

It's Back: Academic Bill of Rights is Reintroduced in the Stae Legislature

continued from page 1

The Assembly Education Committee is chaired by Catherine Nolan of Queens. She can be reached at 518-455-4851 or nolanc@assembly.state.ny.us.

The other members of the Assembly Education Committee are:

Carmen E. Arroyo of the Bronx (518-455-5402 or arroyoc@assembly.state.ny.us); **Michael Benedetto** of the Bronx (518-455-5296 or Benedem@assembly.state.ny.us); **James F. Brennan** of Brooklyn (518-455-5377 or Brennaj@assembly.state.ny.us); **Barbara M. Clark** of Queens (518-455-4711 or clarkb@assembly.state.ny.us); **Ruben Diaz, Jr.**, of the Bronx (518-455-5514 or diazr@assembly.state.ny.us); **Patricia Eddington** of Suffolk (518-455-4901 or eddingp@assembly.state.ny.us); **Steve Englebright** of Suffolk (518-455-4804 or engles@assembly.state.ny.us); **Aurelia Greene** of the Bronx (518-455-5671 or greenea@assembly.state.ny.us); **Earlene Hooper** of Nassau (518-455-5861); **Susan V. John** of Monroe County (518-455-4527 or johns@assembly.state.ny.us); **Tom Kirwan** of Orange, Dutchess and Ulster counties (518-455-5762 or kirwant@assembly.state.ny.us); **William B. Magnarelli** of Onondaga County (518-455-4326 or magnarw@assembly.state.ny.us); **David McDonough** of Nassau (518-455-4633 or McDonoD@assembly.state.ny.us); **Joel M. Miller** of Dutchess (518-455-5725 or millerj@assembly.state.ny.us); **William L. Parment** of Chautauqua (518-455-4511 or parmenw@assembly.state.ny.us); **Amy Paulin** of Westchester (518-455-5585 or paulina@assembly.state.ny.us); **Phil Ramos** of Suffolk (518-455-5185 or ramosp@assembly.state.ny.us); **Bill Reilich** of Monroe (518-455-4664 or reilicw@assembly.state.ny.us); **Bob Reilly** of Albany and Saratoga Counties (518-455-5931 or Reillyr@assembly.state.ny.us); **Joseph S. Saladino** of Suffolk (518-455-5305

or saladij@assembly.state.ny.us); **Teresa R. Sayward** of Saratoga, Hamilton, Warren and Essex counties (518-455-5565) or saywart@assembly.state.ny.us); **Mike Spano** of Westchester (518-455-3662 or SpanoM@assembly.state.ny.us); **Robert K. Sweeney** of Suffolk (518-455-5787 or Sweeney@assembly.state.ny.us); **Fred W. Thiele, Jr.**, of Suffolk (518-455-5997 or thielef@assembly.state.ny.us); **Paul D. Tonko** of Montgomery and Schenectady counties (518-455-5197 or tonkop@assembly.state.ny.us); and **Harvey Weisenberg** of Nassau (518-455-3028 or weisenh@assembly.state.ny.us).

The Chair of the Senate Higher Education Committee is **Kenneth P. Lavallo of Suffolk (518-455-3121)**.

The other members of the Senate Higher Education Committee are:

James S. Alesi of Monroe (518-455-2051); **Ruben Diaz, Sr.**, of the Bronx (518-455-2511); **John J. Flanagan** of Suffolk (518-455-2071); **Joseph A. Griffo** of St. Lawrence, Lewis and Oneida counties (518-455-3334); **Shirley L. Huntley** of Queens (518-455-3531 or shuntley@senate.state.ny.us); **Liz Krueger** of Manhattan (518-455-2297); **Serphin R. Maltese** of Queens (518-455-3281); **Suzi Oppenheimer** of Westchester (518-455-2031); **Kevin S. Parker** of Brooklyn (518-455-2580); **Mary Lou Rath** of Erie and Genesee counties (518-455-3161); **Joseph E. Robach** of Monroe (518-455-2909); **Jose Serrano** of Bronx and Manhattan (518-455-2795); **James L. Seward** of Cortland, Tompkins, Chenango, Otsego, Herkimer, Schoharie, and Greene Counties (518-455-3131); **Toby Ann Stavisky** of Queens (518-455-3461); **David J. Valesky** of Cayuga, Onondaga, Madison and Oneida counties (518-455-2828); **George H. Winner, Jr.**, of Steuben, Yates, Schuyler, Chemung and Tompkins counties (518-455-2091) and **Catharine M. Young** of Chautauqua, Cattaraugus, Allegany, and Livingston counties (518-455-3563).

NEW YORK Academe

New York Academe
125 Labau Avenue
Staten Island, NY 10301

Presorted Standard
US Postage
PAID
New York, NY
Permit No. 633

INSIDE THE SPRING 2007 ISSUE:

- Academic Bill of Rights Reintroduced.....page 1
- Spring Meeting, April 13-14page 1
- AAUP Annual Meeting, June 7-10.....page 2
- AAUP 2007 Summer Institutepage 2
- Challenge to Foreign Scholar Banpage 2
- National AAUP Elections in Progresspage 2
- Report from Exective Directorpage 3
- Final Weeks of Marymout/Fordhampage 3
- CUNY's Student Complaint Policypage 3
- Governor Wants Commission on Public
Higher Educationpage 4
- UUP Sets Legislative Adgendapage 4
- Student Aid, Higher TAP CICU Proritie.....page 4
- PSC Wants More CUNY Fundingpage 5
- United Teachers Higher Ed Proposal.....page 5
- AAUP Supports Family/Medical Leave.....page 5
- AAUP District VIII (NY) Candidatespage 6

NEW WEB SITE

The new AAUP New York State
Conference web site is
www.nysaaup.org

NEW YORK Academe

VOLUME 32 NUMBER 1 · SPRING 2007 · THE NEW YORK STATE CONFERENCE · AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

From the President's Desk:

By Stephen Z. Goldberg, Adelphi University



I begin with three quotations. (1) "We have met the enemy and he is us." (2) "Ninety percent of life is just showing up." (3) "Eternal vigilance is the price liberty." Now comes a (probably) apocryphal story.

