By Cary Nelson

When faculty members at the University of Illinois at Chicago began mobilizing for a union recognition drive in 2010 they were motivated in part by concern that the central administration was drifting away from the campus’s historic commitment to its urban mission. Located in a substantially racially segregated city with many minority families having no college graduates, the campus had long studied urban life and offered upward mobility opportunities for local residents. Rather than just plead this cause with the administration, faculty members increasingly saw the need to sit down and negotiate binding levels of support for this mission.

When I visited the University of Northern Iowa in 2010 a different topic was under discussion. Faculty members were increasingly concerned about the debt levels their students were accumulating. They felt their union should make it a priority to address the issue and propose solutions to the problem.

At the University of Rhode Island the faculty union took on the task of helping graduate student employees there organize for collective bargaining. Wages and working conditions were under discussion.

The Real Road to Prosperity, Together

By Cary Rhoades

We seem to be in a time warp. A warped time in which some Republican governors and state legislators (e.g., in Wisconsin, Ohio, and Michigan, among other states), argue that the path to prosperity in a time of high unemployment lies through attacking working people, rescinding longstanding, democratically selected rights to collectively bargain, depressing the wages and benefits of modestly/low paid public sector employees, and reducing educational investment. In Missouri, one state senator has proposed repealing child labor laws.

For these people the way ahead is to go back, WAY back in time, when employees had no workforce protections or voice, no benefits, no pensions, and when high education was a select few.

In seeking to race back in time, these states are pursuing a race to the bottom, to becoming low income, low education states (most of which do not have public sector collective bargaining but nevertheless have substantial state budget challenges). They are on the road to poverty, not prosperity.

The Real Road to Prosperity continued on page 7

Illinois AAUP Annual Meeting & AAUP Collective Bargaining Congress Regional Conference

Saturday April 30th
9:30am-4:30pm
Crowne Plaza Chicago Metro, 733 West Madison St.
Chicago, Illinois
FREE Registration
Please RSVP to Jennifer Nichols, jnmichols@aaup.org
to ensure we have an accurate headcount for breakfast, lunch, and workshop materials
Featuring:
• Lunch with Cary Nelson and Gary Rhoades
• Presentation on analyzing institutional finances
  by Howard Bunsis and Rudy Fichtenbaum
• Illinois AAUP Business Meeting
• Panels on legislative issues, academic freedom, graduate students, and organizing AAUP advocacy chapters.

In This Issue

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Ken Andersen reviews Illinois Politics, page 4
IBHE FAC Statement on Hiring, page 7
Peter N. Kirstein on Human Sexuality and Academic Freedom, page 5
John K. Wilson on Suspending David Protess, page 6
A myriad of issues deserve attention -- local, national, global: the dangers of pension changes threatening hiring of new faculty; the underestimated monetary perils that confront Illinois; threats of a downturn in the national economy that may be compounded by external threats to everything from the price of gasoline, explosive unrest in Northern Africa and the Middle East to natural disasters linked to global warming that we can no longer ignore. But in looking to the future I see a threat that we can manage if we have the will.

Facing national and state financial limitations we are ruthless in our search to destroy our corn cutting back on funding education at the level required to be competitive in the knowledge based world economy of the future. We must ensure the competitiveness of our students in that future if the nation or state is to prosper. I have been astonished at the number of articles in magazones, newspaper columns, business and industry, saying we are falling behind in the education of the next generation whether in elementary, secondary or higher education and calling for greater effort to reverse that trend. We are doing very well at developing student self-esteem. American student reports they are doing very well in math, reading etc. Yet recent comparative studies show we are lagging behind many countries by more than one decile.

Our students spend fewer days in school than students in other states. We have fewer college courses and shorter school years. James Warren in the New York Times Chicago Section of March 13 noted Chicago’s school years have been longer for less than 5% of any of the 40 largest districts in the nation. A Houston student gets four more years of schooling in terms of total K-12 class time.

What of teacher quality? Tony Wagner of Harvard argues that students need three skills to compete in a knowledge economy: ability to do critical thinking and problem solving, communication and collaboration. Nations such as Finland and Denmark where students stand out in these skills draw teachers from the top third of college graduates. We do not.

In many states the goal is to cut the number of teachers, their pay and benefits while significantly increasing class size to manage shortfalls in the budget. Imagine a class of 50 students in one room in elementary school. Will such changes attract top graduates to teaching?

How should we allocate student aid? Private for profit institutions reap a high proportion of federal scholarship funds. Some States have cut student aid as they are reducing students who do not graduate and are left with significant student debt. You cannot use bankruptcy to escape student debts because they follow you forever and the interest grows. Listen to Suze Orman! The federal government has begun an investigation of abuses suspected at some private for profit colleges.

State budget constraints have moved many states to reduce funding for higher education. Now the student not the state often carries the major cost of attending a public college.

There are unlimited factors to blame for the growing lack of competitiveness of students. Certainly parents are responsible in part for the failure of students to maximize the benefits of higher education and secondary schools as is the class status of many parents and students.

Students: recent reports note the decline in hours college students actually study. One report found the average college student showed no increase in critical thinking skills after two years of college while earning very high marks. We are sacrificing important campus issues and risking the failure of students to maximize their potential.

