



May 26, 2015

President Morton Schapiro
Northwestern University
Rebecca Crown Center 2-130
633 Clark Street
Evanston, Illinois 60208

Eric G. Neilson
Lewis Landsberg Dean and Vice President for Medical Affairs
Northwestern University Feinberg School of Medicine
Rubloff Building, 420 East Superior Street
Suite 12-109
Chicago, Illinois 60611

*Sent via U.S. Mail and Electronic Mail (nu-president@northwestern.edu,
egneilson@northwestern.edu)*

Dear President Schapiro and Dean Neilson:

The Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, freedom of speech, and freedom of conscience on America's college campuses. Our website, thefire.org, will give you a greater sense of our identity and activities.

FIRE is concerned by the threats to freedom of expression and academic freedom presented by the Northwestern University Feinberg School of Medicine's (FSM's) repeated intrusions on the editorial freedom of *Atrium*, a publication of FSM's Medical Humanities & Bioethics Program (MHB Program). For more than a year, the MHB Program was pressured to censor the publication due to one issue's content, and in fact took the publication offline entirely following administrative backlash. While *Atrium* has since been republished online, it now faces the potential threat of having its content reviewed before publication by the FSM administration to avoid potential controversy in future issues. We call on the university to promptly cease all such interference and to honor its institutional promises of free expression and policy commitments to academic freedom.

Our understanding of the facts follows. Please inform us if you believe we are in error.

Atrium is published approximately annually and organizes each issue around a certain theme. The most recent issue, Winter 2014, focused on the notion of “Bad Girls.” This issue was guest-edited by Alice Dreger, Professor of Clinical Medical Humanities and Bioethics at FSM, and featured contributions from authors at institutions around the country, as is typical of *Atrium*’s editorial practices. Issues of *Atrium* are generally available to view and download through the MHB Program’s website in addition to being mailed out to several thousand subscribers, most of whom are scholars and educators in medical schools and other university-based programs.

The “Bad Girls” issue included an article by Syracuse University professor William J. Peace, titled “Head Nurses,” in which Peace wrote about his rehabilitation after he was paralyzed in 1978 at the age of eighteen. The article describes how in his rehabilitation ward, a few nurses were referred to as “head nurses” because they were known to occasionally provide oral sex to certain patients late at night. Peace described his own experience of being provided oral sex by a nurse with whom he had a good relationship, a consensual act that for him brought relief at the realization that he had not lost his ability to function sexually. Peace credited the nurse, with whom he developed a lifelong friendship, with playing a significant role in his psychological recovery.

When FSM dean Eric Neilson reviewed Peace’s article around March 2014, after the issue’s publication, he was allegedly very concerned by its content, worrying that it was incompatible with the “brand” of FSM and of Northwestern Medicine, the corporate parent overseeing the hospital system that includes FSM’s primary teaching hospital. In response to apparent requests from FSM, *Atrium*’s “Bad Girls” issue was removed from the MHB Program website. For a significant period, in fact, not only the “Bad Girls” issue but also all previous *Atrium* issues were taken offline. Though the previous issues were later restored, “Bad Girls” remained unavailable on the MHB Program’s website for approximately 14 months.

Dreger repeatedly tried to address and resolve this matter with FSM and members of Northwestern’s administration, including Northwestern Provost Daniel Linzer, FSM Vice Dean for Education Diane Bronstein Wayne, and FSM Vice Dean for Academic Affairs William L. Lowe. Despite Dreger’s repeated arguments that the pressure to censor *Atrium* was incompatible with Northwestern’s commitment to academic freedom, discussions remained inconclusive, and the “Bad Girls” issue remained offline. It was not until May 18, 2015—one day after Dreger notified Wayne that she and Peace both planned to publicize *Atrium*’s censorship—that the matter was temporarily resolved. In her response to Dreger, Wayne wrote, “At the current time we have no objection to . . . reposting the prior published *Atrium* issues on the humanities and bioethics website.” *Atrium*’s “Bad Girls” issue is now republished in its entirety, along with the prior *Atrium* issues.

Though *Atrium*’s past issues are currently free of censorship, FIRE has been informed that a new committee consisting in part of senior FSM administrators and external relations

officials has been charged with evaluating the prospective content of the next issue—a significant departure from *Atrium*'s prior editorial practices, which did not include any administrative editorial involvement.

The chilling effect this episode has almost certainly cast on *Atrium*'s contributors and the MHB Program, both through the pressure to censor past works and the threat of administrative prior review of future works, is deeply concerning to FIRE and unacceptable at a university claiming to value academic freedom, as Northwestern does. Indeed, Northwestern's statement on academic freedom is the very first item in the current *Northwestern University Faculty Handbook*, adapted directly from the American Association of University Professors' (AAUP's) 1940 *Statement of Principles on Academic Freedom and Tenure*. That AAUP statement in turn posits that "[i]nstitutions of higher education are conducted for the common good," which "depends on the free search for truth and its free exposition." These sentiments have been bolstered further by the Supreme Court, which has identified academic freedom a "special concern of the First Amendment," and observed that "[o]ur Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned." *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967).

Interference in the academic freedom of the MHB Program and its faculty members deeply contradicts these principles. Further, *Atrium*'s treatment raises the concern that it is being held to an indefensible, content-based double standard. We note that numerous other FSM academic programs and institutes publish a variety of newsletters, blogs, and journals—all seemingly without administrative interference. What's more, FSM *encourages* the independent expression of its faculty and staff. The FSM Office of Communications' blogging guidelines, for instance, list numerous faculty and departmental blogs covering a wide variety of topics and disciplines, with the commonsense disclaimer that "the opinions expressed in these blogs are those of the individual authors and do not necessarily represent the views of the Feinberg School of Medicine or Northwestern University." The Office of Communications differentiates those publications from those that it publishes itself, which include the monthly *Breakthroughs* newsletter and the quarterly *Northwestern Medicine Magazine*.

Despite Northwestern's stated commitments to academic freedom, FIRE is concerned that FSM or Northwestern Medicine will now assert ownership of *Atrium* so that it can take a more active role in managing its content. This raises serious concerns not only for *Atrium*'s autonomy but also for that of any faculty or departmental publication that dares to venture into uncomfortable or controversial territory. It is particularly concerning that this should occur at a medical school, where the spirit of unfettered inquiry and debate ought to be especially robust, given the potential implications for humankind of their outcomes. In this regard the following statement from the AAUP's 1999 statement on *Academic Freedom in the Medical School* is particularly relevant: "The freedom to pursue research and correlative right to transmit the fruits of inquiry to the wider community—without limitations from corporate or political interests and without prior restraint or fear of subsequent punishment—are essential to the advancement of knowledge."

Northwestern's faculty is owed better, and Northwestern must honor the commitments to academic freedom it has made. FIRE calls on Northwestern University and the Northwestern University Feinberg School of Medicine to reaffirm the academic freedom of its faculty and to disavow administrative interference of the type seen here. FSM in particular, in keeping with its academic freedom obligations, must abandon any future plans to dictate or censor *Atrium's* content, and must not subject the publication to prior review. Northwestern must recognize that when academic freedom becomes subservient to branding concerns and public relations, it ceases to exist at all.

We request a response to this letter by June 9, 2015.

Sincerely,



Peter Bonilla

Director, Individual Rights Defense Program

cc:

Daniel Linzer, Provost, Northwestern University

William L. Lowe, Vice Dean for Academic Affairs, Northwestern University Feinberg
School of Medicine

Diane Bronstein Wayne, Vice Dean for Education, Northwestern University Feinberg
School of Medicine