
FACULTY TIMES

A Newsletter of UWOFA

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November 2004

Centralized Timetabling

A special meeting has been set with Roma Harris, Vice Provost and Registrar, so faculty members can discuss with her their many and profound concerns about centralized timetabling. Please plan to attend, and make your voice heard.

Monday, November 15, 2004
3 – 4:30 pm
Room 204, University College

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Things proceed apace

by Allan Gedalof, UWOFA President

There's rarely a dull moment here at UWOFA House, and even in a year that in prospect looked like it might be relatively quiet, relatively of course being the operative word, it seems like there's a lot going on. Here's a quick summary of some of the major things happening.

On September 28th, Vice President Jane Toswell, Past President Albert Katz and I appeared at the Ministry of Labour hearings on the abolition of forced retirement. Contrary to the position argued by UWO President Paul Davenport, who contended that the adjustment to a post-mandatory retirement environment would create significant difficulties that would require a six-year deferral of the application of the legislation to the university sector, we argued that those difficulties were exaggerated, and that no delay in implementation would be required (The text of our

presentation is reproduced elsewhere in this issue of *Faculty Times*). In the very near future, our Salary, Benefits and Pensions Committee will be gathering data to help us in discussions with the administration about what provisions and conditions might be put in place for faculty, librarians and archivists when forced retirement ends.

We are also preparing now for our participation in the Rae Review of Ontario's post-secondary education system. Jane Toswell and I will be participating in the Round Table session to be held in London on November 10th, and we hope many of our members will make their views heard at the Town Hall discussion that will take place on December 1st from 7:00-9:00 p.m. in room 40 of the Ivey Business School here on campus. In addition to working on our own written brief to the Rae Review, we have also been negotiating with the administration and other employee groups on campus a UWO joint submission that contains recommendations upon which we all agree. It is our hope that a submission coming from all of UWO's employee groups as well as the students and the administration will carry extra weight with Rae's group.

During the last month, over two scintillating days in a depressing room in the Exeter Road Ramada Inn (we lead such exciting lives), UWOFA also argued an individual grievance concerning compensation and membership in the Bargaining Unit before an Ontario Labour Board arbitrator. We await the Labour Board decision, which is not expected for some time.

Our librarians and archivists bargaining unit continues to make very good progress in preparing for negotiations for a first collective agreement, and held their first, spectacularly well-attended General Meeting on October 20th. Given that many hands make lighter work, the contract committee welcomes volunteers willing to offer any degree of help with the development of bargaining goals and the writing of contract language. If you are interested, contact the Chair of the Librarians and Archivists Contract Committee, Elizabeth Bruton (ebruton@uwo.ca).

Jane Toswell's extraordinary efforts on the Faculty Handbook, a sort of layperson's guide to the Collective Agreement and what it actually means for the working lives of faculty members, have brought that project very close to completion. It should be going to press by the end of October, and Association Members can expect to see their copies in November. Shortly after its publication, we plan to post the handbook to our web site.

Our problems (and those of other employee groups at Western) with the Canada Revenue Agency over the Dependents' Tuition Scholarship, reported on in the last *Faculty Times*, continue. In the latest

developments, the CRA has indicated that it will now not reassess those who benefited from the plan for the 2001 and 2002 tax years, but still intends to do an audit for 2003 and to apply its ruling for the 2004 tax year. The lawyers hired by the University to challenge this ruling will be meeting again with the local CRA officials to try to find a way to avoid the 2003 reassessment and to see if it is possible to adapt the plan in such a way that it would qualify as a scholarship taxable in the hands of its recipients rather than the employees. We will, of course, keep you apprised of developments, but at this point it seems more than likely that for those whose dependents will be receiving the scholarship during 2004, the scholarship will appear as a taxable benefit on the T4 slips that you will be issued in 2005 for the 2004 tax year.

