

Academic Freedom and Professional Responsibility after 9/11:

A Handbook for Scholars and Teachers

A Project of the Taskforce on Middle East Anthropology

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Introduction

This handbook provides university teachers tools with which to manage teaching and research confrontations that limit the range of academic discourse. It seeks to provide concrete suggestions both to respond to such attacks and to help avoid them in the first place. Unlike productive scholarly debates, these attacks often exploit polarizing labels, employ the strategies of blacklists, and use illegitimate or illegal means of gathering evidence. This handbook also addresses prickly pedagogical situations in which students may be engaged in larger campaigns against faculty, or may be participating in class in a way that disrupts academic discussion.

The handbook is based on research undertaken by the Taskforce on Middle East Anthropology to understand available institutional resources, as well as on ethnographic interviews conducted with academics who have encountered obstacles in their teaching and scholarship. These interviews provide concrete evidence of the nature of the attacks, the potentials and limitations of resources, and advice on how to access these resources. Among the institutional resources considered here are: internal university structures, professional organizations, legal recourse, and media outlets. Also provided are pedagogical tools for dealing with difficulties in the classroom, and a useful bibliography of recent writings on academic freedom.

By virtue of its mission to expand horizons and encourage critical thinking, education is an inherently challenging undertaking. In periods of political tension and conflict, some individuals and organizations may view critical inquiry and freedom of expression in the classroom as a threat to the political status quo and prevailing ideologies.

Academic freedom has developed as a set of values and regulations to protect teachers – and knowledge production itself – in circumstances like these. Academic freedom can be defined as the right of scholars to have their ideas judged according to how well those ideas stand up to debate, rather than according to the power of the scholar her or himself. As the American Association of University Professors declared in a key 1940 Statement of Principles on Academic Freedom and Tenure, “Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning” (<http://www.aaup.org/AAUP/pubsresearch/policydocs/1940statement.htm>).

Yet there have been many impingements on academic freedom in the United States both before and since this statement was issued. In 1903, a Trinity College (now Duke University) professor almost lost his job because he wrote of improving race relations and praised African-American leaders like Booker T. Washington. His college protected him under the auspices of academic freedom. The beginning of the Cold War half a century ago witnessed Senator Joseph McCarthy’s efforts to identify and root out people he deemed anti-American in the realms of entertainment, journalism, academe, publishing, and government. In the 1950s, the feared

enemy was the Soviet Union and Communism. Today, academic freedom battles are waged over many issues, including students' desire not to have course material not conflict with their moral or religious beliefs, professors' support of affirmative action, courses on gender, and the evolution/creationism debates. Sometimes, threats to academic freedom overlap with threats to civil rights, as when a professor's sexuality was the basis for threats against that professor's ability to teach effectively (<http://www.aaup.org/publications/Academe/2003/03mj/03mjrand.htm>). Some of the most pressing issues of academic freedom today revolve around teaching and research about Islam, the Arab world, and U.S. policy in the Middle East.

In the post-September 11 context, untrammelled and free public debate about the relationship between the United States and the Middle East should be a key component of a concerted effort to prevent the reoccurrence of horrific tragedies on U.S. soil, and to understand related cultural and political trends in the United States, the Middle East, and around the world. Yet an open atmosphere in which scholars and students can analyze the events and repercussions of 2001 have come into the cross-hairs of ideologues who argue that, "everything has changed" – or ought to change – since September 11, including traditional bedrock American values upholding freedom of speech and public debate.

The post-September 11 period has witnessed escalating attempts to silence and marginalize university teachers who resist or challenge narrow black and white thinking. Pressures upon academic freedom are especially pronounced in departments of Middle East and Islamic studies, affecting sociologists, political scientists, historians, religious scholars, and anthropologists who are working to provide a contextualized, critical, and holistic view of recent international developments and their interaction with current US foreign and military policies and practices. Yet the impact of infringements on academic freedom is by no means limited to those who work on the Middle East, Islam, or the US; rather they present a serious challenge to all academics. They serve as a warning about what may lie in our future as teachers and researchers who value free inquiry. Laws, precedents, and procedures that in the past protected academics' First Amendment rights to free speech and inquiry have been systematically eroded and called into question by individuals and well-funded organizations seeking to shape the content and aims of university education.

The political and psychological climate prevailing in the United States since the Al-Qa`ida attacks has often placed security concerns over and above commitments to civil rights. Although no legislative bodies, state or federal, have yet succeeded in passing specific laws limiting academic freedom, institutions of higher learning have become ideological battlefields as conservative groups try to set precedents delimiting what can be taught, who can teach, and how subjects should be presented.

You should know how to proceed should you experience these issues directly. As many articles in the educational press have documented (see Appendix), assailments on academics are occurring with great frequency. Research conducted for this handbook reveals a disquieting pattern of interference with faculty members' syllabi, teaching methods, work with student organizations, and engagement with the media. This interference, felt most acutely by untenured and adjunct faculty, can come from many sources – department colleagues, university administrators, students, trustees, media pundits, organized campaigns by groups unrelated to the

university, and local politicians. These infringements cast a pall over all university life, and are doing long-term damage to our tradition of free inquiry.

For university faculty, the current climate poses challenges to two interrelated requirements of their work: academic freedom and professional responsibility. These two pillars of academic vitality go hand in hand because academic freedom is an individual and institutional right that, like professional responsibility, promotes the public good.

Academic Freedom

Academic freedom, the right of scholars to freely research, publish, and teach on their field subjects, is crucial to capacity of institutions of higher education to explore new fields and offer challenging interpretations of historical, social, and political phenomenon. Given that individual and institutional academic freedoms are not absolute, but contextual, and that students and teachers have complementary rights and duties, a wide variety of legal interpretations exist concerning the nature and limits of academic freedom. The U.S. Supreme Court recognizes a First Amendment right of institutional as well as individual academic freedom: “It is the business of a university to provide that atmosphere which is most conducive to speculation, experiment, and creation. It is an atmosphere in which there prevail ‘the four essential freedoms’ of a university – to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study” [stated by Justice Felix Frankfurter in *Sweezy v. New Hampshire* (354 U.S. 234 1957) and Justice Lewis Powell in *Regents of the University of California v. Bakke* (438 U.S. 265 1978)].

In the current repressive political climate, academics are now working on a slippery legal slope. A recent AAUP legal round-up clarifies some of this terrain by examining threats to academic freedom in the legislative arena, particularly the “Academic Bill of Rights” propounded by David Horowitz. The AAUP report comments that “self-identified ‘conservatives’ are calling for ‘political diversity’ in the classroom and for student monitoring of teachers on college and university campuses for perceived ‘liberal bias’ in their classroom presentations.” And yet, as it goes on to note, “This political interference with the autonomy of higher education institutions is not an alignment of conservative versus liberal, but rather individuals for and against institutional autonomy” (<http://www.aaup.org/AAUP/protectrights/legal/Updates-speeches/Baruch-update.htm>). Therefore, academic freedom is not a liberal, progressive, or leftist issue, but a matter of concern for all scholars, regardless of their political beliefs.

Professional Responsibility

As teachers and professors, we have an obligation to fulfill our responsibilities in the classroom, in the wider university, and to the academy at large. Our professional responsibility as scholars and teachers demands that we impart to our students and colleagues our clearest understanding (based on the best research available, both our own and others) of the events and ideas central to our courses and research. To do less is to do disservice to the profession. And yet, political pressure may lead professors to avoid asking the questions that are necessary to advance scholarship and knowledge, and instead to present “safe,” rather than accurate, conclusions.

