



THE

AFCON

SENTINEL



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June 18, 2004

AFCON OFFICERS

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Peggy Adair
Legislative Liaison

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Purpose:

To promote academic freedom, defined as intellectual freedom in educational and research contexts. This includes freedoms of belief and expression and access to information and ideas.

MESSAGE FROM THE PRESIDENT—Peggy Adair

Summer Musings:

I received a special offer in the mail last week from my bank. The "TaxSaver Equity Line" promises to loan me the cash I can use to buy all sorts of fun stuff like boats and vacations and paying off those college loans. Low interest, too. Heckuva deal.

I usually toss junk mail unceremoniously, but we are thinking about remodeling our master bathroom, so I read the whole enticing advertisement. Down at the very bottom of page two, in microscopic print, I found Big Brother come knocking at my door:

"The USA PATRIOT Act was enacted in an effort to protect you and our country from the threat of terrorism and terrorism activities. Federal law requires all financial institutions to obtain, verify and record information that identifies every person who opens an account. This will aid in the government's fight against money laundering and the funding of terrorist activities. When you open an account, we will ask for your name, address, date of birth and other information that will allow us to identify you. We may ask to see your driver's license or other identifying documents. We proudly support all efforts to protect and maintain the security of our customers and our country."

Show us your papers, comrade. I think I'll just buy new bath towels and call it good.

The House of Representatives recently rejected a bill that would have required hospitals to collect information on the immigration status and employer of all people seeking emergency treatment. The information was to be sent into a database set up jointly by the Department of Health and Human Services and, you guessed it, the Department of Homeland Security.

The bill was defeated when medical professionals and Hispanic legislators voiced strong opposition to the bill, contending hospitals could be dragged into the very un-Hippocrates-like position of denying emergency medical treatment to undocumented immigrants while assisting the government in getting them kicked out of the country.

Who is that guy in the dark suit and sunglasses hiding behind curtain number one in the emergency room? Could it be...Big Brother?

Then there's David Nelson. He's a 56-year-old investment broker, father of three grown children, an avid Cubs fan, and according to his own estimation, a decent golfer. David is also on a terrorist list kept by the Transportation Security Administration (TSA). Every time the poor guy goes to an airport for a business flight to pretty much anywhere, he is pulled aside, searched, interrogated, his luggage is opened and pawed through, and he is told to pull each ID and credit card from his wallet...slowly.

Nobody will tell David if there actually is some bad guy on the terrorist list, also named David Nelson, who is the guy they are really after. They won't tell poor old David-the-Cubs-fan much of anything. They just give him the third degree, then send him packing on America West. And this is supposed to make us all safe.

The Illinois chapter of the American Civil Liberties Union notes it is troubling that the government has a secret list of "suspects," and nobody knows the criteria for somebody ending up on the list. Maybe David should switch to cheering for the White Sox.

Columnist Jeff Jacoby reports a recent Gallup poll found 64 percent of respondents think the USA PATRIOT Act "doesn't go far enough in adjusting civil liberties."

(Continued to Page 3.)

Upcoming Events

AFCON Board Meetings, July 10, September 11, and October 9, 2004
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

Summaries of AFCON Board of Directors' Meetings—Dwayne Ball

March 13, 2004--

President Adair brought the meeting to order at 10:12 a.m. She welcomed Jim Bunstock, who is representing the Nebraska Writers Guild.

Minutes: (Dwayne Ball) Minutes of the February 14, 2004 board meeting, taken by Jane Neal in the secretary's absence, were distributed. Approved.

Treasurer: (Cathi McMurtry) \$1919.07 in account. As of today, there are 14 individuals and 10 organizations with paid dues for 2004. Treasurer's report approved.

President's Report: (Peg Adair) Adair reported on a 40-minute telephone conversation she had with the principal of Westside High School regarding the guest editorial Peggy had published in the *Omaha World-Herald* chastising the school's administration for its harsh punishment of students who had supported a white African-born student for an African-American student award.

Newsletter: Bob Haller reported by e-mail earlier this month that the Spring newsletter would be in the mail shortly.

Membership: Buckley reported that the NEMA/NLA annual convention will be October 6-8, 2004 in Grand Island, and solicited a speaker from AFCON.

Moshman reported that he has approached the UNL AAUP chapter about holding the AFCON annual meeting jointly with them, with the program to center on the tenure situation at UNL.

Krutz reported that NCB is in the process of writing an article about the mutual support between it and AFCON for the next newsletter.

Comer reported that the NSRA had kindly distributed 800 AFCON membership brochures with its recent membership mailing in early March.

Legislative: (Peggy Adair) Adair reported that LB 602, which bans cloning of human tissue, including for research for therapeutic purposes, was made a priority bill, but will probably not come up for a vote this session. LB 172, which rescinds the requirement that schools notify teenaged girls that they may obtain an abortion without parental notification (i.e., through judicial bypass) will probably pass. AFCON has not taken an official position on either bill.

Policy: (David Moshman) Moshman reported that no UNL students have come forward to AFCON or friends of

AFCON to complain about being forced to attend the GLBT teach-in by their professors. The GLBT teach-in was prompted by vandalism of an English department GLBT bulletin board, and several class sections were required to attend instead of attending their regular classes. Moshman discussed academic freedom issues arising from this event.

