

June 21, 2013

Dr. B. Robert Kreiser
Senior Program Officer/Associate Secretary
Department of Academic Freedom, Tenure, and Governance
American Association of University Professors
1133 Nineteenth Street, NW, Suite 200
Washington, DC 20036

Dear Dr. Kreiser:

I have received your email dated June 15, 2013, with the attached resolution adopted by delegates at the annual meeting of the AAUP. Both the procedures followed by the AAUP and the substance of the resolution are flawed.

You first wrote to me about the AAUP's concerns with the Pathways initiative in a letter dated January 12, 2012. I responded in letters dated January 23, 2012, and March 21, 2012. In a letter dated September 27, 2012, you wrote about a specific incident at Queensborough Community College to which I responded by letter dated September 28, 2012. I subsequently have heard nothing further from you until your June 15 email. I do not know whether the AAUP has received any information as to the implementation of Pathways over the course of the past nine months. Are you aware, for example, that more than 2,000 courses, all conceived of and developed entirely by faculty, have been approved for inclusion in CUNY's general education program? CUNY was never asked for any further information, and I must therefore assume that to the extent the AAUP has any knowledge of the developments during this academic year, its source has been solely the Professional Staff Congress (PSC) and the University Faculty Senate (UFS). Nevertheless, the AAUP has seen fit to submit to the delegates at its annual meeting a resolution filled with factual errors and omissions.

Contrary to the assertion in the resolution, the AAUP's *Statement on Governance* does not embody standards widely upheld in American higher education, as I pointed out to you in my letter dated March 21, 2013. Rather, the *Statement on Governance* was adopted only by the AAUP, a professional association and labor union organized by and for the benefit of faculty.

Moreover, the resolution provides an incomplete and misleading quotation from the *Statement on Governance* by omitting its recognition that "in exceptional circumstances and for reasons communicated to the faculty," a board of trustees may exercise its power of review and final decision-making regarding academic matters. As I also demonstrated in my March 21, 2012, letter, CUNY's actions were consistent with that provision. For more than four decades, our students have been confronted with significant obstacles in transferring credits from one campus to another. This has resulted in their having had to spend additional time and money retaking courses because credits earned at one CUNY college were not accepted as satisfying the requirements for general education and majors at the CUNY college to which they had transferred. Until recently, faculty governance bodies did not even acknowledge the problem, much less propose any solutions. Even now, three years into the initiation of the discussions on reforming

CUNY's transfer policies, and after the PSC and the UFS announced in the spring of 2012 that they would put forward a plan in September 2012, no faculty proposal has been offered. Clearly, action was required by the Board of Trustees and the chancellery, which possess a university-wide perspective and are not primarily answerable to a particular college or department, to break this logjam and put the legitimate interests of the students first.

The resolution goes on to describe Pathways as “a top-down overhaul of CUNY's general-education framework that will replace all existing general-education curricula and force colleges to reduce the number and quality of required courses.” That characterization is wrong in every respect. First, the Board of Trustees established certain general parameters concerning only the number of credits; all aspects of the actual Pathways curriculum were formulated by faculty-dominated committees, whose recommendations were adopted without change by me. Second, within the structure established by the Board of Trustees and learning objectives established by the faculty-dominated committees, the colleges were free to retain as much of their general education curricula as they chose. In fact, the vast majority of courses submitted and approved were existing courses that were previously part of each college's general education program. Third, although the number of required general education credits was reduced to bring the University in line with the practice of nearly all other colleges and universities, the total number of credits that students must take to earn their degrees remains the same. Fourth, all of the Pathways courses have been approved by several levels of faculty committees at both the undergraduate colleges and at a university-wide level. Neither the number nor the quality of the courses offered has been reduced. The assertions of the PSC and the UFS to the contrary are not supported by any evidence and are suspect in view of their opposition to numerous CUNY initiatives over the past 14 years to improve academic standards.

