

Faculty Senate Minutes #191

John Jay College of Criminal Justice

November 4, 1999

3:15 PM

Room 630 T

Present (22): Erica **Abeel**, Luis **Barrios**, James Cauthen, **Kirk** Dombrowski, Janice Dunham, **P.J.**Gibson, Amy **Green**, Edward Green, Lou Guinta, Karen Kaplowitz, Andrew Karmen, Kwando Kinshasa, **Stuart** Kirschner, Sandra **Lanzone**, **Leona** Lee, Tom Litwack, James Malone, Emerson Miller, Jacqueline **Polanco**, Rick Richardson, Lydia **Segal**, Katherine Stavrianopoulos

Absent (13): C. Jama Adams, Shevaletta Alford, Anthony Carpi, **Marsha** Clowers, Edward Davenport, Marlene Goldstein, Maria **Kiriakova**, Gavin **Lewis**, Patricia Licklider, Amie Macdonald, Patrick O'Hara, Carmen **Solis**, Agnes Wieschenberg

Guest: Kathryn Wylie-Marques (Chair, Speech & Theater)

AGENDA

1. Announcements from the chair
2. Adoption of Minutes #190 of the October 21 meeting
3. Report on the Educational Forum sponsored by the Puerto **Rican** Studies Department and co-sponsored by the Faculty Senate
4. Discussion: Academic freedom and departmental decisions requiring common texts or departmental exams
5. Proposal to schedule an additional Senate meeting to meet with Chancellor Goldstein
6. Proposal to distribute the Comprehensive Planning **Committee's Phase II** survey to faculty

1. Announcements from the chair [Attachment A]

Written announcements were distributed [Attachment A].

**2. Adoption of Minutes #190 of the October 21, 1999, meeting**

Minutes #190 of the October 21, 1999, meeting were adopted by a motion duly made and carried.

**3. Report on the Educational Forum sponsored by the Puerto Rican Studies Department and co-sponsored by the Faculty Senate [Attachment B & C]**

Senator Jacqueline Polanco reported that a very successful Educational Forum on the topic of “The State of Latinos and Latinas in the United States” was held at the College on October 27: the speaker was Mr. Juan Figueroa, the president and general counsel of the Puerto Rican Legal Defense and Education Fund (PRLDEF).

Senator Polanco reported that Mr. Figueroa spoke very critically about Herman Badillo’s recent derogatory comments about Dominicans and Mexicans [Attachment B]. She said that students, especially Latino and Latina students, have been very troubled and concerned by Mr. Badillo’s comments and that they welcomed this educational forum. She expressed appreciation for the Faculty Senate’s co-sponsorship of the event and said that when President Kaplowitz read a proposed resolution that the University Faculty Senate’s executive committee had written about Mr. Badillo’s comments, both the students and Mr. Figueroa had been very moved, as had been the faculty. The audience had applauded the statement and Mr. Figueroa had praised the faculty for drafting it and requested a copy if the resolution was adopted.

President Kaplowitz reported that subsequently, on November 2, the University Faculty Senate adopted the resolution by unanimous vote [Attachment C]. Saying the educational forum at John Jay was a wise and salutary response to a troubling situation, she praised the leadership of the Puerto Rican Studies Department and, especially its acting chair, Professor Jose Morin, for organizing the forum and expressed appreciation that the Senate had been invited to co-sponsor the event.

Vice President Amy Green described Mr. Figueroa as a magnificent speaker, extraordinarily articulate and passionate. Senator Polanco thanked the Faculty Senate for its support.

Senator James Malone asked what other actions, if any, have been taken to criticize Mr. Badillo’s comments and to call for his removal as chair of the CUNY Board of Trustees. It was reported that in addition to the University Faculty Senate, the Delegate Assembly of the PSC passed a resolution calling for his resignation as have the PSC chapters at BMCC, LaGuardia, Brooklyn, CCNY, and York and also the faculty senates at Queens, York, and Hostos.

President Kaplowitz drew the Senate’s attention to highly disturbing statements attributed to Dr. Allen Sessoms, the President of Queens College, in the just published Association of the Bar of the City of New York’s Report of the Commission on the Future of CUNY [see Attachment A].

**4. Discussion: Academic freedom and departmental decisions requiring common texts and departmental exams [Attachment D]**

Professor Kathryn Wylie-Marques, Chair of the Department of Speech and Theater, was

introduced and welcomed. She thanked the Senate for the opportunity to participate in a discussion of whether academic departments have the prerogative to require a specific text in a basic course and also whether academic departments have the prerogative to institute an exam in a basic course and to require all faculty teaching that course to administer the exam.

She explained that about two and a half years ago her department began developing its own exit exam, although they do not really call it that, for Speech 113, which is a course required of all students. This action was partly in response to a call from the administration that exams be developed to measure the competencies attained by students by the end of their semester's work in a course. It was also a response to the desire by members of her department that there be a way of knowing what is happening in all the sections of Speech 113. She explained that approximately 50 sections of Speech 113 are offered each semester and that approximately half the sections are taught by full-time faculty and half by adjunct faculty. She said the faculty have been concerned that there might not be uniformity across the sections in terms of the competencies achieved by students and, therefore, they developed an exam. This has been an ongoing process: every semester the faculty have met to discuss the test, to discuss its efficacy the previous semester, and to further develop the exam.

The only problem her department has encountered, Professor Wylie-Marques said, is that one of the members of the department refuses to give the exam even though it is a departmental decision to administer the exam in all Speech 113 sections and this policy is transmitted every semester in a letter sent to all faculty when they receive their teaching assignments. This faculty member went to the administration to receive permission to not give the exam and to the surprise of the department the administration said that the faculty member does not have to give the exam and also does not have to use the text chosen and required by the department which both this faculty member and another member of the department refuse to use. She noted that the faculty member in question teaches four sections of the course one semester and three sections the other semester and that this refusal undermines the work of the other faculty as well as the departmental purpose of the test. Professor Wylie-Marques said she had consulted with the English Department and with the Mathematics Department and was told that all faculty teaching the basic courses in both departments are required to give departmental final exams and that no one has ever refused to do so and so this problem never arose.

Professor Wylie-Marques reported that the administrator then asked to meet with the department and that the department had welcomed the opportunity to speak about the reasons the department had decided to develop the exam and its importance to both the students and the department and the fact that since the department first introduced the exam, the students take the course and their coursework much more seriously, they are reading the textbook, and they are learning the skills necessary for them to learn. The department had also looked forward to discussing ways to resolve this situation but instead, she said, the administrator focused on what the department can do to make this faculty member feel more comfortable in the department and how the department could provide support to this faculty member. She said the department ultimately came away from the meeting with an unclear picture as to whether a department can, in fact, offer its own exam but they did come away with a statement that a department can not require a specific textbook.

