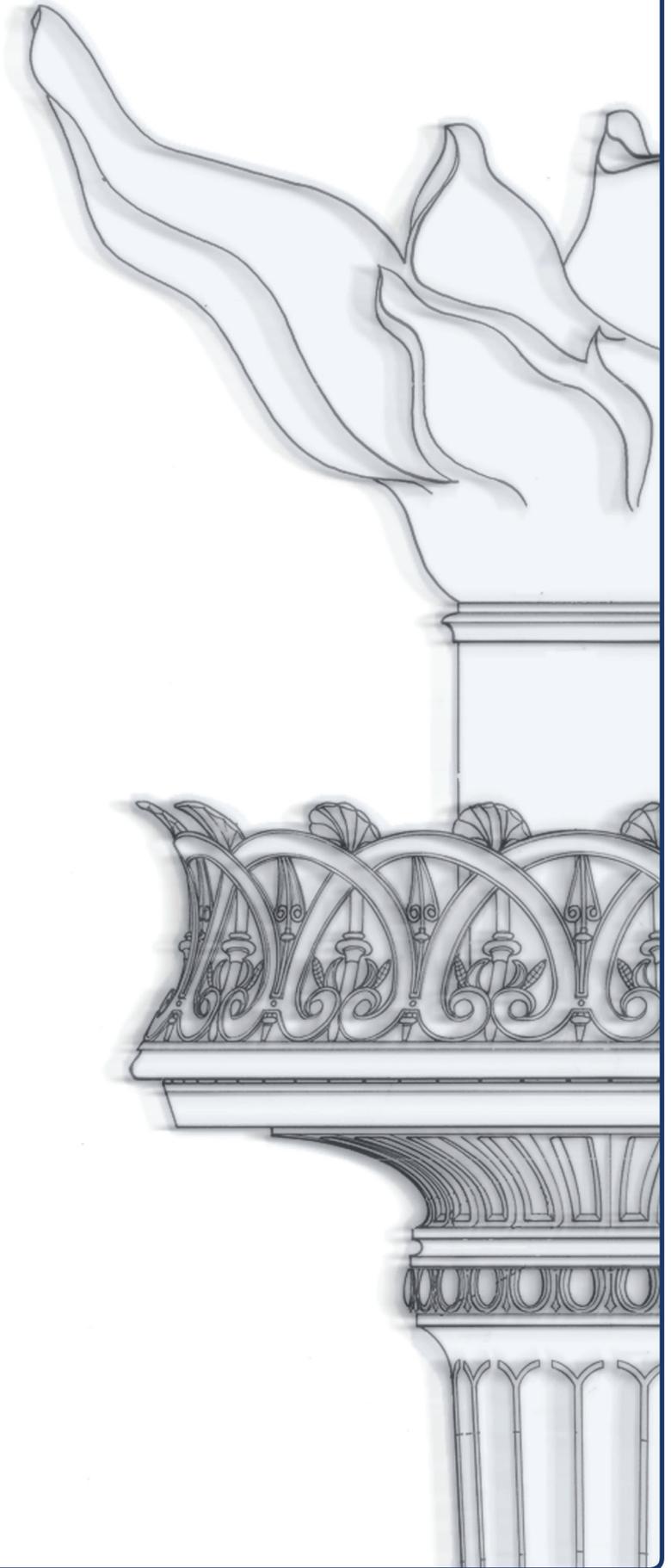


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Texas Association of College Teachers
Defending Academic Freedom
Volume LXX Number 1



Quarterly eBulletin

July/August/September 2016

The TACT Quarterly eBulletin

July/August/September 2016 - Volume LXX Number 1

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Executive Director's Report

by **Chuck Hempstead**
TACT Executive Director

Just back from the 50th Anniversary (to the minute) remembrance of the University of Texas Tower shootings. Everyone but the university president exploded about the "coincidence" with the first day of guns on campus (implementation of SB 11), which is exactly why this reporter attended. It was the unspoken news of the event, though the media were all over it. Only three elected officials attended: the Congressman who was a student senate president in



The clock stopped 50 years later

that era and on the program, and two state representatives known to be anti-guns on campus. Guess

the 98 degree mid-day sun caused the others to have indoor lunch plans.

If the expected Guns-Free crowd existed, I missed it. The only two



Congressman Lloyd Doggett and UT-Austin President Greg Fenves

good 'ol gals I noticed were upper, upper middle age and held posters they discussed with the police officers, while wearing nothing to block the breeze north of the flower-power skirts and south of the purple headgear. I quickly holstered my camera. It may have been a Janis Joplin throwback, but I prefer to think they were TACT followers endorsing gun-free classrooms.

