

Academic Freedom in the Managed University: Controversy, Conflict and Control
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Keynote Address:

Academic Freedom and Political Necessity?

Thomas Docherty (University of Warwick)

Docherty began by discussing the psychology of academic freedom asking why some academics today are fearful or feel ashamed of academic freedom. He noted that it may be a fear of seeming elitist and further linked the issue of academic freedom attrition to feelings of guilt. Docherty explained that many academics may feel 'safe' with respect to academic freedom in their own discipline, but may lack confidence when speaking on issues or topics outside of their discipline (for example an English professor may feel confident expressing his/her opinions on Shakespeare, but may lack the confidence to speak about politics, democracy, etc.).

Docherty discussed the current 'prevent strategy' being used in the UK. Docherty explained that the strategy, focused on anti-terrorism, mandates the reporting of odd or changed behaviour in universities. But Docherty noted that the point of teaching is to change a student's behaviour and way of thinking. Docherty discussed how external pressures are having an effect on academics' work and academic freedom

Docherty explained that while academic freedom today is subject to external pressures, the one thing that university administrators cannot control is the freedom of assembly. Docherty discussed a one-year suspension he received for challenging management on an issue. During his suspension, he was not allowed to talk to students or colleagues and he was not allowed to inform his family that he was suspended. There was an upwelling of support from his colleagues once they learned of his suspension and it received media attention. However, Docherty noted that the threat of employment termination was an underlying issue for his colleagues. Docherty explained that he was eventually re-instated by an internal tribunal. Docherty noted that people in power often display their power by being wrong and continuing to push items forward even though they are wrong. Docherty further noted the class effect in his case, as his Glasgow accent (which is typically seen as being aggressive, volatile, etc.) influenced the administration's response to his challenging of management issues.

Further on the topic of freedom of assembly, Docherty explained that today's structure of internal competition (ex: for funding, positions, resources, etc.) has eroded the concept of 'guild' and assembly for academics. Docherty noted that the guild model is no longer a reality at universities, as competition is now a reality for academic colleagues.

Panel Session 1:

Where are the Faculty? The Shifting Sands of University and College Governance

Peter McInnis, St. Francis Xavier

Ellen Schrecker, Yeshiva University

McInnis discussed three points in the defence of academic freedom:

1. *Governing the governors*

McInnis noted several cases in which university administration was challenged:

- UBClean campaign (more PhDs, less CEOs)
- Chakmagate (Western University president paid double salary, a decision defended by the board of governors)

- Dalhousie University Dentistry Scandal: significant amounts of money spent on public relations to repair university's brand/image
2. *Applied governance: the union makes us strong*
 - Collective bargaining, grievances and arbitrations are fundamental to protecting academic freedom. This is being challenged on many fronts (ex: Bill 100 in Nova Scotia and the movement to declaring public sector employees as essential, and thus limiting the ability to strike and freedom of speech related to union business).
 3. *Building necessary allies*
 - Student tuition fees today are on average 200-300% higher than the early 90s. Students are facing exorbitant debt loads and their cause needs to be our cause.
 - Contract academic staff: their fight also needs to be our cause. The adjunct crisis is everyone's crisis.
 - Forging necessary alliances is a strategy that needs to be adopted and will shift the power away from managerial control. Faculty and staff unions need to come together to have an effect.

Schrecker began by asking 'what is shared governance'? He explained that it is some sort of faculty control over the conditions of employment and that it is related to academic freedom. But Schrecker noted that it is more of a collective prerogative. It is shared decision making processes over control of academic decisions and personnel decisions. Faculty members are best positioned to know what should be taught and who should teach it.

