Canadian Journal of Educational Administration and Policy, Issue #125, October 19, 2011.
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"PUT ON A HAPPY FACE": TENURE, GRIEVANCE, AND GOVERNANCE

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This paper examines the processes of tenure denial and appeal from the standpoint of the author, who has been the Grievance Chair at Carleton University since 2000. The focus is on the ways that the grievance process as textually mediated provides for regulation and control over the forms of interaction between appellants and senior administration. The paper provides an ethnography of grievance work during the appeal process, to advance our understanding of ways that participants to the process deploy texts to produce accountable institutional orders. Further, by examining the ways that senior administrators justify their decision to deny faculty tenure, we can glimpse the emerging dynamics of inter-university competition for students, research funding, and prestige. It is argued that the decisions of senior administrators to use tenure denials, as a means to remake the university, not only threaten faculty, but threaten the integrity of the university mission.

Introduction

On February 12, Amy Bishop, a Harvard-educated assistant professor of biological sciences, allegedly opened fire during a biology department meeting at the University of Alabama at Huntsville, killing three of her faculty colleagues and wounding two other professors and a staff member. While Bishop had been denied tenure the previous academic year, university officials have refrained from speculating on a motive for the killings. (Franke, 2010)

Clearly things went very wrong in the tenure denial involving Amy Bishop. Although the press in the follow up from this tragedy focused on Bishop's bizarre personal history and personality, it is nevertheless critically important that we look beyond these surface indicators to recognize the potential volatility of tenure denials. Tenure matters deeply both for those who receive it and for those who are denied it. Tenure decisions either confirm or deny the

contributions of candidates and their place within the university. While the possibility certainly exists for violence in tenure cases, it must be recognized that overt acts of violence very rarely occur.

This paper focuses on tenure denials at Carleton University where faculty have had a certified labour union since 1975 and where I have worked as the Grievance Chair since 2000, in addition to my full time faculty position. Although for thirty years after the union was formed tenure denials were rare, however over the past six years successive university presidents have exercised their power to deny tenure, despite positive recommendations from both Departmental and Faculty Committees.[1] I examine tenure denials at my university to draw out how textually mediated practices are used to manage both the forms of response of appellants and the overall process of appeal of tenure denial. The view of texts developed in this paper is recognizably contradictory precisely because different people use texts to inform their practices at different points in textually prescribed processes, and for divergent and conflicting purposes. As such I explore different ways that members of a university, faculty and administrators rely on, and in turn produce a textual organization of tenure application, recommendation, decision making, and appeal processes as fundamental to the maintenance of order and for scripting the proper behaviour of appellants. The careful specification in texts of procedures that are applied to tenure combined with the provision of rights to "appeal" and to "grieve" generates a review framework which while designed to protect equity and fairness, simultaneously provides for a controlled regulation of complaint. The process set out in texts requires that all participants interact in ways

[1] The tenure process at my university consists of recommendations from the applicant's home unit (department or school), and from the Faculty Committee, which then proceeds to the President's office. The President can approve or deny tenure regardless of recommendations. An applicant for tenure can then appeal to a Senate Tenure Appeal Committee, whose decision is final and binding. Under restricted conditions an applicant can also exercise the right to union grievance (Collective Agreement, 2009).

that are accountably and warrantably understood by other participants to be fair, just, and equitable. The degree to which all parties manage to be oriented to the principled forms of action set out in texts serves to keep appellants "invested" in the process. The ordering of tenure processes is continually effected through members' reference of their actions to a variety of texts that set out procedures, criteria, and time-lines, appeals, remedies, and so on.

Why Tenure Matters

To make sense of tenure we begin by examining the rich significations it has for faculty members. What does it mean to be granted or to be denied tenure? At the most basic level to be granted tenure means having the right to be continuously employed. To put the matter simply, tenure confers job security. Tenure guarantees that a faculty member will continue to earn a salary, to receive health, dental, and other benefits, and to have a place of work. Of course, in addition faculty members through their associations have historically identified tenure as the foundation for academic freedom (CAUT, 2005). They have fought to ensure that tenure processes are carefully regulated, monitored, and subject to grievance arbitration, precisely because they recognize that protecting faculty members' ability to be critical of their disciplines, society, and the university is integrally tied to tenure.

Yet, more prosaically tenure is a fundamental element for ensuring the rights of members to participate in the rich social and collegial relations that make a university. The granting and the denial of tenure communicates an affirmation of the membership and place of faculty among a community of scholars, to engage in the work of teaching and research, to participate in the life of a university, and to bear the status and pride that that place confers. At root a decision to grant

or deny tenure communicates fundamental messages about oneself and one's worth as a member of faculty.

Indeed those who become faculty, in the main, can be counted on to have dedicated their entire adolescent and adult lives to the pursuit of specific fields. Usually they have spent four years doing an undergraduate degree, another two years for a Master degree, and another four or more years for the PhD, and increasingly, another two years as a post-doctoral fellow. If they are fortunate they are hired as an assistant professor into a tenure track position, which following another four to six years, might finally result in being granted tenure. When tenure is granted there is cause for celebration. Conversely denial brings in its wake tremendous emotional pain and fear. We recognize this in "Maria Annunziata's"[2] reflection on being denied tenure and losing her employment:

> I've always heard that you get back up on the horse that threw you. My academic ride from kindergarten through the moment just prior to coming up for tenure was a relatively smooth one. But I didn't see the gate coming, and when that horse threw me, I was knocked cold. I was injured, dazed, and reluctant to get back up on that ride. So, after leaving the campus last spring for good, I took a year off to regroup and examine whether I had chosen the right career. (2006)

Tenure means recognition, belonging, membership, validation, security (both emotional and financial), and as noted job security. For those who do not receive tenure it is an eviction notice and a formal rejection of their claim to belong to the group of scholars and researchers. It is repudiation by colleagues and those in authority that not only does their work not matter, they do not matter. Similarly, Katherine van Wormer reflecting on the Amy Bishop killings noted:

> As one who was denied tenure at a previous university, I would describe the denial of tenure as an end to one's career, to one's livelihood, sense of personal disgrace, loss of home, friendships, and community. Especially if your academic

[2] "Maria Annunziata is the pseudonym of a former assistant professor of health at a research university in the Midwest" (2006).

