

AAUP Report

American Association of University Professors
Bloomington Chapter



Spring 2024

From 1976 to 2011, the Bloomington chapter of the American Association of University Professors circulated a newsletter, generally once a semester, focused on major issues facing campus faculty. These **AAUP Reports** were distributed to all faculty, and they helped raise awareness of the process of university governance, generate interest in the work of the Bloomington Faculty Council, and shape faculty views that influenced the direction of campus and university administration. We hope that this issue of the **AAUP Report** will revive this medium of faculty communication and increase the ability of an informed faculty to contribute constructively in shaping the ongoing development of the Bloomington academic community.

— *Executive Committee of the Bloomington AAUP*

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What is the AAUP?

The [American Association of University Professors](#) was founded in 1915 as a professional association devoted to the protection of [academic freedom](#). It successfully devised and promoted the institutions of [shared governance](#) that are now longstanding traditions at major universities, and it has been a guardian of due process protections for faculty and the economic welfare of the profession for over a century. Its national office is in Washington D.C.

The Bloomington chapter, founded in 1919, is among the oldest of over 450 AAUP chapters at colleges and universities nationwide. It shares the mission of the national Association. The chapter advocated for the establishment of the Bloomington Faculty Council in 1947 and continues to act in support of faculty governance. It works on issues of university policy and monitors its implementation, with particular emphasis on standards of due process. The chapter's Committee on Academic Freedom ([Committee A](#)) provides practical guidance and representation to colleagues who believe their academic freedom has been abridged or that they have been denied administrative due process. The chapter also works to keep the faculty informed of academic policies and relevant issues on campus and beyond.

Please visit our website: aaup.sitehost.iu.edu

The Sanctioning of Associate Professor Abdulkader Sinno

On January 8, 2024, the Executive Committee of the Bloomington chapter of the American Association of University Professors (AAUP) issued a brief [statement](#) regarding a serious violation of university and campus policies connected to the prohibition from teaching and student mentoring for the Spring and Summer terms of Abdulkader Sinno, Associate Professor of Middle Eastern Languages and Cultures and of Political Science. This comment provides additional context for our statement.

Although Bloomington faculty may have differing views about events that led to Professor Sinno being prohibited from teaching and student-related activities, we believe all colleagues should be deeply concerned about the administrative violations that have occurred. They are direct and serious incursions on academic freedom, shared governance, and the prerogatives of faculty; and they affect every one of us.

Background: In mid-November 2023, the Office of the Vice Provost of Faculty and Academic Affairs (VPFAA) received a complaint of misconduct from an IU public safety administrator against Professor Sinno. The complaint concerned an incident that occurred on November 16, when the Palestine Solidarity Committee (PSC), a student group advised by Professor Sinno, held a public event on campus that the administration had refused to authorize. The VPFAA, Carrie Docherty, conducted an investigation and on December 15 informed Professor Sinno that she had prohibited him from all teaching and all engagement with student-related activities for the Spring and Summer terms.

The University procedures governing the handling of misconduct complaints are spelled out in the policy on Academic Appointee Responsibilities and Conduct [ACA-33](#). In “Procedures,” Section 5.e, the Code specifies that campus faculty governance bodies are permitted to adopt procedures for handling such complaints on campus, and the Bloomington Faculty Council (BFC) has done so: campus policy [BL-ACA-D27](#) (Policy on Faculty Disciplinary Procedures) specifically governs allegations related to violations of ACA-33. Bloomington procedures require that, in cases where “severe sanctions” are contemplated, the complaint must be referred to the elected BFC Faculty Misconduct Review Committee (FMRC), which has the authority to hold a hearing and provide an advisory opinion before any such sanction is imposed. “Prohibition against participation in certain classes or activities” is specifically classified as a “severe sanction” in ACA-33 (Procedures, 5.c). The VPFAA imposed this severe sanction on Professor Sinno without referral to the FMRC or any advisory opinion from it. Campus policy does provide for the administrative imposition of a temporary severe sanction “to protect the faculty member or others from immediate harm.” There is no indication in Professor Sinno’s case that any “immediate harm” was anticipated from his teaching in the Spring and Summer terms, and even in such cases a hearing is still ultimately required.

