NYSC AAUP Fall 2017 Meeting, October 28-29, Fairfield Inn & Suites, Albany

**Minutes**

**Attendance:**

Jeffrey Baker (JB ), Sally Dear-Healey (SD), Makini Beck (MB); Patrick Cihon (PC), James Davis (JD), Fred Floss (FF), Anne Friedman (AF), Hollace Glaser (HG), Jeff Kraus (JK), Mary Rose Kubal (MK), Cecelia McCall (CM), Kimberley Reiser (KR), Irwin Yellowitz (IY)

Others: Patricia Navarra (PN), Georgette Fleischer (GF)

**Saturday October 28, 12:39 pm meeting called to order by Jeff Baker, Acting President**

Motion to table approval of minutes from Spring meeting. They will be distributed via email following the meeting with the opportunity for comments before being finalized and published. FF, HG second – passed

Motion to appoint MK as Interim Secretary. JB, AF second. Passed by unanimous vote.

Introductions

A lot of committees don’t have reports, missing chairs.

**Reports of Officers:**

**President’s Report, JB** (Written report in program)

Question: Why not have an open search for Executive Director (ED) position?

JB - ED appointed by Executive Council (EC) according to Constitution. Was taking too long (there was an open search – only 3 applicants, EC not satisfied). EC decided a member of the EC should take the position. Only person who was interested was SD, she stepped down from EC. EC voted and negotiated a temporary contract.

Same search going on, so has been extended. KR will be giving a full report.

It was observed that the search committee is always appointed by the EC. Sometimes find someone quickly, sometimes not. Has been done this way for at least 20 years.

**No Vice President’s Report**

**Treasurer’s Report, PC** (Written report in program)

Dues figures based on National’s membership figures, often not updated. PC asks for more accurate numbers from chapters. National collects advocacy chapter dues, we have to collect directly from CB chapters. Amount remitted from National steadily declining. About $13,700 outstanding in dues from CB chapters.

Projections about $57,000 (assumptions about 2018 dues) revenues

No ED salary January-July. Used last 10 year’s ED salary for budgeting purposes.

Grants – balance $1,000 to St. Rose and grant for NCC could attend Summer Institute

$21,900 operating balance (will go down w/ expenses from this meeting and ED salary).

Motion to approve Treasurer’s Report IY, FF second – unanimously approved

Reports of Standing Committees:

**Committee A Report, IY** (Written report in program)

Two referrals since last meeting in April – very significant.

First case, in abeyance – person involved (Georgette Fleischer at Barnard) has options on campus, CB campus, arbitration ongoing. Committee A always allows campus process to play out. Waiting the outcome.

Second case, College of New Rochelle – very serious. A number of tenured faculty dismissed, administration claiming financial issues, but have not followed own financial exigency procedure. State Committee A recommended to National that they intervene. They had already taken action. SD had been copied on National’s letter earlier from Joerg Tiede. He wrote back to IY referring to his letter (which was extremely critical), but doesn’t think National will investigate any further. Policy now to investigate cases with political implications – doesn’t think this one does. IY has never seen a decision on those grounds (usually on grounds of case itself). Meanwhile, faculty has filed a lawsuit. National rarely intervenes when there is a lawsuit – documentation on lawsuit handed out at meeting.

Discussion:

Sense of what Joerg meant by political? Feeling academic freedom under attack given current national political climate. This isn’t an academic freedom case. Governance, not academic freedom issue. Violated their own handbook.

One reason NYS Committee A hasn’t acted is JB indicated the chapter will take an action at this meeting. Will be added as new business. Joerg suggested to JB that we write a letter and contribute funds to lawsuit.

There was a general consensus that it troubling to hear National is not pursuing the New Rochelle case further. This is understandable given lack of resources and current political climate, but does open things up for NYS Conference to play a role. Could we have a lawyer in NYS write a brief on behalf of the chapter? No amicus briefs at trial only appellate – if there is an appeal, that is an appropriate time.

There was some discussion of ways to support individuals and local chapters with our limited resources. National would rather folks go to conference committees first. We can discourage people from going ahead with weak cases. In submitted report, IY suggested campus visits.

**Committee on Academic Professionals Report** (submitted by Ellen Bosenberg written report in program)

**Committee on College and University Governance Report, KR** (Written report in program):

Now has committee members (listed in report). Need a rep from a large private institution. Contacted National to make sure we don’t duplicate efforts. Joerg shared a document with guidelines form National on Committee A matters that could serve as a model for a state conference on shared governance: “Committee A Checklist for Conference and Chapter Officers.” (SD made copies and distributed this document at the meeting.) Need to develop a statement for website.

Is there a role for the governance committee in the New Rochelle case?

