The Case of James Kilgore and the Decline of Faculty Rights

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I've spent significant time reflecting on the firing of University of Illinois professor and adjunct James Kilgore (Kilgore is frequent contributor to CounterPunch). The incident strikes me as symbolic of precisely what is wrong with higher education – the fundamental lack of rights among non-permanent university employees. There are other issues involved as well, no doubt, including the punitive nature of reactionary American cultural values, and the issue of redemption for past crimes and mistakes.

For those not familiar with this case, a brief background is in order. Kilgore was a popular adjunct professor at the University of Illinois, Champaign-Urbana, in the areas of Global Studies and African Studies. Kilgore's employment drew significant regional and national attention, due to his controversial background as a former member of the Symbionese Liberation Army, a leftist revolutionary group that existed during the early to mid-1970s, and was widely condemned for a number of bank robberies and murders. Kilgore later spent more than six years in prison in the 2000s (after being detained in South Africa after 27 years on the run) for his involvement in the SLA's 1975 bank robbery (in which he was an accomplice). Kilgore was eventually convicted of second-degree murder (associated with the shooting of a bank customer), fraud, and possession of an explosive weapon. While he had served as an hourly-paid instructor at U of I from 2011 to 2014, his background was subject to increased scrutiny after a series of stories appeared spotlighting the professor in a local community newspaper.

After the stories appeared in the local press, Kilgore was told by his supervisor (not in writing, but verbally) that his contract would not be renewed. He was given no explanation for the firing, and despite having excellent reviews and feedback on his job performance for the last four years, he is now facing unemployment.

I don't know anyone who would even try to defend Kilgore's past criminal actions. Instead, many have focused on the issue of academic freedom for an individual who sought redemption for his past mistakes. For example, in reference to Kilgore, U of I Associate Provost Robin Kaler reflected, "He does a great job. He's very well respected among students. He served his time in prison. He is very remorseful. He didn't do the [bank] shooting. He is a good example of someone who has been rehabilitated, if you believe in second chances and redemption, he's someone who helps prove that's the human thing to do. A child of the victim said he has served his time and

should be allowed to go on with his life." Whether Kaler's comments appeal to you, of course, will vary depending on your opinion of rehabilitation (and its value to society) for those who committed criminal acts, but seeking to repent.

My primary goal in this piece is not to explore contrasting philosophical positions on the importance of redemption and rehabilitation. The Kilgore case appeals to me in large part because of the damning lessons it teaches regarding the quality and integrity of higher education. These lessons demonstrate: 1. The perversion of higher education, as seen in administrators' transformation into politicians, rather than educational professionals; 2. The basic problem of a lack of workers' rights, especially for contingent faculty; 3. The travesty of attaching worker's occupational value to political factors, rather than qualifications and quality of performance; and 4. The problem of top-down control of decisions in higher education. These issues are worth exploring in greater detail in relation to the Kilgore case.

The Politicization of Higher Education

I have no doubt that it's always been the case that administrators have served in some capacity as defacto politicians. In previous decades, however, administrative tasks were shared in large part between professional administrators and faculty, ensuring that faculty voices were heard in higher education decisions. With the rapid growth in the number of administrators in higher education (relative to faculty hires), the system has been largely robbed of faculty input in many educational decisions. Administrators, historically, are not subject to the same tenure and union-based protections that many faculty throughout the U.S. enjoy. Furthermore, many administrators' views are careerist, rather than pedagogically driven. By this I mean that they often view their current positions as stepping-stones to future promotions or positions with upgraded titles and paychecks. In this setting, administrators are usually careful about what they say, who they support, and what they stand for (or fail to). To put it simply, administrators are incredibly risk-averse. They are politicians by another name.

I've joked with a number of faculty at institutions that I've worked within that pinning administrators down (in terms of getting them to accept personal responsibility for initiatives they introduce in academic settings) is a lot like trying to nail jello to the wall. Extreme effort is devoted to "shared governance" proposals that in reality are nothing more than top-down administrative orders, masquerading as "faculty supported" initiatives. In reality, these proposals come from the top down, and dissenting faculty are quickly identified as "trouble makers" for refusing to grant unqualified support. From my experiences, administrators rarely provide pedagogically driven decisions for changes in academic standards. The most common reason provided for academic standards changes is that schools are experiencing financial pressures from either state or national accreditation boards, or mandates from the national or state governments. I seldom recall hearing administrators cite academic rigor as a motivation for changing academic standards and rules that govern student class requirements and performance. Certainly I can't remember an administrator ever resisting any state or national agenda (for example, the introduction of performance-based funding) because it was harmful to educational quality. Administrative gutlessness is not surprising once one understands the fundamentally political nature of their jobs, which pressure them to serve at the pleasure of state and national government officials. Within this context, the Kilgore firing was predictable. At the first wind of bad press, administrators are quick to throw a convenient target or polarizing figure under the bus in order to ease community or larger political pressures.

As Kilgore reflects on his background, it's not as if U of I administrators were unaware of his history when he was first hired: "I fully disclosed my background to my employers at my first point of substantive employment in 2011. My supervisor was fully aware of my background and I asked her to inform the Dean of my background, which she did. This has never been in question." Recognizing this fact, it seems unconscionable to later use Kilgore's background as a motivation for firing. Do local newspapers (themselves responding to larger political pressures) now retain control over U of I's hiring and firing policies? If so, perhaps the school should formally announce this significant change to university firing guidelines. If the Kilgore firing is allowed to stand, it says a lot about how politicized universities have become.

