The Merger Myth: The Case of Barat/DePaul

By Joan Berman, emeritus professor of economics, and former vice-president of the Illinois AAUP Council

Although every faculty member of little, struggling Barat College in Lake Forest, Illinois knew that the so-called merger with large, affluent DePaul University of Chicago was in reality an acquisition, the language used throughout the process was consistently “merger” and “alliance.”

The faculty of DePaul University was never informed of the merger until after the fact, and even worse, Barat’s faculty was told repeatedly by their administrators that no such negotiation was in progress. The specific deal struck had little chance of being received enthusiastically by either group, for even those from the failing college realized that the plan (to set up a tiny interdisciplinary liberal arts college in competition with its giant counterpart in Lincoln Park) had disastrous deficiencies, especially in light of half-hearted recruitment efforts. Nevertheless, both faculties, for the most part, played along until the end, when the Board of Trustees of DePaul University decided three years after the merger to close Barat Campus, thus in effect closing the 100-year-old historic institution. Although the total number of Barat faculty was small, especially in light of DePaul’s numbers (26 tenured and tenure-track, five non-tenure-track, as compared to approximately 750 full-time faculty at DePaul), a third of the tenure/tetnure-track group was not accepted into their respective departments. These mostly tenured professors have been given an option to work “at large” in the University, not affiliated to any particular program—a job description with serious professional drawbacks. Another option is a one-year salary buy-out for both the tenure-track and tenured professors. Appeals and legal actions are now pending.

1. Faculty must carefully examine promises of continued employment.
2. Faculty should carefully examine academic reorganizations resulting from a merger.

Barat was set up as an “autonomous” college within the DePaul, but the old curriculum was for the most part deleted. From the outset, professors were told that they needed to invent a curriculum that would not duplicate existing DePaul programs, and to reinvent themselves as professors not of their traditional disciplines, but of interdisciplinary studies, necessitating the creation of an entirely new range of courses. The old identity of the college—the part dependent upon the curriculum—was lost. Eventually, disciplinary majors from the university were offered at Barat under the purview of other colleges of the DePaul.

Of all the major AAUP principles—academic freedom, tenure, due process, and shared governance—I often wonder which one is the most important. We may argue that all of them are interconnected in some way or another and therefore they are all important. But what if one principle appears to be in conflict with another? How can we make a judgement call in such a situation? This hypothetical question was raised in the recent developments at DePaul University, when the Board of Trustees voted to close down its Barat campus.

The university promised to honor the tenure standards of its Barat campus tenured faculty and help as much as possible those who were on tenure track. This challenge was passed on to the various departments at the DePaul main campus, which were now placed in the difficult situation of “honoring tenure” by accepting tenured Barat faculty amongst them as colleagues.

Faculty in those departments wanted to have a say as to who their colleagues would be and insisted on “admission criteria,” including interviews, before accepting anyone from the Barat College—even if they had already earned tenure there. Such an expectation reflects an important AAUP principle: faculty must set the standards and methods of hiring their new colleagues. On the other hand, Barat tenured faculty felt betrayed that their tenure, earned through a legitimate process at Barat, was now coming under question by colleagues in the same institution.

It is my understanding that some of the Barat tenured faculty made a smooth transition into the main campus departments and others, for a variety of reasons, decided to take an early retirement. A few tenured Barat faculty who were not hired in specific departments were to be housed under the Vice President’s office in some strange capacity still unclear to me and most certainly unorthodox in practice.

I wonder if this difficult dilemma would have arisen if shared governance were fully applied in this entire story. When DePaul was about to purchase Barat College, the Faculty Senate voted against the idea. Yet the Board of Trustees ignored the faculty’s concerns and went ahead with the purchase. Despite major restructuring and the launching of a more focused marketing for new students, Barat College was hit with major repair costs that undermined its financial health. The Board was contemplating closing it down, thereby cutting their financial losses.

The Faculty Senate of DePaul (which included elected representatives from Barat College) met to discuss the pros and cons of the merger. After a long meeting and after hearing from administrators, faculty and students at Barat and AAUP representatives, the Senate voted in favor of continuing the operation of this 100-year-old historic institution. Although the vote was close, it was nevertheless a Yes vote in favor of preserving Barat.

Once again, and for the second time, the Board of Trustees did not concur with the Faculty Senate vote and decided instead to close down the Barat College campus. I do not propose that the Board of Trustees was wrong in its decisions. All I am suggesting is that the system of shared governance was not fully applied in this entire story.

