President’s Report

President’s Corner (November 2009)

The mission of the state conference of Indiana is to maintain an AAUP presence in the state, support existing chapters, promote new ones, and provide statewide leadership on issues of concern. Our single most important task is to monitor the actions of the state legislature on issues that bear on the interests of faculty.

This last spring AAUP made its presence in the state felt during the controversy surrounding Notre Dame University’s invitation to President Barack Obama to speak at its May 17th commencement ceremony. In the face of opposition from the Cardinal Newman Society, some Catholic Bishops, and others, who urged the university to rescind its invitation to the President because of his support for reproductive rights, our state conference publicly backed University President John Jenkins in his refusal to buckle under outside pressure. AAUP issued a statement, co-signed by national AAUP President Cary Nelson, affirming our support for academic freedom with regard to outside speakers (see the letter published elsewhere in this newsletter and on our website). On April 25th, 53 Notre Dame faculty members signed the statement, parts of which were published in the South Bend Tribune. The statement was also published in the Terre Haute and Fort Wayne newspapers. We feel strongly that our state conference’s ability to publicly stand up for academic freedom strengthens this fundamental principle in our state.

In the past six months another Indiana biennial budget session of the legislature has come and gone. We have been ably represented by Mark St. John, our lobbyist and consultant on legislative matters. As all of you know, the overriding issue at the last session was the budget, with shortfalls in revenue expected to fall heavily on higher education funding. AAUP initiated a partnership with the Indiana State Teachers Association (ISTA) on this issue and formulated the following statement of purpose:

Given the certainty of declining state revenues and the prospect of significant cuts in state appropriations for K-12 and higher education, the Indiana State Teachers Association and the Indiana Conference of the American Association of University Professors recommend that state school districts and institutions of higher education spend state tax dollars so as to have an optimal impact on student achievement. In pursuance of that goal we strongly urge that classroom instruction rather than overhead or operational administrative expenditures should have the highest priority in the allocation of scarce tax dollars.

AAUP provides help to chapters and faculty

By Daniel Murphy, Hanover College

The Conference provides support and assistance to individual faculty members and AAUP chapters. The Chapter Services Program aids chapters with leadership training and membership development. The Conference can help chapters with media relations, financial analysis services and advice on academic governance issues. The conference will also train local chapter leaders in such matters as academic due process and grievance procedures. The Conference sponsors a legal referral program that has assisted a number of members. Members receive low

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Because federal stimulus monies were applied to the state budget, cutbacks were minimal, and we were able to avoid a battle within higher education over who would bear the burden of reduced state funding. However, as revisions to the budget become necessary in the coming year due to continuing revenue shortfalls, our common interest with ISTA in avoiding cutbacks to instruction that may again come to the fore.

With the prospect for passage dim due to the focus on the budget, AAUP was compelled to put its major legislative initiative, a bill to add a nonvoting member to the Boards of Trustees of Indiana’s public colleges and universities, on the backburner during this past legislative session. However, we believe the prospects for the serious consideration of our bill may have a significantly better chance of getting a hearing in the Republican-controlled Senate in the coming years with the advent of Sen. Dennis Kruse to the chairmanship of the Education Committee.

Those of you who attended our last state meeting know that the Commissioner of the Indiana Commission of Higher Education (ICHE), Stan Jones has retired. Stan has been a good friend of AAUP and Indiana faculty for many years, and we appropriately honored his service to higher education in the state in April.

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service to higher education in the state in April. State Senator Teresa Lubbers is the new Commissioner of ICHE. Rebecca Mullen (State Conference Secretary, Vincennes University), Dan Reagan (Ball State University), and myself met with her on August 6 for a friendly chat, and we expect to continue amicable relations with ICHE.

Perhaps the most important ongoing initiative of our state conference is our concern to strengthen the professional standards accorded Ivy Tech Community College’s faculty, our state’s fastest growing institution of higher education. Under its new president, Thomas J. Snyder, Ivy Tech has made important strides in upgrading Ivy Tech’s administration and optimizing its use of state resources to serve its constituencies. But we remain concerned about conditions for Ivy Tech faculty. Virtually all faculty members there are employed on annual contracts, and over three-quarters are part-time. AAUP has long stated its support for long term contracts for full-time faculty and an institutional commitment to protecting academic freedom. On October 23rd, Rebecca Mullen, Mark St. John, and myself met with President Snyder, Provost Don Doucette, and Vice-President for Engagement, Jeffrey Terp. We are encouraged that Ivy Tech will take these concerns seriously, particularly the issue of academic freedom. Based on that meeting we have issued a formal invitation to President Snyder to speak at our spring conference.

