

ILLINOIS ACADEME



U of Chicago Grad Students Seek to Protect Their Rights with the AAUP

By Andrew Yale

Grad student employees at the University of Chicago have access to a wealth of intellectual resources, but financially the U of C has historically been a space of austerity and meritocratic competition, encouraging entrepreneurial individualism rather than solidarity. In the spring of 2010, Graduate Students United (GSU) at the University of Chicago voted overwhelmingly in favor of jointly affiliating with the American Federation of Teachers and the American Association of University Professors. Such a partnership combines the AFT's organizing resources with the AAUP's championing of academic freedom and shared governance. Now with their support, GSU will continue its organizing, with the aim of achieving decent working conditions for grad employees at the U of C.

When U of C grad students founded Graduate Students United on May 2, 2007 to advocate for grad employees, TAs were paid \$1,500 for eleven weeks of work, had to pay \$583 per quarter for their own health care, and had no meaningful say in how their working conditions were defined. President Robert Zimmer (total compensation for 2008: \$1,162,213) had recently announced a revamping of funding support for incoming PhD students, leaving continuing students in the cold. The new funding regime, first implemented in the fall of 2007, has provided a majority of students in the Humanities, Social Sciences, and Divinity School with a standard five-year package of tuition, stipend, and health care. Students in these three units now receive a stipend of \$19,500 per year for

five years, health insurance for five years, and two summers of funding. However, after the fifth year, unless one teaches or is on a fellowship, a single grad student with no dependents can expect to pay about \$6,500 per year in tuition, fees, and health insurance premiums and out-of-pocket costs (health care costs are much higher for those with kids). Biological and Physical Sciences students have for some time received a stipend of \$27,500 per year and health insurance for duration of their programs, and stipends for the approximately 125 doctoral students at the Booth business school range from \$34,500 to \$37,500 per year.

President Zimmer had been a math professor at the U of C for a couple decades before leaving in 2002 to become Provost at Brown, where he was the public face of that administration's successful busting of Brown's grad employee union. He announced the new funding regime at the U of C two years after the Bush National Labor Relations Board issued its infamous "Brown decision," which denied grad students at private universities the legal right to unionize. Graduate Students United formed initially in response to the exclusion of continuing students from the new aid regime, with a focus on grad students' roles as employees. While GSU organizers argued over what the precise character of the organization should be – for instance, whether it should advocate for undergrad employees, and whether coursework should be regarded as remunerable work – there was consensus that we organized primarily around the wage relationship.

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President's Message

Michael Harkins
President, Illinois AAUP



Since our last issue of *Academe*, the officers and board have been engaged in the work of the Illinois Conference. We have attended local, state, regional and national conferences. A number of the officers have represented faculty at hearings, given presentations on shared governance, tenure and academic freedom to our chapters and interested faculty. On a regular basis we spend time providing direction, guidance and support to our Illinois chapters and faculty at large. One of our goals is to enable faculty to develop and promote position statements that define and protect faculty rights.

Today, higher education is confronted with many challenges such as faculty lay-offs, financial terminations, investigations, suspensions and loss of benefits. The State Conference and National office stand ready to service as resources for local chapters encountering these difficult times.

Collectively, we must continue to support shared governance, academic freedom and our rights as faculty members. To achieve our goals we need strong Illinois chapters as well as increased membership. As we move forward in this academic year, talk with your colleagues about the value of AAUP. Ask them to join and become part of an organization that serves all of us in higher education. AAUP is your voice. Help us be heard.

The Illinois Conference of the AAUP Delegate Nomination Notice

Qualifications to Nominate:

Any AAUP member in Illinois who is current in his or her dues as of February 1, 2011, is a member in good standing and eligible to nominate members.

Qualifications for Delegate:

Any AAUP member in Illinois who is current in his or her dues by February 1, 2011, as certified by National to the Illinois Conference is eligible to run as a delegate or alternate.

Self nominations are permitted. No seconds are required.

The Illinois Conference of the AAUP seeks nominations from members in good standing to run as delegates and alternates to the Assembly of State Conferences (ASC) and the Annual Conference of the AAUP. These meetings are very important as they help to determine the priorities and future direction of the AAUP.

The Illinois Conference is entitled to send four (4) delegates to the ASC meeting, one of which is the President by virtue of the office. The election is to determine the remaining three (3) delegates to the ASC meeting scheduled June 10, 2011, and two (2) delegates to the Annual Conference scheduled June 11-12, 2011. Individuals may run for both delegate positions.

Two (2) alternate delegates for the ASC and one (1) alternate delegate for the Annual Conference will also be elected. Alternates will attend only if elected delegates are unable to participate. The Illinois Conference has some funding to defray the cost of attending. Elected delegates that attend the ASC meetings, the Annual meeting, and file a written report summarizing the issues discussed at the sessions by July 12, 2011 will be eligible for reimbursement of travel expenses and lodging not to exceed \$600.00. The report must be sent to the Conference President. Receipts must be submitted to the Conference Treasurer no later than 30 days after the meeting.

All nominations must be received by midnight February 7, 2011. Nominations should be sent by mail to the Secretary of the Illinois Conference of the AAUP, care of Lee Maltby at St. Augustine College, 1345 W. Argyle Street, Chicago, Illinois 60640 or e-mailed to lmaltby@staugustine.edu.

The election will take place by mail in April, 2011. Please provide the nominee's contact information in the nomination. The Illinois Conference will contact those who have been nominated to verify their acceptance of the nomination. Election results will be sent to all members via e-mail by mid May, 2011.

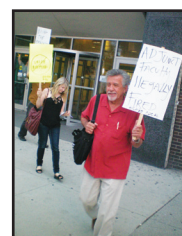
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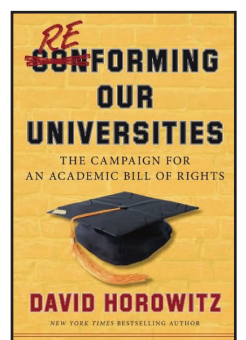
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Cary Nelson's No University is an Island: Saving Academic Freedom

Reviewed by Peter Kirstein

Had President Dwight D. Eisenhower not initially adopted it, I would have recommended the title, *Mandate for Change*. Instead, Cary Nelson, president of the American Association of University Professors (AAUP) and Jubilee Professor of Liberal Arts and Sciences at the University of Illinois at Urbana-Champaign, has chosen a Kingian title for his most recent work on academic freedom, *No University is an Island: Saving Academic Freedom* (New York: New York University Press, 2010). The title evokes images of Dr. Martin Luther King's, "Letter from Birmingham Jail," when the incarcerated civil rights leader wrote: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny." The book's frequent forays into academic-freedom practices in Canada, Latin America, the Middle East and Europe is a refreshing diversion from liberal American exceptionalism that eschews comparison between nations while focusing only on United States postsecondary education.

Another parallel to Eisenhower is the sense of memoir. It is striking for a leader of a major professional organization to publish a highly critical analysis of that entity while still holding office. In fact reformers of organizations usually are not its leaders but the rank and file or external critics. Perhaps this is a pre-memoir but one of impatience as a frustrated change agent preempts the usual looking backward by demanding change as he looks forward.

Nelson writes with a passion that is gripping, moving and fearless. The reader becomes immersed in frenzied rhetoric as page after page is unrelenting in its humanism, courage and captivating prose. The author clearly prefers embracing rhetoric that is pungent. He refers to university presidents with million-dollar salaries as "criminals." (159) Those governing boards and administrations that eviscerate faculty rights are "jackbooted university managers." (127) Ivy League presidents are referred to with the somewhat ethnically insensitive term of "Mafiosi." (156)

The social sciences and humanities, where critical thinking begins and possibly ends, have been under siege from the Thunder of the Right at least since the 1950s McCarthy Era. They are the finger in the dike, the only barrier that can constrain American culture from hardening into "fascist stone." (103) Yet the author also assaults his own house with friendly fire: AAUP is transmogrified under the Nelson scalpel into a "factory" ignorant how its "sausage" is made. (197) He describes the association's capacity to pursue its mission and organizational priorities as "wanton incompetence" (211) and its resistance to transparency in its investigatory actions as a "cult of secrecy" within a "secret society." (260-261) Its recalcitrant, staff-driven, turf-protecting national office is portrayed with shocking wrath: "[T]he national office is organized as a terrorist cell within a kindergarten." (199) Words may wound and incite but a change agent that can move beyond such rhetorical flourishes with clear, concise, prescriptive analysis is not a mere ideologue but a leader with a vision. This intrepid work, perhaps unlike any other I have encountered on academic freedom, cuts deeply with its pen but writes the prescription to heal the wound and prevent further injury.

The author is traversing two paths, which while not heading in different directions, are difficult to negotiate simultaneously. One is the path of organizing, collective bargaining units through unionization at public universities or colleges as an antidote to persecutory treatment by governing boards, state legislatures and intolerant faculty. This is the growth industry AAUP

has pursued with 75% of its members in collective bargaining (CB) units at public universities and colleges. The other path is his *cris de coeur* that embraces the classic, individualized, approach with advocacy chapters that dominate private institutions. These institutions are not a growth industry since they are essentially barred from collective bargaining due to NLRB v. Yeshiva University (1980). This Supreme Court decision categorized faculty at private universities as "management" and, therefore, not subject to National Labor Relations Board protection and ratification of the right to organize. While the collective bargaining component of AAUP may be its growth industry, its soul has traditional lain in its individualized protection of faculty members who are fired for their views, suspended for questioning administrative authority, silenced for behavior or extramural utterances that defy conventional wisdom and seek revolutionary change in a nation that proclaims itself as the leader of the "free world" despite abandoning apartheid only forty years ago.

