



THE

AFCON

SENTINEL



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A Quarterly of the Academic Freedom Coalition of Nebraska

June 16, 2006

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Tom Black
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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—Robert Haller

A few years ago there were higher education administrators asserting that tenure was not essential to academic freedom. The First Amendment, they declared, was a sufficient protection of faculty speech rights.

These arguments are, fortunately, no longer out there, and for good reasons.

Tenure requires an institution to bring charges of incompetence, negligence or malfeasance in order to remove a faculty member. A faculty committee, a committee of peers, must examine these charges before the faculty member can be terminated. And of course, the first possibility the committee will consider is that the charges are cover-up for the punishment of free speech, a sanction for research, teaching, internal criticism and public statements offensive to the administration.

Only by suing can a teacher overturn a retaliatory termination. And the courts will consider only a narrower range of speech. They would probably not regard opposition to internal policy, for instance, as protected by the First Amendment.

But even though the First Amendment cannot take the place of tenure as a protection of free speech rights, there is a real connection between it and Academic Freedom. Academic Freedom in all societies is an assertion by an educational institution of its right and capacity to make appropriate judgments about the ideas generated within it by its members—judgments of quality and relevance, which do not silence or limit expression on political, religious, moral or cultural grounds..

Academic Freedom in the first instance, in other words, belongs to the academic world in its specific institutional forms, where it is conferred on researchers, teachers, and students

who are “colleagues” attached to the school. It assumes that educational entities are collegial--governed by their members--and that their success requires a complete openness to the outcomes of applying appropriate methodologies to the material of study.

Independence, collegiality and objectivity allow intellectual work to be carried out free from the biases of particular interests and factions. This disinterestedness can mean that the findings of these entities are not those mandated by wealth or power and thus can be employed in the achievement of the common good.

First Amendment free speech occupies a similar space in public life to that of academic freedom in the educational world. In some kind of ideal communal world, that space might correspond exactly. Ideas advanced in public life would be generated out of a common knowledge of the workings of the social world and common understanding of the form which laws and policies must take in order to be effective. These commonalities are the equivalents of the methods of academic research and study.

For certain, the deliberations and pronouncements of a court system must come close to the academic model. Briefs will take a position supporting a particular claim but must argue that the claim is justified by being in accord with the governing principles of the society, its “constitution,” written or unwritten. With less certainty, the deliberations of legislative bodies claim to be in support of the common good and to be productive of that good as validated by common experience and values. Any limitations placed on these deliberations by a pre-applied ideology or factional interest will compromise the resulting legislation.

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Upcoming Events

AFCON Board Meetings, July 8, September 9, October 15, 2006
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

THE PRESIDENT—Robert Haller

(Continued from Page 1)

I recognize that I am describing an idealized academe and an idealized political community. But consider that what I have said above precisely describes the nature of political discourse and the justifications of education “in a free society.” Even the most crassly self-interested legislative proposals are justified by their proponents as contributions to the common good. They say that tax cuts for the wealthy encourage investment and redirect money to the retail markets, creating jobs and increasing revenues for the public treasury. They say invading a foreign nation disarms the terrorists who would otherwise attack us on our own soil, and spreads democracy and the love of freedom. You know the drill.

But there are two aspects of this parallel which should be better understood by the public at large, both of which have been guiding principle of AFCON from its beginning.

AFCON has always assumed that academic freedom is appropriate and productive at all educational levels, not just higher education, and should be conferred on all participants in the educational process, not just on teachers. Students cannot master their fields of study without recognizing that intellectual inquiry must be free and open to results intrinsic to its foundational principles, not those imposed from the outside.

Similarly, academic freedom will not flourish in higher education unless its principles have been learned by students through experience with informed teachers from the start of their education.

AFCON was founded in reaction to the Hazelwood decision and has always stood for the First Amendment rights of students. We are currently engaged in an effort to have a Student Free Expression Act put into effect. We believe that education in a democracy requires both kinds of rights, and that students who recognize what it means to be a free student in pursuit of knowledge will also know what free speech means in public life. They know that their freedom means both a commitment to appropriate methods and the presence of disinterested ways of judging opinion.