The Award-Winning Newsletter of the Illinois Conference of the American Association of University Professors

The Illinois AAUP Wins Awards for Newspaper, Website

This summer at the Annual Meeting of the American Association of University Professors in Washington, D.C., the Illinois AAUP won two awards. Illinois Academy won an award for best state conference newspaper, and the Illinois AAUP website, www.ilaaup.org, won the award for best website. Visit www.ilaaup.org to read issues of Illinois Academy and other news about the Illinois AAUP.
Most faculty try to keep abreast of things in their unit and to a lesser degree the college and campus. On occasion the focus is on what is happening in Springfield that might affect their institution. In the current crisis brought on by the state and the legislature and Governor is the Illinois Board of Higher Education. It bears watching because it directly impacts the institution and thus its faculty, staff and students. Public faculty pride themselves on their own institutions but the specifics of that mission in terms of focus are negotiated with the IBHE. Private institutions are particularly sensitive to appropriations for the Illinois Student Assistance Program.

Appointed by the Governor, the IBHE has an office and staff in Springfield. Among other things it reviews—and cuts—budgets submitted by the four-year public institutions. It sets and recommends to the Governor and legislature the higher education budget including funds for community colleges, the monetary awards programs and various grants. (Although included in the higher education budget, appropriations to the state university retirement community colleges, the monetary awards programs and various grants are set by the state university retirement system.) Faculty may not know much about the IBHE but administrators know it well since they must deal with it in a variety of respects.

Two current initiatives of the IBHE are a revision of The Illinois Commitment, a study of the four-year public universities in terms of Priorities, Productivity, and Accountability by an appointed committee, and formulating the FY'06 budget proposals. The Illinois Commitment. The Board promulgated The Illinois Commitment in February 1999 as a strategic plan to guide higher education to 2010. It sets as the goals of higher education: contributing to economic development; partnering with K-12 to improve teaching and learning; ensuring affordability; assuring access and diversity; offering high-quality education; improving productivity, cost effectiveness, and accountability.

In response to in part to concerns of the Faculty Advisory Council (FAC) that the document did not reflect the mandates and contributions of higher education to Illinois citizens, a review of the Commitment was undertaken during the last year. The FAC stressed that the overarching role of higher education is to enhance the quality of life in Illinois and does so in many ways that go far beyond the education students receive in the classroom. At its October 5 meeting, the IBHE adopted a series of revisions to truly reflect the many ways much of academia operate.

Priorities, Productivity and Accountability Committee. This committee was established in part due to budget stringencies to enable the Board to examine cost and return issues. The committee has formed two subcommittees: one to examine issues related to Board and institutional authority to change missions and focus and to examine program qualifications with a particular reference to online and proprietary education. It may also take up issues of faculty productivity and workload. The other subcommittee will examine issues related to regulatory relief from the burden of extensive regulatory requirements. The committee will work toward being a static document, these objectives will change in short- and long-term objectives articulated. Rather than wait for the Board to adopt a review of the IHEs as the FY'06 budget is being built. Clearly the state has continuing negative budget pressures that will constrain budget recommendations. With regard to this year’s current budget, the IBHE deserves praise for holding to its recommended budget in the face of the Governor’s efforts to slash state funding for the higher education budget even after the sharp reductions of the previous two years. State funding for public universities is down 14.7% from FY'90 to 2002! IHE's have not reduced funding for the Illinois Student Assistance Commission in that period.

All three of these substantive areas of concern merit a watchful eye during the coming year.

 Illinois legislative Report

By Leol Welch, Vice President, AAPP Illinois Conference

Prior to the presentation of Governor Rod Blagojevich’s proposed 2005 fiscal year budget for higher education, there was little optimism among the representatives of public colleges and universities. Revenue for the state did not meet expectations, and the consensus was that higher education funding was not a priority. There was, however, support in the General Assembly to prevent further cuts. Fifty four days after the constitutional deadline of May 31, 2004, the FY 05 budget was finally adopted after eighteen special sessions were called by Governor Blagojevich. Although the news out of Springfield was not great, it was certainly better than earlier budget proposals for Illinois higher education.

Public Universities

Public universities received an increase of $3.2 million or 0.2 percent over fiscal year 2004 appropriations. This amount is considered “flat funding” by most of the university presidents. Costs associated with the base budget bill, the Governor also signed a “memorandum of understanding” with members of the General Assembly that the Governor would not request any “take backs” from the universities for fiscal 2005. During fiscal 2004 the universities were forced to pay $45 million in employee health insurance costs as “take backs.” These “take backs” together with the 6.1 percent decrease in funding from the previous fiscal year caused severe stress on university budgets.

