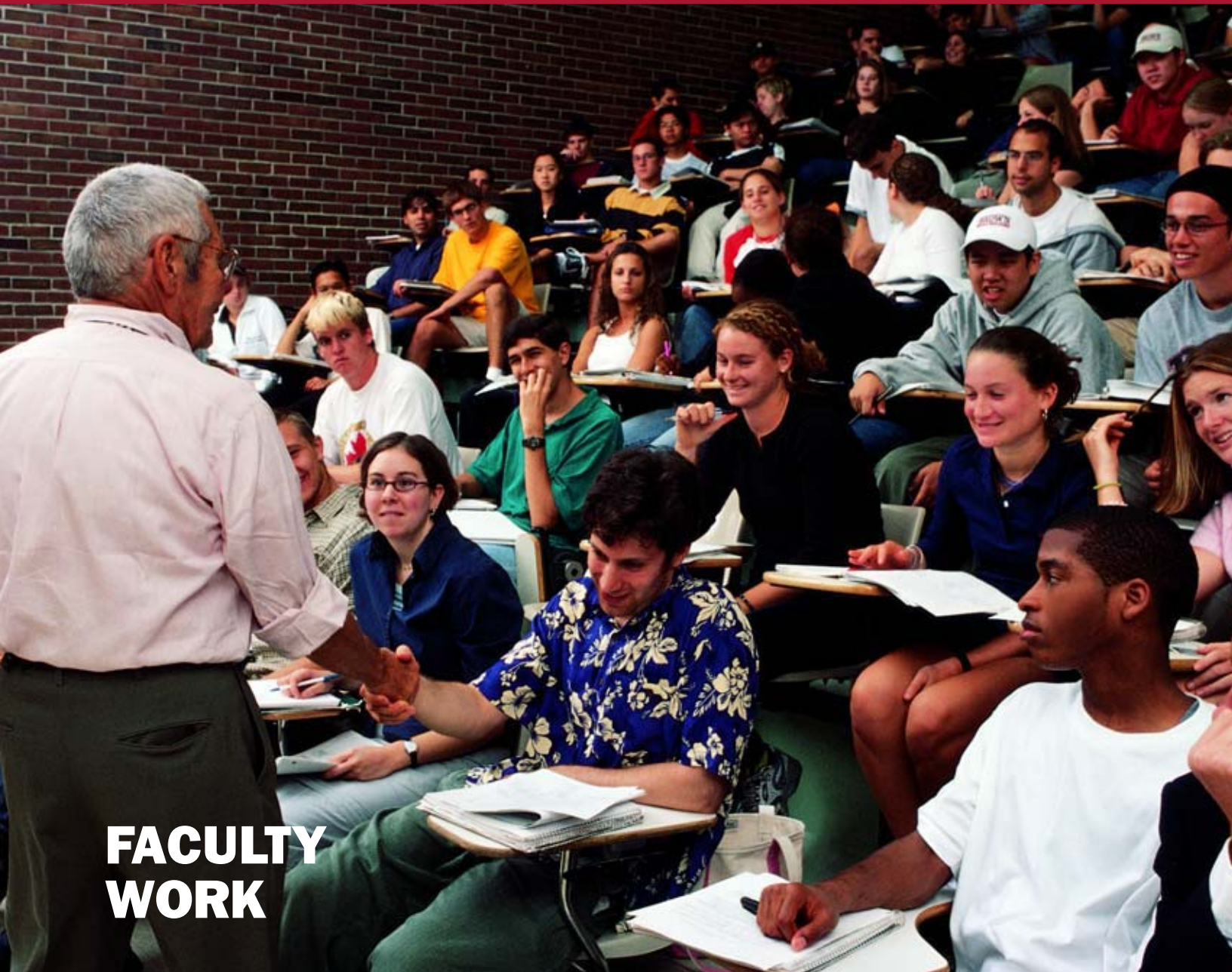


Liberal Education

VOL. 92, NO. 4 ♦ FALL 2006

ASSOCIATION OF AMERICAN COLLEGES AND UNIVERSITIES



FACULTY WORK

Faculty Work and the New Academy page 6

Faculty Professionalism page 14

Should Academic Unions Get Involved in Governance? page 22

ALSO INSIDE:

