

NEWSLETTER

Colorado State University Chapter

American Association of University Professors (AAUP)

Academic Freedom for a Free Society Vol. 3:1 Spring (2010)

AAUP Update

State Conference/Around the State:

- **The AAUP Executive Committee.** The AAUP State Executive Committee met Friday, April 23 at Denver University. The ExCom heard a number of favorable reports from chapters around the state, including CU where support for adjunct and temporary instructor rights continues to build. ExCom members unanimously agreed to support a Colorado Committee for the Protection of Faculty Rights investigation of CU's handling of the Adrienne Anderson, Phil Mitchell, and Ward Churchill cases. ExCom also unanimously supported drafting a report on the procedural issues associated with the case of tenure track professor Wendy Duong at DU School of Law. [Interested Chapter members may contact Steve Mumme or Ray Hogler for details].
- **State Conference Elections:** The slate of AAUP State Conference candidates for elective positions was approved by the AAUP ExCom on April 23. All candidates were running unopposed. The newly elected officers are: Jonathan Rees (CSU Pueblo) Vice-President for Administrative Matters; Liz Nick, Secretary (Front Range Community College); Representative at Large, Linda Christian (Adams State University). All newly elected officers will serve two year terms (2010-2012).

Chapter Affairs

- **Arbitration initiative: Kefalas Gets Opinion from General Assembly Office of Legislative Legal Services:** At State Rep. John Kefalas' request, the Office of Legislative Legal Services, on December 3, 2009, issued a formal opinion on the subject of "Labor and employment arbitration with respect to public employees." The opinion affirms our Chapter's long held view that an arbitration option is supported by the

Forum: Coping with Downsizing *Steve Mumme, Political Science*

It's hard to miss the recessionary storm clouds looming over higher education these days, especially in the public domain. Declarations of financial exigency at American state colleges and universities have surged since 2007—a quick Google search finds 4560 hits for "Financial Exigency at U.S. Universities and Colleges." Worse yet, as reported in a recent *Inside Higher Ed* piece (March 2, 2010), an increasing number of public institutions are laying off tenured or tenure-track faculty without bothering with these niceties at all. Florida State just laid off 21 tenured faculty members, the University System of Georgia's about to do so, Clark Atlanta dismissed 20 tenured faculty in 2009, Idaho's education board just endowed its university presidents with the authority to imposed furloughs and layoffs without troubling to declare financial exigency, and the University of Nevada at Reno plans to lay off 35 TT faculty in the same way.

It is precisely this flying under the radar of AAUP best practices for university downsizing that should concern us. Hard times in HE inevitably entice administrators to consider skipping the lines of best practice. The AAUP has long held that the elimination of programs and tenured faculty must be preceded by a formal declaration of financial exigency and an academic rationale for program elimination, not simply budgetary calculus. While most universities seek to honor these values, some are now back-peddling, as seen above. Even where formal adherence to best practice occurs there is always the temptation to find academic reasons to achieve cost-cutting objectives.

While we at Colorado State University have thus far seen the blunt end of the hatchet, we have not gone undamaged. President Tony Frank's April 21st budget memo is guardedly upbeat but notes that as many as 50 personnel layoffs are coming next year. We have not yet seen full scale program elimination or loss of tenured or tenure-track faculty—which the Oval, thankfully, hopes to avoid. But it may happen and if it does happen our members must be vigilant to ensure that best practices are scrupulously followed by campus administration. We should also be keen to demand adequate justification of program adjustments affecting faculty assignments as these, in the present climate, may be Trojan horses.

Moreover, our TT and tenured AAUP chapter members must

Colorado Constitution and current legislative statute. The six page opinion states, “A review of the relevant law indicates that, generally, labor and employment *grievance arbitration* agreements, as opposed to *interest arbitration* systems, between public sector employees and their employers probably do not constitute an illegal delegation of power under article XXI, section 4, of the Colorado constitution and, as such, are legal.” This opinion certainly advances our position on campus though key members of Faculty Council remain guardedly optimistic and pragmatically skeptical at this point. Richard Ekyholt, Chair of Faculty Council, notes that General Assembly Legislative Legal Services’ opinions do not carry the same administrative weight as a state Attorney General’s opinion. Ekyholt is also concerned with the legal implication of the Ward Churchill judgment last year in which Judge Naves asserted the quasi-judicial status of university administrative decisions, a ruling with far reaching implications for university governance if upheld in the courts. All the same, the GA’s OLLS ruling points in a positive direction for an arbitration option. *Thanks to John Kefalas for his help in this matter.*

