DONATE THE HUGHES LAND TO THE CITY OF FORT COLLINS
Ray Hogler, Professor
Management

The conditions surrounding CSU’s dreams of football glory just keep getting worse. In a commentary in the August 18 issue of Forbes (see [http://www.perspectiveonathletics.com/athletics-the-good-the-bad-and-the-ugly/](http://www.perspectiveonathletics.com/athletics-the-good-the-bad-and-the-ugly/)), economist Richard Vedder wrote that CSU president Tony Frank “personifies what is bad about college sports.” According to Vedder, Frank says that costs of athletics at CSU are around $4 million annually, but, Vedder responds, “I have seen a lot of athletics-related accounting that in a corporate context probably would land CFOs in jail, but this takes the cake. Probably CSU is truly losing at least $20 million annually on sports.” Such publicity in a national magazine hardly promotes a positive image for the institution, which is one of Frank’s justifications for a new stadium in the first place.

Adding to the problems, the power that institutions of higher education have over athletes is unravelling. The defining terminology of college sports came in a 1955 Colorado case involving a fatal injury to a football player, Ray Dennison of Fort Lewis, during a game in Trinidad. When his wife sued for workers’ compensation, the Colorado Supreme Court ruled that the player was neither an independent contractor nor an employee covered by workers’ compensation law, but fell into a unique and previously unknown classification called “student-athlete.” The National Collegiate Athletics Association (NCAA) used this case as the foundation for its control over athletes and institutions, but its mythos is meaningless.

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STATEMENT FROM THE MEMBERS OF FACULTY COUNCIL EXECUTIVE COMMITTEE WHO RESIGNED LAST SPRING

September 23 was the 100th Anniversary of Faculty Council at CSU. A picnic was held to celebrate. This anniversary has been marketed by the university in its Source online magazine as “100 Years of Shared Governance.” We would like to see shared governance converted from a marketing term to a reality.

When a faculty member at CSU has a dispute with an administrator there is a process in university policy, spelled out in the *Academic Faculty and Administrative Professional Manual*, for that dispute to be heard. A hearing committee considers evidence from the faculty member who filed the grievance. This hearing committee also hears the administrator’s position. Other evidence is considered from both the faculty grievant and the accused administrator. After due deliberation the hearing committee issues a finding either in favor of the grieving faculty member or in favor of the administrator against whom the grievance is filed.

Whatever the finding, the President of CSU has the authority to overturn it. President Tony Frank has been presented with three cases where the hearing committee found in favor of a faculty grievant and against the administrator and he overturned all three. We wonder why a faculty member would
deteriorating.

In a 2014 case involving players at Northwestern, a regional director of the National Labor Relations Board ruled that players are employees under federal labor law. Although the NLRB has declined to oversee unionization of private college players, it left intact the decision that players are employees. The Board’s ruling will influence other issues of employment law, such as workers’ compensation, fair labor standards, and safety and health, and it will happen sooner rather than later. According to the Huffington Post, one of the commissioners of the Big 12, Bob Bowlsby, predicted that a strike by football players is likely: “There will be a day in the future when the popcorn is popped, the TV cameras are there, the fans are in the stands, and the team decides they are not going to play.” College sports will never be the same.

Even more damaging to the NCAA, a federal judge in California ruled in the O’Bannon litigation that the NCAA violated antitrust laws when it forbid a basketball player at UCLA to be paid for the use of his likeness by a commercial venture. Judge Claudia Wilkens ordered that athletes could receive up to $5,000 per year in deferred compensation for use of their images. The case is presently being appealed to the Ninth Circuit Court of Appeals, but the NCAA is already preparing to deal with the new rules.

The idea of compensating players generates strong reaction in many schools. According to a report by Joe Nocera in the New York Times, the president of Notre Dame declared that paying players would create a “semi-pro” model and the university would decline to participate in such a system. The professionalization of college players would also signal a new stage of athletics by creating a competitive environment in which institutions could bid for players.

