

## From the NYS AAUP President's Desk:

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changes being proposed. Having witnessed up close a union drive at my own college and having testified for three days before the Labor Board in New York City, I had had an intimate view of the extreme lengths to which a college administration would go to thwart efforts by a small set of clerical support workers to gain collective bargaining rights.

A full draft of my written testimony is reproduced elsewhere in this edition of NY Academe and my brief oral testimony coupled with that of a leader of a nurses' union in

Massachusetts, John Brady, can be found at [http://www.youtube.com/nlrb#p/c/31/zT\\_8DQYi9dc](http://www.youtube.com/nlrb#p/c/31/zT_8DQYi9dc)

It has been said that hard times can bring out the best in people. Well, these are certainly hard times for all employees in higher education. So, let's remember that some of our highest achievements have been the result of collective effort and stand together in support of our principals and in opposition to those who would undermine the practices and institutions we have worked so hard to build. **We've got a lot at stake.**

## Rensselaer Polytechnic Sanctioned

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administrative attempts to exclude all faculty outside the tenure system from the rights to participate in governance matters.

Beginning with attempts by the New York State AAUP Conference to help resolve the conflict which led to the formation of a special investigating committee under the auspices of the national AAUP's Committee of College and University governance, eventually a motion was presented to the entire General Assembly of the organization. That motion, as cited above, was passed on June 11, 2011.

This is a significant action and one that is not taken light-

ly. It followed months of efforts to interview all parties, reviews of the positions of faculty and administration alike, and both formal and informal attempts to mediate a solution. The intransigence of the RPI administration and board has been thus far unbending, and at the time of this writing there has not been an official response. Both the state and national AAUP leadership will continue to monitor the situation and stand ready to assist in bringing the conflict to a conclusion that is mutually acceptable. Hopefully, by next year's gathering we will be able to report a motion calling for the removal of RPI from the list of sanctioned institutions.

## Shared Governance Conference

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with colleagues from across the country. For more information on the governance training workshops, please contact Larry Gerber, AAUP Committee on College and University Governance, at [gerbelg@auburn.edu](mailto:gerbelg@auburn.edu).

### Registration Fees

The early conference registration fee of \$300, due by

October 14, includes a reception on Friday evening, breakfast and lunch on Saturday, and a closing breakfast on Sunday. The late registration fee will be \$350.

Special room rates of \$209 per night will be available for conference participants. The phone for reservations is (202) 234-0700,

**THE AAUP NEW YORK STATE CONFERENCE WEB SITE IS**  
**[www.nysaaup.org](http://www.nysaaup.org)**

## From the President's Desk:

*by David Linton*



In recent months there were two especially noteworthy events I had the opportunity to participate in: the annual meeting of the AAUP leadership in Washington DC (the 97th such gathering) and public hearings conducted by the National Labor Relations Board (NLRB), again in DC, regarding proposed rule changes as to how elections should be conducted when unions attempt to establish collective bargaining units at a work place. Both experiences were invigorating as well as fraught with frustration.

The AAUP assembly was dominated by concern about the ongoing deterioration of higher education and university governance at every level.

Stories of budget cuts at the national and state levels have been widely reported but, to make matters worse, representatives from individual campuses across the country had additional tales of attacks on tenure, increased numbers of non-tenure track appointments, diminished faculty roles in governance and a growing sense of demoralization.

Even our annual congressional lobbying effort reflected a sense of entrenchment as the set of talking points that delegates carried to their appointments with members of Congress or their staffs consisted primarily of pleas for no further cuts, a posture that I have characterized as, "Please don't hurt me anymore." In a word, the picture was pretty bleak.

The only bright element in the mix was that despite the severity of the attacks, delegates expressed an unflagging commitment to carry on the fight to defend and advance the AAUP principals of shared governance, academic freedom and protection of tenure.

Academic professionals are a resilient bunch, and seldom has there been a greater need for solidarity in our ranks.

Shortly after the AAUP meeting I was invited by the American Federation of Teachers (AFT) to testify on July 18 before the NLRB about the likely impact of some rule

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## The Rensselaer Polytechnic Institute Sanctioned By AAUP

*By David Linton*

By unanimous vote at the AAUP General Meeting a motion was passed that, "Rensselaer Polytechnic Institute be placed on the Association's list of institutions sanctioned for substantial non-compliance with generally accepted standards of academic governance."

The vote followed three years of RPI's administration's failure to resolve its flagrant violations of governance norms. As reported in a previous issue of NY Academe, (Vol. 35, No. 2, Summer 2011), in 2007 the administration and board of RPI suspended the faculty senate over a dispute regarding

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## New York State AAUP Conference Fall 2011

The NYS AAUP Conference Fall 2011 will be held at Niagara University, Niagara, NY from October 14-15th.

A major action item to be discussed and voted upon are updates to the **Constitution And Bylaws of the New York State Conference-AAUP – Proposed Amendments DRAFT**. We are currently collecting topics for discussion in our open forum.

Note that Conference registrations must be received by October 1st, 2011 if you would like to secure one of the reserved rooms at the nearby Barton Hotel.