> performance has been noteworthy, being denied tenure, in effect, fired by your peers is the ultimate rejection of the person. Uniquely, in academia the fired professor stays on for a "terminal" year, attending faculty meetings with the same people that have struck these final blows. If there are appeal processes going on as was true in my, like Bishop's case, relationships are extremely adversarial. (2010)

As life-long intellectuals, faculty accomplish a socially organized "self" which is fundamentally grounded in practise of a discipline, whether developing equations in linear algebra or particle physics, conducting experiments in plant breeding, or interpreting romantic German literature. Who they are is practically wedded to the cohort to which they belong. Intellectual work, and intellectual identity, organized into disciplines fuse members' work with core elements of identity and self. Who faculty are merges with what they do. The very nature of academic work means never being able to draw a curtain around one's life apart from work, as research, writing, and teaching absorb work nights, weekends, and vacations. The problems of production can be addressed at any time or hour of the day—indeed I began writing this paragraph at 4:00 a.m.

The work of faculty, whether teaching, research or service, connects them to various communities with members who share interests, preoccupations and obsessions. Faculty are part of communities who share what matters most to themselves. As scholars in a discipline they are supported and nurtured inside of and as a part of a community of like minded fellows. For academics the messages communicated through tenure decisions, although ostensibly about work, cannot be neatly incised from self. Faculty are often primarily identified with their discipline, their research, and their work. To be denied tenure is to have the core aspects of one's own identity rejected and cast-off as unworthy, and unsupportable. To be denied tenure is to be ejected from an inhabited life-world and community as a member.

In a university tenure is that which gives faculty members permanent employment. Further, unlike most other workplaces, where employees can continue to work, even if they are not "permanent" a failure to get tenure in the university usually results in termination of employment. This is a termination that occurs after at least five to possibly seven years of full-time employment.[3] Clearly tenure decisions take on a paramount importance in the lives of faculty members. Tenure denial becomes even more frightening as members survey the highly competitive employment market in which there are more people with a PhD chasing fewer tenure track university jobs. The implications of tenure denial in Canada can be especially devastating given the enormous geographic size of the country and the fact that there are relatively few jobs available for tenured professors. Further because the university community in Canada is relatively small, and even smaller in one's discipline word of failure inevitably travels. To be denied tenure is to move forward with the stigma of not measuring up.

Behind any tenure denial is an overwhelming sense of "failure." The faculty member who is denied tenure is told that they have "failed" to meet expectations, most often in "research," though sometimes in teaching. They are told that their work does not measure up to their peers. They are often shunned by colleagues. They will lose the working relationships they have built up over the years. They will be forced to turn away from and abandon any students they have taken on, and they will lose access to their labs and research facilities. They are told that they are no longer wanted or welcome in the university community. A denial of tenure is often associated with a deep sense of shame and embarrassment.

[3] That faculty do not exit the probationary period for up to six years, surely stands as one of the longest periods in the modern workforce.

Tenure, Gender, Disability and Race

Before moving on, the issue of tenure and systemic discrimination must be acknowledged. The targets for tenure denials are not random. At my university tenure denials follow a well identified pattern of inequity and discrimination against women, visible minorities, and people with disabilities (Henry & Tator, 2009; Monture, 2009; Spafford, Nygaard, Gregor, & Boyd, 2006). Hora (2001) notes that in America, "an increasing number of professors have sued universities and colleges on that grounds that they were denied tenure because of their gender or race" (p. 349). Since 2005 I have been involved with ten cases of tenure denial, three in 2005, four in 2009, and three in 2010. In 2005 although two men and one woman were denied, of the men, one was a member of a visible minority—the only one in his department—and the other had a disability. In 2009, of the four denied, three were women, two were members of a visible minority, two had disabilities, and three of the four had taken some form of parental leave. In 2010 of the three denials, two were men and they were both members of visible or cultural minorities, and one of the three had a disability and had requested, albeit unsuccessfully an accommodation of an extended period of time before tenure consideration.

Table
Carleton University Tenure Denials

	Male	Female	Visible/cultural Minority	Disability/ Accommodation[a]	Parental leave
2005	2	1	1	1	0
2009	1	3	2	2	3
2010	2	1	2	1	0
Total	5	5[b]	5	4	3

[a] Accommodation refers to the obligation of both the employer and the union to protect members' right established under "superior legislation" to accommodate employees with a disability "to the point of undue hardship." The employer and the union have disagreed about what constitutes "undue hardship" and what can be defined as a "disability."
[b] Although an equal number of women and men have been denied tenure, there are 283 female faculty to 507 male faculty at my university, and 80 to 120 at the Assistant Professor rank—the rank at which faculty are most likely to apply for tenure. Across Canada women comprise approximately 30% of faculty in universities across Canada (Worman, Woolley, and Worswick, 2006). Further, Worman, Woolley and Worswick note, "salary differences are largely explained by differences in rank, and women are (generally speaking) less likely to receive tenure and be promoted than are men" (2006, p. 7).

The pattern of tenure denials at my university is not unusual. Lee and Leonard, addressing tenure in America observe, "the tenure system then, in spite of its venerable place in higher education, is symptomatic of continued structural racism and violence in predominantly white universities of higher education" (2001, pp. 168-169).

How tenure processes reproduce racist and sexist social relations is subtle and complex. Leap, who examined "more than 130 discrimination suits since 1972" (1995, p. 103), notes that proving charges of discrimination are extremely difficult. Perna, who examined possible effects of "human capital, productivity, family networks, and social ties" and discovered that these factors did not explain differences in tenure between men and women, suggested, "either that the analytic model excludes or does not adequately measure all of the relevant variables...and/or that institutional structures, policies, and practices disadvantage women but not men in the

determination of tenure and rank” (2005, p. 300). Similarly Bagihole (1993) acknowledges that “prejudice is hard to prove,” but adds that many women feel that their opportunities in the university are negatively affected because of gender discrimination.

