

AAUP Report

American Association of University Professors
Bloomington Chapter

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Reflections on Faculty Governance at IU

“Would your administration actually do something it did not want to do if your faculty senate voted for it?” I was asked that question at a recent dinner of faculty leaders from ten research universities – something I’d said had surprised the group into thinking that the IU administration actually listened to faculty. It was not an easy question to answer. It supposed a type of standoff that I’ve seen few of in my time in faculty governance. That time is about up – after five years on the Bloomington Faculty Council, two as its president, the miracle of term limits will soon send me back to work on scholarship instead of on my collected memos – and having missed the chance to man the barricades in high-profile confrontations with the administration, I’d like to reflect on why that may not be the best test of faculty governance strength, and also on where I think more basic problems may lie.

In my experience over the past few years, it has been clear that all levels of the administration that I’ve been dealing with – trustees, and university and campus administrations – do listen to faculty, and are increasingly sensitive to the fact that decisions in which faculty have not meaningfully participated are an invitation to problems. At the trustee level, we’ve seen a significant change in responsiveness to faculty initiatives, such as a dramatic reversal of trustee attitudes in the adoption of domestic partner benefits, the sunseting of the mandatory retirement policy for administrators, and so forth. This represents a change in tone from a decade ago, and a significant part of this is the consequence of new policies that include faculty leaders in trustee executive sessions and that literally give faculty a seat at the table in trustee committees. These changes create opportunities for informal relationships to grow between faculty and trustees, and where these reinforce formal procedures, faculty participation in decision making can become much freer and truly meaningful.

At the university level, although faculty perceptions of administrative responsiveness have been shaped by some high-profile areas of tension –

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IU’s Academic Freedom 50 Years After Kinsey

As researchers and teachers, it is our obligation to investigate, to understand, to debate and to present ideas. This marvelous stuff called academic freedom is closely related to our fundamental freedom of speech as citizens. Since 9/11, however, academic freedom finds itself increasingly under attack. In 1967 the US Supreme Court emphasized its value in Keyishian v. Board of Regents 385 U.S. 589 (1967), “*Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.*” This spring the IUB chapter of AAUP together with the Kinsey Institute sponsored a joint forum, *Academic Freedom, Fifty Years after Kinsey*, to look into the health of academic freedom here at Indiana University.

Jim Capshew, IU Professor of History and Philosophy of Science and biographer of Herman Wells eloquently reviewed the historical background of academic freedom at IU. David Rabban, prize-winning author of *Free Speech in Its Forgotten Years* (Cambridge University Press 1997) and Professor at the University of Texas School of Law discussed the evolution of academic freedom from an individual freedom of the members of the academy toward one attached only to the academy itself. Finally, Mary Burgan, General Secretary of AAUP, gave a summary of the defense of academic freedom from the trenches where the battles are being fought.

Capshew: A glance at history identifies why Indiana University has many reasons to be proud of its contributions to academic freedom. Prof. Capshew, spoke of Herman Wells’ strong support of academic freedom and of the rights of faculty to pursue objective research and to publish the results. In particular, Capshew discussed Wells’ affirmation of IU Biology Professor Alfred Kinsey’s right to scholarly research in human sexuality, gender, and reproduction, research that lead to the publication of

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Reflections (continued from page 1)

the heavy-handed initial imposition of GradPact, inadequate consensus building in the creation of the School of Informatics, lack of consultation in athletics personnel decisions – the administration has also had areas of high responsiveness, including becoming proactively supportive of domestic partner benefits and, in the case of the new faculty policies on non-tenure-track faculty, leading the trustees towards employing it to invest in a broad conversion from part-time to full-time faculty slots on the non-Bloomington campuses. The movement has clearly been towards more meaningful consultation and better listening, and it will be important that faculty help the incoming President maintain that momentum.

As for campus level administration here, Ken Gros Louis used to boast that accreditation teams criticize the campus for the overly close relationship between faculty and administrators, and if anyone doubted that Sharon Brehm follows the same instincts, the Strategic Planning process, which designed central roles for campus faculty governance as well as unit-nominated faculty, should have dispelled that doubt.

So my general assessment is that on balance, the non-confrontational style of our faculty governance is a symptom of its general influence and strength, and while I'm not sure I could say that "the administration" would do something it didn't want to because the faculty voted it, the record is that all levels of administration are open to persuasion by faculty on most matters before confrontation develops, and that faculty do share meaningfully in governance decision making.