There is throughout *No University is an Island* a restlessness. Nelson chafes at the AAUP's secretiveness and staff-centered universe. AAUP is taken to task for being too deliberate in its approach to academic injustice; it discourages even its elected leaders from protecting the academic innocent as a possible preemption of a position prior to a possible investigation. They would not, prior to Nelson, even allow the organization's elected president to have a regular column in *Academe*. Its pusillanimity dating at least from the McCarthy era in protecting the most controversial faculty has perished: Ward Churchill and Norman Finkelstein come to mind. AAUP walked away from the Churchill academic freedom case as it always does after a faculty committee renders its judgment even if it is manifestly at variance with AAUP policies and much less represents an egregious transgression of a professor's rights. Process is treasured when faculty speak but the content is ignored if the faculty committee engages in discriminatory and capricious treatment.

Nelson is appropriately critical of AAUP's lack of staying power in this case much less recognizing the ethnic studies professor's formal request for intervention. Nelson repeatedly claims the contrary, albeit somewhat archaically, that the "Churchills" did seek AAUP intervention. (232-33) Ward's spouse and attorney, Nat-su Taylor Saito, retains her family name. Faculty committees should not be given the benefit of the doubt in determining the facts of an aggrieved colleague because faculty are frequently the problem and not part of the solution. In addition, AAUP needs to cast aside its "call us first" policy and intervene directly when its core values and mission are violated on a university or college campus.

In the case of Norman Finkelstein, the single most important academic freedom case of the 21st century, AAUP just closed shop once the popular political science professor settled with DePaul University in 2007. John Wilson and others have argued that a settlement should not preclude a Committee A investigation. It is heartless to suggest that a settlement conduces justice when tenure is denied, health care terminated, pension plans eliminated and occupational uncertainty and desperation afflict the individual. Mere money is not the only measure of resolution, although important, when so much else is

lost. Even though Finkelstein was denied tenure formally for scholarly tonality that was deemed less than collegial, he was actually fired for his passionate anti-Zionist criticism of Palestinian suffering under the brutal occupation of the State of Israel. That alone is why he is no longer in academia: his call for the end of the destruction of Palestine and the monstrous, hateful intervention of Harvard law professor Alan Dershowitz. These were the reasons DePaul denied him tenure and promotion and AAUP terminated its involvement and abandoned interest in the case after a settlement was reached. This alone lends credence to Nelson's sustained complaint about AAUP practices.

The restlessness in Nelson's relationship with AAUP is palpable. It boils down to this: How to induce the staff-bureaucracy to embrace change and elevate the role of the president to something other than a tolerated figurehead. Ironically there is an academic parallel to civil service. Staffers in classic bureaucratic mode, see themselves as outlasting an elected president who must seek reelection every two or four years. What makes Nelson's critique personal is his refusal to merely wear the honorific title of "president." He demands more activism in protecting the fundamental workers' rights of contingent faculty. He wishes to smash the labyrinthine maze of Committee A deliberations. He wants AAUP to become less judicial in some of its deliberations and more activist and impassioned

when injustice requires a swift response such as the Katrina-related tenure dismissals.

The restless president sees academia in crisis. AAUP generally does not and, hence, the clash of wills. With a more than 50% decline in membership between 1970 (100,000) and currently (44,000), Nelson has statistical wind at his back and an emerging mandate to increase membership through reform and alteration of a staid, almost plodding approach to the critical challenges to tenure, academic freedom and shared governance in higher education. Dr. King's major work, *Why We Can't Wait* is apropos here as the civil rights leader demanded change in Birmingham "now" and not in the never ending, never arriving future.

Yet Nelson believes too many academicians compare "unfavorably" the measured, quasi-judicial character of AAUP with the activist immediatism of the Foundation for Individual Rights in Education (FIRE). Such comparison is apt and appropriate. In my suspension case of 2002, it was FIRE's founder, University of Pennsylvania Professor Alan Charles Kors, who contacted me by phone and e-mail; it was FIRE that took to the airwaves on board member's Milt Rosenberg's "Extension 720" WGN radio program to defend me publicly; it was FIRE that wrote a letter to then university president, Richard Yanikoski, explicitly threatening legal action if sanctions escalated toward dismissal or if a risible post-tenure review were used to assess my fitness for continuous tenure. At the time I was president of the St. Xavier University AAUP chapter and while national was somewhat helpful in counseling me in negotiating some aspects of my case, it refused to investigate the case and required constant calling and even at my expense a Washington D.C. office appointment with former Committee A gatekeeper Jonathan Knight.

I felt FIRE, known generally for its conservative advocacy, was there for me,

protected me, cared for me and saved me. Even the conservative National Association of Scholars Stephen H. Balch, who receives spacious and thoughtful coverage in *No University* for his Horowitzian advocacy of value-free "balanced" pedagogy and proscribing controversial non-syllabi listed topics, spoke to me by phone and published a letter in the *Wall Street Journal* denouncing their frequent editorial fulminations against me and my right to teach in academia. It is not the ideology of organizations that most impresses me but their actions. The moderately liberal AAUP is sometimes quite laggard in comparison to conservative organizations in defending its own principles so the issue is one of praxis and not ideological categorization.

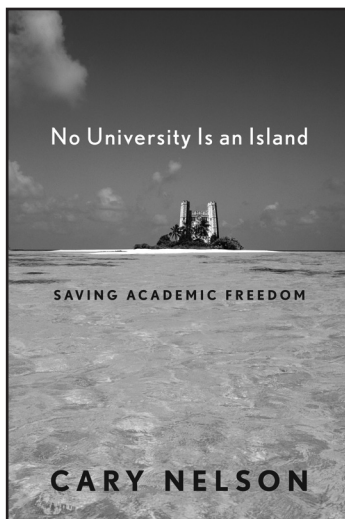
The president admires AAUP's careful case studies of individual faculty persecution and the quasi-judicial status of the Redbook. Yet academic freedom and the protection of tenure require more than a half dozen or so Committee A reports and quasi-judicial case law that appear in *Academe* and the AAUP Policy Documents and Reports. AAUP needs to broaden both the scope of its concerns and its approach to those concerns. Namely promote aggressively through the media and public advocacy that shares the stage with the slower and careful judicial investigations of particular individual cases of academic transgressions. AAUP is reluctant to embrace the former and this in a nutshell is Nelson's *casus belli* against our organization.

Contingent off the tenure-track faculty reflect proletarian misery in twenty-first century America and must be protected. Faculty are being fired who dare oppose the Israel lobby and must have academic freedom security. The liberal to right assault on the academy from a Stanley Fish to a David Horowitz to an American Council of Trustees and Alumni (ACTA) to Students for Academic Freedom cannot be challenged merely through reports but through challenges by first responders with press releases, press conferences, public legal advocacy and a more effective website with images and attitude. Too much reliance on dispassionate style creates too little substance within a culture of decorum, deliberative sophistication and Iyvesque calm. Such a culture should not be abandoned for reckless and unsophisticated analysis but needs to be modified for the sake of justice and honor in specific circumstances.

Yet Nelson's criticism of AAUP far exceeds those in the *Chronicle of Higher Education*, that he challenged openly for persistent negative reporting, and occasionally can be gratuitous. While admittedly bizarre, Roger Bowen, former general secretary who joined the anti-academic freedom mob in a *Wall Street Journal* piece seeking the dismissal of University of Colorado Professor Churchill, pursued the purchase of additional office space and suggested seeking external funding from Venezuelan President Hugo Chávez. Nelson chastises the seeking of foreign support as "mad," while perhaps forgetting that the anti-colonial leader has previously donated subsidized heating oil shipments to 200,000 poor families in twenty-three states.

There are a few errors. Ken Andersen, the treasurer of the AAUP Illinois Conference and a pioneer in effectuating effective state-level AAUP organizing, is misidentified as "Anderson." (44) "Argues" appears as "agues." (170) The index is too limited with its exclusion of newspapers and Supreme Court cases that are rendered spacious treatment in the text—although a few appear in the bibliography. I would also prefer extensive footnoting that should be de rigueur in a university-press publication.

BOOK REVIEW *continued on next page*



Have We Dug Through to China Yet?

By Ken Andersen

Growing up in Iowa, I was often digging postholes, foundations, trenches, etc. Not fun work, I often asked my father if the hole was deep enough. His typical reply, "Have you reached China yet?" I don't know if a straight line from western Iowa through the earth's center ends in China. But the image of digging, and digging, and digging ever deeper has stuck with me. Digging ever deeper is a concern for three areas linked sequentially in this editorial: Illinois' budget crisis, political polarization, and our communication environment.

Illinois Budget Crisis

My editorial last spring, "Illinois: Will It Shoot Itself in the Other Foot?" concluded, "We will shoot ourselves in the other foot." No surprise! We did. The legislature failed to confront the structural budget deficit, failed to cut spending, failed to pass a tax increase. This meant and will mean cuts to higher education, further delay in paying bills, going deeper in debt to fund pensions, further decline in the state credit rating and an even bigger state deficit facing us in FY2011 and 2012.

The University of Illinois has yet to receive all the money owed to it by the state from last year. It has not received a penny of the money due for this year starting July 1 and will not for some time. It anticipates another cut in that budgeted amount. Other public higher education institutions in the state are in the same situation. Tuition continues to rise and access to a higher education is ever less assured. UIUC lost 30 faculty members last year it wanted to keep. The average increase in salary they made by moving: \$60,000. In-state tuition is now second highest in the Big Ten.

