

## NEWSLETTER

### Colorado State University Chapter

### American Association of University Professors (AAUP)

*Academic Freedom for a Free Society*

*Spring*

*2015*

#### 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 issues pertaining to 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 ([aaup.org](http://aaup.org)) and you can join online using their secure electronic form.

**At CSU you can contact the following AAUP members for more information**

**Bill Timpson**

[William.Timpson@colostate.edu](mailto:William.Timpson@colostate.edu)  
491-7630

**Ross McConnell**

[Ross.McConnell@colostate.edu](mailto:Ross.McConnell@colostate.edu)  
491-7524

**Steve Mumme**

[Stephen.Mumme@colostate.EDU](mailto:Stephen.Mumme@colostate.EDU)  
491-7428

**Ray Hogler**

[Ray.Hogler@business.colostate.edu](mailto:Ray.Hogler@business.colostate.edu)  
491-5221

**Sue Doe**

[Sue.Doe@colostate.edu](mailto:Sue.Doe@colostate.edu)  
491-6839

#### **RESIGNATIONS FROM THE FACULTY COUNCIL EXECUTIVE COMMITTEE**

**What follows is a letter submitted  
to the Colorado State Conference of  
the AAUP by the CSU campus  
chapter**

On Tuesday, April 7, four out of the 12 faculty members of the Executive Committee of the Colorado State University Faculty Council tendered their resignation from the Committee. A fifth member had resigned the week before. This act is unprecedented in CSU's history. The members include CSU's faculty representative to the Board of Governors, the previous Chair of the Faculty Council, and representatives from four of the university's eight colleges.

There are two main issues that led to this resignation. The first issue is that over the last few years CSU's Administration has adopted important initiatives without engaging Faculty and other stakeholders in a meaningful decision-making process, as shared governance requires.

Such initiatives include a long term agreement with the British company INTO to attract foreign students to the University, the Todos Santos project in a gated Mexican community, joining the UNIZIN consortium, and the rapid increase of resources going to football, including but not limited to the financing and

## Colorado Conference Report

Steve Mumme (Political Science)

- **The Colorado Conference is proud to report the National AAUP has selected Colorado as the host of its centenary year Summer Institute.** The AAUP's annual Summer Institute will be held at Denver University, July 23-26, 2015. See conference website for details: [www.aaupcolorado.org/](http://www.aaupcolorado.org/). Early registration is available through June 2, 2015 at the AAUP website: [www.aaup.org/](http://www.aaup.org/)
- **New chapters:** The Colorado Conference is pleased to report the formation of new AAUP chapters at the Community College of Denver, Auraria Community College, and Red Rocks Community College.
- **National Adjunct Walkout day** on February 25<sup>th</sup> was celebrated with adjunct advocacy rallies at CSU-Fort Collins, Front Range CC, Community College of Denver, and other locations throughout the state.
- AAUP's community college campaign gained statewide coverage as Caprice Lawless, Nate Bork, and Suzanne Hudson were featured on a special focused on community college adjuncts which aired on the Rocky Mountain PBS show *Colorado State of Mind* in March.
- AAUP was instrumental in having unprofessional conduct charges dropped against various faculty members at **Metropolitan State University of Denver** in April, and continues to fight Metro's effort to dismiss another long-time faculty member at that institution. The Conference remains alert to the misuse of unprofessional conduct allegations as a means of sanctioning university faculty that evades other procedures for faculty discipline and improvement.

(Resignations, from p. 1)

construction of an on-campus stadium. This pattern also includes inappropriate interventions in tenure and promotion cases as well as the total marginalization and co-option of the grievance process.

The Administration's discomfort with shared governance is particularly evident with respect to questions about gender and contingent faculty, two very important issues on which it has staked a great deal of its reputation.

That the Administration recognizes that Faculty should be involved, in all cases, is evident by the organization of post-decision consultative or information sharing sessions and in response to criticism of these decisions. In no case has the Administration's decision been modified in any meaningful way.

