

The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

Volume 23, Number 6

December 2019

From the President

Laurie Thomas Lee



Censure by the AAUP has finally sparked some proposed changes for how faculty must be treated when facing suspension or dismissal at UNL.

It's been nearly two and a half years since the controversial incident at UNL when graduate student lecturer Courtney Lawton protested against a Turning Point USA recruiting event set up in front of the Union by an undergraduate student who became distraught. The widely publicized confrontation became very political, with Lawton being no longer assigned to classroom duties. Much was said at the time about academic freedom, political pressures, and the rights of free speech on both sides. But ultimately, AFCON and others honed in on the lack of due process for the lecturer who lost her part-time teaching appointment. The American Association of University Professors (AAUP), which supports academic freedom and faculty governance, formally placed UNL on its Censure List. UNL then responded by creating an ad hoc committee to address the censure.

Finally this fall, the UNL Faculty Senate discussed and supported amendments to the university Bylaws and voted on several changes to the procedures of the Academic Rights and Responsibilities Committee (ARRC). The changes clarify when and how administrators

may suspend or terminate a faculty member's employment. Faculty members are given the right to have an open hearing and to obtain a transcript of the proceedings. The procedures for immediate suspension are distinguished, and the complaint process and timeline are outlined as well as a means for settling complaints. Spelled out are the responsibilities of the ARRC as the committee to investigate complaints. And the rules even address potential conflicts of interest by chancellors who may be called as witnesses.

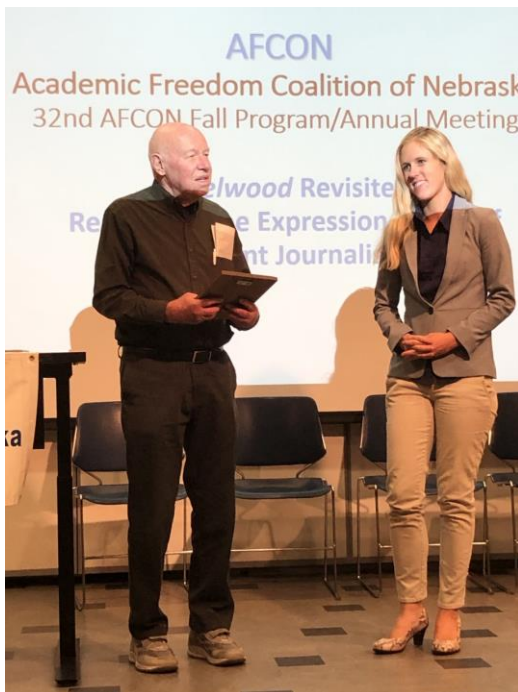
Although the proposed disciplinary procedures won't be considered by the Board of Regents until early 2020, news reports indicate members of the Faculty Senate and the Nebraska chapter of the AAUP see the modifications as good not only for the faculty, but for the administration, UNL, and the entire university system.

AFCON has yet to discuss the policy changes and take a position, but will likely do so at an upcoming meeting. Faculty governance and due process are certainly essential to preserving academic freedom which has been at the heart of the proposed changes. Indeed, the Faculty Senate, in passing its resolution in support of the Bylaws changes, stresses the importance of intellectual freedom and cites section 4.2 of the Bylaws that state that staff "are entitled to exercise their right to speak and act as citizens" and "shall not suffer sanctions or be discriminated against with respect to the...exercise, of their right of academic freedom..." By adopting the amendments, "academic freedom protections at the University of Nebraska would be strengthened;..." They call on the Board of Regents to adopt the proposed amendments to "renew their commitment to upholding the principles of academic freedom."

Annual Meeting Photos



Keynote speaker Cathy Kuhlmeier Frey, plaintiff in Hazelwood v. Kuhlmeier (1988).



Academic Freedom Awards are presented (left) by Bob Haller and (right) by John Bender to state senators Julie Slama and Adam Morfeld respectively.

More Annual Meeting Photos



Angels Theatre Company presents a reading of A Tangled Issue: Student Freedom of Expression, based on the Hazelwood case.



Panel discussion on protecting student journalism in Nebraska. From left, Cathy Kuhlmeier Frey, Emily Nelson (Bellevue East High student newspaper editor), Stephanie Conley (Bellevue East High publications advisor), Kaitlynn Johnson (UNL journalism student), Sen. Adam Morfeld, and John Bender (moderator).

Thanks to Todd Schlechte and Rod Wagner for the photos.

A write-up of the Annual Meeting appeared in the Omaha Daily Record at

<https://www.omahadailyrecord.com/content/coalition-explores-barricades-students'-free-expression>

Gerry Cox 1930-2019

Faithful to the end to the cause of academic freedom, Gerry Cox attended her final AFCON Annual Meeting on October 12, 2019. She died in her sleep three weeks later on November 2, shortly before what would have been her 89th birthday on November 8.

Gerry was one of AFCON's original founders in 1987-88 and served as its second president, following Bob Haller. Even after she left the Board of Directors, she continued to attend the annual meeting regularly, and it was always a pleasure to see her there.

