

## Faculty Governance at the University of Southern California

Laura Pulido

*If USC ever wants to be taken seriously amongst the Big Boys of higher ed, it MUST institute a faculty controlled promotion and tenure system to provide legitimacy. This is something administrators will have a hard time comprehending, because they think prestige is all about grabbing big-name profs with big money, or building big centers for this and that sexy topic, or pleasing the big donors. Those things help, and USC has done a lot of it, but in the end a university's academic prestige is a subtle thing that rests on the quality of faculty and their reputations among large networks of scholars. That is, the faculty ARE the university. Students come and go, and so do administrators. Faculty need to stay and feel respected, inside and out, for the university to succeed.*

—Richard Walker, emeritus professor of geography, UC Berkeley<sup>1</sup>

I write as a faculty member of a wealthy, private institution, the University of Southern California (USC). While there is a rapidly growing literature that explores the current economic crisis and how it is restructuring public universities—and higher education more generally—USC is enjoying unprecedented wealth in addition to new opportunities and privileges. While in some ways, these two situations could not be more distinct, in fact, they are deeply connected. Christopher Newfield has argued that the latest round of attacks on public institutions is restructuring all higher education so that soon only private schools will make up the top-tier universities.<sup>2</sup> While many public school faculty are fighting privatization and the erosion of academic quality, there is no escaping the fact that the public-private chasm is growing. Already a small set of elite, private institutions are considered the pinnacle of higher education in the United States and set the standards in many areas of the academy. One sphere that is of grave concern in this moment of

transition is faculty governance. While long considered a hallmark of higher education, its strength and vitality is being challenged by privatization. USC offers one example of how faculty governance works—or perhaps more accurately, does not work—in a culture steeped in privatization.

USC has spent the last twenty years working very hard to join the ranks of top-tier private institutions. While its academic profile has improved tremendously and the school continues to advance academically, far less attention has been paid to faculty governance. Yet the issue of faculty governance in a private university should be of concern to everyone in the academy, as the policies, practices, and philosophies of private elite schools are disseminated through the larger culture of higher education. However, it is equally true that care must be taken not to draw too stark a distinction between public and private universities. While there are significant differences, USC is a nonprofit institution that is tax exempt and supposed to serve the public good. While USC routinely uses its private status as a shield to deflect any demands for openness, I wish to problematize the supposed sanctity of its private status in light of the massive public subsidies it receives. In reality, this latest round of “privatization” in higher education is the latest struggle over “who learns, who teaches, what, and to what end.”<sup>3</sup> It is my intent in writing this chapter to encourage all members of the academy to reflect on the importance of faculty governance and the price it exacts—either by ignoring it or by fighting for it. A second purpose is to encourage USC faculty in particular to reflect on the current state of faculty governance on our campus and whether this serves us, students, and the larger community.

The focus of this chapter is a struggle over USC’s tenure process. Because many people have and are participating in this effort, this chapter should in no way be seen as a definitive or comprehensive account. For one, the story is too vast to be told in the allotted pages. In addition, I am writing from my personal vantage point and experience, with particular attention to issues of faculty governance. It is my hope that others will write their own experiences so a more robust and accurate narrative will emerge. There is much to be learned, analyzed, and shared.

I write this chapter as someone involved in critical ethnic studies (CES). My disciplinary affiliation and identity is important because from my perspective, CES, and Chicana/o studies in particular—my intellectual roots—have always been committed to *both* the production of scholarly knowledge as well as opening up institutions of higher education to people who have historically been excluded from its reach. As a working-class Chicana and

high school dropout, I was saved from a life of working at Kmart only by the goodness of California taxpayers and the community college system.<sup>4</sup> Accordingly, I have always felt that keeping institutions open, accountable, and transparent is part of my mission. And despite the fact that I have worked in a private institution for almost twenty years, I carry that experience with me: a commitment that has brought me into conflict with USC’s administration.

The first part of this chapter sets the stage by focusing on USC’s unprecedented efforts to improve its academic standing. The second part details how such dynamics have played out in the tenure process and how USC responded to faculty efforts to challenge its practices. In the conclusion I bring the story up to date and consider where USC might go from here.

### Keeping Up with the Harvards

USC was established in Los Angeles in 1880 as part of a major wave of U.S. higher education institutions. From the beginning it played a key role in training professionals for the Los Angeles region, including social workers, dentists, lawyers, doctors, architects, and many others. Such a mission was in keeping with the culture of higher education at the time insofar as it provided the knowledge-power to extend the United States’ international reach as well as provide domestic training and skills.<sup>5</sup> Partly because of its historic focus on the professions, it only recently developed a serious liberal arts program. For many years the well-known UCLA–USC rivalry was centered primarily on sports, as there was no real competition when it came to academics. Indeed, I recall when I first joined the faculty in 1993 being somewhat shocked at the dramatic range of student abilities—including some who were barely literate. I remember thinking, “Oh, so this is what affirmative action for the wealthy, white, and connected looks like.”<sup>6</sup>

But unbeknownst to me, big changes were afoot under President Steven Sample, who served from 1991 to 2010. A decision had been made that USC was going to become a serious academic institution. Over the next two decades, through a combination of long-range planning, public relations, fund-raising, and highly centralized control, USC began changing. Major initiatives were undertaken to improve both graduate and undergraduate programs and to recruit top faculty. Billions were invested in new buildings (especially in the sciences) and well-conceived public relations campaigns. Over time I saw a difference in my classroom. My classes were soon

peppered with students who could have gone to any university in the country. Indeed, in the 1997–1998 academic year, USC accepted fewer than half of its freshman applicants—a bellwether indicator for the university.<sup>7</sup> It was also in the 1990s that it began its “Building on Excellence” campaign, which netted USC \$2.85 billion. Since then, it seems that there is always some fund-raising campaign under way, and USC has certainly proven its capacity to raise funds.<sup>8</sup> Currently, it is seeking to raise \$6 billion through its “Campaign for the University of Southern California.”

