



September 13, 2019

VIA ELECTRONIC MAIL AND USPS

Dr. Lori Sundberg  
President  
Kirkwood Community College  
309 Kirkwood Hall  
6301 Kirkwood Boulevard SW  
Cedar Rapids, Iowa 52404

Dear President Sundberg:

Mr. Jeffrey Klinzman, until recently an adjunct instructor of English at Kirkwood Community College, where he had served for many of the past twenty-four years, has sought the advice and assistance of the American Association of University Professors as a result of the termination of his services on August 23, shortly before the beginning of the fall term in which he had been scheduled to teach one section of Composition I.

Your “Message from Kirkwood President Lori Sundberg,” issued the same day, stated that Mr. Klinzman’s removal from the classroom was “based solely on our commitment to fostering a safe learning environment for our students, faculty, and staff” after he “received criticism for opinions . . . expressed online and in the news media,” including some “as far back as 2012” and one recent comment “about the current president of the United States.” The message further stated that “the news of these opinions has drawn considerable attention from many inside and outside of the Kirkwood community.”

In fact, we understand that a local TV station’s August 22 story about Mr. Klinzman’s Facebook posts, emphasizing his stated support for the Antifa movement, had provoked a torrent of unfavorable commentary on Fox News and other right-wing outlets and, as a result, numerous hostile communications to the college. According to Mr. Klinzman, a college official told him that the college had been “inundated” with “thousands” of complaints—including from state legislators—and numerous threats, including to “burn down the college.” In an August 27 article in the Cedar Rapids *Gazette*, you are quoted as confirming this account, adding, “There is no evidence that [Mr. Klinzman] has espoused those views in class. But then once the news story ran and we had this outcry from the public and what we perceived as threats—at the end of the day for me, if I’m found legally wrong on this, I can live with that. But if I make a wrong decision regarding the safety of the students, and he’s harmed, our students are harmed, or other faculty are harmed, I can’t live with that.”

With regard to whether Mr. Klinzman’s separation from service was voluntary, the administration’s position, as conveyed in your August 23 message, is somewhat ambiguous. On the one hand, the administration “made the decision” to replace Mr. Klinzman with another

instructor, which your message also refers to as “our decision to remove Mr. Klinzman from the classroom,” suggesting that he had no choice in the matter. On the other hand, you suggest in the aforementioned *Gazette* article that the decision was his alone and cite his August 23 email to the college’s human resources office: “Due to the controversy surrounding reporting about my activism, and in the interest of preserving the safety of the Kirkwood campus, its students, faculty, and staff, I resign my position as a member of the English faculty effectively immediately.”

According to an email message Mr. Klinzman sent to the AAUP, however, his resignation was coerced: “On August 23, [Vice President of Human Resources Wes] Fowler gave me the choice either to resign or be terminated: the college agreed to pay me for the section I would have taught. There was no ‘free will’ in my decision to resign: I have always viewed being fired as a disgrace to be avoided if at all possible.”

\* \* \* \*

Our Association’s interest in Mr. Klinzman’s case stems from its longstanding commitment to basic tenets of academic freedom and due process, as articulated in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly formulated by the AAUP and the Association of American Colleges and Universities and endorsed by more than 250 scholarly societies and other higher education organizations.<sup>1</sup> As you are doubtless aware, Kirkwood Community College Board Policy 618, “Academic Freedom,” reproduces verbatim the initial paragraphs of the 1940 *Statement*. Academic procedural standards derived from the 1940 are set forth in the enclosed *Recommended Institutional Regulations on Academic Freedom and Tenure* (revised in 2018).

Under Regulation 5, Dismissal Procedures, faculty members can be dismissed (as distinct from not having their appointments renewed when they expire) only after affordance of academic due process—a faculty hearing in which the burden of demonstrating adequate cause for dismissal rests with the administration. “Adequate cause,” Regulation 5 cautions, “will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers” and “will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.”