Next, the resolution falsely asserts that “the CUNY administration has circumvented elected faculty bodies and college governance—and violated academic freedom—in the development and imposition of Pathways.” As provided by the bylaws of the CUNY Board of Trustees, which you quote, the faculty's authority to formulate academic policy is subject to the board or to any guidelines established by the board. The board is not required to await recommendations by the faculty to address a serious and longstanding problem, especially where, as here, the faculty has demonstrated that it is unwilling to formulate a transfer policy or proposal of its own. The elected governance bodies at CUNY had numerous opportunities to participate in both the formulation and the implementation of Pathways. Several of them, including the UFS, chose to boycott the process (by repeatedly refusing to nominate persons to serve on committees when asked to do so) and/or to defy the policy established by the Board of Trustees (by refusing to submit courses approved by departments and curriculum committees), thereby voluntarily removing themselves from the consultative process.

As for academic freedom, the resolution mentions it only in passing, without offering even a scintilla of evidence or analysis as to why it is violated by Pathways. The concepts of shared governance and academic freedom are distinct. Although academic freedom protects the right of faculty to determine the content of their courses, it does not bar a board of trustees from establishing policies concerning such academic matters as transfer credits and general education requirements. Moreover, since you first wrote to me 18 months ago, the AAUP has not referred this matter to its Committee A, which in turn has not conducted an investigation or issued a draft report for comment or a final report, the usual procedure in any case where the AAUP seriously believes there has been a violation of academic freedom.

The resolution then falsely claims that “Pathways reduces academic quality and rigor at CUNY by introducing basic science courses without lab sessions, decreasing requirements for foreign languages, and

replacing academic disciplines with vaguely defined interdisciplinary fields.” Basic science courses, both with and without lab sessions, existed as part of general education programs before Pathways and continue to exist under Pathways. Foreign language courses are an acceptable part of the framework for the general education program under Pathways, and it is up to each college to decide whether, and to what extent, they are required—as was the case before Pathways. The availability of courses from more than one discipline to satisfy general education requirements and learning outcomes is entirely within the mainstream of educational policy and practice at colleges and universities across the country. Among the benefits of Pathways is to provide students with reduced and more flexible general education requirements so they may take more upper-level elective courses and/or have the option of a double major or a minor. I appreciate that this change makes some faculty in some departments anxious because students will not be required to take their courses. However, that is not the same thing as reducing academic quality and rigor.

The resolution goes on to state that “the CUNY administration has responded to legitimate faculty objections to Pathways with intimidations, threats, and coercion.” I take that to be a reference to a single, unfortunate communication from the interim provost of Queensborough Community College to the chairperson of the English Department, which was the subject of our exchange of letters in late September 2012. As I pointed out to you then, the interim provost later apologized for that communication, which was one of dozens concerning Pathways at only one of our 19 undergraduate colleges.

The resolution cites a recent poll conducted by the PSC regarding Pathways. As a mathematical statistician, I know something about polling. That poll could not meet even the most minimal professional standards. The poll originally identified the responders’ names, thereby creating a risk of retaliation. The ballot language contained extensive argument in favor of a no confidence vote while omitting anything from an opposing point of view. Moreover, the language was so broad as to encourage a vote of no confidence no matter what the basis for or how small the objection to Pathways. I am advised that at least one paid PSC organizer spent countless hours contacting faculty and urging them to vote against Pathways. Even so, a bare majority of the full-time faculty voted against Pathways, thereby demonstrating what we at CUNY already knew—that the faculty is divided on the issue. That fact, of course, may serve to explain why the problem of transfer credits has been neglected for so long. By contrast, the students have been consistently and overwhelmingly in favor of Pathways, as indicated by, among other things, the enclosed letter from the chairperson of the University Student Senate.