Professor Wylie-Marques reported that she subsequently raised these issues at a meeting of the Council of Chairs at the beginning of this semester and that the Chairs expressed their surprise at the administration's actions and met with this administrator. And similarly the Faculty Senate has chosen to discuss this and she said she and her department are pleased that such discussions are taking place. She said it would be wonderful if a policy could be developed because she and her department still do not know whether they can require students to take a departmental exam or require a text chosen by the department.

Senator Rick Richardson asked what process the department had followed in making its decisions. Professor Wylie-Marques replied that it was not an autocratic process. Rather, she explained, the Curriculum Committee, which comprises almost all the department's members and whose meetings are open to all, made the decision to have a departmental exam and developed the **exam**. Senator Richardson asked whether adjunct faculty had been involved. Professor Wylie-Marques said all the adjuncts were invited to be an integral part of the process and several adjuncts were on the Curriculum Committee working on this project.

Senator Tom Litwack said there are three issues: first, whether it is a wise policy to have a departmental exam or text; second, whether the administration has the authority to overrule a departmental decision based on the administration's assessment that it is not wise policy; third, whether it is a violation of academic freedom to have a departmental exam or text. He said these are three very different questions and he believes that the first question the Senate should address is whether a departmental exam or text is a violation of academic freedom, because if it is a violation of academic freedom it should not be done. If it is not a violation of academic freedom, he said, then there is still the question **as** to whether the administration has the authority to overrule a department about a matter decided by a department based on the department's academic judgment.

President Kaplowitz said that the Provost is interested in hearing from the Senate for guidance on how to respond to the question of academic freedom and departmental decisions. Senator Litwack asked Professor Wylie-Marques whether the administration had told her department to not enforce its decision because the policy is a violation of academic freedom or because it is an unwise policy. Professor Wylie-Marques said the issue had been framed **as an** issue of violation of academic freedom although there had been some question as to whether the exam was warranted for this kind of **course**. Senator Litwack asked whether the main objection was that, in its judgment at the time, the administration felt that the policy violated academic freedom. Professor Wylie-Marques said that is **so**. [Dr. Wylie-Marques left for another meeting.]

Senator James Malone asked whether the departmental exams given by the English and Math departments had been approved by the College Council. President Kaplowitz said that the Senate had been told by the department representative from English that it had been and the members from the Math Department had thought so but had not been certain. Senator Malone said that if the College Council has approved a department's decisions to have departmental exams and departmental texts then, by definition, the department's decisions have been judged to be, indeed, wise. Senator Erica Abeel asked whether the professor in question is an otherwise effective teacher.

President Kaplowitz said that the Senate is not discussing this specific case nor should we; rather, we are discussing the general question as to whether such departmental policies are violations of academic freedom. She recalled that at the last Senate meeting, two **AAUP** [American Association of University Professors] policy statements had been reviewed, and she referred to a third **AAUP** policy statement, adopted in 1994, that had been included with today's agenda: "On the Relationship of Faculty Governance to Academic Freedom" [Attachment D]. At the Senate's previous meeting, it seemed to some on the Senate that the **AAUP** position was that departmental policies such **as** are being discussed are not a violation of academic freedom but because the **AAUP** documents are silent on the specific issues of departmental exams and texts, the Senate had instructed her to telephone the **AAUP** in Washington to **ask** specifically about these issues and to report back at today's meeting.

She reported that on November 1 she spoke by telephone with Mr. Jonathan Knight, the Associate Secretary of the **AAUP**, to whom she was referred when she said that she was calling about an issue concerning academic freedom. She said that after explaining the situation, **Mr.** Knight asked one

question: whether the course is taught by only one member of the faculty. When she explained that the course in question is taught by all the members of the department, Mr. Knight said that the AAUP has been asked this question on numerous occasions and he gave the AAUP position, for attribution:

“In circumstances when faculty members have a joint responsibility for a course, the faculty members responsible for the course, in this case the department, can decide to require a common text and can require a common exam. Because responsibility is shared, it is reasonable for the group to be concerned about what is taught in the course and to trump over an individual’s concern. Faculty who feel aggrieved about the choice of the text have the right to supplement the text and to make observations about the quality of the text as long as the material is covered that the group decides should be covered. The individual who believes very strongly that the required text is balderdash cannot assert a right to discard the text and to use a different text. One hopes an accommodation can be made for a faculty member who **has** this opinion. Individuals do not have veto power over the group’s decision.”

(Telephone conversation with **AAUP** Associate Secretary Jonathan Knight. Nov. 1, 1999)

**This**, she said, was the totality of Mr. Knight’s comments. He gave permission to be quoted and to have **his** comments attributed to him in his official capacity **as** Associate Secretary of the **AAUP**.

Senator Lydia Segal asked why Mr. Knight asked if only one person **is** teaching the **course** in question. President Kaplowitz explained that if only one person **is** teaching the course, then that instructor **is** responsible for the course but when there are several instructors teaching it, “responsibility is shared,” **as** Mr. Knight phrased it. Senator Kinshasa asked whether this statement was quoted **from** written policy. President Kaplowitz said Mr. Knight was presenting the AAUP’s official position but in his own words, speaking extemporaneously. Senator Abeel asked whether the faculty member’s rank and status matter. President Kaplowitz said that **Mr. Knight** made no distinction about that. Senator Malone said **Mr. Knight**’s statement is consistent with the AAUP’s written policies, especially its 1994 statement, “On the Relationship of Faculty Governance to Academic Freedom”:

. . . since the faculty has primary responsibility for the teaching and research done in the institution the faculty’s voice on matters having to do with teaching and research should be given the greatest weight. From that idea flow more specific principles regarding the faculty’s role, **as** expressed in the “Statement on Government.” Since such decisions as those involving choice of method **of** instruction, subject matter to be taught, policies for admitting students, standards of student competence in **a** discipline, the maintenance of a suitable environment for learning, and standards of faculty competence bear directly on the teaching and research conducted in the institution, the faculty should have primary authority over decisions about such matters – that is, the administration should “concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.”

“On the Relationship of Faculty Governance to Academic Freedom” [Attachment D]

Senator Andrew Karmen said he is not necessarily comfortable with the AAUP’s guidelines and suggested that the Senate create its own standards for use within John Jay and proposed as a possible

model the procedures developed for teaching Criminal Justice 101, which is taught by faculty from three departments: Sociology, Government, and Law and Police Science. He described himself **as** a very strong defender of academic freedom and of tenure and said he cherishes both, especially because he is someone who has carved out a niche as a critic of the NYPD's having taken credit for crime having declined in New York City, something for which he would have gotten into big trouble, in terms of his career, had it not been for academic freedom and tenure. And, **so**, he does not in any way want to relax these very important safeguards or permit them to be eroded. The danger can come from different directions, he noted, from below (from angry students), from above (from the administration), and from outside forces. But, in this case, he said, it sounds **as** if the conflict is lateral, a conflict between peers within a department.

