

STEERING COMMITTEE REPORT

1. Senate Matters: Composition and Membership

- I. Members of the Senate will recall that a vacancy in the Senate representation of Queensborough's College Laboratory Technicians was reported at the September Senate, due to Ms. Amy Ching's TRAVIA leave, effective September 1, 2008. According to the By-laws, representation to the Senate should include "*two (2) full-time CLTs ... elected by the full-time CLTs to serve with vote.*"

According to the revised By-laws, the procedure for replacing Ms. Ching, in the event there is no appropriate alternate, should be as follows:

*"...In the event that there are vacancies in Faculty Member-At-Large positions or with the Adjunct members or CLT's or HEO's that cannot be filled by available Alternates, these positions are to be filled by a direct vote by the entire Senate **at the next regular meeting of the Academic Senate following the occurrence of the vacancy.** The elected replacement Senator will then serve for the length of the remaining term of that Senator who has left the college, or for the period that Senator is on leave."*

Since our September meeting, a completed nomination petition has been forwarded for Mr. Charlie Pranci to serve as CLT representative. It is accordingly the Steering Committee's intention to partner with the Committee on Committees to conduct an election of Amy Ching's replacement at the October 14, 2008 meeting of the Academic Senate.

The Steering Committee wishes to thank Dr. Jannette Urciuoli, chair of the Committee on Committees, for working with the Steering Committee to resolve ongoing issues related to representation in the Academic Senate.

Senator Pecorino has recommended that the Steering Committee consider an additional amendment to the By-laws, which would establish that any candidates nominated to fill such a vacancy position who were elected might be placed on the list of alternates, in order to create a "pool of alternates" for CLT and HEO representation. The Steering Committee intends to recommend this addition to the Bylaws Committee for consideration in the coming months, but welcomes the comments of Senators and our Parliamentarian, Dr. Paul Weiss, on the this possible amendment.

- II. Chapter 3 of the Middle States Self-Study document draft, "Leadership, Governance, and Administration," contains a recommendation in its current draft, p. 21:

"The Academic Senate should elect a presiding officer."

This recommendation arises from a perceived conflict between Article II, Section 1 of the By-laws of Queensborough's Academic Senate, which indicates:

“...*The President shall preside over regular meetings of the Academic Senate.*”

and Middle States recommendations, contained in the publication *Characteristics of Excellence*, under the heading of *Fundamental Elements of Leadership and Governance*, (page 15), which indicate:

“*An accredited institution is expected to possess or demonstrate the following attributes or activities: a governing body not chaired by the chief executive officer*”

The text below represents President Marti's recommended course of action: an amendment to the By-laws of the Queensborough Academic Senate which will shortly be forwarded for review to the Academic Senate Committee on Bylaws:

Article I- Academic Senate

B. Organization

3. [The President shall preside over regular meetings of the Academic Senate, or, in his absence, the chairperson of the Steering Committee shall preside] The Chair of the Steering Committee will preside over regular meetings of the Academic Senate. The President of the College shall be a permanent member of the Steering Committee.[The President] The Chair of the Steering Committee shall open the special meeting.

Rationale:

While the superseding governing body of Queensborough Community College is The Faculty, and while the Faculty can override all actions of the Senate by a 2/3 majority vote, and while the Faculty can convene a meeting to consider overriding the actions of the Senate through a petition process of 10% of the Faculty (approximately 30 members), the fact that the Academic Senate is a representative body does not negate the perception that it is THE Governing body. Therefore, while technically, I do not preside over the Governing body, this change would enable our college to address any *perception* that, through the Chairmanship of the Academic Senate, I can exercise undo influence.

The course of action the President has recommended is complicated by the fact that the President's role in meetings of the Academic Senate is also mandated as part of Queensborough's Governance Plan (available on the Governance website at http://www.qcc.cuny.edu/pv_obj_cache/pv_obj_id_749F70B9AB624E6AE22370EA9B8BDA2BBEC00000/filename/governance_plan.pdf) That plan echoes the language of the Academic Bylaws in asserting, in Article 1, Section B3: *"..The President shall preside over regular meetings of the Academic Senate..."*

Changing Queensborough's Governance Plan is somewhat more complicated than revising the By-laws of the Senate itself. The Governance plan, which, according to its Preamble, *"..takes precedence over the Bylaws of the Board of Trustees, the Bylaws of the Faculty, and the Bylaws of the Academic Senate of Queensborough Community College, and all other bylaws, procedures, and regulations of Queensborough Community College..."* requires approval by a referendum of 50% of all eligible Faculty voters, as per Article VIII:

Article VIII AMENDMENTS

A proposal to alter specific provisions of this Governance document of Queensborough Community College may be initiated by the President or by a two-thirds (O) vote of the Academic Senate. Such proposals shall be submitted to referendum in separate elections of the faculty (to include college laboratory technicians) and students as soon as possible. If a majority of at least fifty (50) percent of the eligible voters of the faculty agrees to the proposed amendment, it shall be deemed approved by the faculty. If a majority of at least fifty (50) percent of the eligible voters of the students agrees to the proposed amendment, it shall be deemed approved by the students. If approved by both parties and concurred to by the President, the amendment shall be adopted. If, however, one of the parties does not have at least fifty (50) percent of its members voting, the recommendation for adoption of the proposed amendment will be decided by the party which has at least fifty (50) percent of its members voting, and by the approval of the President. If neither party has fifty (50) percent of its members voting, the proposed amendment is deemed defeated..."

These requirements not be regarded as an obstacle to changing the Governance Plan—or the Academic Senate By-laws--should the members of the Academic Senate, together with the By-laws committee, agree that Academic Senate meetings should be presided over by someone other than the President. This individual could variously be the Chair of the Academic Senate Steering Committee, as President Marti has suggested, the Chair of the Faculty Executive Committee, or an additional person this Senate might elect to preside over meetings.

