

1 February 2006

Report of the Senate Select Committee on Academic Freedom (Appendices to be added)

Prologue

On December 8, 2004, The Hunter College Senate voted to create a Select Committee on Academic Freedom. The role of the committee was to examine and report back to the Senate on the state of academic freedom at the College. This inquiry was begun at a time when the tradition of academic freedom is under attack in a number of institutions around the country and when many academic organizations have voiced grave concerns about legislation such as the USA Patriot Act of 2001. At the December 8 Senate meeting, some faculty members alleged that a “climate of fear” at the College was inhibiting the free exchange of ideas that is essential to a healthy academic environment, and asked the committee to explore this issue.

The Senate Select Committee on Academic Freedom (CAF) convened early in the spring 2005, and met twelve times through December 2005. To accomplish its mission, the Committee reviewed the history and definitions of academic freedom and drafted a “Call to the Hunter College Community” (Appendix A) that asked people to visit or write the committee to give testimony on their perceptions of problems related to academic freedom at the college. Full confidentiality was guaranteed, and the committee has done all in its powers to uphold that trust. The report that follows offers a summary of general patterns discovered, but includes no details that might reveal the name or circumstances of anyone who has come before the committee or submitted written testimony. To date, the committee has heard testimony from 27 people, of whom 21 were tenured faculty, about 5% of the tenured faculty in the college. Several other faculty and staff discussed particular situations with a subcommittee of the whole, or with an individual committee member, and several offered telephone testimony. About a dozen untenured faculty members told committee members that they chose not to meet with the committee to discuss their concerns for fear of retaliation. The committee also conferred with people outside the college and the university who had special expertise in the area of academic freedom. CAF invited members of the present Hunter administration to meet with us but this invitation has not thus far been accepted. The CAF hopes that when this initial report is issued, open and constructive conversations with administrators and other members of the Hunter College community will begin to take place.

In a recent message, CUNY Chancellor Matthew Goldstein reiterated the importance of academic freedom and the necessity of vigilance, a timely justification for the work of the CAF:

The principle of academic freedom is so essential to colleges and universities that it could be said to be part of the genetic code of higher education institutions. Indeed, it is a self-evident truth of a university's constitution.¹

Defining Academic Freedom

In its deliberations, the CAF determined that a working definition of “academic freedom” was essential in order to pursue its inquiry. In many people’s minds, the term “academic freedom” first evokes the idea of an individual professor’s right to present scholarly knowledge in a classroom without fear of intervention or retribution by a college or university administration, or by outside political or economic interests.

As the CAF pursued its inquiry, however, it discovered that many scholars had defined the term more broadly. For example, the 1915 Declaration of Principles on Academic Freedom and Academic Tenure, the founding document of the American Association of University Professors (AAUP, Appendix C), drafted under the leadership of the organization’s first president, Professor John Dewey of Columbia University, defined academic freedom as the freedom to do research, the freedom to teach, and the freedom to make extramural utterances. These rights exist in order to protect the obligations of free and open scholarship. As the nine eminent authors of this document noted (employing the unfortunate gender bias characteristic of the period):

No man can be a successful teacher unless he enjoys the respect of his students, and their confidence in his intellectual integrity. It is clear, however, that this confidence will be impaired if there is suspicion on the part of the student that the teacher is not expressing himself fully or frankly, or that college and university teachers in general are a repressed and intimidated class who dare not speak with that candor and courage which youth always demands in those whom it is to esteem. [I]f the student has reason to believe that the instructor is not true to himself, the virtue of the instruction as an educative force is incalculably diminished.²

The AAUP has also emphasized the importance of the principle of shared governance as a foundation for academic freedom. For shared governance to function, all parties must respect established and authorized structures and their delineated roles. For faculty, these roles include the governance of curriculum, academic programs, promotion, tenure, departmental affairs, and academic hiring. A 1997 AAUP publication explained:

Inattention to principles of shared governance threatens academic freedom, makes poor use of faculty experience and expertise on academic issues, reduces campus morale, demeans faculty as professionals, and damages the quality of higher education. Experience with Committee on Governance investigations so far shows that governance situations severe enough to warrant AAUP sanction involve subtle undermining as well as blatant

