

Notes for Speeches II

Knight Commission

Introduction

Intercollegiate athletics provide millions--athletes, undergraduates alumni, and general public--with great pleasure, the spectacle of extraordinary effort and physical grace, the excitement of an outcome in doubt, and a shared unifying experience.

At their worst, athletics seem to have lost their bearings and threaten to overwhelm the universities in whose name they were established.

The Commission's bedrock conviction is that university presidents are the key to successful reform. They must be in charge--and be understood to be in charge--on campuses, in conferences, and in the decision-making councils of the NCAA.

Key Recommendation: "one-plus-three" model

One: Presidential Control

Three: Directed toward academic integrity, financial integrity and accountability through certification

Problems

Educational and athletics leaders face the challenge of controlling costs, restraining recruiting, limiting time demands, and restoring credibility and dignity to the term "student-athlete".

It is easy to lose sight of the achievements of college sports and easier still to lose sight of why these games are played.

Games and sports are educational in the best sense of the world because they teach the participant and the observer new truths about testing oneself and others, about the enduring values of challenge and response, about teamwork, discipline, and perseverance.

They drive home a fundamental lesson: Goals worth achieving will be attained only through effort, hard work and sacrifice, and sometimes even these will not be enough to overcome the obstacles life places in our path.

Problems are most apparent within major athletics programs and are concentrated most strongly in those sports for which collegiate participation serves the talented few as an apprenticeship for professional careers.

The programs have shifted from providing an exciting avenue of expression and enjoyment for the athletes and their fans to maximizing the revenue and institutional prestige that can be generated by a handful of highly visible teams.

Within the last decade, big-time athletics programs have taken on all of the trappings of a major entertainment enterprise. In search for television revenues, traditional rivalries have been tossed aside in conference realignments, games have been rescheduled to satisfy broadcast preferences, the number of games has been multiplied, student-athletes have been put on the field at all hours of the day and night, and university administrators have fallen to quarrelling among themselves over the division of revenues from national broadcasting contracts.

But the promise of easy access to renown and revenue often represents fool's gold.

Recognition on the athletic field counts for little in the academic community.

Expenses are driven by the search for revenues.

Renown can be a two-edged sword if rule violations occur.

The fragile institution of the university often finds itself unable to stand up against the commitment, the energy, and the passion underlying modern intercollegiate athletics.

Little wonder that 75% of Americans believe that television dollars, not administrators, control college sports.

One-half of all Division I-A institutions were the object of sanctions of varying severity from the NCAA during the 1980s.

Focus On Students

Reforms must begin with a respect for the dignity of the young men and women who compete and the conviction that they occupy a legitimate place as students on our campuses.

However the existing approach of the NCAA mentions nothing about the student. Rather they are a series of rules concerning the student-athlete as an athlete.

Further, the administration of intercollegiate athletics is now so overburdened with legalism and detail that the NCAA Manual more nearly resembles the IRS Code than it does a guide to action.

It is time to get back to first principles. Intercollegiate athletics exist first and foremost for the student-athletes who participate!

The New Model: "One-Plus-Three"

Real problem is not curbing particular abuses. It is a more central need to have academic administrators define the terms under which athletics will be conducted. It is the fundamental issue of grounding the regulatory process in the primacy of academic values.

Hence we must reject the argument that we should drop the student-athlete concept and put athletes on the payroll, since such a scheme has nothing to do with education, the purpose for which colleges exist.

There must be a serious and persistent commitment to a fundamental concept: intercollegiate athletics must reflect the values of the university.

One: Presidents are accountable for the major elements in the university's life. Hence:

- 1) Trustees should explicitly endorse and reaffirm presidential authority in all matters of athletics governance.
- 2) Presidents should act on their obligation to control conferences.
- 3) Presidents should control the NCAA.
- 4) Presidents should control their institution's involvement with commercial television.

The Three:

Academic Integrity:

The first consideration must be academic integrity. The fundamental premise are that athletes are students as well.

- 1) The NCAA should strengthen initial eligibility requirements.
- 2) The letter of intent should serve the student as well as the athletics department.
- 3) Athletics scholarships should be offered for a five-year period.
- 4) Athletics eligibility should depend on progress toward a degree.
- 5) Graduation rates of athletes should be a criterion for NCAA certification.

Financial Integrity:

- 1) Athletics costs must be reduced
- 2) Athletics grants in aid should cover the full cost of attendance for the very needy.
- 3) The independence of athletics foundations and booster clubs must be curbed.
- 4) The NCAA formula for sharing television revenue from the tournaments must be reviewed by university presidents.
- 5) All athletics-related coaches' income should be reviewed and approved by the university.
- 6) Coaches should be offered long-term contracts.
- 7) Institutional support should be available for intercollegiate athletics.

Certification:

- 1) The NCAA should extend the certification process to all institutions granting athletics aid.
- 2) Universities should undertake comprehensive, annual policy audits of their athletics program.
- 3) The certification program should include the major themes put forth in the Knight Commission Report.

Fundamental Principles

1. The educational values, practices, and mission of the institution determine the standards by which intercollegiate athletics is conducted.
2. The responsibility and authority for the administration of the athletics

department, including all basic policies, personnel, and finances, are vested in the president.