The second issue is that this attitude of the Administration has found its way into the operations of the EC and the Faculty Council via the Provost's participation in their operations as an ex-officio member.

The Provost has used this position to advance the priorities of the administration rather than engage in shared governance. He has done so by pressing for changes in the language and spirit of questions to be presented to the Faculty Council as well as via direct pressure on EC members.

**Ray Hogler (Management)**

The five members of the Colorado State University’s faculty who resigned from the school’s executive committee should be commended for their actions. As reported in the *Coloradoan*, their reason for leaving was that faculty were “at an impasse over how to express faculty concerns with the administration — including about a planned on-campus stadium.” The stadium project is a perfect illustration of the current administration’s method of dealing with opposing views within the institution.

Despite many assurances from President Tony Frank regarding the construction of a stadium, his statements are inconsistent, ambiguous, and largely disputable. The costs associated with the project have continued to rise, the anticipated sources of revenue have continued to decline, and there has never been a convincing explanation of the stadium’s benefits.

The makeshift empire of the National Collegiate Athletic Association (NCAA) is crumbling under the weight of various lawsuits. Within five years, institutions will pay athletes for participating in sports with lucrative television contracts, and only a handful of schools will be capable of competing at a top national level. Everywhere else, those athletes will be considered employees with all rights available to employees, such as a minimum wage, workers’ compensation, and health care. Costs of maintaining football programs will far exceed any anticipated income from the sport for most universities, and the NCAA will become irrelevant.

In the face of administrative intransigence, faculty representatives at CSU viewed resignation as the only viable option. More resignations would make the point even more clearly.

(Resignations, from p. 2)

The Provost has alleged that his presence in the EC facilitates shared governance and is mirrored by the presence of the President of the Faculty Council in meetings of the President's Council.

Bypassing for a moment the evident inequalities in power, there are a number of instances in which the President of the FC was asked to leave the meetings of the President's Council – highlighting the asymmetry of the relationship.

These two dynamics -the Administration's increasingly limited respect for shared governance and the Provost's participation in faculty deliberations – came to head and led to this massive resignation. During the last two months, the EC had sought to craft language regarding the state of shared governance for the consideration of the whole FC.

This became impossible as members of the Executive Committee changed their opinions suddenly, thus delaying the negotiation of a common document. A number of EC members had been the targets of direct pressure over the issues in question.

This pressure came directly from members of the Administration and from outside persons that should not and could not have been privy to the deliberations of the EC – unless these deliberations were leaked.

**CSU's Flawed Grievance System**  
**Steve Mumme**

As chapter members are well aware, the AAUP has long championed the value of shared governance and sound procedures as essential preconditions for academic freedom. These concerns extend to the provision of grievance procedures for the purpose of settling disputes that may arise between faculty and administrators in the governance of higher education institutions.

While the AAUP's prescriptions in this area, with the exception of those specific to collective bargaining, are quite general and allow for considerable variation in practice, a fundamental precept underlying its statements is respect for faculty voice. The AAUP's influential statement on *Recommended Institutional Regulations on Academic Freedom and Tenure*, originally issued in 1957 and periodically revised, recommends that universities establish a grievance procedure to address a range of disputes that do not rise to the level of problems that would directly lead to faculty dismissal, and prescribes that the grievance committee be composed exclusively of elected faculty members (Redbook, 10<sup>th</sup> ed., p. 30).

In its 1973 statement on *Arbitration of Faculty Grievances*, the AAUP notes that "The Association has been committed, since its founding in 1915, to securing a meaningful role for the faculty in decisions on matters of faculty status, rights, and responsibilities" (Redbook, 10<sup>th</sup> ed., p. 263).

Grievance procedures vary considerably across the landscape of American higher education. As an influential 1986 article in *Academe* written by Marten Estey observes, "A faculty grievance is an elusive thing, the description of which varies from campus to campus" (1986: 6).

