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## AAUP Honors Reporter

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pare with majority white schools." In addition, the judges commented that the Dechter story raises important questions for parents, prospective students, and the legislators who fund the schools.

"Addressing the Divide" revealed that by standards such as retention and graduation rates, Maryland's HBCUs are indeed faring poorly, and increasingly so, despite big investments and federal intervention. But are they failing in their mission? Dechter looked at the complex obstacles and issues that HBCUs face and posed some difficult questions. For instance, should HBCUs be willing to admit low income, ill prepared students needing extensive remedial studies or should these students be directed to community college for their preparatory studies? How does an HBCU balance being a school of last resort with attracting the top caliber students looking for a place "to be inspired"? And how do these decisions affect standards such as retention and graduation rates? In his submission letter, Dechter wrote, "My strong feeling was that it is fundamentally unfair--to the schools, to the taxpayers, and to the students-- to avoid such analyses."

Gadi Dechter has covered Maryland state politics since 2008 for the Baltimore Sun. Between 2006 and 2008; he was the paper's higher education reporter. Before coming to the Sun, Dechter was a staff writer at Baltimore City Paper, an alternative newsweekly. He has an MA from Johns Hopkins' Writing Seminars and a BA from Yale in literature. Dechter has taught academic writing at the Maryland Institute College of Art, and fiction and poetry writing at Johns Hopkins University.

The Iris Molotsky Award for Excellence in Coverage of Higher Education is named for Iris Molotsky, who retired from the AAUP in 2001 after nineteen years of service as director of public information.

## Dr. Brown Appointed

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Dr. Brown received her doctorate in Higher Adult Learning from Michigan State University, Master of Arts in American History from Catholic University, and a Bachelor of Arts in secondary social studies from the State University of New York at New Paltz.

## Adjunct Bill Stalled

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that they have a "reasonable assurance" of continuous employment under the provisions of subdivision 10 of section 590 of the Labor Law. Yet, these employees who generally work 30 weeks a year, are seasonal workers, like actors, construction workers, diamond cutters, and furriers, all of whom are eligible for benefits during periods they are not employed. These employees have no "reasonable assurance" that they will have a job when the next semester starts as that decision rests entirely with the employer and is often based on contingent factors such as enrollment, funding, and programmatic changes. In many cases, these employees are not notified by the college or university that there is no position for them until they are very close to the start of the next semester. In fact, current law provides an incentive for colleges and universities to wait as long as possible to officially disclose to part-time faculty that they will not be employed for the upcoming semester to avoid paying unemployment insurance costs for those employed between semesters.

Part-time faculty are treated unfairly under the current law as they are only eligible for unemployment insurance benefits from the time they are officially notified they are not renewed by the college or university for the next semester. It is only at this time that they can file a claim to be eligible for benefits even though they may have been out of work for months before this notification and have absolutely no control over their employment.

Among those supporting the legislation are the PSC, UUP, the New York State AFL-CIO and other unions, including the UAW and the Steelworkers, who are lobbying for S-4123-A and A. 613 and general unemployment reforms measures, such as increasing the maximum benefit, and making sure the benefit keeps up with inflation.

## Executive Director's Report

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accrual or payments due while in school.

The Annual Meeting theme of Redefining Hard Times as Our Time was coupled with the concurrent Globalization, Shared Governance, and Academic Freedom: An International Conference. The presenters and sessions of this concurrent conference contributed a very important missing component to past AAUP gatherings in that it specifically allowed faculty to raise issues and facilitate discussions on their issues and experiences with colleagues. At the Annual Meeting proper our worthy President Cary Nelson and new General Secretary Gary Rhoades treated us to co-presentations. They are suggesting a new graduated dues structure based on salary. This idea will be reviewed over the course of the year and will be brought back to the membership for a vote next year. I have volunteered to participate on the committee to review the details of such a change.

What an exciting meeting it was this year and I would attribute much of that excitement to the wise and practical leadership of our new General Secretary. Gary Rhodes held an open forum on Saturday that was attended by over 100 faculty who for the most part stayed through over an hour and a half of Q&A. It was not just an opportunity to hear about Gary Rhodes ideas but a time to share ideas from the floor.

Another huge step in energizing AAUP came from the passage of sanction for North Idaho College related to its treatment of an adjunct faculty member! It is the opinion of our National Committee A supported by a vote for sanction that the non-reappointment of this adjunct faculty member was in fact an unwarranted dismissal. Couple this with last year's sanction (and removed this year) of the University of New Haven in support of an unfairly terminated non-tenure track lecturer mark a new era for AAUP that demonstrates that faculty, tenure track or not, have our full support and backing.

Please note that our NYS AAUP Conference Fall 2009 will be held at Syracuse University October 16th-17th, 2009. We are encouraging the faculty of RPI in particular to attend in order to help address the severe faculty governance issues that the are experiencing. The article by Jane Koretz (RPI) elsewhere in this issue summarizes the issues our colleagues at RPI are facing. Look for the complete agenda and registration information on our web site (nysaaup.org). We look forward to seeing as many of you as possible at the conference.

## Philip Heads U Albany

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Albany," said George R. Hearst III, president of the University at Albany Foundation. "Given today's unprecedented challenges, George is the ideal person to advance the University's reputation as a premier research institution."

Alain E. Kaloyeros, Ph.D., Senior Vice President and Chief Executive Officer of the College of Nanoscale Science and Engineering, said, "As a longtime and effective champion of the University, George Philip has demonstrated outstanding leadership, proven experience, staunch advocacy, and intimate knowledge of UAlbany, its various stakeholders and constituents. At this time of deep challenges and great opportunities, George is the right person to advance the educational, research, and economic innovation agendas of UAlbany, the NanoCollege, and SUNY, and I look forward to working in partnership with him to best serve New York State and its citizens."

"It's been a pleasure and privilege working beside George," said Distinguished Teaching Professor John W. Delano, who chairs the University Senate. "With great dedication and candor, he has built a relationship of mutual respect between the administration and faculty."

