The University of Illinois violated principles of academic freedom in withdrawing a tenured faculty appointment to Steven G. Salaita over his harsh criticisms of Israel, the American Association of University Professors argued in a report released on Tuesday. The university denied Mr. Salaita the due-process rights that his tenured status should have afforded him, and also violated widely accepted standards for academic governance by not letting relevant faculty and administrative bodies weigh in on his fate there, the report says. It says the university's stated reasons for rescinding his appointment -- concern that his inflammatory Twitter posts about Israel betrayed a lack of civility and portended his potential mistreatment of Jewish students -- "have cast a pall of uncertainty over the degree to which academic freedom is understood and respected" at the Urbana-Champaign campus.

The conclusions drawn in the report, by an AAUP investigative committee, are consistent with other statements that the association's leaders made last year in protesting the university's treatment of the controversial scholar. The AAUP's issuing of such a formal statement of findings, however, sets the stage for its members to vote to censure the administration of the university's Urbana-Champaign campus at the association's annual conference, in June.

Based on the report's tone, such a vote appears likely. In an AAUP news release accompanying the document, Henry F. (Hank) Reichman, head of the investigative committee and chairman of the AAUP's Committee A on Academic Freedom and Tenure, called the university's treatment of Mr. Salaita "one of the more significant violations of academic freedom this decade." He said the controversy had roiled not just the Urbana-Champaign campus but "much of academia."

"The issue in the case has never been the content of Salaita's message," Mr. Reichman said. "One may consider the contents of his tweets to be juvenile, irresponsible, and even repulsive and still defend Salaita's right to produce them."

In its correspondences with the AAUP's investigative panel, the university maintained that Mr. Salaita did not have the same due-process and speech rights as other professors there because he never actually joined the faculty. Robin Kaler, a spokeswoman for the Urbana-Champaign campus's administration, reiterated that position last week. "Dr. Salaita was never an employee of the university," she said in an email to The Chronicle.

'Nuanced Issue of Contract Law'
Much of the disagreement between the university and the AAUP centers on the question of whether Mr. Salaita had legal status as an Illinois faculty member when the university
withdrew its offer of a tenured professorship in American Indian studies at Urbana-Champaign. Although the faculty appointment had remained subject to formal approval by the University of Illinois system's Board of Trustees, such board approvals are generally considered a rubber stamp. Mr. Salaita had already resigned from his previous tenured position as an associate professor of English at Virginia Tech, accepted course assignments, and sold his house in Virginia. He has since filed a federal lawsuit challenging the university's actions.

In a March 25 response to the AAUP, quoted in its report, Chancellor Phyllis M. Wise of the Urbana-Champaign campus said the question of whether Mr. Salaita actually had joined the Illinois faculty "is clearly a nuanced issue of contract law," to be settled by the courts. She said, "The university remains concerned and bewildered that the AAUP apparently continues to maintain that it is entitled to usurp the authority of the federal judicial system regarding determining questions of fact and law currently in dispute."

The AAUP's report, however, says its concern "is not with the legality of the university's actions but with their conformity to AAUP-supported principles and procedural standards."

Among its central findings, the report says: The university's offer of a tenured faculty appointment to Mr. Salaita, first made in an October 2013 letter to him, should have entitled him to the due-process rights of a tenured faculty member. That the university system's board had not planned to formally approve his appointment until after he started teaching -- its regular practice with new faculty members -- violates recommendations by the AAUP and the Association of American Colleges and Universities. The university's subsequent rejection of Mr. Salaita's appointment amounted to a summary dismissal, in violation of both its own policies and AAUP principles. Decisions made by Chancellor Wise and the system's Board of Trustees violated widely accepted standards of academic governance. Chancellor Wise initially announced a decision not to forward Mr. Salaita's appointment to the board without even having informed others in the faculty and administration who had recommended hiring him. Mr. Salaita's Twitter posts about Israel were expressions as a citizen, protected by academic freedom. The university's assertions that his dismissal was intended to protect students was unsupported by any evidence of misconduct by him in the classroom. Chancellor Wise and the trustees acted inappropriately in citing concerns about Mr. Salaita's civility as a basis for their decision. The concept of civility "is vague and ill defined," and does not provide an objective standard, the report says. Such a standard inevitably "conflates the tone of an enunciation with its content," so that people are most likely to be accused of incivility in respect to statements that are controversial. Moreover, a professor's use of an emotionally charged tone "does not constitute grounds for punishment." The university's handling of Mr. Salaita has had a chilling effect on speech on the Urbana-Champaign campus because "at least a sizable minority of faculty members" there fear that academic freedom is endangered. Although the faculty is divided in its assessments of the administration's actions, at the end of the day, which group represents the majority view "is fundamentally irrelevant" because "academic freedom, like all liberties, will be meaningful only insofar as it can protect minority viewpoints."

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Credit: By Peter Schmidt