

**MINUTES**  
**Meeting of the Hunter College Senate**  
**14 December 2005**

1  
2  
3 The 461<sup>st</sup> meeting of the Hunter College Senate was convened at 4:15 PM in Room W714.  
4

5 **Presiding:** Joan Tronto, Chair  
6

7 **Attendance:** The elected members of the Senate with the exception of those listed in Appendix I.  
8

9 **Agenda:** The revised agenda was adopted by unanimous consent.  
10

11 **Statement by the Chair**

12 Professor Tronto asked the Senate to substitute the revised page 6 that was distributed at the door for the  
13 one previously submitted as part of the Report by the Select Committee on Academic Freedom.  
14

15 She then informed the Senate that a written communication from the Vice Chancellor for Legal Affairs  
16 concerning voting had not yet been received, and that voting would therefore take place in accordance with  
17 established procedures.  
18

19 **Report by the President:** The following is a summary statement of President Raab's report to the Senate 12/14/05. She said:  
20

21 "I'll be very brief because I know there is a long agenda and both the Provost and the Vice President  
22 will be speaking. I do have a very happy announcement. We just received word yesterday that Hunter  
23 has received a half a million dollars from the Mellon Foundation to work together as a community to  
24 look at our general education requirements. I want to thank Joan Tronto and Judith Friedlander who  
25 took real leadership on this project, and of course Michael Griffel, Tammy Green, Frank Kirkland, Liz  
26 Beaujour, Shirley Raps, Jack Saltzman, Eija Ayravanen, Kimberley Engber, and Barbara Welter, who  
27 worked on the committee. We are very excited about working together to look at our requirements.  
28

29 My second announcement is to ask everyone to go to the website to take a look at the plans for the  
30 transit strike contingency. There are contingencies for final exams. This is all very clearly spelled out  
31 on the website. It is a very detailed plan and it is also set forth in an email I sent out to everyone in the  
32 community earlier today. If you have any questions after reading all this please email Vice President  
33 Zinnanti. We are looking forward to a lot of questions, but we tried to make this as explicit as possible  
34 rather than take the time for questions today.  
35

36 Thank you and happy holidays."  
37

38 **Report by the Administrative Committee:** The Chair presented the report as follows:  
39  
40 **Approved Curriculum Changes**

41 The following curriculum changes as listed in the Report dated 14 December 2005 were approved as per  
42 Senate resolution, and were submitted for the Senate's information: Items US-1447 and US-1448  
43 (Economics), US-1449 (Classical & Oriental Studies), GS-653, GS-654, and GS-655 (Psychology), GS-  
44 658 (Special Education), GS-659 (Curriculum & Teaching), GS-661 (Curriculum & Teaching/Educational  
45 Foundations), and GS-662 (Film & Media Studies).  
46

47 **Special Election to fill vacant seats on the Senate – Fall 2005**

48 In accordance with Article IV, 2. H. i & ii of the *Charter for a Governance of Hunter College*, the Admin-  
49 istrative Committee presented the names of all nominees received to date:

50 **Minutes**  
 51 **Meeting of the Hunter College Senate**  
 52 **14 December 2005**  
 53  
 54

55 Faculty: John J. Kim (Economics)

56  
 57 It was moved that the nominee be declared elected. The motion was approved by voice vote without  
 58 dissent.

59  
 60 **List of Candidates for Diplomas and Degrees**

61 Professor Tronto moved for the ceremonial adoption of the list of candidates for diplomas and degrees to  
 62 be awarded in January 2006. The motion was approved by voice vote without dissent.

63  
 64 **Committee**  
 65 **Reports:**

66 **Calendar Committee**

67 Professor Shirley Raps, Chair of the Committee, presented the report dated 14 December 2005, and moved  
 68 for approval of the following items which had also been approved by the FP&B:

69 A. Bell Schedules for Summer Session I and II.

70 B. Resolution re: Winter Session

71  
 72 BE IT RESOLVED, that the Hunter College Senate approves the offering of 3-credit courses for the  
 73 Winter term as long as they conform to appropriate guidelines to be developed by the Office of the  
 74 Provost in consultation with the relevant Senate committee(s).

75  
 76 The motion on the floor was approval of the Bell Schedules for Summer Sessions I and II (see Appendix  
 77 II).

78  
 79 The motion was approved by voice vote without dissent.

80  
 81 The motion on the floor was the resolution re: Winter Session.

