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’s a pleasure to greet our AAUP Colorado colleagues and express our pride and thanks for your advocacy accomplishments.

The Colorado Conference has seen an active year. We were pleased to welcome Kamran Sahami (pictured at right) as our new Secretary-Treasurer, replacing long-serving Suzanne Hudson whose name now graces our conference scholarship for first time AAUP Summer Institute participants.

In April we held our first Academic Freedom Symposium at the University of Colorado, Boulder, welcoming Ward Churchill, Alice Dreger, Joe Berry, Maria Maisto, Peter Bonilla, Christopher Kopff, and our own Caprice Lawless, Don Eron, Marki LeCompte, Jonathan Poritz and others to the podium. A summary of the symposium is on pages 4-5 of this newsletter. A summary of the Conference’s November Annual Meeting, featuring a keynote address by the National AAUP Executive Director Julie Schmid, in on page 2.

On the community college front, we were gratified to see the national AAUP censure the Community College of Aurora for its dismissive treatment of adjunct instructor Nate Bork. We also saw the publication of another outstanding organizing tool, The Adjunct Coloring Book, already in its third printing due to popular demand.

The Conference intervened on behalf of beleaguered faculty around the state, contributing to recent victories at the University of Colorado and Fort Lewis College. This edition of the AAUP Alert! features two other notable examples of AAUP activism: Aaron Schneider and the University of Denver chapter's efforts to support gender equity in compensation for faculty at the DU School of Law (page 6), and Tim McGettigan's efforts on behalf of academic freedom at CSU-Pueblo (page 9).

We are pleased to see our conference continue to grow, in numbers and in chapters (most recently, the Colorado School of Mines). Thanks to all for your sustained advocacy on behalf of Colorado’s faculty.

ABOUT AAUP
The AAUP's purpose is to advance academic freedom and shared governance, define fundamental professional values and standards for bieber education, and ensure higher education's contribution to the common good.
Julie Schmid Annual Meeting Address
“The AAUP in the Trump Era”

Summary by Steve Mumme
CSU-Fort Collins

The Colorado Conference was pleased to host the National AAUP’s Executive Director, Julie Schmid, as the keynote speaker for its annual meeting, held November 11, 2017 on the campus of the University of Colorado at Colorado Springs. Schmid’s address, “The AAUP in the Trump Era” enumerated the many challenges confronting America’s colleges and universities, and faculty, since Donald Trump took office in January 2017. This “New McCarthyism” includes faculty blacklists, websites targeting individual faculty and programs, and institutional retrenchments on free speech and academic freedom. Attacked professors are rendered object lessons for other faculty, contributing to self-censorship elsewhere. Administrators, she noted, often treat these challenges as a “branding problem” and not as the fundamental threats to academic freedom they actually are.

The consequences of the last presidential election are seen in federal travel bans, censoring of science, faculty dismissals, legislative meddling in curriculum (Wisconsin) and recruitment, and new state-level free speech legislation in nearly a dozen states. This, she argued, is the logical result of 40 years of devaluing public goods and public service, a process that began with the Reagan administration and has reached its near zenith with the Donald Trump presidency. It is reflected in the proletarianization of faculty ranks and the student debt crisis.

Schmid urged faculty to vigorously defend higher education as a public good. It’s not enough to criticize the Trump administration. “We need,” she said, “to unite and organize about a vision of what higher education is.” AAUP’s One Faculty/One Resistance initiative is driven by this idea. She cited examples of resistance at Rutgers (embracing sanctuary) and Portland State University where a new faculty initiated brand “imagineportlandstate.com” is based on fashioning a broad, campus-wide coalition for change (student centered-educator led-debt free).

AAUP’s program of action has already seen successes: New Hampshire has defeated right to work legislation; Oregon approved union rights for principal investigators; graduate students are unionized at the University of Chicago; new organizing drives have succeeded at Oregon State and the University of New Mexico; AAUP has joined the American Council on Education amicus brief against the travel ban and issued a new statement on the online harassment of faculty, as well as a new instructive (FAQ) on faculty rights. AAUP is challenging U.S. Customs and Border Protection’s warrantless inspections of laptops and cell phones at the border and ports-of-entry.

