



CSU AAUP NEWSLETTER

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TENURE REDUX

By Steve Mumme,

Co-President, Colorado Council of the AAUP

Abolish faculty tenure? Isn't that issue settled? Well, the short answer is no. Not really. Not with the public-at-large.

As secure as we faculty may feel padding the halls of academe, tenure continues to be one of the most misunderstood higher education concepts with the general public—even our students. Just a month ago, a student guest editorialist in the Rocky Mountain Collegian, penned a column titled, *It is Time to End Teacher Tenure*.ⁱ

To be sure, the column conflated the questions of K-12 teacher tenure and faculty tenure at the college level, and drew mostly on the con-side of the arguments on K-12 teacher tenure as listed in ProCon.Org to make the case. Even so, the author did manage to capture a number of tropes on tenure that circulate nationwide, including one that's gaining discursive force, namely, that if adjunct instructors can teach at the level of tenured faculty, why should universities like Colorado State bother with tenure? Why indeed, when at least one respectable study finds adjuncts out-teach tenured faculty in many introductory large-forum classes?ⁱⁱ

My point is not to validate this assertion, but to note that higher education does have a problem with tenure. The classic defense of tenure found in the AAUP's *1940 Statement of Principles on Academic Freedom and Tenure* (Redbook, 11th Ed., p. 13-19) centers on its structural centrality to a vigorous defense of academic freedom and shared governance. At the college and university level where the pursuit and discovery of knowledge is as vital as its dissemination the case for tenure has particular validity. We need only think of the federal government's recent disengagement from climate science to grasp tenure's importance.

Yet the American public has at best a murky understanding of tenure that continues to make it precarious, particularly at publicly supported institutions of higher education. State systems like ours invite regular assault on the practice from those that wrongly equate tenure with guaranteed life-long employment, professional de-incentivization, lack of professional accountability, lack of interest in teaching, and status for its own sake. A brief review of the situation in Colorado illustrates this predicament.

Just a little over a decade ago, in 2006, representative Keith King (Colorado Springs) introduced House Bill 06-1284 entitled, *A Bill for an Act Concerning the Tenure Process for Faculty Members at State Institutions of Higher Education*. This bill targeted already tenured professors. If enacted it would have compelled the governing boards of Colorado's universities to adopt strict post-tenure review policies leading to faculty dismissal in the event that a faculty member, having received an unsatisfactory appraisal, failed to meet standards specified in a mandated performance plan, or received two unsatisfactory ratings in a ten year period. Its definition of "adequate cause for termination" included, among other conditions, insubordination, poor student achievement, negative student evaluations, plagiarism, neglect of duty, and failure to comply with state or federal laws.

In the event you're thinking the deacons of Colorado higher education all rose up in indignation at this blatant assault on tenured faculty, think again. This bill made it past the Colorado House Education Committee, with only the Colorado AAUP, ACLU, and Stephen Jordan, President of Metropolitan University of Denver, publicly speaking against. Other higher education leaders were notable by their absence. Roger Bowen, Executive Secretary of the national AAUP called the bill "political interference in higher education," noting that faculty teaching controversial subjects could lose their job if colleagues or students took exception to their handling of touchy subjects. Fortunately the full House voted the bill down.

Shortly after this episode CU Boulder released a year-long study authorized by its Board of Regents criticizing its post-tenure review practice, arguing for more specific "dismissal for cause" standards.ⁱⁱⁱ That did not happen though more detailed record keeping and new accountability procedures were put into place.

Though a straight on attack on tenure of the sort seen in 2006 has not since gained traction at the statehouse we have seen further attacks on tenure at the K-12 level in 2010 and 2011 that generated failed legislative initiatives.^{iv} And particular attacks on tenured faculty are seen in cases like the one levied at sociologist Patty Adler at CU Boulder whose role playing pedagogy came under fire in 2013.^v

But elsewhere nationally the attacks on tenure have continued, most notably in Wisconsin where Governor Scott Walker last year savaged the venerable Wisconsin System and its statutory support for tenure.^{vi} Now the University of Wisconsin and other state institutions must draft tenure rules that comply with the new state law. This new "tenure lite," as many faculty call it, exposes tenured professors to dismissal for university authorized program changes predicated on student demand and so-called societal needs. Tenure in Wisconsin is now arguably weaker than it is in Colorado where state law still allows a measure of institutional autonomy in drafting tenure rules. We ought not be too comfortable, however, as program discontinuance is still grounds for faculty dismissal at CSU (Section E.10(1) of the Faculty Manual).

