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August 29, 2014

VIA U.S. AND ELECTRONIC MAIL

Dr. Phyllis Wise
Chancellor, University of Illinois Urbana-Champaign
Swanlund Administration Building
601 East John Street
Champaign, Illinois 61820

Dear Chancellor Wise:

Dr. Steven Salaita has sought the assistance of the American Association of University Professors pursuant to your letter of August 1, 2014, informing him that you would not be recommending the tenured faculty appointment offered to him on October 3, 2013, to the board of trustees for its approval and stating, "We believe that an affirmative Board vote approving your appointment is unlikely."

The Association's interest in Professor Salaita's case stems from its longstanding commitment to academic freedom and tenure. The basic tenets, as you know, are set forth in the attached joint 1940 *Statement of Principles on Academic Freedom and Tenure*, to which the University of Illinois subscribes. Also attached are the complementary joint 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* and the AAUP's derivative *Recommended Institutional Regulations on Academic Freedom and Tenure*.

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From the information provided to us by Professor Salaita, others at the University of Illinois, and media sources, we understand that he was offered an appointment as an associate professor with tenure at the University of Illinois at Urbana-Champaign, initially to begin January 1, 2014. The offer was made in a letter dated October 3, 2013, from Dr. Brian H. Ross, interim dean of the College of Liberal Arts and Sciences upon the recommendation of Professor Jodi Byrd, then the acting-director of the American Indian Studies Program (AIS) for which Professor Salaita was recruited. In this letter, Interim Dean Ross stated that the recommendation for appointment was "subject to approval by the Board of Trustees of the University of Illinois." He nonetheless asked for Professor Salaita's decision by October 14 and directed him to return "a photocopy of this letter with the form at the bottom completed and signed," should he accept the appointment. He then wrote:

At the University of Illinois, like at most universities in this country, we

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subscribe to the principles of academic freedom and tenure laid down by the American Association of University Professors (AAUP). The *Statement on Academic Freedom and Tenure* has been since 1940 the foundation document in this country covering the freedoms and obligations of tenure. The AAUP *Statement on Professional Ethics* is a document of similarly broad application to those in academia. I am enclosing copies of these documents for your information, and commend them to your attention.

On October 9, Professor Salaita wrote to Interim Dean Ross accepting the appointment and returning a copy of the signed offer letter. With the interim dean's concurrence, he states, he amended the effective date to August 16, 2014, in order to enable him to complete the academic year at Virginia Polytechnic Institute and State University, where he was then serving on the faculty as a tenured associate professor. After accepting the appointment, Professor Salaita resigned his tenured position. Shortly thereafter, and throughout the spring and early summer, he engaged in e-mail correspondence with incoming AIS program director Professor Robert Warrior and the program assistant regarding matters related to his fall 2014 course assignments, schedule preferences, and book orders. Toward the end of January, Professor Salaita wrote to Professor Byrd about scheduling a visit to Urbana-Champaign in order to make arrangements for a place to live for him and his family. He states that they visited the area in March and subsequently initiated the purchase of an apartment, including payment of "earnest" money, which was subsequently forfeited when the agreement was voided following the abrupt notification regarding his appointment. During this visit, the AIS faculty hosted a dinner for him and his family to welcome him to the faculty. In early April he was notified of his fall teaching assignment, and he finalized his course book orders in mid-summer.

In the intervening months between his October 2013 acceptance of the appointment and early August 2014, when you notified him of its termination, Professor Salaita received information from various offices of the university, indicating that they had been informed of his appointment, including an invitation from your office to attend your August 19 reception "welcoming faculty and academic professionals who joined the Illinois community in 2014," as the invitation stated. Nothing was said to Professor Salaita about board action still to come, and we are informed that it is not uncommon for board action on new appointments to take place only after the appointment has begun and the appointee is already at work.

