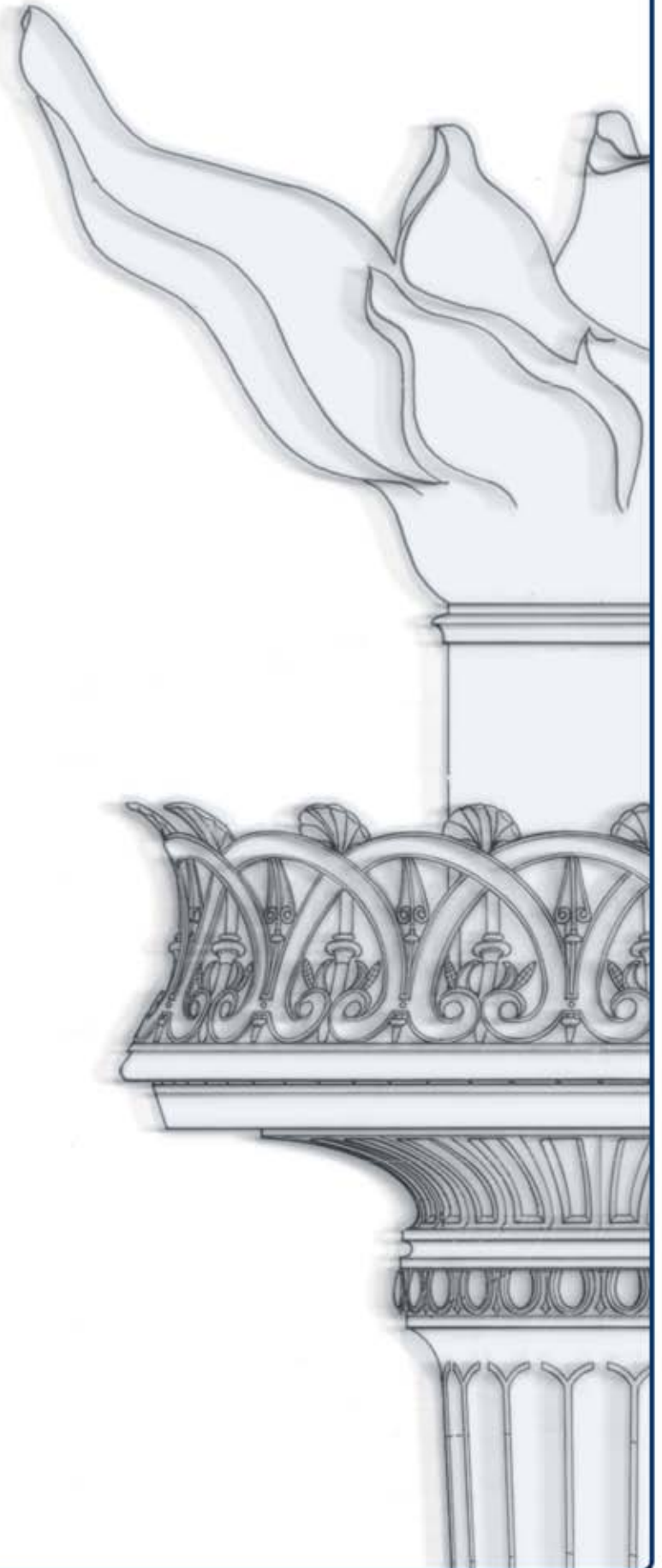


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Texas Association of College Teachers
Defending Academic Freedom
Volume LXIX Number 4

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April/May/June 2016



The TACT Quarterly eBulletin

April/May/June 2016 - Volume LXIX Number 4

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Executive Director's Report

by **Chuck Hempstead**

TACT Executive Director

FOLLOW THE MONEY


Talk about you being exactly the WRONG audience for this message.....

