

NEWSLETTER

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American Association of University Professors (AAUP)

Academic Freedom for a Free Society

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Around the State

Chapter News

Why Pueblo Matters to CSU

Steve Mumme

Dept. of Political Science

As most of our campus AAUP community knows, the CSU Faculty Council, on February 4, approved a resolution rebuking CSU-Pueblo President Lesley DiMare for her over-the-top criticism and censure of sociology professor Tim McGettigan (see document below). McGettigan and other tenured colleagues at CSU-P protested her December decision to axe more than 40 faculty positions on that campus. DiMare initially terminated McGettigan's email privileges in retaliation. Her actions were immediately challenged by AAUP's Colorado Conference and in short order by the AAUP national organization and the Philadelphia based Foundation for Individual Rights in Education. Under fire, DiMare subsequently restored McGettigan's personal email access

An Update on the Guns on Campus Controversy

Ray Hogler

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Gun regulation in Colorado's institutions of learning remains an issue of serious concern to the state AAUP chapter and a highly divisive one for politicians. On February 11, 2014, the *Denver Post* reported that the House Judiciary Committee rejected a proposal to allow high school teachers to carry guns. According to the *Post*: "About six hours of testimony before a House committee Tuesday came down to a simple question: Should Colorado school districts be given permission to create rules that allow concealed weapons inside classrooms? By a party-line vote, the House Judiciary Committee decided the answer was 'no.'" The *Post* also said that a recent poll showed that 50 percent of respondents favored armed high school teachers while 45 percent did not.

The law governing weapons on public college campuses in the state allows faculty, students, and staff to carry concealed weapons with an appropriate permit. The relevant statute, C.R.S. 18-12-214 (2013), prohibits carrying concealed weapons "onto the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school," and the state Supreme Court held that the failure to list college campuses in this section indicated a legislative intent to permit weapons there. In March 2013, Senator Rollie Heath introduced, and then withdrew, a bill to prohibit weapons on campuses. The law consequently remains as interpreted by the Supreme Court. More recently, though, a gun safety activist undertook a new strategy to control weapons in colleges.

while denying access to list serves and group addresses on campus. There things presently stand (for AAUP's official position statements see: <http://aaupcolorado.org/>).

The McGettigan affair, more than any case I remember in my 30 year CSU career, draws attention to the institutional relationship with our sister campus to the south. It is easy to assume, as a number of the voting members of our Board of Governors appear to believe, that CSU-Fort Collins faculty have little or no stake in the administration of CSU-Pueblo. But this is an erroneous assumption. Both institutions are linked administratively and fiscally through the CSU System.

This CSU System, which has been in place for decades, has changed in recent years. Previously, the CSU President presided over the System as both President and Chancellor, bringing greater synchrony to its administration. In 2002, however, Fort Lewis College, formerly a member, went its own way. In 2009, the System added CSU Global Campus. At this time a separate Chancellor's office was established and the division of labor between CSU Fort Collins and the CSU System became more distinct. Though all three campuses (Fort Collins, Pueblo, and Global) are overseen by the BOG, and though CSU-FC remains the flagship campus, the administrative gap has widened. CSU-FC's campus policies are now filtered more than before through a system-wide lens.

This has important implications for

Ken Toltz, founder of the Safe Campus Colorado movement, introduced a statutory initiative to modify the current law by adding colleges to the list of proscribed areas in C.R.S. 18-12-214. The *Boulder Camera* reported on the initiative on January 2, 2014 as follows:

The group has six months to collect the signatures needed for a ballot measure, and Toltz said his group plans to recruit students on public campuses to help get signatures and promote the measure. If the measure makes it onto the ballot and passes, it would add public colleges and universities to the Concealed Carry Act, a 2003 law that bans concealed weapons at K-12 schools. Right now, Colorado and Utah are the only states that allow concealed weapons on public college campuses.

If enough signatures are collected, Colorado voters could decide to eliminate concealed guns on college campuses.

Two members of the CSU AAUP met with Ken in Fort Collins early in January. He is a dedicated, enthusiastic champion of making higher education safer and less threatening for all of us who work in educational institutions. Private universities in the state already can, and many do, have strict rules regulating weapons in their facilities. We assured Ken that we supported his efforts and would assist in gathering the necessary signatures to put the measure on the ballot. While not everyone associated with higher education would agree with our position, it seems perfectly consistent with democratic processes to allow for a public resolution of the matter. More information about the group is available at their website: <http://www.safecampuscolorado.org/>.

