

ARBITRATOR'S DECISION: "SIGNIFICANT INFRINGEMENT" OF UW FACULTY MEMBER'S ACADEMIC FREEDOM

In August 2000, two grievances were filed against the University. In one grievance involving academic freedom at Waterloo, Prof. Stanley Lipshitz, of the Department of Applied Mathematics, protested the unilateral changing of final grades for an Advanced Calculus course that he taught in the Winter 2000 term. The grades submitted by Prof. Lipshitz, which subsequently appeared on the students' transcripts, were later changed by the then Dean of Mathematics, Alan George, without Prof. Lipshitz' authorization or knowledge. A separate Association

Grievance was subsequently filed by the FAUW on the grounds that the academic freedom clause of the Memorandum of Agreement had been violated. The grievances reached the arbitration stage in January of this year, and final arguments were presented by the two sides on January 22.

Roughly three weeks later, the parties received the
(Continued on page 3)

ACADEMIC FREEDOM: IDEAL AND REALITY

"A frame of mind that values passive (polite) agreement over intelligent dissent ill suits the needs of academic life, which should support an intellectual culture based on vigorous thinking and critical debate." Len Guelke explores the idea of academic freedom in its more traditional aspects, beginning on Page 4.

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ANNUAL GENERAL MEETING

2:30 p.m.
Wednesday, April 4
Physics 145

Refreshments

EDITORIAL

The arbitrator's report has raised a number of very serious concerns and will undoubtedly be the subject of much future discussion and debate. I encourage you to read John Wilson's message (Page 16) as well as, of course, the arbitrator's report itself.

There is another interesting development on the educational front. Prof. Henry Jacek, President of OCUFA, has launched an energetic campaign (including TV coverage) to argue that there will be a catastrophic shortage of university professors in the next few years. According to Jacek, who is calling for massive amounts of government spending, "We need 15,000 more professors in the system in order to address the looming issues of increased student demand, retirement of current faculty, and burgeoning faculty/student ratios." (OCUFA Media Release, 26 January 2001.) "The challenges facing Ontario universities include an enrollment forecast that calls for 90,000 students before the end of this decade...." (OCUFA Media Release, 15 February 2001).

I'll leave it for the reader to ponder the obvious question, "Do we really need so many more university graduates?" (Your opinions are most welcome!) Prof. Jacek's order for Ph.D.s is a very tall one indeed, given that only about 4,000 Ph.D. degrees have been granted in Canada annually over the past few years (AUCC data). In the U.S., the number of awarded degrees is roughly ten times higher (see article reprinted on Page 14). Clearly, we cannot expect to rely on existing channels of doctoral degree production. Somehow we would have to graduate a tremendously greater number of Ph.D.s over the next few years.

The natural question is "Can we do it?" Obviously, there are people, including Prof. Jacek and compatriots, who would answer with a resounding "Yes," along with the oft-repeated stipulation that governments pour copious amounts of money into the postsecondary system. That so many believe in the efficacy of an expanded postsecondary industry is not surprising. After all, the number of "Ontario Scholars" graduating from high schools (minimum 80% average on 6 OAC credits) has increased by orders of magnitude from the 1970s yet university administrators and faculty members alike have generally not complained about the quality of the incoming high school graduates. Universities have also consistently told government and society that they can pump out increasing numbers of students without compromising the quality of their undergraduate degrees. Remember the response of universities to the "IT crisis" of a couple of years ago?

So what is stopping us from doing the same with Ph.D. degrees? One obvious stumbling block is the enormous investment required for doctoral degrees in terms of time and money from all sides:

1. The time taken by students to complete the usual requirements including courses, comprehensive examinations and especially to produce a scholarly document – the thesis – that presents original results of independent

research.

2. The time (as well as money, in terms of grant support) required of the thesis research supervisor, due to the generally one-to-one interaction. There are far too few supervisors to go around for such an increased demand.

Prof. Jacek and compatriots should not despair, however, for a number of remedies have been suggested. For example, there is the viewpoint that the traditional research-centred doctoral thesis does not meet the needs of a significant fraction (at least 33% in the U.S.) of today's doctoral students who do not intend to become university professors. ("Survey Points to Mismatch in Doctoral Programs," *Chronicle of Higher Education*, 26 January 2001.) Some university administrators suggest the creation of different types of graduate degrees and programmes that do not focus so heavily on research. Such a philosophy can easily be moulded into Prof. Jacek's scheme since he is expressing the need for more *teaching* Ph.D.s, as opposed to *researching* Ph.D.s. What a perfect cue for the entrance of the educationist credo – that the most important aspect of teaching is *not* the subject matter but rather the way in which the subject is being taught.

And there's even more hope for Prof. Jacek's plan. Some have suggested that the traditional "mentor-student" approach is an outdated mechanism imported from an old German hierarchical system. They view it as increasingly problematic "insofar as interdisciplinary perspectives are growing in importance." (D. Damrosch. "Mentors and Tormentors in Doctoral Education," *Chronicle of Higher Education*, 17 November 2000.) The author of the article suggests that "collaborative skills" are also abilities that could be demonstrated by doctoral candidates in which case "a dissertation could be thought of as a connected series of essays, some written by the student alone, others in collaboration." Indeed, an institutional seal of approval could be put on this process by declaring that the doctoral thesis should demonstrate an ability to perform "scholarship" as opposed to "research".

If society buys Prof. Jacek's cry of "Wolf!" he may hear many more suggestions of how to expand the horizons of doctoral programmes ("interdisciplinizing" them?) as well as how to streamline them so that they require less time, less coursework and, above all, less thesis work. Universities have been consistently performing similar feats with their undergraduate programmes. The question is whether doctoral programmes are the next target and what the effects will be. For all we know, such schemes may already have been established in various doctoral programmes on university campuses. What do you think? *ERV*

ARBITRATOR'S DECISION *(continued from page 1)*

arbitrator's "award" in the form of a forty-six page document. The testimonies of witnesses as well as the arguments made by respective counsels are summarized in the first 33 pages. The remaining 13 pages of the document are devoted to the arbitrator's decision. In what follows, we summarize the case and the arbitrator's decision by quoting appropriate portions of the report.