The key to a reinvigorated vision of higher ed’s purpose is faculty, organized, as AAUP co-founder Arthur Lovejoy argued, to defend academic freedom and shared governance at their respective institutions. Schmid commended the Colorado Conference for exemplifying this vision of what is possible in advancing AAUP’s core values, standing up for individual faculty, and defending the academy as a vital public good.
Julie Schmid, National AAUP Executive Director, speaking to members of the Colorado Conference, AAUP, November 11, 2017, University of Colorado, Colorado Springs. Photographs courtesy of Marki LeCompte (left) and Caprice Lawless (below).
Colorado AAUP Academic Freedom Symposium
CU-Boulder, April 29, 2017

by Don Eron

Despite the inevitable spring blizzard that hit Boulder the morning of the symposium and delayed by one hour the start of the festivities, the Colorado AAUP Academic Freedom Symposium, April 29, was inspiring and memorable. The event, mostly owing to the return of Ward Churchill to the CU-Boulder campus, drew considerable local and national coverage. While much of the symposium action occurred between sessions, as participants and attendees conferred, laughed, commiserated, debated, and networked over coffee, pastries, pizza and soft drinks courtesy of the Colorado AAUP, some of the magic was captured by video that’s available on the Conference website (thanks to Kamran Sahami for the editing and Myron Hulen for the equipment rental).

All told, between 50 and 60 people weathered the elements to attend some portion of the program.

Co-keynote speaker Ward Churchill’s dismissal a decade ago from CU-Boulder punctuated the most notorious academic freedom controversy in a generation. Under intense pressure from the media, the legislature, the governor, and CU regents to fire Churchill for his opinions regarding 9/11, the CU administration found that Churchill’s speech was constitutionally protected, but charged him with numerous, unrelated allegations of academic misconduct. A faculty committee appointed by the administration convicted Churchill, who was subsequently fired by CU’s Board of Regents.

However, in 2012 an exhaustive, 136-page report issued by the Colorado AAUP and published in the Journal of Academic Freedom, found, among other indiscretions, that the faculty committee’s investigation played out as a clash of disciplinary methodologies with only one side represented on the committee—thus the unqualified panel repeatedly convicted Churchill (who was the most frequently cited scholar in his field) of academic crimes that he did not commit. Numerous other scholars and experts—as well as the District Court jury who heard Churchill's lawsuit—have similarly concluded that CU’s prosecution was a “sham”. As evidenced by Churchill’s freewheeling presentation that lasted well over an hour, he remains undaunted and prolific, as necessary and exciting an intellectual voice as ever.
While the animating source of Churchill's termination was the political right, historian, bioethicist, and activist Alice Dreger—our other co-keynote speaker—engagingly argues in *Galileo's Middle Finger: Heretics, Activists, and the Search for Justice in Science*, that the greatest threat to academic freedom today comes from the ideological left. In her symposium address, Dreger, with humor and emotion, powerfully recounted her own experiences with being targeted and maligned by academic forces who, in her view, have forsaken the empirical pursuit of knowledge for pursuing an intolerant vision of a politically correct society.

The other symposium panels were also riveting. E. Christian Kopff (Classics, CU-Boulder, and frequent blogger at *The Imaginative Conservative*), Margaret LeCompte (Emerita Professor of Education at CU and President of the CU-AAUP chapter) and Peter Bonilla, Vice President of Programs at the Foundation for Individual Rights in Education (FIRE) discussed the current status of intellectual and gender diversity in academia.

Jonathan Poritz of CSU-Pueblo, an authority on technology and the future of higher education, discussed recent developments at the intersection of technology and instruction, and their implications for higher education.

The Academic Freedom Symposium also boasted a powerhouse panel on Contingency and the Profession, featuring Caprice Lawless, an adjunct instructor at Front Range Community College who is the Second Vice President of the national AAUP; Maria Maisto, Executive Director of the New Faculty Majority; Joe Berry, renowned activist and author of *Reclaiming the Ivory Tower: Organizing Adjuncts to Change Higher Education*, the seminal text on contingent faculty organizing, and Nathaniel Bork, whose dismissal from the Community College of Aurora was the focus of an unprecedented national AAUP investigation.