Purpose of Handbook

This handbook is best utilized *before* you encounter problems – and even before you walk into the classroom – so that you might avert damaging conflicts or have resources at the ready. However, it also offers concrete advice if you're in the middle of a crisis. The handbook acknowledges that different people have different abilities and priorities, and thus offers many options of how to deal with issues of academic freedom.

Nonetheless, it should be clear from this handbook – as it was clear to us from our interviews with so many bold and resourceful academics – that the commitment to thoughtful, critical, and engaged teaching and scholarship that sometimes makes academics targets of attack also produces important skills that can help in a response. The professional skills outlined in this handbook develop over time and through practice; this handbook is meant to facilitate that learning process, and to pool our collective experiences.

The handbook has been produced as a collective endeavor by members of the Task Force on Middle East Anthropology. We have tried to speak with as many people as possible and to explore the diversity of tools available to assist academics in doing their jobs in sometimes difficult circumstances. We welcome any additional insights, resources, and suggestions that users of this handbook may have. Such suggestions may be incorporated into future editions. Feel free to email us at: taskforcehandbook@gmail.com.

The Task Force has created this handbook first as a practical tool for those who face, or could face, attacks for their work. Just as importantly, we also intend for it to encourage academics to be proactive in defending these core rights, rather than slip into self-censorship and thereby undermine the spirit of the university as we, and our students, have come to know it.

University Resources

There are many formal and informal resources at colleges and universities that can assist faculty members facing attacks on their professional teaching and research responsibilities. Although it seems like a natural first step to seek assistance from these university offices, our interviews suggest that it is best to assess *ahead of time* which offices or people within your institution have the means and the commitment to assist faculty in such situations. There are examples of institutions which have given unconditional support when academic freedom is challenged, but these are in the minority. Many colleges and universities have failed to develop adequate procedures to protect their faculty in such situations. Hence you may find that some parts of your institution are supportive while others are not, especially when it comes to issues related to the Middle East and U.S. foreign policy. Getting a “read” on your institution *in advance* of any potential attack or controversy is important. If you determine that the general atmosphere is unsympathetic to targeted faculty, then you may want to consider drawing on the other resources in this handbook instead. This may help you preserve your relations within the institution in the long term. However, even if you do not draw on official university resources, it is generally good to keep relevant figures – like your department chair – abreast of major developments in the case of controversies, so they are aware of and come to trust your perspective.

When accessing institutional resources, it is important to remember that *institutions may need constant reminders that these are not isolated incidents but issues of academic freedom that affect the quality of education and research for everyone.*

There are several preliminary measures that you can take now to protect yourself in the event of an attack on your teaching or research.

- *Find allies.* Seek allies in your department, in other departments, and in the administration early on. Make academic freedom a part of your discussion with colleagues so you know where people stand on such issues. If you have been assigned a mentor, he/she may be able to provide advice on this matter, although we have found some evidence that administrators can use mentors to subtly curtail junior faculty members’ academic freedom. Be aware of this possibility, but do not leap to conclusions about the motivations behind certain actions or comments. You may consider speaking to other academics at your institution, especially those working in the Middle East, to get advice on key figures with whom you might want to build alliances. It may be especially useful to build positive relationships with representatives to the faculty governing body (e.g., the faculty senate).

If you are in a contentious department, avoid getting involved with internal and institutional politics that could later undermine you. Instead, cultivate positive, collegial relationships with as many faculty members as possible. If you are perceived as an acolyte taking direction from one senior faculty member rather than another, their

squabbles can infect your reputation and compromise your ability to flexibly and honestly call on otherwise natural allies if you are later faced with a crisis.

In order to avoid creating true and legitimate offence among our constituents and colleagues, including students, fellow faculty, university employees, community members, and others, it is important to maintain both good working relationships with them and also a sense of measure and seriousness in dealing with topics that easily lend themselves to misunderstanding or misinterpretation. This does not imply self-censorship, but merely careful thought about rhetorical style.

Also, it is extremely important to strengthen relationships with distinguished, tenured faculty outside the university. It is especially helpful to have external allies from a discipline which is *not* Middle East Studies. These figures can help to emphasize the fact that controversies Middle East scholars face constitute a general issue of academic freedom. Often these people can bring external pressure to bear on the university, a strategy which will be discussed later.

The importance of cultivating allies cannot be overemphasized, especially for junior faculty new to an institution.

- *Know your university policy & the national climate on academic freedom.* Know and keep a copy of your institution's policy on academic freedom. If your university does not have a policy in print, use the AAUP's 1940 Statement of Principles on Academic Freedom and Tenure which you can find at: <http://www.aaup.org/statements/Redbook/1940stat.htm>. Consider reading the AAUP's monthly publication *Academe*, which regularly carries articles, analyses, case studies, and state-of-the-art legal updates on academic freedom. Their online edition is at: <http://www.aaup.org/publications/Academe/>. As discussed in more detail in the pedagogy section, you might consider putting key sections of academic freedom documents into your syllabi.

You may encounter claims that you do not have a full right to free speech because you represent a university. This claim is erroneous. Academic freedom codes, and typical university practice, guarantee that your speech represents your own views and is not taken as representative of the university. University officials and administrators can be reminded of this fact by reference to the codes of academic freedom.

Another trend we have spotted is that some faculty who are critical of Israeli government policies are being accused of inciting "anti-Semitism" as a way to get around academic freedom guidelines, which obviously do not protect racist speech. Such accusations should be nipped in the bud, perhaps with reference to the arguments raised by Judith Butler in her article in the *London Review of Books*, "No, It's Not Anti-Semitic" available at: http://www.lrb.co.uk/v25/n16/butl02_.html.

- *Prepare a paper (or digital) trail.* In extreme cases, or for particularly controversial classroom topics, you may wish to audiotape classroom sessions so that your words cannot later be twisted. Do be aware that you have to announce to the students that you are taping your lecture, and that at some universities you will need to obtain their permission to audiotape them. As noted elsewhere in the Handbook, it is crucial to write down comments or actions, implicit or explicit, that threaten academic freedom in the classroom.
- *Keep evidence of positive evaluations.* Keep your official end-of-course student evaluation results so that you might later provide evidence that most students are satisfied with the tenor of the course despite those few who complain.
- *Prepare for potentially controversial events.* If you are participating in an event that is likely to draw controversy, you may want to consider taping the event or having a “witness” attend (ideally a senior administrator), so that misrepresentations of the event can be countered. One of our interviewees said that a budding controversy was avoided because a top administrator had attended the event in question and saw nothing untoward. Some administrators said that they would appreciate being informed in advance if an event might cause controversy so that they can be prepared; however, you should try to assess whether the administration wants to be prepared so that they can support the event or so that they can try to shut it down beforehand.

In the event of an attack on your formal teaching activities, your research topic or conclusions, or your less formal public educational efforts, the following university resources may be accessed, depending on your preliminary read of the institution.