AAUP remains the only national organization dedicated to academic freedom, tenure, and shared governance. If you believe these principles are essential to higher education, as we do, we strongly urge you to join our organization and support its activities.

Mark the date!
The University of Indianapolis will host the ICAAUP Spring Conference on Saturday, April 3rd, 2010. Check the website for more details.

www.inaaup.org
Summer Institute focuses on core issues

By Rick Lotspeich, Indiana State University

My experience at the AAUP Summer Institute (July 23-26, 2009) has to count among the best in my professional life. I recommend it most highly to anyone considering attending the Institute. Why was this so great, and what did I learn? “Many reasons” and “a great deal” are the short answers. Here are more details.

Firstly, the quality of people attending and leading the sessions was very high. It might be partly due to the summer setting, but everyone I met was friendly, helpful, and in good humor. At the same time, they were serious in purpose and focused on core issues of concern to AAUP and the American professoriate generally. Session leaders were very knowledgeable about their topics and provided ample information in both discussion and documents. Participants came with information of their own and a wealth of experiences to share in both the sessions and time in between. The top leadership of national AAUP was in attendance and very accessible. My most memorable lesson was directly from Cary Nelson during the river cruise excursion.

Secondly, the logistics were handled superbly. The planners were very organized. Information was provided in a timely way, many questions were anticipated and answers were efficiently provided. I think a part of this derived from the very positive attitude of AAUP staffers toward the purpose of our organization broadly and of the Summer Institute in particular. They are genuinely concerned for the future of higher education in America and willing to work hard to make improvements.

Participants had choices for accommodations; I chose the dorm room option, which was quite acceptable and convenient. Hotel living was the other option, with transportation to meeting venues provided. Breakfasts and lunches were available near the meeting rooms and provided excellent opportunities to meet new people, continue conversations on session topics or engage in exchanges of experiences within our work environments. Evening dinners and excursions were optional for modest additional cost. I recommend participating because these were great opportunities for informal discussions and networking.

Part of a participant’s preparation is to choose sessions in advance of the Summer Institute. As I often experience in academic conferences with simultaneous sessions, I found many more interesting topics than I could possibly attend. I prioritized choices according to faculty concerns at my place of employment, Indiana State University (ISU) – governance issues and financial matters. The first session was on the faculty role in accreditation – a process ISU is currently going through. Although the planning, reports, and site visits for accreditation are often dominated by administrators, faculty also have an important part. Leaders of the session encouraged faculty involvement at all stages, emphasizing that we are most effective when we know more about accreditation than our administrators. A key lesson I learned was the rarity with which accreditation is denied, and that the main reason is financial weakness. Wow! From the way our administrators drive organizational and programmatic change citing accreditation concerns, one would think ISU is at risk – but it’s not so.

My second and third sessions were two parts of an extended presentation and discussion of faculty handbooks: their role, their structure, and their legal authority. I suppose the main feature here is the incredible variety of experience. The essential notion of a handbook is a formalized set of rules and procedures that both protects and constrains personnel in a university or college. From a faculty perspective the protection is more significant than the constraint. In the words of one of the session leaders: “A handbook establishes rule of law.”

Some attendees were seeking to write a handbook, as their institutions did not have one. Others had vague or weak handbooks. I came away with the perception that ISU actually has a pretty good handbook, one that has been tested and has gained some legal standing in a contractual sense. I was surprised to find sections of the ISU Faculty Handbook included as examples in
materials provided to participants. Other topics in the session included discussion of legal standing – it varies from state to state according to the AAUP legal counsel at the session – and how to accomplish amendments to handbooks – sometimes they are changed illegitimately. This was a crowded and long two-part session covering a wealth of details on a subject very important to faculty.

