

RECORD OF THE COUNCIL NOVEMBER 19–20, 2011

The Council of the Association met November 19–20, 2011, at the AAUP's office in Washington, DC. First Vice President Wendy Roworth presided. Members of the Council (with the exception of President Cary Nelson, Second Vice President Estelle Gellman, and Kim Emery) participated. Also participating were Kerry Grant, parliamentarian; Robert O'Neil, general counsel; Martin Snyder, senior associate general secretary; and other members of the staff.

Vice President Roworth called the meeting to order and introduced the parliamentarian, all new Council members, and new staff members in attendance. The Council approved the agenda, as amended, on the recommendation of its Executive Committee. It then approved the minutes of the June 10 and 12, 2011, Council meeting.

State of the Association: Budget, Restructuring, and the Centennial

Martin Snyder provided an overview of the Association as it approaches its centennial year (2015). He called upon the Council to establish the organization's long-term goals and priorities with an emphasis on improving and maintaining good financial health. He suggested that the Council establish operating committees to facilitate the business of the Council and the Association.

Resolution on AAUP Priorities

Henry Reichman presented a draft "Resolution on AAUP Priorities 9/2/2011," discussed by the Executive Committee at its August retreat. It provided two main priorities for the Association: (1) increased membership in both advocacy and organizing sectors and (2) more and better membership services. The Council discussed the proposed resolution, emphasizing its desire to ensure protection of the Association's core principles of academic freedom, tenure, and shared governance. It also discussed the goal of increasing the Association's annual revenues to \$10 million by the end of 2015, the AAUP's centennial year. The Council adopted the resolution as amended during the discussion. (The resolution was further amended during agenda item XVII [General Good and Welfare]. Jeremy Nienow and Rana Jaleel proposed that the resolution include a

specific reference to graduate students. After discussion, the amendment was adopted.)

Report of the Secretary-Treasurer

Secretary-Treasurer Howard Bunsis presented the revised 2011 budget and the proposed 2012 budget for the Council's consideration. On November 20, the Council approved the revised 2011 budget and the 2012 budget.

Revenue Issues and Proposed Policies

Martin Snyder and several staff colleagues presented information to the Council concerning revenue and proposed policies intended to improve billing and collection. They reported that the Association now bills on a quarterly system, with bills sent on the first day of the quarter and due on the last day.

The Council discussed and adopted three policies related to billing, collection, and budgeting. First, it reaffirmed the policy requiring collective bargaining chapters with agency-fee arrangements to report and submit dues for their fee payers. Second, it adopted a policy on how to treat the potential dues revenue of nonpaying chapters for budgeting purposes. Third, it adopted a motion clarifying what is to be considered "bad debt" that the general secretary may approve to be written off annually and requiring the general secretary to report the disposition of all bad debts at the June Council meeting.

Chapters and Conferences

Acting Senior Counsel Kathi Westcott presented a memorandum outlining some of the possibilities for dealing with chapters whose dues are significantly in arrears. The Council approved the creation of a four-member Council committee that will focus on the Association's relationship with chapters and conferences. The work of this committee will include addressing compliance issues related to the AAUP's chapters, with the goal of presenting proposed policies to the Council for consideration at its June 2012 meeting. The Council recommended that the president appoint Council members Susan Moeller and Christopher Moylan to this committee.

Council Budget and Planning Committee

Martin Snyder led a discussion of an Executive Committee recommendation that the Council establish a budget and planning committee, and the Council acted to create such a committee. The committee will be responsible for assisting in the preparation of the Association's annual budget and will monitor the finances of the Association throughout the year. The Council recommended appointing Robert Boikess and Rudy Fichtenbaum to this committee.

Restructuring Update and Implementation Plan

Kathi Westcott gave an update on the status of the Association's request for a ruling from the Internal Revenue Service regarding restructuring and on the prospect of a favorable ruling in the coming months. She then presented a restructuring implementation plan drafted by staff members identifying the necessary major steps for the organization's division into three new entities (AAUP Professional Association, AAUP Collective Bargaining Congress, and AAUP Foundation) by January 2013. She stated that a number of the Association's governing bodies, including the Council, will need to vote in June 2012 on whether to proceed with restructuring.

Election to Fill Vacancy on AAUP Foundation Board

The Council member position on the AAUP Foundation's board was vacated by Ellen Schrecker, whose Council term had expired. The Council elected Irene Mulvey to fill the position.

Website Implementation Plan

Martin Snyder gave a brief update on the development of websites for the new entities after restructuring. A vendor has been selected and preparation of a contract is in progress.

Membership Report and Database Implementation Update

Katherine Isaac, director of the membership department, reported that as of October 31, 2011, Association membership totaled 47,914, a decline of 1.6 percent from 48,694 in 2010. Non-collective bargaining chapter membership constitutes 32 percent of total membership, and collective bargaining membership (excluding fee payers) constitutes 68 percent. She stated that 116 members have renewed in the new lifetime-membership category, resulting in \$111,000 of dues revenue.

