

THE IOWA ACADEME

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Frank Thompson, Interim

Iowa AAUP Meeting to Focus on the Current Economic Crisis and Its Impact on Higher Education

Nibbled to Death By Corporatization

James G. Andrews, University of Iowa

This seems like an appropriate time to remind faculty and others interested in preserving the acknowledged high quality of US institutions of higher education, that these institutions continue to be seriously threatened by attempts to import the policies and practices of commercial, for-profit business enterprises into the academic environment (i.e., corporatization"). What evidence exists for these disturbing threats? To illustrate, consider in rough chronological order what has occurred recently here at The University of Iowa (UI).

One of the first signs of corporatization became evident in the 1970s after a prolonged period of decreasing financial support. In response, institutions sought to find new funding sources, and many concluded that one of their more attractive options was to more effectively market their considerable teaching and research capabilities to those external agencies who could be persuaded to purchase these services. This marketing response involved aggressively seeking externally funded research grants and contracts, offering for-profit but not for academic credit short courses, seminars and workshops to local business and governmental agencies, and replacing currently unpopular but academically essential courses and programs with trendy but non-essential courses and programs.

Unfortunately, however, the net result of this marketing response is to shift the burden of providing the funds to support institutions of higher education away from the free democratic society these institutions were established to serve, and instead to place that funding burden on the faculty who were hired to provide the educational opportunities of-

ferred by their institutions. The importance of this shift in funding responsibility is difficult to overestimate because, when coupled with consistent changes in the faculty reward system, it effectively changes the primary focus of faculty away from providing high quality educational opportunities through a balanced allocation of effort in teaching, research and service, and instead coerces them to concentrate their efforts on institutional fund-raising. This unfortunate shifting of the funding responsibility is arguably the main source of problems in higher education today, and these problems are likely to persist as long as faculty are expected to function primarily as institutional fund-raisers

The first instance of corporatization at UI occurred in the 1990s when major changes in the US health care delivery system persuaded the Iowa Board of Regents to allow any UI college wishing to do so to establish non-tenured, full-time, renewable term "clinical-track" faculty specialist positions. These contingent professorial positions were proposed because recurring funds for tenure-track positions were not available, and they were initially limited in number to no more than 20% of

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Meeting of the Iowa Conference of the AAUP

Saturday, April 18, 2009

University of Northern Iowa, Curris Business Building

8:30-9:00	Registration (free of charge) and Complementary Refreshments (coffee and pastries)
9:00-9:15	Welcome and Introduction Frank Thompson, President, Iowa AAUP Conference
9:30	Tutorial: How to Access and Evaluate Financial Information on Colleges and Universities Using Guidestar, Budget Books, and Audited Financial Statements
10:15	Break
10:30	Panel Discussion on the Tutorial and Exchange of Ideas on the Use of Financial Information
11:30	Iowa Conference Business Meeting
Noon	Adjournment

Announcement:

The Iowa Conference Executive Committee unanimously endorsed financial stipends up to \$700 per Iowa participant to attend the Summer Institute at Macalester this July. The Summer Institute is scheduled for Macalester College in St. Paul, MN, on July 23-26. At stipends of \$700, the treasury will seek to support at least six Iowa AAUP members attending the institute. This amount should cover almost all of a participant's costs including transportation. Typical workshops at a summer institute include chapter development and recruitment, conference management, contract negotiations, communications and public relations, faculty handbooks, shared governance, and the work of Committee A on academic freedom and tenure. This year's institute includes a workshop on dealing with the current financial crisis and its impacts to higher education. To obtain a stipend contact either Frank Thompson or Warren Zemke.

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of the number of full-time-equivalent (FTE) tenure-track college faculty. The qualifications for appointment, reappointment and promotion, the position responsibilities, and the rewards were specified to depend only on contributions in teaching and clinical service. Participation in shared governance, peer review and due process protections was significantly limited, and research contributions were explicitly excluded from the required evidence of acceptable job qualifications and performance.