The positions of the two sides in the dispute have been summarized by the arbitrator as follows:

(p. 4-5) The basic position taken by the Association is that the grading and assessment of students is an integral part of the profession of teaching, that it is an issue that is at the heart of academic freedom and, as such, is protected by the provisions of Article 6 [*of the Memorandum of Agreement - Ed.*]. The Association further asserted that the Dean lacked any jurisdiction or authority to change grades assigned by the instructor of a course within the established rules, policies and procedures of the University. The position of the University was that the concept of academic freedom as manifested and protected in Article 6 does not include any concept that it extends to assessment and grading of particular students in particular courses. The basic concept of the Article is that it is limited to restricting various forms of institutional censorship and any requirement of deference to prescribed doctrine and dogma. Issues of that nature are not raised by the factual circumstances of these grievances. In any event, and in the alternative, the University argued that on the facts of the case, the adjustment of the marks was an appropriate exercise of the role of the Dean as chief officer of the faculty.

In the "Decision" section, the arbitrator repeated an earlier statement that academic freedom, one of the central issues of this grievance, is anything but an exact science. In addition:

(p. 34) The same may be said with respect to the appropriate standards of collegial decision making and governance, and this whole case focuses on the divergent and conflicting views of the members of this academic community as to the merits of the Guidelines in question and as to the authority of a Dean. The evidence and materials filed on the hearing make it very clear that the concept of academic freedom in all its facets is a guiding principle behind every action and activity within this University and, indeed, within most such institutions in Canada and the United States. Attempts, however, to describe and define the concept of academic freedom have not resulted in

objective or precise definitions.

After a review of some decisions made in American courts, the arbitrator acknowledged that the current dispute focuses on "contractual interpretation and what was intended by the parties in the language that they have included in the Memorandum of Agreement." A few sentences later:

(p. 38) As is to be expected, the Association focuses on the individual's academic freedom; whereas, the University focuses on what reasonable restraints there may be on the individual's academic freedom with respect to the interests of the institution itself. It is apparent from a reading of the various materials that have been filed with me, and particularly from the American authorities referred to, that both concepts of academic freedom exist and they may come into conflict.

Although the University argued that the "contractual rights should be limited to the censorial aspects of academic freedom and the pursuit of knowledge" and that "the protection of the profession of teacher should not extend to the grading and assessment of students," the arbitrator then issues one of the most important statements in this section:

(p. 38-39) I consider the evidence to be overwhelming that the grading and assessment of students is and has always been considered an essential component of teaching and, in the context of the protection afforded to any individual professor, I am satisfied that the protection of academic freedom would extend to the grading and assessment component of the professor's teaching. However, and as envisaged by Article 6.4, the extent of that protection cannot infringe upon the academic freedom and rights of other members of the University community and to the extent that those rights may be in conflict with the individual professor's rights, a resolution must be sought within the policies and procedures of the University.

Later in the report, the arbitrator restates that conflicts within the university must be resolved on a basis of "due process, natural justice and collegial governance." However, he continues:

(p. 43) Regrettably, I do not believe that those principles were followed by the parties. The change in grades was implemented by the Dean and there can be no question on the evidence that this is a change that was made by the University and not by Professor Lipshitz.

In the final paragraph, the arbitrator states:

(p. 45) In the result, I have concluded that the change of grades by Dean George was a decision falling within his jurisdiction and authority as Dean of the Faculty within the provisions of the University's policies and procedures. However, such policies must be exercised by the Dean in a manner consistent with the academic freedom entitlements of other members of the Faculty and on the basis of consultation and due process. Where grades are changed in such a manner, it must be clear that those are not grades assigned by the Professor involved, but rather are grades assigned by the institution itself. Within the principles of academic freedom and absent extraordinary circumstances, the University cannot force a Professor to change the grades that had been assigned and to present them as that Professor's grades.

The arbitrator stressed the need to implement policies while respecting as much as possible the academic freedom of all other members of the University community. However:

(p. 45-46) As previously set out in the award, that was not achieved. In these circumstances, the process that was followed constituted a significant infringement of Professor Lipshitz's academic

freedom due to a deficient consultation process, and a failure to make clear that the final grades were being given by the University without Professor Lipshitz's concurrence. The Association is entitled to a declaration to that effect. With respect to the communication of the results of this Arbitration, I assume the contents of this award will become known to all members of the University community....

The arbitrator's report is available from the FAUW website <http://www.uwfacass.uwaterloo.ca>. Bound copies are also available from Pat Moore in the FAUW Office.

You are invited to submit opinions on the grievance cases and arbitrator's report for publication in the Forum. If a sufficient number of responses is received, the next issue of the Forum could be devoted to this topic. (Deadline for submissions to appear in the next issue: Friday, March 16.)

ACADEMIC FREEDOM: IDEAL AND REALITY

Len Guelke

Department of Geography

Chair, Academic Freedom and Tenure Committee

The arbitration hearing described in this issue of the Forum raises critical issues of what is meant by academic freedom. These issues will be the subject of a special future issue of the Forum. In this article I explore the idea of academic freedom in its more traditional aspects, without in any way seeking to undervalue the importance of the questions addressed in the arbitration hearing recently concluded. The views expressed here are mine alone.

An essential characteristic of the modern Canadian university is a commitment to the principle of academic freedom. Not only is this principle affirmed in a general way, it is also given additional legal support in the institution of tenure. The fundamental purpose of having tenure and academic freedom is to ensure that professors have the necessary institutional support to be independent in their roles as scholars, teachers and social critics. The university community in affirming academic

freedom affirms the importance of individual judgements and the right of dissent. In theory, all of us should be assured that our individual opinions and right of dissent will be respected and protected. When people who exercise these rights are not respected, have their arguments greeted in silence or have their persons discredited one does not have academic freedom. When people are afraid to act and speak independently and fail to affirm the rights of those who do one does not have academic freedom.

The point of affirming academic freedom is not to give individuals license to be disagreeable, although some people might become so, but to affirm a commitment to reason over authority. In the world of academia reason should be valued above all else, providing the basis of informed debate and discussion of all issues. This should not be a world where people meekly assent to conforming with the group, because they are unwilling to think for

themselves. Bertrand Russell made the point well: "Find more pleasure in intelligent dissent than in passive agreement, for, if you value intelligence as you should, the former implies a deeper agreement than the latter."

A frame of mind that values passive (polite) agreement over intelligent dissent ill suits the needs of academic life, which should support an intellectual culture based on vigorous thinking and critical debate. It is difficult to imagine that academics, whatever their role, would find pleasure in polite agreement where such agreement had no intellectual basis. This is not to say there are no benefits to having a well-governed, well-ordered society, but there are also drawbacks for the community that does not value dissenting opinions. In a university, in particular, damage is done to the vitality of academic life when independent people are seen as disruptive elements rather than as important contributors to a healthy and vibrant intellectual community.