It is, however, the Steering Committee's view that the current system has a strong advantage over any others that might be adopted. Indeed, it is the view of the Steering Committee that, rather than seeking to address any misperception the members of the Middle States Higher Education Commission Reaccreditation Team might form concerning Queensborough's governance system by altering our Governance Plan, it might be far more fruitful to take special trouble to explain Queensborough's Governance

Plan to team members, and highlight it to the review committee as an unusual institutional strength. Unlike many Academic Senates, our Senate includes representation from nearly all crucial constituencies of the college—Administration, Faculty, HEOs, CLTs, Alumni and Students. As President Marti has pointed out, our Academic Senate moreover defers, as a policy-making body, to the Faculty Executive Committee, which has the authority to overturn the actions of this body if it sees this action as necessary, as per Article II of the Faculty By-laws: *“The Faculty of Queensborough Community College shall have the power to reverse the actions of the Academic Senate pursuant to the Governance Plan...”*

In the view of the Steering Committee, the sweeping powers of the Academic Senate and the Faculty Executive Committee under Queensborough’s Governance Plan do not merely construct a “checks and balances” system within our governance plan. As a working system of governance, these by-law provisions render the President an essentially “neutral party” among the college’s many constituencies, notwithstanding the *de-facto* power the President enjoys over administration of the College. The President’s current power to preside over meetings of the Academic Senate accordingly allows the President, and his administrative representatives to work constructively with members of the Academic Senate to craft college policy and resolve any differences of opinion that might arise between various constituencies of the college. At the same time, the President’s presence at meetings of the Academic Senate—and not at meetings of the Faculty Executive Committee--affirms the principle by which any actions of the Academic Senate, as a policy-making body, remain subject to the separate and discrete review of the Faculty Executive Committee.

It is thus the current view of the Steering Committee that Queensborough’s Governance Plan upholds the spirit of the Middle States recommendation, which is to affirm the imperative that college governance remain in faculty hands, and under faculty guidance. This objective might be less fully realized were the President to relinquish leadership of the Senate in an effort to adhere to its letter. Again, however, if there are Senators who have another view of this matter, the Steering Committee hopes they will share their perspective at the October 14, 2008 meeting, and/or by email to Steering Committee members.

2. Committee Matters: Composition and Membership

- I. As per Dr. Urciuoli’s report from the Committee on Committees, a number of developments have compelled revisions to the membership of several standing Committees of the Academic Senate:
 - A vacancy on the Committee on Curriculum, created by Dr. Julia Carroll’s resignation from the Committee due to a scheduling conflict, will be filled by Professor Alexandra Tarasko.
 - A vacancy on the Committee on Course and Standing, created by Dr. Paul Marchese’s promotion to an administrative position, will be filled by Professor Todd Holden.
 - Because Margot Small resigned from the WID/WAC committee, the Committee on Committees appointed Lawrence Bentley of Nursing (current SCD for WID/WAC) to replace Professor Small, and recommended Professor Nidhi Gadura (Bio & Geology) as the new SCD for this committee.

- In order that Senate Steering Designees continue to serve as prospective committee members, the Committee on Committees also elected to revise the current appointments of several Steering Committee Designees in order to uphold the principle of broad departmental representation across committees. For that reason, Professor Jung Cho, currently Senate Steering Committee Designee to the Committee on Course and Standing, is being appointed as Senate Steering Committee Designee to the Admissions committee; Professor Christine Manzo, currently Steering Committee Designee to the Committee on Admissions, is being appointed as Senate Steering Committee Designee to the Awards and Scholarship Committee; and Professor John Gordon will join the Committee on Course and Standing as new Steering Committee Designee.

Once again, we are grateful to Dr. Urciuoli, and all the hard-working members of the Committee on Committees, and we thank all these members of the Queensborough faculty for their valuable service.

- II. As per the Steering Committee's September report, we are happy to report that efforts to invite student participation, where appropriate, on the Standing Committees of the Academic Senate are underway. The Steering Committee would like to note that Student input on matters related to policy is invited on all committees, although students abstain from attending or voting when confidential matters related to specific students are discussed. We are delighted to report that Mr. Marvin Young, Vice-President for Evening Students, attended the first fall meeting of Committee on Environment, Quality of Life, and Disability Issues. A student representative also attended a meeting of the Committee on Curriculum. As of this writing, student representatives have been named and will be attending meetings of the By-laws, Ceremonial Occasions, and Student Activities Committee. We want to thank the energetic and dedicated members of Student Government, as well as Ms. Gisela Rivera, for working with us to coordinate the full representation of our students on Senate Committees, as well as the chairs of all these committees, who have worked with us and with student government in scheduling their meetings.

3. Committee Matters: Activities

- I. On September 10, 2008, and over the course of the week that followed, members of the Steering Committee of the Academic Senate met with the Chairs of Standing Committees to review procedures and discuss committee charges for the year. It was at these meetings that committee chairs discussed what regular meeting times they would be establishing for their committees so that we could invite student representation. We were also extremely grateful for the creative ideas several committee chairs were kind enough to share with us that will enable their committees to move forward with charges generated by the College's Strategic Plan, the pending Middle States review, and the projected Learning Academies.

One of the main issues discussed at this meeting pertained to a matter that came to the Steering Committee's attention in connection with the comprehensive Self-Study

currently in progress to prepare for the Middle States Higher Education Commission visit anticipated for our campus in November, 2008 and March, 2009. In the course of Queensborough's self-study, the members of Queensborough's Working Group Eight for *Standard 14: Assessment of Student Learning* advanced a recommendation that the current design of Queensborough's Assessment Database is excessively problematic ("the promise of the database," committee members have reported, "is defeated by its execution") and compels re-evaluation.

