

Union News

Connecticut State University
American Association of University Professors

Needed: A Long-Term Strategy for Higher Education

By David Walsh, CSU-AAUP President

I wish to thank all those who participated in the first annual CSU Lobby Day, sponsored by AAUP and SUAOF-AFSCME, as well as those who communicated with their legislator by e-mail, letter or telephone. Due to your efforts, the Appropriations Committee of the General Assembly rejected Governor Rell's proposal to impose an unfunded tuition freeze on the three higher education units. In addition, the Committee proposed Substitute Bill 1050 which "requires the UConn, CSU and CTC, boards of trustees to develop plans to increase full-time faculty". This requirement is apparently a response to the lobbying effort by CSU-AAUP, UConn-AAUP, and the Congress of Connecticut Community Colleges (4 C's). This is the first time that the concept of targeted funding for more full-time faculty, counselors, librarians, coaches and athletic trainers has been included in a committee bill. Finally, there is an expectation that the legislature will increase the operating budgets of the higher education units beyond the sums recommended in the Governor's Budget.

Unfortunately, this year's budget process has also exposed the relatively weak position of the higher education lobby in the eyes of the General Assembly. Collectively, the boards of trustees of the three units, their

administrations, the six unions, students groups and university supporters have not been sufficiently persuasive to deter Governor Rell from proposing a budget which would have devastated services to students. This suggests to me that recent budget requests by higher education units have not been taken seriously by the new governor or her supporters in the General Assembly. Governor Rell's budget actually reduces state support below the level of the Rowland years and continues a trend in which symbolic gestures, such as mandating an unfunded tuition freeze, are substituted for adequate financial support. As several legislators have pointed out, higher education in Connecticut is still defined in terms of buildings and infrastructure; it does not have the same importance to legislators or the general public as K-12 education; a college education is seen as a "private good" benefiting the individual rather than a "public good" that benefits society; and the higher education lobby has failed to sufficiently mobilize its alumni base or to gain the support of business groups and others interested in developing a highly skilled workforce.

I believe this year's budget process has been instructive in two respects. First, our intense lobbying efforts over the past few

months have demonstrated the effectiveness of such tactics, at least in the short run. The rejection of the unfunded tuition freeze, if it is sustained, and the augmentation of our operating budget are important victories in themselves. Second, viewed from the long term perspective, the events of this legislative session point out the work we must do in the future if we are ever able to realize the level of institutional support our students need. Later this spring I plan to propose to the other major higher education unions the formation of a permanent working group to promote the theme that Connecticut's economic future is dependent on the state's system of public higher education. In addition to considering a public relations program, I will ask the other unions to approach their administrations about the development of a systematic and coordinated campaign, which would include the use of endowment funds, to promote the cause of public higher education to both the general public and the legislature. This might require the convening of a "Summit on Public Higher Education." I will also ask that we collectively address certain troubling issues, such as the lack of support from the Department of Higher Education. Experience in Connecticut and elsewhere suggests that campaigns of this magnitude can produce impressive results within a few years.

Local Chapters News

CENTRAL

CCSU-AAUP Chapter officers and staff have been busy with contract administration, grievance handling, lobbying and general administration of the Chapter. At its meeting on February 9, the CCSU-AAUP Executive Committee passed a resolution urging CCSU President Robert Aebersold to adopt the Worker Rights Consortium's Code of Conduct into CCSU policy and affiliate with the Worker's Rights Consortium. The resolution was also referred to the CSU-AAUP Council asking that body to urge adoption by the CSU Board of Trustees.

Based on a procedural error, the Chapter has filed a grievance on behalf of four members who were denied sabbatic leave during the 2005-06 Academic Year. Chapter members should be on the lookout for the Chapter Ballot for CCSU-AAUP Officers and Council Representatives which is scheduled to be distributed on April 18. Please vote in the election. The Spring Chapter Meeting is scheduled for Wednesday, April 13 from 12:00 – 2:00 in the Marcus White Living Room. We hope to see you there.

