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75 YEARS:

A Retrospective on the Occasion of The Seventy-fifth Annual Meeting

| | |
|---------------------------------------|----|
| <i>Origins</i> | 4 |
| <i>Academic Freedom and Tenure</i> | 8 |
| <i>Collective Bargaining</i> | 12 |
| <i>The Status of Women</i> | 17 |
| <i>Governance</i> | 21 |
| <i>Economic Status</i> | 24 |
| <i>The McCarthy Era</i> | 27 |
| <i>The Association and the Courts</i> | 31 |



REPORTS

Academic Freedom and Tenure:

| | |
|--|----|
| Southeastern Baptist Theological Seminary (North Carolina) | 35 |
| Alabama State University | 46 |
| Concordia Theological Seminary (Indiana) | 57 |
| Developments Relating to Censure by the Association | 68 |
| Special Dues Arrangements | 77 |

DEPARTMENTS

| | | | |
|--------------------|----|--------------------------|----|
| Update | 79 | Book Reviews | 84 |
| Academic Vacancies | 82 | Censured Administrations | 89 |
| Correspondence | 83 | | |

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75 YEARS



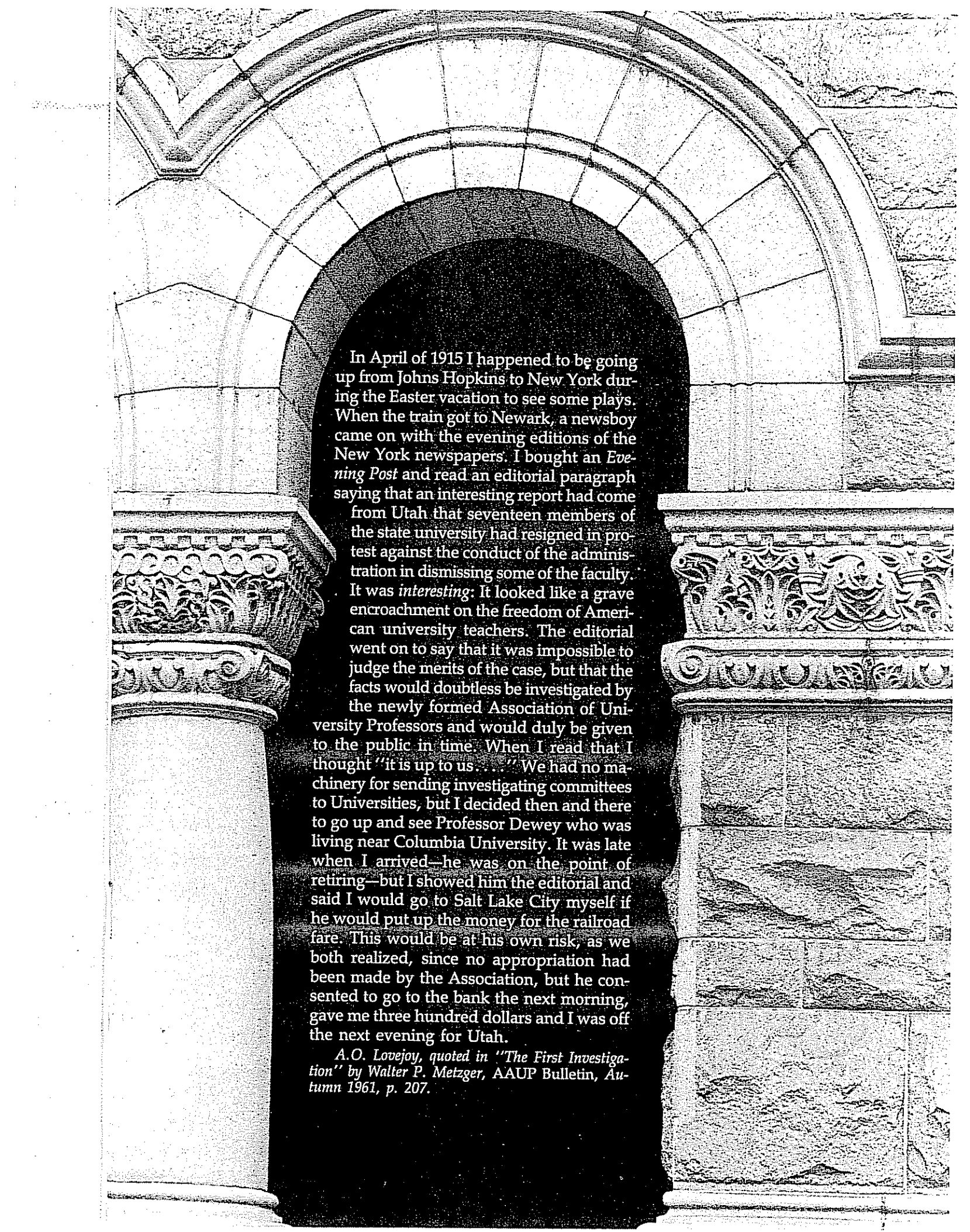
This issue brings together crucial documents in the history of the Association: "classics" like the 1915 "Call to the Meeting" and the 1940 *Statement*, and others less classic and often forgotten. Our purpose in reprinting these documents is not simply to enshrine them. Rather, surrounding them with reminders of the debates and controversies out of which they grew, we have sought to reconstruct the atmosphere of challenge in which they found their first shape.

Relocation of these documents among dissenting statements and cancelled alternatives does not lessen their authority. On the contrary: their authority is enhanced by restoration of the field of possibility against which they were defined. Yet consideration of these documents in their original textual and political environments also reminds us that the history of the Association has been dynamic rather than static, evolutionary rather than repetitive. Our ideals have remained remarkably constant; we have sought from the beginning to secure the collective and consequential involvement of faculty members in shaping the standards and practices that govern our professional lives. The fundamental texts through which we have aimed to institutionalize these ideals may, however, be seen as products of a continuing process of exploration and definition.

If we sometimes think of our Association as staid and fully formed and reconciled to life within long-established boundaries and practices, then we have all the more reason to look again at our founding documents. Consider, for example, the anecdote facing this page: A.O. Lovejoy, on his Easter vacation, hears about a challenge to academic freedom at the University of Utah and hops a train—instituting the first AAUP investigation as he goes. In this anecdote we glimpse something of the spontaneity, even adventure, that attended our founding. The young AAUP was a dynamic organization, an organization on the move and in the process of becoming. We reconsider the accomplishments of its founders, not to sanctify them, but to remind ourselves that we must continue to reinvent ourselves in the face of new times and new challenges. Respecting the "letter" of our founders' accomplishments, we must also respect the "spirit" of those early days.

P.S.





In April of 1915 I happened to be going up from Johns Hopkins to New York during the Easter vacation to see some plays. When the train got to Newark, a newsboy came on with the evening editions of the New York newspapers. I bought an *Evening Post* and read an editorial paragraph saying that an interesting report had come from Utah that seventeen members of the state university had resigned in protest against the conduct of the administration in dismissing some of the faculty. It was *interesting*: It looked like a grave encroachment on the freedom of American university teachers. The editorial went on to say that it was impossible to judge the merits of the case, but that the facts would doubtless be investigated by the newly formed Association of University Professors and would duly be given to the public in time. When I read that I thought "it is up to us. . . ." We had no machinery for sending investigating committees to Universities, but I decided then and there to go up and see Professor Dewey who was living near Columbia University. It was late when I arrived—he was on the point of retiring—but I showed him the editorial and said I would go to Salt Lake City myself if he would put up the money for the railroad fare. This would be at his own risk, as we both realized, since no appropriation had been made by the Association, but he consented to go to the bank the next morning, gave me three hundred dollars and I was off the next evening for Utah.

A. O. Lovejoy, quoted in "The First Investigation" by Walter P. Metzger, *AAUP Bulletin*, Autumn 1961, p. 207.

ORIGINS



Discussion of the formation of an association of university professors was initiated by faculty members at Johns Hopkins University in the spring of 1913, and pursued at meetings in 1913 and 1914. On April 25, 1914, the committee on organization met to consider the purpose of the association. Present were: John Dewey (Education and Psychology, Columbia), C.J. Keyser (Mathematics, Columbia), Frank Thilly (Philosophy, Cornell), W. Hobbs (Geology, Michigan), E. Capps (Classical Philosophy, Princeton), M.G. Learned (Germanic Philology, Pennsylvania), and A.O. Lovejoy (Philosophy, Johns Hopkins)—with Lovejoy as secretary.



At that meeting, C.J. Keyser made the following motion:

Purposes of the Association shall be to promote a more general and methodical discussion of problems relating to education in higher institutions of learning; to create means for authoritative expression; to make collective action possible; and in general to maintain and advance the ideals and standards of the profession.



John Dewey

The idea of a national association provoked varied responses, as seen in these letters received by A.O. Lovejoy in December 1914.

There is no doubt that as a class of workers, we permit injustices to continue and grievances to remain uncorrected that should not be tolerated.

—William A. Shaper
University of Minnesota

In general I do not believe that university teachers ought to resort to trade union methods, and I fear that this is exactly what the proposed plan would lead to, despite the present ideas of the organizers. From what I have known of the men who have been most active in advocating such a move I should be



A.O. Lovejoy

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ORIGINS



inclined to expect that such should be the case. Furthermore, I suspect that the dynamic principle would be the demand for faculty participation in university administration—a feature which does not particularly appeal to me.

—U. G. Weatherly
Indiana University

I should think perhaps no more important question could be investigated now than that of the Faculty's power to govern the purely academic functions of the college or university. This power, which is properly that of the Faculty, declines in many institutions to almost nothing, and is, I believe, more gravely menaced every year. By academic functions I mean the regulation of standards and curriculum, and the choice of teachers.

—Charles G. Osgood
Princeton University

If I may express my mind quite frankly, I am afraid that those who have the plan most at heart are trying to combine two distinct, and to my apprehension, incompatible ends—to create an association that shall have something of the dignity and the moral influence of the Bar Association and to organize the profession for certain practical causes.

—George F. Moore
Harvard University

To my mind the greatest benefit of such an association will probably be indirect. As I look back over my fifteen years at the University of Wisconsin, it is hardly an exaggeration to say that I can scarcely remember a single question of educational policy which has been debated and decided upon the intellectual convictions of the faculty. This is especially true of questions of curriculum and entrance requirements, which to my mind are always settled under administrative pressure upon the basis of supposed expedience. A majority of the faculties in the state Universities are unwilling to oppose with their votes the administration's judgment of what is expedient. If therefore the foundation of such an associ-

In November 1914, the organizing committee issued its call for the first Annual Meeting of the Association, to be held at the Chemists' Club, New York City, on January 1 and 2, 1915:

Members of the faculties of a number of institutions have undertaken to bring about the formation of a national Association of University Professors. The general purposes of such an Association would be to facilitate a more effective co-operation among the members of the profession in the discharge of their special responsibilities as custodians of the interests of higher education and research in America; to promote a more general and methodical discussion of problems relating to education in higher institutions of learning; to create means for the authoritative expression of the public opinion of college and university teachers; to make collective action possible; and to maintain and advance the standards and ideals of the profession. The specific activities in which these general purposes may best find expression will, of course, become fully evident only through experience. There is, however, already manifest among university teachers an interest in such matters as the proper organization of departments, and their relation to one another; the relations of instruction and research, both in colleges and graduate schools; the adjustment of graduate to undergraduate instruction, and of professional studies to both; the possibility of co-operation between universities to prevent unnecessary duplication of effort; the effectiveness of the manner in which the university teaching profession is now recruited; the problem of graduate fellowships and scholarships; the desirability and practicability of an increased migration of graduate students; the suitable recognition of intellectual eminence, and the manner of awarding honorary degrees; the proper conditions of the tenure of the professorial office; methods of appointment and promotion, and the character of the qualifications to be considered in either case; the function of faculties in university government; the relations of faculties to trustees; the impartial determination of the facts in cases in which serious violations of academic freedom are alleged.

Those concerned in the organization of the Association do not, however, desire in any way to determine its programme in advance. What seems to them essential is that, in the working out of a national policy of higher education and research, the general body of university teachers shall exercise an effectual influence; that in the determination of the future of the profession, the profession itself shall have a voice; that issues hereafter arising which may seriously affect the work of the universities, or the usefulness, dignity, or standards of the professoriate, shall be dealt with only after careful consideration and wide discussion.

