

**NEWSLETTER**

**Colorado State University Chapter**

**American Association of University Professors (AAUP)**

*Academic Freedom for a Free Society*

*Fall 2013*

**Much Ado and What to do About  
Political Discrimination**

Steve Mumme, Professor (Political Science) and AAUP Colorado Conference Co-President

If you've been following the news lately, it may not have escaped your notice that CU Regents are worried about political diversity and politically based discrimination on the Boulder campus. Liberals in Boulder? Who knew?

If this seems like déjà vu all over again, or a tempest in a teapot, think again. The CU Regents are sufficiently vexed as to have authorized, on September 17, a resolution that puts political discrimination in its list of conditions deserving nondiscrimination treatment—right up there with race, religion, age, veteran status, national origin, gender, sexual identity, and disability. To drive the point home, they are this fall conducting a campus climate survey designed to ferret out evidence of political discrimination on campus.

We could dismiss this as the hyperbolic reaction of an overly politicized governing board driven by ideology and political grandstanding and, yes, it is quite arguably all of that. It certainly has a whiff of the Gestapo about it—or Orwell's Truth Police. What is certain, however, is that

**CSU Welcomes National Academic  
Labor Leader**

By Laura Thomas

Maria Maisto, president of New Faculty Majority (NFM), will be a featured guest for events to be held at Colorado State University on Oct. 28 to observe Campus Equity Week. These events focus on the role of adjunct faculty at the university.

As universities have come to rely on faculty who work off the tenure-track to teach undergraduate courses, disparities in working conditions and compensation have moved adjunct or contingent faculty to advocate for reforms. These events encourage those efforts.

Maisto will participate in an all-university colloquium Monday, October 28<sup>th</sup>, from 2-4 p.m. in the Morgan Library Event Center.

Maisto will meet with members of the CSU Adjunct faculty to brainstorm strategies for meeting President Frank's 2013 initiative of "Creating an Exceptional Environment for Adjunct Faculty." The workshop will be held Monday, October 28<sup>th</sup>, from 4-5 in the Morgan Library Event Center.

many political conservatives, not just in Colorado, are convinced that political discrimination exists on university campuses and bears special attention by university leaders. And this is where the AAUP sees the potential for abridging academic freedom.

While political toleration is a high democratic value and political speech is protected by the First Amendment the issue of political discrimination on campus is a different sort of animal. Students and faculty are protected in their exercise of political speech—they are entitled to their opinions and beliefs to the extent they do not infringe on those of others or cause immediate physical harm. Political discrimination of the sort CU Regents are concerned with pertains to the academic environment—what is taught in the classroom and the qualifications of those doing the teaching. And that is where efforts to prescribe and enforce political nondiscrimination run headlong into academic freedom.

Any deliberate effort to impose a political metric on what is taught in the classroom is inherently a violation of the instructor's academic freedom. As AAUP has long argued, students do not have a classroom right to be unoffended. Quite the contrary. If contentious issues and perspectives pertaining to an academic subject are raised in the classroom where that subject is taught, and these are offensive to some, such speech must be protected for its value in exploring and provoking critical thought on the subject at hand. To do otherwise

Maisto will meet with CSU President Tony Frank and other administrators following the Adjunct faculty workshop and prior to attending an organic theater production, "Contingency: A Crisis of Teaching and Learning" scheduled for Monday, October 28<sup>th</sup> at 7:00 p.m. in TILT 221.

**Additional Campus Equity Week Activities include:**

College of Liberal Arts Adjunction Faculty Committee Informational Workshop scheduled for Wednesday, October 30<sup>th</sup>, 5-6 p.m. in the Lory Student Center rooms 220/222.

**"Plaza Chalk Followed by Chalk Talk"** paired events featuring student involvement scheduled for Thursday, October 31<sup>st</sup>, from 11:20-12:15.

During this event students will work in groups to address the topic of *Academic Freedom in a Democratic Society*, an issue of serious concern for non-tenure track faculty.

Brainstorming in the Morgan Library Event Center will lead to final statements chalked on the Lory Student Center Plaza. Subsequent classes will engage in "chalk-talk" discussions in the Morgan Library Event Center from 12:15-4:00.

New Faculty Majority is a national non-profit organization founded in

threatens the practice of free inquiry essential to critical debate and the generation of new knowledge in a university setting. This principle extends to the contents of an instructor’s syllabus and selection of assigned readings or instructional projects. Gratuitous, unprofessional speech unrelated to the subject at hand is not academically protected and can be grieved and addressed through normal dispute resolution mechanisms.