There once was a job which anyone could do; so everyone thought somebody would do it. In the end it was discovered that it was done by nobody, but by then it was too late.

The first quotation is from Walt Kelly in his Pogo comic strip, the second is attributed to Woody Allen and the third to Wendell Phillips (although sometimes attributed to Thomas Jefferson or Patrick Henry). I can find no attribution for the story and I hope I will not be accused of plagiarism.

If you have put the above pieces together, congratulations. You can now return to your teaching, research and service if you don't want to continue with this column. But first let me paraphrase Phillips' quote and say, "Eternal vigilance is the price of good governance."

Faculty is a collective noun, and good governance at an institution can only occur when the faculty functions as a collective body and asserts its proper role in governance. That alone is a necessary, but not necessarily sufficient, condition. The tripod of teaching, scholarship and service, or scholarship, teaching and service (put them in the order most relevant for your institution), often founders on the weak or missing leg of service. Within the realm of service concern with internal governance is often the weakest component.

What happens to governance if the faculty does not work for good governance? Rabelais said, "Nature abhors a vacuum." Administrators also abhor vacuums and will fill them whenever they can. Soon, what passes for governance reverts to a series of dicta. When the administrators are well grounded in the ideals and needs of the academy this system may work. When the administrators have little or none of the academy's ethos then disaster is likely to result.

What happens when concern for good governance is left to a few members of the faculty? Soon those faculty members become marginalized by the administration and their voices are ignored, even if the opinions they voice are sound.

So, if vigilance is not maintained, or is left to the few, the consequences can be dire. Too often on campuses the apocryphal story above describes the situation. In fact, the job of governance is a job which any member of the faculty could do, but most feel that somebody else will do it, and as a result nobody (or perhaps a devoted faculty member or group) does it. When we do not collectively participate in governance "the enemy is us," but just showing up will solve 90% of the issues.

Don't let University Faculty meetings or Faculty Senate meetings devolve into a series of presentations by presidents, provosts and deans. Don't let the challenges and questions come from only the "usual suspects." Follow the advice of Fredrick Douglass, "Agitate, agitate, agitate."

If you are a typical faculty member you spend the majority of your waking hours devoted, in some way, to your professional activities. If you don't take a role in governance you will have no control over the environment in which you carry out that work. If you get involved in maintaining good practices on your campus you might discover that a concern for good governance, rather than taking time away from other important activities actually gives you more time for those activities.

It's Back: Academic Bill of Rights is Reintroduced in the Stae Legislature

Legislation that would create an "Academic Bill of Rights" has again been introduced in the State Legislature.

S. 2300, and A. 4406, the identical assembly version of the bill, were introduced in early February. The Senate bill is sponsored by **John A. DeFrancisco** (R-50th District), and co-sponsored by **Owen H. Johnson** (R-4th District), **Serphin R. Maltese** (R-15th District), **Thomas P. Morahan** (R-38th District), **Frank Padavan** (R-11th District), **George H. Winner, Jr.** (R-53rd District), and **Catharine M. Young** (R-57th District). The Assembly bill is sponsored by **Anthony S. Seminerio** (D-38th District).

The bill's provides for students to be graded solely on the basis of their work; that student fee money be distributed in a fair manner; and that a student's freedom of conscience shall not be infringed upon by administrators or student government organizations. Colleges would be required to inform students of their rights and establish a grievance procedure for dealing with infractions. In their justification for the bill, the sponsors assert that "students find many college classes biased or one-sided." However, they do not provide any evidence of such infringements on student rights taking place in New York.

The major justification for the bill appears to be that similar bills have been introduced in other states. The Assembly Bill memo inaccurately reports that it has been passed in other states.

The AAUP, UUP and PSC have all gone on record opposing the measure, as have a number of other groups.

The Assembly version has been referred to the Education Committee, and the Senate version to the Higher Education Committee.

The introduction of the bill comes at a time when the Board of Trustees of the City University of New York has adopted, despite the opposition of the PSC, a procedure for students who complain about faculty conduct in formal academic settings.

continued on page 8

Spring Meeting to be Held April 13-14 at Adelphi University

The spring Executive Committee and Membership meetings of the New York State Conference of the American Association of University Professors will be held Friday, April 13 and Saturday, April 14 on the campus of Adelphi University.

The Executive Committee meeting (opened to all members) will be held on Friday afternoon. That evening, there will be a screening of the film, "Declining by Degrees: Higher Education at Risk," a 2005 PBS documentary on higher education in the United States. Following the screening, there will be a discussion of the film.

On Saturday morning, the membership meeting will be held. There will be guest speakers and a workshop. Further details will soon be available on the new website: www.nysaaup.org.

Adelphi University is located at 1 South Avenue, Garden City, New York, which is located about 18 miles east of Manhattan on Long Island.

National AAUP News

Ninety-third Annual Meeting of the AAUP Set for June 7-10

The 93rd Annual Meeting of the AAUP, featuring the theme, "Telling the Truth in Difficult Times," will be held June 7-10, 2007. This year's meeting will be held at the Omni Shoreham Hotel in Washington, DC.