Though concealed carry made it to Texas college campuses, we must keep in mind that TACT voices

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Executive Director's Report (continued)

were heard. We cannot take lightly the decision of the UT-Austin, UTEP and UTSA decisions to grant faculty the freedom to ban guns in their private offices.

No matter the outcome of the developments to come, TACT upholds the position that guns have no place on a university campus. Our Legislators must not look past data from the FBI which states, "The single most common circumstance leading to gun homicides in the United States is an argument"? How can we look past the fact that the definition of a university's pur-

This is a particularly informational edition of the eBulletin. It is the back-to-school issue and intended for you to distribute to your new and veteran colleagues. Early warning signs for the upcoming legislative session are that funds could be scarce (or argued such). Your TACT State Board Members are already working on the legislative agenda for January and our issues survey has generated more than 300 responses so far. Please consider joining us for Legislative Day at the Capitol October 28 – we would be happy to make appointments for you with your Senator and House members or their staffs. If that sounds too intimidating, give me a call about specifics. Some members just attend and stay quiet until they grow comfortable, but their attendance is a show of force that is worth a thousand words. 



The new memorial to the slain, possibly to be reworked to fix the Latin

pose is to incite philosophical arguments with the aim of expanding students' minds?

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Administrative Salaries

by Peter J. Hugill
TACT VP for Legislative Affairs

Our political masters in the Leg. are beginning to worry about administrative costs in our universities. Considering how long this has been a screamingly obvious problem to anyone who can read a column of figures, perhaps we should be happy they have finally woken up? It's a sad commentary on their lack of attention to reality in the public universities they are supposed to be responsible for!

The American Association of University Professors first commented on this in an entire issue of *Academe*, November-December 1991 and dated the problem to the 1970s. The then-President of the AAUP, Barbara Bergmann, Distinguished Professor of Economics at American University put it succinctly:

"Undetected, unprotested, and unchecked, the excessive growth of administrative expenditures has done a lot of damage to life and learning on our campuses ...millions of dollars have been swallowed

up...If it were just a matter of the money wasted that would be bad enough. But the bloating of college administrations over the past two decades has made administrative performance worse rather than better. It has bogged us down in reels of time-consuming and despair-creating red tape. It has fostered delusions of grandeur among some administrative higher-ups, whose egos have grown along with the size of the staffs under their supervision."

The situation has only worsened since 1991. Between 1975 and 2011 the percentage change in the number of employees in Higher Education has been as follows: full-time tenured and tenure track faculty, 23%; full-time non-tenure track faculty, 259%; part-time faculty, 286%; full-time executive, 141%; full-time nonfaculty professional staff, 369%.

The AAUP breakdown of salaries at two and four-year public institutions shows that the expenditure on instruction amounts to just under 31% and that median senior

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administrator salaries are, on average, about 3.75 times median full professor salaries at public doctoral institutions and 4.35 times higher at private doctoral institutions. Tenure line faculty salaries have been flat in real income terms since the 1970s and non-tenure line and part-time faculty merely lower the overall faculty salary bill.

AAUP notes that bloated administrator salaries even among a group that increased 141% are not alone enough to explain tuition rises: much of the rest can be explained by that 369% increase in full-time nonfaculty professional staff as well as the collapse of private-school endowments and the cutting of state appropriations to higher education, the national average reduction being just over 16%, albeit with many states reducing appropriations more than 50%.

our universities. Universities produce only two things: students and research—administrators and staff who do not facilitate that production are NOT doing their jobs! Let us express disapproval of bloated administrator salaries and out of control increases in administrative staff. Lets ask our politicians to actually DO THEIR JOB for a change...

Sources: Academe, November-December 1991; AAUP Annual Report on the Economic State of the Profession, 2003-2004; AAUP Annual Report on the Economic State of the Profession, 2013-2014; AAUP Annual Report on the Economic State of the Profession, 2014-2015

So let us suggest that our politicians stop listening to ill-informed ideologues like the folk running the Texas Public Policy Foundation who try to blame all tuition increases on faculty and clearly approve of massive income hikes for people who want to call themselves CEOs and who claim to run

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Conflict Resolution Policies: Not Created To Protect Faculty

by Gaines West, Attorney-at-Law
West, Webb, Allbritton & Gentry

In my 34 years of Higher Education Law practice I get some questions from faculty over and over again. In this issue I want to highlight one I often hear. New, and even more seasoned, faculty seem to share a high regard for the dispute resolution process contained within any college or university's stated {and normally available online} policy and procedures manual.

