

ACADEMIC FREEDOM

U. of Illinois Settles the Salaita Case, but Will That Help It Move On?

By Lee Gardner | NOVEMBER 13, 2015

The University of Illinois will pay \$875,000 to settle lawsuits brought by Steven G. Salaita after the university revoked its offer of a tenured position at the Urbana-Champaign campus in 2014.

The university's Board of Trustees voted on Thursday to approve the proposed settlement under the condition that Mr. Salaita not accept or seek employment at the university in future.

Mr. Salaita called the settlement 'a vindication for me, but more importantly, it is a victory for academic freedom and the First Amendment.'

The settlement helps close a case that has rocked the university for more than year, leading to pointed criticism of the institution and the resignation of Phyllis M. Wise, chancellor of the Urbana-Champaign campus. Yet despite the end of the lawsuits and all sides' saying they're ready to move on, the controversy continues to affect Mr. Salaita's career and

divide the university as it seeks to restore its dented reputation.

Last year Ms. Wise and Christophe Pierre, the University of Illinois system's vice president for academic affairs, refused to submit Mr. Salaita's job offer for approval by the board after he made controversial statements about Israel on social media. Effectively denied the position he had been offered, Mr. Salaita filed two lawsuits. Scholarly groups condemned the university's action as a violation of academic freedom and pledged to boycott the university. In June the American Association of University Professors voted to censure the institution.

In a written statement, Mr. Salaita called the settlement "a vindication for me, but more importantly, it is a victory for academic freedom and the First Amendment."

Mr. Salaita had originally hoped to be reinstated in his promised position at Illinois, according to Baher Azmy, legal director of the Center for Constitutional Rights, which handled his lawsuits with the law firm Loevy & Loevy. In the past few months, however, Mr. Salaita realized that "as much as reinstatement would be a just solution, he's ready to move on," Mr. Azmy said. Mr. Salaita is in a one-year position as chair of American studies at the American University of Beirut.

Barbara J. Wilson, interim chancellor of the university, said she considered the settlement "a good outcome in the sense that we can move forward."

'Real Ill Will'

But moving forward isn't a simple or immediate prospect for administrators and faculty members at Illinois. The boycotts and the AAUP censure have led speakers and scholars to cancel their appearances and have caused job searches for some faculty positions to be suspended because of a lack of qualified candidates.

The AAUP censure will remain in effect until at least June, which is the next time the organization's committee on academic freedom and tenure will meet, according to Anita B. Levy, its associate secretary of academic freedom, tenure, and governance. If the committee recommends lifting the censure, the members would also have to approve it.

Ms. Levy said she was encouraged by the settlement, and she called it a credit to both parties. "Assuming that the climate for academic freedom on campus is sound, my guess is that censure would be removed," she said.

Ms. Wilson, the interim chancellor, acknowledged that Illinois has "got work to do." The university is in the process of examining and revising its policies and practices surrounding hiring and academic freedom, she added.

Strengthening those policies and practices is important because "no one wants to go through anything like that again," said Nicholas C. Burbules, a professor of education-policy studies and a member of the faculty senate's executive committee. Mr. Burbules said he considered Mr. Salaita's social-media comments about Israel "bordering on hate speech," but he lamented the disagreements between faculty members who wanted to reinstate Mr. Salaita and those who supported his ouster.

The rift has resulted in "not only fights and disagreements, but real ill will" between colleagues, he said. "I hope that with this settlement we can move and put some of these fights behind us."

Kim C. Graber, a member of the faculty senate executive committee, agrees. The professor of kinesiology and community health wrote in an email that completing the healing is important, "so we can focus on our primary mission, which is educating our students and conducting research."

Lee Gardner writes about the management of colleges and universities, higher-education marketing, and assorted other topics. Follow him on Twitter @_lee_g, or email him at lee.gardner@chronicle.com.



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**seamus2** • 6 days ago

Well it appears that it is okay to spout outrageous lies and bigoted invectives against some groups while defending free speech against the bullying of other groups leads to resignation or dismissal.

What a world.

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**vicky warshawski** seamus2 • 6 days ago

that's a bit hard to disentangle. Who's who?

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**seamus2** vicky warshawski • 6 days ago

I guess that's sort of my point (I probably didn't express it well). I believe in speech, especially free speech in an academic environment no matter how offensive it might be. Salita's a jerk (I would express that more strongly in person) and there is no question that he would create a 'space' that was intentionally "unsafe' for some people, especially Jews. But this is the same thing being claimed at Missouri and Yale, and god knows where else. And if the Jewish kids are expected to accommodate a bigot like Salita and learn to defend themselves and their ideas in the forum of free discourse then I think this should stand for all groups of people who suddenly declare themselves to be in unsafe conditions. I'm just looking for a little consistency from my liberal brothers and sisters.

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**vicky warshawski** seamus2 • 6 days ago

I believe this particular case concerned contract law. Firing a tenured professor is quite difficult and usually involves faculty governance bodies -- I doubt they would have agreed with termination for cause.

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seamus2 vicky warshawski • 6 days ago

I understand that. I am more interested in the idea that some people need protected "safe spaces" and that the failure to recognize that can result in the termination or forced resignation of people who fail to follow that policy with alacrity and the notion that others, who may be equally 'marginalized' are not to be afforded the same courtesy.

