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## Sexton Takes On Issues of Tenure, Academic Freedom

BY JACOB GERSHMAN - Staff Reporter of the Sun  
December 3, 2004

Proving to be one of the most outspoken university presidents in the nation, John Sexton of New York University has seized upon two hotly debated issues in higher education: tenure and academic freedom.

As he presses forward with a plan to create a cadre of full-time teachers who would be ineligible for permanent faculty appointments, Mr. Sexton, former dean of NYU's law school, is redefining the traditional notion of tenure at research universities - in a way that has alarmed some advocates of the tenure system.

In re-examining tenure, Mr. Sexton, 62, has also issued a comprehensive assessment of academic freedom, a hot button issue that has been a center of conflict at NYU's uptown neighbor, Columbia University.

Mr. Sexton, who teaches three courses and said he works 18-hour days, has taken on both of those issues in a pair of recent essays that total almost 30,000 words and are cementing Mr. Sexton's reputation as higher education's leading spokesman.

In recent months, the NYU president has traveled to various universities, including Northwestern and Indiana, to present his vision for research universities, and he said he is considering writing a book containing those ideas.

His pronouncements stand in sharp contrast to President Lee Bollinger's style of leadership at Columbia. Mr. Bollinger has tended to delegate major policy recommendations to faculty committees or senior officials.

While not directly addressing Columbia's investigation into accusations that faculty members have intimidated Jewish and Israeli students, Mr. Sexton has issued a set of guidelines on academic freedom and the responsibilities of faculty members when the university is confronting controversial research and opinions.

Mr. Sexton has written, for example, that "there may be circumstances" to invite the likes of Hitler or Osama bin Laden to speak on campus, though he said a university ought not to "seize each and every opportunity to be provocative."

Universities cannot mandate balance within a department, he warns, but they must be alert to the danger of a department becoming "locked in particular schools of

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thought."

Mr. Sexton insists his proposals concerning faculty hiring do not constitute a threat to tenure. Still, some educators have expressed concern over the president's belief that tenure is justified for researchers and not for teachers.

Mr. Sexton wants to hire more faculty members whose job would be primarily to teach. These academics would be hired for a term of three to five years and would not be eligible for tenure. Many of the teachers would be used in the School of Continuing and Professional Studies and the Tisch School of the Arts. The Faculty of Arts and Science, where Mr. Sexton is pouring in the most resources, would still be composed overwhelmingly of tenured faculty.

Tenured professors, who earn more than other faculty members and whose job security is comparable to that of a Supreme Court justice, are a heavy cost for research universities, which have tended to rely increasingly on cheaper part-time faculty members. The percentage of full-time faculty who are tenured or on the tenure track has decreased to 65% from 81% between 1975 and 2001, according to data from the federal Department of Education supplied by the American Association of University Professors. The group is publishing an article critical of Mr. Sexton's proposal in the January issue of its journal, *Academe*.

About 65% of NYU's 3,100 full-time faculty members have tenure or are on the tenure track.

Mr. Sexton, who recently announced a \$2.5 billion capital campaign and his intention to expand the number of tenure-track arts and science faculty members by 125 over the next five years, denied that the percentage of tenured faculty at NYU would shrink in coming years.

Mr. Sexton said universities such as NYU, particularly given the relatively small size of its \$1.5 billion endowment compared with those of Ivy League schools, "have to do more with less than they recently expected." At the same time, he insists he is giving more shape and purpose to a segment of the faculty that can be marginalized at research universities.

Mr. Sexton has put himself in the tricky position of defending the prestige of the new teaching positions while denying their claim to tenure. Though some support the idea of shifting teaching duties to specialized teachers, critics question whether NYU can guarantee academic freedom without offering tenure.

By arguing against giving tenure to faculty members who only teach, Mr. Sexton has offered a dramatically different notion of the purpose of tenure from that of tenure's defenders. In a sense, he is downplaying tenure's prestige.

"I am trying hard to make the claim that tenure has a certain role to play, but I'm really trying to argue it should not be the principal grounds on which status is perceived," he said in an interview Tuesday with *The New York Sun*. "It is the quality of the ideas of the person that should be the basis of status."

According to Mr. Sexton, the main purpose of tenure is to give the best researchers a freer hand and allow them the time and expense that creativity often requires. Tenure, he said, gives "license to people to be in a contemplative state" and demonstrates a university's willingness "to be patient with the creative process."

NYU decides whether to give tenure to eligible faculty members after a probationary period that typically lasts six years.

Mr. Sexton, who has also encouraged tenured faculty to teach freshman seminars

more often, says tenure is appropriate for just those who "internalize and manifest the full scope of the university's activities - balancing and integrating in their own lives the dual mission of teaching and scholarship." Teachers, he says, fulfill a more limited mission.

He disagreed with the idea that the essential purpose of tenure is to safeguard academic freedom, arguing that the university is supposed to guarantee academic freedom to all faculty members and students.

"Academic freedom is cherished and guarded by the university as necessary to preserve this sacred space," he writes in his 17,000-word essay, "The Common Enterprise University and the Teaching Mission."

"However, this protection is necessary for all in the university - students, teaching assistants, adjuncts and university teachers as well as tenured professors," he writes.