ORIGINS



FACULTY CLUB
COLUMBIA UNIVERSITY
NEW YORK

Com. Meeting of Apr. 25th

*Moved by Keyser, V. Stokut read:
Purps of the Ass. shall be to
prom. a more ju. & meth. disc.
of problems relating to ed. in
colleges & univ. to meet exig. needs
of learning; to create means for
auth. of persons to make
possible collective work, to
general to maintain & advance the
the ideals & standards of the
profession*

ation should succeed in inspiring intellectual convictions and courage in average faculty members, that to my mind would be the greatest service it could render.

—George Converse Fiske
Harvard University

I think there is great danger that the conservatism of such an organization may retard educational progress.

—Fernando Sanford
Stanford University

I have not the least opposition or discouragement to offer to the project. At the same time, my interest in it is so languid, my hopes of any valuable results from it are so restricted, and my own immersion in general questions of scholarship and local questions of administration is so complete that there seems no sufficient incentive to take part in this movement.

—E.P. Chorney
University of Pennsylvania

THE UNIVERSITY OF NORTH DAKOTA



November 14, 1914.

Professor John Dewey,
Columbia University, New York.

Dear Professor Dewey:

I have heard indirectly that you are President of an organization called "The Association of University Professors", the purpose of which is to safeguard the interests of its members in various ways. I understand that this includes such matters as tenure of position, academic freedom &c. If my information is correct, may I ask for further information as to eligibility for membership, conditions, &c.? There exists a feeling among our people here that such an organization is both needed, and can do much good. We should like to cooperate.

Thanking you in advance, I am,

Very truly yours,

A. J. Ladd.

The program of the new Association was also the subject of lively discussion, as Secretary Lovejoy sought advice from colleagues in 1914-15. Although the names of the authors of these opinions have been lost, their quotes reveal some lively views.

"A Body of Professors"

A college professor of acknowledged parts should be protected against the personal likes or dislikes of administrative officers whether they be presidents, deans or prosperous business men who sit on boards of control. Some institutions are much better in this respect than others; but all might be strengthened by a suitable statement from teachers and investigators of the proper position of the scholar. During the last dozen years some things have happened which might have been quite different if a body of professors had expressed their opinions publicly.

ORIGINS



UNIVERSITY OF CALIFORNIA
DEPARTMENT OF ENGLISH
BERKELEY

Dear Professor Sawyer:

I shall be most glad to accept membership in the Committee of Twenty-Five for the reorganization of the Association of University Professors. I have long preached the need of such an association and congratulate Johns Hopkins on having started the movement.

Yours sincerely,

C. McGahey

June 25, 1914

Protection for All

I venture to suggest that the proposed Association might be willing in case of need to act as an impartial referee in any necessary case in which a professor feels that he needs the protection of his colleagues. This action should be extended to those who are not members of the Association as well as to members.

"The Domination of Trustees"

Among the problems which seem to me to necessitate action is that of rescuing our higher education institutions from the domination of trustees who are businessmen unfamiliar with educational problems and essentially representatives of the conservative capitalistic class. So long as the universities are thus administered, how can the faculties secure greater power and to what extent is decentralization preferable to bad but effective centralization?

"The Faculty is Cringing"

It is a matter of indifference to me how many are the professed objects of the

association provided some way may be found to prevent university presidents from administering a pie counter in the way of promotions and increase of salaries. So long as every year every man in the university may expect a bit of patronage in the way of a deanship or directorship or some other manner of increasing his income, the faculty as a whole will be subservient, and the president will feel that it is "his university." Tenure of office is, I think, reasonably safe already, but under the present plan of promotions the faculty is cringing. Some way must be found of separating the president from the university treasury.

Tenure of Office

A question which seems to me of paramount importance is the relationship which the professor holds to the governing body, a matter which is connected with the tenure of office and the privilege of a personal hearing.

Professional Duties

We should consider the minimum number of hours of routine teach-

ing required of instructors, and particularly instructors of professorial rank. In a number of our universities, some of the better men are teaching such an unusual number of hours, that it is practically impossible for them to devote themselves to any amount of systematic research work, work for which they are best prepared.

Minimum Wage

Another question is that of the minimum wage of certain grades of instruction. This is particularly true perhaps of the state universities in which the salaries are ridiculously low.

Private Research Institutions

I trust that one of the topics which may receive serious consideration by this organization will be the divorcement of research and instruction which is progressing because of the establishment of research institutions unrelated to universities. It seems to me that this is destined to lead to bureaucracy in research and that it will tend to impoverish and weaken university instruction.

ACADEMIC FREEDOM AND TENURE



The First Annual Meeting of the Association authorized appointment of a Committee on Academic Freedom and Academic Tenure. A fifteen-member committee was appointed with Edwin R.A. Seligman (Columbia) as chair. The new committee had an unexpectedly busy year, investigating eleven cases, writing four full-scale reports, and developing a "Declaration of Principles" for the approval of the Second Annual Meeting.



In his presidential address to the 1915-16 annual meeting, John Dewey addressed the subject of the committee's busy year:

I wish to say a word about the large place occupied in this year's program by the question of academic freedom in its relation to academic tenure. I have heard rumors of some criticism on this point. Some have expressed to me fear lest attention to individual grievances might crowd out attention to those general and constructive matters which are the Association's reason for existence. Let me say for the reassurance of any such that none of the officers of the Association, least of all those who have been overwhelmed by the duties incident to these investigations, regard this year's work as typical or even as wholly normal. The general report of the committee of fifteen was, indeed, definitely contemplated in the plan of the year's work. The investigations of particular cases were literally thrust upon us. To have failed to meet the demands would have been cowardly; it would have tended to destroy all confidence in the Association as anything more than a talking body. The question primarily involved was not whether the Council should authorize the investigation of this or that case, but whether the Association was to have legs and arms and be a working body. In short, as conditions shaped themselves for us, I personally feel that the work done on particular cases this year turned out to be of the most constructive sort which could have been undertaken. While a succession of incidents like those at Utah, Montana, Colorado, and Pennsylvania was wholly unexpected (and, let it be hoped, never to be repeated), it may well be doubted whether any cut-and-dried, predetermined plan of "constructive" work would have been equally effective in shaking a multitude of things together and making an Association on paper into a working unity with a mind and movement of its own.

ACADEMIC FREEDOM AND TENURE



AAUP principles began to take hold. Writing to a skeptical correspondent, A.O. Lovejoy described the work of the Association and the encouraging case of "Mr. Rutherford":

That you should be of the opinion that the Association itself is a mild, faintéant, and ultra-conservative body strikes me as surprising, and, to be quite frank, somewhat exasperating. . . . [The Association's work] ought not to be judged. . . within the limits of a single year. In the main its function is one of education, especially the education of the boards of trustees and of the public at large. In this respect it seems to me to have accomplished a great deal during the five years of its history. It has also, I think, done much to create a wholesome esprit de corps and a keener sense of professional obligation among members of our own profession. An encouraging example of this was the action of a young teacher, Mr. Rutherford, who was called to accept the position from which Dr. Kirkpatrick was recently dismissed at Washburn College. After accepting, in ignorance of the circumstances, Mr. Rutherford later wrote me, asking for a statement of the facts in the case, and for my opinion as to the propriety of his taking the position. I reported to him the results of my preliminary investigation and expressed the opinion that a man with the highest kind of professional ethics would not accept the appointment. He thereupon withdrew his acceptance.

For that particular community and that board of trustees this experience, with others which they have been having during the past six months, constitute an educational process of a very genuine sort. They will probably never again think as they have been used to think, with respect to the place of the faculty in a college; and it is pretty certain, I suspect, that they will think twice, or several times, before acting again in a manner which probably seemed to them last June perfectly natural and proper. It is through the gradual effect of such a process of education, especially as it is brought home to local groups, now here, now there, that the Association will accomplish

From the 1915 "Declaration of Principles"

The tendency of modern democracy is for men to think alike, to feel alike, and to speak alike. Any departure from the conventional standards is apt to be regarded with suspicion. Public opinion is at once the chief safeguard of a democracy, and the chief menace to the real liberty of the individual. It almost seems as if the danger of despotism cannot be wholly averted under any form of government. In a political autocracy there is no effective public opinion, and all are subject to the tyranny of the ruler; in a democracy there is political freedom, but there is likely to be a tyranny of public opinion.

An inviolable refuge from such tyranny should be found in the university. It should be an intellectual experiment station, where new ideas may germinate and where their fruit, though still distasteful to the community as a whole, may be allowed to ripen until finally, perchance, it may become a part of the accepted intellectual food of the nation or of the world. Not less is it a distinctive duty of the university to be the conservator of all genuine elements of value in the past thought and life of mankind which are not in the fashion of the moment. Though it need not be the "home of beaten causes," the university is, indeed, likely always to exercise a certain form of conservative influence. For by its nature it is committed to the principle that knowledge should precede action, to the caution (by no means synonymous with intellectual timidity) which is an essential part of the scientific method, to a sense of the complexity of social problems, to the practice of taking long views into the future, and to a reasonable regard for the teachings of experience. One of its most characteristic functions in a democratic society is to help make public opinion more self-critical and more circumspect, to check the more hasty and unconsidered impulses of popular feeling, to train the democracy to the habit of looking before and after. It is precisely this function of the university which is most injured by any restriction upon academic freedom; and it is precisely those who most value this aspect of the university's work who should most earnestly protest against any such restriction. For the public may respect, and be influenced by, the counsels of prudence and of moderation which are given by men of science, if it believes those counsels to be the disinterested expression of the scientific temper and of unbiased inquiry. It is little likely to respect or heed them if it has reason to believe that they are the expression of the interests, or the timidities, of the limited portion of the community which is in a position to endow institutions of learning, or is most likely to be represented upon their boards of trustees. And a plausible reason for this belief is given the public so long as our universities are not organized in such a way as to make impossible any exercise of pressure upon professorial opinions and utterances by governing boards of laymen.

ACADEMIC FREEDOM AND TENURE



most. The process takes time; all campaigns of education take time. It has never appeared to me that that fact was a sound reason for refusing to attempt to carry them on.

A.O. Lovejoy letter to R.W. Sellars, October 27, 1919.

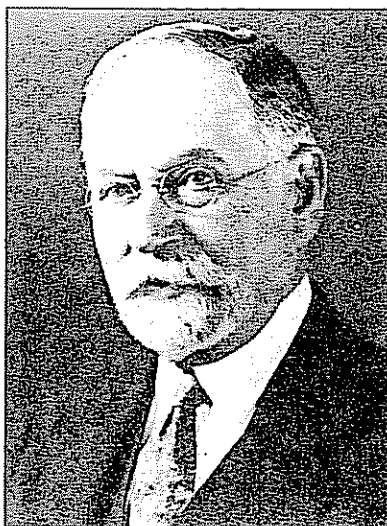


Writing to A.O. Lovejoy in March 1919, Frank R. Lillie of the University of Chicago raised the possibility of regional committees:

I am very much interested in your comments on the plan for regional committees on academic freedom and tenure. Your simplification approaches somewhat the suggestions which were made to Professor Coulter last December, to the effect that about one-half of the members of the committee should be selected from the chairmen of local branches, with suitable geographical distribution. Professor Weatherly proposes an intermediate suggestion to the effect that district committees should be small, not to exceed three to five. I quite agree that they should certainly not be too unwieldy. I quite agree with your point concerning the necessity of a national character of the central committee, but I do not think it inconsistent with the existence of regional subcommittees.



Need for an operationally defined statement on academic freedom and tenure continued to be felt. Meeting under the broad sponsorship of the American Council on Education, the AAUP and other higher education bodies produced a "1925 Conference Statement on Academic Freedom and Tenure." Then, in 1934, the AAUP and the Association of American Colleges began a series of meetings which would culminate in a new statement on academic freedom and tenure. The two bodies agreed on general principles,



Edwin R.A. Seligman
First Chair of Committee A

embodied in their 1938 "Rules of Tenure":

There is agreement on general principles, namely:

1. Tenure is a means to certain ends;
2. (1) Freedom of teaching, of research, and of extra-mural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability.
3. This freedom and economic security depend upon tenure;
4. There must be a reasonable probationary period for persons entering the profession;
5. After the expiration of the probationary period, a teacher or investigator is regarded as on "permanent" tenure irrespective of what the legal contract may be;
6. "Permanent" tenure means "indefinite" tenure; i.e., that the services of the teacher or investigator in question can be terminated by the institution only for adequate cause and after a fair hearing, except in the case of retirement for age.