The Steering Committee would like to suggest that the difficulties currently presented by the design and operation of Queensborough's Assessment Database have profound implications for best practices in Assessment, as well as the principles of Academic Freedom. These two imperatives intersect—at least in the Steering Committee chair's own field of history—in the affirmation "that faculty remain the best judges of their curricula, and the first, and most important arbiters of what students should—and actually do—know."¹ Similarly, principles of Academic Freedom, as affirmed in *Sweezy v. New Hampshire* (1957) (cited in the University Faculty Senate document Statement on Academic Freedom appended to this report), may be summarized as "who may teach, what may be taught, how it shall be taught, and who may be admitted to study."

The Steering Committee has two concerns with regard to the Assessment Database: first, we don't wish to see the status of Queensborough Community College compromised by the absence of Assessment data that, in many departments, is being collected but "never makes it to the website" because of the time demands involved in loading information into the website as it's currently designed. As of this writing, Faculty Governance Leaders have been informed by Acting Vice-Chancellor Alexandra Logue that many of the CUNY campuses have been judged wanting in the area of "Standard 14," and that this constitutes a potentially serious problem for CUNY.

The Steering Committee remains convinced that any collection of "Learning Outcomes" at Queensborough would substantiate our institution's claims to excellence. However, to name our second concern, we are anxious that the redesign of the Assessment Database be informed by a respect for the time demands already placed upon faculty and department chairs in the discharge of their many duties. It is imperative, in our view, that the website be redesigned to become as efficient, and as easy to use, as possible.

There were three methods through which the Steering Committee might have recommended a review of Assessment Database design. We discussed our options with Committee chairs at the Chair Meeting on September 10th: Either we could have assigned this matter to the charge of the Committee on Computer Resources; or we could have created a subcommittee of the Committee on Computer Resources, or, finally, we

¹ Emily S. Tai, "Student Assessment in the History Classroom: New Opportunities for Historians," quoting Thomas A. Angelo and K. Patricia Cross, *Classroom Assessment Techniques: A Handbook for College Teachers* (San Francisco: Jossey Bass, 1993), 4, in *Assessment in History: A Guide to Best Practices* (Washington, D.C.: American Historical Association, 2007), p. 14.

could create a Special Committee of the Academic Senate to deal specifically with this matter; as per this passage in Article VII, section 2, of the Senate By-laws:

- a. *The Academic Senate may establish such standing and ad hoc committees as it determines. Each committee shall elect its own chairperson, secretary, and such other officers as may be appropriate.*
 1. *Special Committees:
Special committees may be created by action of the Academic Senate for specific purposes. Special committees shall be elected by the Senate.*

It was this last option that was most enthusiastically endorsed by Committee chairs, as it was unanimously agreed that a special committee would offer the twin advantages of being able to be dedicated exclusively to the question of Queensborough's Assessment Database without the distraction of other charges, and the possibility that membership could draw upon institutional wisdom, by including not only a representative from the Computer Resources committee, but also members of the Administration who've worked on assessment (Deans Corradetti, Steele, and Vice-President King); members of the original Working Group that advanced this recommendation, (Dr. Volchok, who also heads the committee on Distance Education, Professor Patricia Burke, and Dr. Julian Stark, who approached the Steering Committee regarding this matter); a representative from the Academic Computing Center (Director Bruce Naples); and a representative from the Faculty Executive Committee with a long-standing knowledge of Statistics and Assessment, Dr. Deleri Springer.

For this reason, the Steering Committee wishes to submit the following resolution:

WHEREAS, Queensborough Community College will shortly be subject to a Middle States Re-Accreditation Review and

WHEREAS, this review process will hold Queensborough Community College accountable for adherence to Standard 14: "Assessment of student learning demonstrates that, at graduation, or other appropriate points, the institution's students have knowledge, skills, and competencies consistent with institutional and appropriate higher education goals" and

WHEREAS, in order to respond to this requirement, Queensborough established "Working Group 8 on Standard 14: Assessment of Student Learning" and

WHEREAS, this Working Group strongly recommended changes to the existing Queensborough Assessment Database that would "facilitate future self-studies and would also provide the college with ready, up-to-date access to the current state of assessment at Queensborough"

BE IT RESOLVED THAT, a Special Committee to Review the Assessment Database be convened for the purpose of evaluating and recommending priorities for the redesign of

the Queensborough Assessment Database, to be in existence from the time of its election until May, 2009, with the following membership:

Vice-President Dan King

Dean Karen Steele

Dean Arthur Corradetti

Bruce R. Naples, Director, Academic Computing Center

Dr. Edward Volchok

Professor Patricia Burke

Dr. Julian Stark

Professor Kenneth Golden

Dr. Deleri Springer

RATIONALE:

The establishment of this special committee will enable members of faculty and staff with deep knowledge of the related areas of Assessment, Statistical Research methods, and computer database design, to formulate specific recommendations related to the improvement of Queensborough's Assessment Database for efficiency and flexibility in data entry, utility in analysis, and ease of consultation.

4. University and College Matters with Direct Bearing on The Senate

- I. The Steering Committee wishes to note, on behalf of the Counseling Department and the Vice-President of Student Affairs, that the current provision affirmed on p. 199 of the Queensborough Community College catalogue, indicating that ST-100 will be "required of all new freshman," will be enforced beginning next fall, as per the following memorandum, forwarded for the information of all senators:

MEMORANDUM

FROM: Vice President Ellen Hartigan
Dr. Jannette Urciuoli, Acting Director of the Counseling Center

TO: Professor Devin Feldman, Secretary, Academic Senate Steering Committee

Date: September 24, 2008

SUBJECT: Informational Item to the Academic Senate -- Enforcing the Requirement of ST 100 to Full-time Freshmen

The Counseling Department voted unanimously to enforce the requirement that all full-time freshmen must pass ST 100, effective Fall 2009. For those students who do not pass the course, a registration hold will be placed on their record until they pass the class.