Schrecker discussed this history of shared governance, noting that with the rise of research universities in late 19th century, faculty members became more professionalized and able to make demands on the control of work. By the 20th century, tenure had become an important tenet. Schrecker noted the 1950s-1960s as the golden age of shared expansion, as post-secondary education became more accessible and there was a large expansion of universities and research. Faculty at the time were in high demand and horizontal job mobility resulted in significant faculty power. However, faculty did not have power over long range budgets nor did they have involvement in larger decisions. Faculty members spent their time focusing on their own research and did not want to sit on all kinds of decision-making committees. The economic crisis of the late 1960s-1970s resulted in a higher demand of dollars for health care, prisons, etc. and cutbacks in funding to universities. This led to increased tuition costs, outsourcing of employment (casualization of academic appointments) and the adoption of the business/corporate mindset in the running of universities.

Schrecker noted that faculty members today no longer have horizontal mobility power. And with the rise of contingent faculty (now an average 75% of all teaching staff at universities in the United States), faculty members no longer have the ability to share in university governance. There are now more administrative staff than academic staff at universities, and curriculum decisions are now made by administrators, not faculty. Technology today is allowing more cost-effective ways to deliver education, at a cost to the academic profession. Schrecker concluded by stating that we need a movement to preserve a liberal education that is needed for a democratic society. Schrecker further noted that the student voice is an important one to get onside. Students should be informed as to how the universities they are devoting their time and money to are being run.

Panel Session 2:

Never Let a Good Crisis Go to Waste: Academic Freedom and the Politics of Austerity

Alison Hearn (Western University)

Len Findlay (University of Saskatchewan)

Hearn discussed austerity and cut-costing at Western University. Hearn also discussed New Public Management (NPM), which is the use of the private-sector model in the running of public sectors that can't be privatized. NPM results in increased tuition, massive open online courses (MOOCs), the pursuit of alternative streams of revenue, increased use of contingent faculty and the erosion of tenure.

Hearn noted that university managers claim austerity all the time, even when it is not the case. This results in a perpetual state of fear for faculty and staff.

Hearn discussed the concept of Responsibility Centered-Budgeting (RCM). In this model, faculties and schools become cost centres and revenue producing units. The model's intent is to rein in spending and encourage revenue maximization by incentivizing academic units to be more competitive, entrepreneurial and efficient. Hearn noted that this model essentially pits academic units against each other and furthermore encourages the use of contract faculty. Hearn also discussed Toyotism (total quality insurance) which requires employees to participate with management in the perpetual search to improve quality and find efficiencies. This continuously stresses the limits of worker's performance by making them responsible for their own fate as well as the fate of the organization, and forcing them to do more with less. Hearn noted that Toyotism is meant to result in transparency but it doesn't. Essentially, funding goes down but accountability increases, however no one audits the auditors (i.e. the managers).

Hearn also discussed 'Chakmagate'. At Western University, the Faculty association was frustrated and started to fight back against administration. They began by publishing their own budget analysis of university spending, which was well received by the faculty community. And then the sunshine list was published, which showed the president (Chakma) at Western earning two salaries in one year due to a clause in his contract which allowed him to take salary instead of administrative leave. This resulted in a petition of non-confidence in the president and in the chair of the Board of Governors, which yielded a 94% non-confidence vote (the highest voter turnout of any UWOFAs votes). During a public talk in which Chakma spoke, petition signs were confiscated at the doors. UWOFAs filed a grievance based on academic freedom and the university eventually issued a public apology to all academic staff members.

Findlay discussed the growing corporatization of universities and the resulting search for funding sources from businesses and industry. Findlay showed a poster he and some grad students produced for a humanities book launch. The poster contained a 'boss' with a bag of money for a head and an inverted University of Saskatchewan logo as a tie. When the poster was sent to printing services it was flagged because of the inverted logo. Findlay became the subject of administration scrutiny and USFA supported and defended his academic freedoms and rights.

Findlay also discussed a situation in 2014 when a Dean at the University of Saskatchewan, who spoke out against administration's handling of an issue and wrote a letter to administration titled 'The Silence of the Deans', was stripped of his position and tenure and was publically frogmarched off campus by security. (Note: he was eventually re-instated in his tenured position, but not his Dean position).