82  
 83 Professor Turner moved that the resolution be amended to read as follows:

84  
 85 BE IT RESOLVED, that the Hunter College Senate approves the creation of the Winter Session 2006;  
 86 and,

87  
 88 BE IT FURTHER RESOLVED, that three-credit courses offered in the Winter Session will be  
 89 evaluated to ensure that they meet the standards for these courses as approved. The Senate  
 90 Undergraduate and Graduate Courses of Study Committees, with the assistance of the Provost, will  
 91 determine appropriate policies for course offerings in any future Winter Sessions.

92  
 93 After brief discussion, the amendment was approved by voice vote without dissent.

94  
 95 **Select Committee on Academic Freedom**

96 Professor Stuart Ewen, Chair of the Committee, presented the report dated 14 December 2005 (see  
 97 Appendix III – also available at [www.hunter.cuny.edu/senate](http://www.hunter.cuny.edu/senate)). He then gave the following statement  
 98 before reading sections of the report. He said:

99  
 100 “I want to make a few of brief comments before getting to the report.

101  
 102 First of all, we will be distributing a revised copy of the report which will include citations to pertinent  
 103 governance documents at both Hunter and CUNY that relate to “*Findings*” items #2 and #4.

104  
 105 When it becomes necessary for members of a committee of the Senate, a legally authorized  
 106 governance body, to issue a unanimous report on the uncertain state of academic freedom at Hunter  
 107 College we do so with a deep sense of gravity and regret.  
 108

109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167

**Minutes**  
**Meeting of the Hunter College Senate**  
**14 December 2005**

Aside from the one student who participated throughout on the committee, the signers of this report are senior faculty whose combined experience in the scholarly profession expands over a hundred and fifty years. Not a one of us has ever been in a position where the issuance of a report such as this was deemed necessary.

To accomplish our mission, the Committee asked people with specific instances to visit or write the committee to give testimony on their perceptions of problems related to academic freedom at the college. Several offered telephone testimony.

I also want to say that vague generalizations were neither solicited nor considered. That is to say, there was no gossip that came before the committee, or that we listened to. Only people with firsthand experience and/or observations of what they believed to be a violation of or violations of academic freedom were among those who offered testimony.

We also benefited from discussions with Dr. Roger Bowen, the General Secretary of the American Association of University Professors National Office.

What is clear here, and I think this needs to be underlined, is that academic freedom is not simply a right. It also requires considerable responsibility on the part of those people who are protected by it. Without the courage to speak freely – when a faculty begins to censor its own utterances – then academic freedom becomes fugitive. And this is something that we need to keep in mind as we consider the report.

Professor Tronto informed the Senate that Acting Provost Rabinowitz had requested to present a response to the report, and asked the Senate for unanimous consent.

She then yielded the floor to Acting Provost Vita Rabinowitz. The Provost’s statement is attached as Appendix IV.

In response to the Provost’s statement, Professor Dixie Goss asked the following question. She said:

“To be absolutely clear, do you think that there is a problem of academic freedom and a climate of fear at Hunter College, specifically Hunter College, not in general, not nationally, but at Hunter College?”

Provost Rabinowitz replied as follows. She said:

“No, I do not. I do not feel that there is a problem with academic freedom. You asked also about a climate of fear, Dixie. What I will say is this. I think faculty are always concerned about administrative behavior. I believe that there are people who believe that there is a climate of fear. I believe that the belief that there is a climate of fear is real. If you are asking me if I believe that people are retaliated against, or have anything realistic to fear at Hunter, absolutely not. I do not believe that. I do believe that some people believe there is a climate of fear.”

Professor Shahn moved that the Senate receive the report by the Select Committee on Academic Freedom.

After discussion the motion was approved by voice vote without dissent.

Discussion continued.

Professor Sarah Chinn made the following statement. She said:

174 “I would say that social change is very rarely achieved except by advocacy, and this seems to me an  
175 advocate’s report. This committee is advocating for academic freedom and shared governance within  
176 the Hunter community, and in its role as an advocate for us, it is setting forth these recommendations. I  
177 don’t think that that weakens its stance; in my opinion, in fact, it undergirds its stance as a body that  
178 can act for us. In fact, change very rarely occurs through impartial bodies, because impartiality so  
179 often can mean weighing two sides that are not equal either in power or legitimacy. Instead, what we  
180 need are advocates, and I feel that this committee in that role has done an excellent job, and I thank the  
181 members.”