Time magazine, repeated news items, editorials, and business leaders are saying the only hope of a vibrant future for the country is greater investment in education—growing our human capital. Response: Illinois and other states are cutting funding for higher education. We cut income taxes for the wealthy, pass the immediate and delayed costs of wars in Iraq and Afghanistan on to our grandchildren, but we cannot support a system of higher education, once the best in and envy of the world. Once in first place in terms of 25 to 34 year-olds holding college degrees, we are now 12th.

National awareness of problems in Illinois continues to grow with headlines in the national press such as a lead article in the *New York Times* business section "The Illusion of Savings: Several States Join Illinois in Risky Pension Accounting" (Sept. 20, 2010) and "A State Unconvinced That Its Culture of Corruption Will Ever Fade." (Aug. 19, 2010).

Our estimated budget deficit is \$14 billion. If you add in pension liabilities, other state obligations and the estimate of cumulative liabilities as Eden Martin does, the cumulative deficit is \$160 billion.

At what point will the state deal realistically with its own self-inflicted wounds? Are the legislators and governor ready to face the need for a tax increase and a shift of focus to the needs of Illinois rather than their own reelection? When will they shift to a focus on policy issues rather than political power issues? The current election cacophony gives little hope of change. No matter how the election turns out, it seems our past is our future. Why so? For most in Springfield, being elected trumps dealing with the urgent problems confronting the state and the culture of corruption lives on.

Facts Matter! Words matter! Images matter! Motivations matter! Ethics matter!

Having taught speech and communication for approximately 40 years I know there are no clear, easy solutions to the issues posed by the decline in civility and profusion of technologies. We do need to reverse the old adage "Trust but Verify" to "Verify then Trust." I have long advocated that every communication curriculum should include a course in communication ethics and such courses are growing in number in higher education.

We cannot wait that long to beginning education about the uses and misuses of communication using to communication technologies. At an early age we teach about inappropriate touching and what is appropriate and inappropriate in communicating. But elementary and secondary schools and higher education must assume one more burden: preparing students to live in a communication era in which the "rules" are changing and recent technologies have outraced our ability to use them wisely to enhance communication rather than to serve destructive purposes or limit the utility of the communication process.

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From its passionate defense of academic freedom to its call for contingent faculty liberation; from its recognition that great injustices were wrought on the entire academy in the Finkelstein inquisition to its defense of those defenseless faculty denied tenure or dismissed without cause; from its sense of urgency that academic freedom and the tenure system that buttresses it are in peril and that AAUP must confront these challenges or face a withering away into irrelevance, *No University Is An Island* establishes itself as a brilliant, introspective analysis from a rhetorically gifted writer. The book is perhaps the single most effective work in the field of academic-freedom advocacy. While others may be more judicious in temperament and "scholarly" in legalese, they do not match this work's wisdom, sweep of experience and searing demands for change during a time of considerable pressure to abandon critical thinking for our students

and our profession as educators.

The writer with hortatory passion promotes a Gandhian non-violent civil disobedience campaign against nefarious administrators that encompasses sit ins, blocking their cars, preventing access to buildings and even picketing their homes. In a barely concealed reference to Marx and Engels, Communist Manifesto, Nelson proclaims: "You have nothing to lose but your colleagues' chains." Since the author frequently assesses academia with a comparative internationalist perspective that transcends the domesticity of America, I would add: "They have a world to win."

Peter N. Kirstein is vice president of the American Association of University Professors, Illinois Conference, and professor of history at St. Xavier University in Chicago. This review was originally published in Logos: A Journal of Modern Society and Culture.

Funding of Political Polarization

The current national elections are setting new spending records: resulting in the highest proportion of negative ads in history, largest expenditures by known and unknown contributors and candidates, and historic low ratings of Congress. Meg Whitman spent over \$160 million of her own money in her failed pursuit of becoming Governor of California.

But the largest shifts in funding have come from the ability--thanks to the Supreme Court decision treating corporations as individuals--of corporations and individuals to hide contributions. So organizations, some with known titles, others with creative labels that belie their purposes, pour huge amounts into selected races. The flurry of ads in the Chicago market in the Senate race is but one example. For the 2010 election nationally, the U.S. Chamber of Commerce poured in \$75 million; American Crossroads (tied to Karl Rove) \$65 million, and they pledge to continue during the lame duck session of Congress. American Action Network, one of the major funders in the Illinois Senate race, spent at least \$26 million.

Millionaires such as the Koch brothers have provided support for many of the Tea Party rallies and candidates although their objectives do not align. The rise in partisanship is linked to this flood of money into the political arena. This does not exempt a news network that repeatedly queries guests. "Do you believe Obama is a Muslim?"

What does this money buy? Clearly, it buys lots of ads, predominantly negative ads that are known to drive up the negatives of candidates. The ads may not shift as many votes as they do opinions that persist beyond the election. Why is the U.S. Congress held in such low esteem? If the major refrain is that guy is no good, sum all the individual claims over the whole of Congress, add in the attacks over legislation (death panels), and the polarization of Fox News and MSNBC, it is surprising that the rating isn't zero. The result of, "He is no good!" countered by "He is no good!" yields a typical conclusion: "You are both right!"

But more importantly, that money buys access to the candidates including the opportunity to draft legislation. That explains a great deal of the legislative maneuvering including the anti-regulation push in terms of legislation and enforcement that puts us at risk whether focused on food production, pharmaceuticals, coal mining or oil drilling.

Excess partisanship not only spreads malaise among the electorate but also creates a continuing inability to address the most of the significant poli-

cy issues confronting the nation.

Our Communication Environment

All the noise in the communication jungle may be one reason Illinois politicians have not heeded the thoughtful rationales for proposals to cope with the budget crisis, a crisis created by failing to heed past warnings leading to the current morass. Similarly the infusion of huge sums of money that distort the election and legislative processes links to using communication as a means to unworthy ends.

Innovations in communication linked to the internet such as email and Facebook have brought an array of concerns differing in quality and quantity for those of past years. We are learning about being "phished" and scammed via the internet, whether for bank account numbers, credit card info, or moving funds out of Nigeria. Too few learn it is not wise to put content on Facebook you don't want a future employer or your mother to know. Individuals are learning is not to push send in a fit of anger. Launch something into cyberspace and give up assurance of privacy and risk becoming "viral." Each of us, I warrant, forges all of this at times whether teen or oldster.

The demise of traditional journalism and responsibility for fact-checking seems linked to the development of blogs that increasingly provide the basis for significant misinformation and rapid spread of intentionally inaccurate as well as accurate information. Stories become "too big to dismiss" by the press. Leaks no longer demand verification by a second source. Do not discount the impact of attention to Lady Gaga, the latest celebrity overdose or peccadillo in taking us away from significant policy issues of war, job loss, or personal or collective budget concerns.

I see two areas are of particular concern. One is illustrated by the story of Shirley Sherrod. An existing tape was edited to make her appear a "reverse" racist and given wide publicity by Andrew Breitbart via his Web "Big Government" and picked up by the major media. Result she was summarily fired by the Secretary of Agriculture. The original tape illustrated her overcoming bias in responding to the need of a white farmer. The Secretary of Agriculture did not see necessity of verification? In our first response, did we?

To work efficiently communication depends upon a high level of mutual trust. We tend to trust what we see and read. Given modern technology that is not longer a valid approach. A technician can take one note and digitally replace it in an operatic aria. Experts can shuffle the words in an interview, remove or add a cigarette in a photo. Great fun on Leno's Tonight Show; incredibly dangerous in the real world of politics and personal decision making.

Have we lost the sense of individual and collective responsibility to provide a zone of privacy for ourselves and others? Individuals casually send photos of themselves naked via cell phones or post them on Facebook. We will never know if it was homophobia that prompted a Rutgers' student to turn on his Webcam in their dorm room after being asked to give his roommate privacy. Transmitting those images goes extends beyond a personal invasion of his roommate's privacy. We know that promising violinist Tyler Clementi committed suicide even though we cannot know all of the elements that brought this result. Politicians railing against homosexual life styles may advance their own interests. Do the suicides of gay teens link to just such expressions as well as lack of support from parents and peers? We live in space conditioned by the communication climate.

Illinois AAUP Committee A Report

Committee A has been very active. We have requested that the national office of AAUP investigate a case at DePaul University. This is the first time that the reconstituted Committee A has formally requested such an intervention. In the past, the work of the conference in this area has been unstructured and relations have been less than optimal with national. We are hopeful that this conference will receive appropriate consideration of its requests for national intervention given the fact we are allegedly serving the same organization and are on the same team. Cary Nelson, Gary Rhoades, Greg Scholtz and Robert Kreiser are all aware of this case that involves academic freedom, due process, diversity and adherence to institutional policies within the faculty handbook.

The DePaul cause is rather complex and is currently under appeal within the university: the same university that fired Norman Finkelstein because Alan Dershowitz disapproved of his pro-Palestinian writings and others wanted to censor his scholarly critique of the State of Israel. Committee A submitted a report to Greg Scholtz and a letter to the individual who was denied tenure and promotion within the College of Liberal Arts and Sciences. AAUP national avoids intervention until an appeals process is completed; we await the outcome of that stage.

Committee A has also assisted other professors who are planning their promotion and tenure applications and who were denied tenure. The committee attempts to handle cases through the chair who then determines if full committee action is warranted. I urge individuals who have questions concerning promotion and tenure issues to consider either contacting national in the first instance or Illinois Committee A.