You can register for the conference on line at [http://www.nysaaup.org/conference\\_register\\_fall11.htm](http://www.nysaaup.org/conference_register_fall11.htm)

### NYS AAUP CONFERENCE FALL 2011 AGENDA

**Friday, October 14th: 1:00 pm to 6:30 pm**

1:00 tp 4:00 pm: Business meeting (open to NYS AAUP Leadership only)

4:00 to 5:30 pm: Open Forum

5:30 to 6:30 pm: Keynote Speaker - TBA

7:30 to 10:30 pm: Dinner Banquet

**Saturday, October 15th: 8:30 am to 1:00 pm**

8:30 to 9:00 am: Breakfast

9:00 to 10:00 am: Completion of Conference Business

10:00 am to 12:00 noon: Open Forum

12:00 noon to 1:00 pm: Lunch

# AAUP NEWS

## Legal Brief Supports Professor Who Spoke Out

The AAUP has filed an amicus brief in the U.S. Court of Appeals for the Seventh Circuit in support of Loretta Capeheart, a tenured professor at Northeastern Illinois University (NEIU).

Professor Capeheart sued NEIU after the provost disregarded a faculty vote electing Capeheart chair of the Justice Studies Department. Capeheart alleges that the provost refused to appoint her to the position in retaliation for her advocating on behalf of two students who were arrested by campus police while protesting the presence of CIA recruiters at the university's job fair.

Capeheart further claims that she was retaliated against because she made statements at a campus event, featuring the provost, blaming excessive administrative spending for budget problems that she claimed led to a low number of Latino faculty.

In her lawsuit, Capeheart argues that the provost's decision is in retaliation for this advocacy and speech and, therefore, NEIU has violated her First Amendment speech rights.

Relying on the Supreme Court's 2006 decision in *Garcetti v. Ceballos*, the district court dismissed Capeheart's case, ruling that her statements and advocacy were not protected because "the speech at issue was made pursuant to Capeheart's professional responsibilities."

In addition to taking a very broad view of what are a faculty member's "official duties," the district court also refused to recognize an exception in the *Garcetti* decision specific to speech made by faculty at public colleges and universities, saying that "since *Garcetti*, courts

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## Report Finds Violations of Academic Freedom

On August 1, the AAUP released a report that found violations of academic freedom in two cases at Louisiana's flagship public institution, Louisiana State University in Baton Rouge.

The cases were investigated, and the report written, by a committee of AAUP members chaired by professor of philosophy Debra Nails of Michigan State University.

The first case, affecting a non-tenured associate professor of engineering, involves freedom in pursuing research, publication, and extramural speech in a politically charged atmosphere.

The second case, affecting a tenured professor of biology, involves freedom of a classroom teacher to conduct a course and assign grades.

The subject of the first case is Ivor van Heerden, a researcher serving since 1992 in a non-tenure-track appointment. For years, his work in coastal erosion and in hurricane- and flood-related issues brought him public prominence and consistently favorable evaluations.

The August 2005 onslaught of Hurricane Katrina with its flooding of New Orleans placed van Heerden in a national spotlight that the LSU authorities were initially happy to share. They gave him LSU apparel to wear in media interviews and in September 2005 an LSU campus police officer escorted him and two colleagues through military roadblocks to inspect the flooded areas.

However, the attitude of administrators quickly changed after van Heerden found that a main cause of flooding and resulting loss of lives was structural failure of the levees overseen by the U.S. Army Corps of Engineers.

Administrators, anticipating cooperation

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## Shared Governance Conference & Workshops

Following the tremendous response to last year's governance conference, and given the continuing challenges that faculty and administrators around the country are facing as a result of financial pressures, the AAUP will hold a second governance conference this November.

The event will take place November 11 to 13 at the Omni Shoreham Hotel, 2500 Calvert Street NW (at Connecticut Ave.), Washington, DC.

In addition to the presentation of papers accepted by the committee, the AAUP will sponsor a series of training workshops for current and future governance leaders that will be spread out over the three days of the conference.

Training workshops will focus on such issues as: making campus and system-wide faculty governance bodies effective; developing the faculty voice in budget and long-range planning processes; countering the threat to academic freedom and shared governance posed by the *Garcetti* decision; fostering effective communication between faculty governance bodies and governing boards; evaluating faculty handbooks and incorporating AAUP principles into them; providing meaningful input into the selection and evaluation of administrators; fostering effective communication between faculty governance bodies and state and local governments; including contingent faculty in governance processes; developing effective relationships between faculty senates and AAUP chapters, and recapturing and maintaining faculty control of the curriculum.

This will be a unique opportunity to learn about best practices in faculty governance and to discuss governance issues

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## David Linton's NLRB Testimony

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Administration had been presenting its case to the staff on campus with claims that unionization would undermine the cordial atmosphere we all prized so deeply.

In retrospect, it is puzzling why the process took so long, especially since it was so disruptive to the College in terms of both morale and due to the fact that staff and administrators were frequently taken away from their jobs in order to attend hearings at the Labor Board offices or to participate in meetings and conferences related to the drive.

This was especially peculiar given the small size of the staff. In order to understand this better I have done a little research into the time line of the organizing drive from origin to election. To the best of my knowledge, this is the way it unfolded:

■ October 10, 2006 - NLRB scheduled first pre-hearing conference - College requests delay

■ October 17, 2006 - First day of hearings

■ May 17, 2007 - Last day of hearings - a total of 46 hearings were held

■ June 1, 2007 - Briefs are due - College requests delay

■ June 21, 2007 - Briefs are due - College requests delay

■ July 19, 2007 - Briefs submitted

■ February 14, 2008 - Region 2 of NLRB issues decision - College states intention to file appeal

■ February 28, 2008 - College files appeal

■ March 13, 2008 - Bargaining election held

■ March 28, 2008 - Votes scheduled to be counted - College files appeal and votes are impounded

■ May 30, 2008 - Votes are counted

Despite the College Administration's strenuous efforts and considerable expense - or perhaps because of its strenuous objections - the staff voted by a large margin - 65 to 27 - to unionize.