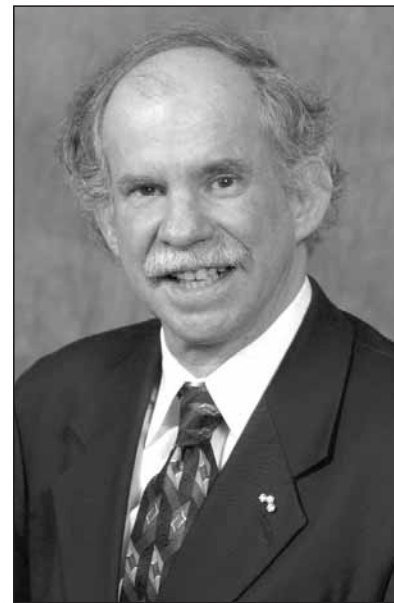
Prior to his appointment as interim president, Philip served as the executive director and chief investment officer of the New York State Teachers' Retirement System (NYS-TRS), one of the 10 largest public retirement funds in the nation.

Philip is a graduate of UAlbany where he earned his undergraduate ('69) and master's ('73) degrees. He holds a Juris Doctorate from Western New England Law School in Springfield, Massachusetts.

Philip has been active in UAlbany governance, serving as chair of the University Council from 1996 to 2007, and as a member of the board of directors of the Research Foundation.

## From the President's Desk:

By Stephen Z. Goldberg (Adelphi University)



I usually try not to address the same topic in successive columns, but these are indeed extraordinary times. In January, my column was built around the idea of the Chinese proverb 危機即轉機 (weiji ji zhuanji), "Crisis is Opportunity." For better or worse, "the times they are not a-changin'" – there is still crisis and there is still opportunity. As is always the case with opportunity, the question is whether the opportunity will be used for good or for ill.

Anyone who follows the news has heard conflicting opinions, sometimes voiced on the same day – on the one hand that the economy is improving and on the other that the recovery is still far off. At this point it seems as if the best advice is that given me regarding the weather when I was a tourist in Iceland, namely, "Hope for the best, prepare for the worst." Times are surely going to be difficult in the short term, and how long that short term will last is anyone's guess.

Readers of The Chronicle of Higher Education or even the general press will undoubtedly have seen reports of decisions, both wise and foolish, which have been made at various campuses so that they can weather the current storm. A key question is how those decisions were made and how other difficult decisions will be made in the future. I cite here two different modes of behavior which have recently been reported on in The Chronicle.

In a June 26 article it is reported that in April, President Craven E. Williams of Greensboro College (in North Carolina) announced layoffs and a temporary across-the-board pay cut of 20 percent for salaried employees as well as a shelving of sabbaticals and cuts in many benefits. The report went on to indicate that President Williams, whose first name seems most appropriate, had been president of the college for 16 years and that in the fiscal year that ended June 30, 2007 he was, according to the college's tax return, paid \$403,117.

The Chronicle report further stated that in November, the president had said that while the college was looking to trim expenses, it anticipated no layoffs and would go ahead with 2-percent raises planned for January. I used the past tense for the president's length of service since in electronic postings on July 9 both The Chronicle and Inside Higher Education reported that President Williams had resigned effective immediately.

What is amiss here? There are at least two things of note. The first is that there was an obvious change in the assessment of Greensboro's situation between November and April. We really need not consider here which assessment was correct, but probably neither was. The second is that the assessments appear to have been made by the president and the administration. (From my reading of the press coverage it is not clear if the trustees were involved in either of the assessments.) There was apparently no effort to engage the campus community in a discussion of the college's circumstances, dire or otherwise. Whatever the details of Greensboro's situation, a real crisis of confidence developed as a result of the administration's failure to be forthright and engage the entire community in an effort to best deal with the issues

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## NYS AAUP Fall Conference October 16-17th, 2009 at Syracuse University

The New York State AAUP Fall Conference 2009 will be held on the campus of Syracuse University on October 15-17th, 2009.

More details will be available on the Conference's website: <http://nysaaup.org>

## RPI - "We Want Our Faculty Senate Back"

### Understanding Shared Governance in the Corporate University - Lessons from Rensselaer Polytechnic Institute

By Concerned Members of the Rensselaer Faculty

This is the story of how the faculty of Rensselaer Polytechnic Institute – RPI – lost its long-term participation in shared governance – most particularly in relation to curriculum, promotion and tenure, and the contents of the Faculty Handbook. We first go through the chronology of this governance crisis, and then the lessons to be taken from our experience.

**January, 2006.** Latest revisions to Faculty Handbook, which include the Faculty Senate (FS) constitution, were approved by the RPI Board of Trustees

**April, 2006.** Faculty voted (88% of the 200 who voted) to extend FS representation to clinical (teaching-only) faculty

**July, 2006.** Provost Bud Peterson leaves RPI; Robert Palazzo named acting Provost by President Shirley Anne Jackson

**December, 2006.** Board of Trustees directed FS to amend FS constitution such that only tenured and tenure-track faculty are represented; this not only eliminated the clinical faculty from potential representation, but groups formerly represented by the FS (160+ retired, emeritus, and research-only faculty, plus librarians, and archivists) were thereby disenfranchised

Throughout the first few months of 2007 the Faculty Senate deliberated. In March, in the spirit of shared governance, they adopted a resolution requesting Institute President Shirley A. Jackson to convene a committee consisting of faculty, administrators, and at least one trustee to work out what should be done. The goal of the FS resolution was to place something before the electorate in spring 2008. However, the president rejected the resolution. Not realizing what was to come, the FS held annual elections for officers and senators as usual in April 2007. The acting provost in place since 2006, Robert Palazzo, was appointed provost in June 2007.

To the surprise of the campus, on August 7, 2007 following a three-week

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## Senate Stalemate Stalls Unemployment Bill for Adjuncts

The month long stalemate that brought the State Senate to a halt has stalled passage of legislation that would give contingent faculty more access to unemployment insurance payments.