Wisconsin's pox-on-tenure disease is infecting neighboring states. In Iowa this year a state senator introduced a bill outlawing "the establishment of a tenure system at the regents universities."^{vii} The bill failed, but its animating idea that tenure immunizes "bad professors" from dismissal still has plenty of subscribers across the country.

Tenure's greatest vulnerability, however, as implied by the Collegian's guest editorialist, remains the up-creep in the numbers and proportion of adjunct faculty nationwide. The latest AAUP figures show no slowing of this trajectory, with 70+ percent of the national instructional workforce now in this category.^{viii} New figures at Colorado State analyzed by economist Steve Shulman show that non-tenure track (NTT) faculty numbers jumped from 747 to 809 between 2013 and 2014 (the last two years for which figures are available).^{ix} NTT faculty are now 43 percent of our university's instructional cadre and teach an even larger percentage of courses.

As Sol Gittleman at Tuft's University wrote in the *Washington Post* two years ago,^x it is tenure that made America's university system the best in the world, but that protection is dying by attrition. If 70 percent of the

instructional workforce lacks academic freedom then academic freedom is truly a scarce resource. Why should administrators, much less the public, concern themselves with this value and its corollary, the practice of shared governance?

This is why the AAUP and its Colorado Conference have both endorsed the extension of tenure or tenure-like protections to NTT (adjunct) faculty. The freedom to teach and the freedom to explore, to discover, and reveal to others what is known depends on tenure. The tenure privileges of our regular faculty increasingly hinge on its extension to NTT faculty. Yes, tenured and tenure-track faculty should lobby and lobby hard for the availability of more tenure-track faculty lines but, if we're honest, the tenure deficit train has long left the station. And that is why the NTT proposal now before Faculty Council may well be the most important tenure protection measure to be decided at our university since the adoption of Section E of the Faculty Manual. Ramping up university commitment to NTT faculty strengthens academic freedom and strengthens the case for tenure. Tenure is not a zero-sum game.

¹. Holly Spease, "It is Time to End Teacher Tenure," *RMC*, March 7, 2017.

¹. David Figlio, Morton Shapiro, and Kevin Soter, "Are Tenure Track Professors Better Teachers?" National Bureau of Economic Research Working Paper No. 19406 (September 2013).

¹. Jennifer Brown, "CU tenure review calls for 'sweeping changes'," *Denver Post*, April 25, 2006.

¹. Jeremy P. Meyer, "Colorado Renews teacher-tenure debate," *Denver Post*, April 12, 2010; Julia Lawrence, "Colorado's Bill 191 Law on Teacher Evaluations Sparks Debate," *Education News*, September 27, 2011.

¹. Matt Ferner, "Patricia Adler, CU Boulder Professor, Allegedly Forced Out for Prostitution Lecture," *Huffington Post*, December 16, 2013. At http://www.huffingtonpost.com/2013/12/16/patricia-adler-deviance_n_4454652.html

¹. Collen Flaherty, "U of Wisconsin Board of Regents approves new tenure policies, despite faculty concerns," *Inside Higher Education*, March 11, 2016.

¹. Marissa Payne, "Iowans contemplate effects of legislative action to end tenure," *The Daily Iowan*, January 25, 2017.

¹. Nicholas Fleisher, reporting on the AAUP's Committee A investigative report on practices at the Community College of Aurora, March 29, 2017. The report may be found at: https://www.aaup.org/report/cca-colorado?link_id=1&can_id=925904f2b5c5f111b5e29f10da890cb8&source=email-academic-freedom-for-all-not-some&email_referrer=academic-freedom-for-all-not-some&email_subject=academic-freedom-for-all-not-some

¹. These figures do not include graduate student instructors.

¹. Sol Gittlement, "Tenure is disappearing. But it's what made American universities the best in the world," *Washington Post*, October 29, 2015. At https://www.washingtonpost.com/news/grade-point/wp/2015/10/29/tenure-is-disappearing-but-its-what-made-american-universities-the-best-in-the-world/?utm_term=.a5b683ed1ee3

RESEARCH AND THE NTTF

By Natalie Barnes

Long-term non-tenure-track CSU faculty member

If we are going to tout CSU as a tier one research institution, then perhaps research provisions such as course release, sabbatical options, or realistic monetary support should be a real option for the more than 40% of faculty here at CSU who teach off the tenure track and impact students at every level from freshman to graduates.