From the outset, most citizens of Fort Collins opposed CSU’s stadium plan. The project went wish to participate in a process that goes against him/her 100% of the time. The courts almost always require a faculty member to have exhausted internal university remedies before getting a hearing in court. Taking the Administration to court has only happened once in our collective memories. Several years ago, a faculty member won a unanimous finding in his favor from a grievance hearing committee, only to have that finding overturned by then President Yates. The university dragged out the case for years. That faculty member prevailed at trial in federal court in Denver and was awarded damages by the jury and attorney fees. How many faculty members have the ability to pursue such a costly process?

Last spring we were in the middle of what we considered to be fruitful conversations with our Executive Committee colleagues, some of whom had views different from ours as to whether specific concerns about Administration decisions should be presented to the full Faculty Council. We respect those different views. What disappointed us, however, was the pressure some of us were subjected to via phone calls at home or at the office imploring us to soften our positions regarding the statement Executive Committee was considering. Someone had leaked the early draft in spite of the fact that the Chairwoman of Executive Committee had distributed it in an e-mail that had been flagged as “confidential.” The result of that pressure was to shut down any meaningful discussion by the full Faculty Council of substantive issues such as the President’s record overturning grievance panel decisions.

We have additional concerns but this description of the grievance record at CSU is representative of how many important matters are handled. Decisions are made that reflect the wishes of the administration with little evidence of real consideration of the
ahead anyway. In a recent commentary on September 20, 2015, the editorial board of the Fort Collins Coloradoan advised its readers that the “CSU stadium [is] a reality; move on.” The column also noted that the stadium is “one of the most divisive issues in Fort Collins history.” The decision whether or not to build the stadium may be moot, but the consequences of that decision most certainly are not. The important question is what happens to the property where Hughes is now located.

Estimates of the value of the land vary widely. According to a story in the Coloradoan, Tony Frank informed CSU’s board of governors that the property was worth $10 million after spending $3 million to demolish the present stadium. The newspaper report, however, went on, “Not even close, local realtors and developers said. They put the Hughes Stadium land value in the $4.8 million to $6.4 million range.” The obvious desire of developers is acres of rooftops, but the costs of utilities, zoning requirements, and other factors might preclude a profitable number of houses on the site.

Assuming Tony Frank and the CSU governors wanted to meliorate the hostility and resentment generated by the new stadium with its attendant traffic issues, environmental degradation, and likelihood of financial loss, they should donate the land to the City of Fort Collins as dedicated open space. That solution offers a number of immediate benefits.

By drawing up covenants for conveyance, CSU could retain the right to use the property for specified uses. That could include parking and tailgating for game days, with buses transporting fans to and from the campus stadium. CSU could also retain a right to hold certain events on the site, such as concerts and other activities. As an added benefit, the open space could maintain the site’s identity by taking the name of Hughes Community Park.

faculty, even in academic matters. The words are there; the actions are not. If the Administration were to act in a manner consistent with legitimate faculty involvement in matters university policy places within the primary domain of the faculty, that would be something to celebrate.

Tim Gallagher, Iuliana Oprea, Alex Bernasek, Steve Reising, and Mary Van Buren

KUMBAYA ON SHARED GOVERNANCE
Steve Mumme, Professor Political Science

As literary genre, the welcoming emails of university presidents—those that normally appear as academic calendars resume in the fall—are seldom sources of great wisdom or deep insight on the internal workings of the university. Faculty tend to parse these words with roughly the same attention given the obituary page at the Coloradoan. Maybe less. But Tony Frank’s homage to “100 years of Shared Governance at CSU,” delivered concisely in 142 words, provides a little insight, and its illuminations, quite frankly, are a nail short of worrisome.

