to John Allison, President of the local chapter of the University Professionals of Illinois, affiliated with the American Federation of Teachers, and John Pommier, Chair of the Faculty Senate. I asked for their review and comment prior to the next board meeting.

In early January of 2010, an invitation was sent by John Pommier to Robert Webb and I to appear at a Faculty Senate meeting to be held on January 12, 2010. The amendment to the academic freedom statement was to be on the agenda as an action item.

I accepted the invitation and planned on attending. I was later informed that Robert Webb had submitted his objections to the amendment and John Pommier invited me to send written rationale for the inclusions of the amendment. On the same day of the meeting, I was further informed that I would not be invited to personally attend the meeting. I complied.

After requesting the results of any action by the Faculty Senate, I received a copy of the memo sent to the President of Eastern Illinois University, William Perry, dated January 14, 2010.

The memo stated that a motion to *not* support the amendment was recorded (12-0-2) by the Faculty Senate. The stated rationale was “there are many laws that pertain to Eastern Illinois University, though it would be impractical to include them all in the Board Governing Policy.”

At the January 22, 2010 Board of Trustees meeting I presented the amendment to the Academic Freedom and Responsibility policy. John Allison, President of the University Professionals of Illinois, asked to be recognized and gave, what I consider, an outstanding statement of support for the amendment as well as indicating that the Executive Committee of the UPI supported the amendment. The only board member opposed to the amendment was Robert Webb and he again reiterated his argument opposing any expansion of his definition of academic freedom.

The board voted 5-1 in favor of the amendment. One trustee was absent.

After publication of this amendment it is hoped that other boards in public universities and community colleges may act in a similar fashion. It is also a distinct possibility that this amendment language will find its way into collective bargaining agreements.

# A Bad Report Card on Illinois Colleges

By John K. Wilson

The American Council of Trustees and Alumni (ACTA), in conjunction with the Illinois Policy Institute, issued an “report card” in October 2009 for public colleges in Illinois. ACTA, a prominent conservative advocacy group, gave Illinois straight “F” grades, but it’s the ACTA report itself that deserves a failing mark.

ACTA gives Illinois an “F” on general education. But ACTA never studies the quality of general education. It simply counts the number of general education requirements (and then ignores many of them if “narrow courses” can fulfill the requirements). There is no evidence that survey courses invariably provide a superior education, but ACTA simply assumes it.

On Intellectual Diversity, ACTA gives the state of Illinois another “F” and declares, “While students at major Illinois universities generally feel free to speak their minds outside the classroom, they do not report an atmosphere conducive to a robust exchange of ideas inside the classroom.” ACTA reaches this sweeping conclusion based on a misleading survey of 621 students at only UIUC and SIUC.

Anne Neal writes in the report, “intellectual diversity means the free exchange of ideas. And according to a scientific survey of students we commissioned, it is in trouble in Illinois....Students unambiguously report violations of professional standards.” There is nothing but ambiguity in the ACTA survey. Rather than asking students about their experiences, ACTA tried to push students to answer the way ACTA wanted with vague questions such as, “On my campus, some panel discussions and public presentations on social or political issues seem totally one-sided” (50.2 percent agreed). There are nearly 3,000 faculty at the University

of Illinois, so it would hardly be surprising to find “some professors” who do almost anything. More importantly, there is absolutely nothing wrong with having “one-sided” public presentations (all individual speakers are).

It is notable that when ACTA asked a more specific question, students indicated few problems with intellectual diversity and freedom to speak. When asked to respond to the statement, “On my campus, students feel free to state their social and political views outside the classroom without getting in trouble,” only 9.1% disagreed (and only 1% strongly disagreed).

Some of ACTA’s questions are both bizarre and disturbing: “Do you know the procedure on your campus for lodging a complaint about social, political, or religious bias by a professor?” 87.0% said no. That’s probably because there is no such procedure, and it would be unconstitutional for any public college to create such a chilling effect on academic freedom. All professors have biases, and it is perfectly legitimate for professors to express their views. If a professor violates the rights of students by discriminating against them in grading and similar ways, then students are certainly able to complain about that. But it’s fundamentally different from merely having a bias, and the fact that ACTA doesn’t see any difference reveals a shocking indifference to intellectual freedom.

ACTA gives SIU and University of Illinois trustees an F on “Governance” for “transparency and accountability issues.” Criticism of the University of Illinois Board of Trustees is hardly unique in the wake of the admissions scandal. But ACTA is obsessed with trustees exercising more power over colleges, and shows no concern about the fate of shared governance and the essential role of faculty (and other cam-

pus constituencies) in running a college. In fact, ACTA attacks the University of Illinois and SIU Boards for relying too much on a campus committee to recommend the previous president rather than making a unilateral decision.

ACTA also gives colleges failing grades for establishing new programs. According to ACTA, “If a university established twice as many or more programs than it closed, it received a Failing grade.” There is absolutely no consideration given to whether a new program is worthwhile, or whether existing programs ought to be closed.

ACTA arbitrarily sets 64% as its graduation “pass” rate and SIUC gets a failing grade even though it improved its six-year graduation rate dramatically, from 38.6% in the 1996 cohort to 45.7% in 2001.

ACTA’s criticism often misses the point, such as their complaint about rising tuition: “The cost of a college education in Illinois is spiraling out of control...the state is not getting more for all of that money.” All of that money? Tuition is going up primarily because the state is investing far less money in higher education. Illinois contributed 48% of the U of I budget in 1990; today, it’s only 16%.

A report by the Institute of Government and Public Affairs at the University of Illinois, “The Illinois Report 2008 - Higher Education and Illinois’ Future,” noted that state funding for public universities in Illinois dropped 17.9% in real dollars from 1998 to 2008. That report offered a serious analysis of affordability and financing of higher education in Illinois. Unfortunately, ACTA’s report is superficial and false.

Illinois public colleges certainly deserve plenty of criticism. But higher education in Illinois is far better than ACTA presents in this report full of misleading statistics and misguided attacks.



# Fantasy Island: Cary Nelson Looks at the AAUP

Reviewed by John K. Wilson

AAUP president Cary Nelson's new book, *No University Is an Island: Saving Academic Freedom* (New York University Press, 2010), is essential reading for anyone concerned about the fate of higher education today.

There is far too much important material in this book to cover in a short review. From his devastating critique of Stanley Fish to his fascinating revelations about some of the internal workings of the AAUP, Nelson has written a book every AAUP member should read, dissect, and argue about.

