

should do likewise. (This is done in the case of the IEEE SSIT Award for Outstanding Service in the Public Interest, but it is *not* now done by the IEEE Member Conduct Committee.)

Ethics support should be carried out prudently, but vigorously, by engineering societies. In particular, when threatened with lawsuits, they should make it known in advance that bluffs will be called and that the full resources of the law will be utilized.

The time is ripe for action in this area. It is up to engineers, standing together in their professional societies, to see to it that they are no longer subjected to agonizing choices between sacrificing either conscience or career.

FOR FURTHER BACKGROUND

S. H. Unger, *Controlling Technology: Ethics and the Responsible Engineer* (New York: Holt, Rinehart & Winston), 1982.

M. W. Martin and R. Schinzinger, *Ethics in Engineering* (New York: McGraw-Hill), 1983.

SPECIAL FEATURE

Protecting Professional Rights: The AAUP Approach

JONATHAN KNIGHT

The American Association of University Professors (AAUP) occupies an unusual position in our society. Without the force of legislative command or the authority to vouchsafe professional credentials, and lacking substantive expertise in the academic areas that are pursued by its members (and thus lacking legitimacy to speak as one expert to another), the AAUP is recognized today as the leading organization in the nation committed to defending and advancing principles of academic freedom and academic tenure. Each year, the Association's Washington office responds to thousands of inquiries from members of the academic community (principally faculty, but also administrators, students, and others) who want information on a multitude of subjects dealing with the freedom to teach and to learn in colleges and universities, or who seek guidance for resolving personnel disputes on their campuses, or who ask for assistance with their own problems. The views of the Association are regularly sought by governmental agencies and scholarly organizations. Its statements and reports are frequently cited with approval by state and federal courts as respected sources clarifying the norms of sound practice in the academic workplace.

The Association's prominence does not assure unquestioned adherence to its principles and policies, however. There are more than 3,000 institutions of higher learning in the United States, employing some 750,000 faculty members, and it is not surprising, therefore, that the AAUP's admonitions are sometimes not heeded, that its calls for fairness consistent with standards of the academic profession are ignored in the din of local disputes. Each issue of the AAUP's journal carries a list of censured administrations, those administrations that an investigation by the AAUP has shown to have acted in violation of principles of academic freedom and tenure. The current list stands at 49, its numbers including the Colorado School of Mines, the Virginia Community College System, the University of Detroit, the University of Maryland, and Yeshiva University. The AAUP's list of censured administrations, it should be noted, is not a blacklist. Writing several years ago, another member of

The author is with the American Association of University Professors, 1012 Fourteenth Street, N.W., Suite 500, Washington, DC 20005.

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the AAUP's national staff observed that the "Association will not and probably could not compel its members, let alone its nonmembers, to refuse to accept positions at censured institutions. The aim is to keep the censure in the public eye while being alert to developments which will permit . . . removal [of the censure]." [1] In a sense, as this same author wrote, the AAUP's censure list represents the Association's failures, instances in which an administration has proved unwilling to act in accord with accepted academic standards urged upon it by the AAUP. Indeed, what is striking about the list is not that it identifies colleges and universities where academic freedom and tenure are not secure, but that it demonstrates the readiness of the AAUP to draw attention to this fact—perhaps at the risk of adverse comment upon its own effectiveness—in order further to educate the academic community and the public as to standards that should govern the relationships of academic life.

Then, too, there are critics who fault the Association for being insufficiently sensitive to what they see as the deadening effect on intellectual creativity of a system of continuous tenure; or for being inattentive to improper pressures on the independence of faculty from the political left or the religious right; or for adhering too rigidly to a concept of the individual scientist searching for truth in an age of large-scale federal and corporate funding of academic laboratories. To some, the AAUP is the fading voice of the faculty in an increasingly fractured profession, split along disciplinary and research lines. To others, the AAUP's voice is strongest when it condemns the weakest institutions and faint when it confronts the lions of the academic world.

What needs to be emphasized is not the accuracy or even the pertinence of any particular criticism, however, but that the AAUP, since its founding in 1915, has helped establish the principles and policies of academic freedom and tenure that now permeate the university community—principles that shape the specific policies and practices of administrations even when not recognized as such, and with which critics must contend in order to establish the cogency of their own positions. The critics' attention to the AAUP may not be a duty, but it is a necessity.

If one doubts the significance of the AAUP's achievements, one need only imagine a world from which the AAUP was absent. There would be, I venture to guess, little security of faculty in their positions. Freedom in the classroom and in published research would be hostage too often to prevailing orthodoxies, laboratories subject too frequently to arbitrary disruption. The deference of administrators to the norms of the profession would be, in too many situations, perfunctory. And the profession itself—in the sense of a relatively cohesive body of standards and practices spanning academic disciplines—would be, in all likelihood, nascent rather than mature.

How are we to account for the AAUP's singular role in shaping modern sensibilities about academic freedom and tenure? Several answers can be suggested—not in the

sense of providing a full explanation of AAUP's position in society, but in pointing to factors that might be of more direct interest to other professional organizations considering greater involvement in dealing with specific disputes.