S. 4123, sponsored by Senator George Onorato of Queens and co-sponsored by Senators Breslin, Foley, Perkins, Savino, Schneiderman, Stachowski and Stavisky, would ensure contingent faculty access to unemployment insurance. Because part-timers have no guarantee of being rehired for the following semester once a course ends, they are similar to other workers (in construction and the entertainment trades, for example) whose employment is episodic and who receive unemployment benefits when they are not working and otherwise eligible – and adjuncts should receive the same benefits.

Unemployment insurance is a benefit that is supposed to cover workers during times of unemployment when they have no income. Under current law however, many part-time faculty working in colleges and universities in New York State are unable to receive unemployment insurance when they have become unemployed between semesters because the college or university holds

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# AAUP National News

## Four Institutions Added to Censured List, One Removed

Delegates to the Ninety-fifth Annual Meeting of the American Association of University Professors voted on June 14, 2009 to place Cedarville University (OH), Nicholls State University (LA), North Idaho College, and Stillman College (AL) on the AAUP's list of censured administrations. They also voted to remove the University of New Haven from the list and to delegate the Association's Committee A on Academic Freedom and Tenure to act similarly with respect to Tulane University once final language on the stated basis for censure removal has been approved.

Censure by the AAUP informs the academic community that the administration of an institution has not adhered to the generally recognized principles of academic freedom and tenure jointly formulated by the AAUP and the Association of American Colleges and Universities and endorsed by more than 200 professional and educational organizations. With these actions, 49 institutions are now on the censure list.

### Cedarville University-Censured

The report of the investigating committee concerned the action by the administration of this church-related Ohio institution to dismiss a tenured professor in the Department of Biblical Studies with thirty days' notice, without having first demonstrated cause for its action in a hearing before faculty peers. The letter of dismissal questioned the faculty member's collegiality, professionalism, and doctrinal orthodoxy, alleging that he failed to "maintain consistent, biblically appropriate, spiritual interest and effective Christian relationships in the University family."

The investigating committee found that Cedarville University's official procedures for contesting a dismissal for cause denied the affected faculty member academic due process by (a) not affording him a pre-termination hearing, (b) misdirecting the burden of proof onto him, and (c) denying him access to the evidence and the witnesses against him. The committee concluded that in doing so the administration acted in disregard of procedural safeguards set forth in the 1940 Statement of Principles on Academic Freedom and Tenure and the complementary 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings. The committee further concluded that the administration's confiscation of all the evidence and the record of the proceedings warranted condemnation for having changed a hearing of record into an exercise in futility, hampering the affected professor's opportunity for appeal. The committee also concluded that the administration's charges against the professor far exceeded the limitations on academic freedom on religious grounds to which Cedarville University subscribes, resulting in a dismissal that violated his exercise of academic freedom within his area of academic competence.

### Nicholls State University-Censured

The investigating committee's report addressed the case of an instructor who began teaching at Nicholls State in 1995 as a full-time faculty member in mathematics. In May 2007, one day before the instructor completed her twelfth year on renewable term appointments, the department head told her that she would not be reappointed. She asked why, received a response from him that was demonstrably inaccurate, and then submitted a written request to the president, who replied that the university's policies do not require providing reasons and that in practice they are not provided.

The investigating committee was unable to obtain a coherent explanation of why the administration waited until the next-to-last day of the instructor's existing appointment to notify her of her release. The instructor was entitled under the provisions of the 1940 Statement of Principles to a year of notice or severance salary. The investigating committee called the one day of notice at the end of twelve years of service "deplorably scant."

The investigating committee found consistently favorable evaluation of the instructor's academic work and no hint of any personal misconduct. It concluded that the only plausible reason for releasing her was her incurring the administration's displeasure by having assigned failing grades to a large number of students in a required course in college algebra that constituted a large proportion of her teaching.

Although the Nicholls State University administration officially classified its action against the instructor as a non-reappointment, the investigating committee found that the action removing someone consistently evaluated as meritorious from the faculty after twelve years of full-time service occurred well beyond the generally accepted maximum probationary period and thus should be considered a dismissal for cause. Finding further that the administration declined to state any reason that would explain its action or afford her any opportunity for a hearing, the investigating committee concluded that the administration denied the instructor the safeguards of academic due process that accrue with continuous appointment as enunciated in the 1940 Statement of Principles on Academic Freedom and Tenure and derivative

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## The AAUP Seeks Candidates for National Office

The Association's 2009 Nominating Committee invites suggestions for prospective candidates for national officer positions and members of the AAUP's governing Council. The committee will meet in September to select candidates from among those nominated. Elections will be held in spring 2010.

National officer positions include president, first and second vice presidents, and secretary-treasurer. These positions carry two-year terms. Officers meet at least four times each year, as part of the Council in June and November and twice more as part of the Association's Executive Committee.

Under an amendment to the Association's constitution approved at the 2009 Annual Meeting, following the 2010 election the Council will be composed of twenty district-specific seats and nine at-large positions, to be chosen by the entire membership. The Nominating Committee seeks possible nominees for the nine at-large seats, which will be the only Council positions up for election in 2010. The Council meets twice a year, in June and November, usually in Washington, D.C.

All active members of the Association are eligible for Council positions. The Nominating Committee seeks a diverse group of individuals representing a mix of types of institutions and disciplines. Gender and ethnic diversity are also desired, as is experience in the AAUP at the local, state, or national level. Members are welcome to propose themselves.

**Suggestions should be forwarded to the Association's Washington office by the end of August.**

Please include contact information for your suggested candidates, including an e-mail address and an institutional affiliation.

Send nominations to [nominations@aaup.org](mailto:nominations@aaup.org)  
or AAUP Nominating Committee

1133 Nineteenth Street, NW, Suite 200 Washington, DC 20036

## ASC and CBC Election Results

Delegates to the AAUP's Assembly of State Conferences (ASC) and Collective Bargaining Congress (CBC) meetings June 11-13 elected new officers.