Money is not the only resource needed to ensure the competitiveness of our students in a global economy. But it is an essential resource. State after state cuts educational funding. The public increasingly blames teachers for everything from pension shortfalls to holding cusby jobs. The AAUP should keep in mind that DePaul doesn’t every college faculty member move lawns at 3pm on Tuesday or Wednesday and spend only to 6 or 9 hours a week teaching, if that?

Many, many aspects of the educational system need improvement: teacher quality, institutional methodology, length of the school day and term, a commitment by all parties to maximizing student learning.

While the public may have a distrust of many governmenental functions, most people recognize and support the need for a high quality educational system. Individuals disagree about how to achieve that goal. But most would prioritize adequate funding of education over many of the concerns that occupy the attention of state and national legislatures, such as continuing the low tax rate for the wealthiest among us.

We must be sufficiently efficient to address the need to prepare for the future by ensuring our students get the education they need. Just as the farmer must protect his seed corn to get a good future crop, so we must protect ours.

KEN ANDERSEN

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Building Chapters, Strengthening the Professorate: Notes from the Illinois Conference

By Hans Jorg Tiede

As a colleague of mine recently pointed out, having an AAUP chapter on campus is like having an insurance policy. While it is true that an AAUP chapter can respond to emergencies, such as assisting a faculty member alleging academic freedom or due process violations, it is also an active and visible presence on campus. While it can be to one’s advantage to have some form of organization in one’s university, AAUP chapters can be a first line of defense against violations of academic freedom, tenure, and shared governance approved by the AAUP, the best way to ensure that institutions and states in the future will not have an active presence on every campus through local chapters. Active AAUP chapters are a first line of defense against violations of academic freedom, tenure, and shared governance. AAUP chapters can review faculty handbooks and make recommendations that are likely to be adopted by the administration.

Over the course of the last six months, the Illinois Conference of the AAUP has made a concerted effort to increase the number of advocacy chapters in the state of Illinois. As part of this effort, I have been visiting campus campuses in Illinois and speaking to interested groups of faculty. While the kinds of institutions that I have visited have been quite diverse, including community colleges, liberal arts colleges, and a state university, the concerns that emerge at many institutions – attacks on academic freedom and shared governance, or the overuse of contingent faculty – are common to many kinds of institutions and are those an AAUP chapter can help address.

Our chapter development work started with contacting AAUP members at several institutions in the state. After an initial contact was made, we offered an overview of chapter development at a June State Conference meeting to interested faculty. Such overviews can point out the wealth of existing resources, such as the material for chapter development at the AAUP’s web page, or the sample chapter web sites on Cary Nelson’s web site. In addition, Cary Nelson’s web site contains a great primer presentation for any campus visit that outlines the mechanics of forming and best practices for running an active chapter. Experienced chapter leaders can provide helpful examples of the work a new chapter can undertake. State conferences can also offer chapter development workshops, like the ones offered by the Illinois State Conference at last summer’s conference.

Whether helping to form a new chapter or revising an existing chapter, chapter development can be a very rewarding activity for state conferences and one that is likely to pay off by increasing the presence of the AAUP in your state.

Hans Jorg Tiede is President, Illinois Wesleyan University Chapter of the AAUP, and a member of the State Council of the Illinois Conference of the AAUP.

Visit Illinois AAUP online for more news, and learn how to get more involved.

Committee A Report: Bradley University and DePaul University

By Peter Kirstein

Committee A was contacted by the AAUP chapter at Bradley University concerning a promotion and tenure case.

Documents were examined regarding departmental, college and university-level deliberations. A lengthy assessment of the personnel file was made by the chair in a running commentary format for about ten pages. A formal Committee A investigation was not forthcoming nor requested.

One item of note: if a faculty member at Bradley wins an appeal subsequent to a demotion, promotion, or rejection, his/her file is referred back to the original units for reconsideration. This strikes me as outlandish and highly prejudicial to the faculty member. Faculty are not supposed to have shorter career horizons or worse outcomes due to decisions at the unit levels that are not inclined to reverse themselves merely because an appeal board sees a reconsideration. If one wins an appeal, she should receive more than merely another round of review by the same units.

At Bradley and elsewhere, if a faculty member wins an appeal, that decision should go directly to the president or governing board and not back to the unit, unless extraordinary reasons for rejection, a successful appeal should be accepted. Part of the concern in higher education today is the calumity of justice in appellate reviews whereby a university president gets a second or even a third opportunity to deny a faculty member tenure and promotion. Certainly the Bradley model where a successful appeal does not even generate a report to the president seeking reversal of tenure denial, but another report performatory by various units, is stunningly egregious.

The Chronicle of Higher Education, Chicago Sun-Times, Higher Ed and the Chronicle have been critical of how Board of Governors at Illinois Illinois Conference Committee A on Academic Freedom and Tenure’s involvement in Assistant Professor of Philosophy Namita Goswami’s tenure and promotion case at DePaul. Committee A submitted its initial report in July 2010 after it was reconstituted in November 2009. Committee A worked on this case on an almost daily basis from July. We were able to impress upon national AAUP the need to write letter of recommendation to and an active presence on every campus through local chapters.

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Visit Illinois AAUP online for more news, and learn how to get more involved.
By Leo Welch

The 96th Illinois General Assembly that adjourned on January 12, 2011, will be noted for passing an income tax increase through 2015 raising rates from 3% to 5% for individuals and from 4.8% to 7% for corporations. The vote was strictly along party lines with the Democratic majority in both the Senate and the House supporting the tax increase and the Democratic governor Pat Quinn signing the bill, Public Act 96-1496.

