

President's Message

Michael Harkins
President, Illinois AAUP



Since our Spring 2014 Conference, our Committee A, Board and National office have actively engaged in supporting Academic Freedom, Tenure and Shared Governance.

This expanded issue of Illinois Academe covers in detail the challenges and issues facing higher education in Illinois and the nation. Please read and share this issue with colleague and friends. Encourage them to join AAUP if not a member and also start a new Chapter. As AAUP celebrates 100 years of sustained action defining and defending our principles, we need new members and Chapters to carry our mission forward. The challenges we currently face need a united response. As a collective our voice must be heard. The time is now to establish the direction of higher education for the next 100 years. Together we can leave a legacy that enhances the role of all faculty in the pursuit of academic excellence for the students we teach. Join us, become involved, discuss the issues and stand with us as we defend our principles.

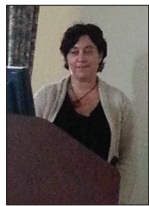
Last April North Central College in Naperville, Illinois, hosted our Spring 2014 Conference. Our speakers included the National AAUP Executive Director Julie Schmid, the Ohio State Conference Executive Director Sara Kilpatrick and Illinois Conference Board member Diana Vallera. The Conference focused on the Role of Women in Higher Education. All three presentations were exceptional. Major challenges, concerns and issues were addressed. The Chapters in attendance gained new insights into the concerns expressed by our presenters. AAUP members shared best practices and effective strategies in promoting and achieving equity for all faculty. The Conference also highlighted legislative issues at the state and national levels.

This October, 2014 the Conference Board met at Northeastern Illinois University in Chicago, Illinois. The Board discussed the many issues facing faculty at both public and private institutions in Illinois. The situation at Northeastern Illinois University was also reviewed and discussed. These cases and our AAUP response are covered in this issue. Important documents and responses can be found on our website. The Board decided to hold the Spring 2015 Conference in the Chicago area and focus on 100 years of Academic Freedom, Tenure and Shared Governance. More specifics will be sent to members and interested faculty after the first of the year. As we move into 2015, I would encourage our members to attend our Annual Meeting on the State of Higher Education June 11-14, 2015 in Washington, D.C. Join us this June as we celebrate our first 100 years and plan for the next to ensure that Academic Freedom and Shared Governance will stand as our hallmark for the next 100 years.

In closing, I would like to thank our Chapters at North Central College and Northeastern Illinois University for hosting the Illinois Conference meetings, the National office and officers and our Illinois Conference Board members for such outstanding work and dedication on behalf of faculty in higher education. These leaders have dedicated their time and talents for our profession. As we move forward, let us keep central the need to present a united and collective front with strong state chapters and a responsive National office.



AAUP Executive Director Julie Schmid (left) and Sara Kilpatrick (far left) spoke at the Illinois AAUP spring meeting. Diana Vallera (right) of Columbia College Chicago also spoke, and was awarded the Distinguished Service Award from the Illinois Conference of the AAUP.



Illinois conference of the American Association of University Professors Fall 2014 / Winter 2015 ilaaup.org



The Salaita Case



A special pullout section on page 5 about the University of Illinois decision not to hire Steven Salaita, with documents, letters, and essays by Cary Nelson, Belden Fields, Michael Rothberg, Bruce Levine, Tithi Bhattacharya and Bill V. Mullen, Steven Salaita, and many more.



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

American Association of University Professors of Illinois
3235 W. Hollywood Ave.
Chicago, IL 60659

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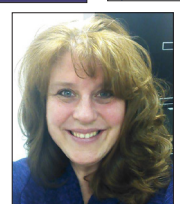
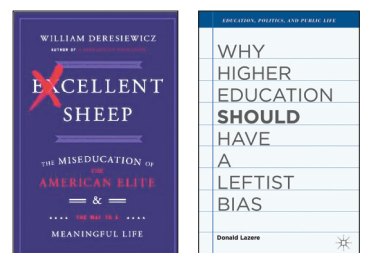
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Is Meaningful Dialogue Possible? **KEN ANDERSEN**



Incredible sums are being spent on political advertisements with expenditures rising exponentially in part due to Supreme Court's rulings. Voters are being "turned off" by the sheer number and constant repetition of the ads, particularly negative ads. Most ads offer little evidence to support claims about opposition candidates, claims that upon careful scrutiny are at best partially correct and omit relevant contexts. Even positive claims to cut waste, increase jobs, eliminate "Obamacare," provide no substance as to what or how. There is minimal or no useful information on which to base a decision as to the best candidate.

The incredible partisanship of the U.S. Congress and the stress on activating the "party's base" reduce any opportunity for meaningful dialogue on the significant choices confronting the nation. Winning the election becomes the goal: "I can't make a judgment about global warming, I am not a scientist." But vote for me so I can make decisions on what to do about it.

Local elections still seem to offer the opportunities for useful dialogue and debate among both candidates and among voters. But this does not characterize in contested state and national elections. The excesses of rabid partisanship and lavish spending increasingly affect judicial races and ballot initiatives as well.

I garner my most useful information in dialogue with people holding opposing viewpoints who disagree without being disagreeable. We need those who offer rationales for their views and are willing to listen and challenge the reasons and evidence supporting my opposing views. These valuable conversations often approximate the ideals set forth in the National Communication Association's "Credo for Ethical Communication" adopted as a policy document by the NCA on November 6, 1999. It, in turn, was influenced by an earlier NCA policy document, "Credo for Free and Responsible Communication in a Democratic Society."

The closer our shared communication approximates these principles, the more likely our communication will serve us and others well. The further the deviation from them, the greater the potential for negative results over time even if not realized in the short term.

It is useful to remember that the things that are central in our lives—self-respect, family, friends, a meaningful career—are inextricably linked to positive adherence to ethical guidelines in our communication. As people become alienated by the current political climate, we should recognize the long-term harm of many electioneering practices. As a nation and individually, let us move toward the fusion of ethics, politics, and rhetoric (communication) so powerfully described by Aristotle as essential to good government and good lives.

CREDO FOR ETHICAL COMMUNICATION PREAMBLE

Questions of right and wrong arise whenever people communicate. Ethical communication is fundamental to responsible thinking, decision making, and the development of relationships and communities within and across contexts, cultures, channels, and media. Moreover, ethical communication enhances human worth and dignity by fostering truthfulness, fairness, responsibility, personal integrity, and respect for self and others. We believe that unethical communication threatens the quality of all communication and consequently the well-being of individuals and the society in which we live. Therefore we, the members of the National Communication Association, endorse and are committed to practicing the following principles of ethical communication:

- We advocate truthfulness, accuracy, honesty, and reason as essential to the integrity of communication.
- We endorse freedom of expression, diversity of perspective, and tolerance of dissent to achieve the informed and responsible decision making fundamental to a civil society.
- We strive to understand and respect other communicators before evaluating and responding to their messages
- We promote access to communication resources and opportunities as necessary to fulfill human potential and contribute to the well-being of families, communities, and society.
- We promote communication climates of caring and mutual understanding that respect the unique needs and characteristics of individual communicators.
- We condemn communication that degrades individuals and humanity through distortion, intimidation, coercion, and violence, and through the expression of intolerance and hatred.
- We are committed to the courageous expression of personal convictions in pursuit of fairness and justice.
- We advocate sharing information, opinion, and feelings when facing significant choices while also respecting privacy and confidentiality.
- We accept responsibility for the short- and long-term consequences for our own communication and expect the same of others.

Statement on NEIU Censure at the AAUP Annual Meeting

By Peter N. Kirstein, Chair, Illinois AAUP Committee A on Academic Freedom and Tenure, and Vice President of the Illinois AAUP.

Northeastern Illinois University linguistics professor John Boyle, who earned his Ph.D. from the University of Chicago, initially contacted the American Association of University Professors Illinois Committee A on Academic Freedom and Tenure on April 12, 2012. Professor Boyle requested intervention concerning issues related to his application for tenure. We advised him to defer, pending the president's letter to the Board of Trustees. We also received several inquiries from other NEIU colleagues. Dr. Boyle contacted Illinois Committee A on July 3, 2012 and informed us that President Sharon Hahs had not recommended him for tenure or promotion to associate professor.

AAUP Illinois Conference A on Academic Freedom and Tenure submitted its initial report on this tenure-denial case to President Hahs on July 13, 2012.

We were very concerned given the outstanding evaluations Dr. Boyle received: "Every unit from the Chair of the Department of Linguistics, the Department of Linguistics, the Dean of the College of Arts and Sciences, and the University Personnel Committee evaluated Dr. Boyle's teaching as 'superior' and unanimously recommended him for tenure."

The AAUP Statement on Government of Colleges and Universities states that "faculty status...[is] primarily a faculty responsibility; this area includes...decisions not to reappoint, promotions, the granting of tenure..." It is unacceptable for a president to reject recommendations for tenure from four responsible academic units without providing substantive and specific reasons for reversal.

AAUP Committee A concluded that NEIU's president arbitrarily and capriciously used collegiality as an unacceptable criterion to deny Dr. Boyle tenure: "Furthermore, you raise disturbing innuendos concerning Dr. Boyle's alleged lack of collegiality. Your letter repeatedly refers to the issue of 'cooperation with colleagues and students.'"

Illinois Committee A has not examined a single document that charges Dr. Boyle with a lack of collegiality vis-à-vis other

faculty. The University Personnel Committee-produced data summaries of course evaluations are also probative that Dr. Boyle established a very good relationship with students.

The central issue that was raised against Dr. Boyle concerned a quarrel over advising turf and competing for student minors. Boyle was in the crossfire of a turf war between Linguistics and Teaching English as a Second Language faculty. Boyle tried to recruit more minors into his programme, as he should, and several bullying TESL tenured faculty wrote highly disparaging letters, without copying to Dr. Boyle, to senior administrators claiming poaching and raiding their department cache of minors. I thought students in this country could change minors and that professors could encourage students to minor in a certain area of study.

President Hahs ordered Professor Boyle to undergo a bizarre reeducation of sorts including tutoring in advising software techniques and strategies. He completed her requirement yet accidentally submitted a report on the successful completion of this training to the wrong office. Dr. Hahs cited the missed deadline as an infraction in her letter of tenure denial, even though she received it as soon as he realized what had happened.

A student complained Dr. Boyle during class pressured students to switch their minor from TESL to Ling. The student filed the complaint after the class with Dr. Boyle had ended, and when enrolled as the only student in a directed study course with a TESL faculty member who was associated with the sending of one of the damaging letters claiming poaching. Illinois Committee A's report concluded:

"This raises serious questions about the voluntary nature of the student complaint and whether it was coached. There is evidence of only one student complaint during Dr. Boyle's six-year probationary period. It concerned an alleged but permissible opinion that a professor made in the course of instruction concerning academic minors. While we respect student complaints, and cannot prove or disprove the accuracy of its substance, this is a trivial matter in the tenure and promotion case of Professor John Boyle."

President Hahs avoided any critique of

either Professor Boyle's teaching or scholarship just an absurd charge of alleged advising irregularities, a missed deadline and unsubstantiated collegiality concerns.

This case and the motion to censure was a culmination of significant cooperation between Illinois Committee A, national Committee A and the Department of Academic Freedom, Tenure and Governance. Key players were Hank Reichman, Jordan Kurland, Loretta Capeheart, from the ILL Conference Committee A and a faculty member at NEIU, and the investigating committee whose chair was Rebecca J. Williams.

We wrote the report, submitted it to national and contacted both Committee A and the DAFTG office seeking assistance. National decided to investigate, wrote their excellent report and graciously cited Illinois Committee A's investigation.

No one likes censure but in this case it

is absolutely essential that such action be taken to defend AAUP principles, defend the rights of faculty against arbitrary and capricious presidential diktat and preserve what remains of the tenure system and the treatment of tenure-track probationary faculty. It is necessary to censure Northeastern Illinois University to send a message to not only to their administration but also to other university presidents that teaching, scholarship and service are the triad of tenure-track documentary review: not politics, not anger with a dept. that supported a no-confidence vote, not trumped up charges of collegiality and getting even with probationary faculty just doing their job.

This is an expanded version of remarks at the AAUP annual meeting in Washington DC June 14, 2014, that unanimously recommended censure of Northeastern Illinois University. To read the IL AAUP Committee A Report on NEIU, go to ilaaup.org.

Campus Report: The University of Chicago

By Andrew Yale

Graduate Students United (AFT/AAUP) at the University of Chicago has resumed organizing this fall after a summer break with a presence at new student orientation and a renewal of membership and cultivation of member-organizers in and across departments and work units. During the summer two organizers attended the Coalition of Graduate Employee Unions annual meeting in Montreal. Delegates to CGEU—with dozens attending from grad employee locals throughout the US and Canada—approved a constitution (<http://www.thecgeu.org/cgeu-constitution-draft-committee/constitution-draft>), formalizing a coalition that has for 22 years already been meeting and organizing in solidarity across parent union affiliations and the US-Canada boundary. Members of GSU ratified the constitution at their fall members meeting. Most of the discussion at this meeting centered on current organizing projects, which include affordable child care, academic freedom and freedom of expression, and the elimination of fees. The parents' issues working group along with University of Chicago's Student Parent Organization continue to lead the call for truly affordable child care on campus, building on successful campaigns that in recent years led to the creation of a parental leave policy and a \$500 per quarter child care subsidy. On academic freedom and freedom of expression, GSU joins a campus conversation that has been provoked by the firing of Steven Salaita at the University of Illinois as well as direct action undertaken by the movement calling for the creation of a level 1 adult trauma center at the University of Chicago Hospital. GSU is planning a campaign calling on the administration to eliminate or subsidize the manifold fees that grad students face, including a student life fee that increases 11% each year while teaching wages have stagnated, and a tuition fee imposed on advanced grad students of \$2,370 per year (most graduate student teachers in years six and above attempting to finish a dissertation and contending with a casualized academic job system receive a full subsidy on tuition, but the student life fee and health insurance premium together amount to almost half of a teaching assistant's paycheck). In campaigning against fees, GSU joins fellow members of CGEU, who agreed at this summer's meeting to make the campaign against fees a coordinated project in the US and Canada. GSU continues to aim for recognition and collective bargaining, taking as inspiration the organizing achievements of graduate employees at private universities such as NYU, Yale, and Columbia as well as the democratic, social movement unionism practiced by graduate employees at public universities.

Pension War in Illinois

By Leo Welch, Legislative Officer, IL-AAUP

On May 14, 2014 Judge John W. Belz in the Circuit Court for the Seventh Judicial Circuit, Sangamon County, Illinois issued a stay for Public Act 98-0599 in its entirety. The Defendants, including the Governor of Illinois and the State University Retirement System, are enjoined from implementing or administering any provisions of Public Act 98-0599 until further order of the Court or until Public Act 98-0599 is held unconstitutional, and a permanent in-

junction is entered. Among the five Plaintiffs was the We Are One Illinois Coalition, which includes the Illinois Federation of Teachers and the State University Annuity Association (SUAA).

The following are the Court findings:

1. Plaintiffs have shown that they have clearly ascertainable right in need of protection, including their vested rights to their pensions.

2. Plaintiffs have shown that there is a fair question that Plaintiffs will succeed on the merits as to their challenge that Pub-

lic Act 98-0599 violates the Pension Protection Clause of the Illinois Constitution.

3. Plaintiffs have shown that they will suffer irreparable harm if an injunction does not issue, including because of confusion and uncertainty concerning the provisions of Public Act 98-0599.

4. Plaintiffs have shown that they have no adequate remedy at law absent injunction relief.

5. Although a balancing of harms is not required under the circumstances, the Court finds that the Plaintiffs have shown that the balance of hardships weigh in their favor.

We should consider this Restraining Order and Preliminary Injunction a battle

won, but not the war. When I served as President of SUAA I expected the continuous attacks on public employee pensions in other states would eventually include Illinois. I established a Legal Fund for defense of our pensions. As of November, 2014, the SUAA Legal Fund raised a total of \$405,000. Your support is very much appreciated.

We will now turn our attention to a possible decision by the Illinois Supreme Court requiring significant additional legal fees to defend our pensions.

SUAA will initiate a Fall fundraising campaign, and I hope you will consider a contribution. The future of your pension is still at stake.

Pensions and the Kanerva Case

By Linda Brookhart, Executive Director, SUAA

As you by now know, the State of Illinois is in a financial crisis and has responded by declaring war on public pensions. This has included several legislative actions. In 2012, Governor Quinn signed SB 1313 into law. That measure started requiring SURS annuitants, among others, to start paying a portion of their health insurance premiums, something that the State had long since promised as part of their pensions. In 2013, he signed SB1 into law which went directly at the heart of pensions by attacking the automatic annuity increases, retirement age, annuity formulas, the effective rate of interest and other things.

The Kanerva case was filed to challenge the constitutionality of SB 1313, asserting that it violated Pension Protection Clause of the Illinois Constitution. The case was immediately dismissed by the Sangamon County Court which found that the health care benefits were not part of pensions. That ruling all but eliminated any hope of protecting health benefits of retirees.

Meanwhile, SUAA and others filed

similar actions challenging the constitutionality of SB1. Those cases were not dismissed, but the State has argued both that some of the items challenged (such as the changes to the automatic annuity increases) do not constitute "pension" benefits at all, and that it can violate the Pension Protection Clause for the greater good of the citizens of Illinois—the so called "police powers" argument. SUAA and the other Plaintiffs in those actions filed an immediate motion for judgment on the basis of the pension clause asserting that the police powers cannot be used to void the constitutional protections of the Pension Protection Clause. The Sangamon County Court put that motion aside to permit the State to bring forth its evidence supporting its exercise of the police powers. That constituted a significant stall in the fight against pension reform.

On July, 3, 2014, the Supreme Court of Illinois reversed the trial court in the Kanerva case. In so doing, it breathed new life into a losing fight. Some have even gone so far as to claim that the war is over. That, unfortunately, is far from true. The Kanerva opinion is limited to a determination that health coverage is a

pension benefit. It does not address the police powers defense at all. And obviously it does not address it in the context of the pension case.

Still, the Kanerva opinion provides some language which is very useful. First, it provides that the term "pension benefit" is expansive, covering all benefits that are "conditioned on membership in one of the State's various public pension systems." That bodes very well for the Plaintiffs in defeating any argument the State may make that the automatic annuity increases are not "pension benefits." Indeed, even the dissent notes that Kanerva would be a different case if the health benefits were in the same code section as the pension benefits. In this case, all of the benefits at issue are in the pension code itself.

In the short run, the Kanerva decision is a big boost for the fight against pension reform. But there remains a long fight ahead. It may well be a turning point but it is not the end of the war. This is not the time for public employees to sit on their laurels, but rather a time to take advantage of momentum and buckle down for the fight.

Pension Reform Unconstitutional

By Leo Welch

Illinois' new "Pension Act" (Public Act 98-0599) passed by the legislature earlier this year and signed by Governor Quinn over the objections of public employee groups, retirees, and unions has been declared unconstitutional in its entirety by Sangamon County Circuit Judge John W. Belz in his ruling of November 21, 2014.

The Illinois Constitution states: "Membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired."

Judge Belz's November 21st order calls this language "plain" and unambiguous" and asserts that the "legislature could not have been more clear that any attempt to diminish or impair pension rights is unconstitutional."