182  
183 In response to questions for clarification, the Chair stated:  
184

185 “We voted that we received the report. What we would normally then do is consider the recommen-  
186 dations which will arise out of the report, and I take this to be a discussion that is leading us towards  
187 that.”  
188

189 Professor Bill Sweeney responded to the Provost’s statement as follows. He said:  
190

191 “I have to respectfully disagree with our Provost. Actually, I am a little surprised that she would say  
192 some of the things that she said. It is not a big secret among faculty that there is a climate of fear. I  
193 think that anyone that has been in touch with their colleagues knows that keeping your head down is a  
194 very common perspective on things. The fact that five percent of the tenured faculty have come  
195 forward with specific complaints of a violation of academic freedom is horrifying. Horrifying, and you  
196 should be horrified too, I think. There are also about a dozen untenured faculty members who chose  
197 not to meet to discuss their concerns for fear of retaliation, and that is just chilling. Pam reminded me  
198 of something that I think we should all think about. For those of us that were here then, think back to  
199 the time when we had President Caputo and we were discussing restructuring of the College. That was  
200 a very heated and charged discussion. There were a lot of strong feelings on both sides, but never was  
201 there a hint of any fear of retaliation. Never was there any kind of feeling that because you disagreed  
202 with him strongly and publicly that there would be any change in his interaction with you, or your  
203 participation on any committees, or in any kind of disturbance to your behavior at the college. Things  
204 are very different now.”  
205

206 Professor Ada Peluso made the following statement. She said:  
207

208 “If I may, I want to make three points. Somebody mentioned that no one came forward to the  
209 committee stating that there is no climate of fear, but if I recall the email correctly, there was no such  
210 invitation - number one. Second, in the report on page 4 at the bottom it says “Hunter College faces  
211 serious external and internal challenges” and they are listed. Well, if you are not aware of it, those  
212 challenges are being met, by the way. Outside funding is being obtained, external space is being found  
213 so that we have more classroom space here. These challenges are being met. And the third item that I  
214 wanted to say is that I was very surprised to learn that this so-called “fear” that supposedly exists  
215 really is not related to the senior administration but to the Chairs. Faculty are afraid of their own  
216 Chairs.”  
217

218 Professor Jason Young made the following statement. He said:  
219

220 “There are a number of points raised in this report that I fully understand because of concerns about  
221 confidentiality. The authors opted to report generalizations, but to my mind in light of the supporting  
222 evidence that is provided and considering the conclusions that were reached they are far too general.  
223 Not enough is given to provide an indication of just how widespread a lot of the problems that were  
224 expressed were. I don’t think it would kill the committee to re-draft this report and actually put  
225 numbers in so that people could see out of the 27 respondents actually how many people had each type  
226 of problem. That would do nothing to reveal the identity of anyone who went before the committee. It

227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285

would give a far greater sense of what was presented to the committee, rather than saying “some indivi-

**Minutes**  
**Meeting of the Hunter College Senate**  
**14 December 2005**

duals felt “X”, other individuals felt “Y.” The generalizations are so strong that there is very little to give an indication of how broad these issues are. So much so that it very much troubles me hearing things like a conclusion that “the perception of a climate of fear has led a significant portion of Hunter faculty, staff, and administrators to withdraw from public discussions.” Personally I don’t know any of my colleagues who don’t come to the Senate because of a sense of fear. Most of them don’t come because they are busy, or because they feel they have no use for the Senate. And their sense is that they are not clear on the relevance of the Senate, which of course is their problem and all of our problems. That is something for all of us at Hunter to deal with. But to suggest that building a case for a climate of fear contributes to this desire for people to withdraw from faculty life, I would like to see the evidence for that.”

Professor Jay Roman made the following statement. He said:

“I would like to thank my colleagues on the Select Committee. The report speaks of perceptions and the word “perceptions” is quite a wide and not easily defined phrase. I don’t know of those perceptions. It speaks of trends, and it uses some very loaded language like “culture of fear.” Frankly, I don’t think that is evidenced in this report and I, as a department chair, do not share those perceptions.”

