

RECORD OF THE COUNCIL NOVEMBER 20–21, 2010

The Council of the Association met November 20–21, 2010, at the AAUP's national office in Washington, DC. President Cary Nelson presided. Members of the Council (with the exceptions of Michael Bérubé, Susan Moeller, and Saranna Thornton) participated. Also participating were General Counsel Robert O'Neil, General Secretary Gary Rhoades, and Association staff. Reports were presented by Secretary-Treasurer Howard Bunsis, General Secretary Rhoades, and members of the staff.

President Nelson called the meeting to order at 9:00 a.m. on November 20. He introduced the new Council members in attendance, all of whom were at-large delegates: Jane Buck, Richard Gomes, Rana Jaleel, Sheila Teahan, Jeffrey Williams, and Deanna Wood. After introducing Parliamentarian Kerry Grant, Nelson asked the Council to approve a motion adopting the meeting's agenda; it did so.

Motion to Amend the November 2009 Council Minutes

Secretary-Treasurer Bunsis noted that at its November 2009 meeting the Council had unanimously passed the following motion:

E-mail addresses shall be made available to conference presidents and executive directors, with the provision that they agree to use them only for conference business, not to share them, and not to use them on behalf of any candidate for election.

This motion was not included in the version of minutes (*Record of the Council*) that the Council approved for publication in the 2010 *Bulletin of the AAUP* and on the Association's website. Bunsis asked that the Council approve amending the November 2009 minutes to include this information and reflect the proceedings accurately. Following brief discussion, the Council did so.

General Secretary Rhoades explained that the Association's e-mail use policy, adopted in 2007, would need to be amended to conform to the November 2009 motion. Following a discussion held in executive session, the Council passed a motion amending the e-mail use policy and directing its Executive Committee to look into further alternatives concerning the dispersal of

candidate statements that the Council discussed while in executive session.

Report of Committee A on Academic Freedom and Tenure

Gregory Scholtz, director of the Department of Academic Freedom, Tenure, and Governance, reviewed several actions taken by Committee A at its November 5–6 meeting. The committee approved for online publication and comment the subcommittee report *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions*. Anita Levy, associate secretary and staff to the subcommittee, said that the report and an executive summary would be published within the next several weeks.

Scholtz said that the committee approved appointing a subcommittee to revise Regulation 4e of the *Recommended Institutional Regulations on Academic Freedom and Tenure (RIR)*, "Termination because of Physical or Mental Disability," to ensure its compliance with the Americans with Disabilities Act.

Committee A had decided also to focus on two policy issues of particular urgency: academic freedom and corporate-funded research, and revisions to Regulations 4c ("Financial Exigency") and 4d ("Discontinuance of Program or Department Not Mandated by Financial Exigency"). The committee charged chair David Rabban, Nelson, and Rhoades to consult in determining when requisite resources will permit going forward with each potential undertaking. James Turk, executive director of the Canadian Association of University Teachers (CAUT), had indicated that CAUT might be able to work with the Association on the first of these endeavors.

Scholtz discussed the search for a senior program officer following the departure of Eric Combest in summer 2010; a search committee had reviewed applications and conducted several phone interviews. The committee is determining which applicants to invite for in-person interviews. He concluded his report by enumerating both ongoing investigations of issues of academic freedom and tenure and cases that may potentially warrant investigation.

The Council further discussed cases of program discontinuance, which Nelson described as "the most

catastrophic problem that the academy faces in the next couple of years.” He said that the Association needs to review *RIR* 4 and provide “a supplementary document with clear advice” for faculties and administrations that face program discontinuance on their campuses. Stephen Aby asked what information can be quickly disseminated to chapters and conferences in the interim. Scholtz suggested directing members to the “Financial Crisis FAQs” on the Association’s website.

Discussion of Election Issues and Restructuring Update

In executive session, the Council discussed election issues, including, among other things, the status of the nominations process and the authority of the nominations committee. The Council passed a motion reaffirming the Nominating Committee’s authority to seek out nominations from eligible members.

Associate Counsel Kathi Westcott provided updates about the Association’s planned restructuring.

