

# AAUP Alert!

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

## SAVE THE DATE

**Colorado Conference  
Annual Fall Meeting  
October 13, 2012  
CU-Boulder**

In recent years the Conference's fall meeting has featured a string of distinguished guest speakers having national reputations. These include Gary Rhoades, Cary Nelson, and Marc Bousquet.



Next up is **Donna Potts**, Chair of the AAUP's [Assembly of State Conferences](#).

Check the

Colorado Conference website for [more details](#).

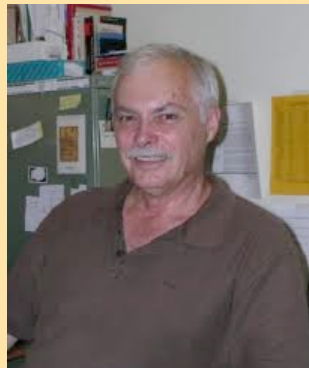
## ABOUT AAUP

*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 Conference Co-Presidents

Steve Mumme (CSU) and Dean Saitta (DU)

The past year was a big one for the Colorado Conference. We worked with state legislators to pass into law an enforceable contracts bill (HB 12-1144) for contingent faculty. Our [Committee for the Protection of Faculty Rights](#) released two [reports](#) detailing violations of faculty rights at the University of Colorado and the University of Denver. As reported within, our work on both of these fronts was given national attention in *The Chronicle of Higher Education*, and *Inside Higher Ed*.



We established a new website (<http://aaupcolorado.org/>) that's full of useful information for Colorado faculty.

We're currently working behind the

scenes at several Colorado campuses to protect the rights of individual faculty and principles of shared governance, and we're having some significant success in doing so. This issue of *AAUP Alert!* details some of these accomplishments and updates other activity. Faculty governance continues to be the single most significant flashpoint of tension within the American university. We urge Colorado faculty to join us in the effort to protect the faculty franchise. Join AAUP at <http://www.aaup.org/AAUP/involved/join/>.



American Association of University Professors

Colorado Conference

Please go to <http://aaupcolorado.org/> for more details on all items reported in this newsletter, past issues of *AAUP Alert!*, and other information about Conference events, activities, and publications.

## Enforceable Contracts Bill Signed into Law

The Conference's most important achievement of the last year was secured when Governor John Hickenlooper, on April 12, signed into law the enforceable contracts for contingent instructors bill ([HB 12-1144](#)). The bill's primary sponsor was state representative Randy Fischer of Fort Collins. A history of the bill, examples of the compelling testimony from Colorado faculty that supported it, and the who's who of individuals pictured here are available on the conference [website](#).



The Colorado Conference is extremely grateful to Representative Fischer for his energetic and persuasive efforts to support adjunct faculty in Colorado public colleges and universities.



## Colorado Faculty Win National AAUP Award

At its summer 2012 meeting the AAUP's [Assembly of State Conferences](#) made its [Tacey Award](#) to two Colorado faculty and Conference members: **Don Eron** and **Suzanne Hudson** of the University of Colorado at Boulder. The Tacey Award is presented to an individual(s) for outstanding service to a conference over a number of years.

Don and Suzanne are perhaps best known for their efforts to gain job security for contingent faculty. These efforts resulted in the passage of HB 1144. They also wrote the Colorado Conference's definitive report on the termination of Ward Churchill that has just been published in the AAUP's [Journal of Academic Freedom](#). Don and Suzanne have provided exemplary service over a sustained period of time to further the principles of the AAUP. Their dedication has led to success both in the state legislative arena and in publicly exposing efforts to suppress academic freedom for political purposes at the University of Colorado. Their recognition at a national level is well-deserved.



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

The CCPFR investigates violations of faculty rights and AAUP principles of shared governance and due process on Colorado campuses. In the past year the Colorado Conference has produced two reports. The first, in November 2011 and co-authored by Suzanne Hudson and Don Eron, documents the inappropriate treatment of Ward Churchill and Phil Mitchell at CU-Boulder. The second report, in January 2012 and co-authored by Steve Mumme, Ray Hogler, and Jonathan Rees, documents procedural inadequacies in the tenure denial of [Sharolyn Anderson](#) at the University of Denver. Both reports are available on the [conference website](#).