Senator Karmen suggested that the Senate consider proposing the following procedural guidelines which are those of CRJ 101 and this is **a** recommendation, he explained, based on ten years of experience with this course which has required a common textbook and a common exam for the past 10 years. First, any and all choices are to be made in open meetings to which adjuncts are encouraged to attend and in these decisions adjuncts have equal votes with full-time faculty. He said the practice of giving adjuncts a half vote has the effect of making adjuncts feel less welcome and less valued. Second, the textbook chosen in open discussion is never limited to one text, but rather at least two texts and usually three from which instructors may choose and, thus, a common core curriculum is established by the faculty but no one's style is cramped by lack of choice.

Senator Karmen noted there is **a** bit of a complication in using **CRJ** 101 as a model because the reader that **he**, with the help of John Jay colleagues, put together called Crime and Justice in New York City supplements all the textbooks, which **are** national in orientation. **This** reader comes shrink-wrapped for **free** with one of the approved textbooks but **can** also be ordered **as an** additional, supplemental text if any of the other textbooks is chosen or it does not have to be adopted at all: in support of academic freedom faculty are given the choice of not adopting this reader. (Whether the reader is ordered as a **free** text **or as** an additional text, the College does not make any profit: outside sales generate a small amount of scholarship money.)

Senator Karmen further explained that the common final exam also provides flexibility: no one who teaches the course has to use all the questions that are developed for the final: for example, an instructor **can** pick 10 out of 12 short identification questions and two out of four proposed essay questions. **So** even with a common exam there is **a** certain amount of latitude.

The philosophy behind this approach, Senator Karmen said, is to have a common core curriculum so the faculty can count on students having a certain foundation of knowledge when they take electives but this **is** done in a collegial way that is neither onerous nor cramps anyone's style.

President Kaplowitz asked whether faculty who teach CRJ 101 are required to give the final exam a specific weight in determining the final grade. Senator Karmen said the faculty have complete latitude **as** to how they wish to weight each short answer question and how they wish to weight each essay question as well the percentage of the final grade the exam will be. President Kaplowitz asked whether faculty who teach CRJ 101 have any restrictions about assigning additional texts and readings, other than one of the approved textbooks/reader. Senator Karmen said absolutely not although most of the semester the faculty are racing to cover the material and most choose to not assign additional material although they may do so.

Senator Malone said that what is important in this model is that there has been agreement by the three departments responsible for the course and faculty members are not saying they will go in their own

direction and use none of the textbooks and none of the final exam questions.

Senator Kwando Kinshasa said he agrees with most of what Senator Karmen has said but asked what happens when a faculty member has a radical paradigm in terms **of**, for example, criminal justice or forensic psychology: in such a case, to what extent does the CRJ 101 model accommodate that instructor's radical thinking? And, he added, what if the individual is tenured and thus is on secure footing but is totally opposed to all the choices of textbooks: how does such an instructor fit in the model: is that radical analysis consigned to the supplemental reading? Senator Karmen said that when each topic is studied, the instructor can explain his or her analysis, thus supplementing the textbook which presents the mainstream view. He added that if an instructor's views are at such odds with the entire structure of the course that person should not be teaching **an** introductory course.

Senator Karmen said that in light of this discussion he would like to suggest another guideline: that we only consider common texts and exam questions when a course is offered in multiple sections, taught by **a** number **of** faculty, such **as** is the case with CRJ 101 (which is the course with the most sections in the College and which is taught mainly by adjuncts most of whom are doctoral candidates) and when the course is an introductory course. He said Sociology 101 also is an introductory course with multiple sections and the Same guidelines apply. Senator Karmen said that someone who has a truly unique perspective perhaps should not be teaching a 101 course because to be fair to the topic and to the students, the instructor has to cover the traditional ground. Senator Kinshasa questioned whether we should exclude such **a** person from teaching a 101 course in light of the fact that there is already a tendency toward conservatism in the teaching of such courses.

Senator Kirk Dombrowski asked who grades these common exams because, he said, that is where the issues that Senator Kinshasa **is** raising really emerge. Senator Karmen said that each instructor grades his or her own students' exams. Senator Dombrowski suggested this be another guideline because the issue is less the questions on a standardized exam than the way each instructor grades **his** or her own students' answers. Senator Karmen agreed that an additional guideline should be that each instructor of a standardized final exam grades his or her own students' exams.

President Kaplowitz said she agrees but thinks it necessary to explain that the exit exams for the two remedial writing courses, English 99 and English 100, in each case, **is** an **essay** that is graded by the instructor and then by another member of the department, who **knows** neither the identity of the student nor of the instructor. If the two readers independently agree on the grade (either Pass, Fail, or **A**), then that is the grade. If the two grades differ, the essay is given to a third reader who also does blind grading. The exam grade is the final grade for the course. She said this method is used because what is being tested is writing proficiency and not a body of knowledge. In response to Senator Dombrowski's question **as** to whether she recommends this approach in content courses, she said she does not. She explained that she supports the continued use of group grading for the remedial writing courses but supports the guideline that faculty grade their own students' exams in college-level courses.

Vice President Green said her response to the discussion about those who might have a radical approach to an introductory course is that she and her colleagues in the Speech and Theater Department feel very strongly, as she imagines other faculty do, that an introductory course has to provide a certain fundamental exposure to the subject. The presentation of radical analyses is something she is very comfortable with in upper-level courses but unless students learn at the very least minimal threads of information in an introductory course they will not be able to truly understand or judge radical perspectives that they may be exposed to in advanced courses.

Vice President Green revealed that her initial reaction to the idea of a common exam in Speech

113 was very negative but her experience with the common exam has been very positive and so she has come full circle on this issue. She said the students are now leaving the course with a set of necessary, fundamental skills, which she said she knows had not been happening across the board but is happening now. She said that the introduction to theater course she teaches here is not given in multiple sections but at the CUNY college where she taught previously multiple sections of that course were offered and there was a common exam and a common text and students learned the fundamentals that they needed. Although each instructor emphasized different things and had different perspectives about the material covered in the common text, when the students advanced to a higher level course with a different instructor they all had that basic exposure and the fundamental knowledge they needed.

Senator Lou Guinta said he agrees with Vice President Green but he asked what **can** be done if a tenured member of the faculty refuses to use an exam or a text that the department has chosen. Senator Malone said that a faculty member has academic freedom but a faculty member is not an independent agent. He added that it is in the best interests of the institution and of the students for the chairperson to assign appropriate faculty members to appropriate courses. Senator Litwack said that what the Senate **can** do is express its view **as** to whether or not it is a violation of academic freedom per **se** to require a common text and a common exam. Senator Malone asked Senator Litwack, who had been the chair of his department, whether or not a chair **has** the prerogative to assign particular faculty members to teach certain classes. Senator Litwack said the chair has total prerogative to assign courses and teaching schedules. President Kaplowitz added that the Bylaws of the **CUNY** Board of Trustees state this explicitly. Vice President Green noted that in some departments the chair has flexibility about which courses to assign to faculty but in the Speech and Theater Department the main course offering is Speech 113 which everyone must teach: very few electives are offered and there are very few sections of electives. She said that she has a different perspective about the solution with regard to the chair's prerogative to assign courses to faculty: if that were the solution and she were to **refuse** to use the text or to give the exam then she could effectively opt out of ever having to teach the basic, required course and would then be "rewarded" for her actions by being assigned only electives, which would leave few if **any** electives for anyone else to teach.

