

# **THE INTER-SENATE COMMITTEE (ISC) OF THE UNIVERSITIES FOR THE PROTECTION OF ACADEMIC INDEPENDENCE**

**consisting of representatives of the seven Israeli universities**

**Prof. Yaron Ezrahi, Political Sciences, Hebrew University of Jerusalem (HUJI)**  
**Prof. Avraham Gover, Electrical Engineering, Tel-Aviv University (TAU)**  
**Prof. Benny Geiger, Molecular Biology, Weizmann Institute of Science (WIS)**  
**Prof. Gershon Grossman, Mechanical Engineering, Technion – Israel Institute of  
Technology (IIT)**  
**Prof. Michael Heyd, History (HUJI)**  
**Prof. Shlomo Moran, Computer Science (IIT)**  
**Prof. Mario Mikulincer, Psychology, Bar-Ilan University (BIU)**  
**Prof. Sophia Menache, History, University of Haifa (UH)**  
**Prof. Uzy Smilansky, Physics of Complex Systems (WIS)**  
**Prof. Zeev Safrai, Eretz Israel Studies (BIU)**  
**Prof. Nava Pliskin, Industrial Engineering, Ben-Gurion University (BGU)**  
**Prof. Zvi Ziegler, Mathematics (IIT)**  
**Prof. Yair Censor, Mathematics (UH)**  
**Prof. Arieh Reichel, Business administration (BGU)**  
**Prof. Zeev Schuss, Mathematics (TAU)**

**Tel-Aviv, March 20, 2002.**

## **Position Paper of the Inter-Senate Committee of the Universities for the Protection of Academic Independence Concerning the Report of the Blue Ribbon “Public Committee for Examining the Organizational Structure of the Institutions of Higher Education”, chaired by Supreme Court Justice (Ret.) Yaacov Maltz**

Submitted to the Research and Information Center of the Knesset for the debate on the  
Maltz Committee Report in the Education and Culture Committee of the Knesset, MK  
Zebulun Orlev, Chairman.

## Contents:

1. Abstract: Background and Summary of Position .....	p. 2
2. Principles .....	p. 3
3. The Tendency for Enforcement and Uniformization.....	p. 5
4. The Framework of the Maltz Committee's Hearings.....	p. 6
5. Material Fallacies in the Maltz Committee's Arguments .....	p. 7
6. Summary.....	p. 11

### **1. Abstract: Background and Summary of Position**

On August 1, 1997, the Government of Israel resolved to set up a blue ribbon committee “to examine the administrative structure of the institutions of higher education in Israel and to propose reforms, in order to improve their administration, while preserving their academic and administrative independence”. This resulted in the appointment of a blue ribbon committee chaired by Supreme Court Justice (ret.) Yaacov Maltz, which submitted on January 18, 2000, its report, known today as The Maltz Report (78pp.). The government’s Resolution no. 675 of September 2, 2001, nominated the chairman of the Council for Higher Education (CHE) to present a program for the implementation of the recommendations of the Maltz Committee’s Report by December 31, 2001. The Government’s resolution states, among others, that the function of Rector shall be abolished in all universities and that the size of the university senate be reduced to 71 members. Moreover, the resolution nominates the Executive Committee, a non-academic body by its nature, as the supreme authority in the university. While the Maltz Committee (MC) does not propose to enforce the adoption of the academic and administrative structure recommended in its report (see Section 3 below), the government’s resolution imposes the reforms, in contravention of the Higher Education Law 1958, Section 15, which states that “An approved institution is sovereign to conduct its academic and administrative business as it deems fit, within its budgetary constraints”. A team headed by the general manager of CHE and Committee for Planning and Budgeting (CPB), Mr. Nissan Limor, issued a document entitled “Association of Institutions of Higher Education under the Higher Education Law, a Draft of a Proposal for Consideration 14/10/2001”, containing rules for the implementation of the MC’s recommendations (henceforward “the CPB proposal”, 22pp.). On December 11, 2001, the CHE resolved to reject the above mentioned draft proposal and appointed the chairman of the CPB to prepare a new draft of a document, which will contain the MC’s report as a recommendation to the institutions.

Under the present law, Israeli universities have achieved scientific prosperity and equaled the academic level of the best universities in the western world. The Israeli universities provide the public with higher education of the highest quality in the western world’s standards, however the price tag of education in Israeli universities is much lower than the standard in the western world (see Section 2a below). They made a decisive contribution to the state’s economy and security, medicine, and the quality of life and the rule of law in the country through the research and education they provide to the public.

