Shannon E. Duffy, Ph.D.

Senior Lecturer, Department of History

Texas State University Senate Fellow, 2019-2020

Senate Fellow Report

After my year-long position as Texas State University Faculty Senate Fellow (2019-2020), I better understand the role of academic freedom in American universities, given the rise of contingent faculty labor both here at Texas State and nationwide. While spending this year listening to faculty, staff, and students’ thoughts on issues related to academic freedom, I researched academic freedom cases and university policies related to academic freedom in the past decade. While the media generally report such issues either in terms of conservative attacks on universities, or alternately leftist attacks on conservative professors, I believe a larger issue stems from growth of contingent faculty nationwide, without clear job security, combined with social media’s rise as a potent force for stirring up controversies. Together, both trends underscore the need for Texas State and other U.S. institutions of higher learning to protect faculty academic freedom.

Academic Freedom Committee

If my own research into academic freedom incidents in the past decade has shown me anything, it is that it is crucial that universities be proactive with regard to academic freedom, and have both clear policies and statements of principles in place before a controversy hits. In addition to taking part in the deliberations of Texas State’s Faculty Senate on a weekly basis, I played a role in the Faculty Senate’s Academic Freedom Committee (AFC), chaired by Dr. Vincent Liuzzi. During my year on the AFC, I have helped this committee by researching university policies nationwide (particularly, the University of Chicago’s 2014 statement of principles, adopted by 70 universities to date).[[1]](#footnote-1) On behalf of the AFC, I took responsibility for background research on Texas State’s own passage of the Chicago statement in 2018, and surveyed debates inspired by the statement at other universities in Texas and nationwide. I also contributed to proposed PPS policies related to both academic freedom and cyber-bullying to be taken up by the Faculty Senate next year, once Texas State completes SACS accreditation.

Furthermore, I responded to issues reaching the AFC through its new anonymous portal. Before the university went to remote learning due to Covid-19, the AFC was in the midst of compiling a list of questions and incident reports that had reached it through this portal, and creating a database of FAQ to be able to answer some of these questions while preserving the questioners’ anonymity. While this work has been paused due to the temporary budget cuts, we expect it to resume once conditions normalize.

## Nontenure Line Faculty Committee Work

On behalf of Texas State Nontenure Line Faculty, I continued my work through the Nontenure Line Faculty Committee (NLFC) which I’ve served as History’s Liaison since 2014. Last summer, a subcommittee of myself and two others crafted the NLFC’s second survey (2019) of all Nontenure Line Faculty; one section of this survey was geared toward soliciting opinions about academic freedom. This survey elicited a relatively strong response, garnering a 47% participation rate. By far the clearest message was a link between academic freedom and security of employee. The majority of responding NLF addressed the connection between their freedom to explore controversial issues in the classroom and their job security. As one NLF put it in a NLFC meeting this past year: “When you ask tenured faculty members about academic freedom, they cite a wide variety of concerns. When you ask NLF about academic freedom, they say ‘I don’t want to get fired for something I write or say in the classroom.’”

We seem to have a path forward on this important issue once strains on the university’s financial situation due to COVID-19 ease. As another faculty member expressed in a Faculty Dialogue, “So long as the majority of faculty, both at Texas State and nationwide, serve off the tenure track and can be “non-renewed” without any reason given, academic freedom is a myth.” With the clear evidence from the 2019 survey that the majority of NLF wanted a clearer career path, with some degree of job security, I have worked within the NLFC Career Path Subcommittee on a proposal to introduce an Instructional Career Path in place of the “Senior Lecturer” position. We presented our proposal to Associate Provost Debbie Thorne and it was favorably received June 18, 2020.