**Howard Bunsis** of Eastern Michigan University was elected chairperson of the Collective Bargaining Congress, and **David Witt** of the University of Akron was elected vice chair. Three at-large members of the CBC executive committee were elected: **Stanley Aronowitz** of PSC-CUNY; **Paul Davis** of Cincinnati State Technical and Community College; and **Gerald Turkel** of the University of Delaware.

**Judith Johnston** of Rider University was elected chairperson of the Assembly of State Conferences, and **Purificación Martínez** of East Carolina University was elected vice chairperson. **Jeffrey Kraus** of Wagner College was elected member at large of the ASC executive committee.

## Reporter Received AAUP Award

Reporter Gadi Dechter is this year's recipient of the *Iris Molotsky Award for Excellence in Coverage of Higher Education*, given annually by the American Association of University Professors (AAUP). The winning entry, "Addressing the Divide," was published in the *Baltimore Sun* on January 6, 2008.

The AAUP's purpose in giving this award is to recognize exceptional journalism and to encourage thoughtful and in-depth coverage of issues that are critical to higher education and to faculty and other professionals engaged in the enterprise. The panel of judges praised "Addressing the Divide" for the quality of the research and for "raising the important and sensitive issue of how publically funded historically black colleges and universities (HBCUs) com-

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## RPI: Understanding Shared Governance in the Corporate University - Lessons from Rensselaer Polytechnic Institute

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"review of governance," the provost issued an email formally suspending the FS, citing lack of compliance with Board directives. He further declared implementation of a "transitional governance structure" with the apparent approval of the Institute president and the Board of Trustees.

Elected representatives were excluded from input into the governance review process on grounds that "those most clearly engaged have a conflict of interest." All recently elected officers and senators were barred from participating. To many the committee constituted to review governance appeared to be itself a transitional form of governance appointed by the administration rather than through faculty election.

In the fall of 2007, Over 300 Rensselaer faculty voted on a referendum calling 10:1 for reinstatement of the Senate. Despite AAUP concerns, negative publicity in the region, and coverage in *The Chronicle* and *Inside Higher Ed*, the administration refused to recognize the results of the referendum. However, the referendum was an important brake on the governance review committee, whose effort was scaled back to a "benchmarking" exercise. An additional committee, named the P/K or Palazzo/Kagan Committee after the provost and FS president Larry Kagan, was convened to craft proposed constitutional amendments.

In good faith the P/K Committee crafted amendments to the current constitution. Amendments were put before the President and the Board of Trustees by February 1, 2008. Faculty did not see them until later—just before the Board of Trustees issued a two-part resolution that caused great consternation on campus. The first part of the resolution collegially affirmed the need for shared governance; the second part stated:

Specifically, the Promotion and Tenure, and Curriculum review processes shall operate independently of any newly established, or reestablished, form of faculty governance. The President shall provide for the appropriate representative members of any such committees to be selected for the implementation of the Promotion and Tenure, and Curriculum review processes.

The administration's perspective was that the Board was simply reiterating "authority lines and responsibility lines that have always existed." But in the charged context of the governance crisis, faculty did not see the administration as acting in good faith. This crisis de-railed any hopes for passage of the P/K amendments, which were put before the full faculty for a vote in spring 2008, by the necessary two-thirds majority. By the end of the first academic year of the "governance crisis," we were back in an impasse situation.

In the Summer of 2008, lacking any mechanism by which the suspended Faculty Senate could become recognized or "un-suspended," the FS formed a small "scoping committee" to continue discussion with all constituents, including the administration.

Concluding from the "scoping" process there was good will and room for negotiation, the FS formed a constitutional committee in the fall of 2008. By then the provost's office had absorbed all

standing FS committees: curriculum, tenure and promotion, honors and awards, and the committee to revise the Faculty Handbook. The academic deans held elections by whatever procedures they chose, including appointment. While faculty members "voted," there was no pretense of a representative body. The administration claimed that committee members were "elected," despite the arbitrary and extra-constitutional process adopted. It was in this climate that the constitutional committee completed a new Faculty Senate Constitution.

The suspended FS put the new constitution before the faculty in spring 2009. This constitution garnered over 300 votes out of 368 eligible voters, passing by a wide margin on February 20, 2009. Results were similar across faculty groups (in order to appear responsive to the Board of Trustees' stated desire to hear from only tenure and tenure-track faculty, colored ballots have been used throughout the crisis). Faculty expected the administration would approve this constitution so elections could be held that spring and governance re-constituted by fall 2009.

Alas, resolution was not to be the fate of the faculty's third attempt to reinstate shared governance at Rensselaer. On March 30, 2009, the provost himself personally determined that the "modified constitution" did not comply with the Board's resolutions. Although the provost professed optimism that some form of resolution would be forthcoming by the end of spring semester, he announced on April 24, 2009, that the interim governance structure would continue. The faculty, exhausted and embittered by a process that seemed designed to demoralize, let the matter rest there.

### Reflection and Analysis

What lessons can we draw from the Rensselaer experience, which began well before the economic downturn thrust shared governance into greater crisis elsewhere? At the time the provost suspended the Rensselaer FS, this was an almost nationally unprecedented move. It thrust the campus into turmoil. However, the erosion of shared governance on this campus has been incremental. We see the Faculty Senate as yet another casualty of structural change within higher education. Shared governance fell to processes of centralization and corporatization set in motion by the 1999 arrival of a president intent upon exerting an authoritative and hierarchical grip over the campus.

Until this impasse, the Faculty Senate played a relatively weak, advisory role to the provost. The FS participated with administration in the governance and direction of scholarly activities and instruction at RPI, a model of shared governance typical of many universities across the country. However, Rensselaer has experienced the rise of a form of "administratively appointed governance" that rides roughshod over faculty rights and academic freedom. This model produces structures and policies rhetorically aligned with but basically hostile to shared governance (as illustrated by the Board resolution quoted above). Rensselaer embodies this model. Almost two years after the suspension, the outgoing Chair of the Faculty pronounced shared governance dead at Rensselaer.

