

# Alleged Incivility at Purdue-Calumet Tests the Limits of Academic Freedom

The Chronicle of Higher Education, May 16, 2014

Maurice M. Eisenstein, an outspoken associate professor of political science, is at the center of a debate at Purdue U.-Calumet over where to draw the line between protected speech and harassment.

By Peter Schmidt

This much can be said for Maurice M. Eisenstein, a tenured associate professor of political science at Purdue University-Calumet: No one on the campus faults him for failing to speak his mind.

His sharp-tongued candor, however, is being viewed by many people there mainly as a problem, leading to formal reprimands against him and debates over where administrators should draw the line between protected speech and outright harassment.

He has, for example, characterized Muslims as believing the earth is flat, and has denounced a fellow faculty member as having been put under an Orthodox Jewish curse. A university investigation—the results of which Mr. Eisenstein is challenging—determined that he once expressed his antipathy toward another professor by telling her, "Now I know why your son committed suicide."

Mr. Eisenstein published an especially sharp attack on his blog last year against Yahya R. Kamalipour, a professor of communication and director of Calumet's Center for Global Studies. He called Mr. Kamalipour, a native of Iran, "a justifier of Islamic hatred and death squads" who enjoys the support of "most anti-American Iranians" and defends Iran's executions of gay and lesbian people, even while counting such people as "most of his American supporters."

That blog post has been repudiated by the campus's Faculty Senate and has led to a formal rebuke of Mr. Eisenstein by students. In a resolution adopted last month and submitted to the Faculty Senate last week, the Student Government of Purdue University-Calumet condemned the blog post as containing "baseless and malign statements" that "completely fail to serve as an example of acceptable behavior."

Mr. Eisenstein says the comments for which he is being disciplined and denounced are protected under the First Amendment, and he is challenging his public institution's two reprimands of him in a lawsuit in Indiana state court. The case is set to go to trial next year.

His detractors on the campus are attacking him, he says, because "I am more conservative than they are, and I am willing to speak openly about issues I don't agree with."

His critics, however, allege that Mr. Eisenstein is driving away students and making life miserable for his fellow faculty members. "Not only has he created this sort of poisonous climate for me, but other colleagues," Mr. Kamalipour says.

The communication professor, who is now looking for a tenured position elsewhere, says Mr. Eisenstein's blog post has hurt his job search because "he has put a question mark on my name."

### **Clashing Values**

Mr. Eisenstein's lawsuit, which names the university's leadership and several individual faculty members as defendants, accuses his campus's administration of denying him due process and the faculty members of conspiring to smear his reputation "by making false and unfounded allegations of harassment and inappropriate teaching methodologies." The lawsuit hinges largely on the question of whether statements made by Mr. Eisenstein did, in fact, violate university policy and merit a reprimand.

Purdue University's antiharassment policy commits it to fostering "tolerance, sensitivity, understanding, and mutual respect." It prohibits various forms of discrimination, including discrimination based on religion or national origin, and it holds that the maintenance of mutually respectful behavior is "a precondition for the vigorous exchange of ideas."

At the same time, however, the policy reaffirms the university's commitment to academic freedom and specifically exempts any form of speech or conduct covered by the First Amendment. The Foundation for Individual Rights in Education, a free-speech advocacy group to which Mr. Eisenstein has appealed for assistance, has argued in letters to the university that antidiscrimination law does not establish some sort of workplace code of conduct that protects people from someone else's bad manners, antipathy, or petty slights.

David P. Nalbone, an associate professor of psychology and president of Purdue University Calumet's chapter of the American Association of University Professors, describes the controversy over Mr. Eisenstein as "a clash between two things we value a lot, which is freedom of speech and a sense of civility on campus." The national office of the AAUP looked into the dispute without taking a stand on one side or the other.

Mr. Eisenstein characterizes himself as a libertarian champion of free and open debate, even if it leaves some people saying they are offended. "People can say what they like to say," he says. "The people who want civility are always the people in power."

The political-science professor's legal battle with the university dates to November 2011, when he responded to the killings of more than 60 Christians in Nigeria by the radical Muslim group Boko Haram with a Facebook post that said: "Where are the 'moderate' Muslims' reaction to this? Oh, I forgot they are still looking at the earth as flat according to the idiot Mohammad, may his name be cursed, so this could not have happened."

Students responded by protesting Mr. Eisenstein's remarks. At a forum held in response to the incident, several students complained that Mr. Eisenstein had criticized Muslims in offensive

terms in the classroom. The Purdue University-Calumet Muslim Student Association, individual students, and faculty members filed nine harassment complaints against him over his Facebook posts or his alleged classroom remarks.