Finally, the resolution calls for the repeal of Pathways. We owe it to our students to make sure that this does not happen. CUNY should never go back to the arbitrary, dysfunctional system that previously existed. In fact, Pathways has been fully implemented. The courses have been entered into the registration system. Thousands of students have already signed up for their general education courses for the fall semester. Nevertheless, as provided in the resolution of the Board of Trustees establishing Pathways, there will be annual reviews of the implementation of Pathways, and appropriate adjustments will be made as experience may warrant.

Sincerely,



Matthew Goldstein

Enclosure

Dear Chancellor Goldstein:

Please find attached the .pdf of a **Resolution in Support of Faculty Control of the Curriculum at the City University of New York** that was adopted unanimously this morning by the delegates attending the ninety-ninth annual meeting of the American Association of University Professors in Washington, DC.

We would welcome your comments.

Sincerely,

Robert Kreiser

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Resolution in Support of Faculty Control of the Curriculum at the City University of New York

Whereas, the American Association of University Professors (AAUP) has been a longstanding proponent of sound academic governance, the principles of which are enunciated in the *Statement on Government of Colleges and Universities*, and

Whereas, the *Statement on Government*, which embodies standards widely upheld in American higher education, rests on the premise of appropriately shared responsibility and cooperative action among the governing board, the administration, and the faculty in determining educational policy and resolving educational problems within the academic institution, and

Whereas, Section V of the *Statement on Government* defines the role of the faculty in institutional governance, stating in part:

The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.

Whereas, faculty control of the curriculum is essential for academic quality, and faculty must formulate and oversee the curriculum if the university is to retain its academic character, and

Whereas, the Professional Staff Congress, an affiliate of the AAUP representing faculty and professional staff at the City University of New York (CUNY), is waging a campaign for the repeal of Pathways—a top-down overhaul of CUNY’s general-education framework that will

replace all existing general-education curricula and force colleges to reduce the number and quality of required courses, and

Whereas, Article VIII, Section 5 of the CUNY bylaws lists formulation of the curriculum as a duty of the faculty, stating:

The faculty shall be responsible, subject to guidelines, if any, as established by the board, for the formulation of policy relating to the admission and retention of students including health and scholarship standards therefor, student attendance including leaves of absence, curriculum, awarding of college credit, granting of degrees.

Whereas, Article VIII Section 10 of the CUNY Bylaws lists formulation of curriculum as a duty of the University Faculty Senate, stating:

There shall be a university faculty senate, responsible, subject to the board, for the formulation of policy relating to the academic status, role, rights, and freedoms of the faculty, university-level educational and instructional matters, and research and scholarly activities of university-wide import.

Whereas, the CUNY administration has circumvented elected faculty bodies and college governance—and violated academic freedom—in the development and imposition of Pathways, and

Whereas, Pathways reduces academic quality and rigor at CUNY by introducing basic science courses without lab sessions, decreasing requirements for foreign language study, and replacing academic disciplines with vaguely defined interdisciplinary fields, and

Whereas, the CUNY administration has responded to legitimate faculty objections to Pathways with intimidation, threats, and coercion, and

Whereas, the AAUP has communicated with the CUNY administration several times regarding Pathways, warning against attacks on academic freedom and shared governance and raising objections to the atmosphere of threats and coercion that has accompanied the implementation of Pathways, and

Whereas, more than 60 percent of CUNY’s full-time faculty participated in a university-wide referendum about Pathways conducted by the American Arbitration Association at the request of the Professional Staff Congress, and

Whereas, 92 percent of voters declared they had No Confidence in the Pathways curriculum by voting “agree” to a statement that read: “I have No Confidence in Pathways.”

Therefore, be it resolved, that the AAUP calls upon the CUNY Board of Trustees to repeal the June 2011 resolution which established the Pathways curriculum, because it has failed to earn the confidence of the faculty who must implement it, and

Be it further resolved, that the AAUP calls upon the CUNY chancellery and the CUNY Board of Trustees to reinstate shared governance at CUNY and respect the role of elected faculty leaders in formulating the curriculum.