When the mandated five-year review of the clinical-track faculty policy was conducted, it was approved to continue in a modified form. The 20% restriction on the number of clinical-track faculty had not been enforced and was removed. Currently the number of clinical-track faculty in all five UI health science colleges exceeds 50% of the college's tenure-track faculty. The modified policy retained the restriction on the number of clinical-track faculty eligible to serve in the Faculty Senate to no more than 20% of the college's FTE tenure-track faculty, and the Senate also reaffirmed by resolution that clinical-track faculty could not be required to demonstrate research contributions as part of acceptable job performance.

The second instance of corporatization involved the establishment of faculty salary incentive plans, on a pilot basis, in the basic science departments of the Carver College of Medicine (CCOM), and in the College of Pharmacy. These very similar plans provide a sliding scale of bonus payments to eligible faculty for obtaining competitive research grants and contracts from external funding agencies. Bonus amounts are determined by the extent to which external funds offset the faculty member's salary, and the lump sum bonuses are awarded in addition to and unrelated to yearly merit salary increases. These plans were implemented as an incentive to increase research productivity and the subsequent salary return for departmental uses. They significantly modified the faculty reward system to encourage faculty efforts in institutional fund-raising.

The third instance of corporatization at UI involved the extension, by up to two years, of the standard AAUP recommended six-year probationary period for all tenure-track faculty who are assigned significant clinical responsibilities. This general extension was approved while at the same time retaining the ad hoc one-year or shorter extensions granted to individual probationary faculty on a case-by-case basis in response to requests for maternity or parental leave, or to care for a sick relative. The rationale offered for extending the probationary period was that six years simply was not sufficient time for probationary faculty with significant clinical responsibilities to establish a record of achievement in teaching, research and service sufficient to qualify them for a tenured faculty appointment. The proposed remedy for this acknowledged inconsistency was simply to extend the probationary period, and the obvious reason for choosing this remedy was that the alternative of appropriately limiting clinical responsibilities would decrease the clinical income these individuals would be able to generate. This two-year extension has subsequently been approved in both the CCOM and the College of Dentistry.

The fourth instance of corporatization at UI involved the routine separation of the salaries of CCOM faculty into the amount supported by recurring internal funds and the remaining and generally much larger amount provided by non-recurring external funds, with tenure protecting only the much smaller portion (e.g., 20 to 30%). Unfortunately, this practice is pervasive in medical schools across the country, and precipitated two 1999 statements adopted by the AAUP ("Tenure in the Medical School" and "Academic Freedom in the Medical School") questioning this practice as inconsistent with tenured faculty appointments providing levels of compensation and benefits needed to attract, reward and retain persons of ability to the academic profession. Nevertheless, this ill-advised practice persists, and it appears likely, from the Minutes of the CCOM's Medical Council, that CCOM administrators intend to make this "salary associated with tenure" arrangement explicit in its future letters offering tenure-track faculty appointments.

The fifth instance of corporatization at UI involved the Regents recent encouragement of future offers from commercial business enterprises to donate large sums of money in exchange for the right to add the organization's name to the descriptive name of the academic unit (e.g., Wellmark's offer of \$15M in exchange for the right to name the UI College of Public Health the "UI Wellmark College of Public Health"). In this instance, the Regents considered an internally proposed amendment to current policy, and

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Need Help?

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Send letters/submissions to

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The Beginning and End of My Tenure at UD

Dr. Paul F. Jeffries, Ripon College, Department of Philosophy

When I came to the University of Dubuque in 2001, I thought I had found my academic home for life. Unfortunately, I went from being granted tenure in May of 2005 to being without an academic position by August that same year. My attempt to defend my tenure status led to a civil suit against the University that lasted almost two years. In the end, my case was resolved when the University made an “Offer to Confess Judgment” just days before the trial, which I decided to accept for three reasons: the court would actually render a judgment against the University that could not be appealed; I could avoid having my former colleagues testify against their employer; and I would be free to talk about the case in ways that likely would have been precluded by a negotiated settlement.

Several issues were at the core of my dispute with UD, but this article will focus on tenure issues. Examining how one particular academic institution understands the granting of tenure will show the importance of AAUP’s efforts to defend tenure. The details of my case are too complicated to go into here, but a central concern revolved around when tenure actually “begins.”

