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Standards of Professional Conduct and the Academy

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Abstract — This presentation being by calling attention to a puzzle. Most professions—including medicine and law—enjoy fairly clear standards of professional conduct. Furthermore, those entering these professions become acquainted with accepted standards during their training. The academic profession is a conspicuous exception. Standards of professional conduct—with the possible exception of acceptable norms for research—are almost never considered explicitly and play no role in most graduate training programs. What are the obligations of professors to students? What are proper standards of accountability for faculty? Who has primary responsibility for the curriculum? These are a few of the many important questions which are only rarely the subject of discussion and/or instruction.

A variety of possible explanations will be considered for the present situation. These include: the decline of mentoring, the undermining of institutional citizenship by outside opportunities, specialization and professionalization, competition between institutions, and poor management of universities.

The argument will be made that neglect of setting standards for and giving instruction in aspects of professional conduct has had an unfortunate effect on higher education: it is a partial explanation for the unprecedented wave of criticism confronting higher education nearly everywhere.

Remedies will be considered, such as the development of widely accepted codes; consideration of an Hippocratic Oath for the academic profession; and most importantly required instruction for all new entrants to the profession.

Let me begin with a fact that has intrigued me more and more in recent years. All of the major professions that I know of have fairly clear standards of professional conduct. Law and medicine are probably the best example. The conspicuous exception is the academic profession; our profession. It is true that we have standards in our capacity as researchers, whatever the subject: as economists, literary critics, biologists, etc., but this is, you will admit, a very incomplete picture of our profession. We are also citizens, or should be citizens of collegial institutions that are largely self-governing and we shoulder a great variety of responsibilities, and as university teachers and university citizens, we are guided by no widely understood or accepted standards of conduct. There is no counterpart of the Hippocratic Oath for professors. There are very few explicit mandated codes. And indeed, some people wonder whether we really are a profession. Is there such a thing as an academic profession? That is a question that will come up again.

Do we perhaps believe that what we do is less sensitive and less important than the work of doctors or lawyers? I think that is certainly not the case. On the one hand, teachers probably can ruin people's lives as easily as lawyers and doctors. On the other hand, we face questions of con-

duct and ethics with increasing frequency.

A few examples based on American experience: what is sexual harassment ? (That has become a major issue in American universities and probably will become more important in Japan .) How far does professorial authority go in the classroom ? Can the professor do whatever he or she wishes in the classroom?

What limits exist on speech? In the United States, hundreds of universities instituted speech codes in recent years; these codes determined what language was permissible and what language was not permissible. Language that was deemed to be racist or sexist was outlawed by these speech codes until American courts held these codes to be unconstitutional. These are interesting issues of conduct and ethics.

To take a different example, how many scholars can sign a scientific paper and what does signing a paper imply? I have a friend who was the lead author of a paper with four hundred names. Now you may laugh, but in fact, he won the Nobel Prize with that paper. I do wonder what happened to the other 399 authors and what they contributed.

What are the obligations of a professor to a student? Do you have to be present on campus for certain periods? Do

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you have to have office hours? Do you work only from 9:00-5:00? What are reasonable standards of accountability? What about conflict of interest? All of these issues are arising with greater frequency in universities throughout the world.

Problems of conduct have become more serious in the modern university, particularly after World War II. That is my strong belief and my assumption. In the "good old days" before World War II, the academic profession relied very heavily on mentoring, a very romantic notion. It was the traditional manner in which values were allegedly transmitted in universities: the master initiating the apprentice in not only the subject but in standards of behavior. But it is quite clear that mentoring in the modern university is in steep decline. For one thing, there are too many apprentices. In the United States there has been a four-fold increase in academics since World War II. I am sure that the figure is not very much different in Japan. How can you mentor a horde of graduate students and undergraduates, while serving on committees, and running around the world consulting? It really is a quite unrealistic notion. In recent years, the university has also become much more open. Merit has become the criterion in selecting faculty but that has also meant that our profession is less patrician. New faculty are often the first in their generation to achieve higher education and that tends to increase allegiance to profession and to decrease interest in institutional traditions.

Another problem is that what we know in universities has become much more valuable - socially and monetarily and the pull from the outside is much greater than it was in the past. For example, if you take modern biology, I probably have five to seven colleagues, all biologists, each one of whom have become multimillionaires by setting up a biotechnology company. Now you know that if you accumulate \$20 million from your biotechnology company, that might divert your effort from your students in the university. None of this is all bad, but it certainly undermines institutional citizenship.