But this isn't to say that things are fine and that faculty governance is functioning well; rather, the problems we have not solved seem to lie principally in a direction other than policy design and decision making among trustees or at the upper administrative levels. The chief problem area, from the faculty standpoint, may be that the academic consequences of non-academic operational decisions are growing in importance.

In governance, the increasing complexity of university management creates a widening gap between the specialization required of professional administrators and the non-professional ability of faculty to participate meaningfully in university management of non-academic areas, to monitor the quality of administrative performance, and to ensure that the primacy of the academic mission governs all university management. This is most obvious in the IT area, but it also holds for areas such as financial management and personnel management (think health benefits). To manage these areas, universities appoint highly professional (and highly paid) administrators and staff, with expertise essential to the institution.

The specialized professionalization of these non-academic units makes them extremely difficult for faculty to monitor and assess. As they

become competitors for scarce resources with academic units and the salaries of their leaderships match or exceed top academic salaries, this lack of transparency can severely undermine trust. And as the influence of technological or financial decisions led by these units have increasing impact on academic as well as business practices, it becomes hard to believe that the institution has not been hijacked by a non-academic, "corporate" perspective. I think this situation arises, to a greater or lesser degree, independent of the actual effectiveness and mission-consciousness of these units. It is an issue of transparency, by which I mean not simply the availability of key information, but access to key operational decision making and the information to participate meaningfully in it.

Faculty councils are a poor venue to try to work out these matters. Councils are designed to legislate on academic policy issues faculty are familiar with, to serve as information conduits on a very broad level, and to be a political arm of the faculty, in tension (hopefully productive) with the administration and trustees.

Standing council committees are the most appropriate bodies to monitor the performance of the administration and ensure that there is adequate transparency. Some BFC committees have been able to accomplish this through the persistent efforts of determined colleagues, but our committee structure may not be ideally designed to achieve these tasks. Committee continuity is minimized because members serve only one year, and the absence of staff support makes it difficult to schedule meetings, collect information, and generate records. Reconsideration of how we structure and pursue committee work seems to me a pressing agenda item.

This past year, in designing a faculty role in the new Student Enrollment Services unit, we tested a model involving interlocking BFC standing committee appointments and long-term faculty governance appointments to a central resource priorities committee in SES. While the PeopleSoft project put more stress on this model than it should have been called on to bear, it clearly narrowed the distance between faculty and administration in an area of great tension. Elements of this structure already exist in connection with instructional computing, administrative computing and networking, capital priorities, and health benefits. In each of these areas, tightening linkages between existing council committees and priority-setting groups in non-academic units could better mobilize and apply faculty expertise to full participation in the decision making of the university, raising the faculty's confidence that it is able to ensure that the academic mission is being well served throughout.

Overall, I think it's correct to say that the IU administration at all levels is more open than most to faculty engagement. Problems remain, but the next step in addressing them may lie with us.

- Bob Eno (EALC)

50 Years After Kinsey (continued from page 1)

Kinsey's two classics, *Sexual Behavior in the Human Male* in 1948 and *Sexual Behavior in the Human Female* in 1953. Equally important for academic freedom at IU, it was under Wells' leadership that Indiana University adopted the foundational 1940 AAUP Guidelines for Academic Freedom and Tenure.

Rabban: David Rabban, past Counsel of the AAUP, speaking from the perspective of an expert in both freedom of speech and academic freedom, identified several IU faculty who have been central in maintaining academic freedom in the American academy. His list began with Ralph Fuchs, Professor of Law at IU beginning in 1946. A man of extraordinary personal integrity, Fuchs served as National President of the AAUP from 1955-57 during the period when academic freedom was under attack from the ideology of McCarthyism. Following Fuchs other IU contributors included Paul Strohm, Ed Sherman, Patrick Baude, and Mary Burgan. Rabban pointed out that IU has contributed as much as any institution in the US to academic freedom. Rabban then described the sequence of legal events during the latter half of the 20th century that culminated in the current tension between academic freedom of individual members of a university and that of the institution itself. A restricted notion of academic freedom asserts that while the university has the freedom to carry out research in any field, it may not necessarily choose to pass this freedom on to its individual faculty members. Under this interpretation of academic freedom an institution could remove a faculty member who speaks out on a particular issue, who carries out research in a sensitive area deemed inappropriate by the institution, or who refuses to change a student's grade. The conservative 4th circuit court has, in effect, removed a portion of academic freedom for individual faculty by giving substantial control to the university. As an example, a university may give its faculty "special permission" to discuss certain topics. This directly contradicts the AAUP stance that the proper functioning of the university depends on an independent faculty.