Professor John Wallach made the following statement. He said:

“I would like to thank the Committee for its report. I also appreciate the interesting and erudite response from Provost Rabinowitz. I must admit that I felt that it is a bit unfortunate that the response was to some extent a political defense of the administration. It would have been more valuable to me if there had been a greater recognition of the particular features of the report, and not to exaggerate the findings of the report. It indicated instances of a climate of fear which was a cause for concern. Secondly, I would just like to mention that the critique of the report that was provided by Provost Rabinowitz was a critique that was articulated to me before the committee actually met. There was already opposition to this committee as soon as it was established, and the character of that opposition was reflected in the remarks of Provost Rabinowitz, although I am sure she developed her remarks after seeing the actual report. Thirdly, I think the primary way in which we could respectfully take into account the significance of this report would be simply to continue the existence of the committee and to welcome any further submissions to the committee, so that we could see whether or not these instances are continuing or whether or not the climate of fear as indicated in the report is abating.”

Professor Clarkson made the following statement. She said:

“I find it very sad to be at Hunter at a time when the administration, and I am including Chairs, would claim that there is not a problem, rather than welcome open discussion. I believe that the Provost said something about “increased consultation and transparency.” I believe that what we ought to be doing is to open a dialogue and discuss this as much as we can instead of denying that it is there, because to deny it says that the twenty-seven people that went to the committee lied or hallucinated about their own feelings and ideas about what went on. And, very frankly, if you have not heard from other people that they are afraid and that things have happened that they are upset about, then you have been spending too much time away from this campus.”

It was moved that discussion of the report be continued at the next meeting. The motion carried without dissent.

The meeting was adjourned at 5:25 PM.

Respectfully submitted,

**Minutes  
Meeting of the Hunter College Senate  
14 December 2005**

**Page 5223**

**APPENDIX III  
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.<sup>1</sup>

**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.

---

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

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.<sup>2</sup>

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 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.<sup>3</sup>

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.

---

<sup>2</sup> "Declaration of Principles on Academic Freedom and Academic Tenure", AAUP, 1915. (Appendix C)

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

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 senior administrators told them they could not pursue certain research opportunities for administrative reasons.

**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.

**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 fall 2005 and did not participate in the committee's meetings, deliberations, or actions this semester.)

**Minutes**  
**Meeting of the Hunter College Senate**  
**14 December 2005**

**Page 5237**

## **APPENDIX IV**

### **Response by the Provost**

Acting Provost Rabinowitz responded to the Report by the Select Committee on Academic Freedom as follows. She said:

“Thank you. I appreciate the opportunity to respond to the report.

Few values are more cherished in all of academia than academic freedom, defined recently by the Global Colloquium of University Presidents as the freedom to conduct research, teach, speak, and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding lead. As the chief academic officer of the College, I feel I have an outsized responsibility to reaffirm Hunter's commitment to academic freedom, and to protect and defend this principle vigorously. As acting provost, I am also charged with fostering a culture of academic excellence, and with championing the faculty and students of Hunter College. If I am not a force for good in these areas, then it does not matter much what else I accomplish in this position. It is in this spirit that I asked to address this body on the matter of the report of the Select Committee on Academic Freedom.

To the distinguished members of Senate who served on the Select Committee—many of whom I have known for most of my entire career here, and all of whom I greatly respect, to all those who came forward to testify, and to all faculty, students and staff of HC, I want to make clear that I fully appreciate the gravity and sensitivity of the matters under discussion. I appreciate the seriousness with which the committee undertook its charge. I appreciate the constraints under which the Committee labored. I salute, for example, the Committee's obvious commitment to seeing that anonymity and confidentiality of faculty, staff and administrators were upheld throughout, and I appreciate the respectful way in which the Committee released the report to administrators before they released it to the public.

I also appreciate the frank discussion in the report itself of some of the limitations of the investigation, particularly: (1) that the committee made no claims to be investigative, and collected perceptions rather than facts. (2) that there was, by design, no attempt to corroborate evidence, or get the “other side” in the hearing.

I appreciate that the recommendations of the committee were, on the whole, very constructive, mainly calling for dialogue and engagement between the Senate and the administration.

Finally, as acting provost, I deeply appreciate the following findings of this report:

*First:* The committee reported finding no evidence at all of academic freedom infringements with respect to classroom teaching.

*Second:* There was a single charge of interference with faculty freedom in the area of scholarship and research, regarding the Institutional Review Board, but there was no accusation of malfeasance nor was there an attempt to tie the charge of interference to senior administrators.

*Third:* There was no mention whatsoever of infringements on the faculty's freedom to profess in their disciplines or engage in any scholarly expression related to their discipline. The committee did not investigate this, but it did not report any instance of this.