This fund-raising is seen as key to improving the academic reputation of the university. Perhaps because it was long considered an academic backwater, USC has had an inferiority complex that it is in the process of overcoming. The mantra of the new president, Max Nikias, is for USC to enter the ranks of “undisputed elite institutions,” which are defined as the Harvards, Princetons, Caltechs, and Stanfords of the world. Indeed, in a recent annual address to the faculty, President Nikias boasted, “The freshman class houses almost three times as many Caltech-caliber students as Caltech itself.” He went on to explain that Caltech has about 200 students with almost perfect GPAs and SAT scores, while USC has 550 such students.<sup>9</sup> While recruiting Caltech-caliber students is certainly one indicator of academic quality, and I respect the desire to improve academically, I am equally concerned with the *culture* of the institution. What is it like to be a worker there? Especially for tenure-track faculty? What is the culture of a private university aspiring to elite status?<sup>10</sup>

It is often heard on the USC campus that the school has undergone the most dramatic improvement in U.S. academic history over the shortest period of time. I don’t know if this is true or not, but I would not doubt it. One of the factors that allowed this phenomenal shift is the fact that USC is an extremely hierarchical institution with very limited faculty governance. At the highest level, USC is governed by a board of trustees. This includes fifty voting members as well as a slew of honorary and emeriti trustees. While most are drawn from corporate leadership, there are also a number of lawyers, top USC administrators, and a community leader or two. Examples include Rick Caruso, a major developer; Yang Ho Cho, the CEO of Korean Air; and Ray Irani of Occidental Petroleum.<sup>11</sup> While there are many assets that such individuals undoubtedly bring to the job, I am unsure how important building an accountable, transparent system of faculty governance is to them, given that most come from private corporations—not necessarily known for transparency.

Second-in-command at USC is the senior administration. This includes the president, the provost, and the people who oversee USC’s hospitals, business operations, and fund-raising efforts.<sup>12</sup> Historically, both the board and senior administration have operated somewhat as an old boys’ network, but this is beginning to change. Board appointments are carefully and strategically made to enhance the university’s wealth and profile. For instance, there has been a concerted effort to cultivate Asian trustees to parallel USC’s growing Asian presence. Moreover, the current provost, Elizabeth Garrett, is a female—something the university takes pride in.

The third tier consists of a group of elected bodies, including the academic senate. USC describes its governance as follows: “USC is governed by a Board of Trustees and led by President C. L. Max Nikias in conjunction with a senior administrative team responsible for managing institutional operations through administrative units and schools. Additionally, the academic senate, Undergraduate Student Government, and Graduate and Professional Student Senate have power to make studies, reports and recommendations to the president in matters pertaining to their constituencies.”<sup>13</sup> This arrangement is known as “shared governance.” Although governance is supposedly shared, note that the academic senate is presented on the same level as student government and is relegated to making reports and recommendations. Few faculty see it as an independent entity. One reason is that the vice-provost for faculty affairs regularly attends academic senate meetings. Crucially, the individual serving in this post is *appointed* by the administration, which I see as a tremendous conflict of interest. The presence of the vice-provost for faculty affairs at academic senate meetings can preclude free-flowing debate among faculty, as a representative of the administration is always present. The university website describes the vice-provost’s duties as follows: “As Vice Provost, he serves as the senior executive officer responsible to the Provost for USC’s 4300 faculty.”<sup>14</sup> Note who the vice-provost is responsible to: the provost. Although the members of the academic senate are elected, as we have seen, the body itself does not have any real power—they can only make recommendations. There is no directly elected individual or body with real power that is accountable to the faculty.<sup>15</sup>

I spend this time reviewing USC’s administrative structure because it has been instrumental in allowing the institution to achieve such academic heights in a short period of time. There was scant need for faculty input, and major academic reforms were certainly not faculty led. Of course, the administration would often convene committees to rubber-stamp plans or

otherwise provide a front of legitimacy—but make no mistake, this was all from the top. In my own experience, I have sat on university committees that were pointless. Circa 2005 I sat on the Vice-Provost Task Force on Graduate Education. We met twice. I recall the chair of the committee being frustrated that we, the faculty, did not seem to be coming up with the kind of ideas and suggestions she wanted. As far as I know, nothing ever came of the committee: no report, no recommendation. It was simply an exercise in creating the illusion that faculty had meaningful input. While a small event in itself, it illuminates a larger culture characterized by backroom deals, a lack of transparency, no real faculty governance, a commitment to avoiding a paper trail, and a merciless drive to become a top-ranked institution. I now turn to how these dynamics have played out in the tenure process.

### Tenure at USC: The Black Hole

Not surprisingly, as USC underwent this dramatic transformation, there were profound changes for faculty. Some of these were most welcome, like being able to hire colleagues without a national search through the “Senior Hiring Initiative.” This was an effort to bring academic stars to USC to bolster its rankings or otherwise “transform” certain fields and departments. Others changes were simply bothersome. I recall that one year when I was undergraduate advisor, I was charged with getting my colleagues to call potential incoming students that had indicated an interest in my department and encourage them to come to USC.<sup>16</sup> Still, other changes were extremely damaging, including the tenure process. Because for so long USC was not academically rigorous, there are some older faculty who would not, by the new standards, be considered academically competitive. Indeed, I know faculty who never published after the dissertation. But this was the new USC. In order to advance in the academic rankings, tenure standards were going to have to change. Thus there was a new and unprecedented set of pressures and expectations placed on junior faculty.

To clarify, I agree that tenure standards needed to change. I don’t think anyone benefits from faculty who don’t publish past the dissertation. Having said that, however, I believe that the standards need to be reasonable, fair, transparent, and adhere to a consistent set of procedures. This has been unattainable to date at USC. The new expectations coupled with a culture of secrecy and a lack of accountability have led to serious problems. As a result, there were many who saw tenure as an ever-moving target. Indeed, at

a recent tenure workshop for junior faculty (a new innovation at USC), a colleague reported that the workshop leader explained that even if a candidate did all that was expected, he or she may be denied tenure simply because he or she did not fit with the dean’s vision for the unit. The fact that nobody at the workshop questioned this statement and what it meant for the procedure just outlined is a powerful testament to the kind of political culture that USC is intent on cultivating among its faculty. Moreover, such a practice would partially explain the seemingly capricious nature of some tenure decisions. Exacerbating the problem was the fact that substantive reasons are not regularly given for tenure denials. As a senior member of the department, I felt the tenure process for my junior colleagues was a black hole that not only depressed faculty morale but often led to major problems in terms of staffing, program building, and emotional devastation.<sup>17</sup>