New and old faculty members alike seem to take pride in their belief that they are involved in a collegial process of dispute resolution, {after all isn't the world of education supposed to be collegial?} and truly believe that once the Department Head, Department Committee, Dean's Committee, College Committee, THE Dean, Dean of Faculties, Assistant Provost, Provost, President, or Regent {or Trustee} hear {and understand} just how they have been treated/slighted/discriminated against/wronged or badly handled, all will be rectified

in their favor. My response to that HOPE is that the assumption that this college or university dispute resolution process is a collegial one is just a naïve presumption.

Further, that in state institutions the policies and procedures manual cannot be contractually enforced {because of Sovereign Immunity} and that in private institutions a contract "due process" claim {the failure for the school to provide what they said they would provide to resolve your dispute} leaves little {legal} money left to fight the real underlying complaint. Also, I advise that IF a resolution could have been reached through reason and "collegial discourse" it would have already happened.

I am usually the bearer of bad "tidings" because I advise that such administrative process is {to me and for my purposes for my client} just relatively inexpensive discovery for the dispute that will either go directly to court {in cases like defamation, tortious interference, and/or retaliation} or will go to the

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Conflict Resolution Policies: Not Created To Protect Faculty (continued)

Texas Workforce Commission – Civil Rights Division {TWC-CRD} or the Equal Employment Opportunity Commission {EEOC} and then to court.

In my bad news I further explain that whatever the unresolved dispute happens to be, they are being talked about in the “backwater” communications of the Administration – and not in a good way. And yes, oftentimes the Human Resources Department {the internal HR Department at the college or university} is often deeply involved in this behind the scenes communication about you {hint: don't trust HR to be your advocate}. This doesn't at all seem fair, or collegial – right? It isn't, and it isn't because it just isn't the process you believe it is.

The truth is that at most institutions the Dean of Faculties, and HR, work together to contain or depress any kind of dissention {like your complaint}. They absorb the “blow,” or your complaint, and then promise you things they cannot - and will not - deliver all with

the hope that if you trust what they are telling you – you will eventually be satisfied because of their promises, or simply go away and not complain further. Think about it: their job is to make sure your complaint gets resolved or sidetracked.

I don't want to sound cynical, but my experience over these three decades of practice in Higher Education Law is to NOT trust the internal dispute resolutions system at a college or university to resolve any dispute you have in your favor, or to trust those who appear and say they just want to help you.

The purpose the college or university uses these administrative remedies for is to check the box with funding sources {mainly federal and state funding} that they have such a dispute resolution process, and then also to have a way of dispensing with your complaint efficiently - not for you, but for them – your employer.

Here is the take-away: if you have a legitimate dispute over your job at

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Conflict Resolution Policies: Not Created To Protect Faculty (continued)

a college or university, don't place a big hope on getting it resolved favorably through utilizing their dispute resolution process. Seek out advice from a lawyer with Higher Education Law experience. Also recognize that you will oftentimes have to exhaust these administrative procedures at your college or university before proceeding in court - and you will need to know the deadlines {sometimes way too many of them it seems} in order to preserve your claims.

Don't make the mistake of thinking that by proceeding with your administrative complaints and proceedings at your college or university that your other deadlines imposed by laws intended to protect you simply stop running. The law oftentimes requires that filing deadlines be met WHILE you exhaust your administrative remedies within the college or university. And the bracing truth is that if you don't file by those deadlines {not easily discernable without help} your claims could be forever lost.

and often before proceeding with your claim. Consider all the issues carefully and the cost, both physically and monetarily, before proceeding. Know who can and truly will help you. The bottom line is that the dispute resolution process in your college or university is no more collegial, and even sometimes a lot less, than I experience in the for profit world. 

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Word to the wise: Seek help early



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Texas Gun Experiment

by Professor Jonathan Coopersmith

Department of History, Texas A&M University

and university permitting some level of state-sanctioned concealed gun access on our campuses and almost every private counterpart banning guns. We will see what happens over the next few years.

Texas is about to conduct a great scientific experiment, courtesy of our elected legislature and Senator Birdwell's SB 11. The law, effective as of August 1st, mandates public colleges and universities to allow concealed campus carry by anyone with a concealed handgun license. In support of property rights, private universities and colleges have the right to opt-out of permitting handguns on campus.

