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The Tale of Professor X¹

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Abstract

Once upon a time at a large public university, Professor X created a course. The course was approved by his department and faculty committees on campus and was then scheduled to be taught. But high-level administrators did not like Professor X's course in part because it examined misbehavior by the university. And so they tried to keep Professor X from teaching his course. Professor X and his colleagues fought back and won, though not everything. This story, based on real events at UNC–Chapel Hill, highlights the need for vigilance and solidarity in resisting threats to academic freedom and shared governance.

During the thirty-seven years I taught sociology at UNC–Chapel Hill, I created four new undergraduate courses. It takes a lot of work to plan a course, but it's intellectually stimulating, and I was excited about teaching those courses-to-be. After receiving departmental approval, I waited as my draft syllabus and other materials made their way through the university faculty committees. I eventually received a yes for each of those courses, and I taught them many times.

¹ A different version of this essay was presented on Academic Freedom Day, November 9, 2018, at UNC–Chapel Hill. The conference resulted in the relaunching of an AAUP chapter on campus. I am grateful to Michael Schwalbe and Joan W. Scott for their comments and encouragement.

As is typical in the College of Arts and Sciences at this university, the associate chair of a department is in charge of course scheduling, asking faculty what they would like to teach and when; most of the time we get to teach what we want, depending on departmental needs for any semester or year. This is an unexciting account of a university's bureaucracy working well. But here's a twist that would be surprising, if not shocking: having a senior associate dean or the dean of the College of Arts and Sciences do more than glance at departments' course schedules. Even a micromanaging dean of the college would have plenty to do besides bothering with course scheduling. That's why we have associate chairs.

Now I want to tell you what happened to Professor X in *his* attempts to create and teach a course at UNC–Chapel Hill. He too received his department's approval and the approval of the university faculty committees. But then something strange happened. His department chair and associate chair told him that higher-level administrators—yes, deans—were pressuring them to keep his course off the schedule.

Professor X was going to teach his new course in the summer of 2016. Apparently the deans hadn't heard about the course, which isn't surprising. But in March 2016, when the course was advertised for the summer, the senior associate dean contacted the chair of the department and asked, "How did this course get approved?" The chair was taken aback; he'd never before been asked that question about a new course. In fact, he'd never been challenged by senior administrators about *any* course. The chair did what one would hope a chair would do: he said that Professor X had gone through the usual channels, had received approval at each level, and would teach the course that summer.

Later that spring, students registered for their 2016 fall courses. By the end of the registration period, only four students had signed up for an honors seminar Professor X was scheduled to teach, on an entirely different subject. Because sixteen students were already registered for his summer course—the course that had bothered the deans—Professor X suggested to the associate chair that he instead teach *that* course in the fall rather than the honors course. With only four students signed up, the honors course was at risk of being canceled. The associate chair thought this a good idea and put Professor X's summer course—the bothersome course—also on the schedule for the fall.

When the chair learned that the associate chair had scheduled Professor X's course for the fall semester, he let both of them know that he was concerned about what he called "blowback" from the deans. The chair told Professor X that the deans had made it clear that special permission would be needed to schedule that course during a regular semester. When Professor X learned this, he realized that things were worse than he'd imagined.

The chair wrote in an email to Professor X: “I am more than willing to fight for your right to teach this course, but I suspect that there will be resistance. . . . I have no idea on what basis the higher administration can interfere in course scheduling, but I anticipate that they will try to do so.” The chair was worried that the department would suffer consequences if he kept the course on the fall 2016 schedule. Deans, after all, control budgets, including faculty positions, diversity postdocs, and more. In a (long) era of budget cuts, this was a serious threat.

But the chair did not give in. He successfully negotiated with the deans for that fall. Professor X taught the course in fall 2016 to twenty-nine students, who raved about it. Professor X enjoyed teaching the course and planned to teach it again. At that point it seemed that all would be well.

Yet when it came time to schedule courses for the *next* academic year, and Professor X said he wanted to teach the bothersome course, he once again faced obstacles. This time, the department chair told Professor X that he was even more concerned that the deans would react badly if he scheduled the course during the 2017–18 academic year.