Agreement over the text of what is now the 1940 Statement of Princi-

ples of Academic Freedom and Tenure was near, when the AAC altered the terms of its endorsement. Meeting in January 1940, the AAC abandoned the concept of a six-year probationary period, in favor of a more elastic concept, in which "each institution should define with great care the probationary period and notify every appointee of its precise length and its terms." Representatives of the AAUP and the AAC met in conference on November 8, 1940. Representing the AAUP was, among others, William M. Hepburn, Professor of Law at the University of Alabama. The day before the meeting, Hepburn outlined a line of argument to General Secretary Ralph Himstead, bearing on the probationary period and other matters of concern:

... (6) I believe we should emphasize at every possible occasion that a definite probationary period is the only basis for academic tenure.

(7) I think we should ask representatives of the Association of American Colleges what in their views is the purpose of a probationary period. It seems to me that they have confused the reasons for having a probationary period (time necessary to determine the fitness of a new teacher for his duties) with other very different reasons, such as the administration's desire to have as long as possible the power to hire and fire.

(8) In going through the correspondence I have noted several times statements of our own members that the Harvard system may be "all right for Harvard." I think this is a very dangerous statement. If the tenure rules are sound, I know of no reason that Harvard should have a valid claim for exemption from them. As a matter of fact, Harvard with its vastly greater resources than most schools should not be permitted to unload its tenure problems on other universities.

(9) The probationary period must be made certain and definite because of the failure of university administrations inter se, to establish standards of conduct for university presidents, in so far

ACADEMIC FREEDOM AND TENURE



as tenure matters are concerned. There are some bad eggs among them. Unfortunately we have to have rules and regulations and laws to control the bad eggs and the others are penalized because they are unable to control all members of their class.

It is quite probable that representatives of the Association of American Colleges will say that they could not get acceptance of our tenure rules by university trustees. If they say that, I would suggest that we should ask them if they have tried.



The AAUP position on the probationary period prevailed, though with an addition of one year to its maximum duration, paving the way for endorsement by the AAUP in 1940 and the AAC early in 1941. The AAUP could not have succeeded without support within the ranks of the AAC, and one such supporter was Henry W. Wriston, president of Brown University and president of the AAC. Wriston had already written in support of the AAUP position:

The purpose of this statement is to encourage chairmen of departments to do that most difficult of all things—namely make up their minds.

AAC Bulletin, no. 25, 1939, p. 120.

The elimination of gender-specific language in the 1940 Statement may be on the horizon. A draft under consideration would change the text as illustrated below:

As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances.

As scholars and educational officers, they should remember that the public may judge their profession and their institutions by their utterances.



The 1940 Statement is not, of course, a static document. Nine Interpretive Comments, for example, were adopted by the Association in 1970. Below is paragraph (b) of the Statement, followed by its Interpretive Comment:

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.



The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for the teacher to avoid persistently intruding material which has no relation to his subject.

Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 Statement, and we do not now endorse such a departure.



Committee A on Academic Freedom and Tenure, 1972.

COLLECTIVE BARGAINING



Less than a year after its founding, the Association grappled with the question of whether it should expand its mission from investigating and publicizing abuses in academe to using collective action to remedy those abuses. The movement toward collective bargaining stalled for half a century, until a changing climate in higher education required the Association to make a decision.



William MacDonald, writing in The Nation in 1915, saw the situation as follows:

The question now is whether or not the Association, numbering a charter membership of 862 professors from sixty-one institutions, and already well organized for investigation, publication, and protest, ought at its next meeting to go further, and organize its forces for the positive redress of grievances. I am aware that any allusion to the principles or methods of unionism is pretty certain to suggest a procedure widely believed to be foreign to the professional habit, and out of harmony with the dignity and restraint long associated with the occupation of university teaching. . . . Yet it is not putting the case too strongly to say that the American professorial world is characterized to-day by profound and increasing dissatisfaction, suspicion, and unrest; that the grievances of university professors are fundamental and real; that the situation as to the efficiency of university education is threatened by the continuance of untoward conditions which are in no way inherent in a healthy academic life, and which it is within the power of the organized professorate to remedy if it will.

William MacDonald, "Shall Professors Form a Union?" The Nation, 25 November 1915, pp. 621-22.



Here are a few early dissenters:

There [were] a good many expressions of the undesirability of an Association whose main purpose should be militant or controversial. . . . The feeling, or fear, that the Association might be formed in something of the spirit of trade-unionism seemed to be hard to dispel. . . . It will be important to put forward as leaders some of the older men, if possible, and men who command the confidence of even the more cautious of our colleagues.

J.E. Creighton letter to A.O. Lovejoy, November 6, 1913.

The discussions. . . have been so humiliating, intellectually and morally, that I have already lost something of previous pride in my profession. The discussions seem to imply that our calling. . . is something quite other than "a noble profession"; it seems rather a trades union, squabbling unreasonably for power and for limitation of work and responsibility. There seems to have been a most successful effort, however unconscious, to demonstrate beyond all cavil that we are "hired men" as narrow and selfish and as neglectful of the interests of the profession and the common good as any other class of "hired men."

Letter from K.C. Chamberlin of the University of Chicago to John Dewey and A.O. Lovejoy, December 3, 1914.

The situation in which our own profession finds itself is. . . radically different from that with which labor unions are organized to deal. For the funds out of which we are supported do not initially accrue to the persons who legally administer the corporations by which we are employed. . . . Almost universally, members of the bodies administering the funds of educational institutions are in fact, as they are in theory, economically disinterested. . . collaborators in the business of the advancement of learning and the improvement of teaching.

A.O. Lovejoy, "Professional Association or Trade Union?" AAUP Bulletin, May 1938, p. 412.



In the late 1960s, a time of increasing labor unrest on campuses, the Association cautiously began to approach the possibility of collective bargaining. In 1965-66, the Association debated a special committee's proposed statement on the role of chapters as exclusive bargaining agents (see box, next page). The Council approved the statement on May 1, 1966. Clyde Summers provided the following analysis:

The Association is confronted with the practical problem of how it shall respond to a march of events over

COLLECTIVE BARGAINING



which it has little control. The question is what a local chapter should do when other organizations seek to transpose to college faculties principles of collective action applicable to industry and commerce. . . . The Committee's proposal, quite simply, is that when confronted with this prospect, a chapter may compete in the election and seek to become the exclusive representative. . . .

The question confronting the Association is not whether it shall become a "union," or whether it shall engage in "collective bargaining," for to cast the issue in those terms is to submit to the tyranny of labels. The proposed statement makes as plain as words permit that the Association shall continue, and with all means at hand, to assert and implement its historic role as a community of scholars in which all faculty shall participate through democratic structures of university government.

"Background and Analysis Statement," AAUP Bulletin, Summer 1966, pp. 230-32.



Yet the Special Committee's statement did have its detractors:

It is necessary to register a vigorous dissent. . . . Our objection is one of basic principle. The notion of collective bargaining, supported by most of us in the industrial context, is wholly inappropriate in the academic situation. A university is not a corporation in which the interest of labor and management are opposed, a zero-sum arrangement in which one group gains only at the expense of the other. On the contrary, trustees, regents, and board members have nothing to gain by depressing our salaries.

The AAUP. . . has always maintained that the operation of a university is one of shared responsibility. Once an exception is made, no matter how extraordinary the circumstances, the situation is radically transformed into one of antagonistic and even hostile opposition. Once this happens—even once—we become employees of an administration and of a governing board. Once this happens, the administration is no longer working for us, but we are working for it. And this, we submit, is

Chapters as Exclusive Bargaining Agents

The Association prefers that all faculty members participate in making decisions and protecting their economic interests through structures of self-government within the institution, with the faculty participating either directly or through faculty-elected councils or senates. As integral parts of the faculty, such councils or senates can more effectively and appropriately represent the faculty than any outside organization acting as exclusive representative. It is fundamental, however, that whatever means are developed for representation, the faculty must have a truly effective voice in decisions of the institution and. . . the economic interests of the faculty must be adequately protected and promoted.

If these conditions are not met, and a faculty feels compelled to seek representation through an outside organization, the Association believes itself, by virtue of its principles, programs, experience, and broad membership to be best qualified to act as representative of the faculty in institutions of higher learning.

Special Committee on the Representation of Economic Interests, "Proposed statement of policy on the role of Association chapters as exclusive bargaining agents," approved by Council on May 1, 1966, published in AAUP Bulletin, Summer 1966, pp. 229-230.

too high a price to pay.

Robert Bierstedt and Fritz Machlup, AAUP Bulletin, Summer 1966, pp. 232-33.



If "collective bargaining" caused some AAUP members to shudder, the word "strike" aroused even more impassioned responses. Addressing concerns raised by a faculty strike at St. John's University, General Secretary William P. Fidler issued the following statement:

The American Association of University Professors has never looked upon the strike as an appropriate mechanism for resolving academic controversies or violations of academic principles and standards. . . . Accordingly, the Association does not endorse a strike against an academic institution.

AAUP Bulletin, Spring 1966, pp. 9-10.



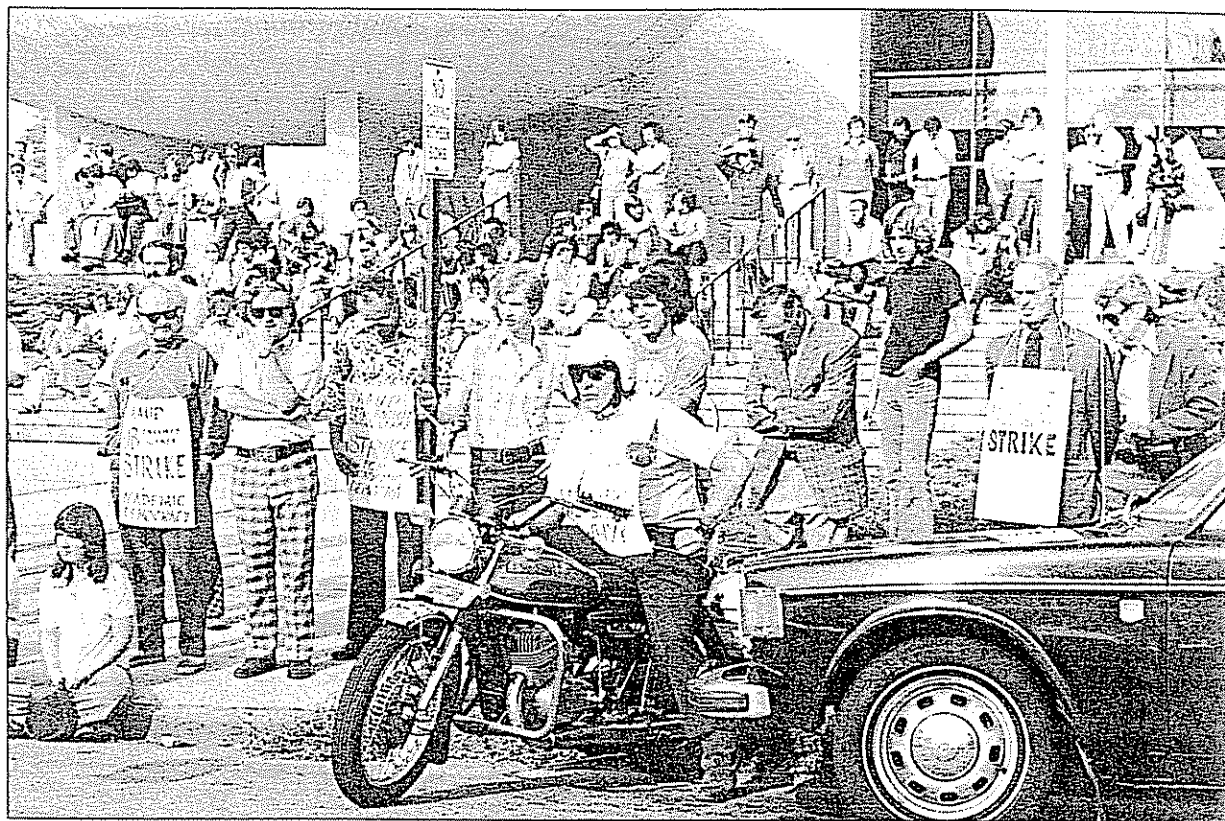
The subject was debated during the next several years:

Certainly endorsing the permissibility of striking is not the same as insisting that it be employed. We are an association of individuals and chapters which reflect a wide range of organizational beliefs and convictions. Yet to allow something is not to command that it be used. It is rather to make it possible for a chapter to consider whether, in its own special circumstances, it wishes to make use of an extreme measure when it has encountered extreme conditions. Why should this Association, which is committed to protecting the rights of its members of its members as citizens and as professors, impose restrictions on its members over and above those they assume as citizens? Shall we be an organization dedicated to increasing the range and effectiveness of our action or be the instrument of our own limitation? This is what we are being asked to decide.