The Colorado AAUP gratefully acknowledges Caprice Lawless and Melinda Myrick for running the symposium “bookstore,” and the AAUP Assembly of State Conferences for a grant that allowed us to stage this historic symposium.
The Sunday Denver Post

DU doubles down on unequal pay for equal work

By Aaron Schneider
Guest Commentary

Equal pay for equal work. Ever since President John F. Kennedy signed the Equal Pay Act of 1963, that’s been the law in the United States. Employers may not pay unequal wages to men and women who perform jobs that require equal skill, effort and responsibility, performed under similar working conditions and within the same establishment.

Yet, with its decision to persist in paying salaries to female law faculty significantly less than their male counterparts, the University of Denver has become an alarming reminder that more than 50 years later, we aren’t there yet.

The University’s crass discrimination came to light in 2013 when a female full professor at the DU Sturm School of Law filed a complaint with the Equal Employment Opportunity Commission (EEOC) alleging that a gender pay gap among the school’s legal faculty had been in force dating back to the 1970s. The commission concluded in 2015 that DU was very much aware of the gap, “but took no action to ameliorate this disparity, in effect intentionally condoning and formalizing a history of wage disparity based on sex.”

With no resolution forthcoming from the university, the EEOC filed a complaint against the University of Denver for pay discrimination in September 2016 with the U.S. District Court for the District of Colorado. It is worth noting that the evidence was egregious enough to pass the very high bar typically set by the EEOC to litigate a claim and for a case to be accepted by the U.S. District Court.

The EEOC found that over the course of decades, female law professors were paid substantially less than comparable male professors of the same rank and merit, with an average difference in yearly salary of almost $20,000 in 2013. No female full professors of law were paid above even the average earned by men.

When the professors and the EEOC approached the university to remedy the situation, they were rebuffed. The university publicly accused them of “substandard performance in scholarship, teaching, and service.” In addition to berating the record of the professors and lowering the reputation of the university, the claim is false. In time, all of the female full professors of law — K.K. DuVivier, Nancy Ehrenreich, Sheila Hyatt, Kris McDaniel-Miccio, Joyce Sterling, Catherine Smith, and Celia Taylor — joined the original plaintiff, Lucy Marsh on the complaint. Among the many outstanding accomplishments of these women are state awards from the Colorado Supreme Court, national Fulbright Scholar and Senior Specialist Awards, international Erasmus Mundus Scholar awards, internal promotions to full professor and associate dean status, and briefs to the U.S. Supreme Court published in top outlets such as the Yale Law Journal.

For starters in addition to the Equal Pay Act of 1963, the university’s systematic underpayment violates both the Civil Rights Acts of 1964 and 1991. Incredibly, it also violates DU’s own stated mission and written policies and procedures which read: “The University is committed to the ideals of equal opportunity. To ensure equal opportunity, the university has actively incorporated both the spirit and the substance of federal, state, and local laws prohibiting discrimination on the basis of race, color, national origin, age, religion, disability, sex, genetic information, veteran status, marital status, sexual orientation, or gender variance. Discrimination and/or harassment on these bases is a violation of the law ... and will not be tolerated.”

Further, the gender pay discrimination perpetrated by the university offends the principles of shared governance and academic freedom articulated by the American Academy of University Professors (AAUP), a nonprofit membership group that represents professors across the nation. Recently, the University of Denver Faculty Senate Executive Committee concurred and voiced their support for the law school plaintiffs. The members of the AAUP University of Denver Chapter unequivocally stand with our female full professors of law in their outrage and demand for equal pay for equal work. The disconnect embraced by the University of Denver has gone on far too long and each day that goes by increasingly tarnishes the university’s image and reputation.

We urge, both respectfully and vehemently, that the university hold itself to account, settle this matter now, and compensate each woman commensurate with their national and international reputations for excellence in teaching and scholarship.

Disparate treatment based on gender is wrong; it is illegal; it is contrary to AAUP norms; and it is shamefully inconsistent with the expressed values of the University of Denver.

