Assault on academic freedom

Academic Governance by Decree or by Consent?

By

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Abstract

Freedom of expression has been a time-honored practice in the academic world and the world of journalism. It is anchored in the First Amendment of the Bill of Rights and as such one of our most basic constitutional rights.

Unfortunately, in an age of global terrorism, political correctness, and overbearing bureaucracy, these freedoms have been drastically curtailed. Specifically, the coordinated terror attacks of September 11, 2001 by Muslim extremists have brought about a heightened invasion into our privacy. Surveillance of global communication has been facilitated through new technologies that have rendered us vulnerable to express our ideas without penalty.

Carey Nelson in AAUP’s Online Newsletter writes, “Of course colleges and universities have more than one problem. But at the core of the financial and decision-making disasters of the past year has been a failure to honor shared governance principles on campus after campus.”

Our observation is in consonance with Nelson’s discussion. More often than not, academic decisions are made by managerial decree rather than by consent with the faculty. Decisions by lower-level academic managers are accepted by the higher administrators without proper consultation with the faculty.

Some case studies of arbitrary and capricious decisions by academic management and pertinent issues will be discussed in this lecture.

Cary Nelson, AAUP President [aaupnewsletters@aaup.org]
Can a Faculty member be dismissed because (s)he holds tenure at two different Universities?

Scenario:

A Faculty member at an Illinois university received a letter of dismissal from the University President because he held tenured positions at two universities. This came to light when a senior member of the administration apparently had researched – accidentally or purposefully – these facts.

According to Union agreement, a panel of his/her peers was selected to study the appropriateness of the dismissal. A series of meetings was held between the accused, the Union representatives, the administration, and its legal counsel. The panel was essentially an independent jury who was permitted to ask pertinent questions of the opposing parties.

Outcome of the Hearing Panel’s Deliberations:

After considerable deliberation\(^2\), “The Hearing Panel considered that the following five key issues of proof needed to be satisfied by clear and convincing evidence in order to make the case for the [the university]’s written charges against [the professor]:

**Key Point 1:** To submit clear and convincing evidence to the Hearing Panel and the Defense that holding two tenured positions violated the 2006-2009 University-UPI Agreement, law, or regulation.

**Response:** Based on our review of the evidence presented during the Hearing, we find no specific reference to a prohibition that a tenured faculty member cannot hold dual tenure. As a reason for summary termination, the President’s interpretation of the obligations of tenure is inadequate.

**Key Point 2:** To demonstrate that documentation exists to clearly show the definition of “full-time” employment.

**Response:** There is no clear-cut definition of “full-time” employment in the 2006-2009 [University]-UPI Agreement or other evidence presented during the Hearing.

**Key Point 3:** To demonstrate that [the professor] neglected his duties to [the university] as a consequence of holding two tenured positions.

**Response:** There was no evidence presented that [the professor] neglected his obligations towards [the university] or that his [university] appointment was not “primary and was [shall be] given priority over other employment whether external or internal to [the university]”\(^3\). On the contrary, the evidence indicated that [the professor] fulfilled his assigned duties which included overload CUES and faculty.

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\(^2\) To preserve the privacy of the participants, the actual name of the university has been replaced by [the university] and that of the accused professor by [the professor].

\(^3\) Agreement 2006-2009, p. 14, Article 4.1 Conflict of Commitment and Conflict of Interest
accessibility. In addition, his publication record has been recognized by numerous peer-recognized honors.

[the professor] was granted tenure in 2004 based on performance criteria as defined by the Division and judged by a lengthy, multi-level process of review by peers, administrators, and the Board of Trustees. Annual evaluations of [the professor]’s performance of professional duties for 2007-2008 and 2008-2009 do not indicate that he was negligent in his duties to [the university].

Key Point 4: To prove that the American Association of University Professors provided pertinent comments indicating Key Point 1 was “axiomatic.”

Response: Nowhere in AAUP’s “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments” is it discussed that dual tenure is prohibited and/or should be cause for termination of a faculty member who holds such dual positions. Any suggestion otherwise is arbitrary and not supported by AAUP’s interpretation of tenure or other evidence presented to the Hearing Panel.