FMRC review is critical because it provides faculty members with the opportunity to have a hearing in which they have representation, present their case, call witnesses, and question witnesses, including witnesses called by the administration. Professor Sinno was denied this opportunity. He was allowed no representation when questioned by the VPFAA in the course of her investigation, nor has he had any opportunity to directly challenge statements others made to her or to ensure that all information he deemed relevant had been reported.

After the imposition of sanctions on Professor Sinno, the Executive Committee of the Bloomington AAUP wrote a statement pointing out the violation of university and campus

procedures and asking that the sanctions be withdrawn pending referral to the FMRC and its advisory opinion. The BFC leadership conveyed our message to the VPFAA. Members of our committee also conveyed to the Office of the University Counsel our objection to the violation of Policy ACA-33, Section 5.e, and BL-ACA-D27. Subsequently, the Office of the University Counsel conveyed a statement declining to acknowledge Section ACA-33.5.e and refusing to recognize the validity of campus policy. Professor Sinno's suspension was enforced at the start of the Spring term and his classes were reassigned to others.

The AAUP's Position: The mission of the national AAUP and our Bloomington chapter includes the protection of academic freedom and the strengthening of shared governance. Policies and procedures for academic personnel matters such as the handling of misconduct complaints are critical to the protection of academic freedom and are a primary function of shared governance. We regard the campus administration's violation of university and campus policy—and the University Counsel's refusal to acknowledge the explicit language of university policy and the standing of campus policy—as a rejection of principles of academic freedom and of shared governance that undermines the integrity of Indiana University. We are calling on the administration to reverse these actions and on the BFC to support that call.

Broader Significance: The events leading up to this outcome concern political controversies involving differing viewpoints about the Gaza War at the center of campus attention in November. Professor Sinno's academic expertise is in an area directly related to these issues, the PSC was advocating a position on the war, and the public event in question concerned the war. The grounds for the misconduct complaint against Professor Sinno maintained that holding an unauthorized event on these topics at this time created a dangerous security situation because of this larger context.

The Bloomington AAUP has taken no position on these political issues, has no special knowledge of the events of the November 16 event in question, and offers no judgment on whether Professor Sinno should receive a sanction of any sort. Responsibility for determining the facts surrounding the event, Professor Sinno's role, and the proper disposition of his case is shared by the administration and elected BFC boards, as stipulated in policy. In addition to the Sinno case, our concern extends to the implications of the administration's actions for academic freedom and shared governance more generally.

Academic freedom is not challenging to maintain in ordinary times and in routine debate. It is in times of high tension and strongly conflicting positions that the commitment to academic freedom is tested, and the protections afforded by policy are most critical. For the administration to violate policy by taking unwarranted unilateral action at precisely such a juncture indicates that academic freedom in Bloomington is guaranteed except when it is most critically needed.

Bloomington has an exceptionally strong tradition of protecting academic freedom in the context of intense and divisive controversy. In the late 1940s, the Wells administration and Bloomington faculty joined to resist attacks on academic freedom by those who wished to dismiss Alfred Kinsey and curtail his pioneering research. During the McCarthy era a few years later, the national AAUP proved unwilling to defend academic freedom against political attack until a member of the Bloomington AAUP, Professor of Law Ralph Fuchs, became President of the national organization. With the strong backing of President Wells, Professor Fuchs led the Association to mount a national response among universities and apologize for its initial timidity when its commitment had been tested earlier.

It is in that tradition that we have called on the IU administration to withdraw its sanction of Professor Sinno and follow university and campus policy. We hope this case will prove an exceptional instance that returns the administration and faculty to a shared commitment to the values that have long made IU exceptional.

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Reflections On the Expanded IU Partnership with Crane

In October, IU announced that, as part of the 2030 Strategic Plan, it was investing \$111 million in a [broadened partnership with the Crane Division of the Department of Defense's Naval Surface Warfare Center](#). The arrangement involves devoting 25 of the Bloomington "Faculty 100" positions (new tenure-track budget lines) to new faculty who will pursue "dual-use" research with both military and civilian applications in a variety of fields, with hiring focused on candidates with Department of Defense (DoD) experience. Schools with new hires will include the College, Luddy, and O'Neill.