Burgan: From her extensive experience as General Secretary of the AAUP, Mary Burgan related stories of *attitudes and events* that are most threatening to academic freedom on campuses today. Prevalent among recent challenges to academic freedom is an administrative managerial mentality toward its faculty. A CEO's approach to university management is often coupled with phrases of, "strong leadership," "decisiveness," "clear thinking," and "zero tolerance." Encroachments on academic freedom come from many directions. Recently, the legislature of the state of Missouri attempted to use the budget as a means of imposing external discipline on the University of Missouri. Funds were removed from

the University's annual budget when the president of the university supported a faculty member's right to speak out. Burgan then spoke of a campus culture of concerned faculty work through strong faculty governance to provide an effective antidote to these attitudes and events.

In summary, Burgan reminded us of the steps we must take to insure the protection of academic freedom in today's political environment. We, the faculty, must provide the strong sense of direction expected of us here at Indiana University and exemplified by so many of our IU colleagues, past and present. Others look to us to provide this direction.

- Ben Brabson (Physics)

IU Faculty and Health Care Premiums After Retirement

Emeritus Professor Ed Grant brought to our attention a January 1, 2003 increase of 42 % in his health care premiums for the IU PPO \$750 Deductible Plan, a change from \$7824 to \$11,148 per year! Anticipating additional large increases next year and the year after, he asked the AAUP to look into the matter.

In its recent report on College and University Academic and Professional Appointments (*Academe*, March-April 2003, p 105) the AAUP reaffirms its commitment to "reasonable and fair employment policies" by colleges and universities. Specifically, "*Compensation should include provision for affordable health care and secure retirement.*" With this in mind, the AAUP Executive Committee has made a series of recommendations to the BFC Fringe Benefits Committee (FBC) asking them to address both short-term and long-term considerations.

Short-term considerations: The AAUP strongly supports the following for the retired faculty:

- **up-to-date comparative information** on available health care plans. In particular, the retiring faculty need detailed comparisons of the two IU plans (Anthem PPO \$750 Deductible Plan and Anthem Blue) with a number of competitive plans (AARP, RIPEA, Standard Life, American Pioneer, UniCare...) Modeled upon the excellent information sheets developed last fall for the active faculty, the BFC Fringe Benefits Committee plans to work with University Human Resources System (UHRS) to develop similar comparative information for the retiring faculty.
- **clear warnings** about potential traps, situations where retired faculty are excluded from certain programs without gate keeping additional medical examinations.
- **valuable support help** from UHRS in assisting retiring faculty in making choices among the options. This includes providing choices of var-

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Health Care (continued from page 3)

ious available plans and advice on the consequences each. The critical point is simply that UHRS be attentive to the needs of all faculty, both retired and active.

Longer-term Considerations: The AAUP Executive Committee also discussed questions of fairness to the retired faculty and of their treatment in ways that enhance the goals of the university. Points raised include these.

- At present, IU provides no money for retired faculty for health care. Other universities do (Michigan, Michigan State, for example).
- IU determines the premiums for retired faculty for the "IU plans." The retired faculty have no say in this.
- The generousness of 18-20 retirement plan is often used as an argument against contributing IU funds to retired faculty health care. That argument does not work for faculty hired after 1988.
- IU's choice not to contribute to retired faculty health care has a number of implications for the goals of the university. For instance, high retirement premiums are an incentive against retirement. Also, the fact that IU does not contribute to retired health care is a recruitment disincentive in hiring new faculty.

After an initial examination of the issues involved, the Fringe Benefits Committee has decided to focus its attentions on this problem. It has formed a subcommittee made up of both retired and active faculty. This subcommittee will study problems related to retired faculty fringe benefits starting with the recent extreme growth of health care premiums. They will make recommendations to the FBC who will work with the University Human Resources Services to implement these recommendations.
- Ben Brabson

Executive Committee Members, 2002-03

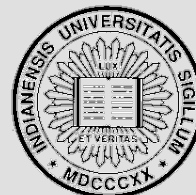
President	Ben Brabson (Physics) brabson@indiana.edu
Treasurer	Julie Bobay (Library) bobay@indiana.edu

Joyce Alexander (Education), Ann Bristow (Library), Bob Eno (EALC), Ann Gellis (Law), Laura Ginger (Business), Ed Greenebaum (Law), Mike Grossberg (History), Audrey Levasseur (English), Joss Marsh (English), Ted Miller (SPEA), Myrtle Scott (Education)

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