

Appendix Table C: Examples of eight pretexts used to justify violations of academic freedom  
 (Accompanies "Academic freedom as lived experience," in press, *Personality and Individual Differences*)

Pretext 1	Sub-standard scholarship		
1a	UD African-American Coalition	"We also believe that there is a concerted effort on the part of some researchers funded by the Pioneer Fund to circumvent the process of scholarly [sic] peer review and distribute prematurely their half-baked research. We believe this is a dishonest and reckless process that also runs counter to the University's goal of developing and disseminating 'scholarship', in the best sense of the word."	Cover letter to Research Committee, 1/30/90, p.1 of Attachment 1.5.2.13
1b	Department P&T committee	"One problem we find with the quality of her work is her tendency to dismiss, or ignore, without adequate analysis, results and opinions that disagree with her own....A second problem is that we cannot find in her work, particularly since 1986, sufficient original contributions to merit promotion to full professor....A third, and perhaps more serious problem, concerns a recent tendency to misrepresent the positions of others whom she critiques."	Committee's (unsigned) negative promotion recommendation, 11/6/89, pp.2-3 of Attachment 2.1.2.8 (also Attachment 3.1.1.6)
1c	Department Chair	"While Dr. Gottfredson and her co-author certainly have the right (and perhaps the obligation) to raise the kinds of questions they did in their [race-norming] manuscripts, some aspects of their manuscripts trouble me, for example: (1) their 'worst case interpretation' of selected text fragments taken out of context..., (2) the heavily value-laden language employed (e.g., the label 'quasi-Marxist'), (3) the pre-conceived rejection of any referral mechanism which differs from their preferred one..., and (4) the implication that the panel's primary goal at the outset was to undermine the very foundations of our political-social-economic system regardless of the consequences to society or to the credibility of the scientific enterprise. While these pieces may ultimately contribute to a national debate on personnel referral policies and practices, I find it difficult to accept that the two manuscripts [in question] as exemplars of high quality scholarship."	Chair's negative promotion recommendation, 1/24/90, pp.3-4 of Attachment 2.1.2.12 (also Attachment 3.1.1.9)

1d	College of Education Dean	<p>"To be sure, these papers [on race-norming] have attributes of scholarly work insofar as they are published in juried journals and insofar as the editor of the journal has invited critical responses to them. They display many of the characteristics of scholarly writing that are mentioned in the departmental guidelines (pp. 3-4), <b>but</b> they do not give any sign that matters taken up in the paper are in fact more complicated than the paper leads the reader -- especially the non-specialist reader -- to believe. Some points from the one negative external reviewer, the 'in press' reactions to one of the papers, and the conclusions of the Department Committee speak to the ways in which these papers fail to give a balanced and fair picture of the issues each addresses... Admittedly, they are written for a non-specialist audience and to that extent they must simplify some complex ideas, particularly some critical and difficult technical features....The papers with Jan Blits could not be said to contribute to or advance the scholarly literature in the field, and in this sense they have more the character of a book review or a column</p>	<p>Dean's positive promotion recommendation, 2/19/90, pp.3-4 of Attachment 2.1.2.18</p>
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**Pretext 2 Dangerous scholarship**

2a	UD African-American Coalition	<p>"It is dangerous, irresponsible and unethical for a social scientist to postulate a causal relationship between the IQ of African-Americans and crime, at a time in our nation, when the 'Willie Horton campaign strategy' turns a 19-point opinion poll deficit into a 10-point lead and when merely accusing a black person of a crime, sends police on a search and round-up in the black community!"</p>	<p>Statement filed with Research Committee, 1/30/90, p.13 of Attachment 1.5.2.13</p>
2b	Senior member of Department's P&T committee	<p>"I feel obligated to respond to one extremely misleading argument made [by Gottfredson about the Pioneer Fund]....It appears that each attempt to defend the Pioneer Fund reveals yet another one of their associations with bigotry and right-wing anti-humanitarianism. If nothing else is gained from these defenses, at least we are learning to identify the major threats to civil liberties in America."</p>	<p>12/6/89 letter to UD affirmative action officer Wittington, Attachment 1.5.2.8</p>