A number of issues with the expansion of the Crane partnership raise matters of concern to the AAUP's core mission to defend academic freedom and support shared governance. But before noting possible problems, it's important to understand the positive motivations of the initiative.

First, University Administration is tasked with addressing IU's difficult fiscal challenges. State budget support is now very low, and the university is facing sharp tuition revenue declines in the future. Entering classes from 2025 on will be significantly smaller due to demographics, and competition for a small applicant pool will likely force all schools to freeze or lower tuition rates. IU will become more dependent on sponsored research and indirect-cost recovery to avoid cuts to academic programs. Although the expanded partnership announcement focused on new funds IU will commit, it is safe to assume that the administration is anxious to tap into future research funding from Crane and the DoD, which Purdue is currently in a better position to attract.

Second, the research envisioned in the expanded partnership is cutting-edge work in areas such as nanotechnology, AI, and cybersecurity. Colleagues currently working in these areas can expect to see support for their work much strengthened; IU will improve its national profile in these critical fields; and students seeking careers in these areas will be served by the partnership in many ways.

Third, a large commitment of this nature will improve the perception of IU in a conservative state: the roll-out announcement featured endorsements by political figures, and it is likely to improve IU's profile in the eyes of the legislature that provides public funding and of corporations sponsoring research and recruiting graduates.

The announcement of the Crane partnership expansion, and particularly of the commitment of a quarter of the Faculty 100 positions to it, took many colleagues by surprise. Unlike previous faculty-expansion initiatives—such as the 2002 Commitment to Excellence, the 2016 Grand Challenges, and the first group of positions identified in the Faculty 100 program—this group of 25 new positions was not selected through a bottom-up process, but through discussions initiated

by University Administration with the administrators of the schools it had decided to target for strategic expansion.

As described in its announcement, the initiative raises a number of important questions. Because of the top-down nature of the process and its announcement as a *fait accompli*, however, these questions have yet to be addressed or discussed. While it would have been preferable to discuss these issues earlier, it is important to the interests of both shared governance and academic freedom that these issues be addressed going forward.

1. Classified research

From at least the time of campuswide unrest over the Vietnam War, there has been debate about the role of universities in classified military research. In the 1960s, a number of universities decided that their mission was incompatible with contracting for classified research, and IU was among these. In 1967, President Elvis Stahr announced in [a statement to the Board of Trustees](#) that, because IU did not intend to engage in further classified research, it would cease to maintain the security clearances that would allow such research to be pursued on campus. This remained the policy of the university for many decades. In [a 1992 meeting of the BFC](#), George Walker, Vice President for Research at the time, responded to a comment confirming that IU accepted no contracts with secrecy clauses by saying, “and that includes the federal government—you know, classified research. Individual faculty members can engage as consultants in whatever they want to do when they leave the campus. But in terms of using university facilities and being associated with the university, it’s a policy.”

However, at some point that policy was changed. In late 2020, then-Vice President for Research Fred Cate [reported to the Trustees](#) that, although IU was still not engaging in classified research because it had never restored its security clearances, on the approval of the Trustees and the President it had been pursuing the necessary authorization from the federal government to conduct classified or potentially classified research. Moreover, he noted that IU had acquired an existing facility located near the Bloomington campus to conduct classified and other forms of restricted research, subject to careful oversight and compliance with relevant university policies. When Trustee Pat Shoulders asked how “potential objectionable research being considered” would be addressed, Vice President Cate replied that “any research presumed to be controversial would be brought to the trustees.” Trustee meeting minutes are not verbatim and there may have been more nuance to this discussion, but the record conveys the impression of an ad hoc approach with no mention of policies and procedures to address such issues.