*Peter N. Kirstein, kirstein@sxu.edu
Chair, Committee A, Illinois AAUP*

Religious Foundation Courses at the University of Illinois: A Short History

By Harry H. Hilton, Professor Emeritus of Aerospace Engineering, UIUC

In 1919, a unique educational anomaly was created when the University of Illinois Senate and Father O'Brien of the Newman Foundation negotiated an agreement whereby the campus religious foundations were permitted to teach religion courses on their premises by their staff members for university credit. Although over the years, serious objections to this arrangement were voiced by subsequent Senates and the UIUC AAUP Chapter membership, the arrangement remained in effect, except for some modifications, for 91 years until July 2010.

The various denominational religious foundations have played and continue to play an active and important role on the UIUC campus by providing housing, meal services, spiritual guidance and fellowship for interested students. However, their in-house religious course offerings for university credit by their staff, when neither instructors nor course content were subject to the established faculty and Senate scrutiny and approval, certainly represented a radical departure from time proven procedures.

This matter surfaced again in 1958, when the UI moved to a unified course registration system – alas not yet computerized – when students now could register directly with the University for religious foundation courses. Prior to this time, students registered with the individual foundations, which then transmitted registrations and grades to the University Registrar.

The UIUC AAUP Chapter now took an active interest in the prevailing arrangement regarding the teaching of religious studies for university credit by the campus

denominational foundations with no University oversight nor approval through the customary campus channels as to course content and instructor.

After a lengthy investigation and discussion, the Chapter Academic Freedom and Tenure Committee recommended to the Chapter in 1961 that this arrangement be terminated and that the College of Liberal Arts and Sciences (LAS) offer such courses through a new department of religious studies or through interdisciplinary rubrics between existing interested departments. After lengthy debates and Chapter approval, the LAS Faculty considered the matter and added its approval and was further joined by the LAS dean. This issue was then formally introduced in the UIUC Senate. Again after lengthy discussions, the Senate passed the resolution and forwarded it to the University Board of Trustees (BOT) with the additional explicit approvals of the UIUC Chancellor and University President. At the same time, all the various Campus Foundations, except the Newman Foundation, indicated that they would cease to participate in the existing program and stop teaching religious foundation courses for university credit and, indeed, did so.

After vigorous representations by Father (today Monsignor) Duncan of the Newman Foundation to the UI BOT, the trustees in a rare instance overrode a purely faculty and administrative properly vetted decision and refused to terminate the arrangement between the University and the Newman Foundation, which has survived until this year. Starting in 1970, the Newman Foundation remained the sole provider of university credit courses taught by its

personnel.

The LAS College in the intervening years, instituted a Program in Religious Studies, and two years ago with BOT approval it created a full-fledged Department of Religious Studies. In 2000, the then-director of the program executed an operational agreement with the Newman Foundation reaffirming University control through normal campus procedures and channels over religious studies courses offered by instructors supplied by and financially supported by the Newman Foundation. This remained the operational instrument under which the Newman Foundation offered the Spring 2010 course taught by Dr. Howell. His salary was paid by the Newman Foundation and not the University, where he held a 0% time university adjunct professor appointment, which was awarded on a one-year temporary basis. This is consistent with the University practices regarding adjunct titles and appointments.

In May 2010, the night before the final examination of the Newman Foundation course, Adjunct Professor Howell send an email to his students, which was interpreted by at least one of them as coaching in answering the examination questions. He also indicated that only through prolonged and intensive study could one become knowledgeable of the subject and properly answer the questions. Upon complaint by a friend of one student in the class, the then department head wrote to the professor that he was fired. It was now the semester end and his one-year temporary university contract with no pay was set to expire on August 21, 2010.

Subsequently, in July 2010, the University terminated the arrangement with the

Newman Foundation and hired Dr. Howell as an adjunct professor in the Department of Religious Studies on a standard one-year temporary part time appointment.

While the BOT is the unquestioned legal ultimate governing authority of the University, it has long time ago agreed to and subsequently frequently reaffirmed certain procedures through its repeated approval of amendments to the University Statutes among which are the principles of shared governance and academic freedom. The shared governance concept has certainly been heavily injured in 1972 when the BOT chose to disregard strong recommendations from the Senate, LAS Dean, Campus Chancellor and University President to discontinue university credit for religious foundation courses.

Possible academic freedom issues in general and procedural matters pertaining to adjunct professors are currently under review by the UIUC Senate Committee on Academic Freedom and Tenure.



Ken Andersen (left) and Harry Hilton at the Illinois AAUP fall conference in October.

Statement of the Faculty Advisory Council of the Illinois Board of Higher Education on Shared Governance in Budget Decision-Making

Endorsed June 11, 2010

Difficult economic conditions have compelled institutions of higher education across Illinois and the United States to consider and/or implement an array of strategies to deal with their budget crises. These strategies have included furloughs, hiring freezes, program reduction and elimination, and reductions in staffing.

While the Faculty Advisory Council recognizes the significant difficulties facing higher education in Illinois, it is concerned that financial stress can be or is being used as an excuse for university and college administrators to make decisions without appropriate consultation with campus institutions of shared governance. Since the productivity and morale of a university or college depend on the faculty's conviction that they are deeply invested in the mission and processes of their institution, actions taken without consultation with appropriate shared governance bodies can only undermine the long-term health of our higher education institutions.

Yet even as the Faculty Advisory Council is concerned that financial stress might be used as an excuse for university and college administrators to make decisions without appropriate consultation with campus institutions of shared governance, it is also recognizes that education administrators must make difficult decisions, often under severe time constraints. Accordingly, the Faculty Advisory Council believes that campus institutions of shared governance must be responsive if they are to be effective.

The Faculty Advisory Council believes all institutions should follow the following principles as they deal with

decisions regarding budgets and policy implementation in these difficult times.¹

1) University administrators must facilitate early, careful, and meaningful faculty shared governance participation in decision-making and policy implementation. Such participation includes, but is not limited to: a) encouraging faculty to raise issues of concern; b) assisting faculty in gathering and collecting information relevant to an issue; c) working with administrative staff to collect and present information relevant to an issue; d) considering seriously any draft plans and policies faculty groups have developed for commentary and consideration; e) responding in a timely manner to requests for information; f) allowing shared governance groups to access appropriate means of communicating and promulgating their plans, policies, and requests for information to the community; g) responding to complaints from shared governance groups that they have encountered difficulties, such as unresponsive staff persons or scheduling conflicts, in carrying out their responsibilities; and f) allowing faculty groups to have appropriate time to understand the issues that come before them.

2) If a decision to reduce or eliminate an academic program is made after early, careful, and meaningful faculty involvement, it is the responsibility of the faculty to determine where within the program reductions should be made. Rights under academic tenure must be protected to the fullest extent possible. In those cases where, after full consideration of viable alternatives, there is no realistic choice other than to terminate the services of a ten-

ured faculty member, granting of at least a year of notice is expected, as is the giving of preference for openings for which the faculty person may be eligible within the state. When one institution merges or purchases the assets of another, the negotiations leading to merger or purchase should recognize the terms of appointment of all faculty members involved.

3) Campus shared governance groups must respond to issues before them in a timely manner. They must consult broadly with relevant groups affected by particular policies and issues. They must engage in professional, respectful debate on the facts and policies they consider and practice due diligence in considering issues and their alternatives. Shared governance groups must offer full, fair, and serious consideration of the realistic issues and concerns associated with particular policies or programs and, once a decision is reached after engaging in a thorough and serious discussion of the issues at hand, must cooperate with University administrators and other constituents in achieving shared goals.

Keeping these principles in the forefront of our work will help all of us achieve our shared goals more effectively and efficiently.

¹ These statements are adapted from the American Association of University Professors at: <http://www.aaup.org/NR/rdonlyres/4D42E708-51CA-4ED8-9D9BAEE9E7224207/0/OperatingGuidelines.pdf>; and Illinois State University Academic Senate's policy "Powers and Responsibilities of Committees of the Academic Senate," promulgated August 2006.

Introductory Remarks for the Illinois AAUP Fall Meeting

By Irving Epstein

On behalf of Illinois Wesleyan University, I want to extend our greetings and best wishes for a productive AAUP State Meeting. As a private, small, liberal arts university, we are appreciative for the opportunity to host this state meeting, not because we view it as a way of derailing an inevitable faculty strike, not because we are as an institution confronting immanent insolvency and need all of the allies we can muster, nor is it because we are facing de-accreditation from an external agency. Our appreciation for your decision to use IWU as a venue for conducting state AAUP business and holding your conference here is more fundamental, because the work that you do

touches upon all members of the academy, regardless of institutional type, and independent of the circumstances in which we are individually situated. The one goal that binds the North American and indeed the global professoriate together is the necessity of protecting, preserving, and enhancing academic freedom. This is the reason why you are here and this is the reason why we applaud your presence.

In my own career, I have worked with professors in other parts of the world whose lives and those of their families have been threatened because of a talk they have given or a rally they have attended. I have met colleagues who cannot do their research because of their family back-

grounds or who are restricted from traveling to professional meetings, because of overt government efforts to control their research and scholarly agendas. And I have met colleagues who have been shunned in their countries by colleagues and friends who are afraid of the repercussions of a continued association.

