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From the President's Desk

by Mary Rose Kubal

The world has certainly changed since my last New York State Academe column. So much for the “slow” New Year I had hoped for. The “bumps” in the road have become mountains for us to climb, but together we can scale mountains.

I am grateful for the leadership of the National AAUP and the resources they are compiling to help chapters and members weather the pandemic storm.

As I sat down to write this, a message arrived in my inbox (along with about a hundred others) from AAUP President Rudy Fichtenbaum providing a link to Coronavirus Information for Higher Ed (https://www.aaup.org/coronavirus-information-higher-ed?link_id=2&can_id=8d8affc28eac81074169c0e4477e74c3&source=email-covid-19-and-aaup-principles&email_referrer=email_759532&email_subject=covid-19-and-aaup-principles).

I must admit if it hadn't been for Rudy's March 10 message on COVID-19 and the faculty role in decision-making, I would have been behind the curve in addressing the issue on my own campus. I forwarded his message to my university president, provost, and faculty senate chair and I am happy to report that the faculty was included in the decision to go online for the rest of the semester.

Indeed, our faculty senate is now taking the lead on addressing issues such as extending deadlines for withdrawals and the pass/fail option as well as for finishing incomplete grades from this semester.

Unfortunately, we are hearing that faculty at many institutions have not been included in decision-making regarding changes in academic programming and other areas necessitated by the COVID-19 pandemic.

Please share your experiences, both negative and positive, with Sally (see her Executive Director column) as we plan to develop programming and resources to help our

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COVID-19: WE WANT TO HEAR FROM YOU

We are all being impacted by COVID-19. The New York State Conference wants to know how.

- What are your colleagues and campuses doing in response to COVID-19?
- Do you feel that these efforts are enough?
- What else do you think should be done?
- How have these changes been impacting you?
- Your students?
- How do you share information and dispel misconceptions without creating a panic or compromising personal or professional relationships?
- Most important, what can the NYS AAUP Conference do to support you?

Please contact our Executive Director, Sally Dear-Healey
sdearhealeyaaup@gmail.com.

NYSC AAUP Spring 2020 Meeting and Conference April 3 & 4 - **Cancelled**

In order to protect the health and well-being of our members, the NYSC AAUP Saturday Conference, scheduled for April 4th, has been cancelled.

The Friday, April 3rd, Business Meeting is moving to a virtual format. See below for more details and to register for the Friday Business Meeting.

Friday Business Meetings

Friday, April 3rd: 12:00pm – 5:30pm

This year we will be holding the Friday Business Meeting via ZOOM, a video conference software.

To register for the meeting, please fill out the form found at: <https://nyscaup.org/ny-state-spring-conference-2020/>, and you will receive e-mailed instructions on how to join the meeting live.

The AAUP National Meeting is Set for June 18-21

Registration is now open for the AAUP's 2020 Conference and Biennial Meeting, which will take place June 18 to 21 just outside of Washington, DC, at the DoubleTree Crystal City in Arlington, Virginia.

The conference program includes plenary sessions, a Friday night reception, an awards and recognition luncheon, and peer-to-peer sessions in addition to meetings of the AAUP Council and the meeting plenary.

Peer-to-peer sessions bring chapters, staff, and members together to discuss topics such as regional issues, state conference networking, shared governance, effective leadership, and organizing and member recruitment.

Abby Ferber, a professor of sociology and women's and ethnic studies at the University of Colorado, Colorado Springs, will be the speaker for Friday's plenary luncheon.

The biennial meeting includes officer and Council elections and a report from Committee A on Academic Freedom and Tenure about the latest developments in academic freedom.

The DoubleTree by Hilton Washington DC-Crystal City is located at 300 Army Navy Drive, Arlington, Virginia. The special AAUP group rate is \$199/night for a single or double, plus applicable taxes.

Your AAUP guest reservation includes complimentary internet in your room and access to the fitness center. Reservations must be made no later than Wednesday, May 27, 2020. All reservations must be accompanied by a first night room deposit or guaranteed with a major credit card. Hotel rooms are subject to applicable taxes (currently 13.25%).

The AAUP rate will be honored three (3) days before and three (3) days after the conference, depending on room availability. If you need to cancel your hotel reservation, the deadline is 72 hours prior to arrival date. If you cancel after this date, you will be charged the first full night room and tax.

Reservations can be made by calling Reservations Direct Line: 703-416-4100, or the Reservations Toll Free Line: 1-800-HILTONS, or online: <https://book.passkey.com/gt/217750884?gtid=e97cc21b1565b826b46910e280a4f187>.

Preliminary Schedule

The preliminary schedule for the AAUP 2020 Conference and Biennial Meeting is below; additional details are forthcoming.

