

## PRESIDENT'S CORNER

### Controversies in Tough Financial Times

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#### Dear colleagues:

Despite pleas from students and faculty, and the 14-11 vote by the DePaul Faculty Council in favor of keeping Barat College of DePaul University open, the Board of Trustees decided to close it down in 2005. It was an emotional experience as I listened to dozens of student, some in tears, making a strong plea for keeping Barat open. I talked to them, as well as to alumni and faculty of Barat College.

Representing AAUP-IL, I made a brief presentation to the DePaul Faculty Council on the 4<sup>th</sup> of February. My first of two points was that in such deliberations the Faculty Council should consider the educational, human and historical elements associated with Barat College and not only the cost of repairing its buildings. My second and strongest point was that, should DePaul decide to shut down Barat, then every effort must be made to accommodate the students and to honor not only the tenure but the tenure track rights and privileges of its faculty as much as possible. Defending and preserving tenure, even in extreme cases such as closing down a campus branch, is the litmus test of our organization and the principles for which it stands. Many other AAUP members were present at the meeting; the strong AAUP presence was noticeable and well received by the Faculty Council and the administrators.

I feel proud that our organization was called upon to be part of this difficult moment in the history of DePaul University, and that we responded well through a clear and effective communication of vital and relevant AAUP principles. I wish to commend the AAUP chapter of DePaul, whose members, under the leadership of Mike McIntyre, stood up to the occasion. Their voice was energized by their strong convictions. This was an educational experience for many of us and a good test of our organization and for what it stands for.

In spite of it all, we are reassured that in tough times faculty do rise up and deal with challenges in academia with tremendous energy and courage. They make maximum use of the different types of resources available to them at the state and national AAUP office, reminding administrators and other faculty of the standard academic practices that AAUP has managed to fashion over the years.

#### Vigilance to Protect Tenure in Illinois

Please study the story (page 2) about the latest efforts in the Illinois legislature to adjust the process of tenure in public institutions by proposing a numbering system in faculty performance as well as a politically appointed committee to oversee tenure decisions. We need to be more vigilant on academic issues that unfold daily in Springfield and be willing to voice our position, promote and propose AAUP principles and standards. We need to be prepared to help our elected representatives to fully comprehend that fundamental differences do and should exist between academic and corporate institutions. With all due respect to the corporate world, academia will lose its soul if it becomes a carbon copy of a corporation in its functions, practices and philosophy. The impact of academic

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## Contingent Faculty in Chicago and Illinois

By Joe Berry

Like most of US higher education, the majority of teaching faculty working in post-secondary education in Illinois are now working off the tenure track. This means that they have virtually no security of employment and most have no health or other benefits. This "new majority faculty" work part or full time, but their common factor is their lack of assurance of continuing employment, having neither protection of a tenure system nor a union contract with just cause dismissal protection. The consequences of these changes in the faculty workforce over the last 30 years are numerous and overwhelmingly negative for students, faculty, and the portion of society as a whole that depends on higher education to produce broadly educated critical thinkers as workers and citizens.

While no one has ever fully counted the contingent faculty in all the relevant subsectors, I estimate that there are a minimum of 16,000 contingent faculty working in the Chicago area alone. These figures, drawn from my recent

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**This casualization of the faculty workforce, its progressive disempowerment within the institutions and its increasing need to struggle to piece together a living constitutes a wider opening of the door to the progressive corporatization and commercialization of higher education.**

*On the Web: Read the AAUP's new statement on contingent faculty at [www.aaup.org](http://www.aaup.org).*

## Illinois AAUP Annual Meeting Saturday, April 17 — Chicago

You are cordially invited to our AAUP-Illinois annual meeting, which will be held on Saturday the 17th of April at Columbia College in Chicago. The theme of our meeting this year is **Contingent Faculty**: their contributions and rights as well as their overall impact on academia, particularly in the areas of tenure and academic freedom. We have arranged for excellent speakers that include Dr. Sylvia Manning, chancellor of the University of Illinois at Chicago, and Joe Berry, a part-time instructor at Roosevelt University and a leader of contingent faculty in Chicago. Free and open to all faculty, the IL-AAUP meeting will be held at the Hokin Auditorium in Columbia College's Wabash Building (623 South Wabash). We plan to begin at approximately 10:30am. For more information and to RSVP for our free lunch, call our main office at (773) 510-5923 or email [lmeyer@mindspring.com](mailto:lmeyer@mindspring.com)



### Featured Speaker: Sylvia Manning

Sylvia Manning came to the University of Illinois as Vice President for Academic Affairs in 1994 from the University of Southern California, here she was Executive Vice Provost. In July, 2000, she was named Chancellor of UIC after serving as Interim Chancellor since September, 1999. She is a Professor of English with an undergraduate degree from McGill University and graduate degrees from Yale University.

#### Inside This Issue

#### THE ACADEMIC BILL OF RIGHTS:

Does David Horowitz's crusade against leftists threaten academic freedom?

*John K. Wilson investigates, pages 4-7*

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DePaul faculty speak out on Barat College closure; tenure under attack; funding Illinois higher education.

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#### NATIONAL NEWS:

The NEA "terrorists"; scholars banned from Cuba; civil liberties & Chief Illiniwek; federal control over international studies

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### American Association of University Professors

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institutions on society is priceless, yet their "production" can never be measured in dollars.

### Illinois AAUP Nominations Sought

Please participate in the nomination process. Our organization belongs to all its members and serves the academic common good. We need to have on our Council members who believe passionately in AAUP principles and are also willing to spend a few hours per month on AAUP matters (mostly providing their input on decision making policies). The members of the Council also are expected to attend 2-3 meetings per year. Council members are reimbursed for all traveling expenses connected with their AAUP-IL duties. We are seeking nominations in the following positions:

President (2004- 06)

Vice President (2004 -06)

Treasurer (2004 -05)

Two Council members (2004 -07)

Please send your nominations to any one member of the Nominating Committee below:

Chair: Walter Kendall (The John Marshall Law School)

(312) 987 - 2377 wkendall@jmls.edu

Perer Kristein (St. Xavier University)

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Ken Andersen (University of Illinois at Urbana - Champaign)

(217) 333-9105 keanders@uiuc.edu

### Annual Meeting April 17

Try to attend our annual meeting, which this year will be at Columbia College Chicago on Saturday the 17<sup>th</sup> of April. The theme is Contingent Faculty - their rights as well as their impact on academic freedom and tenure. Dr. Sylvia Manning, the Chancellor of the University of Illinois at Chicago and Joe Berry, a Roosevelt University instructor and Contingent faculty leader will be our main speakers. The meeting is free and open to all faculty. For more information contact Pan Papacosta, President of AAUP-IL, at (312) 344-7443 or visit our web site at [www.ilaup.org](http://www.ilaup.org). If you plan to attend, please let us know, as it will help us in ordering the right number of lunches. Call our main office at (773) 510-5923 to RSVP. See you at the meeting!

**Pan Papacosta**

President, AAUP-IL

# Statement by the Executive Board of the DePaul Chapter of the American Association of University Professors to the DePaul University Faculty Council

March 3, 2004

The DePaul chapter of the American Association of University Professors wishes to insure that the rights of our colleagues in Barat College of DePaul University be guaranteed. We call particular attention to the following section of the *Faculty Handbook* under the heading "Discontinuance or Substantial Reduction of an Academic Unit."

"The University is obligate to make an effort to place the faculty member concerned in another suitable University position for which the person is qualified, especially when the financial exigency is limited to a particular academic unit; if the faculty member is not qualified, but is willing to become so, the University shall offer reasonable opportunity and financial support toward this end."

This passage represents DePaul University's minimal contractual obligation to our Barat colleagues. It does not fully specify the best practices consistent with the AAUP's commitment to academic freedom and shared governance. Those standards are more fully specified in the *AAUP Redbook* (more formally: American Association of University Professors, *Policy Documents and Reports*, 9<sup>th</sup> ed., Washington, D.C., 2001).

The most pertinent regulations are found in the "Recommended Institutional Regulations on Academic Freedom and Tenure," Regulation 4(d) "Discontinuance of Program or Department Not Mandated by Financial Exigency." (In this context, it is important to remember that the university in making this decision, specifically disclaimed financial exigency, defined in 4(c) of this document as "an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means.")

To quote from the document:

(d) Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures will apply.

(1) The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof.

[NOTE: "Educational considerations"

do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.]

The DePaul chapter of AAUP notes in passing that the university has already departed from the practice specified in this regulation, since the Faculty Council found in its February meeting that educational considerations did not justify closure of the Barat campus. Nonetheless, the Board of Trustees, in contravention of the faculty's judgment, chose to close the campus.

(2) Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member in another suitable position. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. If no position is available within the institution, with or without retraining, the faculty member's appointment may then be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past and potential service.

[NOTE: When an institution proposes to discontinue a program or department of instruction, it should plan to bear the cost of relocating, training, or otherwise compensating faculty members adversely affected.]