Korvajärvi provides direction for analysis of the problem through the insight that:

> Gender is not a property of an individual, but it is something that people do. Accordingly, gender is constituted in and through interaction. The focus of concrete research is then on interactional processes in which gender comprises ongoing accomplishments. (2002, p. 101)

People produce themselves and others as gendered, raced, and disabled from out of complex socially organized practices and interactions rooted in the mundane and taken-for-granted forms of their daily lives. It is not that university and tenure processes are explicitly designed to discriminate against women, visible minorities, parents, or those with disabilities who require accommodation, but rather that how people in these groups come to be, often expresses forms of life, interactions, and interrelationships which collide with those of straight-white-middle-class men. The forms of interaction and attendant sense making from which systemic discrimination arises are complex and multi-factorial ranging from the subtle differences by which people interact, talk to those around them, enter into working relationships, talk about their themselves and their work, and so on. Korvajärvi notes that "gendering practices and organizational culture are intertwined" (p. 103). Further, the evaluative practices that women, visible minority, and faculty from “non-native” language groups are subjected to by peers, administrators and even students (Basrow, 1998) are embedded in and express the minute forms whereby both evaluators and the evaluated produce themselves as gendered, raced, and disabled subjects for each other.

In a university where students are increasingly treated as customers, and where faculty, are evaluated on their ability to provide customer satisfaction, as measured through the numeric

scores provided on routine "student evaluations of teaching" those faculty who challenge students' comfort and core ideas find themselves at risk. Webber, after quoting Furedi who notes "customers are not there to be challenged" (2001), explains that the feminist faculty she interviewed recognize that "students' attitudes towards feminist course content and that ultimately their course evaluations might be used to evaluate their work by administrators and their department chairs" (2008, p. 47). Education which might be offered by feminist women and anti-racist visible or cultural minority professors routinely challenge and offend many students (Svensson & Wood, 2007), with the result that those faculty are vulnerable to low student evaluations. Administrators routinely reference low evaluation scores when denying tenure, annual progress through the rank increments, and promotion.

To understand how such normative standards work it is important to ask who in the university has the power to count proper scholarly activity, and what it is that gets counted? Clearly, the power to count scholarship is being contested, as faculty find themselves pitted against senior administration. Further, when senior administrators determine, as they have at my university, that the indication of proper scholarly activity requires refereed peer reviewed journal articles, what are the effects for those who do not engage in this conventional form of research production? Additionally we must ask: What personal and political choices inform the forms of dissemination and the forms of production that faculty engage in as scholarship? How do gender, race, and age locations influence and shape the forms of engagement in scholarship? How do the interests of people who occupy marginal positions within the society and university shape their particular interests and forms of production as scholars?

As grievance chair I witness the ways that the social commitments of women to children, to elderly parents, to relatives, and to neighbours combine to inform research interests shaped by gender. I witness the ways that people from visible minority communities express their loyalties to their communities by directing their scholarship to issues of race, immigration, refugees, and so on. I also witness the ways that people's social commitments shape non-traditional forms for the exercise of their scholarly abilities, whether these are through working on behalf of Aboriginal communities, working up development grants for services for women, political engagement, and so on. As grievance chair I have repeatedly witnessed the ways that people from minority communities maintain their place in their communities as "organic intellectuals" (Gramsci, 1971) who work to advance the welfare of those communities.

Across Canada senior administrators struggle to make their universities conform to business models as they work to gain competitive advantage for their product. An essential component of rebranding is not just customer satisfaction, but sale of a research product, to allow them to secure government and foundation research funds and financial support. The authors of the document *Carleton University Research Plan* explain:

Some of the characteristics that define a truly research-intensive culture include:

- identifying research, discovery, and knowledge transfer as core to the University's mission;
- embracing the research mission as central to university decision-making and its operational and planning activities;
- taking research priorities into account in hiring decisions, and including research contributions as critical elements of tenure and promotion decisions;
- ensuring that faculty are active in research throughout their careers, and that the university consciously provides support to empower faculty to succeed as researchers.

Of course, what the document does not address is what happens to those faculty who might not share the new mission. It does not address the effects for members when senior administration apply metrics, based on the raw number of refereed journal publications the member has produced between the time of hire and the time of tenure application, to deny faculty tenure. It does not address the effects on collegiality, program governance, and teaching, when research publication in journals becomes the requirement for tenure. By threats of tenure denial faculty are pushed to increase measurable research output as opposed to being involved in the other activities which make the life of a university vibrant. Journal articles become the "gold standard" for measuring and assessing research productivity.

Unfortunately the consequence of the drive to become research intensive is that there is a narrowing of what counts as appropriate university research, which adversely affects those faculty who are committed to alternative, community based, and organic work with communities outside the university. Such faculty find that their work is delegitimized and that they are increasingly marginalized. Women, and people who are members of visible or cultural minority groups who despite often being hired to build bridges with their communities find that their labour and efforts are not only ignored, but often negatively evaluated as not genuine or worthwhile academic work.

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The "racism" and "sexism" inherent in tenure decisions is not revealed by pointing to this or that overt act of discrimination. Rather to comprehend the operation of "racism" and "sexism" requires looking at the social organization of work and life conducive to success, and then examining the work and lives of those who are identified for tenure denial. Similarly, Benocraitis, addressing sexism within the university, notes that subtle discrimination occurs at four levels, "individual, organizational, institutional and cultural" (1998, p. 6). It is only in an explication of the complex organization of members' everyday lives that we can grasp the multiple and manifold orders of life through which the probabilities of denial increases. The exact range of factors constituting trouble for members varies, for example a black man might find that colleagues do not join with him to support his research, a visible minority woman might find herself supporting parents and sibling families in her country of origin, a woman might require major surgery, a single parent might find herself caring for two young children, and so on. It is in such contours of the intersection of daily life with work that the demands, and the prerequisite of committed time, present themselves as insuperable.

