AAUP
American Association of University Professors

Academic Freedom for a Free Society

VIA ELECTRONIC MAIL AND U.S. POSTAL SERVICE

January 12, 2012

Dr. Matthew Goldstein
Chancellor
City University of New York
535 East 80th Street
New York, New York 10075

Mr. Benno Schmidt
Chair, Board of Trustees
c/o Board Secretary and Senior Vice Chancellor Jay Hershenson
City University of New York
535 East 80th Street
New York, New York 10075

Dear Chancellor Goldstein and Chair Schmidt:

The elected leadership of the University Faculty Senate (UFS) and of the Professional Staff Congress (PSC) at the City University of New York as well as other members of the CUNY faculty have sought the advice and assistance of the American Association of University Professors. They have done so as a result of the adoption by the CUNY administration and governing board of the Pathways Initiative which, we understand, has established a new systemwide framework for the transfer of credits between and among the university's nineteen undergraduate colleges and which mandates fundamental changes in the university's general education requirements, with a new thirty-credit Common Core curriculum to be adopted throughout the system. Members of the faculty who have contacted us complain that the process the administration has followed in effecting these changes, accomplished by an administration-appointed Task Force and its associated committees, contravened longstanding university policies and practices for dealing with curricular matters and bypassed the well-established governance role of elected faculty bodies at various levels throughout the university. Faculty members have also called into question the academic and educational soundness of the Pathways Initiative and raised concerns about the potential academic freedom implications of the changes mandated under the Pathways process.

1133 Nineteenth Street, NW • Suite 200
Washington, DC 20036-3655
Phone: 202.737.5900 • Fax: 202.737.5526
Web: www.aaup.org

In preparing this letter, we have examined the numerous documents the administration has posted on the university's "Pathways to Degree Completion" website. We have also reviewed the dozens of resolutions and statements that the UFS, the PSC, the college-level faculty senates, the faculty councils, the disciplinary councils, and individual departments submitted at various stages of the Pathways process.

* * * * *

Our Association's interest in these matters stems from a longstanding concern for sound academic governance, the principles of which are enunciated in the enclosed *Statement on Government of Colleges and Universities*, originally formulated in conjunction with the American Council on Education and the Association of Governing Boards of Universities and Colleges. The AAUP adopted the document as policy, and the other two organizations commended it to the attention of their respective constituents. 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 in resolving educational problems within the academic institution. It refers to "an inescapable interdependence" in this relationship which requires "adequate communication among these components, and full opportunity for appropriate joint planning and effort." It further asserts that "the interests of all are coordinate and related, and unilateral effort can lead to confusion or conflict."

Section V of the *Statement on Government* defines the particular role of the faculty in institutional government, stating in pertinent 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. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board.
>
> The faculty sets the requirements for the degrees offered in course, determines when the requirements have been met, and authorizes the president and board to grant the degrees thus achieved.

The particular authority and primary responsibility of the faculty in the decision-making processes of the academic institution in these areas derive from its special competence in the educational sphere. It follows from this proposition that the faculty should play an active and meaningful role in the development as well as in the revision of institutional policy in those areas in which the faculty has primary responsibility. Also implicit in the foregoing passage is the expectation that the faculty will play a primary role in the establishment as well as in any subsequent revision or modification of the institution's academic policies and structure.

With regard to the faculty's actual participation in these significant decision-making processes, Section V of the *Statement on Government* goes on to provide that

> [a]gencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty. The structure and procedures for faculty participation should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty.

* * * * *

We understand that on June 27, 2011, the CUNY board adopted a "Resolution on Creating an Efficient Transfer System" that had been prepared by its Committee on Academic Policy, Programs, and Research. The resolution was premised on the need "[t]o enhance transfer students' progress toward degree completion" by ensuring "that students' credits earned from any CUNY college transfer smoothly and efficiently to all other CUNY colleges." The Pathways Initiative was to involve the creation of a "curricular structure that will streamline transfers and enhance the quality of general education across the university" by establishing "clear transfer paths and curricular alignment across its colleges." The resolution specified that general education at CUNY would consist of a thirty-credit "common core" for all nineteen campuses across the university and a twelve-credit "college option" for the eleven senior colleges. The chancellor appointed a Pathways Task Force and its two components, the Steering Committee and the Working Committee, and charged them with making recommendations on the common-core structure. Some five months later, on December 1, the Task Force issued its final report to the chancellor, setting forth a series of curricular changes for achieving the thirty-credit common-core structure mandated by the board and designed to resolve the transfer issue.

