

Union News

Connecticut State University
American Association of University Professors

Governor Rell's Proposed Budget Impact on CSU

By David Walsh, CSU-AAUP President

We are once again in a budget crisis of serious magnitude. Governor Rell's proposed budget, presented to the General Assembly on February 9, is totally inadequate to run the university properly. The Operating Budget she recommended would result in a deficit of more than \$7 million in the first year and even more in the second year. In addition, she recommended a mandatory tuition freeze, unfunded by the state, to be achieved through legislation. Unlike the tuition freeze of 1999-2000 in which the state reimbursed the university for lost revenue, this tuition freeze is totally unfunded and would require the university to absorb all losses. Further, she provided no additional funding for scholarships over the amount currently provided and proposed decreasing the amount of state matching funds for endowment dollars from the current 2:1 to 4:1. This measure seems totally irrational since it would act as a disincentive for contributions to the university. In short, the Governor seems to have forgotten the salary freeze of AY2003-2004 and the sacrifice we made to preserve university programs. We cannot allow this

proposal to be adopted in the final state budget.

CSU has been trapped in a downward budget cycle for a decade. The origin of the crisis lies in the failure of state government to adequately fund the university since the era of huge tax cuts began in the early 1990s. Consider the following:

- In 1989, the state funded 74% of the cost of an undergraduate education, but by 2004, that share had declined to 51%.
- CSU has not had a current services budget (a budget sufficient to fund existing programs into the next fiscal year) since 1995.
- As a result of underfunding, the student to full-time faculty ratio reached 22:1 in 2005, far above the recommended 17:1 for institutions of our type.
- 40-45% of undergraduate classes are now taught by part-time faculty who usually have no office, no telephone, and limited computer access. As we all know, they are also woefully underpaid.
- Since academic year 2000-2001, CSU

has added 2,500 full-time undergraduate students, but, excluding their tuitions, has received no additional funding from the state.

- Contrary to recommendations by actuaries and the requirements for a positive bond rating, CSU reserves have been inadequate for more than five years. The current reserves of \$13.9 million are the result of the wage concessions agreed to by AAUP and SUOAF-AFSCME members, as well as the savings achieved from the Early Retirement Incentive Program (initiated by Governor Rowland) which resulted in the retirement of 98 senior faculty members. This money should remain available to the university and not be used to make up for inadequate funding of the operating budget.
- At the same time that the Department of Higher Education has called upon the units of higher education to improve rates of retention and graduation, the Governor's budget threatens to make achievement of these goals impossible.

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Local Chapters News

CENTRAL

The CCSU Faculty Senate passed a resolution in support of House Bill 5681, *An Act Concerning Appropriations to Increase the Faculty at Public Institutions of Higher Education*. A cover letter along with a copy of the resolution is being sent to every legislator.

EASTERN

ECSU-AAUP will host a Chapter Meeting on February 22, from 4:00-5:30 pm in the Faculty Lounge (Webb 358). Speakers include Dennis Hannon and/or John Sweeney from ECSU Administrative Affairs to discuss the impact of the budget on ECSU, and Dave Walsh, CSU-AAUP

President to discuss the AAUP response and the March 2 CSU Lobby Day. Refreshments will be served.

SOUTHERN

SCSU-AAUP will host a Chapter Meeting on February 23, from 1:05-1:55 p.m. in Englemann Hall, Room D125. CSU-AAUP President Dave Walsh will be on hand to discuss the impact of the Governor's budget proposal on Southern and what each one of us can do to stop the passage of this devastating budget. SCSU-AAUP has also been active in obtaining union solidarity for our budget priorities. Campus leaders from the six other unions on campus will attend this important event.

WESTERN

Effective August 22, 2005, Vice President for Academic Affairs Gene Buccini will return to the Ancell School of Business faculty, but will also serve WCSU in a new role, Senior Advisor to the President. In this latter role, he will provide advice and support on community and corporate relations and on the development of advisory boards, centers and forums.

A national search will be conducted for a new Vice President for Academic Affairs but, and an interim appointment will be made until a permanent successor is found. It was stated that every effort to ensure full participation from the university community in the selection of a successor will be made.