Senator Kinshasa hypothesized that a department chair could require faculty to teach, for example, Huckleberry Finn as the quintessential American novel and were that to happen, he said, that would create real conflicts. President Kaplowitz said that a chair cannot unilaterally make such decisions which, if made at all, are to be made by the department. Furthermore, each instructor would have the academic freedom to teach Huck Finn as she or he chooses: one instructor might teach it **as** an anti-racist novel, another **as** a racist novel, another as a great literary text, another **as** a flawed novel, but all students taking that course would have to read that same work if the department has decided they should. The question is whether a department that requires all instructors of that course to teach that novel violates the academic freedom of the instructors assigned to teach that course.

Senator Abeel asked what the Speech 113 final exam consists of. Vice President Green explained that the exam is an analysis of a persuasive speech: the students are given the text of a speech and are asked questions about the parts and rhetorical devices of that speech. This is a test of very basic concepts. And then, if the faculty member wishes, she or he can add a written component to supplement the multiple choice questions. Senator Abeel said that if an instructor has a very unorthodox approach to teaching the course it would stand to reason that that person would want to test the students about the material that had been taught and in a way appropriate to what was taught. Vice President Green said that the final exam is designed by a committee every semester to test the material that is supposed to be taught but that each faculty member can supplement the final exam to test all the materials and skills he or she taught.



President Kaplowitz said if students are supposed to learn rhetorical techniques, which the Curriculum Committee and the College Council made College policy when they approved Speech 113, then that is what students are supposed to, at a minimum, learn and the department designed a test to test for that. Senator Abeel said she absolutely agrees but perhaps the faculty member has a reason for not giving the exam that is not being represented here. President Kaplowitz said the faculty member had sought her advice about this matter and had asserted that to be required to give the final exam or to use a departmentally selected textbook is a violation of academic freedom.

Senator Dombrowski, noting that we are being asked to make a statement about academic freedom and not about the merits of this particular case, suggested that whenever dealing with issues of freedom it is always incumbent to draw the widest possible latitudes. He said the reason he wants to distinguish this case from the larger, more general, issue is that there are many issues that do not pertain to this particular case. He said that with regard to the issue of teaching the fundamentals of a subject, as recently as 20 years ago in Anthropology the fundamentals of race theory were very different from now and part of what he wants to teach in Anthropology 101, which is an introductory course, is against a 100 years of foundations and that is very tricky to do. Thus, he said, he is very nervous talking about defining freedom except in its very widest terms. He added that while the concept of teaching foundations might work in teaching rhetoric or mathematics, it may or may not work in his own field and, thus, he has to give this much more thought. But, he added, in giving this the widest possible latitude he is very reluctant to say that even the notion of fundamentals is a defense of uniform testing.

Senator Richardson said that a subtext that drives departments to choose common texts is the notion that adjunct faculty do not really deliver the goods, that they do not really provide top notch foundations and that in order to make certain that adjuncts do so we have to have some kind of barrier, some kind of reigning in to make certain adjuncts are teaching what should be taught. He said that when faculty are hired, they are hired because they are qualified. Also, he said, once there is a standardized test and once there is a standard text there is a great deal of pressure on all faculty to adhere to the guidelines and even when one has legitimate information that refutes some of the ideas in a text the atmosphere does not permit the instructor, especially if one is an adjunct, to feel free to refute those ideas. The tenure of adjuncts is, after all, at the whim of the chair. And so an adjunct teaching an introductory course may find a text chosen by the department to not be delivering the appropriate information but the adjunct may feel very reluctant to say so because that could get back to the selection committee and to the chair.

Senator P.J. Gibson said that a few people have said that adjuncts participate in the decision process but she does not know how that could be possible in many departments since often the chair does not know how many or which adjuncts will be teaching a course until long after the decision about a text has been made. And so adjuncts may be teaching a course who have not had a voice in the choice of text. She also said that students tend to believe that what is in print rather than what the instructor says. She added that covering certain concepts makes sense in a discipline like math, but even in that case, there are different ways to teach mathematical concepts: she recalled when the teaching of math changed dramatically and as a result there are whole generations of people who do not know basic mathematics. She asked who makes these decisions: how old are the ideas of those who are deciding, are decisions made by majority vote, does the vote take place even if several people are absent.

President Kaplowitz reiterated that we are being asked not whether it is pedagogically a good idea to require common texts and exams, but whether such policies violate academic freedom. Senator Jacqueline Polanco said in her opinion common texts and exams are a violation of academic freedom. She said that those teaching the Ethnic Studies courses or the history of the Caribbean islands or the history of Caribbean migrations are now deconstructing history. Very good scholars are saying that

Africans came to America before the Spaniards in 1492. She said that faculty are challenging Eurocentric knowledge. She asked how an instructor *can* challenge such ideas and be required to use a particular exam. Senator Ed Green said that the faculty's academic freedom is dependent upon how departments that use common texts and exams go about implementing their decisions. He said that if everyone, full-time and adjunct faculty, who are scheduled to teach a certain course has an opportunity to participate in the process of selecting several textbooks and then has a choice from among those textbooks that is something he could support. He also suggested that all those teaching that course should have input into the design of the final and should see the final version of the exam at least a month before the end of classes. The worry is that such an exam would not be secure and that students would see copies of it: but he said the issue isn't the specific questions but rather the scope, the types of questions. He said he *has* been opposed to uniform **finals** only because he has not been invited to participate in their design and, thus, has felt the situation to be unfair although he feels he must administer the departmental exam because it is departmental policy. He would support departmental exams if he were involved in their design.

Senator Leona Lee said that the Sociology Department used to require one departmental text but now offers those teaching Sociology 101 a choice from among three textbooks. She said she surveyed the faculty because not all adjuncts can be on campus at the same time. The questionnaire asked each instructor what kinds of materials they want the textbooks to include. She said that the choices considered by the faculty factored in the College policy that at least 50 pages of reading be assigned each week in 100-level courses. Vice President Green asked if anyone feels that this College policy violates the faculty's academic freedom. It was noted that this policy for 100-level courses (there are parallel requirements for the other level courses) was developed by the Standards Committee and adopted by the College Council.