Tenure became a growing problem as the 2000s wore on. My department regularly put faculty up for tenure—with positive votes—and they would be rejected in a variety of ways. The ways that tenure decisions were rendered, or not, is illuminating, as it shows how private universities can operate. For instance, it was stated in the faculty handbook that tenure decisions were to be made by commencement (around May 15). In the case of one colleague, commencement had come and gone and there was no decision. He then received a phone call from an administrator who told him that they wanted permission to delay his decision until June 30. He was told there was a “snafu.” Not feeling he had any real options, he agreed. Certainly, most people would not read this as a good sign. As it turned out, this person had also applied for a job elsewhere (as is common for USC tenure candidates), and he had received an offer with tenure. Unfortunately, this new university was not willing to wait until June 30 for USC’s decision. He informed USC of his other offer and there was a resounding silence. Not surprisingly, my colleague took the new job. This happened to at least two people in my department—both men of color. In these cases, delaying tactics were used to deny someone tenure without having to actually say it. This is a clever strategy on the part of USC as no tenure denial is ever recorded. Thus this record never shows that two men of color were denied tenure. While this tactic may help USC’s racial diversity data, it is disastrous to faculty and student morale.<sup>18</sup>

Another strategy was simply to ignore the deadline altogether. In one case a woman of color had received a retention offer that included the promise of coming up early for tenure. Unfortunately, this was never put in writing (a

pervasive tactic), and she came up at the originally planned time (in 2006). Although her department voted unanimously in support of her tenure, near commencement in 2007 the dean called to inform her that the decision was being postponed. No explanation was given. Indeed, the dean himself said he did not understand the delay. Finally, in 2008 this faculty member received tenure, after two years of tremendous anxiety and frustration.

In yet another instance, a woman of color was told in her job offer letter that she would be given a tenure decision by commencement 2009. In May of that year, she was informed by the senior associate dean of her school that the decision had been “deferred.” Despite the candidate’s best efforts, no explanation was forthcoming. She was then told that her decision would be rendered by the end of the summer, then by the end of fall, and then sometime in February. In March 2010 she was asked to submit additional materials on multiple occasions. She was finally granted tenure in May 2010. No explanation for the delays was ever provided.

Other cases have impacted candidates more materially. In one instance, a woman of color was offered a position as an associate professor with tenure. Delighted, she resigned from her home institution and passed on the tenure process there. Three months later, she received a call from the departmental chair (acting on orders from above) informing her that the terms had been changed: she was now being offered a job without tenure. Unfortunately, by the time she received word of the revised job offer, it was too late to apply for tenure at her home institution. It was only through the hard work and commitment of her colleagues at her current university that she was eventually able to come up for tenure, but not after significant cost to herself and her family in terms of anxiety, money, and damaged careers for both her and her partner.

Finally, in the most recent case, a woman of color was denied tenure after receiving the full support of her department. This time, however, she hired a lawyer and filed a grievance claiming discrimination, among other things. During the course of the proceedings, it was revealed that the dean had made cold calls inquiring with outside scholars about the candidate—dossier unseen. When she charged that this practice represented a violation of USC’s tenure procedures, we collectively learned that was not the case. Not only does the provost have the right to engage in all manner of outside communication, but she “may authorize exceptions or waivers to this manual or other policies.” Such a policy essentially renders the entire established process moot.<sup>19</sup>

You will note that in none of these instances do I discuss the merit of individual tenure cases. While important, it is an entirely different matter. People

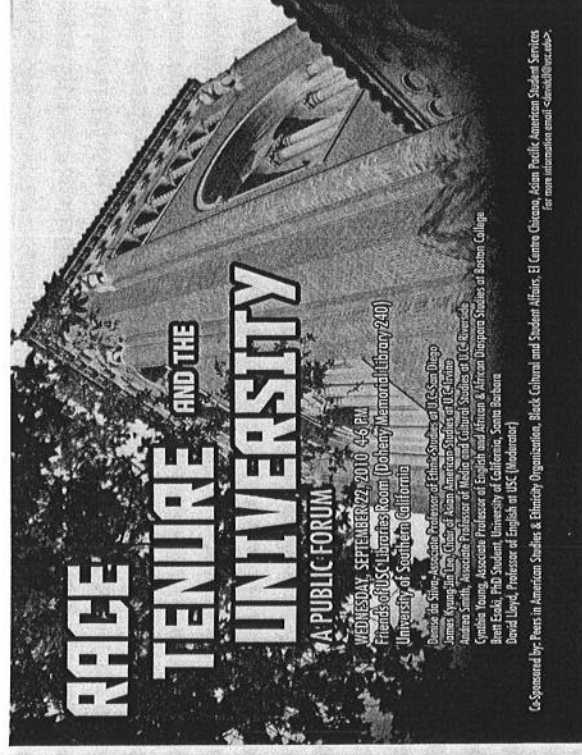


Figure 5.1. Flyer from Tenure Forum, 2010. Courtesy of Sarrita See.

of goodwill can and do disagree on tenure requirements. My concern is the question of *process*. How should faculty be treated in the tenure process? What rights might one reasonably expect to have? Whether we conceive of faculty as workers or colleagues, I believe that they should be treated with honesty, respect, and in a dignified manner. These are values that are elusive to the USC tenure process. USC can function with limited accountability like the private corporation that it is because the administration knows there are few avenues for faculty recourse. It was against this backdrop of tenure problems that a small group of faculty began to mobilize in 2010.

### Challenging the Tenure Process at the Corporate University

The precipitating event for this faculty mobilization was yet another tenure denial. While many felt that “Lisa” certainly warranted tenure, her denial could not readily be separated from this larger history and context. For me personally, it felt like it was the last straw in a long line of deeply disappointing decisions that were never fully explained nor embodied a logical and transparent procedure. A group of Lisa’s colleagues convened and discussed various options. Calling ourselves the Committee for Tenure Justice (CTJ), we drew from the experience of faculty at the University of Michigan



in 2008, when several women of color were simultaneously denied tenure.<sup>20</sup> We began by writing a letter to the administration stating our concerns in regards to both Lisa's case as well as the larger issue of tenure denials, particularly among women of color. We then circulated an online petition that was delivered to the administration and began a national letter-writing campaign among those in Lisa's fields in support of her tenure. In addition, we convened a forum on the USC tenure process that included several scholars who had previously been denied tenure at USC (see Figure 5.1).

It is important to note how the administration responded to these efforts. First, if it is not already evident, this is *not* the kind the activity that the administration had come to expect or deem appropriate. This was entirely counter to USC's culture: on the part of both faculty *and* the administration. While I am very critical of the administration, it must be underscored that USC faculty have been complicit in creating this culture. Over the decades we have allowed this system to flourish by *not* regularly challenging the administration in any substantive or collective fashion. USC is an ideal place for those who simply wish to do their research and teach or, alternatively, for those who want to garner a modicum of power by becoming one of the handful of professors who regularly interface between the administration and the faculty. It is precisely because of this culture that outspoken criticism was considered aberrant behavior. The fact that the members of CTJ were already located on the fringe—as primarily women of color and queer faculty—facilitated the university's efforts to dismiss our concerns by ignoring us and disciplining us.