Nelson covers all of the most important issues facing the AAUP in recent years, from Ward Churchill to David Horowitz to Norman Finkelstein to the fight over graduate student unionization. And his characteristic bluntness is a welcome relief from so many educational leaders who treat the topic of academic freedom as an excuse to lather bland clichés on top of soothing shopworn abstractions. Cary Nelson can never be accused of boring his readers.

There is a danger in any book that reacts to a series of crises. For example, Nelson responds to David Horowitz's cry for "student academic freedom" by denying the con-

cept: "All students, graduate and undergraduate, have intellectual freedom—including both freedom of thought and freedom of expression, along with the right to choose their own course of study, to hold their own beliefs, and to be protected from 'prejudiced evaluation'—but they do not in my view have full academic freedom in every context, despite efforts from the Right to muddy the waters by arguing that they do." (9)

However, Horowitz's approach to student rights is flawed not because he thinks students have academic freedom, but because Horowitz defines academic freedom in extraordinary Orwellian terms that attack the concept. When Horowitz believes that political speech can be banned in the classroom because it violates the academic freedom of students, the problem is not that Horowitz thinks students have academic freedom. The problem is that Horowitz defines academic freedom to justify censorship in violation of what any meaningful concept of academic freedom must include.

By rejecting academic freedom for students, we are falling into the trap Horowitz has set to portray the rights of students and faculty as being in conflict. Academic freedom is not a zero-sum concept. Granting to

students the rights of academic freedom does not in any way reduce the academic freedom of faculty.

Nelson tries to create a distinction between "the full academic freedom that a graduate student has in teaching a class or commenting on departmental governance versus the intellectual freedom, or qualified academic freedom, he or she has in fulfilling an assignment in a degree program." (9)

But this has nothing to do with student status itself. Academic freedom for faculty is near absolute in some circumstances (such as extramural utterances) but much more limited in others (such as what courses they teach), just as it is for students. Faculty have their writing evaluated for tenure just as graduate students have their writing evaluated for courses. The academic freedom they have is protected in different ways in different contexts, but it is the same freedom to express controversial views.

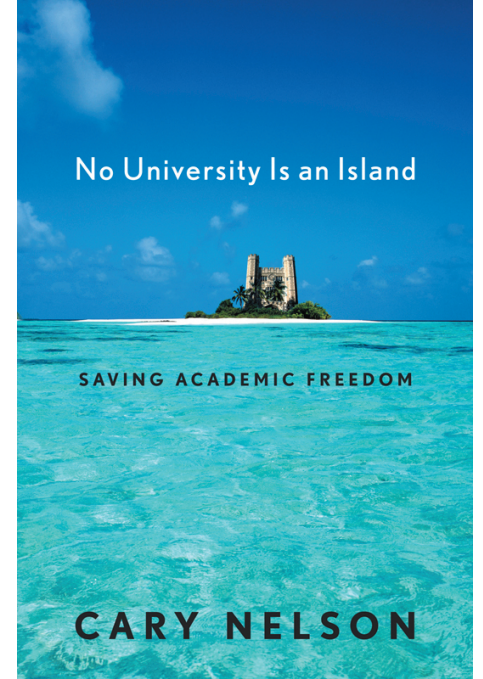
However, in recognizing (and defending, even to the point of being arrested) the rights of graduate student employees, Nelson is far ahead of many AAUP members. Nelson has a similar foresight in recognizing the danger of irrelevance that the AAUP faces by its slow reaction to attacks on academic freedom. Too many AAUP members (and even staffers) believe in the fantasy that the organization can be an island separate from political controversies and current events.

As Nelson notes, "To sustain its long-term goals and fund its deliberative products, the AAUP needs to be a time-sensitive advocacy organization." (251) But Nelson recognizes a problem: many AAUP staffers and Committee A members fear that making advocacy statements will hurt the perceived objectivity of an investigation and censure.

So how can an organization simultaneously be an advocate and refrain from advocacy? Up to now, Nelson has almost single-handedly attempted to address the advocacy problem by issuing his own careful statements and then avoiding judgment in cases where he has commented.

However, that's not an ideal solution. Nelson will not be AAUP president forever, and his successors may not be as skilled as he is at negotiating or shoving his way through resistance, or at making thoughtful comments. And if the appearance of affecting Committee A staff investigations is a concern, surely the fact that the president of the AAUP is making statements could have an influence. After all, he has powerful control over the staff.

The best solution is to institutionalize



advocacy within the AAUP by creating a permanent committee devoted to advocacy. Call it, Committee U. (That used to be the name of the AAUP's committee on patriotic service.) Committee U would be the flipside of Committee A. Committee A determines the broad policy statements and conducts investigations of colleges. Committee U would be the rapid-response team writing to colleges expressing concern and issuing criticism of immediate threats to academic freedom and other esteemed AAUP principles.

Having a Committee U would make the AAUP more of an advocacy organization publicly responding to attacks on AAUP values at colleges around the country. Because Committee U's declarations would be a rapid response, they would represent only the views of Committee U, and they would have no permanent role as AAUP statements. In addition, Committee A would have the opportunity to meet and express the AAUP's official disagreement with any statements deemed too rash or misguided.

Nelson's well-written statements may be superior to anything a Committee U can come up with. But creating a Committee U will make advocacy a permanent part of the AAUP's role, and sharing the load of advocacy will enable Committee U to speak out much more often and without the hesitation Nelson must bring to his work.

If no university can be an island, as Nelson proclaims, that it must also be true that no AAUP leader can be an island in its defense. It's time to take Nelson's leadership on academic freedom as a call for imitation rather than mere admiration.

## CHAPTER REPORT: NATIONAL-LOUIS

On April 16<sup>th</sup> at noon, National-Louis University's AAUP chapter will host an important discussion on matters that should be of interest to all faculty. Cary Nelson, President of the AAUP will speak at the Chicago campus on his new book, "The University is not an Island." During this address, Nelson will argue that faculty must not waver from advancing the values of academia, and will need to push harder to sustain Academic Freedom, the process of Promotion and Tenure, Shared Governance, and equitable compensation and benefits.

During last year's Annual Summer Institute, Nelson spoke of the need for AAUP, and pointed out that the organization has the largest membership list in higher education. Not only concerned with faculty rights, AAUP has weighed in and advocated for student rights, and has sought to develop policies that support intellectual property in a digital age.