## Academic Freedom Dialogues

In order to better understand the specific positions among Texas State faculty on academic freedom issues, I hosted a series of dialogues for faculty, staff, and students. I hosted a question-and-answer session to the Nontenure Line Faculty Committee on Sept. 13, 2019, and two all-university dialogues: “The Big Chill: Does Academic Status Affect Academic Freedom?” (October 24, 2019), on the San Marcos campus, and “What Academic Freedom Issues Concern You as a Round Rock Faculty Member?” (November 13, 2019), on the Round Rock campus. Due to both, faculty and staff reached out to me throughout the year. Based on such feedback, with Alkek Research Librarians Margaret Vaverek and Stephanie Towery, I assembled an online toolkit with academic freedom resources for the faculty, available through Alkek’s website.[[2]](#footnote-2)

Findings from My Outreach Efforts

Through the dialogues, discussions in the NLFC and AFC meetings, and in private communications, certain points returned. Faculty express dismay about the rise of “gotcha” media, particularly right-wing media sites like *Professor Watchlist*, *Campus Reform,* and *College Fix*, which solicit secret student taping of class discussions and lectures to “prove” radical faculty indoctrination. Faculty report feeling that there is a growing list of topics which can be dangerous to discuss in class, including abortion, climate change, evolution, gay rights, gender identity, racism, slavery, the 2016 election, and vaccinations. While some faculty worry about controversies putting their jobs in jeopardy, other faculty expressed fear they could fall victim to cyber-stalking and even physical violence.

Faculty have also expressed anxiety on issues related to copyright and patent issues; freedom to select teaching materials, course design and construction of class syllabi, and chair and dean interference with research agendas. When students attended the dialogues, I discovered that some religiously conservative students also felt stymied in the classroom and were unsure what their own academic freedom rights were, particularly when they conflicted with what they perceived as more progressive positions taken by faculty regarding issues such as LBGTQ, or scientific findings with which their faith traditions disagreed.

Covid-19

Since March 2020, faculty also have expressed increasing anxiety over the quality of shared governance at Texas State, the lack of transparency as health policies were formed during the COVID-19 pandemic, as well as issues related to online teaching during this crisis. Faculty want reassurance that they control and own classroom materials posted to such university-owned platforms as Mediaflo, and the limits of campus “licensing” rights: put bluntly as one NLF put it to me: “Can the university non-renew my contract and then just go on using my recorded notes and PowerPoints?”

As instructors make the bulk of their materials, including notes, PowerPoints, and taped class discussions available online—for the convenience of students who are quarantining or attending remotely due to health concerns—some faculty are also worried that these materials will be leaked to opportunistic media looking to “expose” professors with ideological leanings that they and their readers dislike—particularly since several of these media sites have explicitly solicited such materials. Such misgivings cannot be dismissed easily, as outlets as *Campus Watch* and *Turning Point* have already shown significant success in disrupting their targets’ lives, if not getting them dismissed outright.[[3]](#footnote-3)

There is also some reluctance, especially among Nontenure Line faculty, to engage with non-mask-wearing students, stemming from fear that at least some of the non-mask-wearers are acting out of political convictions, and may possibly be being egged on by right-wing organizations who are looking to exploit a controversy for publicity purposes.

While faculty may be uneasy with regard to their restricted role in framing the administration’s recent policies in response to COVID-19, many express reluctance to speak out publicly. Student reporters from the *University Star* and local news reporters have both acknowledged that while numerous faculty have expressed concerns about policies the university has taken, and how these policies were formed, few faculty will speak to them on the record for fear of punitive actions.

## Plans Going Forward

While I am ending my Senate Fellowship, I intend to continue working on academic freedom issues, as it is an important issue to me personally. In this upcoming semester, I am looking forward to hosting a university-wide talk by my guest speaker, Dr. Jonathan Zimmerman Oct. 28, on Zoom. Dr. Zimmerman is a noted expert on academic freedom, campus politics, and the history of academic freedom issues; he will be speaking on issues related to campus politics in the age of Donald Trump.

I would also like to remain in the AFC. The AFC would like to initiate a Common Experience proposal related to academic freedom in the future, and I would like to be a part of it. The precarious position of Nontenure Line Faculty (currently 56% of all faculty), and their lack of redress should they be dismissed for academic freedom issues are concerns at the forefront of both the NLFC Survey of 2019 and the AFC’s research into Texas State’s official policies regarding academic freedom. Texas State’s AA/PPS No. 02.03.01 “affirms that faculty members enjoy full academic freedom, including the right to freely discuss the subject matter of their area of specialization, as well as academic responsibilities.” However, it also notes, “in non-reappointment of non-tenured faculty or denying promotion to faculty, administrative officers **need not give reasons** [my emphasis]; however, they may not deny reappointment to non-tenured faculty members or deny promotion to faculty members for exercising their academic freedom.” The AFC agrees that there a legal grey area here which needs to be further explored.