While for many, if not most non-tenured faculty (NTTF) in the College of Liberal Arts, research isn't part of our job description; it is absolutely part of who we are as educators and academics, and is often an area in which NTTF are demeaned by some of their tenure track counterparts. As a visual artist, I recognize that my studio practice is greatly impacted by my other job responsibilities. I work at my desk or the lectern 40 hours a week

and work on grading and class prep on the weekends. Studio work, of necessity takes a back seat. Reflecting on personal experience I've identified two basic ways NTTF approach the topic of research.

For some of my colleagues, research in their field is the heart of their teaching. They feel they can't adequately teach unless they are immersed in research. They are on a parallel track to many tenure track faculty and take their personal research commitment very seriously. Engaged research keeps them current in their field, keeps their curriculum rich with cutting edge developments, and connects them intimately to the vocation on which they have spent many years and countless thousands of dollars. From work in the lab, creation in the studio, publications finished in the wee hours of the morning, or immersion in fieldwork and beyond, these adjuncts engage in research because it fuels their passion. And this passion makes them the kind of educators our students deserve in the front of the class.

The other kind of adjunct insist their hearts lie in teaching and not research. Being with students is what they love. It's what they really want to do. But here's the kicker...when you listen carefully to the conversation you discover research still lies at the heart of their argument. For many in this population, however, research is the treasure buried in teaching methodology. While the framework of their class may remain the same from semester to semester, their personal instructional designs change on a regular basis. From networking with colleagues at a conference, to exploring new pedagogy during a convention session, re-designing curriculum ten minutes before class starts, or soaking up knowledge in professional development workshops and beyond these adjuncts engage in an educational research that fuels their passion for teaching. And this passion makes them the kind of educators our students deserve in front of the class.

So while the road to what's best for their students might look different, both kinds of adjunct are deeply engaged in research. It just looks a bit different for each of us.

Sadly, what doesn't look very different for many of us is the cost in both time and money. Since research is not officially part of our "job," it becomes something of a "hobby." A very expensive hobby.

Through my personal experience as a visual arts educator, I can attest that one type of artistic research, the creation of art, is a time-consuming and expensive endeavor. It's not just about making a pretty piece of art. Like research in any area it's about pushing the envelope. Finding innovative new techniques, materials, or approaches to art. And as academics, we all know this is a process that also involves a time investment in research and reflection. Time on task in the studio. Lots of time in the studio. Add to this disbursement of time the cost of materials, juried exhibition entry fees, and shipping costs to send works across the country and the dollars add up fast. Dollars spent on something not technically part of the "job," but that represents the heart and soul of who we are as artists. And the work, the research, while not required, is unfortunately often the scale against which many of our colleagues judge our value.

A recent informal survey conducted for the CLA Adjunct Faculty Committee amongst departments in the College of Liberal Arts here at CSU highlighted what I might describe as a rather cavalier approach to adjunct research. Because it's not a job requirement, there is little consistency from department to department in funding support. One department has funds available for NTTF to apply for \$1,000 per year while another provides no opportunities at all (limited funding in this department is provided for PhD students, but not NTTF). The very concept of sabbatical or course release is so far out on the horizon as to be a veritable eclipse.

Earlier this year the new dean of the College of Liberal Arts charged the CLA Adjunct Faculty Committee to bring forward three topics pertinent to our committee that should be addressed over the next three years, professional development support (read research here!) for NTTF is recognized as one of the top two priorities.

I will add my own adjectives here – significant, relevant, flexible support parallel to that offered to tenure track faculty for professional development for these NTTF members. After all, we're talking about 40% of the faculty

with a direct, impactful relationship to our students at this tier one research institution. As CSU delves into the development of a professional track for NTTF, the issue of research is just one of a myriad of issues to be addressed. And yet another area where NTTF are often overlooked and vastly underestimated.

SUPPORTING WOMEN INSTRUCTORS

By William M. Timpson

CSU School of Education

As I listened to the Standing Committee's report on women faculty's experiences and later read the full report, the piece that is missing for me involves students, faculty, administrators and the systems we have in place to go beyond the presumed evaluation of teaching and into support for ongoing improvement. Sadly, there has been a longstanding problem of an overreliance on psychometrics that have limited impact and effectiveness. What is missing is a richer, more interactive system for involving instructors and students in ongoing efforts at improving instruction and deepening learning while semesters are underway. This University—and most others—puts everything on an end of semester student evaluation system that defies much of the literature on **instructional improvement and innovation**.