3. The welfare, health and safety of student-athletes are primary concerns of athletics administration on campus.
 4. Every student-athlete will receive equitable and fair treatment.
 5. The admission of student-athletes will be based on their showing reasonable promise of being successful in a course of study leading to an academic degree--as determined by the admissions officials.
 6. Continuing eligibility will be based on students being able to demonstrate each term that they will graduate within five years of enrolling. Students who do not pass the test will not play.
 7. Student-athletes in each sport will be graduated in at least the same proportion as non-athletes who have spent comparable time as full-time students.
 8. All funds raised and spent in connection with intercollegiate athletics programs will be channeled through the institution's general financial structure.
 9. All athletics-related income from non-university sources for coaches and athletics administrators will be reviewed and approved by the university.
 10. Institutions will conduct annual academic and fiscal audits of athletics.
- Changes are clearly required in intercollegiate athletics.
Making these changes will require courage, determination, and perseverance on the part of all.

John Akers

The keys

National assessments
Accountability
Parental responsibility
Support for preschool children

Must go beyond piecemeal efforts that have left America woefully unprepared for challenges of 21st Century

Yet the reforms we urgently need are being delayed by entrenched bureaucracies intent on maintaining their power and by the passivity of parents.

Step 1: Assessments

We cannot measure our progress toward president's goal without rigorous self-examination.

Yet, with exception of two pilot programs, federal law prohibits voluntary state comparisons of test results.

Step 2: Accountability

We need to put tension into a system that has almost none by rewarding successful schools, helping others achieve success, and penalizing those not carrying the mail.

Good educators need to be put on a pedestal. Those willing to improve need to be helped. Bad ones need to be put on notice.

Step 3: Choice

Choice is not a self-contained educational policy. But, with better schools our driving priority, parents and students should be able to choose among schools and school systems.

Our schools should respect and stand for competition in the educational marketplace.

Step 4: Site-based management

We need to give teachers and principals more

leverage, more power, and more local control to run our schools.

When schools can devote more time pushing administrators, teachers, and students to raise expectations and achievement, and less time pushing paper, we will begin to see exciting breakthroughs.

Reforms like these cannot take root without support from the primary pillar of every child's education, both mothers and fathers.

Education must begin in the home, with the parents putting in time getting children ready to enter kindergarten, reading to them, listening to them, answer their questions, making sure they do their homework.

Finally we must remove obstacles that leave too many children entering kindergarten ill-nourished, ill-nurtured, and ill-prepared to learn.

1960s

GOP has found anew all-purpose enemy: the '60s. The basic idea is that in a mad, "permissive" decade the nation threw away its will, its discipline, its faith in the family and the military, in moral absolutes and rightful authority.

In Operation Desert Storm Americans were shown an admirable vision of themselves that obliterated the ghosts of the '60s, Vietnam and the doubts that followed.

Critics of America's elite universities dwell on the damage that politically correct professors, many of them '60s era survivors and to reverence for the Great Works.

Polls show that Americans agree with some of the GOPs historical analysis, a fact that Democrats ignore at their own peril.

The '60s are now just nostalgia, kitsch junk among the clutter in the nation's mental attic. America has matured, even become middle-aged.

Universities, self-contained communities congenial to the questioning of all authority, were natural incubators of Sixties radicalism and today are its last redoubt.

Americans have embraced, not repudiated, the '60s insistence on social tolerance and private freedoms.

Bok: The Internal Threats

Why do college presidents suffer through so many crises, go to so many breakfast meetings, force themselves to give so many speeches, ...and consider themselves lucky to serve as presidents?

Why do professors in research universities report that they enjoy their work more than members of almost any other occupation?

Why do college years evoke such energy and enthusiasm from undergraduates and linger so long in their memories?

Because no other institution offers such freedom to think and write as one chooses, to enjoy such a wealth of stimulating people and engrossing activities, to be creative and independent, yet have the satisfaction of serving others in important ways.

Yet, there are dangers that may prove especially to universities in the years ahead.

Education and research are the primary functions of a university and its principal contributions to society.

When universities act in ways inconsistent with the pursuit of education and research, they do not merely compromise their mission; they threaten reservoirs of confidence and trust on which their welfare ultimately depends.

Achieving the highest quality of education and research requires respect for several basic principles:

i) choose professors because of their ability as teachers and scholars...not for role models or diversity

ii) chose students based on their ability to learn

A genuine commitment to education and research also means that universities accept a common set of standards in evaluating the academic work of faculty and students.

New ideas must be tested, insofar as possible, by accepted standards of logic, internal consistency, clarity of expression, and correspondence to known facts.

Students and scholars must be able to do their work in an atmosphere of tolerance. Scholarship will flourish only if members of the academic community do their best to remain open to new or opposing ideas and to evaluate them on their merits.

The principal work of presidents, provosts, and deans is to maintain an environment that fosters learning and discovery.

This task demands a constant readiness to resist all pressures that threaten to undermine the tolerance and the commitment to high intellectual standards so essential to education and research.

Every compromise with the academic mission threatens, at least in some small degree, the integrity of the university, the commitment of faculty and students, and the confidence of the public.

The Politicized University

The first temptation is to embroil the university in political conflicts that divide, distract, and ultimately weaken the institution.

Now that universities have grown in influence, more and more organizations and groups are tempted to use them to achieve some purpose in the larger world.

In the past quarter century, attempts to use the university to achieve political ends have come increasingly not from government officials but from groups within the campus. Various groups have repeatedly urged universities to divest shares or boycott products.

It is important to note that universities are not very good at passing collective judgments on political issues in the outside world. Their decisions often reflect the strong convictions of strategically placed minorities--whether they be trustees or activist groups--rather than the informed judgment of the entire community.