Isaac provided an update on the implementation of an improved database, reporting that the membership department has converted all member, chapter, and institution records and is now recording new and renewed memberships, *Academe* subscriptions, payroll deduction, and roster changes through the new database. In addition, its mailing-list function is now being used to send electronic newsletters to members and nonmembers, and the first phase of a chapter portal is available, which allows chapter administrators to log in and download active chapter member rosters. Further, the new database now enables the membership department to move members automatically to the full-time category after their fourth year in the entrant category, which resulted in an additional \$50,000 in dues for the third and fourth quarters this year. Isaac reported that the new database vendor has resolved problems with payroll deduction and bank debit billing and has agreed to a new schedule to address outstanding issues, including integration with the office accounting software and functioning of the self-service and subscription modules.

Vote on Approval of Joint Organizing Agreement

Staff member Michael Mauer presented to the Council a draft joint organizing agreement between the AAUP and the American Federation of Teachers (AFT). He highlighted specific provisions of the agreement and advised the Council that the Executive Committee has conditionally approved it, contingent upon the AFT's agreeing to two language changes related to the treatment of contingent faculty and future targets for organizing campaigns.

The Council provisionally approved the joint organizing agreement, pending AFT approval of the two changes recommended by the Executive Committee.

Election to Fill Vacancy in District VI

The Council elected Linda Rouillard to fill the District VI Council seat vacated by Jennifer Larson, who resigned.

Election of the Election Appeals Committee

The Council elected Lenore Beaky, Linda Carroll, and Candace Kant for the 2012 Election Appeals Committee. Sheila Teahan was elected to serve as an alternate.

Report on Department of Labor Investigation

The Council held an executive session to discuss a pending Department of Labor investigation related to

the Association's 2011 Council and Assembly of State Conferences chair elections.

Extension of the Nominations Period

Charles Baker, chair of the 2012 Nominating Committee, updated the Council on the nominations for the 2012 Council election. He reported that the Nominating Committee had not yet received the required minimum of two nominations for each seat and encouraged Council members to nominate members they believe to be qualified for service on the Council. The Council approved a motion to extend the deadline for nominations for the 2012 election to December 15, with the report of the Nominating Committee due to the Council on December 20.

Report on the Committee A Meeting and the Governance Conference

Gregory Scholtz, director of the Department of Academic Freedom, Tenure, and Governance, reported on the November 4–5, 2011, meeting of Committee A on Academic Freedom and Tenure. The committee approved a newly revised executive summary of the report *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions*, which will be published online. It called for a few revisions to a draft subcommittee report, *Accommodating Faculty Members Who Have Disabilities*. Once the revisions are made, the report will be published online and in the *Bulletin of the AAUP* and will be publicized widely. The committee has reactivated its subcommittee on institutional review boards, which will meet in January 2012 and report back to Committee A at its June 2012 meeting. Scholtz also reported that a draft report, *Recommended Principles and Best Practices to Guide Academic-Industry Relationships* (a joint undertaking of the AAUP and the Canadian Association of University Teachers), has been circulated to the Committee on Professional Ethics, the Committee on College and University Governance, and various individual experts for comments. He concluded his report by referring the Council to two reports published since June 2011, one an investigating committee report on the nonreappointment of Professor Ivor van Heerden at Louisiana State University, Baton Rouge, and the other a supplemental staff report on abortive efforts to effect censure removal at the Savannah College of Art and Design.

Staff member Jennifer Nichols reported on the current academic freedom investigation of the University of Louisiana System and the investigating committee's

recent visits to the campuses of the University of Louisiana at Lafayette, Northwestern State University, and Southeastern Louisiana University. The focus of the investigation is on program discontinuances within the UL System, resulting in layoffs of tenured faculty. The committee is specifically concerned about how the layoffs have been handled in relation to faculty due-process rights.

Staff member Robert Kreiser gave a report on the fall 2011 governance conference. He discussed a statement by a joint subcommittee of the Committee on College and University Governance and the Committee on Contingency and the Profession on the role of contingent faculty in campus governance, and also spoke about the governance committee's work on a draft statement on the meaning of "faculty representation" in faculty governance bodies.

Robert O'Neil reported on his presentation before the American Bar Association's Standards Review Committee, which has been reviewing its law school accreditation requirements. O'Neil's presentation focused on AAUP principles of academic freedom and tenure and their particular significance for clinical law faculty.

