On Saturday, April 16, the Illinois Conference of the American Association of University Professors will present the Spring 2016 Conference at Dominican University in River Forest, Illinois. This year’s themes will focus on Free Speech, Adjunct Rights and the Taming of Corporate Higher Education. Our speakers will include National President Rudy Fichtenbaum who will address the Crisis in Higher Education, board members Leo Welch and Linda Brookhart who will delve into the current budget crisis in Illinois and discuss current legislative initiatives in Springfield impacting higher education faculty. Robin Meade of Triton College will share her powerful story concerning adjunct instructors who stand for free speech and adjunct rights.

For faculty interested in shared governance the session by Professor Michael Grossman will present the University of Illinois’ model of faculty governance. Professor Grossman has extensive experience with effective and relevant shared governance models.

Please plan to attend on April 16 and participate in these timely, enriching and faculty-oriented sessions. Each presenter will allow time for attendees to ask questions and engage in discussion. To attend this program please register with Conference Secretary Diana Vallera at diana@studioera2.com. The National AAUP meeting and the Association of State Conferences meeting will convene in Washington, D.C. June 15-19, 2016. I encourage all Chapter leaders and members to attend the meetings, forums and special workshops. The exchange of ideas, sharing of experiences and recognition of our members are just a few of the benefits associated with this experience. Your participation and attendance will further affirm our professionalism and faculty unity. Collectively, we must continue to protect our academic freedom, shared governance and tenure.

Each year prior to the national meetings, the Illinois Conference has the opportunity to elect delegates and alternates to both meetings. Interested faculty should review the process outlined in Academe and on our website. Members of AAUP in good standing may nominate candidates or self-nominate.

Over the past few months our officers and board members have been working with Chapters and faculty members impacted by the current state budget crisis. National is well aware of the situation and has provided support and expertise. Please continue to update us as events unfold within your Chapters and institutions. Members who do not have a Chapter should consider starting one. Active Chapters contribute to strong state Conferences. Our Conferences contribute to an active and effective National Organization. Together we can protect higher education and the values so vital to our profession of teaching and research.

**Nomination of Delegates to the AAUP Meeting**

The Illinois Conference of the AAUP seeks the nomination of members in good standing as Delegates or Alternates to both the National meeting and the Association of State Conferences meeting June 15 - June 19, 2016 in Washington, D.C. The Illinois Conference may elect up to two Delegates and one Alternate Delegate to the Annual meeting and three Delegates and two Alternates to the Assembly of State Conferences (ASC). Illinois members of the AAUP who wish to offer nominations or self-nominate should forward these nominations to Leo Welch of the Illinois Conference by regular US mail or email at the following addresses:

- Leo Welch, Illinois Conference AAUP, 14 Treetop Lane, O’Fallon, IL 62269, leo.welch@iwu.edu
- Regular mail must be postmarked no later than April 18, 2016. Email must be sent no later than midnight, April 18, 2016.

In submitting a nomination or self-nomination please include the name, institution, delegate position sought, either National meeting Delegate or Alternate or ASC Delegate or Alternate, and email address of the individual nominated. Please note all Delegates and Alternates must register for the Annual Meeting and attend the appropriate meeting.
The Fiscal Crisis in Higher Education

University of Illinois President Tim Killeen

Remarks by University of Illinois President Tim Killeen to a State Senate education committee on March 17, 2016.

Our conversation today is about much more than next year’s appropriation. Or even this year’s appropriation, which has now hung in limbo for a record eight months and nine days. It is about the damage that lies ahead if we don’t act now to restore the long partnership with the state that built our flagship university system and made it a key engine of progress for Illinois and our nation.

It is not a question of shutting our doors. We won’t. We have been around for nearly 150 years and expect to be around for 150 more. It is a question of quality — maintaining the excellence that has made the University of Illinois one of the premier bargaining systems not just in the state and nation, but in the world. Excellence is what attracted a record 80,000-plus students last fall across our three campuses, and more than 56,000 applications from prospective freshmen for next fall — record demand that is up 13 percent from the year before.

But we cannot do this without the long-term commitment the people of Illinois and the state have made to the future of every Illinois student. The uncertainty alone threatens harm, the ripple effects of the impasse also being felt by our hospital and clinics in Chicago — a health-care enterprise that is critical to underserved populations and provides more than 450,000 patient visits every year. Even if an agreement ends the impasse, more threats lie ahead.

Governor Rauner’s budget blueprint proposes a 20 percent reduction in our apportionment for fiscal year 2017, a cut of about $130 million compared to final fiscal year 2015 levels. A cut of that magnitude would impact everything we do — from academic offerings to student services; from time-to-degree to graduation rates.

But to give you at least a broad perspective, if absorbed through payroll alone, it would mean more than an $800 million loss in revenues that we currently match through the state’s economic development and capital formation programs. But we cannot do it alone. Maintaining our greatness requires the state’s support — a recommitment to our long and productive partnership.

The stakes are high. A world-class University of Illinois is a key to a better tomorrow for our state. A run-of-the-mill U of I would leave it floundering.

But we cannot act alone. But it is another critical effort that will fail by the wayside without the state funding to help support it. We are committed to the students and families of Illinois, and to building on our legacy of excellence to help lead progress for generations to come.

We hope you will join us. This is a time to turbo-charge your investment in the University of Illinois, not to siphon it down.

