

NEWSLETTER

Colorado State University Chapter

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American Association of University Professors (AAUP)

Academic Freedom for a Free Society

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CENTRAL TENETS FOR FACULTY HIRING, EVALUATION, PROMOTION, AND RETENTION: PRINCIPLES TO TRANSFORM THE WORKING CONDITIONS OF NON-TENURE-TRACK FACULTY

By Jenny Morse
Department of Management

Faculty at most universities have been divided into two camps: tenure-track and not. The hiring of faculty to perform specialized roles outside of the tenure system has led to the creation of a group of people working at universities as faculty but without the rights and responsibilities of faculty. What this means is that non-tenure-track faculty (NTTF) are hired through inconsistent hiring practices with varying levels of oversight; they are brought into the

CODE YELLOW: THE STATE OF ACADEMIC FREEDOM AT COLORADO STATE

By Steve Mumme
AAUP Colorado Conference President
and Tim Gallagher
CSU AAUP Chapter President

Faculty Manual, Section E.8.1 The policy of the University is to foster and maintain an environment in which the professional activities of faculty are encouraged through freedom to pursue such activities.

Twelve years last summer, in 2004, a long serving adjunct sociology professor, Dr. Steven Helmericks, lost his professorship after an undergraduate student in his introductory class accused him of derogatory statements towards American servicemen in Iraq. The allegation was arguably spurious but the controversy quickly escalated after campus Republicans sided with the student.

Outside pressure was intense. Conservative bloggers picked up the story. Helmericks was bombarded with threats of harm to himself and his family. A legislative hearing was convened under the Golden Dome. Under fire, CSU's administrators caved. Allowed to finish his summer course, Helmericks was persuaded to voluntarily retire from teaching. Crisis averted.

In hindsight we can say with authority this was not our university's finest hour in defense of academic freedom. The irony here is that just that spring, in 2004, the university, in concert with the University of Colorado, Metro State, and the University of Northern Colorado, proudly