Thursday, June 18

- 7:00 a.m.–6:00 p.m. Conference Registration/Check-In
- 8:00 a.m.–11:30 a.m. AAUP Executive Committee Breakfast and Meeting†
- 12:00 p.m.–4:00 p.m. AAUP Council Session I*

- 2:00 p.m.–4:00 p.m. Conference Sessions
- 2:00 p.m.–4:00 p.m. AAUP Expo
- 2:00 p.m.–3:00 p.m. Organizing and Member Recruitment Workshop
- 3:00 p.m.–4:00 p.m. State Conference Networking Session
- 4:30 p.m.–6:00 p.m. Delegate Voting & Elections Process Questions & Answers*

Friday, June 19

- 7:00 a.m.–6:00 p.m. Conference Registration/Check-In
- 7:00 a.m.–5:00 p.m. AAUP Biennial Meeting Delegate Credential Check-In Desk
- 9:00 a.m.–10:00 a.m. Opening Address
- 10:00 a.m.–12:00 p.m. Conference Sessions
- 10:00 a.m.–11:00 a.m. Shared Governance Session
- 10:00 a.m.–11:00 a.m. Effective Leadership Workshop
- 11:00 a.m.–12:00 p.m. Regional Gatherings
- Noon–1:00 p.m. Plenary Luncheon (ticket required)--speaker Abby Ferber, University of Colorado, Colorado Springs
- 2:00 p.m.–5:00 p.m. AAUP Biennial Meeting Session I
- 6:00 p.m.–8:00 p.m. Candidate & Member Cash Bar and Networking Reception *

Saturday, June 20

- 7:00 a.m.–2:00 p.m. Conference Registration
- 9:00 a.m.–12:00 p.m. AAUP Biennial Meeting Session II—including Officer and Council Elections
- 9:00 a.m.–12:00 p.m. Field Staff Association Meeting†
- 12:15 p.m.–1:30 p.m. Plenary Luncheon (ticket required)
- 2:00 p.m.–5:00 p.m. AAUP Biennial Meeting Session III

Sunday, June 21

- 8:30 a.m.–9:00 a.m. AAUP Council Breakfast†
- 9:00 a.m.–12:00 p.m. AAUP Council Session II *

LEGEND:

*AAUP Members Only † Closed Event

For additional information and registration, visit the AAUP website event page: https://www.aaup.org/event/2020-aaup-conference-and-biennial-meeting?link_id=1&can_id=2af26eb21aae533e13d8ddd23098909&source=email-reminder-nominations-and-election-for-aaup-officer-election-2&email_referrer=email_738499&email_subject=aaup-conference-and-biennial-meeting-registration-election-and-award-nominations

Early-bird registration ends April 20.

AFT and AAUP Principles for Higher Education Response to COVID-19

The AAUP, together with its organizing partner the American Federation of Teachers, has formulated principles to guide higher education's response to COVID-19.

Principles

1. Colleges and universities exist to create knowledge and serve the common good. During this coronavirus pandemic, these institutions should keep in mind their obligation to ensure the safety of the campus community. At the same time, they must firmly defend academic freedom, shared decision-making, and the important role our institutions and these principles play in our society.

2. Racism and bigotry have no place in anyone's response to COVID-19. Institutions, faculty, staff and unions should condemn and respond to instances of racism and bigotry connected to this virus in the same manner and to the same extent they would at any other time.

3. College campuses are sanctuaries for many of their students; a college campus may be the only location where students have steady access to food, shelter, safe living quarters and internet access. Students, particularly those from countries or regions of the United States most affected by COVID-19, may have no safe alternative places to live. Colleges should consider these students' needs and provide substantial practical assistance to meet those needs. They should plan to assist students who do not have viable strategies for relocation from campus or alternatives for online learning.

Treatment of employees

4. Clinical faculty members and academic staff at teaching hospitals or engaged in healthcare should be provided with adequate protective equipment.

5. All plans should reflect appropriate care for any staff, including support staff, who are asked to remain on campus to enact those plans. Special care should be taken for the protection of employees who are, or have household members who are, at higher risk for complications from COVID-19.

6. Every employee should be held harmless economically and professionally for the dislocations caused by COVID-19. This particularly includes adjunct and contingent faculty and graduate employees and staff—including hourly staff.

7. Specifically, fixed-term employees (like adjuncts and graduate assistants) should receive all of their promised pay, regardless of the dislocations caused by COVID-19.

8. No college or university employee should be required to use paid sick leave in order to enact the institution's response to COVID-19 or in order to quarantine, whether voluntarily or

involuntarily, in the event of known exposure.

9. All staff members should be provided the authority to telework, and the appropriate equipment and supplies to support telework, during this crisis, regardless of their faculty, staff, exempt or nonexempt status. All who use telework should be protected from any negative evaluations associated with telework arrangements.

10. Institutions should have plans in place for employees with children whose regular school or daycare situation is interrupted by closures due to COVID-19.

11. Faculty members, particularly adjunct/contingent faculty and those on the tenure track who are not yet tenured, should be protected against the punitive use of negative teaching evaluations during the period of the disruption (e.g., a quick transition to an online format may create a lack of depth; a faculty member may not have been adequately trained to teach online, etc.).