Senator Lee said that copies of a broad selection of possible textbooks were made available for everyone to see and review and eventually several textbooks were selected, including one paperback because of some instructors' concerns about the cost to students. First, the curriculum committee made a series of selections and then presented those choices to the entire department and then the entire department voted and it was the vote of the department, which operated as a committee of the whole, that determined the three textbooks from among which instructors choose one. Also, she explained, only about **25** chapters in each textbook are chosen *as* required material, that is, material which the faculty agree all students should know, which takes about half the semester to cover, leaving faculty the other half of the semester to teach other chapters or topics or other texts they wish to include in their course.

Senator Litwack repeated that we need to distinguish between whether a departmental text or texts and exam are a good idea and whether they are violations of academic freedom. He said his department, Psychology, has never had common texts or common exams and he can see the merits of both approaches. He said he can see how some departments would find it beneficial to have common texts or exams and that, he said, is the point: it is a departmental decision. He said we also all agree that even if a common text *is* chosen an instructor absolutely must have the right to criticize the text and to criticize ideas and statements within the text. He said it is equally clear to him that a department's decision to adopt common texts and a common exam is not a violation of academic freedom and, frankly, if it were a violation of academic freedom then there would be chaos. As for how choices are made, each department has a curriculum committee that is elected each May by vote of the faculty of the department for a one-year term. If the committee were unrepresentative of the department and if the faculty were unhappy with its decisions, those faculty members would not and should not be re-elected the following year. He said that if adjuncts are not adequately represented on curriculum committees, perhaps that is an issue to be discussed, a significant issue. He concluded that to him it is clear that departmental decisions about exams and texts are not violations of academic freedom.

Senator Kinshasa said that perhaps departments should focus on the subject matter that everyone teaching such courses are to cover rather than require common texts. He said that in **his** department, the faculty, who come from diverse disciplines, sit down and discuss what subjects should be covered and then leave the choice of text to the individual faculty member. Senator P. J. Gibson said that she agrees that standard texts might be appropriate for basic, introductory courses, such **as** those taught by the English Department, but that the idea of standardization if applied to higher-level courses frightens her. She said that even if this is not a violation of academic freedom, we have to look at the processes by which these decisions are made. She said that many departments have adjuncts who are very long-standing members of the department and perhaps we should visit how their voices are heard but she said that is something each department should discuss.

Senator Janice Dunham **said** that not only do printed materials carry weight but so do electronic materials. She reported that the Library has about 9,000 items on Reserve in the Library, which is a way for faculty to present alternative views without requiring students to purchase additional texts, and increasingly the Library is able to provide those materials in electronic form, which the students prefer.

Senator Dombrowski said that he understands Senator Litwack's position that this is not a violation of academic freedom but yet we know that while it **is** not we also know that, in certain cases, it might be. He suggested that the Senate establish a Committee on Academic Freedom which could consider individual questions and issues regarding academic freedom: he said that because this is such a complex issue, there should be a means through which issues could be addressed by someone other than the administration. He said this is a faculty issue in addition to being a department issue and, therefore, instead of these issues being addressed by the administration, there should be a standing body **of** faculty that **would** hear **cases** like the one that has sparked **this** discussion, **on a** case by *case* basis, because clearly **this** is very complicated and because, while in general, it may not be a violation of academic freedom there could be ways that it becomes a violation of academic freedom.

Senator Malone said he supports decision making by a majority of faculty over individual decision-making by faculty. He said he is enamored of his academic freedom and of protecting and ensuring it, but he is most concerned that our students learn at a high level so that they are extremely competent when they graduate. Senator Lou Guinta said that given the tenor of the times, any diminution, erosion, or any opening for the Board of Trustees or any administrators to impinge upon academic freedom should not go unchallenged. This **is** a departmental issue, one which must be worked out within each department and if a department can not work it out the department must go to the provost **so** he can do so. For the Faculty Senate to give countenance to any erosion of academic freedom is counterproductive for **us** as a faculty.

Senator Gibson said she is hearing two separate issues: a given text and a given body of information. She said certainly students need a certain body of knowledge to be able to succeed but that is different from a particular text that is supposed to contain all that information. Senator Litwack said that what one certainly can **not** do is tell an instructor what information to teach because that clearly **is** a violation of academic freedom and **so** the only way, without violating academic freedom, to ensure that students have the minimal knowledge that a department feels they should have in a certain course, the only way without violating academic freedom, is to require a certain text or a choice of texts. He said there are faculty members who are not responsible, who teach what ever they want in a certain course regardless of what the students need to know, who have their own agenda, political and otherwise, who are against any kinds of standards, and the only way to guarantee a certain minimal level of standards in certain courses, without violating academic freedom, is to have a common text.

Senator Guinta said that **this** is a departmental decision not a Senate decision. President

Kaplowitz said we are not deciding for a department; rather, this is a case where a department made a decision but the decision is being nullified by the administration and, thus, if the administration **can** do that it ceases to be a departmental decision and this, therefore, pertains to all departments and to all faculty. Senator Guinta said he sees this **as** a departmental issue in the larger sense, not focusing on this particular incident, and said it frightens him to have the Senate take it up.

President Kaplowitz said if the administration **can** say to Department X that it does not have the right to require a departmental exam and a departmentally chosen textbook, then the administration will think it **can** also say to Department X or to Department Y or Z that it must teach **a** certain way or must teach certain topics or give certain assignments or **use** certain texts. Are these decisions that **are** to be made by the administration or **by** the faculty? That is the real issue here. The answer, she said, is that these are decisions that are to be made by the faculty. **A** department has the right to determine its own educational policies **as** long **as** those policies do not conflict with or contradict College or University policy, President Kaplowitz said, adding that it is the faculty's role to make academic policy whereas the administration's role is to help implement that policy, not to veto it. Senator Malone said he agrees completely and absolutely.

Senator Edward Green said he has taught in the public school system for the past 29 years (and will retire in January) where there is no academic freedom. All decisions are made by the principle despite claims of school-based management and, he said, the lack of academic freedom is responsible for the failure of the public school system.

Senator Litwack said that in listening to Senator Dombrowski's response to his comments he realizes he could envision a situation where a department, even by majority vote, might require a text that was **so** objectionable that it would be so oppressive to a faculty member to have to teach it that it could be **a** violation of academic freedom. He suggested that perhaps we should state that a department's decision to require a departmental exam or a departmentally chosen textbook or choice of textbooks is not necessarily a violation of academic freedom, recognizing that in some extreme situations it could be but that it is not **so** by definition. He added that, speaking **as** a former chair, he **will** say, again, that some faculty are irresponsible **as** teachers and departments may decide to address such a situation by deciding, **as** a department, to have a required exam or text.

Senator Shevaletta Alford reported that some students complain that some of their instructors never refer to nor have the students read the assigned text and it may be that these are faculty who have had no choice in the textbook. It was noted that one of Senator Karmen's proposed guidelines is that faculty should be given a choice from among two and, preferably, three texts and, furthermore, departmental final exams in introductory courses are often designed to address such possibilities.