Another factor that has been mentioned by others is the increase in specialization, especially after World War II. I believe that specialization is a good thing. It is necessary. Most intellectual progress - in my opinion - has come through specialization rather than through interdisciplinary work. Nor do I wish to associate myself with the view that departments are barriers to progress, as is sometimes implied. I know of no other form of organization that can guarantee the quality of faculty as well as the specialists who practice a particular discipline. But it is quite clear that increasing specialization has been destructive of collegiality and lessens the chance of achieving a general consensus about conduct. A great English student of universities, Eric Ashby, pointed out that as academics we all have loyalties to two groups: loyalty to our peers in specialization, and loyalty to the institution. He added that in recent years the

loyalty to our peers in specialization has absolutely overwhelmed our loyalty to the institution, and this has to affect individual priorities and behavior.

I'm trying to list the subjects that have led to the current situation and maybe the following problem is peculiarly American: the increasingly rigorous competition between institutions. Everybody in American universities competes-for faculty, for students, for funding. I happen to think that competition is a plus. I think it is one of the reasons why the quality of American universities, on average, is high. It has been a force for great progress and I think the lack of competition in Japan has been a minus. But it is also associated with some negatives. Competition creates internal discord; it means that some fields and individuals are advantaged; it means that some professors are considered stars and that some can become comparable to superstar athletes. Notice that in American universities the teaching loads of various fields are very different. Biologists teach very little; humanists teach a great deal. Why is that? Well, these are very uncomfortable questions but, basically, they are the consequence of competition.

Finally I think that academic administrators are frequently overwhelmed by the difficulty of running their institutions in the changing post-war world. Changes are very rapid, internally and externally. There is no clear bottom line in universities. I do not believe that cost accountants can or should run universities but it is very helpful to have a bottom line...which we do not have.

An American student of university administration once said: "The first step towards discharging duties is to know what they are." Well, we have not done that very well. Very often the duties that we ascribe to professors are only very imperfectly laid out. I once made a suggestion at my university, to the effect that every administrator should have on his desk a computer and that he should be able to punch in a name, say Rosovsky, and there would appear on the screen my teaching load, my Ph.D. students, a history of what I have done, whatever accomplishments I may have had, my salary history, etc. In other words, a complete picture of a professor because I don't see how you can manage if you don't have information. Well, my colleagues were appalled by this idea. They said to me, "What are you? Big Brother? What gives you the right to know these things?" Then an administrator said to me, "We have all of this information already." I said, "Yes you have it, but if I asked you to get it for any one member of our faculty it would probably take five people three weeks to gather it." We are very poor in using information.

Let me give you another example. I once asserted in an annual report that teaching loads had declined very considerably in the post-war period. This is not debatable. But I do not know of any time when a Dean ever formally gave agreement for a reduction of teaching loads. It just happened. It is as if the people who do the work decided by

themselves to reduce their teaching efforts. It went unchallenged.

There are various other possibilities why issues of conduct have become so significant. The late sociologist, Edward Shills, characterized the modern university with various adjectives that I think have all come up in the discussion: mass, service, politicized, bureaucratized, financially burdened, disaggregated--all rather unpleasant words that have probably hit close to the truth. In the post-war era very often we have seen the gradual destruction of residential communities around universities. When I was a student a lot of the faculty lived very close to the university; that became impossible because real estate costs were too high, so the people moved to the suburbs. But if you move to the suburbs you are there from 9:00-5:00 and then you go home to your children. All of this does not encourage mentoring, either of students or of younger colleagues.

My main point really is that the subject of academic conduct is today neither superfluous nor self-evident. That is what people believed in the 19th century; this is certainly what they believed in traditional German and British universities. Conduct did not need to be talked about because people absorbed standards at the dinner table or in some similar places, but that is not true today. The preservation of our special status in society requires that we address this issue.

Can anything be done? We have to try. We should follow the examples of law and medicine and maybe do a better job. Perhaps we need formal codes; at one time I certainly believed that. But I do not know if they are ultimately effective, because codes have a tendency to become mere matters of formality.