Additionally, Judge Belz ruled that the State of Illinois does not have a reserved sovereign or police power to diminish or impair pension benefits in case of economic emergency, contrary to the arguments presented by the Attorney General's Office. The Judge also made permanent the injunction previously entered prohibiting Illinois from enforcing or implementing any provisions of the new "Pension Act." An appeal to the Illinois Supreme Court is expected.

Illinois Legislative Report By Leo Welch

Bill: HB 3760 (Franks-D)
PEN. CODE-OFFSETS-CONTINUATION
Synopsis As Introduced:

Amends the Illinois Pension Code. Provides that a member or participant of a retirement system or pension fund established under the Code who is receiving a retirement annuity or retirement pension under the Code and becomes employed on or after the effective date of the amendatory Act in a position in which he or she is eligible to accrue service credit or creditable service under any Article of the Code shall, in the month immediately after commencing that employment, have the amount of his or her monthly retirement annuity or retirement pension offset by the amount of his or her compensation, earnings, or salary (whichever is applicable) in the immediately preceding month as certified to the applicable retirement system or pension fund by his or her employer, unless the payment of that retirement annuity or pension is already suspended or terminated under the Code during that period. Exempts the first \$2,000 per month of retirement annuity payments. Provides that if during the course of a member's or participant's employment that member's participant's retirement annuity or retirements pension under the Code fully vests, then that member or participant may maintain his or her employment in that position without contributing to any retirement annuity fund or any retirement pension fund under the Code. Effective immediately.

Bill: HB 4257 (Chapa LaVia-D) A D - VANCED PLACEMENT EXAM-CREDIT
Synopsis As Introduced:

Amends the College and Career Success for All Students Act. Provides that a student who takes a College Board Advanced Placement examination and receives a score of 3 or higher on the examination is entitled to receive postsecondary level course credit at a public institution of higher education. Requires each public institution of higher education to comply with the same standard of awarding course credit to any student receiving a score of 3 or higher on a College Board Advanced Placement examination and applying the credit to meet a corresponding course requirement for degree completion at that institution of higher education. Effective immediately.

Bill: HB 4268 (Ives-R)
LABOR AGREEMENT HEARINGS
Synopsis As Introduced

Amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act. Provides that, once an agreement is reached between a public or educational employer and its employees regarding all of the terms of a collective bargaining agreement, the agreement shall be reduced to writing and published on the website of the public or educational employer. Requires the public or educational employer, not less than 14 days after publishing such an agreement, to hold an open public meeting on the ratification of that agreement. Makes conforming changes in the Open Meetings Act and the Freedom of Information Act. Effective immediately.

House Committee Amendment #1

Adds a provision that no collective bargaining agreement shall be binding on any government agency until it has been ratified by a majority vote of the agency's governing body, with that vote taking place after the public meeting. Adds a provision that no collective bargaining agreement shall be binding on any government agency until it has been ratified by a majority vote of the agency's governing body, with that vote taking place after the public meeting.

House Amendment #1 (Filed but, not yet adopted)

Adds a corresponding provision in the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act that provides that rejection of an agreement by the employer or by the exclusive representative of the employees shall not constitute an unfair labor practice.

Bill: HB 4420 (Berrios-D)
EARNED SICK TIME ACT
Synopsis As Introduced

Creates the Earned Sick Time Act. Provides that all employers that employ 20 or more employees shall provide paid sick time to their employees. Requires all employers to provide a minimum of one hour of paid sick time for every 40 hours worked by an employee, regardless of whether the employee is full-time or part-time, with a minimum of 2 days of paid sick time per calendar year. Provides for administration by the Department of Labor. Provides enforcement provisions and sets penalties. Amends the State

Mandates Act to require implementation without reimbursement. Effective immediately.

Bill: HB 5831 (Kay-R)
BACCALAUREATE DEGREE PILOT PROGRAM

Synopsis As Introduced
Creates the Baccalaureate Degree Pilot Program Act. Establishes the Baccalaureate Degree Pilot Program, to be implemented and administered by the Board of Higher Education, in conjunction with the State Board of Education and the Illinois Community College Board, with the goal of creating a model of articulation and coordination among grade K-12 schools, community colleges, and public universities that will allow students to earn a baccalaureate degree for a total cost not exceeding \$10,000, including textbooks. Provides that the Board of Higher Education, in conjunction with the State Board of Education public deposits, and to the pledging of collateral by a bank to secure public deposits, if (i) the public agency initiates the investment at or through a bank located in Illinois and (ii) the invested public funds are at all times fully insured by an agency or instrumentality of the federal government. Effective immediately.

Bill: SB 2202 (Link-D/Williams-D)
SMOKE FREE CAMPUS ACT
Public Act 98-0985

Synopsis As Introduced
Creates the Smoke-Free Campus Act. Sets forth the General Assembly's findings. Provides that beginning on July 1, 2014, smoking is prohibited on each campus of a State-supported institution of higher education. Provides that on or before December 31, 2013, each State-supported institution of higher education shall establish a community task force for the purpose of coordinating with community and campus leaders for the implementation of the Act. Provides that the governing board of each State-supported institution of higher education shall implement the Act and shall promulgate all policies and regulations necessary for this purpose, including, but not limited to, disciplinary action, fines, and appeals process. Effective immediately.

Senate Floor Amendment No. 1

Provides that the prohibition against smoking on each campus of a State-supported institution of higher education shall not apply to any instance in which an individual is traveling

through or parked on a campus in a vehicle that is not owned by a State-supported institution of higher education.

House Committee Amendment #1
Replaces everything after the enacting clause. Reinserts the provisions of the engrossed bill, with the following changes. Excludes property covered under the Smoke Free Illinois Act from the definition of "campus". Makes a change to the definition of "smoke" or "smoking" with respect to products approved or certified by the United States Food and Drug Administration. Makes changes to dates. Removes the exception to the smoking prohibition for individuals parked on campus. Requires the creation and posting of a smoke-free campus map. Deletes language that provides that any State-supported institution of higher education may regulate smoking in public places, but that regulation must be no less restrictive than this Act. Adds language that provides that in case of conflict with provisions of the Smoke Free Illinois Act, the provisions of the Smoke Free Illinois Act shall control. Effective immediately.

Bill: SB 2683 (Bivins-D)
ETHICS-PARTISAN APPOINTEES

Synopsis As Introduced
Amends the Illinois Governmental Ethics Act. Provides that, for purposes of determining the partisanship of any person who is appointed by the Governor to an office that either requires specific partisanship or limits the number or appointees from a single political party that may be appointed, the vote of that person in the 3 general primary elections immediately preceding the effective date of the appointment shall determine their partisanship for that person's term of office. Provides that a person who did not vote, or who voted but did not request a partisan ballot, in the 3 general primary elections immediately preceding the effective date of the appointment or who voted but requested partisan ballots for 2 or more different political parties in the 3 general primary elections immediately preceding the effective date of the appointment shall be deemed an independent for purposes of determining partisanship for that person's term of office.

Note: In the House of Representatives a bill sent to the Rules Committee did not advance in the Senate a bill sent to assignments did not advance.

Excellent Sheep: The Miseducation of the American Elite

An Interview with William Deresiewicz

William Deresiewicz's new book is *Excellent Sheep: The Miseducation of the American Elite and The Way to a Meaningful Life* (Free Press). John K. Wilson interviewed him for Illinois Academe and *Academeblog.org*.

John Wilson: Your book begins by expressing concerns about "toxic levels of fear, anxiety, and depression" (8) among elite students because they are trained for "compulsive overachievement." (10) But I see a greater danger in student underachievement, where grade inflation, less time spent studying, and a party atmosphere on campus all discourage intellectual work. What is the evidence that elite college students are working too hard in school?

William Deresiewicz: There are a couple of things to say here. First, elite campuses are very different from other kinds. There are two (or more) Americas in college, too. There may be grade inflation at selective private schools, but there certainly isn't a party atmosphere. What there is—between classes, extracurriculars, internships, and whatnot—is an environment of constant frenetic activity, sleep deprivation, competitive credentialism, and resume-building.

As for the toll this kind of pressure takes on student health and mental health, there is in fact a great deal of evidence. First of all, we have numbers with respect to the situation in adolescence—that is to say, in high school. In *The Price of Privilege*, Madeline Levine, a psychologist who works with teens in Marin County, cites a raft of troubling statistics: "Preteens and teens from affluent, well-educated families...experience among the highest rates of depression, substance abuse, anxiety disorders, somatic complaints, and unhappiness of any group of children in this country." "As many as 22 percent of adolescent girls from financially comfortable families suffer from clinical depression." Mental health problems "can be two to five times more prevalent among private high school juniors and seniors" than among their public-school counterparts. As it happens, the *Times* recently published a piece about the situation in South Korea that reads like an only-slightly-exaggerated version of what happens in our upper-middle-class communities.

There is no reason to believe the situation gets better when these kids get to college, and many reasons to believe that it does not. Convening a task force on student mental health in 2006, Stanford's provost wrote that "increasingly, we are seeing students struggling with mental health concerns ranging from self-esteem issues

and developmental disorders to depression, anxiety, eating disorders, self-mutilation behaviors, schizophrenia and suicidal behavior" (a litany that echoes Levine's). I know that a number of people, in response to the excerpt in the *New Republic*, have questioned my assertions about this, but the fact is that the closer you get to the situation, the more aware of it you are. High school teachers know about it. People in deans of students offices and campus mental health services know about it. Professors know about it, at least the ones who pay attention to their students. And of course, the kids themselves know about it, and a lot of them have been telling me about it.

JW: You have particular disdain for college extracurricular activities, calling them "all-consuming," (64) "displacing intellectual pursuits" (14) and part of an epidemic of networking on campus. But it seems like extracurriculars have at least the potential to provide what you think is missing at college: student-driven, creative, social, service work. What should colleges (and students) do to improve extracurricular activities on campus?

WD: The problem, as I suggested above, is not with any one particular extracurricular activity. The problem is the way they have, as I said, become all-consuming and displaced intellectual pursuits. I don't know what colleges can do to improve the situation. They can start by making their courses academically rigorous again, so students will actually have to spend some time on them outside of class. And they might put some kind of limit on the almost literally round-the-clock nature of those activities, like mandating that meetings be over by a certain hour—something I believe some colleges at least used to do.

JW: You were famously a victim of Yale's old system of purging junior faculty without giving them a tenure review. Did not getting a tenured post at Yale liberate you to criticize the Ivy League in a way that you wouldn't do if you were still employed there? And do you think that the tenure system creates the kind of risk-taking faculty that you want students to have, or is the tenure system more like what you think the Ivy League has become for students, a hyper-competitive system that encourages faculty to accumulate credentials for advancement while causing them to play it safe? What reforms would you recommend

for the hiring and promotion of faculty?

WD: I think you've already answered both of those questions. I'm sure that not getting tenure did liberate me to make these criticisms, though I wasn't exactly shy about speaking my mind beforehand. But I think that getting tenure would also have liberated me. I mean, that's the point of it, isn't it? I've always wondered why people still seem so timid after they receive it. I always saw it as a license to do and say whatever the hell you want. On the other hand, I never had a chance to test that proposition.

But that gets us to your second question. Yes, academia seems to socialize people to be intensely risk-averse, and I think that that's a tremendous shame: for them, for their students, and for their fields of knowledge. You could propose certain reforms to address that—an end to credential inflation where people are required to publish more and more, pumping out lots of little bits of scholarship instead of being given the time and support to work on a single, large piece of work—but the main problem is cultural, and I'm not sure how you address that. It would be up to senior people, starting with their students in graduate school and on up to their junior colleagues and junior peers in the field, to create an atmosphere that encourages iconoclasm and risk and minimizes the need for deference and political maneuvering. That's what the profession is supposed to be about, after all, isn't it?

JW: You encourage students to consider avoiding the Ivy League colleges, and go to public universities and liberal arts colleges which have a more diverse student body. But doesn't the prestige of an Ivy League degree play a role in getting a job, graduate school admissions, and academic hiring? How much preferential treatment do Ivy League alums get, and is it right to advise students to give up those potential advantages, not to mention the extra resources often available at an Ivy League institution?

WD: Yes, I want to be perfectly clear about this, as I am in the book. The reason that I called my original essay, six years ago, "The Disadvantages of an Elite Education" is that the advantages are so obvious. Eschewing the Ivy League for the sake of going to a place that gives you a better shot at a real education (and before that, for the sake of having an adolescence that allows you to develop as a human being) is not without cost. The system, to put it in

a nutshell, forces you to choose between learning and success (I mean learning in the broadest sense not only of intellectual development but also of the development of the self). That means that you can't have it all. If you want to choose learning, you have to give up at least a certain amount of success. And everybody's going to have to make that choice for themselves. The point is, it is a choice: the high-achievement track does not come without costs, despite what everybody claims.

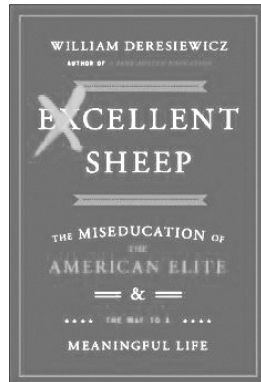
One point of clarification, by the way. I recommend public universities and liberal arts colleges for different reasons. The former are more diverse; the latter offer something closer to a real liberal arts education. There aren't a lot of institutions that do both, though the honors colleges in public universities may come the closest.

JW: Chris Lehmann, criticizing your book at *In These Times*, argued that you need to go further and "nationalize American institutions of higher learning, abolishing anything more than a nominal tuition fee." And you argue for free public higher education as a reform. Although most of your book is focused on the education of the 1% in elite colleges, what you think should be done to improve the education of the 99%?

WD: Yes, I was disappointed to see that review. It seems like he stopped reading the book 5 pages from the end. I call for pretty much exactly what he wants: free public higher education that is so good that nobody will feel the need to go to the Ivy League anymore.

I do want to be very clear about something. When we talk about the most selective colleges—and I don't mean the eight schools in the Ivy League, but something like the top 100, including those liberal arts colleges—we are not talking about the 1%. We are talking about, roughly, the 10%. The fact is that "the 1%," as a concept and slogan, is a very convenient way for the upper middle class, the rest of the elite—the people, by and large, who went to selective colleges, and who plan to send their kids in turn—to let themselves off the hook. The 1% has been doing incredibly well for the last 30 years, but the rest of the 10% has also been doing better and better (however much they might feel otherwise). They need to step up, too.

That's why, while my book focuses on the elite, it's ultimately relevant to the whole system. The money to create (or re-create) that system of free high-quality public higher education needs to come from the segment of society that, by and large, doesn't need it.



Pursuit of Truth Campaign

By John K. Wilson

On July 11, 2014, faculty from colleges around the Chicago area met at Columbia College to launch the Pursuit of Truth Campaign, to build a coalition of Chicago colleges and universities aiming to "reclaim the college's original mission of serving the public good and pursuing truth." The event was held in coordination with the AAUP's One Faculty Campaign, the Coalition of Contingent Academic Labor (COCAL), UIC United Faculty, and the Coalition Against Corporate Higher Education (CACHE).

Speakers at the event included Joerg Tiede (president of the AAUP's Assembly of State Conferences) who discussed the history of academic freedom and contingent faculty, and Chicago lawyers Michael Person and Rima Kapitan who discussed legal issues surrounding academic freedom.

Diana Valleria, a leader in the Pfac union of part-time faculty at Columbia and Columbia's AAUP chapter, and who helped organize the event, noted: "Any kind of organization like this where you can build a collective voice is crucial." Kwang-Wu Kim, the president of Columbia College Chicago, also spoke at the event and said, "I'm very excited about this campaign," adding about academic freedom that "this first year at Columbia has convinced me that this is a subject that we need to explore in great depth." John Boyle, who was denied tenure at NEIU, and is now teaching at California State University at Fresno, also spoke, "Thanking the AAUP for all that they've done to help me."

Additional events for the coalition are being planned for 2015; to get involved, email Diana Valleria at diana@studioera2.com.

What Next? The Question of the Boycott

The Unit for Criticism & Interpretive Theory at the University of Illinois at Urbana-Champaign will hold a panel discussion about the boycott of the University of Illinois by scholars critical of the Salaita case, on January 26, 2015, 4pm, at the Alice Campbell Alumni Center Ballroom.

Journal of Academic Freedom Call for Papers

The AAUP's *Journal of Academic Freedom* welcomes essays on Steven Salaita's "de-hiring" by the University of Illinois at Urbana-Champaign, and the aftermath of the decision by UIUC chancellor Phyllis Wise and the board of trustees to withdraw the offer of a tenured position in the Native American Indian Studies program. In addition to seeking scholarly papers relating to these topics, the *Journal of Academic Freedom* continues to welcome submissions on eclectic subjects relating to academic freedom. Electronic submissions should be sent to jaf@aaup.org and must include an abstract of around 150 words. The due date for papers is March 15, 2015.

Write to Illinois Academe

Send letters or submissions for Illinois Academe to collegefreedom@yahoo.com.

The Salaita Firing

Statement by Phyllis Wise

Commentary by John K. Wilson

Dear Colleagues:

As you may be aware, Vice President Christophe Pierre and I wrote to Prof. Steven Salaita on Aug. 1, informing him of the university's decision not to recommend further action by the Board of Trustees concerning his potential appointment to the faculty of the University of Illinois at Urbana-Champaign.

Since this decision, many of you have expressed your concern about its potential impact on academic freedom. I want to assure you in the strongest possible terms that all of us – my administration, the university administration and I – absolutely are committed to this bedrock principle. I began my career as a scientist challenging accepted ideas and preconceived notions, and I have continued during my career to invite and encourage such debates in all aspects of university life.

A pre-eminent university must always be a home for difficult discussions and for the teaching of diverse ideas. One of our core missions is to welcome and encourage differing perspectives. Robust – and even intense and provocative – debate and disagreement are deeply valued and critical to the success of our university.

As a university community, we also are committed to creating a welcoming environment for faculty and students alike to explore the most difficult, contentious and complex issues facing our society today. Our Inclusive Illinois initiative is based on the premise that education is a process that starts with our collective willingness to search for answers together – learning from each other in a respectful way that supports a diversity of worldviews, histories and cultural knowledge.

The decision regarding Prof. Salaita was not influenced in any way by his positions on the conflict in the Middle East nor his criticism of Israel. Our university is home to a wide diversity of opinions on issues of politics and foreign policy. Some of our faculty are critical of Israel, while others are strong supporters. These debates make us stronger as an institution and force advocates of all viewpoints to confront

the arguments and perspectives offered by others. We are a university built on precisely this type of dialogue, discourse and debate.

What we cannot and will not tolerate at the University of Illinois are personal and disrespectful words or actions that demean and abuse either viewpoints themselves or those who express them. We have a particular duty to our students to ensure that they live in a community of scholarship that challenges their assumptions about the world but that also respects their rights as individuals.

As chancellor, it is my responsibility to ensure that all perspectives are welcome and that our discourse, regardless of subject matter or viewpoint, allows new concepts and differing points of view to be discussed in and outside the classroom in a scholarly, civil and productive manner.

A Jewish student, a Palestinian student, or any student of any faith or background must feel confident that personal views can be expressed and that philosophical disagreements with a faculty member can be debated in a civil, thoughtful and mutually respectful manner. Most important, every student must know that every instructor recognizes and values that student as a human being. If we have lost that, we have lost much more than our standing as a world-class institution of higher education.

As a member of the faculty, I firmly believe that a tenured faculty position at the University of Illinois is a tremendous honor and a unique privilege. Tenure also brings with it a heavy responsibility to continue the traditions of scholarship and civility upon which our university is built.