During the 2004-2005 academic year, I went through the tenure process at UD, receiving strong support at every step. I was congratulated by the VPAA, Dr. John Stewart, as having “been granted tenure” the day of the Board vote in May. A letter from the Board Chair came the following week stating, “I am pleased to inform you that the Board of Trustees voted to grant you tenure to be effective fall 2005.” That same week Stewart asked me to participate in an ad hoc procedure related to a case of faculty misconduct because I was now a tenured member of the faculty. Clearly, I was being treated as if I “had tenure” in the eyes of the administration. Ironically, however, one of the “charges” brought against me by Stewart in a memo seeking to reverse my tenure status later that summer was that my “actions seem to be those of a college faculty member who believes that he already has tenure...,” as though this is problematic in and of itself.

In June of 2005 I emailed Stewart expressing a desire to discuss some concerns related to my first tenure contract (including the fact that the contract was not structured in the way I was told it would be). I was shocked that Stewart claimed my email was a “counter offer,” and he was initiating a process to withdraw that contract and have my tenure status revoked. Since the original contract was never withdrawn in writing as it stipulated it had to be, I went ahead and submitted a signed copy (on the advice of our HR Director), which I thought would guarantee my tenure. The University never acknowledged this signed contract.

In late July, Stewart told me that the Executive Committee of the Board was meeting to reconsider my tenure. I was told that I would not be informed of any charges being presented against me, nor could I provide a defense. I challenged the Board’s authority to revoke my tenure without just cause, as it violated the Faculty Handbook procedures, but the meeting was held anyway. The Board’s Executive Committee met in late July and passed a resolution that “denies the extension of tenure to Dr. Paul Jeffries and supports the revised recommendation of the President with respect to the contract status of Dr. Jeffries.” In early August I was called to meet with President Jeffrey Bullock and was presented a probationary tenure-track contract and told that I had only two days to sign it; if I did not sign it, I would no longer have a position at UD. Because I had a letter from the Board granting me tenure and a signed tenure contract, I refused to sign this new probationary contract and was subsequently ordered to vacate my office by mid-August.

Throughout these events and in the subsequent legal proceedings, UD embraced positions that raise important concerns about the nature of tenure. UD’s position was that the Board’s vote did not “grant tenure;” it merely authorized the administration to offer me a tenure contract. Their assertion was that I did not have tenure during the summer of 2005 because it didn’t go into effect until the fall, and so in the meantime they had the right to reconsider their vote and withdraw the offer of a tenure contract. This view is clearly problematic.

UD’s understanding of tenure raises at least three concerns. First, when does tenure “begin” and is tenure explicitly tied to a contract? It would seem logical that some kind of ontological tenure status is conferred by a vote of an institution’s governing board, even before a contract is signed and/or the period of the first tenure contract has commenced. At least one ruling in my case affirms this understanding. **Because UD challenged my right to claim unemployment compensation (arguing that I had “voluntarily quit” when I chose not to sign the probationary contract), my case was heard before an Iowa Workforce Development administrative law judge, who stated in his ruling (upheld on appeal), “The evidence clearly indicates that the employer awarded tenure and then refused to honor the award” (Appeal # 05A-UI-09445-JT, p. 6).**

More importantly, according to AAUP’s Interpretive Comment 7 on the 1940 Statement of Principles on Academic Freedom and Tenure, “If the [tenure] decision is affirmative, the provisions in the 1940 *Statement* with respect to the termination of service of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.” Again, this suggests that tenure begins immediately after an affirmative vote by an institution’s governing board.

In UD’s case, however, President Jeffrey Bullock explained in his deposition that the “board doesn’t approve tenure. The board authorized the administration to enter into and prepare a tenure contract for Dr. Jeffries.” Moreover, Bullock further explained that my email “counter offer” enabled Stewart to recommend to the Board “the issuance of a counter to the counter in the form of a tenure track contract...” In my case, the mere desire to discuss my contract was used as evidence “that there may be serious difficulties working with Dr. Jeffries in the future,” according to Stewart’s July memo to the Board. Given UD’s position, a faculty member could not safely address any concern with one’s first tenure contract without placing one’s tenure at risk, putting newly tenured faculty in a very vulnerable position, possibly without their knowing of their risk.