Findlay described how inter-union strategizing is key towards defending against the corporatization of academic institutions. Findlay also noted that the University of Saskatchewan used similar budget austerity strategies as Western (i.e. budgeting as if in a state of austerity when not actually in a budget crisis) and promoted the 'do more with less' mentality in all budget decisions.

Panel Session 3:

Counting Out the Scholars: Measuring Faculty Performance and Productivity

Mark Spooner (University of Regina)

Sandra Grey (Victoria University of Wellington, New Zealand)

Spooner discussed New Public Management (NPM), describing it as private sector management and practices, including market-style incentives and disincentives (series of rewards and punishment), with a focus on customer choice and marketing/branding. Spooner also referenced the Key Performance Indicators (KPI) to Audit Culture, noting that academic institutions are moving from a nebulous publish or perish doctrine to one of publish or discipline which represents a great threat to academic freedom.

Grey noted that academic freedom is protected by law in New Zealand ('Academic Freedom is to be preserved and enhanced...': *Education Act* 1989). Grey described a 'strategic steering' of tertiary education in New Zealand since 2000 and noted that, despite the law, the latest strategic document on tertiary education does not mention academic freedom (instead it focuses on tertiary education as a means to strengthen the economy and job market). Grey noted that as a result of the strategic steering, all post-secondary institutions must go through an evaluation process every 6 years (which involves counting and measuring things such as publications, student retention, graduate student success, etc.). Grey further described how all institutions are then ranked against each other and also scored on how many students get jobs in their field and how well they do economically post-graduation. Grey noted that this has had a major impact on academic freedom and the ability of academic staff to act and criticize. She stated that she has had colleagues who lost their academic positions because they did not meet set performance standards. She also noted that other colleagues are changing how/where they publish so they can meet research standards. Grey noted that a major danger of performance-based measurements is that it pits academic staff members against each other and destroys the potential for the formation of collective voice and action. She further stated that it destroys trust, encourages 'bean counting' and creates a culture of paranoia. Grey concluded by reasserting that academic unions must empower members to see their strength and to push back against performance-based measures.

Panel Session 4:

The Delicate Balance Between Respectful Workplace and Academic Freedom

Michelle Moody-Adams (Columbia University)

Frank Furedi (University of Kent)

Moody-Adams noted that academic freedom requires experimentation and has the potential for contestation and conflict. Like freedom of speech, Moody-Adams described how academic freedom can be a catalyst for democratic views and values and it can protect modes of expression that conflict with democratic values. She further noted that academic freedom demands a measure of civility and modes of behaviour that tend to promote cooperation in the academic endeavour.

Moody-Adams noted that even within "affinity groups", people may disagree about what constitutes 'actionable' discrimination and oppression. She also discussed that campus staff for whom *in loco parentis* "survives" may fail to ask whether we can combine concern for student interests with respect for academic values. Moody-Adams discussed costs born by students, including the danger of being infantilized and conflation of micro-aggressions. Moody-Adams also noted costs related to the suppression of constructive discussion in ways that narrow scholarly 'horizons' and limit student thinking (she noted law professors not teaching students about rape cases and human rights programs shielding students from reading about severe human rights issues). Moody-Adams discussed how this represents a cost to academic life in a broad sense. She concluded by stating that we need to continue to seek a healthier balance between civility and contestation.

Furedi stated that academic freedom has been de facto redefined over the past number of years. He noted that it is a foundation value on which every other value in academic life rests. Furedi argued that it is not something to be modified, changed or re-shaped for any reason. Furedi discussed how the politics of fear in academic institutions is being used to trade-off rights of academic freedom (he noted that it is analogous to Bush's arguments that we need to give up some freedoms to enhance national security).

Furedi referred to a case at Durham University (2004) in which all faculty members were given a memo stating that they had to get ethics approval before teaching a class on a sensitive topic (for example abortion or suicide). Furedi noted that what disturbed him the most was not the form, but the fact that none of his colleagues did or said anything about the memo and its intent and ultimate effect on academic freedom.