At the same time, we are all aware of efforts of politicians in this country to engage in some of the worst forms of racism, sexism, homophobia, and right wing politicking, and in so doing, to demonize the professoriate and the academy in order to gain political advantage. But whether it involve contesting the tyranny of neo-liberal agendas that are eroding the tenure process,

fighting against the capricious interference of governmental agencies that deny individuals the resources they need and deserve to function adequately, or working to make higher education bureaucracies less corporatist and more fair, the commitment you have made to the preservation of academic freedom you make on behalf of all of us, in McLean County, in this state, in this country, and around the world, regardless of one's particular institutional affiliation or location. The nobility of the cause is one that cannot be contested, but your efforts on behalf of all of us need to be recognized, affirmed and applauded. Please have a wonderful meeting and conference and thank you again for your service.

Adjuncts Organizing at East-West University in Chicago

By Joe Berry

What are workers to do when, after they file a petition for a union election, the employer declares the entire workforce no longer employed? That's what happened early this summer to adjunct faculty trying to organize at East-West University in downtown Chicago.

A letter to all faculty was accompanied by a demand that every faculty member schedule a private meeting with the chancellor and be interviewed before they could be re-hired to teach classes in the summer or fall.

East-West University is a predominantly African-American (both faculty and students) private, not-for-profit institution of 1,100 students focused on international education and access to college for nontraditional students. It was founded by the present chancellor, Dr. Mohammed Wasiullah Kahn. East-West has always had most of its students on federal financial aid. The 50-plus part-time adjuncts teach over 80 percent of the courses, and even the small number of full-time faculty have no tenure rights or job security.

Lead faculty organizer Curtis Keyes of the United Adjunct Faculty Association of EWU says, "They call it a university but they run it like a bank."

There was no shortage of issues that led faculty, many with decades of seniority, to finally attempt to organize and file a union petition under the auspices of the Illinois Education Association (IEA) May 26. A key issue was the pervasive lack of respect for adjunct faculty as teachers, manifested in a pay policy where faculty were paid for the first half-term's work only after turning in their midterm grades. This meant that teachers would go well over a month without any pay, which is probably illegal in Illinois. The same pattern was repeated at the end of the term.



Faculty were teaching four-unit full-quarter classes (11 weeks) for well under \$1,500, which included lecture preparation, grading, student advising, and all other related work.

The history of fear among the adjunct faculty was well-founded, with teachers in the past being fired for talking union or publicly expressing disagreement with administration policies. In 2004, East-West was singled out for an "F" grade in its treatment of faculty by the international Conference of Contingent Academic Labor (COCAL).

Despite extreme repression, organizers were able to get over 50 percent of the adjunct faculty to sign cards. Just finding these faculty was a major undertaking, since they teach at all hours. At about the same time as the firings, the administration implemented the first pay raises since 2004, "in response to the 'threat' of unionization," according to Keyes.

Weeding Out Organizers

Not surprisingly, the interviews with the chancellor were used to weed out core organizers, including Keyes, and deny them previously assigned classes for both the summer and the fall.

An unfair labor practice charge was filed, but more important, the teachers counterattacked. Press releases were written, public picket lines were held, and support was garnered from the Chicago chapter of COCAL and from sister adjunct IEA locals at Columbia College and Roosevelt, both within two blocks of East-West.

Students stood up and organized themselves and joined the picket lines, as well as some recent alumni who were scandalized at the behavior of this supposedly progressive institution and administration. While this very public struggle was going on, East-West had the temerity to challenge the

unemployment applications of those it had denied work.

Demonstrations continued through the summer. A film was made by Labor Beat. Articles appeared in the academic press, and publicity and resolutions were raised at the international COCAL conference in Quebec in August and at the national American Federation of Teachers convention in July. The American Association of University Professors issued a statement. Top leaders of the IEA and National Education Association, the East-West faculty affiliates, also began to speak out. A delegation met with Congressman Danny Davis of Chicago, a member of the East-West board of trustees. He promised to speak to the administration.

Finally, on August 31 the National Labor Relations Board issued a complaint and notice of hearing, giving the East-West administration a week to negotiate an adequate solution to the charges or face a formal hearing and possible judgment against it. Before the hearing date was scheduled, the administration partially caved in and agreed to re-hire those it had fired and pay them for the summer courses they had been deprived of.

It remains unclear whether East-West plans to continue its illegal opposition to unionization of the faculty. It could, of course, at any time, choose to recognize the union that clearly represents the majority and bargain a contract. Or it could force an election, with all the delays and opportunities for intimidation that that process entails.

For now, the leadership of the union is back at work teaching and busily trying to

find and speak to the many newly hired adjuncts, and to spread the word of this victory to those who had been afraid to become involved themselves.

It may seem odd to read of such a struggle by college teachers, who may be supposed to live in a world of educated civility, job security, and living wages. Their struggle highlights the dirty secret of higher education in America: that as it has continued to expand since the 1970s, it has expanded on the backs of a casualized, underpaid workforce who now teach most of the classes in higher education and comprise over 70 percent of the faculty. With most high school graduates now accessing higher education at some point in their lives, what happens at colleges as workplaces is a matter of concern for everyone.

Support messages can be sent to the United Adjunct Faculty Association of EWU at EWUADJUNCTS@gmail.com.

Letters demanding that the EWU administration cease its resistance to faculty unionization and commence bargaining can be sent to Chancellor Dr. Mohammed Wasiullah Khan, East-West University, 816 Michigan Ave., Chicago, IL, 60605, chancellor@eastwest.edu, 312-939-0111, fax 312-939-0083, and to Provost Dr. Madhu Jain, madhu@eastwest.edu, 312-939-0111.

Joe Berry is outgoing chair of the Chicago Coalition of Contingent Academic Labor and author of Reclaiming the Ivory Tower: Organizing Adjuncts to Change Higher Education. This article originally appeared in LaborNotes (labornotes.org).



Illinois Legislative Report: 96th General Assembly, 2010 Legislative Session

By Leo Welch

Senate Bill 3699 (amended), Bond (Smith) Public Act 96-1299

Creates the Community College Transfer Grant Program Act to provide financial assistance to eligible students who have received an associate's degree at a public community college and who have financial need to attend public or private baccalaureate institutions.

Senate Bill 2548, Demuzio (Black) Public Act 96-0911

Requires the Illinois Community College Board (ICCB) submit monthly, rather than quarterly, vouchers to the State Comptroller for base operating grants and equalization grants.

House Bill 5571 (amended), Osmond (Righter) Sent to the Governor

Provides that for 2 years no state agency or grantee may expend General Revenue Fund dollars for promotional calendars, pens, buttons, pins, magnets, and similar items. Exempts contracts entered into before the effective date of the act.

House Resolution 920 (amended), Bost Resolution Adopted

Directs the Board of Higher Education to study the feasibility of developing a 2-year budgeting cycle for public institutions of higher education.

Senate Bill 2615, Forby (Bradley) Public Act 96-0912

Increases the borrowing authority for community colleges from 75% to 150% of anticipated property tax receipts to assist in cash flow management.

Senate Bill 3660 (amended), Cullerton (Currie) Public Act 96-0958

Creates the Emergency Budget Act of Fiscal Year 2011, giving the Governor powers to unilaterally direct state agencies, boards and commissions, and colleges and universities to set aside a contingency reserve from certain FY11 appropriations. The authority expires on January 9, 2011.

Senate Joint Resolution 88, Maloney (Crespo) Resolution Adopted

Directs the Board of Higher Education to establish a Higher Education Finance Study Commission. The study shall include the history of higher education funding in Illinois; a comparison of productivity of Illinois' higher education system with other states and a comparison of public institutions with their peers; an analysis of best practices for incentivizing certificate and degree completion; a review of financial aid policies and practices and their role in achieving enhanced degree completion; and consideration of alternative funding schemes for higher education.

House Bill 5483 (amended), Burke (Frerichs) Sent to the Governor

Amends the Open Meetings Act relating to approval of minutes of a public meeting and making minutes available for public inspection. It also requires that any person be permitted to address public officials at meetings under rules established and recorded by the public body.

House Resolution 918 (amended), Pritchard Resolution Adopted

Establishes a Blue Ribbon Committee on Higher Education Mandates within the Board of Higher Education to review State mandates on public universities. A report is due to the General Assembly August 1, 2010.

Senate Bill 3588, Demuzio (Joyce) Public Act 96-1212

Amends the Personnel Record Review Act to allow public employers to notify employees when a Freedom of Information Act request is made for records of disciplinary actions relating to the employee.

House Bill 6092 (amended), McCarthy (Maloney) Public Act 96-1249

Amends the P-20 Longitudinal Education Data System Act to 1) add nonprofit colleges and universities offering graduate and professional degrees to the reporting requirements of the act; 2) affirm that the State shall adequately support the development of a consortium of nonprofit in-

stitutions required to submit data and extend the July 1, 2012 deadline for nonpublic institution participation in a consortium up to 2 years, pending State appropriations to support the development of the consortium; and 3) prohibit data from the consortium of nonpublic colleges and universities from being included in any interstate data-sharing agreements without agreement of the consortium.

House Bill 4644 (amended), Poe (Bomke) Public Act 96-0961

Amends the State Employee and State Universities Articles of the Illinois Pension Code to allow a member to establish service credit for voluntary or involuntary furlough beginning on or after July 1, 2009 and ending on or before June 30, 2011.

Senate Bill 1946 (amended), Cullerton (Madigan) Public Act 96-0889

Amends the Illinois Public Labor Relations Act. Makes a variety of changes to state pension system to impose requirements and alter benefits for employees hired as of January 1, 2011.