The ISC maintains that the MC’s recommendations are essentially erroneous and are based on mostly groundless and unsubstantiated claims. These recommendations are the consequence of the choice of witnesses and depositions that reflect a tendency for over-representation of institutional and administrative

considerations and under-representation of professional and academic considerations. The MC intentionally refrained from summoning to testify teachers and researchers who do not hold administrative appointments (see Section 4 below). The ISC maintains that the implementation of the Government's resolution will severely damage the academic faculty's independence and freedom of research, teaching, and expression (see Subsection 11 in the table of Section 5 below).

Most of the university senates debated the Government's resolution and have voted against its implementation. The following statements can summarize the ISC's position:

- (a) The ISC demands that the academic independence and academic freedom be preserved, according to the basic principle of the Higher Education Law 1958, and calls for the adoption of the MC's approach, which asserts that its own conclusions are "A general framework guiding the universities in the desired direction" (the MC Report, p. 4).
- (b) The ISC adopts the senates' position that rejects the radical and coerced reform in the academic and administrative structure of the university by a massive transfer of authority to extra-academic bodies such as a president and executive committee, as recommended in the conclusions of the MC's report.
- (c) The ISC embraces the principle that the universities – as do all publicly supported institutions – must examine themselves in view of the changing national circumstances. The ISC recommends that the competent bodies inside the universities be charged with the examination and the implementation of the resulting reforms, and will inform the CHE, as the Higher Education Law requires.

## **2. Principles**

- (a) The MC has examined the Israeli universities by hearing the testimonies of 20 presidents and rectors and concluded that their administration is defective. Consequently it recommended a drastic surgery and asserted that their administration has to be fundamentally reformed. But the excessive detailed analysis the MC missed the general picture. The high standard and quality of higher education in Israeli universities equal these of the best universities of the western world, but at a much lower cost than is the standard in the western world. The MC has ignored the decisive contribution of the universities to the national economy and security. It ignored the fact that through higher education we have turned from an agricultural to an industrial state with high technology and increased tenfold the GNP. All the defects that the MC discovered notwithstanding, it is apparent that public funds spent on universities in Israel were the best investment of tax money, as compared with any other public expenditure. The "gain per investment ratio" of the universities, judging by results and by western world standards, exceeds significantly that of any ministry or publicly supported corporation, inside and outside government. For example, the Massachusetts Institute of Technology (MIT), which is smaller than the Israel Institute of Technology – Technion, has an annual budget of about US\$1.5 billions, which exceeds the sum total of the annual budgets all Israeli universities, combined together. The adage "If it ain't broke, don't fix it!" applies to Israeli universities. Thus, despite the hue and cry in the media, there is no apparent reason for intervention in university

life. Nothing has occurred in recent years to indicate that the university system in Israel does not function properly.

- (b) All universities in Israel are subject to a professional scientific scrutiny as practiced in scientific institutions of international standards. The scrutiny is based on peer review of the international scientific community. Moreover, the academic and research administration of the universities is based, as is the standard in the Western World, on internal professional criteria that distinguished academic administration from public or business administration. Among the bodies supervising the universities we can count the CHE, CBP, and the Israel Academy of Science (IAS), which are all institutions of public importance. The universities are completely transparent and are subject to constant public scrutiny, both by private citizens and, most important, by state institutions and bodies. We can count among the supervising entities the student body, the media, the Knesset and its committees, the Government, through the Ministries of Education and of Science and Culture. The universities are directly examined by the State Comptroller's office and by their internal comptrollers. It seems that there is no other public institution of similar size in Israel that is scrutinized by so many bodies from so many aspects. On the other hand, neither the Knesset, nor the Government need be involved in the promotion of a given faculty member to Associate Professor in any university, or in the process of appointing a dean of faculty. Official and political bodies should refrain from any involvement in the scientific and academic supervision of the higher education system, the way they are not involved in the appointment of brigade commanders in the Israel Defense Force (IDF). A governmental or legislative intervention may be justified only when the entire chain of command, down to the brigade commander level, turns out to be corrupt or erroneous. Nothing of the sort has been demonstrated, or even hinted to with respect to the higher education system.
- (c) The MC recommends the promotion of the university president to an almighty ruler of the campus, to render the university senate a grievance committee with no academic authority, and reduce the academic body to employees of the Executive Council of the university. This contravenes the essence of academic administration of universities in Israel that is presently done by the professors. They hire and fire faculty through ad hoc and appointment committees. They determine academic programs and their contents, as well as academic degrees. None of the following institutions has any say in these matters: the General Accounting Office (GAO) of the Treasury, the CHE, the Executive Council, Board of Governors, the University President. If any reform is needed in the academic administration of the universities it is the empowerment of the university senate as the supreme academic authority on campus, as is the parliamentary rule in a democratic society. There is no excess wisdom and motivation in government bureaucracy over that of the senate. The academic administration of the universities by professional committees, supported by the collective wisdom of the faculty, led to professional prosperity unparalleled in any other sector of Israeli society, neither private nor public. The maintenance of academic excellence is the sole domain of departmental or faculty professional committees. The senate determines the academic programs and their contents and updates them with