Arnold Berleant, "Letter to the Editor," AAUP Bulletin, Autumn 1967, pp. 345-6.



COLLECTIVE BARGAINING



University of Bridgeport Strike, 1976

PAUL KALISH

Finally, in October 1971, the Council adopted the following motion, officially bringing the Association into collective bargaining activity:

"The Association will pursue collective bargaining as a major additional way of realizing the Association's goals in higher education, and will allocate such resources and staff as are necessary for the vigorous selective development of this activity beyond present levels."

"Council Position on Collective Bargaining," AAUP Bulletin, Spring 1972, p. 52.

Excerpts from the official pro and con statements follow:

Debate on these matters has been confused by a tendency to begin with the premise that the Association must either "get all the way into" or "get all the way out of" collective bargaining. It would seem to me better to avoid such an all-or-none premise. A better strategy for developing policy is

a less polar, more incremental, approach...

It seems to me realistic to suppose that to deny AAUP chapters the authority to seek representation status in collective bargaining might also be to deny important groups of faculty members their best opportunity to achieve sound and effective academic governance. Given the stated objec-

tives of this Association, it must require very strong reasons indeed to justify such denials....

Some of the argument in opposition to AAUP's involvement with collective bargaining has taken the form of a mischievous play upon the words "labor union." The frequently iterated notion is that if some AAUP chapters aspire to and win bargaining rights, the AAUP itself becomes a "labor union"—the implications being that the Association cannot, then, at the same time, be a professional association. These consequences do not follow on the premise.... Rather than transmuted itself into a "union," the AAUP will remain a professional association which simply has added collective bargaining by some of its chapters to its other ongoing professional programs....

"A Statement in Support of the Council's Position by Professor Carl M. Stevens," AAUP Bulletin, Spring 1972, pp. 54-7.

COLLECTIVE BARGAINING



From its beginning in 1915, with its first Declaration of Principles, the AAUP has never affected to seek direct power in the conventional sense. Its principal resource is the academic excellence of its membership and staff. Its principal means is that of careful inquiry and deliberative process. . . .

Once the AAUP becomes substantially and unambiguously involved in competitive collective bargaining, the risk is great that we may see an end to our capacity to make inquiry or investigation into academic freedom and tenure complaints on any campus with a collective bargaining representative other than our own. Our identification as a "rival" union in competition with the recognized bargaining representative works to stop us at the very threshold of inquiry. . . .

It is also clear that the AAUP lacks a reputation for the kind of toughness and belligerency to mount an appeal some will want to consider in electing a bargaining agent as distinct from affiliating with an academic association which historically relies upon inquiry, deliberative processes, mediation, publication, and opinion for its principal influence. . . . Financially and temperamentally, the AAUP chapter is a most unlikely first preference to succeed in a long series of contested recognition

A "Statement on Collective Bargaining," later revised, was issued six months later:

The longstanding programs of the Association are means to achieve a number of basic ends at colleges and universities: the enhancement of academic freedom and tenure; of due process; of sound academic government. Collective bargaining, properly used, is essentially another means to achieve these ends, and at the same time to strengthen the influence of the faculty in the distribution of an institution's economic resources. The implementation of Association-supported principles, reliant upon professional traditions and upon moral suasion, can be effectively supplemented by a collective bargaining agreement and given the force of law."

AAUP Bulletin, Winter 1972, p. 423

elections. AAUP's greatest virtues are its greatest handicaps in this kind of enterprise. . . .

We cannot hope to have it both ways: to the extent that the AAUP succeeds as an academic association in maintaining its historic purpose to safeguard the overall integrity of higher education, it must fail in contested elections against competition by unions promising—and being prepared to deliver—more. To the extent that the AAUP would "succeed" in converting

itself into a tough-minded, hard-bargaining national labor union, however, it must inevitably fail in what it already does far better than anyone else is prepared or seemingly concerned to do.

"The Manifest Unwisdom of the AAUP as a Collective Bargaining Agency: A Dissenting View, by Professors Sanford H. Kadish, William W. Van Alstyne, and Robert K. Webb," AAUP Bulletin, Spring 1972, pp. 57-61.



Carl M. Stevens



William W. Van Alstyne

COLLECTIVE BARGAINING

Breaking the News

Discussing collective bargaining is one matter. Forming bargaining chapters is quite another. But one small midwestern college gets the credit for propelling the AAUP into a position it had not yet decided to take.

Belleville Area College in Illinois, founded in 1946, existed for two decades as Belleville Junior College, formally attached to the local high school district. The combined high school-junior college bargaining unit at Belleville was represented by the American Federation of Teachers (AFT). The faculty at Belleville, however, wanted to confirm their status as an institution of higher education. In the fall of 1966, the faculty voted to separate from the high school, and Belleville became a community college.

One piece of business remained for the faculty: the selection of a new bargaining agent. Although the faculty did not believe the AFT had enough experience handling community colleges in higher education, no collective bargaining agency existed that did. Only the AAUP exclusively spoke for higher education, but the AAUP had not yet embraced the idea of collective bargaining. Nevertheless, the Belleville faculty, most of whom already belonged to the AAUP chapter on campus, believed it was their only recourse. So by a nearly unanimous vote, the Belleville faculty gave the AAUP its first collective bargaining chapter. And the national office knew nothing about it.

"I remember saying I was not sure the AAUP would approve of us," recalls Genevieve Snider, a mathematics professor and first president of the Belleville Area College AAUP chapter. It was a radical move. In 1967, the AAUP was embroiled in arguments regarding the merits and dangers of taking up the collective bargaining mantle, and a special committee had just published a proposed statement of faculty representation that was the subject of much debate.

To Belleville faculty, however, their vote seemed quite reasonable. "We were anxious to be as college-like as we could," Snider recalls. "The AFT



The Belleville Area College AAUP Chapter in 1968.

BELLEVILLE AREA COLLEGE YEARBOOK, 1968

would just put us back in the high school bracket. The AAUP was the only way we could go." And the Belleville faculty didn't perceive their action as the groundbreaking event it turned out to be; they had assumed that at least a handful of similar AAUP units existed around the country.

The Belleville chapter knew it would have to inform the national office sooner or later. Snider, who had already planned to attend the AAUP's Annual Meeting in Cleveland that year, volunteered to inform the national staff while there. She had not counted on one development, however. Israel Kugler of the AFT made a very strong speech at the meeting calling on the AAUP to join forces with the AFT, a proposal, says Snider, in which "the AAUP was not interested, to put it mildly. I decided this was no time or place to tell them we had voted for them as our bargaining unit."

Soon after her return to Belleville, Snider and Jan Milligan, then chapter president, decided they would have to break the news by phone. Snider placed a call to Robert Van Waes in the AAUP's Washington office and asked, very matter-of-factly, if he realized Belleville had voted the AAUP as their bargaining unit.



Genevieve Snider

"Mr. Van Waes retorted by asking me a jillion questions," recalls Snider. "I was so surprised. I thought it was kind of routine. I didn't realize it wasn't." Then, Snider says the story goes, Van Waes put down the phone to tell the other people in the office. The response:

"They did *what?*!"

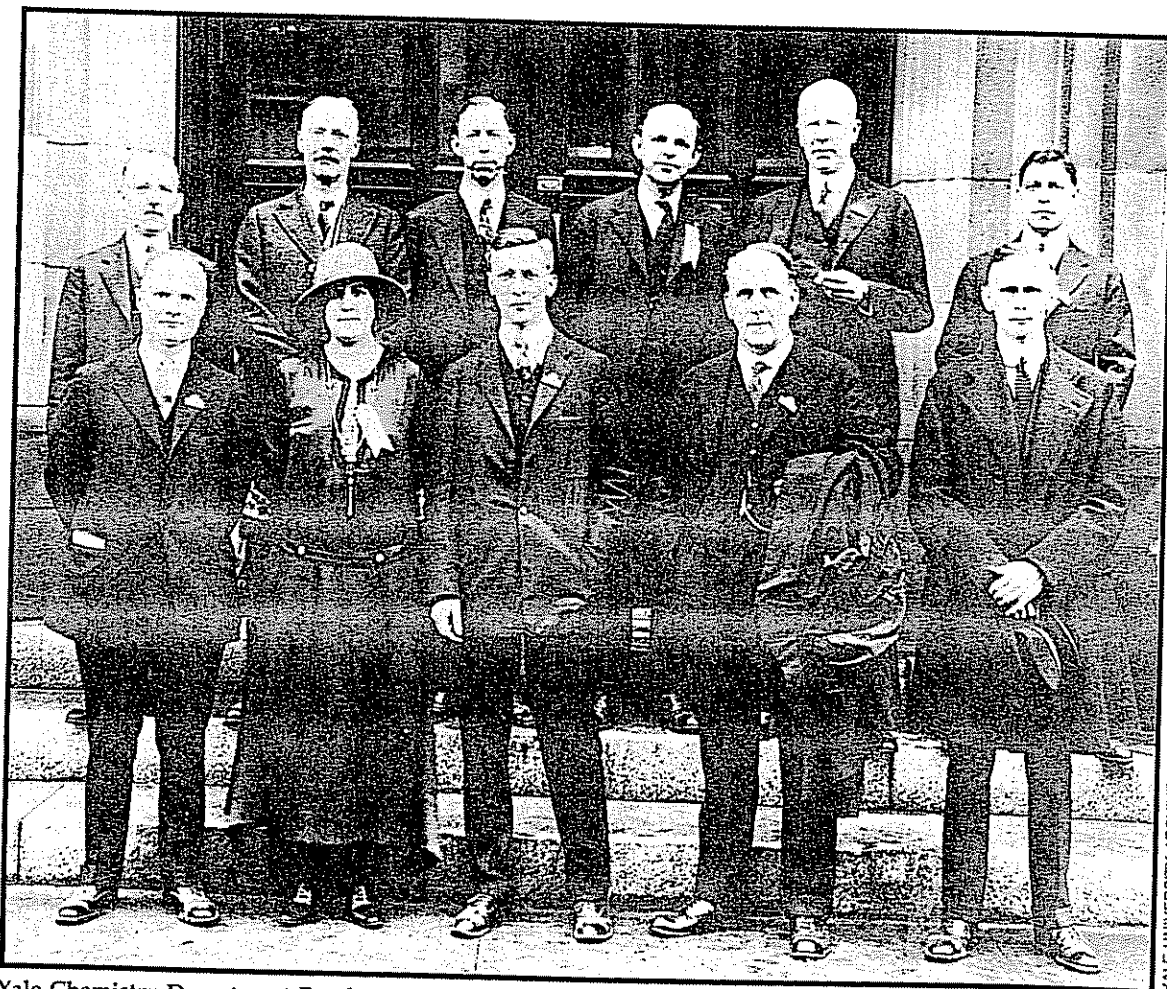
Several months later, when the Belleville faculty encountered difficulties organizing a faculty senate and obtaining a tenure document, General Secretary Bertram Davis visited the campus to speak with the board of trustees. But the chapter's collective bargaining status was kept quiet to the AAUP national membership until Rutgers University was certified as an AAUP collective bargaining chapter in 1970; a formal announcement was finally made at the 1970 Annual Meeting in Los Angeles. "By that time, two or three other chapters had joined up, and it was beginning to show," says Snider.