When the Covid epidemic hit last spring, I had been planning a third Faculty Dialogue “‘Perilous Tweets’: Academic Freedom, Cyber-Bullying, and Social Media,” which was cancelled; I would still like to hold it, possibly in conjunction with the AFC, as I increasingly see this as an important issue related to academic freedom.

## Report on Academic Freedom Incidents, 2010-2020

The research project that I undertook as a part of my duties as Senate Fellow was a year-long study of academic freedom incidents nationwide, from 2010 to 2020. It was initially prompted by a 2010 AAUP report, which noted that academic freedom incidents seemed to be on a significant upturn since 2000.[[4]](#footnote-4) I began my study to see if this trend would continue into the next decade. Unfortunately, what I found was clear evidence that it had. My own work also notes a substantial uptick in cases since the 2016 election, and notably in the last couple of years. In 2018, Cary Nelson, then president of the AAUP, identified sixteen major threats to academic freedom: “instrumentalization, contingency, authoritarian administration, abuses of the national security state, administration restrictions on the use of communication technology, unwarranted research oversight, neoliberal assaults on academic disciplines, managerial ideology, circumvention of shared governance, globalization, opposition to human rights, inadequate grievance procedures, religious intolerance, political intolerance, legal threats, and claims of financial crisis.”[[5]](#footnote-5) Many of these continue to exert a clear and growing influence on academic freedom matters nationwide.

Increasingly, the AAUP has come to stress the connection between decreasing academic freedom overall and the rise of contingent faculty labor:

For quite a while, it has been clear that the traditional version of academic freedom is out of date and must be altered to accommodate the structural changes that have transformed higher education. Now that more than 70 percent of the instruction in today’s colleges and universities is done by faculty members on contingent appointments, it is no longer possible to view academic freedom as primarily secured by tenure. The protection that tenure once conferred on the academic profes­sion the AAUP now seeks to provide in other ways: through unionization and an effort to ensure that all long-serving, full-time faculty members on contingent appointments receive the same due-process protections as their tenured and tenure-track colleagues.[[6]](#footnote-6)

Methodology of My Study:

I began the research for my report using more traditional academic sources: *The Chronicle* of *Higher Education (CHE)*, *Inside Higher Education (IHE)*, the *American Academic of University Professors (AAUP)*, and the *Foundation for Individual Rights in Education* (*FIRE)*, as well as monographs written in recent years on academic controversies. However, I soon realized that this method was missing cases that did not rise to termination, as well as most incidents involving faculty working off the tenure track. I began also searching through the “provocateur press”—websites such as *Professor Watchlist*, *Rate My Racist Professor*, *Rate My Marxist Professor*, *College Fix*, *Campus Reform*, *Brietbart*, and *InfoWars*—to find cases and then see if they “got legs” and rose to the level of a serious controversy—I mainly did this through searching for the professor and institution’s name as well as key phrases related to the incident. Press coverage, particularly for the Nontenure Line cases, was often limited to local or university newspapers, and generally only appeared at the point at which the controversy peaked. Often, however, it was difficult to determine how the situation was ultimately resolved. Even if I could verify that the instructor was still at the same institution, through departmental pages or university press releases, I often couldn’t tell if there were other punitive actions taken. If the faculty member, by contrast, had resigned or retired or moved to a new institution, it was often impossible to determine if this was done under duress.

## Choice of My Representative Fifty Cases:

I had to make some difficult calls in terms of what I was including and excluding. I tried to focus on words, rather actions—excluding, for example, the case of the adjunct professor who physically pushed a student journalist at a protest, and tried to concentrate on cases where I believed a serious intellectual debate had provoked the controversy, rather than an ill-timed joke. I was initially also looking for situations resulting in university sanction or dismissal, but midway through my research, I realized the true chilling power that cyber-bullying and “troll mobs” could have on academic debate—this issue is much fuzzier, but I felt it also needed to be included.