I am committed to working closely with you to identify how the campus administration can support our collective duty to inspire and facilitate thoughtful consideration of diverse opinions and discourse on challenging issues.

Sincerely,

Phyllis M. Wise

Chancellor, University of Illinois at Urbana-Champaign

Individuals should be free to say personal and “disrespectful” things about others. Respect is not a fundamental value of any university, and being “disrespectful” is not an academic crime. Since all “viewpoints” are protected, then biology professors must be fired for disrespecting creationism as false, along with any other professor who is found to believe or know anything.

Wise's grotesque mistake is imagining that one of the rights of an individual is to be protected from the possibility of hearing “disrespectful” criticism. To the contrary, one of the fundamental rights of individual students is the right to hear dissenting viewpoints without censorship, and Wise is clearly violating that right of students to hear Salaita teach when she imposes her personal standards of “civility” on a university.

If what a professors tweets before they're even hired might undermine those “confident” feelings, then all professors would have to be banned from ever expressing any opinion anywhere, lest it create any doubt that a student will be unable to debate in a respectful manner. There is clear evidence in Salaita's teaching evaluations that students are free to express disagreements with him. But since the standard that Wise sets is the imagined feelings of students, rather than actual evidence or reality, Salaita's long experience as a teacher is no defense.

Salaita Speaks

Steven Salaita issued the following statement in a September 9, 2014 press conference near the University of Illinois at Urbana-Champaign.

My name is Steven Salaita. I am a professor with an accomplished scholarly record; I have been a fair and devoted teacher to hundreds of undergraduate and graduate students; I have been a valued and open-minded colleague to numerous faculty across disciplines and universities. My ideas and my identity are far more substantive and complex than the recent characterizations based on a selected handful of my Twitter posts.

I am here today at the University of Illinois to speak against my termination by the Administration from a tenured faculty position because of the University Administration's objections to my speech that was critical of recent Israeli human rights violations. The Administration's actions have caused me and my family great hardship. Even worse, the Administration's actions threaten principles of free speech, academic freedom, and critical thought that should be the foundation of any university.

Since 2006, I have been a faculty member of the English Department at Virginia Tech, where I earned lifetime tenure. On the basis of my scholarship and teaching record, and after substantial vetting, in 2013 I was enthusiastically recruited to join the faculty in the American Indian Studies program of UIUC. In October 2013, I accepted an offer from the interim Dean of the College of Liberal Arts and Sciences to join the University as a professor with lifetime tenure, which I accepted. The offer letter specifically referenced the University's adherence to the 1940 Principles of Academic Freedom codified by the AAUP.

In preparation for my new position, I resigned my tenured position at Virginia Tech; my wife resigned her professional position at the University as well. We got rid of our Virginia home and took on con-

siderable expense in preparation for our move here. Two weeks before my start date, and without any warning, I received a summary letter from University Chancellor Phyllis Wise informing me that my position was terminated, but with no explanation or opportunity to challenge her unilateral decision.

As a result, my family has no income, no health insurance, and no home of our own. Our young son has been left without a preschool. I have lost the great achievement of a scholarly career – lifetime tenure, with its promised protections of academic freedom.

As hard as this situation is on me personally, the danger of the University's decision has further reaching implications. Universities are meant to be cauldrons of critical thinking; they are meant to foster creative inquiry and, when at their best, challenge political, economic, or social orthodoxy. Tenure – a concept that is well over a hundred years old – is supposed to be an ironclad guarantee that University officials respect these ideals and do not succumb to financial pressure or political expediency by silencing controversial or unpopular views.

I have devoted my entire life to challenging prevailing orthodoxies, critiquing architectures of power and violence in the US and abroad and surfacing narratives of people – including Palestinians and Native Americans – who are subject to occupation, marginalization, and violence.

The Chancellor and Board of Trustees are apparently displeased by messages I posted on my personal Twitter account that were critical of recent atrocities committed by the Israeli government, which the United Nations referred to as “criminal.” My Twitter messages are no doubt passionate and unfiltered; they reflect my deep dismay at the deaths of more than 2,000 innocent Palestinians, over 500 of them children.

In recent statements, Chancellor Wise

and the Board of Trustees said that the University Administration found the tone of my tweets “uncivil” and raised questions about my ability to inhabit the University environment. This is a perilous standard that risks eviscerating the principle of academic freedom. My comments were not made in a classroom or on campus; they were made through my personal Twitter account. The University's policing and judgment of those messages places any faculty member at risk of termination if University administrators deem the tone or content of his or her speech “uncivil” without regard to the forum or medium in which the speech is made. This is a highly subjective and sprawling standard that can be used to attack faculty who espouse unpopular or unconventional ideas.

Even more troubling are the documented revelations that the decision to terminate me is a result of pressure from wealthy donors – individuals who expressly dislike my political views. As the Center for Constitutional Rights and other groups have been tracking, this is part of a nationwide, concerted effort by wealthy and well-organized groups to attack pro-Palestinian students and faculty and silence their speech. This risks creating a Palestinian exception to the First Amendment and to academic freedom. The ability of wealthy donors and the politically powerful to create exceptions to bedrock principles should be worrying to all scholars and teachers.

Finally, my scholarship and strong student evaluations over the course of many years, along with the University's enthusiastic recruitment of me as a faculty member, thoroughly belie Chancellor Phyllis Wise's only recently-stated concern about my civility and respectfulness.

As my colleagues and students will attest, I am a passionate advocate for equality, a fair and open-minded instructor, and highly collegial. No legitimate evidence exists for any claims or insinuations to the



contrary, which have severely damaged my reputation and my prospects for future employment.

During this challenging time, I am deeply grateful to the many hundreds of people and prominent organizations who have raised their voices in defense of the principles of academic freedom, including the nearly 18,000 individuals who have signed a petition demanding corrective action and the numerous faculty around the world who are boycotting the University until I am reinstated. The students and instructors gathered here have shown themselves to be exemplars of everything to which a university should aspire.

I am here to reaffirm my commitment to teaching and to a position with the American Indian Studies program at UIUC. I reiterate the demand that the University recognize the importance of respecting the faculty's hiring decision and reinstate me.

It is my sincere hope that I can – as a member of this academic institution – engage with the entire University community in a constructive conversation about the substance of my viewpoints on Palestinian human rights and about the values of academic freedom. This is, as we say in my profession, a “teaching moment.” We must all strive together to make the most of it.

Board of Trustees Statement on the Salaita Case

Commentary by John K. Wilson

Students and faculty do want to feel valued, respected, and comfortable (although these are not fundamental rights), but administrators and trustees firing faculty for their political expression makes people on campus feel threatened, disrespected, and uncomfortable. However, it's also true that sometimes students need to be challenged, questioned, and made uncomfortable. A university where everyone is always comfortable is a university that suppresses dissent and questioning. Universities are not safe harbors; they are free harbors for the expression of controversial ideas.

Freedom of speech and academic freedom are, in fact, human rights, and must not be "tempered." And what Wise and the Board regard as "human rights"—being respected and comfortable—are not human rights at all. The UN Declaration of Human Rights states, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." There is not one word in the Declaration of Human Rights about "civility," "respect," and feeling "comfortable."

In hiring faculty, the Board of Trustees is announcing that qualifications should be 50% based on niceness, and 50% based on quality of scholarship (teaching ability is apparently not important at all to the Board). This is the recipe for a university of polite half-wits. The Board of Trustees also reveals a deep misunderstanding of what "civility" is. Civility means expressing disagreements without resorting to threats of violence or other kinds of retaliation. By punishing Salaita rather than criticizing his ideas, Wise and the Board of Trustees engaged in a particularly vile act of incivility that betrays the fundamental values of a university.

More than two centuries ago, some other public officials thought that "malice" endangered democracy, and to punish it they passed laws against "malicious writing." Today, historians look back at the attempt of the Alien and Sedition Acts to ban malice as one of the worst attacks on free speech in American history and as a fundamental betrayal of American values. A university that bans all "disrespect" and "malice," even in extramural utterances unrelated to any academic activity, is no longer a free university worthy of its name.

This is the opposite of a welcoming environment: A university that fires a professor for his political opinions, without the slightest regard for his scholarship or his teaching; a university that cares more about respect and comfort than freedom and debate; and a university run by people who know so little about academic freedom that they repeatedly invoke the concept while they fundamentally betray it.

August 22, 2014

Earlier today, you received a thoughtful statement from Chancellor Phyllis Wise regarding the university's decision not to recommend Prof. Steven Salaita for a tenured faculty position on the Urbana-Champaign campus.

In her statement, Chancellor Wise reaffirmed her commitment to academic freedom and to fostering an environment that encourages diverging opinions, robust debate and challenging conventional norms. Those principles have been at the heart of the university's mission for nearly 150 years, and have fueled its rise as a world leader in education and innovation.

But, as she noted, our excellence is also rooted in another guiding principle that is just as fundamental. Our campuses must be safe harbors where students and faculty from all backgrounds and cultures feel valued, respected and comfortable expressing their views.

We agree, and write today to add our collective and unwavering support of Chancellor Wise and her philosophy of academic freedom and free speech tempered in respect for human rights – these are the same core values which have guided this institution since its founding.

In the end, the University of Illinois will never be measured simply by the number of world-changing engineers, thoughtful philosophers or great artists we produce. We also have a responsibility to develop productive citizens of our democracy. As a nation, we are only as strong as the next generation of participants in the public sphere. The University of Illinois must shape men and women who will contribute as citizens in a diverse and multi-cultural democracy. To succeed in this mission, we must constantly reinforce our expectation of a university community that values civility as much as scholarship.

Disrespectful and demeaning speech that promotes malice is not an acceptable form of civil argument if we wish to ensure that students, faculty and staff are comfortable in a place of scholarship and education. If we educate a generation of students to believe otherwise, we will have jeopardized the very system that so many have made such great sacrifices to defend. There can be no place for that in our democracy, and therefore, there will be no place for it in our university.

Chancellor Wise is an outstanding administrator, leader and teacher. Her academic career has been built on her commitment to promoting academic freedom and creating a welcoming environment for students and faculty alike. We stand with her today and will be with her tomorrow as she devotes her considerable tal-

ent and energy to serving our students, our faculty and staff, and our society.

We look forward to working closely with Chancellor Wise and all of you to ensure that our university is recognized both for its commitment to academic freedom and as a national model of leading-edge scholarship framed in respect and courtesy.

Sincerely,

Christopher G. Kennedy, Chair, Board of Trustees

Robert A. Easter, President

Hannah Cave, Trustee

Ricardo Estrada, Trustee

Patrick J. Fitzgerald, Trustee

Lucas N. Frye, Trustee

Karen Hasara, Trustee

Patricia Brown Holmes, Trustee

Timothy N. Koritz, Trustee

Danielle M. Leibowitz, Trustee

Edward L. McMillan, Trustee

James D. Montgomery, Trustee

Pamela B. Strobel, Trustee

Paula Allen-Meares, Chancellor, Chicago campus

Susan J. Koch, Chancellor, Springfield campus

Donald A. Chambers, Professor of Physiology and Biochemistry; Chair, University Senates Conference

Jerry Bauman, Interim Vice President for Health Affairs

Thomas R. Bearrows, University Counsel

Thomas P. Hardy, Executive Director for University Relations

Susan M. Kies, Secretary of the Board of Trustees and the University

Walter K. Knorr, VP/Chief Financial Officer and Comptroller

Christophe Pierre, Vice President for Academic Affairs

Lawrence B. Schook, Vice President for Research

Lester H. McKeever, Jr., Treasurer, Board of Trustees



Protest at Sept. 11, 2014 Board Meeting.

IL AAUP Committee A Statement on Salaita Case

The Illinois Conference Committee A on Academic Freedom and Tenure of the American Association of University Professors supports the honoring of the appointment of Steven G. Salaita in the American Indian Studies program at the University of Illinois at Urbana-Champaign. Reports that the university has voided a job offer, if accurate, due to tweets on the Palestinian-Israeli conflict would be a clear violation of Professor Salaita's academic freedom and an affront to free speech that we enjoy in this country.

Professor Salaita resigned his position at Virginia Tech and was about to assume his new appointment at the University of Illinois. We stand by the appointment and by Professor Salaita and defend his right to engage in extramural utterances.

The AAUP 1940 Statement of Principles on Academic Freedom and Tenure states in reference to extramural utterances: "When they speak or write as citizens, they should be free from institutional censorship or discipline." It affirms that "The common good depends upon the free search for truth and its free exposition." While Professor's Salaita's tweets are construed as controversial, the 1940 Statement of Principles on Academic Freedom and Tenure affirms

the virtue of controversial speech. While the Statement refers to classroom teaching, the virtual classroom today has no limits. In 1970 the 1940 Statement was revised with new "Interpretive Comments." The second Interpretive Comment would encompass Professor Salaita's right to be controversial: "The intent of this statement is not to discourage what is 'controversial.' Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster."

Professor Salaita's words while strident and vulgar were an impassioned plea to end the violence currently taking place in the Middle East. Issues of life and death during bombardment educe significant emotions and expressions of concern that reflect the tragedy that armed conflict confers on its victims. Speech that is deemed controversial should be challenged with further speech that may abhor and challenge a statement. Yet the University of Illinois cannot cancel an appointment based upon Twitter statements that are protected speech in the United States of America.

The AAUP 1940 Statement does require a professor to be "accurate, to exercise appropriate restraint, to show respect for the opinions of others...." However in the

AAUP Committee A Statement on Extramural Utterances it states in reference to the 1940 Statement:

[An] administration may file charges in accordance with procedures outlined in the Statement if it feels that a faculty member has failed to observe the above admonitions and believes that the professor's extramural utterances raise grave doubts concerning the professor's fitness for continuing service.

We are unaware that the university has afforded Professor Salaita any due process. In the absence of due process, particularly if a contract was signed, any institutional action to reverse an offer of appointment would be a grave violation of academic due process. Furthermore, there is nothing in the Salaita statements about Israel or Zionism that would raise questions about his fitness to teach. These statements were not made in front of students, are not related to a course that is being taught, and do not reflect in any manner his quality of teaching. What one says out of class rarely, in the absence of peer review of teaching, confirms how one teaches. Passion about a topic even if emotionally expressed through social network does not allow one to draw inferences about teaching that could pos-

sibly rise to the voiding or reversal of a job appointment.

One must not conjecture about a link between extramural statements and the quality of classroom teaching, absent an unmistakable link that would raise issues of competence. None exist here. Indeed, we affirm that fitness to teach can be enhanced with conviction, commitment and an engagement with the outside world. As a professor who was proffered an appointment in American Indian Studies, we are particularly concerned if a university would void a contract of a professor exercising a right of citizenship in protesting actions of another country that much of the global community including the U.N. Secretary General and even the U.S. State Department have found "disgraceful."

Peter N. Kirstein, Chair of Illinois Committee A on Academic Freedom and Tenure, Saint Xavier University

Iymen Chehade, Columbia College

Loretta Capeheart, Northeastern Illinois University

J. Walter Kendall III, John Marshall School of Law

John Wilson, editor, Illinois Academe

AAUP Letter to the University of Illinois on the Salaita Case

August 29, 2014

Dear Chancellor Wise:

Dr. Steven Salaita has sought the assistance of the American Association of University Professors pursuant to your letter of August 1, 2014, informing him that you would not be recommending the tenured faculty appointment offered to him on October 3, 2013, to the board of trustees for its approval and stating, “We believe that an affirmative Board vote approving your appointment is unlikely.”

The Association’s interest in Professor Salaita’s case stems from its longstanding commitment to academic freedom and tenure. The basic tenets, as you know, are set forth in the attached joint 1940 Statement of Principles on Academic Freedom and Tenure, to which the University of Illinois subscribes. Also attached are the complementary joint 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings and the AAUP’s derivative Recommended Institutional Regulations on Academic Freedom and Tenure.

From the information provided to us by Professor Salaita, others at the University of Illinois, and media sources, we understand that he was offered an appointment as an associate professor with tenure at the University of Illinois at Urbana-Champaign, initially to begin January 1, 2014. The offer was made in a letter dated October 3, 2013, from Dr. Brian H. Ross, interim dean of the College of Liberal Arts and Sciences upon the recommendation of Professor Jodi Byrd, then the acting-director of the American Indian Studies Program (AIS) for which Professor Salaita was recruited. In this letter, Interim Dean Ross stated that the recommendation for appointment was “subject to approval by the Board of Trustees of the University of Illinois.” He nonetheless asked for Professor Salaita’s decision by October 14 and directed him to return “a photocopy of this letter with the form at the bottom completed and signed,” should he accept the appointment. He then wrote: “At the University of Illinois, like at most universities in this country, we subscribe to the principles of academic freedom and tenure laid down by the American Association of University Professors (AAUP). The Statement on Academic Freedom and Tenure has been since 1940 the foundation document in this country covering the freedoms and obligations of tenure. The AAUP Statement on Professional Ethics is a document of similarly broad application to those in academia. I am enclosing copies of these documents for your information, and commend them to your attention.”

On October 9, Professor Salaita wrote to Interim Dean Ross accepting the appointment and returning a copy of the signed offer letter. With the interim dean’s concurrence, he states, he amended the effective date to August 16, 2014, in order to

enable him to complete the academic year at Virginia Polytechnic Institute and State University, where he was then serving on the faculty as a tenured associate professor. After accepting the appointment, Professor Salaita resigned his tenured position. Shortly thereafter, and throughout the spring and early summer, he engaged in e-mail correspondence with incoming AIS program director Professor Robert Warrior and the program assistant regarding matters related to his fall 2014 course assignments, schedule preferences, and book orders. Toward the end of January, Professor Salaita wrote to Professor Byrd about scheduling a visit to Urbana-Champaign in order to make arrangements for a place to live for him and his family. He states that they visited the area in March and subsequently initiated the purchase of an apartment, including payment of “earnest” money, which was subsequently forfeited when the agreement was voided following the abrupt notification regarding his appointment. During this visit, the AIS faculty hosted a dinner for him and his family to welcome him to the faculty. In early April he was notified of his fall teaching assignment, and he finalized his course book orders in mid-summer.

In the intervening months between his October 2013 acceptance of the appointment and early August 2014, when you notified him of its termination, Professor Salaita received information from various offices of the university, indicating that they had been informed of his appointment, including an invitation from your office to attend your August 19 reception “welcoming faculty and academic professionals who joined the Illinois community in 2014,” as the invitation stated. Nothing was said to Professor Salaita about board action still to come, and we are informed that it is not uncommon for board action on new appointments to take place only after the appointment has begun and the appointee is already at work.

We are deeply concerned about the action taken against Professor Salaita. Long after he was offered and accepted a tenured position, specific arrangements were made regarding courses, schedules, and salary. The exchange of letters between Interim Dean Ross and Professor Salaita appears to have been in accordance with generally established procedures by which academic appointments are tendered and accepted. Ten months elapsed during which time no one in the university administration gave any indication that the appointment as agreed upon might not be brought before the board. Only this August, after Professor Salaita had resigned his tenured position at Virginia Tech, prepared for his assignments, and shortly before the semester was to begin did he receive notification asserting that, because the board of trustees would not be acting on the matter, he did not have an appointment at the Uni-

versity of Illinois. Aborting an appointment in this manner without having demonstrated cause has consistently been seen by the AAUP as tantamount to summary dismissal, an action categorically inimical to academic freedom and due process and one aggravated in his case by the apparent failure to provide him with any written or even oral explanation. As an AAUP 1964 investigating committee report on a similar faculty dismissal at the University of South Florida concluded, the academic community cannot condone an appointment procedure which enables a university “to offer a professor a position during normal appointment ‘season’ and then, after he has accepted the position, to cut him adrift without warning or hearings.... This committee sees no way in which the academic marketplace could operate in a rational and just way if the practices followed...were accepted as normal procedure.”

