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Ethnic Sensitivities Threaten Academic Freedom

By: Joe Murray , The Bulletin

A professor at Brandeis University, a prominent institution of higher education located in Waltham, Mass., was found guilty of racial harassment for using language Brandeis officials deemed offensive.

Brandeis officials, however, never informed Prof. Donald Hindley, a 50-year veteran in academia, exactly what words spurred the verdict, but Prof. Hindley suspects it was his use of "wetback" in his Latin American Politics course. Prof. Hindley was not provided a formal hearing and is now subject to classroom monitoring.

In the fall of 2007, Prof. Hindley explained to his class that Mexican migrants have sometimes been victims of racial discrimination and that the term "wetback" was a pejorative epithet historically associated with Mexicans. In 1954, when President Dwight D. Eisenhower undertook the prerogative of deporting over a million illegals, the maneuver was called "Operation Wetback."

Shortly after the lecture, a student complaint was passed on to Provost Marty Krauss and Director of Employment Jesse Simone. Abandoning Brandeis policy, which calls on administrators to mediate a peace, Ms. Simone began an extensive investigation in which Prof. Hindley was subjected to an interrogation but never told exactly why he was being investigated.

Despite keeping Prof. Hindley in the dark, Ms. Simone filed her report indicating he violated Brandeis' racial harassment policy. Examples of harassment included in the policy are "epithets or slurs based on an individual's or group's protected class status."

Prof. Hindley also received a letter from Mr. Krauss informing him, "The university will not tolerate inappropriate, racial and discriminatory conduct by members of its faculty." He was also threatened with termination and informed a monitor would be placed in his class.

The faculty at Brandeis rallied behind Prof. Hindley, calling on Mr. Krauss to withdraw his decision. The faculty also concluded the racial harassment policy had been abused. Civil rights advocates at the Philadelphia-based Foundation for Individual Rights in Education agreed.

"Brandeis' actions demonstrate a fundamental disregard for academic freedom and for fair, rational fact-finding procedures," stated Greg Lukianoff, president of the FIRE. The organization aided Prof. Hindley in his attempt to clear his name.

"Punishing him for actually criticizing the use of what is often considered an ethnic slur shows a mindless application of 'sensitivity at all costs' at the expense of freedom of expression," added Mr. Lukianoff.

Brandeis has an influential list of notable alumni, including CNN's Bill Schneider and a former aide to President Clinton, Sydney Blumenthal. It was named after Supreme Court Justice Louis Brandeis.

"Brandeis has a moral responsibility to live up to the reputation of its namesake, Supreme Court Justice and free speech champion Louis Brandeis, by apologizing to Prof. Hindley, withdrawing the provost's decision, clarifying its harassment policies and procedures and actually following them - as Brandeis' own faculty have demanded," concluded Adam Kissel, director of FIRE's Individual Rights Defense Program.

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