The last two sessions I attended both treated financial matters. One was an introduction to the financial statements of a university/college. Silly me, my focus prior to this seminar was on our university’s budget. An expert guide who led the session asserted that budgets are mere plans, subject to change and incomplete in details. The real meat is to be found in the financial statements – which must be filed and in many cases are public documents. The two key documents are the Balance Sheet, a statement of assets and liabilities that is typically audited by an outside authority, and a Statement of Income and Expenditure, which presents financial flow data. One of the more interesting facts we learned was the high score for credit-worthiness that universities typically receive from bond rating agencies; one of the calculations the agencies look at closely, based on the financial statements, is the Viability Ratio: expendable net assets over long-term debt. Another important detail is that subventions to state institutions are considered non-operating revenue, in contrast to tuition receipts. Thus operating revenue less operating expenditure for such institutions is typically negative, the difference covered by subvention. Our session leader also explained a composite index used to evaluate the financial health of higher education institutions in his home state of Ohio. It runs on a scale of 1 to 5, with a value of 3 being good and 4 being very strong. He had calculated this index for a number of institutions represented by attendees in the session, including ISU. I learned that our score for FY2008 was 4.7 – a very strong performance. Budget crisis? What budget crisis?

The final session focused on the larger fiscal environment of higher education and national trends. We considered the typical practice of parking university funds temporarily in portfolios of financial assets, where they can experience gains or losses. It’s safer to use U.S. Treasuries than stocks, but like many investors, university fund managers have been seduced by the higher average returns stocks are thought to provide. We also learned of the trend over the past 30 years for public universities to rely more on tuition and less on state appropriations. While particular ratios vary a great deal across public universities, this trend points toward an abandonment of higher education as a public interest. Another trend noted is the increase of administrators and professional staff relative to teaching and research faculty. ISU is following the national evolution of university staffing, but is this a wise use of the limited resources of higher education? Not surprisingly, the opinions in this group were doubtful. Gary Rhoades, a leader in this session and General Secretary of the National AAUP, offered a political economy analysis: The administrative leaders of higher education seek a well-controlled work force, and faculty, who traditionally enjoy a high degree of autonomy, are not well-controlled professionals. Indeed!

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Editor’s Note: The Assembly of State Conferences offers a scholarship to the Summer Institute covering tuition; in addition, the Indiana Conference has committed to help fund state AAUP members who desire to attend the Summer Institute. Please contact Conference President Rich Schneirov for more information.
Can my faculty handbook help me if my job is on the line? Are the processes and procedures it lays out really enforceable? College and university handbooks touch on a broad array of issues, from the composition of an institution’s governance structure to details on how leave requests are granted. A faculty handbook can also be an integral part of a faculty member’s employment contract—but its enforceability can differ from state to state, causing confusion and uncertainty for faculty members facing administrative actions that affect the whole school or questions about their individual employment status.

Each year, the American Association of University Professors fields inquiries about what legal role a faculty handbook might play in resolving employment questions and larger questions about an administration’s actions. In response to these inquiries, the AAUP’s legal office has developed a state-by-state guide to the legal treatment of faculty handbooks. This guide is intended to be a quick reference for professors, administrators, and lawyers who are seeking to analyze whether provisions of a faculty handbook are enforceable as a contract. The guide has previously been available for sale; this year, in a time of financial and employment uncertainty, we are pleased to offer it for free on the AAUP Web site.

While this guide is not an exhaustive resource, it is a good starting point for understanding what your state law says about handbooks as contracts. (The language of the handbook itself is also, of course, a key starting point for any analysis.) The guide focuses on cases set in the higher education context.

The guide is not intended as legal advice; if you have questions about the enforceability of your faculty handbook, we encourage you to consult with an attorney in your state who is experienced in higher education or employment law. Should you require assistance in locating a lawyer, the AAUP may be able to refer you to a local attorney; please e-mail legal.dept@aaup.org for assistance. The AAUP legal office updates this guide periodically and encourages users of the guide to provide feedback on its contents and ease of use.

“In the midst of a torrent of threats to academic freedom in higher education, No University Is an Island arrives to tell us why to propose solutions. As Nelson makes clear, all of our freedoms depend on our ability to educate our students to be critical citizens. Everyone concerned about the future of freedom should read this book.”