Update on the Membership Database

Katherine Isaac, associate secretary and director of the Department of Membership Services and Development, updated the Council on the implementation of the new membership database software. To date, the Association is under budget for the project and has spent less than anticipated on data conversion, which is scheduled to occur on December 8, when the data will be used internally (subsequent to the Council meeting, the timing of data conversion was changed to spring 2011 following consultation with the database provider). Council members commended Isaac and the staff of the membership department for their accomplishments.

Report of the Communications Office

Gwendolyn Bradley, associate secretary and director of the Communications Office, reviewed the highlights of her written report. In June she had reported commencement of long-term communications and website work in anticipation of restructuring. She reported that the work is currently on schedule. She has met with staff and leadership of the three new post-restructuring entities regarding their communications and website needs.

While Associate General Secretary Martin Snyder has been on sabbatical leave, Bradley has been coordinating the logistics of the AAUP’s Annual Conference. She indicated that fewer proposals for presentations have been received than by the same time last year. She attributed the downturn to a lack of travel funds and to the com-

peting venue of the recent governance conference, to which people may have preferred to submit proposals.

Snyder led a discussion of the new logos the Association commissioned in anticipation of restructuring. The design firm will provide a “branding booklet” explaining how to use effectively different versions of each of the three logos in various media, including online, on letterhead, and in brochures. There are plans to use the new logos, where appropriate, on the current website.

Report of the Secretary-Treasurer

Secretary-Treasurer Bunsis on November 20 reviewed the 2010 financials, including summarizing the Association’s 2009 Form 990, and presented the 2011 proposed budget, which the Council approved on November 21.

Proposed Guidelines for General Secretary Evaluations

The Council held a discussion in executive session; staff members other than the general secretary were excused. The Council passed the following motion: “Moved, that the Executive Committee meet with [Rhoades] to discuss the issues that he sees remaining in the [guidelines] document, together with any other issues raised by the Council, and provide a revision to the Council at the earliest opportunity.”

Election to Fill Vacancy in District II

Donna Potts’s election as chair of the Assembly of State Conferences in June required the Council to fill the resulting vacancy in District II. Nelson asked that Council members bring names of potential candidates who might replace her to the November 21 session. The following candidates were suggested: Robert Vodicka (University of Kansas), Ann McGlashan (Baylor University), Amy Carrell (University of Central Oklahoma), and Jeremy Nienow (Minneapolis Community and Technical College; Inver Hills Community College).

Larry Gerber moved that the election be a plurality election and that the candidate with the second-highest vote count would be the alternate if the elected person declined the position. The Council approved. Jeremy Nienow was elected to the position (subsequent to the Council meeting, Nienow accepted the election and agreed to fulfill the remainder of Potts’s term).

Election of the Election Appeals Committee

John Curtis, associate secretary and director of the Department of Research and Public Policy, coordinated

the election of the Election Appeals Committee. He noted that Article X of the Election Bylaws, which applies to the Election Appeals Committee, might need to be interpreted slightly as to the participation of at-large members. The current language stipulates that “there shall be an Election Appeals Committee composed of three members of the Council elected from different geographic districts, and one alternate.” Curtis pointed out that since the article was last amended, the Constitution has been amended to provide for the election of at-large delegates to the Council. Curtis suggested that one interpretation of the article would provide that the at-large Council members would be available to be elected regardless of the district affiliation of other committee members. Nelson said that the alternative would be to “rebrand” the at-large delegates with their districts for the purpose of this election. Grant pointed out that language in the Constitution imposes the constraint, when at-large members are elected to the Council, that no more than two may come from the same district. He said that while that was not directly germane to the election of the Election Appeals Committee, the Council might want to consider it. Nelson suggested asking for volunteers and addressing the issue when it arises.

Jane Buck, Estelle Gellman, and Jennifer Larson, with Sheila Teahan as the alternate, agreed to serve as the 2011 Election Appeals Committee. A motion endorsing the nominations passed.

DOL Investigation Update and the New York State Conference Update

The Council passed a motion to go into executive session, during which Westcott provided an update on pending Department of Labor investigations related to the 2010 elections of the Association and the New York State conference.