Aaron Schneider is president of the University of Denver chapter of the American Association of University Professors and Leo Block Chair of International Studies.

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 Steve Mumme (Stephen.Mumme@ColoState.edu), or Jonathan Rees (jonathan.rees@colostate-pueblo.edu).
Colorado Community College System News

by Caprice Lawless
Front Range Community College

Over the summer we arranged small-group meetings so lawmakers could meet directly with adjunct faculty to discuss the need for due process, better working conditions, and pay equity for adjunct faculty in the CCCS. We came away with many good ideas after our meetings with Rep. Mike Foote (D-12), Rep. Joe Salazar (D-31), Rep. Jeni Arndt (D-53), and Sen. John Kefalas (D-14).

In May the AAUP Chapters of the CCCS published the first-ever *Adjunct Coloring Book*, full of charts, stats, graphs, quotes, puzzles, poems and the types of drawings only those who think outside the lines of corporatized higher education can appreciate. The book (now in its third printing) is helping many see the big picture, so to speak, in regard to academic labor. Proceeds from the book help pay for our legislative effort (gas, parking, printing reports), and pay for more print runs of the book.

In June, Front Range CC AAUP Chapter President Melinda Myrick was interviewed by Dennis Creese for the Labor Exchange program that aired the same month. The interview got right to the tough issues straightaway.

In July, we studied more thoroughly the changes signaled by the U.S. Dept. of Labor Letter 05-17 and its implications for CCCS adjunct faculty. We helped one adjunct faculty member from Arapahoe CC secure unemployment benefits for the summer months.

In August, Denver’s *Westword* carried a cover story by investigative reporter Alan Prendergast on the AAUP Censure of CC Aurora faculty member Nate Bork. (Those who followed the story closely will be happy to know that Bork has since moved to Ft. Collins, and is working at Colo. State Univ. while earning his Ph.D. there in Political Science.)

In September, *The Guardian* carried a detailed and timely feature on homelessness and precarious housing faced by hundreds of thousands of hard-working adjunct faculty in the U.S. Reporter Alistair Gee included in the story interviews with Caprice Lawless of Front Range CC and Rebecca Snow, formerly of CC Aurora. Gee included in the article information about our *Adjunct Cookbook* and a link to our PayPal account, resulting in scores of donations [sales]. We used most of the donations to print more books, of course.

We set aside a small amount of book proceeds to host the first-ever Faculty Un-Service at the Denver Press Club Sept. 14. The goal for that event was to have fun and to accomplish absolutely nothing. We did both, but along the way made a few new friends while we discussed and cussed administration.
In October, we marked Campus Equity Week with a tailgating party in the parking lot at Front Range CC (see photo below). From the back of the van we distributed membership brochures, pins, cupcakes, coffee, cookbooks, coloring books and troublemaking conversation. We also made Vitamin AAUP packets of M&M candies and put these, beside tiny pumpkins, on the SmartBoard trays in 70 classrooms. Because our AAUP chapters can no longer put items on bulletin boards, use faculty mailboxes or get a decent hallway table to promote our cause, we are finding unusual ways to communicate with our peers.

In December, we are hosting Unemployment Deployments at two locations on different dates, to help adjunct faculty get unemployment checks throughout the winter break. The first one will be from 4:00-9:00 p.m. on Monday, Dec. 11, in the downstairs Poker Room at the Denver Press Club, 1330 Glenarm Place, Denver. The second one will be from 12:00-2:00 p.m. on Saturday, Dec. 11, in the Upstairs Conference Room at the Louisville Public Library, 951 Spruce St., Louisville. The process takes several hours and requires applicants to bring numerous documents with them to secure the $200-$300/week most are likely eligible to receive. To register for one of the Unemployment Deployments, call Caprice Lawless: 720-939-3094.
Hard Fought Victory for Academic Freedom in Colorado

by **Timothy McGettigan**

Department of Sociology & Institute of Cannabis Research, Colorado State University – Pueblo
Email: proftim@fulbrightmail.org

In 2013, former Colorado State University Chancellor Michael Martin tried to create a new university, CSU South Denver, by forcibly transferring the assets of CSU-Pueblo to CSU-SD. To pull off this feat of administrative jiu jitsu, former Chancellor Martin concocted a bogus budget crisis. Citing zero evidence* and buoyed by the unflinching approval of the CSU Board of Governors, Martin announced that CSU-Pueblo was experiencing a $3.3 million budget crisis. Martin insisted that “the only way to solve” CSU-Pueblo’s non-existent budget crisis was to fire 50 yet-to-be-named faculty and staff.