Mr. Salita has competent legal representation. What he lacks is a moral compass.

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vicky warshawski seamus2 • 5 days ago

I have no idea what the idea of "safe spaces" has to do with violation of tenure protections. I realize it all blurs together into one big fearful space in some minds, but seriously, a bit of nuance would help.

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seamus2 vicky warshawski • 5 days ago

Really? Have you been reading the news lately? There have been calls for the firing and forced resignations of academics who have been pointing out that the "safe space" people are actively acting to suppress free speech. Do you know what the Salita case was about? Do you really compartmentalize this much that you don't find greater resonance in this case?

Nuance is not your bailliwick.

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vicky warshawski seamus2 • 5 days ago

I even know how to spell Salaita. And the moment anybody actually gets fired, let me know, I'll be right there with you. In the meantime, I'll assume that you respect the right to free speech of those asking for safe

spaces just as much as you respect the right to free speech for the ones who defend blackface.

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RobinHolbeche vicky warshawski • 4 days ago

The moment anybody defends blackface, I'm right with you.

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Orson_Buggeigh RobinHolbeche • 4 days ago

The court did not rule on the contract aspect of the dispute, since the parties agreed to settle. Salaita contended that he had a contract; the university contended that he only had an offer until the contract was approved by the trustees, and since the trustees refused to approve his hire, he had no position and no tenure. A good argument can be made that the hiring process should be changed to prevent situations where the candidate has to resign their position before they have received a contract which has been approved by the board.

The people defending Salaita's free speech seem to be very selective about what offensive speech they will tolerate: necklaces of children's teeth is apparently permissible expression, but blackface is not.

Salaita's defenders also seem to have avoided the underlying question which seems to have motivated the trustees to decide not to approve the contract: The entire hiring process for Salaita seems problematic. Hiring with tenure is generally a recognition that the person being hired has outstanding credentials and scholarship in their field. Salaita is at best mediocre in terms of credentials and scholarship; the fact that the chair of the department was also the chair of his dissertation committee makes hiring Salaita with tenure look suspiciously like

cronyism.

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vicky warshawski RobinHolbeche • 4 days ago

I believe blackface was on the list of discouraged Halloween costumes which occasioned the silly reply of the poor Professor's wife.

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RobinHolbeche vicky warshawski • 4 days ago

I wonder how the "hiring with tenure" procedure works at Illinois. At my university an "expedited" tenure review is made, but it still goes through the same channels (peer committee, college committee). So technically, nobody has tenure the moment the contract is returned--though they have a job.

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Packard27 • 6 days ago

The state of Illinois paid this anti Semite almost a million dollars to just go away? Really?

But let's be brutally frank here. The taxpayers of Illinois will pay. Good luck folks and how about that state budget of yours?

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complit2013 Packard27 • 6 days ago

ooh, how "brutal"!

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The_Lord_Your_God complit2013 • 6 days ago

Yea, but not as catchy as a "necklace made from the teeth of Palestinian children."

Classy guy Salaita, real classy.

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gsawpenny • 6 days ago

Good for Illinois and good for him. U of I is not at fault and he gets about \$380K (after taxes).

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RWL gsawpenny • 6 days ago

What about attorney fees? Did you deduct that from his \$875,000?

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gsawpenny RWL • 6 days ago

Yes, they will be deducted from the dough. Mr. Salaita will get about \$600K, but that amount is taxable as income.

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ram83 gsawpenny • 6 days ago

If structured correctly, he should pay almost no taxes.

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gsawpenny ram83 • 6 days ago

Sorry, in Illinois wrongful dismissal cases or settlements NOT involving health or death are taxed as income. I simply used a state calculator and subtracted the lawyer fees to get to the amount.

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ccacboyce gsawpenny • 6 days ago

But he does not live in Illinois. So can they take taxes away from the settlement?

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gsawpenny ccacboyce • 6 days ago

It does not matter where he lives, it is where the case is settled - in this matter, Illinois. So, yes, he will have to pay taxes on the amount but my calculation is pretty simple and I am sure he is smart enough to use a good accountant to shield some of that.

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complit2013 gsawpenny • 6 days ago

"not at fault" how?

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gsawpenny complit2013 • 6 days ago

Read the decision. Illinois and Salaita agree that the university is not at fault.

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vicky warshawski gsawpenny • 6 days ago

Where is it? All I've seen is that the U didn't _admit_ being at fault. What is the paragraph saying that they are not?

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mabeelrc • 6 days ago

Where's his next gig? Anyone know?

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minnesotan mabeelrc • 6 days ago

Starbucks.

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I Dominguez-Urban mabeelrc • 4 days ago

"Mr. Salaita is in a one-year position as chair of American studies at the American University of Beirut."

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ccacboyce • 6 days ago

Somehow, I feel that both sides lost.

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johnburningham • 5 days ago

While I do not agree with Salaita's bigoted racist views, the University of Illinois was wrong in their actions against him. Freedom of speech means we have to tolerate bigoted racist speech, but we do not have to read nor listen to it,

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