Three comments on this regulation are in order:

First, closing the Barat campus is not the same as discontinuing a program or department of instruction. We are not, for example, discontinuing political science, sociology, or English simply because those courses will no longer be taught on the Barat campus. Those courses, as currently taught, are valid across the university, not simply within Barat college. For faculty members who teach in Barat departments and programs with direct counterparts elsewhere within DePaul University, therefore, "another suitable position" means a position, at the same rank, within that department or program.

Second, for Barat programs without direct counterparts elsewhere within DePaul University, "another suitable position"

should mean a position at the same rank in the closest available counterpart department or program, with appropriate university-funded training where necessary.

Third, termination with severance is the last alternative, not a co-equal alternative. The severance salary should be generous enough that it will be unattractive to the University to offer severance as a cost-saving alternative to transfer within the institution.

(3) A faculty member may appeal a proposed relocation or termination resulting from a discontinuance and has a right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Regulation 5 [the document's regulation on dismissal procedures], but the essentials of an on-the-record adjudicative hearing will be observed. The issues in such a hearing may include the institution's failure to satisfy any of the conditions specified in Regulation 4(d). In such a hearing a faculty determination that a program or department is to be discontinued will be considered presumptively valid, but the burden of proof on other issues will rest on the administration.

The DePaul chapter of AAUP affirms the right of the faculty to choose who will be hired and retained. AAUP DePaul also supports the ability of individual departments to determine program membership and needs. We also note that this right was violated when DePaul entered into the Barat "alliance" without faculty approval. Condition 4(d)(3) makes it clear that if a program or department strongly protests the transfer of a Barat faculty member to its unit, that faculty member has the right to a full hearing. In this case, there was no faculty determination that departments and programs at Barat College should be discontinued, so there should be no presumptive validity to terminations resulting from discontinuance. Moreover, the university's failure to satisfy condition 4(d)(1) should be considered a valid issue in any such hearing.

*For the DePaul Chapter of the American Association of University Professors:*  
*Michael McIntyre, President*  
*Shailja Sharma, Vice-President*  
*Paul Jaskot, Secretary-Treasurer*

## Tenure Under Attack in the Illinois House

On February 25, 2004, Illinois House Bill 4073 was scheduled for a hearing by the Higher Education Committee of the Illinois General Assembly. The bill was sponsored by Monique Davis (D) of Chicago. The purpose of the bill was to radically change the method by which tenure criteria are established and the method by which tenure is granted or rejected. In addition, the bill would effectively remove the faculty from its traditional role in the tenure process.

The threat posed by this bill produced a flurry of e-mails and phone calls to me from around the country. Conversations with Mark Smith, AAUP Director of Government Relations, led to a plan for testifying against this bill. Our strategy was to utilize the AAUP Statement on Government of Colleges and Universities from the "Red Book."

In PART V. THE ACADEMIC INSTITUTION: THE FACULTY the "Red Book" describes the role of the faculty in tenure decisions as: "Faculty status in related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based on the fact that its judgment is central to

general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments."

The impact of House Bill 4073 would be in direct conflict with this AAUP policy. The bill included the following provisions:

\*creates a Higher Education Commission to establish criteria for tenure of public university professors;

\*the criteria shall include the amount of education of the professor, the needs of the university, and the promotion of diversity;

\*requires Commission approval of all university decisions to grant or deny tenure;

\*the Commission would consist of three members appointed by the Governor and two faculty members selected by the trustees from each public university;

\*the members would serve four-year terms without compensation but would be eligible for reimbursement of expenses.

In addition to clear violation of AAUP policy, the bill ignored the fact that eight of the twelve public universities in Illinois have negotiated contracts which include spe-

cific agreements on tenure policy and procedure. Some of the negotiated contractual provisions include:

\*the process for awarding tenure;

\*the evaluation of probationary faculty based on teaching, performance of primary duties, research, creative activities, and service;

\*the methods of evaluation from the departmental level to the university president;

\*the establishment of due process so that probationary faculty may appeal negative recommendations;

In addition to our planned oral and written testimony at the Higher Education Committee Hearing regarding AAUP policy as well as contractual issues, informal conversations were held with Ms. Davis to inform her of strong faculty opposition to her bill. Apparently, this strong message resulted in Ms. Davis not calling her bill to be heard by the Higher Education Committee. For the time being, the bill is "dead." Currently we should consider this an important victory in retaining the preeminence of faculty in tenure decisions.

**Leo Welch**

Director of Legislative and Governing Board Affairs  
Illinois Conference, AAUP

# On Asking the Right Questions

Educators know that asking the right question is essential to eliciting a useful response from students or helping a committee use time wisely and derive useful conclusions. Asking the wrong question(s) can have disastrous effects. Are the Governor and legislators asking the question, "Can we afford to support higher education at the levels being requested?" Perhaps they and Illinois need to ask a different question: **Can the state of Illinois afford not to improve its level of support for higher education?**

The Governor's emphases in the proposed FY'05 budget are K-12 education, health care, and public safety. The Governor has recommended a 5.9% decrease in state support (3% excluding SURS) for higher education although the publicity stresses that the "all funds budget" shows an increase due in large part to tuition increases. Yet, enrollments are at an all time high. Can the state afford these cuts on top of the last two years of severe cuts?

Higher education is no longer a luxury. It is not a choice. It is a necessity. Paul Lingenfelter in a recent presentation to the IBHE Faculty Advisory Council said, "knowledge and skill have become the most valuable resources in the world. Most developed countries are catching or surpassing the United States in degree attainment, and education has become essential to economic prosperity and mobility for communities and individuals." And for individuals, educational level is tied to such factors as improved health and quality of life.

If Illinois, indeed the nation, is to remain competitive in the international economy, a highly educated workforce is a *sine qua non*. As Alan Weber put it (*USA Today*, Jan 26, 2003), "**The only way to have a future is to invent it.**" It makes little sense for politicians to bewail the loss of jobs. The real quest is for the next source of jobs and economic activity. "We're not going to get back the 3 million manufacturing jobs that have vanished from our economy." Higher education is part of the required infrastructure of economic viability in today's world, even more so in the future.

Universities are central to the research that produces new ideas leading to new products, new enterprises, new jobs. A higher education system that is the envy of the world not only is key to much of the research enterprise but also produces the individuals that can build it and build upon it. The two Nobel prizes at the University of Illinois at Urbana Champaign are one indication of the central role universities play in generating and disseminating knowledge. The daily work of educators in the classroom is another.

Educators at public and private institutions alike face daunting tasks:

- We are being asked to educate a larger and larger portion of the population.
- We are being asked through our institutions to help improve the quality of education provided in our elementary and secondary schools.
- We are being asked to educate a significantly more diverse student body despite a trend of diminishing constant dollar state support.
- We are being asked/told to hold down tuition increases while preparing for continued reduction in state support for higher education in the future.
- We are being asked to find new ways of ensuring access to a quality education at significantly less cost.
- We are being asked to avoid creating a sharply differentiated multiple-tiered system of educational quality within and between public and private education.

As educators we must respond to these challenges. But

to respond we must have the support required to ensure that our higher education system does not place our students, our state, our nation at risk economically or politically or risk surrendering the American dream of an enhanced quality of life not just for ourselves but for all.

Ultimately Illinois and the nation must address the issue of a taxation level that does not support the essential shared needs of the state and country. There will always be waste and graft and efforts to eliminate them must be ongoing. But eliminating all waste and graft (defined by any reasonable standard) will not meet our needs. An increase in the state income tax and a reduction in the property tax as a means of supporting K-12 education have long been advocated in Illinois. That shift may depend upon the courts mandating it by ruling the current financing of public elementary and secondary schools illegal or unconstitutional. We may find an upturn in the economy will provide a temporary but not a permanent solution. We might move to a graduated tax in Illinois or alter the levels of the graduated national income tax. We might even consider extending sales taxes beyond goods—a much less dominant element in contemporary society—to services—a much more

prominent feature of the information/service economy of the twenty-first century.

Yes, I have come to "understand" that taxes that help "them" are harmful—not just to the economy and to me but to "them" as well—while the taxes that serve my needs are "essential." But one of the responsibilities of being educators is to help people understand the difficulty of defining a "them" in our community and understanding the breadth of my "needs" in a complex society.

Further, I remember Hume's unhappy dictum (freely restated) that as human beings we underweight the long-term future and overvalue the short-term present. We and our legislators too rarely give proper weight to the long term. But one of the responsibilities of being educators is to value the long term and to demonstrate the necessity of weighting it more heavily than humans are wont to do.

Have the cuts in support of higher education including state scholarship support for students significantly and negatively impacted Illinois higher education? What is your experience in your classroom?

Can the state of Illinois afford not to improve its level of support for higher education?

## Death By a Thousand Cuts: Higher Education in Illinois

By Gretchen Knapp

*Testimony by Gretchen Knapp in February, 2004 to a General Assembly committee on higher education in Illinois.*

I am here to give you the perspective from the Illinois State University classroom on how the budget cuts have affected student learning and access to education. My colleagues at Eastern Illinois and Northern Illinois University share my concerns.

