

James F. Tracy, Ph.D.
300 NW 36th Court
Boca Raton, FL 33431

February 2, 2013

Heather Coltman, Ph.D.
Office of the Dean
Dorothy F. Schmidt College of Arts and Letters
Florida Atlantic University
777 Glades Road
Boca Raton, FL 33431

SENT VIA FIRST CLASS MAIL

Dear Interim Dean Coltman,

I am in receipt of your January 28, 2012 correspondence recounting our January 18 meeting with Provost Alperin and Professor Broadfield in attendance. Thank you for the overview of this meeting.

Several observations in the letter overlook or misinterpret important points and/or information. This includes understanding of the UFF-FAU-BOT 2009-2012 Collective Bargaining Agreement (CBA) as it relates to non-professional activities.

Your letter states that our January 18 discussion should be recognized as distinct from “free speech issues.” In fact, free speech has very much to do with this situation not only as it relates to my teaching and research activities on campus, but most importantly as it relates to my own activities and endeavors off campus and unrelated to FAU. If I cannot expect to be able to practice free speech in my personal life outside the classroom, then when exactly can I anticipate that my First Amendment guarantees will be realized? Further, tenure was created to protect faculty from the political consequences that might otherwise attend speaking out on matters of public interest.

The January 28 letter references your request for proof that my memoryholeblog.com site included a disclaimer that the views expressed on the site are not representative of Florida Atlantic University or the State University System of Florida. There were inferences made at the January 18 meeting, in a telephone call you placed to my residence on the afternoon of January 18, and in your January 28 letter that no disclaimer exists on my site, or that it was abruptly added in December 2012. No evidence has been provided by you to substantiate this allegation. Nor is it noted in your letter that within 90 minutes of your January 18 phone call to my residence that evidence was provided via email (copy attached) with a link to an archived screen shot of memoryholeblog.com amply demonstrating that the site is personal and is in no way affiliated with FAU.

The letter states that I have made “numerous contributions to the [Global Research] site over the past few years.” In fact, my first contribution to Global Research was on March 10, 2012. Further, my November 19, 2012 email to School of Communication and Multimedia Studies Director Noemi Marin does not state the articles contributed to Global Research are part of my research and scholarly activity assignment

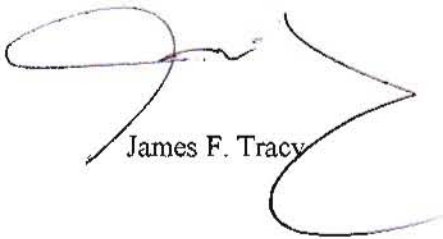
for the 2012-2013 academic year. As Dr. Broadfield and I explained to you at the meeting, and as I previously articulated in my November 19 email to Marin, this work does not constitute formal scholarship or research, although an article may at some future point provide the basis for a formal scholarly paper or journal article. In the November 19 email I state: "In addition to formal research I am a biweekly contributor to ... GlobalResearch.ca. I intend to develop a scholarly project deriving from a contribution there in spring." I write numerous articles that appear on my personal blog, with some shared on GlobalReserch.ca. Most of these have nothing to do with FAU or formal scholarly research, will not be designated as publications in any forthcoming Annual Review portfolio, and will not be used for any future promotion case.

You have recommended that I complete a "Report of Outside Employment/Activity Form" in accordance with the BOT/UFF Collective Bargaining Agreement. This form is not required because my activities on a social medium such as a personal blog do not constitute professional practice and thus do not fall within the CBA's definition of "reportable outside activity." "Reportable outside activity," according to CBA Article 19.2(a), "shall mean any compensated or uncompensated professional practice, consulting, teaching or research, which is not part of the employee's assigned duties and for which the University has provided no compensation."

Your letter recommends that I complete the Outside Employment/Activity Form "and return it to the Director of SCMS for her approval by February 1, 2013." The CBA does not state that the Outside Employment/Activity has to be approved, only reported. There is no mechanism for approval of such activity by SCMS or its Director.

Your letter expresses the FAU administration's concern over the safety of the institution's students, faculty, and staff. If the administration believes that the inordinate media attention afforded my public remarks poses a security concern for the University's constituents then it has the right to act on such concerns.

Sincerely,



James F. Tracy