The difficulty finding a lot of this information, I think, is reflected in the odd formatting of this report, with footnotes longer than the entries. When I started this project, I naively thought that this information would be neatly compiled somewhere, but it’s not. Certain left-leaning publications keep lists of incidents involving left-leaning faculty, while more right-leaning presses like the *Wall Street Journal* and the *James Martin Center* collect evidence of the alleged harassment of conservative faculty. The AAUP keeps their Censure Lists, and FIRE has lists as well, notably of the “Worst Universities” of each year, but until recently, most incidents involving NLF weren’t collected. Due to the precarious nature of Nontenure Line employment, a university could easily non-renew any faculty who caused controversy, and it was often impossible for AAUP or FIRE to prove that the non-renewal was in fact related to a particular controversy, unless the faculty member had been summarily dismissed mid-semester.

The weirdest, but also often most fruitful aspect of my research was spending entirely too much time on some very dubious “gotcha” or “provocateur presses”—looking at the cases they were attempting to highlight, and then searching for names of faculty, institutions and key phrases to see if they succeeded in provoking a “tweetstorm.” One notable advantage here: when these presses succeed in getting someone “fired,” they are not shy about trumpeting it—I then need to confirm the particulars of the case, as they were often not quite accurately portrayed in my initial sources.

## Conclusions:

While it is clear that the right-wing media dedicated to “exposing” radicalism in academic is far better funded and organized then more left-leaning media, I stand by my initial perception: the anxiety prompted by increasing attacks on academic freedom is not exclusively a left-right issue. As faculty overall become more precarious, and universities become more consumer-modeled, any controversial expression can be dangerous. University administrations don’t want unhappy students, *or* unhappy alumni or state legislators. That being said, well-funded right-wing media such as *Turning Point* are still a relatively new force in the landscape, and universities are still too often surprised at how easily complicated and uncomfortable intellectual arguments can be turned into explosive “click bait” by outside agents with a vested interest in creating such explosions.[[7]](#footnote-7)

While what faculty either said or wrote can be inadvertently misconstrued, increasingly controversies are drummed up by what are clearly deliberate misrepresentations of faculty statements or views, such as in the controversy surrounding George Ciccariello-Maher’s “white genocide for Christmas” tweets—Dr. Ciccariello-Maher was initially responding to white supremacist attacks on a State Farm Christmas commercial featuring an inter-racial couple; his reference to wanting “white genocide for Christmas” was clearly mocking their alarm about miscegenation destroying the “White Race,” rather than encouraging the mass murder of whites, as was implied.[[8]](#footnote-8)

One initial assumption I made when I began my research didn’t play out entirely as I expected: I went into the study fully expecting there to be a clear distinction between the treatment of NLF and of tenured faculty. To some extent, that was the case—the answer to a controversy involving NLF in too many cases was a simple “he or she will not be teaching for us next semester.” But what surprised me was the extent to which tenure often did not protect even full professors. Universities still seem to underestimate the speed and fury of the bad publicity that can suddenly descend on them in this age of social media, and often respond poorly to a sudden media storm.

I also saw that university codes against “hate speech,” however well-meant, could be a double-edged sword that could just as easily be used against proponents of antiracism and BLM supporters as against conservatives.[[9]](#footnote-9) Once the door is opened to judging the content of speech as “hostile,” it can be used against any group that makes someone uncomfortable.

Finally, I had not initially intended to include the phenomenon of cyberbullying in my study, as I initially understood it to be outside the scope of a university administration’s official responsibilities. However, as I researched further, I came to realize both how detrimental organized “troll mobs” could be to academic freedom for scholars on all sides of the political spectrum, and also how well-organized and systematic these attacks have become just in the past few years. In some ways the scholarly literature has not caught up here to the threat that cyber-bullying can pose: when I looked for monographs on the subject, most addressed schoolchildren bullying one another online.[[10]](#footnote-10) The AAUP has recorded over fifty cases of targeted academic harassment since Fall 2016. In the AAUP’s study, almost half of the cases stemmed from racial issues, and nearly half resulted in threats of personal violence. 62% of the targets were women, and English, History, Women’s Studies, and Political Science were the leading disciplines targeted.[[11]](#footnote-11)

