



Illinois Conference - American Association of University Professors

Academic Freedom for a Free Society

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March 25, 2014

Louise Love, Ph.D.
Academic Vice President and Provost
Columbia College, Room 500
Office of the Provost
600 S. Michigan Avenue
Chicago, Il. 60605

Dear Dr. Love:

Iymen Chehade is a part-time faculty member at Columbia College in Chicago. He has earned an M.A. in History and Education and a B.A. in history from the University of Illinois at Chicago. He has taught in the Department of Humanities, History and Social Science since 2007. He initially taught Middle Eastern History: From Muhammad to 1800 through spring semester 2011. Professor Chehade also teaches a course title The Israeli/Palestine Conflict. He has taught nine sections of this course since Fall 2010 and is currently teaching one section of the class in spring semester 2014. Following a single-student complaint about purported "bias" in one of the two sections during fall semester of 2013, Columbia College removed one of his scheduled sections for the 2014 spring semester. Rima Kapitan, who is serving as his counsel, requested through an e-mail on March 19, 2014 that the Illinois Conference of the American Association of University Professors (A.A.U.P.) Committee A on Academic Freedom and Tenure investigate this case for possible academic freedom violations.

We are pleased with your e-mail to the Committee that reaffirms the commitment of Columbia College to academic freedom and your affirmation of the pedagogical approach that Professor Chehade utilizes in the Israeli/Palestinian Course. The Columbia College collective bargaining agreement between the college and the union contains a strong affirmation of academic freedom. It proscribes "institutional discipline or restraint in their discussion of relevant matters in the classroom...[The CBA prohibits] "explicit or implicit threat of termination or discipline for the purpose of constraining a faculty member in the exercise of his or her rights under such principles of Academic Freedom. [CBA Art. V(1), (2)."

The American Association of University Professors *1915 Declaration of Principles on Academic Freedom and Academic Tenure* initiated guidelines on academic freedom almost a century ago. A.A.U.P. principles and definitions of academic freedom are generally accepted as part of the common law of the academy. Yet violations still occur and colleges and universities must be held accountable when violations do occur and should remedy a failure in honoring academic freedom. The American Association of University Professors most celebrated statement on the topic of academic freedom is its *1940 Statement of Principles on Academic Freedom and Tenure*:

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

The *1940 Statement of Principles on Academic Freedom and Tenure* was updated with the “1970 Interpretive Comments.” In the second Interpretive Comment A.A.U.P. celebrates controversy because it fosters debate, discussion and challenges the received orthodoxy:

2. The intent of this (1940) statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.

The Palestinian-Israeli conflict is controversial. It is not easy pedagogy because of the passions it arouses among disparate groups in the United States. A professor may indeed teach this topic in a controversial manner as long as the material is related to the subject matter. It is beyond dispute that the film *5 Broken Cameras* was directly related to the course topic.

It is standard practice that in most cases a student complaint or grievance is first communicated to the instructor. Department chairs in particular should refer a student with a complaint back to the instructor in order to facilitate the resolution of the conflict. Obviously in cases of alleged harassment or other charges of misconduct, a student may indeed bypass the instructor. This complaint, however, trespassed on the academic freedom of a professor and should have been referred back to the instructor for resolution. If a complaint is not resolved at the instructor-student level, then it is customary for the chair to engage herself or himself as an active participant and finder of fact. Neither Dr. Steven Corey, the chairperson of the Department of Humanities, History and Social Science nor School of Liberal Arts and Sciences Dean Deborah Holdstein directed the student to take the complaint to the instructor. This is most troubling to us and a violation of widely accepted norms of academic due process.

On October 28, 2013 Professor Chehade was made aware of the undated student complaint in a meeting with Chairperson Corey. According to Professor Chehade, Chairperson Corey refused to reveal the identity of the student but at one point described the student as a “she.” There are

actions of the meeting that are not in dispute. In your March 13, 2014 letter to Susan Tyma, Part-time Faculty Association (P-Fac) Representative, you affirm that Dr. Corey told Professor Chehade that it is important to be balanced in one's teaching. You also raised the issue of "balance" when you met with Professor Chehade: "I also asked Mr. Chehade if he presents the material in the class from a balanced perspective." These interrogatories between yourself as the senior academic officer of Columbia College, Chairperson Corey and a contingent part-time adjunct have a chilling effect on academic freedom. The issue of "balance" is frequently used to rein in a professor from critical thinking and new pathways of knowledge toward a consensus approach that is more acceptable to elite or mainstream opinion. Both you and Dr. Corey appeared to be taking sides in raising this issue and were unnecessarily questioning the pedagogical manner of Professor Chehade. This we respectfully suggest is at variance with your e-mail to me on March 20, 2014.