That said, I have deep reservations about this report as a statement of the status of academic freedom or of a climate of fear at the College. With all due respect to the Senate and the Select Committee, I submit that the limitations of

this investigation are severe, and I urge that this report not serve as our basis for future action, although I very much want to continue the dialogue begun here today.

In what follows, I will briefly describe my concerns with the report, and move on to suggest that we start anew the vital discussions of academic freedom, shared governance, and climate at the college.

Many of us in this room are scholars, and we know that how a research question is framed essentially determines the conclusions of the inquiry. The Select Committee provides a working definition of academic freedom in its report, but it uses a definition that is extraordinarily broad. The committee's definition encompasses almost every perception of administrative interference, even those that do not pertain to teaching, research, or faculty expression of views. The consequence of the committee's definition is that the committee often appears to conflate academic freedom with shared governance. Now, the principle of shared governance is also a cherished value in academia, one that I strongly uphold, and will discuss in more detail shortly. Shared governance is a mainstay of colleges and universities, and provides a clear role for faculty in determining courses of study, curricular offerings, and standards for grading and granting of degrees, as well as the right to select, evaluate and retain faculty. Shared governance is related to academic freedom in that, at its best, it facilitates it. But shared governance is not the same thing as academic freedom. I submit that many of the issues discussed broadly in this report are not about infringements on academic freedom—that is, they are not about faculty freedom to profess and pursue truth as they see it—but are in fact charges of inattention to or disrespect for shared governance. Make no mistake, this in itself is very serious, and we need to talk about it in depth and starting now, but in colleges all across the nation right now there is increasing confusion and conflict about the authority of administrative and faculty opinion and the meaning of shared governance. I urge you to resist the temptation to frame difficulties with shared governance on our campus as infringements of academic freedom.

The Select Committee understood and described its task as investigating complaints about a “climate of fear” or “ascertaining trends in possible violations of academic freedom.” This climate of fear is linked to the Patriot Act, to state legislatures hostile to academia, and to the Hunter College leadership. No specific complaint or charge is given, instead there is an assumption that academic freedom is under broad attack at Hunter College. Along like lines, the committee's call to the academic college community asks that “faculty, staff, students and alumni who can present substantive examples of what has been called a ‘chilly climate’ or a ‘culture of fear’” step forward.

As many of you know, it is extremely difficult to obtain valid data by asking people for information to support a pre-determined supposition. The committee could have just as easily – and equally invalidly – asked faculty, staff, students and alumni who believed that academic freedom was thriving at Hunter College to step forward to testify to this and that would have been meaningless. The social scientists in the room know that letting participants in an inquiry know in advance the kinds of opinions you are looking for virtually ensures that you will get those opinions, and it undermines the credibility of the inquiry. Without in any way impugning the motives or intentions of the Select Committee, I submit that this inquiry was initiated with the presumption that there were serious problems with academic freedom and a climate of fear on campus.

An impartial inquiry into the status of academic freedom and climate might have begun with a signal of openness to a range of conclusions, but that was not the case. Indeed, the Committee revealed its orientation and essentially telegraphed its findings in its initial call to the community, in which it states:

“...some members of the community have expressed concern that a culture of fear has swept the college, that a chilly climate is discouraging the open dialogue and free exchange of ideas that are essential to a healthy academic environment, and that retaliation and intimidation have been directed at individuals, departments and programs that disagree with, or question, the Hunter College leadership.”

There is further evidence in the report that the committee did not begin this inquiry with an open mind. At one point in the report (page 4), the committee writes:

“Whatever the particular facts of the many instances described to our committee, it is apparent from both the testimony and the personal experiences of committee members that the perception of a climate of fear has led a significant portion of the Hunter faculty, staff, and administrators to withdraw, at least in part, from public discussions about some of the most significant issues facing the college.”

I appreciate the frankness of the Select Committee in admitting that at least some of their members not only believed that there was a climate of fear, but believed that they had personally experienced such a climate. But that admission virtually invalidates the report as an impartial statement of the status of academic freedom on campus. As a social scientist, I know well that the most brilliant and well-meaning investigators often—too often—find what they are looking for in an investigation.