With the inauguration of the 97th General Assembly, there has been a flurry of bills introduced. As of the February 10th deadline for the Senate and a February 24th deadline for the House, an estimated 6,000 specific bills were introduced together with 400 additional “shell bills” that could be utilized at a later date for almost anything. Bills of interest to higher education faculty are:

House Bill 1503 (Rep. Chapin Rose) would require the Illinois Board of Higher Education to incorporate performance-based funding into its annual budget request to the General Assembly, beginning with fiscal 2013, as recommended by the Higher Education Finance Study Commission.

Under this proposed bill, funding would be determined partly by graduation rates and retention rates at all public universities and public community colleges. Since community colleges by law have open admissions and public universities each have different admission requirements, it remains to be seen what types of formula will be developed to determine “funds” for institutions.

Many other questions remain unanswered. Will historically poor-performing institutions like Chicago State University and the City Colleges of Chicago be financially penalized while selective institutions such as the University of Illinois at Urbana-Champaign are rewarded? Will there be increasing pressure on faculty to retain poor-performing students? Will grade inflation take a dramatic jump? Will academic integrity be compromised? None of these questions will be answered until after the bill is passed, signed into law, and implemented.

By Ken Andersen

Sam Gove
1923-2011

Illinois lost a giant in the history of Illinois politics with the death of Samuel K. Gove. Sam was an Emeritus Professor at the University of Illinois Urbana-Champaign and former Director of the Institute of Government and Public Affairs. Although he did not hold a Ph.D., his writings and presentations on governmental issues, particularly those related to Illinois, earned him a national reputation. His last and lasting contributions are reflected in the book Illinois Politics, reviewed in this issue. That book was an expansion and revision of an earlier book on the same subject written with James Nolan.

He was a native of Illinois, Vic graduated from Oberlin College, served with the Navy in the South Pacific in WWII, and graduated from Columbia University School of Law in 1948. After briefly practicing law with a Chicago firm, he joined the U of I College of Law in 1955.

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Capping many years of activity in the AAUP, he served as General Counsel 1978-80, National President 1982-82, and on the AAUP’s Foundation Board of Trustees 1983-90. Active in the ACLU, he was co-founder of the Champaign County Chapter and served on the Board of the Illinois Division 1987-96. He was awarded the ACLU’s highest honor, the Roger Baldwin Award in recognition of “a lifetime commitment to civil liberties” in 2002.

By Leo Welch

This is the first attempt to legislate transferability of community college graduates into a public university. This bill may reflect the failure of the Illinois Articulation Initiative, which allows transfer of courses on a course-by-course basis by agreement between participating institutions.

House Bill 152 (Rep. Monique Davis) would create a new Department of Education that would have oversight of the Illinois State Board of Education, the Board of Higher Education, and the Illinois Community College Board. The motivation for adding another board to all the other education boards is unclear. At this time the bill appears to have little support since no other legislator has signed on as a co-sponsor.

Victor Stone
1921-2010

By Ken Andersen

Past National AAUP President Victor Stone embodied the values of the AAUP with its dedication to shared governance, freedom of speech, collective bargaining rights, tenure, state appropriations, collective bargaining rights, tenure, state appropriations, bargaining rights would remain intact?

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Victor Stone was instrumental in preparations for and during the famous late 1960’s Constitutional Convention that developed the Illinois state constitution under which we now function. He served as a mentor to many young individuals who went on to becoming important political figures including former Governor Edgar. Many continued to rely upon his shrewd and thoughtful advice. He was there at the founding of the monthly journal Illinois Issues and continued active involvement on the Editorial Board for many years well into retirement.

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Victor Stone embodied the ideals and commitments that are the American Association of University Professors of it best. His was a commitment to the many communities in which he was involved: academic, legal, civic, familial.

Victor Stone exemplifies Aristotle’s “good” man, virtuous and wise. Biographical data provided by the Stone children.
Academia on Trial: How Campus Litigation Transforms Universities

I. Introduction

Academia on Trial: How Campus Litigation Transforms Universities

A listing of chapter titles suggests the fullness of coverage:

6. The Executive

Academic abstention and institutional autonomy are now being seriously undermined and called into question by the legal systems of the states. Academics, including those of the opening paragraph: “Since its earliest days, Illinois Politics: A Citizen’s Guide 10. Taxing and Spending

8. The Intergovernmental Web

7. The Courts

10. The Improper Governmental Web

5. The Legislature

8. Education

3. The Constitution

2. The Power, Parties, Groups and the Media

6. The Executive

The causes for and decline in higher education funding are graphically displayed as well as extensive coverage of elementary and secondary education issues in Chapter 9. The final chapter places Illinois squarely in the middle on many measures just as our taxes are shown to be moderate in the previous chapter. In 2008 Illinois was named “the most average state in the nation” by the Associated Press.(231) This is noted in the chapter’s concluding section titled, “A State Mired in the Middle.” As the authors make clear, much of this is tied to its climate of corruption and actions and responses of its citizens. My thought is that one sure way to invest in human capital through its higher education system has never been more obvious if we are to escape “being a state mired in the middle.”

