

RECORD OF THE COUNCIL JUNE 11–13, 2010

The Council of the Association met June 11–13, 2010, in conjunction with the Ninety-sixth Annual Meeting at the Omni Shoreham Hotel in Washington, D.C. The Council session on Saturday, June 12, ran concurrently with the annual meeting plenary session.

President Cary Nelson presided. The following Council members attended: Stephen Aby, Jacqueline Aranté, Lenore Beaky, Patricia Bentley, Michael Bérubé, Marc Bousquet, Howard Bunsis, Jeffrey Butts, Linda Carroll, Joan Chrisler, Carl Cuttita, Anne Doyle, Cecilia Konchar Farr, Estelle Gellman, Larry Gerber, Jeffrey Halpern, Flo Hatcher, Elizabeth Hoffman, Judith Johnston, Candace Kant, Jennifer Larson, Kevin Mattson, Susan Moeller, Irene Mulvey, Charles Parrish, Donna Potts, Wendy Roworth, Joel Russell, Ellen Schrecker, Karen Thompson, Saranna Thornton, Gerald Turkel, Craig Vasey, and Donald Wagner. Also attending were Council members-elect, general counsel Martha West, general secretary Gary Rhoades, and other members of the AAUP staff. Kerry Grant served as parliamentarian.

Reports were presented by David Rabban, chair of Committee A on Academic Freedom and Tenure; Larry Gerber, chair of the Committee on College and University Governance; Judith Johnston, on behalf of the Committee on Membership; Secretary-Treasurer Howard Bunsis; and members of the AAUP staff.

President Nelson called the meeting to order shortly after 2:00 p.m. on June 11. He introduced the parliamentarian, the newly elected Council members in attendance, and new members of the national staff: Martina Myers, Kira Schuman, and Sara Smith, in the Department of Organizing and Services, and Nsé Ufot, in the Department of Research and Public Policy. Nelson acknowledged the work of Eric Combest, associate secretary in the Department of Academic Freedom, Tenure, and Governance, who was leaving the Association on August 1. He asked that the Council approve a change to the agenda, removing the phrase “Powers and” from item 3 to be discussed on June 13, so that it read, “Resolution to Amend the Functions of the Executive Committee.” The Council adopted the change and then approved the amended agenda and approved the minutes of its November 2009 meeting.

Recommendations by Committee A on Academic Freedom and Tenure

David Rabban presented Committee A’s first of two recommendations to the annual meeting regarding the imposition of censure. The Council concurred in Committee A’s recommendation that censure be imposed on the administration of Clark Atlanta University. Gregory Scholtz, director of the Department of Academic Freedom, Tenure, and Governance, presented Committee A’s recommendation that censure be imposed on the administration of the University of Texas Medical Branch at Galveston. The Council also concurred in this recommendation.

Rabban reported on the work of Committee A’s subcommittee on academic freedom and politically controversial personnel decisions. The subcommittee presented a draft report to Committee A at its June 5–6 meeting, and it will be revising the draft for further discussion at the committee’s November meeting.

Patricia Bentley asked about the existing censure of the administration of the State University of New York, at which she is a faculty member. She expressed little hope the administration will adopt Association-recommended policies in an effort to have the censure removed. Kevin Mattson asked how particular institutions are persuaded to make policy changes relevant to the Association’s mission. Gerald Turkel suggested that relevant language can be included in collective bargaining agreements; Rabban stated that faculty senates can get involved; and senior counsel Rachel Levinson noted that appropriate policies should be included in faculty handbooks.

Recommendation by the Committee on College and University Governance

Larry Gerber presented the committee’s recommendation to the annual meeting that Antioch University be placed on the list of institutions sanctioned for infringement of governance standards. The Council concurred in the recommendation. He also commented on an upcoming governance conference to be held November 12–14 in Washington, which will feature panel presentations and workshops.

Recommendations of the Committee on Membership

Judith Johnston, on behalf of the Committee on Membership, presented the committee's recommendations regarding the reauthorization of comprehensive dues.

She indicated that several conferences required dues reauthorization. The Council concurred in the committee's recommendations that the Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Pennsylvania, and Virginia conferences be reauthorized for participation for three years at Tier III (lowest level). The Council then concurred in the committee's recommendation that the Indiana conference continue participation for one year, also at Tier III.

