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Cary Nelson

The AAUP: The View From The Top

In 2006 the U.S. Supreme Court decided Garcetti v. Ceballos and ruled that a public employee's statements about official responsibilities and administrative policy are not shielded from disciplinary action by employers. District courts have since begun applying this decision to faculty members, hence putting faculty participation in university governance at great risk. This November the American Association of University Professors launched its campaign to alert faculty members and administrators to the growing danger that these federal court decisions are undermining first amendment protections for public university faculty speaking out about college and university governance. Our staff members designed a striking new campaign logo, set up an action tool kit with bullet points on our Web site, and added effective video interviews with AAUP personnel and leaders. The organization had never done anything comparable before. Of course we also distributed the detailed scholarly report by the AAUP's Committee on Academic Freedom and Tenure (Committee A), but translating that report into an action agenda for local campuses required rethinking how we present ourselves.

Earlier in the semester the AAUP had released its ambitious investigative report by the Governance Committee and the staff to Committee A on the decision of the administration and board of trustees of Antioch University to suspend the operation of Antioch College in Yellow Springs, Ohio, in 2008. The report charged university officials with denying college faculty members any meaningful role in this decision. Abandoning the AAUP's time-honored practice of writing rather dry and unexciting press releases, the organization's Department of External Relations took over the job and wrote a pointed, focused story with a witty and intriguing title, "The Near-Death Experience of Antioch College." In truth, with fewer reporters on the job even at major metropolitan newspapers, you'd better not expect many places to read and digest a long report and write a fully independent story. You have to present a story in a punchy style that is appealing and useable.

These have been hard lessons for the organization to learn. Not everyone on staff or in the leadership is on board with this more activist profile. Backsliding is entirely possible. As I argue in my No University Is an Island: Saving Academic Freedom (New York University Press, 2010), the AAUP is critical to the survival of higher education in a form worthy of our respect--but the AAUP has sometimes faltered in its role.

Academic freedom must be regularly redefined in the context of the cultural and political debates currently shaping higher education's public identity. Like it or not, academic freedom is not simply an unchanging platonic ideal. It is reshaped in

response to contemporary political struggles and changing legal, economic, and technological realities. Often enough the AAUP has been nimble in drafting policy statements and reports defining and responding to such pressures. Its enforcement and communication practices, however, have sometimes lagged behind its superb ability to conceptualize the challenges higher education faces. And for more than half a century the organization has shrouded its investigative procedures and protocols under what amounts to a veil of secrecy. Actual investigations need to be conducted confidentially, but the principles that guide them should be explicit and public.

AAUP membership, which declined over the twenty years following its peak of about 100,000 in 1971, has remained steady since 1989 and recently grown slightly to about 47,000. But it remains unclear how or whether we can return to a size that can fund the full range of activities we need to pursue. Meanwhile, higher education is at a tipping point. We need the AAUP now more than ever. No University Is an Island details some sixteen major and emerging threats to academic freedom, a list—if I may do some organizational bragging—it is likely only an AAUP activist could have compiled.

An immense challenge, in particular, is posed by higher education's near catastrophic overreliance on unprotected contingent teachers. I take issue with most of the solutions so far designed to address this problem and offer alternatives. The trend toward institutions that divide their faculty members into a low-paid teaching corps and a higher-paid research faculty may be the most insidious one we face. Granting job security to both groups does not in itself eliminate the cultural divide this two-tier system produces. Yet without action all classes of contingent teachers—from graduate student employees to part-time faculty, to full-time faculty off the tenure track—face diminished or nonexistent academic freedom.

Meanwhile increasing political pressures of several kinds are also undermining academic freedom. External threats range from efforts to block campus speakers and challenge tenure cases to the continuing conservative assault on professorial political speech both within and without the classroom. With its important 2007 statement on "Freedom in the Classroom" the AAUP defined faculty members' pedagogical rights and responsibilities and thus responded to arguments raised by activists like David Horowitz and conservative groups like the National Association of Scholars. No University Is an Island in turn rebuts their critiques of "Freedom in the Classroom." But faculty members themselves--both on the right and the left—have added to the problem by occasionally politicizing senior hiring decisions and by failing to address the way academic disciplines can pass through periods of relatively unreflective, even dogmatic, conviction and advocacy.

Some of the problems we face can find solutions in academic unionization, but not unless we rethink both its goals and its administration. Over a generation

and more, too many campus unions have lost sight of their larger social mission to focus instead on narrow self-interest, seeking job security and salary increases only for their own members and ignoring not only the abuse of other campus workers but also the multiple political and economic challenges higher education faces. A more democratic and progressive form of unionization—built on the sort of engaged faculty membership the AAUP has advocated—would look out for the welfare of all members of the university community.