12. Tenure-track faculty members whose work is disrupted by the institutional or governmental response to COVID-19 should have the option to stop their tenure clock for the duration of the disruption. For guidelines on stopping the tenure clock, see the American Association of University Professors' Statement of Principles on Family Responsibilities and Academic Work. <https://www.aaup.org/report/statement-principles-family-responsibilities-and-academic-work>

13. Faculty and graduate assistants who were expected to present at conventions, conferences, artistic events or other gatherings that were canceled due to COVID-19 should be held harmless for their inability to do this; institutions should not attempt to reclaim nonrefundable conference expenses from members of their academic communities.

Effects of COVID-19 on curriculum and instruction

14. Decisions that affect curriculum, method of instruction, and those aspects of student life that relate to the educational process, should be made after consultation with the faculty and academic staff through their unions and campus governance bodies <https://www.aaup.org/news/statement-covid-19-and-faculty-role-decision-making#.Xn1ZxC-ZNR1>

15. Institutions should provide the necessary support and supplies for transitioning teaching to an online format and for supporting telework wherever that is part of the institution's response plan for COVID-19. Staff who work outside their usual job duties or hours to assist faculty and other employees in enacting these transitions should be offered additional compensation.

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The Executive Director's Report

by Sally Dear-Healey,
Executive Director, NYSC AAUP

COVID-19, the virus held responsible for the current pandemic, has permeated most aspects of our lives. Wherever we turn we are bombarded with updated news reports, targeted advertising, and other forms of social media which warn us to “stay away!” from our work, our friends, and in some cases even our families in order to decrease social transmission.

We are also hearing the heartfelt pleas of people working on the frontlines for critical and often life-saving equipment for hospitals as well as healthcare and emergency service providers, so at the end of the day they too can go home to their own loved ones.

Here at the State Conference level we are doing our part by cancelling the NYSC AAUP Spring 2020 Conference program previously scheduled for Saturday, April 4th. In lieu of meeting in person, State Conference leadership will conduct the Business Meeting on Friday, April 3rd, using a virtual platform (Zoom).

The link for the meeting and the Agenda will be distributed approximately one (1) week prior to individuals that have pre-registered. AAUP members in good standing are reminded that we will be taking a vote on the Proposed Constitutional Amendments (see previous issue of *Academe* and/or the NYSC AAUP website for a copy) and have scheduled that part of the Agenda for 12:30 pm. In order to vote you will have to register to attend the meeting. Please visit the NYSC AAUP website to register: nyscaaup.org.

Our New York State colleges and universities have been heavily impacted as well, creating unique and unrepresented challenges for faculty, students, and administrators. Any faculty member that

wasn't teaching online before is now, and many had no prior training or experience.

Clearly, while the physical closing of entire campuses is useful in terms of decreasing rates of transmission, adopting a new teaching format and delivery system mid-semester and with little advance notice in the middle of a global crisis is not in the best interests of students or faculty.

For most of you the greatest impact revolves around your teaching and your students. And, from what I have seen and heard so far, your efforts have been nothing short of heroic, as in situation after situation you put your “boots on the ground” and did whatever you had to do so that you could continue to teach, and your students could continue to learn. You are also there for each other fighting for safe working conditions and a clear voice in decision-making. Thank you!

While no one can confidently predict the future, it is obvious that at the very least, short-term decisions and changes need to be made.

However, it is vitally important to note that faculty **MUST** be involved in the decision making.

According to AAUP President Rudy Fichtenbaum, National is hearing from AAUP member that decisions to close campuses or to move to an all-online model for the short term were being made without adequate faculty involvement in decision-making. He reminds us that the AAUP's 1966 Statement on Government of Colleges and Universities makes clear that “the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction...and those aspects of student life which relate to the educational process.”

And, while we are just beginning to understand more about the virus itself,

we still don't know enough, including the full and long-term impact the virus and its wake will have not only on our health, but our jobs, our families, our communities, our finances, and especially those most vulnerable, including adjunct/ contingent faculty.

These are the faculty members who not only have little to no job security, they consistently have fewer tools and resources in addition to a lack of commensurate compensation and support for all the extra hours they are required to work, often at multiple institutions with different delivery platforms. Some have either lost or are in fear of losing their jobs and many are faced with losing their health insurance, if they were lucky enough to have it to begin with.

In comparison, generally well-paid and job-secure administrators are focused on keeping the university afloat. According to an article in *Inside Higher Ed*, “Typical college insurance plans pay out next to nothing for pandemic-related losses, (sic) and purchasing new policies amid (an) outbreak is difficult and incredibly expensive” (3/9/20). Although some institutions may have some form of insurance coverage, getting claims approved may prove difficult since while there are numerous stipulations for coverage, very few are insured against losses due to a biological disaster.

The same article argues that even when there is coverage for tuition loss in a pandemic scenario, these plans are out of the reach of most institutions. As we well know, deficits at the top generally trickle down rather quickly leaving classes and programs, as well as unsecured faculty at substantial risk of cuts.

So, what can we do? In order to be in a better position to help, we want to know what is happening on your campus and what you need.