Professor Tyma in her February 19, 2014 memorandum to Liason (sic) to the Association, affirmed "the union's contention that the cancelation of the course was a denial of academic freedom... the fact that the college canceled only one and not both sections of the course establishes merely that there was a partial, rather than complete, denial of Mr. Chehade's academic freedom." Any denial of academic freedom is of great concern to the A.A.U.P. Furthermore, Dr. Corey "told the student to come back to see him at the end of the semester...to ensure that such "balanced delivery" had occurred." Professor Chehade confirmed to Illinois Committee A in a telephone conversation on March 22 that during his meeting with Chairperson Corey, he was told that the student would report back to the chair at the end of the semester. Illinois A.A.U.P. finds such a request as an unacceptable violation of Professor Chehade's academic freedom. Department chairs should not use students as scouts or monitors of a professor's performance. The student's mission is to learn not to serve as an agent of a department chair who is delegated the power to assess and report on the pedagogy of an instructor. Students do not possess the training and the expertise to serve in this capacity that challenges the authority of an instructor. Chairs may visit a class and observe an instructor if there are concerns. A.A.U.P. Illinois e-mailed Professor Corey on March 19 with a series of questions and a request to communicate his version of the meeting with Professor Chehade. There was no response. Since, the student complainant did not accuse the professor of suppressing student dialogue, censoring disparate views or displaying bias toward those students who rejected the putative ideological preferences of the instructor, it should have been dismissed.

The student complaint alleged there was bias in Professor Chehade's class and a lack of "balance" in the introduction of course materials. The complaint followed the screening of 5 *Broken Cameras*, a 2012 ninety-four minute film that received an Academy Award nomination for best documentary. It chronicles non-violent Palestinian resistance as Israeli Defence Forces construct a separation wall in the village of Bil'in on the West Bank that has been under Israel's control since the 1967 Six-Day War. Documentaries convey a message: they are not a "book of facts." To suggest that a film on the Middle East should contain no viewpoint or normative

approach is unrealistic and risible. For a student or anyone else to suggest that a professor give equal time by showing another film places an undue intrusive burden on a faculty member. It is striking that a post-secondary institution of higher learning would seemingly rely so heavily on a student's complaint about "bias" and cancel an entire section after registration had begun. While the student voice must be heard, it cannot be given authoritative weight in determining how many class sections are offered. It censors and denies other students the opportunity to matriculate in a second section of the Israeli/Palestinian Conflict.

Course evaluations are a more thorough and comprehensive means of assessing a professor's pedagogy than a student complaint. Indeed, A.A.U.P. Illinois Committee A finds striking your conclusion that Professor Chehade's course evaluations confirm a balanced pedagogy. In your letter to Professor Tyma you state:

I reviewed several semesters of student evaluations as well as the syllabi through the lens of "balance." All of these documents support Mr. Chehade's statement that multiple views are discussed in the class.

Such affirmation in our opinion renders the student complaint as not credible. Majority-student opinion contravenes the student complaint of bias. This raises questions why the student complaint apparently led to a course cancelation within six days of Dr. Corey's meeting with Professor Chehade. Yet your finding that Professor Chehade teaches with a balanced approach to pedagogy came *after* his section was canceled. We find no evidence, however, that you articulated that position prior to his learning of the section cancelation on November 4, 2013..

In your e-mail to me on March 20, 2014 you state, "The College reaffirms the right of all faculty members and students to exercise academic freedom in a manner that Mr. Chehade has enjoyed since he became a member of HHSS." You claimed "that no course on campus is immune from being offered at a reduced frequency from past semesters" and that Professor Chehade's "political perspectives" did not impact the decision to remove his second section six-days after Chairperson Corey inquired about balance and serve as *de facto* advocate for the student. We are aware that you claim that the dropping of a section resulted from a normal review of enrollment and scheduling patterns afforded all sections within the Department of Humanities, History and Social Science and LAS.

However, Professor Chehade had been offered a contract to teach both sections that he accepted on October 28, 2013. The course already appeared on Oasis (On-line Access to the Student Information System), a registration software platform. It was scheduled for spring semester and students were registering. While it is true that another section of the course was allowed to proceed for spring 2014, the second-section cancelation strongly suggests that Columbia College was trying to limit additional student exposure to Professor Chehade's teaching of the Israel-Palestinian conflict. Professor Chehade informed us that another course--49-1501, Middle East History: To Muhammad--he was offered to teach as a substitute for the Israel/Palestine Conflict

section was 1,400 years removed from the Palestine conflict and the course was not within his area of expertise. He honorably declined the course and surrendered approximately \$4,600 that he would have received for teaching a second course. The evidence is suggestive of an inappropriate cancelation of a second section some six days after his adversarial meeting with Chairperson Corey in which the issue of balance, bias and a student complaint dominate the agenda.