A teacher at Lincoln East High School, Gerry was also active in other academic groups and promoted academic freedom in many contexts. After her retirement, she co-authored publications on Nebraska authors. We know she will be missed by many far beyond AFCON.

Recent Links

UNL Professor's Book is Burned
<https://www.insidehighered.com/news/2019/10/14/georgia-southern-students-burn-novels-after-author-visit>

Volokh Free Speech Rules Episode 7: College Students
<https://www.youtube.com/watch?v=Bg4QLk64dGo>

Koch-Supported Program at UNL Law College
https://www.omaha.com/news/plus/koch-affiliation-with-proposed-law-college-program-at-nebraska-worries/article_fe12181a-76c8-55e2-88a8-7aef4b49f0c2.html

Mandatory Reporting of Sexual Misconduct May Impinge on Student Journalism
<https://theconversation.com/protections-against-sexual-misconduct-on-campus-may-end-up-stifling-free-speech-126891>

Article about AAUP Statement on NU Presidential Search (see full statement on the next page)

https://journalstar.com/news/local/education/nu-faculty-groups-criticize-search-process-as-carter-responds-to/article_50c0a0e1-5e0e-5609-98c9-f860aa2a44d1.html



AFCON

www.academicfreedomnebraska.org

The Academic Freedom Coalition of Nebraska was founded in 1988 to promote intellectual freedom in Nebraska education and research, including freedoms of belief and expression and access to information and ideas.

*** **

AFCON Board of Directors

Laurie Thomas Lee, 2019 President
John Bender, President-Elect (2020 President)
David Moshman, Immediate Past President,
Policy Coordinator, and Newsletter Editor
Peggy Adair, Secretary and Legislative Liaison
Ally Halley, Treasurer
Todd Schlechte, Webmaster
Nancy Comer
Bob Haller
Rod Wagner
Linda Parker, ex officio, Archivist

American Association of University Professors

Joint Statement from the UNL and UNO AAUP Chapters on the University of Nebraska Presidential Search November 2019

This past June, UNL AAUP expressed its concerns over the increasing marginality of NU faculty in the presidential search process, reading into the record at the NU Board of Regents that it is the stated position of AAUP that “decisions to forgo public campus visits and public forums by *finalists* violate long-standing principles of shared governance” (AAUP *Statement on Presidential Searches*, 2015). With only one candidate presented to the campuses and to the public, instead of the traditional four, it is impossible to reach a conclusive position regarding the acceptability of Vice Admiral Carter’s candidacy. All finalists in such a search will have qualifications that recommend them, and weaknesses that render them less fit for the position. Without the ability to compare one candidate to another, meaningful feedback on whether the priority candidate is the best candidate for the position is impossible. We can merely endorse the search committee’s choice or not. If we do not endorse it, it is unclear whether such an action would have any impact on the process, or what method or form such a rejection would have to take to make such an impact. In short, the closed search process undermines meaningful shared governance in the selection of the highest administrative officer of the university system. UNO and UNL AAUP are united in these concerns.

Based on long-standing tradition, universities are structured as workplace democracies, with an executive (administrative) branch, a legislative (Faculty and Student Senate) branch, and a campus judiciary which hears disciplinary cases and grievances. This is an unusual design for a working environment, as most businesses and other employment situations are arranged in clear hierarchies, more similar to the military. Those without significant experience in such an environment, such as the priority candidate, are bound to have difficulties adjusting. Should he

become our next president, he will have to pay careful attention to the need to learn and adjust to this unique system of governance.

In light of our concerns regarding governance, namely, the newly instituted closed search process and the priority candidate’s lack of experience with shared governance at a major state university system like NU, we call on the Board of Regents, and Priority Candidate Carter (should he assume the presidency), to join with us in making a commitment to strengthening the shared governance procedures surrounding administrative search processes and decision-making at the system level. We ask that they commit to:

1. Work to pass state policy that would permit the appointment of Faculty Regents. There are already Student Regents on the committee, in addition to administrators, which makes the faculty’s exclusion from decision-making on the system level particularly illogical. The Faculty Senate Presidents, as the elected representatives of the faculty from each campus, should hold a regular place on the Board of Regents and its committees.
2. Appoint the faculty senate president, or their designee, to campus-level search committees in all future closed senior administrative search processes. The faculty senate presidents from all four campuses, or their designees, should be included in system-wide searches. The composition of these committees should also respect long-established academic practice, wherein “the numbers from each constituency” on the committee “reflect the primacy of faculty concern” in the selection of senior administrators. (AAUP, *Faculty Participation in the Selection, Evaluation, and Retention of Administrators*, 1974).
3. Pass the proposed set of changes to the Board of Regents bylaws designed to clarify procedures regarding faculty suspensions, expeditiously and without modification.

*** **

JOIN OR RENEW
Ally Halley, Treasurer

AFCON now accepts PayPal! Use your PayPal account to join or renew. We offer two ways to pay: You can send a direct payment to us at afcon.freedom@gmail.com or you can use the new PayPal button on our website <https://www.academicfreedomnebraska.org/join-afcon.html>. The button on the website will auto-renew your membership each year so you don't have to manually submit a payment when it's time to renew. If you do not have a PayPal account, send us a check at 3015 S 35 Ave, Omaha, NE 68105. Memberships are \$120 for organizations and \$15 for individuals.