This year's meeting features a number of speakers. They include Joan E. Bertin, Executive Director of the National Coalition Against Censorship and a consultant to the Association's Committee A on Academic Freedom and Tenure; Andrew Ross, professor in the Program in American Studies in the Department of Social and Cultural Analysis at New York University and author of *Fast Boat to China: Corporate Flight and the Consequences of Free Trade—Lessons from Shanghai.*, and Neil Gross, assistant professor of sociology at Harvard University and researcher on political views of college and university professors. Solon Simmons, assistant professor at George Mason University's Institute for Con

A Special feature of this year's meeting is an exhibition of portraits by Maine artist Robert Shetterly, from his nonpartisan series "Americans Who Tell the Truth." These portraits of past and current Americans are intended to remind us of the dignity, courage, and importance of some of America's prominent truth tellers. Twenty-five portraits will be exhibited.

The meeting will open on June 7 with Capitol Hill Day, when members of the AAUP personally lobby members of Congress and their staff on issues of importance to our membership. Current AAUP legislative priorities include reauthorization of the Higher Education Act; cutting student loan rates; full funding of Pell Grants, encouraging diversity on college campuses, and protection of academic freedom. Also scheduled for the opening day is an AAUP Executive Committee meeting, and meetings of the Collective Bargaining Congress (CBC)

On June 8, the AAUP Council will meet, and the Assembly of State Conferences (ASC) will conduct its meetings. The Annual Meeting Plenary/Council session and the organization's Recognition Banquet will be held on June 9, and the meeting will conclude on June 10 with a meeting of the Council.

More information on the annual meeting can be found on the AAUP website: www.aaup.org.

AAUP 2007 Summer Institute set for Reno, Nevada

The University of Nevada at Reno (UNR) will host the 2007 Summer Institute. The Institute will begin July 19 and end July 22. The Summer Institute will begin Thursday Afternoon July 19th and concludes Sunday Morning, July 22nd. Registration will open in mid April with conference information being added to the AAUP website (www.aaup.org) as it becomes available.

Your registration provides three nights dorm lodging (Thursday Afternoon through Sunday Morning); two and one half days of electrifying workshops and seminars; a Thursday Evening Opening Reception and Welcoming Dinner; Breakfast and Lunch on Friday and Saturday; Friday Night Hospitality Reception, and a Sunday Breakfast and a Spectacular Closing Program

This year, attendees will be housed in Canada Hall which is reserved for upperclassmen who have lived in the halls for at least one year. The suite-styled living allows residents to live in an apartment setting. This five story unit has independent air/heat in each bedroom and living room, laundry and vending facilities and high speed dedicated computer connection. The bedrooms and living rooms are fully carpeted. Each apartment has its own kitchen with a full-sized refrigerator/freezer, garbage disposal, and microwave. Floor plans vary and may be viewed at <http://www.reslife.unr.edu/canadahall.html>.

The Summer Institute Attendees will have an evening to explore and enjoy the sights and lights of Reno. UNR is within walking distance to downtown Reno and

continued on page 7

AAUP Challenges US Gvernment Ban on Foreign Scholar

On February 23, 2007, the AAUP filed a Motion for Summary Judgment in AAR, AAUP, et al. v. Chertoff, its lawsuit against the government on behalf of noted Muslim scholar Tariq Ramadan. The motion was accompanied by an extensive supporting declaration by AAUP President Cary Nelson.

The AAUP, together with the American Academy of Religion and the PEN American Center, working with the American Civil Liberties Union, filed the lawsuit in January 2006 against Department of Homeland Security Secretary Michael Chertoff and Secretary of State Condoleezza Rice.

The lawsuit challenged the government's use of the "ideological exclusion" provision of the PATRIOT Act to prohibit Professor Ramadan from entering the country in 2004, which prevented him from commencing a tenured position at Notre Dame University.

The "ideological exclusion" provision allows the government to exclude any foreign national who purportedly "endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization." The government has never provided any factual support for its initial, and ultimately abandoned, contention that the ideological exclusion provision applied to Professor Ramadan's speech or activities.

National AAUP Elections in Progress

The 2007 AAUP election is now in process. Ballots have been mailed, and are due back by close of business on Monday, April 16, 2007. If you have a problem with your ballot or have not received a ballot as of March 19, please contact national AAUP at elections@aaup.org.

AAUP has candidates for each of ten districts for the Association's governing Council. The candidates in District VIII (New York State) are Patricia Bentley of SUNY-Plattsburgh and Lionel S. Lewis of SUNY-Buffalo. Their candidate statements are elsewhere in this issue of *New York Academe*.

In June 2006, in response to the lawsuit, the United States District Court for the Southern District of New York ordered the government to explain the continued exclusion of Professor Ramadan from the country. In September 2006, the government stated in a letter to Professor Ramadan that he was barred from the country for allegedly providing "material support" to a terrorist organization in violation of the PATRIOT Act.

The allegation of "material support" was based on several donations that Professor Ramadan made between 1998 and 2002 to Palestinian relief organizations that were registered in France, donations that Professor Ramadan had previously disclosed to the U.S. government. In 2003, after Professor Ramadan's final donation, the organizations were deemed terrorist organizations by the United States, and the government is now relying on this designation to justify its continuing exclusion of Professor Ramadan.

The motion for summary judgment therefore requests several kinds of relief from the court: a ruling that the government's reliance on the material support provision to exclude Professor Ramadan violates the U.S. Constitution and federal law; a declaration that the ideological exclusion provision violates the U.S. Constitution; an injunction against

continued on page 7

Report from the Executive Director

continued from page 3

If we need more we will get more. At this time, if your chapter would like to establish non-Institute email accounts for your members please contact me.

Next I contacted all NYS Chapter Presidents of record and asked that they fill out a quick on-line state-of-the-chapter form. Seven email addresses were returned right off as incorrect addresses. Of the remaining forty, I have received replies from fourteen. Quite good, and thank you to those who responded, but I am hopeful of getting current information from all chapters. I will be resending this request to all that have yet to respond and as necessary seek out anyone willing to update me at the remaining chapters that may now be inactive.