EASTERN

After some difficulty with the Professional Assessment administration review cycle, the ECSU-AAUP and ECSU administration have agreed that a form for Professional Assessment will guide the DEC and the administrative reviewers into contract compliance. The form has been submitted to the Senate to be incorporated into the Senate Bill on Promotion and Tenure as an appendix. ECSU has made great strides in bringing their Professional Assessment processes into more uniform compliance with the contract.

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Proposed "Academic Bill of Rights" Legislation

Self-identified "conservatives" are calling for "political diversity" in the classroom and for monitoring by students of teachers on college and university campuses for perceived "liberal bias" in their classroom presentations. The group "Students for Academic Freedom" (SAF), sponsored by conservative activist David Horowitz, has arisen on dozens of campuses, where students campaign on campus and in state legislatures for the adoption of a so-called "Academic Bill of Rights" (ABR). The bottom line, according to Horowitz, is that that "faculty and administration" are "ideologically conformist in their liberalism."

This political interference with the autonomy of higher education institutions is not an alignment of conservative versus liberal, but rather individuals for and against institutional autonomy. An outspoken critic of this legislative effort, for example, is Daniel L. Anderson, president of Appalachian Bible College in West Virginia, a self-identified conservative, who is "outraged" by the ABR. He fears such legislation "would inhibit his college's efforts to provide a faith-based education and would put pressure on the college to hire professors . . . to the campus who espouse views contrary to those of the

institution." Andersen states that there is always "a potential risk once the government starts defining academic freedom." Alyson Klein, "Worried on the Right and the Left," *The Chronicle of Higher Education* (July 9, 2004). Similarly, another conservative, Jesse Walker, the associate editor of the libertarian *Reason* magazine, has said that "what Horowitz either doesn't realize or won't acknowledge is that he would introduce yet more intrusions, pushing far beyond restraints on obvious malpractice." "Horowitz and the Academic Bill of Rights," <<http://www.campuspeech.org>>.

The proposed "Bill of Rights" is cast in language that appears—at first—almost unexceptionable. But in application, its provisions could be very damaging to the academic freedom of faculty and institutions.

- While expressing the view that faculty should be appointed, granted tenure, and promoted on the basis of competence and knowledge of their subject, the ABR calls for these decisions to "foster a plurality of methodologies and perspectives" within a discipline.
- While it extols the value of independent scholarship and teaching,

it requires that curricula and readings in the humanities and social sciences provide "dissenting viewpoints."

- Academic disciplines, according to the ABR, should welcome a "diversity of approaches to unsettled questions." The problem is in who defines the range of diversity and who declares a question "unsettled." The proposals advise disciplinary and learned societies, where peer judgments supposedly "settle" what is considered scholarship within a discipline, to "maintain a posture of neutrality" with respect to the substantive disagreements among scholars in or outside of their field.
- "Students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the students and disciplines they study, not on the basis of their political and religious beliefs." But, of course, most institutions already have mechanisms by which students can challenge their grades.

For a copy of the proposed ABR provisions, see <www.studentsforacademicfreedom.org>.

Reprinted from National AAUP website.

Legislative Update

CSU LOBBY DAY

Over 65 faculty, staff and students attended the CSU Lobby Day on March 2. The goal was to raise awareness about the need for adequate funding for CSU and to seek support for House Bill 5681, which would allow CSU to hire 160 full-time faculty members over the next two years.

The day began with a breakfast at the State Armory. Representatives from 14 legislative offices attended the breakfast including Senator Meyer, Senator Guglielmo, Representative Kirkley-Bey and Representative Geragosian. CSU-AAUP President David Walsh and SUOAF-AFSCME Chapter President Jim LoMonaco addressed the crowd. After breakfast, there was a short lobbying orientation given by Representative Tim O'Brien. The volunteers then left for smaller meetings with their individual legislators.

The event was a huge success. We

received many pledges of support from key legislators and their staff members for adequate funding and House Bill 5681, and we were able to raise awareness of our issues through an article that appeared in the *Hartford Courant* on March 3.

We plan on sponsoring this event again in the future and hope you will consider attending.

SENATE BILL 605

Senate Bill 605 would grant permanent authority to the Connecticut State University system to award doctoral degrees in education. Under PA 01-141, the system was authorized to award such degrees between May 1, 2002 and January 30, 2007. Since the pilot program legislation was enacted, CSU's Ed.D programs have been thriving. Three hundred and thirty-five people have applied to the programs and more than 100 students are enrolled today.