This is an opportunity to meaningfully engage in an issue that concerns the state AAUP. If you

the practice of academic freedom and shared governance that are cardinal values for the AAUP. In the CSU Pueblo case, where a shortage of shared governance contributed to the administrative decisions faculty are now protesting, the System's apparent endorsement of censorious practice by CSUP administrators has the potential to bleed over to our campus if we are not sufficiently vigilant. This is so because System decisions backed by its chief legal counsel will invariably frame the thinking of the BOG and thus become the meta-frame in which our own procedural protections are considered. And it is worth noting that the System's legal officers are less likely than we to take account of broader national norms—AAUP best practices—guiding administrative policy. They tend to march rigidly to the drum of Colorado State law which, where higher education is concerned, can be quite provincial.

Our institutional links are fiscal as well. And fiscal policy is rightly the province of shared governance. Much of the contention at CSU-P has sprung from budget deficits that trace back nearly a decade that, in the light of hindsight, may have been better managed. There is little debate that CSU-FC has helped subsidize expenditures at Pueblo. There is little doubt that expected CSU-P enrollment growth failed to materialize last year and this, squeezing the budget further into deficit. There is, however, reasonable doubt that this deficit is an immediate institutional crisis, and there is even more reasonable doubt that faculty excision is the optimal

want to donate or volunteer time to the effort, you can reach Ken through the site.

STUDENT COMPLAINTS, COURSE INTEGRITY AND FACULTY RIGHTS

William M. Timpson
School of Education

Student complaints can have very different effects. In the best cases, they trigger a needed conversation with the instructor when, for example, there is confusion about a particular assignment or some clarity needed about an upcoming exam. **In the best cases, problems are aired in an open, respectful manner and some resolution is considered**, perhaps a revised study guide is generated.

In other cases, however, student complaints may be expressions of a sense of **entitlement** when, for example, some claim that effort alone should be worthy of higher grades.

In my work with **mid-semester student feedback** at different research universities over the past twenty-five years, I have also found that student complaints can be the expression of an unwillingness by some students to do the work required especially if that work entails challenges to a more comfortable role of “sitting and taking notes.” In still other cases, complaints can reflect an underlying **irresponsibility** by some students who demand more “hand-holding” and seem unwilling to rise to the challenge of doing high quality, independent work.

While these issues often reflect rather **complex social, emotional and intellectual dynamics**, a few noisy student complaints, if handled poorly, can undermine the very integrity of a course or the instructor's authority to provide the needed leadership, guidance and direction.

For example, complaints that skip the first level of instructor-student resolution and get passed upward can become very problematic when

solution to the deficit problem. There is also the as yet unresolved question of how System plans for a new South Denver campus, either as a stand-alone unit or a division of CSU-P, may have affected decisions at CSU-P. What is evident here is that the absence of shared governance at CSU-P and the System-at-large has greatly contributed to the sense of injustice that faculty feel at CSU-P. It diminishes faculty confidence in the System's commitment, and BOG's, to our own procedures as set forth in the CSU-FC Faculty Manual.

So, should we and our CSU-FC colleagues be concerned about with distant events at CSU-P, our sister university some 180 miles to the south? You bet! We're all in the system, and the SYSTEM matters. So, three cheers for Faculty Council and its latest resolution—see below!

Document

Faculty Council Resolution on Tim McGettigan Censure

"Faculty Council at Colorado State University (CSU) supports the academic freedom and First Amendment rights of Professor Tim McGettigan, a faculty member at our sister institution, Colorado State University – Pueblo (CSU – P). We deplore the fact that his Internet access was cut off, apparently without due process, after he sent a message containing his opinions about the proposed budget cuts at his university.

Professor McGettigan made a comparison of the proposed budget

administrators seem more invested in placating a few students. **The "squeaky wheel" gets greased!**

For non-tenure track instructors, serving at will without any long term security, complaints from students can mean a loss of a job or a fear about really challenging students, especially if administrators do not look more deeply at the underlying issues and accept more responsibility to protect curriculum integrity.

For junior faculty these student complaints can become very serious threats to decisions about tenure and future promotions. Too often, "hallway talk" has an inordinate impact in the absence of peer feedback and coaching that are based on direct classroom observations or mid-semester feedback from students. Without this additional data, isolated student complaints may be used to "make a stronger case" against a particular faculty member in the absence of a more complete analysis of overall student sentiment, course dynamics and events.