The idea of academic freedom can be proclaimed, but not realized in situations where most people can be relied upon to practice self-restraint or self-censorship. In such cases academic freedom exists as a theoretical right that individuals are not meant to exercise. The few individuals who do not understand that academic freedom is just a theoretical right are seen as unreliable colleagues and oddballs for not understanding what everyone else gets, namely that, their freedom is in fact limited by unwritten conventions and implicit understandings whatever our policies might say.

Where academic freedom exists as a problematical right it does not exist at all. One of my former colleagues referred to UW as a "play university." This phrase was used to describe a situation in which the fundamentals of university life were not taken seriously. Academic freedom must be more than a slogan: it needs to be a living reality. In a situation in which people are really committed to conformity and group decision making, in which people find dissenting views and independent action unsettling and even heretical, in which people are driven to silence or shun dissenters, it would be better if they spoke up against the idea of academic freedom rather than affirming a principle they are in practice unwilling to support.

Where group values predominate over individual rights the independent thinker becomes a problem. Such a person is not entitled to think differently as an intellectual right and therefore cannot be respected as someone exercising a right of self expression. This person is seen as someone who rejects the wisdom of the group and must be discredited in the interests of community solidarity. The fundamental basis of freedom is lacking here, because independent thought is not considered an entitlement and consequently is not respected when the group finds it troubling.

My own experience at UW leads me to the view that the idea of academic freedom might have been planted in a culture that might be happier without it. We seem to have subscribed to it largely because that is what universities are supposed to do. There is precious little evidence that independent judgements, divergent opinions and vigorous debate are valued elements of our intellectual and academic life here. We all need to recognize that individuals are entitled to be independent, to think differently and to question authority, and that people who exercise these freedoms can do so as loyal members of the university community. Loyalty to ideals is every much as important as unquestioning loyalty to individuals or institutions.

Yet in Ontario and much of the rest of Canada notions of freedom run up against traditions of loyalty. British North America was founded by individuals who defined loyalty as allegiance to monarchy and the order and deference it symbolized. Their commitment was to 'peace, order and good government' not to the 'life, liberty and the pursuit of happiness' of the United States, and it would be difficult to find Canadians who would proclaim, as Voltaire did, "I disapprove of what you say, but I will defend to the death your right to say it." At UW and other Canadian universities we all have to confront a colonial historical legacy that needs to be overcome before academic freedom can truly become a vital force for individuality, creativity and justice.

The leaders of our institution have clearly felt more at home with colleagues who believe in 'the duty of loyalty', but such duty or deference does not necessarily serve the interests of the institution itself. In situations in which administrative leaders can depend on acquiescent and uncritical acceptance of their actions there are no checks on the adoption of weak decisions or indeed encouragement for those in authority to sharpen their minds. Well-grounded criticism and debate can prevent all of us from becoming complacent, smug and self-satisfied and help ensure that slogans are not substituted for genuine achievement. The fundamental loyalty an individual should have is not to specific individuals, but to the core values and integrity of the institution itself.

The UW professoriate has over the years mostly failed to take advantage of the academic freedom guaranteed it. Many individuals whose critical opinions might have made positive contributions to the institution have remained silent rather than give offence to those in authority and risk jeopardizing their futures. The general perception that there are penalties for speaking out has done much to undercut the very foundations of academic freedom. Our leaders could help change this perception by making it clear that academic freedom is affirmed, and that the individuals exercising such freedom will not only not be penalized, but will be considered valued and

loyal members of the university community.

I am, however, somewhat doubtful that there will be a major change in the attitude of our administrative leaders to the importance of academic freedom. The advantages of proclaiming an ideal that is not practiced has much to recommend it. One can at one and the same time insist that all are free to speak their minds, and then point to a general lack of critical opinion as an indication that all is well. The professoriate must accept some of the responsibility for this situation by not standing up for themselves and their colleagues. We have academic freedom and even if there are possible negative consequences for using it they are seldom of an employment threatening kind. We could all make a difference if we acted together in support of this

foundational value of academic life by actually using it more vigorously.

A passion for knowledge should be the essence of a university community, uniting research, teaching and learning in a climate of independence and freedom. Where such passion is lacking one might ask whether a university is worthy of its name. Universities need to reaffirm their core values by insisting on the distinctive contribution they make to society as institutions dedicated to learning and free inquiry.

The views expressed in this essay are those of the author alone.

ASYNCHRONOUS COMMUNICATION* (FORMERLY “LETTERS TO THE EDITOR”)



Readers of the January 2001 issue were treated to two dissertations lionizing private universities as the means to provide super-education to bright young Canadians, thus saving them from intellectual perdition.

It is preposterous to presume that government-supported (i.e., public) educational institutions are *a priori* inferior to their private counterparts. The University of Illinois, for instance, a state university, which enjoys the outstanding distinction of having had on its faculty a professor who won *two* Nobel prizes, has at least as high a reputation as leading American private universities whose educational regime seems to be a source of beatific admiration for the authors of the dissertations.

The statement that "...to those Canadians who are able and willing to learn in an exceptional institution, there is simply nothing available...." is untrue in the sense that while there is no *uniform* exceptional quality to any institution, there are exceptional programs within them. For instance, UW possesses an exceptional computer science, and an exceptional computer engineering program.

Judging by the three authors' affiliations, one can easily suspect that their opinions are based on narrow experience confined to their bailiwick. If there is nothing *exceptional* available, indeed, in Canada for history, political science and philosophy students, this state of affairs may induce chagrin in certain circles, but it does not validate a wide-brush puerile condemnation of publicly supported Canadian universities.

It could be argued, of course, that the Canadian educational system has a time-honoured penchant for extolling the virtues of excellence, but being quite comfortable with mediocrity. The essentially social-club nature of schools may well be responsible for producing too many socially well-adjusted and polite illiterati, but there is no evidence nor assurance that private universities would remedy this situation.

Tom Fahidy
Chemical Engineering

Patrick Grassick [*FAUW Forum*, January] views what he calls the "commercialization of universities" with alarm. It behooves us to have a look at his arguments.

Premise: The university has the important mission of "providing a place for disinterested scholarship and learning." Granted.

Unstated further premise: If universities are run by governments, that assures us that they will be disinterested. NOT granted.

Let us suppose that he who pays the piper calls the tune. And let us suppose that there is but one piper-hirer in all the land – one, moreover, who happens to make his living by separating everyone in the land from a considerable part of his or her living, like it or not. Why, now, should we imagine that this particular piper-hirer is going to be "disinterested"?

* *UW Gazette*, 31 January 2001, p. 3

One would think that in the case of a democratically elected piper-hirer, what we will have is far from disinterest: it will be, one supposes, the values of the unwashed majority, will it not? Or at least, why wouldn't it be?