If university officials tried to act consistently and fairly in taking sides in social controversies, they would have to spend an inordinate amount of time and

effort on the task.

Perhaps the greatest danger in exerting political pressure, however, is the risk of sacrificing academic independence.

Universities can hardly claim the right to be free from external pressure if they insist on launching campaigns to force outside organizations to behave as their students and faculties think best. Generations of effort to secure autonomy will have been placed in jeopardy.

As individuals we should all feel an obligation to speak and work for causes we believe in. But the university has a more limited role, since it is not an individual but an academic institution charged with the special mission of promoting education and research.

When we stray from our academic pursuits, however, and try to exert institutional pressure for political ends, we abandon our proper mission and take up tasks for which we are not well equipped.

Universities must resist deliberate, overt attempts to impose orthodoxy and suppress dissent.

In recent years the threat of orthodoxy has come primarily from within rather than outside the university. Angered by prejudice in the larger world, many students and faculty have been vocal in criticizing bigotry, opposing war, attacking discrimination and oppression, and urging that the curricula be opened to underrepresented authors and neglected points of view.

But zealous proponents have sometimes gone further to assemble a daunting list of ideas, words, and phrases-- some of them quite familiar and seemingly innocuous-- that one can utter only at the risk of being labeled racist, sexist, hegemonic, homophobic, patriarchal, gynophobic, ... or worse.

It is likewise doubtful, however, that the tactics of "political correctness" have cramped the thoughts of students any more than the orthodoxies of prior periods. On the contrary, conservative views are clearly more prominent on campus now than they were 20 years ago.

Political zealotry also carries a risk of undermining academic standards.

Left wing professors may trumpet an intent "to transform the hegemonic cultural forms of the wider society and the academy into a social movement of intellectuals intent on reclaiming and reconstructing democratic values."

Conservatives claim that "behind the transformations contemplated by the proponents of feminism, deconstruction, and the rest is a blueprint for a radical social transformation that would revolutionize every aspect of social and political life."

The media are quick to report these outbursts and to garnish them with accounts of the same oft-told episodes of intolerance and ideological warfare that have cropped up on various campuses.

The ultimate risk in these overheated struggles is that they will undermine confidence in the academic enterprise.

The only feasible defense is to have university leaders strong enough to make it clear that academic standards and intellectual freedom will be preserved despite the battles that periodically erupt on their campuses.

The Overextended University

There are lots of pressures for additional missions:

- i) The desire for further education and training at later stages in life
- ii) The global preeminence of America's universities
- iii) Increasing appetite for expert advice

Bok believes there will be multiplication of

- o development of educational institutions abroad
- o help for public schools
- o mounting interest in ecology
- o provision of legal services to poor
- o executive and continuing education
- o study abroad
- o urban problems

Yet this profusion of new opportunities raises genuine risks for the university. The most obvious is the possibility of diverting the energies of the faculty from more important educational programs and scholarly pursuits.

New opportunities can also burden the administration with the weight of supervising more and more activities.

In an overextended organization, the effort to maintain standards grows steadily more difficult...the attention span of top administrators is only so great.

Of course we cannot turn back the clock by restricting the university's activities only to the most traditional.

Can universities muster the self-discipline to avoid new service programs that are not uniquely suited to an academic institution?

Key tests:

- 1) New programs should have potential to achieve a special quality not attainable in another institutional setting.
- 2) Proposed initiative should have capacity to benefit the university by contributing in some important way to education and research.

Will universities summon the will to review existing programs and service activities and to abandon those that are not of high quality or no longer serve a pressing need? In hindsight successful efforts to trim unnecessary programs always seem worthwhile.

Must also exert control over outside activities of faculty.

Bok has come to view that deans should collect enough information that they will know about faculty's outside activities.

Finally, can universities develop new organizational forms that will allow students and faculty to render useful services on a controlled basis without unduly burdening the administration? Uses the model of the teaching hospitals as most appropriate.

Believes that we should form similar types of independent organizations to handle service activities...with own board and administrative staff that would negotiate with the faculties over the involvement of students and professors and the appointment of professional staff.

The Commercialized University

Efforts to turn university activities into money can easily distract the institution and cause it to sacrifice its most essential values.

A glaring example is big-time athletics.

Universities attract the loyalty of faculty and alumni and the respect of the public precisely because they act for

reasons other than money and will not compromise certain values simply to gain immediate monetary rewards.

He believes this is the most serious challenge.

Summary

We who preside over universities almost always turn to the external forces--financial, regulatory, demographic--that hamper our activities and limit our ambitions.

But perhaps our deepest, most vexing dilemmas may lie within our institutions.

All of these internal challenges force us to renew and redefine the values most essential to the academic enterprise and to the confidence of those on whom it depends.

Ironically, it is the very success, the visibility, the mounting influence of our universities that have brought about these pressures and made them so strong.

HTS: Academic Freedom

The relationship between the modern university and society is very complex and fragile because of the university's dual role as society's servant and as society's critic.

Society's support for this dual concept has been ultimately sustained by faith in rationalism, faith in knowledge and science, and the resulting notion of human progress. Perhaps one of the most distinctive ideas of Western civilization is that nature, by itself, cannot achieve its full potential. Rather what is needed is a mutually beneficial interaction among nature, science, and humankind. The university plays an increasingly central role in this process.