There are in all academic fields a variety of opinions at any time, just as there are in the political world. But our hope always is that public policy will be grounded in the best available research, and that a citizenry which recognizes academic freedom as a parallel to free speech will also work to see that public laws are compatible with sound science, carefully monitored social science and philosophy most in accord with our common human nature and aspirations.

Summaries of AFCON Board of Directors' Meetings—Karen Buckley

March 11, 2006—

Present: Peggy Adair, Dwayne Ball, Tom Black, Joanne Chapuran, Nancy Comer, Jodene Glaesemann, Bob Haler, Clark Kolterman, Laurie Thomas Lee, Cathi McMurtry, Dave Moshman, Susan Oles, Doug Paterson.

Minutes: (Buckley) Minutes of the February 11 board meeting were approved.

Treasurer's report: (McMurtry) The treasurer's report was approved, showing a balance of \$1545.76, with 32 individual members and nine organizational members current with dues.

President's report: (Haller) Haller presented Moshman with a certificate of appreciation for his service as AFCON president. Haller has mailed a letter of support for Waskar Ari of Bolivia, who has been denied a visa after being hired as an assistant professor at the University of Nebraska-Lincoln but has received no response. Haller also sent an e-mail to the Board of Education of Bellevue in support of Susan Baird, who has been reassigned from her duties as newspaper advisor; he had no further updates on her status. Adair provided Haller with contact information for social studies and art teacher associations for AFCON mem-

bership recruitment. AFCON members are invited to the annual ACLU dinner Saturday, April 4. The board approved a motion to place a half page ad in the ACLU program, repeating last year's information but updating it to include new organizational members.

Lee said that the UNL Academic Senate has called for a response from Homeland Security to explain why Waskar Ari has been denied a visa. He had studied at Georgetown University with a student visa but was denied a new visa after he returned to Bolivia.

Legislative Report: (Adair) Adair again distributed handouts on bills before the 99th Legislature and also some information on federal legislation.

Membership Reports: Kolterman reported NELAC's annual conference will be September 16 at Concordia with Ted Kooser as featured speaker.

NELAC is nominating Moshman for the National Freedom Award and is seeking letters of support, which may be emailed to Kolterman at: ckolte00@connectSeward.org. Linda Beckstead, a former AFCON board member, was last year's state winner. Previous national winners from Nebraska are Mel Krutz and Doug Christensen. The Board approved official AFCON support for

Moshman's nomination. Haller will write a letter of support and, at McMurtry's suggestion, the letter will include the names of all present at the board meeting. Kolterman would also like other suggestions for the state freedom award.

Ball said that the ACLU was looking into cases of academic freedom issues, including whether teachers should be required to say the Pledge of Allegiance along with students.

Moshman, on Ben Keele's behalf, reported that Catherine Witt, board member representing UNL Student Advocates for Academic Freedom, has been elected to the UNL student government, ASUN.

New Business: Paterson requested that a future AFCON board meeting focus on studying opponents of academic freedom. Haller agreed to this suggestion.

Adjournment.

April 8, 2006—

Present: Peggy Adair, Karen Buckley, Joanne Chapuran, Nancy Comer, Dick Herman, Clark Kolterman, Cathi McMurtry, Dave Moshman, Doug Paterson.

Minutes: (Buckley) Minutes of the March 11 board meeting were distributed and approved.

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Summaries of AFCON Board of Directors' Meetings (Continued from Page 2)

Treasurer's report: (McMurtry) The treasurer's report, showing a balance of \$1545.76, with 36 individual members and 12 organizational members current with dues, was approved. Adair proposed changing by-laws to offer AFCON membership to student organizations at reduced dues. At one time AFCON had an affiliate membership level, which did not include voting rights. It was dropped from the by-laws in the recent past. Adair said that she would do some research and make a proposal to the bylaws to allow a reduced rate for student organizational dues. Kolterman suggested not setting a dollar amount in the by-laws. The by-law change would need to be approved at the annual meeting.