The AAUP has, throughout its history, issued statements of principles and recommended procedural standards the observance of which is meant to ensure academic freedom and respect for good academic practice. Preeminent among these statements is the 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly issued by the AAUP and the Association of American Colleges and itself an adaptation and strengthening of principles first enunciated in the 1915 *Declaration of Principles* and the 1925 *Conference Statement on Academic Freedom and Tenure*. Since its appearance, the 1940 *Statement of Principles* has received the endorsement of 120 scholarly and educational organizations. Among the earliest (in 1946) were the American Library Association and the Association of American Law Schools; among the most recent (in 1986), the American Association for Cancer Education and the American Society of Church History.

The importance of written principles in protecting academic freedom cannot be too strongly emphasized. First, the full benefits to institutions of higher learning and to society of the exercise of academic freedom are not likely to be achieved when university teachers and scholars do not know the extent of their rights and obligations as academics. The individuals who founded the AAUP saw this point clearly: "The safeguarding of a proper measure of academic freedom in American universities requires . . . a clear understanding of the principles which bear upon the matter. . . ." [2] Moreover, it is unlikely that, in the highly decentralized system of private and public higher education that exists in the United States, the norms of a national profession could be self-operating: the interests and passions of local and regional affiliations would almost certainly prevail in major controversies over freedom in colleges and universities. Written principles thus serve to diffuse knowledge about the nature of academic freedom to teachers and scholars (as well as to administrators, boards of trustees, and interested members of the public) and to establish a sense of community beyond the allegiances of persons in particular communities.

Further, written principles have made it possible for the AAUP to consider disputes objectively; that is, to be guided in the review of complaints by general principles rather than by the vagaries of private inclinations and to have those principles, because they are widely known, subject to scrutiny both on their merits and in their application to particular cases by the profession whose interests they are meant to advance. And over time, the resolution of specific cases in the context of written principles has contributed to forming a body of "common law" of academic disputes, enriching the original principles and enlarging agreement in the academic community on

the values and goals of the profession. Lastly, written principles are a foundation upon which an organization can expand to deal with new conditions and to contend with new problems. The 1940 *Statement of Principles* is the precursor of some 40 additional statements dealing with all major facets of academic life, including resignation, retirement, discrimination, sexual harassment, governance of colleges and universities, and professional ethics. The 1940 *Statement* is not only a living document to which colleges and universities turn for guidance in dealing with faculty issues and against which they measure the soundness of their own policies and procedures. It is also a fecund one, its benign influence spreading beyond the few subjects it specifically addresses.

The AAUP's rise to prominence in the academic world may also be explained by the fact that the Association has always been willing to respond to any member of the academic profession who seeks help. A professor does not have to join the Association, and is not asked to do so, in order to obtain its assistance. As might be surmised, this policy has its disadvantages for a voluntary membership organization: members may expect that, because they pay dues, their cases should be supported by the Association, and lack of support (or, what is perhaps the same thing, the belief that the AAUP is indifferent to their plight) can result in the abrupt termination of membership; alternatively, faculty who are not members of the AAUP may have no hesitation in drawing upon its resources without a corresponding willingness to contribute financially to its programs.

The AAUP's refusal to consider whether a professor is a member of the organization as a precondition for offering assistance can be traced to its purpose: to advance the standards, ideals, and welfare of the profession, not the particular interests of individuals. Harm done to a faculty member can injure the entire academic profession, and thus the AAUP, in carrying out its responsibilities, focuses on the merits of cases and does not pause to inquire about a person's organizational affiliation. In a sense, the AAUP had no choice in the matter if it genuinely intended to be an effective voice on behalf of the profession and especially in contributing to the advancement of academic freedom. The organization could not credibly champion academic freedom, for the improvement of higher education and for the good of society, but then limit its actual defense of freedom to individuals who had established a cash relationship with it. The principles would have become little more than commodities, available to those who could purchase the Association's support, while, in all likelihood, the AAUP's espousal of the value of freedom would have been academic in the worst sense—*theoretical without practical significance.*

The willingness to help members and nonmembers alike has also affected the AAUP's perception of threats to academic freedom. The temptation to define freedom's dangers narrowly would have been strong had the Association's defense of freedom been limited to individuals who are its members, in part because the member-

ship is not coextensive with the entire professoriate and in part because a group profile of Association members is quite unlike the profile of the profession. To illustrate the latter point: more than 80 percent of the AAUP's members are men, while one-third of all faculty positions are held by women. It is unlikely that the AAUP would have systematically addressed concerns that specifically affect academic women had its defense of freedom been confined only to those who joined its ranks, much less establish (as it did in 1918) a Committee on the Status of Women in the Academic Profession.