Society must continue to preserve the university's essential freedom to remain a critic of existing arrangements--whether in science or society. Our future depends even more on freedom preserved than on full funding retained.

We should not lose sight of the fact that at times academic freedom is threatened not only by forces external to the university, but by our colleagues among the students and faculty with little respect for views other than their own.

Distinctively American traditions in higher education

- 1) faculties and students are responsible to some external community, whether public or private
- 2) American higher education is decentralized and diverse
- 3) Educational and research programs of American colleges serve an unusually wide spectrum of society's needs for highly trained personnel and the knowledge underlying this training
- 4) American universities serve a dual role as both society's servant and society's critic
- 5) Emergence of the tradition of academic freedom during this century shifted power and independence from the central administration and external trustees to the faculty
- 6) America's colleges are extraordinarily accessible to the nation's pool of appropriately qualified and motivated students.

Openness in an Academic Community

The openness of heart and mind is an essential ingredient of university research and teaching programs and a prerequisite of our intellectual credibility.

Indeed, the primary role of the university should be to foster an environment of intellectually disciplined free inquiry and

exchange of ideas.

In this environment, each faculty member and student must act as trustee for the value of intellectual openness and the unimpeded exchange of ideas, disciplined only by that careful scrutiny necessary to ensure honesty, completeness, and the use of appropriately rigorous analysis.

Universities are frequently exhorted by various interest groups to take official positions on issues such as military research. Often the groups making such demands are perplexed by the resistance they meet, since they believe their particular perspective promotes the long-term best interest of the human community and, therefore, the university community as well.

The work of the academic community is undeniably related to and supported by a particular set of values, including the value of knowledge, the benefit of fair and open inquiry, the respect for other points of view, and the possibility of human progress.

We must, however, be extremely cautious to adding to this list.

Without a means of distinguishing ideas from ideologies, we may undermine the environment that supports our principal commitments and responsibilities. Returning to an earlier model of moral, political, and scientific orthodoxy would undercut academic freedom and open discourse, transforming the characteristic of higher education and impairing the university's capacity to serve society.

It seems ironic that so many different segments of the political spectrum, including both the left and the right, now want to constrain academic freedom and openness.

A university remains a creative part of society only as long as it remains an intellectually open community and not the ally of a particular point of view.

Tenure

Tenure is one of the chief means by which the academic freedom of individual faculty members, and more broadly, of the university itself is protected. Academic freedom, in turn, is thought to be the essential ingredient that enables a modern university to fulfill its function.

The public has never really understood or accepted the transformation of the modern university into an institution with a fundamental responsibility not only for training and research but for questioning all of society's current arrangements as well. In short, our concern is and ought to be whether the public understands the role and need for academic freedom itself.

Current notions of academic freedom and tenure arose in response to the new and expanded role of the modern university. If that role should again change significantly, academic freedom and tenure would have to be reevaluated.

From the beginning, the trustees, not the faculty, constituted the college or university in the eyes of the law.

As universities began to follow the German model in the late 19th century, the need for a setting congenial to inquiry and discovery--led them to the idea of academic freedom. This idea coincided with the establishment of public universities, which would take on an expanded set of functions and responsibilities.

Thus, at American universities, we have yet to celebrate the centennial of academic freedom and the particular institution that supports it, academic tenure. In the sweep of history these are very recent practices indeed.

The concept of academic freedom as a defining ingredient of the modern university reflects the profoundly changed function of universities during the past century...as the belief in the redemptive power of

intellectual discovery and insight, of reason and inquiry, began to replace the centuries-old trust in the redemptive power of religious faith. Universities came to be seen as providing the appropriate setting for such scientific as well as humanistic inquiry. Tenure was designed as the guarantor of academic freedom in that it allowed the objectivity and independence necessary to new understanding, which was itself necessary for human progress.

Should inquiry and change become less central to university-based education and scholarship and other values and objectives take priority, another transformation may be in order. Academic freedom may or may not be a critical component of such a future community.

The contemporary notion of academic freedom is inextricably linked to society's attitudes toward progress and to the role of universities and faculties within such a context.

Our first task as members of the higher education community is not periodic evaluation of tenured faculty members but an evaluation of the general teaching and research environment of the university. Not least among the internal pressures toward conformity, even toward a kind of orthodoxy, are the rapidly escalating demands of many students and faculty members that their institutions take official positions on various issues.

Sadly, faculties are often as guilty as the public in their intolerance for alternative ideas.

We must once again commit ourselves to attaining openness, objectivity, independence, and variety in the academic setting. If we should fail in this goal, academic freedom and tenure would simply become euphemisms for job security and the status quo instead of ensuring an independent group of scholar-teachers.

Academic freedom is, of course, never absolute. It is instead one of many values that must coexist in an increasingly complex world. Moreover, the phrase "academic freedom" suggests at once too much and too little. On the one hand, it proposed the possibility that teaching and research can be free of constraints. On the other hand, it fails to acknowledge that the ever-present limits on those activities that result from other values that we hold...restrictions of time and resources, professional ethics, establishment procedures and paradigms, the scientific method itself.

Is tenure simply an artifact of the rise of the new science in the 19th century and the consequent change in the role of the university? Will tenure become unnecessary if society finds alternatives to the scientific method or devises other institutions to share the current role of our universities? Clearly, there are already places where scholars without the full benefits of academic freedom and tenure are developing important new insights in many areas.

It is clear that society's continued commitment to progress, change, and the role of inquiry will determine both the future of tenure and the future of the university.

