



# AAUP Alert!

## Lobbying on Behalf of Higher Education in Colorado

Summer 2008

A Newsletter of the American Association of University Professors - Colorado Conference

### ABOUT AAUP

*The AAUP's purpose is to advance academic freedom and shared governance, to define fundamental professional values and standards for higher education, and to ensure higher education's contribution to the common good.*

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### From the President...



AAUP-CO President  
Myron Hulén

I hope all of you are enjoying the summer and are having some time to kick back and smell the roses, or at least to schedule activities at your own pace. This past year has gone by quickly and, as usual, our profession seems to be underfunded as well as under attack from those who wish to corporatize and establish doctrinal control over higher education.

In addition to working on getting a dispute resolution bill passed (described elsewhere in this newsletter), there are two other items that are on the front burner for the state Conference. The first relates to the establishment of the Colorado Committee for the Protection of Faculty Rights (CCPFR), and it will require a majority vote of the membership to set it in motion. It has become increasingly apparent that the national AAUP organization does not have the resources to address serious problems in most states and, if action on many problems is to occur, it will have to be undertaken by individual state conferences. For this reason a charter for the CCPFR has been drafted and approved by the state Executive Committee. An affirmative

vote by the state membership will allow this plan to be implemented. Basically, the draft CCPFR document establishes a two level process that faculty can use when they have disputes with an administration. Level One establishes policies and specific procedures that AAUP chapter officers can use to help aggrieved faculty to move through the existing proc-

***“It has become increasingly apparent that the national AAUP organization does not have the resources to address serious problems in most states and, if action on many problems is to occur, it will have to be undertaken by individual state conferences.”***

ess for dispute resolution at their institution. If no satisfactory resolution of the dispute occurs at this level, cases may be considered for the Level Two process. In cases where there is factual evidence of serious violations of due process and fair play, Level Two establishes a careful mechanism for a state level outside investigation of the offending administration. If an administration is found to have violated the faculty member's due process rights a final report can be given to the faculty member's professional academic society with a recommendation that any person interviewing for a position at the offending institution be made aware of the problems at that school. The Level Two process is compli-

cated and must be carefully performed. The CCPFR proposal has been drafted to minimize and eliminate conflicts with the national AAUP Committee A investigations. Under the CCPFR proposal, no “Sanctions” or “Censure” can be imposed. Please read the entire proposal that appears on the Colorado Conference website [www.aaup-co.org](http://www.aaup-co.org) and vote on this proposal by returning the enclosed ballot.

The second item that is on the Conference's front burner is an effort to explore how the Service Employees International Union (SEIU), the American Federation of Teachers (AFT), the National Education Association (NEA) and AAUP might cooperate to help each other, especially with reference to the proposal to the legislature for dispute resolution and with efforts to improve conditions for part-time and contingent faculty. The state Executive Committee voted to authorize contact with these groups.

As always, we need to strengthen individual chapters in the state and to identify and encourage core activists in our behalf. Our special thanks to Ray Hogler, Steve Mumme, and Laura Connolly for their work on the dispute resolution bill, and to legislators Steve Johnson and Randy Fischer who have helped us in the process. Thanks also to Suzanne Hudson and Don Eron for their efforts to promote tenure for contingent faculty at CU.

## Chapter Update—University of Denver

At the request of rank-and-file faculty, the DU chapter took the lead in drafting a workplace grievance policy specific to faculty and their issues. After revising the policy to address some concerns from the academic deans, the policy was sent to the Faculty Senate personnel committee. We hope to have ratification by all appropri-

ate campus entities this coming fall.

In January, members of the chapter executive committee had a private meeting with the Chancellor and Provost to discuss the changing role of academic deans and the implications for shared governance. The chapter executive committee also played a role in

vetting a finalist for our open position for Dean of Arts, Humanities, and Social Sciences. The candidate, who will become dean on July 1, was an Associate Dean at an AAUP-censured institution in New Orleans.

Finally, Chapter President Dean Saitta worked on boosting chapter membership by

sharing AAUP information via his privileged access (as Senate president) to the all-faculty campus listserv.

The DU chapter maintains a continuously updated website at: <http://portfolio.du.edu/aaup>.



Representative  
Randy Fischer



Senator Steve  
Johnson

## AAUP-CO Presents 2008 Friend of Higher Education Awards

Hats off to Senator Steve Johnson and Representative Randy Fischer for receiving the American Association of University Professors—Colorado Conference Friend of Higher Education Award for 2008. The two legislators received the award for dedication to the common good of higher education for the State of Colorado.