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UUP members rally, demand more state aid for SUNY

United University Professions members at SUNY campuses across the state sent a loud, strong message to legislators and the governor: Fund SUNY now.

UUP members held “Fund SUNY Now” rallies at SUNY Buffalo State, SUNY New Paltz, and SUNY Old Westbury on February 25, where they called on state legislators and the governor to send more state funding to SUNY. UUP members at SUNY Plattsburgh rallied during a snowstorm February 26. SUNY Cortland UUP members rallied March 3.

Five other campuses handed out information and urged workers and students to tell their local state representatives to support SUNY.

In Buffalo, Old Westbury and New Paltz, hundreds of UUP members and SUNY students were joined by other unions and community members as they waved signs that said “#fundSUNYnow!” and “Real Progress for SUNY.” Nearly 300 people, many of them New Paltz Chapter members, attended the rally on the New Paltz campus.

They loudly demanded that lawmakers stand up for SUNY by increasing direct state funding to the University in the 2020-21 state budget. UUP President Fred Kowal also called on legislators to create new revenue streams for SUNY, such as enacting an enhanced Millionaires’ Tax, and a pied-a-terre tax.

“We have reached a point where this can’t continue,” said UUP President Frederick E. Kowal, Ph.D., who spoke at the Buffalo State rally. “It is time for the state to stop its decade-long disinvestment in SUNY.”

“It is the state’s obligation to fairly fund SUNY, and we believe it is time for the state to make a real commitment to and a real investment our university system,” UUP’s statewide Vice President for Professionals Tom Tucker said at the New Paltz rally.

The governor’s proposed 2020-21 Executive Budget is an essentially flat budget that does nothing to reverse years of disinvestment in the University after a series of damaging Great Recession-era funding cuts to SUNY. Those reductions, combined with a series of flat budgets for SUNY, have

resulted in a \$660 million drop in direct state aid to SUNY campuses from 2007-08 to 2019-20.

Many SUNY campuses—including Buffalo State, New Paltz, Plattsburgh, the University at Albany and SUNY Fredonia—are financially struggling and desperately trying to close budget shortfalls caused by years of SUNY underfunding.

The gaps are also due in part to the widening TAP Gap—the difference between full SUNY tuition and the amount campuses are allowed to charge TAP-eligible students—which campuses must cover.

Buffalo State is facing a \$3.4 million budget shortfall, the exact amount of the campus’ annual TAP Gap loss. SUNY Plattsburgh and SUNY New Paltz are struggling with budget deficits of \$3 million and \$2.9 million, respectively; they pay \$2.1 million and \$2.9 million respectively, to cover the TAP Gap.

The TAP Gap is expected to be around \$75 million in 2020-21. UUP is calling for the addition of \$75 million in the 2020-21 state budget to close the gap for SUNY’s state-operated campuses.

UUP estimates an enhanced Millionaires’ Tax could generate an additional \$2 billion in new state revenue. A pied-a-terre tax—which would tax luxury residential property not used by their owners as primary residences—would bring in an extra \$560 million in new state funding.

“We are not a ‘quasi-public’ higher education system,” Kowal said. “We are the State University of New York—a public higher education system. “The state has an obligation to provide necessary funding to allow our campuses and our hospitals to offer quality, affordable, accessible education and world-class health care to all. And we certainly have the resources to pay for it through a much more progressive and fair tax system.”

UUP is also pushing for the restoration of an \$87 million state subsidy for SUNY’s beleaguered public teaching hospitals in Brooklyn, Stony Brook and Syracuse.

National AAUP Moves to Telework

Due to concerns about COVID-19, the national AAUP office has transitioned to telework as of the end of the business day on Monday, March 16, 2020, until at least Tuesday, March 31.

The best way to reach staff members is to write to the appropriate email address for the staff member or department you need to contact.

Please consult the AAUP staff page for a list of individual and departmental email addresses. <https://www.aaup.org/about/staff>

AAUP Opposes NLRB Rule that will limit Graduate Organizing

On January 15, 2020, the AAUP submitted comments to the National Labor Relations Board (NLRB) opposing a proposed rule that would bar many graduate assistants from engaging in collective bargaining.

The NLRB takes the stance in its new proposed rule that students who are also teaching or research assistants at private colleges or universities are not employees and are therefore not entitled to unionize under the National Labor Relations Act.

The AAUP's comments reject this claim and strongly refute the board's assertion that "academic freedom" supports the proposed rule. The AAUP has long supported the union rights of faculty and graduate assistants. In addition to the other benefits it provides, collective bargaining is an effective tool to promote and protect academic freedom.

AAUP chapters have established explicit guarantees of academic freedom in their collective bargaining contracts, sometimes incorporating language from the 1940 Statement of Principles on Academic Freedom and Tenure. These contracts make promises of academic freedom legally enforceable.

Graduate assistants perform specific work in return for compensation. The work they do is often indistinguishable from that performed by faculty members. And universities generally treat graduate assistant stipends as payment for teaching or research work, not as general financial support.