President's Report: President-Elect Paterson read Haller's report. Haller will appear before the Lincoln Board of Education meeting in support of Michael Baker and his quest to resume teaching U.S. history in reverse chronological order. He also shared an e-mail from Susan Baird detailing her situation and that of a Bellevue drama teacher, who has also encountered academic freedom issues. Board members agreed to ask President Haller to write a letter to be sent by hard copy to the two Bellevue East faculty members reaffirming AFCON support and an offer of further efforts on her behalf if desired. Paterson said the drama teacher is a UNO graduate and he will contact her to offer AFCON support.

Paterson said he would like to see a future AFCON meeting examine the meaning of "liberal," especially in context of the AFCON mission.

Kolterman proposed Susan Baird as a candidate for the NELAC state academic freedom award (Moshman is their candidate for the National Council of Teachers of English academic freedom award.) The Board approved his proposal.

Policy coordinator: (Moshman) Moshman shared an editorial cartoon from the December 12, 2005, issue of *The Nation*, depicting the four freedoms, 2005 style.

Legislative Report: (Adair) Adair reported that three days remained for the current Unicameral session. She is collecting newspaper articles of possible sources for support of a student freedom of expression amendment.

Membership Reports: Chapuran is making a list of potential supporters for the Student Freedom of Expression bill and also a list of the annual meeting of groups who might be enlisted for support of this amendment. Comer noted that the dates of the 33rd Plains IRA Regional Conference are October 4-7 in Omaha. Buckley said the annual NLA/NEMA fall conference will be held Oct. 25-27 at the Quest Center in Omaha.

Kolterman reported that NELAC award winners will be recognized in an award ceremony at the State Capital May 5, that will also honor Nebraska rural student poets who participated in a national event called "Celebrating Rural Poetry" They will be recognized on May 5 at 4:00 p.m. at the State Capitol Rotunda. Sponsored by the National Writing Project in collaboration with the Nebraska Writing Project and Rural School and Community Trust, the students used Kooser's poetry to inspire rural students to write about their own places. One of these Nebraska student poets was selected to go to Wash. D.C. on May 8th to read with Ted Kooser at the Library of Congress.

Paterson noted the dismissal of two UNO faculty members and the apparent lack of an appeal process for them is bothering other faculty members.

Moshman reported that UNL is urging all faculty/staff to participate in on-line sexual harassment training. While the training is not mandatory, UNL has warned employees that the administration will not defend any faculty member accused of sexual harassment, regardless of the basis, who has not completed the online training.

Old Business: Sen. Ben Nelson's office sent a letter acknowledging AFCON's concern regarding the denial of a VISA to UNL Professor Waskar Ari.

Adjournment

May 13, 2006—

Present: Peggy Adair, Karen Buckley,

Jim Bunstock, Joanne Chapuran, Nancy Comer, Dick Herman, Mel Krutz, Dave Moshman, Susan Oles

Minutes: (Buckley) Minutes of the April 8 board meeting were distributed. The minutes were approved, following a motion by Adair and second by Herman.

Treasurer's report: The treasurer's report, submitted by Cathi McMurtry, showed a balance of \$1673.01, with 36 individual members and 13 organizational members current with dues. The treasurer's report was amended to show dues payment from the UNO Faculty Senate and approved, upon a motion by Adair and a second by Krutz.

Legislative Report/Ad hoc Committee on Student Rights Legislation: (Adair) Adair and Dwayne Ball plan to meet in the near future with Sen. DiAnna Schimek to discuss the Student Rights Legislation. Adair recommended visiting the national Campaign for the Civic Mission of School's website (www.civicmissionofschools.org) for a tutorial on lobbying. Sen. Schimek is a member of the state committee.

Membership Reports: Krutz reported that Sunday, Nov. 5 will be the annual meeting for the Nebraska Center for the Book. Guest speaker will be John Cole of the Library of Congress. The annual meeting is open to all, at 2 p.m. at the Center for Great Plains Study. Anyone joining the association (dues \$15) may also attend the luncheon preceding the meeting.