Senator Stuart Kirschner spoke in support of Senator Dombrowski's proposal that the Senate establish **a** vehicle, such **as** a committee, for handling these situations on a case by case basis. Senator James Cauthen said this is such an important and complex issue that not only does it deserve more thought but **as** a departmental representative he feels it is incumbent upon him to take this back to his department before voting on any of the proposals put forward today.

President Kaplowitz suggested that we discuss this matter with our colleagues, perhaps at department meetings, and also ascertain how our colleagues at other *CUNY* colleges view this issue: whether they have departmental exams and texts and, if so, how they are chosen and what they do if they are ever faced with a situation in which a faculty member refuses to follow department policy.

She noted that several excellent suggestions have been made today: Senator Andrew Karmen's

set of proposed guidelines for recommendation to departments that are using or are considering using a common exam and texts; Senator Kirk Dombrowski's proposal for a Senate Committee on Academic Freedom; Senator Tom Litwack's proposal for a statement that while a departmental exam or text is not in and of itself a violation of academic freedom a department's choice could be so objectionable to faculty as to be unacceptably oppressive. She noted that all three proposals could be adopted because they supplement each other and speak to various circumstances and needs.

President Kaplowitz said our discussion shows how very difficult, complex, and important an issue this is and that while not in and of itself a violation of academic freedom, the decision by a department to have a common text and common exam should be made very carefully, with an understanding of the inherent pitfalls as well as with an understanding of the potential problems inherent in not adopting such an approach to introductory courses with multiple sections.

President Kaplowitz said the Senate's discussion, which will be transmitted through our Minutes, should be a useful and instructive review of this issue for our colleagues, both faculty and administrators. The topic will be revisited by the Senate at a future meeting.

**5. Proposal to schedule an additional Senate meeting on December 14 to meet with Chancellor Matthew Goldstein**

The Senate voted unanimously to add a meeting on December 14 in order to facilitate the schedule of Chancellor Matthew Goldstein. [The meeting was subsequently rescheduled because of a meeting at City Hall, a pending transit strike that evening, and final exams. A new date will be announced for the meeting with the Chancellor.]

**6. Proposal to distribute the Comprehensive Planning Committee's Phase II survey to faculty**

A survey instrument was developed for the College's Comprehensive Planning Committee, which has been charged with organizing the planning for Phase II. A motion to distribute the survey to the faculty so that the Senate representatives to the Comprehensive Planning Committee can effectively represent the faculty was adopted by unanimous vote.

By a motion duly made, the meeting was adjourned at 5:00.

Respectfully submitted,

Edward Davenport  
Recording Secretary

and

Amy Green  
Vice President

Announcements from the Chair

Vice Chancellor Emma Macari to be Senate guest December 10

Vice Chancellor for Facilities Planning, Management, and Construction Emma Macari will be the Senate's invited guest at its Friday, December 10, meeting to discuss Phase II.

Dr. Kimmich conveys thanks to Faculty Senate for its Resolution of Appreciation

The Faculty Senate's Resolution of Appreciation was presented to Dr. Christoph Kimmich at a reception in his honor on November 3. He asked Professor Karen Kaplowitz, who presented the Resolution on behalf of the Senate, to convey his warmest thanks and regards to the Faculty Senate.

NYC Bar Association Report on Commission on the Future of CUNY released

The Bar Association of the City of New York has just released its "Report of the Commission on the Future of CUNY :Part I: Remediation and Access: To Educate the 'Children of the Whole People.'" The Commission, headed by Stanley M. Grossman, senior partner of Pomerantz Haudek Block Grossman & Gross, LLP and an alumnus of Baruch College, projects that 4,302 students will be negatively affected by the proposed amendment to eliminate remediation from baccalaureate degree programs compared to the latest projection of the CUNY Office of Institutional Research (Sept. 1, 1999) which is that only 152 students will be negatively impacted. The Commission Report compares these numbers with earlier projections: 6,717 students (projected by the CUNY Administration on June 3, 1998); 1,460 students (projected by the CUNY Board of Trustees as stated in its June 28, 1999, Amendment); 220 students (projected by the CUNY Office of Institutional Research on July 4, 1999).

The Commission Report also contains the following text:

"New York State Education Law 6201, of course, does place a limit on the mission autonomy of the constituent institutions of CUNY. We were, therefore, somewhat surprised to hear Dr. Allen Lee Sessoms, the president of Queens College, say that Queens is really more of a SUNY college, a 'regional' university, than a part of CUNY, with almost half of its undergraduate student body coming from Nassau and Suffolk Counties rather than from the City of New York. [Footnote 86: Interview with Allen Lee Sessoms, September 21, 1999. He made the same assertions at the Regents hearing on September 8, 1999.)] Indeed, Queens College draws more heavily from Long Island than from the four boroughs other than Queens. Whatever the merits such an institution might have, this clearly does not fit within the statutory mission of CUNY to serve the New York City urban community and to give access to those who might otherwise be denied a higher education. [Footnote 87: 'Only the strongest commitment to the special needs of an urban constituency justified the legislature's support of an independent and unique structure for the university.' New York State Education Law 6201.5.] Dr. Sessoms, however, believes that the key to increased funding is to build a strong connection with the middle class. He said that 'the only people who benefit from open admissions are poor people - and poor people don't vote.'

"With respect to raising standards, Dr. Sessoms was quite blunt in stating his view that excellence is largely to be measured by the achievement levels of the incoming students rather than a value added measure of raising the achievement of those less prepared at the outset: '[Expletive] in, [expletive] out. If you take in [expletive] and turn out [expletive] that is slightly more literate, you're still left with [expletive]'. [Footnote 88: Ibid.] He said that he was out to build Queens into a great University and the concept of 'value-added' as a measure of excellence would not indicate to him that Queens is a great University. Dr. Sessoms has thus made explicit what may well be a large part of the unspoken reasoning behind the proposed Amendment, at least by some of its more vocal proponents in the political arena, i.e., that standards and excellence can only be raised by reducing access to the urban population for whom CUNY was created and maintained."

"Report of the Commission on the Future of CUNY. -- NYC Bar Association. (pp. 49-50)

Transcript Prepared by the CUNY Office of University Relations  
of the Talk Given by Chair Herman Badillo  
at the Center for Educational Innovation on September 22, 1999

Questioner 7: (Inaudible)

Herman Badillo: Listen it's far worse than you say because I've been trying to get The New York Times to publish a story for over a year now about the extent of the migration of Mexicans and Dominicans. Because I went to speak about a year ago in a middle school in Washington Heights and I asked the Principal, "What's the biggest problem you have in the school?" She said, "The biggest problem we **have** is that we are getting hundreds of students who are **12, 13, 14** years old, from the hills of Mexico and the Dominican Republic, who have never been to any school."