Community Colleges

The FY 05 budget for community college grants and operations was increased by 1.9 percent or 2.0 percent over the fiscal year 2004 base. The governor’s FY 05 budget proposal of $284 million was increased as a result of General Assembly action by $15 million for the City Colleges of Chicago. The 1.9 percent increase in the FY’05 budget over the FY’04 appropriation did not cover inflation and did not provide sufficient funding.

Budget Projections

Although the FY 05 budget for higher education in Illinois is not as good as it should be, the first summer MAP grants will be available in 2006. Students will continue to be limited to an annual maximum award, currently funded around $4,400 per student, depending on tuition and fees established at the college or university attended.

We invite all our chapters and members, to use this Speaker Bureau and bring these speakers to your campus. Contact IL AAPP Executive Director Lynne Meyer at (773) 510-5923, lmmeyer@mindspring.com. We accept speaking nominations and applications from experienced AAPP members who wish to serve on this bureau.

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, Ohio Northern Western Illinois College, and past president, IL AAUP, John K. Wilson, editor, Illinois Academe.

We have received a letter from the editors of the Illinois Legislative Report. Ken Andersen, editor, Illinois Board of Higher Education
The Patriot Act isn’t just a theoretical danger to civil liberties, but an already-enacted and applied one, hired by Notre Dame University’s Joan B. Kroc Institute for International Peace Studies to teach this fall. But the US government revoked Ramadan’s work visa in July (after appealing it in May) before he could come to America. Section 411 of the Patriot Act allows the government to ban anyone who has “used his position of prominence within any country to encourage or espouse terrorist activity... in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities.” The government does not offer an explanation for why Ramadan was banned from the country. Ramadan wrote in the Chicago Tribune, “Anyone who has read any of my 20 books, 700 articles or listened to any of my 170 audio-taped lectures will discern a consistent message: The very moment Muslims and their fellow citizens realize that being a Muslim and being American or European are not mutually exclusive, they will enrich their societies.”

The Network for Education and Academic Rights issued an academic freedom alert for the United States, the fifth time the US government has been cited internationally for violating academic freedom since January 2002. A visa is not simply a license to enter the United States; it is also a license to stay in the US. International scholars and students in the US are all subject to having their visa revoked at any time under this provision of the Patriot Act, without any reason being given. And unlike some immigrants who can participate in the underground economy and stay in the US after losing their visas, it is impossible for a scholar targeted by the US government to remain in this country and do academic work. While any violation of academic freedom is a serious matter, this restriction that disallows a visa to hundreds of thousands of scholars and students at colleges across the country. The Ramadan case also reveals the rising power of conservative advocacy groups within the Bush Administration, which pushed for H.R. 3077 to establish an Inter-agency High Education Advisory Board with broad interpretive authority to study, monitor, appraise, and evalu-approve:ive activities of area studies centers.

Part of the effort to ban Ramadan from the country was led by Daniel Pipes, an influential conservative who was appointed to the US Institute for Peace. Pipes runs www.campus-watch.org, and he assisted some French pro-Israel groups in lobbying the Bush Administration to ex-clude Ramadan after his visa was initially approved. Pipes has repeatedly defended his website, which posted what it called “dossiers” on professors of Middle East Studies that it deemed too left-wing, on the grounds that he was simply criticizing these faculty, not infringing on their academic freedom. The Ramadan case shows that Pipes goes far beyond criticism to helping to coordinate attacks on academic freedom.

The danger is clear: under the Patriot Act, criticism of Israel is being categorized as support for terrorism, and serves as justification for revoking a visa. Youssef Islam, bet-ter known as Cal Stevens, was secretly put on a no-fly list and banned from the US, apparently because he donated money to Muslim charities that the US government thinks may be linked to terrorist organizations.

The growing right-wing network of classroom spies makes the Ramadan and Islam examples particularly dan-gerous. Websites like noindoctrination.org and studentsforacademicfreedom.org allow students to post anonymously attacks on their professors and what they say in class, without any verification of the accuracy of the comments.

Dr. Jean Kramer, one of the critics of Middle East Studies, has noted gleefully to Middle East scholars, “You are being watched. Those obscure articles in campus newspapers are now available on the Internet, and they will be harvested by the ‘ normals, ’ which could be posted, with or scrutinized. Your websites will be visited late at night.”

Foreigners at American universities must now literally watch what they say and write, for fear that it might lead to banishment.

The The Politics of Controversy on Campus

Bans on political speakers or requirements for “balance” create a dangerous atmosphere for academic freedom on campus. An effort to ban Michael Moore from campus does not silence Moore; but it certainly intimidates students and faculty who may want to express similar ideas and feel that they have been prohibited from campus. Lackng Moore’s outspokenness and celebrity status, these individuals are likely to remain silent.