As President of NLU's AAUP chapter, the issues to which Nelson speaks of in his book and in his e-mail newsletters are specific and relevant to my own university. Disputes have emerged over the promotion and tenure process, shared governance is compromised by a dual system of Senate and University Leadership Council, and wages have been frozen since last year. Across the state of Illinois there have been significant cases where, in one instance, a faculty bill of rights has loomed and threatened academic freedom, and in another instance, wide scale cutbacks of staff and in some instances faculty are on the horizon.

Especially during these difficult economic times, faculty, staff, adjuncts, and support workers in the university, need to be vigilant about maintaining the values of the university and the principals upon which it resides. Nelson's talk will be a wake up call to what is happening across the nation and what is at stake for higher education.

**Todd Alan Price is an Associate Professor of Educational Foundations and Inquiry and the President of the AAUP chapter at National-Louis University.**

## Campus Protests Should Remind Us All of College's Value

By Arne Duncan, U.S. Secretary of Education

The passionate campus protests in California and elsewhere last week were a reminder for all of us who work in education that schools — the people who work in them and the students who learn in them — are a treasured investment. Decrying college fee increases and widespread budget cuts, the demonstrators especially highlighted the hardships that many families face in affording college, especially in this still-recovering economy.

Last week's demonstrations were also a reminder of why it is essential that Congress pass the Student Aid and Fiscal Responsibility Act (SAFRA), a landmark piece of legislation that addresses college affordability concerns through direct financial aid that cuts out middlemen bankers. Awaiting action by the Senate, SAFRA would expand aid for America's college-going students by billions of dollars, and would restructure our student aid programs to make

them simpler, more efficient, and more reliable. The plan pays for these improvements by ending taxpayer subsidies to banks and moving our money to students. We cannot let this opportunity slip away.

But expanding financial aid is only half of the affordability equation; state leaders and college administrators must work to slow the growth of college costs. I am concerned that tuition and fees at public colleges and universities are set to spike even further as states continue to trim their budgets.

State governments generate less revenue in a recession. As state leaders struggle to make up for lost revenue, legislatures tend to cut funding for higher education. Colleges, in turn, answer these funding cuts with tuition hikes. Ultimately, states are resolving short-term crises by undermining long-

term investment in future generations.

States should not balance their budgets on the backs of students. Instead, colleges should scrutinize their spending for ways they can trim costs. For example, this year the University of North Carolina hired a management consulting team that identified \$150 million in annual savings. Every school should be looking for ways to save.

University presidents and governing boards must pay more attention to efficiency, productivity, and accountability as reform tools. With productivity improvements and enhanced accountability, many post-secondary institutions can boost quality and access—all while containing costs.

The alternative—pricing millions of students out the American Dream—is unacceptable to me, both as Secretary of Education and as a parent.



Last week, a few days before the demonstrations on campuses, I participated in an online conversation that the White House organized to talk about the President's higher education agenda. During the webchat one participant's statement really disheartened me. A woman named Melissa questioned why she should encourage her children to go to college if they're almost certain to graduate with a huge burden of debt. "It's a noose around your neck that you never get out of," she wrote.

With the ever-escalating cost of college, I can understand Melissa's thinking. But a college degree is still absolutely worth it. According to U.S. Census data, adults with a bachelor's degree earn 70 percent more than adults with just a high school diploma. In the 21st century global job market, it's the lack of at least some college-level education that will be the lifelong noose around your neck, not student loans.

I say that because, through Income Based Repayment, monthly

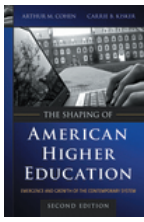
repayments for federal student loans are now capped within an affordable range for people who live within their means. For those who go into public service, such as teachers, their federal student loans can be forgiven after 10 years on the job.

The cost of college should never discourage anyone from going after a valuable degree. And helping America's students pursue their education should always trump bankers in pursuit of profits.

### Protests at U of I

Hundreds of Urbana students and faculty marched on the Quad on March 4 to draw attention to proposed budget cuts and tuition increases. The University of Illinois is owed more than \$485 million for this year's appropriations and has predicted cuts up to 10% next year. Hundreds of people protested at UIC on Jan. 21, demanding full funding of higher education and opposing furloughs and layoffs.





# The Shape of Academia

*The Shaping of American Higher Education: Emergence and Growth of the Contemporary System, 2<sup>nd</sup> Edition, By Arthur M. Cohen & Carrie B. Kisker, 2010*

Reviewed by Lee Maltby, with thanks to Lynne S.

I have over thirty-three years of experience in education—twenty-two as a student and eleven working in a small private college. Despite the challenges encountered as a newly minted department chair and now evil administrator, I have truly enjoyed my work; and over the past eleven years I have learned much about higher education. Yet I will be the first to admit that my knowledge and experience are limited. After reading Cohen and Kisker's *The Shaping of American Higher Education*, I realized how little I know.

First published in 1998, the second edition reprises much of the first edition, yet with some significant changes. Both editions are presented in a systematic manner, following the historical development of American higher education from colonial times up to the present.

Acknowledging the European roots of our first institutions, the authors describe how those roots developed in typical American fashion (in other words, with few common characteristics and yet great enthusiasm and creativity), and continued to develop in great variation. The texts then follow a similar order of development, with major attention in the second edition devoted to the periods designated "Mass Higher Education in the Era of American Hegemony: 1945-1975," and "Maintaining the Diverse System in an Era of Consolidation: 1976-1993." By this time

the reader is impressed with the book's organization, discussion of major areas in higher education, trends, tables, and statistics. The chapters also refer to numerous authorities, research, and data. The attentive reader will find much to digest and reflect upon; in other words, the text is impressive in its depth and breadth. Word of warning: the book approaches six hundred pages, yet it is most readable, lacking the jargon and insider language sometimes emanating from the ivory tower.

In the introduction the authors explain the organization of the text and the reasons for the addition of the new and concluding chapter, "Privatization, Corporatization, and Accountability in the Contemporary Era: 1994-2009." The first four chapters comprise almost one-half of the text. The sixth and final chapter, which covers fifteen years, is approximately one-fourth of the book. This chapter alone justifies the cost of the text. Here the authors demonstrate their mastery of the material and their awareness of the challenges facing higher education in America today.

Throughout the text the authors demonstrate how various social forces, terrorism, financial developments, politics, demographics, globalization, technology, and the evolution of faculty and the various institutions of higher education and education in general are inter-connected. These factors, and there are many, are shown to be under great stress in contemporary times.

While many of the issues are not new to sentient faculty, the authors provide multiple reference points to understand the issues under discussion. On occasion the authors provide a macro perspective that includes international facts and reference points in order to better understand topics such as student debt, the cost of tuition, students from abroad, etc.