The counselors are still in the process of discussing a plan of action on how to effectively deal with those students who do not take and pass the course. In order to maximize student enrollment, we want to ensure that a comprehensive make-up policy is in effect before this penalty is enforced.

The implementation of this provision will pave the way for constructing Learning Communities and course blocks to assist in student success in the forthcoming Learning Academies, due to be fully implemented next fall.

- II. Finally, the Steering Committee wishes to draw the faculty's attention to the *Statement on Academic Freedom*, approved by a vote of the City University Faculty Senate at the Plenary Session of the University Faculty Senate on September 23, 2008. This, preceded by the aforementioned report of the Middle States Working Group, is offered for the information of all Senators as Appendix A and Appendix B, below:

APPENDIX A:

Middle States Report – Working Group 8, Standard 14 Assessment of Student Learning

Patricia Burke, Julian Stark, and Edward Volchok

Assessment Database Report

Ann Liao and Julian Stark

In Working Group 8, Standard 14, we have been charged with investigating the assessment of well how the general education and curricular objectives have been met by the departments and their courses, and the programs at QCC. Our subgroup was charged with investigating two assessment questions:

1. How effective are the mechanisms that programs and departments have in place to ensure that instruction (including online) promotes curricular and general education objectives? How do we know?

2. What have departments/programs and the institution done with the information we have gathered and interpreted (academic program reviews, previous self-studies, student surveys, etc.)? How effectively have the results of the assessment process informed subsequent institutional decision-making? (Strategic planning, budget, resource allocation, faculty and staff development and training, programs of study, pedagogy...)

Our primary sources for the investigation were interviews with individuals from the respective entities, the "Primary Texts: A Primer of Primary Sources for the Self-Study for Middle States Reaccreditation" published by the Self-Study Steering Committee, and the Assessment Database, distributed to us by Emil Parrinello of Information Technology. This 3.42 Mb database is in Microsoft Windows Access format, and this program is required to use it. The database is rather compact considering the amount of information it contains. Undoubtedly, training in Access may have helped us in our use of the database, although as we describe later, it is most desirable that a database be user-friendly enough to have utility for almost anyone who might wish to use it. Unfortunately, "Primary Texts" was far easier to use, primarily due to the fact that none of the entries were truncated, everything on the page could be read without having to scroll or otherwise manipulate the screen. The promise of the database was thus defeated by its execution. Being a relational database, there should be a capability to cross-index among several parameters. The following indices are available:

- 1) Course Activities
- 2) Course Objectives
- 3) Curricular Objectives/ Curricular Objectives Report
- 4) Educational Objectives Lookup (individual objectives are listed)/ Report
- 5) General Education Activities
- 6) General Education Objectives
- 7) Educational Context

In addition to being lookup indices, information for each of these is available in report and table form. For each category, at least in principle, the data may be looked up by course, curriculum, or department. There are also several helpful "mini-databases," for example, contact information by department, current curricula, courses, various word lists for editing input, and help in looking up and defining the various primary index terms.

We recommend several changes to the database, in view toward future Middle States visits. These changes would greatly facilitate future self-studies, and would also provide the college with ready, up-to-date access to the current state of assessment in its courses, curricula, departments, programs, etc. They would serve the college not only in this self-examination, but conceivably could be easily adapted to serve in the accreditations of individual departments or programs. In fact, the first question that should be asked in the redesign is:

Who will need **what** information?

In other words, anticipate who will need what, and the database will be of maximal utility, instead of frustratingly incomplete and not practical to use in answering questions comprehensively,

- 1) The database should be web-based, to allow remote access by anyone charged with evaluating assessment, anywhere they may be. Judging from our experience with the Sharepoint website for the Self-Study, sufficient security should be available to facilitate this.
- 2) Every effort should be made to **complete** this database. Some departments, such as Business, have a lot of information for the majority of their classes. Others, such as Biology, have hardly anything. In our original inquiry, we divided 18 departments and 45 programs by three, so that we would share the workload of examining them. We were quickly disappointed by how much was missing. At the risk of overburdening a faculty already quite occupied, we recommend that every department and program create an **Assessment Committee** to ensure that this work will be completed as soon as possible. Those departments that have already done much of this work will be rewarded by not having to do too much; those that have not are impeding the work of others.
- 3) With a view toward improving the access and display of the information, we recommend abandoning the Microsoft Access system, unless it can be sufficiently demonstrated that it can realistically meet our needs when complete. Someone with extensive database experience, either within or without QCC, should meet with a newly-created college-wide **Assessment Database Committee** (I would gladly serve) so that our desires could be spelled out in detail. Perhaps this expertise, or even a database along the lines of what we envision, already exists somewhere in Academia. We should look into this!
- 4) As far as concrete suggestions as to database structure, a much-improved **graphical interface** should be a mainstay. Such data display would allow rapid evaluation of how quickly progress was being made to complete the data entry. **A clickable, graphical interface** would allow seamless access of information, as opposed to the extremely awkward presentation in Access, which more than anything, appears to be a glorified Excel: any character string of any length is truncated, ie., one cannot see the end of it. This necessitates laborious and time-consuming manipulation with the cursor. The purpose of the database is thus defeated: a printed handbook, such as "Primary Texts" (although it too is incomplete) is actually easier to use, because everything is immediately visible on the page. To capitalize on the advantages of computerization, the database should be at least as transparent. In its present form, its utility is also compromised by

the lack of completeness, for if there is a missing entry one similarly receives a blank, and must back track and start again, instead of being lead to pertinent information that **is** present. The lookup capability itself is very awkward, nothing flows from one field to another, one must again back track, wasting valuable time.