The college dean, along with Lisa's departmental chair and the vice-dean for college diversity, responded by writing letters to all outside faculty who had written letters of support. In it, they stressed the validity of the USC tenure process and the need for privacy and championed USC's diversity record (you will hear this last point repeatedly). They closed their letter stating, "To make baseless suggestions about improper conduct or disturbing patterns is ill-informed and irresponsible."<sup>21</sup> Specifically, they were responding to the letter writers' charges of discrimination in the tenure process, but they did so in a way that speaks volumes about the culture of USC as a whole. Not only is the mere suggestion of discrimination or a problematic tenure process dismissed, but they imply that no one has the *right* to question USC's decisions. To do so is supposedly a violation of the institution's rights.<sup>22</sup> Despite the administrators' claims to the contrary, it turns out that such charges of discriminatory or unjust tenure review processes were hardly baseless.

Another avenue pursued by the CTJ was to request a meeting with the dean's office. The dean himself did not meet with us, but his right-hand man did as well as two administrators, the vice-dean of college diversity and a special advisor to the provost, both of whom are men of color. The fact that two senior men of color were involved is hardly incidental but part of USC's practice of "racial management." The bodies of these two men of color performed important ideological "work." Their positionality enhanced USC's ability to dismiss any charges of racism. Collectively, strategically located colored bodies, the diversity statistics, the existence of the Office of Equity and Diversity (more on that later), and the adamant dismissal of all criticism constituted USC's shield in these early battles.

At the meeting, we in CTJ stated clearly our concerns as well as a list of demands. One of the demands that merits elaboration was for an independent investigation into a perceived pattern of racial and gender bias in the tenure process against women of color. The administration responded in two ways. First, in a follow-up memo, the administrators said that these concerns were best referred to the president of the University Committee on Academic Promotion and Tenure (UCAPT). In some institutions this might actually mean something substantive, but at USC it meant nothing would happen and, not surprisingly, nothing did. Indeed, the follow-up memo stated that they also thought our call for an independent investigation was "jumping the gun."<sup>23</sup>

The other response, based on our allegations of possible discrimination, was to refer "the case" to the Office of Equity and Diversity (OED) for an investigation. This last move posed a definite challenge to the CTJ and its allies. On the one hand, this was entirely in keeping with USC's—and perhaps most institutions'—normal procedures. Any charge of discrimination must be investigated. On the surface, this seems like a good thing. In reality, there were several factors complicating such an investigation. First, transforming Lisa's tenure denial into a "case" served to legalize the problem and and individualize collective problems.<sup>24</sup> This meant that Lisa's tenure decision would be investigated, but the larger pattern may be ignored. While we certainly supported any move that might provide Lisa with grounds to appeal her case, we knew that this course of action would not address the larger problem. The second problem with the OED's investigation is that many of us had heard of or been involved in previous investigations—and they all resulted in the same conclusion: no evidence of discrimination. Thus

we knew that this was simply a legal exercise that USC had to undertake in order to exonerate itself.<sup>25</sup> The third problem with this strategy was that it put us on legal terrain—and there was no way we could win against USC lawyers. The institution has very deep pockets, both in-house lawyers as well as outside ones on retainer, and a history of paying off employees in exchange for silence. And finally, an investigation is very much in keeping with the institution's overall strategy of racial management.

I should clarify that I do not think USC is unique in this regard. But as a litigious society that is structured to reproduce the power and rights of corporate capital and that has commodified the entire process of dealing with social transgressions, we have created a system that at this particular juncture is largely incapable of addressing structural racism or sexism. Not only is the methodology of the investigation limited to revealing overt forms of discrimination, but it requires either self-confession, a witness, or other forms of tangible evidence to legitimize the claims. While certainly none of this is conducive to dealing with structural inequality, the process is especially pernicious because it masquerades as a form of relief. In other words, nothing else needs to be done. The affirmative action investigation is one of the most powerful tools of racial management and social control that universities have at their disposal. Consequently, it is utterly useless to USC employees but extremely useful to the administration.

Because of all the problems surrounding the investigation, people had varied feelings about participating in it. One compelling reason to participate was that should Lisa ever decide to take her case to court, she would not have a legal leg to stand on if she did not exhaust the university's internal process. A minority believed that the OED offered a path to dealing with real problems.<sup>26</sup> Still others, myself included, did not want to participate in what we saw as a sham in the first place. Thus there were a range of responses that no doubt contributed to the "investigation's" conclusion—big surprise—that there had been no problem with Lisa's tenure process and certainly no discrimination.<sup>27</sup> In a letter from the provost that accompanied the findings of the OED's report, it stated, "As we do whenever a charge of discrimination is raised, I referred your letter of last September for investigation by the Office of Equity and Diversity. I am enclosing the investigative report sent to me. I trust you will be pleased as I am that the investigation does not support a finding of discrimination."<sup>28</sup>

The investigative report itself is worthy of its own study. Here I will limit myself to a few observations. For the most part, it simply compares concerns

voiced by interviewees with written policy or, in some cases, concludes that the faculty who raised the initial charges were confused. There is no mention of actual interviews with administrators or others who played key roles in Lisa's denial of tenure.<sup>29</sup> For instance, a commonly heard complaint across the college was the lack of transparency with the tenure process.<sup>30</sup> The report noted this as a faculty concern, but instead of seriously engaging with it, the OED's report simply states, "It appears (as set forth in a-6 of the UCAPT manual) that USC places great value on respecting the confidentiality of tenure evaluations, so as to promote honest and unbiased evaluations, free of lobbying or pressure."

This response merits a bit of elaboration. First, to a certain extent, it is a sleight of hand, as the response continues a pattern of suggesting that we wished to know the identities of the evaluators. At no time did we ever ask to know the identity of tenure evaluators. Rather, we simply wanted to know the *content* of the letters, even in summary form. But the university consistently glossed over this crucial distinction by responding as if we wanted to know individual identities—something that few people at USC (and elsewhere) would support. By not dealing with the specificity of our demands, the university sought to portray our demands as unreasonable.