Without such changes the intellectual independence of most faculty members will not survive. Higher education will adopt job training as its core mission. The effort to help educate students to be thoughtful participants in a democracy will be marginalized. And the pursuit of marketable products will replace basic research. No organization offers more articulate warning about these and other trends than the AAUP. Yet most faculty members are not yet listening. We have made significant progress with an email campaign regularly reaching nearly 400,000 faculty members. In June 2010 our annual conference on the state of higher education, only in its second year, will feature 367 presenters. Yet the goal of substantially increased membership and the influence that comes with it elude us.

Time is short. Corporatization proceeds apace. My book thus amounts to a Hail Mary pass for the professoriate and its major organizational voice. We need more sunlight falling on both higher education and the AAUP. Some people in higher education will object that neither the professoriate nor the AAUP should acknowledge their weaknesses and missteps. That was President George W. Bush's Washington strategy, and it eventually failed for him. I believe it is time to admit what many know anyway and open the inner workings of academe and the AAUP to well-informed debate.

While the AAUP's Committee A investigative reports into violations of academic freedom offer impeccable research and unfailingly persuasive conclusions, they have sometimes failed to help the constituencies that need us most. And we have sometimes been slow to take up cases that could address the political forces undermining academic freedom. Indeed, no one reading our magisterial and intricately argued Redbook, the regularly updated collection of our policy statements, would be able to figure out why we fail to investigate certain cases. The gap between AAUP principle and AAUP practice is simply inexplicable to most of the higher-education community. During the McCarthy period, that disconnect provoked a member revolt. Then, in the 1960s, in the days when faculty members almost automatically joined the organization, we prospered, based not on full disclosure of our operating procedures, but on the unfailing quality of our national reports and policy statements and on the hard work of our large campus chapters..

While some in the association may take affront at the claim that our principles are not consistently enforced, it is not difficult to identify key examples.

Thus the classic 1940 statement on tenure makes it clear that the AAUP effectively regards faculty members who teach full-time for seven years to have tenure whether or not they have been officially on a tenure track appointment. While we have written letters to protest instances when such faculty members have been let go without due process, we have not chosen to pursue such cases to a full investigation toward possible censure. The decision not to do so has been a de facto policy set by the national staff. The rationale remains invisible. Such issues should instead be thoroughly discussed both by our members and by the profession as a whole.

The national office's long-term but unstated reluctance to do shared governance investigations—a source of considerable frustration for some AAUP leaders—also needs to be acknowledged and then evaluated by all concerned parties. Shared governance investigations are often much more complex than investigations of individual academic freedom violations and that has produced some desire to avoid them, but they are also an increasing feature of the academic landscape. Some, like the Rensselaer Polytechnic Institute administration's decision to shut down its faculty senate, are decisive single events, but others, like the actions of Antioch University, involve years of undermining faculty participation in campus decision-making. Shared-governance investigations are thus a growing political necessity; violations of shared-governance principles are putting the faculty's responsibility for hiring and curriculum development at risk. Our exceptionally able staff needs to supervise investigations, but the organization's priorities for taking on investigations need to be established in a dialogue not only with the organization's members and leaders but also with all faculty across the country.

Some of the AAUP's practices, indeed, are for all practical purposes invisible. Thus many AAUP members have no idea that the AAUP almost never takes issue with a decision by a duly appointed faculty committee. Unlike our Canadian counterpart, the Canadian Association of University Teachers, which regularly issues findings objecting to faculty-committee actions, the AAUP typically focuses on process, rather than substance, and lets bad faculty decisions stand. It's not difficult to see how that pattern evolved—given that the AAUP exists in part to sustain the faculty role in making and reviewing academic appointments—but the practice needs to be acknowledged and debated, not left unspoken. After decades in which it was effectively one of our unwritten rules, it will now be one of the issues formally evaluated by a special AAUP committee in 2010.

I have now come to believe that full disclosure of this sort is the only route to engaging our colleagues nationwide in our activities, just as I believe there is no hope for higher education without a more activist AAUP. Although I have by no means written a “tell all” book in response, I have certainly told a good deal more than have other AAUP leaders. In an ideal world I would like to see Committee A

priorities become the subject of wide discussion and debate. I would like to see our investigative reports discussed and analyzed in journal articles, to see faculty members invested in the progress and development of AAUP jurisprudence. Only that way, I believe, can we include a substantial number of committed faculty members within our ranks.

One of the reasons we do not see that dynamic operating now is that the relationship between the staff, the leaders, and the members is often not maximized in the way it should be. Like most disciplinary organizations, the AAUP has been primarily staff led. Indeed that's the way most members of disciplinary association want it. Such organizations often spend more time providing members with opportunities to add lines to their vitas or running job fairs and conventions than they do setting policy. But the AAUP is a policy-setting and investigative organization. It cannot do those things well without continual and substantive input from faculty members and better communication between the organization's staff and its elected leaders.