<p>university on a variety of appointment types with unclear responsibilities, ranks, opportunities for participation in their departments, and evaluation processes. Many have no sense of how long their jobs may last, and if they are not reappointed the next year, no ability to find out why or challenge the decision. For many NTTF, the day to day responsibilities of their jobs may be clear—for example, teaching a class—but the framework around that job—for example who they should go to if they have questions, whether they should or can attend department meetings, what role they have in their university community if any—is rarely clear.</p> <p>If faculty at universities can be generally understood to be committed to students and knowledge, then to be successful in the teaching of students or the exploration and creation of knowledge, those faculty must have a clear framework in order to be effective employees.</p> <p>The Committee on Non Tenure Track Faculty at Colorado State University (CSU) has identified a set of central tenets that recognize the important work of all faculty, that emphasize the fair treatment of all faculty, and that improve the working conditions of all faculty in order to better meet our responsibilities to our students and their education. The goal of identifying these central tenets is to distill the best practices for the hiring, evaluation, promotion, and retention of faculty members, with particular emphasis on unifying the variety of approaches taken with NTTF.</p> <p>Hiring:</p> <ul style="list-style-type: none"> • All faculty should be hired using practices approved and monitored by the Office of Equal Opportunity. • All faculty should receive specific, centralized, and approved offer letters that identify each position’s expectations and responsibilities. • All faculty should have access to the materials required to fulfill and exceed their job responsibilities, including <ul style="list-style-type: none"> ○ access to and training on technology; ○ consistent and sufficient office space; ○ professional development resources. <p>Evaluation:</p>	<p>published a joint statement on academic freedom affirming support for a diversity of political viewpoints on campus, emphasizing students’ academic freedom. Yet apart from a few tenured faculty, mostly AAUPers, there was slight defense for Helmericks from the Oval.</p> <p>So what is the state of academic freedom on campus today? We can answer that question in two ways. We can turn to external authority. And we can look at the institutional pillars and safeguards currently in place on our campus.</p> <p>The Foundation for Individual Rights in Education (FIRE) is a prominent external authority actively defending academic freedom nation-wide. FIRE is involved in many cases at universities around the country with ambiguous speech policies that could readily be abused and are being abused.</p> <p>Early this year, for example, FIRE supported the University of South Carolina College (USC) Libertarians and Young Americans for Liberty chapters after the university administration threatened organizers with punishment “up to and including expulsion for ‘discrimination.’” The complaints received by USC administrators pointed to posters displayed at an outdoor event that were perceived by the charge makers as “offensive” and “triggering.” The posters illustrated incidents that demonstrating students saw as examples of censorship at colleges and universities around the country. The charges against Ross Abbott, President of the USC College Libertarians, were dropped after he met with the Office of Equal Opportunity (OEO) at USC which found that Mr. Abbot’s speech was constitutionally protected. There is a lawsuit moving forward against USC alleging that its harassment policy is vague and overbroad</p> <p>FIRE regularly evaluates higher education institutions for their adherence to strict protections for academic speech, ranking college regulations on a green-light, yellow-light, red-light scale. FIRE’s latest rankings, issued in January 2016, grant CSU a YELLOW-LIGHT overall, with yellow light scores for residence hall policies, student conduct codes, and discrimination, harassment, and retaliation policies [https://www.thefire.org/schools/colorado-state-</p>
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<ul style="list-style-type: none"> • All faculty should be included in annual and promotional evaluation. • All faculty should have access to the evaluation process in terms of how it is conducted, what materials are being looked at, and what the potential outcomes may be. • All faculty should receive timely notification of when evaluations take place and what the outcomes are. <p>Promotion:</p> <ul style="list-style-type: none"> • All faculty should have access to a career path that allows for an increase in rank, deeper community integration through service and recognition, and/or evolving job responsibilities. <p>Retention:</p> <ul style="list-style-type: none"> • All faculty should have a system of rights and protections that provide for fair treatment. • All faculty should have full and safe participation in the university community. • All faculty should have the right to vote for their faculty representatives and to vote on department matters relevant to their job responsibilities. • All faculty should have the opportunity to improve and excel without fear. • All faculty should have access to due process and grievance procedures that are centralized, systematic and consistent, superseding individual departments and colleges in order to <ul style="list-style-type: none"> ○ protect academic freedom; ○ encourage fair and ethical hiring, evaluation, and promotion; ○ eliminate the problem of arbitrary non renewal for NTTF. <p>While the majority of these practices are already in our faculty manual and department codes at CSU, the lack of consistency in application of these policies to our 728 NTTF is of particular concern. NTTF may not be ethically hired: a chair might simply solicit a few resumes for a position and then choose a candidate without consulting OEO or other faculty. They may not have access to the resources required to fulfill their jobs like appropriate or consistent office space in which to meet with students. They may not be evaluated in any way. Or they may not have access to</p>	<p>university/]. “A FIRE yellow light means that FIRE believes an institution has at least one policy that is ambiguous and “that too easily encourages administrative abuse and arbitrary application.”</p> <p>FIRE’s website points to CSU’s Appendix 1 Manual policy. The basis for their assessment as found in the latest edition of their handbook <i>Correcting Common Mistakes in Campus Speech Policies</i> faults an overly broad interpretation of federal regulatory guidelines and lack of criteria and specificity in limiting speech and targeting certain behaviors. These are criticisms the campus AAUP has also levied against its Institutional Review Board and CSU’s restrictive policies like bullying. FIRE evidently has not learned of CSU’s anti-bullying policy that is not in the Manual that was passed by the President’s Cabinet and placed on the website of the Office of Policy and Compliance. Wouldn’t we like to see a green light rating from FIRE instead of yellow? Might yellow turn to red if FIRE learns about the new anti-bullying policy?</p> <p>If we look at our institutional supports and safeguards of academic freedom we also find reason for concern. As AAUP has long argued the defense of academic freedom stands not just on formal endorsement of freedoms in the various arenas of academic speech but on procedural protections that ensure its steady practice. These procedural safeguards include faculty control of curriculum that supports the freedom to teach, strong shared governance practices, and adequate grievance procedures in disputatious matters involving faculty speech that guarantee a fair hearing by peers and administrative respect for faculty judgment.</p> <p>Seen through this optic the campus situation raises concerns. In general, our freedom to teach is protected. Shared governance on curriculum development works well. The university has mandated the publication of research integrity statements and learning objectives on syllabi, but faculty supported these requirements. We have not been tasked with trigger warnings or other such infringements on academic freedom. Faculty are free to adopt these notifications as deemed necessary. The principal challenge in this area remains the exclusion of our Non-Tenure Track</p>
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a career path: despite years of service and often increased workloads, they may never be considered eligible for salary increases or title promotions. The 81% of NTTF who are not on contracts do not have access to due process or grievance procedures regarding termination of their employment (The 19% on contracts do not have access to due process or grievance procedures if their contract is not renewed either, though they do have some access while on contract).