Cyber-bullying should not be under-estimated: and I say this as someone who is really not sure what the legal solution to this problem is. But in this age of social media, troll mobs, and readily-available personal data, both the psychological and the physical threat of organized cyber- attacks against individual faculty members, particularly women, minorities, and LBGTQ faculty, cannot be ignored—and the universities often inadvertently give encouragement to the troll mobs by their attempts to stay out of the controversy and be fair-handed. As Keeanga-Yamahtta Taylor stated, on her publisher’s Facebook page, cancelling all her upcoming public appearances in the wake of death threats:

Shortly after the Fox story and video were published, my work email was inundated with vile and violent statements. I have been repeatedly called “nigger,” “bitch,” “cunt,” “dyke,” “she-male,” and “coon” — a clear reminder that racial violence is closely aligned with gender and sexual violence. I have been threatened with lynching and having the bullet from a .44 Magnum put in my head. I am not a newsworthy person. Fox did not run this story because it was “news,” but to incite and unleash the mob-like mentality of its fringe audience, anticipating that they would respond with a deluge of hate-filled emails — or worse. The threat of violence, whether it is implied or acted on, is intended to intimidate and to silence.[[12]](#footnote-12)

1. A list of universities as of July 14, 2020, which have signed on to this statement is included on the Foundation for Individual Rights in Education (FIRE)’s website: <https://www.thefire.org/chicago-statement-university-and-faculty-body-support/>; Texas State should be included on this list, as we passed the resolution by Faculty Senate on Oct. 10, 2018, and the Provost agreed to include the statement on his web page 2018, but we are still not listed. [↑](#footnote-ref-1)
2. Alkek Libguide on Academic Freedom, assembly by Stephanie Towery: <https://guides.library.txstate.edu/academicfreedom>. [↑](#footnote-ref-2)
3. Alexander C. Kafka. “Will the Pandemic Usher in an Era of Mass Surveillance in Higher Education?” *CHE*, Apr. 14, 2020 [[Link](https://www.chronicle.com/article/will-the-pandemic-usher-in-an-era-of-mass-surveillance-in-higher-education/)]; Emma Pettit. “A Side Effect of Remote Teaching During Covid-19? Videos That Can Be Weaponized.” *CHE*, Mar. 24, 2020 [[Link](https://www.chronicle.com/article/a-side-effect-of-remote-teaching-during-covid-19-videos-that-can-be-weaponized/)]. Peter Schmidt reports that alt-right media such as College Fix and Campus Reform pay student journalists about $50-100 per story. Peter Schmidt. “Higher Educations’ Internet Outrage Machine.” *CHE* *Focus*, 2017, 15-18. Morton C. Blackwell, president of Leadership Institute, which runs *Campus Reform*, sees much of higher education as a “left-wing indoctrination center.” (Schmidt, p. 16). Charlie Kirk, one of the leaders in this movement to encourage student “reporting” of university leftist tendencies through covert taping of class lectures, has seen substantial financial success in this endeavor, as Turning Point USA, which he helped found in 2012, reported over $28 million dollars in revenue for the 2019 fiscal year: Michael Vasquez. “As Turning Point USA Grows, So Does Charlie Kirk’s Salary.” *CHE*, July 10, 2020 [[Link](https://www.chronicle.com/article/as-turning-point-usa-grows-so-does-charlie-kirks-salary)]. [↑](#footnote-ref-3)
4. Reported in Amy J. Orr. “Teaching Sociology: The Precariousness of Academic Freedom.” *Sociological Perspectives*, Dec. 3, 2018. [↑](#footnote-ref-4)
5. Amy J. Orr. :Teaching Sociology: The Precariousness of Academic Freedom.” *Sociological Perspectives*, Dec. 3, 2018 [[Link](https://journals.sagepub.com/doi/full/10.1177/0731121418814597)]. [↑](#footnote-ref-5)