Imagine on the contrary that universities were marching to the tunes of a great assortment of different piper-employers, each with their own views about what tunes to play. And of course the various pipers themselves then have their choice about whether to play for that particular employer or not. Why is Mr. Grassick so sure that this system will do worse for impartiality and disinterested scholarship?

Grassick says that "when research is privately funded, this creates pressure to suppress or discredit findings that may be not in the interests of the research sponsors." Now drop the word 'privately': why has anything changed? When all academics work for the same employer – the government – why wouldn't we expect them to march to the same political tune? Why on earth does he think that it is only private employers who would suppress unwelcome findings?

For example (my favorite one, but there are plenty), consider the deluge of environmental propaganda being fed to the public by government these days. Who would imagine that there is actually controversy about global warming, for example? But it's easy enough to see that if you want your research into such matters funded these days, what is wanted, thank you, is researching "showing" that there are lots of big problems that it takes Daddy government to solve; very unwelcome indeed is researching showing that the fuss is largely without foundation. Those arguing the latter, however, get very short shrift indeed.

Grassick's examples run to cases where, he claims (and I do not have enough knowledge of the cases to dispute him), the public health is at risk at the hands of evil agencies who suppress findings inimical to their money-making agendas. Let's not bring up the point that poisoning people these days is not a good way to try to make a lot of money. He has, I suppose, heard of the courts taking companies to the cleaners for inflicting damage on individuals?

Grassick does not, on the other hand, address the problem that government-run agencies for vetting foods and drugs have made the process of clearing new drugs so prolonged and so costly that only the largest companies can manage to last long enough to see their products – by now extremely expensive, due to the immense costs imposed by regulatory agencies – to market. Nor has he considered the possibility that swifter, to-the-point vet-

ting might save a great many lives. (Various people have made estimates of the number of lives lost due to regulatory delays, but the lowest ones run into many, many thousands. By contrast, the victim count for drugs inadequately screened (including, of course, several that DID get through the regulatory agencies) is, by comparison, fairly small.

"It goes without saying that the liberal and fine arts are of next to no interest to private sponsors..." says he. Funny: I went to the University of Chicago as an undergraduate – a private university, famed around the world for its dedication to liberal education; most of the colleges and universities in North America which are likewise prized for that are private, not public. I, by the way, went to college on a Ford Foundation fellowship. Nobody at the Ford Foundation ever told me I was supposed to study automotive engineering!

I won't attempt to discuss in detail his other examples; I just want to point out that for Grassick, it is an *a priori* truth that a finding of researchers supported with private funding is suspect, whereas one whose researchers are supported by government grants is not.

It is too much to ask Professor Grassick to think again about this, I suppose. But let it at least be noted that there is nothing to be said for his assumption. It is, certainly, what you expect of someone long immersed in publicly funded education. (Mind you, I am likewise funded; so all of my long-time support of the opposite conclusions from his must show that deep down, there's some private funding in there somewhere!)

Oh, yes: let's recall, before we get back to our various researches, that ALL funding is private, in the end. It's just that a lot of it is involuntary – the government-extracted part. I'm not quite sure why Grassick thinks it obvious that this makes it more virtuous.

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THE NUMBER OF NEW PH.D.S DROPS FOR THE FIRST TIME SINCE 1985

Biggest declines come not in humanities fields but in engineering and physical sciences

By COURTNEY LEATHERMAN

For the first time in 14 years, the number of doctorates awarded by American research universities fell in 1999, according to a national study released last week. The biggest drops came not in the humanities fields where the academic job market is tightest, but in engineering and the physical sciences.

A total of 41,140 Ph.D.s were awarded by 392 American universities in 1999, down 3.6 percent from the previous year. Over the 40 years that the survey has been conducted, there has been only one bigger drop – 3.7 percent from 1976 to 1977. In 1985, the drop was a blip, a 0.1 percent decline. The number of Ph.D.s awarded in 1999 is about down to the 1994 level.

The statistics come from the annual “Survey of Earned Doctorates” conducted by the University of Chicago’s National Opinion Research Center and is sponsored by six federal agencies.

Allen R. Sanderson, a senior research scientist with NORC and a senior lecturer in economics at Chicago, wasn’t surprised by the dip in 1999. He noted that the increase in Ph.D.s has been progressively smaller over the past several years. “This is part of a continuing trend,” Mr. Sanderson said. “This year, it happened to slip from the positive side to the negative side.” He figures the decline will continue for a while. Mr. Sanderson noted that the Ph.D.s awarded in 1999 reflect people who entered graduate school 10 years earlier, and graduate-school enrollment has been slowing. He suspects the dip in 1999 and in 1976 both amount to a natural readjustment that follows boom years. In 1976, the Ph.D. number of doctorates earned was finally coming down from the explosion in doctoral education that followed Sputnik. “Sputnik is the equivalent to Genesis,” he said. “In the beginning, there was Sputnik.”

The annual report reviewed the overall trends in doctorates awarded at American universities across seven broad fields. The report examines trends in Ph.D. awards by sex, race and ethnicity, and citizenship. In 1999, 57 percent of the doctoral recipients were men, about 64 percent were white, and about two-thirds were U.S. citizens. The report also examines how long students took to earn their Ph.D.s – for most, 7.3 years. That number has held

steady in recent years, as has the median age of most Ph.D. recipients (nearly 34). Some 60 percent of Ph.D. recipients were married or in relationships akin to marriage.

Almost two-thirds of doctoral recipients received most of their financial support from fellowships or teaching and research assistantships; 33 percent relied on their own resources. Half had no educational debts when they earned their degrees; 13 percent owed \$30,000 or more.

The report also looks at the educational backgrounds of the parents of Ph.D. recipients. For 35 percent of the recipients, the father held an advanced degree, compared with 20.2 percent whose mothers had an advanced degree. On the other end, 31 percent of the fathers of doctoral recipients went no further than high school; 40 percent of the mothers went no further.

Looking at earned Ph.D.s by discipline, there were declines across the board. But engineering and the physical sciences showed the biggest drops – 9.8 percent and 6.2 percent, respectively. Maresi Nerad, director of graduate research at the University of California at Berkeley, notes that many students in science and engineering aren’t sticking around to earn the Ph.D. because they’re landing good jobs.

Meanwhile, the social sciences, humanities, and education showed the smallest decreases. In English, for example, universities awarded 1,024 Ph.D.s in 1999, compared with 1,076 the year before.