It is Mr. Sexton's severing of academic freedom from tenure's basic purpose and his placement of researchers and teachers into separate hiring categories that have been of greatest concern to advocates of a traditional tenure system.

"Teachers also need protection, and tenure is the best way of ensuring that protection," Robert Kreiser, a senior program officer at the AAUP, said. "It's surprising that an institution like NYU would not recognize that fact."

A professor of history at NYU, Thomas Bender, said the "issue of academic freedom comes up more in the classroom than in people's research."

Mr. Sexton insists in his writings that tenure is "insufficient to provide the protection of viewpoint that must prevail in every classroom," and he says that even tenured professors can be prevented from teaching controversial subjects.

"In short, what is needed to safeguard the integrity of the classroom, the university teacher's core domain, is the protection of academic freedom, not the provision of tenure," he writes.

To those who would like to see the tenure system revised, Mr. Sexton is merely trying to update the university's policies regarding tenure to reflect the reality on campuses.

The president of the Foundation for Individual Rights in Education in Philadelphia, David French, said academic freedom could be better protected through clear guidelines than through tenure.

"It's a very positive trend if all faculty are guaranteed academic freedom regardless of their seniority level," he said.

Nearly a century ago, after the AAUP, led by John Dewey and Arthur Lovejoy, proposed the modern-day tenure system in 1915, it was less common for universities to give broad academic rights to faculty members who didn't have tenure, Mr. French said. Universities extended the reach of academic freedom when they began relying more on faculty members who were not tenure track, he said.

For his part, Mr. Sexton said he is intent on preserving academic freedom for faculty members and protecting NYU from external threats to what he calls the university's "sacred space."

In a 12,000-word "reflection" titled "University as Sanctuary," Mr. Sexton

excoriates ideological groups for attempting to influence which speakers should be invited to campuses and for aiming to silence faculty members.

"Indeed, the stereotypical charges issued by public figures like William Bennett, Camille Paglia, Ramesh Ponnuru, among others, themselves function as a silencing device of its own - and may be intended as such," he writes.

He says people like Mr. bin Laden could be invited to campus if the purpose was to expose them for who they are. He wouldn't prevent a student group from inviting a Holocaust denier to speak on campus "to avoid censorship in the sacred space." But he warns against the university itself inviting such a person because of the "harm to that space that might flow from conferring the university's imprimatur by virtue of a presidential invitation."

Among the groups he singles out for criticism are Campus Watch, a Web site operated by a Middle East scholar - and Sun columnist - Daniel Pipes, which is critical of departments of Middle East studies, and the animal rights group People for the Ethical Treatment of Animals, for intimidating researchers.

He excoriates Congress for proposing a bill that would create an advisory board to monitor financing under Title VI of the Higher Education Act of Middle East studies programs. Supporters of the advisory board, such as the Middle East scholar Martin Kramer, have said that too much of the \$90 million a year advances anti-American interests.

Though Mr. Sexton told the Sun he has not closely followed the turmoil at Columbia over alleged abuses of students by faculty members in the department of Middle East studies, he writes about a "danger that ideologically driven actors within the university will attempt to stifle conversation, or will attempt to create a climate in which it is difficult to advance certain positions." These types of "actors" in the university should be held up for censure but not expelled, Mr. Sexton says.

Academic freedom provides a "structure for developing, challenging, refining and replacing ideas," the NYU president writes, "but it also can facilitate their repression. Departments can become locked in particular schools of thought, excluding those who disagree."

Asked about Columbia's investigation, Mr. Sexton said "it's a lucky thing" for the school that it has as president Mr. Bollinger, whom he praised as a first-rate legal scholar.

Columbia officials have said they are not investigating the content of courses or research of the Department of Middle East and Asian Languages and Cultures, but are studying whether faculty members have prevented students from expressing their opinion.

## **IN HIS OWN WORDS**

### **SEXTON ON THE UNIVERSITY'S ROLE IN ENCOURAGING DIALOGUE:**

"Instead of the occasional invitation to an academic to have seven minutes on 'Crossfire,' the university can invite the public into a very different process for testing and shaping ideas."

**ON GOVERNMENT PRESSURE ON UNIVERSITIES:** "It is troubling, however, that increasingly government itself is exercising its enormous power to exert pressure on the nature and content of the dialogue on campus-and of the research that is the predicate to that dialogue. "

**ON OUTSIDE POLITICAL PRESSURE FACING UNIVERSITIES:** "I believe universities should be free from outside pressure when judging who should be

asked to speak on campus."

ON THE SILENCING OF FACULTY BY PUBLIC FIGURES: "Indeed, the stereotypical charges issued by public figures like William Bennett, Camille Paglia, Ramesh Ponnuru, among others, themselves function as a silencing device of its own-and may be intended as such."

ON THE FACULTY'S OBLIGATION: "We no longer can afford what Frank Rhodes, the former President of Cornell, calls a 'one sided obligation,' in which 'the university is expected to provide tenure, compensation, professional support and the protection of academic freedom for the professoriate, while the reciprocal obligations of the faculty member are nowhere specified.'

ON ACADEMIC FREEDOM'S RELATIONSHIP TO TENURE: "In short, academic freedom is important for many for whom tenure clearly is inappropriate; and the university has a compelling interest-indeed a duty-to guard the academic freedom of all, not just a few."



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