- *Call on allies.* You can motivate your network of allies in a number of ways, but you should remember that they will need motivating. Do not expect people to know automatically that you are in need of help, to jump to your defense, or even to know what to do to support you. In the normal course of events, an instructor would go to a chair with a problem and then perhaps to the dean. In the majority of cases, both chairs and deans are supportive of their faculty and their right to teach methods and material as they see fit, as well as their right to free speech, research, publication, etc. Chairs and deans are used to dealing with complaints (especially from students) and can often diffuse them. You may consider asking your chairperson to speak with the persons attacking you (if inside the university), or their chairperson. These figures might be able to start a process of mediation. You can also ask your chairperson to advocate on your behalf with the administration, to remind them that this is an issue of academic freedom. However, unless your chair and/or dean is very supportive, it is also wise to contact other parties within the university so that others are made aware of what is going on.
- *Faculty governance.* You might consider bringing the issue before the faculty governing body, such as a faculty senate, an academic standards and policy committee, a formal employee grievance committee, or an honor council. Often faculty are simply unaware that attacks to academic freedom are going on. When you make the case that if it can happen to you, then it can happen to them, they may be inclined to support you.

- *Letter campaign.* For more major breaches of your academic freedom, you or a close colleague can initiate a campaign to have letters of support written in your defense either to top administrators or (in spectacular cases) to the local media. These can be written by students, colleagues, and chairs of your department, and by your allies external to the university. Our research suggests that letters written by external allies and especially by heads of academic associations often carry the most weight and can help galvanize the administration to do the right thing.
- *Ombuds office.* The Ombuds office is a body within the institution that can provide neutral and confidential resolutions to problems that arise. It can be an excellent place to go for advice and support on internal disputes among faculty and between faculty and their departments, the administration, or students. Usually the office can suggest the appropriate steps to be taken, assess the issue within the context of the institution and its history, and provide mediation services. They are particularly useful for the less empowered or connected within the university as they understand the power dynamics involved and act accordingly. You should be aware that mediation services might not go under the name “Ombuds” at your institution, but rather might be provided by an honor council, judicial council, an office of college relations, or the human resources office.
- *Deans of students.* For classroom issues with students, you may consider having your chair speak to the student, or informing the Dean of Students, the chair of their department, or some other mediator. However, some of our interviewees suggested that when the attacks are very minor, or are completely outrageous, bringing the case before a third party only emboldens the student and gives credence to the attack. It is up to you to decide which classroom problems are best dealt with by you, and when to bring in a third party. You might want to ask a senior colleague for advice. Oftentimes just talking with the student about what university education is about can diffuse some of the tension.
- *Public relations offices.* If you are attacked in the media, your institution may be willing to support you. Many institutions have an office of communications or some other public relations body. These people are dedicated to the preservation of the university. They work to discourage any behavior that might jeopardize the university, its educational mission, or its reputation in any way. Be aware that they may determine that you (not the attackers) are doing the jeopardizing. In this situation, you may need to educate them about academic freedom and put them in touch with the AAUP or other relevant organizations. Remember that these offices are not staffed by academics, and many of the staff come from the business world, which has different standards. See if they have defended faculty members in the past. You can also speak with someone in that office to get a feel about how they would respond in a potential or extant controversy. You might want to provide positive examples of how other universities have dealt with similar controversies in the public realm. If necessary, remind them to communicate the academic freedom code and the fact that faculty members speak for themselves, not for the university. In order to best make use of this resource, be sure your institution’s public relations office knows who you are *before* trouble arises. As soon as you arrive on campus, offer your name as part of a speaker’s bureau or as a contact for the media

regarding your area of expertise. Personal relations count for a lot here. If you have a history of helping your institution's public relations office when a reporter calls, they are more likely to be willing to use their personal contacts in the press to direct a story in a sympathetic direction once things start looking bad.

Planning and coordination can lead to positive outcomes for academics, researchers, and the larger issue of freedom of speech on campus. For example, Georgetown University's student group "Students for Justice in Palestine" hosted the 2006 Conference of the Palestine Solidarity Movement. Despite much internal and external pressure, Georgetown permitted the conference to be held, citing the university's "free speech and expression policy," and pressured organizers and attendees to make sure that they adhered to these policies. They provided faculty monitors to ensure adherence to University rules and to protect against antagonists later broadcasting false statements about what had occurred (as had happened in previous years). Georgetown's Office of Communications created a webpage on the subject with links to the free speech policy, among other things.

(see: <http://explore.georgetown.edu/documents/?DocumentID=12105>.)

- *Legal affairs offices.* See the Legal Resources section of the handbook for information on university legal affairs offices.

Professional Organizations

One young academic we interviewed, a professor who has been subjected to some fairly virulent attacks and who has gotten little support from her university, wondered what assistance she might be able to get from outside organizations like the American Association of University Professors (AAUP) or other professional organizations. Given how alone she felt 'at home,' she wanted outside institutionalized support to bring pressure to bear on the university. Just how ready, though, are these professional associations – of which almost all of us are members – to offer help to academics struggling with attacks on their teaching and research? They certainly seem like they should be natural resources, but the evidence suggests that not all have experience dealing with such incidents.

This lack of experience does not necessarily mean, however, that these organizations cannot be a resource. You should be aware that they may not have a settled mechanism to respond, and may have differing levels of comfort with providing public support. If current trends continue – and attacks on academics increase – then it seems likely that these organizations will become more skilled at providing responses. It is important to note, though, that people we interviewed had different senses about how supportive these organizations were. Some reported only positive interactions, while others felt that these organizations were hesitant to get involved. Again, even if the latter has been true, such attitudes may change if attacks continue, especially if and when they intensify beyond the circle of Middle East scholars. It is equally important to note that some of the lack of experience in responding is a result of people not asking the organizations for assistance in the first place.

Conversations with some of these organizations indicate that the most common action they have taken in such cases is to write a letter to the university in question. The American Academy of Religion (AAR), for example, has dealt with attacks on professors, but not to date any specific to Middle East or Islamic Studies. When they are approached, the case goes to the board, which tries to get as much information as possible about the situation. If they believe a response is warranted, they write a letter to the university administration. Like the AAR, the American Political Science Association (APSA) has never dealt with a Middle East specific incident, but in other cases – such as attacks on faculty members for being too liberal – it has sent letters to universities. Similarly, the Middle East Studies Association (MESA) and the AAUP have sent letters to universities on behalf of faculty members. The American Anthropological Association (AAA) has never responded publicly to such an incident, nor have they been asked to. If asked, and if deemed appropriate, the organization would be willing to write a letter or sign a petition.

While some of these organizations have said that it is difficult to gauge the effectiveness of such letters, a few of our interviewees said that they do make a difference. If you choose to approach an organization for assistance, it is a good idea to couch this issue in broader academic freedom terms rather than ones narrowly defined by geographic area.

Scholars who work on the Middle East are likely to belong to both the Middle East Studies Association and another discipline-based, organization. It is striking how few of the disciplinary organizations have received requests for help from such Middle East scholars. This suggests that

1) some people are not involving any professional organization in their case and 2) that those who do ask for help tend to approach MESA. This may not be the best strategy. Some people we interviewed wondered about MESA's effectiveness, in part because the association itself has been attacked, which may make it harder for it to respond. Perhaps more significantly, as another interviewee suggested, it is important for Middle East studies scholars to make connections with the broader academic community. This means that, in addition to approaching MESA, scholars should be in contact with their respective disciplinary association. Even if the organization is limited in what it can do concretely to improve your situation, letting your colleagues know what is going on may help build more general support for academics under attack.