The Colorado State University Chapter hosted the award ceremony at Dazbog Coffee in Old Town Fort Collins and con-

gratulatory articles were published in the Ft. Collins *Coloradoan* and Loveland *Reporter-Herald*.

CSU Political Science professor John Straayer commented on the award noting that both legislators "are rock solid friends of higher education and ... they are sensitive to the fundamental purposes of the institutions and to all, repeat all, of those who make the system work."

### Previous Friends of Higher Education

Senator Ron Tupa (2004)  
House Speaker Andrew Romanoff (2005)  
Senator Sue Windels (2006)  
Senator Ken Gordon (2007)

## CU-Boulder Chapter to Reintroduce Plan for Instructor Tenure

In a reprise of our 2007 initiative, the CU Chapter will reintroduce in 2008, for approval by the CU faculty government, our plan for Instructor Tenure, "The Problem and Solution to Contingency at the University of Colorado."

The meaning of Instructor Tenure for contingent faculty is that, after the probationary period, they are no longer employed at-will; they can only be dismissed for cause or legitimate financial exigency. In other words, in losing their contingency, faculty gain academic freedom—the protection that allows us to teach and participate in university business without fear of reprisal from the administration and other faculty. By definition, at-will-status, which stipulates that faculty can be dismissed at any time for any reason, or for no reason at all, nullifies

academic freedom.

In 2007, contingent faculty at CU, despite an intense lobbying and disinformation campaign from administrators, voted to endorse the plan, 279-29. The faculty government (the BFA), whose leadership typically tries to derail legislation not pre-approved by the administration, killed the proposal in committee. However, the BFA set up a task force to study the proposal and offer recommendations to the provost on other instructor issues. The members of the task force were selected based on whether they had declared themselves opposed to the proposal, or publicly distanced themselves from it. Predictably, they gave the proposal short shrift. Nonetheless, the task force made numerous excellent recommendations to

the provost. To date, the recommendations of the task force have been stonewalled by both the provost and the BFA leadership.

This time around, we have considerably more leverage and believe that the BFA cannot afford to look the other way. First, the 279-29 vote represents twice the number of faculty as has ever voted in a BFA election; second, the BFA alternative—the task force—has been ignored by the both the administration and the BFA; third, we've begun the process of unionization of contingent faculty as an alternative to reliance on the BFA to look after the welfare of the 70% of the teaching faculty who are not on a tenure-track; fourth, we've made inroads on the BFA with the election of Suzanne Hudson to the General Assembly, as well as the

election of Marki LeCompte as Chair of the powerful Benefits and Compensation Committee; fifth, the state AAUP conference has expressed a willingness to bring our Instructor Tenure initiative to the state legislature. Finally, we believe that the fact of contingency at CU amounts to a public relations nightmare for the university. For the above reasons, we also believe both the BFA and the administration will prefer to work with us in-house.

We're pleased to say that our proposal was recently cited in *Academe* as a model for future initiatives.

Suzanne Hudson and Don Eron recently presented the proposal for Instructor Tenure at the national conference of COCAL (the Coalition of Contingent Academic Labor) in San Diego.

## University of Northern Colorado Chapter holds Forum on Contingent Faculty

The UNC Chapter welcomes new officers Anne Toewe (Vice President), Wayne Melanson (Secretary/Treasurer), Jack Temkin (Executive Committee At-Large). Continuing officers are Laura Connolly (President), Marshall Clough (Membership), and Greg Heald (Executive Committee At-Large).

This Spring, the UNC Chap-

ter held a successful forum on issues affecting contingent faculty during the spring semester. Due to great turnout and high demand, we will be holding another in the fall. The goal was to identify issues of primary concern for contingent faculty and develop ways to address them. Of course, pay is always an issue. (This is true for all faculty

at UNC—according to the annual AAUP Salary Survey, we have the lowest salaries of any doctoral-granting university in the country!) Other major issues were lack of respect and lack of job security. These were especially frustrating because the expectations of full-time non-tenure-track faculty are very high (similar to those

on the tenure-track). The Chapter is developing a plan to work with the Faculty Senate's Faculty Welfare Committee and the Provost to address these issues.

The UNC Chapter website is [aaup.unc.googlepages.com](http://aaup.unc.googlepages.com).