As the AAUP's comments make clear, graduate assistants are employees who should have the same rights as other private-sector employees under the National Labor Relations Act.

The AAUP's comments also refute the NLRB's assertion that potential harm to an institution's academic freedom is a basis for excluding graduate assistants from collective bargain-

ing, arguing that "collective bargaining by faculty and graduate assistants is one of several ways to promote academic freedom on campus, as it allows faculty, students, and administrators to discuss collectively how best to do their shared work of teaching and research." Moreover, as the AAUP notes in its comments, "the full scope of academic freedom includes individual academic freedom of those who work for the university by engaging in teaching and research. . . . Indeed, the educational mission of the university depends on respecting the individual academic freedom of faculty and graduate assistants."

The comments were expertly drafted by AAUP general counsel Risa Lieberwitz, professor of labor and employment law at Cornell University's School of Industrial Relations, and Rana M. Jaleel, assistant professor of gender, sexuality, and women's studies at the University of California, Davis; former AAUP general counsel Robert Gorman, Kenneth W. Gemmill Professor Emeritus in the University of Pennsylvania Law School, signed on to the comments.

The comments are based on the AAUP's long history representing the interests of the profession, its position as the preeminent authority on the meaning and scope of academic freedom, and its extensive experience representing faculty members and graduate assistants in collective bargaining.

The AAUP's comments clearly demonstrate that graduate assistants have the right to unionize because they are employees under the National Labor Relations Act and that unionization advances their academic freedom. We urge the National Labor Relations Board to reject the proposed rule.

You can read the comments at:

<https://www.aaup.org/file/NPRMFINALComments1.14.20.pdf>

Kowal tells MRT: Leave SUNY's Hospitals Alone

On February 21, United University Professions (UUP) President Frederick E. Kowal, Ph.D. called on the state's Medicaid Redesign Team (MRT) II to spare SUNY's three public teaching hospitals and medical schools as it seeks to save \$2.5 billion in Medicaid spending.

"The SUNY hospitals exist for two reasons: to provide a public good and to care for the most vulnerable New Yorkers; and two, to train the next generation of doctors and health care providers at a

time when New York and the rest of the country are on the precipice of a doctor shortage crisis," Kowal said.

Kowal was one of the dozens of speakers who appeared before a panel of five MRT II members at a public hearing in Albany. He explained that SUNY's state-operated hospitals in Brooklyn, Stony Brook and Syracuse treat more than 1.3 million patients each year—many of them Medicaid recipients who depend on the hospitals for primary care services.

The hospitals also subsidize their medical schools, which graduate thousands of doctors and medical professionals each year. The medical school at Brooklyn's SUNY Downstate Health Sciences University serves as a pipeline of doctors and medical professionals to New York City.

More than 60 percent of Downstate's medical school students are students of color. The College of Medicine ranks in the 96th percentile when it comes to

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Attacks on Expert Knowledge and Higher Ed Institutions Threaten American Democracy

The AAUP has issued *In Defense of Knowledge and Higher Education*, a statement that advances an impassioned argument for the importance of expert knowledge and the institutions of higher education that produce and transmit it.

Addressing an ongoing movement in the United States to attack the disciplines and higher education institutions, the statement defends the critical role these institutions perform in producing the knowledge that sustains American democracy, especially in this moment of intense global instability.

In Defense of Knowledge and Higher Education was prepared by the AAUP's Committee A on Academic Freedom and Tenure and has been endorsed by the following organizations:

American Federation of Teachers
American Historical Association
Association of American Colleges and Universities
American Society of Journalists and Authors
Association of University Presses
Council of University of California Faculty Associations
Faculty Association of California Community Colleges
National Coalition Against Censorship
PEN America
Phi Beta Kappa Society
Woodhull Freedom Foundation

In releasing this statement, the AAUP calls attention to the threats posed by attacks on expert knowledge.

How can a government develop effective policy when it rejects informed, dispassionate studies of climate change,

suppresses its own data collection on white supremacist domestic terrorism, or imposes gag orders on doctors under regulations prohibiting discussion of abortion or contraception, merely because they contradict ideological belief? "We cannot eat ideological belief; wishful thinking will not keep us safe," the statement asserts.

In Defense of Knowledge and Higher Education connects the current attack on the disciplines and higher education with the undermining of universities that has occurred since the 1970s.

Cuts in federal and state funding for public universities and for basic research have weakened universities by increasing their reliance on private support, encouraging the substitution of contingent positions for faculty appointments with indefinite tenure, widening the gap between richer and poorer institutions, and facilitating the rise of corporate management styles by administrators and trustees with the consequent diminution of faculty participation in university governance.

The statement reemphasizes the pledge of the AAUP's founders "to safeguard freedom of inquiry and of teaching against both covert and overt attacks and to guarantee the long-established practices and principles that define the production of knowledge."

It concludes by calling on "those who value knowledge to take a stand in the face of those who would assault it, to convey to a broad public the dangers that await us—as individuals and as a society—should that pledge be abandoned."