While we have all appreciated that many people have made a great effort to compile a good bit of data, it isn't quite ready for prime-time. We hope that our suggestions will improve this, and make all that hard work pay off in the not-too-distant future.

APPENDIX B: ACADEMIC FREEDOM DOCUMENT

RESOLUTION CONCERNING THE ACADEMIC FREEDOM DOCUMENT

Be it Resolved, that the University Faculty Senate endorses the Academic Freedom Document placed before it, and makes this document a statement of University Faculty Senate policy, and

Be it Further Resolved, that the University Faculty Senate authorizes the UFS Executive Committee to update the document from time to time with items such as telephone numbers and website addresses, as well as to make other minor clarifying changes in the text as the need arises, and

Be it Understood, that the Executive Committee will submit to the UFS, in plenary session, the text of such proposed changes, and give the UFS Plenary the opportunity to accept or reject them.

Passed, with 84 members attending, by unanimous voice vote, with one abstention.

“The responsibility of the university as a whole is to the community at large, and any restriction upon the freedom of the instructor is bound to react injuriously upon the efficiency and the *morale* of the institution, and therefore ultimately upon the interests of the community.”

--American Association of University Professors (AAUP),
1915 Declaration on Academic Freedom

University Faculty Senate Statement on Academic Freedom

THE STATE OF ACADEMIC FREEDOM AT CUNY

AND WHAT WE CAN DO ABOUT IT

- The Philosophy Department at City College, newly empowered in 1938 by the Board of Higher Education (the predecessor of the current CUNY Board of Trustees) to govern itself in personnel and curricular matters, recruits Bertrand Russell in 1940, setting off a firestorm of opposition in the conservative press and religious circles. The clamor from outside the college affects the political climate, and the mayor kills Russell's appointment by eliminating his budget line. His action sets the unfortunate precedent of partisan interference in faculty governance and of substituting political judgments for those of the faculty.
- The Rapp-Coudert Committee, established in 1940 by the New York State Legislature, investigates “subversion” in the schools and colleges, identifies faculty and staff suspected of belonging to the Communist Party, and demands that the Board of Higher Education adopt a policy forcing its personnel to testify before legislative committees on penalty of dismissal. The Board of Higher Education accedes to this demand, and over 50 members of the City College faculty are dismissed or not reappointed as a result. This incident sets the precedent of a political litmus test for personnel and so violates not only the academic freedom of those affected but also their First Amendment right to freedom of association.

Among experiences that CUNY faculty members reported to their campus governance body or to the Professional Staff Congress (PSC) as actual or potential violations of their academic freedom are the following: A professor was permitted to teach the course he had been assigned only if he adopted a dean's syllabus and text. A sociologist elected to chair his department withdrew his name when an administrative committee announced its intention to investigate him following press attacks. The organizers of a faculty teach-in following September 11 were criticized first in the press and then by top CUNY leadership. An adjunct writing instructor was told that she would no longer be engaged to teach writing at that college following external political pressure. A college administration ignored a department's hiring recommendation, substituting its own candidate. Numerous adjuncts have not been reappointed without reason or explanation after years of service, some banned from further teaching without due process.

The concept of academic freedom remains a much contested matter in the first decade of the 21st century, with some critics alleging that faculty members abuse it in order to “indoctrinate” their students, and defenders across the political spectrum rejecting such charges (none of which has been verified by administrative or legislative investigating committees). Those who defend the academic freedom of the faculty in turn charge that their critics want to cast “a pall of [political] orthodoxy” over the academy, as in the 1967 words of the Supreme Court.

What is Academic Freedom?

Academic freedom is the indispensable condition for the faculty to carry out its work: the responsibilities of teaching, research and publication, and of participating in college governance. Without the ability to control their work, faculty members will find themselves laboring under conditions closer to those of a corporation than the academy.

Academic freedom is a professional right of the faculty. It is grounded in the faculty’s qualifications for the position as reviewed by their peers. It consists in the freedom to teach, research, write, and to speak in their public capacity without restraint by the administration. As a professional right, academic freedom differs from the Constitutional right to freedom of speech and assembly guaranteed by the First Amendment in the sense that academic freedom is the necessary condition for faculty members to fulfill their professional obligations and responsibilities as teachers, researchers and writers.

Academic freedom protects faculty members from reprisals by employers for exercising free speech rights outside the classroom, a protection not afforded most Americans. Academic freedom further protects faculty members when they participate in the governance of their institutions or speak out on matters of educational policy, particularly when opposing the views of the administration.

For full-time members of the faculty, tenure is the main shield against attacks on academic freedom. However, most teaching in the United States, as in the City University, is now done by part-time or contingent faculty not eligible for tenure. Protection of academic freedom therefore rests on the twin bases of the professional staff’s Collective Bargaining Agreement, on the one hand, and on the governance charters of the individual colleges in the University, along with the University Faculty Senate, the faculty governance body of the University.

How is academic freedom justified? How can it be protected? To shed light on these issues, the University Faculty Senate, with the assistance of the PSC-CUNY Academic Freedom Committee, has prepared this short handbook.

Academic Freedom Rests on Four Propositions

The best traditions of higher education rest on the professional freedom of university faculty and researchers in the academy. Academic freedom is meant to conserve those traditions in order to maintain the appropriate role of colleges and universities in a democratic society.

- Colleges and universities exist as public trusts, to serve the common good.

- Institutional autonomy protects colleges and universities against political, religious and corporate pressures.
- Academic freedom protects faculty members in the performance of research, writing, teaching, and extramural speech.
- Tenure, faculty governance, and due process also protect faculty members against improper pressures and arbitrary decisions on reappointment and tenure.