the progress of science and technology. The “improvements” recommended by the MC threaten the proven process by a massive transfer of authority to academic bureaucracy, that is, to deans and a new hybrid function – president-provost. This experiment is like trying an untested drug on a healthy person, which is superfluous in any case. The proposed reform is an experiment of doubtful benefits, but with potential of long lasting and immeasurable damage.

To appreciate the potential damage it should be kept in mind that the development of a high quality scientific department takes many years, in general, because only scientists of high quality are able to put together a department of high quality. Therefore, when a prominent scientist leaves a university department (usually abroad), double damage is caused, because mediocrity is self-perpetuating. In the academic world of Western research universities, the **quality of the academic faculty in the humanities, social sciences, the sciences, medicine, and technology, is measured primarily in scientific achievements.** This measure is closely related to the quality of teaching. The latter is measured, above all, in the quality of the subject matter taught and in the thought process the lecturer presents to the students; the quality of presentation is always secondary to the above. Scientific research is an indispensable and inseparable part of teaching. A teacher who is not engaged in research cannot keep up with the rapid development of science or technology in his field. The contact with developments is maintained by reading the scientific literature. Teachers who left research cannot keep up with the current professional literature, and while their contact with the scientific reality is severed, they stay chained to what they acquired while still active in research. Such a teacher not only proffers on the students obsolete science, but also is a barrier to all teaching innovations in his/her field. The enforcement by legislation of the proposed academic restructuring of universities will cause a long-range damage to the scientific and technological infrastructure of Israel.

### **3. Tendency for Enforcement and Uniformization**

The introduction to the MC’s report, signed by its chairman, the Supreme Court Justice (Ret.) Yaacov Maltz, comprises seven paragraphs. Six of them are devoted to the history of the creation of the MC, a concise description of its proceedings, and acknowledgments. Paragraph 6 of the introduction, which apparently seems not to belong there, concerns the possible use of the conclusions of the report. The MC found it necessary to forewarn the readers of erroneous interpretations, misunderstandings, or misuse or unfair usage of the report, as turned out to be the case of the bodies and individuals who recommend to the government the enforced implementation in the Israeli universities of the report’s conclusions. To quote Justice Maltz:

**“I would like to emphasize the committee’s statement in its recommendations of Chapter 3, that it did not have in mind the formulation of a unified constitution or regulations and that its recommendations be regarded as a general guiding framework for the universities concerning the desired direction. The committee maintains that no uniformity shall be enforced ...”**

The forced implementation of the MC recommendations (or of any other external dictate, for that matter) in the Israeli research universities is a false and distorted notion. All forced implementation by law or by external intimidation is contrary to both language and spirit of the MC report. The enforcement of the reform recommended by the MC report is contrary to the Law of Higher Education, which states: “An approved institution is sovereign in conducting its academic and administrative business, within the framework of its budget, as it sees fit”.

#### **4. The Framework of the Maltz Committee’s Hearings**

The proceedings and the process of deriving the conclusions of the MC are based on a system of imbalanced testimonies and depositions. It is stated in the Introduction: “... The committee chose to hear the testimony of only serving presidents and rectors, of the chairman of the CBP and his predecessors. In addition, the committee called to testify ... a former president, who is not a professor, a general manager of a university, and the chairman of the students union.” Knesset members, who are expected to be the power supervising the government, should understand better than any other citizen the implications of the committee’s bias in collecting testimonies only from administrative and finance officers of universities, and no one else, without consulting faculty members who are not charged with any administrative responsibilities. This situation is analogous to a Knesset committee’s hearing about the country’s water reserves, where only the Water Commissioner and his administrators testify, but no professional experts are heard.