Utah State College: public outcry over a planned Oct 20, 2004 speech on campus by Michael Moore led President William Sederburg (a former Republican state senator) to order student leaders to find a conservative speaker to “balance” Moore.

California State University at San Marcos: the president rescinded support for Moore’s speech, claiming that state law compelled the university not to pay for a speaker with strong political views. After protests, Moore’s speech was moved to a larger arena off campus and privately financed.

Yeshiva University: The Israel Club dis-invited Israeli Defense Forces refusnik Guy Grossman after the other speaker in a planned debate withdrew. Reportedly, the group was “under pressure from those who feared the conse-quences of giving an ‘open forum’ to a left-wing speaker.”

Bucknell University: general counsel Wayne Bromfield refused to allow Congressman Pat Tooney to give an April 8, 2004 speech on campus about “civic engagement” because of the policy banning political speakers. Ralph Nader, however, was paid to give the University’s commencement address because the event was scheduled before he announced plans to run for president. Tooney instead spoke nearby off-campus.

Calvin College: a student who listed an interest in gay rights in a Congressional internship application had his ap-plication sent to Barney Frank’s office, but an advisor at the college told the student not to do an internship in a “homo-sexual environment.” When David Halpern, program super-visor at the Washington Center for Internships and Aca-demic Seminars, objected to reassigning the student based on the adviser’s beliefs, Halpern was fired the next day.

Le Moyne College: in fall 2003 refused to allow a speaker from the Act to take over campus, claiming that a full dialogue required an opposing speaker.

University of California at Berkeley: three students, Rachel Odes, Michael Smith and Sital Shingavi were found guilty of “disturbing the peace” for a peaceful anti-war sit-in at Sprud Hall’s front lobby. Although all criminal charges were dropped, the three students were selected for punish-ment by the university, not allowed to offer a defense for their actions, and convicted in absentia.

Forrthes Technical Community College: writing teacher Elizabeth Itu was fired for spending 10 minutes in a class critici-zing the war in Iraq in Spring 2003, and refusing to promise never to mention the war in class again.

Duke University: A Nov. 15, 2003 Drake forum on “Stop the Occupation! Bring the Iowa Guard Home!” sponsored by the Drake chapter of the National Lawyers Guild included nonviolence training for activists. The next day, 12 protest-ers were arrested at an anti-war rally at Iowa National Guard headquarters in Johnston. Because of this, Drake Univer-sity was ordered in a Feb. 4, 2004 subpoena from an FBI Joint Terrorism Task Force to give up “all documents indicat-ing the purpose and intended participants in the meet-ing, and all documents or recordings which would identify persons that actually attended the meeting,” according to the cam-pus security records “reflecting any observations made of the Nov. 15, 2003, meeting, including any records of per-sons in charge or control of the meeting, and any records of attendees of the meeting.” Drake University was also or-dered not to tell anyone about the subpoena. The subpoena was eventually dropped.

University of Texas at Austin: on Feb. 2, 2004, Army intelligence agents asked for information about people who attended a law school conference on about Islamic law and sexism. Army agents visited several campus offices seeking a list of those who attended and a videotape. The Army admitted that the visit overstated its rules. “The special agents and their detachment commander exceeded their authority by requesting information about individuals who were not within the Army’s counterintelligence investiga-tive jurisdiction.”

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Censoring the Student Press

By John K. Wilson

Any day now, the 7th Circuit Court of Appeals in Chicago will issue one of the most important decisions in the history of the case "Hosty v. Carter," a test of whether college students should be treated like high paper, the dean of students called up the campuswide memo denouncing the news-

appears to have been censored or stolen because of sexual content, especially at reli-

Perhaps no topic is a greater source of censorship than sexuality. Numerous news-

and community. And this is why this de-

Vincennes University: Michael Mullen was fired as editor of the Vincennesian on the Trailblazer, claiming that he was fired because of stories criticizing the administration for failing to investigate a theft of the newspaper, and questioning whether the president had enough experience for the job. After an April Fool’s issue in 2003 offended some people, Dean of Humanities Dean Mary Thomas moved to sue a former newspaper not to publish another, but it did in 2004. Mullen de-

denied, "I think the message is loud and clear if you know how to read." The faculty ad-

Manatee Community College: the stu-

den newspaper, the Liberty Bell, was not allowed to distribute on campus without prior approval of the school publications board. Southwest Missouri State University officials investigated the faculty adviser and student editor of The Standard for publishing an editorial cartoon (drawn by an Ameri-

Carnegie Mellon University: President Jared Cohon established a commission to review The Tartan, the student newspaper, after an April Fools’ edition sparked protest because it included a cartoon with a racial slur and a picture of a senior classmate resi-

free press to the editor’s and faculty adviser’s rights. The newspaper and its editors, including a column by a former basketball player, criticized the administration’s policies and called for the administration to censor what the faculty advisor wrote to Schartz, “since Barton had refused to publish her letter on the student newspaper, the editor will be published which are by students because a columnist advo-

appears to be challenging students to publish what they want, but also will affect the idea of academic freedom itself.