Illinois Legislative Report by Leo Welch

Bill #: HB 403
Sponsor: (Franks) D
Amends various Acts relating to the governance of State universities. Provides that provisions that permit the children of employees of a State university who have been employed by any one or by more than one State university for an aggregate period of at least 7 years to receive a 50% tuition waiver do not apply to students enrolled at a State university after the 2015-2016 academic year.
Assignment: Rules Committee 4/24/2015

Bill #: HB 251
Sponsor: (Sonoskov) R
Requires at least three-fourths of all bargaining unit employees who are members of the exclusive bargaining representative to vote affirmatively to authorize a strike (make a 66.6% or higher threshold) Chicago has effective state).
Assignment: Rules Committee 3/27/2015

Bill #: SB 72
Sponsor: (McCarten) R
 Omnibus bill; Projects project labor agreements for any school construction project or grant. Eliminates certain mandates, including Driver’s Education. Prohibits school districts from entering into certain collective bargaining agreements.

Bill #: HB 429
Sponsor: (Morrison) R
Requires employers under SURS and TRS to pay present value of any increase in benefits resulting from salary increases above the rate of inflation as of a specific date. Annual increases above 6%; *“neither entirely to HB 4984.“ Assignment: Rules Committee 1/30/2015

Bill #: HB 334
Sponsor: (Franks) D
Retirement Means Retirement Act: Provides that if an annuitant of a retirement system or pension fund under Illinois Pension Code becomes employed with a similar position within the same agency, or his or her monthly annuity above $2,000 must be offset by the increase in his or her compensation, earnings, or salary.
Assignment: Personnel and Pensions Committee 2/4/2016; hearing on March 3

Bill #: HB 3424
Sponsor: (Morrison) R
Creates a self-directed retirement plan for all new members to five-state pension plans, hired on or after effective date. Transfers active participants and new members hired on and after effective date into a self-directed retirement plan (defined-contribution plan); “buys-out” active participants with prior service credit under the defined-benefit plan by paying the amount of accrued benefits to the participant based on their final average salary; prohibits AAI for some annuitants; establishes new schedule for vesting in employer contributions.
Assignment: Rules Committee 2/26/2015

Bill #: SB 110
Sponsor: (Nekritz) D
Requires Board of Trustees of each state university in Illinois Acts to review and recommend the final rate of earnings under SURS; increase in pension benefits resulting from increase in salary.

Bill #: HB 4398
Sponsor: (Nekritz) D
Established the Illinois Teachers Retirement Fund (ITRF). Transfers SURS, TRS and CTFP members and beneficiaries into the ITRF; among new requirements for paying more into system; new state contractual requirements to fully fund the ITRF by FY 2047.
Assignment: Rules Committee 2/26/2015

Bill #: HB 3828
Sponsor: (Ives) R
Creates a Tier 3 Defined-Contribution Pension Plan; requires all 5-state funded pension systems to create Tier 3 (Rauner’s proposal from looks of it).
Assignment: Rules Committee 2/27/2015

Bill #: SB 2163
Sponsor: (Comnelly) R
Requires Board of Trustees of each public university to post a public notice with following info 30 days prior to voting whether to increase an employee’s earnings above 6% from previous academic year, for any academic year used to determine the final rate of earning under SURS: 1. Name and person receiving increase in earnings; 2. The amount of the increase in earnings expressed as a dollar amount and percentage; and 3. The present value of the increase in pension benefits resulting from the increase in earnings in excess of 6%.

Assignment: Rules Committee 2/27/2015
by Richard Freeman from Harvard along as recently reported in What Do Unions do to employees and their communities that they make a positive economic differ- ence to employees and their communities.

Mr. Rauner, a Republican, was elected governor largely as a demand for greater fiscal responsibility. He was not elected to deny education to the poor; he was not elected to use his power and position to destroy the higher-education system in the state; he was not elected to terminate posi- sibilities for people who are too poor to pay college tuition. Governor Rauner’s veto is part of a larger battle in reaching a budget in a state with significant budgetary- and severe finan- chial challenges due to decades of mismanage- ment.

He is right to think about the immeasurable value of a liberal arts education that preserves our humane ideals, but I wanted to cite inspiring quotes and give you a barrage of statis- tics to support that claim. All in 5 minutes or less. But now I must apologize because I couldn’t get any of that done. Just I went on and on and on. And unions make a difference in public higher education, with the ultimate goal of eliminating public universities. This past Decem- ber, Rauner visited DeVry University in Chicago and announced that the 30,000 DeVry students will be charged $100,000 in tuition fees. This is the same story. And I bet pretty soon, Kentucky will join this list. The toxic political ideology of painting the government as a destructive, inept agent is bearing poisonous fruits. The act of deliberately destroying the government’s capac- ity to work in order to make the crisis worse – to blame the gov- ernment and the public sector workers has become an art form. And right now, in Illinois, public higher education is waiting for the next bill that will eat our campuses alive like this for profit, where our next generation’s access to economic stability is commoditized, traded, bartered, exploited.

To those people, I say, WAKE UP! Look to Wisconsin. Look to Kansas. Look to Pennsylvania. Look to Louisiana. It is the same story. And I bet pretty soon, Kentucky will join this list. The toxic political ideology of painting the government as a destructive, inept agent is bearing poisonous fruits. The act of deliberately destroying the government’s capac- ity to work in order to make the crisis worse – to blame the gov- ernment and the public sector workers has become an art form. And right now, in Illinois, public higher education is waiting for the next bill that will eat our campuses alive like this for profit, where our next generation’s access to economic stability is commoditized, traded, bartered, exploited.

I want to begin by telling you that I had all the inten- tion of writing a kick-ass speech about the importance of public education and the value of public universities. But I am not going to do that. Instead, I want to share some of the findings from the campaign of United Faculty of Illinois. The campaign of United Faculty of Illinois fought hard for the rights of public university workers and is about to announce the results of its massive campaign to change the political landscape. This campaign has brought to our political arena. Let us all hope that it is peaceful and that our students and campus commu- nity – both inside the pavilion and outside it are safe. While the Trump campaign has created great strife at our campus, he will leave it tonight. Our larger and more pressing con- cern is the state of our state.