Despite the complex realities of productive forms engaged in by faculty senior administrators proceed as though compliance with the standard were a solely individual matter under the control of the faculty member. They push for increases in measurable research outputs in the form of journal publications while ignoring the increased demands that their administrative decisions place on faculty. They ignore the effects of increased class sizes, the disruptions causes

by centralized time-tabling, the time-demands created by the expectation that instructors will place course materials on web based programs, the incessant flow of e-mails from all directions, and so on. For senior administrators the complexities of work and life are erased in the obsessive insistence of compliance to measurable and measured quantitative standards.

The Multiple Functions of Texts and Tenure

Central to tenure denial management is the mobilization of a hierarchy of authority (Aiken & Hage, 1966) wherein the President and Vice-President assume the power to reverse the recommendations of Departmental and Faculty Committees. Over the last two rounds of tenure consideration, the President and Vice-President when deciding against granting tenure have except for one case in seven decided against the recommendations made by both departmental and faculty level colleagues. The actions of senior administrators have been designed to extend their decision making power to define Carleton as a "research intensive" university by linking tenure to research productivity. Just what a research intensive university might be, rather than being defined through negotiation with the faculty through their union, has been unilaterally imposed through the exercise of their authority and power. Senior administrators have arrogated to themselves the power to define for others what counts as "research."

Lee and Leonard advise, "maintaining good standing on the tenure track means meeting expectations, completing assignments and exhibiting decorum" (2001, pp. 174-76). Given the enormous potential volatility of those who are denied tenure we must ask, how do the participants to the process work to contain, control, and manage interactions such that decorum and civility are maintained? How is it that so momentous a decision is managed? A core element

for the containment of the process rests on union, and management reliance and reference on a specification of proper procedures, protocols, and terms of reference in texts.

People use texts as a point or location of reference which can be iteratively discovered to thereby provide instructions for governing and shaping their forms of action with others, and the proper accounts of those actions—e.g., the Collective Agreement Article 25/2(f) requires that a Chair assigns a faculty member's workload, which is in turn communicated in writing to the Dean (25.2 (g); Appendix A b-1 requires that the members of the Tenure committee make a recommendation concerning a member's application which is conveyed in writing to the Dean (Appendix A b-3), and so on. Smith notes, "texts are key to institutional coordinating, regulating the concerting of people's work in institutional settings in the ways they impose an accountability to the terms they establish" (2005, p. 118). We see such dual functions of coordination and accounting, repeated at all levels of tenure decision making and review. Not accidentally, members' turns to texts play an essential function for the regulation, indeed the displacement, of emotion, feelings, and the effects on their lives. A turn to texts provides for the semblance of members' institutionalized decision making by generating neutral, objective, and categorical frameworks through which they make organizational events visible, talked about, and acted on (Dobson, 2001). Precisely because both faculty and university administrators recognize that a text is a 'permanent' record of activity they are generally extremely circumspect and measured in that which they commit to a text.

The very ability of the text to be transmitted, and read across a wide variety of contexts and times, means that the messages communicated through texts, buffers both the sender and receiver from the potentially explosive and unpleasant reactions resulting from the delivery of

"bad news" in face-to-face interactions. For example when a faculty member receives a letter from the President denying him or her tenure she might respond by crying, yelling, swearing, and directing her anger to the letter by throwing it across the room, or crumpling it up. The temporal and spatial disconnection between the writer of the text, the writing of the text, and the reading of the text provides for separations between writers and readers, such that emotional outbursts and pain are socially organized to occur "apart" sparing both parties considerable unpleasantness.

Collective Agreement as Historical Text

From the start, the process of going forward and applying for tenure is set out in the Carleton University Academic Staff Association (CUASA) Collective Agreement (CA) in an article entitled, "Procedures concerning tenure, dismissal and related matters as approved by the Board of Governors of Carleton University on June 27, 1972 and as Amended by the Board of Governors on October 4, 1972," as well as the article addressing, "Guidelines for promotion" from which the criteria for tenure are derived.[4]

Appendix A "Procedures concerning tenure, dismissal and related matters…" which is part of the CA sets out the time lines for application for tenure. It requires that those hired as Assistant Professors "shall" (meaning must) be considered for tenure in their fourth year of employment. Variation although routinely allowed requires that the member with the agreement and signatures of union executive enter into a Memorandum of Agreement (MOA) with the

[4] Both articles predate unionization at the University, and were documents, drafted by former Chief Justice Bora Laskin, and subsequently, used by Senate over the decades to govern tenure matters. They were appropriated into the agreement both for expediency and to ensure continuity of process. What matters however is that these documents set out an annual schedule and an order for managing tenure recommendations, decisions, and appeals.

employer. Variations of one year are routine, as are two year extensions especially for members who have disabilities or health problems, or for women who have had maternity and parental leave. In 2009, the President although refusing to approve tenure for four candidates, all of whom had received positive recommendations from both the department and faculty committees granted each candidate a two year deferral for tenure consideration.[5]

The Departmental Process

As candidates for tenure apply in the fall, they prepare a dossier as an application for tenure which they submit to their departmental Chair/Director. Normally their tenure application package comprises a three or four page introductory letter which provides a review of their teaching (50% of their job responsibility), Research (35%), and Service (15%)[6]—a Curriculum Vitae, and in many cases copies of their books, papers, reports, or other "research" output, and in some cases a teaching portfolio which addresses "teaching scores"—Student Evaluations of Teaching.[7] On the basis of this package of materials, a Department (Institute or School) Tenure and Promotions Committee, consisting of four or more members "representative of the ranks"[8] makes a recommendation to either award or deny tenure. Both the composition and the time lines under which this committee operates are regulated by the Collective Agreement (CUASA, 2010).

[5] In the 2009 round of collective bargaining the parties agreed to appoint a joint committee to examine "tenure and promotion." Senior administrators have insisted that the time to consideration for tenure needs to be increased.
[6] Of course faculty recognize that the percentage distributions of work assignment are to be interpreted as heuristics, or as signalling relative order of priority, rather than a fixed or proportionately possible allocation. However, increasingly senior administration have made it quite clear that they value research above either teaching or service.
[7] Student Teaching Evaluations are of course subject to serious misuse and misinterpretation (Gray & Bergmann, 2003), as they provide an inappropriate forum for disgruntled students to punish professors for low grades and rigorous standards.
[8] Members of the Committee must include a Full, Associate, and Assistant Professor, and an Instructor (a full time teaching position without research responsibilities).