Significantly, all but one of the 38 private colleges and universities in Texas, Amberton College in Garland, have declined the opportunity to legally allow students, faculty, staff and visitors to pack a pistol on their campuses. Their almost universal refusal to accept guns on their grounds reflects the larger academic view that guns have no place in higher education.

The experiment is simple. We have a baseline of incidents involving crimes on campuses. We now have every Texas public college

Admittedly, it is not an ideal experiment. The 39 four-year public colleges and universities had 604,000 students compared with the 124,000 students in their 38 private counterparts in 2015. The 716,000 students in community colleges will not be affected until fall 2017. There are other differences, too, such as location and age of students. But the contours are clear.

The odds are low that anything will happen. College campuses are statistically very safe and CHL holders must be over 21, so the number of students who could bring guns on campus is low. The number of incidents involving guns on campus is very low as well. According to the National Center for Education Statistics, 12 students in 2012 were murdered in colleges and universities nationwide compared with 14,827 in the entire United States. No matter the low

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Texas Gun Experiment (continued)

incident of purposeful shootings, or the sad incidences of accidental misfiring, guns and college campuses do not mix well.

The major objections to weapons on campus are twofold. Philosophically, weapons with their intention to intimidate do not belong in institutions of learning. More pragmatically, the presence of guns increases the chances of accidents, suicides, and deadly violence involving guns without increasing public safety. In addition, the unfunded mandate of preparing campuses for guns takes money away from education, the purpose of universities.

When TACT officers visited legislative offices this spring, we were basically told that the legislature was not likely to revisit SB 11 in the 2017 session, wanting to see it in action before considering any changes. This is standard practice: We passed the bill, now let's see what happens, and then we'll think about modifying it. This means no real chance of legislative action until 2019 unless something really dramatic happens like an incident where police responding to reports of a gunman mistakenly shoot

students waving their handguns. Or students firing at a gunman shoot other students. Or a drunk, depressed student shoots his ex-girlfriend and then himself. Those risks are very real.

What can faculty do? Some professors are suing the state, others are retiring early, taking jobs elsewhere, or deciding not to accept offers in Texas. Most of us are far more passive, resigned to a situation that seems unchangeable.

How can you prepare? You can ask your police department to lecture your classes about how to react to a shooter and your student health service to lecture about spotting and helping students who may be mentally disturbed. Both will take class time but will reinforce the reality that the legislature's decision to allow guns on campus may have serious consequences for your students. And you may save their lives. 

Sources: 1 Evan Defilippis and Devin Hughes, "The Numbers on Arming College Students Show Risks Outweigh Benefits," <https://www.thetrace.org/2015/11/campus-carry-self-defense-accidental-shootings-research/>

2 Or have them watch "Ride, hide, fight" www.youtube.com/watch?v=5VcSweju2D0

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Average Faculty Salary Comparison - Texas Public Universities and Ten Most Populous States Fiscal Year 2016

	Professor	Associate Professor	Assistant Professor	Instructor	Lecturer	Average - Includes All Faculty	Average - Excludes Non-Ranked Faculty
Texas	114,687	84,564	76,035	57,178	53,447	86,068	86,824
California	123,243	89,829	79,778	0	64,159	94,298	93,691
Florida	116,080	83,477	72,085	55,680	63,176	86,244	86,761
Georgia	104,245	78,459	71,496	50,226	51,739	77,578	77,578
Illinois	110,618	82,159	73,725	49,869	54,600	81,658	82,127
Michigan	119,012	87,035	74,243	67,840	58,128	88,899	89,418
New Jersey	143,373	104,976	85,504	67,064	81,890	104,924	105,582
New York	111,783	86,493	71,784	59,180	60,416	85,025	85,025
North Carolina	101,261	77,176	69,036	56,046	52,490	76,030	77,972
Ohio	108,541	80,582	71,127	51,906	53,234	81,648	82,980
Pennsylvania	131,736	96,979	80,147	60,971	61,931	95,549	96,690
10 States Average	116,603	86,637	74,821	58,516	60,394	87,434	87,893
National Average	110,066	82,340	71,804	54,794	57,478	82,952	83,265