And this is just not in Washington Heights. If you go to *El Barrio* in East Harlem, **115<sup>th</sup>** street, you **see** a sign that says "Mexican meat market" then you turn around the corner then you see "Mexican grocery store." Why should there . . . this is supposed to be a Puerto Rican area, it's all Mexicans. And the problem is that in Mexico and Central America, there never has been a tradition of education. They have education in some of the cities, but they don't in the hills. And we should recognize that there is a new migration going on in New York City, of hundreds of people, who are neither **African** American nor European. They're pure Indians, Incas and Mayans, who are about, you know, **5** feet tall, with straight hair. **And** when they speak about "**LasRasa**" they're not talking about the Spanish language, they're **talking** about the original Indian language. And therefore it's a far more complicated problem than the problem that we're used to dealing with but nobody seems to want to face up to it. I'm well aware of it. We need to have a sense of urgency about this continuing migration because I assure you it's not going to stop. It's going to be a continuing problem for the next **15** or **20** years.

Questioner 8: (Inaudible)

Herman Badillo: **As** I told you just now, the fact is I don't believe there's a falling birth rate because one of the things that happens to people who come here, particularly those come who are illegal aliens, who are undocumented people, is they get married and they have children right away. And I'll tell you why. And maybe you wondered why Immigration doesn't conduct a raid in the areas where it's known there are many people without any documents. The reason for that is Immigration can arrest the father or the mother, but they can't arrest the kids because the kids are American citizens, and Immigration doesn't have any day-care centers. Therefore they don't bother. This is the reality of what goes on, so more and more children are being brought into New York City, and more young immigrants, because the people who come to New York City **from** Central America or the Caribbean are young people, who come here looking for opportunity. They get married, they have children. So it's the opposite. We need to provide a more realistic Census figure so we know that we're going to have more overcrowding every year. We need to have more and more people graduate from high school and increase the number of students at the City University because we have a much younger population. The Hispanic community is the youngest community in the City. And they are and will continue to be the largest and fastest-growing community.

ATTACHMENT C

University Faculty Senate

Proposed: November 2, 1999

Adopted: By Unanimous Vote Nov. 2, 1999

RESOLUTION ON REMARKS OF TRUSTEE CHAIR BADILLO

**WHEREAS**, the City University of New York has as its historical foundation the mission “to educate the whole people” of the City, and

**WHEREAS**, the City University of New York is further charged by the State with “the provision of equal access and opportunity for students, faculty and staff from all ethnic and racial groups,” and

**WHEREAS**, the City University of New York has assumed the role of welcoming and educating the immigrants who arrive in the city, and

**WHEREAS**, as chairman of the Board of Trustees, Herman Badillo is charged with the leadership of CUNY, his words and actions therefore having great impact not only upon CUNY but upon public higher education generally, and

**WHEREAS**, on September 22, 1999 at the Center for Educational Innovation, Trustee Badillo uttered derogatory and demeaning remarks characterizing the educational, physical and racial attributes of Mexicans and Dominicans, even attacking the reproductive behavior of recent immigrants to New York City, and

**WHEREAS**, these remarks contribute to negative stereotypes of immigrants, are offensive to all, and contradict the most basic democratic mission of CUNY, and

**WHEREAS**, we deem his subsequent apology insufficient and inadequate to the harm he has caused, now therefore be it

**RESOLVED**, that by his words he has violated the fundamental mission of the City University of New York, and be it further

**RESOLVED**, that the Senate concludes he is unfit to serve, votes no confidence, and asks for his resignation from the Board.

ADOPTED BY UNANIMOUS VOTE

NOVEMBER 2, 1999

UNIVERSITY FACULTY SENATE



# On the Relationship of Faculty Governance to Academic Freedom

1994 Policy Document of The American Association of University Professors [AAUP]

*The statement which follows was approved in May 1994 by the Association's Committee T on College and University Government. In June 2004 it was approved by Committee A on Academic Freedom and Tenure and adopted by the Association's Council.*

Since its founding in 1915, the AAUP has been actively engaged in developing standards for sound academic practice and in working for their acceptance throughout the community of higher education. Two aspects of an institution's academic practice have been of particular concern to the Association ever since: the rights and freedoms of individual faculty members and the role of the faculty in institutional governance. The fundamental principles describing the rights and freedoms that an institution should accord to its individual faculty members are set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*; those principles have been further developed in more recent Association statements and reports that bring the principles to bear on specific issues having to do with faculty status. The fundamental principles describing the proper role of faculty members in institutional governance are set forth in the 1966 *Statement on Government of Colleges and Universities*; those principles, too, have been further developed in more recent Association statements and reports.

Although the Association established Committee A in 1915, its initial year, to attend to issues of academic freedom and tenure, and created Committee T the following year to address issues of institutional "government," the AAUP has not spoken explicitly to the links between its principles in these two basic areas. Thus, the 1940 *Statement of Principles* describes faculty members as "officers of an educational institution," but it is silent about the governance role they should carry out in light of their being officers of the institution. The 1966 *Statement* describes the role in institutional government that faculty should be accorded, but it does not speak to the bearing of that role on the rights and freedoms of individual faculty members.\*

Historical and contemporary links can be clearly seen, however. This statement will suggest that a sound system of institutional governance is a necessary condition for the protection of faculty rights and thereby for the most productive exercise of essential faculty freedoms. Correspondingly, the protection of the academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by fear of retribution.\*

An institution's system of governance is the structure according to which authority and responsibilities are allocated to the various offices and divisions within the institution. How should that authority be allocated? Conducting the academic enterprise requires carrying out a complex array of tasks by the various components of the institution. The 1966 *Statement* singles out three major institutional components—the governing board, the administration, and the faculty—and describes their respective responsibilities, that is, the tasks for which each is primarily

\*The "Statement on Government" does, however, quote from the "1940 Statement of Principles" in its footnote 2.

<sup>2</sup>Also relevant are the Association's "Statement on Professional Ethics," *Academe* 73 (July–August 1987): 49, and the "Statement of the Association's Council: Freedom and Responsibility," *AAUP Bulletin* 56 (1970): 375–76.

responsible. Being responsible for carrying out a task is one thing, however, and having authority over the way in which the task is carried out is quite another. The *Statement on Government* connects them in the following general principle, enunciated at the outset: “differences in the weight of each voice, from one point to the next, should be determined by reference to the responsibility of each component for the particular matter at hand....” Thus degrees of authority should track directness of responsibility.