Key Point 5: To demonstrate that [the professor] was obligated to inform the University of any teaching performed for another institution. The Illinois Act 100 Form covers teaching just as well as research and consulting and should be reported accordingly.

Response: Contrary to the interpretation of the President, the Act 100 form was found to apply only to research and consulting activities and definitively does not require faculty members to report teaching performed for another employer. Based on our review of the evidence presented during the Hearing, we find no specific stipulation that a tenured faculty member is obligated to report teaching performed for another employer to [the university] administration.

The Hearing Panel considered that [the professor]’s financial and family situation with regards to his actions to seek tenure at two universities was not relevant to the case.

We recognize that [the professor] did not comply with the Act 100 requirement to report his involvement in research activities with another university; yet his termination appears to be unreasonable punishment in view of the fact that his dual employment did not interfere with his duties at [the university].

We suggest that rule #14.4a of the Agreement, which provides for approaches alternative to termination, was not properly explored by the administration.

Based on its findings, the Hearing Panel unanimously recommended that [the professor]’s termination be rescinded and his employment reinstated without further penalty”

The faculty member has been and still is on administrative leave waiting to return to the university.

4 http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm
As it is tradition in most Institutions of higher education, university policies are generally developed by the faculty senate and established in consent with student senate, staff senate, and administration. Recently, however, a faculty senate was forced into action and objected to unilateral decisions by the provost and president who tried to place into immediate effect important educational policies as Interim Policies without consulting with the senators and the appropriate senate committees. The administration attempted to take advantage of the mid summer months when many senators are on vacation and a quorum is lacking.

Particularly ominous was a policy draft on student e-mail. Specifically, the student senators as representatives of the students had unanimously expressed concerns about the policies as drafted. One policy provided for the questionable right by the administration to investigate students’ e-mail; an obvious infraction of confidentiality. As is often the case, the concept of shared governance is ignored in favor of managerial expediency.

Another case of an un-academic and biased decision process came about when a professor, who served the university for more than 24 years, requested a sabbatical leave in order to prepare a proposal for an Internet-Based Doctoral Program in Computer Science. During these 24 years he had asked for and received only once a sabbatical leave. The term, “sabbatical” is related to the Arabic word “sabba’a” (سابع); meaning “seven” (years when it applies to sabbatical leaves).

The request was denied by the chair and the Dean and eventually by the higher administration despite the fact that a faculty committee of peers had recommended it. The reason for the denial totally lacked scientific argument. The chair stipulated that the faculty was unprepared for an advanced program, thus demeaning their capabilities. The chair’s arguments were vague at best; at worst such expressions were opinionated without basis in fact. The argument that a university profession means that we combine scientific research with teaching our students the skills of scientific inquiry and scholarly creativity was not taken seriously.

What is even more puzzling is that the university had just introduced doctoral programs in other disciplines such as Physical and Occupational Therapy. The chair’s argument was that these disciplines are so-called “practice doctoral programs” without requiring scientific research.

In contrast to the Chair’s stipulation, there is no clear-cut distinction between “practice” and “research” doctoral programs. As a matter of record, the university’s Doctoral Program in Occupational Therapy emphasizes, “Linking Research, Education and Practice”.

Based on the Chair’s executive decision, the students are denied the option to stay with the university for a higher degree. During every semester there are many requests from excellent students for recommendations to join other universities in a doctoral program. These students are lost to the university as potential contributors to the advancement of science and enhancement of the institution’s reputation.

Following is a personal discussion on peer review and capricious university policies that affect advancement and promotions in a highly biased academic environment.
To be or not to be, that is the question.

To publish or Not?

To Publish or Perish:

That is the QUESTION!!!

By

Winfried Rudloff

The Essence

Having contemplated at our university for twenty four years over such question and the question of who are your true peers, you are saddened by the fact that decisions by academic managers are often made in an arbitrary and capricious way.

When past Union rules prescribed that a faculty member could nominate him/herself for the (prestigious?) university Excellence Award, you suggested that such action was un-academic and against all true scholarly principles. It was strictly a monetary affair as is the charge of the Union. But then, in twenty four years none of your so-called peers ever selected you for such an “award(?)” Yet, your recognition came plentiful from your extra-mural peers and that without solicitation.