History

		Professor	Associate Professor	Assistant Professor	Instructor	Average Faculty	Texas Total Faculty Weighted Average Compared to Ten States
FY 2016	Texas	114,687	84,564	76,035	57,178	86,068	-2%
	Ten States	116,603	86,637	74,821	58,516	87,434	
FY 2015	Texas	125,167	85,311	74,340	46,795	87,127	-2%
	Ten States	121,825	85,327	74,077	51,121	88,724	
FY 2014	Texas	120,427	82,188	71,746	47,893	83,277	-6%
	Ten States	120,338	84,173	72,966	50,654	88,256	
FY 2013	Texas	116,701	79,568	70,090	46,540	80,863	-7%
	Ten States	117,855	82,426	71,011	48,625	86,526	
FY 2012	Texas	114,819	78,169	68,553	44,913	80,335	-7%
	Ten States	116,581	81,832	69,748	47,843	86,118	
FY 2011	Texas	111,482	76,942	67,311	45,568	78,395	-8%
	Ten States	114,911	80,839	68,545	47,111	84,852	
FY 2010	Texas	111,944	77,044	67,057	45,251	78,505	-7%
	Ten States	113,763	79,931	67,607	46,400	84,126	
FY 2009	Texas	109,235	75,467	66,140	44,338	76,981	-6%
	Ten States	111,625	78,713	66,359	45,383	82,250	
FY 2008	Texas	104,518	72,612	63,795	43,484	74,076	-7%
	Ten States	107,935	75,943	64,057	43,918	79,596	
FY 2007	Texas	99,683	69,646	61,159	41,943	71,608	-6%
	Ten States	102,752	72,593	60,982	42,488	76,197	
FY 2006	Texas	95,970	67,173	59,187	40,118	69,118	-6%
	Ten States	98,610	69,918	58,704	40,674	73,622	
FY 2005	Texas	91,529	64,400	56,026	39,512	66,582	-7%
	Ten States	95,517	67,974	56,921	39,427	71,896	

Source: AAUP Survey, Includes all public category 1, 2, and 3 institutions reporting to AAUP (20 of 38 in Texas). Salaries adjusted to standard nine month salary. Report excludes data where institutions reported one individual for a given institution.



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1. Handguns on campuses. TACT still opposes legislation allowing individuals to carry concealed handguns on college campuses.

2. Higher Education Funding. TACT supports reinstating appropriations investments, primarily in the following areas:

A. Fully fund the anticipated cost to universities of the Hazelwood Act Legacy Program. Current appropriations cover half the cost of the waived tuition for veterans.

B. Increase current funding levels of the TEXAS Grant scholarship program to account for previous cuts, increased tuition, a growing enrollment and more students requiring financial aid.

C. Increase faculty salaries to align with the average of the other ten most populous states to retain our best talent relative to national and international competition.

3. 60x30TX. TACT will endorse the goals and proposed strategies of 60x30TX in order to provide the education needed by the workforce of the 21st Century. Along with goal support, TACT will support sufficient funding to K-12 so college enrollees are sufficiently prepared.

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The James M. Puckett, Ph. D. Government Relations Fund

For over 70 years, TACT has been on the front lines of higher education issues in Texas. The GRF assists TACT with a key component of our mission, **communicating TACT's legislative agenda** in order to improve Texas higher education.

Your voluntary contribution to the GRF allows TACT to present its members' agenda to key lawmakers and legislative committees. The GRF is never used for candidate contributions, only for activities that increase awareness of issues concerning faculty statewide. All expenditures are approved in advance by TACT's President, President-Elect and Legislative Committee Chair.

[Click Here](#) to **Contribute**

Thank you to the 2015-2016 contributors

Jonathan Coopersmith

Donna Cox

Gary Coulton

Lynn Godkin

Chuck Hempstead

Harvey D. Johnson

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TACT Membership and EPLI: Renew Today!

In the current climate of uncertainty in Texas' system of higher education, it's important to have strong advocates. Since 1948, the Texas Association of College Teachers has served university professors in the areas of academic freedom, statistical research, tenure implementation and protection, professional standards, and working conditions. We invite you to take a key career step by [becoming a member of TACT today](#) for \$158 (which includes professional liability insurance).

Your membership in TACT lets your voice be heard beyond your classroom and campus. We vigilantly monitor all agencies that affect faculty members to ensure your interests are represented. Our First Alert emails and quarterly eBulletins provide you with current developments on educational public policy issues, and we are always soliciting articles from you, our members. We also maintain a regular presence at the Capitol, where we lobby policymakers on your top concerns.

All TACT memberships include Educators Professional Liability Insurance (EPLI). EPLI provides up to \$2 million in coverage, plus legal fees for damages. EPLI is an important benefit for our members that has proven invaluable over the years.

Sign up or renew your TACT membership today!

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Visit www.tact.org and
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