Moshman reported that the UNL administration may soon require that all faculty complete an on-line sexual harassment training class. Moshman raised the issues of making passing this mandatory, the vagueness of hostile environment/sexual harassment regulations and the connections to academic freedom, and the potential-for-indoctrination aspects of the requirement.

Moshman also reported that UNL may require all faculty and staff directing research with human subjects to take an 8-hour on-line course on the ethics of this research.

Website: (Barb Cornelius) Cornelius was not present, but Adair reported the website was staying updated.

Banned Book Week: Krutz suggested that we invite Nebraska bookstores and libraries to participate in Banned Book Week events with AFCON. During discussion consensus was to work toward a BBW event in 2005. All members should canvass their organizations for ideas.

Old Business

Bellevue High School: Beckstead updated the Board regarding the situation at Bellevue West H.S., in which two teachers are sponsoring a student Republican Party Club, supervision of which could be made part of the teachers' official paid duties if the club is chartered in three years. Latest development: with help of Herman and Adair, the local Democratic Party was able to have a representative present at the high school voter registration day, so that the event was balanced.

Updating the Speakers Bureau: Adair asked each member to consider volunteering a topic on which to speak.

New Member packet: Adair put together a prospective new member's packet. Beckstead suggested passing it out at member organization meetings to solicit new members.

New Business:

Hate speech and AFCON principles: Beckstead asked for a discussion on the AFCON principles of academic freedom, which do not include any discussion of rights to, or prohibition of, forms of speech

in a public school setting that intimidate or frighten students without being directed against individual students in particular. Discussion ensued.

April 10, 2004—

President Adair brought the meeting to order at 10:10 a.m..

Minutes: (Dwayne Ball) Minutes of the March 13, 2004 board meeting were distributed. Approved.

Treasurer: (Cathi McMurtry) \$2102.10 in account. As of today, there are 21 individuals and 13 organizations whose dues are paid for 2004. Treasurer's report approved.

President's Report: (Peg Adair) Adair presented an updated membership list. She noted resignations by Jane Holt, at large member, and Linda Beckstead of the Nebraska High School Press Association. Beckstead will work with NHSPA to find a replacement. Jane Neal of the Lincoln Education Association will retire in June and resign from the board; she will seek a replacement. Adair announced that she will miss the May through July meetings due to family events, and Moshman will preside.

Newsletter: The next newsletter deadline is May 24.

Membership: Buckley reported that the NEMA/NLA annual convention will be October 6-8, 2004 in Grand Island.

Haller reported that the State Conference of the AAUP will hold a fall meeting on the assignment of college credit for high school courses on a basis other than an Advanced Placement Exam. Haller confirmed that a joint meeting of the UNL AAUP and AFCON is being planned for the fall on the subject of The Condition of Tenure at UNL.

Legislative: (Peggy Adair) Adair reported that the Nebraska legislative session will end with no major academic freedom issue reaching the floor.

Policy: (David Moshman) Moshman reported that his guest editorial, "Tenure under Attack at UNL" appeared in this morning's *Lincoln Journal-Star*.

Website: (Barbara Cornelius) Cornelius was not present, but Adair reported the website was staying updated.

Old Business

Banned Book Week: Two Board members volunteered to serve on the 2005 Banned Book Week Committee.

Updating the Speakers Bureau: Adair again asked each member to consider volunteering a topic on which to speak.

(Continued to Page 3.)

Summaries of Board Minutes

(Continued from Page 2.)

New Member packet: Adair passed out envelopes with new member packets in them and suggested that each board member send one or two to prospective members or organizations.

501 (c) (3): McMurtry reported the IRS had sent a form requesting a corporate tax return for the year 2002. (After the meeting, Ball and McMurtry determined this was probably sent in error by the IRS and composed a reply that will probably not get the Board sent to jail.)

Adair passed out wallet-sized cards she had made up with the AFCON tax exempt number on them board members to use to avoid sales taxes for AFCON purchases.

NEMA/NLA conference: Karen Buckley and Peg Adair will work together to see if they can develop ideas for an AFCON program or table at the conference, and possibly present the AFCON Academic Freedom Award for 2004 at this event.

May 8, 2004—

David Moshman, in the absence of President Peggy Adair, presided.

Secretary's Report: Minutes for the April 10 meeting were circulated by email and were tabled to the June meeting for action. Nancy Comer, in the absence of Secretary Dwayne Ball, took minutes.

Treasurer: (Cathi McMurtry) \$1941.23 in account. As of today, 24 individuals' and 14 organizations' dues are paid for 2004. Treasurer's report approved.

President's report: Moshman reading for the absent Adair: AFCON is on the agenda for the NEMA/NLA conference coming to

Grand Island in October. Peggy will lead a workshop titled, "No Space for Me" concerning "at risk" kids and how they may suffer disconnect because schools have difficulty providing reading material that validates them, due to academic freedom constraints. Peggy wants us to consider participating in the Omaha Peace and Justice Expo as a way to get our name out, and attract some new member organizations through this networking.