6. Ellen Schrecker. “The AAUP in the Age of Trump: When the rules have changed, how should the AAUP react?” *AAUP*, Jan-Feb. 2018. [[Link](https://www.aaup.org/article/aaup-age-trump#.Xxn_Cx17mhc)]. [↑](#footnote-ref-6)
7. Michael Vasquez. “Inside a Stealth Plan for Political Influence: To fight campus liberalism, a right-wing group is funneling thousands of dollars to student-government campaigns.” *CHE*, May, 2017 [[Link](https://www.chronicle.com/article/inside-a-stealth-plan-for-political-influence/)]; Michael Vasquez. “As Turning Point USA Grows, So Does Charlie Kirk’s Salary.” *CHE*, July 10, 2020 [[Link](https://www.chronicle.com/article/as-turning-point-usa-grows-so-does-charlie-kirks-salary)]. [↑](#footnote-ref-7)
8. Goldie Blumenstyk. “The Far Right’s ‘New Offensive Against Academia.’” *CHE*, Jan. 12, 2017 [[Link](https://www.chronicle.com/article/the-far-rights-new-offensive-against-academia/)]; George Ciccariello-Maher. “Conservatives are the real campus thought police squashing academic freedom.” *Washington Post*, Oct. 10, 2017 [Link]; “AAUP Letter to M. Brian Blake, Provost, Drexel University,” Oct. 12, 2017; Hank Reichman. “George Ciccariello-Maher Resigns: ‘We are all a single outrage campaign away from having no rights at all.” *Academe Blog*, Dec. 28, 2017 [[Link](https://academeblog.org/2017/12/28/george-ciccariello-maher-resigns-we-are-all-a-single-outrage-campaign-away-from-having-no-rights-at-all/)]; Marwa Eltagouri. “Professor who tweeted, ‘All I want for Christmas is white genocide,’ resigns after year of threats.” *Washington Post*, Dec 29, 2017 [[Link](https://www.washingtonpost.com/news/grade-point/wp/2017/12/29/professor-who-tweeted-all-i-want-for-christmas-is-white-genocide-resigns-after-year-of-threats/)]. [↑](#footnote-ref-8)
9. Colleen Flaherty. “Suspended for Standing Up to Fox News? Essex County College allegedly suspends a communications adjunct for comments about race on Fox News, but she’s fighting back with the tools of her trade.” *IHE*, June 21, 2017 [[Link](https://www.insidehighered.com/news/2017/06/21/college-allegedly-suspends-communications-adjunct-comments-about-race-fox-news)]; Emma Pettitt and Megan Zahneis. “These Scholars Denounced the Police. Do Their Universities Have Their Backs?” *CHE*, Aug. 9, 2020 [[Link](https://www.chronicle.com/article/these-scholars-denounced-the-police-do-their-universities-have-their-backs)]. [↑](#footnote-ref-9)
10. AAUP Report. “50 Cases of Targeted Harassment.”; Abby L. Ferber. “Are You Willing to Die for This Work?” Public Targeted Online Harassment in Higher Education: SWS Presidential Address.” *Gender & Society* 32, no. 3 (2018): 301-320 [[Link](https://journals.sagepub.com/eprint/BCATE6sxd9SffZbccrhf/full#articleCitationDownloadContainer)]; Sociologists for Women in Society. “Faculty Under Attack” [List of Resources for Cyberbullying], [[Link](https://socwomen.org/public-targeted-online-harassment/)]; Tressie McMillan Cottom. “Academic Outrage: When the Culture Wars Go Digital.” *Personal Blog*, 2017 [[Link](https://tressiemc.com/essays-2/academic-outrage-when-the-culture-wars-go-digital/)]. Hans-Joerg Tiede, senior program officer in the AAUP’s Department of Academic Freedom, notes that a concerning new element in academic freedom cases is the degree to which professors are now subject to threats of physical violence, particularly sexual assault: Peter Schmidt. “Professor’s Growing Risk: Harassment for Things They Never Really Said.” *CHE Focus*, Oct. 2017, p. 18. [↑](#footnote-ref-10)
11. Anita Levy. “State of the Professor: Targeted Harassment—Faculty Report Back.” *AAUP Report*, Jan-Feb. 2018 [[Link](https://www.aaup.org/article/state-profession-targeted-harassment%E2%80%94faculty-report-back#.X1jyjNZ7mhc)]. [↑](#footnote-ref-11)
12. Keeanga-Yamahtta Taylor, “Statement on Haymarket Books Facebook page,” May 31, 2017, [[Link](https://www.facebook.com/haymarketbooks/posts/1494045207312386)]. [↑](#footnote-ref-12)