Liberal Education and “Social Justice” page 44

The Conflation of Liberal and Professional Education page 54

“Other Ways of Knowing” and Liberal Education page 60



NEIL HAMILTON

Faculty Professionalism

Failures of Socialization and the Road

FEATURED TOPIC

IN THE TRADITION of peer review, the members of a profession form with society an unwritten contract whereby society grants the profession autonomy to govern itself and, in return, the members of the profession agree to meet correlative personal and collegial group duties to society. The members of the profession agree to restrain self-interest to some degree in order to serve the public purpose of the profession (knowledge creation and dissemination, in the case of the academic profession), to promote

the ideals and core values of the profession, and to maintain high standards of minimum performance. In return, society allows the profession substantial autonomy to regulate itself through peer review. For the individual professional, this translates into substantial autonomy and discretion in work. The concept of “professionalism” captures these correlative personal and collegial group duties to society. Failures of professionalism undermine society’s confidence that a profession and its individual members can be trusted with professional autonomy.

The social contract is stated in the 1915 Declaration of Principles of the American Association of University Professors (AAUP 2001, 300):

It is conceivable that our profession may prove unworthy of its high calling, and unfit to exercise the responsibilities that belong to it And the existence of this Association . . . must be construed as a pledge, not only that the profession will earnestly guard

those liberties without which it cannot rightly render its distinctive and indispensable service to society, but also that it will with equal earnestness seek to maintain such standards of professional character, and of scientific integrity and competency, as shall make it a fit instrument for that service.

University or college¹ boards of trustees or regents represent society with respect to the social contract between society and the academic profession. The AAUP declaration states that these boards are in a position of “public trust” to represent the public’s interest in realizing the knowledge creation and dissemination mission of the university.

In the context of the academic profession, the concept of academic freedom and the central role of peer review with respect to it represent the professional autonomy granted by the social contract. As the American tradition of academic freedom evolved over the course of the past century, boards have acknowledged the importance of freedom of inquiry and speech to the university’s unique mission of creating and disseminating knowledge. Accordingly, they have granted rights of exceptional vocational freedom of speech to professors in research, teaching, and extramural utterance without lay interference on two conditions. The first condition is that individual professors meet correlative duties of professional competence and ethical conduct, and the second is that the faculty, as a collegial body, assume the duty of peer review to enforce the obligations to be met by individual professors. This tradition of faculty autonomy in the peer review of professional competence and ethical conduct is the linchpin of academic freedom in the United States.

Early AAUP leaders accepted the legal and political impregnability of university charters and employment law that dictated lay, not

If a significant proportion of the faculty fails in the duties of professionalism, the social contract is undermined and a long-term erosion of professional autonomy is inevitable

NEIL HAMILTON is professor of law at the University of St. Thomas School of Law and director of the Holloran Center for Ethical Leadership in the Professions. He is author of *Academic Ethics: Problems and Materials on Professional Conduct and Shared Governance* (Praeger, 2002). Copyright held by the author.

to Loss of Professional Autonomy

faculty, control. They proposed the idea of administrative restraint. In the 1915 Declaration of Principles, they called for faculty participation in the prosecutorial and judicial processes of the university relating to faculty and students. This is the concept of peer review through academic due process.

Later AAUP documents softened the idea of board legal control into a concept of shared governance in decision making. While it concedes that the governing board is, by law, the final institutional authority, the concept of shared governance urges that the missions of the university and the professoriate are best realized by granting varying degrees of deference to faculty decisions, depending on how closely they relate to the faculty's expert disciplinary knowledge concerning research and teaching. The faculty deserves maximum deference on core academic issues like appointments, promotion and tenure, and the curriculum. Both peer review and shared governance are embedded in an earned deference tradition.

"Faculty professionalism" defines the ethical duties required by the social contract for each professor as well as for the relevant groups of professional peers. The following six principles of faculty professionalism capture the correlative duties of academic freedom, including a faculty member's contributions to peer review and shared governance.

1. Each professor agrees to meet the ethics of duty—the minimum standards of competence and ethical conduct set by peers within both the profession and discipline and within the university (including attending to the stated mission of the institution).²
2. Each professor should strive, over a career, to realize the ethics of aspiration—the ideals and core values of the academic profession, the professor's discipline, and the professor's



University of
St. Thomas

- institution, including internalizing the highest standards for professional skills.
3. Each professor agrees to act as a fiduciary (with the corresponding duty to avoid conflicts of interest) where his or her self-interest is over-balanced by devotion to serving both the students through teaching and the advancement of knowledge through scholarship.³
 4. Each professor should, over a career, grow in personal conscience in carrying out the duties of the profession, including the capacity for both self-scrutiny and moral discourse with colleagues, students, administrative leadership, and the board.
 5. Each professor and the members of the faculty as a collegial body agree both to hold each other accountable to meet the minimum standards of the profession, the discipline, and their institution, and to encourage each other to realize the ideals and core values of all three.
 6. Each professor agrees both that public service in the area of the profession's fiduciary responsibility is implicit in the profession's social contract and that he or she should devote professional time to public service.