Over a five-year period, though, the numbers are still up. In 1994, only 943 Ph.D.s were awarded in English. Over five years, the humanities showed the biggest percentage increase of any of the seven major fields, with 15.3 percent more degrees awarded in 1999 than in 1994. That news “sickened” Robert Weisbuch, president of the Woodrow Wilson National Fellowship Foundation, which promotes better job opportunities for humanities Ph.D.s within and beyond the academy.

“The declines are in the wrong fields,” he said. Looking at the five-year data, he added, “I was shocked and dismayed to discover that those very fields that have been decimated by the academic job shortage were not the fields where the declines occurred.” Blaming the irresponsibility of some departments for admitting more students in fields where there are few jobs, he said: “This is Marie-Antoinette country.”

Still, Mr. Weisbuch was saddened at the overall decrease in Ph.D.s and the implications that has for American society. After all, he noted, American universities turned out only 5,435 new humanities Ph.D.s in 1999. "We can't find good work for them to do in this culture? We can't absorb 5,000 a year? Incredible."

Mr. Sanderson wasn't prepared to blame humanities departments for the increase. "A lot of humanities students have their eyes wide open when they go into graduate programs," he said. "Sometimes people are willing to enter industries where the odds are fairly long and take those risks because they love what they're doing."

Over all, for American citizens, the number of minority doctoral recipients increased by 5.1 percent. Asian-Americans and American Indians showed the largest increases – 12.8 percent and 15.9 percent, respectively. The number of black Ph.D.s increased by 7.6 percent, while the number of Hispanic doctoral recipients decreased by 7.4 percent.

The survey found that Berkeley granted more doctorates to Asian-Americans than any other institution, 317; the University of Texas at Austin produced the greatest number of Hispanic Ph.D.s, 189; Nova Southeastern University was tops in black doctoral recipients, 290; and Oklahoma State University led the way with American Indian Ph.D.s, 29.

Women earned 17,493 doctorates, 44 percent of all the Ph.D.s awarded in 1999 and the highest proportion ever for women. A total of 11,368 foreign students earned Ph.D.s from American universities in 1999, 30 more than in 1998. Of the foreign doctoral recipients, 9,068 were in the U.S. on temporary visas, and 2,300 held permanent

visas. Of the degrees going to non-U.S. citizens, Chinese students earned the most in 1999, 2,400. They were followed by students from India and Korea, who earned 1,077 and 1,017, respectively.

The survey included information about where foreign students were earning their degrees. The University of Illinois at Urbana-Champaign conferred the most Ph.D.s to foreign students – 243 of them. Ohio State University and Texas followed.

At 10 institutions, more than 50 percent of the doctorates were awarded to non-U.S. citizens in 1999. Rockefeller University led the pack, granting 10 of its 18 Ph.D.s to foreign students; the University of Massachusetts at Lowell awarded half of its 46 doctorates to non-U.S. citizens.

The federal agencies that sponsor the annual survey are: the National Science Foundation, the National Institutes of Health, the National Endowment for the Humanities, the National Aeronautics and Space Administration, and the Departments of Agriculture and Education.

"Summary Report 1999: Doctorate Recipients from United States Universities" is available on the NORC Web site <http://www.norc.uchicago.edu/studies/sed/sed1999.htm>. The science foundation publishes a report, "Science and Engineering Doctorate Awards: 1999," which is also available on the Web (<http://www.nsf.gov/sbe/srs/sengdr/start.htm>).

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WHAT TO DO WHEN WORK HURTS...

Jeanne Kay Guelke
Department of Geography

- Chronic fatigue that leaves a professor too tired to prepare for classes
- Repetitive strain injury related to heavy key-boarding at the computer
- An illness or head injury that affects a scholar's ability to concentrate
- Surgery that doesn't help
- Debilitating anxiety, stress, or depression

What would you do if you found yourself unable to teach or conduct your research at your normal level of productivity due to a health reason like one of the above? A CAUT conference in Ottawa on Feb. 2-3 addressed "Disability Issues in the Academic Workplace." Participants learned that under Canadian law the definition of disability extends beyond traditional understandings of handicap or impairment, and includes mental health conditions, substance abuse, and extended illnesses of various sorts. Based on information from CAUT and UW's Human Resources department, this piece suggests some useful procedures, faculty entitlements, and university services that may be useful for faculty with disabilities.

- 1. Medical documentation.** If you know or suspect that you have a disability, medical diagnosis and care naturally are important to treat the condition; but it is also important from an employment perspective to have a verified medical record of it. Since few doctors are absolutely clear on what professors do all day; it is best to work collaboratively with one's doctor(s) and department chair to develop a medical record of one's health condition and "doctor's orders" in the context of normal specific teaching, research, and service duties. Of course, the professor is obliged to follow the recommended treatment, and the university has the right to get a second medical opinion. Faculty will be asked to release their confidential medical records to the University of Waterloo Physician or delegate in order to access their entitlements under UW income continuance plans which are available to faculty where there is verifiable medical evidence of illness or injury.
- 2. Accommodation "up to the point of undue hardship."** If a professor is basically able to carry out her essential job duties, but needs special support or arrangements in order to do them, the university as employer is obligated under the Ontario Human Rights Code to accommodate her. Accommodation might mean, for example, scheduling her classes during her "good" times of day, assigning her the class-

rooms that are the most wheelchair-accessible, or purchasing adaptive equipment for her. Sometimes professors are reluctant to ask for "special treatment" fearing it will cost the department too much money or will inconvenience their colleagues. However, the university, not the department, is the employer, according to a lawyer who spoke at the CAUT conference. If the department does not have sufficient funds to pay for the necessary accommodation then the Dean and /or Provost is involved. Lisa Collins, the Disability Advisor in Human Resources or Rose Padacz (x5231 <rmpadacz>), the Coordinator of Services for Persons with Disabilities should be contacted for assistance.

- 3. Injuries from the job itself** might include computer-related disorders like carpal tunnel syndrome, chemical spills, or tripping over a projector cord and breaking a foot. Work-injured faculty may be eligible for worker's compensation through the provincial Workplace Safety and Insurance Board, and should request modifications to classrooms, labs, equipment, etc. to improve their safety. Under UW Policy 34, all workplace injuries should be reported immediately to the UW Safety Office, where the contact health and safety officer is Angelo Graham (x6359, <a3graham>).
- 4. Sick leave, employment insurance, and long-term disability** are for professors unable to do their essential duties for extended periods. The details of UW's and its insurance carrier's practices are too long to discuss here, but are available on the Human Resources website on their "Income Continuance" page at <<http://www.hr.uwaterloo.ca/continuance.html>>. Lisa Collins (x2926, <lcollins>) at Human Resources is the contact person.

