



AAUP Alert!

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, define fundamental professional values and standards for higher education, and ensure higher education's contribution to the common good.

Message from the AAUP-CO Co-Presidents

We are pleased to report that the following colleagues will fill Executive Committee positions with the Colorado Conference for 2010-2012: Vice President for Administrative Matters: **Jonathan Rees** (CSU-Pueblo); Secretary: **Elizabeth Nick** (Front Range Community College, retired); Representative-at-Large: **Linda Christian** (Adams State College).

We are also happy to provide stipends so that three other colleagues may attend the AAUP Summer Institute in San Diego, July 29-August 1: **Sue Doe** (Colorado State University), **Tim McGettigan** (CSU-Pueblo), and **Anne Toewe** (University of Northern Colorado). For information about the Institute see <http://www.aaup.org/AAUP/about/events/SI/>.

Many thanks to everyone who has stepped up to serve the AAUP locally and statewide! **With academic freedom and shared governance at risk in Colorado and elsewhere, now is the time for Colorado faculty to join AAUP and get involved in the organization's work.** You can become a member of AAUP by visiting <http://www.aaup.org/AAUP/involved/>. **The AAUP now has a new dues policy that is income-based (see page 4 of this newsletter).** Part of your membership dues support the work of the Colorado Conference and our local campus chapters. The Colorado Conference website is located at <http://www.aaup-co.org/>.

All faculty--AAUP member or not--are beneficiaries of the organization's work. For the first time in many years AAUP is on firm financial footing. The organizational structure is strong. Leadership is knowledgeable and passionate. Now is a good time to join AAUP or renew membership in support of academic freedom and shared governance.

Laura Connolly, University of Northern Colorado
Dean Saitta, University of Denver

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AAUP-COLORADO CHAPTER SERVICE PROGRAM

The Colorado Conference seeks to support new or reactivated campus chapters by offering the following services:

- Guidance and assistance with chapter formation. For chapter start-up requirements visit <http://www.aaup.org/AAUP/involved/startchapter/default.htm>
- Allocation of seed money (\$300) for newly established or reactivated chapters.
- Partial registration and/or travel support money for chapter members interested in attending summer institutes organized by the national AAUP.
- The Colorado Committee for the Protection of Faculty Rights (CCPFR) serves Colorado faculty at large, both AAUP members and nonmembers. The Committee's charge is described here: <http://www.aaup-co.org/proposal.html>.



2009 FRIEND OF HIGHER EDUCATION AWARD

On November 12, 2009 AAUP-CO presented the 2009 Friend of Higher Education Award to Colorado Senator Chris Romer.

Senator Romer was nominated for this award because of his sponsorship of Colorado's version of the DREAM Act during the 2009 legislative session. This bill would have allowed students who attend a Colorado high school for at least three years and graduate from a Colorado high school or earn a GED in Colorado, to pay in-state tuition at Colorado institutions of higher education, regardless of their immigration status. Although we regret this bill didn't pass, Senator Romer's effort is clearly consistent with one of the AAUP's primary purposes: to ensure higher education's contribution to the common good.

The AAUP's most cherished principle is the support and protection of academic freedom because the common good depends on the free search for truth and its free exposition. This principle is best supported when all people are exposed to a wide range of thought and ideas and when they are well prepared to evaluate those ideas critically. Senator Romer's many additional efforts in support of education, even when they are focused at the K-12 level, uphold this principle because they ensure more students are able to attend college and will be better prepared when they get there. Thank you, Senator Romer. We appreciate your good work.

LEGISLATIVE UPDATE

This coming fall the the Faculty Council at CSU-Fort Collins will take up a proposal developed by the CSU AAUP chapter for using binding arbitration as a valid alternative to existing grievance procedures in Higher Education. A committee is studying the proposal and has indicated that it looks favorably on the idea. In addition, Rep. John Kefalas is meeting with AAUP representatives in July to discuss the possibility of state legislation that would clarify the law regarding arbitration. If we are successful in these initiatives, AAUP would significantly enhance its image as a political force for change.