The socialization of faculty

The reality is that the vast majority of the professoriate receives virtually no formal education on the ethics of the profession. We assume that an osmosis-like diffusion in the apprenticeship model will transmit the principles of the social contract, academic freedom, and faculty professionalism from one generation to the next. Yet the available evidence indicates that, for the vast majority of students, virtually no time is spent in graduate study on professional ethics (Brown and Kalichman 1988).

There are three national, multi-institutional socialization initiatives. I am not aware of any survey of individual institutions reporting initiatives on socialization concerning some or all of the principles of professionalism. Two major national initiatives are the response of universities to (1) federal mandates that require research institutions receiving federal funds to bear primary responsibility for the prevention of research misconduct and (2) the National Institutes of Health training grant requirement that universities provide instruction in the responsible conduct of research (RCR) to

training grant recipients. With respect to the first initiative, current Public Health Service Policies on Research Misconduct require institutions to “foster a research environment that promotes the responsible conduct of research, research training, and activities related to that research or research training, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct” (Public Health Service 2005, 28388).

The mission of the Office of Research Integrity (ORI) includes a focus on educational programs to prevent misconduct and promote the responsible conduct of research. ORI is encouraging and funding efforts by disciplinary societies and universities to develop educational programs that engage faculty members with research ethics. Many research universities make available RCR training materials, and some require RCR training for researchers. The focus has been on medical and biological sciences, with a growing interest in social and behavioral sciences.

Although they constitute a major faculty professionalism effort, these initiatives emphasize research ethics and the sciences, not all the disciplines of the university. They do not deal with broader issues of academic ethics in terms of teaching, service, shared governance, and intramural and extramural utterance other than teaching and research. And they appear to lean towards the ethics of duty, rather than the ethics of aspiration and the other principles of professionalism.

In a third national initiative, from 1993 to 2003, the Association of American Colleges and Universities (AAC&U) and the Council of Graduate Schools (CGS) organized the Preparing Future Faculty (PFF) program. PFF provided doctoral students “with opportunities to observe and experience faculty responsibilities at a variety of academic institutions” (see www.preparing-faculty.org). The PFF programs addressed the full scope of faculty roles and responsibilities, including teaching, research, and service, and provided participating students with multiple mentors who gave reflective feedback in all three areas. Implicit in understanding faculty roles and responsibilities, observing role models, and having mentors are many of the principles of faculty professionalism. However, only some PFF programs explicitly included faculty professionalism.

Since 1993, approximately 295 universities have participated in PFF, and an additional twenty-five individual institutions have initiated campus-wide or departmental programs or courses that are similar to the PFF program. The principal funding for PFF ended in 2003. Although outside funding is no longer available to establish additional programs, most campuses and disciplinary society PFF programs continue, and some new PFF-type programs continue to develop using institutional funds. A major independent assessment of PFF was very favorable, finding that both graduate student participants and senior faculty evaluating the participants thought that the program improved teaching skills in particular, and to a lesser degree research skills (Goldsmith et al. 2004). Over four thousand doctoral students have enrolled in PFF since 1993, but this number is still a small fraction of all future faculty.

As of 2000, some of the professional disciplinary societies—approximately one-quarter to one-third—had adopted comprehensive, clear, and accessible codes of ethics; some societies had codes of ethics addressing only selected ethics issues, and some essentially had not yet developed a code of ethics (Hamilton 2002). Of those disciplinary associations that

This tradition of faculty autonomy in the peer review of professional competence and ethical conduct is the linchpin of academic freedom

did have a code of ethics, few knew if their codes were working. Mark Frankel, director of the Scientific Freedom, Responsibility, and Law program of the American Association for the Advancement of Science (AAAS), found the lack of knowledge about the impact of codes of ethics to be “one of the most striking aspects of the

AAAS’s 1999–2000 survey of disciplinary societies’ codes of ethics” (Brainard 2000, A38). Although many of the disciplinary associations in the AAAS survey were willing to expend time, effort, and resources to promote research integrity through codes and activities, they were not “engaging in any systematic assessment of the effectiveness of their efforts” (Iverson, Frankel, and Siang 2003, 150).