THE STATUS OF WOMEN

• • • • •

Founded at the Association's Fourth Annual Meeting, Committee W on the Status of Women in the Academic Profession pioneered in addressing problems facing women in academe. Quiescent for several decades, the Committee returned to full activity in 1970 and has been an assertive voice for women ever since.

• • • • •



Yale Chemistry Department Faculty, 1923. A 1921 Committee W report noted that the presence of women in academe did not "bring the evils that had been feared."

YALE UNIVERSITY ARCHIVES, MANUSCRIPTS & ARCHIVES, YALE UNIVERSITY LIBRARY

THE STATUS OF WOMEN



The table below, from a study by Committee W in 1921, shows the distribution of faculty members in coeducational institutions for 1920-21.

| | Full Professors | | Associate Professors | | Assistant Professors | | Instructors | |
|--------------------|-----------------|-------|----------------------|-------|----------------------|-------|-------------|-------|
| | Men | Women | Men | Women | Men | Women | Men | Women |
| Academic | 2,147 | 95 | 623 | 71 | 903 | 106 | 1,319 | 544 |
| Education | 190 | 9 | 42 | 17 | 49 | 15 | 38 | 43 |
| Engineering | 431 | 0 | 162 | 3 | 275 | 4 | 478 | 14 |
| Medicine | 826 | 4 | 267 | 3 | 352 | 14 | 876 | 17 |
| Law | 224 | 0 | 13 | 0 | 16 | 0 | 22 | 1 |
| Commerce | 54 | 1 | 17 | 0 | 43 | 3 | 109 | 26 |
| Agriculture | 348 | 0 | 139 | 0 | 267 | 2 | 218 | 12 |
| Journalism | 18 | 0 | 4 | 0 | 11 | 3 | 10 | 4 |
| Music | 130 | 19 | 14 | 5 | 18 | 13 | 120 | 14 |
| Bible or Theology | 81 | 0 | 4 | 2 | 5 | 3 | 13 | 1 |
| Home Economics | 1 | 53 | 1 | 34 | 0 | 95 | 0 | 243 |
| Physical Education | 46 | 9 | 15 | 10 | 27 | 34 | 77 | 100 |
| Military Science | 64 | 0 | 6 | 0 | 56 | 0 | 34 | 0 |
| Total | 4,560 | 190 | 1,307 | 145 | 2,022 | 292 | 3,314 | 1,019 |

Committee W was founded in 1918 during the Annual Meeting at the University of Chicago:

On the basis of a resolution from the Vassar College Branch it was voted that a new standing committee be instituted to be known as Committee W, on the Status of Women in College and University Faculties. It is to be the duty of this committee to investigate and report upon the practice of our colleges and universities, and the principles which should govern them in the appointment of women to the higher academic positions, upon the opportunities for advancement now offered and that should be offered to women of ability and scholarship in the various fields of college and university teaching; and upon all other problems involved in the determination of the present or the desirable status of women in college and university faculties.

AAUP Bulletin, January 1918, p. 8.



"Just why the Committee was first established is difficult to determine from Association or Committee records," writes Alice Rossi in a 1970 report. "One report of the Committee [however]. . . gives us a few hints." She continues:

For one, World War I created a scarcity of personnel in American colleges and universities. As academe found it difficult to compete with the more remunerative work available to men outside academe, a great number of women moved in to replace men. Women faculty apparently did a good job, for the 1921 Committee report notes that the presence of women did not "bring the evils that had been feared."

Secondly, colleges and universities were expanding in fields that already had large numbers of women: music, education, home economics, public health. Together with an increase in the popularity of summer sessions, this had the effect of drawing greater numbers of women to faculty ranks. Thirdly, the push for the suffrage amendment involved many academic women in its final years of political effort, and this success no doubt gave some of them courage to examine their own faculty status. Indeed, in 1921 Committee W notes that the success of the women's suffrage movement seemed to have "put the 'fear of God' into the hearts of not a few ever-watchful university executives."

Alice Rossi, "Report of Committee W, 1970-1971," AAUP Bulletin, Summer 1971, p. 215.



One of the committee's first projects was a study in 1921 of the current status of women in the profession, which surveyed 145 institutions that were then represented in the membership of the AAUP.

A study of 29 catalogs and 27 questionnaire returns from 29 colleges and universities for men only, including nearly all of the more noted Eastern universities; shows that until quite recently no woman held any grade of professorship in these institutions. At present only two women are found among the nearly two thousand professors in these colleges and universities. One woman was given a professorship of the third rank in the Harvard Medical School about two years ago and another a professorship of the second rank in the Yale School of Education this fall. . . .

While no professorship of the first class in a college for men only has been filled by a woman, 131 such professorships, or 45 percent of the total, in colleges for women only, have been filled by men. Of the 613 professorships of all ranks in these women's colleges, men hold 198, or 32 percent, while in colleges for men only, women hold

THE STATUS OF WOMEN



only two professorships of any rank out of nearly two thousand, or about one-tenth of one percent. . . .

A very able new dean in one of our most justly noted Eastern universities writes: "When we discover a woman who can handle some subject in our course of study better than a man could handle it, we shall not hesitate to urge the appointment of the woman and we shall, in all probability, be successful in getting it confirmed. . . . President—has admitted that we must in time have women on our faculty." . . .

The reports received indicate that there has been quite an awakening to the possibilities of women in university faculties during the last year or two. Twelve universities and colleges, among them four of the largest in the country, report having appointed their first women faculty members during this period. Others indicate that they plan on doing so soon.

The following quotations [from the survey] are significant and typical:



Alice S. Rossi

"Your questionnaire is for those institutions which have faced problems as between men and women. We are coming to them."

"In the last few years the number of women has increased very materially,

and our past is no indication of what our future practice will be."

"Until recently we have been unable to secure women with the Ph.D. degree."

"I would at the moment give preference to the women out of deference to the tendency of the times, the attitude of the new voters in the State and the fact that men now predominate."

. . . This new attitude toward women is, however, far from universal. Many still would intone a loud *amen* to the following resolution passed several years ago by the faculty of one of our most noted Eastern coeducational universities:

"Resolved that if it is contemplated by the Board of Trustees to appoint women to seats in the special faculties, with titles, involving under the present statute, membership in the University Faculty, the University Faculty would welcome an opportunity to express its opinion on such action."

The women were appointed, and

Committee W is responsible for statements sharpening AAUP positions pertinent to women in academic life. Some excerpts follow:

Faculty Appointment and Family Relationship (1971)

In recent years, and particularly in relation to efforts to define and safeguard the rights of women in academic life, members of the profession have evidenced increasing concern over policies and practices which prohibit in blanket fashion the appointment, retention, or the holding of tenure of more than one member of the same family on the faculty of an institution of higher education or of a school or department within an institution (so-called "anti-nepotism regulations"). Such policies and practices subject faculty members to an automatic decision on a basis wholly unrelated to academic qualifications and limit them unfairly in their opportunity to practice their profession. In addition, they are contrary to the best interests of the institution, which is deprived of qualified faculty members on the basis of an inappropriate criterion, and of the community, which is denied a sufficient utilization of its resources.

AAUP Policy Documents and Reports, 1984 ed., p. 101.



Leaves of Absence for Child-bearing, Child-rearing, and Family Emergencies (1974)

An institution's policies on faculty appointments should be sufficiently flexible to permit faculty members to combine family and career responsibilities in the manner best suited to them as professionals and parents. This flexibility requires the availability of such alternatives as longer-term leaves of absence, temporary reductions in workload with no loss of professional status, and retention of full-time affiliation throughout the child-bearing and child-rearing years.

AAUP Policy Documents and Reports, 1984 ed., pp. 170-71.

THE STATUS OF WOMEN



this faculty expressed its opinion as follows:

"The University Faculty, while not favoring in general the appointment of women to professorships, interposes no objection to their appointment in the department of Home Economics."

"Preliminary Report of Committee W, on Status of Women in College and University Faculties," AAUP Bulletin, May 1921, pp. 21-32.



The committee quietly disappeared after existing for only one decade. It was not to resume its work until 1970, when it was reactivated with Alice Rossi as its first chair. In her first report, Professor Rossi wrote:

It was a bracing experience [at the Annual Meeting] to meet women and men from local chapters and confer-

ences and to sense in them the same bitter edge of frustration and impatience I brought to the Committee last fall. While I think the Committee has made progress this year, it has been an uphill battle not always successful in resisting the pressure to be mild and bland in the AAUP style. I do not think my Committee has fought hard enough in saying loudly and clearly that the time is now past when we can do business as usual in the old familiar ways where the problems facing academic women are concerned."

Five hundred dollars and an air conditioner are what I finally got," related a woman who has been trying for years to get her salary raised the several thousand dollars by which it falls short of those of her male col-

leagues with the same experience and qualifications.

Mary Gray, "Report of Committee W, 1973-1974," AAUP Bulletin, June 1974, p. 160.

While preparing this report during a recent trip to Italy, I chose one word to summarize my reflections: "Basta." This all-purpose word meaning "enough," "stop," "that will do," captures my sense of déjà-vu having announced to you last year that I was delivering my last Committee W report. It also conveys my own sense of frustration because I am reporting again on unresolved issues that continue to affect the ability of women to function without sex discrimination in the academic world. Basta, Basta.

Mary Gray, "Report of Committee W, 1976-1977," AAUP Bulletin, August 1977, p. 141.

When Committee W first suggested, some fifteen years ago, that the annual report on the economic status of the profession list average salaries for men and women faculty separately, the idea met considerable resistance. We persisted; some of us optimistically thought that unmasking salary discrimination would be the prelude to eliminating it. The survey has survived, but so has the discrimination.

... Although we cannot look at every institution, I have chosen a few examples: Harvard; a large state university; a women's college; a liberal arts college—all of whom have been defendants in sex discrimination suits—and my own institution, American University.

I think that we would have to conclude that in general all women have fared better in getting positions than in being compensated equitably.

The playing field is not yet level for women—at least not economically.

Mary W. Gray, Chair of Committee W, "Academic Women and Salary Differentials," AAUP Bulletin, July-August 1988, pp. 33-34.

Percentage of women in each rank

| | Harvard | American | Maryland | Smith | Swarthmore |
|------------|---------|----------|----------|-------|------------|
| 1975 | | | | | |
| Professor | 2.0 | 13.4 | 7.7 | 22.4 | 10.4 |
| Associate | 8.7 | 23.1 | 11.5 | 38.7 | 10.4 |
| Assistant | 15.4 | 28.8 | 24.1 | 50.0 | 26.7 |
| Instructor | na | 50.0 | 47.9 | na | 66.7 |
| 1988 | | | | | |
| Professor | 7.7 | 16.0 | 9.9 | 27.5 | 14.9 |
| Associate | 24.0 | 22.5 | 22.3 | 45.8 | 29.4 |
| Assistant | 27.0 | 32.7 | 33.5 | 58.0 | 44.7 |
| Instructor | 20.8 | 42.9 | 58.2 | 88.9 | 50.0 |

Salary differentials between men and women, in percent

Percentage of women in each rank

| | Harvard | American | Maryland | Smith | Swarthmore |
|------------|---------|----------|----------|-------|------------|
| 1975 | | | | | |
| Professor | 8.6 | 6.7 | 7.6 | -7.0 | na |
| Associate | 8.0 | 10.4 | 3.6 | 0.5 | na |
| Assistant | 0.6 | 1.3 | 6.0 | 3.8 | 2.6 |
| Instructor | na | 12.9 | -1.7 | -2.5 | na |
| 1988 | | | | | |
| Professor | 12.0 | 2.6 | 3.4 | 2.3 | 7.3 |
| Associate | 23.2 | 3.2 | 4.7 | -1.3 | 1.1 |
| Assistant | -2.3 | 8.0 | 7.5 | -0.7 | 1.7 |
| Instructor | na | 10.2 | 19.9 | na | na |

GOVERNANCE



A.O. Lovejoy was correct when he predicted in 1919 that the issue of the faculty share in university governance would not quickly be resolved. Over the last seventy-five years, however, the Association has made progress in specifying its standards of governance and, more recently, in reconciling traditional governance with collective bargaining.