AAU-PC

Stan Katz

Emergence of new conservative groups aiming to attack campuses.

Changes since 1960s

- i) demographic change--brought new people into university...committed to cultural identity rather than assimilation
- ii) feminisms
- iii) curriculum (women's studies, afro studies)
- iv) failure to replace 40s, 50s concept of general education
- v) disappearance of liberalism as core of American life, general decline in faith about liberal values.

Components of PC attacks

- i) victim studies

- ii) commitment to traditional curriculum
- iii) affirmative action
- iv) philosophical absolutism--fear of relativism

Terribly important to begin to pound away on fundamental university values--to provide a rock upon which to base change.

Part of problem is that we are now enrolling groups with quite different values systems--inner city minority groups, etc--that make it far more difficult to deal with these issues.

Other side:

- i) PC is real--the left has a tendency toward intolerance
- ii) proponents of PC have a very strong ideological stance ...and also intolerance and regressive
- iii) the challenge is to keep the debate open
- iv) Have to face up to the fact that we have changed our campuses by making them more diverse..."preferential treatment"...rethink curriculum. Old paradigm of assimilation will not work any more. New people don't want to be melted down.
- v) need to redefine liberalism for 21st Century

Gray:

Problem is that universities are continually asked to do things which are not their first purpose. In particular, universities are asked to be ideal communities and ideal parents.

Concern that efforts of peace, compassion, the desire to build an ideal community have distracted us from the fundamental purpose of universities--we are a community of scholars, not an ideal community. We should encourage debate and disagreement.

Bok

Presidents are not perceived to be visible defenders of fundamental values against left and right. Much of concern about PC would be fluted if presidents would] take a more visible stand. Presidents have become negotiators, mediators, and administrators...not leaders.

Schmidt

Very few people are articulating vision of university. The university is NOT about utility, but about understanding. Further, we must never compromise freedom of expression and freedom of thought. Finally, we should only evaluate people according to academic merit...not other issues over which we have no competence.

Schmidt

The most serious problems of freedom of expression in our society today exist on our campuses. On many, freedom of thought is in danger from well-intentioned, but misguided efforts to give values of community and harmony a higher place in the university than freedom.

The public, the press, the courts, and even Congress are coming to comprehend the critical dimensions of the issue of freedom on campus, but still tend to regard the university as a place apart.

When it comes to issues of freedom in the university, many editorialists seem more inclined to the model of Mr. Chips than Oliver Wendell Holmes, indulging paternalistic views of universities as places where speech ought to be temperate and well-mannered rather than wide-open, uninhibited, and free.

Perhaps the most important lesson universities can teach their students is to think and search for truth in freedom. For most students, this lesson is not easy. They come to universities with little or no understanding of the theory and practice of freedom of thought.

Two disturbing tendencies:

- i) general anxiety in our society that is eroding our commitment to enduring principles in our national life...near miss with flag-burning as an example
- ii) uncertainty and confusion that current prevails in colleges about the fundamental principles and values on which the enterprise of higher education rests, or ought to rest.

Example include the exposure of the curriculum to the crudest pressures of the volatile politics of the campus, the willingness of universities to do practically anything anybody will pay for, the flabbiness of the traditions of liberal education, and big time athletics.

What is troubling is how little academic values and principles are pushing back against these pressures in our universities.

Universities have become saturated with politics, often of a fiercely partisan kind. Universities have indeed become the anvil on which young people and old beat out their resentments at the incompleteness of life. The economic and political insecurities of universities, from within and without, have produced a style of academic leadership that tends to be highly risk-averse, queasy about defending academic values, and inclined to negotiate and propitiate about almost anything.

Little resistance to growing pressure to suppress and to punish, rather than to answer, speech that offends notions of civility and community.

The campuses are heedless of the oldest lesson in the history of freedom of expression, which is that offensive, erroneous, and obnoxious speech is the price of freedom.

Vague and unpredictable possibilities of punishment for expression on campus not only fly in the face of the lessons of freedom, but are in addition antithetical to the idea of the university.

Why should freedom of thought be the essence of a university.

The aim of teaching and learning in the university is to light the search for knowledge with the spark of imagination, to liberate the mind from thinking that is inert, habitual, dulled by convention.

Because ideas to live, because imagination is the key to wisdom, Mill was surely right that if we suppress that which we are sure is error--even very offensive and dangerous error--we lose a benefit nearly as great as truly itself, namely, "the clearer perception and livelier impression of truth, produced by its collision with error."

Values of civility, mutual respect, and harmony are rightly prized within the university. BUT these values must be fostered by teaching and by example, and defended by expression. It is both futile to seek to advance them by suppression and an inversion of the values that underlie the academic mission. If fear, ignorance, and bigotry exist on our campuses, it is far better that they be exposed and answered than that they be bottled up.

Two examples of problems:

Problem of disruption of unpopular and controversial speakers:

Since the Vietnam war, universities have lived with the threat of disruption whenever anyone comes to campus with a controversial message.

And yet most universities do little to stop this. Free speech and unorthodox training are easily intimidated.

The university should virtually never bow to threats of disruption or even violence against an unpopular speaker. The university should not encourage or connive in a withdrawal of an invitation to an unpopular speaker.

The problem in the way that universities respond to lawless disruption or threats leveled against unpopular speakers is not so much the articulation of proper principles of academic freedom, but rather the vigor which which universities choose to defend their principles.