In thinking about whether to approach professional organizations for assistance, one should keep their limitations in mind. Don't expect these organizations to be your savior, or to make these actions a top priority of their work, but a letter from them can be one part of a wider strategy of reminding the university of its obligation to protect you and make it possible for you to do your job. You should also bear in mind that even if they are not skilled in responding these organizations are all interested in the quality of professional life of their members. As a member it is certainly appropriate for you to seek their assistance. Although the organization may not respond as a group, your alerting them might spread the word among other individual scholars who can assist in other ways. Whether you choose to contact professional organizations is obviously a personal decision. It is probably worth at least a phone call, and you can decide how vigorously to pursue this option depending on how prepared to assist the organizations seem to be.

If you want to get in touch with professional organizations for assistance, here is some contact information:

American Anthropological Association:

Paul Nuti, Director of External, International and Government Relations
703-528-1902

American Academy of Religion

Kyle Cole, Director of College Programs
404-727-3049

American Political Science Association

Jeff Biggs, Ethics Committee
202-483-2512

American Historical Association

Robert Townsend
202-544-2422, ext. 118

(It should be noted that despite attempts on our part to speak with an AHA representative about their experience in this area, our phone calls and emails were not returned. While this does not

mean that the AHA would not be receptive to a faculty member's request for help, we cannot advise you about that receptiveness.)

Middle East Studies Association

Amy W. Newhall, Executive Director
520-621-5851

AAUP

Jonathan Knight, Director, Department of Academic Freedom and Governance
202-737-5900

Legal Resources

Faculty members who are attacked for their work – either in press or in person – may wonder whether a legal response is warranted. In deciding whether or not to seek legal counsel, keep in mind that there is a clear legal basis for academic freedom. However, in recent years, few professors facing threats to academic freedom have chosen to take a legal route.

There are a number of legal and philosophical bases for academic freedom, among them the First Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” In a specifically academic context, the professional standard of academic freedom is defined by the 1940 [Statement of Principles on Academic Freedom and Tenure](#), which was developed by the American Association of University Professors (AAUP) and the Association of American Colleges and Universities. This foundational statement on academic freedom for faculty in U.S. higher education has been consistently endorsed by nearly 200 scholarly and professional organizations, and is incorporated into hundreds of college and university faculty handbooks.

The 1940 Statement clarifies that:

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties. . . Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter that has no relation to their subject. . . College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution... (<https://www.aaup.org/Com-a/aeuben.htm>)

The First Amendment safeguards freedom of expression from regulation by public institutions, including public colleges and universities. The AAUP’s definition of academic freedom focuses on rights within the educational contexts of teaching, learning, and research both inside and outside of the classroom in private as well as at public institutions. Although the U.S. Supreme Court has consistently acknowledged academic freedom as a First Amendment right, the scope of the Amendment’s right of academic freedom for university faculty remains unclear, and is vulnerable to contest and challenge during periods of social and political tension and instability.

Clearly, groups such as Students for Academic Freedom and Campus Watch pose not only ideological but also legal threats to academe’s essential freedoms. Such threats and challenges do not exist in a vacuum, but rather in specific social and ideological contexts. Harassment of

faculty teaching about the Middle East is a primary locus for such challenges and thus for the creation of new legal precedents. If you find yourself in such a sociopolitical setting, responding would preserve not only your own interests, but also the interests of academic freedom and the right of other professors to teach, write, debate, and design curricula free of any fear of censure or censorship.

Scholars can themselves pursue legal action against libelous claims, misuses of their writings, photographs, or other academic productions. For instance, Stanford University Professor Joel Beinin brought a lawsuit to defend his intellectual property rights to a photo of himself that appeared on the cover of a booklet entitled “Campus Support for Terrorism,” published and distributed by conservative author David Horowitz. A number of professors have been attacked by conservative groups in recent years, but Beinin was the first to respond with legal action. His suit did not address libel or free speech issues, but rather the publisher’s use of his photo without his permission. This is an example of the strategic decisions faculty can make when deciding to take a legal approach to a problem.

Here are some steps you should take before deciding to seek legal assistance:

- *Do research on your institution.* You should attempt to map out the institutional and contextual “terrain” of your college or university by sketching out schemata of potential networks and alliances throughout the hierarchy of the university and beyond. Know any specific regulations regarding political activities at your institution. These regulations may vary according to the public/private, religious/secular nature of your institution. For example, they may stipulate that you disassociate yourself from the university in your political involvement by not using university resources or by stating that you do not represent your university. (For an example of guidelines on political activities, see “Political Activity Guidelines for Employees” <http://legal.osu.edu/politicalactivity.php>.) Compare and contrast your situation with those of academics in other institutions in order to identify other rhetorical or potential institutional allies. Identify common themes in attempts at silencing academic debate. Are faculty members in other departments also being subjected to implicit or explicit violations of their academic freedom of speech? If so, why? How have department chairs, deans, vice presidents, board of trustee members and alumni dealt with these pressures? If you are teaching in a small private college with clear denominational affiliations, ascertain whether or not particular perspectives, debates, and ideas are not encouraged on your campus as a matter of principle. Keep in mind that internal contractual obligations may include institutional rules and regulations, letters of appointment, faculty handbooks, and, where applicable, collective bargaining agreements. Academic freedom rights are often explicitly incorporated into faculty handbooks, which are sometimes held to be legally binding contracts. See the end of the University Resources section for more details on this matter.
- *Attentive observation.* Be aware of warning signs such as the establishment on campus of an activist group with an agenda detrimental to the integrity of research and education. Inform students, especially those from such organizations, that they must obtain your permission to audio- or videotape your lectures. For more information on the issue of

taping and potentially controversial events, see the sections on “University Resources” and “Pedagogical Issues and Resources” in this handbook.

- *Recordkeeping.* Keep a detailed daily log of all instances, verbal or non-verbal, of implicit or explicit harassment or targeting.
- *Collegiality.* Remain engaged, open, cordial, and calm in all your interactions with faculty, administrators, the press, alumni, and students. Go on the offense without being offensive. Remember that freedom of expression entails responsible expression, in or outside of the classroom.
- *Openness.* If you see a legal problem on the horizon, it is best to keep your chair updated on developments. For example, if a government agency seeks to interview you, inform your chair, or, if you have a strong relationship with him or her, your dean, so that they will not be surprised later, and so they know your perspective on events.
- *Legislative research.* Monitor and stay up-to-date with all relevant developments in legislation concerning academic freedom. Many deleterious groups are employing a “pincer action” approach: targeting specific professors or departments on one hand, while also lobbying for far-reaching changes at the national and state legislative levels on the other. Since determinations of academic freedom are subject to interpretation, and the current political atmosphere is one in which particular interpretations of legal precedent may prevail to the detriment of academics, to be forewarned is to be forearmed.

For faculty members facing threats to their academic freedom, and even their careers, taking their case to the courts should, ideally, be the last resort when all other avenues (detailed elsewhere in this Handbook) have failed. The costs of litigation are usually considerable, but exact ☐ fees are always worked out between the faculty member and the ☐ attorney. The amount of time for a case will depend on its complexity ☐ and how much time, energy, and money a faculty member wishes to put into litigation. Years, not months, is the invariable time frame.