The planned introduction of centralized timetabling continues to be of major concern and a source of considerable anger and apprehension among our members, which should be no surprise since it threatens to profoundly affect many aspects of our working lives. The first pilot version of the computer-generated timetable has only exacerbated our justified concerns. If you have not already done so, take a look at that first version in your department, or at the second version, which should be appearing very soon. Make sure that you let whomever looks after the timetable in your department, faculty, or school know about the problems you find, and it would be very helpful if a summary of those problems were also sent to Vice-Provost and Registrar Roma Harris (harris@uwo.ca) and to UWOFA (uwofa@uwo.ca). At our October 19th General Meeting, members asked for a meeting with Roma so that they might hear directly what she has to say on this initiative, and express to her their concerns. That meeting has now been set for Monday, November 15th from 3:00-4:30 p.m. in University College 204.

I started this report by observing that there's never a dull moment at UWOFA, but what I didn't acknowledge there is that it's not just busy-ness that keeps things from being dull, and it's not just on me that the busy-ness falls. UWOFA is fortunate in having extremely talented and hard-working (and often very funny) people keeping the ship afloat, and keeping me in line and on course. Our Professional Officer Lauren Tremblay, our Administrative Officer Jane Laforge, Vice-President Jane Toswell, Past President Albert Katz, and our committee chairs and board members have all been fabulous and unstinting in their efforts on all of our behalves. I can't thank them often enough.

Mandatory Retirement

Presentation to the Ministry of Labour Consultations on "Providing Choice"

London, September 28, 2004

by Allan Gedalof

The University of Western Ontario Faculty Association, a union representing about 1500 Probationary, Tenured and Contract Faculty and Librarians and Archivists, welcomes this opportunity to respond to the Ministry of Labour's consultation paper on ending mandatory retirement. In so doing, we enthusiastically endorse the Ontario Human Rights Commission 2001 report that argues that forced retirement is part of a broad and systemic pattern of age discrimination, and calls for its abolition. In that report, and in many submissions you have already heard, the case against discrimination on the basis of age seems strong and incontrovertible. As the title of that Human Rights Commission report asserts, it is indeed time for action, time for Ontario to take the important steps already taken in other Canadian jurisdictions, in the United States, and elsewhere.

Rather than repeat here in detail the general arguments that see mandatory retirement as a violation of fundamental human rights; that observe that incompetence doesn't suddenly set in with the turning of a particular calendar page; that argue that in an environment where people are living longer and remaining healthy and productive, forcing retirement on older workers who choose to continue working seems both wrong and counter-productive, I want to merely gesture in their direction here, knowing that you are already more than familiar with those compelling arguments. Rather, I want to turn to the sector-specific arguments that you invite in Section F of your consultation document, where you ask if there are occupations or sectors that may need an exemption or special treatment, and to take a position at odds with that taken by our own and several other university administrations who are arguing that either this legislation should not be applied to the university sector, or that its implementation should be delayed for as long as possible.

It seems paradoxical to me that universities in particular should adopt such a position. In our most basic functions, we are supposed to be agents of change. When we are doing our job as we should, we initiate change in ourselves, our disciplines, our students, and in the broader community to which we are responsible. We also have a duty to bring about these changes in line with the highest ethical and professional standards, and in the battle for the

abolition of age discrimination, as elsewhere, the university community should lead rather than lag. Perhaps we have more confidence in the joint abilities of our members and our administration to manage these changes than our administration does. We certainly have a different view of the adjustments that will have to be made when forced retirement is abolished, and believe that many of the problems cited by university administrators have been exaggerated, misunderstood, or misrepresented. It is to those problems that I now turn.

First, university administrators argue that the abolition of mandatory retirement will have drastic, disastrous even, impacts on university budgets as huge numbers of faculty members stay on. Forty to fifty percent of faculty may continue to work until the age of 69, it is asserted, although as far as we have been able to determine, that is nowhere the case in jurisdictions where there is no forced retirement. At Concordia University, for example, only about a dozen faculty out of 800 are older than 65, only two of those are older than 70, and average retirement age is now 63.5. In the United States, where the retirement age was set at 70 before the elimination of mandatory retirement, a 2001 study found that the vast majority of American academics continues to retire before the age of 65. Our own study of our members' positions on mandatory retirement, conducted at Western last year by our then-president Albert Katz, who is here today to answer any questions that you may have for him, revealed that while the strong majority of our members wanted to be able to choose when they retire, only 12% said that they wanted to work beyond the current retirement age. Given that we now have about 40 retirements a year, that means that four to five persons a year will stay on beyond 65, that with very few exceptions those who do stay on will not remain beyond the age of 69 when they must begin drawing upon their pensions, and that the whole pool of faculty beyond the current mandatory retirement age will, over a period of four years, grow to 20 or 25. Even if those numbers were to double, surely we can plan for and adjust to changes of that magnitude.