The University of South Florida, the investigating committee further concluded, had a “moral and professional obligation” to support the faculty member’s appointment by its board of trustees in formal action, and its failure to do so constituted for all practical purposes a dismissal. The AAUP’s 1964 annual meeting imposed censure on this basis, which the 1968 annual meeting removed after the university provided redress to the professor and adopted procedures consistent with Association-supported standards.

While the administration has not provided an explanation for the actions against Professor Salaita, it seems evident from media and other accounts that the actions have been publicly seen as having been triggered by his posting on social-media websites which were condemnatory of Israeli government practices in recent months. We are not privy to the circumstances under which information regarding his statements was discovered and distributed, we do not know what motives were involved, nor is it for us to render a judgment on the substantive merits of those statements, but we sharply question whether they meet the standard, set forth in Regulation 5a of the AAUP’s Recommended Institutional Regulations on Academic Freedom and Tenure, that cause for such actions “be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers.”

We see Professor Salaita’s online state-

ments as extramural activity as a citizen rather than as faculty performance, and the 1940 Statement of Principles cautions that when faculty members “speak or write as citizens they should be free from institutional censorship or discipline....” The document goes on to explain that faculty members should nonetheless act responsibly as citizens and (in its 1940 Interpretation No. 3) states that an administration may bring charges if it believes that these admonitions have not been observed “such as to raise grave doubts concerning the teacher’s fitness for his or her position,” but that in doing so it “should remember that teachers are citizens and should be accorded the freedom of citizens.” We see that a very serious issue of academic freedom has been raised by the actions against him, an issue that will not be resolved as long as the actions remain in effect and their soundness has not been demonstrated by the University of Illinois administration under requisite safeguards of academic due process.

We understand that an issue has arisen regarding the legitimacy of Professor Salaita’s tenure absent board of trustees’ approval. We have been informed that the university’s Committee on Academic Freedom and Tenure (CAFT), acting under its statutory authority, has decided to initiate an examination of the issues posed by the Salaita case.

We appreciate that the information on which this letter is based has come to us largely from Professor Salaita and that you may well yourself have information that would add to our understanding of what has occurred. We shall accordingly welcome your comments. Until these issues have been resolved, we look upon Professor Salaita’s situation as that of a faculty member suspended from his academic responsibilities pending a hearing on his fitness to continue. Under the joint 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings, any such suspension is to be with pay. As detailed earlier in this letter, Professor Salaita has incurred major financial expenses since he accepted the University of Illinois offer. We urge—indeed insist—that he be paid salary as set in the terms of the appointment pending the result of the CAFT proceeding.

We would welcome a prompt response.

Sincerely,

Anita Levy, Ph.D., Associate Secretary, AAUP



AAUP Officers on Salaita

Rudy Fichtenbaum, AAUP president, and Hank Reichman, first vice-president and chair of the AAUP’s Committee A on Academic Freedom and Tenure, issued this statement on August 7, 2014:

We have read with concern yesterday’s report on insidehighered.com that the University of Illinois has apparently withdrawn a job offer to Professor Steven G. Salaita. It appears that this decision came in response to the tone of his controversial comments on Twitter about the Israeli military action in Gaza. Because both Professor Salaita and the university administration have so far declined public comment, a number of facts concerning this case remain unclear. In particular, it is not certain whether the job offer had already been made in writing when Professor Salaita was informed that he would not be hired and hence whether or not Salaita could be considered to have already acquired the rights accruing to a faculty member at Illinois.

However, if the information communicated in yesterday’s report is accurate, there is good reason to fear that Professor Salaita’s academic freedom and possibly that of the Illinois faculty members who recommended hiring him have been violated.

We feel it necessary to comment on this case not only because it involves principles that AAUP has long defended, but also because Cary Nelson, a former president of the Association and a current member of our Committee A on Academic Freedom and Tenure, is quoted as approving the Illinois Chancellor’s action. Professor Nelson is entitled to his opinions. Indeed, one of AAUP’s great strengths is our ability to bring together many differing viewpoints and ideas, including about the meaning of academic freedom. However, we wish to make clear that Professor Nelson’s comments do not reflect an official position of AAUP or of its Committee A.

While opinions differ among AAUP members on a wide range of issues, the AAUP is united in its commitment to defend academic freedom and the free exchange of ideas more broadly. On the basis of this commitment we have opposed efforts by some pro-Palestinian groups

to endorse an “academic boycott” of Israel. This commitment has also led us to defend the rights of critics of Israel, including the right of faculty members such as Professor Salaita, to express their views without fear of retaliation, even where such views are expressed in a manner that others might find offensive or repugnant.

Recently we argued in a policy statement on “Academic Freedom and Electronic Communications,” that faculty comments made on social media, including Twitter, are largely extramural statements of personal views that should be protected by academic freedom. While Professor Salaita’s scholarship does appear to deal with the topic of Palestine, his posts were arguably not intended as scholarly statements but as expressions of personal viewpoint. Whether one finds these views attractive or repulsive is irrelevant to the right of a faculty member to express them. Moreover, the AAUP has long objected to using criteria of civility and collegiality in faculty evaluation because we view this as a threat to academic freedom. It stands to reason that this objection should extend as well to decisions about hiring, especially about hiring to a tenured position.

Cary Nelson: Why Salaita's Appointment Should Have Been Rejected

By Cary Nelson

This fall, my campus, the University of Illinois at Urbana-Champaign, was widely expected to welcome Steven Salaita as a new faculty member. He was to be a tenured professor in the American Indian studies program. But a decision not to present the appointment to the Board of Trustees was made by the chancellor. Although I was not involved in the process and did not communicate my views to the administration, I want to say why I believe the decision not to offer him a job was the right one.

Salaita has written credibly on fiction by Arab Americans and is, so I am told, knowledgeable about Native American studies. But Salaita's national profile — and the basis of his aspirations to being a public intellectual — is entirely based on his polemical interventions in debates over the Arab/Israeli conflict. Those interventions include his 2011 book *Israel's Dead Soul*, which I read last year, and his widely quoted and prolific tweeting. *Israel's Dead Soul* is published by Temple University Press, so it is part of his academic profile. His tweets cover precisely the same territory. This more public side of his persona would be widely available to his students; indeed his tweets would be better-known to students than his scholarly publications. His inflammatory tweets are already being widely read. I have been following his tweets for some months because I have been writing about the Israeli/Palestinian conflict and co-editing a collection of essays titled *The Case Against Academic Boycotts of Israel*. I try to follow the work of all prominent pro-boycott leaders, Salaita among them.

Although I find many of his tweets quite loathsome — as well as sophomoric and irresponsible — I would defend without qualification his right to issue most of them. Academic freedom protects him from university reprisals for his extramural speech, unless he appears to be inciting violence, which one retweeted remark that a well-known American reporter wrote a story that “should have ended at the pointy end of a shiv” appears to do. His June 19 response to the kidnapping of three Israeli teenagers — “You may be too refined to say it, but I'm not: I wish all the fucking West Bank settlers would go missing” — also invokes a violent response to the occupation, since “go missing” refers to kidnapping.

But his right to make most of these statements does not mean I would choose

to have him as a colleague. His tweets are the sordid underbelly, the more frank and revealing counterpart, to his more extended arguments about Middle Eastern history and the Israeli/Palestinian conflict. They are likely to shape his role on campus when 2015's Israeli Apartheid Week rolls around. I am told he can be quite charismatic in person, so he may deploy his tweeting rhetoric at public events on campus. Faculty members are well within their rights to evaluate someone as a potential colleague and to consider what contributions a candidate might make to the campus community. It is the whole Salaita package that defines in the end the desirability and appropriateness of offering him a faculty appointment.

I should add that this is not an issue of academic freedom. If Salaita were a faculty member here and he were being sanctioned for his public statements, it would be. But a campus and its faculty members have the right to consider whether, for example, a job candidate's publications, statements to the press, social media presence, public lectures, teaching profile, and so forth suggest he or she will make a positive contribution to the department, student life, and the community as a whole. Here at Illinois, even the department head who would have appointed Salaita agreed in *Inside Higher Ed* that “any public statement that someone makes is fair game for consideration.” Had Salaita already signed a contract, then of course he would have to have received full due process, including a full hearing, before his prospective offer could be withdrawn. But my understanding is that he had not received a contract.

Salaita condenses boycott-divestment-sanctions wisdom into a continuing series of sophomoric, bombastic, or anti-Semitic tweets: “UCSC divest passes. Mark Yudoff nervously twirls his two remaining hairs, puts in an angry call to Janet Napolitano” (May 28, 2014); “10,000 students at USF call for divestment. The university dismisses it out of hand. That's Israel-style democracy” (May 28, 2014); “Somebody just told me F.W. DeKlerk doesn't believe Israel is an apartheid state. This is what Zionists have been reduced to” (May 28, 2014); “All of Israel's hand-wringing about demography leads one to only one reasonable conclusion: Zionists are ineffective lovers” (May 26, 2014); “Universities are filled with faculty and admins whose primary focus is policing criticism of Israel that exceeds their stringent preferences” (May 25, 2014); “Israel army' and 'moral

code' go together like polar bears and rainforests” (May 25, 2014); “Keep BDS going! The more time Israel spends on it, the fewer resources it can devote to pillaging and plundering” (May 23, 2014); “So, how long will it be before the Israeli government starts dropping white phosphorous on American college campuses?” (May 23, 2014); “Even the most tepid overture to Palestinian humanity can result in Zionist histrionics” (May 21, 2014); “All life is sacred. Unless you're a Zionist, for whom most life is a mere inconvenience to ethnographic supremacy” (May 20, 2014); “I fully expect the Israeli soldiers who murdered two teens in cold blood to receive a commendation or promotion” (May 20, 2014); “Understand that whenever a Zionist frets about Palestinian violence, it is a projection of his own brute psyche” (May 20, 2014); “I don't want to hear another damn word about 'nonviolence.' Save it for Israel's child-killing soldiers” (May 19, 2014); “I stopped listening at 'dialogue' ” (May 27, 2014). The last example here presumably advises BDS students how interested they should be in conversations with people holding different views.

More recently he has said “if Netanyahu appeared on TV with a necklace made from the teeth of Palestinian children, would anyone be surprised” (July 19, 2014) and “By eagerly conflating Jewishness and Israel, Zionists are partly responsible when people say anti-Semitic shit in response to Israeli terror” (July 18, 2014). The following day he offered a definition: “Zionists: transforming 'anti-Semitism' from something horrible into something honorable since 1948” (July 19).

It is remarkable that a senior faculty member chooses to present himself in public this way. Meanwhile, the mix of deadly seriousness, vehemence, and low comedy in this appeal to students is genuinely unsettling. Will Jewish students in his classes feel comfortable after they read “'Let's cut to the chase: If you're defending Israel right now you're an awful human being” (July 8), “Zionist uplift in America: every little Jewish boy and girl can grow up to be the leader of a murderous colonial regime” (July 14), or “No wonder Israel prefers killing Palestinians from the sky. It turns out American college kids aren't very good at ground combat?” (July 23)? The last of these tweets obviously disparages the two young American volunteers who lost their lives fighting with the Israeli Defense Forces in Gaza. What would he say if the Arab/Israeli conflict were to come up in a



class he was teaching on Arab-American fiction? Would he welcome dissent to his views? Would students believe him if he appeared to do so? As Salaita says of his opposition in an accusation better applied to himself, he has found in Twitter “the perfect medium” in which to “dispense slogans in order to validate collective self-righteousness” (May 14, 2014).

While universities need to study all positions on an issue, even the most outrageous ones, I see no good reason to offer a permanent faculty position to someone whose discourse crosses the line into anti-Semitism. I also do not believe this was a political decision. There are many opponents of Israeli policy on the faculty here and many faculty as well who publicly or privately support the boycott movement. If some faculty expressed their view to the chancellor that Salaita's recent tweets — tweets published long after the search committee made its recommendation — justify not making the appointment, they had a right to do so. I believe this was an academic, not a political, decision.

Were I to have evidence to the contrary, my view would be different. I regret that the decision was not made until the summer, but then many of the most disturbing of Salaita's tweets did not go online until the summer of 2014, no doubt provoked by events. That is the time frame in which the statements in question were made. That alone made this an exceptional case. I do not think it would have been responsible for the university to have ignored the evolving character of his public profile. For all these reasons I agree that Salaita's appointment is one that should not have been made.

Cary Nelson is a former AAUP president, and professor emeritus of English at UIUC. He is the co-editor of The Case Against Academic Boycotts of Israel. This essay originally appeared on August 8, 2004, at InsideHigherEd.com.

How Does UIUC Define “Civility”?

October 3, 2014

Ilesanmi Adesida, Vice Chancellor for Academic Affairs and Provost

Dear Provost Adesida:

As President of the Campus Faculty Association, I write to request clarification on the hiring, promotion and tenure process at the University of Illinois. Many of our members have requested information about these matters and I have therefore undertaken to write to you.

President Easter and the Board of Trustees wrote in reference to a well-known hiring decision on August 22, 2014, that “To succeed in this mission, we must constantly reinforce our expectation of a university community that values civility as much as scholarship.”

The Campus Faculty Association disagrees with this assertion, but if the President and Board's statement is to stand as the official position of the administration, then the following issue must be addressed.

The President and Board of Trustees have placed civility on a par with scholarship. They provide no guidance on the practical implications of this decision for search committees, for junior faculty, for promotion and tenure committees, and for external letter writers.

Further, we note the Provost's Communications (such as Communication #9 on Promotion and Tenure) mention scholarship a great deal, but nowhere do

they mention civility.

Therefore we urgently request that the Provost's office explain how civility is to be defined and evaluated in hiring, promotion, and tenure cases at the University of Illinois.

Respectfully,

Bruce Rosenstock

President, Campus Faculty Association

Response from the Provost

October 31, 2014

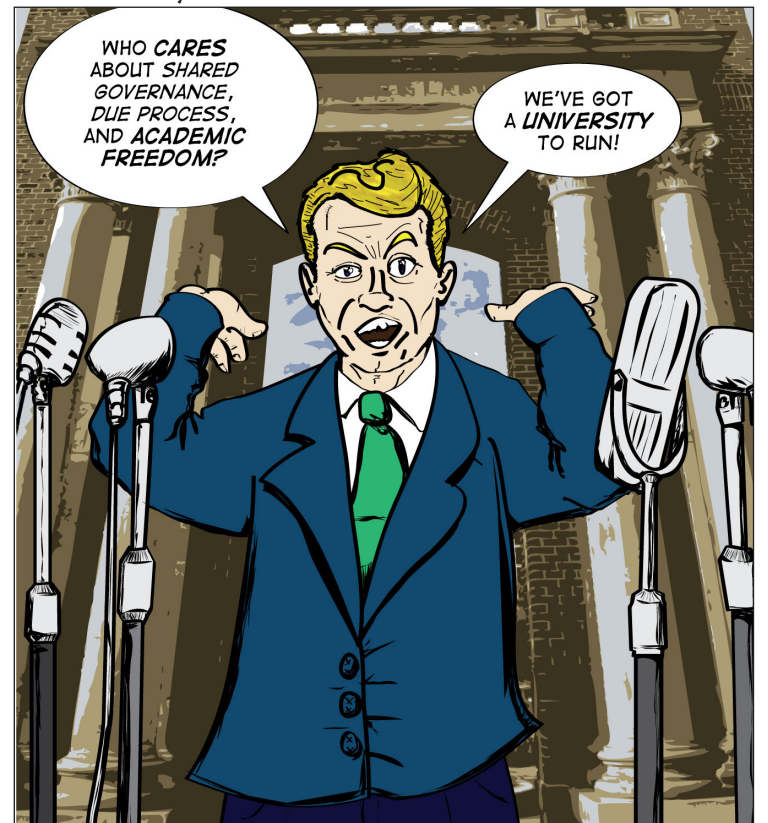
Dear Professor Rosenstock:

I write in response to your correspondence of October 3, 2014, in which you raise questions about the role of civility on our campus. The Academic Senate had a vigorous discussion about this important topic at its meeting on October 20th. I welcome the ongoing campus conversation about civility, including its role and intersection with principles of academic freedom and standards of professional conduct. As you may know, the Senate's Committee on Academic Freedom and Tenure is currently conducting a review that may contribute to our collective consideration of the issue you raise. I look forward to working with the faculty on these important issues, through their shared governance structure, the Academic Senate.

Sincerely,

Ilesanmi Adesida, Vice Chancellor for Academic Affairs and Provost

State University Inc.



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

Antisemitism and Salaita

The following letter by Michael Rothberg originally appeared on his website. Rothberg is the Head of the Department of English at the University of Illinois at Urbana-Champaign and Director of the Initiative in Holocaust, Genocide, and Memory Studies. He is the author of *Traumatic Realism: The Demands of Holocaust Representation* (2000) and *Multidirectional Memory: Remembering the Holocaust in the Age of Decolonization* (2009), and the co-editor of *The Holocaust: Theoretical Readings* (2003) and *Cary Nelson and the Struggle for the University: Poetry, Politics, and the Profession* (2009).

August 17, 2014

Dear Chancellor Wise,

I am sorry that I cannot join my colleagues in their meeting with you on August 18. I truly appreciate your making yourself available for dialogue with faculty members concerned about the university's handling of the Steven Salaita case. Dialogue between the administration and the faculty is precisely what has been missing thus far.

I already wrote to you over a week ago to express my misgivings about the way shared governance and faculty autonomy were overridden in the decision to rescind a good faith offer of a tenured position to Professor Salaita. Here I want to emphasize my surprise that faculty members with expertise in areas relevant to your decision were apparently never consulted. The colleagues with whom you are meeting possess much of this relevant expertise, but I would have wanted to speak to you as a scholar working in Holocaust studies and Jewish studies as well as literary studies. Having published work relevant to this case on antisemitism, racism, and the Israeli/Palestinian issue, I feel I might have offered some insight into the nature of Steven Salaita's tweets, which apparently lie at the core of this case.

While I continue to believe that political speech—no matter how controversial or extreme it might be considered—is protected by the First Amendment and the core values of Academic Freedom, I have also observed many interpretations of Professor Salaita's protected speech about the Israeli bombing of Gaza that I consider misguided

and that deserve to be refuted. I strongly believe that neither Professor Salaita himself nor the tweets that are at issue are antisemitic. I say this as someone personally and professionally sensitive to expressions of antisemitism. Indeed, Professor Salaita has stated repeatedly in numerous tweets and writings that have not been cited by his detractors that he opposes antisemitism and racism of all kinds. I find these writings to be sincere and observe that nobody has brought a single piece of evidence to bear that would contradict Professor Salaita's explicit personal opposition to antisemitism. The tweets that have been reproduced again and again in reports on this case are not expressions of antisemitism but criticism of how charges of antisemitism are used to excuse otherwise inexcusable actions.