For example, since the faculty has primary responsibility for the teaching and research done in the institution, the faculty’s voice on matters having to do with teaching and research should be given the greatest weight. From that idea flow more specific principles regarding the faculty’s role, as expressed in the *Statement on Government*. Since such decisions as those involving choice of method of instruction, subject matter to be taught, policies for admitting students, standards of student competence in a discipline, the maintenance of a suitable environment for learning, and standards of faculty competence bear directly on the teaching and research conducted in the institution, the faculty should have primary authority over decisions about such matters—that is, the administration should “concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.” Other decisions bear **less** directly on the teaching and research conducted in the institution; these include, for instance, decisions about the institution’s long-range objectives, its physical and fiscal resources, the distribution of its funds among its various divisions, and the selection of its president. But these decisions plainly can have a powerful impact on the institution’s teaching and research, and the *Statement on Government*, therefore, declares that the decision-making process must include the faculty, **and** that its voice on these matters must be accorded great respect.

In short, the **1966 Statement** derives the weight of the faculty’s voice on an issue—that is, the degree to which the faculty’s voice should be authoritative on the issue—from the relative directness with which the issue bears on the faculty’s exercise of its various institutional responsibilities.

There are at least three reasons why the faculty’s voice should be authoritative across the entire range of decision making that bears, whether directly or indirectly, on its responsibilities. For each of these reasons it is also essential that faculty members have the academic freedom to express their professional opinions without fear of reprisal.

In the first place, this allocation of authority is the most efficient means to the accomplishment of the institution’s objectives. For example, as the *Statement on Government* maintains, “the educational effectiveness of the institution” is the greater the more firmly the institution is able to protect this allocation of authority against pressures from outside the institution. Moreover, scholars in a discipline are acquainted with the discipline from within; their views on what students should learn in it, and on which faculty members should be appointed and promoted, are therefore more likely to produce better teaching and research in the discipline than are the views of trustees or administrators. More generally, experienced faculty committees—whether constituted to address curricular, personnel, or other matters—must be free to bring to bear on the issues at hand not merely their disciplinary competencies, but also their first-hand understanding of what constitutes good teaching and research generally, and of the climate in which those endeavors can best be conducted.

The second reason issues from the centrality of teaching and research within the array of tasks carried out by an academic institution: teaching and research are the very purpose of an academic institution and the reason why the public values and supports it. This means that the faculty, who are responsible for carrying out those central tasks, should be viewed as having a special status within the institution. The Association has taken this view from its earliest days. Its first statement, the **1915 Declaration of Principles**,<sup>3</sup> declares that members of a faculty “are the appointees, but not in any proper sense the employees,” of the trustees; they are partners with the trustees, and, as the *1915 Declaration* states, the office of faculty member should be—indeed, it is in the public interest that the office of faculty member should be—“one both of dignity and of indepen-

<sup>3</sup>AAUP *Bulletin* 40 (1954): 90–112.

dence.” Allocation of authority to the faculty in the areas of its responsibility is a necessary condition for the faculty’s possessing that dignity and exercising that independence.

The third reason is the most important in the present context: allocation of authority to the faculty in **the** areas of its responsibility is a necessary condition for the protection of academic freedom within the institution. The protection of **free** expression **takes** many forms, but the issue emerges most clearly in the case of authority over faculty status.

The academic freedom of faculty members includes the freedom to express their views (i) **on** academic matters in the classroom and in the conduct of research, (ii) on matters having to do with their institution **and** its policies, and (iii) on **issues** of public interest generally, and to do so even **if** their views are in conflict with one or another received wisdom. Association policy documents over the years before and since the adoption of the 1940 *Statement of Principles* have described the reasons **why** this freedom should be accorded and rights to it protected. In the case (i) of academic matters, good teaching requires developing critical ability in one’s students and an understanding of the methods for resolving disputes within the discipline; good research requires permitting the expression of contrary views in order that the evidence for and against a hypothesis can be weighed responsibly. **In** the case (ii) of institutional matters, grounds for thinking an institutional policy desirable or undesirable must be heard and assessed if the community is to have confidence that its policies are appropriate. In the case (iii) of issues of public interest generally, the faculty member must be free to exercise the rights accorded to all citizens.<sup>4</sup>

Protecting academic freedom on campus requires ensuring that a particular instance of faculty speech **will** be subject to discipline **only** where that speech violates some central principle of academic morality, **as**, for example, where it is found to be fraudulent (academic freedom does not protect plagiarism and deceit). Protecting academic freedom also requires ensuring that **faculty** status **turns on** a faculty member’s views **only** where the holding of those views clearly supports a judgment of competence or incompetence.

It **is** in light of these requirements that the allocation to the faculty, through appropriate governance processes and structures, **of** authority over faculty status and other basic academic matters can be **seen** to be necessary for the protection of academic **freedom**. It is the faculty—not **trustees** or administrators—who have the experience needed for assessing whether an instance of faculty speech constitutes a breach of a central principle of academic morality, and who have the expertise to form judgments of faculty competence or incompetence. As AAUP **case** reports have shown, to the extent that decisions on such matters are not in the hands of the faculty, there is a potential for, and at times the actuality of, administrative imposition of penalties on improper grounds.

A **good** governance system is no guarantee that academic freedom will flourish. A governance system is merely a structure that allocates authority, and authority needs to be exercised if even the most appropriate allocation of it is to have its intended effects. Faculty members must be willing to participate in the decision-making processes over which a sound governance system gives them authority. **As** the Association’s *Statement on Professional Ethics* says, faculty members must “accept their share of faculty responsibilities for the governance of their institution.” If they **do** not, authority will drift away from them, since someone must exercise it, and if members of the faculty do not, others will.

The second possible source of concern is more subtle. Even with a sound governance system in place and with a faculty active in self-government **and** operating under rules and regulations protective of academic freedom, dysfunctions that undermine academic freedom may still occur: subtle (or not so subtle) bullying **on the** part of the faculty itself, a covertly enforced isolation, a disinclination to respect the views of the off-beat and cranky among its members. That is to say,

<sup>4</sup>In this connection, several policy statements have particular relevance, including the “Committee A Statement on Extramural Utterances,” *ibid.*, 51 (1965):29; and the “Statement on Professors and Political Activity,” *ibid.*, 55 (1969):388–89.

given appropriate formal protections, **such** incivilities may not issue in clear-cut violations of academic freedom, but a faculty member's academic freedom may nevertheless be chilled.<sup>5</sup>

In sum, sound governance practice and **the** exercise of academic freedom are closely connected, arguably inextricably linked. **While no** governance system can serve to guarantee that academic freedom will always prevail, an inadequate governance system—one in which the faculty is not accorded primacy in academic matters—compromises the conditions in which academic freedom **is** likely to thrive. Similarly, although academic freedom is not a sufficient condition, it is **an** essential one for effective governance. **Thus**, the earliest principles formulated by the Association, those of 1915 **and 1916**, are most likely to thrive when they are understood to reinforce one another. Under **those** conditions, institutions of higher education will be best served **and** will in turn best serve society at large.

<sup>5</sup>According to the "Statement of the Association's Council: Freedom and Responsibility," "Membership in the academic **community** imposes on students, faculty members, administrators, **and** trustees **an obligation** to respect the **dignity** of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of **inquiry and** instruction, and free expression on and **off** the campus."