Administrators also argue that abolishing mandatory retirement will imperil the process of faculty renewal and, in a related argument, will make it more difficult to achieve gender equity among

faculty, since most of those staying on will be males. Such arguments lose force for several reasons. First, they are predicated upon large numbers of older faculty remaining on the job, which is itself dubious. Second, for a variety of reasons, it may well be that women are particularly well represented among those who want to continue working, since in many instances their careers have been delayed or interrupted because they were doing the indispensable work of child-bearing. To force them to retire at 65 is to punish them for the vagaries of evolution, to force them out of a job long before their passion and aptitude for it have diminished, and to take a more directly practical tack, in some cases well before they have been able to build up an adequate pension.

Furthermore, similar arguments apply to many academics of either sex. Consider for a moment how long-delayed most academic careers are. A typical student who aspires to an academic job will spend four to five years earning a bachelor's degree, one to two for a master's, five or more for a Ph.D., and these days often one or two further years of a post-doctoral fellowship, a practice long common in the Sciences and becoming much more common in the Arts and Social Sciences, and may then have to do contract work before finally landing a tenure-track job and beginning to earn a less-than-princely salary with which she will have to pay off a small mountain of student debt. She may have foregone 12 to 15 years of earnings before starting the job, and still has another six or seven to go before she can achieve tenure. To then curtail that career because some more-or-less arbitrary, one-size-fits-all age has been reached seems like cruel and unusual punishment.

Administrators also like to argue that tenure itself poses a major problem for the university sector since it makes it difficult to get rid of incompetent older workers. All parts of that assertion are objectionable. It assumes that older workers are incompetent, when one could just as easily argue that their accumulated knowledge, wisdom, and experience makes them the

most competent workers in the institution, and it links tenure to a kind of absolute job security. Tenure, as I'm sure you've heard many times already, exists to safeguard academic freedom, not to protect persons from the consequences of incompetence. Few if any professionals are evaluated as often as academics, and our contract at Western is like other employment contracts in providing for dismissal in cases of incompetence or dereliction of duty. If the incompetent are still working, that's a problem of poor management, not a problem inherent in tenure or specific to the cases of older workers.

There are, of course, many other issues that can and should be considered when planning for the abolition of mandatory retirement in the university sector in particular and society in general, but we should bear in mind that none of these is new. We are not in the process of inventing anything new, and many jurisdictions have already successfully made these adjustments. This is not to say that the abolition of mandatory retirement will be without problems or difficulties, or won't require negotiation of sector-specific and even institution-specific provisions, perhaps including changes to defined-contribution pension plans, post-retirement benefits, enhanced early retirement, and long-term disability and other benefits. It is to say that with a little goodwill and good sense on both sides, these difficulties, in themselves not nearly as large as some would have us believe, are very far from insurmountable. Why should we be any less successful in facing these challenges than other jurisdictions have already been, and with their examples before us, why can't we do this in a timely way? We at UWOFA believe that no special delay is required to make these accommodations, and are ready to welcome with open arms and open minds the abolition of mandatory retirement and the timely end of this particularly egregious form of age discrimination.

Faculty Times welcomes contributions and letters to the Editor.
We look forward to lively responses and debate on issues related to
UWOFA and its membership.