But even for senior faculty, a few loud complaints from students in the context of this "hallway culture" can influence the judgments of colleagues. I know of one instance where an immature group of three students so distorted the climate for teaching with their complaints in one department that the professor, a very well respected scholar in her field, became discouraged, left CSU and took a position at CU-Boulder where she has been very successful. Students who were happy with this professor's teaching did not go into the Department Head's office.

Note that the Mid-Semester Student Feedback process offered through TILT at CSU mixes **direct classroom observation of teaching with a structured discussion with students** that surfaces both appreciations and concerns before pointing toward recommended changes for the instructor to consider. In the case above, the

<p><i>cuts at the Pueblo institution to the Ludlow Massacre in Pueblo at which innocent people were killed during a labor dispute. Whatever one thinks of the wisdom of this reference, it is difficult to claim that it is outside the bounds of speech protected by the First Amendment to the U.S. Constitution. We do not find these words to be “threatening, intimidating, or harassing” which would put them in violation of the CSU-Pueblo Communications Policy which specifies types of speech that would be outside the protections of the First Amendment to the U.S. Constitution.</i></p> <p><i>We also find President Di Mare’s references to Columbine, Virginia Tech, and Arapahoe High School, in her response to an Inside Higher Ed article on the controversy in Pueblo, to have a chilling effect on academic freedom and free speech rights at the Pueblo university she heads. Whatever shortcoming one might perceive in the way Professor McGettigan has expressed himself he is not a murderous gunman. He is entitled to academic freedom that allows one to disagree with administrator policies and proposals in addition to the First Amendment rights at stake here. We find the claims by some administrators in Pueblo and Denver that his speech was outside what is protected by academic freedom and the First Amendment to be completely unconvincing.</i></p> <p><i>There is a natural imbalance of power between the administration and faculty and it is therefore</i></p>	<p>structured discussion in class revealed that the other forty plus students in class were very appreciative of this particular professor and saw the complaints as unfounded, even ludicrous, for a junior level class.</p> <p>Guidelines from the American Association of University Professors provide a rationale that is grounded in historic documents about faculty rights and responsibilities. The AAUP’s <i>Statement on Government of Colleges and Universities</i> places primary responsibility with the faculty “for such fundamental areas as curriculum [and] subject matter and methods of instruction.” You can find the full document at their URL: http://www.aaup.org/report/assignment-course-grades-and-student-appeals#note1</p> <p>However, this AAUP document also offers a description of what procedures need to be in place for the protection of students when, for example, “situations do arise in which a student alleges that a grade he or she has received is wrong. The <i>Joint Statement on Rights and Freedoms of Students</i> provides that ‘students should have protection through orderly procedures against prejudice or capricious academic evaluation.’ A suitable mechanism for appeal, one which respects both the prerogatives of instructors and the rights of students in this regard, should thus be available for reviewing allegations that inappropriate criteria were used in determining the grade or that the instructor did not adhere to stated procedures or grading standards.”</p> <p>How do you handle student complaints? What happens when those complaints get to your unit head or college dean? For example, while a syllabus should lay out course goals and expectations at the outset of a semester do instructors have the “right” to make adjustments in an effort to improve upon learning? What if some students insist that the syllabus is tantamount to an inviolable “contract”? Do</p>
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incumbent on administrators to take that into account when contemplating actions such as that described above. We call on administrators and the Board of Governors of the Colorado State University system to reaffirm the rights of faculty to academic freedom and free speech rights.”

The Value of Faculty Advocacy

Gamze Cavdar

As academics, we have only a few tools to defend our independence, academic freedom, and tenure, and political advocacy through AAUP is one of them. Steve Mumme and I recently got involved in advocating for a Tenure and Promotion (T&P) case in a public institution in Denver. The experience that I gained during this activism has reminded me of the significance of advocacy especially in a case of T&P. As we all know, T&P decisions can go oddly wrong. While the institutions are equipped with legal experts and enjoy the extensive experience as well as the discrepancy of power that puts the burden of proof on the candidate, the candidate is often alone in making a case for himself/herself. As we also know, the candidate’s legal representatives cannot get involved before the process is complete. At that point, their involvement is usually too late because the institutions are not known to admit their mistakes and reverse their decisions. Moreover, by that time, the damage to the candidate, professionally and personally, is already done. As a third and independent party, the AAUP plays a key role because the involvement could take place before the process is complete giving the institution a chance to “auto-control”

instructors have a responsibility to the integrity of a curriculum that supersedes student expectations of a preset curriculum? **Will administrators support instructors or side with those students who complain?**

While research on the link between **student learning and a positive classroom environment** emphasizes the need for open communication and shared problem solving (Timpson & Doe, 2008), student unhappiness over a change in course requirements may also reflect struggles to handle the emotional challenges of university learning.