Since the election and the ensuing contract that was negotiated things have settled down on the campus though many of the staff who were most active in the drive have left, some with bitter memories of the way they felt they were treat-

ed. Sadly, in part due to the protracted nature of the procedure and the aggressive nature of the Administration's resistance to unionization, there remains an atmosphere of caution and distrust.

A more expeditious and open system for resolving union drives such as we experienced at Marymount Manhattan College would go far to correct this unfortunate situation.

Furthermore, it would result in considerable savings of funds that could be put to better use.

At final accounting, the College spent over \$1,000,000 in legal fees to the firm that represented them in the hearings and as advisors in planning union resistance strategies.

What's more, hundreds of hours were spent by various administrators including four vice-presidents, program directors and others who were taken away from their regular jobs.

The negative impact in terms of wasted time and misdirected energies is surely large though immeasurable.

## Violations of Academic Freedom

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and support from the Corps in hurricane recovery projects, did not appreciate being linked in the newspapers with these findings. They took steps to restrain van Heerden's public activities, to distance LSU from those activities, and, eventually, to deny him further appointment.

The Association's investigating committee concluded that the administration denied van Heerden due process to which he was entitled through length of service, and also violated his academic freedom in a number of ways: by denying him reappointment largely in retaliation for his dissent from the prevailing LSU stance on the levees, by restricting the nature of the research to be done by van Heerden, and by punishing him for exercising his extramural rights as a citizen.

The subject of the second case is Dominique G. Homberger, a biologist. As a tenured full professor teaching upper-level courses, she was repeatedly commended for teaching excellence, praised

particularly for her "rigorous approach" and "demanding coursework." In spring 2010, in order to "pitch in," Homberger took on a section of an introductory course for the first time in fifteen years.

The grades she assigned for the first test struck the course's coordinator as too low, and he suggested more leniency. Her mid-term grades, however, were more strongly skewed to grades of D and F.

The matter was referred to the college dean, who, without consulting her, relieved Homberger from teaching the course. The coordinator then raised each student's grade on the first examination before allowing Homberger to enter her grades for a second. When Homberger asked the dean to hear her side of the story and reconsider, he replied that he was receptive to discussion, but that his decision stood.

Homberger filed a complaint with LSU's Faculty Grievance Committee, which found unanimously in her favor. In

response, administrators assured the grievance committee that the senate was "developing an improved policy" on issues relating to student grading. The college dean apologized to Homberger for not having met with her in person to tell her she was being removed from the course—but he did not apologize, as the grievance committee had recommended, for not having consulted her before acting.

The investigating committee, citing a series of departures from AAUP-recommended standards, concluded that the LSU administration violated Homberger's right to assign student grades and, in peremptorily removing her from a course that was in process, violated her academic freedom to teach.

The committee concluded further that the administration's imposing the severe sanction of suspension on her, without opportunity for a faculty hearing, denied her the basic protections of academic due process.

# NYS AAUP Executive Director's Report

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For the annual Capitol Hill Day visit this year we had nine NYSC faculty meet with thirteen of New York's US congressional representatives. AAUP staffer, Nse Ufot, prepared very useful handouts on our talking points that we left behind with each representative. Our discussions focused on Academic Freedom and Public Policy and Investing in Access, Research, and Teaching.

On a sadder note at the AAUP Annual Meeting Plenary Session Rensselaer Polytechnic Institute (RPI) was sanctioned for suspending the faculty senate in 2007 after senate leaders declined to obey a board directive that they amend the senate constitution to exclude all faculty outside the tenure system from the senate's constituency and membership. Despite many attempts by the faculty of RPI to resolve their differences with the RPI Administration they still do not have a faculty senate or faculty ratified faculty handbook. The New York State Conference has, for several years, offered support to our RPI colleagues and at our NYS AAUP Conference Meeting in Fall 2009 passed the following resolution:

The Executive Committee of the NYS AAUP, meeting in Syracuse, NY on October 17, 2009, expresses its deep concern regarding the alarming deterioration of faculty governance at Rensselaer Polytechnic Institute.

The unilateral administrative dissolution of the Faculty Senate, repeated rejection of faculty efforts to resolve the situation, and ongoing disregard for established precepts of shared governance as enunciated in the documents of AAUP place the administration and trustees beyond the norms of academic governance. We therefore, urge the administration and trustees of Rensselaer Polytechnic Institute to enter into good-faith mediation with representatives of the national AAUP in order to satisfactorily resolve the ongoing conflict.

We regret that RPI faculty issues, after four years, have not yet been resolved. We appreciate the report of

AAUP's Committee on College and University Governance and thank the AAUP membership for overwhelmingly voting to support the recommendation of this committee to sanction RPI and stand by our RPI colleagues.

We hope sanction motivates a speedy restoration of RPI's Faculty Senate and acceptance of a faculty-supported handbook.

The AAUP General Secretary Gary Rhodes stepped down just before the Annual Meeting this year and most of us learned about it after arriving in Washington. Many in attendance regretted seeing Gary leave.

There were motions in both the Collective Bargaining Congress and the Assembly of State Conferences offering thanks to Gary for the job he did most well from our perspective: outreach and organizing. New York State, in particular, owes Gary special thanks for his efforts to strengthen our relationship with our SUNY colleagues, the United University Professions (UUP). We also owe Gary a huge thanks for helping obtain AAUP financial support of our defense fund that had heavy use over the past year. AAUP will miss Gary's energy and charisma in the field.