Second, to what extent and by what procedures can tenure that has just been conferred be withdrawn or revoked before it is secured either by a signed contract or by the tenure term beginning? UD’s procedures seemed to be totally ad hoc and did not allow for any due process as outlined in the Faculty Handbook (nor did they include any faculty input).

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rejected the portion that explicitly discouraged the submission of such offers in the future. Their action establishes not only an Iowa but a national precedent since there appear to be few if any US higher education institutions that have ever accepted any such "naming rights" offers from commercial business enterprises.

In the aftermath of that decision, the UI, acting on a prior recommendation by a newly reactivated Honorary Degrees Committee composed entirely of faculty, decided to nevertheless award an honorary doctorate to long-time UI supporter and former Regent president, Marvin Pomerantz. Mr. Pomerantz had been active in soliciting Wellmark's naming offer, and in response to learning that the dean of the College of Public Health had supported the vote of his faculty to reject Wellmark's offer, he publicly called for the dean's dismissal. Such actions provide additional evidence that the search for external financial support remains a very high UI priority, and is supported by not only the administration and the governing board, but also and in this case perhaps inadvertently by the faculty.

The sixth and most recent instance of corporatization at UI involves the Faculty Senate's approval of establishing non-tenured, full-time, renewable term "research-track" faculty specialist positions in any UI college wishing to do so. Modeled after "clinical-track" faculty specialist positions, these contingent professorial positions were proposed because recurring internal funds were not available for tenure-track positions, and they are limited in number to no more than the lesser of eight positions or 10% of the number of FTE tenure-track collegiate faculty. The qualifications for appointment, reappointment and promotion, the position responsibilities, and the rewards are specified to depend primarily if not exclusively on contributions as independent research investigators. Participation in teaching and service activities is essentially limited to possible membership on master's thesis and doctoral dissertation committees, and service activities are essentially excluded from the required evidence for acceptable job performance. Participation in shared governance, peer review and due process protections is also significantly limited. The Senate's recommendation was subsequently approved by the UI administration and the Regents, and the CCOM has subsequently sought and received approval to establish, recruit and appoint research-track faculty.

All these instances of corporatization have been motivated by attempts to generate additional institutional income from external sources. Unfortunately, these attempts have all led to operational changes that have served to erode and subvert the core principles and practices that have made the US system of higher education the acknowledged world leader. In the process, the faculty reward system has been skewed to preferentially favor institutional fund-raising, and the path to faculty career success has become indistinguishable from that of a self-employed, small business, teaching and research entrepreneur.

Corporatization was initially encouraged and supported by governing boards and the administrators they appoint most likely because many if not most of these individuals are conditioned to employ a "business-like" market-oriented response to financial pressures. What has occurred recently, however, is a willingness on the part of a growing number of elected faculty representatives to abandon the academic profession's core principles and practices in the face of these administratively imposed pressures. Hence, if corporatization is to be effectively resisted at all, leadership in that effort will most likely have to come from professional faculty organizations such as the AAUP. Perhaps the seriousness of the problems associated with corporatization may finally motivate more faculty to join the AAUP, and to actively and effectively participate in preserving and strengthening our fragile higher education institutions. Current AAUP members need to actively and persistently encourage their faculty colleagues to make this professional commitment, not just in their own self-interest, but in the long-term best interests of their institutions and the free democratic society these institutions were established to serve.

SUMMER INSTITUTE WELL WORTH IT

By David Hagan, Wartburg College

Last summer, thanks to a generous grant from the Iowa chapter of the AAUP and with funds from the National AAUP office, I was able to participate in the AAUP's Summer Institute held at the University of Rhode Island, Kingston. Every summer the Institute brings together AAUP activists from around the country who share their ideas and techniques for promoting excellence in education by advancing the rights and interests of faculty, academic professionals and students. The AAUP recognizes that these are the parties that have the greatest interest in and need for solidarity in maintaining the freedoms of inquiry and expression we enjoy today.

The Summer Institute offers a great variety of workshops over a 3-day period. Last year, topics ranged from understanding the history of the AAUP, improving faculty-government relations, recognizing strengths and weaknesses in faculty handbooks, analyzing institutional budgets, organizing and managing public relations campaigns, strengthening faculty involvement in shared governance, as well as other topics of real, practical interest. The presentations and discussions were all terrific because they bring together people who are passionately interested in the welfare and status of our profession.