<b>Pretext 3 Abnormal personality (uncollegial, unprofessional, threatening, paranoid, self-destructive behavior)</b>			
3a	UD African-American Coalition	"UDAAC feels it important to point out that Gottfredson's knowledge of and defense of the Pioneer Fund and its recipients is above and beyond the normal relationship which exists between researcher and funding source. The relationship points to a certain collusion. In a January 12, letter to the <u>Review</u> , she comes to the defense of J. P. Rushton who cited her in his work."	Statement filed with UD Faculty Senate Research Committee, 1/30/90, p.15 of Attachment 1.5.2.13
3b	Department Chair, speaking of Gottfredson	"Dr. Blits' claim that I refused 'to accept the legitimacy of her promotion' is also false. In fact, I was one of the first people in the Department to congratulate her on the positive recommendation she received from the Provost and I subsequently met with her to initiate a discussion about how we might proceed toward resolving the conflicts which have resulted from her grievance and the way in which she has conducted her affairs in regards to that grievance."	Letter to Dean Murray, 5/8/90, p.2 of Attachment 2.1.2.26 (also Attachment 3.1.2.16)
3c	Department Chair, speaking of Blits	"I never said that...I did tell [Blits and Gottfredson] that I felt the timing was not right for her appointment to the Promotion and Tenure Committee next year [when Blits would apply for promotion] and that such an appointment would make more sense when the controversy generated by her current grievance had faded....Dr. Blits has a propensity to use exaggeration and overstatement as a way of making his points...I did not say that anyone recommended her promotion because of 'political pressure' nor did I impugn the integrity of my superiors to defend my negative recommendation. I did say that the threat of a grievance action and hints of civil litigation have the potential to influence such decisions."	Letter to Dean Murray, 5/8/90, p.2 of Attachment 2.1.2.26 (also Attachment 3.1.2.16)
3d	College of Education Dean, to Gottfredson	"The most troubling aspect of [your] allegation ['that the Committee distorted the record or attempted to mislead the Department'] is that you know, or believe you know, that the one negative reviewer is the person you claim you objected to. That you could know this is a procedural error and counter to our requirement that external reviews are confidential, and it is improper for you to have this information....I think the Committee would have been remiss had they not solicited a letter [sic] at least one person who holds strong views opposed to your own."	Letter to Gottfredson, "Resolution of Step II Grievance," 3/3/90, pp.3-4 of Attachment 2.1.2.21

<b>Pretext 4 Contrary to UD's mission to promote cultural diversity</b>			
4a	UD African-American Coalition	"The Pioneer Fund's objectives and Professor Gottfredson's research are not just 'unpopular', they demonstrate a flagrant disregard for the goals of the University of Delaware ['as mandated by The President's Commission To Promote Racial and Cultural Diversity']....[A] decision to return Pioneer Fund money and refuse to accept future grants from the organization would prove in the best interest of the University of Delaware. Universities must strive to achieve higher moral ends. In this particular case the goal of making the University of Delaware 'an educational community that is intellectually, culturally and socially diverse, and enriched by the contributions and full participation of persons from differing backgrounds' is the greater goal."	Statement filed with Faculty Senate Research Committee, 1/30/90, pp.13,15 of Attachment 1.5.2.13
4b	Faculty Senate Research Committee	"[A]cademic freedom does not require that the University approve and forward every application of external funding generated by members of the faculty. Furthermore, the University has a right to set its own priorities for support of scholarly activity. The University's commitment to racial and cultural diversity is an essential part of, not a rival principle in conflict with, the University's commitment to the right of all people to participate in an environment of free and open inquiry."	Report to the President, 4/19/90, p.1 of Attachment 1.2
4c	UD President	"[B]y copy of this letter it will be University policy...[that] the University of Delaware should neither seek nor accept any further financial support from the Pioneer Fund as long as the Fund remains committed to the intent of its original charter and to a pattern of activities incompatible with the University's mission."	Letter accepting Faculty Senate Research Committee's recommendation, 4/24/90, Attachment 1.3

4d	Chair, Board of Trustees	<p>"An important finding of the Faculty Senate Committee's Report is that [a] preponderant portion of the activities supported by the [Pioneer] Fund either seek to demonstrate or start from the assumption that there are fundamental hereditary differences among people of different racial and cultural backgrounds...' No matter whether that is in fact the orientation of the Pioneer Fund or not, that is perceived as the orientation of the Fund by at least a material number of our faculty, staff, and students. Without judging the merits of this perception, the Board's objective of increasing minority presence at the University could in the view of our Executive Committee be hampered if the University chose to seek funds from the Pioneer Fund at this time."</p>	<p>Letter to Pioneer Fund President Harry Weyher, 7/2/90, pp.1-2 of Attachment 1.4</p>
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**Pretext 5 Research threatens others' academic freedom**