Recommendation on Dues Proposal

General secretary Gary Rhoades presented a resolution proposed by the Council's executive committee to reform the Association's dues structure for its advocacy members. The Council approved recommending the following resolution to the Ninety-sixth Annual Meeting:

WHEREAS, the AAUP's elected leadership recognizes that the Association's current dues structure has become increasingly complex and some faculty members struggle to pay for AAUP dues given economic realities; and

WHEREAS, the AAUP once had a progressive dues structure based on income which reflects the practice of many disciplinary associations; and

WHEREAS, in its November 2009 meeting the AAUP Council endorsed a simplified progressive dues structure for advocacy members – not affecting collective bargaining members or their chapters – to be proposed for adoption at the June 2010 Annual Meeting; and

WHEREAS, the Assembly of State Conferences Executive Committee has voted unanimously to endorse a progressive dues structure for AAUP advocacy members; and

WHEREAS, the AAUP leaders and staff have explored numerous sets of income-related dues structures with the goals of keeping dues as low as possible while overall maintaining the same revenue by focusing on recruiting more members;

NOW, THEREFORE, BE IT RESOLVED, that the AAUP Ninety-sixth Annual Meeting, including the delegates thereto, endorses the adoption of a simplified progressive dues system for AAUP advocacy members beginning January 1, 2011, such that dues rates will be determined by the following salary bands, based on self-reported academic income:

| Salary | = | |
|---------------------|---|-------------------|
| < \$30,000 | = | \$45 annual dues |
| \$30,001–\$40,000 | = | \$60 annual dues |
| \$40,001–\$50,000 | = | \$80 annual dues |
| \$50,001–\$60,000 | = | \$100 annual dues |
| \$60,001–\$70,000 | = | \$140 annual dues |
| \$70,001–\$80,000 | = | \$165 annual dues |
| \$80,001–\$100,000 | = | \$185 annual dues |
| \$100,001–\$120,000 | = | \$205 annual dues |
| > \$120,000 | = | \$225 annual dues |

RESOLVED, that the progressive dues amounts will be adjusted annually using the formula adopted by the Seventy-second Annual Meeting in 1986, based on the average consumer price index and average salary increase for continuing faculty as reported in the "Annual Report on the Economic Status of the Profession";

RESOLVED, that the dues rates above include the amounts formerly paid by individual advocacy members for chapter and state conference dues. The amounts paid to chapter and conferences will remain at the 2010 level for 2011 and 2012. Thereafter the normal reauthorization procedures will resume; and

RESOLVED, that the Association will closely monitor the economic impact of the progressive dues structure on faculty and the organization; the Membership Department will report annually to the Council.

Candace Kant asked how the new dues structure would affect the agreement that the Association has with the Nevada conference, as the Nevada Faculty Alliance collects advocacy dues statewide. Rhoades stated that the Association will have to work with the alliance to make dues collection in Nevada manageable and equitable.

Recommendation on Nominations for Council Membership

The Council approved the following resolution proposed by its executive committee regarding nomination of candidates for Council positions for the 2010–11 election cycle:

WHEREAS, the Council of the American Association of University Professors desires to provide guidance to the AAUP Nominating Committee in its selection of candidates for the 2010–11 election of Council members;

NOW, THEREFORE, BE IT RESOLVED, that any person who is a member in good standing of the AAUP at the time of nomination, at the commencement of balloting, and thereafter if elected,

and who presents (or for whom is presented) to the Nominating Committee by the date below the written endorsements of six active members of the Association, and who accepts nomination if nominated by another, shall be placed by the Nominating Committee on the ballot for election to the AAUP Council during the 2010–11 election cycle;

RESOLVED, that all petitions or endorsements for nomination to Council shall be submitted to the AAUP Nominating Committee no later than November 1, 2010, with the Nominating Committee to issue its report on or before November 12, 2010;

RESOLVED, that all candidates must identify whether they wish to run as district-elected members or at-large members of Council;

RESOLVED, that Article V, Section 2 of the AAUP Constitution, stating that “the Nominating Committee shall nominate two active members of the Association for each position to be filled,” is hereby interpreted to mean that the Nominating Committee shall nominate at least two active members of the Association for each position to be filled; namely, all those fulfilling the conditions set out in the first Resolved paragraph;

RESOLVED, that the Nominating Committee shall notify the membership, or the relevant portion thereof, two weeks prior to November 1, 2010, if an insufficient number of candidates have been submitted for a particular position; and

RESOLVED, that the Executive Committee of the AAUP is directed to consider this matter further and propose modifications to the nomination process, possibly including amendments to the AAUP Constitution, for consideration by the Council in November 2010.