Once you decide to seek legal counsel there are a number of places to turn for guidance:

- *University legal affairs offices:* Your university’s legal affairs office may be able to offer you advice and/or representation. However, they will only represent you if your case has to do directly with your role in the university. Be aware that these offices are fundamentally concerned with protecting the university’s legal interests, and they may not see your case as fitting easily within those interests. As Ohio State University’s legal office puts it on their webpage, “Office of Legal Affairs attorneys provide legal advice and representation to faculty and staff in matters arising out of their university responsibilities. We cannot provide assistance to faculty and staff with respect to personal legal disputes or when their interests are adverse to those of the university” (<http://legal.osu.edu/faculty.php>). Nonetheless, this office may be a good place to start searching for representation or guidance. Some legal offices recommend that if you are being subpoenaed, you should certainly notify your legal affairs office of this

development. If your university does represent you, they may cover not only your legal fees but also the costs of any settlements.

- *Law clinics.* If your university has a law school, you might consider seeing whether it has a law clinic that would be able to effectively handle your case.
- *AAUP:* Contact the American Association for University Professors' Legal Affairs office (Mr. Jon Knight, Liaison, jknight@aaup.org) and obtain the AAUP's recent publication, *Policy Documents and Reports*, also known as the Redbook. For information on how to purchase the Redbook, call Johns Hopkins University Press at (800) 537-5487. (The ISBN number is 0-9649548-3-4.) For advice and assistance, you can also contact the office of Academic Freedom and Tenure at the AAUP (Susan Smee at ssmee@aaup.org), or a local chapter of the AAUP. The AAUP maintains an updated list of attorneys and can refer you to appropriate lawyers on this list, as well as provide general guidance on what is involved in litigation.
- *Teachers' unions.* On those campuses where the faculty are represented by a union (e.g., Rutgers or the City University of New York), you should call upon union officials for assistance.
- *ACLU:* Another important resource for those seeking advice about, or assistance with, legal action is the American Civil Liberties Union <http://www.aclu.org/freespeech/index.html>.
- *ADC:* Arab-American faculty members should also contact the Legal Affairs division of the Arab-American Anti-discrimination Council (ADC) in Washington, DC (See <http://www.adc.org/index.php?id=134>.)

Staff members at the AAUP, ACLU, your union, and/or the ADC can provide guidance on whether and how to retain legal counsel, where to find the appropriate lawyers, and what to expect if a legal route is the last option available to you.

Media Resources

The news media can be a resource during a crisis, but the media can also pull an issue out of your control, and some kinds of coverage may hurt as much as help. Whether you contact a journalist or a journalist contacts you, when dealing with members of the press, you must know what you want to achieve from a media contact, and carefully set the terms of discussion.

Remember that the media are working under their own imperatives to find stories that they perceive will be gripping and accessible to their audiences, and thus their goals are often quite different from your own. For example, according to our research, journalists were sometimes more interested in the individual backgrounds of those involved in a case of academic freedom than in the relevant issues.

If you know a journalist or media organization well and anticipate that they will be able to cover your issue, or if you have experience dealing with the media, you may consider initiating contact with a journalist. This section will also be useful to you if you are contacted by a journalist and wish to cultivate the skills with which to create a media strategy. Even if you choose not to use the media to raise the profile of your case, you should anticipate whether the other side might be using news media, and be ready to respond accordingly.

Not all – and probably relatively few – academic crises will be “newsworthy.” However, if you are seeking out media coverage, you should know your options well. Academic and educational media – including local and regional newsletters as well as national educational media like *Academe*, *The Chronicle of Higher Education*, and *Inside Higher Ed* -- are probably most likely to be interested. Their coverage can rally colleagues who might be able to support you. Local and regional media are more accessible than national media. Progressive and alternative media may also be interested in your story, especially outlets like *Democracy Now!* and Electronic Intifada which cover academic crises.

Before a Crisis

If you already have established contact with local journalists, they may be more likely to hear you out during a crisis. While doing outreach to journalists is not for everyone, it can establish you as a trusted source, and it can help raise the local level of discussion on the Middle East. Being a media contact also helps to hone your media skills when the stakes are not quite as urgent. If you are interested in such work, here are a few tips:

- *Make media contacts.* Reach out to television, radio, and newspaper journalists, including editorial writers. Not uncommonly, these fields overlap with each other, so contacting key figures will have far-reaching effects. For instance, in the Detroit area, *Free Press* columnist Rochelle Riley also has a Sunday morning “crossfire” sort of show with a right-wing colleague. Cultivate relationships with these people. One seemingly insignificant talk show on local TV at 8 a.m. on Sunday morning will have thousands of regular viewers.

- *Find alternative and minority voices.* It may be useful to do outreach with African-American and other minority journalists, because they are more often willing to hear and listen to alternative voices.
- *Contact journalists who don't agree with you.* Contact journalists who seem open to your views first, but then move on to journalists whose work you do not generally judge to be positive. You can also reach out to their editors. You may find that your social/intellectual capital as a scholar makes these journalists open to listening to you.
- *Commend journalists for good work.* Praising journalists when they do something well is a good way to start a relationship with a journalist. If you are interested in developing a relationship, commending a journalist for an article might make that journalist open to meeting in person and talking at greater length about wider issues. Especially if a journalist has faced criticism on other fronts, an embattled journalist may take advantage of a meeting with you to begin to collect approving voices and opinions. This is a truly golden opportunity to build contacts.
- *Meet journalists in person.* Make every effort to set up an actual “sit-down” meeting with individual journalists and TV personalities. Try to meet with one of them at a time and consider bringing two or three faculty members. Frame these discussions as an opportunity for exchange from which both parties can benefit. Try also to plug these journalists into the sorts of “scholarly” programming that take place on campus.

During a Crisis

Many journalists said that they thought their organization would be interested in stories of academics being harassed, especially if the incident in question is framed as an example of a broader phenomenon. Journalists are always looking for a story and a new angle. Approach journalists prepared with both.

If you are trying to attract the attention of a journalist because of a problem that you are facing, and you do not have a good contact with an appropriate journalist, try asking a trusted colleague to make the first call to a journalist. This colleague is not at the center of the crisis, and thus will seem more “neutral,” but will still have the authority of a faculty member.

Whether you are the scholar in crisis or you are speaking in support of a colleague, to successfully deal with the media, you must prepare before you pick up the phone.

To prepare a media strategy:

- *Select a media organization and a journalist appropriate for the story.* Do research on journalists and media organizations, and select a journalist to contact that you think will be open to your perspectives and interested in your story.