Illinois AAUP Speakers Bureau

The Illinois AAUP offers speakers to AAUP chapters and other groups, and the Illinois AAUP can cover most expenses for AAUP chapters. Speakers include Ken Anderson, Peter Kirstein, Leo Welch, and John K. Wilson. Speakers can discuss topics such as academic freedom, shared governance, financial exigency, faculty handbooks, collective bargaining, tenure, adjunct rights, and many more subjects of vital importance to higher education.

Email the Illinois AAUP at collegefreedom@yahoo.com for more information on hosting a speaker.


Reviewed by Ken Andersen

Illinois Politics: A Citizen’s Guide by James D. Nowlan, Samuel K. Gove, and Richard J. Winkel, Jr. (University of Illinois Press, 2010), is more than an update of the classic 1996 predecessor, Illinois Politics and Government. The review: Chapter 1, “Illinois in Perspective” was of great value to me as I never had a course in Illinois history. It traces the founding of the state; the dominant river, the Ohio, in Southern Illinois, growth of the railroads and the gradual shift to the dominant role of Chicago. It concludes with a section, “Corruption: A Tradition in Illinois” bringing us up to date with Blagojevich.

The first chapter notes that regional differences on various issues are a great concern of the citizens. (My thought: consolidation could be a great way to save money and increase efficiency.) In 2005 it had 102 counties, 1,433 townships; 77 road districts; 1,292 cities and towns; 377 elementary school districts; 297 unit school districts; 101 high school districts; 39 community college districts; 2,220 special districts such as fire protection, parks, water authorities, mass transit for a total of 6,039.

The thrust of the book is captured in the first sentences of the opening paragraph: “Since its earliest days, Illinois has been captive to a political culture that treats government as another place to do business. In turn, this marketplace has provided a fertile setting for corruption, which has flourished.” The paragraph continues: “We have groups and more ethical behavior may be forthcoming,” in part due to US attorney Fitzgerald (1.) The climate for corruption is linked to Daniel Elazar’s characterization of the institutional autonomy, that “in a free and democratic society only the democratic order as just another marketplace.”(2)

The material in the book is so rich in data and insights that it is tempting to quote large sections of every chapter. A limitation of the book is that it does not address the fullness of coverage:

1. Illinois in Perspective
2. Power, Parties, Groups and the Media
3. The Elections (By Kent D. Redfield)
4. The Constitution
5. The Legislature
6. The Executive

Reviewed by Matthew Abraham

“Litur/gation is academic politics by other means.” This appropriation of Carl von Clausewitz’s famous saying that “War is politics by other means” is cited by Amy Gajda to understand Amy Gajda’s overall argument in The Trials of Academe: The New Era of Campus Litigation. An abolition of academic autonomy is now being visited on the university.

Tenured faculty are now suing their academic institutions for failing grades to tenure and promotion decisions. The two professors successfully sued the Chancellor for violating their academic freedom rights. The two professors successfully sued the Chancellor for violating their academic freedom rights. The two professors successfully sued the Chancellor for violating their academic freedom rights. The two professors successfully sued the Chancellor for violating their academic freedom rights.

The variety of behaviors that can now be litigated on behalf of a disgruntled student,faculty,or administrator runs the gamut from demanding tenure and promotion decisions to demanding that photographs be removed from an online directory. The breadth and depth of the problem is illustrated by the cases of “academic abstention” and “institutional autonomy.” The former is linked to Daniel Elazar’s characterization of the academy as just another marketplace. The latter is linked to Gajda’s report of the hopelessness of asserting good government in the academy.

Historically, American courts have simply dismissed what they deemed to be frivolous litigation by invoking the concepts of “academic autonomy” and “institutional authority”—the notions that academic matters should be handled by academic experts and that the courts had no business interfering in the matters of university grading, faculty competence, and administrative skills—Gajda reports that this is no longer true.

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Letter to DePaul University about the Goswami Case from Philosophy Graduate Students

Graduate students at DePaul University wrote the following open letter to protest the denial of tenure to philosophy professor Namita Goswami.

We are writing to express our growing concern with the events that have surrounded Professor Namita Goswami’s case. In particular, recent attempts by members of the Philosophy Department to discredit her case appear to violate the principles of academic freedom and fair conduct that have brought us to this body of work. We urge the university to revisit these principles and to ensure that the trajectory of this tenure process.

We note that such a hearing be as transparent and principled as possible, in our view it is incumbent on us to speak to certain departmental failures that might otherwise go unnoticed and thus conceal these inconsistencies.

I. Letter to the Faculty Council
To begin, we would like to draw your attention to a letter from the Philosophy Department to the Faculty Council. This letter, which was not signed by all the members who voted on Professor Goswami’s tenure case, was an unresponsive letter to the faculty council’s motion to withdraw the judgment in Professor Goswami’s case. While the latter motion made its case on the basis of the Appeals Board Committee’s findings of academic freedom violations, the faculty members attempted to allay all anxieties by “reminding” the council of the “well known facts” that any tenure process involves. These facts betrayed three salient features, academic freedom, and the select faculty members’ claim to any tenure process involves. First, the qualities of depth, seriousness, thoughtful, and pedagogical concerns involved in making the final decision to deny tenure. Finally, the tenure denial was in no way to be construed as the department’s “rejection or devaluation of the candidate’s areas of specialization, and most notably Postcolonial Theory,” as further evidence for its commitment to such areas of study, the department cited its offering of the course PHL 394 (Topics in Postcolonial Theory) as sufficient. Unanimously, graduate students supported Professor Goswami’s tenure and, the Majority Report’s glossing of graduate student support as unimportant is not only a mischaracterization, it highlights the illegitimacy of some of the judgments that comprised the final vote.