(Resignations, from p. 3)

The five members resigned because they did not want to further legitimize this process. In their letter, they explain the reasons for their resignation and outline the need for two changes: First, a recommitment of the Administration to shared governance; second, important reforms in the organization of the EC and the FC that will facilitate more efficient and effective transparency, deliberation, and a stronger role for faculty in shared governance. Their ethical decision highlights the problems with shared governance at CSU and beyond.

Estey's study of 50 American Association of Universities (AAU) institutions found that "the question of administrative response to grievance committee recommendations appeared to be the most critical issue at most of the campuses visited in the course of this survey" (1986: 13).

He cites the former chair of the UC Berkeley's Privilege and Tenure Committee as stating that if grievance committee recommendations were rejected more than "five percent of the time" it would be a serious matter. This is certainly a lofty standard. Yet it is useful in considering where we are at CSU.

In sum, after nearly 10 years of working to improve our CSU grievance system, our local chapter has said, ENOUGH! It is high time that CSU administrators understand the damage done to the process and faced up to urgency of revitalizing what is today a moribund and demoralizing process in which faculty should have little faith. We can and should do better.

(Mumme, continued from p. 4)

Virtually all such procedures are clear in establishing grievance as a non-judicial proceeding. Beyond that, grievance procedures vary in terms of scope (e.g. who is eligible to grieve, whether the procedure applies to all units of the college or university, what is considered as grievable and when it may be grieved; and the jurisdiction of the grievance committee).

They may vary with respect to the roles and responsibilities of designated facilitators of the grievance process, the availability and degree of assistance, including legal assistance in presenting the grievance, the availability of mediation as a precursory dispute resolution mechanism, and so forth.

Yet there is one thing on which there is a good deal of faculty agreement across the country and that is that with rare or limited exceptions, university administrators should respect the findings of grievance hearing panels, especially when they should be unanimous.

As the chapter's recent letter to Faculty Council notes, the norm at Colorado State for well over a decade, a near as can be ascertained from what is treated by administration as a veiled and confidential process, is that the vast majority of grievances, inclusive of unanimous findings favoring grievants, have been unheeded or overturned by administration.

As the letter asserts, there are numerous problems with the process as presently practiced, problems that range from the appointment and role of the University Grievance Officer (UGO), the role of the Provost's Office in the gathering and presentation of evidence heard at the hearing, the role of the Office of Legal Counsel, the nature of advice on procedure afforded to the grievant, and so forth.

(Mumme, continued)

But at bottom, the problem is simply the lack of respect that CSU administrations have accorded the process, leading to the local chapter's report of no confidence in the procedure.

As presently practiced, it is fair to conclude that the grievance process is engaged by the administration for two overriding reasons both which are entirely favorable to the administration. The first of these reasons is simply to delay and discourage the filing of grievances, setting such a high bar as to lead most faculty to avoid advancing even the most legitimate of complaints.

The second, is to treat the grievance process as essentially a preliminary process of legal discovery favoring the Office of General Counsel should the grievant endure the process and, when finally rebuked by administration, determine to take the case to a court of law.

The problem here, of course, is that the whole point of a grievance procedure is to avail the grievant a procedure that offers a reasonable prospect of a fair hearing by faculty peers and the possibility of a remedy. If the process devolves to the level it currently has, in essence existing simply as a gauntlet to run as the essential precondition to filing a lawsuit and serving up an advantage to the administration in the process, then its fundamental legitimacy must be called into question.

A further problem is that, treated as such, the valuable function of administrative problem solving that grievance procedures can have is simply disregarded. In both cases, the absence of a credible grievance procedure

(Mumme, continued from p. 5)

should be seen by faculty as a real threat to the practice of academic freedom and shared governance on campus.

**Recommended reading:**

Marten Estey, "Faculty Grievance Procedures outside Collective Bargaining: The Experience at AAU Campuses," *Academe*, Vol. 72, No. 3 (May-June, 1986): pp. 6-15.