**Nominations are open until November 1st for this year's NYS AAUP Conference Executive Council open positions.**

Please consider running for NYSC President 2012-2014 and AAUP ASC Delegate 2012; NYSC Vice President 2012-2014, AAUP ASC Delegate 2012; NYSC At Large Member 2012-2014 and AAUP ASC Delegate 2012; or NYSC At Large Member 2012-2014 and AAUP ASC Delegate 2012. Elections for these positions will be held again this year as part of the AAUP National Elections.

**The NYS AAUP Conference Fall 2011 meeting is set for October 14-15th, 2011 at Niagara University.**

Our Niagara University colleagues are just now completing contract negotiations and we are honored to be their guests for our Fall Meeting.

**One important agenda item with be to approve amendments to the State Conference Constitution. Check NYSAAUP.org for the proposed amendments, conference agenda, and registration details.**

We hope to see many of you this fall.

## Legal Brief Supports Professor Who Spoke Out

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have routinely held that even the speech of faculty members of public universities is not protected when made pursuant to their professional duties."

The district court concluded, therefore, that "Capeheart's speech regarding military and CIA recruiting on campus and the university's treatment of student protesters is not protected under the First Amendment."

Capeheart has appealed the District Court's decision to the Court of Appeals for the Seventh Circuit.

The AAUP's amicus brief in support of Capeheart argues that "the district court arrived at [its] distressing resolution of Professor Capeheart's First Amendment claim by misapplying Garcetti's "official duties" analysis and disregarding the express limits of Garcetti's holding," and urges the appellate court to overturn the district court's holding.

The intent of AAUP's brief is to highlight the academic freedom and First Amendment issues implicated by the case and to shine a light on the District Court's harmful and incorrect decision.

The filed brief emphasizes that "the message of the district court's ruling is chilling and clear: university administrators need not tolerate outspoken faculty dissent on matters of broad public concern or on the university's institutional response to those concerns."

## NOMINATIONS NOTICE: New York State Conference, AAUP Spring 2012 Executive Council Elections

The New York State Conference is holding an election for the offices listed below in Spring 2012.

These positions are for the Executive Council of the NYSC Steering Committee and for the NYSC delegates to the AAUP Assembly of State Conferences 2012 meeting.

Any active member of the AAUP in New York State whose membership is in good standing as of July 1, 2011 and who has been a member of the Conference since July 1, 2010 may stand for election to a position on the Executive Council.

**Nominations will be open until November 1, 2011.**

- NYSC President 2012-2014 and AAUP ASC Delegate 2012
- NYSC Vice President 2012-2014, AAUP ASC Delegate 2012
- NYSC At Large Member 2012-2014 and AAUP ASC Delegate 2012
- NYSC At Large Member 2012-2014 and AAUP ASC Delegate 2012

**The NYSC Election Committee is:**

- Pat Cihon <pcihon@syr.edu>
- Cecelia McCall <liann.mccall@gmail.com>
- Irwin Yellowitz <iyellowitz@aol.com>

**The Nomination Process is as follows:**

**1.** If you are interested in any of the above positions, send an email to NYS members from no less than two chapters or Institutions requesting that they nominate you for the NYSC position that you are interested in.

Ask those you email to please include the following information in their reply email:

- Their name
- Their email contact information
- Their institutional affiliation

**2.** Copy and paste six of the nominations you receive into one email and forward it to any of the three NYSC Election Committee members listed above by November 1st, 2011.

**3.** By January 16th, 2012, forward your bio and election statement again to any member of the NYSC Election Committee.

**4.** If you prefer you may obtain your nominations by mail. If you do so, please mail your six nominations and bio to Pat Cihon, Syracuse University, Syracuse, NY 13244.

## New York State AAUP Executive Director's Report

By Tom Policano

The AAUP Annual Conference on the State of Higher Education ran concurrently with the AAUP Annual Meeting and business sessions from Wednesday, June 8, through Saturday, June 11, 2011. Eight NYS AAUP members made presentations at the following sessions:

### ASSESSMENT:

Successful Teaching: When Research Expert Faculty Understand Assessment and Accountability, George Plopper (Rensselaer Polytechnic Institute)

Under New Management: Universities, Administrative Labor and the Professional Turn. **Randy Martin** (New York University)

### ONLINE EDUCATION: DIVERSITY, GOVERNANCE

Online Courses: Quality Control vs. Academic Freedom, **Jeffrey Baker** (Monroe Community College and Rochester Institute of Technology)

Standardized Testing in CUNY Community Colleges: Encroachment into Already-Established Curricula and Exit Requirements, **Bruce Chadwick** (City University of New York Kingsborough Community College)

### FACULTY WORK:

Redefining the Standards of Tenure and Promotion for Multimedia and Digital Arts Faculty, **James Richardson** (LaGuardia Community College)

Facilitating the Tenure Process Through Sustained Mentorship and Empowerment: A Collaborative Faculty Support Model, **Susan Neville** (New York Institute of Technology)

### DIVERSITY:

Oral and Written Language of Ethnically and Culturally Diverse College Students in the Twenty-First Century, **Amelia Rose** (State University of New York at New Paltz)

### CONTINGENT FACULTY:

The New Testing Grounds of Academic Freedom: Three Contingent Faculty Cases Involving Curriculum, Delivery, and Student Interaction/Assessment, **Jeanette Jeneault** (Syracuse University)

We would also like to congratulate **Jeff Kraus**, our NY Academe newsletter editor, who received the **Assembly of State Conferences Outstanding Tabloid Style Conference Newsletter Award!**

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# State Conference President David Linton Testimony Before the National Labor Relations Board

I am a Professor of Communication Arts at Marymount Manhattan College where I have been employed for the past 25 years. During those years I have been active in advocating on behalf of faculty rights as well as having served in a semi-administrative role as Chair of the Humanities Division for 15 years.

