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Wisconsin high court sides with fired conservative professor

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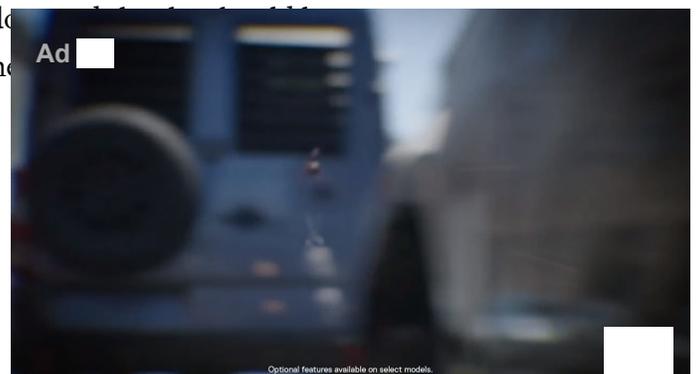
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MILWAUKEE (AP) — A former Marquette University professor who wrote a blog post criticizing a student instructor he believed shut down debate against gay marriage shouldn't have lost his job because of what he published, the Wisconsin Supreme Court ruled Friday.

The [120-page](#) decision concluded that the private Catholic school breached its contract with professor John McAdams that guaranteed academic freedom. The court ruled McAdams should be immediately reinstated. The ruling was a victory for McAdams with the ruling.



The court's 4-2 decision came down on ideological lines, with the conservative majority siding with McAdams. Those justices said the faculty panel that recommended his discipline had an "unacceptable bias" because one member had publicly expressed support for the graduate instructor.

The liberal justices called the decision "far reaching" and said academic freedom "does not protect McAdams from discipline" if his peers concluded he acted unprofessionally. One justice didn't participate in the ruling.

McAdams sued the university in 2016, arguing that he lost his job for exercising freedom of speech. Marquette said he wasn't fired for the content of his 2014 [post](#), but because he named the instructor and linked to her personal website that had personal identifying information.

"That's not academic freedom. That's cyberbullying," Ralph Weber, Marquette's attorney, said Friday.

The instructor, a graduate student, later received a flood of hateful messages and threats, and at one point needed a security guard stationed outside her class. She eventually moved to another university where she had to repeat three semesters and revise her Ph.D. thesis.

[The case](#) has been closely watched by conservatives who see universities as liberal havens, as well as private businesses that want control over employee discipline.

In the November 2014 blog post, McAdams described an interaction between a conservative student and a graduate student instructor of philosophy. The student claimed the instructor refused to allow discussion about opposition to gay marriage during a class and provided McAdams with a recording

he secretly made of a conversation with the teacher after the class.

That formed the basis for McAdams' post, in which he argued that the students' experience was another example of liberals silencing people whose opinions they disagree with or find offensive. The post included the student-teacher's name, a link to her personal website and her email address.

In its Friday ruling, the court's conservative majority said McAdams' blog post can't be blamed for the harassment against the instructor.

"Just because vile commentary followed the blog post does not mean the blog post instigated or invited the vileness," the majority's written opinion said.

Liberal justices who dissented said conservatives ignored the fact that McAdams promoted his post to national media outlets knowing the backlash the student could receive, once writing that when something gets widespread attention, it's possible "some jerks are going to say nasty things."

"McAdams indeed did 'instigate' or 'invite' the vileness that followed his blog post. He knew what would happen, and he actively ensured that it would happen," the dissenting justices wrote. They called McAdams' behavior reckless and contrary to the university's professional standards.

McAdams' attorney, Rick Esenberg, said he disagreed with the liberal justices' conclusion that academic freedom shouldn't

protect the professor from discipline.

“I think it’s just flat wrong. The whole purpose of academic freedom is to allow people in the university community to express themselves without fear of sanctions,” he said.

He said McAdams intends to teach again at Marquette, though it’s unclear when that will happen.

McAdams published his post on his personal website, “Marquette Warrior,” which he has used for more than a decade to condemn political correctness and the silencing of ideas that might be hurtful to protected classes, according to his lawsuit against the school.

McAdams was given the chance to return to work after his suspension, provided he write a letter apologizing for his conduct. The letter was to be shared confidentially with the student instructor, but McAdams refused to write it.

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