Since the budget cuts, class sizes have increased, which is not conducive to optimum student learning. Certain courses have been cancelled or offered less frequently. This means that students may not be able to graduate on time.

Our IBHE-award-winning course for freshmen, Foundations of Inquiry, is the first general education class on the chopping block. This course guaranteed a small class atmosphere of 30 students and improved retention. And the course was a major recruiting tool to convince parents that their children would not be treated impersonally at a large public university.

Since the budget cuts, student access to the library has been limited as its hours have been cut. In response, students have volunteered their own work and study time to keep the library open longer hours. Their intent is honorable; however, we should not ask students who are paying for their education to replace trained librarians and library technicians who are there to help them.

Since the budget cuts, only bare-bones additions to the book, periodical, and electronic databases in the library have been possible. This does not serve our mandate to keep student learning current, especially in the fast-moving fields of science, technology, business, and nursing.

Since the budget cuts, even basic resources have become hard to obtain. In many units, staff and students must ask for toilet paper and paper towels. In some departments faculty must purchase their own zip disks and other storage media to use in "smart rooms" set up for technology.

Budget cuts at Illinois State have led to the removal of daytime building service workers from most of the campus area. In science labs, this has led to hazardous situations that have harmed people and damaged tax-supported equipment and buildings.

Deferred maintenance at the library has meant not

keeping up with annual adjustments of the roof leak management system. Plus the library's electrical system has been rated so poorly that it may well be the next "Law and Justice Center" disaster. You may remember that the county's Law and Justice Center's electrical system literally exploded, closing the building for months — and costing taxpayers. Illinois State could not function without its library.

Other hidden costs of the budget cuts affect student learning. Faculty have tried to use technology to alleviate problems caused by restricted photocopying of class materials. But the lack of computer technicians and technical support has made reliance on computer technology to provide electronic readings, tests, and study materials very difficult. Add to that the lack of personnel to maintain and update existing software and hardware, and protect faculty and students against viruses — and you see a disaster waiting to happen.

For example, the Illinois State University Technology Fellows completed a program on using technology in the classroom last summer under the sponsorship of State Farm Insurance. Sadly, one of the major software packages faculty prepared for use in the fall semester could no longer be supported by the university, which could not afford the license.

Even the Faculty Technology Support Services division has lost staff and equipment to help faculty use technology to improve student learning. For example, faculty routinely made PowerPoint presentations into regular slides when giving talks to church groups and civic organizations that have slide projectors, but not expensive PC projectors. FTSS no longer has this capability.

While Illinois State's Foundation has started a successful capital campaign and established endowed accounts which can be used by selected departments for particular purposes, this is not an answer to the budget crisis, either.

The Foundation's board decided that there were to be zero disbursements on the endowed accounts for FY 04, and most of the funds that have been raised are estate gifts which will be useful decades from now when they are available — but certainly not now.

We appreciate that the budget situation is very difficult. But we also hope you realize that our students' learning is being affected by these cuts in the budget. We ask that you, the legislature, not cut our budget any further.

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

## Write to Illinois Academe

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

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

Speakers

Bureau

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

# Academic Freedom Under Fire: David Horowitz

By John K. Wilson

In the latest installment of the culture wars, right-wing activist David Horowitz has written his own declaration of independence from political correctness: the "Academic Bill of Rights." Introduced as legislation in Congress on October 21, 2003 and proposed for several state legislatures, Horowitz's manifesto is the first stage in a carefully planned assault on academia. The American Association of University Professors called it "a grave threat to fundamental principles of academic freedom." Yet both the media and the politicians have overlooked the serious flaws in Horowitz's studies of alleged bias in higher education, and his own statements proposing to sharply narrow academic freedom.

In 2002, Horowitz launched his "Campaign for Fairness and Inclusion in Higher Education" with the slogan, "*You Can't Get a Good Education If They're Only Telling You Half the Story.*" Horowitz demanded that administrators "conduct an inquiry into political bias in the hiring process for faculty and administrators" and the selection of commencement speakers and allocation of student fees. Horowitz also demanded that universities "adopt a code of conduct for faculty that ensures that classrooms will welcome diverse viewpoints and not be used for political indoctrination, which is a violation of students' academic freedom." While much of Horowitz's crusade against American colleges has been ignored, the "Academic Bill of Rights" has proven popular with Horowitz's allies in the Republican Party.

On October 29, 2003 the Senate Health, Education, Labor and Pensions Committee held a hearing on the alleged lack of "intellectual diversity" in American colleges. Sen. Lamar Alexander (R-Tenn.), Secretary of Education for George Bush Sr., worried that "We've created in our country these wonderful colleges and universities with enormous freedom, yet on those campuses, too often all the discussion and thought goes one way. You're not honored and celebrated for having a different point of view." Sen. Jeff Sessions (R-Ala.) declared, "There is a tremendous gap, a gulf between faculty on most of our college campuses and the mainstream American values."

Sen. Judd Gregg (R-N.H.) chaired the hearing, and plans other hearings on the alleged political bias of history textbooks and accreditation agencies. Echoing Horowitz's famous phrase, Gregg proclaimed, "How can students be liberally educated if they are only receiving part of the story?"

Arguing that college survey courses are being "squeezed out for trendy pet courses," Gregg wants to dictate curricula. Earlier in 2003, Gregg introduced the Higher Education for Freedom Act (S.1515), which orders the Senate to "establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization."

Horowitz has made even greater inroads in the House of Representatives. At an October 21, 2003 press conference, Horowitz's employees and student supporters stood with Republican leaders in Congress to introduce the "Academic Bill of Rights" as legislation. The bill, copied word-for-word from Horowitz's text, proclaims "the sense of the Congress that American colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students and to protect the principle of intellectual diversity."

In June 2003, according to *The Hill*, Horowitz met with Kingston, vice chairman of the House Republican Conference, and House Majority Leader Tom DeLay (R-Tex.), and Kingston began drafting the bill. Horowitz also met with Majority Whip (and former college president) Roy Blunt (R-Mo.). Kingston's bill has at least 19 co-

sponsors so far, and with the powerful support of DeLay (the man who once blamed school shootings on the teaching of evolution) and the lack of Democratic opposition, it has a strong chance to be passed by Congress.

## The Biased Research Behind the Academic Bill of Rights

Horowitz's "Academic Bill of Rights" is based upon a series of deeply flawed studies cited by him and his supporters. According to Rep. Jack Kingston (R-Ga.), the head of the House Republican Conference and chief sponsor of Horowitz's bill, "At almost every American university, conservative professors are drastically outnumbered. And the number of liberal guest speakers outnumber the number of conservative guest speakers by a margin greater than 10-1, limiting the opportunities for conservatives or anyone else who does not sing from the same liberal songbook."

In fact, no one has ever done a study of the ideological views of guest speakers at any American college, but the "10-1 margin" is an almost mystical number to Horowitz and his supporters. Left-wing commencement speakers supposedly outnumber conservatives at elite colleges by a "10-1" margin according to Horowitz (counting as left-wingers Ted Koppel, Jim Lehrer, Cokie Roberts, Bob Woodward, Thomas Friedman, Judy Woodruff, Dan Rather, Tom Brokaw, Peter Jennings, Claire Shipman, Charlie Rose, Keith Obermann, Scott Turow, David McCullough, Stephen Carter, Kofi Annan, Doris Goodwin, Steven Bochco, Henry Winkler, Steve Wozniak, and former Republican governor Lowell Weicker). Horowitz also routinely (and falsely) asserts that Democratic college professors outnumber Republicans by this "10-1" margin.

Kingston's press release makes the claim that "some of America's finest institutions of higher learning have no conservatives on staff," a whopper of a tale that even Horowitz has never asserted. According to Rep. Kingston, "Most students probably graduate without ever having a class taught by a professor with a conservative viewpoint."

Co-sponsor Rep. Walter B. Jones (R-N.C.) issued a press release that declared, "Statistics have shown that while campus funds are available for distribution to all on-campus organizations, funding is doled out to organizations with leftist agendas by a ratio of 50:1. Such biased financing results in a deluge of liberal speakers being invited to step up to their soapboxes far more often than those with a conservative bent." This claim, like others made by Horowitz, is utterly false (Horowitz doesn't even have a badly-designed study to support it, it's simply his guess). There has been no accurate study of funding for campus speakers, and the notion that groups with "leftist agendas" receive 50 times as much funding as anyone else is nonsense. Repeating the mantra of David Horowitz, Rep. Jones declared, "This legislation is needed because you cannot get a good education only hearing one side of the story."

Horowitz's false statistics about academia are repeated over and over again in the media. The *Wall Street Journal* (9/19/03) declared in an editorial about his ideas, "Democrats outnumber Republicans by a 10-to-1 margin in a recent study of political affiliation at 32 leading American universities." A *Chronicle of Higher Education* report (2/13/04) claimed that Horowitz "has conducted studies finding that at 32 universities he deemed 'elite,' Democratic professors and administrators outnumbered Republican colleagues by a ratio of more than 10 to 1."

