

August 5, 2009

via mail/email /fax

Mark Hamilton, President
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RE: Academic Freedom and the Case of Professor Richard Steiner

Dear President Hamilton,

I am writing you on behalf of Public Employees for Environmental Responsibility (PEER), a national service organization for public employees committed to protecting our environment, concerning one of your faculty (and one of our members) – Professor Richard Steiner. You may recall my February 13, 2009 letter to you regarding the hostile treatment of Professor Steiner by university administrators. Although we did not receive a reply to that letter, we have continued to monitor the Steiner case, as it has significant national implications.

We understand that the university has indeed followed through on its threat to terminate Professor Steiner's federal funding, an action which the written record unequivocally shows was taken because of his public comments (or "advocacy") regarding environmental issues in Alaska. In addition, the university has terminated Professor Steiner's office lease and is forcing him to relocate into an office that an investigative report by your administration found to be a hostile work environment.

We further understand that the faculty union at the university has filed several grievances on these issues and that lower administrative levels have denied the grievances. Thus, the Steiner grievance is now pending before you for your review and final decision.

We are well aware of your national reputation as a strong supporter of academic freedom and free speech. You have commented eloquently on the subject, and for this we commend you. As well, we understand that you will be retiring in the next few months. With the Steiner academic freedom case in front of you at the end of your university career, you now have a chance to clearly and unequivocally demonstrate your commitment to your professed ideals on this issue – to "walk your talk", as they say.

The University of Alaska has very strong, commendable policies that intend to protect faculty academic freedom, and in particular protect faculty from the sort of adverse action that Professor Steiner has suffered, as follow:

Regents Policy P02.01.07: Freedom of Speech

An environment of free and honest inquiry is essential to the functioning and the mission of the University. The Board of Regents and the University of Alaska therefore acknowledge, affirm, and espouse the right of freedom of speech as guaranteed in the Constitutions of the United States and the State of Alaska.

The essential purpose of the University of Alaska is to engage in the pursuit of truth, the advancement of learning and the dissemination of knowledge. To achieve this purpose, all members of the University of Alaska must be assured of the constitutionally protected right to question, speculate, and comment, as well as the right to criticize the University and society at large.

The University will not limit or abridge any individual's constitutional right to free speech. (06-07-06)

Collective Bargaining Agreement Article 6: Academic Freedom and Responsibility

The University and United Academics agree that academic freedom is essential to the mission of the University and that providing an environment of free and honest inquiry is essential to its functioning. Nothing contained in this agreement shall be construed to limit or abridge any individual's right to free speech or to infringe upon the academic freedom of any member of the University community.

The University of Alaska and United Academics endorse the "1940 Statement of the Principles on Academic Freedom and Tenure with 1970 Interpretive Comments," issued by the American Association of University Professors and the Association of American Colleges....

Set against these clear principles, it is inarguable that Professor Steiner's academic freedom has been violated. His dean notified him in December 2008 (posted on our website at http://www.peer.org/docs/noaa/02_10_09_Sea_Grant_e-mail.pdf) that his federal funding would be terminated because:

"Mr. Steiner regularly takes strong positions on matters of public debate. The NSGO (National Sea Grant Office) has asked that we not support such with federal dollars...."

The Dean's comments – which also criticized Professor Steiner for having "chosen to be a maverick and to work independently" – clearly highlight the violation of Professor Steiner's academic freedom.

The Dean's July 7, 2008 internal email (also posted on our website) further clarifies the violation here. In this email, he states the following:

“Jim Murray (the Deputy Director of the National Sea Grant Program) advised me that they have an ‘issue with Rick Steiner.’ They felt he was acting as an advocate and asked if he was being paid with Sea Grant funds. I told them that he received one month of salary from our Sea Grant grant. Jim expressed concern about this and stated that ‘one agent can cause problems nationally.’ The suggestion was made that he not be paid with Sea Grant funds.....they worry that his actions in Alaska could have negative implications nationally.....Professor Steiner is receiving one month salary from our Sea Grant grant, It will be my recommendation that Professor Steiner's salary not be included in the grant, and that he continue to receive his nine month salary from our Fund 1 budget as required by the CBA.”