Faculty understanding and compliance

In contrast to scholarship about the ethics of its sister peer-review professions, law and medicine, the professoriate tends not to study its own ethics. Academic ethics is not a significant field of study, although the subfield of RCR is getting some attention. This general lack of attention to and complacency about the social contract and professionalism speaks volumes about the profession’s ability to maintain the public’s trust.



University of
St. Thomas

Three studies indicate widespread failure of graduate students and faculty to understand the social contract, academic freedom, and the principles of faculty professionalism (Clark 1987; Swazey, Anderson, and Louis 1993; Golde and Dore 2001). One of these—a major study of two thousand faculty in chemistry, civil engineering, microbiology, and sociology—found that just 13 percent of the respondents judged that the faculty in their department exercised a great deal of shared responsibility for the conduct of their colleagues (Swazey, Louis, and Anderson 1994). There are no studies making contrary findings.

The major studies of actual faculty misconduct in terms of violations of the principles of professionalism also indicate serious failures. Analyzing all research misconduct studies conducted through 2005, Nicholas Steneck (2006, 53) concludes that the accumulated evidence “appears to put the level of occurrence for serious misconduct near 1 percent” (serious misconduct defined as fabrication, falsification, and plagiarism and referring to 1 percent of research

studies or articles). Steneck further concludes that the incidence of questionable research practices is higher (questionable practices violate traditional values of the research enterprise and may be detrimental to the research process). While nearly all of these studies focus on the sciences, there is no reason to believe that professional misconduct is less common in the social sciences or the humanities.

If serious misconduct occurs in approximately 1 percent of the research studies or articles, and questionable research practices occur in a substantially higher proportion of studies and articles, then how serious is the problem? If studies showed that in 1 percent of all litigation matters a lawyer committed serious misconduct (fabrication or falsification of evidence or theft of the client’s money), or that in 1 percent of all patient matters physicians committed serious misconduct, there would be moral outrage both within the profession and in society. The public would demand to know what the profession is doing about the misconduct. If the answer were that the legal and medical professions were doing nothing in response to these levels of misconduct, the moral outrage would intensify.

The available data as a whole demonstrate that the osmosis-like diffusion of professional ethics on which the professoriate currently relies has substantially failed to realize a generational renewal of the social contract. Osmosis-like diffusion fails to produce clear understandings of the social contract, academic freedom, and faculty professionalism.

Reasons for the failure to socialize

The desire for autonomy in work

Individuals drawn to the peer-review professions strongly desire autonomy in their work. Swazey, Anderson, and Louis (1993) conclude that the culture of the academic profession everywhere emphasizes personal autonomy, which takes strong precedence over a norm of collegial self-governance. Braxton and Bayer (1994) find empirical evidence that professional solidarity—allowing each individual professor a maximum degree of autonomy—shapes attitudes toward research misconduct in general and toward taking action against wrongdoing in a particular case. In order to protect maximum individual autonomy in work, peer collegia tend to abdicate the role of effective peer review, permitting even gross deviance in performance.



University of
St. Thomas

The increasing size of the professoriate

The joint AAC (American Association of Colleges, now AAC&U) and AAUP Commission on Academic Tenure in Higher Education observed in 1973 that, historically, institutions were able “to rely on individual self-discipline and the informed correctives of collegial associations” to ensure that general professional standards were enforced. However, the commission found that the campus turmoil of the late 1960s presented “acute problems of professional conduct, for which broad general professional standards and traditional reliance upon individual self-discipline” were inadequate. The commission believed that “the vast and rapid growth of the profession in recent years has surely weakened the forces of professional tradition” (Commission on Academic Tenure in Higher Education 1973, 41–43).

The profession has continued to expand from approximately 369,000 full-time and 104,000 part-time faculty in 1970 to 632,000 full-time and 543,000 part-time faculty in 2003, further weakening the social capital of and opportunities for mentoring in the profession (National Center for Education Statistics 2004). The loss of norms is predictable in a profession whose numbers increase dramatically while no new institutions appear to build communities around common norms and expectations.

Increasing specialization and consulting opportunities

The growth of specialization, the increasing emphasis on disciplinary recognition in scholarship, the emphasis on success in securing grants and contracts in some disciplines, and the expansion of off-campus consulting and entrepreneurial opportunities for some disciplines all have fragmented the profession. Because of the market pressure to define all relationships in terms of private advantage, “professionalism” has a tendency to drift toward a link between strong technical professional skills and private market advantage in a discipline rather than to focus on all the principles of faculty professionalism (see Sullivan 2005).