In some areas we realize that goal fully—most notably in drafting policy statements. But the principles that guide our high-profile investigations of academic freedom, tenure, and shared-governance practices have never been made explicit. Again, this evolved quite naturally, but it is nonetheless due for rethinking. As AAUP membership grew rapidly in the 1950s and 1960s and the size of the staff expanded, the national office began handling increasing numbers of complaints and requests for assistance. The staff, familiar with the complaints, supervised their development into formal cases and was thus naturally best equipped to judge whether the accumulated evidence could sustain a full-scale investigation. But this also meant that staff ended up setting the association's investigative priorities, and that was an organizational error.

We have sometimes allowed people to think we pursue every injustice relentlessly, but that is a practical impossibility. Though we write letters and make phone calls in support of hundreds of faculty members—and do so for nonmembers without compensation--our full-scale investigations focus on cases where the evidence is substantial and where an investigation will help establish good practices nationwide. There has thus been a disconnect between a popular but misguided image of the AAUP as the academic profession's police force and the realities of what we can accomplish with our limited resources. We need to be clear about all of that, but we also need to be attentive to the forces undermining academic freedom and thus to pursue investigations that answer to the emerging political and cultural threats to the profession. Once again, that requires input from faculty members. It is fundamentally unfair to our able staff to burden them with deciding what the profession's greatest needs are.

A couple of recent high-profile cases, both treated more thoroughly in No University Is an Island, suggest how the AAUP's often unspoken values shape our actions. In 2007, Norman G. Finkelstein—a professor of political science at

DePaul University who had incited controversy with public criticisms of Israel—was denied tenure despite the fact that the department and a college-level personnel committee had both voted in his favor. When the AAUP wrote to DePaul University to challenge its handling of Finkelstein’s tenure case, it addressed the procedural violation at issue—the denial of his appeal rights—but left the key substantive issue unaddressed: the institution’s dangerous criticism of the rhetoric of his attacks on other scholars in his publications. The AAUP was already on record rejecting “collegiality” as a specific criterion in tenure evaluations. Now DePaul was breaking new ground in applying a standard of collegiality in evaluating a tenure candidate’s scholarship.

In 2007 the AAUP considered taking up the case of University of Colorado professor Ward Churchill. He had inflamed politicians, conservative commentators, and many members of the public when it was revealed he had compared some of the victims of the September 11, 2001, attacks on New York’s World Trade Center to “little Eichmanns” because of their involvement in international finance. In response, the university launched an investigation into several long-dormant complaints about Churchill’s scholarship. The fact that a University of Colorado faculty committee eventually found problems with his scholarship persuaded some staff and leaders that due process had been served. The substantive concern that the whole investigation was politically motivated was trumped by the organization’s proceduralism. We are now looking at a series of such political cases to reevaluate our practices and give general advice to colleges and universities about how to handle public critiques of politically controversial faculty members.

Yet it is not only in the areas of policy and priorities that power relations—and the balance of responsibilities—between AAUP staff and leaders has needed readjustment. My book also details a series of recent oversight failures. Both the AAUP’s National Council and the Council’s executive committee were for many years too compliant and insufficiently engaged. The most notable examples of problems that could have benefited from more attentive and aggressive oversight from the AAUP’s elected leaders, like the disintegration of our membership and finance departments in 2005, have been acknowledged publicly before reporters. What I have done is to gather these examples together in one place and provide both additional detail and focused analysis. Our solid achievements mean we can withstand self-scrutiny and benefit from it.

I am willing to do so in part because we have largely corrected a number of the most serious problems, including rebuilding membership and finance. Yet I feel the story needs to be told because the AAUP is critical to the preservation of higher education’s integrity and because organizational oversight by elected leaders is the main area where backsliding is most likely. Full oversight takes considerable time and will power. Most of our elected leaders are faculty members with full-time jobs. The infamous rubber stamp is always ready to hand. Of course

the AAUP is hardly unique in struggling to maintain sufficient board oversight. Profit and nonprofit boards alike throughout the country seem routinely inattentive. Anyone who thinks the AAUP story is exceptional is either self-deceived or willfully partisan. It just so happens that this is not only the organization I care most about but also one where dedicated staff and volunteer faculty have the potential to work together to set an example for the country.

There is little choice. For nearly a century—with the exception of our major lapses during World War I and the McCarthy era, when we did not protect faculty members from charges of disloyalty--the AAUP's policy documents and investigative reports have set a standard simply unequaled by any other group. We are the reason academic freedom and job security were both defined and linked. In 1967 we issued the most eloquent defense of student rights. Our policy statements have given faculty members everywhere the principled arguments they needed to establish the best higher education system in the world. Now that the academy is under unprecedented assault, a still stronger, larger, and more open AAUP is a national necessity.

Cary Nelson is a professor of English at the University of Illinois at Urbana-Champaign and president of the American association of University Professors.