Moshman distributed Prospective Member Packets, business cards with the AFCON tax exempt number to those not present at the April meeting, and an updated AFCON membership list.

Newsletter: Black reminded the Board that the deadline for sending him materials for the June 18 issue of the *Sentinel* is May 24. He mentioned that Ann Mari May's address to the UNL Academic Senate upon her receipt of its 2004 James A. Lake Academic Freedom Award will be included.

Membership reports: Tom Black received some complaints from teachers at Omaha Westside about AFCON. Duane Obernier, President of NSEA wrote an editorial for the NSEA Voice discussing the Westside concerns and AFCON objectives. The NSEA Board will continue AFCON membership. Bob Haller has developed a unit of study for undergraduates including academic freedom issues/principles.

Moshman discussed his meeting with one of the student senators of the Associated Students of the University of Nebraska (ASUN,) the student government on the Lincoln campus. Moshman will follow up

with this group in the fall and pursue having a student member sit on the AFCON Board as an At-Large member..

Website Update: Barbara Cornelius, will continue to serve as AFCON webmaster.

Old Business: Two members, Laurie Thomas Lee and Bob Haller, volunteered to join the Banned Book Week Committee to plan for September 2005.

Replacements for the following were discussed: Jane Holt, Member-at-Large; Linda Beckstead, Nebraska High School Press Association; and Jane Neal, retiring from LEA.

New Business: The Board discussed a joint meeting with AAUP UNL chapter this fall. The focus would be the tenure at UNL. Moshman and Haller volunteered to serve on a committee to plan this meeting. They are looking into an early November date. Ideas were brainstormed including a panel to discuss the issue which would include a faculty member who lost his or her job and UNL Chancellor Harvey Perlman, and to pursue the possibility of a national speaker

The Board also discussed whether to obtain positions of candidates for political office on AFCON issues. It was decided that Bob Haller, a member of a citizen's advisory board of the *Lincoln Journal Star*, would forward questions on education, the Patriot Act and other AFCON issues and see if they might be included in future voting guides/ editorial pieces.

THE PRESIDENT'S MESSAGE

(Continued from page 1.)

"Adjusting" civil liberties? What, our civil liberties have to go into the shop for an occasional tune-up? This week, we get free speech, next week...naahhh... free speech is getting adjusted. John Ashcroft will send you a bill, then you'll get free speech back. It may not look like free speech, but trust Ashcroft, it's gonna make you safer.

And 64 percent of respondents want even more "adjusting?" Here we are in a war, supposedly to "free" the Iraqis, at least that is the reason-of-the-week, and 64 percent of surveyed people think it's perfectly okay to take freedom away from Americans right here in the good old U-S of A. Wild-eyed, hard-rockin,' gun-totin' Ted Nugent says it best: "We're becoming a nation of sheeple."

And believe me, that's just where the bad guys want us.

Which is why organizations such as AFCON are so vital to America. The fight for freedom takes place daily, not just on battlefields in far away countries, but also here at home; in classrooms, on campuses, in libraries, in bookstores. Free

thought, free expression, free belief, must be defended and protected if we are to remain a strong and free nation.

It is critical that we teach children not what to think, but how to think, if they are to become adults who don't line up and blithely baa when the President or the Attorney General says it's time for a good shearing.

So I want to take this opportunity to thank all of the people who have worked so tirelessly against the tide to charter this organization, to infuse it with enthusiasm, to guide it with professionalism, to temper it with humor, and to strengthen it with participation.

I want to thank all of the past and present board members, representatives of your various professional associations, who have given of your time and talent to help carry forth the mission of AFCON.

Your work and your sacrifice do not go unnoticed.

You know, I root for the Cubs, too...

Tenure under sneak attack at UNL by
David Moshman
(*Lincoln Journal Star*, April 10, 2004)

Tenure is a system that links continued employment to performance and behavior. Tenured faculty may be terminated for cause but the university must show that the faculty member has either (a) fallen short of satisfactory performance or (b) engaged in sufficiently egregious behavior to merit dismissal.

Since 2003, tenured faculty at UNL can be terminated through so-called program eliminations without any showing that their teaching, research, or service is in any way deficient or that they have engaged in any behavior that merits dismissal. Such termination decisions are made through secret administrative processes and faculty usually do not know their program is being considered for elimination until they receive a termination notice. The Academic Planning Committee, which is supposedly responsible for academic program decisions, does not consider the program eliminations until after they have been publicly announced and termination notices have been distributed. The APC, moreover, has no authority to make or reverse any decision. It has no power other than to say what it thinks before administrative decisions go forward to the Regents.

So-called program eliminations can and do target individual faculty. The administration has substantial discretion to determine what constitutes a program. Individual faculty can even be deemed programs of their own. In major program eliminations, courses, specializations, and/or faculty are routinely redistributed across departments and only a minority of faculty are actually terminated. When the administration eliminates programs, it eliminates only what and whom it chooses.

Who does UNL choose to eliminate? Of the seven faculty who have lost tenured positions without cause, six were at least 59 years old. After decades of service, moreover, they were forced into retirement in a most humiliating way. Rather than leave them with absolutely nothing, the university offered to continue to pay a portion of their health insurance costs and/or continue to employ them on a decreasing basis for up to three years in exchange for their agreement that they would never appeal any aspect of what happened to them. This coerced waiver of fundamental rights, moreover, explicitly rules out any claim of age discrimination.