- *Research journalists.* If a journalist is contacting you, try to find out about the journalist before you speak to her. Look up a few past articles. Google the journalist. This is especially useful if the journalist is an editorial or feature writer. If you have a friend who knows this journalist, get that friend's take on her or him.
- *Frame the story.* Think of how to frame the entire story in terms of a narrative and values which will interest journalists and fit into public discussions. For example, you might say, "This strikes me as a real case of censorship, if nothing else."
- *Key data points.* In making this incident part of a larger narrative, offer three key data points. "This is one example, and it is especially worrisome because something else is also simultaneously happening elsewhere... This is an escalating problem, as we can see from the development of this institution." A reporter will be more likely to take this on if a) they don't have to start from the ground up, and b) if you, the source, understands what a story looks like.
- *Have sound bites ready.* Think preemptively about the questions the journalist will ask, and have pithy quotes and pieces of information prepared. Make sure the quotes are clear, not jargon, and speak directly to the narrative frame you have identified.
- *Anticipate.* Have a larger media strategy ready. Have op-ed articles, letters to the editor, and responses to backlash prepared. Gather a list of other people who would be willing to talk to the media or write letters on behalf of the issue. Make sure these people will appear credible to journalists. Talk to them about the angle you are trying to promote, and encourage them to stay "on message." Share with them the tips from this handbook.
- *Invite journalists to key events.* If you are having any events relevant to the case – speaking symposia, protests, workshops, etc. – invite the journalists to these activities. It is easier for journalists to cover events than issues. At these events, you might designate a few key (and prepared) people to speak to the press, and urge others to refer journalists to these people.

Editorials

- *Attract the attention of a columnist.* One option is to use the above tips to get the story to a sympathetic columnist. In op-eds, journalists can be less concerned about "balance" and might be able to take a stronger stance on your behalf.
- *Collect your own op-eds.* If you can get op-ed space in an educational publication or in a local or university paper, you might choose a prominent figure who supports you or your issue to author the piece, even if you do a lot of the writing. Think carefully about who would be a big name well positioned to publish the piece.

During your conversation with a journalist:

- *Be flexible.* Be sensitive to the schedule of the journalist. If you know when the journalist has a deadline, do not call on the day or the hour of that deadline. Be open to calling back if you call at a busy time. Ask, “Is now a good time?” “Do you have five minutes?” or “Can we set up a good time to talk?” This will give the journalist more time to listen to you.
- *Use the journalist as a resource.* If the journalist you contact says this is not her beat, or she is busy, say, “I understand. So, if you were in my shoes, who would you consider calling for this kind of a story?”
- *Set the guidelines for your interaction.* Stay in control of how your words will be used. You can specify what statements you want quoted, and what you want “off-the-record.” Off-the-record statements can be used as context, but will not be directly quoted or attributed to you. Making statements off-the-record can be a good way of giving journalists context, background, and your interpretation of a story.
- *Appear neutral when possible.* Especially if you are giving a journalist the first tip on a story, and you are posed as the “neutral” outsider, do not emphasize that you are affiliated with political organizations. Be honest about your identity, but focus on your credibility as an expert in your field.
- *Speak journalists’ language.* When you are talking to a journalist, keep in mind their imperative for objectivity, and make yourself into an ideal source:
 - a. Try to show that you are trustworthy and unemotional.
 - b. Communicate that you understand the concerns of all parties.
 - c. Try not to use polarizing or overly ideological language.
 - d. Offer clear and simple pieces of information that can be verified.
 - e. If you are not involved in the conflict, you might be able to speak from both sides: “I don’t get involved in politics, but it strikes me as a troubling crossing of a line, when outside organizations are stoking the flames on campus. There are a lot of professors worried about this. I don’t know much about these organizations, but they have a specific agenda.”
- *Use email when appropriate.* A journalist might ask you for an email if she is busy. Emails can help you to choose your words carefully.

After you speak to a journalist:

- *Make your own media archive.* Keep a copy of all media coverage of the issue, and evaluate how both you and the journalist handled the issue each time. Which sound bites worked? Which were unclear? What points did the journalist gravitate to? This will help you improve your media skills, and choose the right journalist to contact in the future.

- *Give positive feedback.* Remember to praise journalists who cover your perspective well, whether or not they quoted you. This may lead to more productive conversations with this journalist in the future.
- *Invite journalists to follow-up events.*

Tips on Working with Different Kinds of Media

When you are choosing which kind of media might be most useful to your case, consider the range and scope of a particular media outlet.

- *Student newspapers:* You might consider starting small by getting something in the student paper. Be tactical: Approach organizations sympathetic with your view, like student organizations, local groups, or local advocates. Then write an op-ed for the student paper, and submit it to a sympathetic editor. When that article comes out, be ready. Have supporters write letters to the editor in response to the op-ed, even before opposition letters arrive. If the opposite side mobilizes, they will be on the defensive and be behind the curve. It is also important to choose your venue carefully. Know about the profile of the newspaper you are contacting: Is it a top campus newspaper, read widely at the university? Do professors often publish in this paper? According to some people's experiences, deans and administrators may find it unprofessional for professors to approach student newspapers as an avenue for debate, because on some campuses they are a voice and venue of students, rather than professors.
- *Local newspapers:* Most local papers are not going to approach freedom of speech issues related to the Middle East unless it's in Detroit or somewhere with a large Muslim population, or unless you find a way to get the media interested. Find someone in the area, a known progressive, and see if they are game to help get the story in the media. Find well-organized organizations – whether ethnic associations, religious organizations, political groups, or student groups – and find out if they have connections to the local media. For example, if there is a local progressive leader, like Cynthia McKinney in Georgia, call that person's office and say, "I'm just calling to let you know there's a worrisome situation of censorship starting to unfold, to let you know this is happening, in case calls come your way, would you put out a press release in support of academic freedom." Ask this figure for advice about who else to contact, and what media might be useful.
- *Alternative media:* These venues might be easier to access, and they can help create a buzz that will move your issue into bigger media forms. These venues may also be more experienced in covering these kinds of issues. Of course, be aware of how stories move, and that a quote given to an activist media might be taken into different contexts and sound more inflammatory. Try to use non-jargon. Do not use polarizing terms when you are offering on-the-record quotes – and, again, be clear about when you are on- or off-the-record!

- *National media:* Go national when there is a sustained tar and feathering campaign, especially at a bigger or nationally known university. Be ready for antagonistic national organizations to launch an opposing campaign.

Pedagogical Issues and Resources

Recent threats to academic freedom often rest on the largely erroneous claim that college classrooms are bastions of liberal bias in which conservative students are denied their academic freedom. In fact, while university academics across *all* fields, from the humanities to the hard sciences, tend to be more liberal than members of some other professions, this does not mean that there is bias, or that hiring and tenure decisions are based on political considerations. Moreover, as in other professions in which there may be disproportionate numbers of progressives, like journalists, a shared conception of professional standards generally sets limits for how an individual's politics emerge in practice. Nonetheless, there are local and national organizations that now encourage (and sometimes pay) students to report on faculty members who include in their teaching non-conservative viewpoints, especially regarding the Middle East and U.S. foreign policy, but also about issues like affirmative action and Supreme Court appointments. Faculty members may also have their syllabi and teaching methods scrutinized by other faculty members, administrators, and trustees. Meanwhile, professors are increasingly encountering students who express their viewpoints in a hostile manner, sometimes targetting the teacher or other students in the class, and creating a poisonous environment not conducive to the free exchange of ideas.

Our research has suggested that many (especially untenured) professors sometimes respond to these developments by avoiding teaching and discussion of controversial issues altogether, or by self-censoring their coverage of these issues in the classroom. Clearly, if we are to fulfill our educational mission to impart to our students the spirit of critical inquiry and the importance of sound argument and scholarship, avoidance and self-censorship are not sound pedagogical strategies.

In this climate, then, how can we do the educational job that we are entrusted to do? Here is some concrete advice on how to prevent and manage threats to your classroom and pedagogical practice.