In addition, the Council approved a motion to amend the Election Bylaws to reflect the resolution just passed as well as several minor housekeeping changes. Specifically, Section I.A was revised to indicate that the Nominating Committee’s report shall be completed in time for publication to the membership sufficiently in advance of the election, rather than specifically in the November–December *Academe*; Section I.B was revised to incorporate the dates and specifics set out in the resolution for the 2010–11 election; and Section I.C.2 was revised to add “district-elected” before “Council nominees.”

General Good and Welfare

First vice president Jeffrey Butts asked that the Council remember its former member Glenn Howze, who passed away in May.

Associate secretary Katherine Isaac reported that at the June 11 field staff breakfast it was generally agreed that the Association needs to adopt a better billing system. She indicated that collective bargaining chapters currently get hard copies of their records to update for the national office but that eventually they will themselves be able to update their records on the Association’s Web site.

Election of Three Council Members to 2010 Nominating Committee

Associate secretary Eric Combest on June 11 requested nominations of three members to the Association’s 2010 Nominating Committee. Purificación Martínez and Mayra Besosa were already members, representing the Assembly of State Conferences and the Collective Bargaining Congress, respectively. Irene Mulvey, Charles Parrish, and Saranna Thornton submitted themselves for nomination, and they were elected by acclamation. On June 13, Mulvey stepped down so that she could run for the Council again, and Craig Vasey nominated himself and was elected by the Council to replace her.

Report of the Election Committee

Martin Snyder, staff to the committee, commented on its report. He stated that voter turnout for the Association’s recent election of Council members and officers was unusually low, with only 14 percent of eligible voters participating.

For the first time, elections for the officers of two state conferences, Ohio and Virginia, were included in the national election process. The conference elections were successfully conducted, and the conferences were spared the expenditure of considerable time and money. Additional conferences could similarly benefit from participation in the national election process.

Snyder reviewed three complaints related to the 2009–10 election received by the committee.

The first complaint, actually a compendium of new and previously lodged complaints, was referred to outside legal counsel for analysis and recommendations. The Election Committee is currently reviewing outside counsel’s recommendations and preparing a response to the complainant.

The committee received two further complaints, both involving the use of membership mailing lists. The first case involved an electioneering message sent by a candidate for election. The candidate was a former

officer of the Association. The committee asked the candidate to explain the origin of the mailing list used. The candidate responded that the list had been compiled through personal effort from publicly available Web sites, and the committee accepted the explanation as satisfactory.

Similarly, the second complaint alleged the improper use of AAUP membership mailing lists for electioneering purposes. In this case, the author of the electioneering message was not a candidate for election but wrote in support of other candidates. Again, the Election Committee inquired about the source of the mailing list. The author of the electioneering message indicated that the source was AAUP membership lists that had been obtained through service as an officer of the Association. The Election Committee concluded that the membership lists used were AAUP resources and that by using such resources the author of the electioneering message had violated AAUP election procedures, including the statement in the Election Bylaws that “no . . . Association funds shall be expended in support of any candidate.” The Election Committee alerted the author of the message to the violation and admonished the author against any future use of Association resources for electioneering purposes.

In order to clarify AAUP policy on the use of membership mailing lists for electioneering purposes and to provide guidance for the future, Snyder reported that the Election Committee drafted the following policy, which general counsel Martha West presented:

Current and former AAUP Council members and officers (including the ASC and CBC chairs) may campaign for candidates for officer positions and national Council to the extent permitted by the Election Bylaws and other guidance from the AAUP and the Election Committee. They are, however, prohibited from using membership lists prepared by the AAUP to send out electioneering communications if they have received those lists in their capacity as Council members or officers or have access to such lists that is either denied to non-officers or not made available to non-officers without payment.

In addition, Charles Parrish asked about the general guidelines for dissemination of information by candidates and use of e-mail to send or receive messages. After discussion, West suggested that a task force or the Election Committee examine the use of e-mail addresses and provide additional guidance; Rhoades endorsed the idea and suggested that the Election Committee be tasked with this project. The Council also discussed other options for informing the membership about

candidates, including having a dedicated Web site.

Snyder then shared the committee’s recommendation that the Council approve amendments to the Election Bylaws, following the approval of proposed amendments to the constitution of the ASC by that body on June 11.

The approved amendments to the ASC constitution provide, among other things, that the ASC chair be elected directly by the membership rather than by delegates from the various state conferences. The Council therefore approved the following changes to the Election Bylaws: deleted Article VII.A, dealing with the election of the chair by delegates, and added the ASC chair to Article V of the election bylaws, which addresses the timing for balloting.

The Council approved the proposed changes to the Election Bylaws.