There remain a few worth noting in regards to the above-mentioned findings. First, the denials were in no way cast as such of the facts of the case cannot withstand scrutiny. Second, even if these qualities could withstand scrutiny, they do not in themselves prove that an academic freedom violation did not occur. For sure, one can approach a substantial amount of evidence in a careful and direct manner—none to rest. In this regard, it distills one to read the faculty letter citing PHL 394 (Topics in Postcolonialism: Postcolonial Feminism) as an example of the department’s commitment to this “essential and vital part of contemporary philosophy.” What got lost in this is the fact that this course was developed by Professor Goswami herself. (When Dr. Goswami went over teaching PHL 394 this past quarter due to exceptional circumstances, it was the only one on Postcolonial Theory. If, in fact, issues of Eurocentrism (central to Postcolonial Theory) are of paramount importance to us, we must question the exclusion of Dr. Goswami’s course on Postcolonial Theory. If, in fact, issues of Eurocentrism (central to Postcolonial Theory) should doubtless warrent a moment of self-reflection—yet still make the wrong decision.

Third, the report cites faculty members calling into question the philosophical nature of her work tout court, which is an extraordinary charge for such a process. In this regard, it distills one to read the faculty letter mentioning PHL 394 (Topics in Postcolonialism: Postcolonial Feminism) as an example of the department’s commitment to this “essential and vital part of contemporary philosophy.” But, by any objective measurement in terms of teaching reviews, conference presentations, publications, and activity in professional associations), Professor Goswami’s students have been as successful as any in the program. Unanimously, graduate students supported Professor Goswami’s tenure, and the Majority Report’s glossing of graduate student support as unimportant is not only a mischaracterization, it highlights the illegitimacy of some of the judgments that comprised the final vote.

II. Response to the Majority Tenure Report
In this regard, it distresses one to read the faculty letter, we would also like to address the fact that on 1/28/2011, approximately 20 graduate students and instructors met with the Chair and the Graduate Director of Philosophy in an attempt to discuss the refusal of tenure to the case. During that meeting, the Chair and Director’s treatment of the above three points exacerbated rather than alleviated concerns.

In our face of the Majority Tenure Report, the Chair and Graduate Director expressed agreement about the problematic and unreasonable nature of the two abovementioned points and stated that Professor Goswami’s case was “on the whole,” balanced and defensible. They added that the appeal process, in general, as still balanced and thoughtful, the Chair and Graduate Director make an untenable claim. For if Professor Goswami’s career is decided upon by a committee of five of the seven members who, it appears, presented the recommendation for tenure, then it is certain that the chair and other members of the department are guilty of making an untenable claim.

Lastly, when asked if the finding of an academic free- dom violation in this case (the first in DePaul’s history) gave them any pause, the Chair and Graduate Director stated that the finding raised absolutely no doubts in their minds about the viability of their tenure deliberations or the subsequent decision. Recalling that, in Professor Goswami’s appeal case, the violation of academic freedom was never mentioned by any in the committee of five. Unanimously, graduate students supported Professor Goswami’s tenure, and the Majority Report’s glossing of graduate student support as unimportant is not only a mischaracterization, it highlights the illegitimacy of some of the judgments that comprised the final vote.

Sex Toys and Academic Freedom at Northwestern University

By Peter N. Kirschen

Professor John Michael Bailey of Northwestern University on February 21, 2011 in his Human Sexuality course chose to present an optional class in which individuals used a computerized stimulating sex toy. The course topic is human sexuality. One course objective is that it “will treat human sexuality as a subject for scientific inquiry.”

We wish to respectfully suggest to you that the professor was well within his rights and that his actions fall clearly within the American Association of University Professors (1940 Statement of Principles on Academic Freedom and Tenure)’s defense of academic freedom. What we were not members of Bailey’s class; that is a seminal point in countering any complaint of coercion or sexual harassment.

2) The demonstration was clearly related to the course material. It did not constitute controversial extraneous in- struction unrelated to the class. AUAP encourages contro- versial teaching. Opponents of controversial teaching say that pedagogy is consistently related to the course as defined in either a catalogue or a syllabus. Whether this definition is acceptable becomes an educational matter. Any assumption of the class is not for the public or administration to determine. Professors have the right to determine content and pedagogy. It appears that the professor was exercising his role of teaching in a serious and thoughtful manner, the use of “informed and principled as possible, we feel it incumbent on us to point out that the above so-called academic freedom violations, the select faculty members attempted to allay all anxieties by “reminding” the council of the “well known facts” that any tenure process involves.
The Suspension of David Protess at Northwestern University

By John K. Wilson

In March, Northwestern University administrators removed journalism professor David Protess from a course on investigative journalism in the spring quarter. Students in Protess’ class wrote a petition protesting his removal as the pro-

Within the faculty, Protess was considered one of the most widely respected professors. His work on investigative journalism had been well recognized and had earned him numerous awards. However, removed from teaching another class without needing to

The procedures are important to protecting the right of faculty to teach freely, and the right of students to be taught. It is dangerous to allow arbitrary punishment of faculty without any proof of misconduct.