It’s hard to think of that world when to- day at my campus – in the spirit of support- ing speech but also in the spirit of keeping the act of deliberately destroying the government’s capac- ity to work in order to make the crisis worse – to blame the gov- ernment and the public sector workers has become an art form. And right now, in Illinois, public higher education is waiting for the next bill that will eat our campuses alive like this for profit, where our next generation’s access to economic stability is commoditized, traded, bartered, exploited.

And unions have a difference in public higher education. Our union has worked hard to fight back the loss of tenure and to provide more security for those without tenure. This last contract we were able to get multi-year contracts assured for nearly 2/3 of our NTT faculty and raise the start- ing salary to $42,000. While we are always striving for more, our efforts will always focus on preventing the further erosion of the teaching mission and reverse the trend that all public higher education have fol- lowed. We applaud you all as we strive together to “Keep the Public in Public Higher Edu- cation.” Public higher education is more than a line in a state budget; it is the infrastructure of our democracy. It is not just a means to a job, but a means to a more just and democratic society.

We need to return to our radical roots where PUBLIC higher education was val- ued and understood to be the seeds of a bet- ter future because we had a well-rounded public prepared to engage in debate for the good of society and everyone, not just the few and I do too that this is not the case. Putting aside the people we elected, we need to focus on solving the problem. We are in a fiscal crisis because we al- low some taxpayers not to pay their taxes including large corporations like McDon- ald’s. The average citizen has to pay more. That is why we do allow corporations that make seri- ous profits and pay low wages, to not pay their share? Their contribution alone would keep the public in higher education, but then we need to value the public and make it a priority. This doesn’t require radical thinking – though in Illinois we will benefit from a progressive tax, something we do have not yet. The radical thinking right now is not necessarily about the Monetary Assistance Program funds that rightfully belong to our campuses to support thou- sands of students around the state, includ- ing the UIC, Chicago higher education because of bloat. This feeds into a larger image of a bloated public sector that in- cludes public higher education. However, if the Governor really wanted to cut bloat, he might start in his own offices.

But rather than point fingers and strike budget line items, we need to reframe the problem and the solutions. The public good relies on responsible people making deci- sions for the people who elect them to rep- resent them in office. I’m currently working on reframing the problem.

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Abolishing Tenure: Is the State College of Florida Our Future?

By Les Welch

The current academic climate in the United States is all too evident with efforts to eliminate tenure, shared governance and collective bargaining rights. These efforts are ongoing in Illinois, Kansas, and Missouri with an especially egregious example at State College of Florida.

On January 26, 2016, the Board of Trustees at the State College of Florida voted to abolish tenure for all new faculty. All board members and all college presidents supported the measure backed by Florida Governor Rick Scott. Courtney Ruffner, faculty member and President of the AAUP Chapter at State College of Florida, responded: “This measure is an affront to the collective bargaining rights, or the academic freedom of the Florida Faculty’s organizing effort. Florida has yet to formally respond to the actions of Board of Trustees. The faculty could vote to unionize, if they so choose. Employees Relations Committee calling for this, EIU is suffering in public opinions because most politicians from being held accountable for abandon- ing public higher education. Instead of being rewarded for this, EIU is suffering in public opinions because most people do not know the full extent of the state’s appropria- tion cuts.

This set of facts also puts to rest the notion that public higher education has not done our part to help with the budget problems. The data showed that EIU has been us- ing less and less public resources, while still delivering quality education. We have done more than our share in helping Illinois recover.

It is unwise because destroying public higher educa- tion will eliminate an important factor in bringing well- $$paying jobs to Illinois. The destruction of public high- er education will have immeasurable rippling effects on local communities and our state’s economy.

In addition, to adjust for declining enrollment, EIU has been making cuts before Rauner’s creation of the budget impasse in 2015. The number of faculty and civil service employees has both declined, following the enrollment levels (Figure 3). If the Administrators and Professional staffing level had decreased in the same percentage as civil service and faculty staffing level, EIU would be very close to keeping a constant ratio of total staff per student FTE throughout the years. Worth noting is that despite this trend in A&P staffing level, according to the Auditor Gen- eral’s report in 2013 on the entire University System, EIU has the second best ratio of FTE students per Ad- ministrator and the lowest cost of administrators per stu- dent when compared to all the other state universities. This means that EIU isresponsive to the enrollment numbers and that we have taken steps to adjust our staffing deci- sions accordingly. Therefore, low enrollment is not a valid reason to impose further cuts to the EIU budget.

What we can take away from these facts are:
• Illinois has been paying less and less to support EIU over the years, despite its support by nearly 50% when compared to the year 2000.
• The drop in state support is not tied to enrollment.
• EIU has shedded and absorbed most of that cut while keeping the tuition and fees for students balanced and steady.
• EIU has kept pace with enrollment figures in terms of staffing level.
• EIU has done our part to help solve the budget balanc- ing throughout the years.

This means that further cuts to EIU’s budget, whether it is 30% or 6.5%, are unreasonable. Illinois does have a budget imbalance issue, but we cannot, and should not, solve that imbalance on the back of higher ed- ucation. Budget cutting at all levels is time for the Auditor General’s report in 2013 on the entire University System, EIU has the second best ratio of FTE students per Admin- istrator and the lowest cost of administrators per stu- dent when compared to all the other state universities. This means that EIU is responsive to the enrollment numbers and that we have taken steps to adjust our staffing deci- sions accordingly. Therefore, low enrollment is not a valid reason to impose further cuts to the EIU budget.