There is of course much to bemoan in higher education today. Faculty are losing many of the gains they made in the '60's and '70's. The loss of full-time tenure track faculty and the rise of part-time faculty are leading to the "de-professionalization" of the faculty. Yet as the authors note, there is no need to "mount a frontal assault on the tenure system." Presidents and deans can just simply refuse to replace those who quit or retire.

One of the most significant issues in higher education is the loss of government support for higher education coupled with the growing movement of applying business models to colleges and universities.

More and more presidents are hired for the business and fundraising acumen, not their academic credentials and work. While academic credentials are a plus, they are not needed in the competitive climate of fundraising that comprises much of a president's job description, even as the funding sources shrink due to the great financial collapse of 2007-09.

Efficiency, productivity, outcomes, and market forces influence

not only an increasing number of decisions facing higher education today (remember the MAP Grant rallies in Illinois?), but the types of decisions that are being made. Why hire a professor who costs \$60,000 a year when a few adjuncts can "deliver the knowledge" for one-fifth the cost? Good for the bottom line! "Remember, the students are consumers, and we have to satisfy them! And oh yes, nice dorms, good food, recreational facilities, sports teams, etc., etc."

The authors do not limit their material to numbers and policies however. They include intelligent discussions on issues such as faculty productivity, the costs and benefits of technology, academic freedom, governance, and the still evolving question of "what does it mean to get an education?"

One of the benefits of the text is the even-handed and at times skeptical treatment the authors provide with the occasional flash of humor. Under the heading "Academic Ethos" in Chapter Six, the authors discuss higher education under the umbrella of the values of "Reason, Culture, and Excellence."

In other words, what do these mean today? The authors write, "College publications claiming 'Good Teaching' and 'Caring Environment' are meaningless attempts at branding... These sayings differ little from the words, 'New! Improved!' that appear frequently on tubes of toothpaste and boxes of laundry detergent." In discussing the hiring of one president primarily for fundraising pur-

poses (the new president had a bachelor's degree!), the authors write, "The temblor that was felt soon after these appointments was not an earthquake, it was Veblen, an early twentieth-century antagonist to businessmen in university governance, rolling over in his grave."

While the text presents a picture of higher education today that is "bad and ugly," there is still much good today. For example, the premier research universities in the world are in the United States. There is much benefit to community and society if a person has a bachelor's degree. While difficult to quantify, a college education has value that goes beyond utilitarian purposes, it's not just about getting a good-paying job.

While higher education seems expensive and market solutions have the ear of politicians and taxpayers, the truth is that all benefit when a person is educated (remember the "common good"?). Yet the market theorists believe that the individual student alone should shoulder the growing debt that becomes billable upon graduation. (Let's not even approach the problem of so many Ph.D's looking for work while saddled with sometimes incredible levels of debt.)

Cohen and Kisker wisely offer no solutions to the problems in higher education. The text should be required reading for all state and federal politicians, the majority of who I believe have a college degree, but often legislate as if they do not.

## American Radical: The Trials of Norman Finkelstein



Reviewed by John K. Wilson

"American Radical" is a powerful new documentary about the limits of open debate in America and in academe. The tenure denial by DePaul University of political science professor Norman

Finkelstein marked one of the disturbing attacks on academic freedom in recent years. DePaul openly declared that it was Finkelstein's lack of "Vincentian values" (his rudeness toward other scholars in his research) that led to the dis-

missal, followed by the ban on having Finkelstein teach in his terminal year.

However, academic freedom is only a small part of "American Radical." The movie follows Finkelstein as he travels around the world, arguing with his critics.

Finkelstein is a fascinating figure, because of his extraordinary intensity and uncompromising attitudes. He is not always pleasant, at least not to his public critics. But his critics are equally vituperative toward him. He is routinely called "poison", "self-hating Jew" and even a Holocaust denier despite the massacre of most of his family during the Holocaust.

Although sympathetic to Finkelstein as the focus of the documentary, the film is surprisingly even-handed and offers extensive time to his critics, in public debates and sit-down interviews. Alan Dershowitz, the Harvard Law Professor who ultimately got Finkelstein fired from DePaul, appears in the movie to declare, "Norman Finkelstein is a classic anti-Semite." Finkelstein, to his credit, is willing to take on all critics and all arguments.

After one speech, Finkelstein says, "believe me, sometimes I wonder whether it's worth it." Today, Finkelstein is banished from academic jobs, and limited to giving speeches around the world.

Finkelstein is only the most prominent of the scholars who

have seen jobs disappear and speeches cancelled for their views on the Arab-Israeli conflict. In 2008, Finkelstein was banned from entering Israel for 10 years due to "security concerns." The Jewish Defense Organization has sought to have Finkelstein evicted by his landlord from his Coney Island apartment, putting up flyers in his neighborhood attacking him.

Ultimately, "American Radical"

paints a complex picture of Norman Finkelstein, but a much more disturbing portrait of academia and the limits on free debate.

"American Radical" will be shown in Chicago as part of the Palestinian Film Festival at the Gene Siskel Film Center on Saturday, April 24 at 5pm. For more information about the movie, visit [americanradicalthefilm.com](http://americanradicalthefilm.com).



Finkelstein and Alan Dershowitz debating on "Democracy Now."



Finkelstein in Lebanon, in a still from "American Radical."

### Upcoming Events

**AAUP Annual Conference:** Register now for the AAUP's Annual Conference on the State of Higher Education in Washington, DC, June 9-12. The conference also includes the AAUP Annual Meeting

**AAUP Summer Institute:** The AAUP 2010 Summer Institute will be held July 29-August 1 at San Diego State University. See [aap.org](http://aap.org).

**COCAL Quebec:** The ninth annual COCAL (Coalition of Contingent Academic Labor) Conference, cosponsored by the AAUP, will be held in Quebec City, Quebec, August 13-15, 2010 at Université Laval. Details at <http://cocalinternational.org>.

**CGEU:** The conference of the Coalition of Graduate Employee Unions (CGEU) will be held August 5-8, 2010, at Stony Brook University on Long Island, NY. Info at [cgeu.org](http://cgeu.org).



# Financial Exigency: Policy Now, Hopefully Use Never

By Ken Andersen

Concern is manifest among faculty and administrators about the impact of the economic slowdown coupled with the probability of a slow recovery and a decline in public support of higher education expenditures. Institutional policies for dealing with financial shortfalls and possible financial exigency should be reviewed and as needed improved prior to the necessity to act upon them. What follows is an effort to urge faculty to be involved in such an effort and some ideas to consider. Faculty involvement may well avert an institution needing to move or moving to a declaration of financial exigency.