For this reason, the politically vexed—conservative CU Regent, Jim Geddes, comes to mind—tend to line up with those who argue a solution is better found in the selection of university professors. If only there were a more judicious and effective means of controlling political bias among tenured and tenure-track professors, then all would be well.

The problems here are multiple, rooted in the very nature of professional disciplines and the procurement of scholarly talent vital to the advancement of particular fields of knowledge. Yet even here academic freedom is at least indirectly at stake.

Colleges and universities do not hire in willy-nilly fashion. They hire individuals with proven disciplinary credentials to teach in specialized fields of knowledge. It is these proven credentials that are central to professional selection. The threat to academic freedom in posing a political test—in addition to other established (more legitimate) standards of nondiscrimination—arises from

2009 to improve higher education by “engaging in education and advocacy to provide economic justice and academic equity for all college faculty.”

Its efforts concentrate on adjunct or contingent faculty, who hold positions off the tenure-track that colleges and universities have increasingly turned to for undergraduate instruction.

Maisto, an adjunct English instructor in Ohio, helped found and currently directs both NFM and its affiliated Foundation. Her keynote will discuss “NFM’s approach to advocacy and activism on behalf of adjuncts, explaining how it builds on and differs from what has gone before, what NFM has learned in its short existence, and where NFM is going in its work.”

The Institute for Teaching and Learning (TILT) in partnership with the Department of Economics are sponsoring the events.

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### **GUNS ON CAMPUS**

Ray Hogler, Professor (Management) and Vice-President for Legislative Affairs of the Colorado AAUP

Here’s the basis I propose for a

contaminating the merit selection process with political bias.

Even in modern political science departments, where political ideology and values are studied and might be presumed to play center stage, this form of selection bias is fundamentally rebuked in favor of emphasis on training, proven analytical skill, and evidence of professional accomplishment. A professor trained in a particular specialization in political theory, for instance, is not deemed qualified to teach a class in Chilean government, or one focused on the impact of women on American politics.

The key determination a hiring unit makes concerns the disciplinary field and subject to be taught, not the political orientation brought to the subject by the professor. To the extent political bias exists, it is and should be entirely a byproduct of the applicant pool and the merit criteria applied. It is a random outcome determined by the set of applicants in a short list of highly qualified candidates drawn from the eligible pool. Discipline based qualifications are key.

In sum, introducing political bias in faculty appointments can only diminish the impact of merit criteria in the hiring process. This means units are less likely to select the “most qualified” candidate available in the pool. And that means units are less likely to hire faculty whose exercise of academic freedom is more intellectually challenging, advancing disciplinary knowledge.

university gun policy: those on campus with a concealed carry permit should be required to disclose their right to carry a gun. Those who are concerned about that can then take measures to protect themselves. CU implemented a policy of no guns at athletic events and no guns in residence halls. Their theory was based on contract, not regulation.

So here’s how we can do it:

1. Every student and every university employee will be required to disclose their concealed carry permit.

For students, it can be a condition of admission to the university, just like all the other conditions we impose.

For employees, it can be a condition of employment. To effectuate the policy, employees could be required to sign a disclosure form every year. We already fill out forms saying we don’t have conflicts of interest, etc.

This is a minimal obligation. For students, they could check a box when registering every semester attesting they do or do not have a carry permit. Any violation of the policy or refusal to comply

So, should Colorado State University follow CU's lead and add political orientation to its list of nondiscriminators? From an AAUP perspective, the answer is emphatically NO!

Moreover, as a matter of protected civic choice by nominal adults (18+), political orientation simply doesn't stand on the same pedestal as race, age, national origin, gender, religion, or disability, where circumstance beyond one's control or faith based beliefs and practices are held against an individual's employability and professional advancement or used to penalize students in the classroom.

Should CSU conduct a campus climate survey focused on political discrimination? Well, CSU has regularly conducted campus climate surveys to good effect. Preserving and advancing a campus climate of general tolerance is conducive to a sense of community and more importantly for a university campus, to sustaining an intellectual environment characterized by freedom to question, debate, and inquire.

Survey questions should be presented such that students are free to express their campus climate concerns whatever they may be. Slanting a campus survey to probe for political discrimination risks politicizing the process and neglecting other discriminating behavior. In short, it is hard to see the value added from this type of campus climate survey, and easy to see its negatives.

means immediate termination or expulsion.