Basically, sick leave provides 100% salary for up to six months, but requires evidence of ongoing medical treatment and completion of a UW sick leave certificate or equivalent for anything more than a week's absence. (This sounds pretty strict for easy-going professors, but it is Human Resources policy.) David Dietrich of Human Resources stresses the need for close coordination between the disabled professor, his administrators, the university physician, and HR, a process that should occur early during a sick leave if a long disability is anticipated, to avoid gaps in his income. Income replacement for long absences may be provided by LTD insurance; however, being accepted on the LTD benefit is not automatic. LTD involves an

application procedure and approval process by the insurance carrier. Sick leave and LTD are designed to provide income continuance, where faculty are unable to perform their essential duties for verified medical reasons. The University of Waterloo does not have partial sick leave or partial LTD for faculty who are able to work only part time on an ongoing basis. In the case of a professor beginning a return to work after a long illness, however; accommodation as outlined above, along with partial duties and hours over temporary time periods, may be used to help faculty return to work.

5. **Reduced loads/partial leaves or phased retirement** are possible under UW Policies 3 and 59 for professors who simply prefer to scale back their commitment to their university job. My only advice here would be to make sure that they've checked out their full entitlements first. Under no circumstances should a disabled professor feel unduly pressured by an administrator to take early retirement or go on a half-time appointment, which could constitute discrimination against a person with disabilities.
6. **What if the system fails you?** Problems can range from unsympathetic (or unknowledgeable) administrators to disagreements over correct pension and benefits payments. Sometimes professors with a diagnosed mental health disability, or with low research productivity due to chronic pain, experience negativity from colleagues who simply see such co-

workers as "difficult" or as "deadwood" without knowing the legitimate underlying causes.

The FAUW academic freedom and tenure committee assists professors who request support to ensure that they are treated fairly. The AF&T committee chair normally assigns a faculty "colleague" or advocate to any professor who requests one. The colleague first tries to work with the professor in an informal and constructive fashion to solve any disagreements with administrators or support staff on campus. If, however, informal resolution fails and the professor wishes to file a grievance, the colleague is also available to assist with that process and may, in some cases, secure free legal advice and representation from CAUT lawyers. For further information about dispute resolution, contact the AF&T committee chair, Len Guelke (x3064, <lguelke@fes>) or peruse UW Policy 33 or the faculty Memorandum of Agreement at <http://www.uwfacs.uwaterloo.ca/officialcopy2000_together.htm>.

Of course, if one's stress level goes over the top in attempting to deal with these issues, whether at home or at work, there's also the Employee Assistance Program or EAP (x6264, 3528). They can put you in touch with counseling entitlements both on- and off-campus.

7. **Conclusion.** Work shouldn't have to hurt – but when it does, or becomes impossible for health reasons, assistance is available from a variety of on-campus

THE PENSION AND BENEFITS REPORT

Sandra Burt
Department of Political Science
Chair, Faculty Association Pension and Benefits Committee

Members: Sandra Burt*, Ian Macdonald*, Jock MacKay*, Len Eckel, Hannah Fournier (* members of the University Pension and Benefits Committee)

New Issues: The most pressing issue is the recruitment of new faculty members who would be willing to sit on the University Pension and Benefits Committee (UPBC). Jock Mackay will be going on sabbatical leave in August. I will be on sabbatical leave beginning September 2002. The UPBC is one of the most important university committees. Please contact either John Wilson or myself if you are interested in pension and benefit issues, and would be willing to consider sitting on this committee. I would be pleased to discuss the "job requirements" with anyone who is interested.

Ongoing Issues: The UPBC continues to study the ques-

tion of benefit costs. The Faculty Association Committee is meeting regularly to review this question. We have been tracking premium costs, and trying to get a better sense of how our university's plan compares to those of other universities. We should be able to provide you with a summary of our findings very soon.

Other ongoing issues before the UPBC include Sun Life demutualization; pension review, and out-of-province but within Canada extended health care coverage. If you have any comments on these or other pensions and benefits issues, please contact one of the members of the Faculty Association Committee, and we will take your views forward.

FROM THE PROFESSOR FILES

THE SHELF LIFE OF PUBLISHED RESEARCH

Arnold Ages
Department of French Studies

I experienced a partial melancholic epiphany recently.

I was directing a graduate student on the appropriate research methods to use in the preparation of a seminar paper. The subject matter pivoted on an 18th century writer and his contribution to our understanding of the natural world.

In instructing the student, I cautioned her not to use published research materials before 1956 since books and articles published before that year were largely outdated and based on less sophisticated research tools than are available today.

Before the student left my office the realization hit me that I had unconsciously devaluated the mountains of research that my colleagues and I in the humanities have been engaged in during the past thirty years because fifty years hence another professor would be counseling graduate students to be cautious about published research before 2000!

This sober reflection prompted some very anxious thoughts about the utility of literary research in general. Its shelf life in the liberal arts appears to very short, even for the industrial strength versions of it. The problem is that our new sophisticated research tools, derived, in part, from internet technology, is loading us with source materials we were content to ignore in the past or about which we were completely ignorant.

One of the major causes of the “best before” syndrome in the humanities area is the way in which the previously unpublished correspondence of great writers is now becoming part of the public domain. Those private and not so private communications often occasion profound and disquieting revelations about writers, revelations which alter or negate conventional interpretations of the writer and of his literary works.

Five years ago this researcher discovered, in the New York City Public Library, almost one hundred brand new editions of the private letters of novelists, poets, playwrights and essayists drawn from English, French, Spanish, Italian, Russian and German writers – all published within the last fifteen years.

Ironically, this new brand of published correspondence research has played mischief with the older, traditional

investigation modes – which have habitually concentrated on the published works of the authors in question.

Two examples will illustrate the problem. For years two French greats, Voltaire and Diderot have been pigeon-holed by researchers as iconoclastic and anti-religious zealots. Their published correspondence, however, shows Voltaire to have been extremely sensitive to and admiring of many parts of the Hebrew Bible. Diderot, the anti-Catholic polemicist, nonetheless, liberally uses in his letters, the language and form of Catholic theology – to endorse his views on the permanence of art.

I dare say that the published letters of the writers represented in the New York Public Library selection referred to above will play havoc with the last fifty years of scholarly interpretation and commentary on the literatures in question. New books, scholarly monographs and articles will have to be written to take account of the contents of newly published letters.

Which, of course, raises anew the whole question of the merit of that research enterprise which engages university professors in the humanities.

The answer to the merit question is obvious. The true researcher understands always that results are tentative and subject to re-evaluation and re-interpretation. Knowledge in the humanities, as in the sciences, is incremental and self-correcting. New knowledge must replace old knowledge but the two work in tandem like twin stars in the creation of new cosmologies.

