



NEWS AND NOTES

1133 NINETEENTH STREET, NW, SUITE 200, WASHINGTON, DC 20036 PHONE: 202-737-5900
www.aaupfoundation.org • info@aaupfoundation.org

Number 2

Summer 2016

AAUP Foundation Ramps Up Support for AAUP's Academic Freedom Efforts

The previous inaugural issue of *AAUP Foundation News and Notes* reported that the Foundation's activities may be usefully divided into those that provide direct support for the AAUP's own work and those that support individuals or groups/entities that are not part of the AAUP but whose efforts are consistent with the AAUP Foundation's mission. However, we reported that, given the current atmosphere in higher education and the necessity for the AAUP to step up its efforts in defense of academic freedom, for the next several years the greatest share of the Foundation's resources will be directed to supporting the AAUP's activities in research, policy development, advocacy, and education (mainly of its members) that further the Foundation's mission.

We are pleased now to report that this spring the AAUP Foundation approved several ambitious grants from its Academic Freedom Fund to support the work of the AAUP. These grants mark a major investment by the Foundation that will, it is hoped, encourage new major donors and other foundations to extend and expand such funding in future years. **The largest grant will cover direct and permissible staff costs of academic freedom investigations authorized by the AAUP executive director and of the twice-yearly meetings of Committee A up to a maximum of \$360,000 over three years.** Such costs include the travel expenses of volunteer faculty investigators and Committee A members, production costs associated with publication of investigative reports, and other expenses.

Two investigations—of the College of Saint Rose in New York and the University of Missouri (Columbia)—were conducted this year and the annual meeting placed both administrations on the censure list. The previous year saw a near-record four investigations. **To support the travel costs for those investigating committees the AAUP Foundation had previously provided a grant of up to \$10,000.**

Academic freedom investigations have been central to the Association's work ever since its founding in 1915, but they can be costly endeavors. This major grant will ensure that the financial burden of such service to the profession does not fall exclusively on the AAUP's dues-paying members.

Each year reports of investigations and other AAUP documents are published in the annual July–August *Bulletin* issue of the AAUP magazine, *Academe*. For decades the *Bulletin* has provided an important historical record not only of the Association's work but of the overall state of higher education during the previous year. To continue this effort **the AAUP Foundation board has authorized a grant from the Academic Freedom Fund of up to \$141,836 to fund publication of the *Bulletin* for three years.**

Inside this issue . . .

- Attend the AAUP Governance Conference
- Legal Defense Fund supports *Fisher* amicus brief
- Additional support for *Agents of Change* film
- AAUP seeks director of development

Finally, building on a previous grant of \$5,000 per year over five years reported in the first issue of *News and Notes*, **the Foundation authorized an additional grant from the Academic Freedom Fund of \$12,927 to cover additional costs of producing the AAUP's annual online *Journal of Academic Freedom*.** Watch for the 2016 issue to appear in September.

Supreme Court Victory in *Fisher II*!

On June 23, the US Supreme Court in *Fisher v. University of Texas at Austin (Fisher II)* upheld the constitutionality of the University of Texas at Austin's affirmative action program. The AAUP joined 37 other academic organizations in an amicus brief in this case, supporting affirmative action. This spring the board of **the Foundation's Legal Defense Fund authorized a grant of \$1,000 to the AAUP to cover its share of the costs of that brief.**

Justice Anthony Kennedy's opinion for the Court is significant in taking a realistic and reasonable approach that should enable universities to adopt affirmative action programs meeting constitutional requirements. The Court applied the three key criteria from its earlier decision in this case (*Fisher I*): (1) a university must demonstrate a substantial purpose or interest in considering race in its admissions policy and that considering race is necessary to achieve this purpose; (2) courts should defer, though not completely, to a university's academic judgment that educational benefits flow from diversity in the student body; and (3) the university must prove that race-neutral alternatives will not achieve its goals of increasing diversity.

The Court's decision recognizes that judges should give due deference to universities in defining educational goals, including the benefits of increasing diversity in the student body, such as the promotion of cross-racial understanding and the preparation of students for an increasingly diverse workforce and society.

The Court confirmed that universities must prove that race is considered only as necessary to meet the permissible goals of affirmative action. In particular, the university must prove that "race-neutral alternatives" will not suffice to meet these goals. This was the most controversial aspect of the *Fisher I* decision. In

Fisher II, though, the Court takes a reasonable approach, finding that UT had sufficient evidence that its "Top Ten" admissions policy based on class rank was not adequate, by itself, to meet diversity goals. By adding a "holistic" evaluation of applicants who were not admitted in the "Top Ten" program, UT was able to consider race as one factor in a broader assessment of qualifications.

Attend the AAUP's Fall 2016 Shared Governance Conference

To mark the fiftieth anniversary of the landmark 1966 *Statement on Government of Colleges and Universities*, the AAUP will hold a shared governance conference and workshops at the Loews Madison Hotel in Washington, DC, September 30–October 2, 2016. In addition to presentations, the conference will include a series of training workshops for current and future governance leaders.