2. The university could compile this information in a searchable database accessible through *eid* logins.

If a faculty member found some students in his or her class had a carry permit, the faculty member could identify those persons in the course syllabus.

Accordingly, everyone in the classroom would have full knowledge about the presence of guns.

3. A faculty member could choose to meet any concealed carry student in a public place or some other place of the faculty's choosing.

If the faculty member chose to request an armed security officer for any class with concealed carry permit holders in it, the university would furnish the officer.

4. Any university employee who declined to work in the presence of a concealed carry holder could request reassignment.

Just as CU has recently chosen to risk academic freedom on campus, it has also done so in a manner—by top down determination of the Regents—that tramples on another cardinal AAUP value: the importance of shared governance. CSU’s Governing Board has wisely avoided taking this path. We should encourage them to stay the course.

**CSU Nondiscrimination Policy (Faculty Manual, Appendix 4, Section I)**

It is the policy of Colorado State University that no member of the University community may discriminate against another member of the community on any basis for which discrimination is prohibited by state or federal law or University policy, including, but not limited to, race, color, religion, gender, age, national origin, veteran status, sexual orientation, and disability.

Therefore, this appendix provides an internal mechanism at Colorado State University for the expeditious resolution of complaints or discrimination involving actions that are either unlawful or violate University policy, excepting claims of sexual harassment, against the University or any of its faculty members, administrative professionals, state classified employees, or student employees (separate and apart from this policy, claims of sexual harassment are dealt with in accordance with Appendix 1).

If a transfer wasn’t feasible, then the administrator in charge could require that all weapons in the workplace be placed in a secure location during the workday.

This particular rule would automatically apply to anyone entering the CSU police offices (that is, law officers could require concealed carry holders to check their guns at the door).

This policy does not infringe on anyone’s right to possess a concealed carry permit and a weapon. It only balances the right to be armed against the right of students to learn and employees to work in an environment safe from the threat of serious bodily injury or death.

While there are many constitutional rights available in our country, none of them is absolute. Abortion, for example, is a right that is subject to numerous restrictions, such as mandatory ultrasounds and physical examinations.

Students may well support gun rights, as do many citizens. The question is not, however, “Should CSU ban guns,” but a more realistic question of whether the university should protect the rights of gun owners as well as provide reasonable guidelines for

It is also possible to pursue complaints through avenues external to the University. These avenues have their own restrictions and time limitations. However, the pursuit of any outside remedy precludes involving the provisions of this appendix.

### **Join the AAUP**

Joining the AAUP says that you're concerned about academic freedom, and about the way that basic freedom protects your teaching and research.

It says that participating in faculty governance is important to you, and that you are concerned about career issues, tenure, and the overuse of contingent faculty.

By joining, faculty members, academic professionals, and graduate students help to shape the future of our profession and proclaim their dedication to the education community.

In addition, there are many practical benefits--discounts, insurance programs, financial incentives--available to AAUP members. Join your colleagues today to promote and protect your profession.

Go to the AAUP website and you can join online using their secure electronic form.

safety in classrooms and workspaces.

I'd guess that most people who answer "no" to the first question would answer "yes" to the second.

### **Follow-up Comments**

The AAUP, though, never proposed banning guns. All we said is everyone concerned – faculty, students, employees, and administrators – should be entitled to know who has a concealed carry permit.

And, for example, if I had students in my class who had permits, I could ask for an armed security guard to attend every class. The cost of the guards could be defrayed by a fee increase.

Since students favor guns on campus, they should be happy to pay a little more to have more guns. There was never any proposal to ban guns. To the contrary, the proposal is to have more guns openly displayed. That's perfectly consistent with NRA dogma that more guns mean safer citizens.

And, if we're concerned about what CSU students think, we should conduct a survey asking whether most students would like to know if their classmates are armed or not in their classrooms.

That's the question that addresses our proposal.

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**More Comments**

According to a new survey, most students do NOT want concealed weapons on campus. Here's the link:

<http://www.bsudailynews.com/Content/News/News/Article/Ball-State-professor-releases-report-about-concealed-carry-on-campus/1/15/40328>

After the results of the recent legislative recall of two pro-gun control legislators in Colorado, it's highly unlikely that the legislature will do anything more to stem the proliferation of guns in our society.

If legislators won't, and faculty council shies away from it, we will continue with the status quo here even though a majority of students, faculty, and employees would probably feel safer if there were some regulation.