AAUP Financial Exigency Definition: An imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic measures.

Note: The AAUP focus is termination of tenured faculty. But faculty must be involved long before such a determination is made when considering such things as salary and benefits reductions, layoffs, and/or program terminations. The rationale: these are to a significant degree educational policy decisions and hence faculty have a responsible role to play.

## Causes:

1. Natural disaster: flood (New Orleans), earthquakes, tornadoes.
2. Sudden (external) economic disas-

ter: Deep depression, fraud (a la Madoff).

3. Poor internal management:
  - a. Fraud or gross mismanagement by administrators and/or trustees.
  - b. Errors: fiscal, building commitments, failed projects, projected successes in enrollment.
  - c. Mission/implementation no longer viable in current times.

## Exigency Policy:

1. Faculty body should participate in any decision re: an exigency with alternatives fully explored.
2. In an exigency AAUP Policy is:
  - a. A faculty member has a right to a hearing.
  - b. No new appointments unless distortion of academic programs results.
  - c. Effort to identify another position in institution.
  - d. Notice and severance pay.
  - e. Three years before faculty slot refilled unless offered to displaced faculty member.

## Considerations in Setting a Policy:

1. Institutional culture and mission: Private institutions have much greater power to control their own destiny in many respects. Public institutions have responsibilities private ones do not, and are more reliant on government funding. Unionized faculty work in a different framework than non-unionized faculty.
2. Continuous active faculty partici-

pation in budgetary/salary matters: "The allocation of resources among competing demands is central in the formal responsibility of the governing board, in the administrative responsibility of the president, and in the educational function of the faculty." (AAUP Redbook, p. 232) Relevant and accurate information should go to those who participate, including the faculty or its representatives (chosen by faculty) as appropriate to the expertise of each party. Changes in the planned budget in terms of actual expenditures needs to be monitored as well. While financial data is available for public institutions at a level beyond that of private institutions, IRS 990s, and the IPEDS data provide significant information if an administration is unwilling to provide it.

3. Establishing an appropriate set of other universities for comparative purposes is of value. The Illinois Board of Higher Education establishes such groups although there is dispute as to the appropriate groupings.

## Avoiding Financial Exigency

1. Consistent faculty participation in institutional planning is essential. Many examples in Illinois and nationally could be cited of the negative results of failing to involve faculty and keeping them informed. Few instances result in a financial exigency but waste resources better utilized elsewhere and needless costs.

2. Develop faculty expertise through involvement in budget committees and planning issues with a focus both on continuity of representation coupled with gradual change of faculty participants to develop and spread expertise.

3. Utilize relevant institutional history and trends as part of the decision process. Examples: Do optimistic enrollment projections consistently miss the mark? Is the endowment being tapped for normal operating expenses? Does the institution engage in strategic planning drawing upon relevant stakeholders and updating the plan as needed? Is the institution realistic as to its financial status and prospects?

## Some Cautions:

1. Do not conflate discontinuation or significant restructuring of a program or department with financial exigency. Restructuring decisions normally arise from quite different circumstances and reasons, require more faculty input, and have different potential time periods for implementation.

2. Any number of factors about the institution and its setting can contribute to solutions that have greater or lesser negative or positive impact on faculty, students, and staff.

3. Transparency during a process of assessment and decision-making is difficult but to the degree feasible it is reassuring to faculty, students, and staff.

## ILAAUP Committee A

The Illinois Conference of AAUP has revived its Committee A on Academic Freedom and Tenure. For years the committee lay dormant. Its current members are Peter N. Kirstein, chair, [kirstein@sxu.edu](mailto:kirstein@sxu.edu), Matthew Abraham (DePaul), [matthew.mabraha2@gmail.com](mailto:matthew.mabraha2@gmail.com), Kurt Field (Bradley), [kwf@bumail.bradley.edu](mailto:kwf@bumail.bradley.edu), and John Wilson (Academe editor, [collegefreedom@yahoo.com](mailto:collegefreedom@yahoo.com)). Committee A is constituted to serve all members of the professoriate in the state of Illinois in areas concerning tenure and academic freedom. AAUP frequently receives inquiries from non-members as well as members: we hope they join after their experience with the organization. While the national office has more heft and has the power of administration censorship, our conference Committee A can and has advised faculty who have been denied promotion or tenure and who construe some specific violation of their academic freedom as having occurred. We have had numerous inquiries from faculty all across the state including some from Northwestern University, DePaul University, Lewis University and Blackburn College. As warranted, Committee A will examine records, letters, résumés and other documents to determine whether AAUP guidelines have been violated.

I would urge individuals to consider contacting the chair or any member of Committee A. The member will determine if the situation can be handled on an individual basis or whether full committee involvement is necessary. Advice will be given whether national should be notified and whether the entire Illinois Council should be informed of a possible violation of academic due process and academic freedom. We recognize that college and university faculty are at increased risk in this country due to financial challenges, the growing demand for conformity and the avoidance of controversy and a general belief that professors should merely transmit to their students the parameters of the existing order without critical thinking or dissent. Yet this Committee A will assist those who need us to the best of our abilities with objectivity, skill and courage.

Members of Committee A are also available to speak without charge on your campus on issues concerning academic freedom and tenure.

**Peter N. Kirstein, Chair, ILAAUP Committee A on Academic Freedom and Tenure**

## Columbia College Sued Over Faculty Firing

By John K. Wilson

Columbia College of Chicago is facing a race discrimination lawsuit from a former part-time faculty member who was fired in 2009 for allegedly making an anti-Semitic comment. Suriya H. Smiley had taught for fourteen years in Columbia's Radio Department, but in January 2009 she claims that she was informed that she had been found guilty of a student complaint against her, even though she had never been told about the details of the charges.

When Smiley asked for an explanation, she claims Department Chair Barbara Calabrese told her, "I am here for the students, not to support you." When Smiley met with Assistant Provost Louise Love and Calabrese, she was told that the student claimed that Smiley said to the student while taking class attendance, "I should have known you were Jewish by the size of your nose." Smiley denied saying this, and asked Columbia College to question other students in the class to confirm her account. However, she was sent a termination letter the next day.