Nor do I believe that the tweets are—as some have claimed—incitements to violence. Such interpretations derive from poor readings of the record and also carry the additional irony of ignoring (or denying) that his tweets were written at a moment when the Israeli army—the IDF—was inflicting considerable violence on civilians and civilian infrastructure in Gaza. I would not deny that Professor Salaita's tweets are frequently expressed in strong language, and I share what I imagine is your preference for a civil tone in public discourse. But there are moments—like the recent bombing campaign—when we may need to expand our notion of what constitutes an acceptable tone so that it is commensurate with the events at stake. When we witness outrages, it may be more honest to express that outrage in our language than to pretend that we can maintain a calm and composed style.

Let me pose the question this way: Should Professor Salaita's outrage at the siege of Gaza really be the center of our concern? Or should it rather be those who—much more frequently and from positions of considerable power—excuse or minimize that state-sponsored violence? Isn't such minimization of violence much more dangerous to the goals of peace, civility, and reconciliation than anger over its perpetration?

I cannot know for sure why you made the decision you did—since you have not expressed yourself publicly on the subject, to my knowledge—but I suspect that concern

over some of the issues I have addressed here played a role. I hope these very brief remarks might at least give you pause about the way that Professor Salaita's remarks have been characterized by those hostile to his political convictions.

I feel I need to say one more thing that I am sure my colleagues will communicate to you powerfully: you should not underestimate the damage to the reputation of the university that has been done by the rescinding of Professor Salaita's job. Over 1,500 of our most valued colleagues have already declared themselves unwilling to have dealings with our university. Some of the signers are our own former colleagues and many are distinguished past visitors to our university.

Whether this boycott will include turning down our invitations to visit or refusal to do necessary professional service for us, or will take other forms, only time will tell. I have in fact already experienced all of these responses in my role as Head of the Department of English. I am concerned about what will happen in the future, especially to my junior colleagues.

Not only our reputation in the world has been damaged, however. This decision has had an immediate and dire impact on the morale of faculty in the humanities and social sciences. Speaking personally, I can say that I have spent the last decade in administrative positions and in the creation of scholarly programs and opportunities for our faculty and students. A vital intellectual community is what has made being in Champaign-Urbana so rewarding. I now fear that the effort it took to create that community has been wasted. Like many colleagues I have heard from, I find myself forced to ask whether my professional future should remain tied to this campus where I have happily spent the last thirteen years.

I sincerely hope that you will listen to the pleas of your colleagues on the faculty and reverse your decision. The scheduled meeting on August 18 could be a first step toward such reconsideration and reconciliation.

Sincerely yours,
Michael Rothberg

Civility, Hate Speech, and Salaita

By Bruce Levine

Steven Salaita had his job here snatched away on the grounds that he engaged in anti-Semitism during the Israeli assault on Gaza. Jewish students, we are told, have a right to be shielded from exposure to such words and such a person.

I doubt anyone's much more Jewish than I am, culturally if not religiously. And as it happens, I did grow up in a heavily anti-Semitic neighborhood. Catcalls and fistfights were a staple of my early childhood. I know what anti-Semitism looks and sounds like. So I think I can say with some authority—certainly more authority than our chancellor and board of trustees!—that what Prof. Steven Salaita wrote in his famous tweets was not anti-Semitic. They were, of course, fiercely anti-Israel. But that stance does not offend me at all. Being a Jew does not make me automatically one with Israel. In fact, at the time of Prof. Salaita's tweets, I was saying and writing much the same thing, if to a much smaller audience.

And just what did he say in those tweets? That people who can support Israel in the midst of the slaughter it was perpetrating in Gaza are terrible people. That he wished the so-called "settlers" would disappear from the West Bank.

That is hate speech!—so declares the University leadership—It's anti-Semitic! And there's no place for such words on our campus—and no room for people who speak them, even if they speak them off campus!

That specious claim is entirely based on a deliberate and dishonest conflation of Jews as people and the state of Israel and its policies—pretending that criticism of that particular state and its government is ipso facto equivalent to denunciation of Jews for being Jews.

But, our chancellor, UI president, and trustees all assure us, barring Steven Salai-

ta from our faculty isn't censorship. This isn't punishing political opinions. It's just the language and the tone that Salaita used, you see, that makes him a pariah, that justifies overriding the decisions of a University department, a college dean, and the campus provost to hire him.

Really? Can you imagine someone being punished for expressing similar opinions about, say, Vladimir Putin? Or Al Qaeda? Or Hamas? Or ISIL? Or Cuba? Indeed, can you imagine someone being punished this way for denouncing in similar terms nearly any country, government, or movement that is not in public favor in this country?

No. Because it's obviously not strong language that the university's administrators and non-academic trustees object to. It's the fact that Prof. Salaita employed that language and tone against a target (a state and government) that they and their friends like. Which means, in turn, that the abuse of Salaita's rights—and the rights of the AIS dept., and the Liberal Arts & Sciences College, and—whether they all acknowledge it or no—the faculty as a whole—is precisely driven by a determination to silence and punish political opinions that they and their friends do not like.

The Salaita case is part of a much larger, national campaign to repress criticism of Israel. In 2007, DePaul University arbitrarily denied tenure to political science professor Norman Finkelstein, a Jew, because he had the gall to take on publicly the fiercely Zionist professor Alan Dershowitz.

Students for Justice in Palestine at Northeastern University was banned last spring, a ban that was rescinded only because of a powerful fightback on that campus and nationally.

On a number of campuses of the University of California, Zionist groups and individuals have trumped up claims over the last 15 years or so of Jewish students

being intimidated by Israel's critics on those campuses in an attempt to have selected organizations and faculty members silenced. And in 2012 the California State Assembly did pass a resolution defining anti-Semitism to include "language or behavior [that] demonizes and delegitimizes Israel;" suggestions that "Israel is guilty of heinous crimes against humanity such as ethnic cleansing and genocide;" describing Israel as a "racist" or "apartheid" state; and "student-and faculty-sponsored boycott, divestment, and sanction campaigns against Israel."

Most recently, the new "civility" code word has been invoked by Ohio University president Roderick McDavis; Nicholas Dirks, chancellor of the University of California at Berkeley; and Penn State University.

Why this hysteria and crackdown now? Because Israel's brutal toward the Palestinians (and not only the Palestinians) is leaving it more isolated internationally than ever before. Even in the United States, where Israel's political stock is probably higher than anywhere else, growing numbers of Jews, too, are pulling back from the

position of Israel-right-or-wrong.

The trustees, the chancellor, Chancellor, and even the University Senate's leadership can't understand why we keep harping on the Salaita case. Can't we just let it go? Can't we "let the healing process begin"?

No. What they don't understand is that this is the question of the day. This is a make-it-or-break-it issue for the integrity of this university, for anyone who believes in the right of people to speak their minds without having their livelihood taken away, for the right of faculty to hire colleagues who do speak their minds, and for the ability of this university or any other university to serve as a testing ground for a broad range of opinions. All of that is on the line in the Salaita case, and its outcome will deeply influence all of those values. So we will not let go of this issue until the board of trustees and the chancellor reverse themselves and re-hire Steven Salaita!

Bruce Levine is J. G. Randall Distinguished Professor of History at the University of Illinois at Urbana-Champaign. This statement was originally published at uiucfaculty.blogspot.com.



Shared Governance and the Salaita Decision

By Lennard Davis

The University of Illinois at Urbana-Champaign has just revoked the appointment of Stephen G. Salaita, an American Studies scholar who specializes in Native American issues and has written about Palestinians as well. Salaita, like many incoming professors, was told he was all set to arrive at the beginning of this semester, teach his classes, and move into his office. But within a few weeks of teaching his classes, he was told his appointment was revoked.

Almost all job acceptance letters in the university contain a clause saying that appointment is contingent on approval by upper-level administrators and the Board of Trustees. Salaita failed to win the approval of that tier of the university.

There was no reason provided by the administration, but the reason seems to be that Salaita had blogged and tweeted very strongly worded statements about the situation in Gaza and about Israel.

Academics and supporters are promulgating petitions, letters, and the threat of boycott. And the issues involved are being discussed on Facebook, Twitter, and the blogosphere -- these involve academic

freedom, freedom of speech, the limits of both, and the technical legal issues of whether the university violated the law in abrogating the contract. The Illinois branch of the American Association of University Professors has called for Salaita's reinstatement.

The legal issues will resolve themselves, and the discussions of academic freedom and freedom of speech will run the gamut from the claim that Salaita's rights were trampled upon to the assertion that he was not protected by academic freedom because he was not technically a professor. Some will claim that he engaged in "hate speech" and others that he was simply exercising the right to robust even vulgar language.

These are obvious issues, but I think the less obvious but very important one is the continuing fall out from the corporatization of the American university. In the past, when search committees and departments chose a candidate, the approval of the upper tier of the administration was basically a rubber stamp, as is the case still in 99 percent of appointments. But with a shift from professorial control of academic is-

ues to one in which management makes crucial decisions about qualifications, we are seeing more and more cases in which Deans, Provosts, Chancellors, Presidents and Boards of Trustees are overturning the decisions of faculty in the realm of hiring and tenuring.

The decision with Salaita, who was approved by a search committee and by his department and presumably his college, is a prime example of the erosion of faculty power. Interestingly, while the University of Illinois at Chicago has won a faculty union for tenure-track and non-tenure track faculty in the past year, its sister school at Urbana has steadily resisted so far a union for tenure-track faculty. Is it merely coincidental that the administration at Urbana was emboldened to tamper with a departmental appointment because it knew it would not face organized faculty opposition? Would a union have made a difference?

Regardless of what one may think about the tone or quality of Salaita's blog posts, he had been vetted, scrutinized, and approved by a search committee that was well aware of his strong opinions on the

Middle East as well as his social media involvement. That committee decided that he should be a colleague, albeit an outspoken one. For the administration to overturn the faculty decision, and in such a ham-handed and 11th-hour manner, shows us that Urbana's faculty needs to step up to the plate and exercise their power as professors, teachers, and citizens of the university. The only really effective way they can do this is through a faculty union, as it is clear that the faculty senate will have little or no authority in this case. While a union may not have direct jurisdiction, its opinion, organization, and legal strength would go a long way to preserving the erosion of faculty power.

Lennard J. Davis is a Distinguished Professor of Liberal Arts and Sciences and teaches in the English Department at the University of Illinois at Chicago. He is also Professor of Disability and Human Development, Professor of Medical Education in the College of Medicine, and director of Project Biocultures. This article originally appeared August 8 on Huffington Post.

Salaita's Stellar Teaching Record

By Tithi Bhattacharya and Bill V. Mullen

We have learnt that at a recent orientation meeting with senior faculty, University of Illinois Chancellor Phyllis Wise claimed that she fired Professor Steven Salaita in part because she was concerned about Dr. Salaita's classroom teaching.

This is the clearest evidence we have thus far that University administrators at UIUC have caved in to pro-Israel propaganda in firing Salaita.

We submit that Phyllis Wise's "concern" about Salaita's teaching is not an academic concern, but a political one.

We also submit that the Chancellor developed this "concern" after Salaita's publication and teaching record-- in other words his academic record-- had been vetted and approved by the search committee that offered Salaita his job.

Which political groups have insisted that Steven Salaita is a threat to his students?

1. On July 21st the Daily Caller published an on-line article attacking Salaita's twitter posts on the war on Gaza as anti-Israel. Immediately thereafter, the local Champaign-Urbana newspaper, News-Gazette, reported that Salaita's twitter posts were "drawing ire."

2. According to the Jewish Voice, "in a letter to Robert Easter, President of the University of Illinois, Rabbi Meyer H. May, Executive Director of the Wiesenthal Center and Aron Hier, who heads the Center's Campus Outreach program, specifically questioned the qualifications of a professor who would liken Israel, the only democracy in the Middle East, 'to a radical extremist group who crucifies civilians and then posts the videos, like trophies, on YouTube.' May and Hier noted that such outrageous statements present a real danger to the entire campus community, especially to its Jewish students."

3. Salaita's status as a "danger" to Jewish students was also reiterated by UIUC emeritus professor Cary Nelson in a public commentary after Salaita was fired. In Inside Higher Ed, Nelson wrote of Salaita: "Will Jewish students in his classes feel comfortable after they read 'Let's cut to the chase: If you're defending Israel right now you're an awful human being' (July 8), 'Zionist uplift in America: every little Jewish boy and girl can grow up to be the leader of a murderous colonial regime' (July 14), or 'No wonder Israel prefers killing Palestinians from the sky. It turns out American college kids aren't very good at ground combat?' (July 23)? The last of these tweets obviously disparages the two young American volunteers who lost their lives fighting with the Israeli Defense Forces in Gaza. What would he say if the Arab/Israeli conflict were to come up in a class he was teaching on Arab-American fiction? Would he welcome dissent to his views? Would students believe him if he appeared to do so?"

The close alignment of characterizations of Salaita as a classroom concern between Phyllis Wise and advocates for Israel suggest one thing: that Teacher Salaita has been profiled and tagged by the University of Illinois. He has become the "bad Arab."

We say this because Salaita's actual record as a class-



room teacher is extraordinary.

Let us examine the facts as reviewed by the faculty search committee that hired him (and known to us from a source).

Steven Salaita has taught for eight years at Virginia Tech. In all of this time, no student has ever filed a formal complaint against him.

To the faculty search committee at UIUC that hired him, Salaita submitted student evaluations for six courses. Five were Undergraduate courses and one was a Graduate course. They were all in Literature, Salaita's area of expertise.

The student evaluations for Steven Salaita are stunning.

In Fall 2009, 29 of 30 students responding rated Salaita's "knowledge of subject" as "Excellent". In the same course, 93 percent of students rated Professor Salaita's "overall rating" as "excellent," and 2 as "good."

In the same term, another group of students gave Salaita nearly identical--though even better--marks: 29 of 30 rated him "excellent" for knowledge of subject, 30 of 30 graded him excellent for grading fairness, and 93 percent rated him "excellent" for overall rating, 1 good.

These numbers repeat consistently over all six of the courses Professor Salaita submitted for review. The lowest rating he received in the "excellent" category for "overall rating" was 86 percent. Salaita never received, in any of the six courses evaluated, a single rating of "poor" for any of ten categories of teaching reviewed. In his lone graduate seminar, he scored a perfect 100 percent rating of "excellence" in the category of "overall rating."

But for purposes of our argument, it is especially important to note student evaluations of Professor Salaita in the category of "concern and respect" for students. Here is where students evaluate their professor for professional empathy, respect for diverse points of view, and sensitivity to student opinion and student lives.

In the six courses reviewed Professor Salaita scored as follows in this category:

# of Students	Total	Excellent	Good
30	Total: 28	Excellent	2 Good
30	Total: 30	out of 30	Excellent
10	Total: 10	out of 10	Excellent
29	Total: 28	Excellent	1 Good
28	Total: 28	out of 28	excellent
28	Total: 25	out of 28	excellent, 2 good, one No Response

In addition to these metrics, Professor Salaita submitted a peer review letter of his teaching by a Virginia Tech colleague in English. This colleague visited Salaita's classes to provide the department an assessment of Salaita's teaching.

The letter cites Salaita's numerical excellence in stu-

dent evaluations, but goes on to praise his teaching in terms that would be the envy of Professors everywhere:

"While the numbers are impressive, the student comments bear out in detail how deserving Steven is of the high ratings. The students are acutely aware that they are privileged to be studying with a well-regarded scholar, who draws his knowledge from years of study and experience. Steven is perceived as being knowledgeable and accessible--he takes time to talk with students and to encourage them in preparing their writing assignments... When asked questions in class, Steve gives factual and thoughtful replies. It is clear to all that the teacher has mastery of his field."

Salaita's colleague goes on to say: "The classes I visited focused on several very contemporary bodies of literature, most specifically Arab-American literature. These works are difficult to understand and appreciate fully without the help of a good guide who knows the turf. Professor Salaita is extremely well-informed on the history and current status of the many nations, political parties and religious sects of the Middle East. This subject matter is urgently important not only for specialists in international affairs, but for anyone seeking to better understand the violent and volatile contemporary world."

This record shows only one thing: that Steven Salaita is an outstanding classroom teacher.

The glaring disconnect between Salaita's actual teaching record and Phyllis Wise's "concern" about Salaita's teaching persuades us that the motivations behind such a concern can only be political--for it certainly isn't academic.

Indeed, Wise's use of a language of "concern" about students who might have Salaita as a professor, seems to suggest that she is eager to protect students from Salaita. For those of us living in the post 9/11 world, such a language conjures up all too easily images of the "dangerous Arab" or the "angry Arab" that have been used to harass, detain, imprison and expel them. It is shorthand Islamophobia.

The politically motivated firing of Dr. Salaita cannot be legally justified by politically motivated insinuations.

Steven Salaita was discriminated against and lost his job. He lost his job because he spoke about the deep injustice and violence suffered by Palestinians. We should not let this act of discrimination be shrouded for us in a language of concern for students or concerns about civility.

It is this war against scholars who criticize Israel that should be rejected as uncivil, illegal, and a threat to academic freedom.

Tithi Bhattacharya is Associate Professor of History at Purdue University. Bill Mullen is Professor of English and American Studies at Purdue. This article originally appeared at Mondoweiss.net.

Academic Freedom at the University of Illinois: A Historical Perspective

By Belden Fields, Professor Emeritus of Political Science, UIUC

At the panel on academic freedom and free speech across disciplines held at UIUC's Beckman Institute on Monday, September 29, one of the panelists, Professor Colleen Murphy, said that the project now must be to make sure that the way in which Professor Salaita was treated by the university never happens again. That is certainly a worthy goal, but it should not be inferred that, prior to Salaita's treatment, academic freedom, free speech, and due process procedures have been relentlessly followed in the treatment of faculty and students who have espoused dissenting or unpopular views.

My association with this university has spanned well over half a century, first as an undergraduate graduating in 1960, then as a faculty member from 1965 until my retirement in 2000. I continued to teach and serve in the Senate for several years after my retirement. When I was a student here, state law prohibited those who were Communists or members of organizations deemed by the US Attorney General to be subversive from teaching or working at the U of I (the Broyles Bill of the mid-1950s), or even just speaking on campus (the Clabaugh Act of 1947).

Prior to my arrival on campus, in the late 1940s and early 1950s, some old guard faculty members in the College of Commerce and Business Administration tried to keep Keynesians (seen as Pink if not Red) from being hired by the Economics Department. At that time—and continuing until 1994—the Board of Trustees was elected on political party lists. Some conservative Republican members of the Board, especially Board President Park Livingston and football star Red Grange, openly sup-

ported the effort to keep Keynesians out, as did area Republican state senators E.R. Peters and Charles Clabaugh, the author of the 1947 Act preventing Communists from speaking on campus. The Republican-supporting News-Gazette enthusiastically cheered them on. Largely for his openness to recruiting Keynesians, Howard Bowen, the dean of the college, was forced out of his post in 1950. That was followed by the 1953 Trustees' ouster of President Stoddard, partly due to his stance on the Keynesian controversy.

During my last academic year as an undergraduate, Professor Leo Koch was summarily fired by President David Dodds Henry. The offense committed by this biologist in the Division of General Studies was that he responded to an article in the Daily Illini that condemned necking and "petting" at fraternity and sorority parties. Koch's responding letter argued that if consensual sex were not so stigmatized there would not be this kind of public expression of sexual desire. A far right-wing reverend who had a daughter at the U of I organized a campaign among parents and state legislators portraying Koch as part of a communist conspiracy to demoralize American youth. His summary firing by President Henry earned the U of I a place on the AAUP's list of offenders of academic freedom, where it remained for several years.