CSU has requested the change this session to ensure that recruitment for our programs is not impacted and to ensure that students currently enrolled in the programs can be confident that they are part of an ongoing, established program that has statutory approval to continue. It is especially important to have this assurance before Central's first cohort graduates this summer.

Senate Bill 605 came up for a public hearing on February 8, and the committee made some language changes and voted it out of Committee with a positive recommendation. It was sent to the Senate on March 3 and was passed, and was passed by the House on March 16. It is currently before the Governor.

CSU-AAUP will continue to watch the progress of this bill.

Educators to Stop the War Conference

By Tony Rosso, Professor, English Department SCSU

On Saturday, March 5, three CSU-AAUP members attended the Educators to Stop the War conference at Hunter College High School in New York City, along with 800 high school, college, and labor educators from the northeast. There was standing-room-only at both the morning and evening plenary sessions, aimed at developing pedagogical materials and strategies to bring the war and the anti-war movement into classrooms and local labor organizations.

Between plenary sessions, members attended workshops that covered an array of issues relevant to higher education. These included the relation of the war to budget cuts for schools and colleges, the effect of the Patriot Act on academic freedom, critical approaches to media analysis and images of war, and anti-war debates in professional organizations like the AAUP. Other panels discussed the war as context for contract negotiations, the relation of teacher unions and foreign policy, and anti-war curricula in Women's Studies programs.

A special feature of the conference was the presence of veterans and their families. In a moving speech at the morning plenary Michael Hoffman, co-founder of Iraq Veterans Against the War, spoke eloquently about his efforts to counter propaganda that young people hear from military recruiters at their schools. He combated the false picture of war spread by recruiters and the message that the only way for many students to get a college education is to join the armed services. He called for state and national governments to allocate money for education and social needs, not for war.

Finally, CSU-AAUP members attended a lively lunch with other AAUP members from the northeast and signed onto an email list that will be used to facilitate communication among regional members opposed to the war and its detrimental effects on education.



Pictured above: CSU-AAUP members from all four campuses attended the CSU Lobby Day on March 2, 2005. Here they are pictured at the breakfast listening to opening remarks from President Walsh.

Contract Spotlight: Professional Assessment

Article 4.12 states: "Each tenured member shall receive one professional assessment every six (6) years unless: (a) the DEC, in an effort to assist, schedules the next assessment in less than six (6) years, or (b) the affected member requests more frequent assessment. The DEC shall honor such requests. The purpose of this assessment shall be to measure the member's teaching effectiveness, and/or primary professional function, service to the department and university, scholarship and professional activity in order to further the member's professional growth. This assessment shall be made by the DEC in accordance with procedures developed by the Senate and approved by the President pursuant to Article 5.10, and in accordance with Articles 4.11.6 - 4.11.9 of this Agreement. Professional assessments shall follow a schedule recommended by the Senate and approved by the President. A DEC may schedule an increased frequency of assessment only

on the occasion of a regularly scheduled assessment. Information developed by the DEC for promotion and tenure evaluations may be used for professional assessments. Where this is the campus practice, another assessment shall not be required for six (6) years. All assessments completed by a DEC will be reviewed by the member, who shall be provided at least two (2) days to append comment before the assessment is sent to the appropriate Dean. All assessments which have been reviewed by the member will be sent promptly to the Dean along with all materials reviewed by the DEC and any comments from the member. The Academic Vice President and President will review the assessment in turn after the Dean.

Assessments reviewed by the President will be placed along with member comments in the member's personnel file. After placement of the assessment in the member's file, supporting documents will be returned to the DEC for disposal. The format for

these assessments shall be proposed by the Senate and approved by the President."

What should I know about this article?

If a member is evaluated for promotion, a professional assessment does not have to occur for another six years. Therefore if a member is evaluated for promotion in their eighth year, they will not require a professional assessment for another six years.

