

NY Committee A on Academic Freedom and Tenure  
NY Conference, AAUP  
Spring Meeting, April 17, 2009

Report by Irwin Yellowitz, Chairman

1. Agreement with National Committee A

Our long standing problems of communication with National Committee A are well-known to the leaders of the NY Conference. I am happy to report that we have made major strides to reverse this situation.

Following the Fall 2008 meeting of the NY Conference, I asked for a meeting of the three representatives from NY to the AAUP National Council and myself with Greg Scholtz, who recently took over direction of National Committee A. I thank Lenore Beaky for arranging this meeting. On November 20, 2008, Lenore, Pat Bentley, Ellen Schrecker and I met with Greg and Bob Kreiser, a long time staff member of National Committee A. It was a highly productive meeting.

We agreed that National Committee A will keep NY Committee A informed of what is happening with a complaint or a case from New York. This already is happening. It is a major change from the past, and I congratulate Greg Scholtz, and the staff of National Committee A, for taking a major step to improve communication with the NY Conference.

We also agreed that if there is an investigation in New York, National Committee A will consult with the President of the NY Conference and the Chair of NY Committee A. This would include sharing the draft of an investigating committee report, in confidence, with the President of the NY Conference and the Chair of NY Committee A. This has not been done in the past, and has created hard feelings. Although there has been no occasion to put this into practice as yet, we look forward to better relations on this troublesome issue.

In addition, if National Committee A does not open a case, it may still refer the complaint to NY Committee A for follow up. The faculty member involved may still need advice, and we can provide that.

I made clear that in a complaint that comes to NY Committee A first, we would consult with National Committee A before taking an action, such as a letter to the administration, which may influence the matter should it later come to them. As in the past, we will refer cases that need the influence of National Committee A, including the possibility of an investigation, to them with our recommendation. National Committee A makes the final decision on the recommendation after discussion with us.

I look forward to continued cooperation with National Committee A in all these areas, which will maximize our resources to serve the cause of academic freedom.

## 2. Academic Freedom Survey

We have done surveys of academic freedom in NY twice by asking our chapter chairs to respond in a simple four question format. I thought it would be useful to expand our base of inquiry by asking all members of the NY Conference to comment on these questions. I thank Tom Policano for getting National AAUP to send an e-mail message about this to all New York members on the AAUP list. A similar request appeared in the Winter 2009 issue of New York Academe. Thanks to Jeff Kraus for making sure this item appeared in a timely way.

We received 88 responses covering the academic years 2007-08 and 2008-09, although a few respondents wrote about events further back in time. Most faculty identified themselves and their institutions. A small number took advantage of the opportunity for anonymity that we provided.

There were 36 violations of academic freedom reported. The issues included governance problems; disputes over instruction, including the choice of course materials and grading; and denial of tenure or reappointment. Of these 36 reported violations, 12 were brought to the attention of the local AAUP chapter; 7 respondents contacted National Committee A, and 1 faculty member came to NY Committee A. The great majority of complainants handled the problems on a personal basis. Thus the survey answered a persistent question: are there more violations of academic freedom in New York than is apparent from referrals to NY or National Committee A, or reports by local chapters? Clearly the answer is yes since a large majority of respondents did not report their difficulty to any AAUP body.

We have to continue to publicize the availability of AAUP as a resource for academic freedom issues. However, ultimately the faculty member must make the decision of whether to turn to AAUP for help.

## 3. Academic Freedom and AAUP: Statement on NY Conference web site

There is a voluminous literature on academic freedom. However, I believe that a short introductory type of statement that could be read quickly, but which still had enough substance to be informative and realistic, would be of value for AAUP members in NY. I came upon such a document, prepared for the City University of New York University Faculty Senate by Lenore Beaky, Vice-Chair of the CUNY Faculty Senate, and Stephen Leberstein, chairman of the Academic Freedom Committee of the Professional Staff Congress – the union for CUNY. The chairman of the CUNY Faculty Senate, Manfred Philipp, was good enough to give me permission to use their document, and I thank him for this. I then revised the document to meet the needs of a larger audience, and added some material of my own. I thank Lenore Beaky and Steve Leberstein for agreeing to consult on my revision. It was then circulated to the members

of NY Committee A, who made additional changes. The final version, approved by NY Committee A as their document, has been placed on the NY Conference web site. I also have sent a copy to Greg Scholtz, director of National Committee A. I invite the leadership of the NY Conference to read the statement on our web site, and I welcome any comments you may have as to substance and style, but also as to how we might use this document most effectively. Hopefully the finished product meets the objective of providing a short, yet complete, survey of academic freedom and the crucial role of AAUP.

#### 4. Complaints Received by NY Committee A

Within the last year, NY Committee A has received reports of four violations of academic freedom. In one, National Committee A was already dealing with the complaint, and NY Committee A does not intervene when an issue is before National Committee A. A second complaint had been handled by the AAUP chapter, and again NY Committee A does not intervene when a local chapter has taken action. In the third complaint, the local chapter is handling the issue, and so again there is no need for NY Committee A to intervene unless the chapter requests our advice or support. The last reported violation is now being considered by NY Committee A. In all reports to us, we stand ready to talk with the complainant, and offer advice from the perspective of distance and experience. Any discussion with the complainant is done with the full knowledge of the local chapter or National Committee A. If the complaint comes first to NY Committee A, we involve the local chapter, if one exists, and may ultimately consult with National Committee A, if necessary. In all cases, we avoid duplication of effort, which can confuse the matter to the detriment of the faculty member. AAUP should be one organization, with its constituent parts working for the same end, and NY Committee A operates on this principle.

I want to thank Tom Policano, our Executive Director, for his strong support of NY Committee A. I also want to thank the other members of NY Committee A: Martin Fried, Jane Koretz, Lionel Lewis and John Thomas for their continued service, and commitment to the cause of academic freedom.