Development of Guidelines for Course Releases

At its June 2011 meeting, the Council called for discussion at its November meeting to clarify how course releases should be handled. Craig Vasey led a general discussion of the Association's practice regarding course releases for the president and the faculty editor of *Academe*. The Council approved creation of a committee to develop a policy for the Council's consideration at its June 2012 meeting. The Council recommended that the president appoint Jane Buck, Craig Vasey, Jeffrey Halpern, and Jeremy Nienow to serve on the committee. It noted that any policy should prohibit institutions from potentially profiting from a course release by using a nontenured, contingent faculty member in replacement.

Dependent-Care Subsidy Committee

The Council adopted a motion in 2009 approving the dependent-care reimbursement policy. This policy, set to expire at the end of June 2012, required the Council to establish a subcommittee at its November 2011 meeting to review the implementation of the policy and, in particular, to look at its cost to the Association as well as whether it had been helpful in recruiting new AAUP leaders.

The Council recommended that the president appoint Donna Potts, Cecilia Konchar Farr, and Candace Kant to this subcommittee.

Credit Card Policy

Kathi Westcott presented a proposed credit card policy recommended by the Executive Committee. She stated that the Association does not currently have a policy regarding the use of AAUP-issued credit cards by staff members. The Council adopted a policy to meet the requirements of appropriate record keeping related to credit cards.

Report on Negotiations with Staff Union

The Council in executive session heard a report from consultant Ernst Benjamin on the status of negotiations with the staff union.

Campaign for the Future of Higher Education

Henry Reichman reported on the activities and progress of the Campaign for the Future of Higher Education. He stated that he represented the AAUP at the campaign's second national gathering in Boston in early November. He stressed the importance of AAUP involvement in the campaign.

In a related matter, he asked the Council to consider adopting a statement that he had drafted in support of free expression in the University of California system after the pepper-spraying of a protester at the University of California, Davis. The Council adopted the statement and asked that it be widely circulated to AAUP conferences and chapters.

Thomas Jefferson Center for Free Expression

Jane Buck gave a brief report on the Thomas Jefferson Center for Free Expression's tribute gala for Robert O'Neil on the occasion of his retirement from that institution, which he founded. More than two hundred people attended the celebration, including current and former AAUP staff attorneys Kathi Westcott, Ann Franke, and David Rabban. The AAUP helped sponsor the event.

General Secretary Search

Wendy Roworth led a discussion about the Executive Committee's recommendation that the Council change the title of "general secretary" to "executive director" and approve the Executive Committee's draft position description. The Council accepted the recommendation.

Report of Assembly of State Conferences Chair

Donna Potts, ASC chair, reported that the ASC has focused on campuses that do not or cannot have collective bargaining representation and that the CBC chair has been supportive of those efforts. The ASC made its state conference appointments in August in a manner that corresponds more closely to the AAUP's districts. Potts reported that the ASC started or revived several chapters in Idaho, Illinois, and Wisconsin; is continuing efforts to revive the Florida, Kentucky, and Wisconsin state conferences; is helping to organize new chapters in Florida and Missouri; and is working on advocacy chapter development in Michigan. The ASC held a workshop in Texas on October 29 that attracted more than eighty faculty members, including the officers of new Texas chapters at Austin College, Northwest Vista College, and San Antonio College, which were presented with chapter charters at the workshop. The ASC has requested information on faculty members in North and South Dakota in anticipation of future ASC work in those states. Looking forward, the ASC will be conducting advocacy workshops in New Orleans and at the University of Southern Mississippi in April 2012 and at Washington University, St. Louis, in fall 2012. ASC executive committee members will also visit the Mississippi state conference (in conjunction with the April workshop), Arizona State University, Austin College, Pennsylvania State University—Abington, and the Tennessee state conference.

Potts commended the AAUP staff for its efforts to provide services to members, which have resulted in opportunities to recruit new members and form new chapters. She thanked Council members who have participated in reaching out to other campuses and state conferences in recognition of the benefit to higher education as a whole.

Report of Collective Bargaining Congress Chair

Howard Bunsis, CBC chair, reported that currently the CBC's campaign priorities are focused on New Mexico State University, the University of Oregon, and the University of Illinois at Urbana-Champaign. He stated that New Mexico State University is a solo campaign on which the AAUP has been working for close to two years and that he anticipates a card drop in spring 2012. The campaigns at the University of Oregon and UIUC are joint AAUP-AFT campaigns that seem to be well received by the faculty. He referred to potential

organizing opportunities at Wright State University, Western Washington University, the University of Illinois at Chicago, and Plymouth State University in New Hampshire. Some are potential solo AAUP campaigns, and some would be carried out jointly with the AFT.

The Council discussed clarifying who had authority to authorize card drops or oversee the daily conduct of campaigns during the interim period without a general secretary. It approved a motion requiring that the chair of the CBC be consulted before any major decisions are made related to collective bargaining organizing campaigns.

New Business

Council members discussed appointing public members to the AAUP Foundation and suggested seeking out individuals who are already serving on boards of organizations whose missions or work resemble that of the AAUP. ■