Martin liked to brag about being an old hand at mass university terminations. He felt confident that by announcing the mass firings on the eve of Christmas, CSU-Pueblo faculty and staff would worry themselves into spineless pools of jelly during the 2013-2014 winter break. That’s where Martin’s plan backfired. Instead of caving to the bullies in the CSU System office, CSU-Pueblo faculty, students and staff fought back. Thankfully, the state and national AAUP offices provided much-needed support, as did FIRE (Foundation for Individual Rights in Education) and the CSU-Fort Collins Faculty Council and the CSU-Pueblo Faculty Senate.

When faculty like myself pushed back, Martin did what bullies always do. He ratcheted up the level of intimidation. With the help of stooges like Johnna Doyle, the still-employed CSU System attorney, Martin deactivated my university computer account. Since two can play at that game, I upped the stakes by hiring Dan Twetten and Elizabeth Wang, two of the best First Amendment attorneys in the US. With the help of my attorneys, as of October, 2017, I won my First Amendment suit and we made Michael Martin and his co-conspirators look like the mean-spirited buffoons that they are.

The take-away point is this: As long as faculty are prepared to play hardball, faculty can fight administrative bullies and win. University administrators may have more power, but because administrators tend to be former professors who couldn't cut it as academics, faculty are much smarter than most administrators. If we but pluck up our courage, professors can always outthink troublemaking administrators.

This will not be the last battle over academic freedom. Mark my words: the more victories that faculty rack up, the more accommodating university administrators will become.

*After the smoke cleared, the Colorado State Auditor conducted a thorough audit of CSU-Pueblo’s finances and found no evidence of former Chancellor Martin's bogus budget crisis. The Auditor did find evidence of vast fiscal hooliganism, but declined to hold any CSU administrators accountable for their malfeasance.

More from colleagues at CSU Pueblo: Writing in *The Chronicle of Higher Education*, **Jonathan Rees** suggests that “if the good ship Academic Freedom sinks under the weight of Twitter attacks on controversial profs, we will all drown.” See Jonathan's essay “The Wrong Kind of Famous.”
CHAPTER NEWS BRIEFS

Colorado Mountain College: The chapter membership is still concentrated on the Leadville campus. A key concern is CMC's shift from a geographically based administrative system to a discipline based system. This needs monitoring for its potential impact on faculty. A new CMC rule is that courses enroll a minimum of 8 students. Chapter President Miskwa Yellowknife is on a college-wide Rule of Eight committee to study the impact on faculty and students. In March one faculty member was no renewed but did have access to the due process procedures CMC developed with help from the AAUP's Ray Hogler.

Colorado School of Mines: As Colorado’s newest member, the Mines Chapter of AAUP was introduced by Faculty Senate President, Prof. Reed Maxwell, at Fall Campus Conference, in August 2017, when the university gathers to recognize the beginning of the new academic year. We have received a lot of support over the last three years from Marki LeCompte and Don Eron who took responsibility for several cases of Mines faculty complaints focused around Title IX issues. As we could see how an AAUP Chapter would serve Mines faculty, Marki and Don, joined by Steve Mumme have continued to help us through the process of getting our chapter up and running. We recently welcomed Carol E. Smith as our University Librarian and Carol’s experience with AAUP at another Colorado institution is setting us on a solid path forwards. Thank you, all! We hope you will visit our website http://aaup.mines.edu/ and meet our officers: our website was developed by students for which this was a summer work activity. Mines’ faculty body has interests and needs that reflect both the STEM-focused institution, as well as our small overall size. We work closely with Mines Faculty Senate providing a national view to inform institutional positions.