Article 4.11.1 states that "annually the Chief Personnel Officer shall provide computer-generated reports to assist department evaluation committees in determination of member eligibility for renewal, promotion, tenure and related personnel actions." Professional assessment falls into the category of related personnel actions. However, even though it is the Chief Personnel Officer's responsibility to notify the DEC, it is wise for individuals to keep track of their own assessment schedule.

Restructuring of the Retirement-Savings Plans

The Comptroller's Office has chosen ING of Hartford to provide administration and record keeping for the following three state retirement-savings plans: Deferred Compensation, 403(b), and the Alternative Retirement Plan. This move is estimated to save 44,000 participating employees about \$10 million in fees annually.

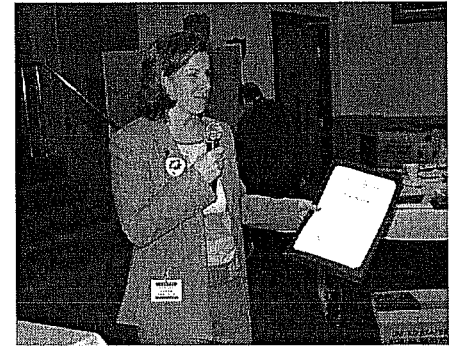
The changes will keep the savings plans on the cutting-edge of available products and services by:

- Reducing fees paid by participating employees.
- Introducing a wider variety of investment options.
- Providing unbiased counseling and financial education to participants.

The selection of ING was recommended by the State Employees Retirement Commission, which served as the review committee. The company was chosen because of its extensive experience with 457, 403(b) and Alternate Retirement Plans for government and education employers.

The funds managed by The Hartford and TIAA-CREF will continue to be offered by the plans, and employees will be receiving additional information about the transition period soon.

The deferred compensation plan will be improved effective July 1, 2005 and the Alternate Retirement Plan and 403(b) plans will be improved effective January 1, 2006.



Chelsea Turner of Betty Gallo & Company present's a proclamation from Governor Rell's office officially designating March 2, 2005 as CSU Day in the State of Connecticut.

Q&A Regarding the Retirement-Savings Plans Changes

Q. Why do this now? Didn't the State make changes several years ago?

A. The financial services industry has undergone a number of important changes in the past several years. Regulators and plan sponsors are taking a much closer look at hidden fees and other costs born by plan participants. New technology and new agreements among the major financial services companies now make it possible to give participants access to all investment options in a plan -- not just those offered by one company. Mutual fund companies now offer lower-priced institutional shares and very low-priced index funds to plans as large as Connecticut's. These changes make it possible now to offer State employees a better plan with improved service and lower fees.

Q. How will I pay less in fees?

A. The goal of the restructuring is to provide central plan administration so that the asset-based fees that participants pay to support the administration and sales forces of the companies in the current plan will be dramatically reduced. In addition, those 403(b) plan participants who pay a monthly administration fee will no longer be charged this fee. The Retirement & Benefit Services Division of the State Comptroller's Office estimates that the average participant will save hundreds of dollars each year in reduced fees. For the

44,000 participants currently in the plans, these savings are estimated to total about \$10 million annually. These dollars will stay in participant accounts to grow to help them meet their retirement income needs.

Q. How will investment choices be better?

A. The new plans will have: a) A family of very low cost index mutual funds, b) a family of low-cost lifestyle asset allocation funds, c) "best of class" institutional actively managed mutual funds and d) a new fixed account with assets managed and guaranteed by several insurance companies.

The index funds will be for participants who want to pay the lowest fees and do not want to pay extra for active fund management. The lifestyle or asset allocation funds are for participants who do not want to make decisions about where to invest their money but who seek higher returns than will likely be found in a guaranteed fixed account. The "best of class" institutional mutual funds will be selected with the advice of third-party fiduciary services.

No ING mutual funds will be offered by the plans to further guarantee no bias in either the selection of the funds or counseling or educational materials related to investing in the mutual funds. The new fixed account will diversify risk among

several insurance companies and will provide competitive interest rates for participants who want the safety of a guaranteed account.

Q. I have had most of my money invested in the fixed account with my current insurance company. Will I have to do anything to protect my investment?