Another factor accounting for AAUP's role in the profession may be the manner in which it deals with disputes between faculty members in contrast to its handling of disputes between faculty and administrations. Controversies that involve adverse action by an administration (e.g., the dismissal of a tenured professor) can result—in the most serious circumstances—in the imposition of censure on an administration. The Association does not impose censure on faculty members (or, for that matter, on individual administrators), but instead views questions involving the propriety of conduct by professors as best handled on campus by reference to an appropriate faculty committee. In American colleges and universities, administrations and boards of trustees are the "ultimate repositories of power" [3], and censure, the AAUP's strongest sanction, is reserved for those with the authority to terminate faculty appointments and to remedy wrongful actions against faculty.

The AAUP's reluctance to impose its strongest sanction on faculty members has probably spared the Association, over the course of its 72-year history, the long-term debilitating effects of trying to settle grievances among its members. But this position has not led the AAUP to shun concern for the duties of the profession correlative with its rights. In fact, the opposite is the case: since 1915, the AAUP has been deeply involved in questions of professional obligations. The matter was put succinctly in the 1915 *Declaration of Principles*, in words still relevant:

If this profession should prove itself unwilling to purge its ranks of the incompetent and unworthy, or to prevent the freedom which it claims in the name of science from being used as a shelter for inefficiency, for superficiality, or for critical and intemperate partisanship, it is certain that the task will be performed by others—by others who lack certain essential qualifications for performing it, and whose action is sure to breed suspicion and recurrent controversies deeply injurious to the internal order and the public standing of universities. [4]

Finally, some comments are in order concerning the role of the AAUP's national staff. Individual faculty members volunteering their services to the profession established the AAUP, and today other faculty volunteers occupy all the leadership positions in the AAUP's governing bodies and standing committees. For the past 50 years, however, the daily work of the AAUP in process-

ing inquiries and complaints has been the principal responsibility of the AAUP's national staff. Typically, a member of the professional staff (I have especially in mind staff members directly responsible for handling academic freedom and tenure cases) is recruited from a university faculty, remains with the Association for some dozen years, and during his/her career with the AAUP will deal with hundreds of complaints from faculty members across the country.

As always with long-serving professionals, the AAUP's staff is the keeper, and in some respects, the guardian, of institutional memory and of the precedents, written and unwritten, that influence the organization's response to new situations. Too strong an affection for precedent can be stultifying, too lax an attitude is likely to dissipate the organization's energies. The right mixture of deference and independence is difficult to identify in a general way, and the staff's record of mistakes and achievements awaits judgment by a more detached observer. But all judgment need not be reserved: over a period of five decades, the AAUP's staff has established an admirable record of advancing the welfare of the profession derived from an almost invisible pride in its work and a passion for decency in the academic community.

The "lessons" to be drawn by other organizations from AAUP's experience are not easily sorted out. Some organizations may see in the AAUP's history steps *not* to be followed—e.g., imposing the strongest sanction on the employing institution rather than on individuals. Other organizations may find the AAUP's practices generally instructive (e.g., the Association's pursuing of the complaints of nonmembers) but difficult to adapt to their own situations. Still others may find in the AAUP's long history of developing the principles and standards of the academic profession and supporting a national staff to implement them in specific cases useful precedents for their own work. Plainly, there is no simple lesson to be learned from the AAUP, whether in terms of what might be emulated or of what might be avoided. But there is one more general observation worth making. Responding to challenges to the profession and achieving a degree of success in advancing freedom and protecting the rights of individuals requires patience, a long view of the interests of the profession, and a willingness not to be deterred by the complexity of the task. The overall objective—a free, secure, and responsible profession—more than justifies the effort.

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- [2] Prefatory Note to the *1915 Declaration of Principles*, reprinted in *Academic Freedom and Tenure: A Handbook of the American Association of University Professors*. Louis Joughin, ed., Madison: University of Wisconsin Press, 1969, p. 157.
- [3] *Ibid.*, p. 158.
- [4] *Ibid.*, p. 170.

Society on Social Implications of Technology

Chapters

Boston

David Lamensdorf
Sperry Electronics Systems
1601 Trapelo Road
Waltham, MA 02154
(617) 890-6080

Japan

H. Kimura
337 Hodokubo, Hino-shi
Tokyo 191 Japan

Los Angeles

Warren A. Felt
5139 Balboa Boulevard, #6
Encino, CA 91316
(213) 847-5508

Pittsburgh

I. L. Shaw
200 Beta Drive, Room
2630
Pittsburgh, PA 15238
(412) 963-4320

Portland

Chester C. Taylor
Portland General Electric
Co.
121 South West Salmon
Street
Portland, OR 97204
(503) 226-8030

Santa Clara

Steven E. Schumer
360 Auburn Way, #24
San Jose, CA 95129
(408) 241-7004

Switzerland

Subrata K. Sarkar
General Direktion PTT
Viktoriastrasse 21
CH-3030 Berne,
Switzerland
031-62-3871

Twin Cities

Sheldon W. Mains
Minnesota E. Q. Board
Room 100
550 Cedar Street
Saint Paul, MN 55101
(612) 296-2757

VA/MD/DC

Vernon E. Gardner
6624 Kirby Court
Falls Church, VA 22043
(703) 533-0999