¹ Message from the Chancellor on Academic Freedom, 10/11/2005 (Appendix B)

² “Declaration of Principles on Academic Freedom and Academic Tenure”, AAUP, 1915. (Appendix C)

violations of faculties' appropriate role in governance. Appropriate governance policies are easy to subvert; faculty handbooks can change for the worse with changes in top academic officers. Consequently, the need for faculty vigilance in matters of shared governance is ongoing, and the need for faculty expertise in accepted principles of shared governance is urgent.³

The concept of academic freedom is also a matter of civil liberties, and covers a faculty's collective rights to exercise the customary duties and prerogatives of a scholarly community without the threat of what Chancellor Goldstein condemned in his recent message as "punitive action or retribution."

Findings

The CAF is mindful that its report is based on accounts from individuals. As the committee did not have investigatory powers, and as all who testified were guaranteed confidentiality, it was unable to verify all accounts or hear different perspectives on the reported incidents. The committee was established with the limited charge of ascertaining trends in possible violations of academic freedom, and not as a judicial body that would have the power to verify evidence or make judgments on individual cases. The Committee is also aware that it heard from only those individuals who chose to step forward and that others may have different perceptions. Finally, the necessity of protecting the confidentiality of those who testified prevents CAF from reporting the specific details that most concerned it.

Despite these limitations, the Committee noted patterns of problems that emerged from the testimony of different individuals in different situations. Even in the absence of full investigative powers, the committee found these patterns particularly disturbing. CAF also notes that while it could not determine whether every reported allegation was true, even the perception of limitations on academic freedom has a profound effect on an institution and it was clear that many individuals perceived such problems.

With these caveats, we present five major findings.

1. No reports of direct interferences of any faculty member's classroom teaching.

The CAF is pleased to report that we did not hear any allegations that individual faculty members were pressured to make changes in the content or form of their classroom teaching.

2. Problems in curriculum, teaching and research. Several people reported that they perceived administrative pressure to offer or not offer certain courses based not on student need or academic criteria but administrative preference. Others reported that senior administrators sought to modify the academic direction of a department without full consultation with the faculty. Hunter and CUNY governance documents clearly mandate that faculty have authority on curricular issues. In another area, some testified about incidents in which Hunter's Institutional Review Board interfered with faculty research in ways that appeared to exceed the IRB's jurisdiction and others reported that

³ "Assessing the Faculty's Role in Shared Governance", AAUP, 1997. (Appendix D)

senior administrators told them they could not pursue certain research opportunities for administrative reasons. (See By-Laws of the Trustees of the City University of New York Sections 8.6 and 8.14. See also The Charter for a Governance of Hunter College Article II Section 1 A, B and D and Article VIII Sections 1-7 and 12.

3. Problems in hiring, promotion and tenure. Several faculty provided testimony on their perceptions that Department Chairs and P&B committees were pressured to make or reverse decisions on hiring, promotion, tenure and in the election of departmental leaders. In some cases, testifiers reported that in their view these administrative efforts were not based on the criteria in the various governance documents. A few reported what they described as administrators making private—and in their view inaccurate—allegations against individual faculty members in an effort to convince others to vote against these individuals. In some cases, faculty stated the administration played an inappropriate role in hiring decisions. If this is true, this violates the By-Laws of the Trustees of the City University of New York, Sections 8.9b and 8.14, and the Charter for a Governance of Hunter College, Article XI, Section 4.

4. Disrespect for governance structures. Individuals described instances in which members of the administration had by-passed or sought to by-pass academic procedures for search committees, student grading and other matters; failed to provide requested information to other governance bodies; and disparaged Hunter's academic structures and governance bodies. Several individuals reported that their conclusions from these incidents were that some administrators viewed existing governance structures as obstacles to overcome. (See By-Laws of the Trustees of the City University of New York Sections 8.9 and 8.14. See also The Charter for a Governance of Hunter College Article VIII Sections 10 and 13.)