For the fourteen that did respond, all but one, are interested in help from the NYS AAUP Conference with re-vitalizing their chapter. That help is on its way! This topic will be discussed at the Spring NYS AAUP Conference at Adelphi University April 13-14th. If you have not already planned to join us please consider doing so. I look forward to meeting as many of you as possible. Please do not hesitate to contact me at any time before or after the conference with your suggestions or concerns.

AAUP Challenges Scholar Ban

continued from page 2

using the material support provision to exclude Professor Ramadan; and an injunction against using the ideological exclusion provision to exclude Professor Ramadan or any other person.

The motion was supported by declarations from each plaintiff organization, the ACLU's lead attorney, Professor Ramadan, and an expert on Muslim charities.

AAUP President Cary Nelson's declaration outlines the AAUP's historic and continuing defense of academic freedom and scholars' freedom to travel, as well as the AAUP's consistent opposition to restrictions on foreign scholars' ability to address academic communities in this country.

The 2007 AAUP Summer Institute

continued from page 1

there's free bus service available until late evening.

Nestled on the eastern slope of the Sierra Nevada range, about 35 miles northeast of Lake Tahoe, UNR was the state's first institution of higher education. Founded in 1874 in Elko and relocated to Reno in 1887, the University remained the state's only institution of higher education for 75 years. Morrill Hall, the first building on the Reno Campus, is still in use today. The campus has grown from a small cluster of buildings surrounding a central quadrangle (modeled after Thomas Jefferson's design for the University of Virginia), to a 250-acre site just north of downtown Reno. UNR is one of eight institutions of higher education governed by the Nevada System of Higher Education.

UNR's student enrollment is more than 16,000, including about 3,200 graduate students and providing a broad range of programs and degree options ranging from baccalaureate degrees in more than 75 disciplines to more than 100 graduate-degree programs at the master's and doctoral level.

The Reno-Tahoe and northern Nevada region is a vibrant home for about 350,000 people, with an annual growth of 2.5 to 3 percent. Rated by national publications as a Top-10 location for businesses, and as a community with a high quality of life by such outlets as Forbes, Dun and Bradstreet, and Time magazine, the area supports many outdoor recreational opportunities and cultural outlets.

Reno is the home to both philharmonic and chamber orchestras, numerous arts and cultural festivals, first-class museums featuring the visual arts and vintage automobiles, and a variety of stage shows and concerts each year.

The University of Nevada maintains a broad range of program collaborations and affiliations with city, state, federal and private entities, reflecting its mission as a land-grant university and its mandate to meet the teaching, research and service needs of Nevadans.

New York AAUP Membership Application

To join or rejoin the American Association of University Professors, complete this application and mail it to AAUP, Post Office Box 96132, Washington, DC 20077-7020.

This is ___ a new application or ___ an application for reinstatement.

Name _____

Academic Rank and Department _____

Institution _____

Mailing Address _____

City _____ State _____ Zip _____

E-mail Address _____ Tenured: Yes ___ No ___

For someone not a member of an AAUP collective bargaining chapter, the figures below include national dues and mandatory New York State Conference dues for twelve months from the date of joining, and include paid subscriptions to *National Academe* and *New York Academe*.

Chapter dues at an institution where the AAUP does not engage in collective bargaining are extra: ask the chapter's treasurer. National dues at such an institution are tax deductible as a charitable contribution, except for \$30 attributable to *Academe* (which may be deductible as a professional expense; check with your tax consultant).

Dues in collective bargaining chapters are based on a percentage of salary. Dues in collective bargaining chapters vary by chapter and include local as well as national and State Conference dues. For deductible amounts, CB members should check with their chapter.

Dues may be paid in quarterly or monthly installments. If you have questions about any of the above, check the dues page on the national AAUP website, www.aaup.org/membership/06dueshtm, or call toll free 1-800-424-2973, x 3006.

Year 2007 Dues

Full-Time.....\$160 Entrant***, Joint****, Retired..\$80

Associate* or Public**.....\$120 Part-Time.....\$38

Graduate Student\$10

My check, payable to AAUP, for \$ _____ is enclosed.

Please charge \$ _____ to my ___ Master Card ___ Visa credit card

No. _____ Expiration Date _____

Date _____ Signature _____

*An institutional administrator or staff member who supports AAUP principles and programs may join as an associate member. **An AAUP supporter in the general public may become a Public Member. ***Entrant rate is extended to untenured full-time faculty members new to AAUP, for up to four years. ****If one member of a couple is a Full-Time Member, the other may enroll at the reduced rate.

The AAUP's Chapter Service Program

The Conference, in collaboration with national AAUP, can provide these services to AAUP chapters, or to those organizing or strengthening a chapter:

■ Review of a faculty handbook to determine agreement with national AAUP standards

■ Training and assistance in advocacy for and counseling of faculty grievants

■ Support for collective bargaining

■ Help in the drawing up of guidelines for the handling of charges of sexual harassment or other misconduct

■ Counsel in the evaluation of current administrators and potential administrative appointees

■ Comprehensive analysis of institutional finances

■ Assistance in obtaining official audits or IRS 990 forms for your college or university

■ Comprehensive analysis of institutional finances

■ Analysis of growth in the number of administrators and comparisons of administrative spending behavior with that of peer institutions

■ Arranging regional meetings between chapters, or between chapters with similar special problems

■ Speakers and consultants on a wide range of issues

New State AAUP Toll Free Number

The new toll free number for the State Conference is **888-NYO-AAUP (888-690-2287)**.

IF YOU NEED US, CALL US

AAUP District VIII (New York) - Candidates

Patricia Bentley

Library and Women's Studies,
State University of New York--Plattsburgh

CANDIDATE BIOGRAPHY

Education: B.A., 1968, Centre College; M.S.L.S.,1969, University of Kentucky; Graduate Work, 1972- 74, University of Cincinnati.

