

AAUP NEWS

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THE CONFIDENTIALITY ISSUE

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The Bloomington Faculty Council is now debating ratification of a "Policy on Access To Employee Records for the Bloomington Campus of Indiana University." The present draft represents the efforts of a number of past committees, including a task force that reported on this subject to Vice President O'Neill in 1977, as well as last year's Faculty Affairs Committee. The document seeks to discriminate precisely between what information in an employee's file is to be considered public, and what is to be considered private; and it further attempts to state the conditions under which material from the private file may be made available to third parties without the employee's consent, or may be withheld from the employee's own scrutiny.

Two factors limit the faculty member's right of access to his or her own file. The first and most important is the right of the individual student to make an anonymous complaint about an instructor. The present proposal stipulates that the identity of providers of unsolicited communications will be kept confidential "only when the provider is a present or past student of the employee." The need for that clause springs from the fact that students are peculiarly vulnerable to reprisal from angered teachers. At the same time, the faculty member against whom a complaint is lodged has the right to know its substance, and—as far as possible without revealing the student's identity—its actual context, "the course taken and/or circumstances under which the employee and student worked together," in the words of the present proposal. Since the line between accurate identification of context and effective disclosure of identity can be a fine one (notably in courses involving a small number of students) chairpersons working under the proposed standard would need to inform students fully of the kind and degree of disclosure that would follow in a given case. (These elaborate efforts to protect both faculty and students from abuse contrast sharply with the University's past willingness to help fund the grotesquely haphazard course evaluations published by the IUSA: it is time that higher standards in the preparation of such reports were made a condition of our further cooperation.)

The second factor that limits the faculty member's right of access to his or her file is the institution's need for candor in solicited opinions bearing on promotion or tenure. The certain effect of abolishing confidentiality in outside letters would be a muffling of adverse commentary in many (not all) of those letters, with consequent devaluation of the whole system of solicited opinions. It has to be remembered that the effect of such letters in a majority of cases is to strengthen rather than weaken the candidate's prospects. Not only do they often afford valued support for chairpersons and committees making a positive recommendation: they sometimes serve as essential correctives to local prejudice *against* the candidate. These are substantial values for the individual as well as the school, and they depend on confidentiality.

Much anxiety and injustice nevertheless result from a system in which faculty members struggling to assert their claims to promotion or tenure ~~are~~ kept in the dark as to the comments that have led to a negative evaluation of their work. The proposed

continued on page 2

THE CONFIDENTIALITY ISSUE
continued from page 1

guidelines suggest that: 1) the identity of the outside evaluators be made known to the candidate; and 2) the candidate be given a summary of the contents of each letter, without the writer's identity (as author of that particular commentary) being disclosed.

Dean Franz has pointed out the extreme difficulty of summarizing letters in such a way as to keep their authorship anonymous while accurately conveying their contents; and he has offered for consideration the alternative model of referee journals and evaluations of grant proposals, in which the writer or applicant is shown an exact copy of each comment, with letterhead and signature removed. Since specialization in certain fields may make this method incompatible with a reasonable guarantee of anonymity to the letter-writer, the solicitation might be expanded to include a grid, permitting the respondent to rate the candidate's merits according to parameters worked out by the department or school in question. The respondent would not have to fill out the form, but would be free to do so either in lieu of a written comment, or in addition to one. In outside letters affecting promotion or tenure--as distinct from hiring--clarity of assessment matters more than fullness of description, though ideally it would be good to have both.

The most serious gap in the present proposal is the lack of provision for insuring that *all* confidential materials be made available to whatever persons have enough share in the decision-making process to merit access to *any* confidential materials. Chairpersons and their advisory bodies have the right to know exactly what support or challenge their arguments have received from items added after the dossiers have been forwarded to the deans.