Communication between faculty and trustees has been perhaps the greatest casualty. There is no capacity to deal with disagreements informally and constructively. While high-profile administrative departures—including four out of five deans in the past two years—indicate dissatisfaction among administrators, the provost pleads constantly for faculty to defer to the authority vested in the "chain of command." We doubt this crisis could have arisen had the "chain of command" not been enforced at all costs. This is one of the lessons that emerged from the governance crisis at Rensselaer—formal mechanisms were not robust enough to allow for negotiation beyond the impasse into which the administration thrust the faculty.

In the wake of the suspension of the Faculty Senate, the mechanism by which the impasse could be bridged became unclear. Some would argue that structural problems always drove the controversy—namely, whether or not the Board of Trustees could direct the Senate to change its constitution when that document specifically stated procedures for amendment by the electorate. Although there are other interpretations of the events involving clash of leadership styles and personality conflicts, we believe structural issues could have been resolved were all parties willing to negotiate. Instead, the Board of Trustees and other administrative personnel refused to negotiate and reiterated a rigid, formal, and hierarchical approach that exacerbated existing tensions.

Three attempts to restore shared governance at Rensselaer took a heavy toll on faculty morale. Decimated by succession and forced to disband in spring 2009 because it could not replenish its ranks and had no administrative support or recognition, the FS remained neither viable nor, increasingly, representative. The governance review committee, the Palazzo/Kagan committee, and the constitutional committee efforts were short-term efforts with a limited time horizon. Once the products of these bodies fell short of faculty support or administrative buy-in, no policy mechanisms were in place by which to reconstitute shared governance. Indeed, there are none in place today.

What comes next for Rensselaer, we strongly suspect, is institutionalization of the current "interim" governance structure. Standing FS committees were absorbed by the Office of the Provost; perhaps this structure is what the administration had in mind. Committee chairs constitute an "advisory committee" to the provost, displacing the role of the Faculty Senate Executive Committee.

For instance, revisions to the Faculty Handbook (formerly a function of the Faculty Senate) are now suggested to the provost by a committee constituted by whatever haphazard process deans undertake to staff committees.

There is now no constitution governing nominations, elections, or outcomes.

Lacking the integrity secured by a constitutional system of checks and balances, elections are purportedly democratic but the administration can now count on committee members to reflect commitment to administrative values, despite protestations to the contrary.

# Four Censured

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Association-supported standards.

Having found no plausible reason for the administration's action to dismiss the instructor other than its displeasure with the large number of failing grades she had given her students, a reason the administration has allowed to stand unrebuted, the investigating committee concluded that the administration thereby violated her academic freedom.

## North Idaho College - Censured

The published report, prepared by the Association's staff, concerned the action taken by the administration of North Idaho College to deny any further course assignments to a highly regarded adjunct instructor of English after she had taught part time at the institution for thirteen consecutive semesters and courses she had taught remained available. The administration, which notified her of non-reappointment by e-mail on the last day of the fall semester, refused to explain why it had declined to reappoint her. It also rejected her request for faculty review of her claim that the administration had given inadequate consideration to her qualifications for reappointment and that it had discriminated against her because of conflicts that it had had with her husband, a tenured instructor and former director of the college's writing center. The administration asserted that her complaint was not grievable under the terms of her particular appointment. Efforts by the AAUP staff to persuade the administration to recognize the instructor's rights under the Association's recommended standards proved unavailing.

The report found that the North Idaho College administration terminated the instructor's services in disregard of the provisions on part-time faculty appointments set forth in Regulation 13 of the Association's Recommended Institutional Regulations on Academic Freedom and Tenure. Under these provisions, the instructor was entitled to notice of non-reappointment at least a month before the end of her last semester of teaching, a statement of reasons for non-reappointment, and an opportunity for faculty review of the decision. The report found "no plausible academic basis for the decision not to reappoint her." The report also found that the administration's dispute with her husband may well have motivated the action against her. The report further found that "her vulnerability to the termination of her services at the administration's pleasure . . . could well have had a negative impact on the academic freedom of other part-time faculty members holding similar appointments."

## Stillman College - Censured

The investigating committee's report dealt with the dismissal of a tenured assistant professor at this Alabama institution toward the end of his twenty-eighth year on the faculty on grounds of his having violated faculty handbook proscriptions against "malicious gossip or public verbal abuse."

Tension between the assistant professor and the current college president became evident during the 2006-07 academic year. At a faculty meeting, the professor sharply questioned the president about a delay in issuing faculty contracts, whereupon the president summoned him for a private conference and then provided him with a letter forbidding him from asking questions at faculty meetings about matters not on the agenda. The professor responded in a letter blaming the president for declining enrollments, a cash-flow crisis, low faculty and staff morale, and "extreme student discontent." In the letter, copies of which he sent to the college's trustees, he advised the president "to step aside and let somebody else take over."

An interview of the professor by a reporter for the local newspaper led to a prominent story in October 2007 that was critical of the administration. The minutes of the December 2007 faculty meeting included a paragraph from the president stating that the professor was not allowed to speak at meetings because he "engaged in malicious slander" and "told wanton lies."

In January 2008, the administration fined the professor for missing class days. He alleged that the fine was in retaliation for his outspoken criticism, and this incident became the subject of another newspaper story. The professor was then informed that he was being suspended with pay and barred from the campus pending an investigation of reported violations of the faculty handbook provisions prohibiting "malicious gossip or public verbal abuse." The academic vice president was to interview him as part of the investigation, but the professor declined to participate when the vice president informed him that he could not tape the discussion or have a witness present. On April 11, 2008, a letter from the academic vice president notified him that his services at the college were terminated effective immediately and that he would be paid on May 1 for the remaining weeks of his 2007-08 appointment. Beyond the aborted interview with the academic vice president, he was afforded no opportunity for a hearing on his dismissal.