The report from the Standing Committee on the Status of Women Faculty at Colorado State University has two specific recommendations about the student course evaluation form. In its Section D is the following language: "Evaluation Protocols Need to Better Account for Potential Gender Bias.

1. Coordinate public discussions regarding potential for gender bias in evaluation, including student course evaluations, (e.g., Type B courses taught, graduate advising).
2. Redesign university-wide course surveys to address gender bias in student evaluations of faculty. (A, C, T)" Note—in this report, A=Accountability; C=Consistency; T= Transparency.

The system for **Mid-Semester Student Feedback** that I describe here was instituted while I was directing the CSU Center for Teaching and Learning at CSU from 1997-2003 and was available for to all instructors and GTA's. The specific examples I offer involved women faculty who invited me in to facilitate these sessions. The results brought to light **egregious student behaviors** that had been allowed to fester and undermine these faculty members when utilized by administrators. It is important to note that the kinds of bad student behavior described in these two cases also threatened male instructors.

Obviously, there are issues of **academic freedom** here if instructors face prejudicial student attitudes that go unchallenged and that are then repeated by other faculty and administrators. In the two cases I will describe student complaints had bubbled up into the "hallway chatter" among faculty that impacted a department's climate and culture around teaching, especially since it is the rare department that has any system in place for collegial support and feedback for instructional improvement. In higher education, it seems that we are—and always have been—preoccupied with evaluation but ignorant or inattentive to what is needed to support and assist faculty in making ongoing improvements or in exploring innovative alternatives in their teaching.

Mid-Semester Student Feedback: Very simply, I join a regularly scheduled class at a time in the semester convenient for the instructor. I observe the first half of class and then I am introduced by the instructor to run a feedback session in the remaining 25 minutes. The instructor is welcomed to stay but usually chooses to leave so that students do not feel inhibited in their comments. Know that there are good arguments, however, for

instructors conducting these sessions themselves so that they and their students find ways to have “adult” conversations about what’s working, where there may be problems and what might be done to improve the class and support student learning while there is still time in the semester to consider changes.

Using the standard **ASCSU Student Survey form**, I give students 10 minutes or so to bubble in their responses and then direct them to use the open space on the back to write in their (1) appreciations for the class, (2) any concerns or frustrations that they have, and (3) what specific and constructive recommendations they have.

When a few have finished writing, I keep the process moving by asking for individuals to offer publicly an “appreciation” that they have for the entire class to consider. Using the “Instructor Items” I then have everyone indicate their level of agreement, from Strongly Agree to Strongly Disagree. I use a show of hands to identify the degree of agreement. If there are differences of opinion, I will ask for some clarification so that I can understand more about what students believe impacts their learning. After the class ends I want to be able to report more accurately to the instructor what was discussed while handing over the entire set of student responses. After three affirmations, we then turn to “Concerns” and “Recommendations” and repeat the **public polling** process.

At the end, I also ask if students thought that this **process was useful**, i.e., taking the time to reinforce what works as well as addressing problem areas and offering constructive ways forward. The overwhelming response is a resounding “Yes”! Know that I have been facilitating this kind of process at three different research universities for over thirty years. Students also appreciate when a third party facilitates these sessions, i.e., that they can be “more honest.”

There is also the argument for instructors doing facilitating their own sessions and challenging students to rise to the opportunity to discuss what is working as well as offer ideas for course improvements. Getting to this level of “**adult communication**” can only improve instruction and support student learning. I also encourage students to sign the forms and begin that conversation with their instructor. The public nature of this process provides protection against foolish or abusive comments. However, there is also a good case supported by published research for assistance to faculty in these efforts by those expert in teaching and learning, curriculum and professional development.

My argument here is that we need this kind of **active and collaborative system** in place to support effective instruction, to educate the campus when barriers and prejudices arise, and to offer constructive ways forward that support more positive faculty-student interactions in pursuit of learning. Otherwise, the freedom that instructors need to teach in open, honest and direct ways can be jeopardized.

Finally, after I turn over the completed ASCSU forms with their rich collection of appreciations and constructive recommendations to the instructor, you can also see that it would be relatively straightforward for me—or anyone else facilitating this process—if asked, to fashion a letter of **peer observation** and weave in data from the student responses to compliment any observations. Moreover, with those with whom I have worked, these alliances have also led to several collaboratively published papers on various instructional innovations that they had been trialing.

Two specific cases from this work at CSU follow.