The Decline of Faculty Rights

With the massive growth of adjuncts in higher education, many faculty no longer retain the most basic of rights to due process. The tenure process was created to provide these basic due process rights to professors, but most teachers no longer benefit from this protection, considering that adjuncts now account for more than half of faculty, compared to just 20 percent of faculty in 1970. Under the neoliberal values driving higher education, faculty are now seen as disposable people, to be discarded at the first sign of trouble or controversy. The reality of the matter with regard to the Kilgore firing is that there was zero transparency. When I asked what was the official reason given by the school and administrators was for releasing him, Kilgore told me: "No explanation. A review committee is currently meeting to determine whether my criminal background was adequately considered in the process of hiring me. Officially, I have not been dismissed or released but I have been told off the record that my

contracts will not be renewed. I have nothing in writing to this effect, but of course the statements by the Chairperson of the Board of Trustees make my rehiring, shall we say, unlikely." As Robin Kaler, the university's Provost and spokeswoman, reportedly explained, U of I is not actually required to provide adjunct faculty with reasons for why their contracts are allowed to expire without renewal. The lack of adjuncts' rights in higher education stands at the core of the travesty of the Kilgore firing. If Kilgore were granted a due process hearing, the school would have been forced to admit that the firing was for political, rather than professional or pedagogical reasons, and such a firing could at least be challenged in court as a wrongful termination (adjunct contracts, unlike tenure contracts, typically don't grant due process rights prior to firing). Unionization and tenure were created precisely to protect faculty for firings due to political pressures. With the decline of faculty unions and tenure, firing decisions can now be made due to political pressures, rather than based on educational performance concerns.

Decoupling Performance from Employment

Available evidence demonstrates that Kilgore's firing had nothing to do with lack of quality performance as an instructor. As Kilgore explained to me: "I have excellent reviews from the two departments where I have taught. Global Studies and Urban and Regional Planning. I made the excellent teachers' list for my teaching a class on Global Labor in the Fall of 2013 and have consistently had very good student evaluations. My performance review from the Center for African Studies where I have worked as an academic hourly since 2011 have also been excellent. My job performance has never been an issue raised by anyone at any point, even those who don't want me to be employed at the university."

With the decline of tenure and the politicization of administrators, it is not surprising that adjunct faculty are treated so terribly. Recalling my own experiences teaching at another state university (from 2005 through late 2009), I recall a disturbing discussion between myself, my department chair, and other non-tenured adjunct faculty in the wake of the 2008 financial collapse. Our chair, visibly distraught over the evisceration of state funding due to the economic recession, warned all contingent faculty that they should plan on finding new employment within the next year, since we would all likely be fired. The mass firing, he regrettably told us, had little to do with our performance as teachers, but was rather due to extreme budgetary pressures. State residents have decried growing budgetary pressures in recent years, although that did little to comfort us as we were handed our walking papers, in no part due to poor academic performance. In Kilgore's case, it's clear that his performance as a university employee was wholly divorced from the decision to end his employment. This reality violates a fundamental principle of fairness, in which individuals are supposed to be rewarded and punished in their jobs based on their level of competence, skill, and achievements (or lack thereof). If a university knowingly hires a faculty member with Kilgore's past (which he openly disclosed), the least it owes him under those circumstances is a fair assessment based on his academic performance.

Top-Down Control over Higher Education

James Kilgore's firing is disturbing to me personally because of what it says about who holds power in higher education. Certainly power is not shared between faculty, administrators, and students, but rather is concentrated at the top. If faculty or students had any say in the Kilgore case, his firing would not have been considered a foregone administrative conclusion. Numerous petitions have circulated since the Kilgore case began receiving media attention, disseminated by university students and faculty, and calling for Kilgore's reinstatement. From everything I have seen, these petitions have had little impact in terms of forcing a reconsideration of his firing. Certainly these petitions have done little to force U of I to rethink who holds power in the decision-making process over the evaluation of adjunct faculty. The lack of student and faculty influence in faculty evaluations is particularly sad considering these two groups are the glue that hold schools together. At the schools where I've taught, I've yet to hear a single student tell me that they look forward to a new semester because of the incredible professionalism and intellectual rigor of administrators. Administrative-student interaction is practically zero, and realistically teachers and students see administrators as peripheral (at best) to the learning process, if necessary at all. To put it even more bluntly, administrators have far more power over hiring and firing than they should considering their limited to non-existent contribution to educational quality.

James Kilgore warned that his firing "has grave implications for academic freedom, and I think it has grave implications for the employment prospects for people who have criminal backgrounds, felony convictions in particular." I would agree with these concerns, but also add that Kilgore's firing is disturbing because of what it says about who holds power in higher education. Those most relevant to the learning process – students and faculty – have little to no authority when it comes to most of the important decisions in colleges and universities. Administrators, who know nothing about teaching or what makes a good teacher, are wholly empowered to make decisions on faculty retention. It's not at all clear to me why this should be the case, especially in light of the lack of pedagogical background, knowledge, or expertise among administrators. Kilgore's evaluation should have been the subject of serious input on the part of the student and faculty communities – those most affected by the firing. Higher education institutions (especially with regard to faculty hiring and firing) need to be removed from the

pressures of politicization, and from short-term concerns with the institution's "image." The administrative fixation on corporate-style public relations is very much harmful to quality learning. Most importantly, adjunct faculty needs to step forward across the country and assert some basic rights that include due process protections from unfair termination. The quality of educational institutions is too important to be left to administrators and politicians – those with the weakest commitment to educational quality.