Although the faculty member going forward for tenure is no doubt well known to the members of the Department Committee, their representation through the texts of the dossier is extremely important for the regulation of the process. The candidate for tenure does not appear before the Committee members, but rather the texts the candidate has produced are deployed to communicate his or her case. Of course, members of the Committee may talk to the candidate, and may filter selected bits of information back to the candidate (often in spite of confidentiality rules). Yet, as a primary organizing form members' work is organized and oriented to, and articulated through various texts. The singularity of textual mediation cannot be ignored. The presentation of the texts, that is their grammatical exactitude, vocabulary, and topics, along with its relative degree of organization communicate a great deal about the candidate. The candidate's dossier may be more or less sloppy, more or less organized, more or less comprehensive, more or less "professional," more or less compelling.

As the members of the Department Committee come together in an office, each will expect in turn that the others have prepared by reading their copy of the candidate's dossier. In a meeting which is "properly" run a Chair/Director will work to ensure that Committee members' talk about candidates, while often of a personal interactive and directly observed nature, is nevertheless recorded, to become a matter of record which is putatively accountable and oriented to criteria provided in the Collective Agreement (2010). The decorum and organization of a meeting, with its flow in which a member's dossier is presented, discussed, and voted upon, is organized with the intention of producing a written departmental recommendation for the next level faculty committee. Of course, the work of keeping the discussion properly framed becomes

more or less difficult depending on the degrees of support, and differences of opinion concerning the candidates among committee members.

In the tenure process different participants deploy texts as buffers between themselves and others. The ways that participants act toward others, and the making of a decision to recommend against tenure, which will likely result in extremely adverse effects on an applicant for tenure, are framed, oriented to, and accordingly legitimized as fulfilling the requirements of various texts. Through such displacements an appearance is generated of the texts as the agent and actor. Members can invoke the rules of the text to legitimize their actions, such that the text is referenced as commanding, requiring, setting out, and informing the decision. Through the adept manipulation of accounts of action as governed by texts people become visible to each other as represented in and through the forms of action "prescribed" by various texts. Candidates for tenure are visible for departmental colleagues in the Tenure and Promotion Committee though the various textual forms through which they represent their work.

Talk in meetings is directed to the texts of an application for tenure, in the form of a the letter of application, a CV, copies of published papers, a teaching portfolio, letters of support, and so forth. Further, the texts of the application are in turn viewed through the evaluative framework established by yet other texts, notably the criteria for promotion, and the procedures governing the committee as set out in the Collective Agreement (2010). In this combined fashion texts are deployed to perform a double mediation, that is mediating the work of the participants in the committee—forcing members to orient themselves not to each other, but to each other's ordered representation of the occasion of the committee to various texts, and to a mediation

between the subject going up for tenure review, and the participants of the committee, through the texts of an application.

What must emerge from out of the talk in the Committee is a written recommendation either in favour or against granting tenure. The presentation of the recommendation in a letter must be demonstrably and warrantably professional and proper by virtue of a detailed orientation to textually established criteria. Thus a favourable account, which might comment on the fact that the candidate is a team player, a good departmental citizen, affable and helpful must ultimately establish that the candidate is deserving of tenure based on an assessment of her dossier, and its presentation of her teaching, research and service. Complaints, complements, remembrances, criticisms, in short, the mundane flow of interpersonal interaction and relationship come to be reshaped and molded such that what is recorded on a letter of recommendation is as a warrantable matter demonstrative of the Committee's proper orientation and guidance to the appropriate texts. A letter of recommendation is in turn forwarded to the Dean, and from his office, along with copies of the candidate's dossier it is forwarded to the members of Faculty Committee. This Committee comprises in the main two representatives from each department, usually the Departmental Chair and the Chair of the Tenure Committee varying in size from about 16 members to over 30.

The Faculty Committee

At the faculty committee although the chair and tenure and promotion committee chair from a member's department will be familiar with a candidate's discipline and work, it is unlikely that others will share this knowledge. At the faculty committee the candidate is most

likely known by the other members only by virtue of the textual representations of their work contained in their tenure dossier, and by the oral presentations of the departmental chair and committee chair on their behalf before the faculty committee. At this point we see a transformation from direct day-to-day and face-to-face working knowledge of a candidate, albeit ostensibly presented through texts at the department level, to a knowledge which is exclusively based on textual and oral representations by others of the candidate. At the faculty level most of those responsible for making a decision concerning the candidate's career will not know him or her. Who the candidate is, the work that they have done since arriving at the university, their contributions to the department, and their interactions with colleagues will become available primarily through their dossier. In this nexus we recognize a slippage from face-to-face relations in lived time, that which Schutz (1967) called a duree in which "we" grow old together, to objective and institutionalized time and anonymous relationships.

The Decision from the Standpoint of the President

After the Faculty Committee votes, the Dean will forward a textual record of the combined recommendations concerning each of the candidates for tenure, that is the positive and negative votes, and comments from all those who voted against tenure, to the President for his/her review. At my university the President is allowed to deny or approve tenure even against unanimous recommendations of either, or both the departmental and faculty committees. As noted above, in 2009 the President, in consultation with the VP Provost denied tenure to four candidates, all of whom had received positive recommendations from both the department and faculty level committees, whereas in 2010 they denied tenure to three candidates, of whom two

had received positive recommendations from both committees, whereas one received negative recommendations from both committees.

It is important to recognize that within a unionized environment that managerial authority and decision making is necessary to allow for grievance and arbitration. A grievance presupposes and indeed requires that a person with managerial authority, who is outside the bargaining unit makes a decision which harms an employee, otherwise, a union would be in the untenable position of grieving a decision made by one of its own members. As a result my union is not prepared to challenge the right of the President to deny tenure; however we can and do insist that the grounds by which the President chooses to exercise her rights is consistent with the Collective Agreement, superior legislation, due process, and the rules of natural justice.