40 years ago. But it is quite clear on the rules and procedure for a suspension: “If the Administration wishes to suspend a faculty member, a regular faculty meeting where the qualifications of a journalism professor, or seeking to through the pipeline of existing . The fact that Protess is deeply despised by powerful political interests for his activ-

The story in the Daily Northwestern quoting director of Undergraduate Education Michele Bitoun, “Bi-

in the Protess case, but a temporary suspension cannot take place without the University believing that the professor—written statement of charges—being made. Nor does it appear that the required consul-

The information in our possession relating to the case of Professor Protess has come

In the spring quarter, to abolish the death penalty in Illinois. The General Assembly passed a bill, signed by Gov. Pat Quinn in March, to abolish the death penalty in Illi-

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AUP Letter to Northwestern on David Protess

March 18, 2011

Dear President Schapiro:

Dr. David Protess, professor in the Medill School of Journalism, has consulted with our Association as a result of the decision earlier this month by Dean John Lavine to remove him from teaching his course on investigative journalism in the spring quarter (which begins today). Professor Protess reports that the notification of his suspension came without warning, that no stated explanation for it has thus far been

In the decades that I’ve spent studying academic freedom, I’ve never encountered a case where a university of Northwestern’s prestige would consider the removal of an admin-

American Association of University Professors

theory that an investigation of Protess is ongoing (which would make the suspension illegitimate under Northwestern’s rules). Northwestern officials re-

Under Regulation 7a of our Association’s enclosed Recommended Institutional

The AAUP offers its support to the faculty in opposing such measures and maintaining the conditions that a university can remove a professor from a class with no enduring academic freedom.

Similarly, faculty members are protected under the qualifications of a journalism professor, or seeking to through the pipeline of existing. Their failure to do so can only lead to the conclusion that this sus-

The procedures are important to protecting the right of faculty to teach freely, and the right of students to be taught. It is dangerous to allow arbitrary punishment of faculty without any proof of misconduct.

The suspension of a faculty member will not be suspended or applied to other duties in lieu of suspension, unless immediate harm to the faculty member or others is threatened by continu-

In its response to the evidence of misconduct, Protess asked that he be allowed to continue teaching the course free of charge, and to receive a written statement of charges and procedures for appealing that decision.

In addition, the suspension is not legally binding until the probative value of the evidence is determined. Protess claims that he simply