A. No. You will be able to keep your money invested in a guaranteed fixed account. The Retirement & Benefit Services Division of the State Comptroller's Office is currently in discussions with insurance companies providing guaranteed fixed accounts in the current plans to continue to manage the assets in those accounts for the new plans.

Q. What will happen to participants in the ARP who have invested with TIAA-CREF?

A. Since the creation of the ARP in 1975, TIAA-CREF has been the exclusive administrator and provider of investment and payout annuity choices for eligible State education employees. Beginning in January, 2006, TIAA-CREF will no longer be the ARP plan administrator. However, TIAA-CREF investment choices and payout annuities will continue to be offered. ARP participants will also be able to invest in the other investment choices available to the other plans.

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Update on S. Ct. Ruling in Jackson v. Birmingham (Title IX)

By Donna Euben, AAUP Counsel

SOUTHERN

The SCSU-AAUP Executive Committee has voted to present an amendment to the SCSU-AAUP membership for ratification during the 2005-06 election of SCSU-AAUP Executive Committee Officers. The SCSU-AAUP Executive Committee is proposing a change to the constitution regarding length and synchronicity of terms for SCSU-AAUP Executive Committee officers. The change suggests lengthening the terms of President, First Vice-President, Second Vice-President, Secretary and Treasurer from one year to two years. It also recommends the staggering of office terms to ensure overlapping rather than having all offices change at once.

Elections are also taking place for President, First Vice-President, Second Vice-President, Secretary, Treasurer, and three State Council seats. Exercise your right to vote!

WESTERN

WCSU-AAUP is currently holding elections for the position of Council Member. The Council member represents the chapter on the CSU-AAUP Council, reports Council proceedings to the Executive Committee and to the membership, and brings appropriate Chapter recommendations and decisions to the Council meetings. This position begins June 1, 2005 and nominations must be received in the WCSU-AAUP office, White Hall 111, by April 1, 2005.

Today, March 29, 2004, the U.S. Court ruled in a 5-4 decision, Jackson v. Birmingham Board of Education, that Title IX of the Education Amendments, which prohibits discrimination in federally assisted education programs and activities, provides for a retaliation cause of action. The case was brought by Roderick Jackson, a high school basketball coach who was allegedly removed from this position in retaliation for complaining about his all-girl team being denied equal funding and access to sports facilities and equipment. The AAUP joined a variety of coaches associations in signing onto an amicus brief written by the National Education Association. The amici argued in the brief that the enforcement of Title IX would be seriously compromised if educators, who play an essential role in enforcing Title IX, could be subjected to retaliation without redress when they seek to correct violations of the law. The amici also contended that Congress' intent that Title IX "provide individual citizens effective protection" would be undermined if educators were not protected from retaliation for raising Title IX concerns. The amicus brief is available at: <http://www.aaup.org/Legal/cases/Jackson%20NEA%20Amicus.pdf>.

The majority opinion, penned by Justice O'Connor, ruled that Title IX's private right of action encompasses claims for retaliation against an individual because he has complained about sex discrimination. The Court reasoned that just because "Congress did not list any specific discriminatory practices in Title IX, its failure to mention one such practice [like retaliation] says nothing about whether it intended that practice to be covered." Given that Title IX was enacted three years after the Supreme Court decision in Sullivan v. Little Hunting Park, in which the Court held that the general prohibition against race discrimination included retaliation against a white man for advocating the rights of blacks, the Court found "a realistic basis for presuming that Congress expected Title IX to be interpreted in conformity with Sullivan."

The Court further reasoned that that "the complainant is himself a victim of discriminatory retaliation, regardless of whether he was the subject of the original complaint." The Court referred to a hypothetical raised by the petitioner in oral argument:

If the male captain of the boys' basketball team and the female captain of the girls' basketball team together approach the school principal to complain about discrimination against the girls' team, and the principal retaliates by expelling them both from the honor society, then both the female and the male captains have been "discriminated" against "on the basis of sex."

The Court opined that "if Title IX's private right of action does not encompass retaliation claims, the teacher would have no recourse if he were subsequently fired for speaking out. Without protection from retaliation, individuals who witness discrimination would likely not report it, indifference claims would be short-circuited, and the underlying discrimination would go unremedied." The Court emphasized that "teachers and coaches such as Jackson are often in the best position to vindicate the rights of their students because they are better able to identify discrimination and bring it to the attention of administrators." The Court remanded the case for further fact finding consistent with its reasoning.