IL AAUP Speakers Bureau

The Illinois AAUP offers speakers to AAUP chapters and other groups, and the Illinois AAUP can cover most expenses for AAUP chapters. Speakers include Ken Andersen, Peter Kirstein, Leo Welch, and John K. Wilson.

Speakers can discuss topics such as academic freedom, shared governance, financial exigency, faculty handbooks, collective bargaining, tenure, adjunct rights, and much more. Email the Illinois AAUP at collegefreedom@yahoo.com for more information on hosting a speaker.

Interview with David Horowitz on *Reforming Our Universities*

Illinois Academe editor John K. Wilson interviewed author David Horowitz via email about his new book, "Reforming Our Universities."

Illinois Academe: In your new campaign to "Adopt A Dissenting Book," you urge students, "If your professor refuses to grant your request, appeal to the next higher authority, which would be the Department Chair, and after that the Dean of Students. If you are unsuccessful with this appeal, then take the request to the university administration beginning with the Provost or President, then the Board of Trustees." What power do you think that administrators or trustees should have to order faculty to add books to (or subtract other books from) a course?

David Horowitz: I don't think that administrators or trustees should have direct power over faculty in the selection of books in the classroom. The point of this exercise is to find people within the academic community who will encourage recalcitrant faculty to do the right thing, the liberal thing by providing students with texts that reflect more than one perspective on controversial matters so they can draw their own conclusions. I would like to see an office of academic standards created by the administration with a review board whose majority would be faculty with representation from the administration and student body. The standards should be set by faculty. It's important that they be written and made public within the university community. A grievance procedure should be provided for students or faculty members feel they are not being observed. A review committee composed of a faculty majority should then examine complaints and this board should be empowered to make recommendations in a manner suited to the requirements of academic freedom.

IA: It's clear from your book that you think the documentary "An Inconvenient Truth" should be banned from all social science courses in the entire country, and only allowed in environmental studies if critical views of the documentary to oppose it are included. What punishment do you think should be imposed on a professor who illicitly shows the documentary?

DH: I said no such thing, nor have ever suggested anything like it. I have never called for the banning of any book or reference material from any course nor would I. I believe that academic standards and academic freedom principles require that students be provided with materials that will allow them to think for themselves. Consequently a controversial film such as "An Inconvenient Truth" should be accompanied by critical materials that provide students with the means to compare claims and evidence and make up their own minds. I think this is particularly true when the film is shown in social science courses whose instructors are not professionally qualified to evaluate climatological claims. This is probably where your misunderstanding of my intentions originates. I have never suggested any "punishments" for any teachers. In the only specific case I have been involved in regarding an infringement of academic freedom by a professor I endorsed without reservation the course of action taken by the Dean (in this case of Penn State's College of Liberal Arts and Sciences) who was a faculty member herself. I have described this case and its result at length in my book.

IA: You write, "I had a talk delayed for twenty minutes by demonstrators at the University of Chicago and had to deliver my speech while a large undergraduate stood in the middle of the room with her back to me in protest (she was not removed by the Dean and police officers present because she was black, and they feared adverse publicity)." (10) Why would a person standing in silent protest prevent you from speaking, and how do you know that the university refused to remove her because she was black?

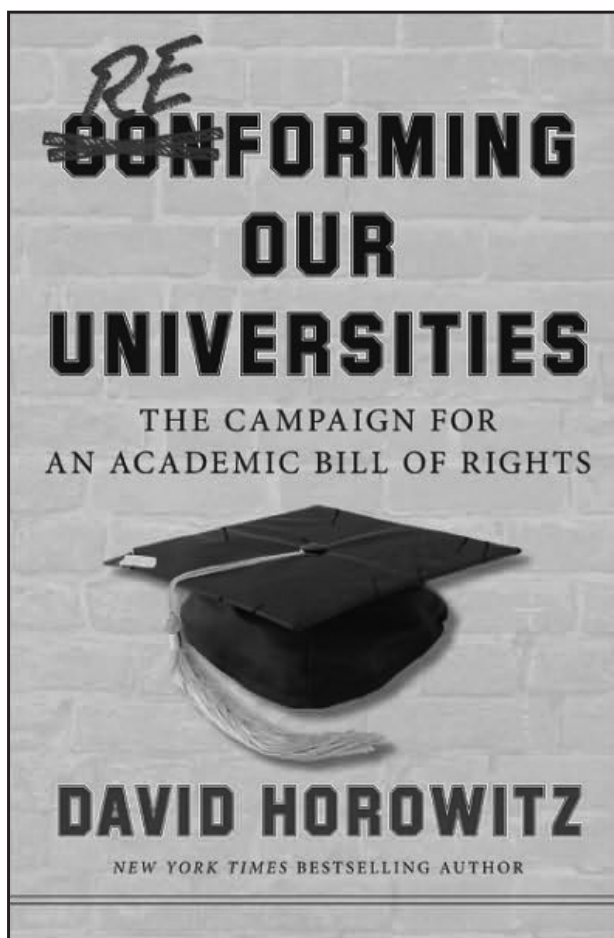
DH: I did not say that I was prevented from speaking. I said my talk was delayed -- which it was -- until a group of demonstrators (with the exception of this one student) were persuaded to sit down. The twenty minutes were taken up by a university provost (or perhaps it was a dean) attempting to persuade the demonstrators to allow me talk. The lone remaining protester did not prevent me from speaking, nor did I say she did. I knew the campus police were deterred by the fact that she was black because I asked them why they had not enforced university rules and removed her and they told me of a recent similar incident which had resulted in a photograph in the campus paper, The Daily Maroon, with a caption that referred to them as the campus "gestapo." Obviously it's not good PR for a campus authority to be portrayed as a Gestapo oppressing a minority.

IA: You write, "The legislative resolutions I had sought were merely instrumental—a way of getting universities to focus on the problem and take steps towards a solution. It was never my intention to seek government management of universities, as my opponents claimed (and continue to claim)." (72) Yet the Students for Academic Freedom Handbook currently on your website notes that legislators

might pass the Academic Bill of Rights as a state law "imposing penalties for non-compliance" and declares, "you and your SAF organization need to be ready to support and assist legislators in their efforts." Aren't you expressing support for government management of universities?

DH: Although the fact remains and the record will show that I have never supported legislative control of university curricula or government penalties for non-compliance with the Academic Bill of Rights, you have certainly embarrassed me with this one. I had never read those sentences before and no one before you ever brought them to my attention or referred to them in a critique of my efforts. They do not appear in any of the previous attacks on my campaign and if they had I would have removed them from this particular document at the time. I have already done so now, having been alerted by your comment. I apologize for this oversight, but since you are the only person who has ever raised it, I cannot think the sentences have resulted in any damage, particularly since I have said so much to the contrary since the beginning of my campaign. This lapse has been generally overlooked.

The handbook you mention was not written by me and does not list me as one of the authors. I did write a guide for our students which is listed on our website as "Mission and Strategy" and can be found here: <http://www.studentsforacademicfreedom.org/documents/1917/pamphlet.html> Section 4 of this document is titled: "To Secure the Adoption of "The Academic Bill of Rights" as University Policy" This reflects the unwavering aim of my academ-



ic freedom campaign which has been to make academic rights for students university policy. I have never said that the wording of the Academic Bill of Rights is the only wording of an academic freedom policy that would be acceptable to me. I have said yes on each and every occasion where university officials have asked us to withdraw our legislation if they would put their own version in place. I cannot see how I could be any clearer about my intentions. The phrase you single out does not reflect anything that I have written or said in the seven years of my campaign. I have never sponsored legislative measures that would be statutory or include penalties, and never supported such an idea. I have never supported the idea that government should manage universities. It is an idea that I find both dangerous and absurd. I have from the beginning of my campaign and in all my public statements said very clearly that I believe universities themselves should establish academic freedom standards for students where they do not already exist -- which today is everywhere in the university system except for the public universities in Ohio and Pennsylvania that our campaign has directly affected.

IA: You recount your conversation with Elizabeth Hoffman, president of the University of Colorado: "I was quick to point out that I was not asking her to hire conservative faculty. I said the university could insulate itself from an attack by...bringing conservative academics to campus as visiting professors." (67) Isn't hiring conservatives as visiting professors precisely a demand to hire conservative faculty?

DH: Hardly. A visiting professor is a visiting professor. He or she is brought to a university to provide a fresh or unrepresented perspective or experience, and is not

brought in as a permanent member of the faculty. That's the difference. Aren't you and other members of the AAUP -- as self-professed "liberals" -- even slightly embarrassed by the fact that university faculties in the liberal arts have become so monolithic in recent decades? That most students go through four years of a university education without ever encountering a conservative adult? How do you think faculties got that way? In a fit of absent-mindedness?

IA: You also celebrate Hoffman being "fired" because she failed to get rid of Ward Churchill quickly enough as "an important message to university administrators." (115) This isn't actually true (Hoffman resigned), but why would you support the firing of presidents who refuse to immediately purge left-wing faculty?

DH: I have never called for the purging of leftwing professors, although this is a frequently deployed AAUP slander. I publicly defended Ward Churchill and UC Irvine Law School dean Erwin Cherminsky when efforts were made to dismiss them for their extreme leftwing political views. I would never support the firing of a professor or the firing of a president for refusing to purge faculty for their political views. Where did you get such an idea? I did not ask Elizabeth Hoffman to get rid of Ward Churchill, either before or after the fracas over his Internet article.

