

VIRGINIA CONFERENCE OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

NEWSLETTER edited by Mike Harris (VMI)

March, 2003

AAUP-FSV JOINT LOBBY DAY

by Brian Turner, Acting Legislative Liaison

The Virginia Conference of the AAUP and the Faculty Senates of Virginia (FSV) held a highly successful lobby at the Virginia General Assembly on January 9, 2003. Present were 27 members of both organizations representing 10 state institutions. They met with 27 of the 40 senators and with 43 of the 100 delegates, or exactly one-half of the VA legislature. At the evening reception, 18 legislators and 3 executive branch officials enjoyed drinks and hors-d'oeuvres while chatting with the professors. Each legislator received a packet of materials that included position statements and a copy of an article from *Academe* addressing VA's restrictions on faculty computer use. Mark Smith, Director of Government Relations in the national AAUP office, conducted useful orientation session on lobbying for the faculty participants. Using StateNet, Mark also provided legislative updates throughout the day.

The effort to require the governing boards of state institutions to include a faculty representative failed again this year. Overwhelming support in the House of Delegates was countered with 2 NO votes in the Senate

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Sex and Freedom in the Academy

by Mike Harris (VMI), Newsletter Editor

The Winter 2002 issue of the Washington and Lee University *Law Review* contains two articles of interest to AAUP members and all VA professors. The first article, a "note" written by law student Stacy E. Smith, carries the provocative title,

"Who Owns Academic Freedom?: The Standard for Academic Free Speech at Public Universities."

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Officers of the VA State Conference

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Spring Meeting April 5 on the campus of the University of Richmond

The Spring meeting of the VA Conference of AAUP will take place in Richmond, on the campus of the University of Richmond on Saturday, April 5, 2003. Conference President Christina Turner will preside. Our featured guest speaker will be Dr. Jane Buck, National President of the AAUP. We will also enjoy hearing from Mark Smith, Director of Government Relations.

The Conference Executive Committee will hold a brief meeting beginning at 9:30 a.m. All faculty attending the spring meeting are invited to attend the Executive Committee meeting as well.

The Conference business meeting will begin at 10:00 a.m. with presidential remarks. Reports from the Treasurer, Bob Webber and from the President-Elect and Chair of the Nominating Committee, Deborah Verstegen will be followed by a report on Lobby Day from Brian Turner and Mark Smith.

Highlights:

◆Update on the VA Community College System status◆ State retirement update◆ Report from Committee "A" Chair, Ron Molluck◆ National President Jane Buck◆

President Turner anticipates adjourning the meeting following lunch, so as to free up Saturday afternoon for all.

Why not talk about AAUP membership with your colleagues?

Help us support and defend the principles of our profession.

Go to the website and download the materials for recruiting and enrollment:

Editor's Corner

This is my first issue as editor of the VA Conference Newsletter. I dedicate it to my late colleague, Professor T.Y. Greet from VMI. Tom was the man responsible for my joining the AAUP back in 1975. He served as an inspiration to me as an activist and fervent believer in AAUP principles. Tom, I will never forget your work and dedication to the cause of academic freedom .

The following is an excerpt from the statement on the AAUP web site, <<http://www.aaup.org>>:

"The AAUP has supported affirmative action since the 1970s when it filed an amicus brief before the U.S. Supreme Court in Regents of the University of California v. Bakke. Now that this issue has again reached the Supreme Court in the cases of Gratz v. Bollinger, et al. and Grutter v. Bollinger, et al., the AAUP [has joined] other higher education organizations in filing friend-of-the-court briefs in support of the University of Michigan, as it did at the trial and appellate levels. The AAUP's support for affirmative action stems from the well-documented educational benefits of racial diversity in higher education, and from the necessity of preserving educators' academic freedom in determining criteria for student admissions. Given the range of social and economic pressures imposed upon higher education to privilege one class of students over another, the AAUP believes that the University of Michigan-by acknowledging race as one of many factors-has devised a reasonable policy to achieve both fairness and diversity. If higher education is to remain accessible to all, such careful admissions policies must continue."