UWOFA and the CAUT Defence Fund

by Albert Katz, CAUT Defence Fund Trustee

In October, 2004 the Trustees of the Canadian Association of University Teachers Defence Fund met in Charlottetown to review the past year's activities, examine the financial state of the Fund, choose committee members and to debate changes to the governing by-laws. For the second year in a row, several notable changes were made to the procedures under which member Associations would benefit from the Fund. In 2003, the trustees agreed to increase the daily amount paid to an Association on strike or lockout by 20%, and to extend some compensation for members forced to undergo interest arbitration. And in Charlottetown, the trustees agreed to shorten from 7 days to 3 the time period required before an Association could become eligible for money from the Fund. These changes reflect not only the steady and healthy growth in the Fund's assets (about \$15 million now) but also a recognition that a large fund quickly available to faculty members undercuts the ability of administrations to work on the financial fears of its academic staff and, in a more general sense, provides a balancing of the financial power inequities that characterized many faculty-administration negotiations in the past. Trustees from faculty association after faculty association have told me how the presence of the Fund led to a greater effort on the part of their administration to work with their union to achieve a fair and equitable solution. In two instances last year (Acadia and Bishop's) the Association did go on strike and in both cases the support of the Fund helped bring the strikes to a satisfactory and speedy resolution. In addition to providing strike pay, the Fund does the following: provides financial assistance in prosecuting unfair labour practices or bargaining in bad faith by the administration, gives six-month interest-free loans to cover insured benefits should they be disrupted by a strike or lock-out, extends six-month interest-free lines of credit to help with strike expenses, sends "flying pickets" from member associations to demonstrate solidarity by walking the picket line with their colleagues on strike, and provides a number of other legal, moral or financial initiatives.

Because of the size of our membership, UWOFA is represented by three trustees, the maximum

number allowable under the rules of the Fund. The current UWOFA trustees are Paul Handford (Biology), Albert Katz (Psychology) and Marjorie Ratcliffe (Modern Languages and Literatures). In the meetings in Charlottetown, Marjorie joined the Membership Committee (which seeks out and negotiates with potential new member associations) and I joined the Policy and Planning Committee (which reviews annually the policies and procedures, rules and regulations of the Fund and makes recommendations to the Board of Trustees). Trustees are expected to attend the annual meeting; to keep informed about labour relations across the country; to meet by conference call to deal with requests from member associations for support when a strike or lock-out looks possible, usually 4 or 5 times a year; to consider the admission of new members; to respond to queries that arise from the work of the Planning and Policy Committee; to act as flying pickets; and to write letters in support of striking associations (and to encourage their respective unions to support a fellow association on strike). They have special responsibilities if their own faculty association is on strike or locked out.

It is important to remember that strikes are very often about issues other than salary; for instance, the strike at Acadia this past year was driven largely by disagreements over intellectual property, rights and workload. The University of Manitoba went on strike in a fight to protest against abuse of academic freedom and York, when it went on strike in 1997, did so, in part, because of unilateral changes to the retirement plan by the administration. In strike benefits alone, the Fund paid \$700,000 to the University of Manitoba Faculty Association and almost \$2 million to the York Association.

Founded just as a strike fund in 1978, since 1992 the Defence Fund has been incorporated under the laws of Canada as somewhat distanced from CAUT proper, and today consists of 33 member university faculty associations representing close to 14,000 academics. The University of Western Ontario Faculty Association joined the Fund shortly after we certified in 1998.

Letter to the Editor

Can I offer a comment on the views expressed in the mandatory retirement article in the most recent *Faculty Times?* (September 2004) I'm glad that UWOFA is providing this update, but it contains a misleading comment.

The article says: "That means that if the Ontario government passes the expected legislation in 2005 or early 2006 that changes the Human Rights Code, our collective agreement will continue to govern retirement at Western (It's unlikely that the legislation will cover existing Collective Agreements). Should a new collective agreement not have been agreed at that point, the provisions of the current one will continue until a new collective agreement is ratified by both parties."

I have followed the legal debate on mandatory retirement from a distance. There are two issues that we should keep in mind. First, I have seen nothing in the debate or the Ontario government's consultation paper on mandatory retirement to suggest that existing collective agreements will be exempt from the likely changes coming to the Human Rights Code. And second, the Supreme Court of Canada has ruled on several occasions that human rights law almost always trumps a collective agreement. If mandatory retirement is removed as a protected form of discrimination from the Human Rights Code in the near future, then it will automatically void any mandatory retirement provisions in the UWOFA collective agreement, unless the legislation has a specific phasing in period for workplaces to adjust. A specific phasing in period is possible, but only if enough unions and/or employers insist upon it during the consultation process.

All this will likely mean that the coming changes to the Code will immediately apply to all provincially-regulated workplaces in Ontario once they have been enacted into law, and provisions in collective agreements which permit mandatory retirement will become null and void.

