

AAUP Report

Spring 1997

American Association of University Professors
Bloomington Chapter

From the President...David Zaret **The Year in Review**

During the 1996-97 academic year, the Bloomington Chapter has been involved in many activities that promote the long tradition of support at Indiana University for academic freedom and shared faculty governance.

These activities include this *Report*--sent out twice yearly to all faculty and librarians on the Bloomington campus--and a monthly *Members Update* for Chapter members. We provide information on current developments here and on campuses across the nation, and opportunities for discussion and debate outside the formal governance structure of the University. Earlier this year, one topic of widespread concern was initiatives by the Board of Regents at the University of Minnesota to erode tenure rights. In September, the Chapter sponsored a brown bag luncheon at which Mary Burgan (English; now serving as Secretary General in the national office of A.A.U.P.) presented a chronology of events behind this initiative and discussed its implications. Our annual fall luncheon, in November, also featured this topic, which sparked a lively debate at a well-attended meeting.

The Spring Forum has become an annual, popular activity. This year it was held on February 6 in the Moot Court Room at the Law School. The principal speaker, Myles Brand, offered thoughtful and frank remarks on the role of faculty governance. After a spirited exchange of questions and answers, the President and about 3 dozen members of the audience adjourned to a chese and wine reception--and more discussion. The annual spring luncheon, held in April, featured another topic of concern: growing reliance on non-tenure-track faculty who offer courses for credit. The national AAUP views increases in the amount of teaching by tenure-ineligible faculty as a threat to tenure and faculty governance. Several members of our Chapter have played a leading role in gathering information and formulating policies on this issue at the Bloomington and University Faculty Councils. Last year, Indiana University adopted a policy specifically for clinical ranks, which provides for long-term contracts and protected rights to have those contracts

renewed after a probationary period. Extending this to full-time, non-clinical tenure-ineligible faculty has been proposed at the BFC.

In addition to these activities, the Chapter provides advice on grievances from faculty and librarians. These involve issues pertaining to 1) reappointment/tenure/promotion and 2) governance and academic freedom. This year, grievances reported to us involved issues of governance and academic freedom. For example, the Chapter consulted closely with Dean Lowengrub on the issue of suspension of faculty governance in a department of the College. This was noted in the *Self-Study Report* prepared by the University as part of its review for reaccreditation. In its appraisal of academic freedom on this campus, the *Self-Study Report* also cited the "ombudsman function" performed by "an active local chapter of the AAUP" for handling grievances from faculty and librarians.

Finally, a request. If you are reading this, you ought to consider joining the Chapter if you are not now a member. Dues are low (\$12.90/month), payable for payroll deduction, and will be heavily discounted for the first year of membership. Visit our web site www.indiana.edu/~aaup or contact me (zaret@indiana.edu) for details.

Spring Forum: "Faculty Governance in the Modern University"

"I am one of the few presidents who has been vocal about tenure," declared Indiana University President Myles Brand in the main address at the 1997 Spring Forum. A vigorous endorsement of tenure as a necessary protection for academic freedom capped Brand's talk about "faculty governance in the modern university." His defense of tenure followed an analysis of three other themes that, Brand argued, are critical along with tenure to any discussion of governance in the university today: the importance of strong faculty governance, the need for shared governance, and the growing corporatization of universities.

Drawing on his experiences at IU and other universities, Brand contended that a system of strong faculty governance is a vital ingredient in the success of any large, complex institution of higher education. By

strong faculty governance, he meant "well-informed and well-intentioned people in a representative role." Brand lauded IU for having a tradition of just such a system and it to institutions in which power was widely dispersed and thus so was responsibility and policy making. Such a system, he maintained, cannot produce effective university governance.

At the same time, Brand insisted that effective university governance also requires faculty, administrators, and trustees to share governing responsibilities. Though in the past the duties of each group had been fairly clear, he noted that over the last decade they have become blurred as a result of external criticisms about what universities are doing and also as a result of internal changes that have increased faculty involvement with budgetary and other formerly more exclusively administrative concerns. Indeed, only the era after World War II when American colleges and universities underwent a significant expansion, is comparable to the present. However, Brand urged, while developments of the previous period of ferment were generally salutary, they are not now. On the contrary, universities are being held responsible for some things that are within their power and some that are not. He noted as well the growing power and assertiveness of university trustees, citing recent developments in Minnesota, New York, and California. He did, though, contend that IU's trustees continue to follow the older model of divided responsibilities despite recent actions such as the declaration that classes would not be held on Martin Luther King Day. Depicting presidents like himself as caught between the growing assertiveness of both faculty and trustees, Brand championed educational efforts to make faculty, administrators, and trustees better understand each others' roles in university governance as the only viable solution to these conflicts.