You can read the statement at: <https://www.aaup.org/report/defense-knowledge-and-higher-education>

Kowal tells MRT: Leave SUNY's Hospitals Alone

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graduating African American students.

Stony Brook University's medical school trains more than 500 medical students and more than 750 residents and fellows annually. More than 60 percent of its students are from New York State, and nearly half of graduates are placed in residencies in the state.

Eighty percent of Upstate Medical University's Class of 2024 is from New York; 26 percent of the class is made up of people of color. Students from New York make up the majority of students at the University at Buffalo's Jacobs School of Medicine and Biomedical Sciences.

"New York State must not walk away from its responsibility to ensure that every citizen has access to quality medical care, nor should it walk away from its responsibility to train the next generation of doctors and medical

professionals," Kowal said.

To build a better future for New York, the union is also asking the state to establish the Medical Educational Opportunity Program, which would guide and assist SUNY undergraduate students from underrepresented and under-resourced communities through a SUNY medical school.

MEOP, part of UUP's NY25 plan, would provide medical school preparation assistance, financial support and professional mentoring. The program's goal is to bring more diversity to SUNY's medical schools and graduate more doctors who will practice in areas with diverse populations.

"We don't have a choice," said Kowal. "Medicaid is crucial for medical care, and indirectly for the education of future physicians. We must invest in that future."

Kowal's testimony can be read at: <http://uupinfo.org/legislation/pdf/UUP2020MRTtestimony>.

Kowal: Poor Federal Leadership has led to Hospital Shortages

UUP President Fred Kowal, angered by the Trump administration's ongoing ineptitude in handling the coronavirus outbreak, blamed the president's lack of leadership for drastic shortages of medical face masks and other vital personal protective equipment at hospitals across the country, including at SUNY's three public teaching hospitals.

"It is incredible that there is a shortage of virtually every piece of protective equipment that our members at SUNY's academic medical centers need to keep themselves healthy as they care for those who have contracted COVID-19," said Kowal. "At the same time, the president says millions of masks have been ordered but doesn't tell us when they will be available and passes the buck to governors when it comes to getting the gear.

"What we need are masks, gloves, gowns, and eye gear—not lies, exaggerations, excuses and platitudes from President Trump," Kowal said. "The lives of health care professionals—many of whom are our members working on the front lines of fighting this virus—are at stake and I will not remain silent and accept these bogus explanations and this untenable situation."

With hospitals unable to obtain new supplies, health care workers have been forced to reuse hospital gowns, masks, gloves and other personal protective equipment.

The shortage of personal protective equipment has become so dire that the Centers for Disease Control is advising health care workers to use old and expired medical face masks and surgical masks, and to reuse face masks. As a

last resort, the CDC has approved the use of bandanas, scarves and other kinds of homemade masks.

This is a major concern for UUP members at SUNY's teaching hospitals in Brooklyn, Stony Brook and Syracuse. The Downstate Health Sciences University is designated as an emergency pandemic center.

Kowal praised Governor Andrew Cuomo for his leadership during the outbreak and thanked him for being outspoken about the potential impact of the coronavirus pandemic on New York hospitals.

However, he urged the governor to exercise caution regarding enacting nearly 50 proposals in a new report by

the Medicaid Redesign Team II to reduce state Medicaid spending in the 2020-21 state budget. Those proposals include extending a December across-the-board Medicaid reduction and a nearly \$400 million cut to hospitals.

Kowal said the state could use revenue from an enhanced millionaire's tax and new taxes on the ultra-wealthy to ensure that SUNY's public teaching hospitals are properly funded.

"It is prudent and responsible to ask the wealthiest in our society to contribute more to the social compact, which allows us to provide essential public services such as education, and in this moment, life-saving health care," Kowal said.



Dominated by Contingent Faculty, Higher Education Today needs Evangelists for Academic Freedom

by *Georgette Fleischer*

The author, joined by fellow Barnard Contingent Faculty (BCF), Graduate Workers of Columbia (also Local 2110 of the UAW), Student Workers of the New School (Local 7902, UAW), PSC-CUNY, and NYU AAUP, February 9, 2018. Neither the Columbia Spectator nor online Bwog would cover the “Counter-Inauguration” of Barnard College President Sian Beilock. Here, in Riverside Church, 50 years earlier, Dr. Martin Luther King denounced the Viet Nam War as dehumanizing economic exploitation.

Henry Reichman, Chair of the AAUP’s Committee A (Academic Freedom and Tenure), has written a second excellent piece on my employment case that I urge members of the New York State Conference to read: <https://academe-blog.org/2020/01/21/justice-delayed-justice-denied/>

Reichman describes the way the arbitrator in my case not only allowed the Barnard administration to cherry-pick responses to two questions on anonymous online student evaluations as a pretext for firing me after 17 years, but also to pick and choose among conflicting passages in the BCF contract in order to strip me, and all BCF, of academic freedom.

Like Reichman, I am deeply concerned about ever-more corporate, bottom-line institutions of higher learning using the growing majority of non-tenure faculty to dismantle academic freedom.