Given favorable student evaluations that you confirm demonstrate a balanced pedagogy, it is simply egregious that a student complaint in fall semester 2013 would nullify broader student assessment. Indeed the ideological biases of a chair or any administrator, much less a student, should not govern what an instructor is allowed to teach. Not if the institution respects basic principles of academic freedom. Academic freedom is essential for the advancement of the common good through the pursuit of knowledge and the truth. The purpose of academic freedom is to foster an environment in post-secondary education that validates many approaches, some of which maybe unorthodox or controversial. Truth is frequently elusive but unless academicians are free to teach and challenge the perceived orthodoxy, then a society cannot progress and liberate itself from the past. The pursuit of knowledge and the determination to resist the canon can be fraught with peril and controversy but it frequently advances the common good.

Professor Chehade has the academic freedom protection to present material in his own name in a course and articulate opinions in class. Professors are not bean counters and need not pursue an ephemeral, sterile “balance” at the expense of “professing” and pursuing the art of teaching as a moral act. Specifically, Professor Chehade has the right to show the film, *5 Broken Cameras*. His academic freedom gives him the right to introduce controversial course-related topics, and materials into his classroom. He need not insure that equal time in the name of balance is given on every topic brought into class. A course on slavery need not proffer arguments for and against the racist, dreaded institution. A course on gay rights or the history of genocide need not “balance” the number of arguments in favor of gay rights and in opposition to genocide with those that support discrimination against homosexuals and mass murder.

Academic freedom has its limits: no freedom is an absolute. Professors cannot proselytize their students. They cannot falsify information to obscure the truth in order to advance a personal agenda. They cannot suppress student debate, disagreement and dissent. Professors cannot assess students on the basis of their political beliefs or discriminate because of their association with any entity. A.A.U.P. expressly prohibits this in its *Joint Statement on Rights and Freedoms of Students*. To your credit, you clearly affirm that none of these transgressions occur in Professor Chehade’s course on the Israel/Palestine Conflict. Yet because a student objected to a film, Columbia College acted in a manner that strongly suggests a desire to suppress a narrative that deviates from the predominant accepted discourse on matters pertaining to the long-standing conflict between the State of Israel and the Palestinian population living in the West Bank and Gaza.

Contingent faculty are particularly vulnerable to violations of academic freedom as has been well documented in such seminal statements as the A.A.U.P. *Inclusion in Governance of Faculty Members Holding Contingent Appointments* (Revised 2012). Professor Chehade's status as a contingent part-time faculty member in all likelihood made him more vulnerable to this violation of his academic freedom.

The American Association of University Professors Illinois Committee A on Academic Freedom and Tenure agrees with the P-Fac, Columbia College's faculty union, that Professor Chehade's academic freedom was violated. We construe the six-days between Chehade's adversarial meeting with Dr. Corey and the removal of the second section as linked events. We consider the handling of the student complaint as inappropriate, arbitrary and a violation of Instructor Chehade's academic freedom. Both the Association and the Columbia College collective-bargaining agreement's definition of academic freedom were violated in this case that begins with the reported statements and requests of Chairperson Corey during the October 28 meeting.

In your March 19, 2014 e-mail you supported the continued use of the film *5 Broken Cameras* and described Professor Chehade's course as "thought provoking and exciting." Yet we believe your laudable support of Professor Chehade's academic freedom did not reflect *prior* actions dating back to October 2013. We take you at your word that this is presently your position on this unfortunate matter and, therefore, ask you to consider implementing the following two recommendations.

First: Columbia College should offer, if sustained by adequate enrollment, Instructor Chehade two sections of the Israeli/Palestinian Conflict in fall semester 2014. Student interest has been robust and given the public scrutiny surrounding this case will likely increase looking forward.

Second: We urge that the policy of handling student complaints undergo a strategic reassessment. The current system as revealed in this case is clearly broken and conducive to academic freedom violations. The lack of transparency in which a professor cannot challenge his accuser, much less know the identity is an affront to due process and a shocking display of arbitrary treatment of a faculty member. We made suggestions to improve the process including an initial conference between a student complainant and the instructor.

Any reassurances that you will implement these recommendations would be greatly appreciated. I would be happy to speak to you or meet with you at your convenience or engage in any additional communication that you prefer.

The other members of the A.A.U.P. Illinois Committee A are Matthew Abraham, DePaul University, Loretta Capeheart, Northeastern Illinois University, Walter J. Kendall III, John Marshall Law School and John K. Wilson, Illinois State University.

Sincerely,

Peter N. Kirstein, Ph.D.

Chair: Illinois Committee A on Academic Freedom and Tenure/Vice President of the Illinois
Conference of the A.A.U.P.

Professor of History

Saint Xavier University

cc:

Kwang-Wu Kim, president and chief executive officer, Columbia College

Steven Corey, Chair HHS

Deborah Holdstein, Dean School of Liberal Arts and Sciences

Jordan Kurland, A.A.U.P. Department of Academic Freedom, Tenure and Governance

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Greg Scholtz, A.A.U.P Director of Department of Academic Freedom, Tenure and Governance

Susan Tyma, P-Fac Representative

Diana Valera, president P-Fac union

Iymen Chehade