

RECORD OF THE COUNCIL JUNE 15 AND 17, 2012

The Council of the Association met on June 15 and 17, 2012, in Washington, DC. First Vice President Wendy Roworth presided. Participating were members of the Council (with the exception of President Cary Nelson, Gerald Turkel, and Donald Wagner); Kerry Grant, parliamentarian; Robert O'Neil, general counsel; Martin Snyder, senior associate general secretary; and other members of the staff.

Vice President Roworth called the meeting to order on June 15 and introduced the parliamentarian and all new Council members from the 2011 rerun election and the 2012 election. The Council approved the agenda and the minutes of the November 19–20, 2011, meeting, as amended.

Current Association Developments

Martin Snyder welcomed the Association's new president, Rudy Fichtenbaum, and thanked him for visiting the AAUP's national office to meet with staff. He stated that the Association is ready to move forward with its official restructuring. He announced the resignation of Kathi Westcott, senior staff counsel, and the conclusion of Cat Warren's term as *Academe* editor. He also announced that the search for the Association's new executive director would commence shortly. He called upon the Council to reflect on the statement of Association priorities it had approved and to think about the substance of a proposed constitutional amendment to provide for biennial rather than annual AAUP elections.

Restructuring

In executive session, Acting Associate Counsel Nancy Long provided updated information on the restructuring and requested the Council to approve a resolution on the matter. The resolution acknowledges and approves the implementation plan calling for the Association to separate into three interconnected entities effective January 1, 2013, a plan also approved by the AAUP's Collective Bargaining Congress.

Election of AAUP Foundation Board Member

Out of executive session, the Council discussed the candidacy of one of its members for the governing board of the AAUP Foundation. The Council deferred acting on

the matter until the new 2012 Council is seated. It agreed that the new Council can vote on the candidacy by e-mail and will do so before the August 2012 meeting of its executive committee.

Report of Committee A on Academic Freedom and Tenure

Chair David Rabban presented the Committee A report to the Council. He referred to Committee A statements recommending to the 2012 annual meeting that it place Louisiana State University, Baton Rouge; Northwestern State University (Louisiana); and Southeastern Louisiana University on the AAUP's list of censured administrations. The Council concurred in the three recommendations.

Rabban reported that Committee A's Subcommittee on Program Discontinuance and Severe Financial Distress is making additional revisions to its draft report and its proposed amendments of Regulation 4 ("Termination of Appointments by the Institution") of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure*. Committee A anticipates having these revised versions for action at its fall 2012 meeting.

Committee A approved a new report from its Subcommittee on Institutional Review Boards, *Regulation of Research on Human Subjects: Academic Freedom and the Institutional Review Board*, with minor revisions, for online publication with an invitation for comment and for eventual adoption as an official AAUP policy document.

Committee A member Risa Lieberwitz and other AAUP law professors, including former chair Robert Gorman, will draft an amicus brief by July 6 responding to the National Labor Relations Board's request for briefs in the case of *Point Park University Employer, and Newspaper Guild of Pittsburgh/Communications Workers of American, Petitioner*, on the issue "whether the University faculty members sought to be represented by the Petitioner are statutory employees or rather excluded managerial employees, consistent with the Supreme Court's decision in *NLRB v. Yeshiva University*."

Wendy Roworth noted that a draft version of a major AAUP report on corporate funding of academic research,

Recommended Principles and Practices to Guide Academy-Industry Relationships, has been published online for comment. The report was authored by journalist Jennifer Washburn and Cary Nelson.

Report of the Committee on Membership

Chair Ernst Benjamin discussed the report that the committee would present to the 2012 annual meeting. Benjamin reported that the Council's executive committee approved a motion to continue for an additional year the arrangement adopted by the 2010 annual meeting for payment of state conference and chapter integrated dues. At Benjamin's request, the Council itself approved the motion as well.

The Committee on Membership also recommended creation of a task force to prepare recommendations on state conference and chapter funding for the 2013 annual meeting, the task force to consist of the committee (which includes ex officio the chairs of the Assembly of State Conferences and of the Collective Bargaining Congress) and a representative from the Council Committee on Chapter/Conference Relations.

Organizing and Services Plan Update

Angela Hewett, director of the Department of Organizing and Services, presented a comprehensive organizing plan, which is available for review upon request. She also presented a proposed pilot project involving the AAUP and the Nevada Faculty Alliance. The proposal was approved by the Council and is available upon request.

Governance Conference

Council member Lenore Beaky encouraged the other members of the Council to attend and to urge others to attend the 2012 AAUP Governance Conference, to be held October 26–28 in Washington, DC.