What Horowitz's "studies" examined was a small proportion of faculty at elite colleges, looking only at the voter registration of professors in fields such as Econom-

ics, History, English, Philosophy, Political Science and Sociology. Horowitz intentionally selects the departments that he thinks have the most Democrats in order to distort the results, and his website advises students about which departments to investigate in order to provide the most deceptive figures. His researchers found that less than half of faculty in these departments could be identified as registered Democrats, along with a small number of registered Republicans, from which Horowitz creatively reports his deceptive 10-to-1 claims.

Take Harvard University as an example. Horowitz's researchers looked at a couple hundred professors in a handful of departments, and found 77 registered Democrats, 11 registered Republicans, and 127 whose registration couldn't be determined. But consider this: Harvard in the fall of 2002 had 1,997 faculty (plus 428 medical faculty). The 77 Democrats identified by Horowitz are less than 4% of the total. Horowitz has no idea about the party affiliation of the 127 faculty who couldn't be identified, and no clue about the 1,780 faculty he never examined (including 208 faculty in Harvard's business school, which is hardly a center of Marxist ideology). Horowitz doesn't know how 95% of faculty at Harvard vote, and because of his biased sample, he has no basis to say anything about them. Horowitz's studies only identify the political affiliation of fewer than half of the faculty in a small number of departments. Faculty who don't bother to register to vote are probably not politically active members of the thought police, so Horowitz's omission of them is a significant bias in his studies.

Horowitz's supporters cannot be completely blamed for wrongly asserting that these surveys cover all faculty, because Horowitz is the source of this falsification. Horowitz's own writings quickly omit all of the necessary qualifications on these studies. Horowitz wrote on his website (9/3/03) about "a study conducted of 32 elite colleges by our researcher Andrew Jones which found that registered Democrats on these college faculties outnumber Republicans by 10-1." In another article about his studies of selected departments, Horowitz also pretended that he had studied the entire faculty: "Two reports recently released by the Center for the Study of Popular Culture reveal that 93.6% of the faculty at Colorado University (Boulder) and 98% of the faculty at Denver University who registered in political primaries were Democrats, a distribution that clearly suggest a bias in the system of training and hiring academic faculty. A previous report by the Center showed that the average ratio of Democrats to Republicans on 32 elite colleges was 10 to 1 and in some schools was as high as 30-1." Horowitz routinely claims that these highly selective "surveys" are studies of all faculty at a college, even though he has never conducted a scientific survey using basic random sampling techniques at any college.

Of course, it is probably true that Democrats outnumber Republicans among college professors, albeit not nearly to the extent that Horowitz claims. UCLA's Higher Education Research Institute surveyed full-time college faculty and found that in 2001-02, 5.3% called themselves "far left," 42.3% "liberal," 34.3% "middle of the road," 17.7% "conservative," and 0.3% "far right." It's not an equal balance of ideology, but the fact that 52.3% of college faculty are centrist or conservative suggests serious flaws in Horowitz's claims.

But Horowitz offers no evidence at all of sys-

## Academic Bills of Rights: A Statement

The past year has witnessed repeated efforts to establish what has been called an "Academic Bill of Rights." Based upon data purporting to show that Democrats greatly outnumber Republicans in faculty positions, and citing official statements and principles of the American Association of University Professors, advocates of the Academic Bill of Rights would require universities to maintain political pluralism and diversity. This requirement is said to enforce the principle that "no political, ideological or religious orthodoxy should be imposed on professors and researchers through the hiring or tenure or termination process."<sup>1</sup> Although Committee A endorses this principle, which we shall call the "principle of neutrality," it believes that the Academic Bill of Rights is an improper and dangerous method for its implementation. There are already mechanisms in place that protect this principle, and they work well. Not only is the Academic Bill of Rights redundant, but, ironically, it also infringes academic freedom in the very act of purporting to protect it.

A fundamental premise of academic freedom is that decisions concerning the quality of scholarship and teaching are to be made by reference to the standards of the academic profession, as interpreted and applied by the community of scholars who are qualified by expertise and training to establish such standards. The proposed Academic Bill of Rights directs universities to enact guidelines implementing the principle of neutrality, in particular by requiring that colleges and universities appoint faculty "with a view toward fostering a plurality of methodologies and perspectives."<sup>2</sup> The danger of such guidelines is that they invite diversity to be measured by political standards that diverge from the academic criteria of the scholarly profession. Measured in this way, diversity can easily become contradictory to academic ends. So, for example, no department of political theory ought to be obligated to establish "a plurality of methodologies and perspectives" by appointing a professor of Nazi political philosophy, if that philosophy is not deemed a reasonable scholarly option within the discipline of political theory. No department of chemistry ought to be obli-

gated to pursue "a plurality of methodologies and perspectives" by appointing a professor who teaches the phlogiston theory of heat, if that theory is not deemed a reasonable perspective within the discipline of chemistry.

These examples illustrate that the appropriate diversity of a university faculty must ultimately be conceived as a question of academic judgment, to be determined by the quality and range of pluralism deemed reasonable by relevant disciplinary standards, as interpreted and applied by college and university faculty. Advocates for the Academic Bill of Rights, however, make clear that they seek to enforce a kind of diversity that is instead determined by essentially political categories, like the number of Republicans or Democrats on a faculty, or the number of conservatives or liberals. Because there is in fact little correlation between these political categories and disciplinary standing, the assessment of faculty by such explicitly political criteria, whether used by faculty, university administration, or the state, would profoundly corrupt the academic integrity of universities. Indeed, it would violate the neutrality principle itself. For this reason, recent efforts to enact the Academic Bill of Rights pose a grave threat to fundamental principles of academic freedom.

The Academic Bill of Rights also seeks to enforce the principle that "faculty members will not use their courses or their position for the purpose of political, ideological, religious, or antireligious indoctrination."<sup>3</sup> Although Committee A endorses this principle, which we shall call the nonindoctrination principle, the Academic Bill of Rights is an inappropriate and dangerous means for its implementation. This is because the bill seeks to distinguish indoctrination from appropriate pedagogy by applying principles other than relevant scholarly standards, as interpreted and applied by the academic profession.

If a professor of constitutional law reads the examination of a student who contends that terrorist violence should be protected by the First Amendment because of its symbolic message, the determination of whether the examination should receive a high or a low grade must be made by reference to the scholarly

# tz's Crusade for the "Academic Bill of Rights"

ademic discrimination against Republicans. He doesn't, for example, compare the political affiliations of new Ph.D.s applying for jobs and those hired in a field. Party affiliation and ideology don't always match (Democrat John Silber, president of Boston University, is one of the most conservative academics in the country), and there are many reasons why academics may tend to be Democrats. Most academics, especially at elite universities, live in heavily Democratic urban areas, and in many areas you have to register as a Democrat to have a meaningful vote in local politics. Some professors may be Democrats out of self-interest, because Democrats typically support greater funding for higher education.

But the most obvious reason for any political imbalance in academia is that well-educated Republicans generally are not interested in spending years getting a Ph.D. in order to qualify for a small number of low-paying jobs, a problem that is worse in the humanities and the social sciences where Horowitz claims to see the greatest discrepancies. More funding for higher education, if it led to more tenure-track jobs and better faculty pay, would attract more Republicans into academia and cause more professors to become Republicans as they grew wealthier. But Horowitz's goal is not simply to increase the number of Republicans teaching Shakespeare; Horowitz's explicit aim is to silence and intimidate the "left-wing ideologues" on college campuses.

## Horowitz's Attack on Academic Freedom

Horowitz's interpretation of what should be banned on college campuses goes far beyond any mainstream concept of academic freedom. In a Sept. 30, 2003 speech in Denver, Horowitz declared that he was appalled to find anti-Bush views expressed on the office doors of some fac-

ulty in town. The *Denver Post* (10/1/03) reported how Horowitz explained in a speech that the purpose of the Academic Bill of Rights is to ban professors from expressing their political views in the classrooms or their own offices. According to Horowitz, "There were hostile cartoons aimed at Republicans and conservatives. How does that make conservative students feel? We have arenas in which we can proselytize, but the classroom or the office where students come in for office hours is not one of them. That's what the Academic Bill of Rights is. That's why I drew it up. Faculty should save the world on their own time." Horowitz also denounced Joan Foster, the president of the faculty senate at Metropolitan State College in Denver, for appearing at a rally criticizing him, arguing that it was a "betrayal of her professional role" for her to express her views in public.

If the purpose of the Academic Bill of Rights is to prevent political science faculty from putting political cartoons on their office doors and expressing their views in public, then it represents an unprecedented attack on academic freedom. Even Joe McCarthy might have hesitated before trying to ban cartoons.