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In Defense of Melissa Click

By John K. Wilson

The firing of Communications professor Melissa Click by the University of Missouri System Regents is an ominous sign of the changing nature of academic freedom this year. On Jan. 25, interim Chancellor Hank Foley said the university would “allow due process to play out.” That position lasted exactly two days, when the Board of Curators ignored the detailed campus procedures it had put in place, met behind closed doors, and decided to suspend Click on Jan. 27, and then fired her by a 4-2 vote on Feb. 24 after 117 Republican legislators had demanded her dismissal.

The AAUP asked Missouri to end the suspension of Click without due process, and questioned her dismissal. Board Chair Pamela Henrichson (who voted against dismissal) wrote a 10-page letter explaining the Board’s reasoning. Claiming “This was not a case about Dr. Click’s academic freedom,” Henrichson wrote, “The Board supports the normative practice and has no contrary pattern of acting on its own in such matters — indeed, it has not done so in any other case within active memory.”

This is a strange justification for violating due process: We’ve never done it before. It’s not again, but it was okay for us to do it one time.

According to the Board, “this case was unique.” The University of Wisconsin’s experience shows that Dr. Click’s conduct had been well known for many weeks and was sufficiently egregious that it led to a criminal charge for assault against a student. Their reason to fire her after there had been a failure of any other process to address the seriousness of Dr. Click’s conduct that the matter rose to a level where the University’s commitment to its educational standards was in serious question and the Board felt compelled to act on its own. At that point, engaging any other process would have allowed those questions to linger for such a time that in the Board’s view the effects on the University’s educational environment would have been catastrophic.

In essence, they are admitting that Click caused minimal charge (which was quick- ly dropped) caused negative publicity for the university. There was never a “failure of any other process” because no other process had been started. But they were “com- pelled to act because any other process would take too long and allow questions to linger,” which would have a “caustic” effect on the “educational environment.” Why was a rush to dismissal so essential that due process had to be ignored?

The “caustic” standard appears nowhere in any University of Missouri policy, and such a vague standard would allow the dis- missal of virtually any professor or student member of the University.

The justification for firing Click lacks any substance. The Board declares that she was “demanding of her “call for physical intimidation or violence.”

Let’s be clear here. The Board is admitting that Click did not commit violence, and that jousting a student’s camera was not an act of violence and did not justify her firing. Instead, it is claiming that Click’s statement, “Hey, who wants to help me get this reporter out of here? I need some muscle over here,” was a call for violence.

This is plainly untrue. No one can seriously imag- ine that Click was demanding that people be a photographer. Instead, her call for “muscle” was not itself a call for violence, but instead might cause the muscles people she summoned to “instigate violence.”

The Board confesses that very fact, be- cause it admits that Click’s real crime was that her call for muscle “risked instigat- ing violence.” In other words, the call for “muscle” was not itself a call for violence, but instead might cause the muscles people she summoned to “instigate violence.”

There was no such violence, and no reason- able expectation that calling for security will cause violence.

Imagine if Click had taken the other side of this dispute, and she had defended the right of photographers to take pictures of the protest camp, and in the chaos had jostled one person and called for “muscle” to help protect the photographers, and then quickly apolo- gized.

No one can seriously imagine she would have been prosecuted or punished, let alone fired, for those actions. It was not her actions, but the side she took, the side of the protesters, that offended legislators and led to her dismissal.

The Board claims that it dismissed Click in “a fundamentally fair manner” by investigating her and holding a hear- ing. But how could it be fundamentally fair if the whole reason for refusing to follow normal procedures was in order to punish Click more quickly?

The Board had pre-determined that she needed to be punished faster than existing procedures would allow, and so their inevi- table conclusion was that she deserved to be punished. Click was then forced to ap- peal to the very same body that had just concluded that she must be fired. That’s not a fundamentally fair process. As Click her- self noted, “the Board of Curators, under pressure from a state legislature holding MU’s annual budget hostage, has refused to follow those procedures.”

I can understand why (although I strongly disagree) some people think that Click’s actions should result in her firing. But there is no rational defense for the manner in which Click has been fired by the Board of Curators: It is a violation of basic standards of due process, campus policies, and academic freedom.

If you support this dismissal of Click, you believe in giving trustees the power to fire any professor, and to expel any student, they deem “caustic” to their interests.

Tenure in Wisconsin

The AAUP issued this statement today after the University of Wisconsin System Board of Regents adopted a new policy weakening tenure protections.

It is now clear that the University of Wisconsin Sys- tem Board of Regents has adopted a policy that provides for weaker protections of tenure, and thus of academic freedom, than what has long been the norm in Wisconsin.

And that is what is called for by the standards approved by the American Association of University Professors. What is not clear is whether the regents have adopted such a policy. The policy appears to be only the latest step in an ongoing attack on the University of Wisconsin system, public good that exists for the benefit of all citizens of the state. It jeopardizes the working conditions of fac- ulty and academic staff as well as the learning condi- tions of students in the university. Weakening tenure at the University of Wisconsin weakens the University of Wisconsin’s educational freedom and the univer- sity’s commitment to its educational standards.

The AAUP issued this statement today after the Uni- versity of Wisconsin System Board of Regents adopted a new policy weakening tenure protections.

By Dave Vanness

The media (and many of my colleagues) are missing the bigger picture here. The problem with the Board of Regents’ proposed policy on layoff of tenured faculty. That’s not surprising — the policy is intentionally murky (the best way to protect the prospects). Simply put, the policy allows UW to administrate downsize (and layoff faculty) because other programs may be considered higher priority.