Second, and more vexing, concerns the use of university authority to

suppress freedom.

The chilling effects of vague powers to punish offensive speech are likely to be far more damaging to freedom of expression than the actual applications of such rules.

It is one thing to be offended by speech, it is another altogether to be directly threatened by words accompanied by menacing behavior.

This is why our legal tradition has recognized that to serve the interests of freedom as well as of order, threats should be punished, including what the courts have termed "fighting words": a face-to-face insult to a specific person that is so abrasive that it threatens and threatens to provoke a violent act.

But the line between threats and fighting words and offensive speech is difficult to determine...particularly by amateurs. Yet many universities have adopted rules which empower groups of faculty and students with roving commissions to punish offensive speech.

The chilling effects on speech of the vagueness and open-ended nature of these codes are compounded by their enforcement by students and faculty who are untutored in the most rudimentary lessons of the history of freedom, and who have in many cases acted and spoken in the belief that general offensiveness and breaches of civility by means of speech should be punished, even if freedom of expression on campus is the loser.

University officials who learn of speech on their campus that does demean or denigrate minorities should lead in the effort to respond to such cruel and callous slanders. But they should not forbid it. It does not follow that because the university is committed to nondiscrimination, it should suppress any speech that can plausibly be thought to be racist. What is racial prejudice, after all, but a particularly vicious form of ignorance and fear? It is precisely the function of free expression to dispel ignorance and fear with the light of truth. A university ought to be the last place where people are inhibited by fear of punishment from expressing ignorance or even hate, so long as others are left free to answer.

He has heard the argument that uninhibited freedom of speech was somehow more appropriate in the days when our universities were more homogenous, while current conditions of far greater racial, religious, and cultural diversity call for controls in the interest of harmony and community. It is precisely societies that are diverse, pluralistic, and contentious that most urgently need freedom of speech and freedom of religion.

Autonomy and the Ties That Bind

General Themes

The integrity and autonomy of the university supported by society are, of course, always dependent on the attitudes of that society toward the importance of protecting that autonomy and integrity.

Public institutions are increasingly affected by external influences, constraints, pressures, control.

Parochialism and demands for accountability are forces leading to increased state control and decreased autonomy.

Institutional autonomy is dependent on the attitudes of the public that it is being served.

Intellectual Autonomy

Not merely to accumulate and disseminate knowledge, but to assume an independent questioning and analytical stance toward popularly accepted judgments and values

Swimming against the stream should be their

best and truest form of exercise

Liberal Education

"A liberal education will not make life easier, but it will or should help to enrich and expand its possibilities...it will or should make intellectual integrity, respect for reasoned conclusions, and the willingness to make difficult decisions in the light of complex alternatives and relationships a goal and a responsibility that we refuse to evade." (Gray)

Intellectual change

The cumulative effect of a number of diverse lines of scholarly inquiry in this century has been to erode seriously the notion that there is any coherent core of unchallenged wisdom to which more modern learning can be attached as the spoke of a wheel to its hub.

To much of what most matters to use in modern thought challenges universal premises and subverts claims to authority. In composing a curriculum, we cannot deny the force of the theory of relativity, the uncertainty principle, psychoanalysis, cultural relativism and feminism, to cite only a few of the modes of thinking that have profoundly unsettled old assumptions about universality and authority...(Brooks)

It is the central business of universities to conduct precisely those endless forms of testing, refining, and reformulating human knowledge that all too often become the subject of partisan attacks.

But we provide certain shields:

- i) tenure
- ii) admissions standards

Must be careful in accusing universities of failing to discover the "product" for which they have been socially chartered and supported: suitably imprinted college graduates with standardized values and useful skills.

Research universities are not merely educational establishments within the commonly used, narrow definition. They are also, even primarily, institutions for the advancement of knowledge.

No small part of the remarkable success of American university-based research is due to the unwritten "social contract" that was drawn up with the larger society in the years after WWII. Its autonomy and "creative separateness" were, in effect, underwritten by a broad consensus that must have existed at that time.

The wide-ranging grant of autonomy is unquestionably the crucial return scientists and scholars receive under this social contract.

It is the state of all disinterested research scholarship to accept controversy and a lack of consensus not only as tolerable but as a normal state. We think of solutions to problems as generating not truths but a cascading selection of new problems.

It is the freedom in principle, obviously qualified by considerations of funding and institutional setting, to work on "discovered" as opposed to "presented" problems. This substantial degree of individualized control over the direction, scale, methodology, and pace of our investigations, is a defining characteristic

of the realm of basic research in universities.

Academic Freedom

There are three traditions--academic freedom, tenure, institutional autonomy--with roles so instrumental in the development of American higher education that it is not surprising to find them formalized as doctrine and comprising a central part of the rich legal history of higher education.

Allowing for some disparity between the law and actual practice, it is fair to suspect that a certain amount of mythology is attached to each tradition.

"Academic freedom is that aspect of intellectual liberty concerned with the peculiar institutional needs of the academic community. The claim that scholars are entitled to particular immunity from ideological coercion is premised on a conception of the university as a community of scholars engaged in the pursuit of knowledge, collectively and individually, both within the classroom and without, and on the pragmatic conviction that the invaluable service rendered by the university to society can be performed only in an atmosphere entirely free from administrative, political, or ecclesiastical constraints on thought and expression."

Academic freedom can be most directly traced to late 19th century German higher education traditions of *Lernfreiheit* (freedom to teach) and *Lehrfreiheit* (freedom to learn). Tenure is thought to be traceable to the AAUP efforts beginning in 1915.

