



WARTBURG AAUP

"Committed to Academic Excellence"

NEWSLETTER

September 25, 1996

DEAN MARY MARGARET SMITH ASKS WARTBURG FACULTY TO "SHARE THE GOSSIP"

Wartburg's new academic dean, Dr. Mary Margaret Smith, received a warm welcome from the more than thirty faculty and spouses who attended the annual AAUP fall faculty dinner. Speaking on the topic "Walking the Tightrope: The Job of Dean in a Small College," Dean Smith elaborated on the dual roles implied in her two titles—dean of faculty and vice-president for academic affairs. She closed by urging faculty to "share the gossip," which she explained meant keeping her informed of faculty concerns relative to the continuing excellence of the academic program.

REGENTS THREATEN TENURE AT UNIVERSITY OF MINNESOTA

Faculty leaders at the University of Minnesota are united in their opposition to the Board of Regents' recently released proposals for revising the university's tenure code. The recommendations, apparently drafted by outside consultants hired by the board, would set the University of Minnesota on a path apart from other major research universities, faculty leaders assert.

The AAUP summarized its concerns over the proposed revisions in a September 10 letter to the local AAUP chapter. The letter critiques the many areas where the suggested amendments to the tenure code do not meet Association policies designed to ensure academic freedom and due process.

Among the major problems are procedures for reducing faculty salaries by unilateral administrative action. "Should the administration . . . have the ability to act selectively to reduce a faculty member's salary, without needing to establish cause under safeguards of academic due process, a significant underpinning for principles of academic freedom and tenure at that institution would be lacking," the AAUP's letter states. The proposed revisions would permit termination of faculty appointments for program changes without requiring any advance consultation with the faculty. These and other recommendations reflect a dramatic departure from past practices at the University of Minnesota and at major research universities elsewhere.

University of Minnesota President Nils Hasselmo is critical of the revisions as well. In a letter to Board of Regents president Thomas R. Reagan, he wrote, "The University will be poorly served by the tenure policy and procedures it envisions, and putting it forward may badly rupture relations between the faculty and the board." Hasselmo asked the board to rescind its recommendations and "endorse the Faculty Senate's modified revisions."

AAUP general secretary Mary Burgan visited the troubled campus in March and met with faculty leaders and four members of the board. According to Burgan, problems specific to the Academic Health Center have been expanded into a wholesale review of tenure across the university. She notes that a feature that unites both the revision of the tenure code and the reorganization of the Health Center is a reliance on consultants "who have no appreciation of the common practices of academic culture. Faculty fear the loss of the tradition of shared governance under the management philosophy advocated by people who are not aware of the central importance of academic freedom and tenure."

The conflict has received national attention through extensive e-mail exchanges on the Internet among faculty at colleges and universities across the country. The prominence of the University of Minnesota as a research institution, with its long history of faculty concord with administration and board, makes this conflict central to the debate about maintaining excellence in American higher education.

WHAT HAS THE AAUP EVER DONE FOR YOU? . . . QUITE A BIT, ACTUALLY

An acquaintance who chairs his department at a liberal arts college in suburban Chicago related a sad story recently. A member of his department had been turned down for tenure despite strong departmental support. Though the candidate and her colleagues had expected a positive decision, she was denied at a higher level. Shocked, she asked for an explanation and was informed that it was not college policy to provide reasons. When she asked for an opportunity to appeal, she learned that tenure decisions could not be appealed.

Another acquaintance, who teaches at a church-related liberal arts college in Minnesota, told of a tenured colleague who was suspended for a year without pay for uttering one slightly off-color witticism in his sexuality course. The student filing the complaint claimed that the comment had created an "offensive learning environment." The decision to suspend was made by the administration without any faculty involvement and without affording the faculty member an opportunity to appeal.

Fortunately, neither of these two tragedies could happen at Wartburg. Why not? Because Wartburg's faculty handbook contains policies that protect academic freedom, provide for peer review, and assure fair process.

And why does our handbook contain such policies? Because the American Association of University Professors has articulated model policies that the Wartburg faculty—with the assistance of the local chapter and the national office—has insisted on including in our faculty handbook.