For those whose eyes mechanically glaze over when pontifical terms like “shared governance” appear on a page, you have my apologies, but here’s what Tony wrote:

This annual budgeting and planning process is a great reminder of why we celebrate 100 years of Shared Governance at CSU this year. To those outside an academic community, shared governance can be a confusing concept. But to those of us who have had the privilege of serving in such institutions, it is foundational: We are all CSU, and CSU is at its best when we are all engaged. Look for opportunities throughout the year to not only celebrate our rich heritage in this area but to become a part of its next chapter. One such opportunity will involve a new, in-depth
If the deal obligated the City to dismantle the stadium in exchange for the gift, CSU’s net loss might be only a few million. Compared to the total expenditure for the stadium, including debt, that amount is negligible. The City presumably would improve the land by extensively landscaping, adding amenities, and maintaining the area. Because of its size, the park would complement Spring Creek Park to the south as the largest and best space in the city. What citizens would get from the arrangement is an uninterrupted stretch of open land running from Reservation Ridge to Pine Ridge and into Spring Creek Park.

From the earliest mention of the new stadium, CSU administrators declared they were open to discussion about the project. The facts suggest otherwise: despite fierce opposition and trenchant criticism, Tony Frank committed himself to the idea and pushed his plan through the Board of Governors. If the notion of shared governance has any meaning at all, faculty should have a voice in determining the proper disposition of land that was paid for by taxpayers of Colorado.

CHALLENGE THE ADMINISTRATION TO TREAT AAUP SERVICE AS UNIVERSITY SERVICE

Ross McConnell, Associate Professor
Computer Science

This 100th anniversary of the AAUP’s founding is an opportunity to reflect on what the organization has accomplished for academic freedom and shared governance and how CSU faculty might participate in defending these hard-fought principles for future generations.

A Brief History of the AAUP, Tenure, and Shared Governance

In 1915, the AAUP was founded by the well-known public intellectuals and philosophers John Dewey and Arthur O. Lovejoy. There was no such focus on the affordable housing needs of our campus community. Faculty Council, Administrative Professional Council, Classified Personnel Council, and ASCSU are all part of this discussion, and we’ll be sharing more information on this initiative as it gets fully underway.

It should be obvious to AAUP members and coreligionists that the President’s celebration of a centennial of shared governance is itself entirely appropriate and commendable. The practice of shared governance is celebrated nationwide this year for its own sake and to honor the founding of the AAUP in 1915, an organization that has championed shared governance from its outset and done more to define the practice of shared governance than any other higher education organization in the country. His characterization of shared governance as “foundational” is also accurate and persuasive.

The trouble with the paragraph starts after the colon, “We are all CSU, and CSU is at its best when we are all engaged.” On its face this seems rather benign, even uplifting. Who can argue with engagement? Members of the university community should be engaged in their studies, their work, their professional activities, and to the extent possible, in actions that enrich and improve the campus environment.

No, the problem here is precisely that the president dilutes the concept of shared governance when he strays from the role of the faculty in its relations with the administration. Shared governance isn’t a blanket concept that universally applies to every constituency in the university in equal degree. To treat it as such risks rendering the concept as little more than public relations, or at best a series of regular consultations with particular constituencies of the sort seen in the open budget forums that routinely occur at a time of the semester when most faculty are buried in work and little available to engage the administration in a serious
thing as tenure in American universities before 1915, and forging an acceptance of tenure, shared governance, and the need for academic freedom in the conduct of research and teaching in this country is one of the AAUP's great achievements over the last century. It is the AAUP's position that these issues are inextricably linked; without tenure and the due-process protections it brings, there can be no academic freedom or effective shared governance.

A highly readable account is given in Benjamin Ginsberg's excellent book, *The Fall of the Faculty: The Rise of the All-Administrative University and Why it Matters*. Oxford University Press, 2011. Ginsberg has served as both a faculty member and as an administrator at Johns Hopkins, and the book presents a compelling criticism of current trends in university administration from someone who has seen university administration from the inside.