Part-time Faculty News

HOUSE BILL 5960

HB5960, *An Act Concerning the Difference in Salaries Paid to Regular Faculty and Adjunct Faculty*, states "be it enacted by the Senate and House of Representatives in General Assembly convened: That the Connecticut state system of higher education shall eliminate differences in compensation and related benefits provided to regular faculty and adjunct faculty, except with respect to matters of seniority." This bill was referred to Joint Committee on Higher Education and Employment Advancement on January 21, 2005 and it has not been scheduled for a public hearing.

The CCSU-AAUP Executive Committee passed a resolution in support of the bill and has referred the resolution to the CSU-AAUP Council for further discussion and consideration.

CCSU-AAUP PART-TIME ADVISORY COMMITTEE

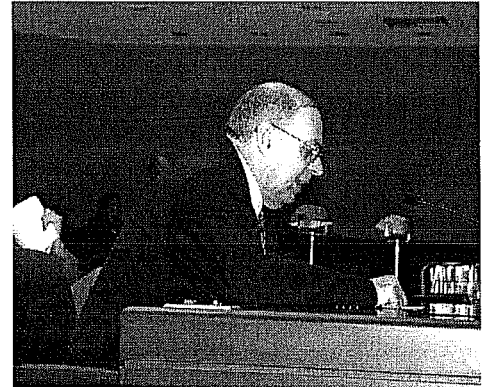
At the beginning of the Fall semester, part-time faculty received a survey designed to discover who the part-time

faculty are and what they need in order to be more effective. The response rate was over 30 percent. The Committee has collated the data and is in the process of preparing a report that will be forwarded to the CSU-AAUP Council for discussion and further action. A summary of the survey results will be published in *Union News* this Spring.

TRAVEL AND FACULTY DEVELOPMENT FUNDS

As a part-time faculty member, you are eligible to apply for faculty development grants and up to \$600 for travel expenses. Faculty travel money can be used to attend a professional conference, seminar or workshop. Faculty development funds can be used to attend a program or workshop to learn a new skill and/or enhance your abilities as a university professional.

These funds are available every year and in the past have been underused. Please contact your Department Chairperson or your local AAUP office if you have additional questions.



Pictured above: David Walsh, CSU-AAUP President, testifying in front of the Appropriations Committee in support of an adequate operating budget that would maintain current services for CSU over the biennium. President Walsh also testified in support of House Bill 5681, which would allocate \$4 million dollars to CSU for 80 new full-time faculty in FY2006 and \$8 million dollars for 80 additional full-time faculty in FY2007 if passed.

Legislative Update

REMINDER: CSU LOBBY DAY

March 2nd has been scheduled for a CSU Lobby Day at the State Capitol. Faculty, staff, students and alumni have been invited to attend. There will be a breakfast from 8:30-10:30am at the State Armory Officer's Club, followed by a short training session in the Legislative Office Building Room 1B. Volunteers will then meet with their legislators and report with the results.

We are still soliciting volunteers so if you are interested in attending, please contact Michelle Malinowski in the AAUP Office at (860) 832-3790 or by email at MalinowskiM@ccsu.edu.

HOUSE BILL 5681

HB5681, *An Act Concerning Appropriations to Increase the Faculty at Public Institutions of Higher Education*, would allocate \$4 million dollars to CSU for 80 new full-time faculty in FY2006 and \$8 million dollars for 80 additional full-time faculty in FY2007 if the bill passes. The bill

currently has 35 co-sponsors.

A public hearing on the bill was held on February 8 by the Joint Committee on Higher Education and Employment Advancement. David Walsh, CSU-AAUP President, testified in front of the committee and stated that "I received a very good reception to my testimony in favor of the bill. UConn and the Community Colleges also spoke in favor of HB5681. No one on the Committee expressed opposition to it, but in tight fiscal times like these a bill requiring additional state funding is difficult to pass, so we cannot gage yet how this bill will fare."

APPROPRIATIONS COMMITTEE

The first of seven days of public hearings before the Appropriations Committee, which writes the legislature's budget, was held on February 15 and focused on issues in Higher Education & Transportation.

The committee will look at every aspect of Governor Rell's proposed budget, which

calls for spending \$15.3 billion in the first year and \$15.9 billion in the second. Among the issues discussed Tuesday was the Governor's proposed tuition freeze for the state's public universities. David Walsh testified before the Appropriations Committee about HB5681 again and about the need for an operating budget for CSU that would maintain current services over the biennium. Jim LoMonaco, SUOAF-AFSCME President at CSU, as well as UConn and the Community Colleges were also present to make similar requests. The Committee seemed to accept higher education's stance on the Governor's budget and no critical comments or difficult questions were asked of the speakers.