Thus the critical questions which I as the grievance chair must ask are: Under what conditions might it be acceptable for a President to exercise his/her authority to deny tenure? What is it about a President's position which allows him/her to make a decision which is potentially career ending for an employee? Of course it can safely be assumed that a President recognizes that his/her decision to deny tenure will create pain, worry, and fear for employees affected by that decision. Yet he/she must believe that his/her action is necessary. But what makes it necessary? Clearly the necessity of the decision transcends the necessity of the person to continue to have employment. Thus the decision to deny tenure must of necessity be articulated to principles, priorities, and commitments beyond the in vivo and face-to-face relationships between people. The decision to deny tenure must at some level be formulated as rooted in a concern for the good of the unit, the faculty, and university. As noted above increasingly denials are legitimized through reference to the university's mission to become

"research intensive." The denial must be formulated in such a way that the employee is deemed to be unworthy of being granted tenure, and that his/her continued employment is construed to create a potential form of harm to the university, whether to the reputation, to the (research) mission, to the students, and so on.

To understand how it is that a President is able to make such decisions we need to look beyond the domain of face-to-face relationships and loyalties to examine the hypostatized domains of institutional orders. Thus an understanding of the President's forms of action demand moving past a focus on "personality," to instead examine the ways in which a President situates him/herself as an agent, and protector of the institutional order, integrity and reputation of the university. In fact it most likely matters very little whether a President is "soft, kind, and gentle" in his/her tone or whether he/she is "hard, unkind, or brusque." What matters is the organization of the work processes into which a President inserts him/'herself and into which he/she is inserted. What matters is that we explicate how his/her place within the university is organized to enable him/her to be positioned in such a way that he/she can make such "hard" decisions. At Carleton University the position of the President is organizationally located as follows:

> The executive head of the University is the President and Vice-Chancellor, who is appointed by the Board for a term of no more than seven years upon the recommendation of a committee. The President is supported by four Vice-Presidents: the Provost and Vice-President (Academic), the Vice-President (Research and International), the Vice-President (Finance and Administration), and the Vice-President (Carleton University, 2011).

A President holds an office, and as such he/she is hired to fulfill the responsibilities as the chief executive officer of the university. Yet our focus is not on the forms of power resulting from holding an office, but rather the forms of social relations which allow a President to take action that threatens member's livelihood and careers. The foundation of the relation between a

President and a candidate for tenure is rooted in an alienation in which the welfare of the organization, "the university" is made to matter more than the individuals whose day-to-day practices bring the organization into being.

Increasingly the job of senior administrators is to find ways of making a university work in an environment where government funding as a percentage of operating grants is outpaced by tuition fee increases (Frank, 2000; CAUT, 1999a, 1999b, 2008). Thus administrators focus on strategies for competing with other universities for students and the tuition fees, research funders, and government funding. As a result administrators are driven to re-brand the university as producing marketable, commercialized and commodified educational products. In this environment "star" faculty are prized as they have the potential to attract both students and funds, which can be diverted to operating revenues. Those faculty who are not able to provide star attraction are increasingly viewed a liabilities and deficits.

Of course what flows from the reorganization of the university are struggles over the organization and meanings of education. Today administrative visions of education as a marketable product is articulated in the granting of tenure as a "privilege" from which flow the responsibility to attract students and research funds. Today those who are granted tenure are expected to advance the mission of the university to market high quality educational products (Polster & Newson, 2009; Rothschild & White, 1993). In Ontario, Canada, and across Western nations university administrators lead the push to compete for a global market in students, research funds, and prestige (Frølich, et al., 2009-10; Deem, 1998, 2001).

Preliminaries to the Appeal

Once a candidate is denied tenure the forms of their activity are organized through the conduits of textual regulation. Various texts set out authorized courses of action for advancing their appeal. They can move forward only as a written notice to the Clerk of Senate of their intention to appeal, the submission of a letter of appeal which sets out their grounds for appeal (again articulating the appropriate provisions of the Collective Agreement), and the resubmission of their tenure dossier. In turn the Clerk of the senate will forward these texts to the Chair of the Senate Tenure Appeal Commmittee (STAC). The members of the STAC are elected by Senate on the basis of being "representative" of the university, that is there is a member from each of the five faculties. The Clerk of Senate will use various textually mediated forms of communication, principally e-mails, to notify those participants, which include the members of the STAC, the appellants, and their designated union representatives (the Grievance Chair), and the President/Vice President, of the times and places for the hearings.

To date all those who have been denied tenure by the President have contacted the union office and have appealed. Once appellants contact the union, as Grievance Chair, I take up their appeals, and represent them throughout the appeal process as their advocate and supporter. By virtue of my position in the union I am able to mobilize union resources to protect and defend their jobs, including taking the matter arbitration. As a consequence members who appeal are able to recognize that they have the backing of a fellow faculty member and other executive members of the union in their struggle. This support has proven to be critically important, both materially and emotionally. This support has given appellants a sense of hope and solidarity, and has dispelled their sense of personal isolation and shame as they prepare to "fight" for their jobs.

Further, not surprisingly all appellants have a strong sense of having suffered a deep injustice and personal insult. By linking their struggle to the union such powerful emotional responses come to be channeled, regulated and expressed strategically and tactically in ways that advance rather than detract from their case.

The appeal procedure and the composition of a Senate Tenure Appeal Committee (STAC) is set out in the Collective Agreement:

> There shall be established a standing committee of Senate, to be known as the Tenure Appeal Committee, consisting of five members who are as representative as possible of the major divisions (faculties) of the University. Deans, directors and departmental chairmen are not eligible to be appointed to or to serve on the Committee. (CUASA, 2010, p. B9)

The nature of the STAC at our university is rather anomalous compared to procedures that exist at other universities, in that it is comprised by definition exclusively of faculty union members. It is genuinely a committee of peers, perhaps most analogous to an ancient guilt, craft union, or holy order in which masters determine who is worthy to become a member. Quite clearly as a union of faculty we recognize that the organizational form of the STAC is preferable to any employee/employer committee which might have senior management as members. Furthermore the STAC is a committee of Senate, as such there is a possibility that its members can be chosen with a view to protect the best interests of faculty. However despite these clear organizational potentialities, it is also possible that the STAC might be composed of members who have little sympathy with the union and even less with the appellants, and who may very likely share senior adminsitrations' projects for remaking the university.