Not did I ever celebrate Hoffman's departure from the University of Colorado. I suggested that if she had followed my advice and found ways to encourage intellectual diversity at her campus (by methods short of hiring faculty for their political views) she would have been in a better position to defend herself from public attacks when the Churchill scandal broke. I never said I supported such attacks. The message her dismissal sent was that having an intellectually diverse academic community would insulate universities against such attacks. You are correct in pointing out that she wasn't formally "fired" (and I accept that I should have made that clear in my text). Nonetheless, her "resignation" was a mere formality. She was forced out. Hers was not a voluntary departure.

IA: You claim that "Contracts had been signed which allowed government officials to decide whom universities could hire, what salaries they could pay, who they could admit as students to their institutions, and even what kind of statements teachers could make in the classroom." (96) The footnote you offer for this statement is about high school proficiency exams, and has nothing to do with higher education (or anything you wrote). You also claim that "diversity statutes" such as Title IX "gave large government bureaucracies power over such matters as curriculum, course content, and faculty personnel decisions." (147) Since you offer no footnotes, I was curious to know in what contracts or cases has Title IX or other statutes given the Executive Branch control over college curricula, courses, or personnel decisions?

DH: C'mon. The diversity policies of the federal government and diversity investigations conducted by the Department of Education have had a profound effect on the hiring of faculty at universities and you know it. Do I need to burden my text to provide chapter and verse of specific cases to make this point? In fact I did give a horrifying example in my text of the chilling impact of federal sexual harassment statutes on classroom discourse by noting that Alan Dershowitz had been forced to tape his rape law lectures to protect himself from harassment suits by over-zealous feminists and that one of his colleagues had stopped teaching rape law all together for this very reason.

IA: You denounce AAUP president Cary Nelson as "politically correct" because he changed his view of a poet after discovering some of her anti-war poetry. (143) You seem to think that Nelson changed his view of the poet solely because she opposed World War I, rather than because of the quality of the newly discovered poetry. How do you know this?

DH: I didn't denounce Cary. I suggested that his attitude towards the poet Sara Teasdale was dictated by political rather than literary judgments. He said that he had regarded her as a "sentimental poet" until he discovered she had written anti-war poems. Since he didn't explain how adopting an anti-war position was not sentimental or how the texts of these poems were not sentimental I think the evidence speaks for itself.

IA: You praise schools such as Temple and Ohio's colleges for adopting a variation of your Academic Bill of Rights to allow student grievances. Can you name one example where any college has enforced any of these new provisions to stop the kind of "indoctrination" you oppose?

DH: As I explained throughout my book, the problem of indoctrination on college campuses is a failure of universities to enforce the very principles of academic freedom and academic professionalism that they claim to honor. In my book I describe a case at Penn State, which has the best

Tenure in Illinois Public Community Colleges

By Leo Welch

The Public Act that established public community colleges in Illinois had an effective date of July 15, 1965. It was not until January 1, 1980 that faculty had the protection of tenure that had long been established for faculty in both private and public colleges and universities in Illinois.

The major difference for community colleges is that tenure is now state law! The bill was initiated by the Illinois Federation of Teachers with Senate sponsor Senator Art Berman (D-Chicago) and House sponsor Representative Michael Getty (D-Dolton). There was intense lobbying against SB 147 by community college trustees and administrators. The bill would not have been passed by the General Assembly without the support of the Republican leadership led by George Ryan (R-Kankakee), the minority leader. Tremendous support was also provided by the State AFL-CIO and other labor organizations.

On October 31, 1979, the Illinois House of Representatives overrode Republican Governor James Thompson's veto of Senate Bill 147. The vote was 122 to 40 in favor of tenure. Since this was a veto override, a three-fifths vote was required. This landmark legislation remains one of the most significant acts dealing with faculty rights both in Illinois and the nation.

Community College Tenure Act

The Public Act 81-1100 that established tenure for full-time faculty went into effect January 1, 1980. This act established the right to acquire tenure for all full-time faculty engaged in teaching or academic support services in Illinois public community colleges. This act does not include faculty at public or private colleges and universities. In these institutions tenure is established by "rule" or contract provisions, if a contract exists.

Tenure for any full-time faculty member can be established if the faculty member has been employed for a period of three consecutive academic years. Employment

during a summer term is excluded. However, a local board of trustees, may at its option, extend such a probationary period for one additional academic year. The faculty member must be given notification not later than 60 days prior to the end of the academic year if the probationary term is to be extended. Failure to notify faculty in a timely manner of this extension should result in de facto tenure.

The specific reasons for the optional one year extension shall remain confidential, but it shall be issued to the faculty member on request. A tenure-track faculty member may be dismissed during the probationary period as long as the Board of Trustees notifies the faculty member no later than 60 days before the end of an academic year. Again, the reason for dismissal shall remain confidential, but it shall be issued to the faculty member on request.

The Board is also required to provide a rule or contract for a procedure to evaluate the performance and qualifications for a non-tenured faculty member. There is no statement in this Act that requires post-tenure evaluation of faculty. For example, an honorable discharge can take place if there is a reduction in force to decrease the number of faculty members employed by the Board or a particular type of teaching service or program is discontinued, notice shall be given to the affected faculty member not later than 60 days prior to the end of an academic year. But, no tenured faculty member can be terminated while a probationary faculty member or any other employee with less seniority is retained to render a service which the tenured faculty member is competent to render.

The operational term is "competent to render." Since the Board has the legal right to determine employee qualifications, without specific contract language the Board can decide if a tenured faculty member is competent to render a service. This Act also requires a Board to establish a seniority list, categorized by positions, showing the seniority list of each faculty

member for each position entailing services such a faculty member is competent to render. Copies of this list shall be distributed to the appropriate collective bargaining unit on or before February 1 of each year. In Illinois, all public community colleges have collective bargaining for all full-time faculty.

Tenure Under Attack In Illinois – Again!

It appears to be the season to attack tenure. As the economic recession continues to generate revenue problems for the states and the public sector of higher education sees funding reduction, we see increased attacks on faculty. From furloughs, layoffs, and termination of positions and programs; the onslaught continues. In some cases, the financial situation is so drastic that trustees and administrations have no choice but to take these severe measures. In other cases this may be simply an opportunistic effort to impact faculty rights.

The attempt to limit tenure rights is nothing new in Illinois. In 2004, State Rep. Monique Davis (D-Chicago) introduced HB 4073 which would create a "Higher Education Commission" to establish criteria for tenure of public university professors. The Commission would be comprised of a politically appointed governing board which would establish criteria for tenure at the respective public universities. Each of the public university Board of Trustees would be expected to utilize these criteria for making tenure decisions. If a faculty member is recommended for tenure, the name would then be submitted to the Commission for final approval.

This dramatic attack on the tenure process was due to a single constituent who complained to Rep. Davis that she was denied tenure. This resulted in the introduction of HB 4073 to completely politicize the tenure process. This threat to tenure mobilized the Illinois Association of University Professors, the Illinois Federation of Teachers and the Illinois Education Association to oppose the bill. Private ne-

gotiations took place with Davis and the hearing held by the Illinois House Committee on High Education on February 25, 2004 did not hear the bill. Davis withdrew her support for the bill minutes before the committee meeting took place.

Since then, it has been relatively quiet on the tenure front in Illinois until 2010, with a discussion among community college Chief Academic Officers. They propose that the probationary period for tenure-track faculty is too short – the maximum, they believe, should be at least an additional year. Their argument is that in order to more properly evaluate probationary faculty the period should be extended beyond four years. The exact probationary period has yet to be established.

They further argue that the extended probationary period is needed to help faculty. They base this argument on what could be potentially poor evaluations of faculty by a tenure committee. If there are poor evaluations they, the faculty member, would be given extra time to improve performance before the current statutory time-lines go into effect. This may sound good on the surface, but there is an inherent danger of revising the tenure act for any reason. One of the main reasons to oppose revision of the tenure act is that the American Association of University Professors (AAUP) links tenure and academic freedom.

Not only is tenure under attack in various parts of the United States, but so is academic freedom. There are various court cases that have limited the rights of faculty speech and an extended probationary period for tenure would not be any help on this regard. It is imperative that the AAUP, the Illinois Federation of Teachers, the Illinois Community College Faculty Association, and the Illinois Education Association as well as other organizations that support tenure and academic freedom join together to oppose any diminution of faculty rights.

This article originally appeared in the newsletter of the Illinois Community College Faculty Association.

HOROWITZ INTERVIEW continued from page 6

academic freedom policy in the nation, and is only one of a handful of universities that even recognize a student's right not to be indoctrinated. I advised a student named A.J. Fluehr through the Penn State grievance process and won a ruling from Dean Susan Welch that a professor in the communications department had infringed the First Amendment rights of Mr. Fluehr, in effect requiring him to subscribe to the instructor's point of view. I believe there have been several cases of successful complaints regarding students' academic freedom at Temple, which is the only other Pennsylvania University to recognize such rights.

IA: You criticize the College of DuPage trustees for going too far in response to their concerns about too many liberal speakers on campus, and you cite a forum where three speakers were critical of Israel and claim that the trustees could "employ the language of the [American Council on Education] to require that DuPage programs support intellectual pluralism." (211) Does that mean that you think trustees should be able to ban a forum on campus if it doesn't include an opposing point of view? And isn't that a strange attitude considering that the AAUP defended you when St. Louis University banned you from speaking for that very reason?