**Committee on the Economic Status of the Profession – No report**. Chair position open.

**Committee on Faculty Holding Contingent Appointments, JB** (Written report in program)

Do we know outcome Fordham vote on adjunct organizing? Should we have more committee members?

FF has been working with Roosevelt Institute on data.

**Committee on Government Relations Report, FF**

Handout with legislative agenda for NYS.

Traditionally haven’t had a large committee, but FF would be happy to get help.

In Albany legislative stages Jan. 1-April 1 – budget, rest of the year other issues.

Did fairly poorly at getting more money. Excelsior bait and switch, but now we know over 50% of our students eligible for TAP and Pell.

Maintenance of Effort (MOE) would allow Bundy Aid and state allocations to move with inflation. Governor interprets it as flat rather than going up year-to-year. Chapters can send letters. CUNY, SUNY and others have draft letters.

Big push NYS for academic freedom. Working with at least 4 chapters around the state. One case NYSUT community college – a faculty member over 65 fired because gave too many D grades. A lot more of these cases coming up. Need more protections in state law. Prof. Monica Wallace UB School of Law new Assembly member. There are a number of Senators and members who are faculty.

There was a lot of support for***an AAUP Day in Albany***. Mistake thinking you can do it at your local office. Those aren’t the staff writing up the legislative positions. They are doing constituent services. Has to be Tues or Weds. between end of January and April 1. Piggy back on work other groups who go every Tuesday. Traditionally volunteer basis so not much money. Arrive 10am stay to 2pm and go home. February 27 is Higher Ed lobby day – bring busses. It isn’t so hard to put it together – KR’s chapter brings students every year.

Decided not to do in conjunction with Higher Ed lobby day – better if we aren’t there with a lot of other groups. If we can pick a date at this meeting, ED can make appointments. (MK comment: I don’t think we picked a date.) 10 chapters with 2 people each would be a good start. Can do training on the morning of the lobby day or FF Could do a Skype training. NYPIRG working with students on campuses.

**Committee on Retirement, No report – Chair position open.**

**Committee on the Status of Minorities in the Profession** **Report, MB**

Rochester faculty member 8 EEOC complaints on sexual assault, all similar, President says no hardcore facts, still suspended. Another RIT case – faculty member with two Title IX complaints still got tenure – complaints students/faculty of color – came up on child porn charges and removed.

Issue of voice and representation. People are making concerns known and feel unrepresented. How are local chapters addressing voice and representation for people of color or women? RIT chapter doesn’t feel like it has that power/authority.

For next meeting, wants to talk about how local chapters are supporting these faculty in hostile environments/situations. How are they advertising? Doing local events? Building trust?

Would like to expand committee membership – esp. downstate

SD happy to work with MB on this as chair of Status of Women in the Profession – can put together a survey.

**Committee on the Status of Women in the Profession Report, SD** (Written report in program)

Working on Title IX issues.

**Reports of Councils:**

**National Council Report, SD, AF** (Written repot in program)

Some discussion of censure. Do school administrations care? Can we use this in a strategic way?

Visibility and organization important.

**Independent Council, No Report – Position open.**

**CUNY Council Report, CM** (Written report in program)

Several legal cases in the pipeline after Janus. MOE not on Governor’s desk yet, CUNY Rising campaign – letter writing, etc. Next round collective bargaining early 2018 – want $7,000 per course for adjuncts. Lobbying against the constitutional convention.

**SUNY Council, No Report – Position open.**

**Collective Bargaining Council Report, JD** (Written report in program)

$7,000 per adjunct course at CUNY is a huge figure – university can’t afford. What is a living wage for adjuncts? Something for legislative agenda. NYSUT against – feel will become a ceiling not a floor and see as CB issue.

Some discussion of Excelsior and implications.

**Short break 2:55-3:10**

**Additional Reports:**

**Executive Director Report, SD** (Written report in program)

Since August 1 officially filling responsibility ED position in interim capacity.

Summer Institute – tracing Koch brother research money on campus (“UnKoch my campus”) – this affects academic freedom. Be aware where money is coming from and potential threats to academic freedom

FaceBook page over 200 people and a lot of shares. Only 22 people registered for website. National uses. Anybody can post.

We need to reach out more to membership to become involved. We had a very positive response to requests to serve on the elections committee.

Update on Action Network – used to maintain contact with our members.

Two new chapters in process of starting – Suffolk County CC and Iona College. In future need better outreach to new chapters – a letter should be sent out introducing State chapter.

Working on creating regional alliances: WNY, Albany, Downstate – modeled after NE PA regional alliance

Discussion:

Question on process and need for strategic planning – should these decisions, such as creating regional alliances, be discussed and voted on by the decision-making body?