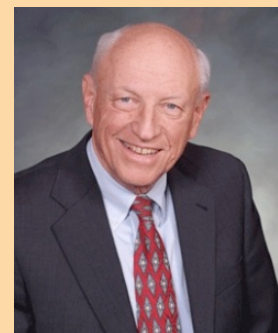
**Detailed CCPFR policies and procedures may be found on the [conference website](#).** If you have a case that warrants consideration by CCPFR please contact Ray Hogler, CCPFR Chair ([Raymond.Hogler@colostate.edu](mailto:Raymond.Hogler@colostate.edu)), Steve Mumme ([Stephen.Mumme@ColoState.edu](mailto:Stephen.Mumme@ColoState.edu)), or Dean Saitta ([dsaitta@du.edu](mailto:dsaitta@du.edu)).

## Colorado Conference Honors State Senators Bob Bacon and Rollie Heath with Friend Of Higher Education Award



The Conference awarded its 2012 [Friend of Higher Education Award](#) to **Senator Bob Bacon of Fort Collins (left)** and **Senator Rollie Heath of Boulder (below right)**. The Friend of Higher Education Award is presented annually by the AAUP's Colorado Conference to honor Colorado legislators "whose legislative work and public service has significantly advanced civic understanding and public support of higher education in the State of Colorado". Bacon joined House colleague Randy Fischer in co-sponsoring House Bill 1144 allowing long-term contracts for adjunct professors and shepherded the bill to final passage

by the Colorado Senate. Responding to the fiscal crisis affecting Colorado's public institutions of higher education he co-sponsored Proposition 103 in 2011, seeking additional funding for K-12 and post K-12 institutions. While defeated, the campaign for Prop. 103 raised public awareness of the need for secure financial mechanisms supporting Colorado's institutions of higher learning. In 2012, Senator Heath joined Senator Bob Bacon in seeing HB 1144 to passage by the Colorado Senate. The Colorado Conference is grateful to Senators Bacon and Heath for their support of Higher Education in Colorado.





## An Update on Contract Teaching

by [Ray Hogler](#), Vice-President for Legislative Matters, CO-AAUP



In April 2012, Governor John Hickenlooper signed House Bill 1144 authorizing enforceable contracts between non-tenure track teaching faculty (NTTF) and Colorado public institutions of higher education. This legislation was the result of efforts by Rep. Randy Fischer of Fort Collins and various

individuals who came to testify at the hearings. The previous law provided that contract employees were employed “at will” and could be terminated at any time for any reason except an illegal one. The legislative modification authorizes NTTF to be given teaching contracts for a period of up to three years, and those contracts are binding legal commitments for both parties.

The Colorado AAUP continues to work on greater protection for NTTF in their employment situation. One step forward would be to include in all teaching contracts a clause that allows a teacher who is terminated or not renewed to gain a review of the decision. Because contracts now have binding terms, a procedure offering organizational due process is the next logical step.

As a practical matter, there are only two meaningful categories of teachers at the state’s colleges and universities: the “regular” appointments who are either progressing toward an award of tenure or who have been granted tenure, and any other teaching employee. Tenure is a status attained through suitable teaching, research, and service activities as defined in various policy manuals and departmental codes. The status and rights of tenure

track faculty are typically set forth in some detail, including how tenure is awarded and what procedures will be followed to terminate a tenured faculty member. Those rights definitively categorize one kind of employee.

All other teachers are non-tenure track employees, regardless of whatever nomenclature might be attached to their appointments. Tenure track faculty have job titles and specified procedures for acquiring tenure and indefinite, long-term employment, but non-tenure track faculty do not. Instead, their rights and protections are embodied in the terms of their contracts. AAUP takes the position that NTTF teachers need contractual guarantees of due process with regard to their continued employment. To provide meaningful guarantees and protections, administrators need to promulgate uniform guidelines covering the process of creating and terminating agreements between NTTFs and the institution.

The import of HB 1144 is to protect contractual commitments for a term of up to three years. As testimony at the House hearing makes clear, the bill does nothing to mandate the conditions of agreement but leaves all relevant terms to the parties. Accordingly, compensation, performance standards, and any other matters are covered by the agreement, and agreements can be negotiated at the discretion of the institution. All conditions of employment, including health insurance, pensions, sick leave, and any additional terms, are subject to negotiation.