Love was the Associate Provost at Roosevelt University when adjunct philosophy professor Douglas Giles was dismissed after a student asked in a World Religions class about the idea that Zionism is racism. Although Giles expressed his disagreement, he allowed the class to discuss the issue. According to Giles, his department chair Susan Weininger told him, "What disturbs me is that you act like the Palestinians have a side in this. They don't have a side! They are animals." Giles reported, "Love even characterized Weininger's comments disparaging Palestinians as an 'academic discussion' where Weininger was 'defending her position passionately.'"

Columbia College refused to comment on a personnel matter. Smiley contended in her complaint, "Defendant discriminated against Plaintiff based on her race, Arab, by discharging Plaintiff from her employment based on false and pretextual reasons, as revealed by Defendant's refusal to investigate the allegations and the clear evidence that Plaintiff did not commit the alleged misconduct."

## Letter from Shimer College Faculty

*The following letter from the faculty of Chicago's Shimer College was written in 2010 in response to the unilateral changes in the College's mission statement by the president.*

### To the Board of Trustees of Shimer College:

The Faculty supports unanimously the Assembly's recent vote to uphold the current mission statement of Shimer College. In doing so we confirm and uphold our responsibility for the College's mission itself: in a word, education.

The Faculty and Assembly together, rather than President Lindsay by himself, have the standing to define the College's mission. As Chris Nelson recently wrote, the Faculty and Assembly have for decades labored against "almost insuperable challenges" to save the College itself and greatly enrich its incomparable instructional program. But President Lindsay turns his back to this history, revealing just days ago a proposed mission statement restating "guideposts" that have been resoundingly rejected by the internal community and alumni both.

More trying still, President Lindsay presumes to use his mission statement as a test of the Faculty's continuing commitment to the College. He has indicated to us that if the Board adopts his statement, he would ask us individually to confirm our support of it. The implied alternative was to seek employment elsewhere. Let us be clear: we reject with one voice such tests of our loyalty to Shimer College or to President Lindsay.

President Lindsay has maintained that he wants only to clarify the College's mission, not to change it. An unsympathetic redrafting of the entire mission statement is not a clarification. Further, his intransigent insistence on the rightness of his views on education, even in the face of months of considerate attempts to qualify them and to offer alternatives, only betrays how little he understands or adheres to the College's principle of cooperative dialogue.

Such betrayals strike at the heart of our educational mission. Students complain rightly that they are admonished just to study, while their studious efforts to defend and clarify their sense of the College's mission are repeatedly dismissed. And we hear more and more from alumni troubled by the lack of harmony gripping an institution they helped build on mutual support. For our part, the Faculty has grown increasingly dismayed at the President's and even Board's seeming reluctance to affirm our necessary authority over the College's core educational program and to assure the security and freedom we must have to protect and enhance it.

We understand entirely the Board's need to support the powers necessary to the President. But to define the College's mission unilaterally and without broad approval is not one of these powers. We therefore state again our unanimous backing of the Assembly's present will to uphold the current mission statement. And we trust the Board will help in enlisting President Lindsay to this general will for the greater and lasting good of the College.

*The Faculty of Shimer College*

## Toyota Managers Resign from SIU Panel

Two Toyota executives resigned in 2010 from a Southern Illinois University advisory panel on automotive technology in response to testimony from a professor criticizing the company's cars. Professor David Gilbert testified before a House panel that he found weaknesses in Toyota's electronic throttles that were worse than other carmakers: "None were quite as easy as the Toyota system to crack." Toyota held a webcast trying to refute Gilbert's claims. SIU spokesman Dave Gross told Bloomberg News, "It's fair to say Toyota would have liked to have had a chance to review his results before they were presented in a congressional hearing. We've had a long relationship with Toyota, and we're just trying to facilitate communication." Toyota has donated \$100,000 to SIU for a new Transportation Education Center which begins construction this spring.



## Legislative Report for the 96<sup>th</sup> General Assembly, Spring 2010

With the primary elections over on February 2<sup>nd</sup> the House and Senate will be in session starting first with the House reporting on February 3<sup>rd</sup> and the Senate during the week of February 7<sup>th</sup>.

This report will focus on a few of the bills that have been introduced that have potential impact on higher education.

### House Bill 4906 (Myers)

Creates the Accountability in Higher Education Act. Requires public universities in this State to develop annual academic, financial, and enrollment plans that outline (i) tuition and fee estimates, (ii) enrollment projections, (iii) how to meet State policy objectives, and (iv) accepting a number of accountability measures, including meeting benchmarks related to accessibility and State policy objectives. Requires the Board of Higher education to be responsible for developing performance indicators to measure whether public universities in this State are meeting State policy objectives. Effective immediately.

#### Comment

Richard Myers (R) from Macomb has Western Illinois University in his district. His bill calls for a number of accountability measures related to accessibility and affordability Representative Myers may want to look at the funding of higher education by the General Assembly, the support has diminished since FY 2002 and shows no sign of improving.

### House bill 4905 (Myers)

Amends the Board of Higher Education Act. Requires the Board to establish an audit committee to examine any plan by a public university to increase tuition from the previous academic year by more than 10% Provides that the committee shall consist of no less than three members, designated by

the chairperson of the Board, to assist in the oversight of the financial reporting and audit processes of those universities whose rate of tuition is being increased from the previous academic year by more than 10%. Provides that the committee shall assist the Board in retaining an auditor through the Office of the Auditor General to conduct audits. Sets forth additional duties of the committee. Effective immediately.

#### Comment

This bill also introduced by Richard Myers requires the establishment of an audit committee if a public university raises tuition more than 10% from the previous academic year. Since all public universities utilize professional audits what purpose would another audit serve? There is also an additional cost associated with an audit. Who is going to absorb the cost? This appears to be another unfunded mandate which the General Assembly does all to often.

### Senate Bill 2548 (Demuzio)

Amends the Public Community College Act. Provides that the Illinois Community College Board shall certify, prepare, and submit monthly vouchers (rather than quarterly vouchers) to the State Comptroller setting forth an amount equal to one-twelfth (instead of 25%) of the grants approved by the State Board for base operating grants and equalizing grants. Effective July 1, 2010.

#### Comment

Senator Deanna Demuzio from Carlinville, is to be congratulated for introducing this bill. This would provide community colleges the ability to receive state payments on a monthly basis, rather than quarterly. This method of payment would be identical to public universities and would ease a cash flow problem for community colleges.

### Senate Bill 642 (amended) Haine

Amends Southern Illinois University Management Act. Allows University to bor-

row money from time to time in anticipation of receiving tuition, payments from the State of Illinois, or other revenues or receipts of the University.