The Select Committee notes that 27 people testified, including 21 tenured faculty. As Acting Provost, it saddens and disturbs me greatly if even one percent of the tenured faculty came forward with grievances against the administration of which I am now a part. Given the committee's overbroad definition of academic freedom, and the vagueness of the alleged offenses, it is not clear that all those who came forward in fact had complaints about academic freedom. Some people may have come forward with positive experiences or counter-examples. If so, there is nothing about that in the report. The point is finding that five percent of faculty came forward to testify and an unspecified number of others alluded to negative experiences is, frankly, uninterpretable. Based on the testimony of five percent of the tenured faculty, we can no more conclude that there is a climate of fear than we could conclude that 95 percent of the tenured faculty are delighted with the state of academic freedom and current climate at Hunter College.

Thus, I submit that the problematic definition of academic freedom used in this inquiry, the predetermined suppositions that permeate the inquiry, the methods employed and the problematic conclusions suggest to me that this report should not serve as a reliable basis for action.

Colleagues, please note that I am not saying that all faculty perceptions of problems with the administration are invalid; I am not saying that this administration has not made mistakes; I am not saying that there are no problems with shared governance that can be fairly laid at the doors of the administration and the Senate; I am not saying that the relationship of the senior administration and the leadership of the Senate is what we in the administration want it to be. We must do better.

Instead of a climate of fear, however, may I suggest that we are in a climate of transition. Much of what is happening locally is exciting and positive, but many external forces, from CUNY, State legislators, political leaders to the American public, challenge and even threaten us as never before, and some of these forces are at work internally.

I want to start with some of the positive transitions that currently exist in the college and then talk about some of the problems that have arisen from some of these very things. I will go on very briefly from here.

Over the past four years, we have become a very ambitious, striving institution, and we have hired 150 new faculty in the last four years, including an astonishing 35 on new lines—we have made them better salary and start-up offers than ever before and provided support and development. One of the consequences is that we fight hard today to retain as well as to attract superb faculty. Some of the problems alluded to in the report are the kind of problems that arise in institutions that are in transition and on the move. Now these are opportunities for frank discussion and shared problem solving.

In an earlier time, when we made fewer hires of faculty at the mid-career and senior levels, there was much less involvement of senior administration in hiring. Like all great institutions, we now make target of opportunity hires, including spousal hires, university cluster hires, and the hiring of underrepresented minorities in the sciences. One of great challenges, and one of the first problems I wanted to tackle in my new position, is how to set guidelines that have integrity, standing, and support in this body for the making of so-called target of opportunity hires. This is one of the problems alluded to in the report. I confess, they fall outside our current governance procedures and they challenge us. There are in fact surprisingly few guidelines about the apportionment of roles and responsibilities regarding some of these important functions, and different administrators have clearly interpreted their roles differently. We need to reexamine these together, and institute guidelines that make sense to all parties. The point is, we can be proud about the terrific things that are going on, and we do not wish them to get lost in the debate. We want to work with you to improve the practices via increased consultation and transparency and better communication so that you can have trust in them and we can all share in the benefits of what is positive.

Finally, and in closing, Professor Ewen mentioned the “chilly climate” in which much of academia throughout the country finds itself today. As you know, we are in a spiral of increasing scrutiny and accountability that touches everything from the amount faculty teach and publish to the nature and extent of our student services to the financial health and fund raising of our institution. Even as the public finances less and less of the true cost of public education, there are increased demands from constituencies, to demonstrate that students are getting what they are paying for and learning what they need to know. Leaders of higher education are at a crossroads. We can try with all our might to resist these external forces, or we can engage in honest, thoughtful, if difficult, discussions about the nature and meaning of shared governance in the emerging social context. What does effective shared governance look like in a world of performance objectives, results-oriented management, broad civic participation, declining state aid, and brutal market forces?

I want to affirm in the strongest language possible my commitment to shared governance. In my view, anyone who fails to affirm that commitment does not deserve to be called provost at Hunter College. I believe that genuine participation in decision making leads to better decisions, broader agreement, and stronger commitment. I also believe that faculty morale is enormously important. As department chair it was enormously important to me that my faculty wanted to come to work in the morning and were happy to be in my department. I feel exactly that way now about the whole college, so I am moved by perceptions of a climate of fear, perceptions of loss of academic freedom. As far as I am concerned faculty are the lifeblood of this college, far and away its most precious resource, and there is no moving forward without you.

Colleagues, I feel we have a lot of common ground. We may not always agree about what is best, but I don't think there is anyone here who wishes anything but the best for Hunter College. While I have great reservations about the report, I want to use the occasion to move forward collectively to renew Hunter's commitment to academic excellence, shared governance and academic freedom to launch a new era of engagement and consultation. Thank you.”