She said that former AFCON board member Linda Beckstead was awarded the Nebraska English Language Arts Council's Freedom Award May 5 at the State Capital Rotunda.

Moshman noted that the UNL Academic Senate has reverted back to its original name, UNL Faculty Senate.

Old Business: Adair presented a draft of her proposal to amend AFCON's bylaws to allow a student organization membership level. This proposal is on Page 4 of this issue.

Adjournment.

Refer to Page 1 for dates of future AFCON Board meetings.

Proposed Amendments to the AFCON Constitution
as reported by Peggy Adair, May 13, 2006 and recommended by the AFCON Board

(To be received by the membership at least 10 days prior to the Membership Meeting and presented for a vote of the membership at the Membership Meeting. Amendments require a two-thirds (2/3) vote of those voting at the Membership Meeting. Additions are indicated by the underlining.)

ARTICLE II: Membership

A. Membership shall be open to all individuals, and organizations, and student organizations in the State of Nebraska who support the stated purpose and activities set forth in Article I. Membership shall be contingent upon payment of dues or, in special cases approved by the AFCON Board, upon exchange for specific services. Annual dues in the membership categories shall be set by the AFCON Board. The membership and fiscal year shall be from January 1 through December 31.

B. Organizational memberships. Each organization shall receive a subscription to the *Sentinel*, AFCON's newsletter, reduced conference rates for its members, one seat on the AFCON Board, and one vote in the election of officers and on actions at the Annual Meeting. Its representative shall be eligible to run for office and chair standing committees.

C. Student organizational memberships. Each student organization shall receive a subscription to the *Sentinel*, AFCON's newsletter, reduced conference rates for its members, one seat on the AFCON Board, and one vote in the election of officers and on actions at the Annual Meeting. Its representative shall be eligible to run for office and chair standing committees.

C. D. Individual memberships. Individual members shall receive the newsletter and reduced rates for AFCON conferences, be eligible to run for office and to chair standing committees, and have one vote in the election of officers and on actions at the Annual Meeting.

D. E. Members need not agree with all of AFCON's specific policies and strategies. AFCON shall not associate the name of any individual or organizational member with any specific policy or activity without the express permission of that individual or organization.

E. F. Members may be expelled from AFCON, with *pro rata* refund of dues, for actions substantially inconsistent with its purpose or Constitution. Any individual, or organization, or student organization subject to an expulsion vote shall be given at least fifteen (15) days notice and an opportunity to present his, her, or its case to the Executive Committee prior to the vote. Expulsion shall require a two-thirds (2/3) vote of the AFCON Board. Expelled members may be readmitted by majority vote of either an annual Membership Meeting or the AFCON Board.

ARTICLE IV: AFCON Board

A. The five officers (President, President Elect, Immediate Past President, Secretary, and Treasurer,) shall constitute the Executive Committee of AFCON. The officers, the chair of each standing committee, an official representative of each organizational member, an official representative of each student organizational member, the Policy Coordinator, the Newsletter Editor, the Webmaster, and one to five members-at-large shall comprise the AFCON Board.

2006 James A. Lake Academic Freedom Award Recipient Dr. Dwayne Ball

Acceptance Speech by Dr. Dwayne Ball
Marketing Department, College of Business, UNL
April 25, 2006

I want to thank the Academic Senate for this honor.

I am deeply indebted to my friend David Moshman for the real-world education he has provided me, and to many other mentors as well, prominent among them Bob Haller and other board members of the Academic Freedom Coalition of Nebraska. And I am grateful as well to Richard DeFusco, Tom Zorn, Peggy Adair, Gerry Harbison, and Laurie Lee for supporting my nomination and for being good friends of academic freedom. I am also indebted to many others, too many to name, although I must mention my wife, Shirley.

I don't think I was unusual in having spent my first 10 years in universities – 4 years as an undergraduate, 5 years as a graduate student, and a year as a visiting professor - without knowing what academic freedom was. I think most undergraduate students, PhD students, and many faculty don't. When you don't know what your freedoms are, they are easily taken away.