Colorado Public Employees' Retirement Association Update

By Myron Hulen (Past-President, AAUP Colorado Conference)

A class action lawsuit has been filed against PERA and the state of Colorado to overturn the recently passed law (SB-1) that eliminates the 3.5% annual cost-of-living increase for retirees. If it is successful, PERA retirees will be assessed approximately \$12 to \$15 each, one time only, to cover legal costs. If the suit is unsuccessful, there will be no assessment. The odds are that the suit will be successful: there is substantial case law and an Attorney General's Opinion that favor the plaintiff's position. One of the top law firms in the country is representing the plaintiffs. They would not have accepted representation on a contingency basis unless they were pretty certain of the outcome. The legal case for the plaintiffs is that retirees have a contract with PERA and the state that specifies the 3.5% annual cost-of-living increase. The case should be decided in three to four years.

According to Meredith Williams and Jim Smith of PERA (President and Chief Operating Officer), if PERA loses they will either "have to raise contribution rates to 21%" for those currently working, or will "have to convert PERA's retirement plan to a defined contribution plan." I believe their statement is greatly and deliberately exaggerated. There are a number of things that PERA is not considering that can be done short of their alternative solution to make PERA "actuarially solvent." These include going back to a 40 year time horizon, using the CPI-U index

instead of the CPI-W index to adjust for inflation, using an 85% funding target instead of 103%, and raising the expected rate of return on investments one quarter percent.

Most defined benefit plans nationally are considered to be adequately funded at 80% to 90% for benefits that will be paid many years in the future. And, PERA's return on investment was approximately 16% in 2009; this was not factored in to the opinion that PERA would be insolvent in 30 years. As State Senator Josh Penry was quoted as saying, "we have to get SB-1 passed this year – in two or three years there will be no actuarial necessity to do so."

State employees who are not PERA members may be affected by the outcome of the lawsuit.

Traditionally, state college and university contributions to defined contribution (non-PERA) plans have been kept equal to contributions to the PERA plan. Thus, if state contributions to the PERA plan are increased, it is expected that there will be commensurate increases in what the state contributes to the defined contribution retirement plan. Assuming the lawsuit is successful, it is back to square one in the state legislature. I believe there will be great political pressure to retain PERA's defined benefit plan. This will require adjustments to PERA's assumptions, as suggested above.



Colorado Committee For the Protection of Faculty Rights (CCPFR) Update

As reported in our Fall 2009 newsletter, AAUP-CO has established a Committee to investigate violations of faculty rights and AAUP principles of shared governance and due process on Colorado campuses. The CCPFR is currently involved in cases at Denver University and the University of Colorado at Boulder. The Committee is advising a faculty member at DU victimized by procedural irregularities and possible bias during the tenure review process. At CU, several AAUP members are preparing a report documenting inappropriate and egregious treatment of three faculty members at that institution. A draft of the CU report will be finished this summer. When it is finalized, the report will be disseminated widely.

If you have a case that warrants consideration by CCPFR please contact Myron Hulen (mhulen@webaccess.net), Laura Connolly (laura.connolly@unco.edu) or Dean Saitta (dsaitta@du.edu).

The AAUP's Policy Documents and Reports (aka Redbook) contains the Association's major policy statements. Order your copy at www.aaup.org.



AAUP LAUNCHES NEW JOURNAL

The AAUP has launched a new online project—the **AAUP Journal of Academic Freedom**. Scholarship on academic freedom—and on its relation to shared governance, tenure, and collective bargaining—is typically scattered across a wide range of disciplines. People who want to keep up with the field thus face a difficult task. Moreover, there is no one place to track the developing international discussion about academic freedom and its collateral issues. Edited collections and special issues of journals have helped fill the need for many years, but there has been no single journal devoted to the subject. Now there is. It is published by the organization most responsible for defining and protecting academic freedom.

The AAUP Journal of Academic Freedom has been developed in consultation and collaboration with **Academe, the AAUP's magazine**. The range of topics covered will be much narrower and the article length will be typically longer. This new journal for the first time gives the AAUP a forum for presenting substantial scholarly essays in the area of academic freedom. For more information about the journal go to: <http://www.academicfreedomjournal.org/index.html>.