To support the conference and help reduce the cost to those attending, **the AAUP Foundation's Glick, Rappaport, Tristman Memorial Fund has provided a grant of up to \$15,000 to cover some of the conference costs.**

This will be the first AAUP governance conference since 2012. Past events have been well-attended and brought together AAUP members and nonmembers involved in academic senates, unions, and administration to exchange experiences and learn about AAUP-endorsed governance policies.

Session proposals of one to two pages should be sent by July 29, 2016, to Michael DeCesare, AAUP Committee on College and University Governance, at decasarem@merrimack.edu. For the complete call for proposals, visit <https://www.aaup.org/2016-governance-CFP>.

Legal Defense Fund Supports NYU Med School Professors

Last September, the AAUP Foundation's Legal Defense Fund provided Dr. Marie Monaco and Dr. Herbert Samuels of New York University a grant of \$5,000. These professors filed suit in the New York Supreme Court seeking a writ of mandamus ordering NYU to nullify its Salary Reduction Policy, which violated NYU's policies and procedures because it was not properly promulgated, was arbitrary and capricious, and breached their employment contracts. The Supreme Court denied the request and the professors filed an appeal. Professors Monaco and Samuels recently applied for an additional grant of \$5,000, which the board of the fund has approved.

Agents of Change Film Recalls '60s Struggles

A highlight of the 2015 AAUP/AAUP-CBC Summer Institute in Denver was a screening of a rough cut of a new documentary film, *Agents of Change*, about student rebellions and the creation of ethnic studies programs in the late 1960s at Cornell and San Francisco State Universities. Some 150 Institute attendees viewed the film and participated in a discussion with filmmakers Abby Ginzberg and Frank Dawson.

Given the film's enthusiastic reception and the expressed interest of multiple AAUP chapters and conferences in arranging public screenings on campuses, last September the Foundation

board voted to provide the filmmakers with a grant of \$5,000 to help them complete the film.

Agents of Change is now finished and in release. The AAUP Foundation is prominently acknowledged in the credits and we were singled out by the filmmakers at the film's San Francisco premiere this spring.

But more important, several AAUP chapters have already arranged successful screenings of *Agents of Change*. Therefore the filmmakers sought and the Foundation has approved an additional grant of \$2,500 from the Glick, Tristman, Rappaport Memorial Fund to support the filmmakers' efforts to work with AAUP chapters and conferences to facilitate more screenings. Plans are also underway for the final version to be shown at Summer Institute in Portland.

Given the upsurge of student activism this past fall around issues of racism on campus, the film has acquired extraordinary relevance to the work of the AAUP and the theme of this annual conference. The Foundation is pleased to assist in making it available to AAUP members.

For more information on *Agents of Change* go to <http://www.agentsofchangefilm.com/>.



Filmmakers Abby Ginzberg and Frank Dawson

AAUP to Hire Development Director for Foundation

The AAUP is pleased to announce a professional position as AAUP Foundation director of development, to be filled as soon as possible. This is an exciting opportunity at a critically important time in the AAUP and in the academy; the director of development will play an essential role in building the AAUP Foundation, including participating in developing and implementing a comprehensive fundraising program and executing the Foundation's fundraising strategy. The director of development will work under the direction of AAUP's executive director. We invite qualified applicants to join us in our vital work to defend and advance the academic freedom, shared governance, due process rights, and the economic security of the academic profession. To read the full position description and application information, visit <https://www.aaup.org/about/staff/employment-opportunities#DirDev>.

Donate to the AAUP Foundation online at

<https://donatenow.networkforgood.org/aaupfoundation>.

Yost and Hopper Funds Dissolved; Burgan Fund Repurposed

The Foundation's temporarily restricted Henry T. Yost Fund and Hopper Travel Fund have been dissolved.

The original purposes of the Yost Fund are no longer applicable and the fund has not made an award for some time. Therefore, with the permission of the Attorney General of the District of Columbia, these funds have been transferred to the Foundation's general unrestricted account.

The Hopper Fund, which provided support for selected members traveling to the AAUP annual meeting, had been maintained for years by "passing the hat" at the annual session of the AAUP Assembly of State Conferences. However, the costs in staff time and bookkeeping associated with this practice outweighed its benefits.

Future travel grants for both members and staff will remain available from the Konheim Travel Fund and now from the Mary Burgan Fund, which was originally designated for international travel by staff but has been repurposed by the AAUP Foundation Board also to cover domestic travel for members and staff.

Welcome to Caprice Lawless!

The AAUP Foundation Board warmly welcomes its newest member, Caprice Lawless, who joined the board upon taking office as the AAUP's second vice-president. A part-time contingent faculty member at Front Range Community College in Colorado, Caprice is a master organizer and an infinitely creative source of ideas for building support for faculty members. Caprice joins current board members Rudy Fichtenbaum, AAUP president; Henry Reichman, AAUP first vice-president and Committee A chair; Michele Ganon, AAUP secretary-treasurer; Maria Bacigalupo, AAUP Council representative; Paul Davis, AAUP-CBC representative; and at-large members Joan W. Scott and Martin Snyder.

Support Us While Shopping at Amazon

You can support the AAUP Foundation while shopping at Amazon! Amazon will donate 0.5% of the price of your eligible Amazon Smile purchases to the AAUP Foundation whenever you shop. Learn more at [Amazon Smile](#).