The 2014 Survey conducted by the Center for the Study of Academic Labor collected data on NTTF at CSU to better illustrate the precarious situation of this group. Although 77% of respondents had been at CSU for more than 3 years, 58% did not report feeling secure or stable with their employment. One reason for that may be that 32% have to reapply for their jobs every year. Despite 53% not reporting that they feel valued as a professional and 45% reporting that they do not feel valued by their departments, 82% responded that they were glad to be part of the CSU community.

So many of these faculty are dedicating their lives and their energy to this community, this university, these students, and the roles that they have been hired to perform. CoNTTF's proposals, which will be brought to Faculty Council in future weeks, will build on changes to policy, manual, and culture that have already been happening on this campus for several years and have occurred at other universities around the country. The proposals will bring together best practices and forge new ones in order to demonstrate that CSU is as committed to NTTF, and all faculty, as the faculty are to CSU.

YES ON AMENDMENT 70

By Ray Hogler
Department of Management

The American Association of University Professors endorses the principle that higher education should be broadly accessible to American citizens. For more than three decades, unfortunately, income inequality in the US has continued to rise and now approaches the levels at the end of the 1920s just prior to the Great Depression. The economic policies emerging from Roosevelt's New Deal policies led to a period of

Faculty (NTTF) in curricular affairs, at least in most teaching departments. Another challenge is located at INTO where those faculty, technically separate from CSU, are not covered by the university's shared governance procedures.

The due process protections available to faculty have drawn greater scrutiny from the AAUP. At present the grievance procedure (see Mumme, *AAUP Newsletter*, September 2016) leaves much to be desired and should not be regarded as effective protection for the academic freedom of faculty. The new regulatory policy on bullying mentioned above that applies to faculty, administrative professionals, and classified staff lacks effective procedural safeguards (see Gallagher, *AAUP Newsletter*, September 2016). The campus Institutional Review Board's decisions cannot be grieved even when they arguably exceed their federal brief. The fact that most NTTF personnel remain "at will employees," or are three years or less from returning to "at-will status", means that NTTF faculty at best either lack or have precarious access to grievance procedures (see Jenny Morse's column this issue). That makes the university's promise of academic freedom rather hypocritical, a truth that echoes across research universities nationwide.

In sum, not a lot has changed since the Helmericks case went down so badly way back when. If anything support on our campus for free speech has weakened with the Administration's imposition of the new anti-bullying policy and its neglect of due process protections for faculty. Academic freedom is essential to our work and cannot be taken for granted. There's a reason CSU is Code Yellow on academic freedom and we, the faculty, must guard against its further erosion. Let's aim for Code Green.

UPCOMING EVENTS

- Colorado Conference Annual Meeting will be held on October 15 (Saturday) at the University of Colorado, Boulder. Keynote speaker is Risa Lieberwitz,

shared prosperity from the immediate post-war era into the late 1970s; since then, middle-class incomes have generally declined in real terms. The CSU AAUP chapter supports the Colorado Ballot issue raising the wage (Amendment 70).