Appointments: University of Cincinnati Medical Center Libraries; Extension Librarian, Ohio Valley Regional Medical Program, 1970-73; Head, Cincinnati General Hospital Library, 1971-73; Assistant Director for Technical Services, 1973-77. SUNY, Plattsburgh: Associate Librarian to Librarian, 1977-present; Associate, Women's Studies Program, 1978-present. Faculty Senate, 1977-80, 1985-90; Chair, Library Faculty, 2002-2005 Election to Omicron Delta Kappa, 1984. SUNY Chancellor's Award for Excellence in Librarianship, 1990. Election to Phi Kappa Phi, 1994. Chapter: University of Cincinnati: Committee on the Status of Women, 1974-77; SUNY, United University Professions (UUP), Statewide: Committee on Women's Rights and Concerns, 1993-97; Executive Board, 1998-present; UUP Nina Mitchell Award, received in 1999, for extraordinary service to one's chapter and statewide UUP activities; Legislation Committee, Chair, 1999-2004; Negotiations Team for 1999-2003 and 2007-2010 Agreements, Negotiations Committee, 2002-2003; New York State United Teachers (NYSUT) Board of Directors, 2000-present, Higher Education Council 2001-Present. SUNY, Plattsburgh, UUP: President, 1994-99, 2003-present. Conference: Committee on the Status of Women in the Academic Profession, Chair, 2000-2003. Committee on Government Relations, Co-Chair, 2003-present. Executive Committee, 2000-present. National: Council 2004- present; Committee on Government Relations, 2000-present; Collective Bargaining Congress, UUP Delegate, 2002-present. AAUP member since 1999. Prior membership in AAUP, 1974-79.

CANDIDATE STATEMENT

I believe the Association is at a pivotal moment in its history. I am deeply concerned that the AAUP continue its fight for academic freedom and due process for all professional employees of the academy, including traditional academics as well as others critical to the teaching/learning environs.

AAUP must also continue (and repair) its leadership in federal and state legislation that affects students and faculty in our colleges and universities. Financing the interests and obligations of such an amorphous enterprise proves increasingly problematic and management of the staff and resources are the most pressing issue facing the association at the moment.

Beyond that, forging useful, positive and productive alliances with other organizations representing faculty and their interests, particularly those for rank and file groups, is my highest priority. To serve the AAUP on the national Council is a natural extension of my career-long involvement in academic and professional issues in higher education.

I came to the State University of New York at Plattsburgh in 1977 and have held progressively more responsible positions on my campus and in the United University Professions, the bargaining agent for SUNY's faculty. That work has afforded me opportunities in and perspectives on almost every type of campus and academic endeavor.

Our mission in protecting and defending the principles of academic freedom has been especially close to me for thirty-seven years as an academic librarian with a career-long interest in intellectual freedom.

Though I am a member of a large Public System for Higher Education, I am a product of a private college and have credentials from a land-grant university and a large urban health science center. I think these experiences give me unusual perspective on the challenges and opportunities facing the AAUP.

I believe in identifying and respecting our differences and celebrating our commonalities. I have demonstrated, in my work for UUP and for AAUP that I can recognize and articulate needs for all types of campuses and academic workers.

I am committed to seeing AAUP prosper in the next decade.

Lionel S. Lewis

Sociology and Higher Education, State
University of New York -- Buffalo

CANDIDATE BIOGRAPHY

Lionel S. Lewis is professor emeritus of sociology and adjunct professor of higher education at the State University of New York at Buffalo (SUNY/Buffalo). He holds an AB (Honors) from Washington University, an MA from Cornell University, and a PhD from Yale University.

He is a member of Phi Beta Kappa and was a Woodrow Wilson Fellow. He was chair of the Department of Sociology at SUNY/Buffalo (1988-1991), a visiting professor at the University of Texas at Austin (1979), and a visiting scholar at the University of Calgary (1982).

His books on the subject of higher education include *Scaling the Ivory Tower: Merit and Its Limits in Academic Careers* (1975, 1998), *Cold War on Campus* (1988), *The Cold War and Academic Governance* (1993), *Marginal Worth: Teaching and the Academic Labor Market* (1996), *When Power Corrupts: Academic Governing Boards in the Shadow of the Adelphi Case* (2000).

He has also written a number of articles, reviews, op/ed pieces, and essays, including introductions to recently republished editions of *The Rise of Universities* by Charles Homer Haskins and *Education between Two Worlds* by Alexander Meiklejohn.

CANDIDATE STATEMENT

Since its founding, the AAUP "has been engaged in developing standards for sound academic practice." It has worked to enhance both the advancement of academic inquiry and the instruction of students for their development for citizenship and public service. Its primary focus has been safeguarding academic freedom – freedom of inquiry and research, freedom of teaching, and the right of faculty to express their opinions and engage in political activities as citizens.

However, it has had other concerns such as academic due process, governance in institutions of higher learning, professional ethics, students' rights, and the economic welfare of faculty.

Throughout my academic career, I have been active in furthering the AAUP's principles and goals.

As a member of the New York State Conference, I serve (since 1989) on Committee A and have served on Committee T and the Nominating Committee. In addition, I have contributed to New York Academe. Along with these activities under the auspices of the State Conference, I have examined and presented to those who might be unfamiliar with the challenges many faculty face examples of violations of academic freedom across New York at institutions as varied as SUNY schools, Adelphi, and St. Bonaventure.

Nationally, I have served as Chair of Committee A's Investigating Committee at Central State University and Committee T's Investigating Committee at Elmira College. I have also served on Committee B and Committee H. Moreover, I have written a number of essays and reviews for Academe. I would like to continue this service.

