

AAUP Report

American Association of University Professors
Bloomington Chapter

Fall 2009

President Overturns Unanimous Decision of Faculty on Promotion

The American University is based on the concept of “shared governance.” Faculty have significant responsibilities that come with the privilege of tenure to assure that the academic missions of the University are determined by the faculty, that academic freedom is observed both in the classroom and in our research, and that the appointment, promotion and tenuring of faculty are conducted through a process of peer evaluation. Finally, it is the faculty’s responsibility to assure that the University processes for dealing with work-related issues, including promotion and tenure, afford due process for all faculty.

This description of the role of faculty is not new, and probably not even controversial. We take it for granted that the system - long in place - is self sustaining. But, it is not self sustaining, and over time the prerogatives of faculty are being subsumed by university administrations. This is true at Indiana University as it is elsewhere in academia. There is less and less “shared governance.” Admittedly, this is in part due to faculty disengagement from the larger university community in favor of the individual units and disciplines to which faculty belong.

It is vitally important that faculty periodically review our processes and institutions. Are they functioning as well as they should? Are they functioning at all? Has there been accretion to the administration of faculty rights to determine the academic direction of the campus? These are

significant issues which cannot be dealt with in one newsletter. In this issue the Bloomington AAUP Chapter highlights one immediate concern and calls upon the faculty, in particular the Bloomington Faculty Council, to join AAUP in evaluating this question: what is the proper role of the Indiana University President in faculty tenure and promotion decisions?

Background

Last year President McRobbie worked with University Faculty Council to standardize and formalize a set of Promotion and Tenure Principles for all of the campuses. Of particular concern was executive review of promotion and tenure cases. Prior to his presidency, the procedures for review and the roles of the President and the Chancellors of the campuses (including Bloomington and Indianapolis) in tenure and promotion cases were de facto and idiosyncratic to whoever was the President. Under the scheme put forward by President McRobbie in a memorandum dated December 5, 2008:

The term “executive review” refers to review of promotion and tenure dossiers by a chancellor or the provost, by the executive vice president charged with managing dossiers from regional campuses, and by the president, as part of which the president will make a

final decision in the form of a recommendation to the Board of Trustees. Executive review occurs after the review and recommendations by the relevant campus faculty committees and academic administrators have been completed and transmitted to the appropriate chancellor or provost.

It is unclear whether this process of executive review differs from the de facto practice at least with respect to tenure and promotion cases on the Bloomington campus. The regional campuses, however, felt that their chancellors had a separate role of recommendation. Prior to this year, the Chancellors / Provost signed a specific form as to each case to indicate their recommendation to the President (as well as a letter to the candidate including the recommendation). Those forms are not to be used under the new formal process of executive review. Thus, the new process is intended to limit the role of the Chancellors / Provost as an independent voice. In essence, there is one voice, the President's.

According to the April 21, 2008 minutes of the Bloomington Faculty Council, the President had made clear to the Agenda Committee of the UFC that he would go forward with his procedure for executive review whether or not the general principles on promotion and tenure were adopted by the UFC. The principles finally adopted by the UFC incorporated the President's "executive review." However, they also contained a requirement that the UFC review the principles and executive review process at the end of the 2009-2010 period to determine if "the individual missions and needs of each campus and the interests and rights of individual faculty members are considered in determining final recommendations to the Board of Trustees." (See paragraph 9 of Adoption of Principles for Promotion and Tenure Procedures on Campuses of Indiana University)

New Process at Work

The "change" in executive review was quickly followed by a decision in May by President McRobbie to deny promotion to a Bloomington faculty member whose promotion had been uniformly approved at every level of review including the positive recommendations of the Vice Provost for Faculty and Academic Affairs and the Provost for the Bloomington Campus. Admittedly, President McRobbie could have just as easily made the same decision under the prior, less formal system. The President's insistence on implementing his model of executive review, however, when coupled with this highly unusual, if not unique, decision to override all other levels of review and recommendations raises the basic question – What is the proper role of the President?*