That aside, I'm glad the newsletter is focusing on this. This will be a contentious issue that UWOFA will have to deal with, even after the abolition of mandatory retirement.

Prof. Michael Lynk
Faculty of Law
The University of Western Ontario

Make 'Em Cry

by Stanley Fish

The Chronicle of Higher Education

March 5, 2004

In the past few months I have been saying nasty things [in these columns](#) (and also on radio and television) about members of Congress, Illinois state representatives and senators, the governor of Illinois, the governor's budget director, and the governor-appointed Illinois Board of Higher Education. I have called these people ignorant, misinformed, demagogic, dishonest, slipshod, and have repeatedly suggested that when it comes to colleges and universities either they don't know what they're talking about or (and this is worse) they do know and are deliberately setting out to destroy public higher education.

In response they have sent me nice notes, trekked across the state to visit me in my office, invited me to talk with their colleagues, gone out and bought my books (and actually read them), taken me to lunch, and promised to arrange a dinner with the governor. (Not likely to happen, for, as far I can see, there's nothing in it for him.)

What's going on here? Why have people of whom I have been unfailingly (and acerbically) critical responded by being unfailingly nice and even, on occasion, deferential?

I got the hint of an answer from the first state representative who came to see me. As she walked through the door, she said, "Well, I managed to find

your office, so we all can't be as dumb as you say we are." Two things were obvious: She had certainly gotten the message. And it was the message—harsh, accusatory, scornful—that had gotten her to come.

The conclusion I drew from this and other interactions was not that public life is full of masochists looking for a chance to be beaten again, but that senior university administrators and lobbyists have been talking to legislators and governors (and, yes, trustees) in the wrong way.

That is, campus administrators have been diplomatic, respectful, conciliatory, reasonable, sometimes apologetic, and always defensive, and they would have done much better, I think, if they had been aggressive, blunt, mildly confrontational, and just a bit arrogant. When I've talked to university officials and suggested that they go on the offensive when faced with budget cuts, threats of new control, baseless accusations of waste, etc., they have demurred and said, "It wouldn't be good to irritate them."

Well "irritate" is not quite what I had in mind. "Get their attention" is more in the right direction, "make them uncomfortable" would be better, and "cause them pain" would hit the mark.

It was Ronald Reagan who first figured out that a university system offers the perfect target for making political (and sometimes financial) hay because it is at once visible and populated by persons who, although (or because) they are the bearers of many advanced degrees, are unlikely to fight back. Or, if they do fight back, it will be with tools that are spectacularly ineffectual.

Those will be, not surprisingly, the tools of their trade—fact, reason, argument, theory, never anything ad hoc or ad hominem. So when, for the tenthousandth time, the charge is made that faculty members only teach 6 or 9 or 12 hours a week and spend the rest of their time doing pointless research or sitting on the beach, the university community will respond with mind-numbing statistics, with elaborate (and largely unpersuasive) accounts of how the state will ultimately benefit from a study of gender reversal in Shakespeare or from a mathematical proof that only five people in the world understand, and (although it doesn't follow at all) with a resolution to do better. And then next year or next month when the same things are said, it will have to be done all over again, and with as little effect.

In general, there are two things that won't work, and they are the only two things universities ever try.

First of all, it won't work to explain the academic world to nonacademics while standing on one foot. That is, you can't in a short time teach people to value activities they have never engaged in, or persuade

them that if research into the ways and byways of Byzantine art is not supported, the world will be poorer. Remember, it takes four or more years to initiate students into the pleasures of the academic life, and in most cases the effort is not successful. Why should anyone think that the lessons could be taught and accepted in 20 minutes?

If telling our story in the hope that its terms will be adopted by those who have never lived it won't work, neither will the attempt to translate it into their terms by retelling it in the vocabulary of business or venture capitalism.

Colleges and universities surely must observe good business practices in the relevant areas (purchasing, service contracts, construction, maintenance), but colleges are not businesses. They do not drop product lines that have lost market share. They do not dismiss employees who cease to be productive or run into a bad patch. They do not monitor every moment of every working day. They will wait years for a research program to pan out and won't consider it a breach of contract if it doesn't.