Snyder indicated that a third member of the 2010–11 Election Committee was needed. Incoming Council member Deanna Wood volunteered, and the Council accepted her offer. The other two members of the 2010–11 committee are the chair of the Committee on Membership (Ernst Benjamin) and the incoming general counsel (Robert O’Neil, whose appointment the Council approved in an electronic vote in May).

Resolution to Amend the Functions of the Executive Committee

The Council received in its materials a draft resolution to amend the functions of the executive committee of the Council to authorize it to negotiate and ratify the national staff union contract. Following discussion, the Council approved amendments to the document proposed by Marc Bousquet and Larry Gerber, including ultimate Council authority to ratify staff union contracts. It unanimously adopted the resolution as follows:

WHEREAS, the majority of eligible AAUP staff have elected to unionize in order to collectively bargain for salary, benefits, and other commonly bargained issues; and

WHEREAS, AAUP Council has voluntarily recognized the elected staff union and agreed to bargain with such unit,

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby delegates to the Executive Committee all such powers as are necessary, and authorizes the Executive Committee to take such actions as are necessary, including but not limited to, appointing one or more designated management negotiators, to negotiate collective bargaining agreements with the AAUP staff union;

RESOLVED, that the Council regards the dele-

gation of the power to negotiate the collective bargaining agreements to the Executive Committee as being in accordance with the Council's previous delegation of personnel functions to the Executive Committee. This delegation shall be noted in the Functions of the Executive Committee, Section C(7), adopted by the Council in June 1981 and last amended in June 2001; and

RESOLVED, that the Executive Committee and any negotiating committee team will consult as appropriate with Council during this process and will submit any agreement to Council for ratification.

The Council then went into executive session with only Rhoades, Levinson, and associate counsel Kathi Westcott of the staff present to discuss how the resolution would affect current contract negotiations. The Council unanimously passed a motion, which it reported out of executive session, extending its appreciation to Rhoades for negotiating the contract and to the staff for being responsible, and wishing luck to all parties. The Council then approved a motion to come out of executive session.

Report of the Secretary-Treasurer

Howard Bunsis, secretary-treasurer of the Association, did not review his financial report as he had already made the presentation to the Ninety-sixth Annual Meeting. He indicated that the Audit Committee had approved the audit report prepared by Calibre, LLC, the external audit firm used by the Association, which had issued an "unqualified" or "clean" audit. Bunsis said that the Council's executive committee at its June 10 meeting concurred in the Audit Committee's recommendation that the Council approve the audit, which the Council unanimously did. Bunsis noted that the audit was being bound and printed and that copies would be provided to the Council the following week.

Bunsis also presented and the Council unanimously approved the following motions:

To authorize Gary Rhoades, general secretary, (a) to establish accounts from time to time for the organization at Bank of America, NA, as well as to operate and close such accounts and (b) to designate persons to operate such account including closing the accounts.

To set up an interest bearing money market account with Bank of America as a holding account for AAUP's operating cash reserves.

To authorize the following AAUP employees as authorized signers for all of AAUP's existing bank accounts and the new money market account.

- 1) Gary Rhoades
- 2) Martin Snyder
- 3) John Curtis
- 4) Patrick Shaw
- 5) Gregory Scholtz

Outreach and Visibility

Gerald Turkel suggested that the Council begin to engage in outreach to local membership and to chapter leaders. The executive committee of the CBC undertook a similar project, each member responsible for contacting numerous chapters. Those individuals who were contacted were eager to know about the national office's and CBC's current activities. In turn, they informed the callers about local issues, concerns, and problems. Turkel indicated that he would send out related electronic materials to the Council. ASC chair Judith Johnston supported the measure, stating that she feels it will address the "disconnect" that members feel exists. Linda Carroll said that she did not know all the members in her district and wondered if it might be possible to contact them. ASC past chair Flo Hatcher wanted to know what resources would be committed to the project, citing the numerous activities in which the national staff is currently engaged. Rhoades noted that this work should be the responsibility of the Council, citing its fiduciary responsibilities coupled with representation of the Association and building membership.

Update on Restructuring, 401(k) Plan

Laura Kumin, outgoing counsel and restructuring project manager, stated that the Association has yet to receive a response from the Internal Revenue Service to its request for a private letter ruling. She noted that the Association's planned change from a 403(b) to a 401(k) retirement plan for staff will occur shortly.