Even for faculty with access to UNL's grievance system, it is very difficult to appeal terminations based on program eliminations. Faculty cannot save their jobs by showing they did not

do some terrible deed because they are not accused of anything. Faculty cannot save their jobs by showing they cannot succeed by demonstrating excellence in research, teaching, and service because there is no allegation of inadequate performance. To a large extent, in cases such as these, UNL's appeals system is an empty shell of due process with no opportunity for substantive claims about faculty performance or behavior.

Budget cuts do not explain the recent events at UNL. The amount of money saved by eliminating 7 tenured faculty was minimal compared to the amount UNL committed in hiring 44 new faculty during the same time period, not to mention the cost of the ad UNL took out in the *Chronicle of Higher Education* to tout its new superstars. In Spring 2003, the Chancellor explained to the Academic Senate that UNL was not in a state of financial exigency and that a declaration of financial exigency was not a requirement for terminating tenured faculty without individualized cause. Programs and tenured faculty, he made clear, can be eliminated at any time provided administrators believe the money saved can be put to better use elsewhere. What has happened at UNL, in other words, is not a special response to a special situation but a permanent increase in administrative power to a level unheard of in any major U. S. university in recent memory.

For the university as an intellectual enterprise, the implications are staggering. Tenure systems enhance education by maximizing the likelihood that curricular decisions will be made on academic grounds. Instead, faculty decisions about UNL programs and curricula are driven by perceptions of what will please administrators, with the result that economic considerations increasingly prevail over academic ones. And since the government is the major source of funding, profitable decision making means pleasing the government.

Is UNL pioneering new frontiers? Actually, 21st century UNL is very much like the 19th century University of Nebraska with regard to administrative control over programs, faculty, and all important decisions. If UNL is the vanguard of higher education in the United States, the 20th century may come to be seen as the high water mark of academic freedom and faculty governance. So far it appears that other universities have had the wisdom not to follow UNL's lead.

David Moshman is Chair of Committee A (Academic Freedom and Tenure) for the University of Nebraska—Lincoln chapter of the American Association of University Professors.

FOR SALE BY AFCON

Send orders to Mel Krutz, 2625 Bluff Road, Seward, NE 68434-9801

T-shirts with a Paul Fell "banned books" design; Sizes M, L, XL, XXL, XXXL; \$15.00.

Packaging and postage: \$2.00 each.

Note cards with a Paul Fell design; \$1.50; four for \$5.00. Packaging and postage: \$0.75 per packet.

Reader's Theatre Script of a TANGLED ISSUE: Student Freedom of Expression. \$10.00 buys the book with rights to duplicate the script and produce the play. Packaging and postage: \$2.00 each.

AFCON SPEAKER'S BUREAU (As of December 2001)

Dwayne Ball: "Threats to Academic Freedom at Universities"
3120 Jasper Ct., Lincoln, NE 68516
adball@alltel.net

Linda Beckstead: "Freedom of Student Press Issues"
611 North 42nd Street, Omaha, NE 68131
BecksteadL@aol.com

Bob Haller: "Money Talks: Ideas in the Political Process"
and "Religion, Intellectual Freedom, and the University"
4000 S. 56th St., Lincoln, NE 68506
rhaller1@unl.edu

John Bender: "The Nebraska Student Freedom of Expression Bill"
3609 S. 20 St., Lincoln, NE 68508
jbender@unl.edu

David Moshman: "Principles of Academic Freedom" and "Student Rights"
1901 Pepper Ave., Lincoln, NE 68502
dmoshman1@unl.edu

Presentation of the Readers' Theatre production of A Tangled Web: Student Freedom of Expression (a cast of adults and students)

ADDRESS FOR THE AFCON WEB SITE

<http://www.AFCONebr.org>

Check it out and learn Who We Are and about Our Activities; read our Constitution; learn how to Join Us; see the where and when of our Meetings; meet our Members and Officers; Study our Publications, Principles, and Statements

REQUEST FOR NEWS FOR FUTURE ISSUES

The editor of the AFCON SENTINEL invites all AFCON individual and organizational members to send news about academic freedom issues in Nebraska or editorial comments for inclusion in this newsletter and/or announcements of organizational meetings for the UPCOMING EVENTS column.

Due date for submissions to the **September 17**, 2004, issue is **August 23**, 2004.

Send to Tom Black, editor, 610 West Park, West Point, NE 68788 or wpc6296@cableone.net

**Remarks by Ann Mari
May Upon Receipt of the
James A. Lake Academic
Freedom Award—
Presented by the UNL
Academic Senate
April 27, 2004**

Fellow Senators and Distinguished Guests:

It is with true appreciation that I stand before you today. I am very honored to receive the James Lake Award and I wish to express my sincere gratitude to my colleagues in the senate, the nominating committee, and my dear friends in this great academic community -- many of whom are former recipients of this award -- Mary Beck, Helen Moore, Mary McGarvey, Ron Lee, John Janovy, Paul Olson, Miles Bryant, Pat Kennedy, Steve Willborn, Ali Moeller, David Moshman, Bob Haller, Linda Pratt, Jim McShane, and so many others for whom I have such deep and abiding respect.