After 22 years you finally give in and nominate yourself for the award and get it with flying colors. But then, in the next cycle you try again and get bounced out of the race because the rules of self-nomination have changed by administrative decree, and you begin to wonder; you wonder about the system that appears to be insensitive and discriminatory; a system that seems to favor some and neglect others. The “yes” sayers are promoted and academic freedom of speech falls by the wayside.

The question then arises who are your true peers? Admittedly, we are often prisoners of our own inertia and biases when it comes to recognizing our peers; and you are too proud to ask even your friendly colleague for a recommendation to this award. As a result, those who are part of the buddy-buddy system or who have the well-founded or unfounded guts to nominate themselves get awarded often year after year.

For years, any aspiration for promotion and/or professional merit increase had to start with bragging about your “accomplishments” in volumes and volumes of grandiose self-perception (or self-deception?): an act of scholarly prostitution. In the first stage, you are asked to solicit your departmental peers’ recommendations, followed by that of your Department’s Personnel Committee, followed by that of the Chair, the Dean, the University Personnel Committee, the Provost, and finally, the President. If you are lucky you sail through without problem; if not and your Dean gave you a thumbs down because (s)he has his/her own biases, the higher echelons flunk you and you are out unless their bias towards you is without question.

You wonder why administrators such as deans and provosts are promoted to full professorial rank without ever having gone through the rigors of the university’s procedures, or worse, without having the academic credentials for promotion. You begin to wonder, who are truly your peers?
In contrast, those of us who are outspoken and dare to speak out against arbitrary decisions by academic managers are left behind in the promotion game; you have seen it time and time again.

Obviously, your peers need to know your scholarly and scientific background to honestly vote for you. Generally, they are not searching the professional literature for your contributions to the scientific and scholarly community. They are too much enmeshed in their own restricted world of “who am I” and “who is who”? The notion comes up that “you scratch my back and I scratch yours”. What’s left is promotion by arbitration rather than by merit.

That takes us back to the initial provocation, “Publish or Perish that is the Question!” The recent discussions of our colleagues about peer review and the often arbitrary handling by so-called “peer-reviewed” journals appears to be at the core of our discussion. You try your best to contribute new ideas to the scientific community at large and are turned down by blackmailing editors who want to promote their journal. It all boils again down to “you scratch mine and I scratch yours.”

Our university is unique in the way that it is mostly a teaching institution and as such a glorious extension of a high school. Yet you are required by the rules to produce scholarly and scientific results through research in your field of interest. The Darwinian principle of survival of the fittest is governing your actions. It is your self interest that defines your peer status, be it self-invoked or not. For 24 years you have resisted to ask your colleagues for nomination to the excellence award. For 22 years you denied yourself the monetary award as stipulated by Union rules out of pride against self-nomination. But then, the rules are changed and self-nominations are out of the window by presidential decree.

Is it not paranoia to have to brag about yourself in order to be promoted to a higher professorial level, yet you are denied self-nomination for the excellence award? It certainly is inconsistent, arbitrary, and capricious. In the final analysis we have come to the conclusion that self-nomination is, more often than not, the only way to get comparative recognition by your peers. Thus, we hail the old Union wisdom to allow it but find the new rule unfair towards those of us who do not want to solicit our colleagues for your own nomination.

Peer review and peer nomination is a farce that is often guided by arbitrary and capricious self-interest. Your peers are supposedly those that are experts in your field. When the process is honest they recognize your accomplishments and try to suggest changes towards possible improvement of your paper. Unfortunately, more often than not, they want to promote their own ideas, thus, editors require reference to their own journals and reviewers turn you down if you forget to quote their works.

**Epilogue**

What’s left is the sad recognition that you live in a world of selfishness, governance by decree and not by consent; and that at all levels of the political spectrum. The world of academia is no exception. We are manipulated by managers who openly claim to be “superior” to you. The Latin proverb, “Primus Inter Pares”, “First among Equals”, is outmoded and replaced by quasi-dictatorial decree that deny us the democratic principles of our academic institutions.