Anthony D. Romero, Executive Director
American Civil Liberties Union

No University Is an Island: Saving Academic Freedom

The new book by Cary Nelson, current President of the AAUP

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nyupress.org
Q: Please tell us a bit about yourself: your background, your education, your current situation and circumstances.

A: I attended Indiana University, graduating in 1982 with degrees in journalism and political science. I earned a master’s from Northwestern in 1984, and received my law degree from Indiana University in 1988, the same year I was admitted to the Indiana Bar. Betz & Associates is celebrating its 13th year of successful trial and litigation work.

Q: Did you have a professorial mentor when you were in college or law school? How did he or she influence you?

A: Yes. They greatly influenced me. I clerked for a state trial court judge in Bloomington and then clerked for the Chief Justice of the Indiana Supreme Court. They are both still serving on the bench, and they both are remarkable individuals and remarkable judges. Then in my initial years of private practice, I worked under several nationally recognized litigators who taught me well. In retrospect, they were a team of mentors and they greatly influenced me for the better.

Q: Two of the core values that AAUP espouses for faculty are the right to academic freedom and the privileges and responsibilities of tenure. Can you tell us your understanding of both of those concepts and how they affect higher education? Have you had cases in which you have had to defend either one of these principles? (If you have defended cases for the press, I would imagine you have had plenty in this state!)

A: Those concepts are understood by me as the bedrock principles of our nation’s academy at universities. In one word, they represent "independence" by this nation’s academy and without this independence the academy would be worthless as an institution. These concepts are to be preserved at literally almost all costs. As Thomas Jefferson mused about freedom of speech as a principle and democracy as a principle, he stated that he would choose freedom of speech or independence of the press over democracy as a principle every time because one follows from the other, but not vice versa. The same goes for academic freedom and the privileges and responsibilities of tenure. Just as independence of the press is the essence of democracy, academic freedom and the privileges and responsibilities of tenure are the essence of the university. This is my understanding of these concepts.

I have had cases defending these principles. In my work for citizens and newspapers, including The Indianapolis Star, I have had several cases directly defending freedom of the press. They were all special and exciting cases.

A: What has been your greatest challenge so far in your career? Your greatest success or reward?

Q: The greatest challenge that I have faced was representing 22 individuals who had been wrongfully denied their health care and pensions by one of the largest corporations in the world. We won the first jury trial with five of the individuals and eventually settled the case for the entire set of individuals. It was a herculean challenge, and it was also our greatest success.

Q: If you could teach anything and anywhere you wanted, what and where would it be?

A: As to teaching, I truly consider jury trials as teaching opportunities, and I do so in Indiana by choice. The best trial lawyers are great teachers. And the best teacher usually prevails. I teach about my client's issues and their stories. And as to where, I am such a tried and true Hoosier that I cannot imagine being anywhere else. It is my home.

Q: What five books would you want to have with you if you were stranded on a desert island?

A: 1) To Kill A Mockingbird, 2) The Catcher In The Rye, 3) Let The Trumpet Sound -- A biography of Martin Luther King, Jr., 4) On Walden's Pond; 5) How To Survive, Thrive and be Happy on a Deserted Island.

Q: Anything else we should know or that you would like to share with our members?

A: Your members need to know that I consider it a great privilege to consult with them and represent them. Of all of my clients, I especially enjoy phone calls, meetings and representation of them.
The Indiana Conference of the American Association of University Professors expresses its support for University of Notre Dame President the Rev. John Jenkins in standing by the university’s decision to invite President Barack Obama to speak at its May 17 commencement. We are concerned by the efforts of external groups to prevent President Obama or any other invited guest from speaking on campus.

For almost a hundred years, the AAUP has defined for colleges and universities the meaning of academic freedom through its policy statements and procedural guidelines. We hold that the freedom of faculty and other members of the campus community to conduct research, publish, and exchange ideas, especially highly controversial ones, without outside interference or censorship is the lifeblood of the university and is essential to the production and dissemination of knowledge. The fact that American universities have such an enviable world-wide reputation is in no small part due to our practice of academic freedom.

While the AAUP recognizes that religious colleges and universities have the right to propagate their special faith, these institutions must also protect and model free inquiry and open dialogue. Notre Dame’s embodiment of these values has helped earn it a reputation as one of the premier Catholic universities in the United States. In 1967, Notre Dame President the Rev. Theodore Hesburgh and other leaders of Catholic colleges and universities proclaimed in the Land O’Lakes statement that the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say this is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities.