Over the last nine decades, the AAUP has successfully set American academic standards. The principles it has promulgated have been widely accepted throughout the academic community. Sometimes, however, the behavior of some on campus falls short of these ideals. For example, some academic administrators disregard academic standards; others sometimes over-reach.

The AAUP needs to continue to be the principal defender of the integrity of academic institutions and of faculty. It is imperative that we continue efforts to make colleges and universities centers for unimpeded inquiry and teaching, as "the common good depends upon the free search for truth and its free exposition."

The Final Weeks of Marymount/Fordham

by Leo Cooley, President, Fordham/Marymount AAUP

We have begun the countdown, after one hundred years, to the final graduation of Marymount College, lately Marymount College of Fordham University, at the University Commencement, May 19, 2007, to be followed by a Diploma Ceremony at Marymount May 20, 2007. All faculty offices will have to be vacated by May 31, the official closing date of the College. Ironically, June 15, 2007 is the official "deadline for removal of INC, ABs, NGR, grades for Spring '07."

Tenured faculty will receive salary and benefits through October 31, 2007. They will be granted emeriti status, will continue to have the right to use the libraries and other facilities of Fordham, and will enjoy continued use of Fordham mail and e-mail for the rest of their lives.

We remain hopeful that some, perhaps many, faculty will be offered suitable positions as Visiting Professors in accord with Fordham's commitment to AAUP principles and guidelines.

City University Adopts Student Complaint Policy

The Board of Trustees of the City University of New York has adopted a new procedure for handling student complaints about professors that are not related to either academic freedom or are not covered by other policies. The policy was opposed by the Professional Staff Congress of CUNY, which criticized the proposal as infringing on academic freedom and compared it to the "Academic Bill of Rights." David Horowitz's plan has recently been re-introduced in the New York State Legislature.

Before CUNY's board adopted the policy, changes were made Which the faculty union said improved the procedure, although the policy was still unacceptable. CUNY's Board defended the overall purpose of the policy, which is supported by the University Student Senate (USS), the University-wide student government.

The new policy establishes new investigative procedures for student complaints that don't relate to academic freedom, and that aren't covered by other policies.

The new rules state that if a student files a complaint, the department chair(or academic dean, if the chair is the subject of the complaint) would conduct a fact-finding investigation within 30 days, try to work out an agreement between the student and faculty member, and issue a formal finding and recommendation. If either party appeals, the chief academic officer of the College would then convene an appeals committee, which would include the chief student affairs officer, two elected faculty members, and one elected student. In considering appeals, the panel would have a "particular focus on whether the conduct in question is protected by academic freedom." Any disciplinary action against a professor would be covered by the terms of the collective bargaining agreement between the Professional Staff Congress (PSC) and the University.

The PSC and the University Faculty Senate have led the criticism of the proposal. At a five hour hearing held on January 22, a number of faculty spoke against the plan, resulting in a number of changes in the plan which was adopted the following week. Initially, the draft policy did not indicate what kinds of situations the new policy could be applied, leading many professors to fear that could be used when they said something controversial in class, or gave a tough exam. In response, the University modified the policy to include examples of cases when the new policy might be invoked, using language from the collective bargaining agreement:"Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity and conduct unbecoming a member of the staff."

Another concern raised by faculty was that minor student complaints would result in time consuming investigations. CUNY changed the policy, including situations in which the investigator could dismiss a complaint without conducting a full investigation.

Following the CUNY Board's action, Dorothee Benz, PSC Coordinator of Communications,said that"some of the changes made are welcome improvements," but that the changes were "a partial victory for us" and the policy "remains too flawed and too dangerous." Benz warned that the new policy would have "a chilling impact," especially on non-tenured or adjunct faculty members, she said.

NEW WEB SITE

THE NEW AAUP NEW YORK STATE
CONFERENCE WEB SITE IS

www.nysaaup.org

Report from the Executive Diretor

By Tom Policano

Who Are We?

The New York State Conference of the American Association of University Professors – who are we? This is my first question as the new executive director.

In our prior issue of the NY Academe (Vol. 31, No. 4) the Committee on Chapters, Members and Dues worked hard to answer that question for us. The committee is chaired by Kathleen Maurer Smith (Molloy College), and includes Ellen Banks (Daemen College,) Philip Gray (D'Youville College), David Linton (Marymount Manhattan College), and John Schmitt (SUNY Stony Brook)

From the committees research we know that the New York State Conference is the largest in the nation. We are 4,481 members (10/2006 data) at some 137 NYS Institutions. We have roughly 47 chapters. Currently 12 chapters representing 3,319 members or 74% of the state's membership (3/2006 data) are engaged in collective bargaining.

Wow!

In this same report the committee explains that this information was difficult to come by and that they found several discrepancies in assembling the data. As my first goal then, I would like to improve membership communication among the National, State and Institution organizations. To begin this process I have asked that at their next meeting, the National Executive Committee consider officially and willingly releasing membership information periodically to state conferences.

They currently feel unable to do so for reasons involving potential abuse of the use of that information. Additionally, we are asking members from National to attend our Spring Conference April 13-14th at Adelphi University for the purpose of discussing ways to improve communication and cooperation between National and our State Conference. We look forward to an exciting and productive meeting.

The purpose in asking about who we are is to find out how our membership is doing and how we at the State Conference level can be of service. To do so I have decided to contact everyone for his or her perspective.