I have another suggestion: we should require all those who assume university posts to undergo training in professional conduct before they assume their posts, regardless of field of specialization. What I am suggesting applies as much to a professor of Japanese literature, or medicine, or of anything. I am not talking about medical ethics or legal ethics, I am talking about the ethics of our profession as academics. I think everybody who becomes an academic should receive training in professional conduct. I have in mind a seminar, perhaps a semester, perhaps longer, in which some of the standard literature is covered but in which the emphasis would be on case discussion. The purpose of case discussion is not to provide an answer to a particular issue of conduct, but mainly to prepare the mind of future professors for the issues and responsibilities that they will face; to instill in them a sense of professionalism, to make them understand that ours really is a profession. Cases can be macro or micro, involving broad issues of principle or of individual interaction; both are equally valid.

I am engaged in preparing such a casebook. In effect, I am trying to prepare a textbook for these proposed seminars. I have spent the last few years with students in gather-

ing and writing up cases. They are all real and not invented. They usually are fully identified. A case begins with our account of the events. This is followed by a carefully annotated bibliography of the major items in the literature that deal with the particular conduct problem. A series of study questions are suggested for discussion and, last of all, I write an editorial about each case. This is my assessment of what the issue is really about. Students should first discuss issues with their teachers; having the "right answer" may be problematical, but in the end I do supply my own evaluation.

It might be useful today to discuss two cases that raise rather typical aspects of professional conduct. I plan to discuss both a micro and a macro case. Both occurred in the state of California.

The first case occurred at a large urban public institution in the 1980s and 1990s. The main actor is a professor of biology, I will refer to him as Professor I.D., a Stanford Ph.D., Chicago B.A. with an extensive record of publication who for many years taught the required course for all majors in introductory biology; essentially a course on evolution.

Professor I.D. spends a year at Oxford and gradually becomes more and more interested in religion and in counter arguments to evolution. These counter arguments he calls intelligent design, but it is essentially a form of creationism. Intelligent design does not accept the evolutionary explanation except in rather narrow terms and intelligent design or creationism require-somewhere in the analysis-the presence of God or a Supreme Being. After returning from Oxford I.D. starts introducing creationist material into the introductory course for Biology majors. As you can imagine, some members of the Biology department are quite upset by this, as are some of the students, and the chairman of the department decides that he will remove Professor I.D. from this course and assign that teaching to another professor. In removing him he writes: "A required course for majors is not the private property of a professor, but the collective property of the department."

Professor I.D. also was teaching an introductory course in human biology for non-majors for many years, and he now introduces creationist material in that course. The departments' view is that this is clearly not science and they take I.D. out of the course.

Professor I.D. appeals to the Academic Freedom Committee of the Academic Senate at his institution. He claims that the course was taken away from him not because of competence, since clearly he is a competent biologist, but because of content. The Academic Freedom Committee and the full Senate support his claim and ask for him to be reinstated. The Senate discussion is very interesting because it makes clear that members feel that their own academic freedom might be threatened if the department of biology is allowed to remove I.D. from the course. The bi-

ology department capitulates and Professor I.D. is put back into his original courses. That is an extremely abbreviated version of the story. In my view, it raises fascinating questions.

First there is the academic freedom of the individual versus the entitlement of students in a required and introductory course. Do students have the right in an introductory and required course to get a generally accepted view of the subject? They are certainly not capable of choosing between views and one could take the position that an introductory course obliges the professor to teach the consensual view of the subject.

If this had been an advanced seminar would attempted action have been justified? That is very interesting because many biologists would take the view that creationism is not biology and therefore it should not be taught in a biology department. It may be appropriate in a department of religion. The question is not simple.

Professor I.D. was removed from his course by the chairman and one might ask did he get "due process?" Should a committee have been formed? Perhaps not just including the chairman and other biologists, but also including non-departmental representatives to deal with a difficult issue of this type.

Another question that might be raised: is there a difference between teaching and publishing? Professor I.D. has in fact written a long and quite interesting book about his views and that is not in question. But that is not the same thing as teaching an introductory course.

I asked three colleagues of mine, each one a biologist of worldwide reputation, what they would have done under these circumstances. They all said to me, "We would do absolutely nothing." I said, "why," They said, "Well, the market place of ideas will drive the students away from this professor." I said to them: "You know, I think this is baloney. Freshman or beginning students have no way of understanding this market place. What I think you are really saying is that you do not want under any circumstances to interfere with what another professor is doing." In fact, that is one of the basic principles of conduct that maybe need some change. The big question is collective responsibility: when and under what circumstances is interference justified and whose responsibility is it? How often is there regular review of reading lists and lecture outlines for courses? Certainly there's no easy answer, but careful and thoughtful consideration of this case, I think, can improve the level of professional conduct in an institution. I do not propose to give you the answer of what I think should have happened to Professor I.D., but I hope that you can see that by discussing this case people who are joining the academic profession are really beginning to understand what some of the basic issues are.