To be sure, sometimes a faculty project will pay off (with a patent, a large grant, a Nobel Prize), but more often it will not even pay its own way. If a bottom-line criterion is applied to the academy, 90 percent of what goes on will fail the test, and, therefore, defending the academy in bottom-line terms is a losing proposition unless you want to reach the conclusion that most of what you do should be abandoned.

But what's left? If explaining what we do won't work, and redescribing the enterprise in the vocabulary of what they do won't work, what will work?

Well, maybe nothing. Maybe we'll just have to learn to live (and perhaps die) in this brave new world where money is withdrawn from public higher education at the same time that ever more strict controls are imposed. But my experience suggests that it might just be worth a try to stand up for ourselves unapologetically, and to comport ourselves as if we were formidable adversaries rather than easy marks.

This would mean allowing no false statement by a public official to pass uncorrected and unrebuked. (Not only must the record be set straight; those who have gotten it wrong must be made to feel bad if only so that they will think twice before doing it again.) It would mean embracing the fact that few nonacademics understand what we do and why we do it, and turning it into a weapon. Instead of saying, "Let me tell you what we do so that you'll love us," or "Let me explain how your values are our values too," say, "We do what we do, we've been doing it for a

long time, it has its own history, and until you learn it or join it, your opinions are not worth listening to."

Instead of defending classics or French literature or sociology, ask those who think they need defending what they know about them, and if the answer is "not much" (on the model of "don't know much about the Middle Ages"), suggest, ever so politely, that they might want to go back to school. Instead of trying to justify your values (always a weak position), assume them and assume too your right to define and protect them. And when you are invited to explain, defend, or justify, just say no.

But again, will it work? It just might (I offer no guarantees), and for two reasons. First, it will be surprising, and, because surprising, disconcerting: Legislators, governors, and trustees don't expect academics to hit back or (even better) hit first, and at the least you will have gotten them off balance. Second, they quite possibly will like it, will like being challenged rather than toadied to, will like being taken seriously enough to engage with, will like being party to a conversation of the kind that fills our days, will like, in short, being spoken to as if they were academics.

The attraction that bashing the academy has for politicians and others has a source in the anti-intellectualism that has always been a part of American life. It is our version of the no-nonsense empiricism and distrust of eloquence bequeathed to us by the British and refined into an art in the "a

man's gotta do what a man's gotta do" spirit of Western expansion.

But that same anti-intellectualism has its flip side in an abiding fascination with those who devote themselves to what is called (I despise the phrase, but it is sometimes useful) the life of the mind. Nonacademics either want to beat us up or have dinner with us. If we don't let them do the first—if we fight back with all we have and all we are—we'll have more chances to do the second; and a familiarity not rooted in contempt might in time pay off.

Will it happen? I doubt it. A few months ago I found myself sitting in a doctor's waiting room, and sitting next to me was one of the university's lobbyists. We talked and commiserated about budgetary woes, new demands and restrictions, recycled misconceptions, and the like. As one of us (I forgot which) got called into the inner sanctum, I said, "The next time you go before some committee in the legislature, take me with you." He said, "Will you behave?"

Some people never learn.

Stanley Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago, writes a monthly column for the Career Network on campus politics and academic careers.

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ENROLMENT CHOICES AND TECHNOLOGY: LAME EXCUSES

Editorial by David Heap

We are told that Centralized Timetabling is required in order to allow for interdisciplinary student enrolment choices in the new undergrad programs. But since the model has yet to allow successfully even for *current* programs, how can they claim it will permit *more* cross-cutting enrolments in the future? And it must be understood that opposition to Centralized Timetabling is *not* a knee-jerk rejection of technological change *per se*. The relevant choice is not between computer chips and wax tablets, but rather between radical centralization and departmental autonomy. As with PeopleSoft, UWO administrators are choosing the most centralized possible way to implement change (which they did not even bother to bring to the Joint Subcommittee on the Implications of Technology, as mandated by our Collective Agreement). These technologies are *not* inherently centralizing: with different choices and priorities, timetabling software could be used to increase the meaningful decision-making power of Units while still minimizing cross-disciplinary conflicts. The real question is: will we accept the imposition of centralized control (at the expense of academic autonomy) when it is neither demonstrably necessary nor even helpful for the goals it purports to serve?