Planning for the AAUP Foundation

Laura Kumin briefly reviewed her memorandum to the Council, which outlined four key issues concerning the new AAUP Foundation that AAUP leadership should address in preparation for the restructuring of the Association:

1. Selection of the foundation's "public" directors
2. The visibility of the foundation to AAUP members and the public
3. The foundation's grant-seeking and fundraising priorities
4. Directing support within the foundation and from there to programs and activities within the AAUP that are appropriate for foundation support

Kumin indicated that the first issue required immediate action. Under its constitution, the AAUP Foundation will have nine directors. Six of them are AAUP leaders: the AAUP president, first vice president, second vice president, secretary-treasurer, the chair of Committee A, and one additional member of the Council chosen by the Council. Those six choose the remaining three, who are described in the constitution as “public directors.”

Nelson presented the executive committee’s recommendation that Ellen Schrecker be appointed as a director. The Council unanimously passed a motion appointing Schrecker.

The discussion shifted to the work of the foundation to raise money for the Association’s charitable activities. Kumin noted that, in the past, contributions were solicited through the Association’s capital campaign. Chief financial officer Tess Esposito noted that the Association currently has twenty funds. The directors of the foundation will be able to concentrate their efforts on increasing the size of the funds, each of which has its own guidelines. Susan Moeller asked that a list of the Association’s current funds be circulated, and Lenore Beaky asked that the Council receive regular updates regarding funds and expenditures.

Recognition of Outgoing Council Members

Nelson on June 13 recognized outgoing Council members Patricia Bentley, Jeffrey Butts, Linda Carroll, Robert Comeau, Anne Doyle, Elizabeth Hoffman, and Daniel Murphy, as well as general counsel Martha West. Each was presented with or will receive a certificate of appreciation.

Report of the General Secretary

Gary Rhoades asked that guidelines for the evaluation of the general secretary be established. He suggested that a committee be appointed to develop guidelines for and clarify the evaluation process, including how material will be solicited and from whom, and how it will then be reviewed and communicated to the relevant individuals. He stated a strong preference that the process be clear and transparent from the start, that the reviewing body have access to all materials, and that guidelines be applied consistently.

First vice president Jeffrey A. Butts reviewed the recently completed first-year evaluation of the general secretary. The subcommittee tasked with the evaluation consisted of him and fellow executive committee members Lenore Beaky and Wendy Roworth; President Nelson also participated in the subcommittee’s operations. The group formulated questions and sent out

letters soliciting feedback on the general secretary’s performance. Rhoades was informed. Once documentation was received, the group held a conference call and met several times during the March executive committee meeting.

Parrish moved that a three-person committee of Council members be identified to discuss and review past evaluation processes and then develop guidelines that should be presented to the Council three weeks before the November Council meeting. Associate general secretary Martin Snyder requested that staff members also be consulted about their role in the process. Wendy Roworth moved to change the proposed number of people on the committee from three to five. The Council passed a motion concurring in the change and unanimously passed Parrish’s motion.

Update on Rerun of ASC Chair Election

The Council passed a motion to go into executive session for an update on the rerun of the ASC chair election. After Levinson updated the Council on the progress of the rerun election, the Council passed a motion to come out of executive session.

Discussion of Centennial Fundraising

Kumin reviewed her memorandum on how best to design and implement a successful centennial fundraising campaign and reminded the Council that the Association is four and a half years away from its centennial in January 2015.

Ellen Schrecker suggested that the Association hire a professional fundraiser to assist in its efforts. She and Larry Gerber would also like to edit a volume commemorating the Association’s first one hundred years, and they are soliciting suggestions for a collection of essays.

Report of CBC Chair

Howard Bunsis, as chair of the CBC, presented his report to the Ninety-sixth Annual Meeting on June 12.

Rhoades asked Gerald Turkel to address the collective bargaining agreement recently achieved by the chapter at the University of Delaware. Turkel indicated that he would send to the Council the provision on academic freedom in the new agreement between the AAUP chapter and the University of Delaware that was to go into effect July 1, 2010.

Business from the 2010 Annual Meeting

Nelson indicated that, compared to last year’s Conference on the State of Higher Education, there was an increase of 100 presentations to 250, and he said

that there would have been 350 presenters if travel money for the additional hundred could have been obtained. Graduate students have requested that next year their registration fee be half of the regular fee. Flo Hatcher, past chair of the ASC, and associate secretary Gwendolyn Bradley suggested that a reduced fee might also be extended to contingent faculty, and Nelson expressed support for this idea. Nelson also suggested that the Association offer to host both the biennial Coalition of Contingent and Academic Labor conference and that of the Coalition of Graduate Employee Unions.

New Business

Lenore Beaky indicated that she would like to have the Committee on Community Colleges reinvigorated.

With no further business, the Council adjourned at 2:00 p.m. on June 13. ■