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# Baylor forces professor to shut down site

**By: Nicole Loring****Posted: 9/10/07**

Just before the 2007-2008 academic year began, Baylor University shut down a personal Web site, dedicated to the theory of intelligent design, of distinguished professor Robert J. Marks II.

A Baptist university in Texas, Baylor is now entrenched in a legal battle with the electrical and chemical engineering professor, who claims his academic freedom was violated when his Web site was shut down without his knowledge.

The site in question, Evolutionary Informatics, cites its mission as "investigating how information makes evolution possible." The site featured links to Marks' personal publications and presentations on intelligent design.

Attorney John Gilmore, who is representing Marks, said it all began when the professor gave a podcast interview with the Discovery Institute, a renowned pro-intelligent design organization that often attracts attention for its stance on evolution.

"As a result of this interview, people called and complained. A week later, it was removed," Gilmore said of the Web site.

Intelligent design is a controversial theory of evolution. Answers.com defines the belief as "the assertion or belief that physical and biological systems observed in the universe result from purposeful design by an intelligent being rather than from chance or undirected natural processes."

Marks and Gilmore met with the Baylor administration on Aug. 9 to discuss the removal of the Web site.

"The agreement made at this meeting was that if we added a disclaimer, we could put it back up," Gilmore said. The disclaimer was going to state that the site is unaffiliated with Baylor.

However, Gilmore said soon after the meeting, the administration changed its stance.

"After we had reached an agreement, there were requests, requirements and demands made that were never made in the meeting," Gilmore said. The administration "wanted to control the content on the Web site."

Gilmore theorized that there was continued pressure on the Baylor administration from outside sources who wanted the Web site closed down due to its controversial content.

"I think somebody didn't want to take 'yes' for an answer," Gilmore said.

Lori Scott Fogleman, director of media relations at Baylor, said the decision to close the Web site was based on procedure.

"It's not about the content of the Web site. The issue here is related to process. Baylor has policies and procedures, like all universities, about how one goes about establishing a Web site, and about how one can use the university's name in affiliation," she said. "We jealously protect the university's name."

Gilmore disagrees.

"All of these requests and demands being made after the meeting. ... We are forced to conclude that this is about the content on the Web site, *not* about a disclaimer." Gilmore said. "(Marks) wasn't teaching this in class. This is his own personal Web site. It was singled out because of its content."

"What has happened to professor Marks is censorship pure and simple," said Cary Luskin, of the Discovery Institute, in a news release published by the organization on Sept. 6. "Baylor University has proven yet again that academic freedom has been thrown off campus and academic persecution is now the norm."

Baylor has had a history of trouble surrounding the idea of intelligent design. In April 2006, Baylor's student-run newspaper, The Lariat, ran a story about the controversy surrounding the denial of tenure to Francis Beckwith, and whether the decision was based on Beckwith's association with the Discovery Institute.

Six years earlier, The Lariat reported on the Faculty Senate's request for the Baylor administration to shut down the new Michael Polanyi Center, labeling the studies conducted by Director William Dembski and Assistant Director Bruce Gordon as "creationist."

Dembski was released from his duties a few months later. Dembski and Beckwith both declined interviews, and Gordon could not be reached.

The professor currently embattled with the university, Marks, is a tenured professor and recently won \$140,000 in grant money, the second-highest grant ever received in Baylor's physics department, Gilmore said.

When asked what the legal issues were surrounding this case, Gilmore named three: The right for a university to ask a professor to add a disclaimer to a Web site, viewpoint discrimination and the right to academic freedom.

On the issue of academic freedom, Gilmore said, "If universities don't allow for civilized debate, they should just close their door."

In his news release, Discovery Institute's Luskin agreed.

"It is simply unconscionable that a major university would so trample a scientist's right to freedom of scientific inquiry," the release read.

Director of media relations Fogleman continually insisted that the issue involving Marks's Web site had nothing to do with Baylor's past controversies. Yet, at one point she contradicted her former statements.

"This is an issue about process. It's an ongoing discussion right now. This is simply about the content of the Web site," Fogleman said.

"Baylor has outbreaks of religious controversies from time to time," Gilmore said. "The school might say that this issue is a legal one, that (Marks) refused to obey their rules. This is simply not true. Sometimes cases like this come up where A is really the problem, but you're using B as the subterfuge. This is about the content of the Web site."

Gilmore said the Web site is now on a different server, and Marks will continue his work.

### **GWU sued by software company**

A Washington-based software company is suing George Washington University because the school failed to pay the company in full for final services in a code-creating program meant for storage of vital, confidential documents. The lawsuit states that GWU withheld the payments on grounds that the software did not operate properly.

The software company, Richmar and Associates, is suing on five counts, including breach of contract and copyright infringement.

### **University revamps name**

The University of Missouri-Columbia is planning to eliminate the "hyphen Columbia" from its name. Other Missouri campuses have changed names in recent years, in hopes of differentiating the campuses and individual districts.

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