My buddy Bob Harris from Florida, a nonprofit organization consultant, writes about the "free rider problem." It is that an individual with interests in common with others benefits from their efforts on the group's behalf, whether that's their membership dues, time and money spent lobbying, psychological support, sharing information of mutual benefit, or joining with each other to produce goodwill in society (public relations). Interestingly, the larger the percentage of free riders, the less "common good" there is to go around. Chances are, if you're reading this, you aren't the free rider.

Good thing, because your profession will need plenty of "invested riders" (Bob will kill me for that one) when the Leg rolls around in January. You've read it here before – it's easy to be a legislator when the state is broke; you can say no to everybody. Last session the appropriators were able to say yes to lots of folks, including higher education, but the needs are growing so fast. Good thing the price of oil

is going back up if the Texas Supreme Court is about to tell us that public school funding is inadequate when it's 25 percent below the national average.

Don't miss Professor Capps' article on page 4. With university enrollment exploding consistent with State policy, administrator salaries and bonuses making front page news, unfunded mandates growing (Hazlewood) and politicians questioning the gentleman's agreement of delegating tuition authority in exchange for reduced State funding, where's the compromise?

One time a TACT member told me that if he was interested in selling (organizational membership), he'd have been a car salesman and made more money. O.K., at least he was an "invested rider." It's a shame that we must discuss issues of such importance to higher education by always using dollar signs, but it's a placeholder this society uses for value and investment. Thank you for carrying the water for your other colleagues, and I hope to see you for our legislative visits in the fall. Have a great summer. 



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Was That Really in Our Best Interest?

by Matthew Capps, Dean, West College of Education - NCATE Coordinator -Associate Professor, Midwestern State University

Students drive an institution. As we all know, students must pay tuition to attend a university. That tuition does not cover the entire costs of their experience because the state legislature appropriates funds to each public institution to assist the cost of providing an education at a state owned university. Not long ago, the state share of the total cost was around 80%, which made for relatively inexpensive tuition, a good investment for both the state and the student. Recently, that number has dipped to around 20%. At UT only 12 percent of UT's budget comes from the state). Therefore, universities, which are allowed to increase tuition have done so to balance the budget. But, not everyone really understands this.

Each summer we have orientation and I, like many of you, have the chance to interact with parents and students. One of the first concerns expressed is the concern over tuition and other costs associated with attending a university. Often parents are upset at the relative cost to them and wonder why the university is doing this. After a brief explanation of how state supported higher education works in Texas, many constituents understand this but I am not convinced they understand their personal role in the process. The same conversation occurs in the community when I interact with people

who live in this university town. The question always comes around to; why tuition is so expensive and why is it going up? Blame and frustration are pointed at the university. These are investments, not just costs. But the investment more and more is being turned over to the consumer and not all consumers are made equal. But how bad could it be? It is still a good investment, right? Several years ago, as part of an accreditation study, one college of business gathered data about how much students work. Students in that college averaged 29 hours per week. That is nearly full-time. The students do that because they have to help pay for their education, which becomes weaker because they cannot invest the time to maximize the experience. In a recent article from the UK, light was shed on the number of food pantries opening up across 14 Texas universities because students are so poor, they do not have enough to eat. We all went through the Ramen noodle phase in college, but this is a whole different issue. It all comes down to financing state institutions.

There are complaints about costs as a whole. As my former president used to say, "if you think education is expensive, try ignorance". Students expect to have more of the comforts of home at campus. Students want recreation centers, wellness centers, intramural sports, collegiate sports, academic support centers etc...all of that costs



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money. We, as faculty, know students need other things as well. For example, students need experiences in labs. The chemistry lab of today is not the same as it was 50 years ago. There is more technology needed in the lab and that technology costs money. If we want graduates from our state institutions to be competitive with those from MIT, they need to have experience with the same equipment. Others may argue that faculty are overpaid; let's consider that. According to the Bureau of Labor Statistics, computer information scientists, pharmacists, research physicists, economists, mathematicians, corporate managers, engineers, lawyers, and dentists all have higher average annual salaries than the average full professor counterpart at universities. Often the full professor will have more education than the private field counterpart. Lastly, to continue to educate future students in each of those fields, we need people who are at least as equally educated to return to campus. That costs money.