The Appropriations Committee will vote on Governor Rell's proposed budget in April, and then top lawmakers will negotiate the final details with Rell's administration. Months of budget deliberations will likely conclude in June with votes by the full House of Representatives and the Senate.

Contract Spotlight: Personnel Files

Article 4.14.1: "Each university shall maintain one confidential and complete official personnel file for each member. This file shall be accessible to the member on request. No anonymous material or annotations shall be placed in the official personnel file. No unsolicited derogatory material shall be placed in the official personnel file except pursuant to Article 4.14.2.9. Files shall contain the following: application for employment and supporting documentation; recommendations on appointment, tenure, renewal, promotion, and leaves; evaluation and assessment documents; payroll records; disciplinary actions; correspondence between the President or other administrators and the member concerning the member's employment at the University; all other relevant personnel actions; and any statement that the member wishes to enter in response to or in elaboration of any other item in the file. Personnel files shall be maintained in accordance with State-mandated retention schedules."

This means that there shall be only one file on each member of our bargaining unit. Department Chairpersons, Directors, Deans, Vice Presidents, etc. should not maintain separate files on AAUP members. Certainly, all of those individuals may keep working files on various topics which may include a piece of information about a faculty member in their department, school, etc. However,

they should not be maintaining a separate file with an individual's name on it.

Questions have arisen from Department Chairpersons about what to do with documents such as student complaints. It has been our advice that student complaints should be handled as they are received by immediately being brought to the attention of the faculty member in question. Said member should be given an opportunity to read the complaint and respond to it either verbally or in writing. There is nothing that would prohibit a Department Chairperson from keeping a file of all student complaints; however, once again, they should not keep an individual file with a member's name on it that contains student complaints or any other information about that specific member or their employment.

It is a good idea to periodically take a look at your official Personnel File. There should not be anything in the file other than those documents mentioned above. Pursuant to Article 4.14.2.9, Any unsolicited derogatory material must be provided to you prior to its placement in your personnel file so that you have an opportunity to contest the relevancy accuracy and/or completeness of the material. If after reviewing the content of your Personnel File, you find something that looks questionable, ask for a copy and immediately bring it to the attention of your local AAUP Office.

CSU-AAUP Elections

The CSU-AAUP Constitution requires us to elect new officers in odd-numbered years. Therefore, we are soliciting nominations for the offices of President, Vice-President, Secretary and Treasurer, all to serve two-year terms commencing June 1, 2005. A description of the duties held by each office can be found in the CSU-AAUP Constitution, which is posted on your local AAUP website.

CSU-AAUP members may nominate themselves or any other member for any position as officer. Nominees must be CSU-AAUP members. Please send nominations to CSU-AAUP on or before 3:00pm on Monday, March 7. If you have not received a nominations form, please contact your local AAUP office.

The ballots will be distributed on or about March 28 with a due date of April 11. On April 11, the ballots will be counted and prior to the end of May, a Newsletter announcing the election results will be distributed.

The members of the CSU-AAUP Nominating Committee include: Andrew Nilsson, Sociology, ECSU, Chair; Michael Gendron, MIS, CCSU; John Kavanagh, Math, SCSU; and Robert Woodcock, Nursing, WCSU.

The deadline for nominations is March 7 at 3:00pm.

AAUP Celebrates Victory in Yale Solomon Amendment Case

The American Association of University Professors is delighted that Judge Janet Hall, of the United States District Court for the District of Connecticut, has just granted summary judgment to the Yale Law School faculty in its challenge to the Solomon Amendment, *Burt et. al., v. Rumsfeld*. (See *Burt et. al., v. Rumsfeld* part 1, part 2)

This case involves the faculty's argument that the Solomon Amendment, a federal statute that punishes universities with a loss of federal funding if the university, or any individual component thereof, excludes military recruiters from campus, is unconstitutional. Until forced to change its policy because of the threatened loss of funding, Yale Law School, like many other law schools, restricted military recruiters from participating in its recruitment

programs because Yale's policies prohibit any employer who discriminates on the basis of sexual orientation from participating in the school sponsored recruitment program. By compelling the Law School to officially aid the military's recruiting efforts by allowing the military's participation in the recruiting program in violation of Yale's own policies, the faculty argued, the Solomon Amendment violates their First Amendment rights of freedom of speech and freedom of association.