What gave rise to the AAUP was a dysfunctional university system, where faculty could be summarily dismissed over such issues as the teaching of evolution, failure to show sufficient "patriotism" in analysis of government policy, or criticism their own administrations. A catalyzing event was the dismissal of Edward Ross from Stanford by Leland Stanford's widow, Jane Lathrop Stanford, who, as the sole member of the board of governors, had unchecked authority to dismiss any faculty member. She had taken offense at his pronouncements about the need for municipal ownership of utilities, and for positions on immigration policy that went counter to her business interests. His dismissal was followed by the resignation of a number of other Stanford professors in protest. Those who remained were required by the university president to sign a statement stating that they had seen confidential documents that showed that Mrs. Stanford was correct in dismissing Ross, and those who refused were also instructed to resign.

The founding of the AAUP shortly thereafter was the joint project of the American Economic dialogue on expenditures.

The essence of shared governance is plainly set out in the AAUP's influential 1967 *Statement on Government of Colleges and Universities*. At the outset, the Statement directs itself to three distinct bodies, the governing board, the president, and the faculty. Students are acknowledged but excluded on the grounds they do not in most instances have a significant voice in the government of colleges and universities. There is no mention of classified staff, administrative professionals, or university attorneys.

The Statement begins by acknowledging the functional complexity of higher education institutions, calling for adequate communication among its components and full opportunity for appropriate joint planning and effort. It advances two general conclusions concerning the nature of joint effort; in brief, 1) important areas of action [re: governance] involve “decision-making participation of all the institutional components,” and 2) “the weight of each voice [in decisions] . . . should be determined by reference to the responsibility of each component for the particular matter at hand, . . .” It goes on to address in detail the roles and responsibilities of governing boards, presidents, and faculty. In particular, it states “The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that related to the educational process.” The evaluation and assessment of performance and the granting of degrees are the responsibility of the faculty. The faculty should also decide matters of faculty status at the institution. In other areas, like salary and compensation, the faculty should be active participants with the administration in determining these matters. The faculty
Association, the American Sociological Society, and the American Political Science Association, which had, for decades, intervened in disputes over academic freedom. The American Economic Association's investigated Ross’s dismissal, and it became national news when it published its findings that official reasons for Ross’s dismissal were false.

The newly formed AAUP formulated a set of principles, which included the recommendation that a professor's independence of thought and governance should be protected from interference by administrators and others. It recommended that, after a probationary period, a faculty member should have tenure, which meant that he or she could to be dismissed for cause. An administration that sought to dismiss a tenured professor would have to bring its case before a faculty committee, where all sides could be heard.

Though this was a controversial recommendation, the concept of academic tenure was not new; academic tenure dates to as early as the twelfth century in Europe.

In response, administrators formed their own analog to the AAUP, the Association of American Colleges (AAC), which promptly condemned the proposal. By 1922, however, in a dramatic reversal, the AAC endorsed the AAUP report. Part of what accounted for this reversal was that administrators themselves recognized that tenure would solve some of their problems also, such as limiting interference by state legislators and boards of governors. Administrators had also found that they could lure much more-qualified faculty and enhance the reputation of their universities with a credible promise to protect academic freedom. In short, they also recognized that academic tenure made sense.

In 1940, the AAC and the AAUP had jointly negotiated the 1940 Statement of Principles on Academic Freedom and Tenure, whose recommendations and language were widely should have an agency for representing their common views to administration that is jointly determined and faculty representation on this agency should be exclusively determined by faculty.

The point of reciting these principles is to establish that “shared governance” as a set of organized practices goes well beyond mere consultation and faculty advice to administration in the many aspects of university governance in which faculty are engaged. If shared governance is to be more than administrative lip service it has to be applied on the ground in meaningful ways in which faculty have either a dominant or coordinate voice appropriate to their institutional role. The tendency of late in the Frank administration, an administration that rightly prides itself on communication and outreach, has been to overrule or ignore faculty voice in certain areas of interest, even when faculty agencies have spoken clearly on the issues at hand. The recent resignations from Faculty Council’s Executive Committee attest to the profound set of misgivings some faculty have concerning the administration’s commitment to joint endeavor in matters of faculty concern.