My second case, and my description has to be even briefer, is the so-called "Western Culture" debate at Stanford

University that occurred some five years ago. I have to give you a superficial account, but again, it will bring out some important points that already have come up during our discussions. In the early 1980s, Stanford had a general education requirement that was called Western Culture. It featured eight different tracks and each track was based on a disciplinary approach: history, literature, technology and so forth. There was a common reading list of 15 canonical texts and it was required of all freshmen. In 1982-3, black students protested the absence of minorities and women on the canonical list. Some faculty also were not very happy with the course because they felt it was too restrictive: the list was too confining. And so, as usually happens, the President appointed a Review Committee.

The Review Committee recommended abandoning the core reading list, recommended that all the tracks should reflect multicultural experiences, and that the texts were supposed to represent European and non-Europeans experiences.

Suddenly, probably because it was Stanford -- a very visible university -- a national debate started. The New York Times editorialized. The Wall Street Journal came into it. William Bennett, a conservative critic, allowed as how Western Civilization was about to self-destruct at Stanford. Television entered into it. The President of Stanford appeared on a television program very much on the defensive. The message was: Stanford is collapsing to student pressure and political correctness. The barbarians are in full control, sound the alarm.

Eventually the faculty compromised, as they often do, and I think on the whole, I favor the compromise. They agreed to give substantial attention to issues of race, gender and class during each quarter in this course, with at least one of these issues addressed explicitly in every quarter. The teaching faculty would now meet annually to determine a canonical list, which would have minority and women authors--in other words, a flexible list and that is about all the change that occurred. The level of noise was enormous, the actual change was almost invisible to the uninitiated; virtually imperceptible. I have not been able to do the richness of this case justice, but I want to use it to stress a fundamental fact that is not necessarily self-evident. It relates to our professional obligation.

The contents of , and changes in the curriculum are the responsibility of the faculty. It has been said a number of times at our meetings but you have to learn this truth. Curriculum is not the responsibility of the newspapers. It is not the responsibility of pundits; it is not the responsibility of students, although they may have a voice. It is not even the responsibility of administrators. It is not the responsibility of the government. All of those are entitled to their opinion but it is basically the responsibility of the faculty. Furthermore, general and/or liberal education is the responsibility of the collective faculty. It is not the responsibility

of a department; it is the responsibility of the whole faculty. It is a trust; it is a moral responsibility.

Furthermore, faculty should also understand that change is normal and even desirable. I would be very suspicious if a curriculum lasted for 50 years. Discussions of curriculum can be intellectually uplifting and unifying, especially compared to what faculties usually talk about. What do we usually talk about? In the United States favorite subjects include parking, our dislike of the administration, and low salaries. In fact, a long discussion on curriculum that really brings out the various intellectual beliefs of the faculty are, I think, an excellent educational experience, and we should encourage it. Those are some of the lessons of the Stanford case.

Now what I have had to say here today is not uncontroversial. Notice I have used the word conduct rather than ethics. Ethicists believe that only trained philosophers should deal with the kinds of issues that I have described today. But I know that if we leave it to the philosophers very little will happen. They are not really interested in these

types of issues. I once asked a friend of mine, a philosopher, what she would do to teach people the kinds of things that I think need to be taught and part of her advice to me was: "Read Aristotle. " Well I have read Aristotle but it does not help very much in dealing with questions of curriculum or whether creationism belongs in the biology department. Philosophers believe in the general versus the specific, but that implies again that ours is not a profession. I think there is a professional issue here and that the distinction between conduct versus ethics is significant. Conduct is not so opaque as to require all of the subtleties that ethicists can ably bring to the subject. It seems to me that the task is urgent and I hope, over time, it will be possible to offer this kind of training in our own institutions. Instruction needs to take into account the type of institution in which we work. I do not think, for example, that the Japanese course, if such a course ever came into being, would be the same as the American or the British course, but I think something of this kind needs to be done, and I hope it will be. Thank you very much.