The Hosty in Hosty v. Carter is Marga-

The student newspaper printed personal ads with slurs against African-Americans, Asians, Hispanic-

The Cornell University was not able to distribute on campus without prior approval of the school publications board. The student newspaper, The Cornell Review, refused to publish the article and apologized to Lewis. A judge dismissed the suit.

Free Press continued on page 5
Religious Orthodoxy

By John K. Wilson

Some of the most pervasive restrictions on academic freedom occur at religious colleges. Often, where religiously sanctioned razors are intended to prevent the use of academic freedom are intended to prevent the use of academic freedom as a vehicle for promoting political ends.

The clear intent of the new state ethics law was to address the activities of political appointees in non-academic offices, who might use their positions for extraneous political purposes. It was not intended to restrict independent expressions of political opinions by individuals, particularly in the academic context. The state ethics laws' provisions requiring detailed descriptions of work activity are already reasonably being interpreted as inappropriate restrictions on college teaching. The provisions restricting political activity are also largely inappropriate in the academic context and are not intended to restrict expression protected by freedom of speech and academic freedom under the state and US constitutions.

There is evidence that this ethics law is being interpreted in restrictive ways. A student at the University of Idaho at Bozeman who is a third party candidate for state representative and who may be considered to violate constitutional rights of freedom of speech and academic freedom, and are also contrary to the language of the ethics law.

For example, several state work force laws require "to prepare for, organ- ize, or participate in any political meeting, political activity, or other political event." The May 11, 2004 memo interprets this to mean, "This includes, for example, sending an e-mail about a political rally, organizing walks, and distributing during work hours or as a work party." This is an extreme misinterpreta- tion of the law. The law speaks only about a political rally in no way constitutes organizing a political rally using state resources. It is perfectly appropriate for fac- ulty, students, and staff at an institution of higher learning to inform people about any meetings, rallies, or demonstration. Any at- tempt to restrict this right is a clear violation of freedom of speech and academic freedom.

To most state employees, political rali- lies are inappropriate for their work context. But in the academic context, political rallies and meetings during work hours or after work would be acceptable without restriction. Far from being silenced, faculty often feel an obligation to inform students and col- leagues about political rallies and meetings because of the educational value in serving the goals of getting students more actively involved in political matters.

The same is true for other provisions in the memo. A ban on conducting public opinion polls would normally be reasonable for state employees, but in a public opinion poll, a faculty member surely is al- lowed to engage in polling "on an issue" despite what the memo says. (According to the memo, the ban restricts faculty from participating in a public opinion survey "at work" even though the law itself only prohibits "during work time," which for fac- ulty is not the same thing.)

Other provisions in the memo must be clarified to protect freedom of speech and academic freedom. For example, a professor who encourages students to go and vote should never be thought to be violating the rule against helping "get voters to the polls" if the professor does not expressly require students to vote. The provisions restricting political activity are also largely inappropriate in the academic context and are not intended to restrict expression protected by freedom of speech and academic freedom under the state and US constitutions.

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By John K. Wilson

Threats to Academic Freedom from Illinois’s New Ethics Law

The State Officials and Employees Ethics Act (Bill 1032), which is now on the governor's desk, has provisions that would violate academic freedom, academic freedom, and academic freedom. The provisions containing these provisions states that the university is to be "subject to the requirements of the Higher Education Act of 1958 (P.L. 85-856) as amended or as modified by the act." The University of Illinois at Urbana-Champaign is a public institution of higher education and is subject to the requirements of the Higher Education Act of 1958 as amended or as modified by the act. The provisions of interpretation should be adopted which does the following:

1) informs colleges that the new ethics law cannot supersede constitutional protections for freedom of speech and academic freedom;
2) describes some of the cases of political expression which cannot be restricted by the new law (including the current memo), which restricts freedom beyond what the law requires;
3) clarifies that because faculty have flexible hours, all of their political activities will be protected against being conducted outside of "work time";
4) clarifies that restrictions of use of work facilities does not impede the normal academic use of computers, telephones, email, etc. for expression of ideas;
5) clarifies that the law does not apply to any activities done for legitimate educational research purposes;
6) urges colleges to inform employees of these facts and explicitly note that academic employees enjoy academic freedom and free speech rights.

alternative newspaper The Trojan Horse were stolen, probably because the issue fo- cused on the Israeli/Palestinian conflict.