So, the CSU-AAUP is pleased to join President Frank in celebrating 100 years of shared governance on campus. As faculty, however, we hope that President Frank understands that “the faculty” remains at the core of the concept in those areas that matter most to the education of students and the advancement of knowledge, the very reason CSU exists. Affordable housing is needed and we wish the administration success in making more units available to our students. We also hope Tony seizes his own “opportunities” to engage the faculty in meaningful decision-making this academic year. If this is his purpose, it couldn’t be
Defending these gains in subsequent years has required the commitment and support of faculty, as they face continual opposition and face new threats all the time, such as the political climate after 9/11, the effect of the Internet on the way many classes are taught, and the rapid increase in hiring of contingent faculty without giving them full-time status, a living wage, guarantees of academic freedom, or ability to participate in shared governance.

**What Present-Day CSU Faculty Can Do**

Those of us who are still lucky enough to be on the tenure track must be aware of this history, and recognize that tenure is a hard-fought privilege meant not just to ensure our academic freedom, but to allow us to participate as assertive parties in shared governance. We must realize that we have been entrusted with the stewardship of our universities and the future of higher education. We must speak up for our contingent colleagues, participate as informed and assertive parties in the important decisions that are made at our university, advise colleagues who are in danger of being deprived of their right to academic due process.

Last year, at a Faculty Council meeting, Roger Culver said to Tony Frank, “Shared governance means the administration not always getting its way,” and challenged him to point out any instances where it hadn’t. Tony was unable to come up with one.

This cannot be blamed only on the administration. We, as faculty, have become part of the problem. Only rarely is a “nay” been heard recently within the walls of Faculty Council, even when we are lucky enough to have a chance to vote on substantive issues. Last spring, five members of the Executive Committee of the Faculty Council found in his email.

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Announcing the
CENTER FOR THE STUDY OF
ACADEMIC LABOR (CSAL)

September 2015

Report from Sue Doe,
Department of English

Opening Event

On September 9-10, the Center for the Study of Academic Labor (CSAL) officially opened its doors and web site (csal.colostate.edu) with an opening reception, film screening, and social justice theatre workshop.

On Wednesday evening, September 9, the Center hosted a reception and film screening of the original play, *Reasonable Assurance*, a participatory theatre production of the Hatch Collective, Pittsburgh. Paul Kruse, CSAL artist-in-residence for Sept 9 and 10, is the resident playwright and a founding member of Hatch Arts Collective, Pittsburgh, PA. Paul works as a playwright, videographer, and teaching artist for academic and arts organizations in Pittsburgh. He is adjunct faculty at Pittsburgh Filmmakers, which offers credit through the University of Pittsburgh and Carnegie Mellon University. The Hatch Arts Collective formed in 2012 and gathers interdisciplinary artist communities to create performance and media-based work. The play that was featured for CSAL’s opening reception, *Reasonable Assurance*, involved collaborations with a group of Point Park (Pittsburgh) undergraduate students, local artists, and several adjunct faculty members from Pittsburgh.

In addition to Paul Kruse, Marisa Allison,
resigned in protest over their inability to get meaningful issues, such as consideration of the university’s broken grievance procedure, before the faculty council body. The effort had been met with energetic resistance from administrators, but what killed it was the administration’s success in getting a majority of the faculty on the Executive Committee to go along with them.

Our local chapter of the AAUP will be taking an active role in addressing this problem in the coming year. To make Faculty Council a meaningful exercise in shared governance, we must organize in advance of meetings, identify key issues, and decide collectively on a unified response. We must identify key appointments, such as those on the Executive Committee, recruit and elect faculty that are willing to use the fact that they have tenure to stand up to pressure.

When trying to recruit faculty for such tasks, I often hear, “Who has time, given all of our obligations?” This is a real problem, and I would like to propose a remedy. Tony Frank has admirably expressed support for shared governance. We need to step up to this invitation, but we need the resources to be able to do so. Administrators count their governance of the university as part of their job, and if we are to have meaningful shared governance, we need to be able to do the same.