In his op-ed for the *Rocky Mountain News* on Sept. 12, 2003, Horowitz admitted the conservative agenda behind the Academic Bill of Rights he's pushing: "In the course of my visits to college campuses I became aware of problems that led to the drafting of this bill of rights. Among these were overt politicizing of the classroom (for example, one-sided faculty 'teach-ins' on the war on terror); faculty harassment of students — generally conservatives and

Christians, but increasingly Jews; politically selective speakers' programs and faculty hiring practices, which have led to the virtual exclusion of conservatives and Republicans from the university public square." The Academic Bill of Rights is intended to force colleges to provide more conservative voices, and presumably would even ban any teach-ins by faculty that Horowitz might regard as "one-sided."

## Horowitz's History

The "Academic Bill of Rights" is not David Horowitz's first assault on higher education. After growing up in a Communist-influenced home, he was a leading campus radical in the Sixties before becoming disillusioned. Horowitz jumped from the far left to the far right just in time to profit from the Reagan Revolution, and he made a good living denouncing his former radical friends. Horowitz runs the oddly-named Center for the Study of Popular Culture, which he uses to denounce everyone on the left, from Noam Chomsky ("the most treasonous intellect in America") to anti-war protests to academia. In the 1990s, Horowitz ran a right-wing publication called *Heterodoxy* that led the parade against "political correctness" on campus (*Heterodoxy* eventually morphed into his current website, [www.frontpagemag.com](http://www.frontpagemag.com)).

But it wasn't until 2001 that Horowitz made a big splash nationally. That's when Horowitz turned his commentary against reparations from [slate.com](http://slate.com) into a full-page advertisement for college newspapers. The ad was typical for Horowitz, declaring that African-Americans benefited from slavery, and wondering: "Where's the gratitude of black America?"

Mistakenly thinking that a conference on reparations in Chicago was being held at the University of Chicago, Horowitz ran his ad in the *Chicago Maroon*, where it was ignored on the conservative campus. But at California State University at Northridge, the student newspaper refused to run the ad, and Horowitz knew he had a winner. Horowitz began placing his ad around the country, denouncing "censorship" whenever it was rejected. When some angry students protested against college papers running Horowitz's ad and a few trashed newspapers, Horowitz was overjoyed at the attention it gave him.

The controversy also exposed Horowitz's hypocrisy. Horowitz threatened public college newspapers with lawsuits if they refused to run the ad. And when the *Daily Princetonian* ran Horowitz's anti-reparations ad but also wrote an editorial that condemned Horowitz as a publicity hound and promised to donate the money from his ad to the Urban League, Horowitz retaliated: "When I read the editorial, I told my office to put a stop-payment on the check." According to Horowitz, "I was not going to pay for abuse."

Horowitz does not tolerate criticism. In the fall of 2002 at the University of Illinois at Chicago, Horowitz reported in his blog (11/5/02), he came upon a woman with a sign denouncing him as "Racist, Sexist, Anti-Gay." Horowitz wrote: "I didn't regard this as speech so much as a gesture like kicking me in the groin. It seemed extremely perverse of her to be defending her right to slander me to my face. So then and

ANSWERING continued on page 6

## nt by AAUP's Committee A on Academic Freedom and Tenure

standards of the law. The application of these standards properly distinguishes indoctrination from competent pedagogy. Similarly, if a professor of American literature reads the examination of a student that proposes a singular interpretation of *Moby Dick*, the determination of whether the examination should receive a high or a low grade must be made by reference to the scholarly standards of literary criticism. The student has no "right" to be rewarded for an opinion of *Moby Dick* that is independent of these scholarly standards. If students possessed such rights, all knowledge would be reduced to opinion, and education would be rendered superfluous.

The Academic Bill of Rights seeks to transfer responsibility for the evaluation of student competence to college and university administrators or to the courts, apparently on the premise that faculty ought to be stripped of the authority to make such evaluative judgments. The bill justifies this premise by reference to "the uncertainty and unsettled character of all human knowledge."<sup>4</sup> This premise, however, is antithetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge. Although academic freedom rests on the principle that knowledge is mutable and open to revision, an Academic Bill of Rights that reduces all knowledge to uncertain and unsettled opinion, and which proclaims that all opinions are equally valid, negates an essential function of university education.

Some versions of the Academic Bill of Rights imply that faculty ought not to be trusted to exercise the pedagogical authority required to make evaluative judgments. A bill proposing an Academic Bill of Rights recently under discussion in Colorado, for example, provides:

The general assembly further declares that intellectual independence means the protection of students as well as faculty from the imposition of any orthodoxy of a political, religious or ideological nature. To achieve the intellectual independence of students, teachers should not take unfair advantage of a student's immaturity by indoctrinating him with the teacher's own opinions before a stu-

dent has had an opportunity fairly to examine other opinions upon the matters in question, and before a student has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own, and students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.<sup>5</sup>

On the surface, this paragraph appears merely to restate important elements of AAUP policy.<sup>6</sup> In the context of that policy, this paragraph unambiguously means that the line between indoctrination and proper pedagogical authority is to be determined by reference to scholarly and professional standards, as interpreted and applied by the faculty itself. In the context of the proposed Colorado Academic Bill of Rights, by contrast, this paragraph means that the line between indoctrination and proper pedagogical authority is to be determined by college and university administrations or by courts. This distinction is fundamental.

A basic purpose of higher education is to endow students with the knowledge and capacity to exercise responsible and independent judgment. Faculty can fulfill this objective only if they possess the authority to guide and instruct students. AAUP policies have long justified this authority by reference to the scholarly expertise and professional training of faculty. College and university professors exercise this authority every time they grade or evaluate students. Although faculty would violate the indoctrination principle were they to evaluate their students in ways not justified by the scholarly and ethical standards of the profession, faculty could not teach at all if they were utterly denied the ability to exercise this authority.

The clear implication of AAUP policy, therefore, is that the question whether it is indoctrination for teachers of biology to regard the theory of "evolution" as an opinion about which students must be allowed "to reserve judgment" can be answered only by those who are expert in biology. The whole thrust of the proposed Colorado Aca-

ademic Bill of Rights, by contrast, is to express distrust of faculty capacity to make such judgments, and to transfer the supervision of such determinations to a college or university administration or to courts. The proposed Colorado bill thus transforms decisions that should be grounded in professional competence and expertise into decisions that are based upon managerial, mechanical, or, even worse, overtly political criteria. The proposed Colorado bill also facilitates the constant supervision of everyday pedagogic decision making, a supervision that threatens altogether to undercut faculty authority in the classroom. It thus portends incalculable damage to basic principles of academic freedom.

Skepticism of professional knowledge, such as that which underlies the Academic Bill of Rights, is deep and corrosive. This is well illustrated by its requirement that "academic institutions . . . maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within . . . their fields of inquiry."<sup>7</sup> The implications of this requirement are truly breathtaking. Academic institutions, from faculty in departments to research institutes, perform their work precisely by making judgments of quality, which necessarily require them to intervene in academic controversies. Only by making such judgments of quality can academic institutions separate serious work from mere opinion, responsible scholarship from mere polemic. Because the advancement of knowledge depends upon the capacity to make judgments of quality, the Academic Bill of Rights would prevent colleges and universities from achieving their most fundamental mission.

When carefully analyzed, therefore, the Academic Bill of Rights undermines the very academic freedom it claims to support. It threatens to impose administrative and legislative oversight on the professional judgment of faculty, to deprive professors of the authority necessary for teaching, and to prohibit academic institutions from making the decisions that are necessary for the advancement of knowledge. For these reasons Committee A strongly condemns efforts to enact

the Academic Bill of Rights.

The AAUP has consistently held that academic freedom can only be maintained so long as faculty remain autonomous and self-governing. We do not mean to imply, of course, that academic professionals never make mistakes or act in improper or unethical ways. But the AAUP has long stood for the proposition that violations of professional standards, like the principles of neutrality or nonindoctrination, are best remedied by the supervision of faculty peers. It is the responsibility of the professoriate, in cooperation with administrative officers, to ensure compliance with professional standards. By repudiating this basic concept, the Academic Bill of Rights alters the meaning of the principles of neutrality and nonindoctrination in ways that contradict academic freedom as it has been advanced in standards and practices which the AAUP has long endorsed.

## Endnotes

1. This language derives from a Concurrent Resolution (H.Con.Res. 318) proposed in the House of Representatives by Jack Kingston during the 108th Congress.

It also appears in a proposed amendment to Article I of Title 23 of the Colorado Revised Statutes, 24-125.5. Both pieces of legislation grow out of a version of the Academic Bill of Rights originally drafted by columnist David Horowitz. See <http://www.studentsforacademicfreedom.org>.

2. H.Con.Res. 318. We note, parenthetically, that, while this embrace of diversity may be reasonable in some circumstances, it may make little academic sense in other contexts, as, for example, when a department wishes to specialize in a particular disciplinary approach.

3. H.Con.Res. 318.

4. H.Con.Res. 318.

5. Proposed amendment to Article I of Title 23 of the Colorado Revised Statutes, 24-125.5.

6. "Some Observations on Ideology, Competence, and Faculty Selections," *Academe: Bulletin of the AAUP*, (January-February 1986):1a-2a.