Author's postscript: *Arnold Ages, a professor of French Studies at the University of Waterloo, is the author of 90 scholarly articles and books published after 1956. Will anyone in 2050 be reading them?*

The FAUW Forum is a service for the UW faculty sponsored by the Association. It seeks to promote the exchange of ideas, foster open debate on issues, publish a wide and balanced spectrum of views, and inform members about current Association matters. Opinions expressed in the Forum are those of the authors, and ought not to be perceived as representing the views of the Association, its Board of Directors, or of the Editorial Board of the Forum, unless so specified. Members are invited to submit letters, news items and brief articles. If you do not wish to receive the Forum, please contact the Faculty Association Office and your name will be removed from the mailing list.

BOOK REVIEW

Paul M. Malone

Department of Germanic and Slavic Languages and Literatures

Building A Bridge to the Eighteenth Century: How the Past Can Improve Our Future

Neil Postman

Knopf, 2000, n.p.

I acquired this book with a good deal of anticipation. The Enlightenment, after all, is a fascinating period, and particularly so in my own field of Germanic Studies. Even if that isn't my century of specialization, it's certainly well worth knowing more about, in hopes of better understanding the present. Moreover, Neil Postman is a "big name," with a string of well-known works of cultural criticism to his credit. Most of his recent works — including this one — are intended more for a wide audience than an academic readership; but in terms of the eighteenth century, I'm not an expert, so that suits me just fine, as long as the book is well and interestingly written.

In that respect, Postman's book definitely delivers, bearing the fruit of forty years' teaching. His style is lively and yet elegant, and he structures both the individual chapters and the book as a whole with an easy grace that almost seems conversational, while never meandering or losing sight of his point. Postman admits (boasts, really) that he writes not at a computer, but rather using a pad and paper, and it's easy to imagine his handwriting as being equally elegant, flowing, like the writing of the men he takes as his subjects — and yes, Postman makes it clear that he's aware they're all men, and that this fact is one of the weaknesses of the eighteenth century.

Moreover, Postman clearly admires and loves his subjects, though not blindly: He draws attention to Rousseau's dislike of children, Kant's and Voltaire's anti-Semitism, and Jefferson's ultimate failure to make any progress against the practice of slavery (though Postman's defence of Jefferson on this count is, I think, rather more enthusiastic than the latter deserves). Postman's emphasis is definitely on the American manifestations of the Enlightenment, and his message is for the contemporary American reader: By outlining the strengths he perceives in the Enlightenment's visions of an improved society, Postman hopes to lead his readers back to such visions, thus undoing the damage caused by the Industrial Revolution, the development of post-industrial society, and "the devilish spell of something that is vaguely called 'postmodernism'" (8), whose most inimical manifestations are deconstructionism and a mindless love of technological innovation for its own sake — but more of this later.

In aid of returning to what Postman sees as a more ra-

tional society, he puts forward five suggestions in the final chapter: namely, that schoolchildren should be taught 1) to ask questions — in a word, skepticism; 2) logic and rhetoric; 3) what Postman calls "the scientific outlook"; 4) a view of technology not as a mere tool, but rather as a force that imposes social and economic changes; and 5) comparative religion (155-174). The aim of these suggestions is to bring back to society the sense of narrative it has lost (thus leading to the anomie of post-modernism), while allowing society to steer a middle course between the inhumanity of deconstructionism and the intemperance of technological boosterism or religious fundamentalism. What Postman seems to be arguing for, in fact, is that we should engineer a return to eighteenth-century Deism and raise a generation of *philosophes*.

Although summarizing Postman's proposals does not do justice either to his argument or to the conviction with which he lays it out, I find his ideas attractive; or at least I do as long as I'm reading them. Postman does make this sound like a dynamic and flexible curriculum; and this reflects the fact that the book's strongest sections are those where he argues *for* something. Where disappointment sets in, however, is in the sections where Postman argues *against* things. It's as if he finds his targets so inimical that he can't be bothered constructing an attack.

Deconstructionism, for example, as Postman defines it, is simply equated cheaply with Nazism at a couple of points. For example, human cloning raises ethical questions, among them the possibility of growing human "spare parts" which, Postman avers, anyone except a deconstructionist would find unacceptable, because anyone else would define a clone as a human being. Deconstructionists deny language's ability to correspond to the real world (if there is a real world), thus enabling them to redefine the clone as non-human, thus enabling genocide, which is exactly what Joseph Goebbels did. Postman then manages to bring in technological boosterism under the same heading by pointing out that artificial intelligence researcher Marvin Minsky has suggested that humans will someday become the pets of their computers, leading to a redefinition — there's that word again — of human worth. Thus, Postman implies, there is ultimately no meaningful difference between Minsky, Goebbels, and a deconstructionist (12-13). This is foreshadowed in Postman's first capsule definition of deconstructionism, when he pokes fun at the theories of Baudrillard by suggesting: "Perhaps this explains, at long last, the indifferent French resistance to the German invasion of their country in World War II: They didn't believe it was real." (8). Is this meant to be droll? After such howlers, by the time Post-

man does the expected and brings up the Paul De Man Nazi collaboration scandal and Derrida's defence of De Man, it's something of an anticlimax (78-9).

Likewise, when attacking attempts to increase the investment in and use of technology in the humanities and social sciences, Postman opines that the quality of scholarship or teaching has not improved as a result of technological progress, and yet professes to be mystified by the fact that "many professors seem to prefer that money be spent on technology instead of on salary increases" (56) — an assertion for which he provides absolutely no evidence in what is otherwise a fairly meticulously footnoted text. As for Postman himself, he does not have an Internet connection or even a computer; he also has no voice mail or call-waiting, and tries to avoid using a fax machine. He sees no useful purpose in any of these things, and embraces the title of "dinosaur" as a result (55). Postman's conclusion: Investment in technology is motivated by "professors who have run out of ideas, or didn't have any to begin with" (57).

Postman's brave ascetic stance, however, is somewhat undercut by the fact that as a celebrity, tenured professor, chair of his department, and holder of an endowed professorship (the Paulette Goddard Chair of Media Ecology, no less), he can well afford to do without technology, though no doubt his administrative staff cannot. A

glance at the publications and presentations featured on his web page further reveals that he has no further need to publish in refereed journals or to apply to academic conferences, since he is regularly invited — no doubt by snail mail — to speak at important gatherings and to proffer his opinions in mass-market news magazines.