President Lovejoy on University Government, 1919

This subject is obviously one which we shall not dispose of in a year, nor perhaps in a decade; but it is at any rate one which the Association should now place definitely upon its program of questions to be generally and thoroughly discussed. The forms of government of American colleges and universities now exemplify almost every imaginable type, from pure autocracy to systems of genuinely constitutional and representative government. A fairly wide range of local diversities will doubtless always be desirable; but the range of admissible types is certainly not without limits. Manifestly, the pure autocracies and near-autocracies must go—and are, indeed, visibly going, though the process, no doubt, could advantageously be accelerated. That the body of scholars composing the faculty of any university or college should, either directly or through its chosen representatives, have a definitely recognized and an important part in the shaping of all the policies of the institution, except with respect to technical financial questions—this is a principle about which, I take it, there is virtually no disagreement among us. But upon the question how this principle can best be applied, there naturally remains a considerable divergence of opinion. Fortunately, experiments in various methods of applying it have now been made, some of them having gone on for a number of years. The election of members of faculties to boards of trustees; joint conference committees of faculties and trustees, meeting at regular intervals; elec-

A vigorous representation of the faculty role appeared as early as 1920 in the "Report on Place and Function of Faculties in University Government and Administration"

The faculty should be the legislative body for all matters concerning the educational policy of the university. In larger universities, consisting of more than one school or college, there should be either a general faculty or an elected body representing all the faculties, for the determination of the educational policy of the university as a whole; and there should also be minor faculties to care for the special educational interests of individual schools and colleges. . . .

The faculty should be represented in some manner at regular or stated meetings of the board of trustees. This end may be accomplished in several ways: members may be elected by the faculty to membership on the board of trustees for limited terms of office and without vote (the Cornell plan); or the faculty committee on university policy may be elected by the faculty from its own members to be present and advise with the board as a whole, or with the regularly appointed committee of the board on university policy (the plan in vogue at Princeton, Stanford, Wisconsin, etc.).

On the other hand, some members of your committee are in favor of faculty representatives elected to membership on the boards of trustees. They urge that this experiment should be tried out and that time should be given for it to be worked out fully. They do not see why a man with first-hand acquaintance with the educational work of a university, with the institution's weaknesses and needs, and with the needs of his colleagues, should not be an admirable representative of the faculty on the governing board. It seems to your committee, as a whole, desirable that both of the above-mentioned plans of faculty representation, namely, by conference committee and by faculty membership on the board, should be thoroughly tried out. The conference committee plan seems to be best suited for state institutions, and faculty representation on the Governing Board for privately endowed institutions.

AAUP Bulletin, March 1920, p. 24.

GOVERNANCE



A summation of the Association's philosophy is the "Joint Statement on Government of Colleges and Universities," from which this excerpt is taken.

The Academic Institution: The Faculty

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. Budgets, manpower limitations, the time element, and the policies of other groups, bodies, and agencies having jurisdiction over the institution may set limits to realization of faculty advice.

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.

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

The faculty should actively participate in the determination of policies and procedures governing salary increases.

The chairman or head of a department, who serves as the chief representative of his department within an institution, should be selected either by departmental election or by appointment following consultation with members of the department and of related departments; appointments should normally be in conformity with department members' judgment. The chairman or department head should not have tenure in his office; his tenure as a faculty member is a matter of separate right. He should serve for a stated term but without prejudice to re-election or to reappointment by procedures which involve appropriate faculty consultation. Board, administration, and faculty should all bear in mind that the department chairman has a special obligation to build a department strong in scholarship and teaching capacity.

Agencies 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. . . .

AAUP Policy Documents and Reports, 1984 ed., pp. 109-10.

tive faculty "cabinets," acting in an advisory capacity to presidents; similar advisory committees attending all meetings of boards of trustees; the elec-

tion of certain administrative officers by faculties—these have all, I believe, been tried, in one institution or another. What we need, therefore, next to an il-

luminating presentation of the general principles involved in this question, is a careful study of the actual working of these diverse experiments.

GOVERNANCE



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The question of the relation of "traditional governance" to collective bargaining arose in the course of the 1970s. Recognizing several points of difference in the two mechanisms, the Association has steadily discovered even larger areas of compatibility, and ways in which collective bargaining can be used to strengthen the faculty role in shared governance.

In December 1983, a workshop was held on the issue of collective bargaining and faculty governance. Some of the comments follow:

One of the main functions of collective bargaining must be to preserve and even strengthen the forms of traditional governance that exist at an institution. The Fairleigh-Dickinson contract, for example, has fifty percent governance in it. It's a heavy contract.

—Peter Falley
Fairleigh-Dickinson University

The phrase that we've been using so far is "shared governance." I think in some instances we as a faculty don't want to share certain things with the

From the 1987 "Statement on Academic Government for Institutions Engaged in Collective Bargaining"

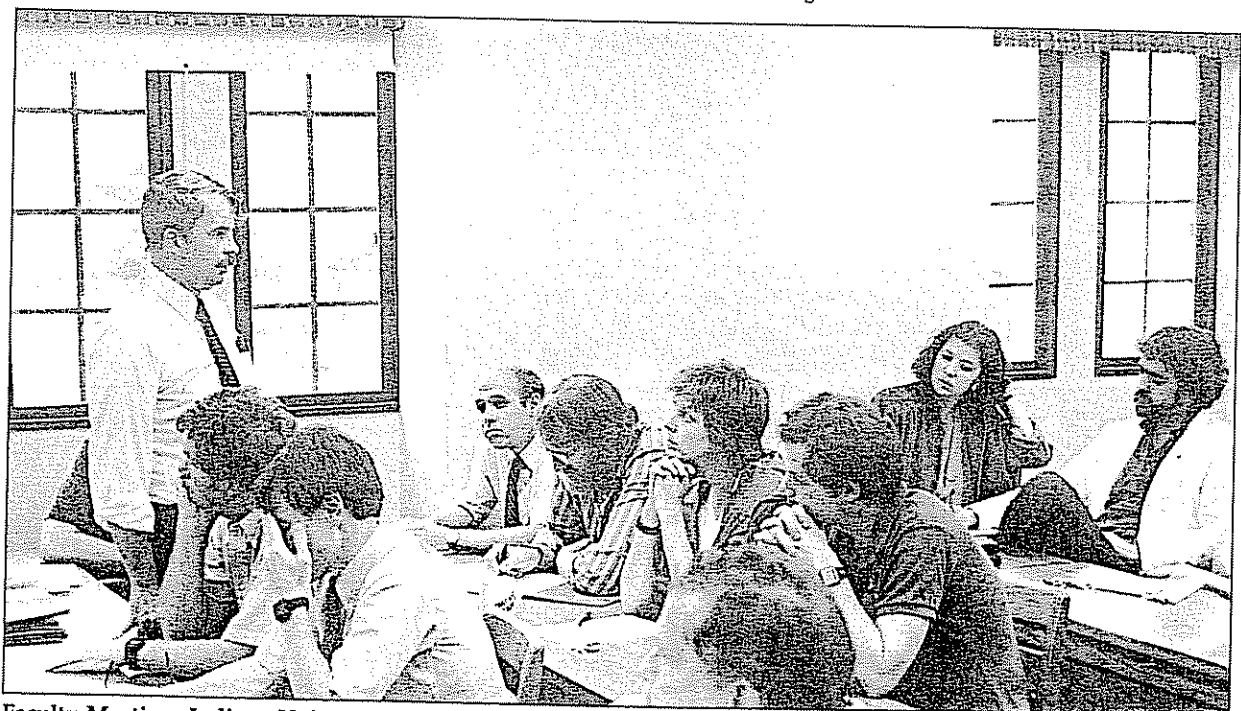
Collective bargaining should assure institutional policies and procedures that provide access for all faculty to participation in shared governance. Employed in this way, collective bargaining complements and supports structures of shared governance consistent with the 1966 statement. From a faculty perspective, collective bargaining can strengthen shared governance by specifying and assuring the faculty role in institutional decision making. Specification may occur through bargaining governance clauses that define faculty responsibilities in greater detail; assurance of the faculty's negotiated rights may be provided through a grievance procedure supporting the provisions of the negotiated contract. From an administration perspective, contractual clarification and arbitral review of shared governance can reduce the conflicts occasioned by ill-defined or contested allocation of responsibility and thereby enhance consensus and cooperation in academic governance.

administration... Certain areas should be exclusively reserved by the faculty, and collective bargaining can be a mechanism or weapon to protect those areas.

—Harvey Kornberg
Rider College

Our contract guarantees]...the rights of departmental and college faculties to participate in various decision-making processes.

—Maita Levine
University of Cincinnati



Faculty Meeting, Indiana University

MIKE GRIFFITH

ECONOMIC STATUS



Since its inception, the Association has been concerned with improving the economic status of the professoriate. A concerted effort has been made to place an effective tool in the hands of individual faculty members by means of a comprehensive faculty salary survey, the first of which was published in 1947.



Four years after the Association's formation, William A. Nitze of the University of Chicago reported the "mutterings of colleagues" concerning faculty salaries.

If I read the times aright and understand the mutterings of my colleagues here and elsewhere, there is a good deal of dissatisfaction with the Association for not devoting itself this year to the one topic uppermost in the professional mind; that is, the question of adequate salaries and of the necessity of a graded salary scale.

Letter to A.O. Lovejoy, May 1919.



Later that year, Professor Lovejoy offered a proposal for Association action.

The President of the Association recommends to the Council the creation of a committee on the Economic Status of the Profession. . . .

The question of salaries is becoming increasingly acute; is causing a serious degree of unrest and dissatisfaction in faculties of many colleges and universities; and gravely threatens the future efficiency of the profession, by making it increasingly unlikely that young men of ability will adopt the calling of teacher or investigator.

While the problem is primarily a local one, and must be dealt with by lo-

cal efforts, the Association can doubtless render some valuable aid to these efforts by calling general attention to the gravity of the situation, and by collecting information which will be of use to local committees.



Faculty members did not escape the financial havoc of the Great Depression, although they were not among the hardest hit sectors of the economy. In a 1937 report entitled "Depression, Recovery, and Higher Education," Malcolm Willey wrote:

Few college faculty members and their families faced actual want or privation. Their problems were, rather, those of adjusting a desired standard of living and an "overhead" built on the assumption of continuous and increasing income to a suddenly-decreased income. . . .

In some families, gardening is undertaken to supplement the food budget, and repairs about the house, formerly assigned to someone hired for the purpose, are now made by the husband himself. In this category would fall the refinishing of floors, wall-papering, miscellaneous painting, all of which are mentioned. Here is a faculty woman who spends her evenings making clothes. In a small private institution,

her income as an assistant professor has dropped to \$1,600 from a base of \$2,000. It is the fact of parental illness, involving an obligation for support, that complicates this particular case, which is typical of many. Reserves are gone, and now there is need for a new overcoat. . . . "and they are about as difficult to make as shoes." Saving on clothes is mentioned by the writers more than almost any single item. "Bargain-counter buying" is another phrase that is frequently employed. "We have bought food and clothing at the bargain counter and have seen many of our co-workers doing the same," writes a staff member from a private western institution where the cut has been over 25 per cent. "We watch our expenses more closely, making things do longer, and using cheaper foods," says another man, a professor in a state institution where the cut was about 15 per cent. . . .

Maid service and other additional assistance have been sacrificed. There are numerous references to this. A professor in an eastern state institution writes: "We used to have a high-school girl, but that had to stop. My wife does all the work now, and I help her with the laundry."



The Association has always taken a broad view of compensation is-

ECONOMIC STATUS



sues. In 1947, General Secretary Ralph Himstead observed:

The economic status of college and university teachers is determined by their life salaries, i.e., the salaries they receive throughout their professional service from the rank of Instructor to that of Professor, and by whatever financial provisions they are able to make for retirement. This means that, if the academic profession is to offer a satisfactory economic status for its practitioners, the salaries its practitioners receive must be adequate not only for those of the higher academic ranks, but also for the younger members of the rank of Instructor or Assistant Professor.



The AAUP has had a continuing interest in matters of retirement generally, and a particular interest in TIAA-CREF.

In 1919, the young Association began a critique of TIAA which has achieved its purpose in the last year. Here are the words of Chair of the Committee on Pensions and Insurance (and future Chief Justice of the United States) Harlan Fiske Stone.

