

From Dean Saitta <dsaitta@du.edu>  
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To AAUP Chapter  
Subject AAUP Chapter Update  
Attachments Rhoades Conversation.pdf 239K

Dear Colleagues,

Before the year is over I'd like to update you on some recent state AAUP and local chapter activity.

1. The State Conference annual meeting in Boulder last November was an interesting affair. It was highlighted by a long conversation with Gary Rhoades, General Secretary of the National AAUP. I've attached a summary of the conversation that we'll likely send to all Colorado AAUP members early in the new year.

2. Based on national developments and some issues percolating here at DU I've made some suggestions to our Faculty Senate leadership for improving our governance policies and documents:

a. GRIEVANCE POLICY. As reported earlier, the effort to reach agreement with the academic deans on a clarified Faculty Grievance Policy failed. The Faculty Senate personnel committee is picking up the ball and adding some (uncontroversial) details to the basic outline of the policy that already exists in the Senate Constitution. Meanwhile, grievances that have recently come before the Faculty Review Committee suggest other deficiencies in our processes. One of these includes the obligation and responsibility of the Faculty Review Committee to share, with grievant and respondent, all documents relevant to evaluating the truth-content of grievance claims and counter-claims. The revised policy should address such deficiencies so that all faculty are clear on how to file and mediate a grievance.

b. PERSONNEL FILES: Questions have arisen about faculty access to their personnel files. This was prompted, in part, by a faculty member being denied access to the contents of their departmental file in a recent grievance proceeding. The APT document and the Senate Constitution are both silent on the matter of personnel file access. AAUP recommended policy is that "faculty members should, at all times, have access to their own files, including unredacted letters, both internal and external." I queried Human Resources about personnel file access policies on our campus. They vary depending on the kind of file. HR says that a faculty member's official file is in HR. For both faculty and staff the practice is that any employee can come to HR and access their file for viewing on-site. The file may not be removed from HR, nor may items be removed. Employees may request that items be added to their own files, but the request cannot be arbitrary-- it needs to be an "official" document such as a grievance, University form, etc.

On the other hand, an employee does not have any legal right, until or unless subpoenas become involved, to a department supervisor's file. If there are documents that exist in a

supervisor's file that should be included in the official file within HR, those should be sent over for inclusion. If HR does not have a specified document that should be included in an employee's official file, and an employee requests that document, HR will work with the supervisor to ensure it is appropriately included in their file in HR. The AAUP chapter and Faculty Senate should work to clarify the policies governing access to different kinds of personnel files...and maybe advocate for a single policy that holds for all files.

c. ACADEMIC FREEDOM AND "INSTITUTIONAL GOVERNANCE": The AAUP has just issued a new report on "Academic Freedom after Garcetti v. Ceballos", a Supreme Court ruling about limitations on employee speech that is being applied at public universities. The report specifically pertains to public institutions, but it has some good advice for privates. The full report is posted on the DU AAUP chapter website under "National AAUP Reports":  
<https://portfolio.du.edu/pc/port?page=2&uid=15048>

I've suggested that the Faculty Senate committee revising the APT document use the AAUP report as a basis for shoring up the document's language around academic freedom. Our APT document speaks of "violations" of academic freedom but doesn't really define it, except to link it to the "free pursuit of learning" on page 4 and "teaching and research" on page 24. If faculty are also responsible for "institutional governance" (page 4), then I think we need to have a broader definition of academic freedom that's sensitive to governance activities. We might consider something like the definition of academic freedom adopted just this year by the University of Minnesota which includes the following clause: "...freedom...to speak or write without institutional discipline or restraint on matters ...related to professional duties and the functioning of the university."

d. FINANCIAL EXIGENCY: The latest (November-December) issue of the AAUP's magazine ACADEME is dedicated to "Governance in a Time of Financial Crisis." Among the advice is a suggestion that "every Faculty Senate should develop a set of guiding principles or a statement of values that can be acted upon quickly by administrative units in times of fiscal crisis." Such statement-making might be too bold and presumptuous for us. But I'm wondering what a plan for faculty reductions/terminations generated by Faculty (and not Administration) would look like; i.e., one generated from the standpoint of "academic value added." Such a plan might target reductions (of either positions or salaries) in administration and "support staff professionals" (folks who are neither administration nor faculty) before it targets faculty. It's no secret that faculty roles have been "unbundled" over the last 30 years with the development of teaching and learning centers, writing centers, assessment offices, etc.—this at the same time that growth in the average administrator salary has outpaced growth in the average faculty salary by an astronomical margin. Faced with any circumstance of financial exigency we might first think to "rebundle" faculty roles before we think to put faculty out of work. At the very least it would be good for faculty to articulate some principles or values for guiding thought about this issue. Here's the link to the latest issue of ACADEME:  
<http://www.aaup.org/AAUP/pubsres/academe/2009/ND/>

Now that I'm out from under the course overload that I taught last term I'd like to schedule a chapter meeting in January to coincide with a late afternoon wine/cheese. With your

approval I'll go ahead and schedule something and hope that a critical mass of you can attend. If there's something you'd like us to cover in such a meeting please let me know.

Finally, let me know if you'd like to be dropped from this email list. If you want to stay on, please consider joining the AAUP as an official member. We don't collect chapter dues, and your dues to National help support investigation of administrations that abuse faculty rights and freedoms. Information about dues payment is here:

<http://www.aaup.org/forms/membership/join.htm>

Thanks for your patience in reading this long message and a very happy new year to all.

Dean

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