The committee’s choice of testimonies and evidence is a substantial defect that effectively invalidates the committee’s conclusions. This contradiction is evident directly from the MC’s report (page 4), where it is stated: “... the structure of every organization has to be based on foundations that ensure the achievements of the goals, aims, and plans of the university for excellence in research and teaching.” How can the committee consider seriously these foundations without consulting the people who are actively engaged in achieving the goal of excellence in the university, namely, the university scientists and lecturers? The committee continues: “Every organizational structure should provide the appropriate means and services for the system’s target public”. Aren’t the university scientists an important part of its target public? Are the MC members more competent than the scientists and lecturers to determine what are the appropriate means and administrative services for research and teaching?

#### **5. Material Fallacies in the Maltz Committee’s Arguments**

Several material fallacies in the MC’s argumentation are listed in the table below. It should be kept in mind that due to the diversity in the present administration of the universities the selected examples do not necessarily apply to all universities. The page numbers in the table indicate pages in the MC’s report.

The Maltz committee's statement	Refutation
<p>1. (Page 9): "In its present composition the Board of Governors is incapable to outline the university policy and effectively supervise it"</p> <p>2. (Page 10) It is proposed to put the Executive Committee above the president's office.</p> <p>3. (Page 11) "Due to the size of the senate, only part of the membership participates in each one of its conferences".</p> <p>4. (11) "... A part of the academic faculty do not fulfill their basic obligations toward their institutions"</p> <p>5. (Page 11) "The senate ... is not the appropriate body to administer the academic part of a university ... It prevents the implementation in the university of the required reform ..."</p>	<p>1. The State Comptroller, the university comptroller, the Executive Committee, CBP, CHE, the courts and the police supervise the university. There is no need for additional supervision. The Board of Governors has nothing to say, and should have nothing to say on academic matters</p> <p>2. All the bodies mentioned in 1 supervise the president. above, and in addition by the university senate, at least morally. The office of the president does not require any additional instances of supervision.</p> <p>3. The percentage of participation in the senate's conferences does not differ in essence from that of Knesset members in its conferences or of conferences of any similar body.</p> <p>4. The academic faculty fulfills its obligations toward the university to a much wider extent than the employees of any other public institution in Israel (vis. the full parking lots during breaks and vacations). In every group, including legislators, judges, police personnel and general managers of public companies, there are individuals who are not strict about fulfilling their obligations toward their institutions. This does not imply a complete administrative restructuring of the institutions, but rather the stricter application of internal academic professional standards.</p> <p>5. The senate (including its committees) is the most appropriate body for the academic administration of a university, and the amazing results achieved by</p>

in a period that requires ... sophisticated professional decisions ... The long tenure ... contributes ... to the creation of inertia ... without a real attempt at reform”

the Israeli universities confirm the senate’s success in academic administration. The baseless assertions on page 11 of the MC’s report are characteristic of executive officers controlled and supervised by a restrictive body. Here, the flagrant and distorting bias in the choice of witnesses (presidents and rectors) is brought to bear. This is also the mode of thinking of a prime minister and government ministers who resent the Knesset, which “stands in their way”. There is no merit to the assertion that the senate prevents university reform. It has a central part in setting the scientific policy in any institution. The supervision of the president and. The supervision of the president and rector consists in the mere existence of the senate and not necessarily in parliamentary squabbling, no confidence votes or protests, and so on. In a period that requires sophisticated decisions, the need for an empowered senate is most crucial. The senate is the body, which expresses the collective wisdom concentrated in a university. The senate contains experts in the various research disciplines, and it is the bank of experience and international connections of the university. In the era of information explosion, inter-disciplinary research, international scientific and research communities, its role as a consulting and academic supervising body is more crucial than ever. A university that gives up this repository of knowledge and experience, and neglects the intensive use of the senate in its academic administration, is doomed to failure and to damage to its academic level and



<p>6. (Page 12) "... The assertion that the dual structure is necessary is baseless ..."</p> <p>7. (Page 12) "There is no logical connection between academic freedom and the attempt to separate academia from administration ... an enlightened approach to academic freedom can be maintained without the dual structure."</p> <p>8. (Page 12) "The deans are elected by the faculty. ...There is a danger that this requires the dean to enlist popular support ... [the dean] may refrain from undertaking difficult decisions ..."</p> <p>9. (Page 12) "This election process does not necessarily result in the best choice of a dean"</p> <p>10. (Page 18) "... The Executive Committee has to be the supreme authority in a university ... Most of its members will be appointed public figures... "</p> <p>11. (Page 18) "... One of the functions of the Executive Committee is to implement ethical codes for the</p>	<p>achievements, both in research and teaching.</p> <p>6. Academic administration has unique features that closely relates administration with academic research and teaching in cooperation that is independent of the structure of the hierarchy of authority.</p> <p>7. Who is going to "maintain an enlightened approach"? In the social climate and cultural environment in Israel, the dual structure is one of the defense walls (alas, too few and too thin) of academic freedom.</p> <p>8. The present system has not damaged the academic standards and achievements. The results speak for themselves.</p> <p>9. The results of this method are self-evident. On the contrary, bureaucrats or other appointees cannot be expected to make a better choice.</p> <p>10. This recommendation (together with the powers of the Executive Committee detailed on page 30' in particular concerning the appointment of the president), totally disenfranchises the academic faculty of the academic administration of the university. The decay of any academic institution that adopts this approach will be obvious and fast. Even if initially it will not be felt right away in Israel, nonetheless, it will not avoid the notice of the international scientific community.</p> <p>11. This is an arrow aimed at the heart of academic freedom. This extreme paragraph allows the</p>
---	--