Lobby Day (continued)

time around. The effort will undoubtedly continue next year.

Several measures hostile to tenure were defeated. One was introduced before the lobby day activity, so the presence of professors was most timely in mobilizing legislators to force its withdrawal.

In spite of deep budget cuts, proposals from both houses would provide raises to faculty for the first time in 3 years. Legislators seemed sensitive to our concern that low salaries were contributing to the erosion of VA's competitive position in higher education.

Many delegates and senators told faculty lobbyists that this was the first time in their careers that they had heard from faculty members. They said that they were eager to continue receiving the faculty's perspective on issues

From the Treasurer..... Robert Webber
Fall, 2002

Stern-Greet Fund for Justice.....	\$32,368.14
Stern Development Fund.....	1,814.25
Operating Funds.....	<u>9352.28</u>
<u>Total on hand funds.....</u>	43,534.67

SPRING MEETING DETAILS

When: Saturday, April 5, 2003

Executive Committee Meeting 9:30-10:00 a.m.

Business Meeting of the conference: 10:00- 12:00

Luncheon and speaker: 12:15-2:00

Where: President's Board Room, Tyler Haynes Commons

Luncheon: Heilman Dining Center (Cost: \$5.25 ea.)

Who: Local arrangements made by Lit Maxwell, Business Librarian,

E. Claiborne Robbins School of

Business

University of Richmond

(804)289-8666

lmaxwell@richmond.edu

Driving directions may be found on the U. of Richmond web page.

[Sex and freedom in the Academy \(Continued from Page 1\)](#)

The young author focuses on the controversial case of *Urofsky v. Gilmore*, argued before the Fourth Circuit Court of Appeals in 2000. In their decision the justices upheld the 1996 Virginia law that prohibits state employees from accessing or storing sexually explicit content on a state-owned computer without securing prior approval from his supervisor. Smith outlines the creation and history of academic freedom and analyzes the majority and dissenting opinions. In particular she concludes that the Circuit Court's opinion "conflicts with the Supreme Court's holdings that the doctrine of academic freedom protects scholarly speech." The Circuit Court, in fact, denied that this protection applies individually to professors but to the universities. Smith cites other rulings by other courts that the principle of academic freedom does, indeed, apply to a professor's First Amendment rights and that it extends in particular to research and teaching. Smith also argues that the First Amendment protects against the imposition of prior restraints on free speech (or scholarly inquiry) by governmental action. Ms. Smith deserves praise for her own scholarly research and the balanced analysis she makes of this complex issue.

In a companion note that appeared in the same issue of the *W&L Law Review*, Professor Doug Rendleman offers a kind of post-script to Ms. Smith's article. Rendleman, known to his AAUP colleagues both here in Virginia and in our national organization, places Smith's article into the context of the post-September 11th debate. Commenting on Ms. Smith's conclusions, Rendleman states that it is his hope that Ms. Smith's legally correct analysis of the *Urofsky* decision will one day help reverse the Circuit Court's error.

Professor Rendleman's note goes on to discuss the chilling effect the *Urofsky* decision could have, and may have already had, on professors' exercise of free speech on topics other than sex. Citing US historical precedent, Rendleman fears governmental limits that have been placed or are soon to be placed on the civil liberties of our own citizens. He alludes to the headline-grabbing incident in New Mexico when Professor Richard M. Berthold joked with his class that "anyone who blows up the Pentagon gets my vote." He received an official reprimand and other serious punishments from his university. (From the *Chronicle of Higher Education*, December 12, 2001.) Rendleman argues for the survival of the specific academic culture that governs (or ought to govern) our colleges and universities. He sees this culture undergoing serious in the weeks and months following September 11th. One might wonder how Professor Rendleman views more recent events in America's war on terrorism and their implications for safeguarding civil liberties in general and those of the professorate in particular.

Plan to join your colleagues on April 5th in Richmond and learn more about issues in higher education in Virginia. Come to the AAUP State Meeting on the campus of the University of Richmond.