THE PERSONAL

Like many of you I suspect, I chose my *discipline* because I found it interesting and important. But I chose *academe* because I wanted the freedom to think about what I found interesting and important.

When I arrived at UNL almost seventeen years ago, I was full of enthusiasm and very naïve. It was that spirit of naïve enthusiasm I suppose, that prompted me to work with graduate students in the College of Business Administration to form *Graduate Women in Business*. And well, somehow in my second year as an untenured assistant professor, with all male colleagues in my department, in a College in which there were no tenured women faculty on campus, I found myself on the stage of the Lied Center staring down at my dean in the front row and listening to Gloria Steinem. She began by telling the overflow audience that *we could talk about anything* and she began to express the concerns she had heard that day in Lincoln, Nebraska,

concerns from students, faculty, and even a few women senators, about gender bias on campus, racism in the community, homophobia in the country, and militarism in the world.

Although it took me a few minutes to regain consciousness and it took more than a few minutes for the blood to actually return to my limbs, as I listened I began to learn what academic freedom is all about and why it is so important, especially for faculty who hold, as most of us do at one point or another in our lives, unique or inconvenient or controversial views.

In the fall of the year that I came up for tenure in the Department of Economics, C-SPAN television broadcast an academic conference in which I had given a paper on economic policy in the Carter years. It was a pretty tame paper, as I remember, and I missed the broadcast when it was aired. But I got a call from an acquaintance who said he had heard that I was on television . . . and that it had been talked about on Rush Limbaugh. This, of course, is never a good thing for a scholar, particularly for a female scholar.

William Bennett, former Secretary of Education in the Reagan Administration, was hosting the show that day when a caller phoned in and said that he had been watching C-SPAN and that he had heard this academic, Ann Mari May from the University of Nebraska, who just made him furious. I don't recall now what it was that I said that made him so angry, but apparently I said it three times. William Bennett indicated that he too had seen the broadcast and that he found it vexing as well. Of course I was just the hook that day. The moral of the story was how we need to get rid of liberal academics. William Bennett concluded the segment by urging listeners to "call their regents" and tell them that we don't want these kind of liberal faculty teaching our students.

I never received an angry call from a regent following the C-SPAN broad-

cast. (I did however get a letter from a guy in prison: apparently they do watch C-SPAN in prison, just so you know.) I was awarded tenure and I began to learn just how important *tenure* (and *tenure-track*) is as a mechanism for providing that we as faculty can offer our expertise and our professional views without fear of retaliation because those views don't mesh with the politics of the day.

IS POLITICAL

When Edward A. Ross came to the University of Nebraska in 1901, the liberal political economist knew first hand the dangers of holding unpopular views. Having expressed sympathy for the free coinage of silver and antipathy for the exploits of railroad magnates, Ross ran up against someone more powerful than any former Secretary of Education: Jane Stanford. Mrs. Stanford, widow of a railroad magnate and founder of Stanford University where Ross was a faculty member, called for Ross to be fired. He was.

Leaving Stanford, Ross came to the University of Nebraska at the request of then Chancellor E. Benjamin Andrews, himself no stranger to the controversies of political economy. Having expressed some sympathy for free silver while serving as president of Brown University, Andrews was asked by the Board of Regents to withhold his opinions. Andrews resigned his position from Brown and, in 1900 took the position of Chancellor of the University of Nebraska.

Many more attacks on faculty autonomy have occurred throughout the twentieth century. From the Red Scare of WWI to McCarthyism in the 1950s, professors have been fired not only for speaking out publicly on controversial issues, but for criticizing university administrators, or taking inconvenient positions in internal disputes. And many faculty who were not literally driven out of their institutions, were given heavier teaching loads, lower salaries, class assignments in undesirable buildings and much more, often in retaliation.

The rough treatment of Edward Ross and many others prompted the formation of the AAUP in 1915, not as a collective bargaining unit to raise faculty salaries, but as an organization to establish principles of shared governance, authority, and autonomy. It was primarily through the AAUP that faculty began to understand and articulate the importance of academic freedom and tenure for the common good. We began to understand that, as the 1940 Statement makes clear, "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition."

The University of Nebraska began the twentieth century with a hopeful promise that it might become a university where creative and talented faculty would be free to engage in spirited debate, focused inquiry, and offer what is indispensable to a democratic society: the willingness to, as the late Edward Said described it: speak the truth to power. At the end of the century, we stand alone as the only major research institution in the United States to fire tenured faculty.

The attack on tenure is underway in another form as well. We are joined by other universities in this assault on tenure that is less contentious than the outright firing of tenured faculty but nonetheless corrosive: an attack through a process that our own Senator George Norris would have recognized. Norris, referring to the dismantling of Progressive era reforms in the 1920s, called it "the nullification of federal law by a process of boring from within."