Mr. Eisenstein was subsequently accused of retaliation by two of the faculty members who had filed complaints against him. One was the faculty member who said he had greeted her on the campus with a remark faulting her for her son's suicide—a conversation Mr. Eisenstein denies ever having had.

The other faculty member was someone whom Mr. Eisenstein, in an email to two colleagues in the local Jewish Federation chapter, had disavowed and described as literally cursed. "My mother cursed him before her death (a true Orthodox curse). He knows why," Mr. Eisenstein wrote.

Mr. Eisenstein refused to associate with the faculty member or to accept messages to his personal email account from the person. "I consider anything from him to be in and of itself cursed and therefore untouchable," Mr. Eisenstein said in his email to the federation members.

The campus's administration cleared Mr. Eisenstein of the nine harassment allegations over his remarks about Muslims but reprimanded him for his remarks to the two professors who had filed retaliation complaints.

Mr. Eisenstein appealed the reprimands. In response, Alysia Christmas Rollock, Purdue University's vice president for ethics and compliance, wrote that "a preponderance of evidence" supports the allegation that Mr. Eisenstein made the remark about a suicide. Her letter called the remark "an overt act of reprisal" that did not qualify for First Amendment protection because it did not pertain to any matter of public interest.

The Foundation for Individual Rights in Education protested the administration's decision to reprimand Mr. Eisenstein in a letter to the campus's chancellor, Thomas L. Keon. "As a practical matter," the group wrote, "it is unreasonable to prohibit Eisenstein from expressing his frustration with fellow employees who have leveled unfounded charges of discriminatory harassment against him."

### **Countering Claims**

The origins of Mr. Eisenstein's dispute with Mr. Kamalipour are unclear. Neither says he has ever had a conversation with the other, even though each has worked there more than 20 years.

Seemingly out of the blue, Mr. Eisenstein published a blog post last June that was titled, "Purdue Professor Yahya R. Kamalipour—How Anti-American?" In it, he accused Mr. Kamalipour of using Indiana tax dollars to maintain a relationship with Tehran University, which Mr. Kamalipour denies. Mr. Eisenstein also argued that Mr. Kamalipour advances himself "on the backs of oppressed" and said, "He would seem to be a supporter of the misogynistic beliefs of Islam. He never says otherwise."

Mr. Eisenstein closed his blog post by saying, "It is time that Hoosier taxpayers informed Purdue University that there is a limit to anti-American behavior, even from academics."

On his own blog, Mr. Kamalipour denied Mr. Eisenstein's allegations and said they show how colleges need to update their harassment policies. Anyone can publish anything, regardless of factual basis, in the digital age, Mr. Kamalipour wrote.

Mr. Kamalipour filed a harassment complaint against Mr. Eisenstein in which he told administrators that the blog post had caused him emotional and psychological distress, created a hostile work environment, and hurt his efforts to find a new position. He asked that Mr. Eisenstein be ordered to remove the blog post and give assurance he would never again post about Mr. Kamalipour "either by name or through innuendos."

The complaint was dismissed by Chancellor Keon, who argued that Mr. Kamalipour's allegations, even if substantiated, would not constitute a violation of the university's antiharassment policy.

The Faculty Senate's resolution in response to the incident, passed last month by a secret vote of 21 to 7 with two abstentions, describes Mr. Kamalipour as "an eminent scholar and educator of impeccable international reputation" and the target of a "baseless" personal attack. It made no direct reference to Mr. Eisenstein.

The resolution's author, Colin D. Fewer, an associate professor of English and one of the faculty members who had complained about Mr. Eisenstein in 2011, said "people felt it was important to take a public stand of some kind." But the group opted not to name Mr. Eisenstein, given the professor's pending lawsuit.

The measure was adopted without any public debate, and Mr. Eisenstein called the fact that seven faculty members voted against it "a win."

The student government's resolution, passed by a 6-to-0 vote with one abstention, assails Mr. Eisenstein directly, arguing that his statements about Mr. Kamalipour "disgrace the essential aspects that characterize higher education, including but not limited to thinking critically, providing evidence in support of claims, and drawing logical conclusions from such evidence."

Adam H. Cooper, a senior who is the student government's president, says: "We want everybody to know that we do not approve of what happened and that we take notice of these sorts of things."

Source: [http://chronicle.com/article/Alleged-Incivility-at/146633/#disqus\\_thread](http://chronicle.com/article/Alleged-Incivility-at/146633/#disqus_thread)