I would like to appeal to faculty who feel as I do to consider dropping one of the committee assignments you otherwise would have taken on, and count your generous donation of time to AAUP in its place under “Service” on your evaluation forms. Those who do will be joining in the long-standing and distinguished tradition of faculty advocacy I have touched on above. Given the universal recognition of AAUP’s history of service to the profession, I think that our administration would be hard-pressed not to allow us to count this toward our professional service.

If our administration is wise enough to accept this,
you will have helped set a positive precedent at our university. Ideally, the administration will develop a policy, rather than leaving it to individual department chairs to decide piecemeal, allowing CSU to set a progressive example for other universities. (I know of at least one chair who is hostile to the idea.) If we do not get the support for it that we need, then this gives a constructive and newsworthy cause for us to organize around in the coming year.

COLORADO CONFERENCE REPORT

Steve Mumme, Conference Co-President

• The Colorado Conference was proud to host the AAUP National Summer Institute at Denver University, July 22-26. Nearly 400 professors from across the country participated in the many workshops and sessions devoted to issues of shared governance and academic freedom. National AAUP leaders Rudy Fichtenbaum, Hank Reichman, and Howard Bunsis praised our conference as an example of what an effective advocacy (i.e. non-union) conference can be.
• Our first Mini-Institute (dubbed the Mini-Ini) for community college adjunct faculty was held July 27 in Louisville, Colorado, with more than 20 faculty, representing five different campuses participating.
• The Colorado Conference’s first Adjunct Survival Workshop was held September 19, at the Front Range Community College’s Westminster Campus. It was highlighted on the Rocky Mountain PBS website: http://inewsnetwork.org/2015/09/17/how-do-you-survive-on-adjunct-professor-pay-hint-public-benefits/
• Over the summer the Colorado Conference provided advocacy services for professors at Metro State University, Denver University, and Front Range Community College.
• New chapters or chapter formation initiatives: Community College of Aurora; University of Colorado, Colorado Springs.

A journal, book series, and conference are in the planning stages and lie in the near future.

Additionally, CSAL conducts its own research, analyzing data, publishing reports, developing citation sets and bibliographies, and maintaining databases on topics such as the New Faculty Majority’s “Women and Contingency” project. CSAL also offers a photo-multimedia archive suitable for analysis and also reports on site-specific, grassroots inquiry approaches that show promise for adaptation to new locations.

Finally, CSAL serves as an archive, providing server space for policy statements, survey reports, media events, and other documentation from any campus, providing a stable home for documentation that might not otherwise find a suitable location on campuses and in the archives of grassroots organizations. CSAL thus serves as a location for preserving local histories. We invite any and all interested queries. Send these to Sue Doe at sue.doe@colostate.edu and/or to Natalie Barnes at natalie.barnes@colostate.edu

CSAL invites participation from AAUP members of all ranks in the hope that members will participate as researchers, artists, reviewers, and developers of the local Center and its web presence.

Directors

CSAL Leadership include the following cross-ranks faculty from Colorado State University:

Sue Doe, Associate Professor of English, Mike Palmquist, Associate Vice Provost for Teaching, Steven Shulman, Professor and Chair of Economics, Natalie Barnes, Senior Teaching Instructor, Department of Art, Jennifer Aberle, Senior Teaching Assistant Professor, Department of Human

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 and exploitation of contingent faculty. By joining, tenure and non-tenure track 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.

To join AAUP, go to the national website at AAUP.org and click on “Membership.”

Visit the AAUP-CSU website: [http://aaupcsu.org/](http://aaupcsu.org/)


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**AAUP – CSU Chapter**

At the chapter meeting on 9/29, we elected our new officers for the positions we created with our new bylaws in the spring: Tim Gallagher, Ross McConnell, Natalie Barnes, and Dimitris Stevis. We would all like to thank outgoing president Bill Timpson for his dedicated service in that role. For future meetings please contact one of the officers below. The meetings will also be announced in advance, on our website and Facebook page.

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**Visit the AAUP-CSU website:**

**Visit our new Facebook page:**

**AAUP state conference news:**
[http://aaupcolorado.org](http://aaupcolorado.org)