I was the founding President of the Marymount Manhattan College Chapter of the American Association of University Professors (AAUP) while also being a member of the College's Academic Policy Committee, the administrative body that advises the Dean on the day-to-day affairs of the academic side of the College's functions. In these roles I have had ample opportunity to both witness and participate in nearly all aspects of the life of the institution.

A quick note: Marymount Manhattan College should not be confused with Manhattan College. As the Board is aware, Manhattan College has appealed a Region 2 unit determination decision in which the Board asserted jurisdiction finding that Manhattan College is not a church-operated institution within the meaning of NLRB v. Catholic Bishop, 440 US 490 (1979).

While located in the same city and having similar names, Marymount Manhattan College and Manhattan College are two completely distinct and separate institutions.)

In 2006 I became aware of the fact that two groups of individuals employed by Marymount Manhattan College, one made up of adjunct professors and the other of members of the clerical and support staff, had initiated drives with the New York State United Teachers (NYSUT) to achieve collective bargaining standing at the school. Shortly there-

after I learned that senior members of the administration, including one of the highest placed vice-presidents, had been individually seeking out staff members to discourage support for the union drive.

This vice president had also sent an email to all staff employees to persuade them to oppose the drive. When I read the letter I thought that it was alarmist, inaccurate, and ill advised on many levels so I posted a rebuttal letter critiquing her analysis as well as taking exception to the pressure tactics and intimidation that I felt was implicit in her remarks.

My participation in the matter then and thereafter was based on my belief in the principle that employees should not be unduly pressured by their employers in matters of worker affiliation and that there was a need for a more balanced or nuanced view.

The faculty as a body did not take a position on the question of staff unionization other than one resolution urging the Administration to deal fairly with the staff and allow them to determine their own wishes on the question.

Eventually, I came to be seen as a faculty advocate on behalf of the staff's right to decide for themselves, free of intimidation, as to their collective relationship with the College.

I also came to be seen as an outspoken critic of the Administration's tactics as well as one who raised questions as to the veracity of their claims. As a tenured member of the faculty I had the luxury of being able to raise these issues publicly in ways that staff members could not in light of their very real worries about their job security and the potential for retaliation by the administration.

Once the organizing drive reached the

stage of formal hearings before the Labor Board, the organizers invited me to testify at the hearings.

I accepted the invitation and ended up appearing before the hearing officer for what turned out to be three lengthy days of testimony, most of which was conducted by the attorney for the firm the College had hired to defeat the organizing drive. Not only did two attorneys for the firm attend the sessions but so did two of the members of the administrative staff, including Dawn Weber, Vice-President for Academic Affairs and Dean of the Faculty.

Most of the interrogation I underwent concerned my role as Chair of the Humanities Division and whether or not my part-time administrative assistant performed any supervisory role or had access to confidential files.

I was also asked about a variety of administrative practices, official documents, policies, and the history of staff work and role at the College. Often I had to explain to the attorney and the hearing officer the differences between what official documents stated or implied and what was actually the practice in the day-to-day reality of the life of the institution.

My long history as a member of the faculty, Chair of one of the largest academic divisions, member of many of the faculty governance bodies, and faculty leader well qualified me to comment on the many issues at hand.

Though my participation was voluntary and unpaid, it often seemed that the College's attorneys were running the clock out for billing purposes.

I was also struck by the aggressiveness of the approach which seemed at odds with the way the College

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## ASC Advocacy Workshop

The Assembly of State Conferences will hold its Fall advocacy workshop on Saturday, October 29, 2011 at the Crowne Plaza Hotel in Austin, Texas.

These sessions are designed to prepare the next generation of AAUP advocates. The fall workshop will be held in conjunction with the Texas Association of College Teachers (TACT) Fall Conference, which is being held October 28 and 29.

Presentations scheduled for the Advocacy Workshop include **"Seven Myths about Academic Freedom and Tenure"** (Greg Scholtz, Director of Programs in Academic Freedom, Tenure, and Governance);

**"Faculty Handbooks and Shared Governance"** (Puri Martinez, Vice Chair of the Assembly of State Conferences);

**"Government Relations"** (Brian Turner, ASC Secretary and Chair of AAUP Government Relations Committee);

**"A Faculty Agenda for Hard Times"** (Cary Nelson, AAUP President);

**"Governing Boards"** (Lynn Tatum, ASC Member at-large and Peter Hugill, President of the AAUP Texas Conference);

**"Chapter Development and the State Conference"** (Donna Potts, ASC chair, Judith Johnston, ASC past chair; Joerg Tiede, ASC Member at-large); and

**"Shared Governance, Faculty Senates, and AAUP"** (Charles Smith, ASC Treasurer).

The registration cost for the Workshop is \$10, and the registration deadline is October 1, 2011. Reservations at Crowne Plaza Hotel can be made by calling (512) 323-5466; ask for the Texas Council of Faculty Senates rate

**For more information, contact [esmith@aaup.org](mailto:esmith@aaup.org) or [donnal.potts@gmail.com](mailto:donnal.potts@gmail.com)**

## AAUP: Preserve Ohio Faculty Rights

### A message from Cary Nelson and Howard Bunsis

Thousands of your Ohio colleagues are at risk of losing one of their most basic rights—the right to choose collective bargaining if they wish.

No matter how you feel about the virtues of negotiating salary, benefits, and academic freedom or shared governance guarantees collectively, it should be up to faculty members themselves to decide.