* * * * *

We are deeply concerned about the action taken against Professor Salaita. Long after he was offered and accepted a tenured position, specific arrangements were made regarding courses, schedules, and salary. The exchange of letters between Interim Dean Ross and Professor Salaita appears to have been in accordance with generally established procedures by which academic appointments are tendered and accepted. Ten months elapsed during which time no one in the university administration gave any indication that the appointment as agreed upon might not be brought before the board. Only this August, after Professor Salaita had resigned his tenured position at Virginia Tech, prepared for his assignments, and shortly before the semester was to begin did he receive notification asserting that, because the board of trustees would not be acting on the matter, he did not have an appointment at the University of Illinois. Aborting an appointment in this manner without having demonstrated cause has

consistently been seen by the AAUP as tantamount to summary dismissal, an action categorically inimical to academic freedom and due process and one aggravated in his case by the apparent failure to provide him with any written or even oral explanation. As an AAUP 1964 investigating committee report on a similar faculty dismissal at the University of South Florida concluded, the academic community cannot condone an appointment procedure which enables a university

to offer a professor a position during normal appointment “season” and then, after he has accepted the position, to cut him adrift without warning or hearings. . . .

This committee sees no way in which the academic marketplace could operate in a rational and just way if the practices followed . . . were accepted as normal procedure.

The University of South Florida, the investigating committee further concluded, had a “moral and professional obligation” to support the faculty member’s appointment by its board of trustees in formal action, and its failure to do so constituted for all practical purposes a dismissal. The AAUP’s 1964 annual meeting imposed censure on this basis, which the 1968 annual meeting removed after the university provided redress to the professor and adopted procedures consistent with Association-supported standards.

While the administration has not provided an explanation for the actions against Professor Salaita, it seems evident from media and other accounts that the actions have been publicly seen as having been triggered by his posting on social-media websites which were condemnatory of Israeli government practices in recent months. We are not privy to the circumstances under which information regarding his statements was discovered and distributed, we do not know what motives were involved, nor is it for us to render a judgment on the substantive merits of those statements, but we sharply question whether they meet the standard, set forth in Regulation 5a of the AAUP’s *Recommended Institutional Regulations on Academic Freedom and Tenure*, that cause for such actions “be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers.”

We see Professor Salaita’s online statements as extramural activity as a citizen rather than as faculty performance, and the 1940 *Statement of Principles* cautions that when faculty members “speak or write as citizens they should be free from institutional censorship or discipline. . . .” The document goes on to explain that faculty members should nonetheless act responsibly as citizens and (in its 1940 Interpretation No. 3) states that an administration may bring charges if it believes that these admonitions have not been observed “such as to raise grave doubts concerning the teacher’s fitness for his or her position,” but that in doing so it “should remember that teachers are citizens and should be accorded the freedom of citizens.” We see that a very serious issue of academic freedom has been raised by the actions against him, an issue that will not be resolved as long as the actions remain in effect and their soundness has not been demonstrated by the University of Illinois administration under requisite safeguards of academic due process.

We understand that an issue has arisen regarding the legitimacy of Professor Salaita’s tenure absent board of trustees’ approval. We have been informed that the university’s Committee on Academic Freedom and Tenure (CAFT), acting under its statutory authority, has decided to initiate an examination of the issues posed by the Salaita case.

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We appreciate that the information on which this letter is based has come to us largely from Professor Salaita and that you may well yourself have information that would add to our understanding of what has occurred. We shall accordingly welcome your comments. Until these issues have been resolved, we look upon Professor Salaita's situation as that of a faculty member suspended from his academic responsibilities pending a hearing on his fitness to continue. Under the joint 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, any such suspension is to be with pay. As detailed earlier in this letter, Professor Salaita has incurred major financial expenses since he accepted the University of Illinois offer. We urge – indeed insist – that he be paid salary as set in the terms of the appointment pending the result of the CAFT proceeding.

We would welcome a prompt response.

Sincerely,

A handwritten signature in black ink that reads "Anita Levy". The signature is written in a cursive, flowing style.

Anita Levy, Ph.D.
Associate Secretary

Enclosures via E-mail

cc: Mr. Christopher Kennedy, Chair, Board of Trustees
Interim Dean Brian H. Ross
Professor Robert Warrior, Director, American Indian Studies Program
Professor Jodi Byrd
Professor David J. O'Brien, Chair, Committee on Academic Freedom and Tenure
Professor Roy Campbell, Chair, Senate Executive Committee
Professor Bruce Rosenstock, Chair, Campus Faculty Association
Professor Steven Salaita
Professor Michael Harkins, President, Illinois AAUP Conference
Professor Peter Kirstein, Chair, Illinois AAUP Conference Committee on Academic
Freedom and Tenure
Professor John Prussing, President, UIUC AAUP Chapter