Preparing To Teach: Before Entering the Classroom

- *Know your university's policies on academic freedom and on student conduct.* Find and keep a copy of your institution's policy on academic freedom. If your university does not have a policy in print, use the AAUP's 1940 Statement of Principles on Academic Freedom and Tenure which you can find at: <http://www.aaup.org/statements/Redbook/1940stat.htm>.

Find and keep a copy of your institution's code of student conduct. This code of conduct might also be referred to as a "code of academic conduct" or an "academic honor code." In most cases it is set up to regulate students' behavior and student/professor interactions both inside and outside the classroom.

- *Draw up classroom guidelines.* It is *extremely* important that you set the proper tone for your classes at the beginning of each semester. Therefore, before you enter the classroom, you should consider drawing up very specific guidelines for class participation and discussion, with the codes of conduct in mind. Our research strongly suggests that reminding students of what constitutes proper and productive classroom participation goes a long way towards avoiding unconstructive behavior later on. Informing students of the system they are functioning in is usually helpful in making them realize that the college classroom is about the constructive debating of ideas. You can remind them that this is how learning takes place. For suggestions on specific classroom guidelines see the “In the Classroom” section below.
- *Prepare preventative syllabi.* Consider articulating the standards for debate and academic freedom in your syllabi by making use of authoritative texts on these subjects. Such texts might include relevant sections of the academic freedom policy, statements on what constitutes academic dishonesty, sections of an academic honor code, and statements on how discussion will be run, including on the presentation of dissenting views. Our research suggests that it is constructive to clearly inform students of your expectations and the conventions of the system in which they are functioning. These guidelines, set in print, help students remember that the ideal college classroom is a place for debates, disagreement, and controversy in relation to the topics of the class and with cultivated respect among students and instructors. You might also have students and instructors sign an agreement that all are bound by these policies as a prerequisite to joining the class.
- *Class recordings.* Decide ahead of time how you will handle the issue of students’ desires to record your classes. Be prepared with an answer when students make such a request. You may wish to make a general announcement about recording on the first day of class or on the syllabus. Our research has found that some students surreptitiously record classes for the purposes of informing a third party. If you discover that your classes were recorded without your permission, you should have a prepared response. You should check with the regulations on recording at your institution (if they have any). Many universities require that a person obtain each student’s permission in order to record. You should also check state regulations, because in some states recording without permission is illegal.

If you know you will be teaching in a particularly hostile environment, or are teaching a particularly sensitive issue, you yourself might want to record your classes so that you have a record of exactly what was said, in case of future problems. This can be helpful if you are accused of supporting terrorism or racism for example. Often the accusers twist faculty members’ words, and a recording gives you the tools to set the facts straight. If you do decide to record, be very sure that you understand your institution’s and state’s guidelines about recording classes and obtain students’ permission if necessary.

- *Classroom material selection.* Increasingly, students, other faculty members, and administrators are questioning the contents of our syllabi. You should be prepared ahead of time to answer questions about your choice of classroom materials from these parties,

particularly if you are introducing any material that could be regarded as controversial. You may be called upon to defend why a reading is pedagogically useful and not propaganda.

When teaching controversial subjects, assess whether your attempts to introduce scholarly disagreement would be recognizable as such to the lay public. You may wish to consider including readings that would be more obviously understood by non-experts as representative of different viewpoints, and/or to highlight on the syllabus the fact that these are different viewpoints.

In the Classroom: Setting the Tone

- The tone you set on the first day of class is extremely important. You should establish a safe and open atmosphere. Let students know that they are welcome to express their views, but that there are certain parameters that must be respected.
- Communicate to your students your rules for classroom conduct, and highlight them on the syllabus if you have chosen to include them there. Mention the institution's codes of student conduct or academic freedom as well.
- Make it clear that you welcome the free exchange of ideas as long as the rules of civility in the classroom are maintained. Specify exactly what sort of behaviors constitute civility and are acceptable and which are not. For example, asking a brief question during lecture is acceptable, whereas snickering or interrupting the professor by blurting out a nasty editorial comment is not. Politely disagreeing with or raising questions about points raised by the instructor or another student during discussion is acceptable, but denigrating others through personal remarks is not. Emphasize that students may disagree with each others' views only through solid scholarly argumentation and mutual respect, and that inflammatory language will not be tolerated. You should also be very specific about the actions you will take in cases where your policies are not adhered to. These actions can include extra assignments, dismissal of a particular student or class section, or notification of university authorities.
- Consider stressing to your students that one of your goals as an instructor is to teach them how to think, write, and speak in a scholarly manner. This necessarily involves disagreement and debate, but these must be backed up by solid argumentation and, where possible, reference to scholarly sources. Explain the difference between a scholarly argument and a personal opinion, and emphasize that all class contributions should be relevant to the course material. Consider defining for your students what "thinking critically" means and tell them that they are welcome to question each other and the professor in order to come up with better questions and answers to the problems being discussed. By inviting students to critique everything, there is no basis for complaints of indoctrination. Furthermore, this means that the professor does not have to do all the critiquing. If a student says something unreasonable, other students are then trained to deal with the situation.

- You may have to remind students of these points throughout the semester.
- Be aware of the ways that certain topics could be construed as outside the purview of the class that you are teaching, and be ready to explain to students the topics' relevance to larger course themes.
- Off-the-cuff remarks or jokes can make classes interesting and can engage the creativity of you and your students. However, be aware that these remarks must also meet standards you have set regarding respectful and critical academic discussions.
- Be prepared to keep a record of every difficulty that might occur with particularly problematic students, in case you need to defend yourself later on.

Helpful Teaching Techniques

- When teaching controversial subjects, it can be helpful to introduce the discussion by acknowledging that students may have widely divergent views of the subject and that it is important to respect others' opinions while debating them in a solid scholarly manner. When closing a discussion, you might consider encouraging students to continue to explore the differences that remain through constructive dialogue within and outside of class, as well as taking advantage of outside events on the topic.
- When teaching controversial subjects, it can be helpful to have students do small group discussions either in lieu of a larger class discussion, or before or after class discussion. This can help to take some of the pressure off of you, and can also be a good way of keeping students from one ideological "camp" from dominating discussion of the issue.
- You may wish to set up a formal debate of an issue. Debates are a good way to air multiple perspectives in the classroom, to ensure that one "side" does not dominate, and to teach students how to build constructive arguments. You might want to set up "ground rules" for the debate ahead of time, perhaps in consultation with the students. To reinforce the idea that learning is about good scholarly argumentation and not ideology, consider assigning them the perspective that they will argue from ahead of time so that they can prepare sound points. It can also be very helpful to have students argue from a position which is contrary to the one that they personally hold.
- You can also use the tool of the "round" which involves posing a guiding question and going around the room and giving each student a chance to speak without interruption, within a certain time limit. Then the floor can be opened up for general discussion. This is a good way to vent as many perspectives as possible while also ensuring that the discussion is not dominated by anyone.

- You can also give students a few moments to jot down their thoughts on a particular reading/question/issue before sharing them. This technique can be used on its own preceding an open discussion or in combination with the “round” technique discussed above.