We may see in our lifetimes the shrinkage of academic freedom into irrelevance. I'll give you, briefly, four worrisome trends.

The decline of tenure

The first is the decline of tenure. A recent poll published in the Chronicle of Higher Education noted that 53% of college and university presidents wanted to see the end of tenure. Apparently, the major reasons for this desire to end tenure were that tenure makes it too difficult to change an inefficient organization, and tenure makes it too difficult to get rid of trouble-makers.

What has been done in response is to shrink the fraction of faculty on tenure track, hire an army of adjuncts, and at some universities, eliminate tenure altogether in favor of contracts. By one account, far less than one-half of faculty now teaching at American universities and colleges is protected by tenure.

Already we are seeing attempts to make adjunct faculty permanent features, giving them service obligations, a promotion ladder, and administrative appointments that were previously reserved for tenure-track faculty. Further, we have seen the rise of post-tenure review, and narrow journal lists

for judging faculty performance. All of these things put tools in the hands of administrators for removing faculty for arbitrary as well as proper reasons.

Thus, most American faculty now have good reason to fear angering an administrator, their colleagues, or students. What does it do to education when most faculty do not dare to be controversial in the classroom or out?

The rise of speech and conduct codes

That brings me to speech and conduct codes. These have been promulgated aggressively across US campuses for the past 20 years, with no sign of a let-up. For the past three years, I have written a column for the Academic Freedom Coalition of Nebraska newsletter - and I will be happy to send copies of those columns to anyone who sends me an e-mail.

This column has detailed dozens upon dozens of cases in which students and faculty across America were investigated, reprimanded, fired, terrified, expelled, mobbed, removed as editors of student newspapers or as campus radio announcers, not allowed to form recognized student groups, forced to take "sensitivity training," or hauled before kangaroo courts, because they expressed a politically incorrect opinion, or otherwise violated vaguely-worded speech codes, "codes of conduct," or so-called "community standards." At some universities, "free speech" is restricted to a tiny marked area on campus, making an oxymoron of the term. Some students in education schools are now tested to confirm that they hold opinions consistent with something called "dispositions standards," as part of which one must state a belief that white males are uniquely privileged and don't deserve it. Failure to agree gets one removed from the degree program. The examples go on and on. What I publish is just the tip of the iceberg.

Given enough power, human beings are natural totalitarians. In the fifties, anti-Communist hysteria was in power, and the academic Left was oppressed. Now, across America, the academic Left is in power, and oppresses everyone else.

The intrusion of legislatures into hiring and curriculum decisions

And that brings me to the third threat, the intrusion of legislatures into decisions that properly belong in the hands of

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2006 James A. Lake Academic Freedom Award Recipient—Dr. Dwayne Ball

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the faculty, or mostly in the hands of the faculty: research decisions, personnel decisions regarding colleagues, classroom speech, and the enforcement of academic freedom.

Some Nebraska senators want to prohibit the use of fetal tissue in medical research. As long as abortion is legal, this is a violation of academic freedom, no question about it. We must fight those prohibitions. Enough said.

The most recent example of a legislature considering intrusion into personnel decisions is the case of Professor Ward Churchill. His comments regarding workers in the World Trade Center on 9/11 were revolting, but he had every right to make them. He has been the target of investigations by both the Colorado legislature and his university. It is clear that he is being punished for his unpopular opinions; this is not supposed to happen.

There is more going on in state legislatures than this, however. Fifteen state legislatures, as well as the U.S. Congress, have considered bills that would institutionalize David Horowitz's Academic Bill of Rights. None has so far passed. The Pennsylvania legislature is conducting hearings, in which Horowitz figures prominently, on the question of whether some professors are using their classrooms and grade books for left-wing indoctrination, thus denying students academic freedom. It is a tragedy that state legislatures are even thinking about becoming involved in ensuring academic freedom. But it does raise the question, "Why do they think they can't leave academic freedom to the faculty?"