At the Institute, however, you not only meet and work with AAUP professional staff and active members from across the country; you get to hang out and relax with them, swap stories, and get to know who's who in the organization and who is doing what and where. This informal interaction was important to me because I got to meet activists who were only too happy share their drive to preserve what is best about higher education in our country. One of the highlights of the trip for me was talking with Cary Nelson, President of the AAUP, during the course of a boat trip to Newport and then later over dinner. Oh, yeah. The clam bake was awfully good, too. [Continued on page 5]

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The Beginning and End of My Tenure at UD [from page 4.]

Equally problematic was the fact that the Board never notified me in writing (or in any other way) that my tenure status was revoked, as required by the Faculty Handbook. UD believed that they were under no obligation to follow the procedures outlined in the Faculty Handbook for the revocation of tenure because, from their perspective, I never had tenure and therefore didn't have those rights.

Third, UD's implicit if not explicit position seemed to be that tenure is primarily a contractual feature that applies only during the period of the contract. They suggested that only a faculty member with a signed tenure contract was in fact "tenured," but only *during the period of the contract—the academic year*. They did not seem to believe that tenure was in force during non-contract periods (i.e., over the summer). Again, on this interpretation, faculty are vulnerable during non-contract periods, especially if contract discussions extend beyond expiration of their previous tenure contract. Moreover, this interpretation suggests that tenure protections would not need to be observed when dealing with faculty outside of their "tenured" contract period (i.e., every summer).

Because these issues were not brought to trial, it remains to be seen if UD's understanding of tenure and UD's actions in my case would stand up to a judicial challenge. But clearly their actions resulted in ending my tenure at UD. My experience has taught me to appreciate the importance of tenure and the AAUP's effort to explain and defend it. After my UD difficulties, I was very fortunate not only to find a new faculty position, but to find one at an institution—Ripon College—that deeply respects the process and nature of tenure. It is my hope that my former colleagues at UD may someday experience such a supportive academic community.

Submitted to *Iowa Academe* on March 20, 2009

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Editor's Note: UD was placed on the AAUP Censure List in 2002 due to their lack of adherence to AAUP principles with respect to academic freedom and tenure. UD continues to remain on the AAUP Censure List.

Summer Institute Well Worth It [from page 4]

At Wartburg College, where I am an assistant professor of French, the percentage of AAUP membership among the faculty is quite high. However, we are not constitutionally assured a strong voice on campus. This makes it very important that we make maximum use of our informal power by showing ourselves to be engaged and responsive to issues, especially those that relate to governance and the long-term health of our college. For this reason, I found the workshop on developing chapter strengths to be of great practical value. Participants learned how important it is for a chapter to be visibly active on issues that affect all faculty. We do this by making principled public statements on issues that affect members and non-members alike (legislative initiatives; changes in contract language); by publishing and comparing faculty salaries with those of peer institutions, by being a day-sponsor of a local NPR affiliate, by holding receptions to honor retiring faculty and good administrators, by hosting meetings or debates on topics attractive to all faculty (income tax deductions for academics; tenure vs. fixed-term contracts; merit pay vs. salary schedules) by meeting with political candidates, etc.. In short, my experiences at the Summer Institute taught me how important it is to avoid a simply adversarial mind-set when working with people who may disagree with our views and to remain oriented toward future collaboration. Maintaining chapter strength is really about keeping in mind the need to widen the circle, in knowing how to get others involved by asking them to use their expertise on behalf of all faculty, in emphasizing the positive, staying alert, knowing how to disagree with others, and offering a consistently reasonable voice on issues of importance to faculty.

If learning how to be more effective in serving the interests of your faculty appeals to you, do consider attending the next AAUP Summer Institute.

NOTE: The AAUP Summer Institute will be held the is year July 23-26, at Macalester College in St. Paul, Mn. and the Iowa AAUP Executive Board has approved funds to send Iowa AAUP members to this informative and helpful conference as part of the ongoing effort to increase AAUP member at Iowa Colleges and Universities.

Iowa Conference

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