Discussion of Postretirement Health-Care Benefits and the Staff Collective Bargaining Agreement

The Council began its November 21 meeting in executive session, with Rhoades and Westcott present. Westcott provided a background memo outlining issues concerning the postretirement health-care benefits policy for staff. The Council approved policy language intended to clarify the postretirement health-care benefit policy passed by the Council in 1997. The Council then discussed the staff contract.

Advocacy and Union Organizing Update

Potts and Bunsis provided updates on the activities of the Assembly of State Conferences and the Collective Bargaining Congress, respectively.

Potts said that the new leaders training program held in Louisville on October 29 was a success, with more attendees than anticipated; the ASC would like to hold another such program in the spring. Potts has plans to make several conference and chapter visits in the next several months. She said that the fall campaign to recruit new advocacy members is going well.

Bunsis provided several updates on ongoing organizational campaigns. He highlighted the recent victory at Bowling Green State University, where the faculty chose the Association as its collective bargaining agent and where a contract campaign will be shortly under way. Bunsis said that the current priority of the CBC is to service existing chapters. Vice chair David Witt has assigned every member of the CBC Executive Committee chapters with which to communicate regularly. Bunsis invited Council members to attend the upcoming CBC meetings in Boston (January) and Chicago (April). Plans for the 2011 Summer Institute are under way; Bunsis said it likely will be held in Boston.

Government Relations Update

Nseabasi Ufot, associate secretary and government relations officer, provided updates on imminent federal and state changes in the wake of the November elections. Of particular concern is the expiration of stimulus money, some of which was used during the last fiscal year where gaps in higher education funding existed; she cautioned that political leaders will compensate by cutting education budgets. Changes in the leadership and staff of the House of Representatives’ Committee on Health, Education, Labor and Pensions (HELP) and its Committee on Science and Technology are cause for concern; both committees formulate a substantial amount of higher education policy and are instrumental in deciding how available funds are used. On July 1, 2011, numerous regulations of the Department of Education will go into effect; many of those will affect higher education, including those that define “satisfactory academic progress” and the credit hour.

Ufot said that she and Curtis met with Sherry Orbach, senior education counsel to Senator Al Franken (D-MN), to discuss deficiencies in the for-profit institution model, offering the Association as a policy resource for senate and committee staff. She said that they have identified HELP staff who are responsible for booking

witnesses for education hearings, thus enabling the Association to suggest higher education experts when appropriate.

Resolution on the Consolidation of the International Academic Freedom Fund with the Academic Freedom Fund

The Council approved a resolution consolidating the International Academic Freedom Fund, for which only \$7,500 has been raised since the fund's creation in 2004, with the Academic Freedom Fund.

Update on Portland State, Rutgers, and UUP

Michael Mauer, associate secretary and director of the Department of Organizing and Services, described a tentative dues arrearage arrangement recently negotiated with the Portland State University chapter. The Council approved the agreement pending final language. Rhoades described a similar arrangement with the Rutgers University chapter, which the Council also approved pending final language. Both agreements include grants to the chapters for agreed-upon projects, including membership development.

Rhoades discussed a project to revise and strengthen the Association's statement on *College and University Academic and Professional Appointments*, following his presentation last spring to the United University Professions (UUP) delegate assembly. Rhoades hopes to receive comments from both UUP and the Association's Committee on Academic and University Professionals within the next month and to present revisions to the Council at its June meeting. He would also like to launch in January an online survey of academic professionals. Additionally, Cat Warren, editor of *Academe*, plans to devote a portion of the July–August 2011 issue to matters that affect academic professionals.

Report on Governance Conference

Gerber, chair of the Committee on College and University Governance, reported on the successful governance conference held November 12–14, 2010, in Washington, DC. A hybrid of workshops and paper presentations, the conference was attended by 250 people, with a number of people having to be turned away because of the venue's size restrictions. He distributed partial results of a survey given to participants at the close of the conference: 96 percent said they would recommend to colleagues that they attend a similar conference next fall. The Committee on College and University Governance has discussed holding another conference and will lead governance workshops at the

annual conference in June, inviting those who were not able to attend this fall's conference.

The Council met again in executive session to continue its discussion of the general secretary evaluation process. With no new business, the meeting adjourned at 2:00 p.m. ■