The dissent, authored by Justice Thomas, argued that the majority was engaged in policy making best left to Congress. The dissent reasoned primarily that Title IX does not protect against retaliation because "retaliatory conduct is not discrimination on the basis of sex," and thus is not within the plain meaning of Title IX.

Special thanks again to two AAUP Litigation Committee members in particular—Michael Gottesman (Georgetown University Law Center) and Martha Chamallas (Moritz College of Law, Ohio State University)—who contributed significantly to the final amicus brief.

**CONNECTICUT STATE
CONFERENCE-AAUP
2005 SPRING MEETING**
Thursday, April 14, 2005
The Graduate Club,
155 Elm Street, New Haven, CT

Svetlana Mintcheva, Ph.D.
Director of Arts Advocacy,
National Coalition Against Censorship
"Academic Freedom:
Fine Principle, Tough Practice"

Please contact your local AAUP office
for registration information.

National AAUP Statement on Professor Ward Churchill Controversy

We have witnessed an extraordinary outpouring of criticism aimed both at Professor Ward Churchill of the University of Colorado at Boulder, for his written remarks describing victims of the attacks on September 11, 2001, as "little Eichmanns," and at the invitation for him to speak at Hamilton College in New York. Television commentators urged viewers to write to Hamilton College to condemn what the professor had written and the college's decision to invite him. More than 6,000 e-mail messages were sent to Hamilton College president Joan Hinde Stewart, who described them as "ranging from angry to profane, obscene, violent." The governor of New York wrote a letter of protest to President Stewart and in a dinner banquet described Professor Churchill as a "bigoted terrorist supporter." The governor of Colorado called on the professor to resign from the University of Colorado and, one day later, called for his dismissal. Professor Churchill reports that he and his wife have received more than 100 death threats. The prospect of violence at Hamilton College led the administration there to cancel the visit.

The American Association of University Professors, since its founding in 1915, has been committed to preserving and advancing principles of academic freedom in this nation's colleges and universities. Freedom of faculty members to express views, however unpopular or distasteful, is an essential condition of an institution of higher learning that is truly free. We deplore threats of violence heaped upon Professor Churchill, and we reject the notion that some viewpoints are so

offensive or disturbing that the academic community should not allow them to be heard and debated. Also reprehensible are inflammatory statements by public officials that interfere in the decisions of the academic community.

Should serious questions arise about Professor Churchill's fitness to continue at the University of Colorado—the only acceptable basis for terminating a continuing or tenured faculty appointment—those questions should be judged by a faculty committee that affords the essential safeguards of due process, as required by the university's and the Board of Regents' official policies. Special care must be taken, however, to avoid applying harsher standards in such a case, or following less rigorous procedures, because of the statements made by Professor Churchill about the tragic events of September 11, 2001. While members of the academic community are free to condemn what they believe are repugnant views expressed by a faculty member, any charges arising from such statements must be judged by the same standards and procedures that would apply to statements unrelated to the terrorist attacks and the loss of life on that fateful day. We must resist the temptation to judge such statements more harshly because they evoke special anguish among survivors and families of the September 11 victims. The critical test of academic freedom is its capacity to meet even the most painful and offending statements. A college or university campus is, of all places in our society, the most appropriate forum for the widest range of viewpoints.

CCSU's Incoming President Allows Churchill to Speak

Jack Miller, the incoming President at CCSU, authored an article in the *Chronicle of Higher Education* on March 21 about his decision to let Ward Churchill speak at the University of Wisconsin at Whitewater. Despite tremendous pressure from the community to cancel Churchill's invitation, President Miller allowed Churchill to speak. Protestors were given easy access to a secure environment outside the event.

"We have nothing to fear in words. In fact, controversial issues are best handled by giving them an outlet, and then allowing people to draw their own conclusions," Miller stated.

CSU-AAUP congratulates President Miller for the way he handled this sensitive issue. Dr. Miller begins his presidency at CCSU in July.

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