It is worth remembering who pays most of the bills for American higher education: taxpayers, students and parents. They have every right to ask if the faculty is indoctrinating rather than educating. I would like to believe their concerns are baseless, but I am assailed with doubts.

The Hazelwood decision

That brings me to my final point, the little-known Hazelwood decision. This was a 1988 case before the U.S. Supreme Court, which ruled that a high-school principal had prior censorship rights over the school newspaper. What has happened recently is that the Hazelwood decision has been extended into University press rooms. A college or university president may now, under certain conditions, censor the school newspaper. Is that the way we want to educate journalists, who are so important for a free society? About a dozen state legislatures have passed student press freedom laws to counter Hazelwood, but Nebraska's legislature has refused.

Conclusion

So, what will American universities be like in 25 years? Will there be many fewer academic freedom awards, because anyone who deserves one will have been fired long before being nominated? Will nearly all faculty live in fear that their jobs will be terminated for a politically unorthodox opinion, whether the prevailing orthodoxy is right or left? Will student journalists have to censor their stories to keep the college president's blood pressure down?

Let me give a hopeful answer to that. There are faculty and administrators who will insist on academic freedom. The best example I can think of is an incident in 2001 at the University of Alaska at Anchorage.

A faculty member published a poem titled "Indian Girls," a moving and sympathetic discourse on the sexual abuse of young Native girls in Alaska. Native students became offended at the apparent criticism of their culture, and protested. Mid-level university administrators began to build support for an investigation of the author, who was terrified.

She need not have been. University of Alaska system President Mark Hamilton brought the witch-hunters up short with a stern one-page memo, to be distributed to all University of Alaska campuses. I can do no better than to quote from it:

"Opinions expressed by our employees, students, faculty, and administrators don't have to be politic or polite, however personally offended we might be... What I want to make clear and unambiguous is that responses to complaints or demands for action regarding constitutionally guaranteed freedoms of speech CANNOT BE QUALIFIED [emphasis his]... Noting that, for example, 'The University supports the right of free speech, but we intend to check into this matter' ... is unacceptable. There is nothing to 'check into,' nothing to 'investigate.'"

Now, there is a man with backbone who understands freedom. If we all behaved like that, the next generation of scholars would have nothing to fear.

Thank you once again for this award.

Dwayne Ball, Marketing Department, College of Business,
University of Nebraska-Lincoln

AFCON SPEAKER'S BUREAU (As of December 2004)

Dwayne Ball: "Threats to Academic Freedom at Universities"
adball@alltel.net

Linda Beckstead: "Freedom of Student Press Issues"
BecksteadL@aol.com

Bob Haller: "Free the Students! Why Higher Education Needs a New Movement" and "How Books Can Harm You: Lessons of the Censors"
rhaller1@unl.edu

David Moshman: "Principles of Academic Freedom"
dmoshman1@unl.edu

John Bender and David Moshman: "Student Freedom of Expression/Student Rights"
bender@unl.edu
dmoshman1@unl.edu

Mark Weddleton and Laurie Thomas Lee: "Implications of the USA Patriot Act"
mark@weddleton.com
llee1@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

FOR SALE BY AFCON

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

Reader's Theatre Script (a booklet) of a TANGLED ISSUE: Student Freedom of Expression. \$10.00 buys the book with full duplication and production rights. Packaging and postage: \$3.00 each.

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

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 15, 2006**, issue is **August 21, 2006**.

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

University Reports

by Dwayne Ball

My Sources for these reports are the Chronicle of Higher Education (CHE) the newsletters of the Foundation for Individual Rights in Education (FIRE), and other sources as noted.