#### Comment

Senator William Haine (D), from Alton, bill allows Southern Illinois University to borrow money on anticipated revenue. This bill reflects the difficulty that SIU has in meeting payroll and other financial obligations. If SIU is successful in this attempt, expect other universities to follow suit.

### Senate Bill 2538 (Maloney)

Amends the Public Community College Act. Provides that as of July 1, 2011, a community college district must remain a minimum required combined in-district tuition and universal fee rate per semester credit hour equal to 70% of the State-average combined rate, as determined by the State Board, or the total revenue received by the community college district from combined in-district tuition and universal fees must be at least 30% of the total revenue received by the community college district, as determined by the State Board, for equalization funding. Effective July 1, 2010.

#### Comment

Senator Edward Moloney (D) from Chicago is Chair of the Senate Higher Education Committee. The requirement that tuition and fees amount to 30% of the total revenue is based on the expectation that a community college revenues are derived from tuition and fees, state funding and district property taxes. Each of the three revenues sources should deliver approximately 33% of the total revenue. This ratio will vary significantly depending on the district in question.

### House Bill 4608 (Reis)

Amends the Illinois Governmental Ethics Act, the Election Code, the University of Illinois Act, and the University of Illinois

Trustees Act. Provides for a Board of Trustees of the University of Illinois consisting of 7 elected members (now, the Board consists of 9 members appointed by the Governor with the advice and consent of the Senate), the Governor, and 3 student trustees. Effective immediately.

### House Bill 2465 (Jones)

Amends the Illinois Governmental Ethics Act, the Election Code, the University of Illinois Act, and the University of Illinois Trustees Act. Provides for a Board of Trustees of the University of Illinois consisting of 7 elected members (now, the Board consists of 9 members appointed by the Governor with the advice and consent of the Senate), the Governor, and 3 student trustees. Effective immediately.

### House Bill 4688 (Jakobsson)

Amends the University of Illinois Trustees Act. Provides that the Board of Trustees of the University of Illinois shall consist of the Governor and at least 15 (rather than 12) trustees. Provides that 3 additional trustees shall be faculty members, of whom one faculty member shall be selected from each University campus. Creates the Trustees Selection Task Force (TRUSTForce), which shall receive and review nominations for trustees for the Board of Trustees of the University of Illinois and make a recommendation to the Governor concerning a nominee within 30 days after the Governor makes the nomination. Effective immediately.

#### Comment

The above bills are designed to change the method of trustees selection. These bills will remove the ability of the Governor to appoint trustees with confirmation by the Senate to elected positions. Some form of these bills will probably pass this spring.

### Source: Illinois Board of Higher Education

Leo Welch, Legislative Officer, Illinois Conference AAUP

# The Strange Story of Leo Koch

By John K. Wilson

In a recent blog, Roger Ebert reminisced about the firing of Leo Koch (pronounced "Cook") that occurred in 1960 when he was a student at the University of Illinois in Urbana: "the Leo Koch Case dominated front pages and newscasts. It remained a story for three years. Today it is so thoroughly forgotten that not even Wikipedia, which knows everything, has heard of it."

Koch's problems began when he wrote a letter in response to a March 16, 1960 Daily Illini article, chiding the student newspaper for omitting "any reference to the social meleu which compels healthy, sexually mature human animals into such addictions (of which masturbation is likely the least objectionable) to unhealthy and degenerative practices" In his letter, published on March 18, Koch attacked "the widespread crusades against obscenity which are so popular among prudes and puritanical old-maids" and "the hypocritical and downright inhumane moral standards engendered by a Christian code of ethics which was already decrepit in the days of Queen Victoria." Koch concluded, "With modern contraceptives and medical advice readily available at the nearest drugstore, or at least a family physician, there is no valid reason why sexual intercourse should not be condoned among those sufficiently mature to engage in it without social consequences and without violating their own codes of morality and ethics."

Ebert noted, "Reading it again, I was shocked at how innocuous it seems in 2010. There was an immediate uproar. Outraged citizens' groups and the Chicago Tribune called for the university to take action."

On March 28, the Executive Committee of the College of Liberal Arts and Sciences voted 5-0 that Koch's letter was irrespon-

sible and justified his removal from classes. On April 6, same committee voted 5-1 to urge his removal, although the committee was split on paying his contract.

On April 7, President Henry removed him from his job. President Henry declared that Koch's views were "offensive, repugnant and contrary to commonly accepted standards of morality and his espousal of these views could be interpreted as an encouragement of immoral behavior and that for these reasons he should be relieved of his University duties."

Citing AAUP documents, the Report of the Urbana-Champaign Senate Committee on Academic Freedom issued in May 1960 was split, 3-3, on whether Koch's letter deserved dismissal or merely a reprimand.

Victor Stone was a leader of the AAUP at the University of Illinois and defended Koch, but Stone encountered problems with the national AAUP. The president was in traveling in Asia at the time, and one person in the national AAUP office that Stone dealt with was a "traditionalist" and "very snobbish." This individual believed that the AAUP "should not be doing this on behalf of an assistant professor." The resistance continued, Stone said, "until I raised holy hell" and the AAUP sent in a committee to investigate.

This committee, led by famed First Amendment scholar Thomas Emerson, argued: "as applied to a faculty member having definite or indefinite tenure, making public utterances on matters of general concern to the community, the standard of 'academic responsibility' is not a valid basis for reprimand, dismissal, or other official discipline."

Emerson's interpretation of academic freedom was not immediately accepted. Committee A, in an extraordinary statement, actually publicly disagreed with its investigative committee about whether extramural utterances

were protected: "In light of Committee A's understanding of the 1940 Statement, together with the legislative history of the document and its 'interpretation,' the Committee disagrees with the authors of the report that 'the notion of academic responsibility, when the faculty member is speaking as a citizen, is intended to be an admonition rather than a standard for the application of discipline.'"

If Committee A and much of the AAUP was not quite willing to give up the "responsibility" standard, the Koch case still appalled them. The firing of a professor, without any due process, for writing one controversial letter to the editor, was shocking. Committee A went on to call Koch's dismissal "Outrageously severe and completely unwarranted" and criticized the violation of due process. The University of Illinois was censured.

The Koch case helped push forward the protection of controversial extramural statements under the umbrella of academic freedom. It did so not only by revealing the schism within the AAUP over the subject, but also by providing a key example that was difficult to dismiss. Those who wanted "responsibility" to remain as an academic freedom standard had to grapple with the fact that abuses like the Koch case were almost inevitable.