Lack of a licensing authority

The professoriate’s sister professions, law and medicine, have stepped forward to require educational engagements on ethics and professionalism for graduate students and, in some

states, for licensed professionals. Socialization is made more difficult for the academic profession because it lacks the advantages of being one discipline rather than many, a licensing authority in each state that governs the profession, and a single accrediting authority for professional education.

Fear of acknowledging lack of expert knowledge

Professors are experts in specialized areas of knowledge, but many veteran faculty members have only a limited formal education regarding professional ethics. They experience discomfort when asked to engage in critical self-analysis, discussion, or teaching of professional ethics.

Results of the failure to socialize

Without proper socialization to counterbalance self-interest and market pressures, too many faculty members tend strongly toward self-interest in terms of emphasis on protecting autonomy, job security, or personal advantage. They tend to avoid both the more difficult tasks of peer review and an enlightened shared governance that is responsive to changing conditions and the institution’s needs. Some faculty members adopt knee-jerk blocking strategies with respect to institutional change. This excessive emphasis on self-interest and prerogative undermines governing board and administrative leadership deference for faculty decisions.

If a significant proportion of the faculty fails in the duties of professionalism, the social contract is undermined and a long-term erosion of professional autonomy is inevitable. When a significant proportion of the accounting profession chose self-interest over professionalism, the Congress passed the Sarbanes-Oxley legislation, which largely took away the profession’s autonomy to regulate itself. For the same reason, the Congress also sent a shot across the bow of the legal profession by authorizing the Securities and Exchange Commission to substitute a regulation for the profession’s own rule on the representation of corporations.

We see the same phenomenon of erosion of autonomy in the academic profession in several respects. In response to the faculty’s focus on job security rather than both institutional mission and responsiveness to increasingly dynamic market conditions, the governing

boards and administrations at many institutions have moved substantially toward part-time and non-tenure-eligible appointments. From 1969 to 1998, the expansion of the part-time faculty was enormous, jumping 164 percent at universities, compared to 59 percent for full-time faculty; 236 percent at other four-year institutions, compared to 36 percent for full-time faculty; and 801 percent at the two-year colleges, compared to 55 percent for full-time faculty. In addition, by the late 1990s, the majority of new full-time appointments in higher education were to non-tenure-eligible positions. The best estimate is that, by 2003, approximately 34.8 percent of all full-time faculty were in non-tenure-eligible positions, but this proportion is growing rapidly, especially among the four-year institutions (Schuster and Finkelstein 2006).

The federal government has had to mandate that universities accepting federal research funds address research misconduct. Because some faculties fail in their duties of professionalism to provide shared governance consultation that is both reasonably timely and professionally competent given dynamic market realities of a decision, some boards and administrations seek minimal faculty consultation. In any case, a faculty dominated by

A faculty dominated by part-time and non-tenure-eligible professors has limited time to participate in meaningful shared governance

part-time and non-tenure-eligible professors has limited time to participate in meaningful shared governance.

A reasonable hypothesis is that the growth of the for-profit sector of higher education, and its success in reshaping government and accreditation policies in its favor, are greater than would have been the case if faculty at institutions threatened by for-profits had demonstrated greater professionalism.⁴ Finally, corporations funding research increasingly limit professional autonomy through restrictive commercial agreements.

What should be done?

The empirical data on (1) faculty understanding of the social contract, academic freedom, and faculty professionalism and (2) the incidence of research misconduct indicate a failure to renew the social contract. We are not fulfilling the pledge made in the 1915 Declaration of Principles that the profession “will with equal earnestness seek to maintain such standards of professional character, and of scientific integrity and competency, as shall make it a fit instrument for [its high calling and responsibilities]” (AAUP 2001, 300). Complacency, the dominant ethos of the profession concerning socialization of new and veteran professors on these topics, will lead to continuing erosion of professional autonomy. Ultimately, this path will end in a future where the academic profession is no longer a peer-review profession.

My experience tells me that the academic profession cannot by itself break out of its complacency. We need help from outside groups who understand the importance of a healthy academic profession. The most effective potential sources of such help are the governing board and administrative leadership at each institution; the accrediting authorities; national academic organizations like AAC&U, the Association of Governing Boards of Universities and Colleges, and AAUP; and federal and state governments.

The professional societies are part of the profession, but they can play a modest role in addressing these issues. There are few scholars on faculty professionalism, but they can play a useful role in developing an emerging field. Of the potential sources of help, the federal and



University of
St. Thomas

state governments are the least desirable alternative because they pose the greatest risk of excessive external control of the university.