- ***CORSAF to take up arbitration issue.*** David Greene, CORSAF Chair, agreed in January to take up our arbitration proposal. As yet we have no progress report. Faculty Council is also considering reforms to Section K. of the Faculty Manual, though concrete proposals have not yet materialized.
- ***Faculty Council approves Advisory Committee on Special and Temporary Faculty.*** Fulfilling a longstanding objective of CSU adjunct faculty and one generally supported by our Chapter, the Faculty Council at its March 2nd meeting agreed to establish a new Advisory Committee on Special and Temporary Faculty. Creating the committee required amending the Faculty Manual’s section C.2.1.9 to allow for the creation of advisory as well as standing committees to Faculty Council. The new committee is comprised of one special or temporary faculty member from each college and library where a formal committee representing these faculty exists and two

be extra vigilant in monitoring budgetary impacts on our adjunct and temporary faculty, administrative professionals, and staff. It is not at all a departure from AAUP best practice to ask our administrators to adhere to certain common standards of decency in considering personnel “adjustments” in hard times. A short list of such standards might well include:

- Ample prior notice for recommended furloughs and layoffs.
- Due diligence in seeking alternate employment on campus or in the CSU system.
- Preferential consideration for rehiring.
- Access to benefits while seeking reemployment.

Some administrators and peers will be quick to label such measures as unsupportable, program constraining, or unauthorized. Maybe so. But as AAUP members we must be resolved to hold administrators accountable to AAUP best practices and to extend the benefits of these best practices to the colleagues and staff that make Colorado State the bullish learning environment it is and, hopefully, will continue to be—even when the bears are afoot.

Resources:

- AAUP Frequently Asked Questions on Financial Exigency: <http://www.aaup.org/aaup/financial/mainpage.htm>
- Inside Higher Ed: Layoffs Without Financial Exigency: <http://www.insidehighered.com/news/2010/03/02/exigency>

Upcoming National Events:

- June 9–12, 2010, for the AAUP’s [Annual Conference on the State of Higher Education \(including the Ninety-sixth Annual Meeting of the AAUP\)](#) at the Omni Shoreham Hotel in Washington, D.C.
- AAUP Summer Institute, July 29 – August 1, 2010. San Diego State University. For more information, please contact [Jenn Nichols](#). [The Colorado Conference has some funds to support faculty interested in participating in the Summer Institute. Contact Steve Mumme for details].
- Conference on Contingent Academic Labor August 13-15, 2010 Quebec City Cosponsored by the AAUP; see the [COCAL Web site](#) for more information and to register.

Membership

- Please be sure to check your membership and renew in a timely way. We Need More Members! Please

regular faculty members drawn from the university's colleges and libraries. The Committee's mandate is to recommend to Faculty Council a) policies defining the general responsibilities of special and temporary faculty to the University, college, and department; b) policies related to the standing of special and temporary faculty. [For further details and discussion see Faculty Council Minutes for March 2, 2010, pp. 12-13]

CAMPUS CLIMATE SURVEY

To: CSU Faculty and Staff
From: The President's Commission on Women and Gender Equity
Subject: Campus Climate Survey

In 1996 CSU conducted a campus climate survey addressing the status of women. One of the results of that survey was the establishment of the President's Commission on Women and Gender Equity (CWGE). CWGE was charged "to assist in the creation of an environment at CSU that fosters relationships and interactions among people in which both women and men feel safe, freed from limitations and restrictions of culturally defined sex roles." The CWGE is conducting another campus climate survey. Many of the questions asked on that original survey are being asked again. New questions have been added to reflect a broader focus on campus climate.

Campus climate is defined as "behaviors within a workplace or learning environment that can influence whether an individual feels personally safe, listened to, valued, and treated fairly and with respect." (Campus Climate Network Group 2002).

Your individual responses will remain confidential and anonymous.

Please take ten minutes out of your busy day to complete the survey. Your responses will be reported in the aggregate and we will post the results on our website. The results will guide the commission's future work.

Survey link:
<http://studentvoice.com/col/campusclimatesp10>

We appreciate your participation. Your input is invaluable!

recommend AAUP to your colleagues, including graduate students and adjunct and temporary faculty!!!!!!

Book Alert:

- **Title:** *Off-Track Profs: Nontenured Teachers in Higher Education*
Author(s): John G. Cross and Edie N. Goldenberg
Publisher: MIT Press, Cambridge
ISBN: 026201291X, **Pages:** 192, **Year:** 2009

<p>For more information on CWGE please go to http://cwge.colostate.edu/</p> <p>From: "Salahub,Jill" Jill.Salahub@ColoState.EDU Date: April 26, 2010</p> <p><i>AAUP Chapter contact:</i> Steve Mumme: smumme@colostate.edu Phone: 970-491-7428 campus Phone: 970-472-1322 home</p>	