

The Faculty

<http://chronicle.com/free/v55/i06/06a00102.htm>

From the issue dated October 3, 2008

Adjuncts Fight Back Over Academic Freedom

By ROBIN WILSON

Steven Bitterman was on his way to teach a course in Western civilization at Southwestern Community College last fall when his car slipped off the road. By the time he got back on the road, Mr. Bitterman's clothes were muddy, so he returned home to clean up. That's where he got a telephone call from one of the college's vice presidents, saying he had been fired.

Three students, the vice president told Mr. Bitterman, were offended because he had told his class that people could more easily appreciate the biblical story of Adam and Eve if they considered it a myth.

"She said the students and their parents had threatened to sue the school, and sue me, and she said: 'We don't want that to happen, do we?'" said Mr. Bitterman, who had been an adjunct professor at the Iowa college since 2001. "She told me I was supposed to teach history, not religion, and that my services would no longer be needed."

Several adjunct and full-time professors who work off the tenure track have been fired after saying something, as Mr. Bitterman did, that offended students or administrators. The instructors argue that their words would have been protected by academic freedom if they had had tenure. But because they don't, colleges can fire them on the spot or simply not renew their contracts without even telling them why.

In most cases, the instructors say they have no way to fight back short of engaging in an expensive legal battle. But that may be changing.

A handful of instructors are challenging colleges with help from unions and advocacy groups. The American Humanist Association, which supports nontheism, backed Mr. Bitterman in his charge that Southwestern had unfairly terminated him. Last month the association helped him secure a \$20,000 settlement. (Patrick Smith, a lawyer for Southwestern, said the college settled merely to avoid litigation and "denies it did anything improper" in firing Mr. Bitterman.)

The American Association of University Professors is also paying more attention to the academic freedom of professors who work off the tenure track. Such instructors now make up nearly 70 percent of the nation's professoriate.

The instructors who have been fired typically have been terminated after discussing hot-button issues: the Israeli-Palestinian conflict, religion, and homosexuality, for example. Gary Rhoades, who will take over as general secretary of the AAUP in January, says it is dangerous not to extend academic freedom to instructors. "We're compromising the quality of a college education," he adds, "if we're saying to a large portion of the academic work force: Don't offend anyone."

New Protections?

The AAUP's 1940 Statement of Principles on Academic Freedom and Tenure says professors should be free to discuss pertinent subjects in the classroom and to comment critically on a university's operations without being punished. Academic freedom has always been closely tied to tenure, which until recently protected the overwhelming number of professors.

But as the number of fulland part-time instructors off the tenure track has grown, the AAUP has tried to steer universities into explicitly extending academic freedom to them as well.

In 2006, the association published a set of procedures it said universities should follow when terminating or simply not rehiring instructors. Universities, the procedures say, should tell instructors why they were not rehired and give them a formal opportunity to appeal the decision. At its meeting last June, the AAUP censured the University of New Haven for dismissing an adjunct professor who students said graded too harshly and was insensitive to their concerns. The university failed to investigate the students' complaints, said the AAUP, or to give the adjunct instructor access to its grievance procedures. "We'll be pursuing more of these cases," says Cary Nelson, the association's president. "We need to ramp up our commitment."

Few institutions, however, appear to follow the AAUP's recommended procedures. University administrators who spoke to *The Chronicle* would not talk about the details of why particular adjuncts had been fired, citing the privacy of personnel matters. But some said that they do observe the principle of academic freedom for adjuncts, and that there frequently is more to the story of why particular instructors are shown the door. Some are unpopular with students and colleagues, while still others perform poorly in the classroom. Most work on short-term contracts, administrators point out, with no expectation of renewal.

Terri Ginsburg, however, says North Carolina State University led her to believe she would be considered for a tenure-track opening if she came to the campus last year for a full-time, nine-month position in its cinema-studies program. Not only did the university fail to consider her for the tenure-track job, she says, but it also did not reappoint her at all. Administrators and faculty members, she said, did not approve of her pro-Palestinian views — which she made clear when introducing the screening of a Palestinian-made film in a Middle Eastern film series she was hired to curate.

When Ms. Ginsburg tried to file a formal grievance shortly after leaving the university, complaining that campus administrators declined to rehire her because they disagreed with her views, the university's chancellor said she had no right to a hearing because she was no longer an employee, she says.

A group called the National Project to Defend Dissent and Critical Thinking in Academia — which also supported Norman G. Finkelstein, a DePaul University professor who was denied tenure in June 2007 after making controversial statements about the Holocaust — has collected a petition with 700 signatures in Ms. Ginsburg's support. "We are hoping to get 1,000," says Steve Macek, an associate professor of speech communication at North Central College, who along with Ms. Ginsburg is a member of the Society for Cinema & Media Studies.

Larry A. Nielsen, North Carolina State's provost, said he could not comment on Ms. Ginsburg's allegations because they are part of "an active case." Ms. Ginsburg has asked the university's Board of Trustees to hear an appeal, and she is considering filing a lawsuit.

'Freedoms Do Not Exist'

June Sheldon, an adjunct professor of biology, did file suit in July against the San Jose/Evergreen Community College District, claiming that San Jose City College violated her academic freedom. The college fired her last February following a student's complaint that in a class on heredity, Ms. Sheldon cited a German study that showed environmental factors might contribute to male homosexuality.

After the student complained, a dean at San Jose investigated the validity of Ms. Sheldon's statement by asking other biology professors at the college whether they agreed that environmental factors had anything to do with homosexual behavior. The lawsuit says the dean determined that Ms. Sheldon had taught "misinformation as science," and the college terminated her.

Both the Foundation for Individual Rights in Education and the Alliance Defense Fund — a conservative group that was founded by Christian leaders — have supported Ms. Sheldon. "The cornerstone of public higher education is the freedom of professors to discuss competing theories and ideas in the classroom," says the lawsuit the defense fund filed on Ms. Sheldon's behalf. "Unfortunately, at San Jose/Evergreen Community College District these freedoms do not exist."

The college referred *The Chronicle* to its lawyer, who did not return telephone calls.

While more adjunct instructors are challenging universities with the help of advocacy organizations, many others just try to move on with their lives after they are fired.

Teresa Knudsen taught English at Spokane Community College for 17 years, until she co-wrote an opinion article in a local newspaper in 2005 that said universities don't treat adjuncts well. Her department chairman, she said, called her in to his office and told her she had "offended" people at the college and said: "There are limits and consequences to freedom of speech." The following semester, Ms. Knudsen says, she simply was no longer on her department's teaching schedule.

Since then, she has worked at a day-care center and as an administrative assistant, and she only recently paid a lawyer to pursue a complaint against the community college, which she says violated her freedom of speech.

"When push comes to shove, we do not have academic freedom," Ms. Knudsen says. "We can be fired for what we say or what we teach."

<http://chronicle.com>

Section: The Faculty

Volume 55, Issue 6, Page A1

[Copyright](#) © 2008 by [The Chronicle of Higher Education](#)

[Subscribe](#) | [About The Chronicle](#) | [Contact us](#) | [Terms of use](#) | [Privacy policy](#) | [Help](#)