Past Practice in Bloomington

Our understanding of past practices (at least with respect to the Bloomington Campus) is that, while the President formally recommended all tenure and promotion cases to the Board of Trustees, only those that raised significant issues reflected in deeply split votes and/or split opinions at different levels of review were substantively reviewed at the President level and discussed with the Bloomington Chancellor and that the Chancellor had an independent recommendation role. This is basically in accord with AAUP national policy. The AAUP Statement on Government of Colleges and Universities issued in 1996, joined by the American Council on Education and the Association of Governing Boards of Universities and Colleges, states:

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments,

* As this Newsletter goes to print, the President has reversed his initial decision based on additional material and letters submitted by the candidate. This reversal, as a result of the direct appeal of the candidate, does not alter the need to examine the underlying issues concerning the proper role of the President in the promotion and tenure process.

decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. **The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.** (emphasis supplied)

Clearly, the denial of promotion by the President, without any written explanation, in a case where the faculty committees and academic leaders support the faculty member's promotion violates these principles. It should be noted that Indiana University is a member of both the American Council on Education and the Association of Governing Boards of Universities and Colleges.

Explanations from President's Office

Discussions with John Applegate, the President's representative on issues related to promotion and tenure, yielded two pieces of information: One, the President does not wish to

be a "rubber stamp" in the promotion and tenure process nor viewed as the proverbial "potted plant." Two, the President believes our standards for promotion are too low and this is the only way he has to communicate effectively his desire for standards to be raised.

One is hard-pressed to argue with the President's desire not to be a potted plant -- it is hardly President McRobbie's persona. Nevertheless, is the role that the President has assumed the proper one, i.e., to determine what the standards for promotion should be and when, in his judgment alone, they have not been met? If the answer is yes, do we really need a department review, followed by a school review, a campus review, and finally a review by the Vice Provost for Academic Affairs? Why not simply submit dossiers directly to the President for his consideration? It should also be noted that the role assumed by President McRobbie places the full powers of academic judgment on tenure and promotion in a non-academic office, one which people without postgraduate training are eligible to hold.

The President denies promotion. By what standards can we judge that the President's decision was based on the merits and not due to personal or extraneous factors? Should the President be able to consult his own sources for evaluation unbeknownst to the candidate?

If the President can unilaterally decide standards are too low, no one, even those faculty members whose dossiers are unambiguously devoid of any whisper of disagreement, can be assured of tenure or promotion. We suspect, moreover, that there is little or no evidence of the faculty not adopting high standards for tenure or promotion. If the President believes standards are too low, the proper vehicle is for the President to work through the Provost, the deans and the faculty to assure adoption of appropriate standards. What the standards should be is quintessentially a faculty decision to be made based on full faculty discussion. If a faculty member has met the criteria for tenure or

promotion determined by his or her unit at the time of consideration for tenure or promotion, it is a clear violation of due process for the President to unilaterally change the criteria or impose his or her interpretation of those criteria.

We need a process whereby hard cases are resolved by the President, with the advice of the Provost. Explanations as to why tenure or promotion is denied need to be written and substantive. We need a system that respects and reflects the peer review built into the system from the department level through the Vice Provost for Faculty and Academic Affairs. When everyone, committees and administrators alike, support tenure or promotion and no new information has come to the President's attention (e.g., the work was plagiarized or the candidate is an ax murderer), we submit that the President's role is, in fact, a formal one. This should be the case whether or not the President operates under the old system or his new system of executive review. The problem with the new system of executive review is that it makes it far easier for the President to exercise unilateral authority in a way that undermines the entire tenure system of peer review and evaluation.

Please talk with your BFC representative and urge him or her to raise this issue in the BFC and make our processes unambiguously clear as to the role of the President. The current members of the BFC Agenda Committee are: Andrea Ciccarelli, Erika Dowell (BFC President), Laura Ginger, Brian Horne, Herbert Terry and Vasti Torres. You may obtain a list of BFC representatives at www.indiana.edu/~BFC (Click on "Committees")

Membership

Each year AAUP celebrates its 50-year members. This year's group of stalwart members included three Bloomington Professors Emeriti: Paul H. Gebhard (Anthropology); Vernon L. Kliewer (Music) and Don B. Lichtenberg (Physics). We add our own congratulations to them for their years of support.

In these days of change in the academy, consider increasing your voice by joining AAUP. AAUP is open to all faculty – tenure and non-tenure track – and all graduate students. Go to www.indiana.edu/~aaup to join.

Ann Gellis
 President
 Bloomington Chapter of AAUP

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