



# AAUP Alert!

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

## **Message from the Conference Co-Presidents**

Steve Mumme (CSU-Fort Collins)

Jonathan Rees (CSU-Pueblo)

It has been an active year of advocacy for the AAUP's Colorado Conference. We are especially pleased to welcome new chapters at Adams State University, the Colorado School of Mines, and Colorado Mountain College as well as a strong affiliation with the new University of Wyoming Faculty Association, at the University of Wyoming.

In October, one of our newest chapters, the University of Colorado at Colorado Springs AAUP, surpassed the 50 member benchmark to become the largest chapter in the state. With the help and support of our Executive Committee our conference wrote half a dozen letters in support of faculty at Adams State University, Front Range Community College, Colorado School of Mines, Community College of Aurora, and the University of Colorado at Boulder.

Our intervention in the case of adjunct faculty member Nate Bork led directly to the National AAUP's decision to mount a Committee A investigation of Bork's dismissal at the Community College of Aurora, an unprecedented action in our state [see page 3 for the National AAUP's press release]. Stay tuned for the AAUP's report on this case.

The Conference has also been active pursuing opportunities to advance our legislative agenda. And we were pleased to see Danny LeDonne, whose cause we took up two years ago, win his lawsuit against Adams State this year with the help of the American Civil Liberties Union.

We haven't space to report many other accomplishments of our chapters around the state. The Conference has also begun planning for an academic freedom conference to be held at the University of Colorado in April 2017. As Co-Presidents we can only say (again) that your commitment to academic freedom and shared governance is inspiring and essential to bettering conditions for Colorado faculty statewide. Advocates all, carry on!

### **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.*



## Risa Lieberwitz on AAUP's Title IX report

Steve Mumme (CSU-Fort Collins)



The AAUP Colorado Conference was pleased to have Dr. Risa Lieberwitz address its annual meeting held October 15 on the University of Colorado, Boulder campus. Lieberwitz is Professor of Labor and Employment Law in the Cornell University School of Industrial and Labor Relations and General Counsel of the American Association of University Professors (AAUP) where she has also served as a member of AAUP Committee A on Academic Freedom and Tenure.

The theme of Lieberwitz's speech was the AAUP's recent report on problems related to Title IX in the area of sexual harassment. The AAUP report, entitled *The History, Uses, and Abuses of Title IX*, was approved and released this past summer. Lieberwitz chaired the joint committee that wrote the report.

Lieberwitz noted at the outset that the report the AAUP developed the report on the basis of three guiding assumptions: 1) that it was imperative to uphold academic freedom; 2) that Title IX is part of a systemic effort to improve the status of women; and 3) that faculty should always be involved in the process of Title IX implementation on campus.

Lieberwitz noted that sexual harassment issues have, unfortunately, overshadowed other aspects of Title IX implementation. This has raised serious due process issues that AAUP needed to address. At the core of the matter is the need for fair and reliable standards for establishing the occurrence of sexual harassment. The issue of sexual harassment, she argued, is no different from any other form of harassment from the standpoint of due process protection, and the burden of proof rests on the institution.

Lieberwitz emphasized that the problem with Title IX in this area is not with the original guidance published by the U.S. Department of Education's Office of Civil Rights in 2001, but with its more recent 2011 *Dear Colleague Letter*. The Letter borrowed its "hostile environment" definition from other legislation and failed to adequately distinguish between speech and conduct, in effect muddying the implementation waters on campus in the area of protected speech. The mandatory reporting requirements exerted a chilling effect on faculty speech by leaving the *de facto* determination of harmful environment in the hands of accusers and encouraging (though not requiring) universities to define all employees as "responsible employees" with a duty to report all possible violations. The OCR also employed the looser "preponderance of evidence" standard for determining violations rather than adopting the stricter "clear and convincing" standard commonly used in civil litigation.