Faculty deliberations on policy statements have a way of being at the same time slow ("Are we voting on the amendment, or the amendment to the amendment?") and impatient. The impatience makes itself known in a mounting eagerness to scuttle key provisions wholesale, once they have been perfected word by word. It would be disastrous to let that happen in the present case. What does more than anything else to make such an outcome likely is the actual prevalence of sound procedures on this campus. Members of the more fortunate units tend to assume that the fairness they have experienced personally arises naturally, almost inevitably, from policies mandated in the Handbook for the whole institution. Unhappily, that is far from being true. And the islands of fecklessness, arrogance, and caprice are made worse by the fact that their sheer existence is known to few but the natives.

EDITOR'S COMMENT

CREATION-SCIENCE: WHAT IS A THEORY?

In *Segraves vs. California*, otherwise known as "Scopes II," California Superior Court Judge Irving Perluss upheld a 1972 Board of Education policy prohibiting the teaching of evolution as irrefutable scientific fact. This decision is considered a major victory by proponents of "creation-science," who believe they have won the point that since evolution is theory, not fact, it must stand side by side with other theories. This reasoning is supported in Louisiana and Arkansas, where legislation has been approved requiring the teaching of creation-science as an alternative to evolution. Reagan himself stated in a pre-election meeting with Texas evangelicals that he thought the Biblical version of creation had as much place in the school curriculum as evolution.

continued on page 3

CREATION-SCIENCE: WHAT IS A THEORY?
continued from page 2

Creation-science purports to use the methods of science to demonstrate the literal truth of the Biblical version of life origins. Fossil evidence is construed in the light of Biblical myths, and the complexity of contemporary organisms is cited as proof of a deliberate and purposeful design rather than the outcome of chance factors operating over time. For example, creation-science proponents would lay before the young learner a choice such as this: what seems plausible, that clam shell fossils have been found on a mountain top because of several millenia of changes in the earth's structure, or because a great flood covered the earth not so very long ago and left them up there? The question is hardly fair. Of course, the story is easier to comprehend than a complex explanation involving processes and time factors beyond the grasp of most of us not used to thinking about these things.

It is easy to close in on a difficult and complex body of knowledge, necessarily technical and esoteric to the novice, with a counter-argument that appeals to one's immediate framework of experience. Yet the essence of academic knowledge is to suspend judgment, tolerate ambiguity, and allow apparent conclusions to be challenged. Creation-science is the negation of this essence. It begins with its beliefs and arranges its selected items of support to verify these. Introduced alongside science as we know it, it can certainly keep some students from even trying to understand the processes of inquiry which will eventually enable them to grasp the structure of scientific disciplines.

Nothing that we teach at any level of the education system--first grade through graduate school--is irrefutable fact. Academics are conscientiously aware that what they teach is not the truth but rather processes that will enable learners to increase their ability to develop and use knowledge. The very nature of a theory in this context exemplifies this view of learning, for theorizing is the academic's method of learning. A theory is not a version of reality or opinion to be defended, but an explanation to be subjected to critical analysis. Theories admit to disproof but not to proof. They may be shown to have predictive power, but this is provisional and may at any time fail or be shown to have limits. Those elements of theory which weather rigorous testing and correctly predict outcomes assume validity, but validity is not held to be truth.

This is where the academic approach seems vulnerable. We do not claim that what we know now is inviolable. We do not say that the mode of inquiry in any discipline is exclusively right. So how can we argue that it is wrong to present alternate theories in public school instruction?

The answer lies in the meaning of theory. Creation-science, being predetermined in its conclusions and selective in its evidence, is not a theory at all. Its assertion is a threat to our most basic values. It represents pressure on the educational profession to abdicate its own principles and methods of inquiry by outside groups who view education as a means of intellectual control rather than as a means of intellectual development. Academic freedom for higher education is tied in with academic integrity at all levels. It is at stake whenever teachers are demeaned, whenever subject matter is deformed, and whenever false elements are forced into the curriculum.

Sharon L. Smith

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Preferred Mailing Address: _____

National Dues (\$49.00) \$ _____

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Total: \$ _____

My check for \$ _____ (payable to AAUP) is enclosed: _____

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Card number _____ Expiration Date ____/____

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We need your help!

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