Two of these policies were approved by the board of regents just this past year. One was the new sexual harassment policy, which affords academic due process to those accused and which defines sexual harassment precisely enough to protect academic freedom. The other was the policy allowing reasons to be given to faculty who are denied tenure or reappointment. With these two policies in place, the injustices that occurred in the above institutions are not likely to occur here.

If one considers these solid benefits and the efforts of the national organization over the last eighty-one years to protect academic freedom, tenure, and due process—efforts that doubtless account for the fact that the institution of tenure, while threatened, still thrives—one might be able to concede that, after all, the AAUP *has* done something for us. Viewed in this light, AAUP dues begin to look more and more like a good investment.

—Greg Scholtz

PROFESSORS ARE PROFESSIONALS, NOT HIGHLY EDUCATED EMPLOYEES

The following is taken from an e-mail posted on the AAUP listserve by Keetje Ramo, a professor of Social Work at the University of Wisconsin-Green Bay. Ramo is a member of AAUP's Committee T on College and University Government.

It is my understanding that a profession, unlike many other types of occupations, is characterized by

- (1) a service orientation (i.e., the needs of "clients"—in our case students—take precedence over the personal convenience of practitioners);
- (2) a normative component (a code of ethics, a standard of conduct of one's work, and a sense of what it means to be a member of the professional culture); and
- (3) an intellectual component (the development, evolution, and transmission of an "esoteric" body of knowledge and skills passed on through an intensive educational process).

These three components justify society's granting to professions the fourth component:

- (4) the "monopolistic" component, which upholds the profession's fitness to maintain professional authority.

The notion of professional authority rests on the argument that—because of the special preparation they receive (a preparation that involves socialization as well as education)—members of the profession are best qualified to

- serve as gatekeepers to the profession;

- exercise independently their judgment as to what constitutes sound ethical practice, without undue interference from groups without such preparation;
- police their own ranks; and
- determine collectively the directions in which the profession will grow.

The privileges that accrue to members of a profession are maintained through their serious attention to the obligations inherent in this special status. I'm proud to be a member of the AAUP, because I believe that my AAUP colleagues proclaim through their membership their willingness to take these obligations seriously.

Another characteristic of professionals is that they share a belief that the monopolistic component of the profession is in the best interest of society. I believe that there was a time in academia when other constituents of the university community shared this belief. However, on many of our campuses, professors' ability to exercise their professional authority in the interest of educational excellence has been seriously eroded. On more and more campuses, student ratings are considered of more weight than peer evaluation. Professional gatekeeping responsibilities are being commandeered by lay boards and administrators with little or no attachment to the values and standards of the professoriate. Bureaucratic demands are taking precedence over the protection of high quality teaching and scholarly and creative production.

As much as we value professionalism, once our professional authority is undermined, we, by definition, no longer qualify as members of a profession. We are simply highly educated employees.

Fortunately, the AAUP exists not only to articulate the values and standards of the academic profession, but also to defend those values and standards in increasingly perilous times.

—Keetje Ramo

IT'S TIME TO GO PRO AND JOIN THE AAUP

If you wish to join the AAUP, several options are available. You can simply call the national office at 1-800-424-2973 and pay by credit card. You can mail in your check with a membership application form. Or, easiest of all, you can fill out a payroll deduction form authorizing the college to deduct your dues in three equal monthly installments. If you want a mail-in form or a payroll deduction card, please contact Warren Zemke (8367) or Greg Scholtz (8224).

1997 dues rates are based on tenure status and years of membership—\$30 for part-time faculty, \$60 for non-tenured faculty, \$90 for non-tenured faculty after four years of membership, and \$119 for tenured faculty. Dues include both national and Iowa conference membership.

Please note that members receive *Academe*, the spring issue of which contains AAUP's *Annual Report on the Economic Status of the Profession*, a comprehensive analysis of faculty salaries and fringe benefits. Because \$27 of your dues pays for your *Academe* subscription, that amount will be refunded to you from your personal development fund, if you so request. (Also note that since AAUP is a non-profit, charitable organization, dues are tax deductible.)