The same could be said of the erosion of tenure that has taken place in the past ten years in higher education in general and at the University of Nebraska in particular. The implementation of post-tenure review, the replacement of tenured faculty by contingent workers, and the devaluation of faculty governance have accompanied the gradual imposition of the corporate model in which

faculty are seen as an obstacle, not an integral part of the higher learning -- treated as employees to be managed, not professionals whose opinions are to be respected.

Listening to the concerns of many of my colleagues throughout the university, I believe, like Gloria Steinem, that *we can talk about anything*. As a recent report by the University of Illinois Seminar on Tenure suggests, the question that we must urgently address is this: Does the tenure system enhance student learning and educational quality?

At the University of Nebraska today we must ask ourselves, is student learning and educational quality enhanced by creating a divided faculty of researchers who don't teach and contingent faculty with tenuous employment arrangements who teach and do little research? Is student learning and educational quality enhanced by creating an incentive structure that views teaching as punishment for failing, not just to publish, but to publish in the right list of journals? Is student learning and educational quality enhanced by administrators who push for the development of journal "lists" as evidence of institutional quality promising that these "lists" will not be used to evaluate individual faculty performance and then allow them to be used to evaluate individual faculty performance? Is student learning and educational quality enhanced when the priorities of the institution are such that we make massive cuts to academic programs while moving forward on plans to spend \$53 million on athletic facilities -- "the most extensive athletic facilities upgrade since Memorial stadium was built" in the early 1920s? Is student learning and educational quality enhanced when five of the colleges in this university -- the College of Engineering, the College of Architecture, the College of Journalism, the College of Business, and the College of Law -- have no more than one or two women full professors in the entire college to direct student research, sit on committees, teach classes, and stand as *full* citizens in the academic enterprise? Is student learning and educational quality enhanced when the search committee

for the chief academic officer of an institution has only a single faculty representative from the flagship campus on a committee of eighteen, and meets in seeming violation of state open meeting laws and the legal representative of the university argues that the meeting in which candidates for the position are assembled and asked questions and expected to respond is really not an "interview" but just a "meeting?" Is student learning and educational quality enhanced when faculty who have given their entire professional lives to this institution are handed letters of termination delivered before any duly appointed faculty committee has ever met to consider their case -- notified of their "revocation of tenure" and perhaps offered health insurance coverage through the university only on the condition that they sign an affidavit waiving their rights to ever file a grievance concerning their treatment?

Not only *can* we talk about these things, we *must*.

I have two thoughts that I want to leave with you today that I believe would enhance student learning and educational quality at the University of Nebraska. The first, a suggestion from Kenneth E. Eble of the University of Utah. Professor Eble urged faculty to, "seek to broaden definitions of professional competence and humanize the means by which we arrive at such judgments" and "[D]o less counting of our own and our colleagues' publications and more thinking about what we do day-to-day which will never be published."

I would like to close with one final thought. It is something that we used to hear a great deal as faculty and have not heard in the statements, policies, and day-to-day actions of the university administration for some time . . . and I'm going to say it three times. Faculty are the heart of the university. Faculty are the heart of the university. Faculty are the heart of the university.

I urge you to take heart, and speak up.

Thank you.

Nebraska Center for the Book Affirms AFCON Partnership

The Nebraska Center for the Book brings together the state's readers, writers, booksellers, librarians, publishers, printers, educators, and scholars to build the community of the book. We are the people who know and love books, and who value the richness they bring to our lives. Our Nebraska Center supports programs to celebrate and stimulate public interest in books, reading, and the written word. We have been an affiliate of the Center for the Book in the Library of Congress since 1990. The Academic Freedom Coalition of Nebraska (AFCON) was one of the early organizational members of the Nebraska Center for the Book. An AFCON representative serves as an ex-officio member of the Center for the Book Board.

In May, the Nebraska Center for the Book Board participated in an exercise to affirm our connection to the purpose and goals of AFCON. The following is a transcript of responses of the Nebraska Center for the Book Board to discussion questions.

Q. Why is Intellectual Freedom important to the Nebraska Center for the Book?

Many of the responses focused on the connection between books/writing and freedom of expression.

- Books are vehicles for conveying ideas—not just the popular or the easy, but the difficult, the controversial, and the challenging. “Books give us wings.” Since the Nebraska Center for the Book’s purpose is to bring together the community of the book in Nebraska, you can’t have a true community of the book if you exclude some ideas, some voices.
- Both organizations share the same mission: Support of Books and Reading.
- Nebraska Center for the Book supports and encourages writing, publishing, and reading.

Intellectual freedom is fundamental to these purposes. Freedom of thought and expression must not be restrained and must be protected by the Nebraska Center for the Book, as an affiliated organization of AFCON.

- Without intellectual freedom new thoughts, ideas, or voices would not be published, read, or promoted.
- Censorship is an issue for authors.
- Books are essential to the dissemination of ideas. Books are the main repository of ideas. Other forms are transitory.
- The book (and what it stands for) remains the best literacy technology we know. Literacy itself is a critical tool, a liberating force. Movements for academic freedom are essential to the free production, dissemination, and use of books.
- Nebraska Center for the Book is all about books. In a free society, it is important to have freedom to publish without fear of reprisal. Academics (especially) should be free to publish without fear for their jobs.

Many responses asserted the importance of intellectual freedom to a healthy democracy.