FREEDOM OF EXPRESSION

The New York University Objectivist Club decided to hold a public panel discussion on the recent cartoons of Mohammed that have riled up so many Muslims world-wide. NYU, violating its own free-speech policy, told them not to display the cartoons, or, as an alternative, to exclude off-campus individuals from the forum. With the university threatening to shut down the forum by the use of police force, the Objectivists held their public forum using blank panels where the cartoons would have been displayed. (FIRE newsletter 3/30/06)

Anson Dorrance, women's soccer coach at the University of North Carolina at Chapel Hill, was accused of creating a hostile environment on the basis of sex by a former player, Melissa Jennings. He repeatedly used vulgar language and made reference to the players' looks and sex lives, according to the suit, which was filed after Jennings was cut from the team. A three-judge panel upheld a lower court ruling that such vulgar banter, which is common among players and coaches on women's teams as well as men's, does not constitute the creation of a hostile environment. (CHE 4/12/2006)

Sally A. Jacobsen, a professor of English literature, was offended by an anti-abortion display by a conservative student organization on the grounds of Northern Kentucky University. The display consisted of white crosses planted on a lawn, with NKU permission. So, during a break in her class, Jacobsen invited students to join her in vandalizing the display. A few joined her in uprooting the crosses and discarding them in a near-

by trash can. The Chancellor decried her action and put her on administrative leave. She has decided to retire. (CHE 4/19/2006)

The AAUP has generated a policy supporting controversial speakers on campus. The election season of 2004 had a number of rescinded speaking invitations to liberal speakers such as Michael Moore, after balance issues were raised (this included UNL.) In addition, a number of conservative speakers were physically attacked or heckled while speaking on campuses. The AAUP policy argues against a heckler's veto, but reserves most of its text to argue that balance issues need not be raised for a particular speaker, "So long as the range of a university's extracurricular programming is educationally justifiable." In this writer's opinion, given the political balance that exists on nearly all US campuses, implementation of this policy would inevitably result in student funding of a "balance" of almost entirely liberal speakers. (CHE 4/28/06)

A professor of mechanical engineering at Michigan State University, Indrek S. Wichman, sent an e-mail to the MSU Muslim Student Association, in response to an editorial, in which he said, among other things, "I am offended not by cartoons, but by more mundane things like beheadings of civilians, cowardly attacks on public buildings, suicide murders, murders of Catholic priests (the latest in Turkey!), burnings of Christian churches, the continued persecution of Coptic Christians in Egypt, the imposition of Sharia law on non-Muslims, the rapes of Scandinavian girls and women (called "whores" in your culture,) the murder of film directors in Holland, and the rioting and looting in Paris France." The Muslim students protested to the administration and asked for disciplinary action. The University is investigating, but says the private e-mail does not violate any anti-discrimination policy of the University. (CHE 4/25/06)

George Vando performed his one-man show *ManLady*, which apparently contains considerable profanity, at the University of Southern California. Receiving complaints, USC shut it down. Receiving public protest demonstrations of the shut-down, USC asked protestors to lower their signs, which USC considered "obscene." Under pressure from FIRE; USC reversed itself and re-committed itself to free speech. (FIRE Newsletter 5/10/06)

Student activists at Appalachian State University have brought down an unconstitutional speech code. With help from FIRE, the student residential harassment code section providing punishment for "insults, taunts, or challenges directed toward another person" was exposed by students and repealed by the university. (FIRE newsletter 5/12/06)

FREEDOM OF ASSOCIATION

As reported here, a Christian student organization at the University of North Carolina at Chapel Hill (Alpha Iota Omega) filed suit last year against UNC because they were denied status as a student organization. AIO insists that officers agree to Christian principles and the University had a non-discrimination policy that prohibited such clauses in student organization charters. Under pressure from the lawsuit, UNC changed its policy to allow such clauses, and the judge in the case declared the suit moot (CHE 5/9/06).