Furedi also discussed the concept of *loco parentis* (the legal responsibility of a person or organization to take on some of the functions and responsibilities of a parent) and academic institutions. He noted that the concept of vulnerable students has inflated to the point where students are regarded as delicate beings that will potentially suffer by entering a post-secondary institution. He noted that the 'safe campus' culture has exploded, with an array of potential 'harms' to students that requires institutions to trade-off with academic freedom rights. Furedi discussed how academic freedom is not referenced in the core values of most universities and stated that values have shifted as a result of creating secure and safe environments. Furedi concluded by stating that universities need to move away from the idea that there is a trade-off between academic freedom and security/safety. Furedi warned that if not, the respect for academic freedom and the work of academic staff members will continue to erode.

Panel Session 5:

De-Professionalization and Academic Freedom: The Changing Face of Academic Labour

Sarika Bose (University of British Columbia)

Gary Rhoades (University of Arizona)

Bose discussed the commodification of education, with education as a product that is subject to the same economic forces and standards as an apple. She noted that we have consumers and producers on campuses. Bose stated that this has been resulting in the mechanizing of professional standards, which is leading to de-professionalization of academic institutions. She further noted that course evaluations are helping to drive this shift.

Bose noted that contract faculty are viewed and treated as amateurs. She stated that they are often hired at the last minute, and further noted that while a graduate degree is required for hiring, these contract faculty members don't have the opportunity to use the breadth of knowledge and expertise they possess. Bose described how contract faculty are often assigned courses outside of their areas of speciality which requires re-training. She also noted that contract faculty are either denied service opportunities or provide service (for example student advising) that is not recognized. Bose further noted that contract faculty are often denied access to office space, supplies, and administrative support, are provided with temporary access to services such as parking, library access and email, and are denied access to departmental meetings.

Bose discussed student evaluations and contract faculty, and noted that they often have issues and concerns with the evaluations but lack the power and/or confidence to take action. Bose stated that course evaluations (i.e. customer satisfaction) can make the difference in whether or not a contract faculty member gets rehired. She noted that contract faculty must try to balance meeting the department's needs for the course with designing a course for students that is 'edgy' but not too hard (in order to get those good course evaluations needed for rehiring). Bose concluded by stating that contract faculty cannot challenge the institution – they don't feel like they can make a difference and are fearful of participating in any meaningful action or demonstrations.

Rhoades stated that academic freedom is like a muscle – if it isn't exercised it atrophies. He noted that few individuals have academic freedom and, unfortunately, not all those who have it use it. Rhoades

equated this to internal complicity, in that faculty are contributing to the decline in academic freedom rights.

Rhoades also noted that what is being done to young faculty members is leading to the erosion of academic freedom. He discussed how there is a shift from ensuring liberty to increasing productivity and young faculty members are faced with high standards for tenure. Rhoades stated that in many cases the standards for tenure today may be higher than in the past. As a result, Rhoades noted that there is restriction for young faculty when it comes to research and academic freedom.

Rhoades discussed the restructuring of the professional workforce in higher education with the shift towards contractual and contingent hiring. He also noted the surge in post-doc positions, resulting in extended periods of contingent conditions of semi-permanent 'purgatory'. Rhoades described how the growth in employment in post secondary education today mainly in the student services and assessment areas. He noted that in public research universities, the average number of managers and non-academic professionals per 1000 students is greater than the average number of faculty. Rhoades attributed this to the shift towards measurement and assessment that drives today's academic institutions. Rhoades described how this results in a culture of frenzy and fatigue with constant productivity and the fear of not being renewed or punished if 'not productive'. Rhoades described how 'non-renewed' has become the new 'you're fired'.

Rhoades concluded by discussing how language (not only in academic freedom clauses but also in appointment/renewal clauses) in contingent faculty contracts is very important.