Brand also stressed that the rising level of criticism of higher education is a central issue in what he termed the corporatization of the university. While noting the profusion of critics, both internal and external, he insisted that the most serious criticism is from the business community, particularly spokespersons for small and medium sized businesses. Brand argued that faculty and administrators must pay more attention to these critics and especially their advocacy of what the IU President called a limited access model of education. By that, he meant limiting entrance of the university through fiscal and other controls, such as a proposal by the Indiana Chamber of Commerce to link state appropriations to performance measures. Such policies, he argued, would depart from the traditional commitment to fostering wide access to higher education. Brand maintained that the only way to address business people effectively on this and other

matters is to speak their language and to demonstrate to them that the business side of the university is being managed according to the best current business practices. It is only in this way, he implied, that the corporate metaphor is an apt one to describe changes in universities like IU.

Tenure issues occupied the final portion of Brand's talk. Once more noting the rising pressures on and criticism of universities, he unequivocally championed tenure as critical for the protection of academic freedom. Citing complaints about faculty teaching topics ranging from "evolution, to doing certain kinds of biological research, to those who are concerned about sexual dysfunction being studied or taught, to those who are concerned about literature," he declared that "we have to be very strong about the protection of academic freedom." And, unlike the situation in Minnesota, Brand expressed confidence that current IU trustees understand the importance of tenure. The most immediate issue of contention in Indiana and elsewhere, he urged, is that of faculty performance and the related movement in favor of post-tenure reviews. Brand dismissed post-tenure review as a "very bad idea," but acknowledged the need to respond to critics who claimed that universities are filled with unproductive tenured faculty. He vigorously challenged that assumption and defended the tenure process as a far more rigorous method of job evaluation than those used in businesses. Nevertheless, Brand reiterated that the critics must be addressed. He maintained that the most effective way of doing so is to create a system in which the few individuals who are not contributing effectively to their departments and the university can be identified and their performance dealt with through either a process of faculty professional development or new forms of intermediate sanctions short of tenure revocation. Department chairs and deans are the most appropriate persons to administer these procedures. Failure to act in this manner, Brand maintained, would not only undermine effective responses to critics but also demonstrate that "we have developed a myopic system of faculty governance, one that is concerned with individual rights, not responsibilities. I believe that rights and responsibilities go hand in hand."

Michael Grossberg

Executive Committee, Bloomington Chapter

Restructuring Campus Governance

One of the first important questions facing the BFC's new Agenda Committee will be whether it should follow up the work done thus far on the Campus Governance Restructuring project by commissioning a working group to draft specific proposed amendments to the Constitution of the Bloomington Faculty and to the BFC's Bylaws.

The project began with a retreat on campus governance co-sponsored by the Agenda Committee and Chancellor Gros Louis in September, 1995. Subsequently, the Agenda Committee appointed an ad hoc committee which developed a working paper which was presented to the Council and the campus in April, 1996. That paper offered background analysis, articulated four provocative models of campus governance to stimulate discussion, and, in an appendix, presented a description of our existing governance structures. There followed discussion of the working paper with school policy committees, with the academic deans, and with members of Chancellor Gros Louis' senior staff. This January, the Agenda Committee articulated an "emerging model," focusing on the structure of the BFC and its relationship to faculty governance in the schools. Finally, on March 24, the Agenda Committee published a "proposed model" that was the basis for discussion in the BFC's last meeting of the year on April 29.

There seems to be broad agreement that the BFC overall membership structure should be retained. In the proposed model the BFC would continue to be a predominantly faculty council, but with some administrative and student representation. Of the Council's 40 (minimum) elected faculty representatives, each school would have at least one representative (which would be a change from the current provisions), but otherwise representation would be apportioned by the size of schools (and election units, in the case of the College of Arts and Sciences).

Two structural questions remained controversial after the BFC's April 29 discussion.

- 1) The BFC has been divided on the question of maintaining the current method of electing school representatives (nomination by faculty with the unit, but election by faculty campus-wide) or going to a method that would provide for only a school's faculty to participate in the nomination and election of its representatives. The proposed model offers a combination of school representatives, selected purely by the schools' faculties, with the reservation of a number of at-large representatives nominated and elected on a campus basis.
- 2) By straw vote the BFC accepted the principle that there should be interlocking membership on the Council with faculty membership of school policy committees, but a number of practical concerns arise in implementation. The burden of membership on both the BFC and a school policy committee, and the responsibility of being liaison between them, could make it difficult to recruit faculty to serve in these roles. Further, structuring the election, terms of service, and scope of responsibilities for this role in a way which meets the BFC's needs would, to a degree, be intrusive

into schools' governance arrangements.