Faculty have concerns as well. As we work through expectations of the state regarding curriculum, aligning outcomes, responding to market demands, conducting research, advising students, serving on committees, all of the tasks that faculty do besides teaching, there comes a discussion of why this is happening. It is a similar conversation as the one with parents and constituents, just a different topic. The requirements come from elected leaders. Always there are threats of phone calls and emails to representa-

tives. I generally agree, that would be a good idea. But, I always ask them a question; who did you vote for last time? They typically won't tell me, but I always leave them with another question: if we aren't happy with how much you are paying then why do we keep electing the same people and are surprised with the outcome.



The next time you and your colleagues stop to complain about lack of financial support, unfair wages, student debt, etc., pause and ask the question of those around you. The next time a constituent, parents, or student complains about their investment, educate them, then ask the question; who did you vote for last time? Are you getting what you want? If not, what can you do and what would be the outcome of that action? We need to be more diligent about comparing political rhetoric at election time to action that really occurs. Legislators appreciate our letters and emails, but voting is the quickest way to make a difference in our outcome. I encourage you to have this discussion with friends and neighbors as they complain about the cost of education. Yes, education is expensive, but it is cheaper than ignorance. 🇺🇸

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It's Happening on Your Campus

by Jennifer D. Jasper, Attorney-at-Law
West, Webb, Allbritton & Gentry, P.C.

A lot of attention has been paid lately to one specific struggle on college campuses: how to address and redress assault and dating violence. This is a problem that has undoubtedly been ignored (or mishandled) for far too long. The new attention to this matter and processes that have been put into place, while merited, have had some unintended consequences.

Let's start at the beginning. Title IX of the Education Amendments of 1972 ("Title IX") is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private colleges and universities receiving any federal financial assistance must comply with Title IX.

Just over five years ago, the Office for Civil Rights (OCR) in the U.S. Department of Education issued a "Dear Colleague Letter" on student-on-student "sexual harassment and sexual violence." The letter explained a school's responsibility to respond promptly and effectively to sexual violence against students in accordance with the re-

quirements of Title IX. Among other things, the letter addressed the burden of proof universities and colleges should use when conducting disciplinary proceedings to determine the guilt or innocence of an alleged harasser/abuser, and set that burden at "the preponderance of the evidence." A "preponderance of the evidence" standard is commonly described as "51%." That is, if the evidence tends to favor one position, even slightly, that is sufficient to find wrong-doing. Contrast that standard, with the criminal justice system's "beyond a reasonable doubt," and you can begin to understand why universities and colleges now actually carry far more leverage in prosecuting these violations than does the local District Attorney.

Another twist to this scenario is that larger universities have not limited the extent of their discipline to on-campus violence, but have begun bringing disciplinary proceedings against students for off-campus activity. Unfortunately, many off-campus (and alcohol-induced) trysts result in a "she said-he said" dispute, with no witnesses other than the two parties involved. And the accuser may not need to actually be a university student, as long as the accused is.

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Given the lighter preponderance of the evidence standard, university disciplinary proceedings nearly uniformly find for the female accuser, and against the male alleged perpetrator, based sometimes solely on the perceived credibility (or even likability) of the complainant. This has resulted in a recent backlash of lawsuits against universities by male students who claim they were falsely accused and wrongly expelled. These students have increasingly been turning to the courts, with claims of constitutional due process violations.

A thorny problem, for certain, and one that will someday be clarified after review by our court system. But this is a slow process. Should you, as a faculty member, be appointed to one of these disciplinary panels to consider such a case, get ready for what seems unavoidable: lots of detail about what happened (think "50 Shades of Grey"). Get legal advice from your college or university counsel on your potential liability; but realize the college or university counsel's primary concern is to not lose federal Title IX funds for their school. Your legal concern may not be their concern. 

Introducing the 2016-2017 TACT Board of Directors

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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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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.

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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.

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