In the 1960s and '70s, there were restrictions on where students and faculty could express themselves. For a while, there was a designated "free speech" area on the southeast corner of the Illini Union patio. Students were sometimes arrested for holding dissenting signs (e.g., against CIA recruiting) inside the Union building. In July 1970, 15 faculty members in the Department of Political Science issued

a statement referring to the Nixon Administration as a "criminal regime." This followed the killing of student protestors by the National Guard at Kent State University and the US military incursion into Cambodia. The Chicago Tribune called the fifteen professors (I was one of them) "academic vipers" and editorialized that the university did not deserve public tax money if it had professors like us. The Trustees instructed Chancellor Jack Peltason to tell us that if we did not retract the statement we would be fired. Two faculty members took their names off, but the remaining 13 issued a new statement explaining in greater depth the rationale for our statement. Chancellor Peltason talked the trustees out of firing us, but they did censure us. We rejected the censure and took it to the Academic Freedom Committee of the American Political Science Association. The committee ruled that the trustees had violated our academic freedom, but the trustees never withdrew the censure.

After 1994, a change was made in the selection of Trustees. The non-student Trustees have since been appointed by the governor. While administrators had sometimes issued questionable rules, such as on what content can be communicated on university computers, and while the University Police did prevent distribution of leaflets on political and social issues to football fans in university parking lots, I am not aware of any intrusion of the Trustees into academic freedom issues until Chair Christopher Kennedy convinced the Board to deny UIC Professor William Ayers emeritus status upon his retirement, in 2010. So far as I am aware, this was unheard of even during the Red Scare of the 1950s. That denial was followed by the Trustees' intrusion into the employment of

James Kilgore, whose reappointment had gone through all of the proper unit and college channels. When Kilgore sought an explanation for this cancellation from Vice-Chancellor and Provost Adesida, he was met with a stony refusal to give any reason. But it was clear that either the entire Board, or Chair Kennedy himself, was involved. And now, following right on the footsteps of the Kilgore situation, we have the open intrusion of Chair Kennedy and his Board (minus one) in overturning the decision to hire Professor Salaita, an appointment that had gone through all of the proper academic procedures. Academic freedom, freedom of expression, shared governance, and due process are left in tatters.

"Never again"? I will accept the explanation that it was uttered as an aspiration. But the history of this institution shows that we can never assume that structural modifications will guarantee respect for the fundamental values of the university. Appointing rather than electing Trustees was indeed a good idea to address certain problems. "Shared Governance" is also a good idea, but it can also elide into the development of an administrator/faculty elite that becomes so tight interpersonally that the necessary critical stance required to protect those values is seen as being hurtful, rude, or "uncivil." This is why organizations that maintain that critical stance, like the CFA and the AAUP, are so terribly important, not just to the faculty, but to the integrity of the university as a whole.

A version of this article first appeared on the website of the Campus Faculty Association (CFA) at UIUC; this version appeared in the November/December issue of the Public i, the newspaper of the Urbana-Champaign Independent Media Center.

Civility as a Speech Standard

By the Committee on Academic Freedom and Tenure (CAFT) of the University of Illinois at Urbana-Champaign, Report on the Investigation into the Matter of Steven Salaita

In the wake of the uproar over the rejection of Dr. Salaita's appointment, the Chancellor issued a statement, "The Principles on Which We Stand," soon to be echoed by a statement from the Trustees, the President and other university officials. The Chancellor declared disrespectful words, words that demean the viewpoints of others or of the persons who express them, to be intolerable. All points of view must be discussed, even outside the classroom, in a "scholarly, civil, and productive manner." The Trustees went further: disrespectful speech that promotes malice "is not an acceptable form of civil argument": it has "no place [...] in our democracy."

However well intentioned, this is all quite mistaken. The United States Supreme Court has made clear that the nation's commitment is "to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks" that may be false (albeit not knowingly so), vehement, or offensive. As Oliver Wendell Holmes, Jr., famously put it, with respect to the utterance even of allegedly seditious speech in a time of war, we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country.

Nor can we separate the use of highly charged emotive language from the content of the message. As the Supreme Court put it, disallowing punishment because of the offensiveness of the expletive the speaker deployed — in that case, an expletive Dr. Salaita's tweets are much given to: We cannot sanction the view that the Constitution, while solicitous of the cognitive content of individual speech, has little or no regard for that emotive function which practically speaking, may often be the more important element of the overall message sought to be communicated.

Further, and as the ad hoc committee of investigation in the Koch case pointed out, "civility" and all its cognates — responsible, respectful, temperate — or its antonyms — disrespectful, demeaning, intemperate — provide no objective standard of measure. Speakers are at their peril

depending on where their listeners would draw the line. The natural consequence of such ambiguity is for the speaker to steer clear of the zone of uncertainty. The resulting self-censorship does not elevate debate; it stifles it. For this reason, among others, every university speech code that has been adopted to forbid "intolerable" or "demeaning" utterance has been held to be unconstitutional.

In sum, although the Chancellor, the President, and the Trustees are quite correct in drawing attention to the university as an educational community, what follows from it is quite the opposite of what they would have the university do. The consequences of the vagueness of the prohibition have specific historical purchase here. Civility has served to ostracize individuals or entire social groups on the grounds that they are savage, barbarous, primitive, infantile, ill bred, or uncouth. This is surely not the intent of the Chancellor or the Board, and yet, the criterion was used, for example, to silence African Americans in Greensboro, North Carolina, in the years around 1960 by asserting, paradoxically, that their peaceful protests demanding civil rights violated standards of civility.

More than twenty years ago, the American Association of University Professors issued On Freedom of Expression and Campus Speech Codes, in the wake of efforts on numerous campuses to promulgate rules the terms of which are echoed in the Chancellor's and Trustees' messages. The AAUP's Statement captures the tenor of the debate and the reasons why "civility," surely desirable in many contexts, cannot be deployed as a standard of speech. The Statement is well worth reading in its entirety, for it appreciates that "conflicts spawned by slurs and insults create an environment inimical to learning." It argues, however, that an institution of higher education fails in its mission if it asserts the power to proscribe ideas, and uncivil speech, howsoever repugnant at times, expresses ideas. CAFT appreciates that the value of emotive, hate laden speech is of a rather low order. Yet, as the AAUP Statement observed, a university sets a perilous course if it seeks to differentiate between high-value and low-value speech, or to choose which groups are to be protected by curbing the speech of others. A speech code unavoidably implies an institutional competence to distinguish permissible expression of hate-



ful thought from what is proscribed as thoughtless hate. Inevitably, the university will be drawn to decide which groups are worthy of solicitude and which are not, what words are unacceptably offensive and what are within the margin of acceptability. "Distinctions of this type" the AAUP Statement observes, "are neither practicable nor principled; their very fragility underscores why institutions devoted to freedom of thought and expression ought not adopt an institutionalized coercion of silence."

We believe that the Chancellor, the President, and the Trustees acted sincerely out of a commitment to inclusiveness, yet in this instance holding civility up as a standard of conduct conflicts with academic freedom and causes some to feel excluded from the university community. The AAUP Statement addresses this dilemma directly and provides a list of measures as alternatives to banning types of speech. It concludes: To some persons who support speech codes, measures like these — relying as they do on suasion rather than sanctions — may seem inadequate. But freedom of expression requires toleration of "ideas we hate," as Justice Holmes put it. The underlying principle does not change because the demand is to silence a hateful speaker, or because it comes from within the academy. Free speech is not simply an aspect of the educational enterprise to be weighed against other desirable ends. It is the very precondition of the academic enterprise itself.

In her conversation with the committee the Chancellor disagreed with the notion that her or the Trustees' pronouncements should or even could be taken to constitute a speech code. However, both pronouncements contain strong language. In text and tone they are more than avuncular urgings for the observance of good manners. Both are de facto justifications of the decision to halt an employment process and suggest a standard to be observed in the future. CAFT recommends that they be withdrawn.

The full statement, including footnotes can be at http://www.senate.illinois.edu/aft_salaita_2014.pdf

Some Thoughts on My Colleagues at the University of Illinois

By Steven Salaita

During my talk at DePaul somebody asked about my relationship with the faculty at the University of Illinois. I was pleased to have the opportunity to reflect on this relationship. I'll try to approximate my response here and add a bit to it.

Faculty, staff, and students at the University of Illinois have been nothing less than heroic. Those challenging the administration are a model of engaged, intelligent dissent. Their fight is on behalf of everybody concerned with maintaining (or creating) universities where the orthodoxy of power is not the default of educational policy. We are all invested in their success.

I don't want to single out individuals, because inevitably I will omit somebody who deserves public admiration. Therefore, I will simply say that my colleagues in American Indian Studies have proved (again) to be courageous, honest, and humane, illustrating why it would have been a profound honor to join them. I am uncomfortable with all the atten-

tion devoted to me, though I am deeply grateful for it.

AIS has experienced a terrible situation. The racism they have battled for many years has been further entrenched. Their expertise and competence have been questioned both tacitly and explicitly. The value of their field has been mocked and degraded. Their workloads, already too large, have increased dramatically. (Such is the situation with numerous departments.)

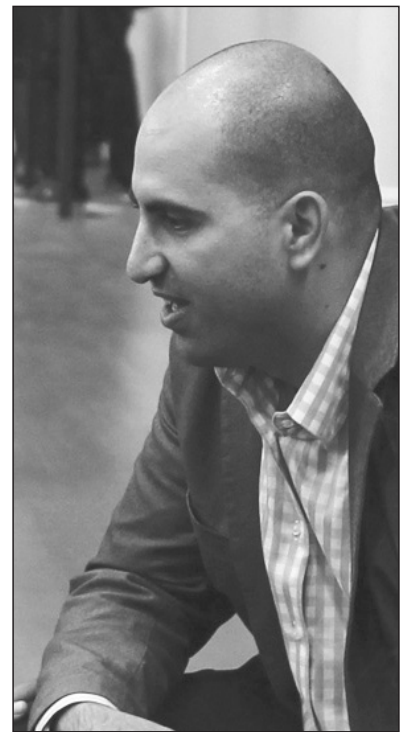
Nowhere is this more true than in the case of the chair, Robert Warrior, whose work the past two months has been, like all his intellectual and administrative endeavors, absolutely brilliant and indefatigable. For many years he has been the scholar on whom I have modeled my professional ambition. It is even more so today. Hundreds of faculty and students at the U of I now command my unwavering admiration.

I have no advice to share vis-a-vis the burgeoning boycott of the U of I. It is not my role to proffer suggestions. I am, like so many oth-

ers, watching events with interest. I do wish to say, however, that I cannot support any version of boycott that might punish students and faculty or hold them in any way to account for the decisions of their administrators. Nor can I cosign any discourse that demeans the quality of the institution in toto.

When we speak of the University of Illinois, there are at least two campuses in evidence: the one represented by upper administration and its handful of faculty sycophants, whose actions have inspired justifiable scorn; and the one inhabited by thoughtful, critical teachers and learners working very hard to maintain institutional decency in dreadful conditions. I beg of people not to implicate them in the incarnations of the university that render it a repressive corporate brand.

They are not their institution. Of course they should not be boycotted. To the contrary, I urge you to invite them to speak at your campuses and to steer some of your bounteous love in their direction. They need it for their (that is, our) forthcoming battle.



UIUC Committee on Academic Freedom and Tenure on the Salaita Case

Executive Summary, Report on the Investigation into the Matter of Steven Salaita, Dec. 23, 2014

Steven Salaita's proposed appointment was initiated, reviewed, approved, and processed in accordance with all applicable university procedures from the initiation of the search through his acceptance of an offer of appointment. It was complete except for final Board of Trustees approval. At that point, less than a month before his projected start date, concerns about his professional suitability for appointment arose and he was notified that his appointment would not be forwarded for that approval. Eventually, it was forwarded for Board approval and was rejected. His status at the time was complex: he was more than an

applicant and less than an employee. Under these circumstances, we believe the academic freedom and liberty of political speech afforded to members of the faculty by the University Statutes should reasonably apply.

The process by which Dr. Salaita's proposed appointment was withdrawn and eventually rejected did not follow existing policies and procedures in several substantial respects, raising questions about the institution's commitment to shared governance. The reasons given — the civility of tweets made by Dr. Salaita in the summer of 2014 — is not consistent with the University's guarantee of freedom of political speech. Statements made by the Chancellor, President, and Trustees asserting that the

incivility of a candidate's utterances may constitute sufficient grounds for rejecting his appointment should be renounced. We conclude, however, that the Chancellor has raised legitimate questions about Dr. Salaita's professional fitness that must be addressed. In light of the irregular circumstances leading up to the Board of Trustees' disapproval of an appointment for Dr. Salaita, the Committee recommends that Dr. Salaita's candidacy be remanded to the College of Liberal Arts and Sciences for reconsideration by a committee of qualified academic experts.

Read the full report at http://www.senate.illinois.edu/aft_salaita_2014.pdf.

What's Right (and Wrong) in the CAFT Report

By John K. Wilson

The Committee on Academic Freedom and Tenure (CAFT), part of University of Illinois at Urbana-Champaign's Academic Senate, issued a report on Dec. 23 about the Steven Salaita case. The CAFT report makes some extraordinary good points, along with a few very bad arguments. Overall, though, it is a firm repudiation of the University of Illinois administration and trustees in how they dealt with the Salaita case.

Let's start with the good arguments: the CAFT report sharply condemns the actions and reasoning of the University of Illinois administration and trustees in the Salaita case. It says the process of dismissing Salaita violated shared governance in the failure to consult any faculty in the decision. It says there are "compelling reasons to grant Dr. Salaita the academic freedom and liberty of political speech normally afforded to a member of the faculty," and that therefore he was denied due process.

And it declares that the reason announced for dismissing Salaita, his incivility, is "not consistent with the University's guarantee of freedom of political speech." The CAFT report adds, "Statements made by the Chancellor, President, and Trustees asserting that the incivility of a candidate's utterances may constitute sufficient grounds for rejecting his appointment should be renounced."

The CAFT report calls for the administration to submit any allegations against Salaita to a faculty committee to judge the case, and allow Salaita the opportunity to defend himself against any charges. Finally, the CAFT report concludes that the University of Illinois should pay Salaita

"for the financial consequences" of its failure to follow its own policies in dealing with him.

This is all very well argued and thoughtful. And the report includes some rather shocking revelations about Chancellor Phyllis Wise and how she views academic freedom.

According to the CAFT report, "When asked by the committee to distinguish between professional and extramural speech, the Chancellor stated that in this matter she saw no clear distinction." This is a stunning admission, that the top official at a leading university understands so little about academic freedom that she sees extramural utterances as no different from a professor's academic work, and entitled to no special protection.

Unfortunately, there's another part of the CAFT report that hasn't been covered in the press, and it makes a much more disturbing argument.

The biggest mistake of the CAFT report is the hint that the administration and trustees may have made the right decision not to approve Salaita's hiring, even if they did it for the wrong reasons and with the wrong procedure. This aspect of the CAFT report argues that Salaita's tweets "raised legitimate questions about Dr. Salaita's professional fitness that must be addressed." And the CAFT report expresses a fundamental misunderstanding of academic freedom by declaring that extramural utterances, if related to a faculty member's professional work, can be punished.

According to the Report, "the speaker's political utterances may be so devoid of fact, so obdurate in refusing to acknowledge evidence to the contrary, so single-minded

in pursuit of the speaker's personal agenda as to give rise to a legitimate question of whether his treatment of issues within the orbit of his professional writ is similarly characterized." This is directly contrary to both the AAUP's strong protection of extramural utterances (which can only be considered if they clearly show a professor's "unfitness") and the U of I Statutes, which don't even include an "unfitness" exception and have even greater protections than the AAUP advises.

The notion that a professor's tweets are part of the "orbit" of his professional work is contrary to everything the AAUP has stated on extramural utterances in the past half-century.

It is also contrary to the values upheld in the Report, which correctly condemned the administration and trustees for making exactly the same "orbit" argument about Salaita's teaching. The Report noted, "there is no evidence that Dr. Salaita has functioned improperly as a teacher," and the evidence of his teaching record, not speculation based upon his tweets, must guide any academic evaluation. That same logic must apply to Salaita's research.

To impose academic standards of substance, evidence, and fair-mindedness on a 140-character tweet is absurd. Was Salaita supposed to put footnotes in his tweet, too?

Despite the Report's fundamental misunderstanding of extramural utterances and academic freedom, it correctly analyzes how the University of Illinois failed to follow due process and shared governance, and how its decision to dismiss Steven Salaita violated academic freedom and fundamental academic values.

What Should the University of Illinois Do Now?

By John K. Wilson

Now that the University of Illinois administration and trustees have dismissed Steven Salaita, and shows no signs of reconsidering its decision, many of those who supported the decision are speaking about the need to "heal divisions" and "move on." Other than reversing an unjust decision, what can the University of Illinois do?

—Follow the recommendation of CAFT to rescind statements about civility, and have an academic committee evaluate Salaita's case, to determine whether his tweets should affect his appointment as a tenured professor, and ask the Board to re-evaluate its decision.

—End the practice of having the University of Illinois Board of Trustees approve faculty appointments. At Illinois State University, the trustees delegate their hiring power to the president, who is the only person the trustees

hire. At the very least, the U of I should adopt the recommendation of a Dec. 14 report to the Provost, arguing that trustees should delegate the hiring of all faculty without administrative responsibilities to the proper academic process. Without this assurance, it will be difficult for the U of I to attract good hires when the trustees can rescind a tenured appointment after a professor has started teaching.

—Put faculty on the Board of Trustees. If three students deserve a place on the Board (and they do), so do faculty. Also, retired faculty from the U of I and other universities should be given strong consideration for trustee positions, because they are much better qualified to run a university than the usual group of politically connected friends of the governor and rich businessmen.

—Create advisory committees for the Board of Trustees. System-wide committees of faculty, students, staff,

and outside experts should advise the Board of Trustees on important decisions.

—Establish a new policy to make clear that the University of Illinois policies on academic freedom apply to everyone on campus, including candidates for job openings.

—Include training about academic freedom at trustee orientations and retreats.

—Organize an ongoing series of campus discussions (including some at trustee meetings) about academic freedom, to bring the best thinkers to the University of Illinois to discuss and debate the issues facing universities.

These recommendations won't reverse the injustice of the Salaita case. But they would be a step toward recognizing the fact that something is wrong at the University of Illinois, and needs to be improved.

Interview with Donald Lazere: Why Higher Education Should Have a Leftist Bias

Donald Lazere's new book is *Why Higher Education Should Have a Leftist Bias* (Palgrave Macmillan). John K. Wilson interviewed him via email about his book.

JW: Your book's title is provocative, but is it true? Do you really believe that higher education should have a leftist bias? Your pedagogical model is Gerald Graff's Teach the Conflicts, and you are committed, in your book and in your teaching, to give "a fair hearing" (103) to conservative arguments, even to the point of requiring students to research them. Where is the leftist bias in your vision of pedagogy?