Role clarification: ED, policymaking body

**NY Academe Report, JK**

Looking for articles about situations on campuses, general topics, length most are 500 some are a bit longer. *Deadline is December 15.*

New Business

(Given the pressing nature of the Constitutional Convention this new business was introduced before going back to the original agenda order.)

**Resolution on NYS Constitutional Convention:** FF, KR second

Whereas, this November there will be a required ballot initiative to have a Constitutional Convention,

and Whereas, there is already a process to amend the New York State Constitution which makes the Constitutional Convention redundant,

and Whereas, the cost of a Constitutional Convention is more that $300 million and in the last Convention the citizens of New York rejected the Convention recommendations,

and Whereas, a number of individual rights of citizens may be put at risk,

and Whereas, this may have a negative impact on higher education in New York State;

Therefore, be it resolved that the Executive Council of the New York State Conference of the AAUP recommends a “no” vote to its members.

Old Business:

**1) Executive Director Search Committee Report, KR chair**

Search committee members: KR, AF, PC, and JB ex-oficio

Charged with advertising, extending deadline to Oct. 1, and interview process. Online version of the ad on *Chronicle* and National and State Conference website.

Recommend SD be appointed temporary ED. Drafted the contract, SD assumed position on August 1.

Total of 8 applications: 3 finalists. Have been interviewed. Will make a recommendation to the executive council by November 1.

Discussion:

How does the EC vote? Teleconference. Will also go into executive session at this meeting.

Is there an executive session on agenda for this afternoon? It is on the agenda on the website, but not in agenda handed out at the meeting today.

Motion: The executive session be moved to Sunday morning at 8am, AF, HG second - passed

Def of Executive Council in Constitution:

Officers of the conference (P, VP, Sec, Treas)

Immediate past pres

4 at-large members

National council members: SD, AF

There were some questions about whether SD is the immediate past president (given circumstance of her leaving) or whether that person is David. Case was made that we should understand that SD is the immediate past president.

The president asked the steering committee for guidance on who is the immediate past president. The following motion was offered:

Motion: The immediate past president of the conference is Sally Dear-Healey. IY, JK second

Passed on unanimous voice vote.

**2) Elections, Report Election Committee Chair, IY**

Open positions: President, Treasurer, Secretary, 2 at-large (4 years), 1 at-large (2 years)

Call for nominations has been distributed.

Nominating petition and candidate statement of up to 500 words by December 1 to IY, statement will go to JK to be published in *NY Academe* and will go on the ballot.

Discussion:

We have positions open for committee chairs and need committee members. Are there any resources for these committees? In past, only committee that used resources was Committee A and didn’t use many. We should put out a call for chairs and members.

We need ***job descriptions for officer positions and committees***. This isn’t in the constitution. Should this come organically from committees? Also need to have some accountability – what if people don’t have reports?

JB would like us to take a ***look at list of committees*** – which might be obsolete? Which are needed and please help recruit chairs and members.

**Agenda suspended for an Open Session 4:30**

**Georgette Fleischer, Barnard College**, new president made major changes – by last year 60% of faculty was contingent. Tried internal grievance – was told she was not a faculty member so no grievance. Anita Levy wrote to Pres. Spar and asked for due process. Found pro bono attorney – won case in state Supreme Court. Got internal grievance – 5 faculty panel voted against her. Tenured faculty not speaking up publicly. Started working to organize contingent faculty with UAW local 2110. UAW doesn’t know anything about AAUP principles – academic freedom and shared governance. 18 month negotiations. Contract problematic – passed by a large margin. Within two weeks 2 probationary faculty were fired. Then 7 long-term faculty fired in a week. Most are women. Managed to get rid of people quietly. Arbitration scheduled – very problematic – conflict of interest and dragging it out. NLRB has dismissed all charges.

Claimed she was fired because of questions on grading standards and feedback on student work. Claim that classroom observation couldn’t be observed.

Discussion:

What about UAW national? President sent her to regional director, brushed off. Each president of each local seem to have autonomy.

Problem is she has a union and a contract. Arbitration principles follow the contract. The contract dictates due process.

Arbitration might not happen – SD’s case. What about sex or age discrimination law suit? It might be easier to establish a retaliation case… esp. since age discrimination case pre-dated termination.

**5:26 Motion to adjourn** JK, HG second

**Sunday, October 29,**

**Executive session** convened 8:09am, ended 9:03am

**9:13 JB calls meeting to order**

Attendance IY, JD, MB, KR, JB, SD, PC, CM, HG, AF, JK, MK

Please go back to your chapters and talk to people about joining our committees.

Old Business (con’t.)