As I argued at the Fall 2019 New York State Conference of the AAUP, at Borough of Manhattan Community College (CUNY), we need evangelists for academic freedom.

Elected with the most votes, I was the only member of the BCF bargaining committee who is a member of the AAUP. By the time I resigned in protest over weak job security, with the dismantling of academic freedom being the straw that broke the camel’s back, our committee was down to four faculty, only two of whom have a Ph.D., the other two being professional practitioners.

Neither the members of the bargaining committee nor the Local 2110 President who was chief negotiator, with no attorney present, understood what academic freedom is, let alone its importance to our profession.

When the moment came to vote on the administration’s lethal insertion to Management Rights, I pleaded with the other Ph.D. on the committee to go to the AAUP website to



see what it said about grading, which is that generally it is the prerogative of the faculty member to set grading standards (mine are comparatively high). He read, then voted along with the others to toss academic freedom over their shoulders.

Part of the problem is generational. I was the eldest faculty member on the bargaining committee, twice the age of a former student. Putting in six years or more to complete a Ph.D. program is a *Bildung* in the profession that many contingent faculty do not get. Administrators do not want faculty who are built into the profession; they want to staff popular classes with young attractive temps, no obligations. But this erosion of higher education due to a fast-food approach to teaching is insidious.

During the course of my travails at Barnard, I was able to identify only one other faculty member—tenured, endowed—who is a member of the AAUP; I reached out to him and got no response. How can it be that an institution of Barnard’s profile has such fractional membership in the AAUP? Ironically, Provost Linda Bell, nemesis of the faculty union, is a member of the AAUP (I believe). During the five years we overlapped at Barnard, never once did I hear her invoke the AAUP or its principles.

Yet Barnard’s Code of Academic Freedom—which for the Barnard contingent faculty is superseded by the compromised terms of the BCF contract—begins: “Academic Freedom means that all officers of instruction, . . . are entitled to freedom in the classroom in discussing their subjects,

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From the NYS AAUP President's Desk

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NYS chapters and members.

Sadly, the exciting program we had developed for our Spring NYSC AAUP meeting at Syracuse University has been truncated and put online. (The good news is that the SU chapter is happy to host our fall meeting!)

Sally has been incredibly efficient in undoing all of the great work she put into organizing next week's meeting. Our business meeting will now be online Friday April 3 at the originally scheduled time, 12-5pm. The Saturday conference is cancelled. The Friday meeting is open to all NYSC AAUP members in good standing. Please look out for an e-mail with information on how to join the Zoom meeting.

Our first order of business at the Spring meeting will be a vote on the proposed changes to our state chapter constitution – please consult our website nyscaup.org or the January edition of NYS Academe for a copy of the proposed changes. Only those members who attend the virtual meeting are eligible to vote on the constitutional revisions. We are in the process of setting up a procedure for online secret balloting. In order to facilitate the vote, we have set up a town hall

meeting for Monday, March 30 to discuss the proposed amendments. You should have received a message with the details on how to join that meeting from Sally via Action Network.

I hope to see some of you at the town hall and the Spring meeting. I know everyone is in survival mode at this point and doing their best to serve our students and complete the semester. The long-term implications of this crisis for higher education and our individual institutions are at present unclear, but there will certainly be consequences.

We need organizations like the AAUP to help us fight the negative consequences (further corporatization of higher education) and take advantage of potential positive ones (the stark revelation of inequities in the academy and the need to address them). As the specter of financial exigencies and further retrenchments looms, we need to hold firm to AAUP principles and insist on proper process and a strong faculty voice on our campuses.

Please take time for self-care and lean on each other and the NYS Conference of the AAUP in these trying times.

In solidarity! Mary Rose Kubal

Higher Education Today needs Evangelists for Academic Freedom

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freedom in research and the publication of its results, and freedom of expression and associations in their private and civic capacities." At Barnard these rights have been gutted.

One example: shortly after BCF's successful strike authorization vote, Provost Bell called a chairs meeting in which she announced that should the BCF go out on strike, department and program heads had better have their plans for replacing us.

Reportedly one, and only one, faculty member rose and said "I cannot believe you would ask us to do that." (Apparently a few faculty came up to him afterward.) I therefore decided that this hero of the tenured faculty would be the best person to reach out to when I spearheaded a sign-on letter to then-President Debora Spar urging her to settle the contract before she left to helm Lincoln Center in March 2017. I waited, seated in a chair, alone, outside our hero's office a little before his hours began.

When he arrived, saw and easily recognized me, he said, "I cannot talk to you. I cannot be seen talking to you." This is not what academic freedom looks like. Nor is it a sign of robust shared governance either.

Yet the Barnard Code of Academic Freedom goes on to endorse the AAUP's "Statement on Professional Ethics." While the Barnard Code makes the endorsement sound like a curtailment of faculty freedom ("the conduct expected of a faculty member"), the Statement itself, adopted in 1966 and

revised in 1987 and 2009, states at principle 4, in part: "Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision."

And principle 5 states, in part: "As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom."

