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FIRE publishes report on Hindley

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A report from a prominent watchdog group last week sharply criticized the administration's handling of the discrimination case against Prof. Donald Hindley (POL) and ignited a firestorm on the Internet and in national media.

The Foundation for Individual Rights in Education, a nonprofit organization that examines issues of free speech in higher education, published the report on its Web site last Wednesday, admonishing Provost Marty Krauss and University President Jehuda Reinharz for their role in the investigation of student complaints about Hindley's alleged use of the word wetbacks in a Latin American studies course last September.

"Brandeis has yet to explain how administrators could have so grossly misinterpreted normal classroom speech as 'harassment,'" Adam Kissel, director of FIRE's Individual Rights Defense Program, said in the report. "FIRE will pursue this matter until Brandeis finally applies basic standards of academic freedom and fair procedures to Donald Hindley's case."

As word of the case spread online last week, a barrage of articles, columns and blog posts about the case emerged, including coverage in the Boston Globe, the Boston Herald and the Chronicle for Higher Education. Last Friday, the Massachusetts branch of the American Civil Liberties Union issued a press release voicing concerns with the suppression of academic freedom on the part of the University.

On its Web site, FIRE bills itself as a supervisory organization which aims "to defend and sustain individual rights at America's colleges and universities." The organization was founded in 1999 by University of Pennsylvania professor Alan Charles Kors and Harvey Silverglate, a Boston attorney and legal columnist for the Boston Phoenix.

Many commentators took issue with a perceived lack of due process for Hindley, a tenured professor who is completing his 47th year teaching at the University. "It's like being in some Woody Allen film," Wendy Kaminer, a FIRE board member and columnist for the Boston Phoenix, told the Boston Herald. "It's a self-parody of political correctness."

After an investigation by the Office of Human Resources into the complaints against Hindley found he violated the University's Non Discrimination and Harassment policy, Krauss assigned a monitor last October to observe his classes and ordered him to attend non-discrimination training. The Committee on Faculty Rights and Responsibilities supported Hindley in a Nov. 29 ruling on his appeal, but Krauss rejected the decision last month, arguing the CFRR lacked the authority to issue a binding opinion.

Hindley said he received a letter from Krauss on Jan. 7 declaring the matter closed.

Krauss declined to comment on Hindley's case but said in an interview last week that Brandeis has an established process for dealing with complaints.

"We do our very best to conduct high quality investigations, come to informed conclusions and then deal with the consequences, and that is exactly what I would hope students, faculty and staff would expect of us," Krauss said.

But Krauss and the faculty appear to have reached an impasse over differing interpretations of procedural rules. On Nov. 8, the Faculty Senate adopted a resolution accusing the provost of violating the Faculty Handbook when she threatened Hindley with termination without consulting the Faculty Senate. The CFRR expressed similar concerns in a Dec. 19 statement, claiming that the provost "in cases of this sort, essentially becomes the final judge of her own actions."

Several critics of the University's actions connected the dispute with other recent controversies at Brandeis, including the removal in Spring 2006 of an exhibition of art by Palestinian children and the rancor that surrounded former President Jimmy Carter's visit to campus last spring.

In an interview this week, Hindley said he contacted FIRE after learning the University hired a Boston law firm to advise on his case. Hindley said he has hired the law firm Good and Cormier, of which Silvergate was formerly a partner. Silvergate is not working as a lawyer on the case, Hindley said.

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