There is manifestly a strong presumption—for reasons indicated in the report of the Committee—against action by college or university trustees which would have the effect of compelling all teachers of professional rank, not merely to purchase annuities which they may neither need nor desire, but also to make this investment of their savings in a particular, outside company designated by the trustees. There appears to us to be an equally manifest presumption against colleges offering a bonus to teachers in order to induce them to purchase insurance in a particular company. In our opinion, colleges or universities which are disposed to add five percent to the salaries of teachers, on condition that this teacher devote this and a like sum from his present salary to the purchase of a deferred annuity, should leave the teacher free to select the company in which he will thus invest a portion of his compensation.

The AAUP successfully supported a major reform of TIAA-CREF when Committee W tackled the issue of equal pension benefits under the leadership of Chair Mary Gray in 1976:



Mary W. Gray

The Association, jointly with the Association of American Colleges, officially sets forth an objective for adequate benefit levels for retired faculty. It recommends that, after taxes, retirement income, including Social Security, should approximate two thirds of the faculty member's annual disposable income during the last few years of employment. A formula developed by a retirement fund to replace some proportion of earned income cannot serve this end and at the same time provide different periodic benefits to similarly situated men and women. There is no evidence that the cost of living is lower for retired female faculty as a class or that their salaries are higher than those of their male colleagues. As a matter of basic fairness, academic women are entitled to the same retirement benefits as their male colleagues.

The most prevalent retirement programs available to faculty in institutions of higher education are the defined contribution plans offered through TIAA-CREF. Under the single-life annuity option, academic women receive lower monthly pension benefits than their male counterparts. Even when a male and a female faculty member choosing the TIAA-CREF single-life annuity can be matched exactly in regard to the age at which contributions began, the age at which annuity payments begin, and the level of contributions during the period of academic service, the female will receive a lower monthly benefit than her male colleague if she chooses the TIAA-CREF single-life annuity. Even if the male and female retired faculty members are twins with identical work histories, the male throughout his retirement will receive higher benefits than his twin sister under the single-life option.

Though other factors are relevant to predicting longevity and mortality for determining the cost of retirement benefits, age and sex are the two variables considered by TIAA-CREF to determine benefit levels for annuitants. While age is a factor which affects the entire participant population, sex obviously creates two subclasses of participants. This separation of men and women for the preparation of mortality tables results in the different treatment of male and female retirees. Since pension programs serve sex-neutral goals, we see no valid grounds for the continuation of sex-based distinctions in the determination of retirement benefits.

"Interim Report on Equal Periodic Pension Benefits for Men and Women," AAUP Bulletin, Autumn 1976, pp. 340-41.

THE MCCARTHY ERA



The AAUP's halting mobilization against the effects of McCarthyism on college and university campuses remains the source of much Association soul-searching. Analysis of documents from the time reveals a mixed pattern of Association response to the threats the movement posed to the principles of academic freedom. Ultimately, however, the Association would achieve a secure policy stance in this area as a result of actions initiated in the years 1955-56, when Ralph Fuchs became general secretary.



AAUP historian Walter Metzger in 1986 presented this account of the period:

From 1949 to 1954, the Association] had failed to publish a single report of an alleged violation of academic freedom and tenure, although these cherished principles of the academic profession had never stood in greater need of its practiced case-by-case defense. In 1949, the Board of Regents of the University of Washington, rejecting the recommendation of a divided faculty hearing panel, had dismissed three tenured professors for their avowed or presumed membership in the Communist Party of the United States. In 1950, the Board of Regents of the University of California had discharged thirty-two members of the faculty, more than half of whom were tenured, for refusing to sign a disclaimer of disloyalty prescribed by that governing board as a condition of continued employment. Although the national AAUP had taken cognizance of these notorious events by promising to prepare a report based on the voluminous published testimony in the Washington case and by sending out an AAUP team to California under the banner of Committee A, not one evalu-



Ralph Fuchs

ative word on either case had been published in the *Bulletin*, and the first postwar academic purges committed in the name of national security had gone unreported and unreprieved. Thereafter, as the hunt for faculty subversives spread throughout the country, the AAUP had been repeatedly tried and found not only wanting, but missing.

Walter P. Metzger, "Ralph F. Fuchs and Ralph E. Himstead: A Note on the

AAUP in the McCarthy Period," *Academe*, November-December 1986, pp. 29-30.



Debate on the issue raged within the ranks of the Association, with the Bulletin providing the main forum:

Of what value is the vaunted public press or our institutions of higher learning, dedicated to the progress of the mind in all fields, when the trustees of the University of Wyoming appoint a committee to examine textbooks for "subversive" material? Of what value is our professed ideal of free education, of the untrammelled pursuit of knowledge, when we acquiesce in the action of the Newark Board of Education which removed certain periodicals from school libraries?

"Subversive of What?," Julian P. Boyd, *Princeton University*, AAUP *Bulletin*, Autumn 1948, p. 534. Reprinted from *Atlantic Monthly*, August 1948.

In this country [England] the tradition of freedom is too deeply rooted for there to be any real danger of universities being required by the government to conform to a pattern of politi-

THE MCCARTHY ERA



cal orthodoxy. Perhaps even here it is not impossible that appointing boards within a university may in a hasty and ill-considered impulse forget that the need of excluding Communists from government work involving secret knowledge vital for national security is no reason for regarding communists as ineligible for university posts. Yet the danger that appointing boards may take such a line is "only a little one," like the illegitimate child of Midshipman Easy's nurse, and it is to be hoped that like that engaging infant, it will be short-lived.

"The Threat to Academic Freedom," Reginald Lennard, Oxford University, AAUP Bulletin, Winter 1948, pp. 704-5. Reprinted from the Hibbert Journal, October 1948.

We ought to be afraid of some things. We ought to be afraid of being stupid and unjust.

"What Price Freedom," Robert Maynard Hutchins, AAUP Bulletin, Summer 1949, p. 211, from address given at 237th Convocation of University of Chicago on June 17, 1949.

What can any college president do when the Un-American Activities Committee or anyone else, in or out of the government, phones him to say that Professor X is a card-holding member of the [Communist] Party? He can say, "I'm not interested," and hang up. If a college is to protect the freedom by which alone it exists in the tradition of democratic education, it has got to run the risk. The full risk.

"The Colleges, the Government, and Freedom," Bernard De Voto, AAUP Bulletin, Autumn 1949, p. 475. From "The Easy Chair," Harper's Magazine, September 1949.

This Association respects the rights of its members to hold and to express whatever views their thinking may lead them to. It is concurrence in this philosophy of individual freedom that constitutes the basis of unity in the Association. Membership in the Association neither involves nor implies

Despite a lack of forceful action in this period, the Association issued, at first sparingly, a number of position statements and resolutions, beginning with a statement from Committee A in 1947:

If a teacher as an individual should advocate the forcible overthrow of the government or should incite others to do so; if he should use his classes as a forum for communism or otherwise abuse his relationship with his students for that purpose; if his thinking should show more than normal bias or be so uncritical as to evidence professional unfitness, these are the charges that should be brought against him. If these charges should be established by evidence adduced at a hearing, the teacher should be dismissed because of his acts of disloyalty or because of professional unfitness, and not because he is a Communist. So long as the Communist Party in the United States is a legal political party, affiliation with that party in and of itself should not be regarded as a justifiable reason for exclusion from the academic profession.

"Report of Committee A, 1947," AAUP Bulletin, Spring 1948, p. 126.

The AAUP sought through Annual Meeting resolutions to develop a vigorous Association posture regarding the threat of McCarthyism.

Believing that political interference in the administration of educational institutions in respect to the appointment of administrative officers and faculty members and to their curriculum is destructive of the integrity of these institutions and impairs their effectiveness in preparing young men and women to live in a free society, this, the Thirty-fifth Annual Meeting of the American Association of University Professors reaffirms its belief that institutions of higher education, both public and private, should be free from all political interference, and that the administrative and education policies of these institutions should be determined and controlled only by their duly constituted governing boards, their administrative officers, and their faculties.

Recommendation of the Thirty-fifth Annual Meeting, AAUP Bulletin, Spring 1949, p. 10.

THE MCCARTHY ERA



any other commitment—ideological or otherwise.

Ralph E. Himstead to Leroy Buckingham, "Correspondence with a Chapter Officer," AAUP Bulletin, Autumn 1949, p. 548.



During the autumn of 1963, a committee was appointed by the Executive Committee of the Association to conduct "a comprehensive examination of the Association's greatly expanded activities since the year 1956," the year after Ralph Fuchs became General Secretary:

At the beginning of the period assigned for this survey, the fortunes and prospects of the Association were at a low ebb. The older members can well remember the mood of discouragement and frustration that appeared to have settled upon the membership in 1955. For several years the Association had suspended public activity in the area which from its very beginning had been the center of its interest, *viz.*, the clarification and defense of academic freedom. . . .

It was therefore a dramatic reversal of fortune when [in 1956] the Association . . . re-established its position and regained its leadership in the area of academic freedom. This result is mainly to be credited to the leadership of the new General Secretary, Ralph F. Fuchs, and to the work of the Special Committee appointed in 1955 by President William E. Britton, which was charged with considering the backlog of academic freedom cases still awaiting settlement in the Association's files and preparing a report on them for presentation at the next Annual Meeting. This prodigious task, or the greater part of it, was accomplished during the winter of 1955-56 under the relentless chairmanship of Bentley Glass. The report presented at the next Annual Meeting dealt with alleged violations of academic freedom that had taken place in eighteen colleges and universities during the preceding eight years, a group of institutions which in-

Resolutions of the Fortieth Annual Meeting

The tests of the fitness of a college teacher should be his integrity and his professional competence, as demonstrated in instruction and research. These qualifications should be interpreted in terms of the accepted principles and standards of the profession. . . . Experience has abundantly demonstrated that neither the organizational affiliations of a teacher, if lawful, nor his social, economic, political or religious opinions, however difficult for others to understand and however distasteful to others they may be, are sufficient evidence of disqualification for work in the academic profession. The acceptance of contrary views leads logically to and invites non-disloyalty test oaths for teachers, and inquisitions into their beliefs and associations and into the internal affairs and policies of colleges and universities. Such oaths and inquisitions are inimical to these institutions and the American way of life. Unprofessional conduct or unlawful acts of a kind that might disqualify one for academic work are personal and can be dealt with wisely and justly only in a proceeding directed to the individual, concerning his professional conduct or his conduct as a citizen.



This meeting does not question the power of Congress to conduct investigations for the purpose of securing factual information as a basis for legislation, but reaffirms and reasserts the basic principle of American constitutional law that the function of the legislative branch of the Government is the enactment of legislation and not the prosecution of individuals. . . . Legislative investigations which are in fact trials of individuals based on thoughts and opinions or on personal relationships encroach upon and discourage freedom of thought, of inquiry, and of expression. Such investigations are, therefore, contrary to basic principles of our constitutional system and inimical to the welfare of the nation.



The Fortieth Annual Meeting concurs in the judgment of the previous meeting that if, in the questioning of members of faculties of institutions of higher education by a committee of Congress of the United States or other legislative bodies, a faculty member invokes the Fifth Amendment of the Constitution of the United States as the reason for not replying to the questions of the Committee concerning his views and affiliations, this action is not, in and of itself, justifiable cause for the dismissal of the faculty member. Because a decision to invoke the privilege against self-incrimination provided in the Fifth Amendment involves complex legal and ethical considerations, this resolution is not to be construed as implying either approval or disapproval of such a decision.

AAUP Bulletin, Spring 1954, pp. 115-118.

THE MCCARTHY ERA



cluded some of the most eminent in the roster of American higher education. Of the eighteen institutions whose actions were reported on, six were recommended for censure, further in-

vestigation was recommended for two others and held open as a possibility for four more. When the Annual Meeting accepted this report and voted the censures recommended, it can fairly be

said that the Association regained, almost overnight, the position it had lost.

"Report of the Self-Survey Committee of the AAUP," AAUP Bulletin, May 1965, p. 103.