Election of Three Council Members to the 2012 Nominating Committee

The Council elected Julian Madison, District IX; Jeanette Jeneault, District VIII; and Charles Baker, District X.¹ In addition, the Council approved the following: for the 2013 election, those seeking to be nominated must obtain the signatures of six active members of the Association; one of these signatures may be that of the person seeking the nomination. All nominating

petitions must be received in the AAUP national office by Friday, December 14. The Nominating Committee shall submit its final report to the Council by December 21. As soon as is practicable, the rules governing the election process shall be published in *Academe* or an alternative AAUP publication.

Election Committee Report

The Council approved Deanna Wood as the third member of the 2012–13 Election Committee. A tabulation of the 2012 election results was provided.

Report of the Secretary-Treasurer

Secretary-Treasurer Howard Bunsis reported on the AAUP's 2011 financial performance and presented a draft of the 2011 audit report. Bunsis reported that the AAUP received a "clean" opinion from the external auditor, with two recommendations: first, that the accounting and membership departments coordinate collection efforts for accounts receivable and, second, that the accounting and membership departments meet on a quarterly basis to review and access outstanding accounts receivable. The Council then approved a motion to accept the draft of the 2011 report.

Pursuant to the bad-debt policy, relating to unpaid back dues, approved at the previous Council meeting, Martin Snyder reported on the bad debts that will be written off for 2011.

Charge to the Committee on the Organization of the Association regarding AAUP Elections

The Council approved the following resolution regarding elections and the AAUP Constitution:

The Council hereby charges the Committee on the Organization of the Association with reviewing proposed constitutional amendments which were developed with the assistance of outside labor counsel. The Council requests that the committee analyze the various permutations relating to the proposed constitutional changes and offer opinion and judgment on the manner in which to amend the constitution to enable the Association to move away from an annual election cycle. The Council asks the committee to consult with the Nominating Committee and the Election Committee, as necessary, for their input based on experiences from the most recent election process, and the Council further requests that the Committee on the Organization of the Association prepare and present thoroughly developed

1. Julian Madison has since withdrawn from the Nominating Committee.

constitutional amendment proposals to the November 2012 Council meeting with the stated goal of recommending to the June 2013 annual meeting final amendments to the Association's constitution.

Kerry Grant, chair of the Committee on the Organization of the Association, asked Council members to indicate whether they preferred a one-year, two-year, or three-year election cycle, and the members indicated two years. He asked about the preference for two-year or four-year terms of Council membership, and they indicated four years.

The Council also approved the following resolution regarding the status and term on the Council of immediate past-chairs of the Assembly of State Conferences and the Collective Bargaining Congress: "The Association's Council hereby interprets Article IV, paragraph 1, of the AAUP Constitution to mean that in those instances where re-election of a sitting ASC and/or CBC chair(s) results in the term of service of the immediate past-chair(s) lasting for more than five total years, the immediate past-chair(s) may remain on the Council as a nonvoting member. The nonvoting term of service shall not exceed one additional year, or six total years of service, because of term limits of the sitting chairs of the ASC (ASC Constitution Section 1 and Section 4) and the CBC (CBC Bylaws Article IV, paragraph B)."

Recommendation of Executive Committee regarding Appointment of Executive Director

The Council's executive committee recommended that the executive director job description be posted on appropriate websites as soon as possible. Martin Snyder will review the applications and present viable candidates to the executive committee at its August 2012 meeting.

Report of the Dependent Care Committee

The Council approved continuing its dependent care policy for three more years.

Review of Council Committees

A committee on AAUP presidential and *Academe* faculty editor compensation presented its report and a recommendation, amended to state that the Council authorizes a sum of up to \$15,000 annually to be made available to assist the president, if necessary, to obtain a reduced workload at his or her institution in order to carry out the responsibilities of the AAUP office. These funds are to be available, after negotiation between the individual or the Association and his or her institution, and provided

to the institution or institutions in question for the purchase of course relief or time relief, based on per-course cost or percentage of salary as situational to the president's term of employment; in the event that such negotiation with the president's institution is not feasible, this matter will be brought before the Council. In addition, there will be a \$7,500 annual stipend for the *Academe* faculty editor. The amended motion was approved by the Council.

Affirmative Action Report

The report was presented to the Council.

Suggestions for the 2013 Annual Meeting

Some Council members suggested that the Campaign for the Future of Higher Education be a theme for the 2013 annual meeting; also suggested as a theme was the relationship between the AAUP and the media.

Recognition of Outgoing Council Members

First Vice President Wendy Rowoth recognized and expressed thanks to those Council officers and members whose terms were expiring. ■