To make a policy sound legitimate, the system defines “educational considerations” (which may be legitimate reasons to close a program) inappropriately include financial concerns. Most importantly, RPD 20-X, II B states: “Educational considerations are related to the regular program review, and reflect a long-range judgment that the educational mission of the institution as a whole will be enhanced by program discontinuance. This in- cludes the reallocation of resources to other programs with higher priority based on educational considerations. Such long-range judgments generally will involve the analysis of financial resources and the needs of the program and any related college or school.”

The first sentence in II B is fine — most of it comes straight from AAUP’s recommended institutional regu- latory policies. But the problem is that if they happen. If the administration decides, for example, that climate science is a lower priority than petroleum engi- neering, it is possible climate science would disappear. It need not be so obviously political — but do we want to work in a university where we are competing against each other for our own jobs? We’re talking “Academic Hunger Games” — a policy that says it is not “educational considerations” that are relevant, but something else. Does this mean that the policy allows the University of Wisconsin System to layoff any professor? The Board’s view the effects on the University’s educational environment would have been catastrophic.

The only acceptable conditions for faculty layoff are a result of program discontinuance; its policy does not con- tain the dangerous provision for “reallocation of resources to other programs with higher priority.” That language was added by the administration without the approval of the Tenure Policy Task Force. Faculty Representatives to the Board of Regents, together with all faculty members of the Tenure Policy Task Force, have unanimously asked the Regents for amendments to remove it.

The only acceptable conditions for faculty layoff are either a true institution-wide financial emergency or that a program should be discontinued for bona fide educational considerations, as determined by the faculty (who, after all have the professional standards) to have primary responsibility for curricu- lum and research). Full stop. The Board of Regents could go a long way toward restoring the reputation of the UW System by loudly and clearly proclaiming this basic pro- fessional standard.

Why the University of Wisconsin’s Proposed Layoff Policy is Dangerous

By John K. Wilson

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Interview: Christian Colleges and Academic Freedom


John K. Wilson: You seem to agree with Michael McConnell’s argument that the AAUP’s 1970 Interpretive Statement on Academic Freedom is deficient in that it fails to recognize the idea of special rules for religious colleges. What’s wrong with treating religious and secular colleges equally on academic freedom?

WR: The Christian college believes that there is no such thing as absolute freedom. All colleges operate in an institutional context. Institutional mission is central or defining, and academic freedom operates within that context. For example some colleges discourage the consideration of the religious domain of the human experience or even broad interpretive boundaries of academic freedom. For them that is part of their institutional or, in some cases departmental, context.

JW: Do cases like Larycia Hawkins at Wheaton College and the firings at Mount St. Mary’s suggest that academic freedom is more endangered at devout religious colleges than at other institutions? And what should be done to enhance academic freedom at religious colleges?

WR: Certain types of academic freedom are more at risk in Christian colleges. The latter has more religion-based academic freedom cases while the secular institutions have more political-based cases. Both are vulnerable to due process violations. Christian colleges have their greatest need for the AAUP to serve as a watchdog when their zeal for theological purity leads to due process shortcomings. Also, Christian colleges create problems for themselves when their statements of community standards go beyond regulation to intolerance. Hawkins’ case is a more recent example of how the Wheaton administration has treated a religious college just an excuse to oppose academic freedom for individual professors?

WR: The AAUP acknowledges institutional academic freedom but emphasizes individual or professorial freedom. Isn’t the idea that there is an “institutional” academic freedom that trumps the academic freedom of professors? Isn’t the emphasis on individual academic freedom by Christ colleges just an excuse to oppose academic freedom for individual professors?

JW: Do cases like Larycia Hawkins at Wheaton College and the firings at Mount St. Mary’s suggest that academic freedom is more endangered at devout religious colleges than at other institutions? And what should be done to enhance academic freedom at religious colleges?

WR: Certain types of academic freedom are more at risk in Christian colleges. The latter has more religion-based academic freedom cases while the secular institutions have more political-based cases. Both are vulnerable to due process violations. Christian colleges have their greatest need for the AAUP to serve as a watchdog when their zeal for theological purity leads to due process shortcomings. Also, Christian colleges create problems for themselves when their statements of community standards go beyond regulation to intolerance. Hawkins’ case is a more recent example of how the Wheaton administration has treated a religious college just an excuse to oppose academic freedom for individual professors?

The Wheaton administration is simply distorting the Statement of Faith in order to fire a professor who offers conservatives by defending Muslims. And that’s a good reason why no college (not even a religious one) should impose a statement of faith: it simply provides an easy excuse for firing controversial faculty.

For almost half a century now, the AAUP (and the AACAU) has rejected the imposition of statements of faith. The 1940 Statement of Principles included a provision that “Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment” (which wasn’t Wheaton clearly violating because it gave no warning that opinions about Muslims were banned). The 1970 Interpretive Comments revoked that religious exception: “Most church-related institutions no longer even desire the departure from the principle of academic freedom implied in the 1940 ‘Statement,’ and we do not now endorse such a departure.”

We should ask people that we need to respect diversity by allowing religious colleges to impose theological dogma on faculty and students. They are wrong. Eliminating enforcement of statements of faith does not destroy the diversity of institutions. To the contrary, true religious understanding comes from freedom, not the threat of firing or expulsion. What makes a college religious are the questions it asks and the values it models, not the represions it imposes.

Wheaton’s Faculty Handbook includes no provision for suspending faculty, so the arbitrary suspension of Hawkins with no due process has already violated Wheaton’s own rules and AAUP standards. It is a punishment imposed without evidence for a thoughtcrime that Hawkins never committed.