**3) ASC Conference Development Grant** - $4,000 from National as of January meant specifically for chapter development

Question of whether developing regional alliances is worth the resources.

After some discussion, it was decided that we would use the grant to hold a training session for chapter officers in conjunction with the NYS AAUP Conference spring meeting. The other model discussed was a more decentralized use of the funds to support local chapter initiatives on a competitive basis. Grants to local chapters hard to oversee, better to do a centralized training.

Motion: Authorize a training session be held in conjunction with the spring meeting. JK, PC second - passed

**4) NYSC AAUP Constitution**

Complicated. Some questions of interpretation. JB wants a temporary committee to look over the constitution with suggestion for revision and simplification.

Discussion:

Seemed to have gotten more complicated in response to Labor Dept. rules when last revised in 2014.

Do we need to revise? Is it premature to appoint a committee? We need to get feedback from Steering Committee (SC).

Deadline for comments from SC and then a committee needs to do the work.

Executive Council will make the recommendation? What body does this come from? Part of the confusion with the constitution.

Most organizations Executive Committee is the officers. Here we have an Executive Council, Admin. Committee, Steering Committee

This is a burdensome assignment for a few of us – the reason for getting feedback from the group. Very time consuming.

Consensus that the document needs to be looked at.

***JB would like people to send comments to him for Constitution Revision by December 1.***

Motion: President appoint a committee to review the Constitution and make recommendations. IY, JK second

Passed on unanimous voice vote.

Change in order of agenda:

**Planning for Spring Meeting:**

Proposed dates: April 13-15, Alternate 20-22

Meeting Friday, Training Saturday, finish meeting Sunday.

Location: Albany

Do we need a committee to plan the agenda for the spring meeting?

***SD will make some recommendations to Executive Committee***

(Back to original agenda order)

4) **Strategic Plan**

SD has the sheets filled out at the last meeting and will send out suggestions. We have covered a lot of points already – ex. Training, plan around spring meeting.

Most suggestions involved: increasing membership, increasing # chapters, supporting chapters in their work

**5) Audit**

Need an audit committee to hire an auditor. Constitution: audit committee (VP and two at-large members appointed by Pres.) presents written report to EC

Motion: the Steering Committee asks the President to direct the Audit Committee to retain an auditor for the purpose of conducting an audit. IY, JK second.

Passes unanimous voice vote.

New business had already been covered.

**Open Forum**

**1) Website**: hard to modify, we have a lot of money invested in it (~$8,000). The previous ED still holds authority – in terms of billing and oversight. JB has administrative permission, but billing still goes to previous ED. Current ED needs to have control over the website.

Local chapters and leadership listed on the website, but often out-of-date because National slow in updating us.

JB is asking SD to check out the options for future of the website and make recommendations.

**10:40-10:50 short break**

**2) Media Action**

Can afford a couple e-mails a month. Need more swag to hand out at meetings, so people can leave with something. Making buttons – did this at Summer Institute – as community-building exercise.

MRK will work with FF on press release for ConCon resolution

New Business

**3) Follow up on previous resolution on dues structure**

JB has worked with David Linton on proposal to allow members of other unions to join AAUP at a reduced rate. Presented to Assembly of State Conferences, didn’t go anywhere at National meeting. JB would like to present again as a resolution to the ASC.

Not a good time with the Janus decision pending. Unions are scrambling to cut budgets.

Consensus was that this might be a good idea, but should be tabled for now given timing.

**4) College of New Rochelle**

Have asked us for support – Ann Ferrari has been in touch with JB. National Committee A is fine with that. Token contribution? To who? Do they have a fund? Hesitation to give away money when we don’t know what our situation is in the short term.

Public support from AAUP, would strengthen position with faculty members and the general public.

**Motion** the President writes a letter to administration of New Rochelle, Executive Council will adopt a resolution, NYS chapter will send out a press release. HG, PC second

Passes unanimous voice vote. (JD leaves 11:35 before vote)

They do have an advocacy chapter.

Should have some oversight of how funds that we give chapters are used to benefit the most members – not just a few members.

**Motion** Grant of $1,000 to the local AAUP advocacy chapter at the College of New Rochelle for activities to support the membership and development of chapter. PC, IY second [Tabled]

Discussion:

Didn’t ask for money. Want a letter, support. Can do that first. Motion seems premature.

**Motion to table the previous motion. JK, PC second**

**Passes by unanimous voice vote.**

Since this has been discussed, could handle a request for funds by e-mail with Executive Council. Don’t have to wait for spring meeting.

No other new business

**Motion to adjourn JK, PC 11:55**.

Respectfully submitted by Mary Rose Kubal 11/18/2017