FEDERAL COURT REJECTS VAGUELY WORDED "HOSTILE ENVIRONMENT" POLICIES

When the United States Court of Appeals for the Ninth Circuit ruled in favor of a community college professor who had been disciplined for sexual harassment, it came close to declaring all "hostile environment" policies unconstitutional, according to Robert M. O'Neil.

Writing in the September 13 *Chronicle of Higher Education*, O'Neil, who is the founding director of the Thomas Jefferson Center for the Protection of Free Expression and a professor of constitutional law at the University of Virginia, states that the federal appellate ruling "creates grave doubts about harassment policies that are aimed at classroom speech that produces an offensive environment."

Professor Dean Cohen sued San Bernardino Valley College in California under the First Amendment. His lawyers argued that the Constitution gives wide latitude to the classroom speech of professors and that the college's rules were unduly vague. The court of appeals agreed.

The case arose from a complaint by a student, whom the court identified as "Ms. M.," that in Cohen's spring 1992 course he used provocative language and discussed sexual issues. She refused to write an assigned essay defining pornography. Ms. M. filed a sexual harassment grievance against Professor Cohen under the college's new sexual harassment policy.

In the first case heard under the policy, Cohen was found guilty of creating a "hostile learning environment." The college president concluded that he had engaged in "sexual harassment which had the effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive work environment." Cohen was ordered, among other steps, to "become sensitive" to his students, to attend sexual harassment training, and to modify his teaching techniques when they created a hostile climate. The college indicated that a future violation of the policy could result in his termination.

In its ruling, the court of appeals vacated the discipline imposed on Professor Cohen. It found that the college's policy was unconstitutionally vague as applied to his longstanding teaching methods. The court pointed out that the college previously seemed to have considered Cohen's approach to be pedagogically sound. The new sexual harassment policy violated the First Amendment in failing to provide Professor Cohen with adequate notice of new requirements. "[O]fficials of the college, on an entirely ad hoc basis, applied the Policy's nebulous outer reaches to punish teaching methods that Cohen had used for many years," wrote Judge Robert Mehrige for the unanimous court.

According to O'Neil, the court's ruling confirmed that, under the First Amendment, colleges and universities must adopt sexual harassment policies that are narrow, clear, and precise. As an example of such a policy, O'Neil mentions the model policy developed by the AAUP [upon which our Wartburg policy is based]. Under this policy, speech not only must be offensive to a reasonable person; it must impair the academic opportunity of students, and it must be "persistent, pervasive, and not germane to the subject matter."

EXPERT ON SEXUAL HARASSMENT POLICIES TO ADDRESS IOWA AAUP

Linda E. Fisher, associate professor of law at Seton Hall School of Law and director of the Seton Hall Center for Social Justice, heads the program for the fall meeting of the Iowa Conference of the AAUP, to be held October 5 at Iowa State University in Ames. Fisher will talk about ways of resolving the conflict between two goals: protecting academic freedom and preventing sexual harassment in academia.

Fisher's knowledge of sexual harassment policies comes from her work on AAUP committees W and A, which spent several years revising the AAUP statement on sexual harassment (the new policy was finally approved in June of 1995). Fisher, who holds law degrees from Northwestern University and the University of Chicago, also has extensive experience in civil rights litigation.

Registration is free. If you would like a ride to the Ames meeting, please contact Warren Zemke.

SCHOLTZ SPEAKS AT GOVERNANCE CONFERENCE

Wartburg AAUP secretary Greg Scholtz spoke on "Shared Governance at the Small Liberal Arts College" at a plenary session of the AAUP Governance Conference for Faculty Leaders in Ann Arbor, Michigan, on September 6. Scholtz, a member of national Committee T on College and University Government, focused on the obstacles to faculty participation in governance at institutions like Wartburg.

PLENTY OF AAUP RESOURCES ON THE INTERNET

To subscribe to the national AAUP listserve, send an e-mail message to majordomo@igc.apc.org. Leave the subject line blank and in the message space type "**subscribe aaup-general@igc.apc.org**" Remember to leave the subject line blank. The national AAUP's Web page can be found at <http://www.igc.apc.org/aaup/>. The address of the Iowa Web page is <http://www.public.iastate.edu/~aaup/>.