Visit our website:  
[aaup-co.org](http://aaup-co.org)

## Intellectual Diversity Bill Defeated in the Colorado Legislature

On February 4, 2008, AAUP-CO President Myron Hulén and VP for Legislative Affairs Laura Connolly testified before the Colorado Senate Committee on State, Veterans and Military Affairs in opposition to an "intellectual diversity" bill. This bill, sponsored by Colorado Springs Senator Dave Schultheis, was similar to those that have shown up in state legislatures around the country.

These bills are insidious because they appear to support

the very principles most faculty hold dear – academic freedom and intellectual diversity. Ironically, they actually represent a serious threat to exactly those principles.

***"[A]chieving [intellectual diversity] would require the administration to somehow categorize the political and ideological viewpoints of faculty members, guest speakers, courses, textbooks and readings."***

Brian Turner, President of the Virginia Conference, summarized the problem well in his testimony opposing a similar bill in Virginia: "Intellectual diversity" is a new phrase invented by actors mostly outside of higher education...It refers to political and ideological viewpoints presumably held by faculty, or promoted in classrooms, or presented by outside speakers on campus...

[A]chieving it would require the administration to somehow cate-

gorize the political and ideological viewpoints of faculty members, guest speakers, courses, textbooks and readings...Such an exercise would limit academic freedom in the name of a putative "balance" of viewpoints.

The Colorado bill (like the Virginia bill) did not pass out of committee. However, those pushing this agenda are persistent—don't be surprised if some version of it surfaces again next year!

## Chapter Update-Colorado State University

Since January, the CSU chapter has continued to focus on advancing its arbitration initiative in the area of university grievance procedure while lending support to efforts of contingent faculty to secure greater recognition and voice in campus policy affecting non-tenure track faculty. Spearheaded by management professor Ray Hogler, we hope to have our arbitration proposal presented to CSU's Faculty Council this academic year.

The chapter also invited several guest speakers to address members on critical issues facing our campus and Colorado higher education pol-

icy. Dr. Sue Doe, an AAUP member and long-time faculty advocate for non-tenure track CSU faculty, lectured in February on the circumstances of contingent faculty at CSU. In April, Dr. Marki LeCompte, head of CU-Boulder's AAUP chapter, lectured on the activities of the Association of College Trustees and Alumni (ACTA) in Colorado. Both speakers kindly contributed articles on their respective topics to our new chapter newsletter.

The CSU chapter is also considering whether to initiate a faculty salary study to better ascertain existing inequities in salary structure and practice on campus.

## AAUP-CO Pushes for Dispute Resolution Bill

AAUP-CO is working with Sen. Steve Johnson and Rep. Randy Fischer on a bill requiring state institutions to provide faculty with the option of using binding arbitration as a method of resolving employment related disputes. Currently, there is no mechanism to ensure an administration will abide by the decision of a grievance committee. As a result, many administrations routinely fail to do so when the finding favors the faculty member.

Patterned on the proposal developed by the CSU Chapter (see related story), this bill

would allow a faculty member to choose whether to follow current grievance procedures or opt for binding arbitration. If binding arbitration is chosen, the faculty member would forgo the right to sue the institution if the finding were unfavorable, but would be assured the administration would abide by a favorable finding. If the faculty member does not choose binding arbitration, she would retain the right to sue.

In addition to restoring equity in the grievance process, this bill has the potential to save the state of Colo-

rado millions of dollars. Based on information provided by state institutions, AAUP-CO conservatively estimates the state spent an average of nearly \$2 million per year on disputes between 2000 and 2007.

In negotiations with university administrations, we agreed to postpone introducing the bill during the 2008 legislative session but have not ruled out pushing for introduction in 2009. In the meantime, CSU and UNC will attempt to establish the binding arbitration option in policy at the institutional level.

## American Association of University Professors – Colorado Conference

### Officers

Myron Hulen—President

Marki LeCompte—VP for Administrative Matters

Laura Connolly—VP for Legislative Matters

Ann Wilson—VP for Community College Matters

Liz Nick—Secretary/Treasurer

*Academic Freedom  
for a Free Society*

**For information on organizing a chapter at your college or university, contact Gail Gottlieb, AAUP national field representative, [ggottlieb@aaup.org](mailto:ggottlieb@aaup.org), or visit AAUP Colorado's web-site at [www.aaup-co.org](http://www.aaup-co.org). AAUP is a non-profit [501(c)(3)] organization.**

**You can become a member of AAUP** by visiting [www.aaup.org](http://www.aaup.org) and clicking on "Get Involved" or by contacting one of these AAUP Colorado Chapter representatives:

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