There can be no doubt that Wheaton’s attempt to fire a professor for expressing support for Muslims in an attack on academic freedom. But what few have realized is that this bigotry also an attack on the Christian values of loving thy neighbor as thyself.

The administration at Wheaton is not just the betrayal of values that every true college must stand for, they are actually violating the values of Wheaton College itself.

Illinois AAUP Speakers Bureau

The Illinois AAUP offers speakers to AAUP chapters and other groups, and the Illinois AAUP can cover most expenses for AAUP chapters. Speakers include Michael Harkins, Peter N. Kirstein, Leo Welch, and John K. Wilson. For more information, email collegefreedom@yahoo.com.
CFA Statement on Steven Salaita Settlement with the University of Illinois

On November 12, 2015, the University of Illinois reached a settlement with dismissed professor Steven Salaita, agreeing to pay him $600,000 (plus $275,000 to his lawyers) to settle the case. The UIUC Campus Faculty Association issued this statement:

CFA is happy Steven Salaita has accepted the settlement approved by the Board of Trustees. Compensating Dr. Salaita is the result of only a first step. Two major concerns remain unresolved.

First, the damage inflicted on the American Indian Studies Program must be made good. We call upon Chancellor Lor Wilson and Dean Ross of the College of LAS to make the permanent commitment to re-establish and expand the AIS Program to its former strength both in faculty lines and programming capacities. We also call upon Chancellor Lor Wilson to take steps to move this campus decisively beyond the “Chief” era — through continued education, and by eliminating the use of music associated with the “dance” of the Chief during sports events.

Second, the intrusion of the Board of Trustees into academic policy and hiring decisions remains a serious problem. The prospect of such intrusions has increased rather than decreased, over the past year. The Board now asserts a right to intervene in any individual hiring case. Further, with their decision to subject every faculty hire to a background check, the Board has added a new hurdle in the hiring process — a hurdle with a racially discriminatory effect.

This university does not need a more interventionist Board in faculty hiring. We appeal to the Board of Trustees to explicitly delegate faculty hiring decisions to each campus, and to repeal their blanket background check policy.

Bruce Rosenstock, President
Campus Faculty Association, UIUC

Statement of Scholars on the Steven Salaita Settlement

As scholars in a wide range of academic disciplines we write to express that we are both pleased and concerned that the University of Illinois at Urbana-Champaign (UIUC) has agreed to settle Professor Steven Salaita’s lawsuit challenging its illegal firing by the Board of Trustees after he made comments on social media critical of Israel’s military assault on Gaza in the summer of 2014. We note that the University agreed to settle Professor Salaita’s claims only after a federal court had ruled in Professor Salaita’s favor on key First Amendment grounds, and that his employment was terminated after he had been given a contract of employment by UIUC, and that Professor Salaita’s comments were protected by the First Amendment.

We are pleased that the University of Illinois trustees, through the payment of a substantial settlement to Professor Salaita, have acknowledged how Professor Salaita’s termination amounted to a serious violation of both his constitutional right to freedom of speech and his rights under the First Amendment, and principles of academic freedom. Agreeing to pay what amounts to the equivalent of Professor Salaita’s salary for ten years, the University of Illinois trustees have implicitly conceded the core claims of Professor Salaita’s lawsuit: that he was illegally terminated in retaliation for his comments in connection with the Israeli war on Gaza, and that UIUC officials’ decision to terminate Professor Salaita was motivated, at least in part, by pressure they placed on the University as was revealed by emails disclosed by the University in connection with the lawsuit.

At the same time, we are concerned about the terms of the settlement for two principal reasons. First, it did not include reinstatement. Although we respect Professor Salaita’s decision to accept the settlement and to move on with his career, we nevertheless call attention to the fact that the offer of reinstatement leaves unaddressed the unjust terms by which his employment was terminated. Not only were his fundamental constitutional rights to freedom abridged, but he remains entitled to reinstatement at a University of principle, whether or not he chooses to accept such a remedy. As the settlement demonstrates that the University can abridge such rights at a price, setting a pernicious precedent.

Second, we recognize that UIUC’s unlawful treatment of Professor Salaita has had implications well beyond Professor Salaita individually. The UIUC American Indian Studies Program that hired Professor Salaita not only lost Professor Salaita as a colleague (after a rigorous search), it has suffered severe fall-out given the administration’s assurance on the autonomy of the program and its selection to appoint Professor Salaita to the program. Professor Salaita’s hire was intended to build a rising, dynamic academic home for research and teaching on American Indian Studies. Now the program struggles with less than one full academic appointment. The decimation of the American Indian Studies Program at UIUC has been an additional price paid by the university’s capitulation to external forces that disapproved of Professor Salaita’s exercise of constitutionally protected rights to free speech. Sadly, the settlement in this case thus creates a chilling effect to build a diverse, faculty, and the broader academic community that looked to the University of Illinois as a home of robust academic inquiry into the complex issues of sovereignty, belonging, dispossession, and conquest — both in the U.S. and globally.

At the same time, the University’s settlement of Professor Salaita’s lawsuit is a pernicious precedent. The AAUP has suffered severe fall-out given the administration’s approval and programming capacities. We also call upon Chancellor Lor Wilson and Dean Ross of the College of LAS to make the permanent commitment to re-establish and expand the AIS Program to its former strength both in faculty lines and programming capacities. We also call upon Chancellor Lor Wilson to take steps to move this campus decisively beyond the “Chief” era — through continued education, and by eliminating the use of music associated with the “dance” of the Chief during sports events.