In addition, the OED's response is particularly frustrating because it consists of a reference to a value stated in a manual, which does not tell us anything except what USC says about itself. As far as we can tell, the OED pursued no real investigation beyond the faculty handbook. Questions that might have been explored include the following: What constitutes transparency? Is there a relationship between transparency and discrimination? Lastly, the OED's response also reveals who it sees as the actual subject that constitutes USC. In this rendering, USC is not the faculty or other workers who, for the most part, do not benefit from secrecy. Rather, it is the administration. This is a central issue that we need to be discussing: Who benefits from secrecy? Who benefits from transparency? While beyond the scope of this chapter, some academics are beginning to discuss this sacred cow.<sup>31</sup>

The issues of "privacy" and "transparency" are central to this entire story precisely because USC claims them as values but they actually are tools of domination. Privacy/transparency can be seen as objects of class struggle between faculty and administrators. Knowing other faculty do not always labor under conditions such as ours, I researched other schools' tenure procedures and developed a "Tenure Bill of Rights" as practices that USC should consider adopting in order to promote greater transparency.

### A Proposed Tenure Bill of Rights

1. The right to know why one was denied tenure—a detailed explanation in writing
2. The right to see redacted outside letters
3. The right to know the content of the chair's letter(s)
4. The right to know which outside scholars one is compared to in the evaluation process
5. The right to know the results/methods of any quantitative analysis (e.g., cohort analysis, citation count, etc.)
6. The right to know the vote/deliberations at the departmental level
7. The right to know the vote/deliberations at the college level
8. The right to a clear decision by commencement
9. The right to a clear appeal process
10. Institutional respect for departmental decisions. Any decision counter to the department's should be accompanied by a full written explanation to the department.
11. The right to know who sits on the UCAPT (university tenure committee)
12. The academic senate should appoint the UCAPT—not the administration
13. The right to see statistics on tenure outcomes, including methodology and data sources (provided confidentiality is ensured)

I culled these practices from various institutions, primarily public, as few private schools make their tenure practices public. When we shared these practices with the administration, a common response was, "But those are *public* schools. What do the *private* schools do?" Here, once again, we see how USC is consciously producing itself in relation to the private elite schools it aspires to. It wishes to emulate Harvard, not merely the University of California. This, in turn, begs the question, what is the connection between privacy and elitism? Privacy allows USC to operate with minimal challenge, but it is also a practice that contributes to the cultivation of a particular image. In turn, this image is thought to enhance the status of the institution. Thus privacy actually produces value in the economy of higher education. Privacy functions as an asset in the accumulation of prestige. The practice and rhetoric of

privacy goes far beyond the tenure process and is key to positioning oneself in the academic hierarchy.

Another privacy issue is the composition of the UCAPT itself. At USC, the membership of the UCAPT is largely unknown. Over the years various colleagues have shared when they were on UCAPT, but never was the full membership disclosed. When we brought this issue up at our meeting with representatives of the administration, we were told by the special advisor to the provost that, in fact, the membership of the UCAPT was not a secret. I quickly followed up in an e-mail asking for the list of members. I was then informed that it turns out that this information is *not* for university-wide consumption. This seemingly small point illustrates at least two things. First, the fact that there was confusion on the part of the administration regarding whether this information is public or not is a microcosm of the larger tenure process. If there is not agreement within the administration itself whether the composition of the UCAPT is a secret, one can imagine how much room there is for confusion along the full spectrum of the tenure process. Second, in subsequent e-mails and discussions with representatives of the administration, I was consistently told that the identities of the UCAPT had to be kept private in order to prevent lobbying and pressure. This speaks volumes about how USC views its faculty. It is a form of infantilization to believe that we could not handle such information in a responsible manner. At most universities such information is known and lobbying does not seem to be an issue.<sup>32</sup>

The administration also rejected our demand for an independent investigation into the larger pattern of tenure denials.<sup>33</sup> Following the suggestion of one of the dean's representatives, we tried to work through the college's faculty council, asking it to undertake or commission an independent study or, at the very least, request the data from the college. Since the university administration would not give us the data on tenure outcomes by race and gender, we thought perhaps the college administration would share its data with the college's elected representative body. It was denied.

Instead, the OED's report included a statement on tenure outcomes: "An analysis of University-wide data shows no statistically significant difference in tenure success rates between male and female candidates, or between minority and non-minority candidates, during the period 2006 through 2009. Thus it appears that there is neither intentional discrimination against minorities, women, or minority women."<sup>34</sup> There are several problems with this analysis, starting with the fact that we have no idea who conducted it.



Presumably it was someone in the administration or commissioned by the administration. Apparently we are supposed to believe what the administration tells us, despite its history and the lack of faculty governance. Precisely because a university self-study has little credibility, we called for an independent investigation in the first place. Second, we have no knowledge of the data used or methodologies employed. I find it deeply ironic that a university would conduct a study employing a set of practices that it would never accept as legitimate scholarship from its faculty. One example of why there is a need for a clear methodological statement is the issue of who counts as a minority. With the best of intentions, people may disagree on how to categorize various populations. For example, do Asian immigrants in the sciences count as a minority? How about 1.5 generation immigrants? There are obviously important political implications to the process of racial counting—a crucial part of racial management.<sup>35</sup> In my time at USC, there have been several lively discussions about who counts as a minority and much speculation about how exactly the university has achieved its much-vaunted status as being a leader in faculty diversity. As ever, the provost noted in her letter accompanying the report, “As you may know, Government statistics show that USC is #1 for faculty diversity among AAU private universities.”<sup>36</sup>

In the face of such intransigence, one faculty member decided to conduct her own analysis of tenure outcomes based on the university catalog. She tracked the faculty in each department and counted who was promoted to associate professor and who was not. While not a perfect dataset, it is the best available to faculty. Based on her analysis of the social sciences and humanities faculty in the college from 1998 to 2012, it was determined that 91.9 percent of white men received tenure, but only 55.1 percent of women and minorities received tenure. While we suspected a pattern of discrimination, we had no idea how severe the discrepancies were. While the data itself is clearly incriminating, equally significant is its juxtaposition with the administration’s claim that minorities were awarded tenure at a higher rate than nonminorities.<sup>37</sup> Although their claims were based on university-wide data from 2006 to 2009, it strains credulity to imagine that both findings are correct. Is the administration lying? Should the administration’s findings simply be dismissed since they will not reveal their data and methods? While the administration has not denied the findings to date, it did secure the testimony of a professor at a grievance hearing who sought to discredit the analysis. He suggested, for example, that the skewed tenure rates may be due to top female and minority candidates being recruited by more

prestigious institutions than USC prior to tenure. Alternatively, he offered that perhaps white men who are poor scholars are more likely to be advised to leave prior to tenure, and thus the resulting pool of white male tenure candidates is simply stronger.<sup>38</sup> Such logic illuminates the degree to which the USC is willing to go to avoid the truth.