Lieberwitz said that the AAUP report aimed to rectify these errors by affirming the need to include academic freedom protection in campus regulations, and urging the adoption of a "clear and convincing" standard of evidence in determinations of sexual harassment. The AAUP also called on faculty to assert themselves in demanding a role in the determination of regulatory and due process guidelines.

Lieberwitz concluded her remarks by urging faculty to become acquainted with the new report which, she said, seeks to strengthen and defend Title IX gains for American women while defending academic freedom. To read the AAUP report go to: <https://www.aaup.org/report/history-uses-and-abuses-title-ix>.



## Press Release

# AAUP to Investigate Community College of Aurora

**Washington, DC, October 24, 2016**—Today the AAUP announced that it will formally investigate the dismissal of a part-time (adjunct) professor at the Community College of Aurora in Colorado. The investigation will examine the facts of the case to determine whether widely accepted principles of academic freedom, necessary for educational quality, have been violated. An investigating committee will visit Aurora, a suburb of Denver, on December 2 to conduct interviews with faculty members and administrators.

The AAUP initially conveyed its concern to the college's administration regarding Nathaniel Bork's dismissal in a [letter](#) dated September 20. Bork, an adjunct instructor of philosophy who for six years had taught various courses at the Community College of Aurora, received notice on September 13, several weeks after the semester began, that his appointment was terminated, effective the next day. The stated reason was a lack of effectiveness in implementing a required "curriculum redesign" for the introductory philosophy class he was teaching. The redesign included reducing the course content; raising the prescribed student "success rate"; reducing the number of writing assignments; employing a standard paper-grading rubric; and using small-group instruction in every other class. Bork's dismissal occurred soon after he asked his administrative superiors to review a letter he sent to the Higher Learning Commission, the college's accreditor. The letter he sent conveyed his serious reservations about the mandated changes to the course, which he claimed degrades academic standards, with potentially adverse effects for students.

According to AAUP-recommended policies, when an administration dismisses a part-time faculty member during a term of appointment, it will present adequate cause for doing so, and the faculty member will have the right to contest the dismissal in a hearing before faculty peers. This process is intended to discourage administrations from summarily dismissing part-time faculty members for impermissible reasons, especially those relating to their academic freedom. The AAUP holds that "dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens."

AAUP investigating committees are appointed in a few select cases annually in which severe departures from widely accepted principles and standards on academic freedom, tenure, or governance have been alleged and persist despite efforts to resolve them. Investigating committees are composed of faculty members from other institutions with no previous involvement in the matter. If the investigating committee's published report finds that serious violations have occurred and an appropriate resolution cannot be achieved, the AAUP may place an institution on its [censure](#) list, which informs the academic community and the public that conditions for academic freedom at the institution are unsound.

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

CCPFR investigates violations of faculty rights and AAUP principles of shared governance and due process on The Colorado campuses. **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 Jonathan Rees ([jonathan.rees@colostate-pueblo.edu](mailto:jonathan.rees@colostate-pueblo.edu)).



## Colorado Community College System News

Caprice Lawless (Front Range Community College)

The big news for the AAUP chapters of the Colorado Community College System (CCCS) is the investigation by Committee A of the firing of adjunct faculty member Nate Bork at Community College of Aurora [see page 3]. He was dismissed, well into the Fall 2016 term, after he questioned administration's required changes to his teaching -- changes he believed would lower standards to meet the school's "student success" goals. The investigation is historic, as the CCCS has never been the focus of a Committee A investigation.

Furthermore, the Colorado Conference Executive Committee wrote several letters to college presidents this past year on behalf of several community college faculty members at CC Denver, Red Rocks CC, and Front Range CC. Moody and mean-spirited department chairs have been cutting course loads of devoted adjunct faculty at whim, causing untold suffering by adjuncts who have lost courses and fear of such a loss by those who have not.