The 1915 AAUP Declaration of Principles on Academic Freedom and Academic Tenure

The first statement of academic freedom by the American Association of University Professors (AAUP) is its 1915 Declaration of Principles on Academic Freedom and Academic Tenure, which sets forth a powerful and prescient rationale for academic freedom. The 1915 Declaration begins with a set of principles, addressed primarily to boards of trustees: colleges and universities “constitute a public trust. The trustees are trustees for the public.” Faculty members are appointed by trustees, but they are not the trustees’ employees: “The responsibility of the university teacher is primarily to the public itself, and to the judgment of his [or her] own profession.”

Since the purpose of the academic institution is to advance human knowledge, to instruct students, and to “develop experts for various branches of the public service,” the teacher must have “complete and unlimited freedom” of research and publication and of utterance in the classroom.

One of the cardinal principles of the Declaration is that “the responsibility of the university as a whole is to the community at large, and any restriction upon the freedom of the instructor is bound to react injuriously upon the efficiency and the *morale* [original emphasis] of the institution, and therefore ultimately upon the interests of the community.”

A university is not “an ordinary business venture.” It must be protected from “private or class interests” and from “political considerations.” The Declaration asserts “not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of teaching, of the academic profession.”

Without such independence to pursue the truth within his or her own discipline, the Declaration states, no faculty member “can be a successful teacher unless he [or she] enjoys the respect of his [or her] students, and their confidence in their 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 [or herself] fully or frankly, or that college and university teachers in general are a repressed and intimidated class who dare not speak with candor and courage which youth demands in those whom it is to esteem.”

The 1940 AAUP Statement and Beyond

The AAUP has always been careful to justify academic freedom in the context of the functions of the university and to ground it in the due process protections that make academic freedom a reality in the lives of faculty members. The AAUP's 1940 Statement of Principles on Academic Freedom and Tenure states in its preamble that "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the unfettered search for truth and its free exposition." Therefore, the 1940 Statement explains that "teachers are entitled to full freedom in research and in the publication of the results," a statement since endorsed by 209 scholarly and professional associations.

Regarding classroom conduct, "Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject." The caution here is placed on what is relevant to the course, a standard to be determined by the faculty, rather than on what may be regarded as "controversial."

Indeed, in today's charged partisan atmosphere, some students may feel offended when their closely held beliefs are challenged in class. When faculty fear the threat of a complaint and reprisal so much that they censor themselves to avert any "controversy," then they unwittingly subvert the public mission of the academy. If professors cannot speak the truth as they understand it in their disciplines, then they are kept from doing their job and are likely to lose the respect of their students in any case. The 1940 Statement did not intend that result.

While academic freedom is not simply the free speech rights of university faculty, the Supreme Court has nevertheless recognized academic freedom as an important condition for the Constitutional right to freedom of speech and assembly to flourish in the nation as a whole. In *Sweezy v. New Hampshire* (1957), Justice Felix Frankfurter affirmed the "four essential freedoms" of a university: "to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." In *Keyishian v. Board of Regents* (1967), the Court described academic freedom as "a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

Academic Freedom, Peer Review, and Due Process: The Academic Freedom of Contingent Faculty

At the time of the AAUP's founding in 1915, the unionization of faculty was just beginning. Protection of academic freedom under collective bargaining was then unavailable. For that reason, the 1915 Declaration concludes with a series of "practical proposals" to ensure academic freedom, including faculty committees to determine appointments, reappointments, tenure, and dismissal. However, in light of the enormous growth in the use of contingent, mostly part-time, faculty in recent years, the AAUP in 2006 adopted a new Recommended Institutional Regulation governing such contingent faculty.

Under prevailing American legal doctrine, employment is “at will” unless otherwise protected by collective bargaining agreements or civil service rules. “At will” means that an employee can be let go for “any reason, no reason at all, or a reason morally wrong.” Academic tenure was meant to set college and university faculty apart from that doctrine. But as American colleges and universities come under increasing pressure to raise private funds as they move toward a more corporate structure and business practices, reliance on vulnerable contingent faculty subject to “at will” employment is no longer uncommon. And without the protection of tenure, contingent faculty, now the majority of faculty in the United States, as well as a clear majority throughout CUNY, are especially vulnerable to academic freedom violations.

In response to the threat to academic freedom posed by this trend, the American Federation of Teachers (AFT) released a statement, “Academic Freedom in the 21st Century College and University: Academic Freedom for All Faculty and Instructional Staff” (2007), forcefully arguing that the rights of academic freedom and faculty governance embrace all non-tenure track faculty and instructional staff.

Political Pressures on Academic Freedom

Organizations such as Students for Academic Freedom, The American Council of Trustees and Alumni (ACTA), Campus Watch, and others which support the highly controversial “Academic Bill of Rights” monitor colleges and universities for political purposes. Instead of encouraging students to engage in discussion, some of them have recruited students to report on their professors. Administrators, trustees and legislators are thus pressured to use political litmus tests for faculty appointments and curricular decisions. Faculty at some CUNY colleges have reported that they have felt threatened in their classrooms. Academic freedom is threatened under circumstances that necessarily intimidate instructors. (See bibliography numbers 15 & 17).

Academic Freedom, Faculty Governance, and the CUNY Classroom

Academic freedom rests on faculty governance—on the principle that faculty, through their department, college, university, governance bodies, and professional disciplinary organizations have responsibilities for the following, as recognized by CUNY Board of Trustees (BoT) Bylaw ¶8.6: academic standards of admission, retention, grading and graduation requirements, curriculum, textbook selection, and pedagogies.

