

**PC Notes**  
**HTS**

Politics

Federal government has become our vehicle for achieving new social aims. But we did not decide who would provide the tax revenues. If economic growth did not take care of this, we ran into problems (inflation).

Now have a long process of special interest groups asking federal government to protect (guarantee) their economic interests. We have become an economy of innumerable bargaining blocks, each one of which, no matter how small, has learned to use our system to promote its own interests.

The persistent inflation of the last decade is largely a symptom of our political failure to agree on how to allocate our national resources.

Underlying conflict is caused by claims of different groups in society to what they believe to be their fair share of the national income. Unfortunately, when we add up all these "fair shares", they much more than exhaust the total available.

US has always been subject to social change and its attendant tensions. Until our time, we seem to have managed these changes relatively well.

However as the pace of change has accelerated and become less predictable, the potential for conflict among various groups in society has increased, taxing both the capacities of our institutions to reconcile competing interests and the willingness of special interest groups to accept any compromise.

In the last decade, the power and influence of many of our society's major integrative institutions have declined. This process parallels a diminishing faith in traditional values and the associated weakening of all kinds of authority.

What has emerged in their place are a fragmented social dictatorship exercised by special interest groups and an uneasy moral relativism.

Racism

Racism, along with a heritage of slavery, has created the framework within which the Afro-American culture, a distinctly American phenomenon, has been forged. Thus, for a variety of complex reasons, current and historical social arrangements have resulted in an immigrant experience for Blacks that differs importantly from that of other ethnic groups.

We seem to have reached the point where charging an individual or group with racism too often substitutes for thoughtful and progressive action on all parts. In such cases, the rhetoric itself may inhibit action, obstructing thoughtful discussion and progress on pressing social issues.

Similarly, little has been gained by attributing to "institutional racism" all the remaining undesirable outcomes not ascribed to "personal racism".

In public debate, defining a person, group, institution, or issue as "racist" may give rise to passion and guilt, but it seldom elicits a commitment to change, and it is a changed world that we need.

Unfortunately, the contemporary rhetoric of racism often casts both Blacks and whites as victims and thus leads to a community-wide paralysis of will.

Although accommodation and assimilation of different cultures has been a hallmark of American history, I believe that the uniqueness of the Black experience in America may call for certain strategies and objectives that were not considered or desired by other ethnic communities in America.

We must not ignore or wish away the long established of most human

communities to gather together in discrete groups. Ethnocentrism has always been a part of human societies. However, it is also the case that these self-nourishing communities often exhibit an astonishing frightening, and outrageous capacity for cruelty toward those perceived as outsiders.

One of the most redeeming aspects of our society's liberal institutions is their basis in the idea that different groups should be able to get along together (i.e., have common access to procedural justice) without completely agreeing on what is good, just, and worth.

Moreover, pluralism, the companion idea of our liberal institutions, is based on the notion that different races, cultures, or ethnicities can peacefully--even productively--coexist by celebrating their variation. Pluralism validates cultural diversity and requires that we mediate our cultural and other conflicts through various nondestructive mechanisms.

Pluralism may be one of the most daring experiments in human history.

The great calling of liberal societies is not to make one group from many, but to build from many varying cultural, racial, and ethnic groups a federation of diversity in which we share some key concepts.

Note that the opposite of pluralism, fundamentalism, proclaims the superiority of one particular culture, often citing a special source for its revelation.

History yields striking evidence of the social and cultural fragility of societies that are not bound together by a dominant religious goal, a particular political crusade, or a strong kinship tradition.

An important question for our future is whether the liberal institutions of our society can continue to alter social arrangements in a manner consistent with both individual freedoms and our need to develop the full potential of our cultural and social diversity.

Affirmative action, originally proposed as a temporary remedy, now seems likely to be with us for the indefinite future since fundamental inequalities have not diminished nearly as rapidly as we had thought they might.

Rather than focusing on needed changes in both the Black and white communities, we have too often expended energy denouncing one another's motives, values, decency, and humaneness. Our rhetoric has prevented us--Blacks and whites--from joining together and realistically assessing the problems before us.

The problems we confront are far deeper and more complex than can be explained by either a "lack of will" among Blacks or racism on the part of whites.

In a modern, culturally diverse, mobile society, government must play a crucial role in enabling all groups to work together and ensuring more equal opportunities for all. To achieve this end, it must mobilize resources and provide moral leadership.

### **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 enviroing society". (Crowley).

The modern univiersity 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, particualrly from the feds, if it is to survive. It mus also serve the public interest by educating studetns 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 univiersity 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, everywehre, 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 universitieis 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 Michigan" ¶ 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 tradition 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 affecting 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 people's 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...)