One of the most problematic issues in NTTF employment is contract termination or non-renewal. On the one hand, NTTF are distinguished from regular faculty by a lack of job security; an NTTF appointment is by definition “contingent” in the sense that it has a definite term. At the same time, a lack of security can lead to unfair treatment, abusive work environments, and a lack of commitment from the employee. A simple, expedient solution to the problem is to provide as a part of any NTTF



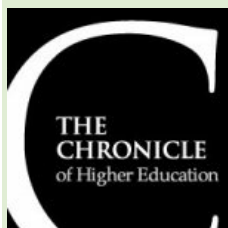
contract some degree of protection if the contract is terminated or not renewed. The agreement offers protection to the employee in the form of security against arbitrary treatment and to the institution as a means of minimizing lawsuits and large damage awards. Below is an illustration of what an appeals process would look like:

1. In the event an NTTF appointment is terminated or is not renewed, the individual will be given a written statement of the reason or reasons for the termination or non-renewal. If the individual is not satisfied with the statement, he or she shall have recourse to the dispute process below.
2. The individual will submit a written statement to the hiring authority, normally the department chair or a designee, setting forth reasons for opposing the decision.
3. The department chair or designee will respond in writing within five working days reversing or upholding the decision.
4. If the individual is not satisfied with the response, he or she may appeal to the Dean of the College or the Dean's designated administrative official. The official will respond in writing within five working days either upholding or reversing the decision of the unit administrator.
5. If the individual challenges the Dean's determination, the final stage of appeal shall be to an ad hoc committee consisting of three

tenured faculty members holding the rank of Associate or above. The committee will be appointed as follows: one member chosen by the Dean, one member chosen by the department head, and one member chosen by the individual. The committee will meet and consider the documents submitted in the case, and then render a majority decision in the case. If the committee finds that the decision was arbitrary, capricious, or discriminatory, the administrative decision will be overturned and the NTTF will be awarded another appointment and any back pay lost as a result of the initial decision.

6. The dispute process in this contract constitutes a waiver of all other claims to the extent permitted by law.

Higher education is entering a period of rapid change as costs escalate, funding declines, and online educational systems such as [Coursera](#) create a new competitive environment. The erosion of tenure track positions and resources, together with the expansion of contingent employment, threatens the stability of the academic profession. Offering a measure of procedural protections to NTTF would help to create a core of dedicated and secure classroom teachers. With more security, NTTF could become engaged in curricular and governance matters currently performed by tenured and tenure track teachers. The alternative to giving NTTF a stake in governance is greater instability.



### **Colorado Conference Featured in *The Chronicle of Higher Education* and *Inside Higher Ed***

In June 2012 the two leading higher education news websites in the United States--[The Chronicle of Higher Education](#) and [Inside Higher Ed](#)--contained stories about the nationally-pioneering efforts the Colorado Conference has made to protect faculty rights in the state through the work of our Colorado Committee for the Protection of Faculty Rights (CCPFR). The articles also summarize the national

debate our Colorado work has stimulated about the wisdom of having state conferences conduct such [Committee A](#)-type investigations. We believe, of course, that this initiative is very wise. The "rapid response advocacy" that CCPFR promises is necessary if AAUP is to maintain its viability as an organization dedicated to the protection of faculty rights.



## **ATHLETICS AND THE UNIVERSITY MISSION**

A Position Statement of the  
American Association of University Professors, CSU-Fort Collins Chapter  
Published in the *Fort Collins Coloradoan*, April 29, 2012

As members of the CSU Chapter of the American Association of University Professors (AAUP), we are alarmed by recent administrative decisions related to Athletic Department buyouts, salary increases, and stadium development. These decisions may adversely impact the core mission of the university. Our concerns may be summarized as follows:

**Mission.** The primary mission of the university is education. The proposal to spend 200 million dollars on a new stadium (not counting Hughes stadium decommissioning), even if privately funded, is demoralizing to faculty who have witnessed a steady erosion of departmental resources as well as to a student body under increasing financial stress.

**Process.** The initial proposal to build a new stadium was made without input from faculty, students, or the community. Subsequent efforts by the administration to acquire data and solicit feedback (community forums, surveys, and the advisory committee) are well intended but may be interpreted as efforts to manage debate rather than fairly engage faculty in the shared governance of university athletics.