Colorado State University, Fort Collins: The CSU chapter successfully campaigned to elect two AAUP members as Chair and Vice-Chair of the CSU Faculty Council. In part a consequence of this better alignment of CSU faculty governance with AAUP values, the Faculty Council has prevailed on the administration to submit its recent bullying policy to faculty review and inclusion in the Faculty Manual. The chapter is also supporting a substantial policy initiative to improve working conditions for Non-Tenure Track Faculty. The chapter continues to publish its monthly newsletter and recently was approved for website listing on the university’s A-Z list. In September Mary Meyer (Statistics) and Ross McConnell (Computer Science) were elected Co-Presidents of the CSU chapter.

University of Colorado, Boulder: Margaret LeCompte, chapter president, and Don Eron, treasurer, have continued to work with faculty on the CU-Boulder campus and elsewhere in Colorado, assisting them in fighting back against unjust decisions regarding retention, tenure, and issues of harassment. One case, now concluded, resulted in the setting aside, at the provost level, of a departmental denial of tenure and promotion, which had been upheld at the college and appellate levels. The chapter also organized the Academic Freedom Symposium, which was attended by numerous CU faculty members who are interested in helping to rejuvenate the chapter.

More from colleagues at CU-Boulder: Don Eron published an essay, An Evolution of Principled Futility: The AAUP and Original Sin, in the AAUP Journal of Academic Freedom, Volume 8. The entire issue can be found here. Don also serves on Committee A of the National AAUP.
University of Colorado at Colorado Springs: The UCCS Chapter is currently the largest chapter by membership in the Colorado Conference, with 63 AAUP members. Chapter President Heather Albanesi attributes the chapter’s rapid growth to faculty concerns with recent administrative turnover against a backdrop of rapid student enrollment growth fueled by a substantial expansion in low-wage adjunct instructorships. The dearth of faculty input in recent administrative hiring decisions is also a matter of concern. The chapter has lobbied for a salary floor of $40,000 for instructors teaching 4:4 full-time teaching loads. An increase in student surveillance and online harassment of faculty has also raised faculty support for AAUP as a defender of academic freedom on campus.

University of Colorado, Denver: Greg Cronin reports progress towards establishing an AAUP chapter at CU Denver. Currently, the AAUP has four members and needs 7 to gain chapter status. Cronin expects to reach that goal in 2018.

University of Denver: The chapter has been busy under its new president, Aaron Schneider, and past-President Dean Saitta. Aaron is Associate Professor of International Studies at the university; Dean is Professor of Anthropology. We took up complaints from several faculty in the Daniels College of Business. These include repeated humiliations related to issues such as scheduling and mentorship, violations of AAUP and university policy regarding issues such as academic freedom and tenure and promotion, violations of the law regarding issues such as discrimination and pay, and potential academic fraud. A memo was sent to the school’s dean expressing concern about these complaints and offering help to deal with them, who responded in a timely manner. We are currently working with Faculty Senators in the College of Business to find remedies to these problems.

The chapter also sent a memo to the university’s administration expressing support for female colleagues in the Sturm College of Law who have been involved in an ongoing salary discrimination matter. The memo demanded that the that the University settle this matter, and compensate each woman commensurate with their national and international reputations for excellence in teaching and scholarship. A guest commentary about this issue was published by President Schneider in The Denver Post, and is re-printed on page 6 of this newsletter.

University of Wyoming. The University of Wyoming chapter is still interested in joining the Colorado Conference if that can be arranged. The UW chapter is dealing with some of the harshest attacks on shared governance and academic freedom currently evident in the Rocky Mountain West. At the 2017 Annual Meeting chapter officers Donal O’Toole and Lynne Ipina reported the following: (1) The Board of Trustees are now micro-managing the university and its budget, bypassing even administration in some aspects and intruding into curricular decisions. (2) Trustees are rewriting the faculty manual and university regulations without faculty input. (3) Trustees may be trying to eliminate tenure [currently 80 percent of faculty at Wyoming are tenured or tenure track]. (4) New universal regulations proposed by administration say nothing of shared governance or academic freedom. (5) The UW’s new president wants to strip all adjunct faculty of fringe benefits including health care.

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
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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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