5a	UD African-American Coalition	<p>"Gottfredson's use of academic freedom in defense of her acceptance of Pioneer Fund money rests on a very narrow interpretation of academic freedom. Academic freedom as a concept balances the rights of the individual with the goals and aims of the institution. While it prevents the institution from usurping the rights of the individual it also prevents the individual from undermining the institution....The [University may] refuse to accept research grants from the organization in the future, without being in violation of Professor Gottfredson's rights."</p>	<p>Statement filed with Faculty Senate Research Committee, 1/30/90, pp.13, 14 of Attachment 1.5.2.13</p>
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5b	Faculty Senate Research Committee	<p>"It has been suggested to the Committee that although the University's commitment to racial and cultural diversity is important, the University has a more fundamental commitment to free and open inquiry, which constitutes a higher value to which the commitment to diversity must yield in the event of conflict. This contention fails for two reasons. First, as has already been stated, the refusal by the University to seek financial support from a particular source does not in and of itself deny free and open inquiry. Second, this contention fails to recognize that the University's commitment to racial and cultural diversity is intended precisely to allow access to free and open inquiry for all persons of whatever racial or cultural background. If the University agrees to act in partnership with any organization committed to the proposition that people of different racial and cultural backgrounds are inherently unequal, then that partnership restricts the ability of individuals from all backgrounds to be treated as fully equal participants in the University community."</p>	<p>Report to the President, 4/19/90, p.4 of Attachment 1.5.2.22</p>
5c	President Trabant	<p>"Academic freedom does not require that the University approve and forward every application of external funding generated by members of the faculty. The University has a right to set its own priorities for support of scholarly activities. The University's commitment to racial and cultural diversity is an essential part of, not a rival principle in conflict with, the University's commitment to the right of all people to participate in an environment of free and open inquiry."</p>	<p>UD press release announcing the ban, 4/30/90, Attachment 1.5.2.25 (Quotes Research Committee's report, p.1 of Attachment 1.2)</p>

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**Pretext 6 Public statements violate responsibilities under academic freedom**

6a	College of Education Dean	<p>"I believe some of our recent matters could have been avoided if <u>all</u> parties had adhered to the letter and certainly the spirit, of the [Academic Freedom] policy--I draw your attention in particular to the requirement that 'Both within and outside the classroom, the Faculty should exhibit accuracy, restraint, and respect for the opinions of others appropriate to educators and persons of learning.' Clearly public utterances and writings that are inaccurate, intemperate, and disrespectful of the opinions of others, however we find them, are a violation of this requirement and cannot be tolerated. I will, if pressed, construe violations of this requirement as irresponsible, and persistent violations will be taken by me as gross irresponsibility."</p>	<p>Memo to department, 9/13/91, after accusing Blits and Gottfredson of "misrepresenting" the arbitrator's ruling. Reported in <i>The Review</i>, 11/15/91, pp.1, 5.</p>
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**Pretext 7 Academic freedom is not an enforceable right at UD**

7a UD's post-arbitration brief "A. The Issue of Academic Freedom Is Not An Appropriate Subject for Arbitration....[A] dispute regarding an academic freedom provision in a collective bargaining agreement is not arbitrable because decisions regarding academic freedom are central to a university's ability to govern itself and set educational policy and are not traditional subjects relating to terms or conditions of employment.".... B. An Alleged Violation of Academic Freedom Is Not Grievable Under Section 16.1 Or Article II Of The Parties' Collective Bargaining Agreement....Conspicuously absent from the 'above [enumerated] policies' [in Section 16.1] is any mention of academic freedom....[A] close reading of Article II indicates that it merely sets forth the parties' collective bargaining purpose and philosophy and does not purport to establish substantive rights subject to the grievance procedure. Article II [on academic freedom] appears by way of preamble and is merely introductory." 6/20/91, pp.8, 10 of Attachment 1.6.2

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**Pretext 8 Action has nothing to do with Gottfredson**

8a Sociology Department "Sociology 258 [will] no longer be cross-listed because of the variability in the sociological content of the course offerings." 6/1/90 letter from Sociology chair, quoting from 5/23/90 minutes, Attachment 4.1.1.10

8b Faculty Senate Research Committee "[T]he Committee wishes to make clear that Professor Linda Gottfredson...has not been the focus of this investigation...[T]his Committee would reject any charge to conduct an ad hoc inquiry into a faculty member's work. That work enjoys the full protection of academic freedom extended to all faculty members of this University....[T]he Committee has never directed its attention to the content or method of any faculty member's research or teaching, and would oppose any attempt to restrict a colleague's rights in these protected areas." Report to the President, 4/19/90, p.2 of Attachment 1.5.2.22