We note that subsequent to our February 9, 2009 letter to the NOAA Administrator on this matter, NOAA reassigned Dr. Murray, removing him from any oversight responsibility for the Alaska Sea Grant Program. We applaud this action by NOAA.

Subsequently (April 2009), the university administration officially notified Professor Steiner that indeed his federal funding was to be terminated. After extensive media coverage on the Steiner case, your administrators attempted to mitigate their actions by providing additional state funds, but even this is clearly insufficient. The removal of Professor Steiner from the National Sea Grant Program and NOAA due specifically to his public comments is itself a clear violation of your own academic freedom policies. His public comments, advocacy or not, should be protected speech at your university, and no adverse action should be taken against any faculty for such.

The May 22, 2009 letter I received from the NOAA Assistant Administrator on the Steiner case stated the following:

“The ultimate decision of whether to continue a Sea Grant extension agent's affiliation with Sea Grant lies with the employing university.”

Thus, it is perfectly clear that the decision to take this adverse action against Professor Steiner rests with your university – not NOAA.

The American Association of University Professors (AAUP) defines academic freedom thusly:

“Academic freedom consists in the absence of, or protection from, such restraints or pressures as are designed to create in the minds of scholars (teachers, research workers, and students in colleges and universities) fears and anxieties that may inhibit them from freely studying and investigating whatever they are interested in, and from freely discussing, teaching, or publishing whatever opinions they have reached.”

It is obvious that Professor Steiner has been subjected to “pressures” that would quite reasonably in his mind “inhibit” him from further investigating, publishing and speaking in defense of marine resources from the operations of powerful commercial interests located in Alaska.

For a university that espouses the virtues of free speech, openness, and academic freedom, this situation is simply astonishing to us and should be entirely unacceptable to you. The Steiner case represents the first instance of which we are aware that a university faculty has had their federal grant funding terminated due specifically to their public comments. This action constitutes a clear violation of the academic freedom policies of your institution and is unprecedented nationally.

We at PEER wish to remind you of the national significance of your decision on the Steiner matter and PEER intends to publicize your decision regardless which way you rule.

The decision before you now is the last chance for the internal University of Alaska process to right this wrong. Even if the issue is resolved on Professor Steiner’s behalf at arbitration, the university will have missed its last opportunity to clear the deep doubts it has cast over its reputation on this issue. Clearly, we are expecting you to uphold the rights of faculty at your university to seek and teach the truth, without fear and without favor. A favorable ruling for Professor Steiner will uphold this honorable policy.

On the other hand, an adverse ruling (in support of previous decisions by your administrators) would demonstrate to us, and to the nation, that your commitment to this principle is more rhetorical than substantive, to the serious detriment of your otherwise notable academic legacy. Such an adverse decision in the Steiner case would leave an ominous cloud over all faculty members at your university, causing many to no longer feel comfortable speaking their truth, particularly if their truth may be contrary to the dominant political paradigm in Alaska. If that were to occur, then the public of your great state could no longer trust their university to tell it like they see it.

We realize Alaska exerts strong political pressures to muzzle people, such as Professor Steiner, who espouse a new view of environment and sustainability. But that is the very reason that faculty at your university should be protected from such pressures. This is, after all, what your academic freedom policy states.

As 18th century French philosopher Voltaire once famously said: “I do not agree with what you have to say, but I’ll defend to the death your right to say it.” President Hamilton, we do not ask you or other university administrators to necessarily agree with what Professor Steiner says (although many of us do), but we do expect you to defend his right to say it.

The choice now is yours and yours alone. Your legacy hangs, in large part, on your decision in the Steiner case. We will be watching, and will anxiously await your decision.

Sincerely,

Jeff Ruch
Executive Director, PEER

cc. Professor Richard Steiner