In a similar vein, over the summer we collected more research on the statewide system, culminating in September of our filing a formal request for a [legislative audit](#) of the CCCS. That, in turn, gave local media a news peg on which to hang a front-page story in the *Boulder Daily Camera*, coverage by *Westword*, the CU School of Journalism and KUNC radio.

Chapter members have been meeting with lawmakers one on one, in anticipation of much-needed legislation to address the working conditions of adjunct faculty. We will likely have at least one piece of legislation, if not two, to announce by year's end.

On a lighter note, starting in July chapters established a monthly series of meet-ups in brewpubs, getting members around the area out and about, providing some much-needed socializing, "awful-izing" and organizing. To keep track of everything for our dispersed membership, we created a colorful and easily updated [calendar of events](#), readily available to members and wanna-be members via our website.

### **Suzanne Hudson AAUP Summer Institute Stipend**



This award of \$500.00 is established in honor of former Colorado Conference Secretary-Treasurer Suzanne Hudson. It is bestowed annually on a member of the conference attending the Summer Institute for the first time. Proof of Summer Institute registration is required in advance of disbursement.



## **CHAPTER NEWS BRIEFS**

**Colorado Mountain College:** Faculty are building their chapter focusing on due process issues and the “Rule of 8” practice whereby a class must enroll a minimum 8 students to be active—a rule that affects faculty load and retirement. They noted that CMC has 11 campuses scattered across Colorado’s high country. They are also concerned about the implementation of the newly mandated Colorado Learning Management System and its affect on academic freedom of CMC faculty.

**Colorado State University, Fort Collins:** The chapter has focused on amplifying its campus visibility and is now distributing its newsletter directly at monthly Faculty Council meetings. This year it has focused on changing the recently adopted campus-wide anti-bullying policy so as to bring its implementation under the mantle of the Faculty Manual. It is also focusing on academic freedom issues and advancing the status and working conditions of non-tenure track faculty on campus.

**University of Colorado, Boulder:** The CU-Boulder chapter hosted the annual Colorado Conference on October 15, at which Risa Lieberwitz, General Counsel of the AAUP’s national office spoke about “The Uses and Misuses of Title IX.” Given that Don Eron and Marki LeCompte had been helping faculty members at another campus address misuses of Title IX by their administration, the talk was both timely and useful. Our activities have primarily involved providing support for faculty on our own and other campuses when their jobs are threatened, which has been happening with alarming regularity. In addition, Don and Marki made a presentation on the AAUP and how to organize a chapter at Colorado School of Mines on October 26; Mines is working through its Faculty Senate to create its own AAUP local chapter, and seems well on its way to accomplishing that feat.

**University of Colorado, Colorado Springs:** In October, the UCCS chapter of the AAUP broke the 50-member ceiling to become the largest chapter in Colorado! Faculty of all ranks have joined the chapter. The UCCS-AAUP has been able to accomplish three things within one year: 1) gaining minimum wages for full-time instructors are \$40,000 (which affected 22 people, and is true for all new hires), 2) wresting a commitment to transform Lectureships into Instructorships and then to tenure-track positions, and 3) gaining a "climate survey" so as to find out how faculty feel about their employment at UCCS. The chapter is polling membership as to what goals they'd like to accomplish this coming academic year. Once these goals are determined chapter president Raphael Sassower says it will pursue them in one of three venues: 1) direct personal appeal to the Chancellor, 2) AAUP initiatives face-to-face with appropriate administrators, and 3) push/force Faculty Assembly to pursue our goals.

**University of Denver:** The chapter still lacks officers. Campus contact Dean Saitta works with the DU Faculty Senate leadership on issues of common concern around academic freedom and shared governance. In the past year he helped colleagues dealing with a violation of Title IX allegation (winning a complete exoneration), a promotion denial (winning a re-review, but the case was lost at a higher level), and a research misconduct allegation (winning a complete exoneration, though the colleague remains a target for promotion and tenure denial).



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

## **OFFICERS OF THE COLORADO CONFERENCE**

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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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