Professor X felt that the deans were wrongfully trying to keep him from teaching a course he wanted to teach and that the associate chair and chair wanted him to teach. So, Professor X decided to meet with the dean of Arts and Sciences. By the end of the meeting, Professor X was convinced that the dean felt fine about his teaching the course. Professor X told his department chair about how well the meeting went. The chair was surprised but relieved to hear that the dean had changed his mind. The chair and Professor X agreed that for departmental scheduling purposes Professor X would teach the course in spring 2018 rather than fall 2017.

But about a week later, the chair told Professor X that the senior associate dean had since made it clear that if the chair were to schedule the course, there could be negative consequences for the department. The chair, clearly under duress, told Professor X that he’d have to keep the course off the schedule.

Professor X then emailed the chancellor and the provost, asking to meet with them. It took two months to set up a meeting. In January 2017 Professor X met with the chancellor, the provost, and a university attorney. The administrators denied that the deans had acted inappropriately, adding that deans had the right to interfere in course scheduling “when necessary.” But neither the deans nor the higher-level administrators gave a reason why it was necessary to keep the course off the schedule for the following academic year.

Having received no relief from the dean, the chancellor, or the provost, Professor X turned to the AAUP. He spoke with the officers of the state conference, who wrote a detailed letter about the case and sent

it to the provost and the dean of Arts and Sciences, arguing that the deans were out of bounds when they interfered with the scheduling of the course. The provost and the dean wrote back, saying, “We have both made it clear that this was a scheduling issue to meet the broader needs of our students, not an academic freedom issue. Academic freedom does not give individual faculty members the right to unilaterally decide what courses they will teach.”

This was a strange response. Professor X knew, like all professors in Arts and Sciences, that course scheduling is never solely an individual matter but a departmental affair. And in this case, department protocol had been followed to the letter.

Professor X contacted the national AAUP office to seek help in writing and filing a grievance, which he did, detailing what had happened, and claiming that the deans were keeping him from teaching his course. Just eleven days after Professor X filed the grievance, his department chair got a phone call from the new senior associate dean asking if the professor still wanted to teach the course during the following academic year. Professor X said yes.

But he felt strongly that getting to teach the course was not enough. There was a larger problem—the *process* of administrative interference. He decided to revise his grievance, asking the Faculty Grievance Committee to investigate what had gone on. He wanted the grievance committee to determine if the deans had acted wrongly.

The grievance committee took on the case, analyzing emails and other written documents, interviewing key actors, and conducting a long hearing with Professor X, the department chair, and the deans. The twelve members of the grievance committee unanimously found in the professor’s favor. The committee’s report said that the deans had intimated that the chair would lose departmental financial resources if he let Professor X teach the course, and they concluded that the deans’ actions were “inconsistent with academic freedom.” They wrote, “The Committee assumes that concerns for academic freedom would lead senior College administrators to focus on the big curricular picture and not micromanage the scheduling of an individual course. . . . The argument that the addition of one course out of the thousands offered by the College [of Arts and Sciences] each semester would threaten the College’s long-term strategic goals strains credulity.”

How did those above the college deans—the provost and the chancellor, and then the board of trustees—react? Well, they were upset—*not* with the deans’ interference in a course, but with the grievance committee’s report. The provost and the chancellor rationalized their rejection of the report by saying that the grievance was, as they put it, moot: after all, Professor X could now teach the course. Professor X and others

noted in articles and op-eds that administrators had dodged the *basis* of the grievance—the process of interference and implied threats by the deans.

And here's what I'd like to say happened next: the deans, the chancellor, and the provost reread the AAUP's statement on academic freedom as it pertains to teaching, which includes, "Faculty members are individually responsible [for their courses] without having their decisions subject to the veto of a department chair, dean, or other administrative officer." The administrators admitted that they'd made mistakes, now knew better, and recommitted to academic freedom in their future actions. That's really all the grievance committee asked for. But in reality, we're still waiting for the administrators to own their mistakes.