7. H.Con.Res. 318.

# Answering the Academic Bill of Rights continued from page 5

there — in front of her and the university official — I ripped down her sign.” Congress is telling the world’s leading colleges to take lessons on academic freedom and diversity from someone who destroys signs that criticize him and then brags about it.

## The Language of Horowitz

Horowitz is a brilliant manipulator of language. In fact, he’s written guidebooks for Republican Party activists on the tactics of rhetorical warfare. But his campaign “for” academic freedom may be regarded as his finest use of distortion to serve his political ambitions.

For years, Horowitz has led a crusade against academic freedom, aiming to denounce and undermine academia in America. But now he realizes that the best way to defeat his enemy is to use their words against them. Therefore, Horowitz has appropriated the language of academic freedom, diversity, and affirmative action in his efforts to destroy these things on college campuses.

Horowitz doesn’t believe in what he says about diversity and academic freedom and hostile environments. He only finds it politically useful to use the language of free expression to manipulate the debate. As he has admitted, “I have undertaken the task of organizing conservative students myself and urging them to protest a situation that has become intolerable. I encourage them to use the language that the left has deployed so effectively in behalf of its own agendas. Radical professors have created a ‘hostile learning environment’ for conservative students. There is a lack of ‘intellectual diversity’ on college faculties and in academic classrooms. The conservative viewpoint is ‘under-represented’ in the curriculum and on its reading lists. The university should be an ‘inclusive’ and intellectually ‘diverse’ community.” Horowitz’s rhetoric is a mix of savvy manipulation and mockery. He uses “academic freedom” as his rallying cry to undermine academic freedom, and “intellectual diversity” as his justification for silencing diverse ideas he doesn’t like.

Horowitz does not believe that higher education should be a place of diverse ideas and dissent. To the contrary, he sees colleges and universities as mere training grounds for the corporate world. According to Horowitz, “the university was not created—and is not funded—to compete with other institutions. It is designed to train employees, citizens and leaders of those institutions, and to endow them with appropriate knowledge and skills.” Horowitz has a chilling vision of the university as a servile institution creating good workers who never dissent—a vision that, despite all of his complaints, colleges typically fulfill.

The media have reported on Horowitz’s campaign uncritically, as reflected in the headlines of the *Atlanta Journal-Constitution* (10/22/03), “Bill Seeks Neutral Politics at College,” the *Hill* (“Kingston Backs Academic Diversity Measure”), the Associated Press (“Kingston proposes Bill of Rights for college campuses”), and the *Washington Times*: “Bill backs academic freedom; Republicans seek intellectual diversity at colleges.”

## The Dangers of the Academic Bill of Rights

In all of his defenses of the “Academic Bill of Rights,” Horowitz repeatedly claims that critics cannot point to anything objectionable in the language of this Bill of Rights. But Horowitz misses the point: the question of enforcement is critical. An analogy can be made to journalistic ethics. We all want journalists to be truthful and ethical and fair. But we don’t want legislators to pass laws that try to prohibit “false, scandalous and malicious writing” (the words of the 1798 Sedition Act, one of the worst

laws for civil liberties in American history).

There are many cases where wise ideas make for bad policies when enforced. For example, everyone agrees that campus speakers should provide “a legitimate educational experience or otherwise contribute to the University’s mission,” but Gonzaga University in Spokane, Washington decided to require that administrators pre-approve campus speeches to make sure they meet these guidelines (after canceling a speech by a Planned Parenthood official and banning the play “The Vagina Monologues” last year). Ethical guides are perfectly appropriate when adopted by professionals and extraordinarily dangerous when im-

Rights is Jon Caldara, head of the right-wing think tank Independence Institute, who told the *Rocky Mountain News*: “Don’t blame David Horowitz for this. Blame a bunch of pansy-assed regents who won’t stand up and demand ideological diversity on college campuses.” Horowitz and his allies hope to pressure these “pansy-assed regents” to infringe upon the academic freedom of faculty, all ostensibly in the name of academic freedom.

The Academic Bill of Rights is an attack on higher education disguised as a defense of neutrality and academic freedom. But as Jonathan Knight of the American Association of University Professors noted

conservative students, many of whom believe that they suffer in the classroom for their views.” By asserting that students have equal claim to academic freedom with their professors, Horowitz would give students a powerful stick to wield over faculty. Any bias alleged by a student could result in professors being hauled before an ideological tribunal to evaluate their teaching techniques. Although this would pose a severe threat to faculty academic freedom, Horowitz justifies it by appealing to a new concept of student academic freedom.

Horowitz’s Center for the Study of Popular Culture created a group called “Students for Academic Freedom” which claims to have established chapters on 100 campuses around the country in order to “appeal to governors and state legislators to write The Academic Bill of Rights into educational policy and law.”

## The Battle for Colorado

Colorado was the first state in Horowitz’s efforts to impose the “Academic Bill of Rights” on every college. Horowitz first proposed an Academic Bill of Rights at a July 2002 conference of the Association of Legislative and Economic Councils, where Gov. Bill Owens and Colorado Senate President John Andrews heard about it. In June 2003, Horowitz came to Colorado and met with 23 Colorado Republicans, including Owens and Andrews. After his meeting in Colorado was revealed months later, Horowitz defended it as nothing out of the ordinary: “My office had made an appointment with the governor, and I walked in the front door of his office to spend a half hour with him, a privilege of ordinary citizens.” While few “ordinary citizens” from Colorado get to meet with the governor, a far-right activist from California was invited to present his plan to help Republicans exert more control over academia.

Horowitz claimed in his Sept. 12, 2003 op-ed for the *Rocky Mountain News*, “I have no idea what Owens or Colorado legislators are proposing in their efforts to deal with the troubles on our college campuses.” In reality, Horowitz knows exactly what these top Republicans want to do. Christopher Sanders, a Republican staffer who helped arrange the June 12 meeting between Horowitz and the Colorado Republicans about the Academic Bill of Rights, told the *Rocky Mountain News*: “They had the discussion...on how to put teeth into it, to make them accountable to the legislature and the governor, how to create it in such a way that it was enforceable and that the schools had to do it, so it wasn’t just a nice warm-fuzzy statement...The discussion involved their funding on an annual basis, when their budget is renewed.”

Yet the Academic Bill of Rights that Horowitz is pushing declares, “Nor shall legislatures impose any such orthodoxy through its control of the university budget.” Horowitz is vague about the enforcement of his Bill of Rights, but he has publicly declared, “Personally, I hope it’s tied to funding.” Horowitz thinks legislators should intimidate public (and perhaps private) colleges that allow faculty to express political views by cutting government funding, in exact opposition to the words of his own Academic Bill of Rights.

## Fearing Horowitz

Horowitz’s denunciations of liberals provoke fears that he wants to restrict academic freedom. Even some Republicans worry that Horowitz’s Academic Bill of Rights and crusade against leftists in academia goes too far. John Donley, a Republican and former state lawmaker who now teaches political science at a Colorado community college, told the press: “The far-right conservatives control the Colorado

## Students For Academic Freedom

You can't get a good education if they're only telling you half the story



## Controversy in the Classroom:

### A statement by the AAUP’s Committee A

Advertisements have appeared in the campus press by an organization, “Students for Academic Freedom,” calling on students to report professors who try to “impose their political opinions” in the classroom. This is not the first time that self-appointed watchdogs of classroom utterances have focused on the professoriate: The John Birch Society undertook that role in the 1960s, an organization called “Accuracy in Academia” did so in the 1980s, and “Campus Watch” assumed that role for professors of Middle Eastern studies after September 11, 2001. What is different is that this organization purports to rely on AAUP principles in condemning the introduction of “controversial matter having no relation to the subject” and to take upon itself the mission of defining what is in and out of bounds.

The AAUP has long maintained that instructors should avoid the persistent intrusion of matter, controversial or not, that has no bearing on the subject of instruction. Any such practice would be expected to be taken up as part of the regular evaluations of teaching routinely conducted in higher education, evaluations that commonly include surveys of student experience.

The advertised call goes well beyond a concern for poor pedagogy, however. It rests on a right, claimed in the name of academic freedom, not to be confronted with controversy in the classroom—not, at least, beyond what the organization conceives of as germane to the subject as defined by it. The project’s stated purpose, as its ad puts it, is to rule out of bounds any reference to the war in Iraq in a course whose “subject” is not the war in Iraq, or statements about George W. Bush in a course that is not about “contemporary American presidents, presidential administrations or some similar subject.”

Controversy is often at the heart of instruction; good teaching is often served by referring to contemporary controversies even if only to stimulate student interest and debate. If these watchdogs have their way, a professor of classics, history, ethics, or even museum administration could make no reference to the Iraq conflict or to George Bush—in their courses on the Roman Empire, colonialism, the morality of war, or trade in the artifacts of ancient civilizations—because the “subject” of these courses is not *this* war or *this* president. Contrary to defending academic freedom, the project is inimical to it and, indeed, to the very idea of liberal education.

posed by universities or the government as punishable offenses.