Institutional autonomy finds its antecedents in the social organization of the Middle ages.

It is clear that each of these traditions reflects a common concern with possible intrusions by "outsiders" (e.g., politicians, bureaucrats, the church) into the internal and essentially academic affairs of colleges and their faculties.

Within certain limits, there may be said to be 2 worlds which often overlap, are in continual conflict with each other, and yet are highly interdependent:

- i) one the academic
- ii) the other, a melange composed of political, religious, governmental, economic, and general society interests.

Universities have endeavored to equate academic freedom and its attendant focus upon the classroom with "institutional autonomy", which effectively insulates virtually all decisions even remotely bearing upon the university's "educational mission".

As a general proposition, the government may concern itself with education policy, but not academic policy. This means that the government can prescribe the broad character of the curriculum for a particular institution, provide what general areas are to be emphasized or omitted. But it may not prescribe the more immediate details of course content, methods of presentation, research, and similar matters that involve questions of academic competence.

Government, through its legislative, executive, and judicial arms, has exceeded the appropriate level

of involvement in institutional matters. However universities have the ability--even the responsibility--to diminish government intrusiveness by developing internal mechanisms of accountability.

It is not only governmental authorities that are exerting influence on the academic establishments. The private sector is also exerting its influence through new research ties.

In a 1957 decision, the Supreme Court defined the 4 essential freedoms of a university:

- i) to determine who may teach
 - ii) to determine what may be taught
 - iii) to determine how it may be taught
 - iv) to determine who may be admitted to study
- "For society's good, political power must abstain from intrusion into this activity of freedom, except for reasons that are exigent and obviously compelling."

Governance

Because immediate and direct and partisan political control is inimical to character of university, legal responsibility has in nearly all cases been placed in a lay board of trustees or regents.

Although "public control" is one element of the publicness of the state university, it is only one element which, if divorced from others, is made relatively meaningless. For example, if all direct public support were withdrawn from the state university, it is difficult to see what essential distinction would remain between a public and private university, regardless of how the board of trustees was appointed.

Some political figures have yielded to the temptation to "run against" the university.

In some states there is even a question as to whether there will continue to be an identifiable institution with the distinctive characteristics of "the" state university--a "capstone" of the state's educational system. There is the possibility that functions, programs, responsibilities, will be so dispersed as to arrive at a "common level" among the various institutions in the state.

Can a state maintain an institution which is distinctive in terms of the mission of exemplifying the highest quality in advanced graduate and professional education, in research, in comprehensiveness in terms of student body, programs, and statewide responsibility? Will such a university have the necessary autonomy, integrity, freedom from political interference, and bureaucratic controls?

It should be noted that in every state in which a distinctive state university did not exist--it has been found necessary and desirable to create one.

In some states it may be that the centripetal forces of political and educational regionalism, the tempting but destructive urge to involve higher education in partisan politics, will prevail for a time.

If so, the quality of all higher education will suffer, and the distinctive and comprehensive role of the state university may be destroyed.

Even so, in the longer run it will again be found that it is bad politics as well as bad education to play partisan politics with higher education; freedom from centralized bureaucratic and political control is the essential ingredient of true efficiency in higher education; and that a truly comprehensive state university is an essential component of a public higher education system of high quality.

The state university as a traditional standard-setter is in a particularly vulnerable position. It may be attacked for being too elitist if it sets high admissions standards, or wasteful if it admits unqualified students.

It cannot begin to meet all the legitimate demands for the use of its unique resources. In making hard choices, it may create hostility and ill will.

Much of the concern over academic governance in higher ed can be broken down into two major components:

- i) origins and meaning of the "private" and "public" distinction among colleges
- ii) legitimacy of lay or non-resident trustee control versus faculty control.

Lay boards were actually European creations. Even in Europe, faculty-run universities were either a myth or a disaster.

"Left uncontrolled by external agencies, even academics tend to lose sight of the obligations held for them by the environing society". (Crowley).

The modern university is and should be influenced by a multiplicity of groups, formal and informal, both inside and outside.

Giamatti asserts that Yale must receive public financial support, particularly from the feds, if it is to survive. It must also serve the public interest by educating students for citizenship.

If the private institution must serve the public, Giamatti makes it clear that the public must not try to regulate or control the university nor influence it in less direct ways. The private university must responsibly resist the role of the federal government while accepting, of course, its money.

"Public Authority" and the Lay Board

A mixed entity of emperors and popes, ministers of education, grants committees....

However, everywhere, regardless of the origin of the system there has come to be a public authority.

The lay board has been the distinctive American device for "public" authority in connection with universities (although the device was used in 16th century Holland).

Beyond the lay board in the state universities are the state department of finance and the legislature and the governor with a tendency toward increasingly detailed review.

Through all of these devices, public influences have been asserted in university affairs.
The idea of a lay board is a uniquely American concept.

The boards traditionally have three roles:

- i) they appoint the university leadership
- ii) they buffer it from undue intrusion
- iii) they hold the university accountable to the needs of the public.

There seems to be misunderstanding about the nature and the role of the board. There seems to be a major difference in the role of public and private boards.

Every board

- i) needs to support and nurture the president
- ii) needs to encourage the president to be prudent, yet to undertake essential risks
- iii) needs to create the right incentives for proper leadership

Yet few public presidents, as compared with private, indicate that these functions occur.