So, what to make of this story, and what lessons can be drawn? That the highest level of administrators—the provost and the chancellor—protected the deans is not surprising to those who study power relations. But it's all the more reason for faculty to worry not only about threats to academic freedom but also to shared governance. Faculty grievance committees are central to faculty governance and should be taken seriously by high-level administrators. Yet the provost and the chancellor rejected the content of the Faculty Grievance Committee's investigation. As the chancellor wrote, "Despite significant rhetoric generated by [Professor X] in the public domain about undue influence on the part of the Dean's office in the scheduling of [the course]" in 2017–18, "allegedly resulting in violation of [Professor X's] academic freedom, the record is devoid of any credible evidence to support those assertions." So much for the work of the Faculty Grievance Committee.

In addition, in their replies the provost and chancellor claimed, alternately, *The deans have the right to interfere!* and *The deans did not interfere!* Apparently high-level administrators have the power to take a contradictory position and get away with it; faculty committees, including the Faculty Grievance Committee, are ultimately only advisory; administrators can reject whatever the faculty put before them, disregarding logic and evidence.

But this story also tells us that pushing back *can* make a difference. The department chair fought back twice, and won, against the deans. He also spoke forthrightly in the grievance hearing. It's doubtful that Professor X's right to teach the course would have prevailed if he hadn't consulted state and national representatives of the AAUP, if he hadn't written a grievance, or if the Faculty Grievance Committee had not taken it up. The report and conclusions of the grievance committee about the administrative process of quashing the course has sent a strong message to administrators who may be tempted to act in ways inconsistent with academic freedom in the future.

To save space, I've omitted the details of how the story played out in the public domain. Faculty asked the provost and chancellor pointed questions about the case at public meetings. Professor X wrote local and national op-eds about his case, as did others, including an officer of the state AAUP conference. There were news articles in local media as well as national education media, such as the *Chronicle of Higher Education*. The highest-level administrators released their responses about the case to the *Raleigh News & Observer*, which led Professor X to write a response there. Professors also encouraged the Faculty Executive Committee of the Faculty Council—which meets in the summer—to write a statement about the case, which it did. This too was reported in the local press.

You might be wondering why I've not named the professor or the course. I wanted to give the details of the case as they illustrate administrators' violation of academic freedom rather than focusing on the content of the course or the professor. The course is History 383, "Big-Time College Sports and the Rights of Athletes," and the professor is Jay M. Smith. The dean of Arts and Sciences, who is now interim chancellor for UNC–Chapel Hill, is Kevin M. Guskiewicz.

Smith and former UNC–Chapel Hill employee Mary Willingham are the authors of *Cheated: The UNC Scandal, the Education of Athletes, and the Future of Big-Time College Sports* (2015), published by Potomac Books. As the letter from 90 percent of Jay Smith's tenure-line colleagues in the Department of History put it, "Clearly, this course and the professor teaching it were singled out for unprecedented and adverse scrutiny. . . . In the absence of any other credible explanation, we believe that the College took this action to block broader understanding of the recent scandals in UNC's major intercollegiate athletic programs and other violations of legal, moral, and academic standards in the history of modern college athletics" (Redus 2017).

Were there pressures on high-level administrators from the outside to quash Smith's course? Probably. Should administrators have supported the professor rather than meddled in the scheduling of the course? Definitely. Should other professors worry? Yes, which is why the faculty, department chairs, the AAUP, and others must speak out whenever one professor's academic freedom is threatened. Any faculty member who wishes to teach a potentially controversial course, or a course that might displease powerful outsiders, could become Professor X.

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Historians might say the McCarthy era was worse. But the latest assaults on academic freedom, blatant in the case of Professor X, show that there are serious problems today. Professor X is a tenured full professor; I doubt the story would have ended as well were he an untenured professor or a "contingent" faculty member.

That this could happen to a full professor who had taught without controversy for over twenty years means that all professors are at risk.

UNC–Chapel Hill is a state university, and the legislature has become stingier over the years, even for what has long been called “the jewel of the state.” This situation is not unique. Lack of legislative support has made public universities across the country increasingly dependent on wealthy donors with whom high-level administrators try to curry favor. And unsupportive legislatures require more grooming than ever.