DL: My title is tongue-in-cheek, which was more evident with my original title: Two Cheers for Political Correctness: Why Higher Education SHOULD Have a Leftist Bias, which Palgrave Macmillan inexplicably changed. My central argument is stated at the beginning of the book:

"For many years I have been making the case that the ceaseless conservative attack against bias and political correctness among leftists in both education and media disingenuously stands the truth on its head: the far greater bias pervading American society is conservative, but it is not widely perceived as a bias—just as the normative, natural order of things. It is only leftists' attempts to provide minimal counter-balance to the bias of business as usual in media and education, through critical pedagogy in the latter—that is publicly "marked" as biased. These public perceptions of where bias in education or media lies are largely controlled by conservative propagandists through semantic framing and rhetorical agenda-setting, which serve to limit attention to issues of political bias only to overt, ad hoc, and sensational instances of political correctness—the Ward Churchill Syndrome—while the constant biases of business as usual are not considered worthy of notice or subject to criticism. Likewise, most of the recent criticisms of liberal or left bias in higher education have fixated on the humanities and social sciences, whose influence is blown out of proportion to that of every other aspect of both secondary and higher education that serves the interests of corporate society's business as usual."

JW: To some extent, your message to conservatives is, I think your views are ignorant and idiotic, so why won't you engage me in an intellectual discussion of them? Do you ever feel pressure to water down your critiques in order to get the other side to respond to you in a friendly manner? And is that pressure to tone down your rhetoric even more intense in the classroom, where students are often timid and easily intimidated by a professor's strong views? You write about the "difficult balance" (176) of trying to express your own ideas while encouraging students to speak out, but is it possible to be successful at doing things simultaneously?

DL: Your account here is totally inaccurate. Repeatedly throughout this book and much else that I have written, I distinguish between conservative intellectuals, whom

I am inviting to engage in good-faith dialogue, and the know-nothing conservatism of the Republican party attack apparatus, media like talk radio and Fox News, and the conservative mass base. My notion of teaching the political conflicts is to elevate student thought from that of mass political discourse, on the right or left, to study of conservative and liberal or leftist sources and arguments at an intellectual and scholarly level.

You're pulling the same trick here that conservative polemicists do in evading this distinction: pretending that my criticisms of know-nothing conservatism apply to intellectual conservatism. When I try to engage with conservative intellectuals, trying first and foremost to persuade them to acknowledge this distinction and dissociate themselves from the anti-intellectual right, some do, but it's amazing how many others are unwilling to make even this minimal gesture. Why might this be? In *Up From Conservatism*, Michael Lind says a conservative intellectual journal editor explained to him its support for evangelicals like Pat Robertson: "Of course they're mad, but we need their votes." It would appear that conservatives at the higher levels regard the "Republican base" as the equivalent of what Lenin called "useful idiots" on the left.

As for classroom practice, mine involves introducing students to these very questions and to the opposing lines of evidence and arguments about them on the right and left, prompting students to research the strongest sources on both sides and to evaluate them judiciously, in open-ended dialogue.

JW: You argue, "Whatever political biases university faculty members in the humanities and social sciences may have, individually and collectively, are in general the consequence of their years of independent study..." (102) That statement seems to me completely wrong. Surely professors and graduate students are not blank slates who become liberal because of the innate intellectual superiority of leftist ideas. There is self-selection going on. Conservatives are less likely to major in the humanities, go to grad school, and seek an academic career, and I think part of the reason is that they feel out of place as a minority. Do you agree with me that self-selection is a real phenomenon, and do you think that it's a problem? Should academia do anything to try to encourage more conservatives in the humanities?

DL: No, I don't think liberal self-selection and discrimination against conservatives in academia is any more of a problem than conservative counterparts in academic fields like business administration, engineering, and agriculture or in non-academic fields like corporate management, law firms, advertising, public relations, or the military. My point about the relative independence of academics in the liberal arts is that, whatever their personal biases might be, ours is among very few professions that allow for the principle of independent thought, not dictated by employers, sponsors, or businesses that contract with facul-

ties in applied sciences. (I quote a Heritage Foundation director: "We're not here to be some kind of Ph.D. committee giving equal time. Our role is to provide conservative public-policymakers with arguments to bolster our side.") In other words, with all of conservatives' hot-air defenses of objectivity, liberal arts scholars are about the only professionals who are in a practical position to aspire to it, and I think many if not most do. Many like me also would welcome more conservatives in the profession,

EDUCATION, POLITICS, AND PUBLIC LIFE	
WHY	
HIGHER	
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SHOULD	
HAVE	
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BIAS	
Donald Lazere	

though conservatives tend to self-select toward more lucrative professions.

JW: You write about "the politics of no politics," where teachers "blandly evade uncomfortable political subjects" in order "to be more popular with students." (27) Are students (and student evaluations) the most powerful suppression of political subjects in the classroom, or do professional standards and the fear of colleague evaluations also sway faculty?

DL: None of the above. By "the politics of no politics," I refer to the pervasive trait in American life, including college education, of avoiding politics in favor of personal consciousness. This trait has deep roots in American history, but has spiked sharply since World War II, the Cold War, and the apotheosis of consumer culture (with only short-lived challenges to it in the 1960s). I say in the book that it was nailed definitively by the brilliant critic Robert Warshow in a 1947 article in *Partisan Review*, titled "The Anatomy of Falsehood," reviewing the widely-praised film *The Best Years of Our Lives*, about the troubled return of veterans to civilian life at that pivotal moment of post-war socioeconomic normalization. Warshow perceived in all its multiple plots a prime instance of a larger American falsehood, "which has many faces, but its chief and most general aspect is a denial of the reality of politics, if politics means the existence of real incompatibilities of interest and real social problems not susceptible of individual solutions. . . . Every problem [is presented] as a problem of personal morality. . . . A conscious effort is made to show that class differences do

not matter." Many films of that period like *The Best Years* were also calculated by the Hollywood studios to repudiate the Popular Front politics that had infused many movies from the thirties through the war—indeed, the first HUAC hearings in Hollywood occurred in October of the same year in which his review was published in the May-June PR. The critical perspective that Warshow voiced here had an Old Left, Marxist inflection—though Warshow and many other Marxists of that period were also fiercely anti-Communist. But that perspective itself was soon to be erased from intellectual media as collateral damage of the Cold War. This kind of Marxist criticism was, however, revived in the sixties and since by New Left critics and scholars like Herbert Marcuse and Fredric Jameson, who also turned Marxist critique against Communism. The continuation of this critical perspective, then, is another defensible form of academic "leftist bias," in defiance of conservatives who endlessly smear that perspective as Stalinist. (See the collection I edited, *American Media and Mass Culture: Left Perspectives*.)

JW: Stanley Fish has famously argued that writing classes should be about teaching grammar, not discussing politics, as you do in your writing classes. What's your argument against Fish pedagogically, and which approach do you think prevails in most college writing classes

DL: As it happens, I reviewed Fish's *Save the World on Your Own Time*, in *College English*. Fish's arguments are filled with self-contradictions, which I (in Fish's own manner) turn against him in support of my position. In one chapter he does say writing classes should only be about teaching grammar, syntax, and style, but elsewhere he says:

This is not to say that academic work touches on none of the issues central to politics, ethics, civics, and economics; it is just that when those issues arise in an academic context, they should be discussed in academic terms; that is, they should be the objects of analysis, comparison, historical placement, etc.; the arguments put forward in relation to them should be dissected and assessed as arguments and not as preliminaries to action on the part of those doing the assessing. The action one takes (or should take) at the conclusion of an academic discussion is the action of rendering an academic verdict as in "That argument makes sense," "there's a hole in the reasoning here," "the author does (or does not) realize her intention," "in this debate, X has the better of Y," "the case still is not proven." (25-26)

He is sadly equivocal here about what level of course these aims are legitimate in, if not in first-year-writing. If we infer, as I do, that they belong in the advanced writing courses in argumentation that I taught, then we can respond, suppose that teachers and students determine, in fair-minded weighing of opposing political arguments, that leftist ones have the better of conservative ones. Isn't this squarely in Fish's academic ballpark?

Kilgore Hiring Permitted by University of Illinois Trustees

By John K. Wilson

James Kilgore, an adjunct instructor at the University of Illinois at Urbana-Champaign, was banned from teaching by the administration in 2014 after a public controversy over his criminal past. Kilgore was part of the Symbionese Liberation Army in the 1970s, when he participated in a bank robbery where a woman was murdered. Kilgore fled to South Africa for 27 years, where he began his academic career under an assumed name. He was caught and served time in prison for his crimes. He was released in 2009.

Even though Kilgore had taught at UIUC for four years and had been approved to teach classes in Fall 2014, Provost Ilesanmi Adesida told him on April 9, 2014 that his UIUC contracts would not be renewed. However, the Univer-

sity of Illinois Board of Trustees could not reach consensus about Kilgore's case, and ultimately decided on Nov. 13, 2014 that the hiring of adjunct instructors was beyond the purview of the Board of Trustees.

Christopher Kennedy, the outgoing chair of the Board of Trustees, opposed allowing Kilgore to teach, but he admitted that protests by academics had swayed the Board: "Rather than expose the university to greater upheaval, perhaps additional boycotts and more no-confidence votes, I think the board put its own desires behind what they believed is the best interests of the campus."

Kilgore will be teaching a class in Spring 2015, but this will not be the end of the controversy. Richard C. Hill resigned as chair of the Board of Trustees of the University

of Illinois Foundation in anger at the decision not to ban Kilgore, and announced that he would revoke a \$4.5 million gift that he had promised for the University of Illinois.

State Sen. Chapin Rose has promised to introduced legislation to ban convicted felons from teaching at public universities. Rose had introduced legislation aimed at Kilgore to make it illegal to use a degree obtained under a false name.

Kilgore declared, "The university in making this decision, if I am rehired, is recognizing that people can change and that people should be given second chances and that when they prove themselves, they shouldn't simply be dismissed from their position on the basis of their criminal background or their past."

IL AAUP Committee A Report on Iymen Chehade at Columbia

Iymen Chehade is a part-time faculty member at Columbia College in Chicago. He has earned an M.A. in History and Education and a B.A. in history from the University of Illinois at Chicago. He has taught in the Department of Humanities, History and Social Science since 2007. He initially taught Middle Eastern History: From Muhammad to 1800 through spring semester 2011. Professor Chehade also teaches a course title The Israeli/Palestine Conflict. He has taught nine sections of this course since Fall 2010 and is currently teaching one section of the class in spring semester 2014. Following a single-student complaint about purported “bias” in one of the two sections during fall semester of 2013, Columbia College removed one of his scheduled sections for the 2014 spring semester. Rima Kapitan, who is serving as his counsel, requested through an e-mail on March 19, 2014 that the Illinois Conference of the American Association of University Professors (A.A.U.P.) Committee A on Academic Freedom and Tenure investigate this case for possible academic freedom violations.

We are pleased with your e-mail to the Committee that reaffirms the commitment of Columbia College to academic freedom and your affirmation of the pedagogical approach that Professor Chehade utilizes in the Israeli/Palestinian Course. The Columbia College collective bargaining agreement between the college and the union contains a strong affirmation of academic freedom. It proscribes “institutional discipline or restraint in their discussion of relevant matters in the classroom...[The CBA prohibits] “explicit or implicit threat of termination or discipline for the purpose of constraining a faculty member in the exercise of his or her rights under such principles of Academic Freedom. [CBA Art. V(1), (2).”

The American Association of University Professors 1915 Declaration of Principles on Academic Freedom and Academic Tenure initiated guidelines on academic freedom almost a century ago. A.A.U.P. principles and definitions of academic freedom are generally accepted as part of the common law of the academy. Yet violations still occur and colleges and universities must be held accountable when violations do occur and should remedy a failure in honoring academic freedom. The American Association of University Professors most celebrated statement on the topic of academic freedom is its 1940 Statement of Principles on Academic Freedom and Tenure:

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

The 1940 Statement of Principles on Academic Freedom and Tenure was updated with the “1970 Interpretive Comments.” In the second Interpretive Comment A.A.U.P. celebrates controversy because it fosters debate, discussion and challenges the received orthodoxy:

2. The intent of this (1940) statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.

The Palestinian-Israeli conflict is controversial. It is not easy pedagogy because of the passions it arouses among disparate groups in the United States. A professor may indeed teach this topic in a controversial manner as long as the material is related to the subject matter. It is beyond dispute that the film *5 Broken Cameras* was directly related to the course topic.

It is standard practice that in most cases

a student complaint or grievance is first communicated to the instructor. Department chairs in particular should refer a student with a complaint back to the instructor in order to facilitate the resolution of the conflict. Obviously in cases of alleged harassment or other charges of misconduct, a student may indeed bypass the instructor. This complaint, however, trespassed on the academic freedom of a professor and should have been referred back to the instructor for resolution. If a complaint is not resolved at the instructor-student level, then it is customary for the chair to engage herself or himself as an active participant and finder of fact. Neither Dr. Steven Corey, the chairperson of the Department of Humanities, History and Social Science nor School of Liberal Arts and Sciences Dean Deborah Holdstein directed the student to take the complaint to the instructor. This is most troubling to us and a violation of widely accepted norms of academic due process.

On October 28, 2013 Professor Chehade was made aware of the undated student complaint in a meeting with Chairperson Corey. According to Professor Chehade, Chairperson Corey refused to reveal the identity of the student but at one point described the student as a “she.” There are actions of the meeting that are not in dispute. In your March 13, 2014 letter to Susan Tyma, Part-time Faculty Association (P-Fac) Representative, you affirm that Dr. Corey told Professor Chehade that it is important to be balanced in one’s teaching. You also raised the issue of “balance” when you met with Professor Chehade: “I also asked Mr. Chehade if he presents the material in the class from a balanced perspective.” These interrogatories between yourself as the senior academic officer of Columbia College, Chairperson Corey and a contingent part-time adjunct have a chilling effect on academic freedom. The issue of “balance” is frequently used to rein in a professor from critical thinking and new pathways of knowledge toward a consensus approach that is more acceptable to elite or mainstream opinion. Both you and Dr. Corey appeared to be taking sides in raising this issue and were unnecessarily questioning the pedagogical manner of Professor Chehade. This we respectfully suggest is at variance with your e-mail to me on March 20, 2014.

Professor Tyma in her February 19, 2014 memorandum to Liason (sic) to the Association, affirmed “the union’s contention that the cancelation of the course was a denial of academic freedom... the fact that the college canceled only one and not both sections of the course establishes merely that there was a partial, rather than complete, denial of Mr. Chehade’s academic freedom.” Any denial of academic freedom is of great concern to the A.A.U.P. Furthermore, Dr. Corey “told the student to come back to see him at the end of the semester...to ensure that such “balanced delivery” had occurred.” Professor Chehade confirmed to Illinois Committee A in a telephone conversation on March 22 that during his meeting with Chairperson Corey, he was told that the student would report back to the chair at the end of the semester. Illinois A.A.U.P. finds such a request as an unacceptable violation of Professor Chehade’s academic freedom. Department chairs should not use students as scouts or monitors of a professor’s performance. The student’s mission is to learn not to serve as an agent of a department chair who is delegated the power to assess and report on the pedagogy of an instructor. Students do not possess the training and the expertise to serve in this capacity that challenges the authority of an instructor. Chairs may visit a class and observe an instructor if there are concerns. A.A.U.P. Illinois e-mailed Professor Corey on March 19 with a series

of questions and a request to communicate his version of the meeting with Professor Chehade. There was no response. Since, the student complainant did not accuse the professor of suppressing student dialogue, censoring disparate views or displaying bias toward those students who rejected the putative ideological preferences of the instructor, it should have been dismissed.

The student complaint alleged there was bias in Professor Chehade’s class and a lack of “balance” in the introduction of course materials. The complaint followed the screening of *5 Broken Cameras*, a 2012 ninety-four minute film that received an Academy Award nomination for best documentary. It chronicles non-violent Palestinian resistance as Israeli Defence Forces construct a separation wall in the village of Bil’in on the West Bank that has been under Israel’s control since the 1967 Six-Day War. Documentaries convey a message: they are not a “book of facts.” To suggest that a film on the Middle East should contain no viewpoint or normative approach is unrealistic and risible. For a student or anyone else to suggest that a professor give equal time by showing another film places an undue intrusive burden on a faculty member. It is striking that a post-secondary institution of higher learning would seemingly rely so heavily on a student’s complaint about “bias” and cancel an entire section after registration had begun. While the student voice must be heard, it cannot be given authoritative weight in determining how many class sections are offered. It censors and denies other students the opportunity to matriculate in a second section of the Israeli/Palestinian Conflict.

Course evaluations are a more thorough and comprehensive means of assessing a professor’s pedagogy than a student complaint. Indeed, A.A.U.P. Illinois Committee A finds striking your conclusion that Professor Chehade’s course evaluations confirm a balanced pedagogy. In your letter to Professor Tyma you state:

I reviewed several semesters of student evaluations as well as the syllabi through the lens of “balance.” All of these documents support Mr. Chehade’s statement that multiple views are discussed in the class.

Such affirmation in our opinion renders the student complaint as not credible. Majority-student opinion contravenes the student complaint of bias. This raises questions why the student complaint apparently led to a course cancelation within six days of Dr. Corey’s meeting with Professor Chehade. Yet your finding that Professor Chehade teaches with a balanced approach to pedagogy came after his section was canceled. We find no evidence, however, that you articulated that position prior to his learning of the section cancelation on November 4, 2013..

In your e-mail to me on March 20, 2014 you state, “The College reaffirms the right of all faculty members and students to exercise academic freedom in a manner that Mr. Chehade has enjoyed since he became a member of HHSS.” You claimed “that no course on campus is immune from being offered at a reduced frequency from past semesters” and that Professor Chehade’s “political perspectives” did not impact the decision to remove his second section six-days after Chairperson Corey inquired about balance and serve as de facto advocate for the student. We are aware that you claim that the dropping of a section resulted from a normal review of enrollment and scheduling patterns afforded all sections within the Department of Humanities, History and Social Science and LAS.

However, Professor Chehade had been offered a contract to teach both sections that he accepted on October 28, 2013. The

course already appeared on Oasis (Online Access to the Student Information System), a registration software platform. It was scheduled for spring semester and students were registering. While it is true that another section of the course was allowed to proceed for spring 2014, the second-section cancelation strongly suggests that Columbia College was trying to limit additional student exposure to Professor Chehade’s teaching of the Israel-Palestinian conflict. Professor Chehade informed us that another course--49-1501, Middle East History: To Muhammad--he was offered to teach as a substitute for the Israel/Palestine Conflict section was 1,400 years removed from the Palestine conflict and the course was not within his area of expertise. He honorably declined the course and surrendered approximately \$4,600 that he would have received for teaching a second course. The evidence is suggestive of an inappropriate cancelation of a second section some six days after his adversarial meeting with Chairperson Corey in which the issue of balance, bias and a student complaint dominate the agenda.

Given favorable student evaluations that you confirm demonstrate a balanced pedagogy, it is simply egregious that a student complaint in fall semester 2013 would nullify broader student assessment. Indeed the ideological biases of a chair or any administrator, much less a student, should not govern what an instructor is allowed to teach. Not if the institution respects basic principles of academic freedom. Academic freedom is essential for the advancement of the common good through the pursuit of knowledge and the truth. The purpose of academic freedom is to foster an environment in post-secondary education that validates many approaches, some of which maybe unorthodox or controversial. Truth is frequently elusive but unless academicians are free to teach and challenge the perceived orthodoxy, then a society cannot progress and liberate itself from the past. The pursuit of knowledge and the determination to resist the canon can be fraught with peril and controversy but it frequently advances the common good.