Although the current language of the Academic Bill of Rights is voluntary, Horowitz and Republican politicians intend to impose more conservatives on higher education. Rep. Kingston told CNSNews.com, “This will cause the colleges and universities to have a self-examination and maybe make some changes. But if they’re not willing to do that, we hope that the parents and the taxpayers of America will force it upon them.” Horowitz has written on his website, “We are appealing directly to the trustees and state-appointed governing bodies of these institutions as well.” He added, “We call on state legislatures in particular to begin these inquiries at the institutions they are responsible for and to enact practical remedies as soon as possible.”

Horowitz has repeatedly expressed his belief that universities cannot be reformed from within, and faculty and administrators cannot be trusted: “If there is to be reform, it will have to come from other quarters.” His claim that the provisions of the Academic Bill of Rights will be purely voluntary, therefore, cannot be believed. “Unfortunately, we live in a time when we can’t trust our professors, all of them,” Horowitz has noted. “Only the actions of legislators will begin the necessary process of reform.”

Horowitz has also met with college trustees in an effort to have them exert greater control over leftist professors. One supporter of Horowitz’s Academic Bill of

about Horowitz’s bill, “Academic freedom suffers when political figures start to insist that they must cultivate intellectual diversity.”

## Horowitz’s National Crusade

The *Washington Times* (9/15/03) reported that Horowitz has spoken to Republican leaders in 20 states, and he claims that several unnamed states are planning legislation. Horowitz has also met with the University of California Board of Regents and the University of Oregon administration. According to Horowitz, “I first came up with the idea of an Academic Bill of Rights in the course of discussions with the chairman of the board of regents of one of the largest public university systems in the United States. The chairman was enthusiastic about the bill and assured me he would make it the policy of his institution. He was particularly encouraged because he could see no objection to its particulars that might be raised from any quarter.” Horowitz accurately sees the pro-business trustees and legislators as his allies in the fight to squash liberal ideas. But he realizes that the traditional protections of academic freedom prevent his goal of intimidating leftist faculty.

Horowitz made a brilliant innovation: use the concept of student academic freedom in order to undermine faculty academic freedom. A *Wall Street Journal* editorial praising Horowitz noted (9/19/03), “Academic freedom has long been a battle cry on campus, but what makes this push distinctive is the student angle — a reflection, no doubt, of the increasing discomfort of

## CONTINGENT FACULTY

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Ph.D. dissertation *Contingent Faculty in Higher Education: A Organizing Strategy and Chicago Area Proposal* (Union Institute and University, 2002) are based upon a combination of existing data sets and some extrapolation. In actuality the real total figure might well be twice as high (30,000), while the total tenure and tenure track faculty probably number no more than 10,000. The lower contingent figure omits grad employees and others not considered faculty by their institutions, grossly undercounts the large formal and informal for-profit sector of higher education, and it also leaves out the teachers of non-credit classes, both remedial and adult education, taught through many higher education institutions. Finally, the figure also omits the branches of out-of-state institutions which conduct classes here. What this means is that there are at least 1.5 to 3 contingent teachers for every full-time tenure track (FTTT) faculty member. Though the demographics vary, I would suggest that the lower figure would hold for the rest of Illinois as well.

Illinois, and the Chicago area, are in the middle of the national spectrum in terms of types of institutions. It is neither like California, where the public sector dominates, nor like Massachusetts where the private sector is the vast majority. In addition to traditional institutions, both public and private non-profit, Illinois is a national center of for-profit higher education, with one of the major national institutions, DeVry, headquartered here and others entering the market. These accredited degree granting for-profits are joined by a large number of non-degree-granting certificate programs in a wide range of specialties. Finally, there is a very large, and diffuse, adult education infrastructure that offers free classes in English as a second language, adult basic education and GED prep, among other subjects. There are also numerous teachers working in tuition based non-credit adult education which ranges from private language schools through corporate education and training, unaccredited trade schools, and private teaching to groups and individuals. Many contingent faculty work at the same time in various places in this complex system and move from one to another in their effort to make a living. Our



colleagues have become a flow-through, just-in-time faculty.

In general, contingent faculty are approximately half, or more, female compared to only about a third of the FTTT ranks. They are about the same age and a bit more likely to be African American than FTTT. I also believe the undercounted subsectors would significantly raise the numbers and percentages of female and people of color contingents. In other words, college faculty internally reflect the historic patterns of privilege and discrimination of the society as a whole.

Talking only about credit instruction, these faculty work for wages ranging as low as \$1,200 for a three semester credit class, ranging up as high as \$5,000 in special cases, with the average probably under \$2,000. Outside the Chicago area the figures are generally lower, with some rates well under \$1,000 per class. According to IBHE figures,

the median full-time equivalent salary for Illinois contingents is \$14,200 for part-timers, compared to \$62,200 for their FTTT colleagues. The growing number of full-time non-tenure track faculty are paid better (\$49,800) though still well below the FTTT faculty. The large majority of contingents have no employer provided health insurance or other benefits.

Most part-time contingents have other paid work, in academia and elsewhere, and those who do not often have substantial unpaid responsibilities, such a child or elder care. Nearly all contingent faculty now report that their income is a needed for their family. The old pattern of contingents being community professional specialists who taught a specialized course occasionally is now a small percentage to the total. Most contingents report that if offered a FTTT position in the department in which they are now teaching, they would accept it. Even those working full-time outside academia often see themselves as underemployed teachers.

This is not the place for a full recitation of the impact of these conditions upon contingent faculty themselves, their FTTT colleagues, their students and the educational mission in society generally. In summary, contingent faculty themselves sustain the instability of their lives, both economically and psychologically, that results from the employers' desire for greater flexibility. This impact upon them and their families is in addition to the much lower pay and absence of benefits. They also must absorb the impact of the lack of respect symbolized at ev-

## Conference on Contingent Academic Labor VI: one expression of the movement for a different future

Not all those adversely impacted by the casualization of academic labor have remained totally inert and silent. Students, FTTT faculty, and especially contingent faculty themselves are increasingly speaking out and organizing for a different future. From grad employees to the full-time non tenure track, and thousands in between, contingent teachers have built a movement, both inside and outside the traditional faculty organizations and unions. This movement, supported by national AAUP, AFT, and NEA, has sparked national, and international, coordinated actions like Campus Equity Week in 2001 and 2003, and has sustained a series of conferences since 1995 that bring together across organizational lines many of those trying to help shape and build contingent faculty power.

The next of these conferences, COCAL VI) will be in Chicago, August 6-8, 2004 at Roosevelt University and Columbia College, sponsored by the Chicago Chapter of the Coalition of Contingent Academic Labor. 300 activists from all over the US, Canada and Mexico are expected to exchange experiences, assess the past work and plan strategy for the future of this growing movement. There will also be social events and a march (a "progressive report card") through downtown Chicago. For further information and registration materials, see [www.chicagococal.org](http://www.chicagococal.org), call 312-341-3294, or email [cocal6@sbcglobal.net](mailto:cocal6@sbcglobal.net). All contingent faculty and our friends and supporters are invited.

ery turn in their employment relationship. The lack of academic freedom inherent in teaching without any job security is really too obvious to need explanation to an audience of faculty.

For FTTT faculty, the growth of the contingent sector means fewer full colleagues among whom to share the non teaching collective work of the department, since most contingent appointments are paid for teaching only. This has occurred just at the time that requirements for research and publishing are being raised in many institutions while teaching loads remain the same. An even more insidious impact is the collective disempowerment of the faculty a whole. With the majority now contingent, the power of faculty to impact administrative decisions is greatly reduced. This is not accidental. It is part of a conscious administrative strategy with the abolition of tenure as a major part. To a large extent, it has already been done. All those FTTT faculty who care about the future of the profession and are not just counting their days until retirement should share this concern.

The casualization of college teaching work is not just a faculty issue. Most students are now being taught by faculty with no freedom to speak the truth as they see it. More prosaically, they often cannot even find their teachers outside of class, and often cannot know before a class starts who their teacher will be. Longer term projects and clearing incompletes become problematic with the employment instability of contingents. Everything dependent on easy faculty-student contact, from letters of recommendation to in formal spontaneous

conversations suffers. We are in danger of creating a generation of college educated adults who have never really experienced the full range of what a college education should be, as opposed to mere credit accumulation and job training.

For the society as a whole, we are in danger of losing the positive aspects of the traditional mission of higher education. This casualization of the faculty workforce, its progressive disempowerment within the institutions and its increasing need to struggle to piece together a living constitutes a wider opening of the door to the progressive corporatization and commercialization of higher education. With faculty as a group less able to play their watchdog role of over the tendency of administrators to focus all attention upon the bottom line, as if they were corporate CEO's, the actual influence of capital, in the form of large corporations, grows daily. While higher education has never been the undiluted community of equal scholars that legend describes, those very real elements of higher education not subject to the capitalist market (free inquiry, academic freedom, a substantial degree of faculty control, and the value of critical thought) are directly under attack. The transition to a majority contingent faculty is the leading edge of this assault. If it succeeds, our whole society will be the poorer for it.