Ohio's Senate Bill 5, signed into law by the governor, cancels that right not only for faculty members but for all public employees.

The AAUP is part of "We Are

Ohio," a large coalition of groups seeking to overturn that law at the ballot box this November.

1.3 million signatures collected guaranteed the issue will be on the ballot.

But a powerful alliance of conservative forces has assembled a vast war chest to fight our effort.

**"We Are Ohio" needs to buy radio, television, and print ads to get its message across.**

If we buy ads immediately, they will cost half as much as if we wait until fall.

The AAUP's chapters and its national leaders have contributed half

a million dollars to the cause.

Our members and our staff are on the ground waging this battle.

**We urge you to contribute now to help repeal this legislation.**

You can send checks made out to **"We Are Ohio"** to:

Sara Kilpatrick  
OHIO CONFERENCE FOR THE AAUP  
137 East State Street  
Columbus, OH 43215

*Cary Nelson, AAUP President  
Howard Bunsis, Chair, AAUP  
Collective Bargaining Congress*

## Pell Grants are Safe - For Now

The final debt ceiling legislation passed by Congress and signed by the President included \$17 billion to help maintain the current maximum Pell grant of \$5,550 through 2013.

Unfortunately, to pay for Pell, Congressional negotiators eliminated subsidies for federally-backed student loans for graduate students.

As a result, more than 9 million (mostly low-income undergraduate) students will be spared a cut to their financial aid and 1.5 million low-to-middle income graduate students will have to pay interest on their federal student loans while they are still in school.

At CUNY and SUNY, where tuition for both undergraduate and graduate students is slated to increase for at least the next five years, the legislation means good news for undergrads and bad news for grad students.

Pell grants, which have failed to keep pace with the rising cost of college despite recent award increases, are still vulnerable. As the economy continues to sputter and greater numbers of students qualify for need-based aid, the cost of maintaining Pell is increasing.

According to Ed Money Watch [1], a noted higher education policy blog, Congress needs to appropriate \$24.2 billion—an increase of \$1.3 billion over this year's allocation for Pell—to maintain the current maximum award. And that's on top of the two-year \$17 billion cash infusion that came along with the debt ceiling compromise.

When that money runs out, Pell Grants will be in even greater jeopardy.

Pell grants will also surely be on the table when Congress's 12-member budget taskforce begins discussing the next round of budget cuts required by the debt ceiling bill.

## NYS AAUP Constitution Amendments

At the Fall 2011 Conference there will be a vote to approve amendments to the New York State AAUP Conference Constitution. The amended Constitution has been printed as a special four page section in this issue of *Academe* and can also be found at [NYSAAUP.org](http://NYSAAUP.org).

5. Any proposal referred to the Executive Council for action or further consideration, and then rejected by the Executive Council, shall be referred to the next Conference meeting for final approval or disapproval.

6. Each member present shall have one vote in matters coming before the meeting. In no case shall there be more than four votes from any one chapter. A chapter or Institution exceeding this number will be allowed to caucus before voting takes place to determine who will vote their maximum allowed representation. Decisions in this caucus shall be by majority vote.

7. Voting to select an Elections Committee and to determine dues shall be by secret ballot.

## ARTICLE VI: Bylaws

1. Bylaws may be adopted and amended by majority

# BYLAWS

1. The authorized standing committees of the New York Conference-AAUP are:

- Committee A on Academic Freedom and Tenure
- Committee on Academic Professionals
- Committee on Chapters, Members, and Dues
- Committee on College and University Government
- Committee on the Economic Status of the Profession
- Committee on Faculty Holding Contingent Appoint
- Committee on Government Relations
- Committee on Retirement
- Committee on the Status of Minorities in the Academic Profession
- Committee on the Status of Women in the Academic Profession

The President shall appoint the standing committee chairs of the New York State Conference.

2. The councils of The New York State Conference are:

- The Independent Council
- The CUNY Council
- The SUNY Council
- The Collective Bargaining Council
- The Regional Councils:
- The Long Island Council
- NYC-Westchester Council
- Lower Central Council
- Capital Area-Mid Hudson Council
- Western-Midwestern Council

The President shall appoint the chairs of the councils of the New York State Conference.

3. The Executive Council shall meet at least semi-annually.

4. Its meetings can for convenience be combined with

vote at the Spring or Fall Meeting or by a special meeting of the Conference.

## ARTICLE VII: History of Ratification

1. This Constitution was submitted to all AAUP chapters in New York State. It became effective and the New York [now New York State] Conference of the American Association of University Professors came into existence in 1971 when a majority of those chapters voting approved the document within sixty days of its submission to the chapters. Upon ratification, the Presidents and Executive Committees of the existent New York State and Metropolitan Conferences appointed a joint six-member organizing committee to nominate the Conference's first officers and at-large members, and to set the date, location, and agenda of the first Conference meeting.

Conference meetings. The presiding officer should make clear on each matter voted on who is entitled to vote.

5. The terms for the chairs and members of standing committees and councils shall be for three years, beginning and terminating at the end of the Spring Meeting. Acting chairs shall serve for the remaining term of the chairs they replace.

6. A quorum for meetings of the Executive Council shall be five (5) members.

7. A quorum for a Conference Meeting shall be representation from eight chapters.

8. All AAUP members living full time in or working in higher education in New York state who are qualified to vote in national AAUP elections may also vote in New York State Conference business matters, including Conference elections, and serve in any non-elected capacity for the Conference. To run for a NYS Conference elected position an AAUP member must additionally have been a AAUP member in good standing as of July 1 of the calendar year preceding the call for nominations.