Do we all not have such an obligation? And does this obligation not fall more heavily on tenured faculty, even as their ranks shrink in proportion to the whole, in light of the job security they enjoy? My termination from Barnard after 17 years, alongside so many of my colleagues—the bargaining unit today is little more than half of what it was less than three years ago—is a poignant reminder of contingent vulnerability, in this case, unfortunately, codified in the BCF contract.

As Reichman forecast, I am challenging my termination from Barnard in U.S. District Court for the Southern District of New York (19cv10748 (RA)).

My search for a pro bono attorney came up empty. (As a single, mostly unemployed, mother of a small child, I can hardly afford to pay a lawyer.) If anyone knows an attorney who would like to take on what will be a challenging but potentially landmark case, please be in touch.

The Executive Director's Report

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What are your colleagues and campuses are doing in response to COVID-19? Do you feel that these efforts are enough? What else do you think should be done? How have these changes been impacting you? Your students? How do you share information and dispel misconceptions without creating a panic or compromising personal or professional relationships? Most important, what can the New York State AAUP Conference do to support you?

On a more personal note, between all these changes and worrying about what might transpire, it's no wonder that most of us are under considerable emotional and physical stress, which in turn impacts those we spend time with, including our housemates, spouses/partners, children, families, and even our pets.

What we do know is that during times such as this we need to be especially vigilant about taking care of and protecting ourselves and our families, friends, neighbors, communities, etc. until there is no longer a viable threat. Suddenly, the word solidarity takes on a whole new meaning.

As always, I am here if you would like to talk about something that is going on at your institution, your AAUP chapter, things the State Conference can do to help support you, etc.

Be well and in solidarity,

Sally sdearhealeyaaup@gmail.com

Resources:

"Access to Unemployment Insurance Benefits for Contingent Faculty: A manual for applicants and a strategy to gain full rights to benefits" (COCAL): http://www.chicagococal.org/downloads/Unemployment_Insurance_for_Contingents_2007-1010.pdf

Statement from AAUP president Rudy Fichtenbaum on COVID-19 and the Faculty Role in Decision-Making.

https://www.aaup.org/coronavirus-information-higher-ed?link_id=2&can_id=8d8affc28eac81074169c0e4477e74c3&source=email-covid-19-and-aaup-principles&email_referrer=email_759532&email_subject=covid-19-and-aaup-principles

AFT and AAUP Principles for Higher Education Response to COVID-19. <https://www.aaup.org/news/aft-and-aaup-principles-higher-education-response-covid-19#.Xn1SXiZNR0>

The National AAUP has also developed a web page with resources on COVID-19, which they will continue to update as new resources become available. Here is a link: <https://www.aaup.org/coronavirus-information-higher-ed>.

They are also asking that chapters share information about what is being done on their campus and what the chapter or faculty senate's role has been in decision-making around campus closures and the implementation of all-online teaching.

AFT/AAUP Principles for Response to COVID-19

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16. Any faculty member who is not already teaching online and is required to do so as part of the institution's response plan should be compensated at a reasonable hourly rate for transitioning to online teaching. Faculty and graduate employees who have to move specific courses' classroom format to online should be compensated at a reasonable hourly rate for doing this.

17. Institutions should acknowledge that transitioning a course to an online environment in a one-time crisis does not necessarily mean the course can be successfully taught in an online environment under normal conditions, and does not obligate the faculty member to teach the course online in the future. Decisions to continue teaching a course online after the COVID-19 crisis has abated should follow the principles laid out in AAUP's Statement on Online and Distance Education, which requires consultation with appropriate faculty decision-making bodies. <https://www.aaup.org/report/statement-online-and-distance-education>

18. If an instructional term is extended due to the virus, institutions should be prepared to provide additional compensation for faculty and staff who would normally not be under contract beyond the end of the semester/quarter, and who may be obligated to other jobs in the ensuing semester/quarter. Institutions should also plan to have academic counselors and other appropriate personnel available to guide students in fulfilling their academic requirements.

Intellectual property

19. Institutions should not take this opportunity to appropriate intellectual property to which they would not otherwise have had access; teaching materials moved online because of the one-time emergency created by COVID-19 are not the property of the institution for future use.

20. New contracts signed with online program managers specifically to handle this crisis should be of short duration, should contain robust protections for faculty intellectual property, and should be fee-for-service only (not a percentage of tuition).

Protection of whistleblower researchers

21. Academics working on grants from non-intelligence agencies who may develop or uncover unflattering information regarding governmental responses to COVID-19 should be advised that they have protections through the Whistleblower Protection Act and under the principles of academic freedom. Employers cannot block grantees from speaking, nor can they mandate prescreening of communications through legal departments or public information officers. Grantees can file a whistleblower retaliation claim if they experience reprisal for disclosing information that the employee reasonably believes is evidence of an abuse of authority relating to a federal contract or grant, or a substantial and specific danger to public health or safety. For more on the rights of whistleblowers see: <https://whistleblower.org/wp-content/uploads/2020/01/WhistleblowingScienceGuide.pdf>