I started off by introducing myself to all NYS conference committee members. In my introduction, I made available to each a non-university email account based on first name initial plus last name at nysaaup.org. (tpolicano@nysaaup.org for example is my email address.) Did I forget to mention that we are at work developing a new NYS Conference Web Site? We are. Anyway, these accounts can be forwarded to another email account at the owner's preference as long as it is not to an Institution of Higher Education account. This last restriction, though not yet popular, is made in recognition and support of the faculty in higher education who are struggling and in fear of retribution and/or retaliation if they become openly active in attempting to improve their status. As a first step in helping, the NYS Conference is offering all members a means to communicate outside of Institution email systems. While, information, especially electronic information is practically impossible to secure absolutely, using non-Institute email accounts gives our conversations a level of privacy defensible in a court of law.

Our new web site under development at nysaaup.org has the ability to handle 2,500 private email accounts.

Governor Eliot Spitzer Plans for New Commission as Part of his Budget Plan

Governor Eliot Spitzer's proposed budget for higher education includes additional spending, no increase in tuition, and creates a Commission on Public Higher Education to make recommendations for the future development of the CUNY and SUNY systems. The budget also commits SUNY to going forward with The Berger Commission's plans for the SUNY Medical Centers.

The Governor's spending plan call for 4.6 percent increases in funding for SUNY and CUNY. Spitzer's proposal provides \$3.36 billion for SUNY's operating budget, and \$1.62 billion for CUNY. The spending plan would also increase state per capita aid to the community colleges by \$100 per student. This represents \$445.7 million for SUNY's community colleges and \$169.7 million for CUNY's two-year colleges.

The budget also provides support for infrastructure improvements at the state's public institutions. The Governor is proposing that the state's two systems of public higher education develop five year capital plans for Fiscal 2009. For Fiscal 2007, the Governor is proposing \$379.7 million in capital funds for SUNY and \$265.8 million at CUNY.

The most controversial of the Governor's proposals concern his support for the recommendations made by the Berger Commission on Health Care

Support for SUNY's Hospitals tops United University Professions Legislative Agenda

The president of the nation's largest higher education union has appealed to New York state lawmakers to reverse the long-term funding shortage at the State University of New York's (SUNY) three public hospitals.

William E. Scheuerman, President of United University Professions (UUP), unveiled the union's 2007 legislative agenda during UUP's annual Legislative Luncheon held on January 30 in Albany. Supported by dozens of UUP members from SUNY campuses across the state, Scheuerman urged lawmakers to come up with a long-term solution to prevent a fiscal crisis at the teaching hospitals in Brooklyn, Stony Brook and Syracuse and protect the hospitals' vital public health mission.

"The SUNY hospitals are already under the gun, thanks to the Berger Commission which puts the public status of the hospitals at risk, endangering patient care and medical education," Scheuerman said. "Instead of weakening the SUNY hospitals, the state should be boosting funding to them so that they can continue their mission of serving the indigent and the uninsured and teaching the state's next generation of physicians." UUP is also calling for the establishment of a new SUNY hospital in Buffalo to help train medical students attending the SUNY Buffalo Health Science Center.

Facilities in the 21st Century to join the SUNY Upstate Medical Center with Crouse Hospital and the privatization of the teaching hospitals in Brooklyn, Stony Brook and Syracuse. The Governor's plan commits SUNY to "work with the Department of Health to move forward with the Berger Commission's recommendations for its teaching hospitals." This proposal has already sparked opposition from the UUP and unions representing health professionals throughout the state.

The Governor's plan also calls for the establishment of a Commission on Public Higher Education. The panel's mandate is to develop comprehensive recommendations as part of a multiyear strategy for achieving academic excellence, insuring access, and stimulating the state's economic revitalization. The Commission has been charged with the responsibility of developing what the Budget Office calls a "rational tuition policy," that would "promote affordability, stability, and predictability in future tuition charges at SUNY and CUNY." This charge sounds similar to a proposal that the CUNY central administration put forward as part of its Fiscal 2007 budget proposal that called for annual tuition increases in exchange for additional state financial support.

The state's fiscal year begins April 1.

UUP's legislative agenda also seeks funding for the hiring of additional full-time faculty so that at least 70 percent are full-time at each state-operated campus. Scheuerman thanked the Legislature for providing funds for the hiring of about 350 more full-time faculty in its 2006-07 budget. However, he added that the additional funding helps accommodate enrollment growth but does not address chronic underfunding.

"We thank the Legislature for taking a positive step forward, but we're not done yet," Scheuerman said. "The state still has a long way to go to make up for a decade of underfunding SUNY as well as to have enough full-time faculty to teach the additional thousands of students that SUNY admits every year. Adding funding for faculty this year will help us continue making SUNY a great university system," Scheuerman said.

Other major legislative and budget agenda items include: funding for more full-time professional faculty; giving part-time faculty the opportunity for full-time employment; funding infrastructure improvements on SUNY campuses; support equity for UUP members and retirees; Restoration of public employee rights; reform the public university trustee selection process; and resolving the fiscal uncertainties at the New York State Theatre Institute

in TAP for graduate students. We have failed to keep pace with an entire generation," said CICU president Abe Lackman.

Since 1974, the Tuition Assistance Program has provided grants to New Yorkers studying full time as undergraduates at a college or university in the state. In total, 335,000 low- and moderate-income students rely on TAP, including 95,000 in the Independent Sector.

While advancing a proposal to maximize TAP, CICU opposes the 2007-08 Executive Budget's \$4.2 million cut in the Direct Institutional "Bundy" Aid program. Independent colleges and universities use Direct Aid to promote excellence and provide opportunity and adequate financial aid to their students. Direct Aid is based on degree productivity; Independent Sector campuses receive funding only once a student has graduated.

"In the decade ahead, I believe that our economic competitiveness — here in New York and also at the national level — depends significantly upon increasing the number of college graduates," said Lackman.

Professional Staff Congress Calls for Additional Funding for City University System

The City University of New York (CUNY) faces a continuing crisis caused by years of declining public funding, university faculty testified today in Albany, despite a modest increase for CUNY in last year's state budget.