- Intellectual freedom is vital to democracy.
- Democracy depends on the freedom to check out international materials without supervision and/or censure, e.g., USA PATRIOT Act.
- Students, citizens, librarians, and teachers are at risk of limitations on their freedom to write or teach as they see fit.
- Intellectual freedom is a necessary component of natural moral authority—witness Iraq where the moral difference is

not always behavior but the freedom to critique behavior. Without intellectual freedom, that critique could not take place.

- Anti-censorship and freedom of speech are cornerstones of our society.
- It was Justice Oliver Wendell Holmes who advocated the free exchange in the marketplace of ideas—that people should be free to decide what is worthwhile, worth knowing, without being reined in by limits. Free marketplace of ideas distinguishes the United States of America from repressive regimes elsewhere.
- Together they (both organizations) are dedicated to involvement in, delivery of, and access to information basic to a free and open democratic society.

Q. Why partner with AFCON (Academic Freedom Coalition of Nebraska)? Why is this partnership meaningful?

Most responses focused on the shared mission of the organizations.

- Nebraska Center for the Book is the premier book organization in Nebraska and a natural partner with organizations that seek to protect academic freedom.
- Both organizations and their members reinforce mutual interests and actions.
- Intellectual freedom is the foundation of our nation and necessary for our children to become thinking and capable citizens. The premise of both Nebraska Center for the Book and AFCON is that reading and writing must be accessible.
- Nebraska Center for the Book

Nebraska Center for the Book Affirms AFCON Partnership

(Continued from Page 8.)

and AFCON support libraries and bookstores for academic freedom in Nebraska. Academic/intellectual freedom is central to the organizational missions.

- The organizations have a common mission and together boost membership, good will and public relations

Some responses pointed out that there are times when the organizations really need each other.

- The goal of Nebraska Center for the Book is to build the community of the book. The AFCON partnership is part of

being in a community—making common cause of shared values. There is strength in numbers. The more voices, the likelier message will get through.

“Troops” are available if issues arise or challenges are raised.

- The organizations can provide assistance in getting the message out when needed.
- In today’s political climate, organizations such as AFCON are more important than ever. For example, the implementation of the USA PATRIOT Act illustrates how easily and quickly our First Amendment rights can

be threatened. AFCON’s role as “watchdog” is vitally important to all of us who support and treasure intellectual freedom.

- Given today’s political climate we cannot relax our intellectual freedom vigil.

The Nebraska Center for the Book Board invites AFCON members to join this discussion by responding to these questions via e-mail: mjryan@nlc.state.ne.us. For more information about the Nebraska Center for the Book, see <http://www.unl.edu/NCB/>.

University Reports

By

Dwayne Ball

Purdue University, West Lafayette, Indiana

(Foundation for Individual Rights in Education e-mail newsletter www.the-fire.org, April 19, 2004) Purdue has a “non-discrimination” policy for student organizations that forbids discrimination on a number of bases, including religion. When a group of Christian women wanted to organize a group that was limited to Christians, they were forbidden by Purdue to organize under University rules. However, after 6 months of negative publicity, the University reversed itself in April, 2004, and granted an exemption to the group.

University of Alabama, Tuscaloosa, Alabama

(Foundation for Individual Rights in Education e-mail newsletter www.the-fire.org, May 13, 2004) The National Association of Scholars chapter of Alabama (ASA) published an article in its August, 2003, newsletter critical of grade inflation at UA.

Subsequently, the UA administration informed the ASA that they could no longer be able to distribute the newsletter and other mail within the UA system at the faculty-organization rate. Instead, they would have to pay 8 times as much. Furthermore, the UA mail system intentionally delayed the distribution of an October flyer announcing an ASA speaker until the date of the speech, making the flyer useless. Efforts at publicizing suppression of speech and organizations at UA are now under way.

California Polytechnic State University, San Luis Obispo, CA

(Foundation for Individual Rights in Education e-mail newsletter www.the-fire.org, May 6, 2004) Quoting directly from the F.I.R.E. newsletter: “In a major victory for free speech on campus, California Polytechnic State University (Cal Poly) has abandoned its attempt to punish a student for posting a flier on a public bulletin board. The flier

merely announced a campus speech, but some students at the campus Multicultural Center found the flier “offensive.” Cal Poly has agreed to expunge student Steve Hinkle’s disciplinary record relating to the incident, to cease interfering with his right to post fliers, and to pay significant attorney’s fees. The settlement of the lawsuit ends a year-long campaign organized by FIRE to restore fundamental rights and liberties to this public university.”

Southwest Missouri State University, Springfield, Missouri

(Foundation for Individual Rights in Education e-mail newsletter www.the-fire.org, April 26, 2004) Professor Wanda Brandon probably never thought she’d get into this much trouble when she agreed to be the faculty advisor for the student newspaper, the *Standard*. The paper published a Thanksgiving week cartoon in 2003 that showed

(Continued to Page 10.)