AAUP ANNOUNCES MEMBER DUES REFORM

Realizing that economic realities make it a struggle for faculty members to pay annual AAUP dues, at its June 2010 national meeting in Washington the AAUP membership unanimously passed a progressive dues policy for Advocacy Chapter members that is based on income. Advocacy Chapter members are members who are not members of Collective Bargaining Chapters. All AAUP members in the state of Colorado are Advocacy Chapter members. AAUP dues will now be based on income according to the following table:

Income Range	Dues	Income Range	Dues
Less than \$30,000	\$45	\$70,001 – 80,000	\$165
\$30,001 – 40,000	\$60	\$80,001 – 100,000	\$185
\$40,001 – 50,000	\$80	\$100,001 – 120,000	\$205
\$50,001 – 60,000	\$100	Above \$120,000	\$225
\$60,001 – 70,000	\$140		

The AAUP once had a progressive dues structure based on income. The new system thus represents a reversion to the old system. The goal is to keep dues as low as possible for all members, keep overall AAUP revenue the same, and give AAUP a means to recruit more young members.

All AAUP memberships will be based on this schedule, regardless of whether the member is retired, part-time, adjunct, full-time, etc. Rates include both national and state dues. Chapter dues, if any, may be assessed separately. Please check with your campus chapter representative for information on chapter dues.

Other Happenings at the 2010 AAUP Annual Meeting

In addition to the passage of restructured dues, the Association voted to censure two institutions (Atlanta Clark University and the University of Texas Medical Branch – Galveston) and sanction one (Antioch University). Censure is imposed for gross violations of academic freedom while sanction is used in cases of severe violations of the principle of shared governance. Inside Higher Ed provided an excellent summary of all three of these votes: <http://www.insidehighered.com/news/2010/06/14/aaup>. Information is also available on the AAUP national website: www.aaup.org.

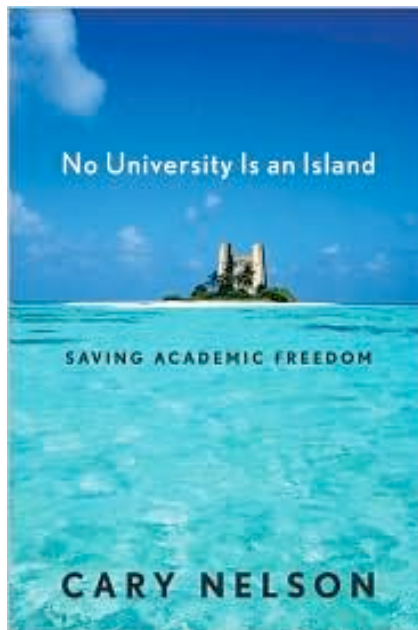
**Book Review*****No University is an Island: Saving Academic Freedom*, by Cary Nelson, New York University Press, \$27.95**

By Dean J. Saitta, University of Denver

This is a very timely and inspiring book. Academic freedom in America is under siege in new and unprecedented ways, and the outcome is very much in doubt. Cary Nelson—Jubilee Professor of Liberal Arts and Sciences at the University of Illinois and President of the American Association of University Professors (AAUP)—looks to shake the professorate out of its complacency with a hard-hitting, honest look at this state of affairs. This includes a penetrating, “warts and all” analysis of the AAUP itself.

There is something in this book for anyone who’s interested in the state of the American university. Individual chapters are devoted to (1) relationships between academic freedom, shared governance and tenure, or what Nelson describes as higher education’s “three legged stool”, (2) Current threats to academic freedom—16 of them—including instrumentalization (e.g., “outcomes based” education), inadequate faculty grievance procedures, and dubious administrative claims of imminent financial crisis, (3) the expanding use of non-tenure line or “contingent” faculty, (4) political speech on campus, (5) faculty unionization, (6) graduate employee unionization, (7) classroom pedagogy and political

advocacy, (8) Nelson’s personal reflections on the AAUP presidency, and (9) the status and future of AAUP’s Committee A on Academic Freedom and Tenure. The book contains excellent sections on how corporate or “neoliberal” economic philosophies and structures are changing universities for the worse. Indeed, neoliberalism qualifies as the umbrella term under which all 16 of the threats discussed in chapter 2 can be grouped. Nelson advances sound arguments about why, for example, neoliberal alternatives to the tenure system won’t work.