In the case of a suspension or termina-

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working conditions for teaching and re- search assistants needed improvement. The only way to get them was to organize. A few years later they were union, or the fac- ulty organize. Though it is not guaranteed, unionized faculty are more likely than their nonunionized counterparts to promote the well-being of all of their college or uni- versity community. Faculty unions are not simply about their own bread and butter issues. Indeed research shows that, although unionized community college faculty earn more than their nonunionized counterparts, full-time unionized faculty men earn $1,000 more a year than do faculty members in the same discipline. But those are average figures. The AAUP has unionized campuses in Ohio and elsewhere, and jointly affiliated units—those that have done very well in comparison to their nonunionized peers. Moreover, when com- parisons with peer institutions show that campus employees are poorly compen- sated, that information can be an effective argument for salary increases at the bar- ganizing table. Most unionized, faculty, indeed, have stronger benefits packages, and union contracts have proven good protection during a recession. Union raises are often more consis- ter, and contracts prevented administra- tors from imposing furloughs without fac- ulty consent. Yet the need to protect and enhance shared governance is instead often what motivates faculty members to form unions. Shared governance refers to the structures, the administration and the faculty put in place to assign primary responsibility for various elements of campus life. As profes- sional faculties, faculty members are particularly concerned with their role in curriculum design, setting hiring priorities, and shaping other college or university policies. Unfortunately, on too many campuses the faculty is being supplanted in its areas of expertise by administrators who have no experience in higher education and make decisions on academic and educational is- sues. A union contract is the best way to secure agreements on these matters. Thus a unionized faculty often has a better chance of putting its professional judgment to use, judgment that can otherwise be depreci- ated or dismissed. Since the parties to a contract negotia- tion can have different interests and priori- ties, the process can be tense and difficult. Negotiations can break down if either or both parties are unwilling to compromise. Yet the process offers a structure fundamentally directed toward resolving conflicts, not exacerbat- ing them. Union negotiations can in fact restore working relations between faculty members and administrators on a campus where they have broken down. As corporatization increasingly pen- etrates campuses, as business men and women come to dominate boards of trust- ees, and as a burgeoning class of career ad- ministrators with no classroom experience takes charge of decision-making, faculty members often realize that they have to take the campus playing field if they are to have a chance to win support for the values they believe should define higher education. Of course for the thousands of faculty members who teach part-time or full-time on temporary appointments, most of them cut out of any meaningful role in campus governance. One consequence, union governance ensures that they will only have a role in a living wage and decent working conditions. Not only may they not have any say in how their health is covered, but under a nonunion contract, they may have no office space or campus mailbox. But even tenured faculty increasingly feel disempowered. A faculty senate can hereby a campus trend to decrease invest- ment in the primary mission of instruction. A union can negotiate to guarantee rein- vestment in instruction. As one common slogan has it, “United We Negotiate, Di- vided We Beg.” A union can negotiate actual agreements for hiring the teachers departments need. Faculty unions have negotiated agreements increasing the proportion of the full-time faculty necessary to provide students well fully committed teachers. Many such fac- ulty contracts benefit students by establish- ing required office hours, teaching loads, and student course evaluations. Union contracts can also win contractu- al language that protects the fundamental values of academic freedom and shared governance. A legally binding contract is a much stronger guarantee than a faculty or staff handbook. Union contracts recommend specific language to secure these and other critical values, and union negotiators for faculty mem- bers, academic professionals, or graduate student employees can get that language included in contracts. A good union con- tract can protect the right to speak forth- worthily about campus policies. Without union protection, faculty members and academic professionals are vulnerable to sanctions or dismissal if they disagree with administra- tion policies or proposals. A corporation can demand conformity from its employ- ees; a university should not be able to do so. On many campuses, faculty members and other employees can be punished for vague, improper, or unspecified charges while any opportunity to defend themselves or confront their accusers. Some- times the only appeal is to the very admin- istrator who acted rashly in the first place. The contract, usually explicitly and clear, enforceable procedures to assure that faculty members, academic professionals, and graduate student employees are treated due process. And they make the experience of pursuing grievances far more orderly by assigning them to dispute resolution nego- tiation. For some people the due process clauses in a contract will prove its single most important feature. They ensure that justice can prevail at critical moments in a professional career. Maintaining these values requires con- stant work. As I argue in my book No Uni- versity is an Island (New York University Press, 2010), faculty unions can grow state over time, the passion of their founders can be supplanted by the complacency of institutions. Not surprisingly, faculty unions can lose touch with their larger, commu- nity oriented social missions need to re- cover them. The current assaults on public education unionization may trigger exactly that sort of renaissance. Critics of faculty unionization often argue faculty unions are simply special interest groups in an auto plant. How can such in- dividualistic people benefit from a union? But as the paragraphs above suggest, a faculty union can protect the rights of academic professionals is a very different document from one for an assembly line worker. A good higher education union should be a diffuse network of people who stand together in community and expression we value in members of a university community. It should embody fundamental universal AAUP principles of academic freedom and shared governance but also reflect an institution’s distinctive character and mission and the priorities of the local faculty. A well written union contract helps fac- ulty members become the individuals they want to be. The disparaging contrasts anti- unionists like to draw between docile campuses, campuses where faculty and industrial workers are fundamentally contemptible. Neither industrial nor campus solidarity is a form of blind mentality. Faculty solidarity is a collective method for securing individual rights and freedoms and a way to give authority and leverage to the faculty. Solidarity bargaining restores the balance of power that has been distorted by increasingly central- ized control over educational institutions. In that context, the wave of anti-union legislation that has overtaken state houses in 2011 is revealed to be far more sinister than the efforts of an individual American university to impede faculty unionization. The attacks on USUW and other public unions at public colleges and universi- ties, it is, I believe, an effort to produce docile campuses, campuses where faculty members and academic professionals who speak with minds of their own, be out of the community because they no longer have unions to protect them. That is one impulse behind the special privilege Ohio legisla- tors have focused on faculty unions. Convinced by aging culture warriors that American campuses are overwhelming- ly liberal, that there is a conspiracy to want to legislate a silent Spring in Ameri- can higher education. Those who care about higher education and academic free- dom should get involved to protect the efforts and restore the fundamental right of all employees to organize their voices as they choose.

Cary Nelson is the president of the AAUP and Jubilee Professor of Liberal Arts and Sciences and Director of the University of Illinois at Urbana-Champaign.
Wisconsin Governor Is Not Telling the Truth

By AAUP President Cary Nelson

Disguising it as an effort to balance the budget, Wisconsin’s governor Scott Walker is seeking effectively to strip most pub-
llic employees of their ability to negotiate their salaries, benefits, and working conditions. With salary increases to be limited to the cost of living, those teachers now denied a living wage will spend the rest of their lives in state-enforced poverty.

What’s more, several key provi-
sions in Walker’s proposed legislation have nothing to do with budget sav-
ings. They are about breaking unions and making public employees second-
class citizens. Consider this: union-
ized employees all across the county have charitable contributions, parking fees, union dues, and other expenses automatically deducted from their sal-
aries. Walker is only going to prohibit them from taking part.

Then consider this: unionized em-
ployees have always had the right to call for a vote to decertify their union, but Walker wants to make that vote require a new vote to cer-
tify a union every year. Not only will unnecessary annual votes held all across the state force employees to take time away from their other duties; they will also waste state revenues. Why would a governor concerned about the Wisconsin budget want to spend money this way?

Another nasty strategy is a proposed requirement that unions have to negotiate a new contract every year. Of course both na-
tional state budgeting and personal financial benefit based on multi-year contracts. What’s more, union contracts can take weeks or months to negotiate. Wisconsin’s public employees will have to wait to take money or nonstop bargaining. And the state, once again, will take on added costs itself. Walker is clearly willing to spend state revenues on union busting.

Unions often win “fair share” agreements so that all employ-
es who receive union-negotiated salaries and benefits must pay a portion of the union’s expenses. Walker would make that illegal.