DH: No, I don't think trustees should be allowed to ban a forum they disagree with. Supporting intellectual pluralism means just that: supporting ideas not banning them. I think it's deplorable that panels are called "academic" when they are entirely one-sided, but I have never called for ban-

ning them. I have never supported opinion bans and I am sorry that the AAUP feels it necessary to keep suggesting that I do. Perhaps this is because the AAUP can't handle the intellectual argument I have actually put forward. I have publicly praised the AAUP's stance in defense of free speech at St. Louis University much as I have deplored the AAUP's stance against academic freedom at DuPage and elsewhere.

IA: You attack the Illinois AAUP's letter to the DuPage trustees expressing concern about a ban on "opinion" discrimination: "In the AAUP's view, apparently, a student failing to grasp the 'correct opinion' about 'reality' should expect to receive a failing grade. This was about as succinct a definition of indoctrination as one could ask for—imposing a matter of opinion as though it were a statement of fact." (213) But the problem is that anyone can claim that a statement of fact is simply a matter of opinion and then demand the right not to be discriminated against, such as claiming that evolution is an opinion and creationism must receive the same grade in a biology class. How do you easily distinguish between facts and opinions? And do you think that adding "opinion discrimination" to anti-discrimination laws and rules is a good idea?

DH: Anyone can claim anything. That doesn't mean we can't distinguish opinion from fact, even if there are gray areas where making the distinction may not be so easy. The theory of evolution is a theory but the scientific community has a way of establishing theories via the assembling of compelling evidence. It is an established

fact – not an opinion --that the universe is not 6,000 years old as creationists maintain. The theory of "intelligent design" is not accepted as a scientific fact by the scientific community. This does not mean it should not be discussed but it does mean that in the view of the biological sciences it is an opinion not a fact.

I never suggested that we add "opinion discrimination" to anti-discrimination laws. I have said that instructors should not present their opinions as scientific facts, which means that they should make students aware of the existence of divergent opinions (and not necessarily all such opinions) in a fair-minded manner, and should assign students texts and materials, which would allow them to compare opinions and make up their minds for themselves. I believe this is precisely what the AAUP's 1915 "Declaration on the Principles of Academic Freedom and Tenure" both states and intends.

IA: You wonder, "Why had the AAUP and the faculty unions eschewed a path of negotiation and compromise and decided to conduct a political war instead?" (217) Actually, didn't you start the political war by proposing legislation about the Academic Bill of Rights before you ever contacted the AAUP and faculty unions? And why exactly should the AAUP compromise academic freedom at all?

DH: No I didn't. I first approached the AAUP – that is, before I published the Academic Bill of Rights or approached any legislator. I vetted it with Michael Berube, Todd Gitlin, Eugene Volokh, Alan Kors and Stanley Fish – and removed any word-

ing that was unacceptable to any one of them. The AAUP met my overtures with silence. More to the point, as I indicated in my book, no one in the AAUP has ever contacted me since its publication or suggested changes or offered to engage in a constructive dialogue about these issues. I, on the other hand, have made several efforts to start such a discussion with Cary Nelson, Robert Post, Roger Bowen, Michael Berube and William Scheuerman and have been rebuffed by all of them.

I have never asked the AAUP to compromise academic freedom principles. My Academic Bill of Rights is entirely composed of the academic freedom principles laid down in the 1915 Declaration. The AAUP's responses to my bill have consisted of gross misrepresentations (claiming that I want to fire faculty liberals, require the hiring of Nazis, force professors to teach intelligent design or holocaust denial, and reject the idea that there is such a thing as provable "knowledge"). As I document extensively in my book, the AAUP has acted in bad faith throughout this campaign. If they are prepared now to sit down in good faith and undertake a serious discussion of these issues, I am more than ready to do so.

Thank you for taking the time to read my book and come up with these questions. I will take it as a testament to the accuracy of my text that these are the most important quarrels you have with what I have written. If the AAUP had been as forthcoming from their side as you have we would be much further advanced in addressing the problem of classroom indoctrination than we are.



Graduate Students United continued from page 1

regime, with a focus on grad students' roles as employees. While GSU organizers argued over what the precise character of the organization should be – for instance, whether it should advocate for undergraduate employees, and whether coursework should be regarded as remunerable work – there was consensus that we organized primarily around the wage relationship.

The U of C's use of grad student labor has radically changed over the past twenty years. In 1990 undergraduate enrollment was relatively low, and teaching positions were scarce. The awarding of TAships occurred mostly on a patronage basis, with individual faculty choosing who they wanted assisting with their courses. During the 1990s, under President Hugo Sonnenschein, the university dramatically increased undergraduate enrollment, thus greatly increasing the need for graduate instructors. In 2007-08 PhD students filled 2,395 teaching positions, with most of those going to the approximately 2,000 students in the Humanities and Social Sciences.

A question often asked is, what do grad employees at the U of C want? First and foremost, GSU exists to give us a real say in how our working conditions are defined. GSU has had considerable success in improving working conditions, even as a non-recognized union. GSU has staged rallies and actions around issues of health insurance and advanced grad student tuition, met with administrators to discuss the issues, sponsored on-campus talks by Joe Berry and Marc Bousquet, and held regular social events.

After the announcement of the new

funding regime, student organizing prompted administration to form a committee to review funding packages for continuing students, resulting in greater funding support for students in years one through five. In the fall of 2008, in response to a public campaign by GSU and a review of grad teacher compensation by a committee of students, faculty and administrators (on which I myself served), Provost Thomas Rosenbaum doubled the pay of TAs, from \$1,500 to \$3,000, and raised the pay of instructors and other teachers dramatically.

But there is still much that remains unsatisfactory. The Provost subsequently formed committees to address pedagogical training, grievance procedures, and the problem of tuition imposed on advanced grad students (a burden that slows time to degree), yet failed to take any substantive action in response. TAs, instructors and other teachers still do not make a living wage. Grad students after their fifth year pay for their own health insurance, which is now \$740 per quarter, a 27% increase on what it was when GSU was founded, and 25% of a TA's salary. There is no direct provision of child care for grad employees, and no child care subsidy, as at numerous unionized campuses. There are no yearly cost of living adjustments in our pay, even though tuition, insurance, and fees all normally increase by about 5% each year. There is no independent grievance procedure. Science students work in labs year-round, with no meaningfully enforceable workload guidelines, little vacation time, and no guarantee to retain control of one's intellectual property.

U of C administrators routinely claim institutional poverty when grad students demand improvements in their working conditions, despite the fact that the U of C is one of the wealthiest schools in the country. The U of C endowment's market value in fiscal year 08-09 was \$5,094,087,000, placing it at 11th in the country (in the past decade, it has ranked between 11th and 15th). In recent years the university has embarked on what its alumni magazine touts as its biggest infrastructure expansion since the founding of the university, and has begun an effort to greatly expand the faculty. All of this is consistent with a finding by the AAUP's Rudy Fichtenbaum that the U of C is in excellent financial health.

Beyond GSU's responsibility to advocate for grad student employees, the organization seeks to express solidarity with other unions, faculty, and the surrounding community. GSU has rallied with Teamsters Local 743 during contract negotiations, walked the picket line with Local 743 workers, and rallied in support of Republic Windows and Doors workers during their sit-in in December 2008.

GSU activists joined undergrad activist groups and a faculty formation called the Committee for Open Research in Economy (CORES) and Society to protest the creation of a new research unit called the Milton Friedman Institute, the name articulating what was presumed to be its founders' commitment to the neoliberal orthodoxy of the Chicago School. The U of C Faculty Senate rarely meets and has very little power. The U of C is nominally a faculty-run institution, but administrative roles tend to be quite abstracted from faculty

roles. CORES faculty argued that the institute, with a projected \$200 million budget (half from university monies and half from fundraising efforts), had been conceived without broad faculty input, thus undermining the principle of shared governance.

GSU has been part of a coalition that worked to improve access to the U of C Hospitals for residents in surrounding communities, oppose the closure of mental health clinics, and re-open the hospital's trauma center, which closed in 1988. GSU stands in solidarity with K-12 teachers and their unions, currently being scapegoated for underachieving schools by "reformers" aiming to privatize public schools and eliminate tenure and rights won through organizing, such as due process.

A strong employee grad union at the U of C would benefit not just grad students at one workplace, but labor organizing in higher ed more generally, and would be able to advocate for labor rights across multiple educational sectors.

The U of C's most famous former adjunct instructor, President Obama, supported legislation to recognize grad students' legal right to unionize when he was a US Senator, as one of five co-sponsors of the Teaching and Research Assistant Collective Bargaining Rights Act.

An increasing number of grad students at the U of C agree that unionization would be the best way to ensure that we enjoy better working conditions in our roles as teachers and researchers.

Andrew Yale is a graduate student at the University of Chicago and a member of Graduate Students United (uchicagogsu.org).

Join the AAUP!

The Greater Our Numbers, the Stronger Our Voice

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

The AAUP is introducing a new simplified dues structure based on income:

\$30,000 and less: \$45
\$30,001-\$40,000: \$60
\$40,001-\$50,000: \$80
\$50,001-\$60,000: \$100
\$60,001-\$70,000: \$140
\$70,001-\$80,000: \$165
\$80,001-\$100,000: \$185
\$100,001-\$120,000: \$205
More than \$120,000: \$225

The most effective way to get new members is to go door to door to your colleagues' offices, because people are more likely to join if asked directly and offered the chance to talk with you in person about the work of the AAUP on behalf of the profession, at the local, state, and national level. Give them the new dues schedule, ask them what their key concerns about higher education are, and try to show them what AAUP is doing to help. See if they will join while you are there.

To Join the AAUP, Visit www.AAUP.org

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