In 1956, a special committee of the Association, chaired by Bentley Glass, published a report with the stated purpose of "review[ing] publicly the extent to which the principles of academic freedom and tenure have been observed during the quest for military security and the effort to combat Communism of the past eight years, and to restate the Association's position in relation to the problems presented." Among the report's recommendations:



SUNY at Stony Brook

H. Bentley Glass

We ask for the maintenance of academic freedom and of the civil liberties of scholars, not as a special right, but as a means whereby we may make our appointed contribution to the life of the commonwealth and share equitably, but not more than equitably, in the American heritage. . . . In the words of the Princeton chapter: "We take out guidance from our conscience, from our sense of justice, and from the convictions of one of our Founding Fathers, who declared: 'The opinions of men are not the object of civil government, nor under its jurisdiction' and 'to suffer the magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on a supposition of their ill tendency is a dangerous fallacy. . . .'"

We insist that safeguards should extend only to persons who have access to [specially classified] information; in no degree do they justify the proscription of individuals because of their beliefs or associations, unless these persons were knowingly participants in criminal acts or conspiracies. Inquiry into beliefs and associations should be restricted to those that are relevant to the discovery of such actual or threatened offenses. . . .

The academic community has a duty to defend society and itself from subversion of the education process by dishonest tactics, including political conspiracies to deceive students and lead them unwittingly into acceptance of dogmas or false causes. Any member of the academic profession who has given reasonable evidence that he uses such tactics should be proceeded against forthwith. . . .

Nothing in the record of college and university teachers as a group justifies the imputation to them of a tendency toward disloyalty to the government or toward subversive intent with respect to the nation's institutions. In this regard they are not different from all other people. We deplore the entire recent tendency to look upon persons or groups suspiciously and to subject their characters and attitudes to special tests as a condition of employing them in responsible positions. . . .

The principles of procedural due process contained in the 1940 Statement of Principles are as applicable to instances in which a faculty member's tenure is challenged by his institution or its officials on grounds related to loyalty, national security, or alleged connections with Communism, as they are to instances of challenge on other grounds. Whenever charges are made against a faculty member with a view to his removal, he has a right to a fair hearing, to a judgment by his academic peers before adverse action is taken, and to a decision based on the evidence. The principal elements of due process in such proceedings are set forth in the 1940 Statement of Principles.

"Academic Freedom and Tenure in the Quest for National Security," AAUP Bulletin, Spring 1956, p. 54-9.

THE ASSOCIATION AND THE COURTS



Leaders of the legal profession have been active in AAUP since its founding. Roscoe Pound was a charter member of the Committee on Academic Freedom; John Wigmore served as the second president; and Harlan Fiske Stone chaired a committee examining the Carnegie proposal to create a national pension system for faculty. But it was not until 1960 that legal activities became incorporated into a staff position. In the last thirty years, AAUP has filed approximately seventy-seven briefs in the federal and state courts, all directed to advancing the Association's policies.



In 1956, General Secretary Ralph Fuchs sparked discussion about the possibility of AAUP submitting briefs as a "friend of the court." In carefully selected cases, the Association could urge the courts to apply its recommended policies. The effort has been a fruitful one; the United States Supreme Court and other federal and state courts have expressly referenced AAUP policies in various decisions. Some excerpts from Association amicus briefs follow, beginning with the first brief AAUP filed in 1959:



Lloyd Barenblatt v. United States
360 U.S. 109 (1959)

In this brief, the AAUP argued un-

successfully against the conviction of a teaching fellow at the University of Michigan who refused to answer questions of the House Un-American Activities Committee:

The threatened punishment of the petitioner in this case appears as a link in a chain of acts which constitute an unwarranted trespass by the legislature on academic freedom. The American Association of University Professors does not assert that academic freedom should receive unqualified immunity from compulsory legislative investigations. In this connection as in others a balance must be struck between the legislature's demands and interests needing protection. Nor does the Association's position depend on

the individual rights to the First Amendment freedoms which teachers possess in common with other people. Rather it emphasizes the immunity from unwarranted coercion which adheres to a member of the academic community as a representative of that community. That immunity protects the workable autonomy that academic institutions require in order to carry out their educational and research responsibilities. . . .

It cannot be successfully argued that the committees are entirely inculpable because they do not fire professors and do not claim the right to do so. It is true that the university authorities make the final decision. But there is here an interplay between governmental and academic action which makes the latter a

THE ASSOCIATION AND THE COURTS



likely consequence of the former, with public clamor precipitated by the investigation as an additional causal factor. . . . When coercion begets capitulation, it must take prior blame.



Charles R. Perry v. Robert P. Sindermann
408 U.S. 593 (1972)

After Professor Sindermann became involved in public disagreements with the governing board of the Texas junior college where he taught, his appointment was not renewed. He was denied an internal hearing to challenge the basis for the decision. Sindermann's litigation eventually reached the Supreme Court, where AAUP supported his First Amendment and due process claims.

To a degree, the academic freedom of tenured members of the faculty is protected by internal remedies. Where the protection of tenure is absent, however—as for all faculty members at some institutions—the internal remedies are either uncertain or unavailable. Yet the termination of a nontenured assistant professor for the exercise of protected rights jeopardizes academic freedom no less than the dismissal of a tenured faculty member on similar grounds. Thus the basic interests of academic freedom, as well as particular interests of individual teachers, call for legal protection of nontenured status.

Boris Browzin v. Catholic University of America
527 F. 2d 843 (D.C. Cir. 1975)

In response to a state of financial exigency, Catholic University discontinued its engineering programs in soil mechanics and hydrology and notified Professor Browzin that his tenured appointment would be terminated. AAUP argued in the court of appeals that, under the Recommended Institutional Regulations, the university had an

obligation to seek another suitable position for Professor Browzin within the institution.

The 1940 Statement has been interpreted to make clear. . . that absent explicit institutional arrangements which yield tenure only in a highly specialized facility, tenure is held in the institution as a whole and not in a particular school, department, or program. . . . As a consequence of the fact that tenure is held institutionally, the administration is required to exercise its best efforts to seek elsewhere in the entire institution for a suitable position.

Under the narrow view, apparently espoused by the court below, a tenured faculty member with unpopular or controversial views could be dismissed without a hearing merely by terminating offerings in his special area of interest under the rubric of a financial exigency without any attendant obligation on the administration save for due notice. By this reasoning tenure, and thus academic freedom, would be secure only in the most popular schools in the institution and then, perhaps, only in well-subscribed offerings. The effect would penalize those engaged in advance work or experimental programs.



Regents of the University of California v. Allan Bakke
438 U.S. 265 (1978)

Invidious discrimination weakens the academy, and the Association has addressed issues of equity in faculty personnel matters and student admissions. The celebrated Bakke case in the Supreme Court examined the University of California policy giving certain preferences in medical school admissions to minority applicants. The Association supported the university's policy.

There is little doubt that for a subject, such as law, which must confront every pressing social issue, the participation of students of varied social and ethnic backgrounds provides vital additional perspectives and thus a fuller

education than were the class socially and ethnically homogeneous. But the diversity principle is applicable to the "student culture" of scientific, medical, and other advanced education as well. In medical education, for example, the reliance of medical schools upon the indigent as clinical "teaching material" establishes an institutional setting which reinforces the pre-existing biases of an overwhelmingly white, middle-class student body. . . . However, as one commentator observed, "Physicians recruited from disadvantaged communities are likely to bring to their training a different set of values and assumptions, having more sympathy, knowledge, and ability to communicate with patients from minority subcultures." . . . The introduction into the student culture of students having that background may play an important role in the process of professional socialization of the entire student class, i.e., in the production of a group of physicians who may be more understanding of—and compassionate toward—patients.



Connie Kunda v. Muhlenberg College
621 F.2d 532 (3rd Cir. 1980)

Professor Kunda alleged that sex discrimination interfered with her tenure candidacy, and proved that male professors had been counseled about the need for an advanced degree but that she was never so advised. In an amicus brief in the federal court of appeals, the Association supported her reinstatement with "conditional" tenure, the condition being her receipt of the advanced degree.

The remedy ordered by the district court fits perfectly with its findings of fact. A victim of unlawful employment discrimination must be placed as nearly as possible in the position she would have occupied "but for" the discrimination. . . . The district court, by ordering retroactive tenure contingent upon the plaintiff's obtaining her master's degree within two academic

THE ASSOCIATION AND THE COURTS



years, did just that.

In this case the judicial award of contingent tenure in no way threatens the freedom of Muhlenberg College to make decisions on valid academic grounds. Indeed, by stressing the importance of peer review in judging faculty qualifications, and by conditioning relief on the fulfillment of "a sex neutral criterion which is reasonably related to the legitimate needs of an educational institution," the district court has supported academic freedom and protected sound principles of collegiate governance. . . . Academic freedom does not embrace the freedom to discriminate.



National Labor Relations Board and Yeshiva University Faculty Association v. Yeshiva University
444 U.S. 672 (1980)

Are faculty "managers"? AAUP and the NLRB both argued in the Supreme Court that they are not. The case tested the right of professors to engage in collective bargaining under the National Labor Relations Act, and the negative outcome dealt a dramatic blow to organizing at private institutions.

It may well be that, in an ideal collegial system, with responsibility diffused throughout a body of peers, there is no separate management role. But this ideal collegial model, whether or not possible or desirable, does not now exist in American higher education. Institutions of higher education have become complex and diversified enterprises which require an administrative hierarchy, responsible directly to the governing board and with a direct stake in the success of the institution as a whole, to provide overall direction and management for the university. By contrast, most faculty members are possessed of intensely specialized expertise and are primarily concerned with teaching and research in their own disciplines.

The faculty of course have an interest in the success and well-being of the institution which employs them; certain-

ly they will suffer the consequences if things go sour. But their professional commitments align them as much with their discipline and the nationwide community of scholars devoted to it as with their employing institution. Faculty are not hired to manage the institution, but rather to contribute, through teaching and scholarship, to the institution's broader mission.



Diana Spirt and AAUP v. Teachers Insurance and Annuity Association, College Retirement Equities Fund and Long Island University
735 F.2d 23 (2d Cir. 1984)

The 1974 Annual Meeting adopted a resolution calling for equalization of retirement benefits for male and female faculty members. In pursuit of this goal, AAUP intervened in 1981 in litigation brought by Professor Diana Spirt charging that use of sex-based actuarial tables in computing pension benefits constituted illegal sex discrimination. While AAUP most commonly appears as a "friend of the court," AAUP itself became a plaintiff in this ultimately successful litigation.

This case arises because Defendants-Appellees and Cross-Appellants (TIAA-CREF), twin non-profit corporations created to establish and manage a nationwide pension system for and in close cooperation with America's colleges and universities, insist on paying lower retirement benefits to retired female professors than to males who have performed substantially similar work. Although they "justify" this patent gender-based discrimination on differences between male and female longevity, they sidestep the commands of Congress and the Supreme Court. They come to this court seeking reversal of the District Court (Ward, J.) orders requiring reform of the system, and rejecting further request for delay. The American Association of University Professors, as Intervenor-Appellee, supports the District Court's Order enjoining future sex discrimination by CREF and urges rejection of CREF's be-

lated "good faith" defense. Now, eight years after these claims were brought and four years after the Supreme Court decided directly analogous issues against CREF, it is far too late to plead lack of notice or innocent naivete. The twentieth anniversary of Title VII is fast approaching, and *per se* gender-based discrimination can no longer be tolerated in the American workplace.



Ronald Reagan v. James Abourezk
108 S.Ct. 252 (1987)

In pursuit of its commitment to academic freedom and the unfettered exchange of ideas, AAUP has consistently urged reform of United States immigration laws in order to facilitate visits by foreign scholars and students. A particular focus of these efforts has been the McCarran-Walter Act. Since 1952, when the act was passed, AAUP has been outspoken in support of modification or repeal of provisions used to bar entry by would-be visitors because of their political beliefs. AAUP filed a brief in the U.S. Supreme Court in a case challenging these provisions:

The government would have this Court approve a sweeping interpretation of Section 212 (a) (27) [of the Immigration and Nationality Act] which denies citizens the right to meet with aliens whose activities pose no threat of harm to the United States. The First Amendment does little if it does not protect citizens' rights to debate with these invited visitors. Opportunities for personal discourse are central to scholarly activity, and academic freedom is itself a special concern of the First Amendment.

The government justifies its intrusion on the ground that the visa denials send a foreign policy message of official disapproval of certain policies. . . . In burdening the visa application process with its own symbolic message, the government upends the First Amendment rights of scholars and other citizens. The foreign policy context of the case does not deprive the Court of the power to strike down this abuse.