Professor Chehade has the academic freedom protection to present material in his own name in a course and articulate opinions in class. Professors are not bean counters and need not pursue an ephemeral, sterile “balance” at the expense of “professing” and pursuing the art of teaching as a moral act. Specifically, Professor Chehade has the right to show the film, *5 Broken Cameras*. His academic freedom gives him the right to introduce controversial course-related topics, and materials into his classroom. He need not insure that equal time in the name of balance is given on every topic brought into class. A course on slavery need not proffer arguments for and against the racist, dreaded institution. A course on gay rights or the history of genocide need not “balance” the number of arguments in favor of gay rights and in opposition to genocide with those that support discrimination against homosexuals and mass murder.

Academic freedom has its limits: no freedom is an absolute. Professors cannot proselytize their students. They cannot falsify information to obscure the truth in order to advance a personal agenda. They cannot suppress student debate, disagreement and dissent. Professors cannot assess students on the basis of their political beliefs or discriminate because of their association with any entity. A.A.U.P. expressly prohibits this in its Joint Statement on Rights and Freedoms of Students. To your credit, you clearly affirm that none of these transgressions occur in Professor Chehade’s course on the Israel/Palestine

CHEHADE CASE AT COLUMBIA *continued from page 14*

Conflict. Yet because a student objected to a film, Columbia College acted in a manner that strongly suggests a desire to suppress a narrative that deviates from the predominant accepted discourse on matters pertaining to the long-standing conflict between the State of Israel and the Palestinian population living in the West Bank and Gaza.

Contingent faculty are particularly vulnerable to violations of academic freedom as has been well documented in such seminal statements as the A.A.U.P. Inclusion in Governance of Faculty Members Holding Contingent Appointments (Revised 2012). Professor Chehade's status as a contingent part-time faculty member in all likelihood made him more vulnerable to this violation of his academic freedom.

The American Association of University Professors Illinois Committee A on Academic Freedom and Tenure agrees with the P-Fac, Columbia College's faculty union, that Professor Chehade's academic freedom was violated. We construe the six-days between Chehade's adversarial meeting with Dr. Corey and the removal of the second section as linked events. We consider the handling of the student complaint as inappropriate, arbitrary and a viola-

tion of Instructor Chehade's academic freedom. Both the Association and the Columbia College collective-bargaining agreement's definition of academic freedom were violated in this case that begins with the reported statements and requests of Chairperson Corey during the October 28 meeting.

In your March 19, 2014 e-mail you supported the continued use of the film *5 Broken Cameras* and described Professor Chehade's course as "thought provoking and exciting." Yet we believe your laudable support of Professor Chehade's academic freedom did not reflect prior actions dating back to October 2013. We take you at your word that this is presently your position on this unfortunate matter and, therefore, ask you to consider implementing the following two recommendations.

First: Columbia College should offer, if sustained by adequate enrollment, Instructor Chehade two sections of the Israeli/Palestinian Conflict in fall semester 2014. Student interest has been robust and given the public scrutiny surrounding this case will likely increase looking forward.

Second: We urge that the policy of handling student complaints undergo a strategic reassessment. The current

system as revealed in this case is clearly broken and conducive to academic freedom violations. The lack of transparency in which a professor cannot challenge his accuser, much less know the identity is an affront to due process and a shocking display of arbitrary treatment of a faculty member. We made suggestions to improve the process including an initial conference between a student complainant and the instructor.

Any reassurances that you will implement these recommendations would be greatly appreciated. I would be happy to speak to you or meet with you at your convenience or engage in any additional communication that you prefer.

The other members of the AAUP Illinois Committee A are Matthew Abraham, DePaul University, Loretta Capeheart, Northeastern Illinois University, Walter J. Kendall III, John Marshall Law School and John K. Wilson, Illinois State University.

Sincerely,

Peter N. Kirstein, Ph.D., Chair: Illinois Committee A on Academic Freedom and Tenure/Vice President of the Illinois Conference of the AAUP.

Letter from Steven Corey

I am a strong supporter of the AAUP and a former elected union representative. For almost two decades, I was a union member at my previous institution of higher education and for several years served on the executive committee of the Worcester Chapter of the Massachusetts State College Association, an NEA affiliate. Given my history as a union advocate, I am very disappointed that the Illinois Chapter of the AAUP has decided to insert itself as it has in a labor grievance involving Instructor Iymen Chehade.

However, Dr. Pan Papacosta, the former President of the Illinois Chapter of the AAUP, informed me yesterday that your report is open to reconsideration and in order to prove that the claims against me are baseless, I offer a reply to the questions as you posed them to me in your e-mail. I am available for further discussion and clarification.

1) Your question: "Namely if the student complaint against Professor Chehade led to a cancellation of one of the sections of The Israeli/Palestinian Conflict?"

My answer: Absolutely not. Mr. Chehade had a second section of his Israeli/Palestinian Conflict class canceled on the Spring 2014 schedule due to low enrollment of the same class the previous spring.

In the Spring 2013 semester he taught two sections of the class, one with 24 students, the other at half that number. I was instructed by my Dean, acting on an initiative from the Provost, to maintain class size by reducing courses with multiple sections or those unlikely to fill given the day and time scheduled. I cut four courses in the department in order to maintain my department's average class size of approximately 22 students per class; Mr. Chehade's second section of the class was one of those four cancelled.

In order to maintain his two-course teaching load, I offered him another class in his general area of training that was already on the books. My goal in this assignment was to preserve his teaching-load and the rotation of courses in keeping with the department's curriculum needs.

I must point out that reassigning Mr. Chehade a second class was in keeping with his own request, conveyed through his union to me. On Monday, November 4, 2013 (the day his second section was canceled), his union representative emailed me and stated that Mr. Chehade was "prepared to modify his teaching availability so that he can be assigned other history classes in the spring." This is precisely what I did and, as any neutral party can see, my ac-

tions were in line with Mr. Chehade's request.

It should be noted that Mr. Chehade never replied to the assignment offer for his second class. Not until the Step One grievance, months later, did he inform the College that he refused the class out of principle. He never indicated to me that he was unable to teach the second class as assigned. He has completed general graduate work in Middle Eastern and Ancient history and I assumed that he would be willing to take the reassigned class as he requested and conveyed to me through his union representative.

2) Your question: "... your characterization of your meeting with Mr. Chehade following the student complaint?"

My answer: Our meeting was amicable and collegial, especially given the fact that we were (and remain) in complete agreement on the issue of fair and open dialogue in the classroom, especially when it comes to teaching complex material.

3) Your question: "Did you take a position on whether balance was an issue of concern?"

My answer: I never told Instructor Chehade to "balance" his class presentation of material. Any assertion that he was ordered to do so is not true.

4) Your question: "We are also curious if you asked the student if she or he had spoken to the instructor prior to speaking to you?"

My answer: I did ask the student. I also told the student that talking with Mr. Chehade is advisable if he/she felt comfortable doing so.

I would like to direct you to the College's reply to the Step One and Step Two grievances filed on behalf of Mr. Chehade by PFAC. They contain ample proof that no violation of academic freedom occurred.

I have ever confidence that you and the rest of Committee A are sincere in wanting to know "my side of the situation." I strongly assert that no violation of academic freedom has occurred. I urge the AAUP to respect the integrity of the concept by not conflating disputes over course assignments with the right of a professor, or in the case of Mr. Chehade, a part-time instructor, to teach courses as he or she best sees fit (which as I have advocated strongly on behalf of Mr. Chehade to do so).

Sincerely,

Steven H. Corey, Ph.D.
Professor and Chair
Columbia College

Reply by Peter N. Kirstein, IL AAUP Committee A Chair

We are grateful for Chairperson Corey's response. On March 19, 2014 we sent Dr. Corey an e-mail and afforded him the opportunity to present his side of the October 28, 2013 meeting with Iymen Chehade and the subsequent section cancellation that launched this academic freedom case. We received no response and six days later issued our report. We mention the absence of a response in the March 25, 2014 report. The day following our e-mail to Professor Corey, Academic Vice President/Interim Provost Louise Love sent an unsolicited e-mail to the committee. It appears that Dr. Corey sought pre-approval from university counsel and believed he should not respond directly to our inquiries. We believe the timing of Dr. Love's e-mail was hardly a coincidence and that our e-mail to Dr. Corey had found its way to the interim provost's office. It is obvious that Dr. Corey saw the e-mail prior to the issuance of our report. He does not deny that. We assumed Dr. Love, as the chief academic officer of Columbia College, was speaking for the institution including Dr. Corey, and her response is cited thoroughly in our report.

To your response to our first e-mail question of March 19: We recognise there is a dispute over the reason for the cancellation of Mr. Chehade's second class. We state that in our report. Our report concluded with appropriate nuance that the

reasons for the elimination of the second section six-days after the student complaint were communicated to the professor were "linked events." We are aware that the Israeli/Palestinian Conflict course enjoyed healthy enrollment and we were persuaded by the exhaustive P-fac data analysis during various steps of the Chehade grievance proceedings, that the cancellation was based on factors in addition to customary determination of course offerings: that it was a response to the student complaint about bias in presenting material such as the film, *5 Broken Promises*, on the Israel-Palestinian conflict.

To your response to our second and third e-mail questions of March 19: We believe we have substantial documentation including that of several Columbia College administrators that is inconsistent with your statement. Our report includes Dr. Love's letter to P-fac representative Susan Tyma on March 13, 2014 that unambiguously asserts that you raised the issue of balance with Mr. Chehade: "Mr. Chehade was made aware of the student complaint in a meeting of October 28, 2013, in which Department Chair Steven Corey discussed the importance of presenting issues in a balanced way." In addition another document not cited in our report sustains and affirms our conclusions of academic freedom violations. Assistant Provost Pegeen

Quinn's letter to P-fac representative Susan Tyma on February 6, 2014 describes Dr. Corey's interaction with Mr. Chehade at their October 28 meeting: "According to Dr. Corey, at the meeting he discussed the value of a balanced delivery of the subject matter with Mr. Chehade" {Emphasis added} Assistant Provost Quinn also states Mr. Chehade at the grievance hearing testified he was "alarmed" at the October 28, 2013 meeting due to the "power imbalance at the meeting." Mr. Chehade has also informed Illinois Committee A that you raised the issue of the need for pedagogical balance at your meeting. These gratuitous reminders about the "importance of" and "value of" the need for balance have a chilling impact on academic freedom.

To your response to our fourth e-mail question of March 19: We note you asked the student whether she or he had spoken to Mr. Chehade. However, you do not deny the report's assertion that neither you nor Dean Holdstein directed the student to first discuss the complaint with the instructor. Feeling comfortable is not the criterion under which a student decides whether to initially speak to an instructor concerning a complaint. Our report stands by its assertion that the student should have been asked to first raise the complaint with the instructor before Mr. Chehade is subjected to his chair and interim provost reminding

a part-time faculty member, with several years of teaching at the College, about the need for balance in the classroom. We construe this as an intrusion on his academic freedom in attempting to manage or shape his pedagogy. It is fact that Mr. Chehade does not know the name of the student, never received a copy of the student's e-mail complaint and was never given the opportunity to challenge his accuser. It is fact no administrator or department chair instructed the student to first raise the complaint with the instructor. We believe the handling of the student complaint and the content of your exchange with Mr. Chehade was a violation of his academic freedom.

Peter N. Kirstein

Chair, Committee A on Academic Freedom and Tenure (Illinois)

AAUP Contest

The AAUP Foundation is holding an essay and art contest on academic freedom and the AAUP's centennial for undergraduate and graduate students. Deadline is Jan. 15, 2015. aaupfoundation.org.

My Story: How I Was Fired by Moraine Valley Community College

By Robin Meade

The police chief handed me the envelope stating he had no idea what was in it, he was just the messenger. I took the envelope from him and opened it. I was stunned. Inside was a memo firing me.

I was fired for sending a letter to the League for Innovation in the Community College, criticizing the Moraine Valley Community College administration for treating adjunct faculty as a “disposable resource” and the “chilling effect” on adjuncts who lack job security.

A waterfall of thoughts washed over me. Classes had started earlier that week. I had already connected with them. Wait, I wrote that letter as the president of the adjunct union. How could they fire me for that? Wasn't that illegal? I didn't say anything untrue. The letter was based upon research with the membership and eyewitness accounts and approved by the MVAFO (adjunct union) board. What would happen to my students? How would I tell my kids? How would I make up the income from those classes? I spent the rest of the day trying to piece the future together.

I found very quickly that every course of action open to me required waiting... and meetings... and gathering information. The saying goes that freedom isn't free. The unsaid (but not always understood) other part of freedom is that keeping it requires more than latency. We shouldn't relax because we have freedom. We should recognize daily the responsibility of keeping that freedom from eroding. The union filed an unfair labor practice and the waiting began for the labor board to rule. I pursued the First Amendment case on my own. The first hearing wasn't until December, four months later.

Many people have asked me what this cost me. For

starters, my job. The semester had started. I had already connected with my students. Many of them texted, asking what was going on. It wasn't appropriate for them to be involved in this. The administration left them hanging with no instructor and no answers. Educators know and data supports that attendance the first two weeks of class are crucial for student success. How much more if the instructor is missing instead of the students? I was angry for them, angry at the flagrant disregard for their success by an administration claiming student success as its highest priority.

The message my termination sent to the adjuncts I represented was clear – speak out and we'll fire you, even if you're the president of the union. None of you are protected from anything. But it certainly wasn't the first time the administration at Moraine had trampled free speech. In April 2013, during the board of trustee elections, the MVAFO had hung election fliers on the adjunct union boards in the adjunct working areas around campus. The administration sent the campus police to remove the election fliers off of the union boards. Adjuncts in these areas witnessing the action emailed and texted me, terrified for their jobs for just sitting in the adjunct area grading. I never imagined the administration would fire me for acting in my role as union president and be brazen enough to say so in my termination letter. Who does that? Are you sure we're not in Ireland in the early 1900s?

My adjuncts weren't sure. The first union meeting of the semester I attended via speaker phone. During the meeting, one of the members asked, “Who will be next to be fired?” I had been threatened with charges of criminal trespassing if I were to set foot on campus. The admin-



istrator who fired me stated that he didn't understand how I could still hold my office, as if the administration and not an election and the MVAFO bylaws dictated this. My board members were threatened with termination if any of them helped me gain access to the union office on campus. The administrative bullying infuriated me and I wanted to come onto campus, but it was in the best interest of the union to have the leadership of the adjuncts strong and intact. I was determined to complete my term.

The school year was tough. But true leadership is persevering and leading regardless of outside circumstance. Despite the support of my board and the well wishes of the leaders of other adjunct unions, I felt very alone. There really are not enough supports for adjuncts. Adjuncts don't have the time and are dependent on help from full-time faculty for classes and connections. Adjuncts at Moraine come and go, regardless of relationship, the cost of turnover ignored. Anyone could go next because it is understood that adjuncts are important only for cost savings and easily replaced. Many of my friends disappeared, wanting to distance themselves from the fallout on campus or from people who tired of hearing about my ongoing struggles. So I stopped talking to people and started praying and kept waiting to see what would happen in the court. I started writing again and began to look at other career possibilities outside of academia.

Some people say I was brave and some say I was stupid. I say that living in fear and ignoring the truth to stay safe isn't freedom. Signing and sending that letter cost me my job, my reputation, and many friends and contacts. And given the choice, I would sign and send the letter again.

A Victory for the First Amendment in Illinois

By Leo Welch

On October 30, 2014 the U.S. Court of Appeals for the Seventh District Court in Illinois ruled for Robin Meade, the Plaintiff-Appellant and against Moraine Valley Community College, the Defendant-Appellee.

Robin Meade was fired for writing a critical letter to the League for Innovation in the Community College (LICC). The Moraine Valley administration asked her and other leaders of the Moraine Valley Adjunct Faculty Organization, a union affiliated with the American Federation of Teachers, to write to the LICC in favor of the college's affiliation with the organization.

Instead of glowing platitudes, Meade wrote that the college treated her and other adjunct faculty, who teach 60 percent of courses, as a “disposable resource” and a separate, lower class of people.” She also wrote that adjuncts were underpaid and lacked benefits and job security, “creating a chilling effect, which affects adjunct performance and erodes the confidence the idyllic atmosphere and beautiful buildings and grounds strive to protect.”

The letter to the LICC was sent in August of 2013. The LICC, which is con-

trolled by administration, forwarded a copy back to the Moraine Valley administration. Two days after sending the letter from VP Andrew Duren, indicating she was terminated. Meade also received an email from Moraine Valley's chief of security that her presence on campus would be considered a criminal trespass.

Meade then sued, in the district court for retaliation in violation of First Amendment rights and termination of her teaching job without due process.

Moraine Valley claimed that Meade's letter was not relevant to public interest to claim protected speech and based on her adjunct status, she did not have property interest in her teaching job to claim due process violation. Moraine Valley also claimed that the written agreement with the college could not “be considered a commitment on part of the college for future assignment.” The district court found on behalf of Moraine Valley.

The appeals court overturned the district court's decision and Chief Judge Diane P. Wood, writing for the unanimous, three judge panel said that Meade's claim about adjunct working conditions in relation to student success met the legal definition of public concern. In addition Meade is not alone in expressing concern

about the treatment of adjuncts.

The appeals court also referenced the 2006 U.S. Supreme Court Case *Garcetti v. Ceballos* which help that a public employee's statement made pursuant to his or her official duties cannot provide the basis of a retaliation claim. This ruling limits the effect of *Garcetti* for public academic employees.

This decision supports the U.S. Supreme Court's 1968 ruling in *Pickering v. Board of Education* which held that a faculty member's First Amendment rights, regarding the public good, is constitutional.

As a final note Moraine Valley Community College is now a member of the League for Innovation in the Community College. Apparently Robin Meade's letter had no impact on LICC to accept Moraine Valley's petition to join. Why should the LICC turn down the \$1,000 plus dues they require for membership dues?

State University Inc.



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

University of Chicago Rejects Confucius Institute

The University of Chicago has decided to end its relationship with the Confucius Institute, which is funded by the government of China to support Chinese-language and culture classes at colleges around the world. Critics have accused the Confucius Institutes of endangering academic freedom by controlling the hiring of instructors and restricting topics that they can discuss. In June 2014, the AAUP issued a statement noting that “Confucius Institutes function as an arm of the Chinese state and are allowed to ignore academic freedom.”

On Sept. 14, 2014, the University of Chicago announced it would end negotiations about extending the Confucius Institute because “recently published comments about UChicago in an article about the director-general of Hanban are incompatible with a continued equal partnership.” Xu Lin, the head of the Confucius Institutes, had bragged in a Community Party newspaper interview about the influence she had with University of Chicago officials.

Marshall Sahlins, a University of Chicago professor who helped lead the opposition to the Confucius Institute, has published a new short book, *Confucius Institutes: Academic Malware*, from Prickly Paradigm Press.

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The Greater Our Numbers, the Stronger Our Voice

If you care enough about the future of higher education, we hope you'll now take the next step and encourage your colleagues to join the AAUP at www.aaup.org.

Illinois AAUP

Michael J. Harkins
President
Assoc. Prof. of History
Harper College
mharkbhs@att.net

Peter N. Kirstein
Vice-President
Prof. of History
St. Xavier University
kirstein@sxu.edu

Lee Maltby
Secretary
Dean of Instruction
St. Augustine College
lmaltby@staugustine.edu

Alan Iliff
Treasurer
Professor of
Computer Science,
North Park University
ailiff@northpark.edu

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