The Universities of Illinois and North Dakota, both of which use Native American mascots, are considering suing the NCAA, which has barred schools using "hostile and abusive" mascots from post-season tournaments in all sports. Nineteen schools were ordered to change mascots by the NCAA or face such sanctions; six, including Illinois and North Dakota, have refused. (CHE 5/12/06)

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University Reports

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FACULTY RESEARCH FREEDOM RIGHTS

Two MIT professors have removed pictures from a website after vociferous complaints from Chinese students and Chinese citizens in China. The images were part of an award-winning educational web site called Visualizing Cultures, and showed Japanese wood-block prints of Japanese soldiers beheading Chinese citizens during the Sino-Japanese War of 1894-5. MIT's chancellor defended the two professors and said the images would be placed back on the web site soon with more explanation of the context. (CHE 5/1/06)

The legislature of the state of Florida has passed a law, expected to be signed by Governor Jeb Bush, that prohibits university-sponsored travel by faculty and students to any country defined as "terrorist" by the U.S. State Department. The legislation was initiated after a Florida International University professor and his wife were indicted on charges of spying for Cuba, which is one country identified as "terrorist." As one faculty member and director of a Cuban Studies program said, "How are you supposed to study Cuba if you can't travel there?" (CHE 5/9/06)

In an opinion piece in the Chronicle of Higher Education of May 19, Linda Kerber, president of the American History Association, decries the reduced access to historical documents that have been imposed under both commercial arrangements with the U.S. National Archives, and under attempts by the FBI and Air Force to re-classify formerly de-classified documents in the Archives. The commercial arrangement to which she refers is a

deal made between the ShowTime channel and the Smithsonian Institution, which restricts the publication of material that ShowTime intends to use. Similar commercial arrangements with other media outlets are in the works. The re-classification issue has to do with the Patriot Act and thousands of documents that have been re-classified, one-third of which the FBI admits posed no national security threat, plus the FBI attempt to search and potentially classify some of the personal documents of columnist Jack Anderson.

STUDENT PRESS FREEDOM

A student satirical publication called the Second Supper Alternative News at the University of Wisconsin-La Crosse wrote a parody story called "Vice President Cheney kills 5 Crips in Inner-City Hunting Accident." The Student Association, which funds student publications, passed a resolution saying the story's "racist, sexist, homophobic, ablest (*sic.*) anti-Semites (*sic.*) speech" would "threaten the recruitment and retention of students from underrepresented groups," and ordered its print run cut from 2000 to 60. After the Foundation for Individual Rights in Education pointed out to the university president that the restriction was a violation of the First Amendment, the press run restriction was lifted and the publication returned to its original state. (FIRE 4/21/06)

The California State Assembly voted unanimously to pass a bill protecting college student newspapers from censorship by college administrators. The only exceptions would be libel, slander, and hate speech. This bill negates (in California) the effect of recent U.S. District court decisions extending the Hazelwood case law into colleges and universities. The bill now goes to the

state Senate, where backers are hopeful for passage. (CHE 5/15/06)

FACULTY EMPLOYMENT RIGHTS

"Mobbing" is a phenomenon in which an employee falls out of favor with colleagues and becomes the target of harassment via various forms of administrative investigations, trials, and hearings, and is subjected to exclusion, verbal attacks, changes in employee status, and other humiliations by colleagues. Heinz Leymann, the late German psychologist, developed 45 indicators of mobbing. The curious thing, is that in his thousands of studies of such behavior, universities were disproportionately represented as places in which mobbing took place. Kenneth Westhues, at the University of Waterloo, Ontario, author of *Workplace Mobbing in Academe*, speculates that this is because departments and colleges contain colleagues who are there for the long term and are naturally inclined to be free thinkers. Yet, groupthink is still common, despite professorial pretensions to objectivity and tolerance. The result? Faculty who are "out of line" with their colleagues are subjected to mobbing. The solution? Bring in outside forces to "mob the mobbers." (CHE 4/14/06)

The famous case of Professor Sami El-Arian of the University of South Florida appears to near termination. El-Arian was accused in 2003 of aiding and abetting terrorism through an association with Palestinian Islamic Jihad. His tenure was revoked and he was fired by USF. Arrested and tried on 17 counts, he was acquitted on 8 and the jury deadlocked on the others. Rather than endure another trial, El-Arian agreed to a guilty plea to get out of jail and be deported. (CHE 4/11/06)

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- ◆ assist students, teachers, librarians, and researchers confronted with censorship, indoctrination, or suppression of ideas.
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