### The Aftermath and the Future

In January 2011 the administration sent out a memo to all faculty introducing some positive changes to the UCAPT manual. While such revisions are welcome, in no way do they go far enough or address the central issues embodied in the tenure bill of rights.<sup>39</sup>

In December 2010, my department was charged with selecting a new chair. Two candidates were advanced—both of whom, including myself, had been active in CTJ. The dean rejected both candidates, which threw the department into a tailspin. Particularly illuminating is how the dean treated us. While it is the dean’s prerogative to accept/reject chair nominations, and there may have been valid reasons for rejecting us, the way he did it was noteworthy: He never bothered to inform us personally, whether in person, over the phone, or in writing. He never bothered to explain why we were unacceptable candidates. When a departmental delegation went to argue for our candidacy, he would not reconsider. In short, the dean treated us disrespectfully because he could. I am a woman of color and my colleague is queer. Already marginal to the university, he did not have to bother explaining his actions to us, as we were not worthy of his time and effort. Moreover, his actions were clearly intended to discipline us for being outspoken as well as the larger department for challenging his authority. In this sense, he was very purposeful in his disregard of us.

This larger culture of disrespecting faculty of color has left the department a shell of its former self. According to my count, between 2007 and 2012 eight faculty who were affiliated with my department left for tenure reasons, and another eight senior faculty chose to leave, primarily because of the administration and culture of USC. A recent external review of the program described the situation as follows: “It is unfortunate that many of the negative tenure decisions and most of the faculty who departed were scholars of color. Rightly or wrongly, there is a perception that the administration did not value the scholarship of these junior faculty, or appreciate

the accomplishments and intellectual stature and high regard in which the senior faculty who departed were held in their fields.<sup>39</sup>

It is a telling yet sad commentary that a university that desires both diversity and top-ranked status cannot manage them both. As I have stressed, USC has actively sought and continues to seek racial/ethnic and gender diversity—as long as its politics can be contained. Challenges to the tenure process, on the other hand, were seen as uncontrollable.<sup>41</sup>

In response to the most recent tenure denial and grievances, the Equal Employment Opportunity Commission has agreed to conduct an investigation of USC. Specifically, USC has been charged with violating Title VII of the 1964 Civil Rights Act. This process has just begun, and it is uncertain how it will end. I can only hope that USC will take this opportunity to come clean, share its data, move toward a more transparent tenure process, and follow the lead of such institutions as MIT. My desire for USC to model itself after MIT is not because of its national ranking but because it seriously grappled with gender discrimination in the sciences when confronted with the evidence.<sup>42</sup> Instead of USC emulating the “undisputed elite institutions of the world,” it is my hope such institutions will one day emulate USC for its openness, diversity, and commitment to justice.

#### Notes

I thank the editors of this volume, Piya Chatterjee and Sunaina Maira; David Lloyd; and Ruth Wilson Gilmore for their generous comments, as well as all the people who allowed me to share their stories. I alone am responsible for any shortcomings. A version of this was presented at the Critical Ethnic Studies Conference at UC Riverside in 2011. Epigraph quoted from e-mail to author, November 9, 2010.

1. Richard Walker, e-mail to the author, November 9, 2010.
2. Christopher Newfield, *Unmaking the Public University: The Forty-Year Assault on the Middle Class* (Cambridge, Mass.: Harvard University Press, 2008).
3. Ruth Wilson Gilmore, “Decorative Beasts: Dogging the Academy in the Late Twentieth Century,” *California Sociologist* 14 (1991): 129.
4. In many ways, I am a poster child for how California’s higher education plan was supposed to work: I enrolled in the community college system, transferred to California State University, and ultimately received my PhD from UCLA. Although I did benefit from affirmative action at various points, I believe the significance of my story is the democratizing power of public education for everyone. I currently have a number of younger cousins in the same position I was thirty years ago—but

there is no space for them at the community college. Manuel Pastor, among others, has argued that some of the most effective policies to improve the well-being of the poor and people of color are inclusive policies that embrace everyone: the community college is one such example. See, for example, Manuel Pastor, Juan de Lara, and Justin Scoggins, “All Together Now: African Americans, Immigrants and the Future of California” (Los Angeles, Calif.: Center for the Study of Immigrant Integration, University of Southern California, 2011).

5. I am grateful to Ruth Wilson Gilmore for this insight.
6. The USC application has a box to check for “Scions,” or legacy students. These are students with preexisting family ties to USC. In 2011, 20 percent of the incoming freshman class were scions. USC Freshman Profile, 2011, [http://www.usc.edu/admission/undergraduate/apply/fresh\\_profiles.html](http://www.usc.edu/admission/undergraduate/apply/fresh_profiles.html).
7. For USC’s version of its history, see <http://about.usc.edu/history/>.
8. As an example, in a recent letter to all USC “ambassadors” (of which I am apparently one), President Nikias identified the following gifts: \$110 million from Julie and John Mork for undergraduate scholarships; \$10 million from the Harmon Family Foundation for an Academy of Polymathic Study; \$10 million from William and Sharon Schoen for scholarships for military veterans; and \$3.8 million from the Stamps Family Charitable Foundation for undergraduate scholarships. I believe that all these gifts were given in 2011 and 2012. Letter from C. L. Nikias to Laura Pulido, March 30, 2012, author’s personal files.
9. C. L. Max Nikias, “Annual Address to the Faculty,” University of Southern California, February 2012, 3.
10. On the struggles of low-wage USC workers, see Donna Houston and Laura Pulido, “The Work of Performativity: Staging Social Justice at the University of Southern California,” *Environment and Planning D: Society and Space* 20 (2002): 401–24. One aspect of USC’s culture that has been scrutinized is its athletic program. Mike Garrett, a former Trojan himself, was USC’s athletic director from 1993 to 2010. Under his leadership the Trojans broke many NCAA rules, eventually resulting in the school returning Reggie Bush’s Heisman Trophy. The scandal became a huge embarrassment to USC, and President Nikias responded promptly and firmly by replacing Garrett with Pat Hayden, who was thought to have an impeccable reputation. Though corruption seems endemic to university athletics—witness the recent Penn State scandal—we tend to treat athletic corruption as completely removed from an institution’s academic culture. I believe that this question merits further investigation.
11. For a complete list of trustees, see <http://about.usc.edu/administration/board-of-trustees>.
12. For a complete list of the senior administration, see <http://about.usc.edu/administration/>.
13. <http://about.usc.edu/administration/>.