Members of the faculty from throughout the university, we understand, have repeatedly acknowledged the need to address the serious problems relating to student transfer, reten-

tion, and graduation, particularly the many obstacles that CUNY students face when they seek to transfer courses from community to senior colleges, and the faculty have supported efforts to find effective means of facilitating and expediting degree completion. They have also embraced the idea of a centrally coordinated policy to improve such transfers and even to consider university-wide curricular revisions, but they have emphasized the need to do so in a manner and by means that are compatible with existing academic standards. In a "Statement on CUNY's Proposed General Education Framework" adopted by the UFS on March 15, 2011, well before the board of trustees adopted its resolution of June 27, faculty representatives enunciated "three overriding principles that must control all policy-making" in this area: "(1) college faculty authority over each college's curriculum; (2) the authority of each campus to preserve its own distinct academic mission and personality within the CUNY system; and (3) students' right to clear, consistent, and timely recognition of transfer credit across CUNY." The UFS statement also "strongly recommend[ed] that the administration recognize the separate nature of the issues of transfer, which is an operational matter, and general education, which is an academic and curricular matter." Faculty members charge that the administration has failed to respect either of the first two "overriding principles." The Pathways process, they contend, by centralizing control over the general education curriculum throughout the CUNY system and in mandating a restrictive, standardized core curriculum, has also failed to respect the crucial distinction between operational and academic issues. It denies the colleges, with their diverse academic missions and distinctive institutional identities and traditions, and with curricular requirements that serve their particular pedagogical purposes, the authority and flexibility to establish their own general education structure and requirements. Such matters, the faculty maintain, should be determined by the appropriate curriculum committee on each campus. They have, moreover, questioned the necessity of instituting so dramatic a reform of the basic curriculum as called for under the Pathways Initiative, which they complain will have the effect of reducing the breadth and depth of academic programs and compromising standards, in order to achieve a resolution of the structural problems of student transfer.

We understand that during the Pathways process faculty bodies at virtually all of the senior colleges and at least one of the community colleges adopted resolutions opposed to the project and that no campus-level faculty governance body has supported the process or endorsed the recommendations contained in the Task Force's December 1, 2011, report. We understand further that the administration and board rejected repeated calls from these same faculty bodies to defer the larger changes called for in the board's June 27 resolution, and that basic modifications to the Pathways proposals and alternate proposals introduced along the way in the various faculty statements and resolutions were largely rejected, save for a handful of minor alterations incorporated in the Task Force's final report.

* * * * *

Beyond the issues of governance as they relate to the faculty's corporate authority and its primary responsibility for oversight of the curriculum, and the questions raised about the educational and pedagogical soundness of the changes prompted by the Pathways Initiative, faculty members have also raised concerns about the potentially harmful ramifications of those changes for the academic freedom of individual faculty members in their teaching. Under generally accepted principles of academic freedom, "[t]he freedom to teach includes the right of the faculty to design their courses, select the materials to be assigned, determine the approach to the subject [including the methods of instruction], make the assignments, and assess student academic performance in teaching activities for which faculty members are individually responsible, without having their decisions subject to the veto of a department chair, dean, or other administrative officer." Faculty members argue that the proposed implementation of the curricular changes mandated under the Pathways Initiative threatens to impinge upon their academic freedom as teachers by effectively limiting their autonomy in the classroom.

* * * * *

We note that General Counsel Frederick Schaffer, in a message posted on the CUNY Pathways website dated November 3, 2011, states that the CUNY board of trustees "has clear and final authority to adopt academic policy . . . and to direct the Chancellor to implement it in accordance with the procedures established by the Board." He goes on in that statement to set forth the university's position on the "applicable law" that bears on these matters. Our Association's concerns, however, as discussed in the foregoing, are with the academic as distinct from the legal issues raised by the CUNY situation. Whatever the legal basis that may be claimed for the actions taken by the university's administration and governing board, they appear in our view to run counter to generally accepted standards of governance.

* * * * *

The information in our possession on the matters addressed in this letter has come to us from both administration and faculty sources, but we appreciate that you may have additional information that would contribute to our understanding of the issues with which we are concerned. We have had productive exchanges over the years with the CUNY administration about various matters of AAUP concern. The Pathways Initiative, both the process that appears to have been followed and its results, raises important issues for our Association. We would therefore welcome your comments.

Sincerely,

B. Robert Kreiser
Associate Secretary

BRK:id
Enclosure

cc: Executive Vice Chancellor and University Provost Alexandra W. Logue
Senior Vice Chancellor for Legal Affairs Frederick P. Schaffer
Dean Michelle J. Anderson, Chair, Pathways Task Force
Professor Sandi E. Cooper, President, University Faculty Senate
Professor Barbara Bowen, President, Professional Staff Congress
Professor David Linton, President, New York State Conference AAUP
Professor Larry G. Gerber, Chair, AAUP Committee on College and University Governance