The AAUP filed an amicus brief in support of the faculty in this case, arguing that the Solomon Amendment violates the First Amendment and concepts of academic freedom and shared governance by using federal funds to coerce compliance with a particular message, and forcing law schools

and their faculty to abandon mutual pedagogical principles of how to teach lessons of ethics, justice and civil rights.

Having already recognized in an earlier decision the faculty's right to bring such a case as the "governing body" of Yale Law School, the court on January 31, 2005 issued a lengthy and comprehensive opinion granting summary judgment to the faculty and criticizing the government for its "refusal to come forward with information within its control" and "denial of facts without supporting evidence." By threatening to cut off federal funding to the University unless it allowed military recruiters to participate in recruiting, the court concluded, the Solomon Amendment imposed unconstitutional conditions upon the receipt of federal funds.

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AAUP Celebrates Victory

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The district court found the "condition imposed by the Solomon Amendment [to be] in [no] way related...to the purposes for which the federal funds have been given to Yale," and thus dismissed the Department of Defense's argument that such restrictions were allowed under the Spending Clause of the Constitution. Instead, the court concluded that the Solomon Amendment interfered with the faculty members' First Amendment right to expression by compelling them to allow military recruiters to participate in school sponsored programs, and thus "coerced [them] into assisting DoD in sending its message." The court also held that the Solomon Amendment violates faculty members' First Amendment freedom of association rights by blocking them from "using their freedom to associate, or disassociate, [as a means of] inculcat[ing] their values in their students and ... propagat[ing] publicly their beliefs regarding discrimination."

Finding that both such rights were constitutionally protected, and that any infringement of them is subject to strict scrutiny, the court found the government's actions neither narrowly tailored nor a compelling government interest.

Finally, the court declined to find the new substantive due process right of "educational autonomy" advocated by the faculty. (The faculty had put forth the novel argument that the "right to ban discriminatory conduct from all of the Law School's activities in order to protect their students and to create the environment necessary to carry out the Faculty Members' educational mission" was a substantive due process right under the Fifth Amendment). Instead, however, the court noted that such a claim was "functionally a First Amendment academic freedom claim," and affirmed the right of

First Amendment academic freedom by noting that where "a particular Amendment [already] provides an explicit textual source of constitutional protection against a particular sort of government behavior," a more generalized notion of substantive due process should not be substituted for that Amendment.

Other cases involving the Solomon Amendment are continuing to work their way through the courts. As you may remember, on November 29, 2004 the Third Circuit issued a 2-1 decision for the faculty in FAIR v. Rumsfeld, a challenge to the Solomon Amendment brought by a coalition of faculty at numerous law schools nationwide. The decision grants the faculty's request for an injunction against the enforcement of the Solomon Amendment, and concludes that "the Solomon Amendment violates the First Amendment by impeding the law schools' rights of expressive association and by compelling them to assist in the expressive act of recruiting." The government has indicated its intention to appeal this decision to the Supreme Court. Yet another case, Burbank v. Rumsfeld, brought by faculty at the University of Pennsylvania, is pending before the District Court for the Eastern District of Pennsylvania. AAUP filed amicus briefs in both cases.

Rell's Proposed Budget

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This is a battle we can win. Since the announcement of the Governor's budget, more than a dozen legislative leaders have expressed doubts about its adequacy for the units of higher education. CSU-AAUP is working in coalition with UConn-AAUP and the Congress of Connecticut Community Colleges to lobby the legislature for increased funding. With the new legislative leadership in the House and Senate we probably have more friends in chairmanship and leadership positions than in the recent past. Everyone must be clear it is not inevitable that the Governor's budget will be accepted by the General Assembly; this is a political decision that is open to lobbying efforts by groups and individuals. In addition to furious lobbying by AAUP officers, we are also sponsoring CSU Lobby Day on Wednesday, March 2nd between 8:30am - 12:30 pm. We are calling upon every member who can possibly participate to do so by contacting their campus AAUP office, and are requesting that all members contact their State Representatives and Senators by phone or email. Your salary, working conditions, and professional opportunities are at stake, as well as the life chances of our students who have chosen to invest in a CSU education.

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We're on the web!

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