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## Prior Restraint on Speech?

The president of the State University of New York at Fredonia [offered to promote a faculty member to full professor](#) if he would agree, among other things, to subject any writing or public statements about the institution to prior review for approval.

The professor and a free-speech group backing him say that the offer demonstrates the university's willingness to censor faculty views, especially if they are conservative. But Fredonia officials say that — while the proposal was a mistake — the professor brought it on himself.

The dispute centers on the promotion bid of Stephen Kershner, an associate professor of philosophy, who was nominated for full professor by his department in January. Kershner writes a regular column for a local paper in which he has, among other things, [questioned the priority the university places on attracting more minority students and faculty members](#), and argued that there is a shortage of conservatives in higher education. Some of his columns have angered university officials to the point that they have sent campuswide e-mails disputing them.

Kershner's excellent reputation for teaching was not disputed by anyone when his promotion bid came up, and his publication record was declared to be adequate for promotion. But Dennis L. Hefner, Fredonia's president, wrote to Kershner in April that his service contributions were insufficient. And he specifically cited Kershner's "deliberate and repeated public misrepresentation" of Fredonia's policies, in ways that have "impugned" the university's reputation.

According to Kershner, he then approached the president, who said that if he refrained from the kinds of statements that had upset the university, he could be promoted. So Kershner proposed that a two-person panel review his statements for a year, and that if they didn't find anything incorrect, the promotion would go forward. In response the president proposed a more formal system of prior review that would apply to all his writings about the university. One of the president's proposals was that Kershner not discuss the matter in public — and the professor not only didn't sign the agreement, but went very public.

He approached the Foundation for Individual Rights in Education, which has released all the documents back and forth between the president and the professor and is denouncing the university for — FIRE says — trying to squelch a professor. "Professors must be able to publicly and frankly express their opinions if the 'market place of ideas' is to survive," said Greg Lukianoff, the president of FIRE. "SUNY Fredonia's bungling attempt to suppress a professor's criticism of university policies is both reprehensible and embarrassing."

Fredonia's president was out of town and unavailable for comment. But Christine Davis Mantai, a spokeswoman for the university, said that it was "absolutely" incorrect to say that the dispute suggested any attempt to limit dissent. She said that the president now realizes that his proposal for prior review was "a mistake," and that he "regrets being drawn into that," but that he was drawn in by Kershner himself and was trying to reach out to him.

As for the future, Mantai said that Kershner can apply again for promotion, and that he might well succeed next time.

— [Scott Jaschik](#)

*The original story and user comments can be viewed online at  
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