The investigating committee concluded that the administration's dismissal of the professor on the stated grounds violated the academic freedom to which he was entitled under the 1940 Statement of Principles on Academic Freedom and Tenure. The committee concluded that the administration, in suspending and then dismissing the professor, disregarded basic requisites of academic due process as set forth in the 1940 Statement of Principles and the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings. Further, the investigating committee concluded that the current policies and practices of the college administration "have created a climate that is inimical to the exercise of academic freedom."

# President's Report

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facing the college.

A far different approach was taken by President David J. Skorton of Cornell University (in the interests of fair disclosure I mention that Cornell is my alma mater). In the July 10 issue of The Chronicle a story opens with the following:

"At Cornell University, a policy of openness and transparency about the university's financial situation starts at the top.

Since last fall, when the tumbling economy caused the value of Cornell's endowment to plummet, the university's president, David J. Skorton, has been out front on the issue. He's held town-hall meetings with faculty and staff members and met with student leaders. To get out the facts about the university's shrinking budget and his plans to deal with it, he's posted statements on the Cornell Web site and sent e-mail messages to the campus community."

It is undoubtedly not a coincidence that Cornell placed extremely well in The Chronicle's survey of great colleges to work for. In the large college category it placed first in the category of internal communications (among many other categories where it placed either at or near the top) and first in The Chronicle's Honor Role of 4-year Institutions.

Does this mean that all is well at Cornell? From the AAUP point of view all is not well since although there are almost 3000 faculty members, there are only about 60 who are members of the AAUP. Cornell, like virtually all our campuses, faces difficult times and there will be a need for difficult decisions to be made. So it would be good if there were a strong AAUP voice on the campus. At least it appears that President Skorton is doing his best to maintain dialogue and transparency in the decision making process.

Those campuses which will weather the current economic turmoil best will be those at which this crisis is used as an opportunity to build and strengthen, or in some cases rebuild, a real sense of campus community in which all the stakeholders – trustees, administration, faculty, staff and students know that they have a meaningful voice. At those campuses where the leadership is willing to work to build an effective community of common interest this crisis may indeed turn into a unique opportunity.

In closing, I would like to point out that our colleague Ellen Schrecker of Yeshiva University had an excellent piece entitled, "The Bad Old Days: How Higher Education Fared During the Great Depression" in the June 26 edition of The Chronicle Review. That article should be required reading, not only to enlighten us about some of what happened during the 1930s but also to remind us of the important place higher education occupies in America, not simply as a major industry but also as a way for citizens to lead a more fulfilling life.

## University of New Haven - Removed from Censure List

Last year's annual meeting voted to place the administration of the University of New Haven on the censure list. The report of the investigating committee concerned action by a new dean of arts and sciences to terminate the services of a lecturer in the English department in her eighth yearly full-time non-tenure-track appointment after six years as a part-time instructor in the department. The dean acted against her at a time when her department chair and tenured colleagues evaluated her performance very favorably and recommended her promotion. The dean had dealt with a student complaint against the lecturer, learned of information in the dean's office about previous complaints, and concluded that she had shown a pattern of unnecessarily hostile behavior toward student complainants.

Possessing the authority under university policies to deny a non-tenure-track lecturer further appointment, the dean moved to release the lecturer from the faculty once her existing term of appointment expired. A faculty hearing body upheld, on all counts, grievances filed by the lecturer. The hearing body recommended her retention on a multiyear term of appointment, but the university president rejected its findings and recommendation.

The lecturer, who had initiated litigation, informed the Association this past November of a satisfactory settlement of her case. The Association's staff then invited the University of New Haven president, with the issue of redress resolved, to consider changes in institutional practices and policies that could lead to removing the censure.

Following discussion of potential changes with the university provost, the staff provided two specific proposals. The first called for guidelines, to be formulated jointly by the dean of arts and sciences and the chair of the English department, on the respective roles of the dean's office and the department in responding to student complaints. The result has been a set of procedures, approved by the dean and the department chair in May, that should preclude any reoccurrence of the type of the case on which the censure was based. The second proposal from the staff called for revised policy that would provide full-time non-tenure-track faculty members after seven years of service with the protections against involuntary non-retention that accrue with faculty tenure. The result has been a new policy document that provides senior non-tenure-track faculty members notified of non-retention with opportunity for a hearing of record before an elected faculty body.

With all outstanding issues having been resolved, Committee A was pleased to recommend that the University of New Haven be removed from the Association's list of censured administrations. The annual meeting voted accordingly.

# Governor Paterson Vetos TAP Bill

On July 23, Governor David Paterson vetoed, for the second year in a row, legislation that would have permitted mid-semester tuition-aid adjustments for students whose families lose income because of a death, divorce, catastrophic illness or other special circumstance.

In his veto message, the Governor said that "I continue to fully support programs to assist students in paying for college, especially initiatives that increase one's ability to stay in school during difficult financial circumstances. Nonetheless, I am still constrained to veto this bill due to the additional costs this policy places on the state's financial plan."

According to the Division of the Budget, making mid-semester changes in TAP would cost the state \$1 million. The Pell Grant program, administered by the Federal Government, permits financial-aid officers to make adjustments to these grants during the semester, based on a variety of changing circumstances for a student and their families.

During the 2007-08 academic year, 4,113 New York residents receiving a Pell Grants were granted mid-semester changes because of family deaths, serious illnesses, job losses and the like, according to federal Department of Education statistics.

The Tuition Assistance Program provides students at public and private colleges with annual grants up to \$5,000. The amount of the award is determined by the family's net income and the cost of tuition. Current law allows semester-to-semester changes in aid when there are extenuating circumstances.

# We Can Help Defend Academic Freedom

*by Irwin Yellowitz, Chair, New York Conference, Committee A on Academic Freedom and Tenure*

Academic freedom protects all faculty members, tenured or untenured. If a faculty member in New York State has experienced, or is threatened with, a violation of academic freedom, or of the tenure rights which sustain it, the members of New York Committee A on Academic Freedom and Tenure are ready to help. We are prepared to receive complaints and provide advice about possible courses of action.