The Fair Labor Standards Act of 1938 put a floor under wages by creating a minimum wage for labor. As the Supreme Court explained in *United States v. Darby* in 1941 upholding the constitutionality of the law, the minimum wage is designed to prevent the production of goods in interstate commerce “under conditions detrimental to the maintenance of the minimum standards of living necessary for health and general wellbeing, and to prevent the use of interstate commerce as the means of competition in the distribution of goods so produced, and as the means of spreading and perpetuating such substandard labor conditions among the workers of the several states.” Since its enactment, the minimum wage has been an important component of our economic system.

The federal minimum wage varies over time according to Congressional action. In 2102 dollars, the 1968 wage had a value of \$10.34. In 2009, Congress set the minimum at \$7.25 where it has remained since. Given the political dysfunction in the federal system, it is unlikely that any further changes will occur in the immediate future. States have the power to set their own minimums as long as they meet the federal standards. Because of national inaction, many states have passed laws setting their own minimums. A list of current state laws in 2016 is available at <http://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx>.

Colorado’s law, similar to those in a handful of other states, has an automatic minimum wage escalator based on increases in the Consumer Price Index. In 2006, voters approved the cost of living approach through a constitutional ballot amendment. That measure in January 2016 generated a minimum wage of \$8.31 for regular employees and a tipped employee wage of \$5.29.

Amendment 70 would raise the wage next year to \$9.30 per hour and each year thereafter in 90-cent increments to \$12 per hour in 2020, at which point the wage would revert to the CPI escalator. The offset for tipped employees would be capped at \$3.02 per hour.

AAUP chief counsel and professor of law at Cornell University. She will address the basis for AAUP’s recent report on Title IX implementation on American university campuses..

JOIN THE AAUP

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

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.

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According to the Colorado Legislative Council's 2016 State Ballot Information Booklet, minimum wage workers in the state now earn \$17,285 annually and the wage has increased by 21 percent since 2007. For purposes of comparison, rents in the Denver metro area increased from \$946 to \$1,292 in 2015, or 37 percent over the same period.

The case against a minimum wage increase focuses on standard economic theory which holds that as the price of a resource increases, demand decreases. Accordingly, the argument runs, raising the wage will mean lower employment or higher prices or both. Further, opponents claim that using the Denver metro price index creates a particular burden for small and family-owned businesses in rural areas where the cost of living is lower. While such criticism of the minimum wage seems plausible, a large body of empirical research refutes the theory.

In 1994, David Card and Alan Krueger published a landmark study comparing the effects of a minimum wage increase in the fast food industry in Pennsylvania and New Jersey. They found that an increase had little effect on employment levels. A 2014 review essay published by the Economic Policy Institute followed subsequent research using the comparative approach and concluded, "The studies that compare labor markets experiencing a minimum-wage increase with a carefully chosen comparison labor market tend to find that minimum-wage increases have little or no effect on employment." Over 600 economists, including eight Nobel Prize laureates, signed a letter to Congressional leaders affirming that conclusion.

In view of the demonstrable positive outcomes associated with a minimum wage increase, and the uncertain and disputable negative consequences, the rational choice is to vote in support of Amendment 70. The AAUP chapter at CSU believes that policies which will benefit a broad segment of our population are in the interests of the profession and the university.

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AAUP state conference news:

<http://aaupcolorado.org>

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TIMPSON

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The work on moral reasoning by Lawrence Kohlberg describes even more clearly the importance of "dilemmas" that challenge student thinking and help propel them out of those responses at the lowest level that are generated primarily by fear or duty.

However, there is also compelling evidence about the importance of social-emotional learning in these equations. For example, Carol Gilligan's critique of Kohlberg's model factored in the tendency by women to put more consideration on the impact of relationships on moral reasoning. Work on what Dan

Goleman referred to as "emotional intelligence" or what Howard Gardner termed "intrapersonal" (self-awareness) and "interpersonal" intelligence adds further definition to this complex journey toward maturity.

As opposed to retreating from intellectual and emotional challenges by limiting what instructors can teach, these scholars point us toward a future where a knowledge of student growth and development mixes with the learning of course content and allows for more sophisticated responses that address both the intellectual and the emotional in their inherently complicated intersection.