University of Idaho: On March 11, 2004, an NAACP chapter at the University of Idaho was banned from campus. The National Association for the Advancement of Colored People (NAACP) is the nation’s oldest and largest membership organization dedicated to ensuring the political, educational, social, and economic equality of all Americans. The organization's agenda is based on the belief in a democratic society in which there are no barriers to the participation of all people, regardless of race, gender, religion, or socioeconomic background.

University of Illinois at Urbana-Champaign: student Andrew O’Connor was banned from campus. O’Connor filed suit against the university, claiming that the statue “Holier Than Thou” was a ploy in order to prove the university’s “Holier Than Thou” policy of intimidating students who are exercising their academic freedom rights. The court ruled that the university could not prove that the statue was defacing the university’s property, and that the statue was a statement of opinion, not a statement of fact as to whether the university’s policies were applied fairly as opposed to the university’s policies. The court ruled that the university could not prove that the statue was defacing the university’s property, and that the statue was a statement of opinion, not a statement of fact as to whether the university’s policies were applied fairly. The court ruled that the university could not prove that the statue was defacing the university’s property, and that the statue was a statement of opinion, not a statement of fact as to whether the university’s policies were applied fairly. The court ruled that the university could not prove that the statue was defacing the university’s property, and that the statue was a statement of opinion, not a statement of fact as to whether the university’s policies were applied fairly.

University of Kansas: student Keleher of Kansas City, Kan declared that Catholic institutions must ban politicians who support abortion rights from speaking at the university, and allowed an NAACP chapter to be orga- nized on campus provided that the NAACP had expressed support for abortion rights.

University of Nevada at Las Vegas: On March 31, 2004, 80% of the 4,000 print run of The Knight News was stolen, probably because the issue focused on the student government election. The Knight News is the student newspaper at the University of Nevada at Las Vegas. The newspaper was stolen, probably because the issue focused on the student government election.

University of Oregon: On Sep. 12, 2003, the Board of Trustees passed a new policy requiring all faculty and students to receive prior approval for political activities and events. The policy would allow free speech in order to be "subject to the requirements of the Higher Education Act of 1958 (P.L. 85-856) as amended or as modified by the act."

University of Utah: Christina Axson-Flynn, a former student and a de- vorent Mormon, refused to "take the name of God or Christ in vain" or "use certain 'offen- sive' words during in-class presentations of plays." When theater professors refused to let her change scripts to fit her beliefs, she decided On The Fourth Circuit reversed a lower court decision and ruled on behalf of Axson-Flynn. The court ruled that the university’s use of the word "offensive" was a "material fact as to whether [the professors'] justification for the script adherence requirement was truly predicated on pedagogical or other legitimate educational reasons or if it may seem absurd that the court actually thought that asking theater students to fol- low the script of a play was a ploy in order to discriminate against religious students. Yet that was the ruling of the court, and the University of Utah reached a settlement with Axson-Flynn that now entitles students to alter the scripts in a theater class.

Washburn University: student Andrew Slowahl and biology professor Thomas O’Connor were disciplined by the university, claiming that the statute “Holier Than Thou” outside the student union is offensive because the hat worn by the clergyman in the statue “Holier Than Thou” was too offensive to him. In his ruling, U.S. District Judge Thomas Van Beeber wrote: “The First Circuit reversed a lower court decision and ruled on behalf of Axson-Flynn. The court ruled that the university’s use of the word “offensive” was a "material fact as to whether [the professors’] justification for the script adherence requirement was truly predicated on pedagogical or other legitimate educational reasons or if it may seem absurd that the court actually thought that asking theater students to fol- low the script of a play was a ploy in order to discriminate against religious students. Yet that was the ruling of the court, and the University of Utah reached a settlement with Axson-Flynn that now entitles students to alter the scripts in a theater class.

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The Growing Crisis in Public Higher Education

Sylvia Manning, chancellor of the University of Illinois at Chicago, gave this address at the Illinois AAUP’s 2004 Annual Meeting in Chicago.

By Sylvia Manning

I was asked to speak on any topic of my choosing at the recent conference theme of Contingent Faculty. What I would like to do is set the topic of contingent faculty in a wider context, and then examine issues that face them and I see them. In the process, it is probable that I will say something that some people here will think is anachronistic, but I worry that as chancellor is to serve the campus on which Stanley Fish resides (and presides) as dean of the College of Liberal Arts and Sciences, I have a responsibility to include, to offend honestly and without rancor, and not to sour from the logic of my position for fear of giving offense.