Our first function is to discuss the issues and actions thoroughly with the faculty member. This involves telephone conversations, e-mail exchanges, and a full examination of the available documentary record. In personnel actions, or any issue that has implications for academic freedom, faculty members should keep accurate and complete records of all relevant correspondence, telephonic and electronic communications, and meetings with colleagues and administrators.

Our counsel is based on AAUP guidelines and our own experience. (See AAUP Policy Documents and Reports, 10th Edition, 2006, "The Redbook".) We offer advice on whether the procedures of the institution meet established academic practice, and whether they have been applied properly.

We offer advice on whether the actions taken or contemplated have a prima facie aura of discrimination or malice. Our advice helps faculty members understand their situations better, allows them to maximize the effectiveness of internal institutional procedures, and clarifies the realistic possibilities for outside action.

When NY Committee A believes that a violation of AAUP policies or standards has occurred, it may

■ try to arrange a settlement ■ investigate the matter ■ refer the complaint to national AAUP Committee A with a recommendation for a full investigation and appropriate action.

As Chair of NY Conference Committee A, I deal with an inquiry, or assign it to a member of the Committee, who then contacts the person and takes responsibility in the matter. The full Committee makes all decisions on how to proceed once the facts and issues have been established. Our actions are based on AAUP's principles as stated in AAUP's policy statements, and on our judgment of how a particular situation fits with those standards.

If you have reason to consult with NY Committee A, contact the Conference's Executive Director, or the Chair of the Committee:

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# Executive Director's Report

*By Tom Policano*

The NYS AAUP Spring Conference 2009 was held at Marymount Manhattan College in New York City in April. David Podell, Dean of Faculty at Marymount Manhattan College and AAUP member, welcomed the conference and kicked off the Friday afternoon open forum that was attended by thirty faculty from around the state. The discussion was lively and covered topics including contingent faculty and the recent efforts of COCAL Northeast, the economic downturn and funding for education, working together with AAUP with Martin Snyder, AAUP Director of External Relations. Members are finding this conference event useful and interesting. Faculty appreciate the opportunity to discuss issues with their colleagues and are thankful for suggestions from others who have experience with their issues and concerns.

Martin Snyder, AAUP Associate General Secretary & Director of External Relations, spoke in the evening on Working Together with AAUP. He reported significant progress on improved record keeping and management in Washington. It would seem that we have turned the corner and can expect greater cooperation and support from the national office. Professor Snyder characterized our new general secretary, Gary Rhodes, as a bridge builder. Indications are good that Professor Rhodes is just that.

Dr. Alan Lubin, Executive Vice President of NYSUT, also spoke at our conference on Legislative Initiatives in NYS Related to Higher Education. Dr. Lubin's experience, perspective, and relations developed over a lifetime of working on behalf of the faculty and students of NYS are astounding. Couple this with an engaging story telling and non-scripted delivery style and quite frankly I was held spellbound.

Dr. Lubin covered state and federal education issues, made recommendations to fax and e-mail legislators and encouraged faculty to make a priority the reversing the 1980 Yeshiva decision that labeled faculty at private institutions "managers," thus preventing us from unionizing under the Taft Hartley Act of 1947. Dr. Lubin expects that with a friendlier NLRB and a Democratic-controlled Congress, that this is the time to redress the Supreme Court decision through new Federal legislation. Note that Yeshiva was one of two AAUP National Meeting talking points for Capitol Hill Day this year as well.

Particularly compelling was Dr. Lubin's sharing of his involvement in and the NYSUT endorsement of the Syracuse Say Yes to Education Program that provides social workers for families of children beginning in kindergarten, allows pay for extended hours for teachers who work in K-12 after-school programs, and for qualified students provides free tuition in twenty-three participating Colleges. What an excellent education model for our Federal No-Child Left Behind program.

Elections were held at our conference with the following results: Interim Vice President Jeanette Jeneault (Syracuse University), Treasurer - Patrick Cihon (Syracuse University), Secretary - Cecelia McCall (Baruch College, retired), Members at Large -Kate Eskew (Hilbert College), John Marino (UUP) (1 year), and Suzanne Wagner (Niagara University). Lenore Beaky (LaGuardia Community College) was re-elected as a NYS representative to the AAUP National Council. Several Committee leaders have been appointed as well including: Independent Council & the Committee on Chapter Membership & Development - Joyce Fufero (St. John's University), Committee on Governace - Peter Gomori (St. Francis College) & Jane Koretz (RPI), Committee on the Economic Statue of the Profession - Dr. Joan Levinson (CUNY, retired).

Congratulations to our newly state conference leaders. The NYS Conference is in the process of amending our By-Laws to conform to recent NLRB suggestions for validating voting procedures. As part of improving the ability for all state AAUP members to vote in state conference elections, we will be combining our ballots with the National AAUP election procedure.

The 94th AAUP National Meeting was held June 11th-14th, 2009 in Washington, DC. The NY contingent to the meeting was strong and many of our representatives participated in Capitol Hill Day on Thursday, June 11th.

Our members had meetings with Senators Kristen Gillibrand and Charles Schumer as well as a number of members of the House of Representatives including Chris Lee, Dan Maffei, Pete King, Scott Murphy, Louise Slaughter, Nita Lowey, Carolyn McCarthy, Tim Bishop, Brian Higgins, Michael Arcuri, Eric Massa, and Yvette Clarke. Our talking points were the aforementioned Yeshiva Decision and Student Loans for Higher Education.