Handling “Hot Moments” in the Classroom

General Suggestions

- *Take a break.* Take a moment to collect your thoughts and breathe deeply, because you are not likely to respond in a pedagogically useful manner if your adrenaline is elevated. Give the class a brief break if possible. A pause sends the signal that you take the issue seriously, and will give students time to reflect on the issues raised. You might preface the brief pause by asking everyone to think for a moment about what just happened. If you find it impossible to collect your thoughts, tell the students that this is an important issue that you will introduce into discussion another day. This gives you ample time to prepare.
- *Do not ignore problems.* Do not ignore inappropriate comments or behavior, because this can send the message to other students that such comments are “okay” and could thereby increase student misbehavior and/or make students feel unsafe. If the comment or behavior violates your rules of conduct, respond in the way that you said you would at the beginning of the semester. At the same time, recognize that a potential for learning may exist in some such situations. At your discretion, instead of pouncing on the student, you can put their comment in its larger context and ask other students for their views on it. (e.g., “Many people say such things. What might be the reasons that they do so? What are the possible critiques of such statements?”)
- *Do not personalize remarks.* Try not to take remarks personally, even when they come as personal attacks. Such attacks are most likely made against you in your role as teacher or authority figure. Remember that both you and the group will be better served if you can keep some distance from the comments and find ways to use them to enhance student understanding.
- *Avoid attacking the offending student personally.* Although you may be tempted to harshly criticize a student who makes a statement that is personally offensive to you, this is not the best strategy. Doing so sends the message to other students that dissenting views will not be tolerated, and you fail to capitalize on the moment pedagogically.
- *Remember the other students.* You do not want to focus all of your energies on one or two disruptive students, because it will drain you and rob the other students of their education. Try to deal with the problem and move on.
- *Refocus discussion.* Always be sure to bring discussion back on track with reference to the topic/readings of the day, and (if necessary) with reference to the code of conduct. If

you have lost control of the class, you can have the students briefly write down what the focus of the discussion should be and what was learned from the “hot moment” and then go around the room and have them read their responses. This takes the pressure off of you and helps them learn to manage conflict.

- *Assign additional reading or writing.* You may consider assigning an additional reading or writing assignment that enables students to learn more about, and reflect on, the disagreement at hand.
- *Keep a record.* As mentioned above, it is wise to keep a written record of everything that occurred in the “hot moment” (including what you said and did) in case problems arise later on.

Sample Scenarios

1. A student accuses you of bias in your teaching.

Objections to the readings we assign, the terminology that we use, or the narratives we present to our students are a common occupational hazard of teaching. It is important to try and confront such accusations productively by turning them into teaching moments.

*Ask the student to clarify exactly what are the ways in which they think you, your terminology, or your readings are biased.

*Take the issue off of yourself and put it on the table as a general topic of discussion.

Examples:

If a student objects to your use of the term “occupation,” ask the other students to draw on their course materials or other sources to discuss who uses this terminology and why, and who objects to it and why. Provide examples of alternative terminology (for example “disputed territories”) and ask students to reflect on what political claims are contained in the use of particular language.

If a student objects to a reading, ask students to discuss the perspectives contained in that reading, why the reading might be useful and what its limitations are.

*Do not shy away from defending your own choices in a non-confrontational, non-personalized manner. This is often most effectively done by referring to your own expertise and training, which re-establishes you as an authority.

*If the student is especially disruptive or disrespectful in the way they confront you, have a talk with them after class about their behavior. Make it clear that the issue is not a dissenting viewpoint or a difference in political opinion, but the way in which that viewpoint was expressed. Refer to existing guidelines for conduct in the classroom. Make a notation for yourself about the conversation so that you have a paper trail if issues arise later on.

2. You have a student who makes an off-topic outburst in the middle of discussion or your lecture.

*Acknowledge the concern of the student who raised the issue and also point out that everyone in the room has individual responses and concerns.

*Decide whether you are ready and willing to engage with this topic now. If not, you might turn it into a writing assignment.

*Get a quick sense from the class if others would like to devote time to sharing views. If you do pursue a discussion, set a time frame. Alternatively, you could schedule a discussion for a later class and suggest ways that students could prepare for it.

*If a discussion seems inappropriate, or other students resist having a discussion on the spot, point out the available forums on campus and encourage students to attend them, stay informed, and share their concerns.

*If you are unable to find a workable position in the moment, defer. Tell students that this is an important issue and that you will take it up at a later time. You then have time to plan strategies. This approach lets all the students in the room know that you take such occurrences seriously.

3. A student argues with you incessantly and when you attempt to deal with the behavior, s/he complains that you are silencing him or her.

*If a student insists that you are not “allowing him his opinion” (or her opinion) when you disagree with or challenge a statement she/he has made, point out that you disagree because the statement does not correlate well with the session’s material or because the student has not backed their statement up with reference to course materials. Then give them a chance to defend their statement in a scholarly manner.

*If the student begins to disrupt the discussion or the lecture, offer to talk privately after class or during office hours. If a student persistently disrupts and/or refuses to postpone a disagreement until after class or office hours and there is a danger that the class is becoming derailed, remain calm and consider giving the class a five minute break and/or speaking with the student in the hallway.

*Make apparent your willingness to discuss the issue calmly, but do not continue trying to reason with a student who is highly agitated. If you remain calm in the presence of the group, the student may soon become cooperative again. In an extreme case, you may have to ask the student to leave the classroom, or even dismiss the section. Seek to make your response as calm as possible and avoid making an issue out of the incident.

4. A student makes a stereotypical remark about Arabs, Muslims, Jews, Christians, Republicans, women, etc.

* Take the issue off the student who has made the offensive remark and put it on the table as a topic for general discussion. Say something like: “Many people think this way. Why do they hold such views? What are their reasons?” and then, “Why do those who disagree hold other views?” This protects the student while also encouraging others who disagree to understand a view they dislike and then to argue their position later.

*Remind students of the code of student conduct and how it involves mutual respect. Remind them that it is their job to seek to understand each others’ perspectives, as a prerequisite to understanding the subject at all. Ask them to listen carefully to the other point of view, to ask questions, and then to be able to restate that point of view.

*Ask students to link the stereotyping of the particular group to stereotypes of other groups, helping them to see the broader picture.

*Ask students to write about the issue, either in class, as a reflective and hopefully calming exercise followed by discussion, or outside of class. You can ask them to do some more research or reading on the subject and write a more balanced essay.

* Ask students to step back and reflect upon what they might learn from this moment. This can move the discussion to a level that helps everyone see what issues have been at stake and what the clash itself might mean.

*If the student persists in making offensive remarks, speak to them outside of class and tell them that their behavior is unacceptable. If necessary, notify a higher authority such as a chair or the dean of students.

Extreme Cases

By following the advice above, you should be able to diffuse most problems that arise in the classroom. However, an extreme case may arise that you cannot handle on your own. If this happens and you have not been keeping a record of events, start keeping one immediately. If your attempts to deal with uncivil or disruptive students fail, you may consider having your chair speak to the student. Depending on your “read” of your institution (see “University Resources”) you might consider informing the Dean of Students, the chair of their major department, or some kind of other mediator of the disruptive behavior. However, keep in mind that some of our interviewees argued that when the attacks are very minor, or are completely outrageous, bringing the case before a third party only emboldens the student and gives credence to the attack. It is up to you to decide which classroom problems are best dealt with by you, and when to bring in a third party. Asking a more senior colleague for advice can often be very helpful. In very extreme cases you can consider filing a harassment or defamation lawsuit. For more information on this option, see the legal section of this handbook.

Appendix: Bibliographic Resources

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