

Civil liberties group defends Hindley

by [David Pepose](#)

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The Foundation for Individual Rights in Education, a nonprofit civil liberties group, issued a press release Wednesday in defense of Prof. Donald Hindley (POL). Hindley had a monitor placed in his classroom and was ordered by Provost Marty Krauss to take “anti-discrimination training” after allegedly making “inappropriate, racial, and discriminatory” statements.

“As Justice Brandeis said, ‘sunlight is best disinfectant,’ said Adam Kissel, the Director of FIRE’s Individual Rights Defense Program. “What that means to FIRE is when a university has done something plainly wrong, and that wrong thing has been publicized and the public gets to see it, the university generally corrects its actions... a university won’t do in public what it thinks it can get away with in private.”

FIRE’s involvement with the case is the latest in clashing opinions regarding Hindley’s use of the terms “wetback” and “negrita” in his Latin American Politics class. On Oct. 30, following interviews conducted by Director of Employment Jesse Simone, Krauss penalized Hindley, adding that failure to correct his conduct “may result in further disciplinary action up to, and including termination.”

Following Krauss’ decision, the Committee on Faculty Rights and Responsibilities met and unanimously concluded that Krauss’ decision was “based on her acceptance of a deeply flawed process [and] violated Prof. Hindley’s right to fair and equitable treatment... [and] should now be entirely withdrawn,” stating informal resolutions were not adequately pursued and that Hindley was denied the right to have a second interview to “offer ‘final comments, clarification, etc.’”

On Dec. 10, Krauss replied that she felt the Committee overreached its jurisdiction, adding, “I cannot in good conscience accede to the recommendations of the Committee. Such a course of action would undermine the community’s faith in the integrity of the University’s policies, chill future students, faculty and staff from coming forward with complaints, place the University at significant risk of violating state and federal law, and potentially lead to retaliation against the students who have the courage to speak out against discrimination.”

FIRE sent President Jehuda Reinharz a letter Dec. 12, stating, “if Brandeis is to legitimately claim to provide a liberal education, it cannot prioritize individual sensitivities over protecting the freedom of speech and academic freedom of its professors. Guarantees of liberty, such as those found in the canons of academic freedom and in Brandeis’s own policies, are meaningless if they are jettisoned as soon as they become unpopular.”

Kissel was surprised the University had yet to respond, but stated, “if FIRE doesn’t hear back from Brandeis, we stay on the case, continue to post press releases through our website and web blog, until we feel satisfied that justice has been served.”

According to Kissel, FIRE’s goals are for a “reversal of finding of harassment in Hindley’s case or a true process that is fair to all parties... that he is told, in writing, what he allegedly said in class and if Brandeis still wants to hold him to the fire, they have to be specific and clear what the charges are against him.”

While FIRE does not provide legal aid, Kissel said it would speak with “media contacts, contacting senior administration at Brandeis... also the Board of Trustees [and] local media.”

When contacted by The Hoot, Hindley forwarded an e-mail he sent to the Politics faculty: “More than unfortunately, the campus regime and personnel remain in place: authoritarian, personalist, secretive, and vindictive. This affects how people behave (camps produce kapos); and for democrats, the war must continue.”

Director of Media Affairs Dennis Nealon, meanwhile, refused to comment on the case, saying it was a “confidential employee matter.”

Stating that he had received similar responses from the administration, Kissel said “one step that might be valuable is if Professor Hindley signs a waiver saying ‘Brandeis can say whatever they want about my case,’ the burden is back on Brandeis.”

“I suppose that I would say that Brandeis is an example of an overly broad definition of harassment used to interfere with a professor’s academic freedom,” added Kissel. “A professor’s ability to say what he or she thinks is best for the class is essential to academic freedom and a free society at a great research university in particular. Brandeis should live up to this standard.”