Some may argue that decisions on whether IU should undertake classified research is not a matter that should be determined through shared governance, but strong arguments can be made that it should be. Moreover, faculty would certainly seem to have an interest in ensuring that policies and procedures under which such research is conducted would exist beyond a vague assurance that research deemed problematic through an unspecified process would be reviewed by a governing board without relevant clearance, expertise, or guidelines.

2. Academic freedom and academic standards

The announcement of the expanded Crane partnership specifies that the 25 new tenure-track hires authorized under the initiative will have “Department of Defense experience.” This requirement seems to depart from routine practice by prioritizing association with a specific sponsor over the academic quality of applicants. It may be that there are essential elements of the research in which Crane is interested that only those with DoD experience will have had access

to, or it may simply be that this is a way of ensuring that new hires will be able to have necessary security clearances to undertake the research the partnership envisions. In either case, however, it is the needs of a research sponsor that constrain the range of candidates for consideration, not the quality of all potential applicants with research expertise, and this approach subordinates IU academic standards to the pursuit of sponsored research opportunities.

Moreover, it is unclear whether those hired under the initiative would have the academic freedom to set their own research agendas or would be constrained to continue engagement with partnership research in order to become tenured or to continue on paths of promotion. Anticipating that a new hire will join a team in a sponsored research project is not itself problematic, but it is a troubling precedent to configure hiring choices around the specific needs of that project and that sponsor, whether the sponsor is the government or any other entity.

3. IU's policy of open research

As a general policy, "IU does not accept research funding that conditions publication on approval by the research funder," a position that covers both public and private sponsors. However, the detailed 2013 University Faculty Council policy that includes this statement, [ACA-76](#) (amended in 2021), also carves out certain exceptions. These exceptions also may apply to both public and private sponsors. Final decisions are vested in the relevant school deans or their designees. Though the policy specifies that the criteria for exceptions are broader for government-sponsored research that has clear public benefits, and it includes thoughtful guidance on how those criteria should be applied, the policy does create a permission structure for secret research on behalf of private corporate sponsors unless the research is "not publicly valuable."

...

The fundamental mission of the university includes both the creation and dissemination of new knowledge. The linkage of those two elements is the basis for the general principle against secret research stated in ACA-76. Considerations of the public good or of budgetary necessities of a university that requires resources to sustain academic work over a broad range of fields, many of which will never be self-supporting, may justify compromising that linkage. But in an era of declining resources, it is important to ensure that strong publicly delineated policies and procedures are in place to ensure that any such compromises are made only in light of careful deliberation assessing potential costs to the integrity of the university's mission against practical benefits.

As the university moves forward, it would be helpful to have open exchanges of ideas between university administrators and faculty about such issues and the interests of all of us in the continued growth of IU's research and teaching missions.

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The Cancellation of the Halaby Exhibition, Academic Freedom, and the Corporate University

Background: On December 20, 2023, the prominent Palestinian-American artist, Samia Halaby, received a terse, two-sentence letter informing her that IU’s Eskenazi Museum of Art was cancelling a major exhibition of her work scheduled to open seven weeks later, and that IU would either return her paintings to her or forward them to the exhibit’s next scheduled venue, the Broad Museum of Art at Michigan State University. Halaby, whose family was forced from Palestine in 1948, when she was eleven, is an IU graduate and former tenured faculty colleague. She is regarded as a major figure in modern abstract painting. The Eskenazi event had been planned for three years, and funding for the exhibition had come from local sources and prestigious national organizations, such as the National Endowment for the Arts.

According to published reports, including a [New York Times article](#), Halaby was told in a conversation with Museum leadership that the cancellation was based on “safety concerns,” and that the university could not “guarantee the integrity of the exhibition throughout its duration,” a formula [repeated publicly](#) by the Director of IU Media Relations. Mention was also made of social media posts Halaby, who has a long history of activism on behalf of Palestinians, had made in the wake of the outbreak of the Gaza War. In response, Halaby wrote a courteous and detailed letter to President Whitten on December 27, noting her attachment to IU and requesting that the decision be reversed. In the event this was not possible, she asked for a written explanation of the reasons. President Whitten made no reply, and Halaby wrote again on January 8, stressing the years of work that had gone into the exhibition and stating that, if the decision were not reversed by January 12, she would have to assume it was final. That date passed without President Whitten making any reply or public statement.