Statement of Scholars on the Steven Salaita Settlement

From Scopes to Kitzmiller: The War on Evolution

By Leo Welch

An attempt by religious fundamentalist to denigrate or prohibit the teaching of biological evolution has a long history in the United States. The most well-known of these efforts took place in Tennessee in 1925 when a high school biology teacher, John Scopes, was tried for violation of the law that prohibited the teaching of evolution. The trial featured several well-known personalities from Illinois. John Scopes graduated from a high school in Illinois, and spoke at Spokes’ high school graduation. One of Scopes’ defense attorneys was the famous Chicago attorney, Clarence Darrow. Although Scopes was found guilty and fined $100, the trial featured public regard- ing the trial gave a public relations victory to those who fought to include evolution in public education. The play, Inherit the Wind, and the subsequent movie starring Spencer Tracy and Frederic March provide, even today, a cap- tivating glimpse into the Scopes trial and the positions of those who promote and oppose the teaching of evolution.

Another attempt to banish the Scopes verdict, show that the public relations victory was short lived. Although there was significant opposition to the teaching of evolution in public schools prior to the Scopes trial, it was after the trial when the real impact on high school biology textbooks took place. Judith V. Grabiner and Peter D. Miller in their article, “The Effects of the Scopes Trial on the Textbook,” published in The Scientific Monthly, 41, 71 (1927), showed that the trial had a major impact on the higher education scientific community for failure to pay attention to the teaching of science in the nation’s high schools after the Scopes trial, leading to the success of creationist elimination from biology textbooks. In the decade following the trial, it was almost impossible to find the word evolution in the index or glossary of these texts. References to Charles Darwin, natural selection, or the theory of evolution did not appear in any of these texts.

A typical textbook was Moon, Man and Otto’s Modern Biology frequently used in public high schools in the 1950s and 1960s. The text was essentially a taxonomic approach starting with the protozoans and ending with humans but with no treatment of anything resembling evolutionary bi- ology. The late Harvard biologist, Steven Jay Gould, noted that this textbook did not even mention the word evolu- tion and was nothing but modern. An exception was a textbook authored by Alfred C. Kinsey, Professor of Zoology at Indiana University. Kinsey was a specialist on gall wasps but better known for his research on human sexual- ity. This textbook not only included significant material on evolution but also attacked on the opponents of evolution. It did not sell.

Based in part on the shock Russia’s scientific ad- vance when the outcome was announced in the late 1920s, the U.S. scientific community started to examine and improve science education. The American Institute of Biological Sciences initiated new textbooks known as the Biological Sciences Curriculum Study texts. These textbooks were dramatically different with the use of experimental labs and strong emphasis on evolution and genetics. The educa- tion community supported and adopted the new texts, resulting in improvements in high school biology.

Fundamentalist attacked the textbook with full force. The most noted was a campaign against teaching evolution in public schools in Texas (where else) supported by newspapers, church sermons, and, of course, the State Textbook Commission. In 1968 a U.S. Supreme Court de- cision invalidated legislated bans on the teaching of evolu- tion by finding an Arkansas statute unconstitutional.

Attempts to block the teaching of evolution in public schools from 2004 to 2016 have been studied by Nicholas J. Matke of The Australian University. He lists in his book 71 bills that have been introduced, all by Republicans, in Alabama, Maryland, Florida, Oklahoma, New Mexico, Texas, South Dakota, Louisiana, Mississippi, South Caro- lina, Kentucky, Missouri, Tennessee, Virginia, Indiana, and Montana. The topics targeted in these bills include evolution, origin of life, human cloning, and now global warming.

Other attempts to invalidate evolution include the teach- ing of so-called “balanced treatment,” “creation science,” “evolutionism,” “critical thinking,” “intellectual design” and the use of textbook disclaimers. All of these ideas have been found by courts as covers for biblical creationism.

Most recently, U.S. Federal District Judge John E. Jones (a George W. Bush appointee) issued a decision in the case of Kitzmiller v. Dover. The 2005 case concerned the teaching of intelligent design as required by the Dover, Pennsylvania, public school board. Judge Jones found that intelligent design was a form of creationism, and, there- fore, unconstitutional to teach in American public schools. He also referred to the Dover school board members as exhibiting “a breathtaking inanity.” Unfortunately, court cases have failed to stop attempts to limit or block the teaching of evolution in public schools. Adverse legislation attempts still continue. Even in states where there is no adverse legislation, many fac- ulty do not teach evolution due to an unfriendly adminis- tration or school board or to avoid complaints by students or parents. The higher education scientific community and higher education community in general must continue to promote the teaching of evolution in public high schools and continue to champion scientific integrity.
Jordan Kurland, AAUP Stalwart, Died at 87

By Hank Reichman

During his 50+ years on the AAUP staff Jordan E. Kurland, who died on January 23 at the age of 87, must have dealt with hundreds of faculty members who resist challenges to their academic freedom. Yet because he never shied away from a challenge himself, Jordan and his remarkable work remained largely unknown to most college and university teachers, including probably the majority of AAUP members. But Jordan was a titan, a near-legendary figure among those privileged to have worked with him. About 15 years ago he began working part-time, but his mind and effort were always 100% and more dedicated to the AAUP, the scholarly profession, and the cause of academic freedom.

In an email to Association leaders, AAUP Executive Director Julie Schmid called attention to “Jordan’s incredible intelligence, his acumen as a strategic thinker, and his commitment to his staff colleagues.” Greg Scholtz, Director of the AAUP Department of Academic Freedom, Tenure, and Governance, who worked closely with Jordan in his last years said, “It’s a cliche, but he really was one of a kind. He had a genius for the work, and the work was his life.” Indeed, Jordan’s final day at work was January 8, less than three weeks before his passing, and to the end he was stubbornly promising a return to his desk.