Most of the congressmen we met with were open to our suggestion to consider legislation to redress the 1980 Yeshiva Decision and they were eager to receive from us language to do so from the 1994 Dunlop Commission Report. In our discussions related to Student Loans we supported elimination of the Government subsidized Federal Family Education Loan (FFEL) program and expansion of the Direct Loan program. We emphasized offering students loans with fixed interest rates with no interest

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## President Honors Outstanding Early-Career Scientists

Eleven New Yorkers were among the 100 beginning researchers named by President Obama as recipients of the Presidential Early Career Awards for Scientists and Engineers, the highest honor bestowed by the United States government on young professionals in the early stages of their independent research careers.

The recipient scientists and engineers will receive their awards in the Fall at a White House ceremony.

The Presidential Early Career Awards embody the high priority the Administration places on producing outstanding scientists and engineers to advance the nation's goals and contribute to all sectors of the economy.

"These extraordinarily gifted young scientists and engineers represent the best in our country," President Obama said. "With their talent, creativity, and dedication, I am confident that they will lead their fields in new breakthroughs and discoveries and help us use science and technology to lift up our nation and our world."

Winning scientists and engineers receive up to a five-year research grant to further their study in support of critical government missions.

This year's recipients from New York are:

### Department of Defense

Elizabeth Boon, Stony Brook University  
 Scott A. Craver, Binghamton University  
 Mathew M. Maye, Syracuse University  
 Jiwoong Park, Cornell University  
 Benjamin R. tenOever, Mt. Sinai School of Medicine  
 Derek H. Warner, Cornell University  
 Tanya Zelevinsky, Columbia University  
 Jianglong Zhang, University of North Dakota

### Department of Energy

Jason Graetz, Brookhaven National Laboratory  
 Paul Sorensen, Brookhaven National Laboratory

### National Institutes of Health, Department of Health and Human Services

Helen H. Lu, Columbia University

## New York's Independent Colleges Repay Veterans With Tuition Benefits; More New York Campuses Sign Up For Yellow Ribbon Program

Seventy-one independent (private, not-for-profit) colleges and universities in New York State have enlisted to support veterans seeking higher education opportunities through the "Yellow Ribbon G.I. Education Enhancement Program," one component of the Post-9/11 Veterans Educational Assistance Act of 2007. Veterans can begin using their new G.I. benefits on August 1, 2009.

In its first year, the new Yellow Ribbon program has garnered considerable momentum from New York's Independent Sector, exceeding ten percent of the nation's total participation to date, with more private, not-for-profit colleges and universities participating than any other state.

A preliminary tally by the National Association of Independent Colleges and Universities (NAICU) finds that 580 private, non-profit colleges and universities have submitted Yellow Ribbon participation agreements to VA, of which 71 are New York institutions.

Under the Post-9/11 Veterans Educational Assistance Act, veterans who were considered active duty during or after September 11, 2001 receive educational benefits capped at the highest public in-state college or university tuition rate. Under the Yellow Ribbon program, independent colleges and universities may elect to match additional tuition and fee funds dollar-for-dollar with the VA to

## SUNY Appoints Dr. Carol Brown President of North Country Community College

The State University of New York Board of Trustees has named Dr. Carol Brown as president of North Country Community College following a national search, the North Country Community College Board of Trustees appointed Dr. Brown to serve as the college's fifth president on May 16, 2009. She currently serves as the Special Assistant to the Chancellor of the Dallas County Community College District, Texas.

SUNY Chancellor Nancy L. Zimpher said, "It is my pleasure to recommend Dr. Brown as SUNY's newest community college president. Her years of experience as a president, administrator, educator and community partner make her an ideal candidate to lead the North Country campus. I look forward to working with Dr. Brown as we develop a strategic plan for SUNY."

make up the difference, or part thereof, for undergraduate or graduate students studying full or part-time.

The program is open to out-of-state veterans who wish to attend a New York institution.

Veterans should not limit their search for higher education to colleges and universities participating in the Yellow Ribbon program. Tuition and fees at some private colleges and universities are already fully covered under the Post-9/11 benefits; many other campuses have existing programs and a history of providing substantial assistance to veterans.

Other institutions are evaluating the program and its administrative requirements during the first year before electing to participate. Reviewing options for financial and institutional grant aid at the college of your choice is critical when evaluating college admissions.

"New York's Independent Sector has a long history of service to veterans and non-traditional students. Campus support for, and participation in, the Yellow Ribbon program signals our membership's continuing commitment to student access as well as community service," said Abraham Lackman, president of the Albany-based Commission on Independent Colleges and Universities (CICU).

## George M. Philip Named President of University at Albany

The State University of New York Board of Trustees has named George M. Philip the 18th president of the University at Albany, effective immediately. Philip, an alumnus, has served as interim president since November 2007.

"George Philip is the right person to lead the University at Albany into the future," said SUNY Board Chair Carl T. Hayden. "George's proven record of success at the campus, his strong ties to the academic and business communities, and his commitment to work with the students, faculty and staff in enhancing academic excellence will ensure the University at Albany continues its ascent to the top tier of the nation's public research universities. Congratulations go to George and the entire campus."

"All of us involved with the search for a permanent president knew George Philip would be the right leader at the right time for the University at Albany," said SUNY Chancellor Nancy L. Zimpher. "It took some doing to persuade George we were right, but it was well worth the effort and in the best interest of the students, faculty, staff, alumni and the greater SUNY and Albany communities."

"I want to thank the SUNY Board of Trustees for their support and the confidence they have placed in me," said President Philip. "I was honored when Chancellor Zimpher asked me to continue my service to UAlbany and serve as its 18th president. I look forward to advancing the University's academic and research mission and to working with the Chancellor to develop a SUNY-wide strategic plan.

As an alumnus, I have seen the University at Albany grow into a world-class research institution. I welcome the opportunity for continued collaboration with the University's many talented faculty, staff and students. Together we will take UAlbany to new heights."

"Through his many years of service, George Philip has been a tireless advocate for the University," said Daniel Tomson, chair of the University at Albany Council and the Presidential Search Committee. "His management and financial experience, profound commitment to our students, and ability to foster public and private partnerships will continue to advance the University's academic and research enterprise."

"George Philip has been an unwavering champion of the University at

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