If all the provisions pass, faculty members and graduate stu-
dents in fact would be singled out and lose all their bargaining rights. Two campuses that recently established faculty unions by democratic vote would have them tak-
en away. The graduate student employees would be stripped of their unions. University of Wisconsin–Madison would no longer be unionized. Their hard won voice in campus governance would be silenced.

In the only sections of the law that do re-
sult in savings, Walker wants to restrict sal-
ary increases and require employees to pay more for health care and retirement benefits. Those provisions should be subjects of ne-
gotiation, not policies imposed by the legis-
lature.

“By bluster and disinformation is little better than demagoguery. Wiscon-
sin’s citizens deserve better. Public employees provide critical services and bind our communities together. Separating them tears at our communities apart. Willfully depressing their wages and benefits only further depletes the state economy. Everyone who believes in employee rights and a healthy democracy should oppose this deceptively promoted legislation.”

Like so many other principled struggles, the battle in Wiscon-
sin to retain faculty rights is really a struggle on behalf of faculty members and public sector employees everywhere. It is also a struggle over the soul of our democracy. Colleagues in Michigan and Ohio are already at work to defeat similar legislation in their states, though it appears the Wisconsin legislature is poised to be the first that acts. In the coming weeks and months, a massive local and national campaign will be required if public employees are to retain the collaborative workplace that collective bargain-
ing at its best makes possible.

AAUP News Briefs

DePaul Bans Cannabis Group

DePaul administrators have banned recognition of a student group, Students for Cannabis Policy Reform (SCPR). DePaul Vice President for Student Affairs James R. Doyle explained the ban to the Foundation for Individual Rights in Education, “Considerable research indicates that the use of cannabis does not contribute to healthy decision-making.” Of course, considerable research also says that legitimate use of censorship does not contribute to healthy decision-making on campus, too. The SCPR is a group that promotes changes in political policy, and cannabis can be used for many purposes other than smoking. Doyle claimed, “My issue was advocating a group on campus that was interested in legal-
ization of the drug. I would, however, fully support a program for open discussion and debate on campus, and that is the main difference.” But the only way to have open debate of an issue is to allow the existence of student groups that argue any side of the topic they wish to.

Republicans Use FOIA to Target Labor Professors

The Republican Party of Wisconsin filed a Freedom of In-
formation Act (FOIA) request against University of Wisconsin

professor William Cronon, seeking all of the emails he wrote and received about the labor dispute in Wisconsin. The AAUP has urged the university not to comply with the request. Cronon wrote a widely-read New York Times op-ed criticizing the Re-
publican governor of Wisconsin, Scott Walker. The MacMillan Center For Public Policy submitted FOIA requests to the Labor

Studies Center at the University of Michigan, the Douglas A. Fra-
sen Center for Workplace Issues at Wayne State University, and Michigan State University, seeking all emails from labor studies faculty that mention Scott Walker, Wisconsin, Madison, Rachel Maddow, or the collective bargaining situation in Wisconsin. In light of these attacks on pro-labor professors, all faculty may be wise to use a private email address for all their work in order to prevent FOIA requests or administrative spying.

AAUP supporters join a Wisconsin solidarity rally in Washington, DC on Feb. 23, 2011.

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Campaign for the Future of Higher Education

More than seventy faculty leaders met in Los Angeles in January at the invitation of the California Faculty Association to construct a positive counter-narrative in the national de-
bate over the future of American higher edu-
cation at a time when public higher education is at great risk. They identified April 13 as a national day of taking class action in support of higher education, with faculty organizing various actions at the local level.

They also established the following guid-

ing principles for the Campaign for the Fu-

ture of Higher Education, which will be for-
mally launched May 17:

1. Higher education in the twenty-first century must be inclusive; it should be available to and affordable for all who can benefit from and want a college education.

2. The curriculum for a quality twenty-

first century higher education must be broad and diverse.

3. Quality higher education in the twenty-

first century will require a sufficient invest-

ment in excellent faculty who have the aca-

demic freedom, terms of employment, and institutional support needed to do state-of-

the-art professional work.

4. Quality higher education in the twenty-

first century should incorporate technology in ways that expand opportunity and maintain quality.

5. Quality higher education in the twenty-

first century will require the pursuit of real efficiencies and the avoidance of false econo-
nomics.

6. Quality higher education in the twenty-

first century will require substantially more public investment over current levels.

7. Quality higher education in the twenty-

first century cannot be measured by a stan-
rardized, simplistic set of metrics.

Join the AAUP!

The Greater Our Numbers, the Stronger Our Voice

If you care enough about the future of higher education to be an AAUP member, we hope you’ll now take the next step and encourage your colleagues to join at www.aaup.org.

The AAUP is introducing a new simplified dues structure based on income:

- $30,000 and less: $45
- $30,001-$40,000: $60
- $40,001-$50,000: $80
- $50,001-$60,000: $100
- $60,001-$70,000: $140
- $70,001-$80,000: $165
- $80,001-$100,000: $185
- $100,001-$120,000: $205
- More than $120,000: $225

The most effective way to get new members is to do door-to-door organizing because people are more likely to join if asked directly and offered the chance to talk with you in person about the work of the AAUP on behalf of the profession, at the local, state, and national level. Give them the new dues schedule, ask them what their key concerns about higher education are, and try to show them what AAUP is doing to help. See if they will join while you are there.

To Join the AAUP, Visit www.aaup.org