14. [http://www.usc.edu/academe/faculty/vice\\_provost\\_faculty\\_affairs/](http://www.usc.edu/academe/faculty/vice_provost_faculty_affairs/).
15. I am grateful to David Lloyd for clarifying this relationship. An additional example of such a conflict of interest is in my own department, where a faculty member in the dean's office also participated in departmental meetings. When I raised this as a possible conflict of interest, some, unfortunately, interpreted this as a case of personal conflict. The fact that it was interpreted as such and not seen as a conflict of interest testifies to how entrenched such practices are at USC. It must be acknowledged, however, that some departments have banned this practice.
16. All undergraduate advisors in the college were charged with this task by the dean's office. My colleagues actually did place the phone calls, but most reported that the students did not understand why they were calling and were somewhat baffled by the whole thing.
17. I received tenure in 1997. The changes at USC had definitely started, but they were not yet fully manifest in the tenure process. I was told I needed to produce a specific amount of scholarly work and I did. However, I do not think that the amount of work I was told is/was necessarily reasonable: one book and approximately twelve journal articles/book chapters. I assume that such a high bar was set to ensure my record was beyond reproach. It worked. But the important questions we need to be asking are the following: Is it reasonable and desirable to require someone doing qualitative social science to produce so much? Am I really a better scholar because I hit that magic number? Was the emphasis on research worth the trade-off of less-than-stellar teaching (something I am still working on)?
18. As it happens, both men were outstanding teachers with sizeable student followings.
19. Tania Modeleski, "The Death of Shared Governance at the U. of Southern California," *The Chronicle of Higher Education*, January 11, 2013, <http://chronicle.com/blogs/conversation/2013/01/11/>; Memo from Steve Kay and Heidi Rummel to Members of the Grievance Hearing Panel, "Hearing Brief," December 7, 2012, 4, author's personal files.
20. Michigan students mobilized and launched a national letter-writing campaign, convened a conference, and pursued many other activities; see, for example, Robin Wilson, "Protest Heat Up at Michigan over Tenure Case of Expert in Native American Studies," *Chronicle of Higher Education*, February 28, 2008; "Campus Lockdown-Tenure for Andrea Smith!," Greater Detroit website, February 29, 2008, <http://www.greaterdetroit.wordpress.com/2008/02/29/campus-lockdown-tenure-for-andrea-smith/>. See also Sarita E. See, "Talking about Tenure: Don't Be Safe, Because There Is No Safety Anyway," in *Written/Unwritten: Tenure and Race in the Humanities*, ed. Patricia Matthew (unpublished manuscript, Rutgers University); Andrea Smith, "Life after Tenure Denial," in *Mentoring Faculty of Color: Achieving Tenure and Promotion*

at *Predominantly White Colleges and Universities*, ed. Dwayne Mack, Elwood Watson, and Michelle Madsen Camacho (Jefferson, N.C.: McFarland, 2013), 195–204.

21. Letter from Howard Gilman, George Sanchez, and Donald Miller to Paul Spickard, July 26, 2010, author's personal files.

22. I cannot help but see the parallels between USC's attitude and the Citizens United case; *Citizens United v. Federal Election Commission* (2010).

23. Memo from Michael Preston, Michael Quick, and George Sanchez to David Lloyd, October 27, 2010, author's personal files.

24. Allen Feldman, *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland* (Chicago: University of Chicago Press, 1991).

25. I personally was invited by a colleague to accompany her to meetings with the affirmative action officer to discuss the results of an investigation. My friend, a woman of color, filed a charge of discrimination in 2008 after she was denied tenure. The process was a rude awakening to us both and served as a shocking reminder of how utterly meaningless the entire "investigation" was. The essence of the meeting was the affirmative action officer telling my friend that she had interviewed the individuals who handled the case and no discrimination was found. No names were shared, no evidence was cited, no methodology was made explicit: we were simply supposed to trust the word of the officer.

26. Several faculty who agreed to speak with the affirmative action officer noted that she seemed genuine and caring and even cried. She cried so often that we would joke about carrying around a box of tissues for her.

27. An additional problem with the internal investigation was that the affirmative action officer informed us that we could not talk about the case. Indeed, throughout the process, people contacted me asking what I thought about participating in the process, and I was told by Jody Shipper that I could not talk about it with anyone. E-mail from Jody Shipper to Laura Pulido, November 18, 2010, author's personal files.

28. Letter from Elizabeth Garrett to Laura Pulido, August 9, 2011, author's personal files.

29. In previous encounters with Shipper, she has pointed out that all her research/interviews are confidential, which is in keeping with the best practices of her field. While I can appreciate this as a scholar, it is completely unacceptable in terms of workers' rights. The lack of transparency demands an alternative procedure and methodology. It is NOT acceptable to simply be told to trust the word of an administrator, who ultimately is accountable to and paid by the administration.

30. Whether one thinks USC's tenure process is legitimate or not, there is a valid case to be made for greater transparency. Consider the outside letters. In many universities, faculty are allowed to see redacted letters written by outside colleagues. Why is this important? First, reading other people's evaluations of your work is of value in trying to ascertain why one did or did not get tenure. Second, after having

reviewed the letters and disagreeing with some element of them, one can potentially respond to specific points and provide counterevidence. This can obviously help one's case. Third, I have been told by numerous colleagues that reading these letters is quite helpful in terms of one's scholarly development.

31. While there is an argument to be made for confidentiality, this position is problematic in that it assumes (1) we cannot truly be honest with our colleagues because it would be difficult and uncomfortable, and (2) the converse: it sanctions a lack of honesty in order to maintain the illusion of harmonious relations. Such an arrangement clearly does not benefit the candidate and presumably has the comfort of the tenured faculty in mind. But we must question the value of any system that does not require, or at least encourage, full honesty with ourselves and others. I find it deeply ironic that an entire institution, higher education, which supposedly is committed to the pursuit of truth, is ultimately predicated on a lack of honesty. Personally, I believe that if faculty have the power to fire, then they should have the courage to tell that person to their face. Is this difficult? Yes. But not only might this encourage a more thorough review (i.e., more professors might actually read the full dossier), but the candidate would understand how/why the decision was made, and we would all grow as human beings by being forced to publicly be honest. See "Talking about Tenure"; Andrea Smith, "Confidentiality," *Religious Studies News*, May 2012. <http://www.rsnonline.org/index>.