In addition to the Collective Agreement, the union and the STAC Chair in 2005 negotiated a written protocol which gave the appellant the right to introduce new material, while

proscribing the employer from submitting new materials. It provided for the proper circulation of documents to all parties, the requirement that all members of the Committee be present throughout the appeals in order to vote, the right of the appellant to be present during any interviewing of witnesses, the order of presentation in which the university is required to present its case first, followed by the appellant and his her union representative,[9] with the specification of the right of either side to ask questions of the other, the right to witnesses, the orientation of the Committee to the Collective Agreement, and the terms and conditions for an appeal, and so on.

Despite the Collective Agreement and the Protocol during the last two rounds of appeals there have been a number of disagreements about the composition, procedures, and mandate of the STAC. Two years ago a member from a faculty had to be replaced and the employer attempted to name a replacement rather than allowing Senate to elect the member. I turned to Senate By-Laws and insisted that any replacement had to be elected by Senate at a general and open meeting, and could not simply be appointed. The Clerk of Senate agreed. Next the employer's lawyer claimed that a representative on the STAC was in a conflict of interest because he/she was also a member of the union executive. I relied on the university's own Conflict of Interest Policy to argue that the dual relationship did not constitute a conflict of interest, as by definition all members of the STAC had to be CUASA members. Again the Clerk of Senate agreed with my argument. However, the employer's lawyer continued to complain, so to avoid the appearance of a "conflict of interest" the member resigned from the union executive, which then allowed him/her to serve without encumbrance on the STAC.

[9] The order of presentation is important, as requiring that the employer first present its case allows the appellant and the union to identify weak points in the employer's argument and to craft a response which aims to problematize the employer's account.

In the 2010 round of appeals there were seemingly interminable disagreements about scheduling. The STAC decided that an appellant had to present his/her appeal on a Saturday. This unfortunately meant that one of her witnesses, a parent with child care responsibilities and obligations was unable to attend. I intervened, arguing that the appellant had a right to a witness to present viva voce evidence subject to examination before the committee. The Chair of STAC conceded that a new date was needed for the hearing, but then suggested that the STAC would meet on Saturday with the employer's lawyer. Again I objected, and pointed out that this would be a violation of the STAC protocol which required that the appellant be present during all meetings of the Committee, except those where the Committee meets in camera. Again the Chair relented, but then indicated that the employer's lawyer would be present as an "advisor" to the Provost. Once again I expressed the union's position was that if the lawyer was an advisor that this role would bar him from speaking before the Committee, but that if he were to allowed to speak then the union would want its own legal counsel present. Again the Chair rescinded his/her decision.

Over the last two years serious disagreement has centred on time allocation and scheduling of hearing. In 2009 the Provost initially insisted that all four appeals could be heard in a single two hour meeting. In 2010 the Chair of the STAC initially attempted to limit appeals to two hour blocks. Against such demands I insisted, with the support of the appellants, that they deserved as much time as was "reasonably" necessary to allow them to present their case for tenure. I invoked arguments of due process to insist that the appellants should be granted a sufficient amount of time to present their case, to allow for supportive witnesses to appear before

the committee, and for cross examination of the Provost. Fortunately, for the appellants, and for the principles of natural justice my arguments have prevailed.

Although such details may appear tedious and picayune they reveal the complex processes of argument and negotiation effected through the ongoing practical work of reading, interpreting, and arguing about the meaning of texts. The ways that the committee functions, the time allocated for its work, the identification of participants, the focus of its work, the processes governing procedures such as the creation of a time-table which specifies the order of presentations, the identification of witnesses, and so on, are outlined in textual form. In and through the continual articulation of texts the operation of the committee is structured to appear to be fair and just. Second, through the proper referencing of textual orders the appellant is provided with a sense that how the committee will do its work is in some ways predictable and governed by reference to textual forms of order. This has the effect of reducing some anxiety as the appellant can anticipate what will unfold in the appeal. Third, and finally the process of negotiation effected through reference to textual orders has the effect of demonstrating for the parties to the occasion that the committee is responsive to due process and equity concerns.

To be counted as acting properly during the appeal process people had to orient themselves so that their actions were demonstrably and accountably oriented to procedures and policies set out in a variety of documents. However, in the appeal hearing, unlike all other fora, the appellant was present, as was I as her/his union representative. This face-to-face encounter worked to erode the impersonality and anonymity of the textually mediated procedures. In the work of the committee the appellant is physically present, and as such is able to engage in face-to-face communication with the Vice-President and the members of the Committee. In the nexus

of the face-to-face encounter they meet the appellant whose position and future hangs in the balance of their decision making. The face-to-face interactions which comprise the work of the committee allow for a return to personal relationships which transcends the anonymous orders of the texts.

As the grievance chair my task has been to help the appellants shape their appeal. I meet with each appellant at least twice, and review their appeal documents. I instruct them to frame their appeal by reference to the terms and conditions of the CUASA Collective Agreement. In every case I have insisted that appellants not allow the President's narrow circumscription of criteria to prevail, and that they draw out their contributions in teaching, research, and service.

The Appeals

Through each appeal my objective as Grievance Chair was four-fold. First, I wanted each appellant to present themselves in the best light, as personable and as a worthy candidate for tenure. Second, I wanted to draw out the obvious strengths of each appellant's dossier, and focus on the minutia of their work over the past five years. In working with appellants my presumption was that they had all worked very hard at their jobs, and that it was precisely their dedication to students, to their units, and to the challenges of launching new research programs in a new work environment which resulted in what the President and Vice President had characterized as less than acceptable research productivity. Third, I wanted to underscore the importance of the existing criteria for tenure as set out in the Collective Agreement, precisely because these do not give single priority to research. On the contrary Appendix B "Guidelines for Promotion," which sets out the criteria for promotion, from which the criteria for tenure are derived, presents an

extremely nuanced, albeit imprecise direction to consider teaching, research and service in combination as well as "promise" and "potential" (CUASA, 2010, Appendix B). Fourth, my primary objective was to undermine the claims, and the work of the President and Vice-President. I set out to show that their decision making was based on poorly conducted and improper research; illogical reasoning; violation of the criteria set out in the Collective Agreement; capricious and arbitrary decision making; and, a violation of the principles of natural justice, notably by changing the criteria for tenure after the candidates had been hired.