I don't begrudge Postman any of that; I don't doubt for a moment that his success is well earned. But ultimately, I put this book down disappointed — not because it suffers from a paucity of positive and provocative ideas (which it certainly does not), nor because its aggressively American thrust has little to offer me as either a Germanist or a Canadian (which is true but hardly surprising), but because Postman apparently feels no need to form a rigorous argument against the very forces he claims to be opposing. There aren't many writers better than Postman, but there are certainly more informed and more informative critiques of postmodernism and of technology.

PRESIDENT'S MESSAGE *(Continued from page 16)*

asserting that the claim to individual academic freedom rested on recognising that same freedom for other individuals in the university — could ever be stretched to support the right of a Dean, or any other administrator, to behave in a way that restricted the individual faculty member's freedom that we all knew was fundamental to the university's purpose.

Academic freedom is by its very nature a concept which can only pertain to individuals and not to the collectivity. That there may be some kind of academic freedom for the whole institution can only be true in the sense that all individual members of the institution have academic freedom and desist from behaving in a way which restricts that freedom for any other member of the academic community. Indeed, the idea that there may also be a kind of collective academic freedom — a kind of institutional imperative that is superior to individual academic freedom — is the very antithesis of what we have always understood academic freedom to be. It makes individual academic freedom, as R. H. Tawney once described the concept of equality of opportunity in a capitalist society, "obviously a jest . . . the impertinent courtesy of an invitation offered to unwelcome guests, in

the certainty that circumstances will prevent them from accepting it." All of us at Waterloo know that the idea of individual academic freedom is not meant to be a jest and so it follows that the idea of institutional academic freedom is simple nonsense.

The Arbitrator's judgment, by completely misunderstanding the meaning of the Memorandum of Agreement in general and the character of academic freedom in particular, is an assault on the very nature of our University and puts at serious risk customs we have taken for granted since the beginning. We have to find ways to eliminate its impact altogether. That is why this question is so important and that is why I hope that all members of the University will think very carefully about what it entails.

But like I said, that's just my opinion.

COUNCIL OF REPRESENTATIVES

The Council of Representatives will meet with the FAUW Board of Directors on Thursday, March 22 at 7:00 p.m. in MC 5045. If you have any questions or concerns that you would like to have discussed, please contact your representative. If your department or school does not have a representative, please consider serving in this capacity. The Council normally meets twice yearly, in November and March; these meetings provide an opportunity to exchange information and ideas in an informal setting. Please contact Alicja Muszynski (x5187) or Pat Moore (x3787) for more information.

Accountancy	(vacancy)
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Applied Mathematics	Kevin Lamb
Architecture	(vacancy)
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Chemical Engineering	Bill Anderson
Chemistry	Peter Chieh
Civil Engineering	(vacancy)
Combinatorics & Optimization	(vacancy)
Computer Science	Kenneth Salem
Drama & Speech Communication	Bill Chesney
Earth Sciences	Tom Edwards
Economics	Ken Stollery
Electrical & Computer Engineering	Jim Barby
English	Victoria Lamont
Environment & Resource Studies	(vacancy)
Fine Arts	(vacancy)
French Studies	(vacancy)
Geography	Peter Deadman
Germanic & Slavic Languages & Literatures	Zinaida Gimpelevich
Health Studies & Gerontology	Steve McColl
History	Karin MacHardy
Kinesiology	(vacancy)
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Optometry	David Williams
Philosophy	Judy Wubnig
Physics	(vacancy)
Political Science	(vacancy)
Psychology	Barbara Bulman-Fleming
Pure Mathematics	Pl. Kannappan
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Sociology	Alicja Muszynski
Spanish & Latin American Studies	Maria del Carmen Sillato
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School of Planning	(vacancy)
St. Jerome's University	Vera Golini
Library	Christine Jewell

President's Message

ACADEMIC FREEDOM AT WATERLOO

*John
Wilson*

I suppose the most important thing which has happened so far this year was the arbitration hearing held in January regarding two grievances – one by Professor Stanley Lipshitz and the other by the Association – which were combined because of a number of elements they had in common.

The report of the Arbitrator appeared only a short time ago and is still being considered by the parties but it is already clear that it has enormous consequences for the way we live at the University of Waterloo. We have posted it on the Association's web page and I hope all members of the University community will take the time to read it. I doubt if there has been a more significant document produced at any time since 1957 in the effect it may have on all of us.

In what follows I should make it clear that I am speaking only for myself – although having watched this University grow and flourish since 1964 when I first arrived perhaps I have acquired some kind of license. In assessing the consequences of the Arbitrator's Report we have to set aside the specific events which gave rise to it – namely the fact that an individual faculty member's grades in a Mathematics course were changed by the Dean without the instructor's permission – and look instead at the philosophy which underpins the analysis which explicitly informs the Arbitrator's judgment. That philosophy was drawn by the Arbitrator from the character of the argument developed at the hearing and it is – in a word – wildly improper.

At its simplest, the case was that the assignment of grades

to students is an integral part of teaching and is therefore a component of the academic freedom which we have always (in my memory) considered as belonging to faculty members at the University of Waterloo and which is now enshrined in Article 6 of the Memorandum of Agreement. Everyone conceded that was so.

But then the administration – through its legal counsel – began to argue that there were really two kinds of academic freedom in a university. One was of course the freedom of individual faculty members to ply their trade, as it were, without improper interference and in the spirit of free inquiry which has always been taken to be the distinguishing characteristic between universities and other kinds of institutions in our society. But there is as well, we were told, the academic freedom of the institution itself – and from time to time we had to expect that these two kinds of freedoms would come into conflict. This perception was buttressed by numerous references to court judgments in the United States but none (that I recall) from Canada or elsewhere in the Commonwealth.

When I first heard this I thought to myself – that's not academic freedom at all, it sounds more to me like what in the trade union movement used to be called "management rights" (you know, "it's our factory, you just work here") – and I thought it would be easy to dismiss it as a quite inappropriate characterization of the nature of the managerial relationship in a university, where we are accustomed to notions of collegiality and co-operation. The idea of academic freedom is fundamental to the idea of a university. It is what distinguishes us from a factory. It surely cannot be abridged at the whim of the management.

I was wrong. In his judgment the Arbitrator asserted that the Article on Academic Freedom in the Memorandum of Agreement protected both individual faculty members and the people acting for the institution as a whole. He said "Article 6.4 maintains the rights and responsibility of the Dean within the purview of pursuing the legitimate interests of the institution." I ask people to read Article 6.4 and see what it says. I very well remember the evening in 1998 when Fred McCourt and Ian Macdonald and I struggled over the proper wording for the Academic Freedom article. We had some sharp differences that night but it never occurred to any of us that 6.4 – by

(Continued on page 14)