Moreover, it only further violates best practice for administrators to encourage student complaints like these to come to them without insisting that the first recourse for resolution must be between the student and the instructors. Colorado State University has professional staff available in the **Office of Conflict Resolution and Student Conduct Services**, for example, when either party feels that complaint require further attention and third party mediation.

There are admitted complexities here. However, assuming a foundation of mutual respect and a positive climate for learning, the **integrity of a particular course—its organization, delivery and assessment—must rest fundamentally on the instructor.**

References

Timpson, W. and S. Doe (2008) *Concepts and choices for teaching: Meeting the challenges in higher education*, Second Edition. Madison, WI: Atwood.

AAUP News

State Conference:

- HB14-1154. AAUP members and AAUP President Rudy Fichtenbaum

that is to critically review its decisions by its own members. The advocacy can take the form of gathering information, evaluating the case according to the T&P according to the best practice recommendations in the AAUP Redbook, writing letters and disseminating them. As I plan to continue with activism and gain more experience, I also invite others to join me.

MEMBERSHIP APPEAL:

PLEASE DON'T FORGET TO RENEW YOUR MEMBERSHIP & INVITE A COLLEAGUE TO JOIN AAUP.

delivered extensive testimony supporting HB14-1154, which provides pay equity for Colorado Community College System adjunct professors. The bill, introduced by Randy Fischer, passed its first committee test by a 7-4 party line vote in General Assembly's House of Representatives on February 4.

- AAUP's annual meeting, December 7, 2013 featured Dr. Howard Bunsis, president of AAUP's influential Collective Bargaining Congress.
- In January, AAUP successfully defended CU sociology professor Patty Adler's right to continue teaching her course in the sociology of deviance, which included role playing exercises that some administrators found objectionable. See: <http://www.aaup.org/news/aaup-colorado-conference-condemns-university>
- In January AAUP challenged the denial of email privileges to professor Tim McGettigan at CSU-Pueblo. See: <http://aaupcolorado.org/2014/01/20/colorado-conference-responds-to-csu-pueblo-president-lesley-di-mare-regarding-the-censure-of-professor-tim-mcgettigan/>

Chapter News

- Sue Doe and Steve Shulman announced Faculty Council's approval (December 3, 2013) of a new **Center for the Study of Academic Labor (CSAL)**. CSAL aims to bring scholarly rigor to the understanding of conditions, trends, costs, and benefits of various policy options affecting types of academic employment in higher education. The Center will complement the efforts of advocacy organizations like New Faculty Majority and Delphi Project, filling a niche by offering a "scholarship home" to researchers and writers who examine matters of academic labor. Focusing on

	<p>two threads—contingency studies and tenure studies—CSAL will host a national conference and develop an online journal. The Center will also undertake research studies on specific topics and will offer consultation to campuses on narrowly focused interests. Other CSU directors of CSAL include Jen Aberle (CHHS), Laura Thomas (CLA) and Mike Palmquist (TILT).</p> <p>Events:</p> <ul style="list-style-type: none"> • Dr. Rudy Fichtenbaum, AAUP President and Professor at Wright State University, will lecture on the theme of academic labor and shared governance on March 13, 2014 to help dedicate the new Center for the Study of Academic Labor. The site and time is still pending—please check the CSU events calendar for information.
<p>AAUP Information:</p> <p>National AAUP: http://www.aaup.org/</p> <p>AAUP Colorado Conference: http://aaupcolorado.org/</p> <p>CSU-AAUP Chapter: http://aaupcsu.org/</p>	<p>Chapter Contacts:</p> <ul style="list-style-type: none"> • President: Bill Timpson william.timpson@colostate.edu • Interim Co-Presidents: Ross McConnell Ross McConnell ross.mcconnell52@gmail.com & Mary Van Buren, Mary.VanBuren@ColoState.EDU • Secretary/Newsletter: S. Mumme smumme@colostate.edu • Membership: Ross McConnell ross.mcconnell52@gmail.com • Law and Policy: Ray Hogler Ray.Hogler@business.colostate.edu Faculty Affairs: Sue Doe, Sue.Doe@ColoState.EDU ; Ray Hogler, Ray.Hogler@business.colostate.edu; Laura Thomas, Laura.Thomas@ColoState.EDU • Chapter website: aaupcsu.org, maintained by Ross McConnell, rmm@cs.colostate.edu