University Reports

(Continued from Page 9.)

two Native Americans presenting a Pilgrim woman with a can of corn at the "Second Thanksgiving," and the woman saying, "Gladys, the Indians are here and it looks like they brought corn... Again..." Native Americans at the University filed a complaint against the paper, alleging that the cartoon was "discriminatory" because it was offensive on the basis of ethnicity. The paper, its editor, and Prof. Brandon are now under "investigation" by the Office of Equal Opportunity at the University, with the possibility of punishment for any and all. The paper is not even allowed to report the fact that it is

Student Newspapers Censored

Across the Nation (Foundation for Individual Rights in Education e-mail newsletter www.the-fire.org, April 26, 2004) Quoting directly from the newsletter: "Sadly, the persecution of SMSU's *Standard* is not an isolated event. Several universities recently have attempted to censor newspapers that printed 'April Fool's Day' editions. At Carnegie Mellon University in Pittsburgh, the April Fool's issue of *The Tartan* led the University to threaten campus journalists with punishment and to establish a 'content review board' for future issues. At the University of Nebraska-Omaha, Chancellor Nancy Belck has said that she would 'not tolerate' an April Fool's issue of student newspaper *The Gateway* called 'The Ghettoway,' and the newspaper staff agreed to sensitivity training. At the University of Scranton, the faculty and student publications board fired

the student editor of *The Aquinas* and confiscated thousands of copies of a satirical April Fool's edition, changed the locks on the newspaper's offices, and suspended the publication.

Claremont McKenna College,

Claremont, CA. (University of Nebraska student newspaper, the *Daily Nebraskan*, March 24, 2004) Psychology Professor Kerri Dunn, a University of Nebraska-Lincoln alumna (Ph.D. Psychology, 2002), was charged with making false statements to federal investigators, by falsely alleging vandalism to her car. She is charged with lying about creating the damage herself to her own car during a day of anti-hate-crime rallies. She allegedly slashed her own tires, broke her own windows, and spray-painted racist and anti-Semitic graffiti on the sides of her car. Making such false statements regarding a crime is a felony, Professor Dunn denies the charges. A spokesperson for the Anti-Defamation League, a Jewish organization, argued that while false claims of hate crimes are rare, they unfortunately can cast doubt on reports of real crimes.

Philadelphia, Penn. And College Station, Texas

(Foundation for Individual Rights in Education e-mail newsletter www.the-fire.org, March 23, 2004) Quoting directly from the newsletter: "In a major development in the struggle against speech codes on our nation's campuses, the Association for Student Judicial Affairs (QSJA) — the nation's largest professional association of campus judicial administrators — has

Has adopted a resolution calling upon colleges and universities to reflect their institutions' legal and moral obligations to freedom of speech in policies governing student life.

"Founded sixteen years ago, ASJA is a 1,250-member professional association of college administrators representing 900 campuses. ASJA educates and consults with university administrators who develop student disciplinary procedures and who oversee campus judicial systems. The organization has considerable influence on administrators who enforce and often write campus policies -- including speech codes. ASJA's website may be found at asja.tamu.edu.

"David Parrott, the president of ASJA, announced on March 22, 2004, that the free speech resolution had passed and that 'an overwhelming majority of those who voted were in favor of this resolution.' The resolution acknowledges that 'in public institutions, policies, rules, and procedures that are vague and overbroad in limiting student expression are unconstitutional,' and calls on all institutions to 'review policies, rules, and procedures regularly to ensure that they do not impose illegal or unconstitutional limits on student speech and expression.' It also calls for ASJA to set up a task force to provide guidance on this issue to its members."

AFCON

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Mailing
Address
Label

ACADEMIC FREEDOM COALITION OF NEBRASKA

HELP AFCON PROMOTE ACADEMIC FREEDOM

As a member of AFCON, you can help us

- ◆ support applications of the First Amendment in academic contexts, including elementary and secondary schools, colleges, universities, and libraries.
- ◆ educate Nebraskans about the meaning and value of intellectual freedom, intellectual diversity, mutual respect, open communication, and uninhibited pursuit of knowledge, including the role of these ideals in academic contexts and in democratic self-government.
- ◆ assist students, teachers, librarians, and researchers confronted with censorship, indoctrination, or suppression of ideas.
- ◆ act as liaison among groups in Nebraska that support academic freedom.

MEMBERSHIP (To become a member, send dues, organization or individual name, address, and phone number to Cathi McMurtry, 515 N. Thomas Avenue, Oakland, NE 68045)

Organizational Membership (\$100) entitles the organization to one seat on the AFCON Board and one vote in the election of officers and at the annual meeting, and eligibility for office and chairing standing committees and provides newsletter subscription for the board member to share with the organization's information director and reduced rates to AFCON conferences for its members.

Individual Membership (\$10) provides newsletter subscription, eligibility for office and for chairing standing committees, reduced rates for AFCON conferences, and one vote at annual meetings.

Student Membership (\$5) entitles full-time students to the same privileges as provided by the Individual Membership.

**AFCON ORGANIZATIONAL MEMBERS, PLEASE DUPLICATE THIS NEWSLETTER FOR YOUR MEMBERS.
INDIVIDUAL MEMBERS, PLEASE PASS THIS NEWSLETTER TO A FRIEND AFTER YOU HAVE READ IT.
ENCOURAGE HIM OR HER TO JOIN AFCON**