Problem is that public boards tend to focus on narrow forms of accountability.

- i) Too much of the time they concentrate on administrative rather than policy issues
- ii) Boards should focus on strategic and assessment goals
- iii) Because there is not adequate trust in the board, presidents frequently direct them toward administrative trivia, an approach that over the long term, is always self-defeating.
- iv) Few boards spend any significant portion of their time on the urgent questions of educational policy.

Some UM history:

When UM was created as the "Catholepistern or university of Michigania" in 1817, it was run by faculty. In 1821, a board of trustees was appointed and presided over by the governor. In 1850, the constitution called for popular election of 8 Regents. Moreover, the Board was authorized to "have the general supervision of the university and the direction and control of all expenditures from university funds."

Constitutional autonomy

General Aspects

Constitutional status:

Practice of providing in state constitutions for vesting of exclusive management and control of the institution in the governing board, presumably to the exclusion of state executive and legislative officials
E.g., Michigan, Minnesota, California, Colorado,...

Statutory status:

Leaves the institution more open to intrusions by politicians
E.g., Alabama, Arizona, Missouri,...

Actually CS may not be the key. The public confidence in the university and the traditions of higher education in the state can frequently be more important than CS in securing autonomy.

A fundamental shift is taking place in public

attitudes toward higher education which are effecting both CS and SS institutions. The popular press has referred to the public frame of mind as the new populism. Whatever the level, a wholesale reevaluation is going on in peoples opinions about the value of higher education. Distinctions among different types of institutions are becoming blurred.

Only part of the shift is coming from taxpayers revolt or concerns about quality. More important are suspicions that not everyone benefits from colleges and that institutions engage in self-aggrandizement.

As one governor noted: "The most threatening general thing affecting higher education is the state of mind of the voters, the people. They are dissatisfied. Politicians will prey on their dissatisfactions."

Another noted: "Higher education is a good place to cut the budget these days. You don't get all the flak you might get elsewhere."

This has been aggravated by the tendency of some universities and their representatives to appear arrogant in their relations with the public and with state government.

The arrogance of a university is not related to CS. "Most great universities tend to be arrogant anyway, and CS does not affect the coefficient of arrogance".

"Autonomy for what and for whom."

In general, CS means that those matters clearly designated by the constitutions to be within the exclusive control of the university governing board are beyond the reach of the government. It also means that those powers clearly within the prerogatives of the legislature (e.g., the power to appropriate) or the executive (e.g., the governor's budget formulation and veto powers) are exercisable against even CS universities.

CS may simply provide institutions with stronger bargaining positions. The CS university may be able to fight somewhat longer before bowing to pressure. Compromise about lesser matters as a short-run tactic to retain the freedom to act on more major ones may preserve independence. But the danger lies in such acquiescing tactics becoming a long-term mode of operations so that subsequently a court may interpret past compliance as a legal abdication of institutional autonomy.

In the long run, institutional autonomy rests primarily on the amount of trust that exists between state government and institutions of higher education. That trust colors relationships between the two sectors so much that talk of the marginal effects of legal status pale into insignificance.

The power of the university to protect itself and the academic values it is assumed to have from political and bureaucratic interference rests primarily on public trust and confidence.

The real value of CS may lie in the role it plays in giving

the university time to reestablish public confidence
in its substantive value to the state.

Michigan's Status

Each state constitution has reaffirmed the autonomy
of the Regents, and this has been upheld by the courts.

Hence, created by the constitution, the Board was as firmly founded
as the legislature, governor, judiciary, and was equal in its power
over its designated field of state endeavor. It was a coordinate
branch of state government, and unique among state universities.

This was reaffirmed by the courts several times, notably in 1896
when it ruled:

- i) Regents and legislature derive their powers from the same
supreme authority, the constitution, and therefore neither can
encroach on the other
- ii) power of Board are defined by the constitution, whereas those
of every other corporation provided for in constitution are said
to be such as legislature shall give.
- iii) Power of general supervision given Board is sufficient for
their authority and excludes any subsequent directions for
running the University from the legislature.

This was reaffirmed in 1908 and 1963.

The constitution directed the Board to elect a president of
the University who should preside, without vote, at all
their meetings. Since he was obviously the executive
officer of the University, the Regents were slyly relieved
of administration; they needed only to determine policy.

And, once again, it is our constitutional status which,
in the end, protects us from the slings and arrows of
outrageous fortune in Lansing -- or better put,
opportunistic legislators.

How do we maintain our valuable autonomy when
the purse strings are held ever more tightly by
state and federal government?

Critical to preserve our freedom to serve as a critic of society...
this is more important than full funding

"Constitutional" universities held by the courts to have
equal legal autonomy with the legislative and judicial
branches of government face the problem of the balance
between wise and necessary cooperation in planning
and coordination, and legal resistance to gross erosion
of their cherished and hard-won status.

An Historical Perspective

"By 1851 the University had experienced all the troubles
that were to occur again and again, until it seems as though
they must be endogenous to the nature of a university:

- i) political meddling by the state legislature
- ii) financial squeezing until a crisis is reached
- iii) intrusion of the Board of Regents into educational
operations that are of faculty concern
- iv) factionalism among the faculty
- v) rowdy or lawless student behavior outside of class
- vi) irritations between town and gown

Almost nothing new can be added to this list of recurrent
maladies since that time; neither have permanent solutions
been found. (H. H. Peckham, The Making of UM...)