For example, case-, problem- and project-based learning have their inherent challenges where

AN AAUP PERSPECTIVE ON TRIGGER WORDS, SAFE SPACES AND ACADEMIC FREEDOM

By William M. Timpson, School of Education

With its historic defense of academic freedom, the values of the AAUP line up perfectly with what the research on cognitive, moral and social emotional development indicates as important for the facilitation of student learning. We cannot retreat from the challenges of difficult, complex and controversial materials. Indeed, these are precisely what nurtures deeper learning, critical and creative thinking as well as what we think of as social emotional maturity.

For example, after months of discussions about the dangers of “trigger words” that might spark intense and problematic emotional reactions in students, the University of Chicago’s letter from Dean of Students John Ellison to incoming students on “Free Expression” staked out the alternative and reiterated his university’s fundamental commitment to the academic freedom that supports critical thinking. Add to this debate the concerns on many campuses that arose from the months of racial turmoil when Black Lives Matter initiated protests at the University of Missouri after the killing of Michael Brown in Ferguson, Missouri by a police officer.

According to an article in *The Chronicle of Higher Education* on September 9, 2016, Ellison’s argument identified the challenges that students would face coming to the University of Chicago. “Members of our community are encouraged to speak, write, listen, challenge, and learn, without fear of censorship. Civility and mutual respect are vital to all of us, and freedom of expression does not mean the freedom to harass or threaten others. You will find that we expect members of our community to be engaged in rigorous debate, discussion, and even disagreement. At times this may challenge you and even cause discomfort” (A6).

Ellison went on to describe in greater detail what this means in concrete terms for students. “Our commitment to academic freedom means that we do not support so-called ‘trigger warnings,’ we do not cancel invited speakers because their topics might prove controversial, and we do not condone the

student learning must connect the subject matter under study with the demands of use in the world, both intellectually and emotionally. Effective communication becomes essential as do the skills needed for group work and the negotiations required for successful cooperation.

Given the requirements for mastering advanced concepts and knowing how to use them to analyze problems, evaluate proposed solutions and consider alternatives, instructors must have the freedom to design their classes in such a way that students develop both intellectually and emotionally. We can combine both in a sensible commitment that challenges students while providing a sensible safety that allows individuals to communicate needs and reactions, to ask for consideration to leave the classroom, if necessary.

All of this requires us to rethink our provisions for professional development in higher education and ensure that instructors have the knowledge, skills, and support necessary to navigate these challenges. At research universities, in particular, priorities for merit pay increases, continued employment, tenure and promotion must balance the attention given to research productivity with what is needed for a foundation in teaching and learning, especially when the content is particularly challenging.

At Colorado State University, our AAUP chapter is supporting two graduate courses that are available to instructors who should be able to utilize their study privileges to explore this foundation. EDUC 628 covers the various “models of teaching” that every instructor needs to know. EDUC 629 Communication and Classrooms addresses more of the means needed to navigate the social emotional responses. Both classes now also include some of the knowledge and skills needed to resolve conflicts, negotiate solutions and mediate differences, essential skills for today’s classrooms if the challenges that arise in the course of study are to be addressed.

With more of this knowledge, instructors will be better able to navigate the classroom challenges that emerge, communicate with students about that terrain, and negotiate ways forward while preserving the integrity of the subject matter and

<p>creation of intellectual ‘safe spaces’ where individuals can retreat from ideas and perspectives at odds with their own” (A6).</p> <p>Research by developmental psychologists and other scholars who look at the stages of development that humans move through as they mature would support the essential role of challenges in promoting intellectual growth and maturity. For example, in a series of studies of college aged students, William Perry has described the shift from dichotomous thinking that characterizes student thinking emerging out of high school where the emphasis has been on testable, knowledge-based responses into an ability to understand other perspectives and the complexities that define many issues as they move through their college careers.</p> <p>(Continued on page 6)</p>	<p>addressing the inherent difficulties of advanced studies without retreating from those challenges.</p>
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