Jordan joined the AAUP staff in 1965, having taken a leave of absence from his appointment at the University of North Carolina, Greensboro, where he was active in the AAUP chapter. A native of Boston, Jordan attended Dartmouth College and earned BA and MA degrees in history at Boston University before commencing advanced study at the Russian Institute at Columbia University. He earned a Fulbright fellowship to conduct research in the Netherlands or to work with his dissertation on Dutch-Russian relations in the 17th century; a second fellowship enabled a year of study in the Soviet Union. He remained interested in Russian affairs until his death. Jordan leaves behind his devoted wife of almost 69 years, Anita Siegel Kurland, four children, and eight grandchildren.

In an email to Association leaders, AAUP President Michael H. Katsouleas said: “I am saddened to learn that Jordan E. Kurland died on January 23 at the age of 87, having taken a leave of absence from his tenured appointment at the University of North Carolina at Greensboro. The year 2015 marks not only the AAUP’s centennial but also Jordan’s fiftieth anniversary as a member of the Association’s professional staff. For most of that half century up to the present, he has presided over the Association’s major case work in academic freedom and tenure, despite having officially stepped down fifteen years ago as director of staff for Committee A on Academic Freedom and Tenure. He has played a role in more than 90 percent of the case investigations conducted in the Association’s history, among them the 2007 investigation of five New Orleans universities after Hurricane Katrina, a major undertaking for which he was the responsible ACLU member of the AAUP’s history, among them the 2007 investigation of five New Orleans universities after Hurricane Katrina, a major undertaking for which he was the responsible

AAUP Responds to Friedrichs Oral Arguments

AAUP Statement, January 11, 2016

Today, the Supreme Court heard oral arguments in Friedrichs v. California Teachers Association, a case which threatens to reverse decades-old decisions allowing for the collection of agency fees by public employers. Agency fees fund a range of activities that improve the quality of education and the well being of students as well as educators. The case seeks to weaken unions by gutting their ability to collect the fair share fees that support the American Federation of State, County and Municipal Employees (AFSCME) and other unions. The AAUP supports the right of unions to charge agency fees, also known as “fair share.” These fees ensure that nonmembers help pay for the costs of the representation that the union provides to all. Even if bargaining unit members choose not to join as full members, they abide by the collective bargaining agreement that the union negotiates on their behalf. In higher education, strong unions help protect academic freedom and shared governance, limit contingency, and promote economic security for faculty and quality education for students.

For the past forty years, the Supreme Court has endorsed the legality of fair share arrangements. This is now being challenged on the basis that the First Amendment bars this practice, since it compels individuals to pay for “speech” (by the union) with which they may not agree. Howard Bunsis, chair of the AAUP Collective Bargaining Congress, said, “The Friedrichs case is an attack on workers’ rights to bargain collectively, an attack on workplace democracy, and an attack on the middle class. It is also a call to organize; to attempt to divide us as a working class.

Rudy Fichtenbaum, AAUP president, said, “In higher education, strong unions not only promote quality education for students and economic security for educators, they protect academic freedom and shared governance. It is only fair for workers to pay their fair share of the costs of negotiating a collective bargaining agreement that benefits members and nonmembers alike.”

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Illinois Academic Editor: John K. Wilson, www.academelogy.org

Loyola Adjacents Vote to Affiliate with SEIU

By Peter N. Kirschstein

Loyola University Chicago adjuncts voted January 27 to unionize by a vote of 142-82, they will be represented by the Service Employees International Union (S.E.I.U.) Local 73. Unlike other Roman Catholic Universities such as Manhattan College, Saint Xavier and Duquesne, the Loyola University administration, while opposing it, used tools of persuasion such as videos, and not coercion. It did not prevent the vote or seek to delay its tabulation by appealing the National Labor Relations Board (N.L.R.B.) assertion of jurisprudential primacy to the courts. There, anti-union sentiment runs rampant such as the United States Court of Appeals for the District of Columbia Circuit, where juridical appeals of the board’s rulings are routine.

Frequently when adjuncts seek N.L.R.B. protection, they will rarely attempt to organise all the adjuncts at a post-secondary institution, but certain units which are more amenable. Also those adjuncts that have a purely religious function, are exempt from federal labour law, as enunciated in the Pacific Lutheran case.

One of Loyola’s adjuncts was ebullient according to the Chicago Tribune: “Our victory today represents a win for our students, faculty and the entire Loyola University community,” Alyson Paige Warren, an adjunct instructor of writing and literature at Loyola, said in a news release. “Now all faculty will have the same working conditions and I’m encouraged (by) the gains at other schools across the country.”

While on the war the working class has been present since the founding of the nation, the N.L.R.B. ‘s recent pro-adjunct decisions are not a slam dunk for all faculty. The nature of an N.L.R.B. vs. Yeshiva is haunting over full-time faculty at private universities. A Seattle based N.L.R.B. official, according to Inside Higher Ed, ruled that Carroll College in Montana did not pass the Pacific Lutheran test for tenured and tenure-track faculty. Faculty can be fired for errant theological behaviour that runs counter to its Catholic mission, but somehow these faculty are considered managers. Seems counterintuitive to me, and a hesitancy on the part of the N.L.R.B. to break completely the chain of oppression of the Supreme Court’s 1989 egregious Yeshiva decision. Librety adjuncts within their jurisdiction, but lose without a fight.

Illinois AAUP Nominations

These are nominated for positions in the AAUP State Council: Michael Harkins, President; Peter Kirschstein, Vice President

COUNCIL MEMBERS: Linda Brookhart, Jane Jegerski, Steve MacKee, Todd Alan Price, Dan Tomal, Leo Welch, Mark Criley — Leo Welch, Chair, Nominating Committee