Case number 1: A female faculty member is confronted by a petition signed by fifteen or so students complaining that her graduate class was “unsafe for them to express their ideas.” The Department Head threatened to take this class away from the instructor. When this issue boiled up to the Dean he encouraged the instructor to contact me and together we decided that I would conduct a series of observations, interviews, mid-semester students feedback sessions and end-of course student evaluation sessions—21 in all.

The results were fascinating. These 21 observations included my observation in both undergraduate and graduate courses. In each I conducted mid-semester student feedback sessions and end of semester student

evaluations with interviews of several students. Throughout the fifteen weeks, there was no hint of a problem with “safety.”

Instead the overriding characteristic was one of **rigor**, that this instructor had high expectations, especially for graduate students in a pre-professional program. When a student offered an opinion, she expected that students would be able to cite the literature and defend that opinion. While the students who signed the petition seemed to think that they could avoid the responsibility of defending their opinions in the previous semester, none of that sentiment appeared in these 21 observations.

When I completed my report, I sent copies to the Department Head and the Dean. In time the threat to take the particular course away from this instructor was dropped. Sadly, there was no department-, college- or university-wide discussion of these issues so the value of this work remained solely with the instructor.

Of note here is that because of this case, Atwood Publishing agreed to publish a series of case studies that addressed the issue of diversity in their classes and were authored primarily by women instructors at CSU. In preparation of this manuscript and reviewing the published literature, we also discovered that there are reports that clearly define the appearance of gender differences in student course evaluation, and how, for example, women are expected to be more “caring” and are rated down for being “assertive” while men are rated up for being “assertive” and down for “caring.”

These are findings that ought to be the source of regular discussions and professional development efforts on this campus.

Case Number 2: A senior female instructor called me in for a mid-semester session because she was “under fire for her teaching”, i.e., that students were complaining. During my facilitation, it became clear that the complaints were coming primarily from three unhappy and immature young women while the other forty students seemed quite pleased with the course. However, this latter group was not complaining or impacting the “hallway charter” among colleagues. Because there was no departmental system in place to support and assist instructional improvement, the department head had only these complaints to go on.

Confirming my suspicions, after I completed this session, several students came to me to complain about these three students, that these three had complained about every class and that their complaints were groundless.

The **academic freedom** issue here is clear. Facing a hostile teaching environment despite a record of scholarship that was noteworthy, this instructor felt disheartened and unsupported. She eventually left CSU for a position at another research university.

Conclusion: In both cases, it is obvious that faculty lack the kinds of supportive infrastructure around teaching that allows them to fully engage and challenge students without having to worry about pleasing everyone all the time. The academic freedom that is the foundation for university life must extend to the classroom. Proven practices are known and used on many other campuses. We need to charge the University to provide this kind of service to all instructors on a regular basis. Students also need systems so that they can learn how to participate more responsibly in co-constructing learning environments that are most effective. Looking at cases like these in a new light can help us make changes that will benefit everyone.

STATE CONFERENCE NEWS

- The national AAUP officially released its Committee A report on the Community College of Aurora's firing of adjunct professor Nate Bork on March 28, 2017. It can be found at: https://www.aaup.org/report/cca-colorado?link_id=1&can_id=925904f2b5c5f111b5e29f10da890cb8&source=email-academic-freedom-for-all-not-some&email_referrer=academic-freedom-for-all-not-some&email_subject=academic-freedom-for-all-not-some
- The Colorado Conference is now collaborating with AAUP chapters in Wyoming and New Mexico, and arrangement tentatively called the AAUP Rocky Mountain Congress.
- AAUP Academic Freedom Conference, scheduled for April 29 on the CU Boulder campus will have the following line up: (speakers are confirmed but schedule below is preliminary/check conference website for final schedule—www.aaupcolorado.org)

The morning session:

8-8:30am: Coffee

8:30-8:45am: Opening Remarks

8:45-10:00 am: Diversity Panel (Claude de Estee, Christian Kopff, Peter Bonilla)

10:00-10:15am: Coffee

10:15-11:30am: Academic Freedom in Colorado (Nate Bork; Marki LeCompte; Caprice Lawless)

11:15am-12:30pm: Technology and Pedagogy (Jonathan Poritz; Jonathan Rees)

Afternoon session:

12:30-1:30pm Lunch

1:30-3:00 pm: Ward Churchill on Academic Freedom (introduced by Don Eron)

3:00-3:15pm Break

3:15-4:45 Alice Dreger on Academic Freedom

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