Analysis: The stated rationale for the cancellation is not coherent. Because of her position on Palestine and social media comments she has made in the wake of the Gaza War Halaby may be controversial, but IU has indicated no reason why it anticipates that those opposed to her political views may pose a security threat to the exhibition. In a [letter](#) sent to President Whitten, Elizabeth Larison, Director of the National Coalition Against Censorship, points out,

If IU has indeed received credible specific threats from those who disagree with Halaby, such threats should be handled by law enforcement and not be allowed to hold the university hostage. Otherwise, any threatening heckler who disagrees with the ideas of an artist—or, for that matter, a professor or other speaker—will be given the power to control academic programming and curricula.

We agree. Michigan State’s Broad Museum does not seem to share IU’s stated security concerns: [it has confirmed](#) that it plans to present Halaby’s exhibit in June, as scheduled.

On the basis of available information it seems clear to us that the reason for the cancellation is entirely a response to Halaby’s support of Palestinian rights, her strong view condemning Israel’s conduct in the Gaza War, and, specifically, the social media posts through which she has expressed that view, which are very likely offensive to some who hold different views.¹ Halaby’s paintings are abstract: it is not Halaby’s paintings that are being canceled at IU, it is clearly Halaby herself and her political views and speech.

¹ The AAUP Executive Committee has reviewed Halaby’s social media posts and understands why reactions to them could be strong.

Comments: We see no purpose in treating the administration's vague and unexplained "security concerns" as anything other than a pretext to avoid subjecting to scrutiny the real reasons for its actions. Halaby's art has been banned from view because of the political views of the artist. The cancelation of the Halaby exhibition is a blatant violation of the professional judgment of those who arranged for the exhibition to take place in a university setting. As such, it sends a dangerous signal about academic freedom and is contrary to the traditions of IU and the fundamental values of the American Association of University Professors and of this chapter. We have no choice but to deplore it in the strongest terms.

It appears there may no longer be any simple remedy regarding the exhibition itself. Members of the IU community will have no opportunity to see and discuss Halaby's art, the University will continue to be the object of critical scrutiny nationally, and students and faculty will know that the administration views the free exchange of controversial ideas as out of fashion on this campus.

However, beyond such censorship of ideas and individuals, the administration is attacking academic freedom in a different way. By offering a transparently pretextual excuse and maintaining silence on the actual reasons for its actions and the processes that led to them, the administration is attempting to foreclose discussion of its decision, here on campus and elsewhere. The brusque letter of cancelation sent to Halaby and the disrespect that President Whitten has shown in declining even to acknowledge Halaby's queries seems more than a display of incivility embarrassing to all of us who teach at IU. It suggests that the primary concern of the administration is avoidance of legal liability for the error of its decision.

Speech can carry risk. Great universities prioritize freedom for academic and artistic expression, accept the risk, and deal with the consequences, because inquiry and debate are at the core of their missions. Corporations prioritize risk management and police their speech to minimize risk. When we speak of "the corporatization of the university," we generally point to other elements, but in the case of the Halaby exhibition, canceling a major academic event to evade the risk of a controversial artist and ducking responsibility for violating academic norms through silence and false pretexts when questioned are hallmarks of a corporate university that is losing touch with its mission. The faculty needs to help it recover its bearings.

**Bloomington AAUP
Executive Committee, 2023-24**

Alan Bender, Biology (emeritus)
John Carini, Physics
nicholae cline, Libraries
Bob Eno, EALC (emeritus)
Gareth Evans, Honors
Diane Henshel, O'Neill School
Israel Herrera, Spanish & Portuguese
Michael Martin, Media School
Steve Sanders, Maurer School
Alex Tanford, Maurer School (emeritus)
Joe Varga, Labor Studies

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**Bloomington AAUP
Committee A**

The Committee on Academic Freedom (Committee A), advises and advocates for *any* faculty colleague or graduate student who believes that their academic freedom has been abridged.

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