The proposed model envisions that each school would have an elected BFC member who would serve as a member of the school's policy committee. These BFC members would have 2-year, once renewable terms (like other BFC members). How this could work out in the context of each school will need attention. This matter may be most difficult for smaller schools in which it is not so easy to adjust faculty's internal service loads to facilitate campus service. The Agenda Committee recognizes that whatever reform is adopted will require cooperation from the schools, but believes its proposed model can serve as a basis for negotiation.

The Agenda Committee views these questions as relating to a broad issue:

The reformers among us believe the campus needs better mechanisms for the negotiation of policy issues among academic constituencies, and in order for the BFC to contribute to accomplishing that goal, the council should have some representation of schools as institutions and not just have elected members from diverse academic units. Having interlocking membership between the BFC and school policy committees and selection of school representatives solely by the school's faculty are means to these ends.

That reform idea is in tension with the view that the BFC should be a voice for the campus community with democratically elected members who transcend unit boundaries and knit the community together. By the nature of school governance, school policy committees are thought to be more administratively lead. Some are concerned that institutional representation through policy committees could cause the Council to become a place for representation of parochial interests and a less democratic institution.

Other issues and arguments have been raised, but Council discussions of campus governance restructuring so far have been dominated by ambivalence regarding this broad issue. While we are diversely drawn more in each of these directions, both principles reflect legitimate concerns and the BFC's structure should respond to both interests.

Ed Greenebaum

President, Bloomington Faculty Council

Book Review:

THE CASE FOR TENURE, edited by *Mathew W. Finkin*, Ithaca, New York: Cornell University Press, 1996. ix + 211 pp. \$24.95.

For those of us who are tired of the attacks on tenure through simple minded analogies between academic and commercial enterprises (would you like fries with that degree?), Mathew Finkin has compiled a very useful collection of materials that, taken as a

whole, persuasively argue that tenure is not only necessary for academic freedom, but absolutely essential to the efficient operation of a first rate academic institution. The collected materials consist of articles, essays, reports from AAUP investigations, and court opinions which weave a rich interdisciplinary tapestry of the academic enterprise from teaching and research to peer evaluation, faculty governance and (ugh!) administration. The invisible inter-locking stitch that holds this tapestry together and prevents fraying at the edges is (you guessed it) tenure. Finkin provides connective notes to draw the materials together and examine the inter-relationships between the presented arguments. The materials address almost all of the current and former controversies concerning tenure including its effect on productivity, the standard for dismissal of a tenured professor, dismissal due to financial exigency, and the effect of the Age Discrimination in Employment Act and tenure on retirement. The collection concludes with an original essay by Finkin responding to the most recent attacks on tenure. Due to the breadth of the materials and the fact that they examine the workings of the entire academic enterprise, the volume should be of interest not only to those of us who take a particular interest in the defense of tenure, but also those of us who are students of the efficient operation of academic departments, colleges and universities and interested in the workings of the academic labor market (aren't we all?).

The basic premise of *The Case For Tenure* is that professors are different in a number of respects, either in kind or degree, from most other employees, and that these differences give rise to the need for tenure. First, to do their job well, professors are sometimes required to attack the accepted and popular positions on controversial subjects. This difference of course gives rise to the traditional "academic freedom" arguments as a justification for tenure. Finkin breathes new life into

these arguments by citing recent cases and providing convincing essays by William Van Alstyne and Fritz Machlup and a terrific quote from Robert M. O'Neil in the postscript. Second, professors possess a lot of useful information about how to effectively operate the academic enterprise and stand in a far superior position relative to their employer in knowing who to hire and retain. Accordingly, faculty governance and peer review are essential to the efficient operation of the academic enterprise and it is hard to see how these institutions would function effectively in the absence of tenure ("Yes, young Watson is the best teacher in the Department, much better than me. Since you won't be needing me anymore, I'll be packing my bags."). Finally, professors must invest an inordinant amount of time in acquiring very specialized skills. It is thus not surprising that, to get such commitment at a (very) reasonable price, Universities have found it useful to provide promises of job security ("Oh, you won't be needing my services anymore? Well I'll just take my 30 years of study in English sonnets and go sell insurance!"). Another recurrent theme in the materials is that the current formal system of tenure evaluation and advancement is better than an informal system of tenure by "courtesy" because it forces the parties to undertake a serious and thorough evaluation of a candidate before he or she is given tenure (remember how excruciating your evaluation was?) and, of course, under the formal system the tenure promise is enforceable.

The Case For Tenure does in fact make a very strong case for that venerable institution, as well as interesting reading concerning the machinations of the modern university. I heartily recommend it for light work-related reading for any academic. Take it to the beach with you this summer!

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