Throughout the book are good discussions of the tactics used by the American professorate’s most vocal right wing critics to convince the public that change is needed (e.g., David Horowitz, Anne Neal of the American Council of Trustees and Alumni, and Peter Wood and Steven Balch of the National Association of Scholars). A long section in chapter 7 is devoted to an engagement with the more

moderate and arguably more progressive criticisms of Stanley Fish. These are passionate and riveting interventions that put the issues into very clear focus. First-hand anecdotes and real world examples usefully illustrate the arguments.

Nelson provides a compelling brief for seeing shared governance as the primary flashpoint of struggle within higher education for at least the next decade. The book makes three especially important contributions to the governance discourse. I focus on these three because they resonate with my experience as a former Faculty Senate President and as current Co-President of the Colorado Conference of the AAUP.

First, Nelson argues that we need institutional structures other than faculty senates to effectively meet today’s governance challenges. Faculty senates are often very limited in what they can accomplish. They too often develop cozy relationships with administrations or become beholden to them in other ways. They can be ignored or end-run. Some have even been abolished by administrative fiat. In Nelson’s view faculty senates too often make peace with power instead of speaking truth to power. Alternatively, Nelson argues that what we need are more independent faculty voices like campus AAUP chapters. This was precisely the thinking of the faculty group that revived a dormant chapter on my own campus in 2007. Predictably, it has been a struggle to gain respect. Only one academic administrator acknowledged the revival and commended the rationale behind it: to work with the Faculty Senate and the



Administration to “advance the standards of the institution” (interestingly, that administrator has since resigned after a very short term in office). Other administrators wondered why we needed another faculty voice on campus, and suggested that AAUP is irrelevant because it has no explicit, formal role in any of our existing governance processes. Most administrators said nothing. AAUP is, however, the 800 pound gorilla in the room. Our faculty handbook reverberates with AAUP policy language. So do the policy documents of many other universities, including those recognized as having especially good governance practices. However, more can be done to strengthen the faculty’s hand in shared governance. For example, we can craft more robust definitions of academic freedom that better protect the faculty’s “fundamental right and responsibility to be engaged with and critique administrative policy without being punished for doing so.” This right is currently jeopardized by legal actions such as *Garcetti v. Ceballos*, a 2006 Supreme Court decision establishing that a public employee’s statements about their official responsibilities are not shielded from disciplinary actions by employers. It behooves public and private institutions alike to ensure that faculty are free to comment on all matters related to the functioning of the university without institutional restraint or fear of retaliation. As Nelson notes, our campuses need more, not less, open debate.

Secondly, Nelson identifies the impact that generational change is having on the faculty’s prospects for success. As he describes it, today’s faculty “has one foot in the

cradle and one in the grave.” Senior faculty who remember the days when administrators could be counted upon to deliver eloquent defenses of academic freedom and shared governance are retiring and being replaced by contingent instructors. The loss of these old warhorses means the loss of important institutional memories. It also creates a space for higher education’s new corporate managers to implement their agendas, which can include using “collegiality” as a criterion in tenure and other decisions to punish faculty, stifle debate, and uphold corporate-style conformity. Today’s younger faculty often have no knowledge of the history of academic freedom and thus little capacity to define, defend, or even recognize attacks upon it. They have been professionally socialized to identify with their discipline rather than with the professorate as a whole. Competitive careerism rules the day; interests lie with protecting individual promotion and salary prospects than with doing the kind of collective work that makes the fulfilled individual career possible. Many faculty, both young and old, don’t even notice AAUP until they find their own rights and freedoms being violated. Nelson’s experience jives with mine: 80-90% of faculty who seek advice and guidance from AAUP don’t belong to the organization, and remain non-members even after their personal crisis has passed. In short, the deepening generational divide is every bit as disturbing as the expanding contingent workforce. These trends are reinforcing growing administrative intolerance for dissent and controversy and threatening the status of higher education as a social good.

