

Welcome to a new column sponsored by the AAR's Status of Women in the Profession Committee. This column will examine the political and professional issues that affect women — but not just women — in the academy. It will be published in the March and October issues of *R SN*

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In the academy, one principle that seems to be almost universally upheld as an important value and practice while simultaneously violated on a regular basis is confidentiality. Particularly when it comes to tenure review, I constantly hear the importance of confidentiality stressed by the same individuals who then go share confidential information with others. This curious contradiction then brings into question: why is confidentiality important? Or, perhaps more importantly, whose interests are served by confidentiality?

The stated reasons for confidential policies generally seem to be: 1) Professors reviewing tenure cases are more likely to give honest feedback about someone's work if their views remain confidential; 2) Confidentiality protects the reputation of those being reviewed; and 3) Confidentiality allows departments to maintain collegiality with colleagues with whom they deny tenure.

Despite these purported goals of confidentiality, many professors under tenure review have been victimized by it. Dylan Rodriguez, chair of Ethnic Studies at University of California, Riverside, notes that when he was a junior faculty person, he was being investigated for his

participation in campus-based political activities, but did not find out until he agreed to do an interview with a law professor visiting from another campus. He then discovered the purpose of the “interview” — that professor had been hired to investigate him. His conclusion: “While there may be moments in which confidentiality works to “protect” vulnerable people (students, campus staff, faculty of color) within academic institutions, it generally does not — in fact, it is usually invoked in times when those very people are being subjected to the most reprehensible forms of institutional discipline.”

If confidentiality is supposed to protect professors, then why does it so frequently fail to do so? If we look at the stated reasons for confidentiality policies, it becomes more clear how they often end up protecting the interests of those in power against the needs of those more vulnerable in the academy.

***Rationale #1: Professors reviewing cases are more likely to give honest feedback about someone’s work if their views remain confidential.***

The assumption behind this rationale is that professors will not be giving honest feedback to their junior colleagues until this point. Essentially, to maintain interpersonal relationships within the department, senior colleagues will not actually tell their juniors what they really think about their work until such time that they, under the cloak of secrecy, vote against their tenure cases. This practice then promotes an overpersonalization of intellectual exchange. We are to refrain from giving honest assessment of each other’s work in order to avoid hurt feelings. In such an environment, no real mentoring and intellectual growth can occur. In addition, junior colleagues are then set up for career sabotage without sufficient warning that their cases may be in jeopardy. Honest and direct communication is a challenge in most contexts, not just in the academy. However, perhaps the academy could learn from the practices of community accountability developed by social justice organizations. These groups make it their intention to learn how to interact with each other and give direct critique that is constructive and supportive. In doing so, they promote environments where people learn to hear critique without taking this critique as an indictment on their personal worth. If we could promote such environments in the academy, there would be no need for tenure reviews to be confidential because professors under review would already know how their colleagues assess their work.

***Rationale #2: Confidentiality protects the reputation of those being reviewed.***

The idea behind this rationale is confidentiality will protect negative assessments of a

professor's work from circulating outside that department in a way that might hinder that person's ability to seek employment elsewhere. This rationale has some merit, but is undermined by the fact that confidentiality is breached on such a regular basis. In fact, comments are made "confidentially" by people who presume that their comments will eventually circulate. If confidentiality is so valued, then why is it violated so constantly? James Scott provides some insight in *Domination and the Art of Resistance*: "Only when contradictions are publicly declared do they have to be publicly accounted for" (Yale University Press, 1992: 51).

There then becomes no public avenue for the accused to defend themselves against their accusers.

### ***Rationale #3: Confidentiality allows departments to maintain collegiality with colleagues with whom they deny tenure.***

The question that arises from this rationale is, should collegiality be maintained through dishonesty? The only way collegiality is maintained through confidentiality is if it effectively presents a false picture to a person under review that colleagues who voted against their tenure are actually their allies. This rationale only benefits senior colleagues rather than those under review. In addition, this collegiality is also maintained by allowing senior colleagues to disavow the effects of their decisions. When decisions are made in secrecy with no accountability, it becomes easier to depersonalize the person under review. A senior professor is more likely to make a cavalier decision that may destroy a person's life and career when she or he does not have to tell that person directly. If someone feels strongly enough about her/his colleague's work that it merits her/his dismissal, that person should be willing to publicly stand by that decision.

An alternative to confidentiality in tenure cases is proffered by David Lloyd, professor of English at the University of Southern California. He became an activist against confidentiality in tenure cases after taking part in tenure deliberations where explicitly racist reasons were given for tenure denial, with this racism then protected by confidentiality policies. He charges that if someone feels sufficiently strongly about someone's record, enough to deprive them of their livelihood, they should be able to tell that person to her/his face.

Lloyd advocates that any evaluation of intellectual work should be public and a matter of open debate. First, it is less likely that people will raise objections based on personal likes or dislikes or on subjective criteria that may be racist, sexist, homophobic, etc. In addition, according to

Lloyd, where spurious objections do arise, often they can be more effectively refuted by the candidate herself than by her defenders. Of course, junior faculty may not feel equipped to rhetorically defend themselves against senior faculty. But Lloyd notes that many issues that come up during review are highly subjective and arbitrary and could often be easily addressed by that person under review. And certainly, there is no chance to defend one's work when one is not even told what the accusations are. He notes most every other mode of evaluation is potentially open to public review, such as PhD defenses. "Rather than the Star Chamber system that currently exists, and which constitutively protects those with status and power against those with neither, tenure reviews and similar processes should take place in public with the candidate present and participant in the process. No other evaluation that relates to intellectual ideas takes place under cover of confidentiality, other than those whose intent is to safeguard established hierarchies. Our belief in deliberation and the value of 'publicity' is best realized through public evaluation and some system where the candidate is permitted to confront her 'accusers' and to respond in full and before witnesses. Anything that could not be addressed in such a forum is not the proper matter for an evaluation of any candidate's intellectual work."

Of course, issues of confidentiality and tenure review are complicated and context-specific. However, it may be time to ask why confidentiality has gone unquestioned as a positive value within academic review. In doing so, we may be able to pursue alternative practices that might ensure healthier departments, fairer processes, honest intellectual exchange, and protection for those most vulnerable in the academy.