**Fiscal responsibility.** Administrative arguments justifying an on-campus stadium on the basis of revenue enhancement are speculative. The investment of enormous sums of money to construct and maintain a stadium and improve the football team is extremely risky given the lack of reliable evidence suggesting that it will generate a significant financial return to academic units at CSU.

Accordingly, the CSU chapter of the AAUP calls on President Frank to delay the initiative to construct a new stadium until the full range of options for increasing university revenue can be considered by a planning committee representing all stakeholders. The goal should be to use research based evidence to identify best practices for generating revenue in accord with the mission and values of the university.

Shared governance of college athletics is essential for ensuring administrative transparency and good governance of college athletics. Recent decisions suggest that current mechanisms for faculty oversight are not working as well as they should and warrant a review of existing procedures. The CSU AAUP thus calls on Faculty Council to review its existing mechanisms for assuring:

1. Faculty oversight of the Athletic Department at CSU.
2. Transparency in all aspects of Athletic Department administration including budget and personnel decisions.

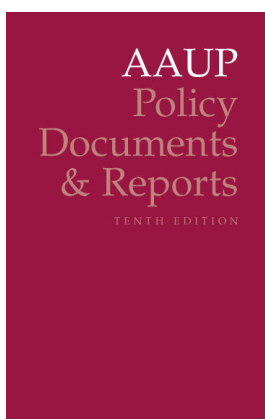
## **CHAPTER NEWS BRIEFS**

**Colorado State University, Fort Collins:** The chapter has been active in campus affairs, including publishing an op-ed piece in the *Fort Collins Coloradoan* (April 29, 2012) on the proposed new football stadium. We've reprinted the piece on the previous page of this newsletter. Chapter members met on June 12 to give Bob Bacon his well-deserved Friend of Higher Education Award. The chapter was especially active in promoting the enforceable contracts for contingent faculty bill.

**Colorado State University, Pueblo:** Chapter member and Conference Vice-President for Administrative Matters Jonathan Rees offered a perspective on "Massive Online Open Courses" (MOOCs) in the July 30, 2012 edition of Inside Higher Education. The article is [here](#).

**Iliff School of Theology:** In the past year the Iliff Chapter had productive conversations with the faculty and administration about shared governance. They will continue to be in conversations about shared governance with Iliff's new administration and Interim President Albert Hernandez. A new slate of chapter officers will be elected in September 2012. Larry Graham will continue on the Executive Committee as past chapter president. The focus of work in 2012-13 will be on strengthening the relation of adjunct and contingent faculty, including Joint Ph. D. Teaching Assistants, to the curriculum and the life of the faculty.

**University of Denver:** Chapter members have been active in reviewing and revising the University's Appointment, Promotion, and Tenure guidelines, a process that will continue into the new academic year. The chapter worked to see that justice was done in the harassment case against [Professor Arthur Gilbert](#). This work resulted in the DU Faculty Senate overwhelmingly passing a [motion](#) to vacate the harassment finding against Professor Gilbert and remove the stain from his personnel file. It remains to be seen what the DU administration will do with that recommendation. As a direct consequence of the procedural inadequacies revealed by this case the campus AAUP chapter, Faculty Senate, Human Resources Office, and University Counsel's Office are collaborating on development of a policy that will respect the academic context of a professor's classroom speech and create a mechanism for a faculty committee to evaluate academic context very soon after a complaint has been received. They will also work together to craft a policy that better explicates the conditions under which a faculty member can be put on forced administrative leave.



**The AAUP's *Policy Documents and Reports* (aka the Redbook) contains the Association's major policy statements. Order your copy at <http://www.aaup.org/AAUP/pubsres/policydocs/>**



## OFFICERS OF THE COLORADO CONFERENCE

Co-Presidents: Steve Mumme (CSU)

Dean Saitta (DU)

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

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

Secretary/Treasurer: Suzanne Hudson (CU, ret.)

*The office of VP for Community College Matters (from Colorado campuses without an AAUP chapter) is currently vacant. If you have an interest in serving in this position please contact Dean Saitta ([dsaitta@du.edu](mailto:dsaitta@du.edu)).*

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**:

Chapter	Contact	Email
CSU-Ft. Collins	Bill Timpson	<a href="mailto:william.timpson@colostate.edu">william.timpson@colostate.edu</a>
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