Thirdly, Nelson demystifies the AAUP’s involvement in the dismissal of Ward Churchill from his tenured position at the University of Colorado-Boulder for alleged research misconduct. Nelson finally clears the air about the AAUP’s involvement in this highly charged, deeply polarizing, and enormously consequential case. He addresses the question asked by some of us here in Colorado when many politicians, pundits, and professors were calling for Churchill’s head: “Where’s the AAUP?”. It turns out that a national AAUP investigation was never conducted because Professor Churchill never asked for one. *Or did he?* Nelson argues that an investigation actually *was* requested, but AAUP staff misled the organization’s investigative arm (Committee A) into thinking otherwise. Nelson is blunt in charging that AAUP mishandled the Churchill case from the very beginning. He describes as a “dumb show” the various AAUP expressions of concern about the well-documented conflicts of interest and procedural irregularities that marred the university’s review of Churchill’s scholarship, because the organization folded when the final report came in. But Nelson also urges that it’s time to move on, building upon the AAUP’s unequaled century of accomplishments in support of academic freedom and shared governance. In chapter 9 he articulates a long and very useful list of due process questions raised by the Churchill case that a special AAUP committee will examine in hopes of offering general advice to the profession. Our Colorado Conference is currently preparing its own critical analysis of the Churchill case, with much the same goal.



Cary Nelson's book is an important wake-up call to the professorate. I got my call four years ago when I was blacklisted by David Horowitz in his book *The Professors: The 101 Most Dangerous Academics in America*. What most impressed me about the reaction to my inclusion on the list was not the predictable condemnations from those on the Right, but rather what I heard from those on the Left. I got a lot of backslaps and "attaboys", and many expressions of list envy from friends, colleagues, and acquaintances. Virtually no one in my university circles saw the list as an ominous sign portending darker days for academic freedom and shared governance on campus. In fact the faculty's reaction seemed to confirm what Horowitz routinely asserts: that universities are populated by a bunch of self-absorbed, echo-chambered, liberal group-thinkers. For many observers Horowitz is a marginal figure today, someone who can be safely ignored. That might be true. However, as a result of his agitations some of us have met another enemy, and it is us. Nelson's book should serve as an antidote to the single-minded careerism and "I got mine" mentality that afflicts too much of today's fragmented American professorate. Hopefully it will promote the kind of serious self-reflection and collective action that's needed to protect the hard-earned rights and freedoms that faculty colleagues around the country are finding increasingly at risk.

CHAPTER NEWS BRIEFS

CU-Boulder- The Boulder Faculty Assembly (BFA) has recommended that CU initiate system-wide discussions toward the creation of a system of tenure for Instructors. Instructor presence on the BFA is more influential than it has been in the past.

CSU-Fort Collins- The Faculty Council has voted to establish a new Advisory Committee on Special and Temporary Faculty. The committee's mandate is to recommend to Faculty Council policies defining the general responsibilities of special and temporary faculty and policies relating to the standing of special and temporary faculty.

CSU-Pueblo- As a direct consequence of AAUP chapter inquiry Faculty and Administration have agreed to greater budget transparency and to solicit faculty input on the university's budget process.

Regis University- The chapter enjoys regular member attendance and produces a monthly electronic newsletter.

University of Denver – members have been active in developing a faculty grievance policy and were major contributors to a recent Faculty Senate publication on shared governance.

OFFICERS OF THE COLORADO CONFERENCE

Co-Presidents: Laura Connolly (UNC)

Dean Saitta (DU)

VP for Administrative Affairs: Jonathan Rees (CSU-Pueblo)

VP for Legislative Affairs: Ray Hogler (CSU-Ft. Collins)

Secretary/Treasurer: Liz Nick (FRCC, retired)

The office of VP for Community College Matters is currently vacant. If you have an interest in serving in this position please contact Laura Connolly (laura.connolly@unco.edu).



You can become a member of AAUP by visiting www.aaup.org and clicking on “Get Involved” or by contacting one of these **AAUP Colorado Chapter representatives**:

Chapter	Contact	Email
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