But does this freedom apply to outside speakers? According to the AAUP’s 2007 statement on the subject: As part of their educational mission, colleges and universities provide a forum for a wide variety of speakers. There can be no more appropriate site for the discussion of controversial ideas and issues than a college or university campus. . . . Invitations made to outside speakers by students or faculty do not imply approval or endorsement by the institution of the views expressed by the speaker. Notre Dame has a worthy tradition of inviting new presidents to speak at commencement even though none agree with all aspects of Catholic dogma. To disinvite a commencement speaker over public policy disagreements is an anathema to open discourse. AAUP affirms the right of those who disagree with a speaker to protest. But prohibiting or censoring a controversial speaker is a violation of the free exchange of ideas. For that reason we support Notre Dame’s defense of academic freedom.

Richard Schneirov, President, Indiana Conference of the AAUP
Cary Nelson, President, AAUP

The Academic Freedom Controversy at Notre Dame

AAUP provides help

cost consultation fees with a lawyer expert in legal and education law. Interested members can contact Kevin Betz: kbetz@betzadvocates.com.

The Indiana Conference’s Committee A stands ready to assist faculty members who have been denied due process in questions of tenure or retention, or who have suffered violations of their academic freedom. Any grievance that comes to Committee A will be considered. If the Committee believes that the complaint has merit, it will, depending on circumstances, either pursue that matter on the state level, or refer the case to the national office. Every faculty member in Indiana should know that if he or she gets in trouble, there is a place to turn.

Please contact: Daniel Murphy, History Department, Hanover College, P.O. Box 890, Hanover, IN 47243, murphy@hanover.edu, 812-866-7222.
By Rebecca Mullen, Vincennes University

Members of the Faculty Affairs Committee, a standing committee of the University Senate, were recently updated on the number of tenured faculty employed system-wide at Vincennes University in Vincennes. Full-time faculty there has long been provided a robust and working tenure system; however, like many tenure systems nationwide, it began to decay about ten years ago. In 1998, University Board members and officials ‘froze tenure, including those faculty members who were currently in tenure-track positions, claiming that the University had no flexibility. Indeed, at the time, nearly 80% of the full-time faculty members were tenured. Few faculty were riffed at the time, but a number who saw their tenure “frozen” decided to seek more stable employment elsewhere. That left about nine faculty members in tenure-suspended animation. Within approximately two years, tenure was “thawed,” but the damage had been done. Five faculty finished their probation period and received tenure. Four chose to continue on tenure track without applying. Currently many of our tenured faculty have retired, and continue to do so, while only a very small number from the Community College, an ironic twist since he was the person who fought so hard to see that we became a part of it to begin with. At the time of the ‘divorce’ from Ivy Tech, as it has rather famously been called, we were awarded eight baccalaureate degrees, which have since become extensions of already-successful two-year degrees at VU. In trying to establish and support these degrees, the University hoped to attract some of the best personnel to run and teach these programs. One of the carrots offered to several of our new BS faculty was tenure (again, currently we have three who are on track for tenure in those programs). While that sounds like a positive move, and it is indeed for those three, the problem is that in the meantime, not one faculty new-hire teaching in our two-year programs has been hired in a tenure-track position, even as we lose at least 4-5 tenured faculty each year to retirements. What this has done then is create a two-tier system at VU in which a select few teaching in baccalaureate positions, some without full teaching loads due to administrative duties, will receive tenure (again it must be stressed that there are only three) while those who are teaching in the areas of our primary mission, two-year professional, occupational and transfer programs, are not even being considered.

More alarming still, the Vincennes University Board of Trustees, in response to the Senate’s urgings to reinstate tenure across the board (we are currently at 46% tenured faculty members, nearly all of them eligible to retire within the next 5-10 years), has suggested that they do not wish to follow the policy as stated in the University Manual. Efforts are currently underway to resolve this issue, but as of right now, tenure is quickly becoming a thing of the past at VU. "Efforts are underway to resolve the issue, but as of right now, tenure is quickly becoming a thing of the past at VU."