<p>behavior of the university employees (academic faculty, administrative and technical personnel) and ensure their efficient enforcement. ... The ethical codes will include ... the employees' duty ... toward society ..."</p> <p>12. (Page 19) The chapter "The senate and the academic faculty"</p> <p>13. (Page 30) The chapter "The Executive Committee"</p> <p>14. (Page 39) The chapter "The duties and powers of the president"</p>	<p>Executive Committee to dismiss any professor who publishes a "politically incorrect" article. The establishment of a code of ethics is the prerogative of every professional group, such as the Medical Association, The Legal Board, The Association of Engineers, and not of appointed officials.</p> <p>12. This chapter describes in excruciating detail how every authority, academic or administrative, is taken away from the faculty. The only definite duty of the senate, according to this paragraph, is to be the "watchdog" of the Executive Committee and the president in their absolute rule of the university.</p> <p>13. Here the professional administration of the university is totally removed from the authority of any academic body and bestowed on a non-academic body at its head, a body that is devoid of any expertise or connection to scientific research or teaching. This reform was put into effect in many countries and resulted in the deterioration of universities and the decay of the national scientific research to the level of third world countries. There is no need to repeat this experiment in Israel, especially in Israel, that cannot afford such a dangerous experiment for obvious reasons.</p> <p>14. According to the MC's recommendations, the president becomes an omnipotent ruler of the campus. He/she is appointed by a mostly extra-university non-academic body. In effect there is no mechanism to supervise the president's actions in the</p>
---	---

	<p>university, least of all faculty supervision. According to the powers and authority vested in the president by the MC's recommendations, and his involvement and decisions in all matters in the university, the office requires spiritual, intellectual, and other merits that no single human being possesses. The friction between the president and the senate, whenever they occur, only benefit the development of the university. Tensions and conflicts between the president and the rector represent the correct functioning of the system of checks and balances that is more appropriate to a higher education system than an authoritarian centralized administration.</p>
--	--

## 6. Summary

Most of the senates that debated the issue have rejected by a wide margin the rules for the implementation of the MC's report recommendations, as presented in the CBP's blueprint, and expressed their concern regarding the attempt to enforce in the Israeli universities a uniform academic and administrative structure dictated by external bodies. The intensive opposition to the MC's recommendations is a matter of principle and stems from concern about the future of scientific research and academic teaching, and has nothing to do with irrelevant or sectarian interests. For this reason the central body representing the opposition to the implementation of the MC's recommendations is the **Inter-Senate University Committee for the Defense of Academic Independence**. It consists representatives of all senates in the universities. Thus this committee represents the community of professors in Israel, who are charged with the scientific and intellectual leadership of the scientific institutions in Israel. The Inter-Senate Committee maintains that MC' report should be considered only a recommendation to the universities. It joins the senates in their objection to the uniform and coerced radical reform in the academic and administrative structure of the universities by a massive transfer of most of the authority to extra-academic bodies. It insists on the preservation of the academic independence and academic freedom.. Academic freedom is the guiding principle upon which Law of Higher Education Law 1958 is based. This stance is based on the recognition of the changing national circumstances and on the fact that the universities, as public institutions, have to examine themselves by their intra-university institutions authorized to do so and who are obligated by law to report to the CHE.

**Acknowledgment:** The ISC is obliged to Professor Elia Leibovich of the School of Physics and Astronomy at TAU for authoring the first draft of this report.

Address of the ISC: Professor Yair Censor, Department of Mathematics, UH, Mount Carmel, Haifa 31905. Tel. 04-8249294 (departmental office), 04-8240837 (office), 04-8233824 (home), e-mail [yair@math.haifa.ac.il](mailto:yair@math.haifa.ac.il)