5. Perceptions of climate of fear. The most consistent—and disturbing—finding, heard from numerous testifiers discussing very different issues, was a perception that dissent could lead to retaliation. Many individuals described a climate of fear and the perception that the safest course at Hunter was “to keep your head down”.

The problems and perceptions reported to the CAF present serious concerns to the Hunter College academic community. Our community requires a culture of trust and respect for shared governance. Referring to the political climate of the mid-1950s, the television journalist Edward R. Murrow counseled his viewers “We must not confuse dissent with disloyalty. When the loyal opposition dies, I think the soul of America dies with it.” In the Committee's view, if dissent and disloyalty are equated at Hunter College, the college's soul is in peril.

Whatever the particular facts of the many instances described to our Committee, it is apparent both from the testimony and the personal experiences of Committee members that the perception of a climate of fear has led a significant portion of Hunter faculty, staff and administrators to withdraw, at least in part, from public discussions about some of the most significant issues facing the College. In the Committee's estimation, this would be a devastating and unaffordable loss to any academic community.

Hunter College faces serious external and internal challenges -- a long term trend in diminished support from New York State, ongoing increases in student tuition,

increased pressure to raise more money from private sources, the need to find new space, a retention rate that all agree needs improvement, and increasing competition from other public and private universities, to name a few. Only a unified college community can face these challenges and determine how best to use the resources we have to maintain our mission and achieve excellence. The perception that faculty cannot freely speak out on important institutional and academic issues without fear of administrative reprisals or disapproval compromises Hunter's ability to achieve our common goals.

Recommendations

All members of the Hunter community have a responsibility to promote academic freedom. In order to remedy the problems that have been described to us, CAF makes the following recommendations.

1. The Hunter College Administration and the College's governing bodies should acknowledge the dimensions of the problem of the perception of a climate of fear and engage in college-wide discussions to address and remediate this problem. The CAF believes that only a public discussion of these issues can lead to mutually satisfactory improvements.
2. Maintaining and expanding academic freedom, creating an environment in which all members of the academic community feel welcome to participate, and fostering respect for a college's governance bodies are hallmarks of positive academic leadership. All administrators should provide guidance and feedback on these issues to those whom they supervise.
3. In spite of the limits of our inquiry, the CAF is profoundly disturbed that the climate of fear described to us burdens the college with conflicts that fester and sap energy. We encourage the Senate, the Administration and the wider academic community to use existing channels of communication and governance structures to better address these issues.
4. The AAUP is currently conducting an inquiry at CUNY, including Hunter College, and we recommend that the Senate encourage the entire Hunter community to cooperate with this effort.

SENATE SELECT COMMITTEE ON ACADEMIC FREEDOM:

- Thomas Angotti, Professor, Department of Urban Affairs & Planning
- Stuart Ewen, Distinguished Professor, Department of Film & Media Studies; Ph.D. Programs in History and Sociology, CUNY Graduate Center
- Nicholas Freudenberg, Distinguished Professor, Program in Urban Public Health; Ph.D. Program in Psychology, CUNY Graduate Center
- Dixie Goss, Gertrude B. Elion Endowed Scholar and Professor, Department of Chemistry and Biochemistry; Ph.D. Programs in Chemistry and Biochemistry, CUNY Graduate Center
- Barbara L. Hampton, Professor, Department of Music; Ph.D. Programs in Music,

CUNY Graduate Center; and 11th Chair of the Hunter College Senate.

- Elizabeth Maglieri, Student, Thomas Hunter Honors Program
- Louise Sherby, Associate Dean and Chief Librarian, Hunter College Library
- Barbara Welter, Professor and Chair, Department of History; Ph.D. Program in History, CUNY Graduate Center

Members in spring 2005 semester only:

- Migdalia Romero, Professor, Department of Curriculum & Teaching
- Kenneth Sherrill, Professor, Department of Political Science

(While elected to serve on the Select Committee on Academic Freedom, both Prof. Kenneth Sherrill and Prof. Migdalia Romero were on leave for the fall 2005 and did not participate in the committee's meetings, deliberations, or actions this semester.)