The UNC Board of Governors (BoG) can fire the president of the university system (which for UNC includes seventeen campuses) and pressure chancellors to do what they want. For example, in 2015 the BoG told Tom Ross, the “liberal” president, that his job would end in 2016. The largely Republican BoG gave no explanation, even when pressed, and replaced him with Margaret Spellings, the former secretary of education under President George W. Bush. Yet she turned out to be too much for the BoG, leaving after only three years. Newspaper accounts documented the BoG’s intrusion into her authority as president, such as “reorganizing Spellings’ staff and possibly moving the UNC system office out of Chapel Hill” (Stancill 2018).

Alienating the wealthy Right, including potential donors, is risky, and administrators prefer to avoid doing it. In the early 2000s at UNC–Chapel Hill, Art Pope, the wealthy CEO of Variety Wholesalers and former Republican member of the NC House of Representatives, wanted to buy a minor in “Western Civilization,” offering millions to do so (Mayer 2011). High-level administrators, not faculty, met with him to come up with a plan. Faculty pushed back against this administrative interference, playing it out in the media. Pope eventually withdrew his offer, instead giving money to supplement the wages of assistant football coaches. The faculty targeted administrators more than Art Pope and his right-wing “think tanks,” but administrators didn’t budge. To the contrary, the chancellor said at a faculty council meeting that refusing Pope’s money would be an infringement of his freedom of speech.

Right-wing funders are often against public education, at least in the way faculty think about it. The university, as these funders see it, should serve elite economic interests (Letiecq 2019; Slaughter and Rhoades 2009). This includes wealthy funders buying programs designed to indoctrinate students into procapitalist ideology, inside and outside the business school. Capitalism is on offer at business schools and related programs 24/7, yet it is professors in the humanities and social sciences whom the Right denounces as ideological.

And what about faculty governance? Recall that administrators rejected the findings of the grievance committee in the case of Professor X. Yet in some universities, faculty governance has meant something. For example, the University of Wisconsin–Madison had a strong faculty senate until Scott Walker, backed by the Koch brothers and Republican donors, became governor of the state in 2010. At UNC–Chapel Hill, the faculty council is advisory, often leans toward pleasing administrators, and exists in a state that doesn’t allow public employees to participate in collective bargaining. At least one high-level administrator (or a representative) attends every faculty council meeting. A meeting of the faculty governing body, then, is not a *faculty* meeting.

With so much control by administrators on the inside, and government and corporate (often linked) pressures from the outside, the faculty’s control over curricula is at a low point. Faculty should build solidarity across ranks, recognizing who among us are at the greatest risk, and fight for academic freedom and real faculty governance. As Henry Reichman (2019, 26), chair of the AAUP’s Committee A on Academic Freedom and Tenure, put it, “There are powerful forces in our society today that would not only restrict the faculty’s academic freedom but also seek to transform our institutions of higher education into engines of profit instead of sources of enlightenment.” Faculty who are complacent put academics’ control of what we research and teach—and education as a common good—in peril.

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Documents, News Articles, and Op-eds about Professor X’s Case

Support from the Department of History:

Redus, Aaron. 2017. “History Faculty Say Cancellation of Jay Smith’s Big-Time College Sports Course Violated Academic Freedom.” *Daily Tar Heel* (Chapel Hill, NC), April 21.

<https://www.dailytarheel.com/article/2017/04/history-faculty-say-cancellation-of-jay-smiths-big-time-college-sports-course-violated-academic-freedom>.

Faculty Grievance Committee report:

UNC–Chapel Hill Faculty Grievance Committee. 2017. Grievance Filed by Jay Smith, October 3.

<https://s3.amazonaws.com/snwceomedia/dth/e9554060-a0e8-4311-b24c-32636024c0e4.original.pdf>.

Provost's rejection of the report:

Blouin, Robert A. 2017. Letter to Christopher B. McLaughlin, Chair, Faculty Grievance Committee. Office of the Executive Vice Chancellor and Provost, UNC–Chapel Hill, November 30.

<https://s3.amazonaws.com/snwceomedia/dth/eb7519e2-35d2-4641-9ce0-230d085b6434.original.pdf>.