32. At the University of California, Berkeley, the membership of the committee is actually online: <http://academic-senate.berkeley.edu/committees/bir>. As this chapter was going to press, USC issued a new policy on the UCAPT: "At the end of each academic year, the University makes public the names of UCAPT members from the past two years." This passes for transparency at USC. UCAPT Manual, March 2013, 3.

33. E-mail from Michael Preston, Michael Quick, and George Sanchez to David Lloyd (cc'd to Laura Pulido), October 27, 2010. Independent investigations are not without precedent. For example, the Illinois American Association of University Professors (AAUP) conducted an investigation of DePaul University's tenure process after protests over a perceived discriminatory pattern. See [http://www.insidehighered.com/news/2011/01/04/minority\\_faculty\\_contest\\_depaul\\_tenure\\_denials](http://www.insidehighered.com/news/2011/01/04/minority_faculty_contest_depaul_tenure_denials).

34. Letter from Jody Shipper to Elizabeth Garrett, July 27, 2011, author's personal files.

35. Since we don't actually know how racial counting occurs and have never seen the actual numbers, rumors abound. One colleague, a Latina with South American origins, once speculated that perhaps she is counted as white when it is convenient to do so and as minority when that is advantageous to the university.

36. Letter from Elizabeth Garrett to Laura Pulido, August 9, 2011, author's personal files. It is my understanding that such reports are actually based on data submitted by the university itself—thus, there is plenty of room for interpretation on the part

of the institution. Moreover, USC's status as number one is not necessarily impressive as it simply reflects how deplorable things are at other institutions (public and private). For example, in the college itself, according to my calculations, there are five Mexican American or Chicana/o full-time tenure-track faculty. This is out of approximately 400 tenure-track faculty in a city that was once part of Mexico and has the largest Mexican American population in the United States. To me, these are not impressive statistics. It is not my wish to disparage USC's efforts at faculty diversity—which have indeed been real—but rather to put such claims in context, especially when such rankings are used by the administration in a self-serving way to dismiss charges of discrimination.

37. This was stated by both the affirmative action officer and the previous dean. The latter wrote, "I looked over the time period for which I have data at hand, the year since 1996, and see that the percentage of under-represented faculty succeeding in their promotion to tenure in the College happens to be higher than for white faculty. Thus the statement in your letter that there is a 'longstanding pattern of inexplicable tenure decisions that have disproportionately affected faculty of color' is contrary to the data." Letter from Howard Gilman to Laura Pulido, September 13, 2010, author's personal files. More recently, the revised *UCAPT Manual*, which is authorized by the provost, states, "From academic year 2006–2007 through academic year 2011–2012, 86 percent of the 164 tenure-track faculty who completed the UCAPT process were granted tenure. . . . The proportion of women receiving tenure was nearly identical to the rate for men (1.2 percent higher for women). The tenure rates for faculty who identified themselves as non-Hispanic whites and those who identified themselves as ethnic minorities also were essentially the same (1.2 percent lower for ethnic minorities). These inter-group differences are not statistically significant." UCAPT Manual, USC, March 2013, 9. As always, we have no idea how the administration derived these figures. The actual report is a memo from Jane Junn to Phil Ethington, October 10, 2012, author's personal files. See also Audrey Williams June, "Tenure Decisions at Southern Cal Strongly Favor White Men, Data in a Rejected Candidate's Complaint Suggest," *Chronicle of Higher Education*, [http://chronicle.com/article/Tenure-Decisions-atSouthern/135754/?cid=at&utm\\_source=at&utm\\_medium=en](http://chronicle.com/article/Tenure-Decisions-atSouthern/135754/?cid=at&utm_source=at&utm_medium=en).

38. Memo from Mark Weinstein to Heidi Rummel, November 30, 2012, "Jane Junn, Analysis of Data on Tenure at USC Dornsife," author's personal files.

39. Memo from Elizabeth Garrett, Peter Conti, and Leo Braudy to the Faculty, January 28, 2011, "Tenure, Promotion and Appointments." Highlighted changes include the following: the creation of a FAQ; recommendations on how best to evaluate collaborative scholarship; expanded advice to candidates, departments, and school committees; and expanded sections on promotion to full professor and designation as clinical scholar.

40. Melvin Oliver, Ruben Rumbaut, Priscilla Wald, Kenneth Warren, and William

Vega, "External Review of USC's Department of American Studies and Ethnicity (ASE)," May 20, 2012, author's personal files.

41. Andrea Smith, "Native Studies and Critical Pedagogy: Beyond the Academic-Industrial Complex," in *Activist Scholarship: Antiracism, Feminism, and Social Change*, ed. Julia Sudbury and Margo Okazawa-Rey (Boulder, Colo.: Paradigm Publishers, 2009), see esp. 40–46.

42. On women in the sciences at MIT, see <http://web.mit.edu/fnl/women/women.html>.

## The Boycott, Divestment, and Sanctions Movement and Violations of Academic Freedom at Wayne State University

Thomas Abowd

The movement for Boycott, Divestment, and Sanctions (BDS), organized in the United States and globally as a response to several decades of Israeli human rights abuses against the Palestinian people, has spread at a rate unimaginable ten years ago. Responding to a call from activists in Palestine in 2005, BDS has been a nonviolent campaign comprising actions meant to end Israel's illegal occupation of Palestinian land.<sup>1</sup> These varied and proliferating campaigns have in some cases emanated from the grounds of the fortified "imperial university" in the United States, where increasingly students and professors are opening up and broadening discussion on Palestine/Israel in ways never seen before. The gains of this nascent movement are not, to date, mammoth if measured against the formal successes of BDS activists and campus campaigns against apartheid South Africa in the 1970s and 1980s. However, measured by the growth of public awareness in the United States and elsewhere concerning Israel's ongoing, sixty-five-year theft of Palestinian land, the victories have not been meager.

Dynamic broad-based organizing of this kind has increasingly arisen within Palestine rights circles in the United States since 2002. And perhaps it is evidence of the potential of a dedicated, effective, nonviolent movement that BDS efforts have caused such fear and fury among those who wish to sustain Israel's violent military rule over the Palestinians. Those familiar with activism of this sort are also well aware that Israeli officials and consulates have deemed these activist projects to be among the greatest "threats" to the Jewish state. These proliferating popular campaigns have compelled Israeli officials and pro-Israel activists to intensify their own responses, seeking to garner support in the United States through at times quite racist rhetoric about the threats "the Arabs," "fundamentalist Islam," or anti-Zionist activists pose to *their* security. But despite the Israeli government's endless ire