9. The New York State Conference designates that its delegates to AAUP Annual Meetings and to meetings of the Assembly of State Conferences be as follow:

- The President, Vice-President and the two newly elected members at large of the Conference Executive Council shall be delegates to the ASC
- The Secretary and Treasurer of the Conference, in that order, will serve as alternates, if one or more of the designated delegates cannot serve.
- The two continuing members of the Conference Executive Council shall be delegates to the National Meetings.

10. The Approval of the Administrative Committee is required for any non-budgeted expenditures in excess of \$500.

# Constitution and Bylaws of the New York State Conference-AAUP - August 15, 2011 Draft

*Four page Fall 2011 Academe special section: The text of the proposed revised State Conference Constitution and Bylaws that will be considered at the Fall 2011 Conference*

## CONSTITUTION

### ARTICLE I: Name and Purpose

1. The name of this organization shall be The New York State Conference of the American Association of University Professors.

2. The purpose of this Conference shall be to initiate, advance, and coordinate action on the state level consistent with the principles and procedures of the American Association of University Professors, and to foster the goals of the Association in coordination with other AAUP bodies.

### ARTICLE II: Membership

1. All AAUP members in New York State are members of the New York State Conference.

### ARTICLE III: Officers, Committees, Councils, Executive Director, and Newsletter Editor

1. The officers of the Conference that constitute the Administrative Committee shall be a President, a Vice President, a Secretary, and a Treasurer. They shall perform the duties specified in this constitution and its by-laws, as well as carry out the functions usually appertaining to their respective offices.

2. There shall be an Executive Council chaired by the President. The Council shall consist of the following: the officers of the Conference, the Immediate Past President, four at-large members, the national Council members elected from the district that include New York State, the At-Large Council members who are members of the NYS Conference, and the elected National AAUP Officers who are members of the NYS Conference. The Executive Council shall meet at least twice a year, and shall have the authority to make appropriate decisions for the conduct of Conference business, to approve expenditures, and to monitor the budget. It shall recommend Conference budgets to the Conference's Fall Meeting. It shall make recommendations for all changes in Conference dues to that Meeting or the Spring Meeting. With the approval of either the Fall or the Spring Meeting, it may establish standing committees and councils, whose purposes shall be (a) to consider problems, issues, and programs related to defined matters of

continuing interest to the Conference or to institutions of a particular type or location; and (b) to recommend appropriate action to the Fall and/or Spring Meetings of the Conference. The officers and at-large members of the Executive Council shall also represent the Conference at National AAUP and ASC meetings as specified in the bylaws.

3. There shall be a Steering Committee chaired by the President that shall consist of the Executive Council as well as the Conference Newsletter Editor and the chairs of standing Conference committees and councils. The Steering Committee shall meet no less than two times a year and may meet concurrently with the Executive Council. The Steering Committee shall discuss and offer advice on issues brought to it by the President but only those members of the Steering Committee who are members of the Executive Council may vote on fiduciary matters, including the budget, dues proposals and expenditures.

4. The officers shall constitute the Administrative Committee, which shall meet between Executive Council meetings to conduct such business as the President deems necessary. The President shall chair the Administrative Committee and take action on matters brought to it by the President. All actions of the Administrative Committee shall be reported to the next Executive Council meeting, and any action of the Administrative Committee may be revised by the Executive Council. The Administrative Committee shall prepare the agendas for meetings of the Executive Council and of the Conference.

5. The Executive Council shall appoint an Executive Director and other paid employees of the Conference, and the newsletter editor, whether paid or unpaid; shall set the term of service for each; shall conduct regular reviews of the services provided, possibly using the Administrative Committee to carry out the reviews and make recommendations; and, if necessary, shall dismiss for cause, following AAUP principles in such a matter.

6. The Executive Director shall be responsible for maintaining communications with chapters in the state; assisting the Vice President with chapter and membership development; working closely with officers and the Executive Council; providing support for standing committees and councils, and special committees and task forces; maintain-

# Constitution and Bylaws of the New York State Conference-AAUP - Draft

ing administrative services, records, and data bases; making arrangements for Conference meetings; and supervising the Conference's web site.

7. The newsletter editor shall oversee and coordinate with the Executive Director the issuing of the newsletter and other Conference publications.

## 8. Audit Committee

- a. There shall be an Audit Committee consisting of the Vice President and two At-Large Members of the Executive Committee as appointed by the President.
- b. Biannually the Audit Committee shall review the periodic reports of the Treasurer as presented at the meetings of the Executive Council and of the Conference and to review the financial records, bills, receipts, and other related records of the New York Conference, in order to verify the accuracy of such financial reports and records.
- c. The Audit Committee may also inspect any financial reports or other reports filed with the Department of Labor or other governmental agencies; such inspection includes the right to examine all financial records used to prepare such reports.
- d. Upon the completion of a review by the Audit Committee, it shall issue a written report to the Executive Council certifying the results of the examination. Any problems or discrepancies discovered through the examination shall be reported to the Executive Council, and the Audit Committee and the Executive Council shall work with the Treasurer to take appropriate action to resolve any problems or discrepancies identified.

## Article IV: Election of Officers and At-Large Executive Council Members

1. Officers and at-large members of the Executive Council shall be elected by secret ballot of the membership for two-year terms. Balloting may be done by mail or via electronic means, and an alternative to electronic balloting will be offered. Distribution of ballots shall commence no earlier than March 1st. If the election has been completed, officers and at-large members of the Administrative Committee shall take office immediately after the spring meeting; if the election is not completed until after the spring meeting, they shall take office immediately upon being elected. The President and Vice-President shall be elected in even-numbered years; the Secretary and Treasurer shall be elected in odd-numbered years. Two At-Large Members of the Executive Council shall be elected each year and shall serve for two years.