We have reviewed the Kirkwood Community College faculty handbook and found it to be silent regarding any procedural rights for faculty members. Article VII of the collective bargaining agreement between the Kirkwood Community College Faculty Association and Kirkwood Community College does incorporate a grievance procedure, but Mr. Klinzman was not a

---

<sup>1</sup> We should stress here that academic freedom, a particular concern of the AAUP, is not the same as free speech. Academic freedom is a right granted to faculty members in view of their special service to society in producing and disseminating knowledge, and it is a right not absolute but subject to academic disciplinary standards enforced by peers. Free speech, about which the Foundation for Individual Rights in Education (FIRE) and others have eloquently written with regard to Mr. Klinzman’s case, is a right granted to all citizens under the First Amendment.

member of the bargaining unit, and the provisions of Article VII bear no resemblance to those of Regulation 5.

Although your administration has suggested that Mr. Klinzman voluntarily resigned his position at Kirkwood Community College, we would regard that resignation as forced and therefore tantamount to a summary dismissal in disregard of AAUP-supported standards of academic due process.

As Regulation 5 provides, these standards are designed to protect academic freedom by attempting to ensure that faculty members are not separated from service for reasons unrelated to professional fitness or that violate their academic freedom. Under the 1940 *Statement*, academic freedom protects a faculty members' speech not only as teachers, scholars, and participants in academic governance but also as citizens (this same paragraph is included in Kirkwood's Board Policy 618):

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

Interpretive comments to the 1940 *Statement* issued in 1970 add the following clarification:

Paragraph 3 of the section on Academic Freedom in the 1940 "Statement" should also be interpreted in keeping with the 1964 "Committee A Statement on Extramural Utterances," Policy Documents and Reports, 31, which states inter alia: "The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Extramural utterances rarely bear upon the faculty member's fitness for the position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar."

In other words, unless a faculty member's speech as a citizen "clearly demonstrates" professional unfitness, dismissing a faculty member because of that speech would violate principles of academic freedom.

Your administration has never alleged that Mr. Klinzman's Facebook posts had any bearing on his professional fitness, even acknowledging, as quoted in the *Gazette* article, "There is no evidence that he espoused these views in class." The only stated basis for terminating his services was campus safety, clearly a legitimate concern, but one that could have been addressed by increasing security (which was done anyway), having him teach remotely, offering him the opportunity of a paid suspension, and so on.

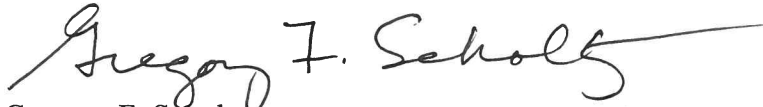
Dr. Lori Sundberg  
September 13, 2019  
Page 4

Mr. Klinzman's dismissal was therefore not only effected without affordance of academic due process (or any process at all) but in apparent violation of widely accepted principles of academic freedom.

The information in our possession about the case of Mr. Klinzman comes primarily from him and from media accounts. We appreciate that you may have other information that would enhance our understanding of what has occurred. If so, we would welcome your comments. If the facts as we have relayed them in this letter are essentially accurate, we would urge that Mr. Klinzman be reinstated to his adjunct faculty status as soon as possible. If your administration believes that his political speech demonstrates his unfitness as a teacher, then we would urge that he be afforded an opportunity for a hearing before his peers in which the administration would be obliged to demonstrate adequacy of cause.

We look forward to your timely response. The issues posed by this case are of central concern to our Association under its longstanding responsibilities.

Sincerely,



Gregory F. Scholtz  
Director  
Department of Academic Freedom, Tenure, and Governance

Enclosures by email attachment

Cc: Dr. Bill Lamb, Vice President for Academic Affairs  
Professor Richard Underwood, President, Kirkwood Faculty Association  
Professor Nancy Reincke, President, Iowa Conference of the AAUP  
Professor Heimir Geirsson, Chair, Iowa AAUP Conference Committee A on Academic  
Freedom and Tenure  
Mr. Jeffrey Klinzman