Emerson's view soon prevailed. In 1966, the AAUP officially adopted a Statement on Extramural Utterances, and this sparked the AAUP to revise its fundamental 1940 Statement of Principles with a set of Interpretive Comments approved in 1970 that incorporated the defense of extramural utterances.

Koch lost the battle, but he won the war. Today, the University of Illinois' official policies treat students as adults and

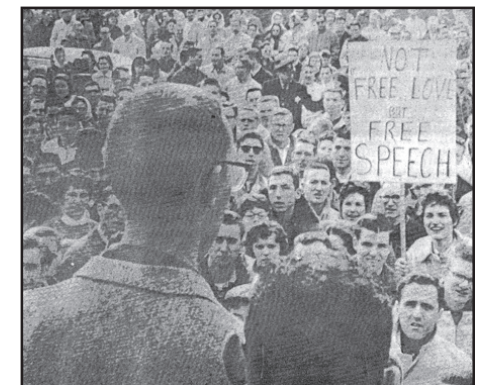


Photo of a campus rally for Koch that appeared in the Champaign-Urbana Spectator.

offer them contraceptives, exactly as Koch urged. And its academic freedom policies, along with those of the AAUP, protect extramural utterances. As Stone noted, "we emerged from that with the best statutes on academic freedom and tenure in the country."

But Koch himself suffered a terrible price. The AAUP eventually lifted censure from the University of Illinois after its policies were changed and it agreed to tenure a dozen scholars with more than six years of experience, but the AAUP itself had to pay Koch a year's salary. Koch had left for a job in Santa Cruz, California, growing mushrooms. Ebert noted that Koch "remained so infamous that when he found a job in 1964 as a science instructor at the progressive Camp Summerlane, near Brevard, N.C., rumors of nudism and free love swept the area and the campers were attacked in a violent night raid by both townspeople and state troopers." After that, Koch worked in a gas station in New York. Danelski lost track of Koch in 1967, when the former star biologist was working in a junkyard in the Mohave Desert. After that, nothing is known about Koch. He faded into obscurity, while the precedent he set was transforming academic freedom in America.



# 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 N. 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.*

## Proposal: AAUP National Dues for Advocacy Members

(Revised January 6, 2010, in response to Council motion of November 20, 2009)

Objectives for advocacy member dues reform

1. Creating a progressive dues structure based on member salary. ("[F]or non-collective bargaining members, a progressive dues structure using salary bands." Council, June 2009)

2. Simplification of dues rate schedule.

3. "The dues changes implemented by these mechanisms will be revenue-neutral at the national level and will be as revenue neutral as possible at the conference and chapter level." (Council, June 2009)

Recommendations and Proposed Dues Schedule:

4. Dues will be based on self-reported annual academic income. All advocacy members will pay income-based dues, including retirees, part-time faculty, and associate members. Allowing members in these categories to select their dues level will enable them to choose the definition of income most relevant for their personal situation.

5. The national dues rate will include amounts formerly paid by individual advocacy members for state conference dues. These amounts will be remitted to state conferences in a process to be deter-

mined by the Assembly of State Conferences. State conference dues from collective bargaining chapters will be unchanged.

6. Dues rates will be indexed for 2011 and future years based on the formula in use for more than two decades. Income ranges will be adjusted as needed.

Income Range:	Proposed 2010 Dues Rate
Above \$120,000	\$225
\$100,001-120,000	\$205
\$80,001-100,000	\$185
\$70,001-80,000	\$165
\$60,001-70,000	\$140
\$50,001-60,000	\$100
\$40,001-50,000	\$80
\$30,001-40,000	\$60
Less than \$30,000	\$45

Estimated 2010 dues revenue from advocacy members at approved rates: \$2,026,217

Estimated 2010 dues revenue from advocacy members using above rates: \$2,031,897

Estimated revenue difference: \$5,680 (0.3%)

[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: \_\_\_\_\_

## 2010 Illinois AAUP Dues

- \$192** Full-Time Active Faculty Membership
- \$96** Entrant Active Faculty (new to the AAUP, non-tenured, first four years)
- \$48** Part-Time Faculty
- \$48** Graduate Student Membership
- \$144** 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.

# Illinois News

## Fight Over UIC Graduate Student Workers

University of Illinois Chicago (UIC) graduate employees voted overwhelmingly Feb. 15 to authorize a strike, and in March the Graduate Employees Organization (GEO) submitted notice of intent to strike pending negotiations with the administration. The contract for the 1400 graduate and teaching assistants at UIC expired in August. The GEO has been in negotiations since April of 2009. According to GEO president Charles Moss: "Improvements in job security, such as guaranteeing tuition waivers that grads already receive and getting skyrocketing fees under control, won't cost the university a dime, but would make graduate employees much more secure in their jobs."

## Formal Complaint Over U of I Furloughs

The Visiting Academic Professionals/Association of Academic Professionals filed an unfair-labor-practice complaint with the Illinois Educational Labor Relations Board over the University of Illinois' plan to require all faculty and academic professionals making more than \$30,000 per year to take off four unpaid days before the end of the semester. The complaint accuses the university of violating the state's labor act by failing to bargain with the union for changes in employee appointments with the furlough. The union is currently negotiating with the university over a contract.

## Trib Sues U of I Over Admissions Clout

The Chicago Tribune has sued the University of Illinois seeking the names of applicants' parents and patrons who helped them gain admission as part of the scandal surrounding political clout and the admissions process. The U of I claims that the Family Educational Rights and Privacy Act protects student privacy and prevents release of information.

## MAP Grants Restored, But New Higher Ed Cuts

Last fall, the state of Illinois restored MAP grants providing financial aid to needy college students in Illinois. However, Gov. Pat Quinn's budget proposal in March 2010 included a \$1.3 billion cut to education, with higher education absorbing \$78 million of those reductions, unless a 1% increase in the state income tax is passed.

## No Pay Raises for Faculty

A report from the College and University Professional Association for Human Resources found that in the 2009-10 academic year, 32.6% of faculty had their salaries reduced, with a median decrease of 3%, 21.2% of faculty had their salaries frozen, and 46.2% of faculty had their salaries increased. Only 8.3% of administrators had their salaries reduced. Overall, both faculty and administrators nationwide had a net salary increase of 0% on average. Faculty at private doctorate-granting institutions were the only ones to see an increase (1.7%) in average salary.

## AAUP of Illinois

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

Illinois AAUP

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John Marshall Law School



Michael McIntyre  
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