Chancellor's rejection of the faculty grievance report:

Folt, Carol L. 2018. Letter to Jay M. Smith, Professor, Department of History. Office of the Chancellor, February 26. <https://uncnews.unc.edu/files/2019/02/Jay-SmithChancellors-LetterAmended-Grievance-00105973.pdf>.

Chancellor's letter to the board of trustees:

Folt, Carol L. 2018. Letter to Haywood D. Cochrane, Chair, Board of Trustees. Office of the Chancellor, UNC–Chapel Hill, March 20. https://uncnews.unc.edu/files/2019/02/03_20_18-HAYWOOD-COCHRANE-002.pdf.

Board of trustees' rejection of the report:

Cochrane, Haywood. D. 2018. Letter to Jay M. Smith, Professor, Department of History, and Carol L. Folt, Chancellor, UNC–Chapel Hill, April 2. <https://uncnews.unc.edu/files/2019/02/Jay-Smith-Decision-of-the-BOT-00106548.pdf>.

AAUP officer's op-ed in the Charlotte Observer:

Behrent, Michael C. 2018. "UNC Administrators Squelching Academic Freedom." *Charlotte Observer*, May 11.

<http://www.charlotteobserver.com/opinion/op-ed/article210962904.html>.

Smith's column in the Wall Street Journal:

Smith, Jay M. 2018. "How Sports Ate Academic Freedom." *Wall Street Journal*, April 30.

https://www.wsj.com/articles/how-sports-ate-academic-freedom-1525125467?mod=searchresults&page=1&pos=1#comments_sector.

Smith's article in Academe:

Smith, Jay M. 2017. "Academic Censorship and Faculty Resistance." *Academe*, September 13.

<https://www.aaup.org/article/academic-freedom-meet-big-time-college-sports>.

Smith's Academe Blog post about the case:

Smith, Jay M. 2017. "Academic Censorship and Faculty Resistance." *Academe Blog*, September 13. <https://academeblog.org/2017/09/13/academic-censorship-and-faculty-resistance/>.

AAUP State Conference Vice President's interview with Jay Smith:

Behrent, Michael C. 2017. "When the Dean Quashes Your Class: An Interview with Jay Smith." *Academe Blog*, June 23. <https://academeblog.org/2018/05/21/jay-smith-and-the-unc-grievance-process/>.

A student's chronicle of the case:

Cole, Kianna. 2018. "Scandal: A Student's Examination of Jay Smith's Class on College Athletics." *Daily Tar Heel* (Chapel Hill, NC), May 9. <http://www.dailytarheel.com/article/2018/05/history-383-and-bot-findings>.

Chronicle of Higher Education on UNC administrators' rejection of grievance findings:

Kerr, Emma. 2018. "UNC Rejects Faculty Panel's Finding That Administrators Interfered in Critic's Class on Sports." *Chronicle of Higher Education*, May 3. <https://www.chronicle.com/article/UNC-Rejects-Faculty-Panels/243327>.

References

Leticq, Bethany L. 2019. "George Mason University's Donor Problem and the Fight for Transparency." *Academe* 105, no. 2: 22–26. <https://www.aaup.org/article/george-mason-university's-donor-problem-and-fight-transparency#.XOA8oC-ZOV4>.

Mayer, Jane. 2011. "State for Sale: A Conservative Multimillionaire Has Taken Control in North Carolina, One of 2012's Top Battlegrounds." *New Yorker*, October 3. <https://www.newyorker.com/magazine/2011/10/10/state-for-sale>.

Reichman, Henry. 2019. *The Future of Academic Freedom*. Baltimore: Johns Hopkins University Press.

Slaughter, Sheila, and Gary Rhoades. 2009. *Academic Capitalism and the New Economy: Markets, State, and Higher Education*. Baltimore: Johns Hopkins University Press.

Smith, Jay M., and Mary Willingham. 2015. *Cheated: The UNC Scandal, the Education of Athletes, and the Future of Big-Time College Sports*. Lincoln, NE: Potomac.

Stancill, Jane. 2018. "UNC President Margaret Spellings is Leaving the University System, Sources Say." *Raleigh News and Observer*, October 25. <https://www.newsobserver.com/news/local/article220604450.html>.