



FACULTY ADVOCATE

IFT Higher Education Council

Dave Delehanty (deledavi@isu.edu), **Randy Berriochoa** (berriocho@csi.edu)
Lynn Lubamersky (llubame@boisestate.edu), **Kim Johnson** (kajohnso@nic.edu)
Bob Dickow (dickow@uidaho.edu), **Craig Steenberg** (csteerb@lsc.edu)
Kim Johnson, Vice-President (kajohnso@nic.edu)
Nick Gier, President (ngier@uidaho.edu)
Volume 20: Number 4, December, 2010
Visit our website at www.idaho-aft.org/ift.htm

The Thomas Jefferson Center for the Protection of Free Expression and the American Association of University Professors Join Habib Sadid Case

AAUP and TFC state that the District Court judgment against Sadid “demonstrates a fundamental misunderstanding of the internal workings of institutions of higher education”

The Thomas Jefferson Center for the Protection of Free Expression (TJC), a non-partisan think tank affiliated with the University of Virginia and dedicated to the defense of the First Amendment, has been granted “friend of the court” status for the Habib Sadid Case by the Idaho Supreme Court. Six University of Virginia law students have been assigned to research the case as a special spring semester project.

Award winning in teaching, research, and service, Professor Sadid was terminated from Idaho State University on October 30, 2009. Sadid claims that his firing was in retaliation for speaking out in faculty meetings and criticizing the ISU administration.

The American Association of University Professors (AAUP) has also been granted “friend of the court” status. Since 1915 the AAUP has supported academic freedom in teaching, research, and service on our college and university campuses.

The AAUP’s 1940 Statement on Academic Freedom and Tenure set the standard for protecting the rights of the American professoriate and every institution of higher education subscribes to its principles. However, in rejecting the motion to bring in the AAUP and TJC, ISU attorneys argued that only campus policies approved by the SBOE, not AAUP principles, are applicable to the case.

“Friend of the Court” status is granted only to those organizations or persons who have a strong track record in the legal areas of any particular case. Filing jointly before the Idaho Supreme Court the AAUP and the TJC claim that District David C. Judge Nye’s summary judgment against Professor Sadid demonstrates “a fundamental misunderstanding of the internal workings of institutions of higher education,” and “a failure to recognize that, in matters involving the First Amendment, the preservation of academic freedom on public university campuses requires treating the speech of public faculty differently from other public employees. [The AAUP and TJC] believe that their expertise in the areas of freedom of speech, academic freedom, and the First Amendment will enable them to be of assistant to this Court in its disposition of this matter.”

Earlier News. With a recent check from the national office of the American Federation of Teachers, AFL-CIO and more contributions to the Sadid Defense Fund, legal aid for Professor Sadid has now reached \$72,415.

This is the 12th major case (and over hundred grievances) that the Idaho Federation of Teachers has supported since 1974. Of the first 11, the IFT has won 9 with nearly \$2 million in settlements for Idaho faculty. Over \$100,000 in legal aid has come from the national office over the years, which we believe is a very good return on the national dues AFT members pay.

An appeal of Judge David C. Nye's decision to award summary judgment to ISU regarding Sadid’s First Amendment rights was filed with the Idaho Supreme Court on August 27, 2010. An appeal to the Idaho Industrial Commission denying Sadid unemployment benefits has also been filed. A wrongful termination suit charging massive viola-

tion of due process will soon be filed as well.

The ISU Federation has contributed \$4,300 for Sadid; the Idaho Federation of Teachers has disbursed \$24,000 from its defense fund; the national AFT has so far sent \$39,965; and the Sadid Defense Fund has raised \$4,150. The AFT National Defense Fund has pledged to pay one half of Sadid's legal fees until final judgment is rendered.

The faculty union urges all concerned citizens to contribute to Dr. Sadid's Legal Defense Fund, Citizens Community Bank, 280 South Arthur, Pocatello, 83204. ISU Professor Emerita Joan Downing has set up this account for Professor Sadid.

The faculty union is challenging *Garcetti v. Ceballos*, a Supreme Court decision that has been incorrectly used to limit the free speech rights of America's professors. The Sadid case may well end up in the Supreme Court. Every single American faculty member's First Amendment rights are in jeopardy as long as lower court judges apply this ruling improperly.

Go to www.idaho-aft.org/Sadid.htm for all the details about the case.

**PLEASE JOIN US IN PROTECTING
FACULTY RIGHTS AND INCREASING
SALARIES AND BENEFITS**

Members of the American Federation of Teachers receive a \$1,000,000 professional and legal liability policy, access to legal and moral support, and national/state AFT publications. Biweekly dues range from \$7-18 depending on your salary. For an application form go to www.idaho-aft.org/IftDues.htm.