2. The President shall be able to stand for two more successive terms as President following his or her first term.

3. For two years after leaving the office of President an individual shall serve as Immediate Past President. If the Immediate Past President holds another position on the Executive Council, the Immediate Past President's position shall remain vacant until the next election of a President.

## 4. Procedures for the Election of Officers and Members At Large

- a. There shall be a three-member Elections Committee, no two of whom may be from the same chapter, to supervise the nomination and election process.
- b. The Committee shall be elected by the Conference for a one-year term at the Spring meeting prior to the election it will supervise.
- c. Those running for election or who, by virtue of their office, are on the Election Appeals Committee may not serve on the Elections Committee.
- d. The Election Committee, no later than July 1 of each year shall call for nominations. Such call for nominations shall identify the positions up for election in the next year and the responsibilities of each position. Such call shall also specify the requirements for nomination, the person to whom nominations should be sent and the date upon which nominations shall be closed.
- e. Nominations shall close no earlier than November 1.
- f. The Election Committee shall submit to the Conference membership at least ninety days before March 1 the names of nominees for all positions to be filled by election. Candidates will be listed in alphabetical order on all notifications and ballots.
- g. All AAUP members, except Associate members, living full time in or working in higher education in New York State who are qualified to vote in national AAUP elections and who have been AAUP members in good standing as of July 1 of the calendar year preceding the call for nominations are qualified to run for elected office.
- h. All nominations must include signatures from at least six (6) members of the Conference from no less than two (2) chapters. If less than two (2) nominations have been received for a position, the Election Committee shall seek additional nominations; the same requirements shall apply to nominees sought by the Election Committee as to all other nominees.
- i. All candidate statements and biographical information are due 45 days prior to March 1. Candidates must follow the guidelines of the

Elections Committee concerning the form and length of these items. Candidate statements and biographical information will be distributed to the membership with the ballot.

5. Succession of officers (except for the members of the National Council, who are chosen by national AAUP procedures and the Immediate Past President)

- a. In the event the President cannot complete his/her term, the Vice President shall complete the term until the next general election.
- b. In the event that the Vice President cannot complete his/her term, the Secretary shall complete the term until the next general election fills the vacancy.
- c. After serving temporarily as President or Vice-President the officer shall resume his/her office for the remainder of his/her term.
- d. In the event that the Secretary or Treasurer cannot complete his/her term, the Executive Council, by a majority of those voting, shall elect a replacement until the next general election.
- e. Vacancies in Executive Council membership other than for officers that occur between Conference meetings (except for the members of the National Council and National AAUP Officers who are elected by National AAUP procedures) shall be filled by the President with the approval of the Executive Council and recommended to the next meeting, Spring or Fall, of the Conference.

6. Due regard for geographical and institutional representation shall be exercised by the seeking nominees for positions in which insufficient nominations have been received.

7. Those officers and members-at-large who are not up for election shall serve as the Elections Appeals Committee and may not serve on the Elections Committee. The Executive Director will keep the secret ballots from the election for one year following the election. A protest to the election proceedings must be filed within 60 days of the election to the Executive Director of the Conference. The Election Appeals Committee will resolve the protest.

8. With the approval of the Executive Council, the President may appoint an auditor, a parliamentarian, and special committees or task forces to serve for a special term to consider matters of special interest to the Conference.

9. The President shall recommend to the Executive Council for approval the chairs of standing committees and councils, and the termination of the services of committee chairs and members when deemed necessary for the interests of the Conference.

## ARTICLE V: Conference Meetings

1. There shall be Spring and Fall Meetings of the Conference. The dates and location to be determined by the Steering Committee. Adequate notice of the meeting shall be given to all Conference members.

2. Special meetings shall be called within three weeks by the President at the direction of the Executive Council or by petition of at least ten chapters.

3. Conference meetings shall be open to all members of the American Association of University Professors in the state.

4. The regular Spring and Fall Meetings of the Conference shall consider the following matters:

- a. Approval of the minutes of the previous Conference meeting;
- b. The reports of officers, Executive Director, and chairs of committees and councils;
- c. (At the Fall Meeting) Action on the budget for the next calendar year, subsequent to a recommendation by the Executive Council. If the Executive Council makes no recommendation, the Meeting may take action by itself. If for any reason no budget is approved by the Conference, the recommendations of the Executive Council shall be in effect until the next Conference meeting. If neither the Conference nor the Executive Council takes action, the budget for the current year will be duplicated for the following year.
- d. Election of members of the Elections Committee;
- e. Action on amendments to the Conference Constitution, subsequent to recommendations by the Executive Council. If the Executive Council makes no recommendations, either Fall or Spring Meeting may take action by itself. Proposed amendments to this Constitution shall be presented in writing to the Conference's Executive Director at least sixty days in advance of the Meeting in which action is to be taken, and circulated to Conference members prior to that Meeting. Amendments shall be adopted by two-thirds vote in a secret ballot of the Conference members present and voting at the Meeting;
- f. Changes in Conference dues, subsequent to recommendations of the Executive Council. Executive Council recommendations for Conference dues changes shall be made known to Conference members at least 60 days prior to the Meeting where action is to be taken. If the Executive Council makes no recommendations, the Meeting may take action by itself. A majority vote of the Conference members present and voting shall be required to ratify changes in dues;
- g. Old business;
- h. New business.