In the absence of formally adopted department-, college- or university-wide policies, the faculty member retains the right to make individual academic decisions. The authority of faculty members to teach, research and speak on their subject is grounded in their professional qualifications as judged by the standards of their discipline and their peers. Having met those qualifications, it is therefore the right and responsibility of the faculty to determine the curricula and syllabi, to select the texts and other instructional materials, and to test and set grading standards for their courses free from pressures from college administrations, outside organizations, politicians, or the media. Where a department or faculty governance body has approved course curricula, textbooks, teaching methods, grading standards, prerequisites, course sequences, and course requirements, however, the individual faculty member is expected to follow these policies.

The AAUP's "Freedom in the Classroom" statement in *Academe* (September-October 2007) responds to recent legislative efforts to mandate "balance" or "diversity" in university classrooms. To the claim that faculty "indoctrinate" students, the statement replies that "It is not indoctrination when, as a result of their research and study, instructors assert to their students that in their view particular propositions are true, even if these propositions are controversial within a discipline." To insist upon neutral balance in the classroom "is fundamentally to misconstrue the nature of higher learning, which expects students to engage with the ideas of their professors." Faculty however may not engage in partisan or religious proselytizing in their classrooms. They should respect their students' opinions and encourage students to express those opinions, and should be fair and objective in assessing student work. However, while treating their students respectfully, faculty members remain responsible for the interpretation of their disciplines.

Academic Freedom and Professional Responsibility after 9/11: A Handbook for Scholars and Teachers, prepared in 2006 by the Task Force on Middle East Anthropology (<http://www.meanthro.org/handbook.htm>), suggests the following steps that might be taken by faculty before a course begins: be familiar with the AAUP statements on academic freedom and with their college's code of student conduct; distribute a syllabus with their expectations and guidelines on classroom participation and discussion; set the tone for vigorous but respectful class discussions; set up debates or small-group discussions; consider in advance how they might handle potential hot topics or disruptive students.

In January 2007, the CUNY Board of Trustees adopted a policy establishing "procedures for handling student complaints about faculty conduct in formal academic settings." The Board's explanation for its action was to address student complaints alleging "incompetent or inefficient service, neglect of duty" and similar concerns. The CUNY administration asserted that "The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities." It further stated that the procedures address "faculty conduct that is not protected by academic freedom."

Nevertheless, some fear that these procedures will open up undefined areas which will promote a climate of intimidation threatening to academic freedom. The new procedures do, however, include some due process protections. In addition, every faculty member accused of misconduct and facing disciplinary charges is guaranteed due process hearings and union representation under the terms of the Collective Bargaining Agreement.

How You Can Respond to Threats Against Your Academic Freedom

The organization Free Exchange on Campus, a coalition including the AAUP, ACLU, AFT, and the United States Student Association, works to support the academic freedom of faculty and to counter political attacks on academic freedom. The AFT has set forth standards of academic freedom in teaching, research and publication, participation in institutional governance, and freedom in public life. The AFT urges faculty to protect and defend their academic freedom by initiating dialogues on campus and among policymakers and the public, as well as negotiating practices that support academic freedom and political and legislative work.

The University Faculty Senate recommends that each college establish its own local academic freedom committee. Such a committee can monitor cases brought under the new procedures for handling student complaints and can provide a pool of faculty to serve on the appeals committees provided for in the procedures. Campus committees can also monitor, examine and report annually to the faculty on the status of academic freedom at their colleges, investigate possible violations, and address issues and make recommendations regarding academic freedom. Faculty members can also bring cases of possible academic freedom violations or relevant inquiries to the Academic Freedom Committee of the University Faculty Senate and to the Professional Staff Congress of CUNY (PSC).

Academic freedom is a major concern of the Professional Staff Congress as well. The PSC has an Academic Freedom Committee which monitors University policy and practice in this area, and which answers questions regarding academic freedom concerns and works with individual faculty and faculty governance bodies in protecting faculty rights.

The PSC's Collective Bargaining Agreement (CBA) and its grievance procedures offer the most effective protections available for academic freedom. The Agreement's preamble pledges that both management and the union will protect academic freedom: "Whereas, CUNY and the PSC seek to maintain and encourage, in accordance with law, full freedom of inquiry, teaching, research and publication of results, the parties subscribe to Academic Freedom for faculty members. The principles of Academic Freedom are recognized as applicable to other members of the Instructional Staff, to the extent that their duties include teaching, research and publication of results, the selection of library or other educational materials or the formation of academic policy." Contractual remedies for alleged violations include due process in disciplinary cases, the requirement to provide reasons in negative personnel decisions, and the CBA Article 8 guarantee of adherence to nondiscrimination and other Federal laws. Alleged academic freedom violations can also be addressed using faculty governance authority recognized in CUNY BoT Bylaw ¶8.6.

Faculty members should familiarize themselves with Article 21, "Disciplinary Actions," of the CBA (<http://psc-cuny.org/>), and with Section 7, "Academic Due Process," of the CUNY BoT Bylaws (<http://policy.cuny.edu/toc/btb/>).

If you think that your academic freedom is under attack or is being violated, please consult your campus academic freedom committee, the UFS office, your campus or PSC grievance counselor, or the PSC Academic Freedom Committee. You should do this without delay, as certain remedies, such as the filing of a grievance, have a 30-day deadline. The UFS and the union are pledged to assist you in whatever ways they can. Faculty members can also bring violations of academic freedom to the attention of the AAUP (800-424-2973).

Infringing on Academic Freedom

In *Sweezy v. New Hampshire* (1957), U.S. Supreme Court Justice Felix Frankfurter affirmed the “four essential freedoms” of a university: “to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.” Colleges and their faculties are to be free of interference in the making of those judgments and the actions following from them. Despite the ambiguity in the use of the word “university,” Justice Frankfurter’s opinion recognizes the faculty’s right to exercise these freedoms, for without a faculty, there is no university.