The most important step is simply to encourage, engage, and support the professoriate in its assessment of professors' knowledge and effectiveness regarding the social contract and the principles of faculty professionalism. The professoriate should also assess its effectiveness in fostering professional identity formation in both new and veteran professors. If efforts to encourage and cajole the profession into self-assessment fail, then the board and administrative leadership at individual institutions will need to intervene and direct the profession to undertake self-assessment.

Self-assessment will provide clear evidence of the failures discussed here, and this information will provoke the profession into action. If self-assessment shows failure, and the profession does nothing, the academic profession will ultimately forfeit its rights under the social contract and lose its autonomy. □

To respond to this article, e-mail liberaled@aacu.org, with the author's name on the subject line.

NOTES

1. Hereafter "university" includes both colleges and universities with a significant knowledge-creation mission.
2. By acceptance of employment at a particular institution, a professor agrees to attend to the institution's specific mission. In the event of conflicts among duties to the profession, the discipline, and the institution, those articulated by the institution are normally the only legally enforceable duties (the institution normally would incorporate those duties required by federal or state law into the institution's rules). However, a professor should aspire to the highest ideals and core values of the profession, discipline, and institution, and so should seek to fulfill whichever duties are the highest.
3. Implicit in a professor's fiduciary duty is a continuing reflective engagement, over a career, on how much private advantage in work is appropriate in light of the six principles of professionalism. Private advantage includes, for example, excessive emphasis on income through consulting, slacking conduct in terms of failure to work a professional work week, and shirking conduct in terms of failure to undertake a fair share of shared governance duties.
4. The for-profit sector of higher education now has one million students. Annual enrollment increases in the for-profit higher education sector have been running as high as 18 percent and predicted enrollment growth is 10–17 percent for the next several years (Blumenstyk 2006).

REFERENCES

- American Association of University Professors (AAUP). 2001. *Policy documents and reports*. Washington, DC: American Association of University Professors.
- Blumenstyk, G. 2006. For-profit education: Facing the challenges of slower growth. *Chronicle of Higher Education* 52 (18): A13.
- Brainard, J. 2000. Washington update. *Chronicle of Higher Education* 46 (33): A38.
- Braxton, J. M., and A. E. Bayer. 1994. Perceptions of research misconduct and an analysis of their correlates. *Journal of Higher Education* 65:351–72.
- Brown, S., and M. Kalichman. 1998. Effects of training in the responsible conduct of research: A survey of graduate students in the experimental sciences. *Science and Engineering Ethics* 4:487–98.
- Clark, J. 1987. *The academic life: Small worlds, different worlds*. Princeton: The Carnegie Foundation.
- Commission on Academic Tenure in Higher Education. 1973. *Faculty tenure*. San Francisco: Jossey-Bass.
- Golde, C. M., and T. M. Dore. 2001. *At cross purposes: What the experiences of doctoral students reveal about doctoral education*. Philadelphia: Pew Charitable Trusts.
- Goldsmith, S. S., D. Haviland, K. Dailey, and A. Wiley. 2004. *Preparing future faculty initiative: Final evaluation report*. San Francisco: WestEd.
- Hamilton, N. 2002. *Academic ethics: Problems and materials on professional conduct and shared governance*. Westport, CT: Praeger Publishers.
- Iverson, M., M. Frankel, and S. Siang. 2003. Scientific societies and research integrity: What are they doing and how well are they doing it? *Science and Engineering Ethics* 9:141–58.
- National Center for Education Statistics 2005. *Higher education general information survey*. Washington, DC: U.S. Government Printing Office.
- Public Health Service. 2005. Policies on research misconduct, section 93.300(c). *Federal Register* 70 (94): 28388.
- Steneck, N. 2006. Fostering integrity in research: Definitions, current knowledge, and future directions. *Science and Engineering Ethics* 12:53–74.
- Schuster, J., and M. Finkelstein. 2006. *The American faculty: The restructuring of academic work and careers*. Baltimore: The Johns Hopkins University Press.
- Sullivan, W. 2005. *Work and integrity: The crisis and promise of professionalism in America*. San Francisco: Jossey-Bass.
- Swazey, J., K. Louis, and M. Anderson. 1994. The ethical training of graduate students requires serious and continuing attention. *Chronicle of Higher Education* 40 (27): B1–2.
- Swazey, J., M. Anderson, and K. Louis. 1993. Ethical problems in academic research. *American Scientist* 81:542–53.