*Joe Barry is a member of the Roosevelt University Adjunct Faculty and Chair of Chicago Coalition of Contingent Academic Labor. He will speak about contingent faculty at the Illinois AAUP Annual Meeting on April 17, 2004 in Chicago.*

## How the Academic Bill of Rights Threatens Academic Freedom continued from page 6

House, Senate and Governor's Mansion, but that isn't enough – they've decided they want to control our classrooms."

Jesse Walker, associate editor for the libertarian magazine *Reason*, wrote about the Academic Bill of Rights: "As broad principles, these are solid stuff. As enforced rules, they open the door to, say, a biology student lodging an official complaint because her professor gave short shrift to Creationism." According to Walker, "In the '80s and '90s the anti-P.C. backlash began, in part, because students offended by putatively bigoted courses were responding not by debating their professors but by taking them to the collegiate equivalent of court. It would be an unpleasant irony if, in 2003, the anti-P.C. backlash ends with conservative students earning the right to do the same thing." Walker concluded, "There's no such thing as a perfectly balanced debate, and a heavy-handed effort to create one is more likely to chill speech than to encourage it. The most worrisome thing about Horowitz's group is the sneaking suspicion that that's exactly what they want."

Horowitz responded, "Walker suggests that my Academic Bill of Rights could have

'chilling effects' on academic freedom. The missing context is this: What academic freedom?" Because Horowitz believes academic freedom already has been destroyed by left-wing faculty, he is unconcerned about any dangers legislative control over higher education might pose.

Horowitz imagines a brave new academic world where faculty are kept on a short leash. In his exchange with Walker, Horowitz wrote: "The Bill of Rights clearly recognizes that the teacher has the right to teach the course as he or she sees fit. The only limit to this right is article 5: 'Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.' Having audited a course at one of the premier liberal colleges in the country, where a 600-page Marxist textbook on 'modern industrial society' was taught as though it were a text in Newtonian physics, I can testify that this is very necessary right to protect academic freedom in the contemporary university."

In Horowitz's vision of the Academic Bill

of Rights, a professor who merely teaches a sociology textbook disliked by Horowitz is guilty of violating these rights and should be subject to punishment. As Walker put it, "I'm actually sympathetic to the idea that students should have more power on campus, but not this sort of power; not the right to lodge official complaints against professors for the views they choose to explore in class."

Horowitz has a Messianic vision ("our tiny band of supporters of academic freedom approaches the coming battle with the campus totalitarians") of his heroic campaign against liberal academics. The Academic Bill of Rights is just the first step is Horowitz's campaign for ideological control of higher education in America. Once the Bill of Rights and its vague provisions are put in place, Horowitz will then expand his call for enforcement by legislators and trustees, using the Academic Bill of Rights to demand the firing of leftists who express political views in their classrooms, and forcing the hiring of conservatives. His allies will be able to sue colleges for breach of contract if the Academic Bill of Rights is violated by "one-sided"

presentations or politically-minded faculty.

Horowitz wants to plant ideological time bombs on college campuses, first passing an innocuous-sounding "Academic Bill of Rights" in state legislatures and Congress, and then using these vague provisions to investigate professors for their textbook choices and to silence dissenters who dare to post political cartoons on their office doors.

The notion of the federal government attempting to impose Horowitz's brand of conservative correctness on every college in the country is frightening. During the McCarthy Era, the enemies of academic freedom were sometimes explicit about their attack on academic integrity. Now the enemies of academic freedom are cloaking their assault on liberal professors in the rhetoric of student academic freedom. But although the attacks have become much more sophisticated, the aim is still the same: to purge left-wing and liberal ideas from college campuses.

*To learn more about the Academic Bill of Rights, go to [www.aaup.org](http://www.aaup.org), [www.collegefreedom.org](http://www.collegefreedom.org), and [www.studentsforacademicfreedom.org](http://www.studentsforacademicfreedom.org).*

# NATIONAL AAUP NEWS

## AAUP President Responds to Education Secretary Paige's "Terrorist" Remark

Dear Secretary Paige:  
You have admitted that you referred to the National Education Association, an organization dedicated to furthering the cause of education in the United States, as a "terrorist organization." Your words were, at best, intemperate and, at worst, malicious. Such disregard for appropriate language demeans both your office and civil discourse. The flimsy simulacrum of an apology that you gave to the NEA membership, but from which you pointedly excluded the national leadership, is insufficient and fails to repair the damage you have inflicted on educators and their profession.

Sincerely,  
Jane Buck, Ph.D., President, AAUP  
February 24, 2003

### Rod Paige's response:

"The comments I received reflect a variety of reactions to what I said. I appreciate the support offered by some and the criticism offered by others. Both reflect the discourse that is a part of democracy, a discourse we are fortunate enough to learn about as a part of our education. As I have already indicated, my choice of words was inappropriate and I have apologized for the comments. We may disagree on the stands NEA's leadership has taken, but I believe we share a belief in the importance of our nation's teachers and the value of what they do every day. They are the soldiers of our democracy, and I am thankful for their efforts."

## AAUP Protests OFAC's Action Barring U.S. Scholars from International Conference

On Friday March 12, 2004, AAUP general secretary Mary Burgan wrote to Richard Newcomb, director of the Office of Foreign Assets Control in the U.S. Treasury Department, objecting to the reported action of his office barring U.S. scholars from traveling to Cuba to participate in an international conference on brain injury.

"This Association has long held that the free circulation of scholars is an inseparable part of academic freedom," Burgan wrote. She further urged that OFAC, together with the Department of State, facilitate the travel of U.S. scholars to academic conferences in Cuba, because "the unfettered search for knowledge is indispensable for the strengthening of a free and orderly world."

## Crue v. Aiken (University of Illinois-Urbana-Champaign):

This case involves a challenge by faculty and students at the University of Illinois to the administration's policy prohibiting them from communicating with prospective student athletes. The faculty and students oppose the school's use of the Chief Illiniwek mascot, and they wish to contact prospective student athletes to make them aware of this controversy.

The district court ruled in favor of the faculty and students, finding that the administration's directive violated the First Amendment.

In October 2003 the national AAUP and University of Illinois-Urbana-Champaign AAUP Chapter filed a joint *amicus* brief in support of the faculty's right to speak to prospective student athletes about the mascot.

The brief, which was written by Professor Matthew Finkin (University of Illinois, College of Law), focuses on the protections afforded to professors to speak out as citizens. In addition, the brief argues that the First Amendment rights of faculty outweigh the administration's interests.

A copy of the brief is available at [www.aaup.org](http://www.aaup.org).

## Security Threats to Academic Freedom: HR3077

Education for Democracy Network News, March 1, 2004

In the not too distant future, the US Senate will vote on reauthorizing the Higher Education Act (HEA), which provides significant funding for colleges and universities. The Act needs to be reauthorized, but without the political policing and inquisitorial International Advisory Board, which the House slipped into its version of the legislation (HR 3077). The Board, its functions, and its mandate represent a clear and present danger to academic freedom, civil liberties, and the integrity of education.

In October 2003 the House passed HR 3077, a bill reauthorizing Title VI, the International Studies component of HEA. The idea of the International Advisory Board was developed by right-wing think tanks. Despite its harmless sounding name, the Board is a centralized, federal, po-

litical police agency, with at least two reserved slots (as the legislation states) for "Federal agencies that have national security responsibilities" (e.g. Homeland Security, Defense Department, CIA, FBI, etc.). Since "national security" is the stated main purpose of the Act, these agencies will dominate the Board. The Board is given broad powers to enforce right-wing ideology in the curriculum and in research, to place academia under surveillance, to regiment thought, and to purge dissenters, all under the pretext of "national security."

Among the many kinds of actions the Board is mandated to take, it can target as "security risks" students, faculty, programs, or area studies centers that dissent from US foreign policy and refuse to fund them on political grounds. It can hold public hearings to denounce dissenters as "anti-American," like the House subcommittee hearing on HR 3077 in June 2003, which featured a crude as-

sault on Edward Said and post-colonial theory as "unpatriotic." In the name of a specious "broad range of views," the Board can also impose a political test on academic employment, requiring the hiring of new faculty (e.g. operatives from right-wing think tanks) irrespective of professional qualifications and in violation of standard faculty hiring procedures.

Well before the vote, the Senate must hear the voices of thousands of teachers, students, and citizens concerned with the future of higher education, academic freedom, and civil liberties.

For detailed background information and an analysis of HR 3077, go to <http://iml.umkc.edu/aaup/facadv13.htm>; in the table of contents click on "HR 3077—the Education for Empire Act," by David Brodsky.

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

# Join the AAUP

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

## Yes, I would like to join the AAUP

Please complete this form and mail it to the AAUP, P.O. Box 96132, Washington, DC 20077-7020. For details, go to [www.aaup.org](http://www.aaup.org) or call our membership department at 1-800-424-2973, ext. 3033.

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