The wider topic is the entire issue of public higher education. Let me begin with some data from the January, 2004 issue of Postsecondary Education and Cost Opportunity, prepared by Thomas G. Motterson at the Pell Institute for the Study of Opportunity in Higher Education. Motterson and his associates reported the changes in state appropriations per $1000 of state personal income between fiscal years 1978 and 2004. In 49 states, that change is a decline, from one-third in South Dakota to 29.5% in Nevada; only three years, between fiscal years 2001 and 2004, five states showed positive, from 1.1% in South Dakota to 29.5% in Nevada; the rest are negative, up to 36.9% in Colorado. The one exception is New Mexico, which shows a gain of a whopping 0.2%. In the long run, the two most dramatic have been chancellor for 95 years, but I worry that my position for fear of giving offense.

The quality of true higher education depends upon academic freedom, and the safeguard for academic freedom is tenure.

Our development of public higher education, and likely to within reach of the children of farmers and laborers, followed the shift in the economic base of the country from agrarian to industrial while it recognized the importance of higher education to a democratic citizenry. In the post-Sputnik era, our cold war fears drove a significant spike in spending on higher education. The population growth needed to maintain education less important, less critical to the sustenance of democracy or simply to our economic well-being? Obviously not. Few doubt that the level of our higher education is lower today than it was in 1960, contrary, that higher education continues to grow more important, more critical, more essential than ever. Therefore, we may let alone prosperity. Even those who see long-range good in that current object of media hype, the outsourcing of white-collar, service industries to countries like China, India, put their faith in the new, still knowledgable-edge-based jobs to come. But what if we look carefully at some current trends?

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The Higher Education Crisis continued

If we no longer see ourselves as fighting essentially on the same side of the larger issue, then it won’t matter who wins the battle between us, because together we will lose the enterprise itself.

Three social events symbolized how far the movement has come in the past eight years since the first Congress of Adjunct Faculty, Part-time, Graduate Teaching Assistants, and Non-tenure Track Faculty in Washington in 1990. One indicator of this was the response of the Conference held after the demonstration at a local club that was sponsored primarily by the often warring Illinois Federation of Teachers and the Illinois Education Association, as they suffered a loss in some of the media campaign.

The conference itself reflected a high level of sophistication. First, I want to give a bit more time to the question of what should Harvard do to become fair common wisdom that we in public higher education must “privatize.” To privatize apparently means to start acting more like private institutions, to be less dependent on state funding. The question is, which private institutions should we be acting more like?: I would like UIC, which is one of the few universities in numerous parts—faculty, staff, administration and students, or scientists, humanists, artists and health professionals—but most of the world sees the university as an essentially public institution.

I’m not going to try to answer that, at least today. But if the answer drives us into opposing camps, if the opposition created suspicion as to both our motives and our political strategies, we would be up against some formidable forces. In various quarters we face postures of hostility bred by particularistic, parochial, competing social needs, indifference, suspicion as to both our motives and our competence. We face these things together.

And students. We may see ourselves as fighting a battle between us, because together we will lose the enterprise itself. And that is why I said a couple minutes ago that no matter what our administrative intention is dangerous. In some dimensions, the structure of universities puts administration and contingent faculty in a relationship of conflict. I have $10,000 and I need to cover two courses and so I want to hire two people at $5,000. The two people want $5,000 each and probably both need and deserve it. Now what?

We will raise tuition somewhat. We will entertain the possibility of student loans that will cover part of the costs. We will significantly increase our endowment. We will find new sources of income. We will seek new ways to raise money through self-sustainment. We will seek new ways to support our mission, of which advanced research is a major part. We will pursue greater administrative efficiency, trying to make our environment attractive to faculty and students. We may even figure out how to make more money through self-sustainment.

The commentary is not only on the performance of contingent faculty and to return the large many faculty are still working in truly intolerable situations. It is because the belief that there is a malevolent force at work here against the contingent faculty is part of a stance that can do us yet more harm. Higher education, and especially the people who sustain it, is up against some formidable forces. In various quarters we face postures of hostility bred by particularistic, parochial, competing social needs, indifference, suspicion as to both our motives and our competence. We face these things together.