Of course the criticism of the Vice-President's work, given his presence in the room had to be accomplished in a form which was sufficiently polite and respectful, such that it would ostensibly accord with members' expectations of civility. This is not to say that the participants' emotions did not rise during the proceedings. Indeed they did. Yet, when one appellant became visibly upset, as she recalled the pall that hung over her family's Christmas celebration following receipt of the President's letter on December 21, she followed up by apologizing to the Committee for her passion. When an appellant, who was a person of colour, raised the issue of systemic racism within the university, citing research by Henry and Tator (2009), the Chair of the STAC closed off the discussion by announcing, "if you are raising claims of discrimination this committee cannot address these." Even when I challenged the Vice-President who discounted the value of appellant's submission of manuscripts for books, by suggesting that writing a book was a "fool's errand," I was greeted by loud protest and what can only be characterized as a sense of insult and outrage. In short, the participants to the "difficult" process of the appeal were held through minute gestures, glances, and even rebuke to hold to generally civil and polite exchange.

Of course the expectation of civility and polite engagement must be recognized as an instance of strategic "impression management" (Goffman, 1959) in which all parties, seek to position themselves as virtuous, proper, and just before their peers.[10] In the appeal hearings the Vice President wants the members of the Committee to recognize the soundness of his decision, and to agree that his decision to deny was proper. The appellant on the other hand is invested in winning the support of the Committee members against the Vice-President. Obvious anger, outbursts, insults, threats, or intimidation are perceptibly counterproductive and harmful for their work of advancing their appeal. Similarly as the grievance chair I want to ensure that my arguments are heard by the Committee members to be factual, logical, and cogent. Finally, each of the Committee members in turn, must demonstrate their capacity to be fair, open minded, and unbiased. They must demonstrate to each other, to the appellant, to the Vice-President, and to me as Grievance Chair, that they are acting properly, professionally, and with due diligence to the facts and proper procedures.

Of course, when the presentation of evidence is completed during appeal hearings the members of the Committee withdraw in camera to discuss whether or not to uphold each appellant's appeal. In 2009 three of the four appeals were upheld, whereas in 2010 of three appeals only one was upheld.

[10] It must be recognized that what counts as 'civil and polite' deportment and conduct expresses gender, class, and race experiences and norms. The work 'passing' (de Montingy, 1995; Garfinkel, 1967) as civil and polite relies on taken-for-granted repertoires for performing identities produced inside of determinate "forms of life" (Bologh, 1979).

Conclusion

Grievance chairs in universities across Canada function are the canary in a mine. We are first detectors of noxious gasses that threaten the life of the university. As the grievance chair through successive rounds of tenure denials I witness the disjunctions between the every-day working and personal lives of faculty and the positions of senior administration. I pick up the pieces when senior administrators make decisions which actively harm the careers of members in the name of advancing the research profile of the university. Sadly, I am often overwhelmed by the hypocrisy of administrators who speak of the university community while treating those who make the community as disposable; who laud research excellence while increasing class size; demand that faculty teach increased numbers of courses; claim to value teaching yet save money by hiring growing numbers of contract instructors or part-time staff to deliver programs.

As grievance chair I am witness to the effects on faculty of a "new managerialism" (Deem, 1998, 2001; Deem & Brehony, 2005; Webber, 2008). Deem explains:

> New managerialism is used to refer to the desirability of a variety of organisational changes. These include the use of internal cost centres within a single organisation, an emphasis on competition between cost centres and on the formation of internal markets (for example, academic cost centres might be asked to pay for internally provided laboratory space or information technology services), the encouragement of team working, the introduction of targets and the (sometimes) intrusive monitoring of efficiency and effectiveness. The last may be accomplished through staff appraisal, overt measurement of employee performance and outcomes (e.g. exam results, employment destinations of graduates) and more subtle self-and peer-regulation. (2001, p. 10)

Core to the "new managerialism" in the university is an administrative push to create ever more stringent, accountable, and efficient organizations of faculty members' work. I am witness to ways that that accountability is used to systematically punish those members whose projects do not fit the vision of senior administrators. I watch as women, members of visible and cultural

minority populations and faculty for whom English is a second language are targeted for tenure and promotion denial and denial of annual salary increments. I, along with those who are victimized, struggle to resist the attempts of senior administrators to raise the bar and to redefine the functions of a university.

There is growing gulf between senior administrators and the faculty. The gulf is experienced every-day by faculty as a decline of collegiality, the loss of physical spaces and times for congregation, the erosion of the power of faculty committees and Senate, and a progressive usurpation of decision making by senior administrators. Many faculty link the assault on tenure and promotion to the growth and increased reliance for teaching on under-paid contract instructors who are unable to contribute to the life and work of their departments. Our members recognize that making their departments work relies on the day-to-day work of committees, and the time consuming processes of consultation and collegiality.

Of course little is to be gained by a retreat into nostalgia for the old days, for in fact, as women and visible minority faculty have told us, the past was marked by sexism and racism as a white, male old boys' networks parsed out opportunities and privilege to those most like themselves. Yet the changes to the university have not eliminated patriarchal and racist power dynamics in the university today. Female faculty, and faculty from minority races and cultures find themselves caught in the pincers between their lived commitments and the forms of work imposed on them by senior administrators. In the matrix of contradictions at the heart of the new university there are some faculty who are able to organize their work and their lives to be winners, leaving others to be losers. In the face of these tensions faculty unions and grievance

work operate as a reminder that there is still an opportunity for fairness, equity, and justice in the university.

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