The faculty are to make the definitive academic judgments as to appointments, reappointments, tenure, and promotion of all members of the instructional faculty through a process created and ratified by faculty through the college's approved governance plan and its by-laws.

As recognized by CUNY BoT ¶8.6 and local college governance, faculty members are responsible for recommending faculty appointments, reappointments, tenure and promotion, and setting student standards of admission, curriculum, retention, grading, and graduation.

Concerning what is to be taught, faculty are the judges of curriculum: programs, degrees, certifications, courses, and syllabi.

Concerning how a subject is to be taught, faculty are the judges of teaching methods, class size and needed materials, including texts, databases, and artistic works.

Some violations of academic freedom include:

- Interference by the central CUNY administration or a local college administration with the faculty role in appointment, reappointment, tenure and promotion processes.
- Direct appointment of faculty without faculty participation in searches or personnel review.
- Any demand that a faculty member use a particular textbook or other resource in teaching that has not been so designated by the faculty member, unless determined by his or her department.
- The removal by an administrator of a faculty member, fulltime or adjunct, from a classroom without due process.
- The establishment by administrators of pre- and co-requisites of courses without faculty approval.
- The unilateral establishment by a university’s or college’s administration of admissions criteria for a college or a degree program without faculty governance approval.
- Administrative demands that a faculty member teach using a particular methodology (e.g., group projects, writing intensives, web enhancement) that has not been approved by the faculty member unless determined by his or her department.
- The determination by the administration of what credit-bearing courses shall be offered at the college in any of its programs (including continuing education) without the approval of the appropriate department.
- Any prohibition by an administrator of the offering or display of creative works of art at the college in any of its programs, including continuing education.

CUNY Affirms Academic Freedom

CUNY has affirmed its support for academic freedom five times since 1946:

- On June 8, 1946, according to the Calendar of the Board of Higher Education (predecessor body of the CUNY BoT), “The following principles of academic freedom as expressed by the American Association of University Professors in its 1940 Statement of Principles were approved by the Administrative Council after consultation with the faculties.” [The Administrative Council was the predecessor of the current Council of Presidents.] The statement above was followed by a citation of the first six paragraphs of the 1940 AAUP Statement.
- On November 12, 1973, according to the Council of Presidents Minutes, “The Council of Presidents reaffirmed the principle that City University should remain a forum for the advocacy of all ideas protected by the First Amendment to the Constitution and the principles of academic freedom.”
- On October 26, 1981, according to the Minutes of the Board of Trustees, the Board formally apologized for the firing of over 50 faculty and staff members in the 1941 Rapp-Coudert purge (see above), stating that CUNY “pledges diligently to safeguard the Constitutional rights of freedom of expression, freedom of association, and open intellectual inquiry of the faculty, staff and students.”
- On September 24, 2001, the Board of Trustees unanimously endorsed the statement of then Vice Chair and subsequent BoT chair Benno Schmidt about the controversy over a teach-in about the World Trade Center tragedy (see page 1): “Academic freedom, freedom of inquiry in the search for truth, the freedom of thought to challenge and to speak one’s mind, these are the matrix, the indispensable condition, of any university worthy of the name. The City University of New York has a proud tradition of academic freedom. We will defend the academic freedom of our faculty and students as essential to the preservation of the University. That these are prized American values, as well as central to the academic mission, only makes their defense in times of crisis the more essential.”
- On October 13, 2005, Chancellor Matthew Goldstein formally endorsed the following definition of academic freedom issued by the first Global Colloquium of University Presidents: “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 may lead.” Chancellor Goldstein observed that “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.” He concluded that “it is our insistence on academic freedom that makes possible our ability to work together toward our most difficult and important task: the creation and dissemination of knowledge.”

How Fragile These Promises?

CUNY has been censured twice by the AAUP for academic freedom violations, and been subject to several additional inquiries by the organization. In 1973 the administration of Queensborough Community College was censured following the suspension and dismissal of three faculty members in the absence of due process protections. In 1977, following CUNY’s 1976 declaration of financial

exigency, thousands of faculty and staff were summarily retrenched. CUNY was subsequently censured based on the “severely deficient” procedures that it had followed. In 1982, following the appointment of Chancellor Joseph Murphy, a new set of financial exigency procedures was worked out with the AAUP and the PSC, after which the AAUP voted in 1983 to remove CUNY from the list of censured institutions.

However, recent concerns have arisen from public attacks and pressure from outside groups or college administrators on faculty members at a number of CUNY colleges. In one case this pressure resulted in the banning without faculty consultation by a college president of an adjunct instructor from future employment at the insistence of an outside association. In another case, a newly elected department chair withdrew his name following a threatened investigation of his personal beliefs by an administrative committee after he had been attacked in the press. Such attacks from without and within the colleges have, unfortunately, continued. The AAUP has resolved to continue to monitor the conditions of academic freedom in CUNY.

Note that the 1973, 1977 and later academic freedom cases involved violations of due process. The AAUP reasons, as Matthew Finkin (Professor of Law at the University of Illinois-Champaign) said at a UFS plenary on academic freedom in 2005, that “Academic freedom—freedom of teaching—is rendered meaningless if an instructor may be denied access to students *to* teach, absent legitimate cause [emphasis original].”

Protecting Academic Freedom in CUNY

Faculty, who form the core of the University, must be free from a climate of intimidation.

Remember, if you believe that your academic freedom has been or is being threatened or violated, contact the UFS at 212-794-5538 (or by email at CUNYUFS@gmail.com) and the Professional Staff Congress at 212-354-1252 immediately, and alert your faculty governance leader and your campus academic freedom committee. An attack on any one faculty member’s academic freedom is an attack on all and on the institution itself.

Selected Resources

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September 16, 2008