I have always been bemused by the ap- parently unspoken assumption that these people move from their full-time faculty positions into adminis- trative roles, a profound change in their values takes place. People have various ideas on how this might make these decisions. At the lowest level, it’s the de- partment head or chair. I’ve never met one who wouldn’t rather get a tenure-line from the university than a tenured-track-type posi- tion. Cash takes the same for the dean’s pref- erence with regard to the provost. And it is useful to add that, it is because the belief that there is a malevolent force at work here against the faculty is part of a stance that can do us yet more harm. Higher education, and especially the people who sustain it, is up against some formidable forces. In various quarters we face postures of hostility bred by particularistic, parochial, competing social needs, indifference, suspicion as to both our motives and our competence. We face these things together.
and the Lessons to Learn

The decision to close the newly merged college came after months of sometimes highly publicized events that involved faculty, students, staff, and community members. Many of these were collegial, peaceful protests, but in the end they were unsuccessful. In the summer of 2003, the EVP for Academic Affairs resigned. Although he had committed DePaul to the acquisition of Barat, the board was receptive to the widespread support from the University’s constituencies, the new administration decided almost immediately that it would not retain Barat. Their predetermination to close the campus was predicated on a particular assessment of the finances and future of the school. The dominant narrative was developed by DePaul’s administration and the Barat Task Force. The latter was organized by the administration in the fall of 2003 and consisted of DePaul administrators predisposed to close the Barat campus. Unfortunately, the Task Force reached its conclusions without even encouraging faculty to abandon their disciplines and areas of expertise.

3. Task Force should examine recruitment promises upfront and hold the new institution to such promises.

Barat was told that its enrollment would increase immediately due to the large recruitment machine of DePaul, and the new goal would be to increase the number of students from 1000 to 2500. But rather than seeking students who wished to attend a small, suburban college, Barat’s first moves was to shift DePaul’s high-risk students to the Barat campus with the result that in its first year, the College had well over 50% of its new students at high risk. With a lack of available housing in Lincoln Park, the major campus of the University, the students who could not get housing there were forced to attend Barat. Little to nothing was done to recruit the non-traditional-age students who have been a major component of the population. Nor were those who graduated from the local community colleges, a staple of the student population for years, pursued. Faculty efforts to encourage more productive recruitment policies were ignored and discouraged.

4. Faculty should be acutely aware of and work to forestall, any policies that pit faculty of one institution against the other.

Because of the history of failed shared governance, the DePaul faculty was suspicious of the merger and treated the issue of Barat. An unbalanced perception was that financial insufficiency somehow meant academic insufficiency—that poor equals bad. The DePaul’s Board and its Board members, despite the efforts of the DePaul AAUP chapter and many of its good conscience in that university, Barat College and its faculty were consistently characterized as inferior. Women’s institutions in particular (with only a few exceptions) have lacked the intellectual and professional identity of the professional institution. The dominant narrative was developed by DePaul to bring historic Old Main up to code and to the university’s plant standards. Old Main’s operating budget accounted for only 2.5% of DePaul’s annual budget, but the money spent for renovation and the actual figures for past future renovation were a matter of dispute throughout this debate—was exaggerated. DePaul projected spending $400 million over ten years to renovate all of the University’s infrastructure. Barat’s portion would amount to a small fraction of this total. This was never put into perspective. Barat was portrayed as representing irreparable harm to DePaul’s financial health.

3. Operating Costs

One of the attractions of Barat was that it was a small liberal arts suburban campus where students received individual attention. Now the ratio of faculty to students was depicted as cost-inefficient. The dominant culture of the current institution was that adhering to “one side of the story” would undermine a fully-informed choice. This resulted in a misguided and potentially harmful decision for the university and others. Many members of the Board never visited the campus. The Barat attitude was that dialogue and a full hearing of the facts and alternatives could cultivate a collegial “win-win” solution for DePaul and Barat. Among the blocked efforts were Barat’s attempts 1) to use the media to reach the wider public, including alumni, and gain a fair hearing from the DePaul Board and administration 2) to present 400 letters from the Barat advocates, including alumni, students, faculty, administrators, and community leaders to the Board prior to the critical board meeting, 3) to contact the Board by phone or in meetings to present Barat’s side, and even such extreme measures as 4) ordering Barat staff not to participate in efforts to save the college. Although efforts were consistently unable to communicate with the constituencies of the University in order to give input into the Board’s deliberations and to UNDERSTAND institutional antagonisms through creative and persistent means. Ultimately, DePaul’s Board and administration failed to solicit faculty opinion prior to the merger. Before the Board made its final decision to close Barat, it sent the question to the Faculty Council. DePaul’s Board council majority vote (14-11) to retain Barat, the Board chose to ignore the recommendation of faculty, in essence circumventing shared governance a second time.

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— Joan Berman

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