The professors, led by Dr. Barbara Bowen, the president of their union, the Professional Staff Congress (PSC), were in the capital to speak at a hearing of the State Assembly Higher Education Committee, convened to look at the impact of the 2007-2008 state budget on New York's public university systems.

"Twenty years of underfunding cannot be remedied by modest increases in the operating budget," said Bowen in testimony before the committee. "The PSC recognizes the courage it took last year to resist a tuition increase and provide additional CUNY funding, and we thank you for your leadership. But the reality is that two decades of enforced poverty for CUNY cannot be overcome with small public investment."

Both State and New York City funding for CUNY have declined dramatically in the last 16 years. Even with last year's increase, state funding for CUNY is 26% lower (in inflation-adjusted dollars) than it was in 1990 (and city funding is down 20% for that same period).

The decline in funding has been borne in part by those who can least afford it, CUNY's students. Tuition, which now accounts for 38% of CUNY revenues, has nearly doubled since 1990 (when it was 20% of CUNY budget).

Testimony from PSC members graphically demonstrated the high cost of this funding crisis.

Marcia Newfield is an adjunct in the English Department at the Borough of Manhattan Community College. She has two Master's degrees and is the author of six books, and yet, at 71 years of age, still cannot retire because her pension would be so small (\$4,000) as a result of the near-poverty wages CUNY pays its adjunct faculty. "We're not the folks whom CUNY advertises on

the subways," she told the committee, "but we are the people who teach more than 50% of the classes, yet are not available to give our students the support they need. I only have one office hour a week for 28 students, and I share my office and computer with 60 other adjuncts." Moreover, Newfield explained, "in order to piece together a living, many adjuncts have to work at several colleges," giving them less time for students.

Dr. Jonathan Buchsbaum, a professor in the Media Studies Department at Queens College, told the Higher Education Committee that fully half of the faculty in his department are seeking positions at other colleges, a direct result of the working conditions created by budget austerity, and again, to the detriment of the students as well as the faculty.

Dr. Martha Nadell, a junior faculty member in Brooklyn College's English Department, summed up the effects of the funding crisis: "Workload and salary, lack of parental leave and no viable child care, all these things profoundly affect the ability to recruit and retain faculty. CUNY is at a critical juncture," she added, "it can either be committed to teaching and an excellent faculty and a prominent place among public universities, or not."

Also testifying were Carl Lindskoog, a graduate student and adjunct in the History Department at Queens College, and PSC Secretary Arthurine DeSola.

The PSC, which represents 20,000 faculty and professional staff in the university, worked closely with the CUNY Administration to secure the modest increases for CUNY in the last budget.

The union also supported students' opposition to a tuition hike and the legislature's restoration of operating aid to eliminate Governor Pataki's proposed increase.

The PSC will be working hard to persuade the State this year to move from an incremental increase to a new level of investment in CUNY.

The New York State United Teachers Call Higher Education Proposal "best start in years"

The New York State United Teachers urged the Legislature to build on "the best start in years" and put SUNY, CUNY and the state's community colleges back on the road to becoming the best public higher education system in the nation.

In addition, the 575,000-member union called on the Legislature to reject the Berger Commission's recommendations to privatize SUNY's three teaching hospitals.

"We have a unique opportunity to deliver excellence, accessibility and opportunity to all students," said NYSUT President Richard C. Iannuzzi. "By building on what is the best start to a budget in years, we can move closer to our goal of making our public higher education system the best anywhere, while fostering the economic growth that is so badly needed in many parts of our state."

In testimony before the Senate Finance and Assembly Ways and Means committees on February 8, NYSUT Executive Vice President Alan B. Lubin urged legislators

to increase operating aid to SUNY, CUNY and community colleges; to add full-time faculty lines to help students; and encourage enrollment growth.

"The Legislature has been a great friend to our public higher education institutions. Now, we call on legislators to take advantage of this opportunity, build on past achievements and unlock the full potential of public higher education," Lubin said.

In testimony, Lubin also strongly urged the Legislature to reject the Berger Commission's recommendations on SUNY hospitals, saying privatization would be a "policy mistake."

"If the Berger Commission recommendations are implemented, unique, life-saving critical health care services not readily available at other hospitals will be jeopardized; first-rate medical care to all citizens of New York - regardless of their ability to pay - will be compromised, and graduate medical education and cutting edge research will be diminished," Lubin testified.

The AAUP Supports the Family and Medical Leave Act

The American Association of University Professors (AAUP) has called upon the U.S. Department of Labor to preserve and strengthen the protections offered by the Family and Medical Leave Act (FMLA) of 1993.

The department issued a notice in December soliciting comments on the act, which raised concerns among work and family advocates that the department may be considering changes that would diminish the FMLA's protections and scale back coverage for workers' health and family needs.

The AAUP strongly opposes changes that would limit the scope of the FMLA. The AAUP has long advocated on behalf of college and university faculty for policies that provide the security of employment necessary to protect academic freedom, along with compensation and leave policies that are sufficiently generous to attract persons of ability to the academic profession.

In its comments to the Department of Labor, the AAUP recommends that the FMLA regulations be interpreted to provide protections for contingent faculty who may not be employed continuously, and that normal breaks in the academic calendar not be counted as part of an FMLA leave. The statement also recommends that federal FMLA leave not run concurrently with any pregnancy disability leave a woman is entitled to under an employer's disability policy, and that the department refrain from regulatory changes that would narrow the definition of a "serious health condition." The AAUP calls for colleges and universities to provide more information about the FMLA to their employees, and for the Department of Labor to increase its public education efforts.

The AAUP's comments on the FMLA are available on the AAUP Web site (www.aaup.org) and more information about the AAUP's policy statements and other resources supporting work and family balance for faculty is also available.