*** **

**Academic Freedom Coalition of Nebraska
Board of Directors Meeting
UNL Andersen Hall, Lincoln, NE
October 12, 2019**

Present:
John Bender, president-elect, representing UNL Faculty Senate
Nancy Comer, representing Nebraska State Literacy Association
Bob Haller, director at large
Ally Halley, treasurer, representing Fine Lines
Laurie Thomas Lee, president, representing American Civil Liberties Union of Nebraska
Todd Schlechte, director at large and webmaster
Rod Wagner, representing the Nebraska Center for the Book

MINUTES

President Laurie Thomas Lee convened the meeting at 12:11pm.

MINUTES: a motion was made by Schlechte, seconded by Halley, to approve minutes of the AFCON board meeting held on September 14, 2019. Motion carried on a voice vote.

TREASURER'S REPORT: Halley referred to her report presented at the membership meeting and added that she received some membership payments earlier in the morning from those attending the annual meeting program.

NEWSLETTER: Lee reminded board members that the due date for *Sentinel* content is November 24.

PRESIDENT'S REPORT: Lee said that the annual Nebraska High School Press Association convention will be held on October 21 at the UNL Student Union. AFCON has been invited to have a table at the convention. It was noted that attendance could be from 400 – 600 participants. Lee asked if AFCON should have a table for AFCON for information and, if so, were there members who could contribute time at the table. Those who could help were asked to contact Lee.

OLD BUSINESS: None presented.

NEW BUSINESS: None presented.

REPORTS FROM MEMBER ORGANIZATIONS: None presented.

Lee stated that the next board meeting will be held on November 9 (10am – 11am) at Lincoln's Eiseley Branch Library.

The meeting was adjourned at 12:25pm.

Respectfully submitted,
Rod Wagner, Acting Secretary

**Academic Freedom Coalition of Nebraska
Board of Directors Meeting
Eiseley Library, Lincoln, Nebraska
November 9, 2019**

Present:
Peggy Adair, secretary, legislative liaison
Nancy Comer, representing Nebraska State Literacy Association
Laurie Thomas Lee, president, representing American Civil Liberties Union of Nebraska

Dave Moshman, immediate past president,
newsletter editor, policy coordinator
Todd Schlechte, webmaster, director at large
Rod Wagner, representing Nebraska Center for the
Book

MINUTES

President Laurie Thomas Lee convened the meeting at 10:11 a.m.

MINUTES: A motion was made by Schlechte, second by Adair, to approve minutes of the AFCON board meeting held on October 12, 2019. Motion carried on a voice vote. The board thanked Wagner for acting as secretary pro tem for the October meeting.

TREASURER'S REPORT: Halley distributed the treasurer's report via email. Balance on hand as of November 9, 2019, is \$1,761.14. Lee will contact Halley regarding annual meeting expenses.

NEWSLETTER: Deadline for articles to be published in the December edition of the *Sentinel* is November 24.

WEBSITE: Schlechte has uploaded photos from the AFCON annual meeting to the AFCON website. Board members thanked Schlechte for his work maintaining and updating the website.

PRESIDENT'S REPORT: Lee reported approximately 70 people attended the AFCON annual meeting held on October 12, 2019. Keynote speaker was Cathy Kuhlmeier Frey, plaintiff in the 1988 *Hazelwood* Supreme Court decision. Lee tended the AFCON information table at the Nebraska High School Press Association convention held on October 21. Lee reported approximately 700 students and their advisers were in attendance at the convention.

POLICY COORDINATOR: Moshman reported the finalist for the position of President of the Nebraska University higher education system has vast military experience. Adair wondered whether Governor Ricketts would appoint him an Admiral in the Nebraska Navy.

Moshman reported on a recent incident where a UNL professor spoke at Georgia Southern University and students were so inflamed by the professor's spoken and written words that they burned her most recent book. It should be noted they burned the book in accordance with local fire safety regulations.

Moshman reported the Koch Foundation is funding a new program at the UNL College of Law.

Moshman reported a federal appeals court has ruled the Bias Response Team at the University of Michigan interferes with free speech and must be disbanded.

Moshman will continue to monitor the above events. Moshman recommended no action be taken by AFCON at this time.

MEMBER ORGANIZATION REPORTS:

Nebraska Center for the Book: Wagner reported Ted Genoways, author of *This Blessed Earth*, will be the keynote speaker at the Nebraska Center for the Book's annual meeting taking place later this afternoon at the Nebraska History Museum.

MEETING SCHEDULE: The next AFCON board meeting will be held at Eiseley Library on December 14, 2019. The focus of the meeting will be a planning session for the 2020 AFCON year. AFCON will not meet in January, 2020.

There being no further business, the AFCON board adjourned at 10:59am.

Respectfully submitted,
Peggy Adair, Secretary

*** **

The AFCON Sentinel is the newsletter of the Academic Freedom Coalition of Nebraska, published bimonthly in February, April, June, August, October, and December.
Editor: David Moshman
email: dmoshman1@unl.edu