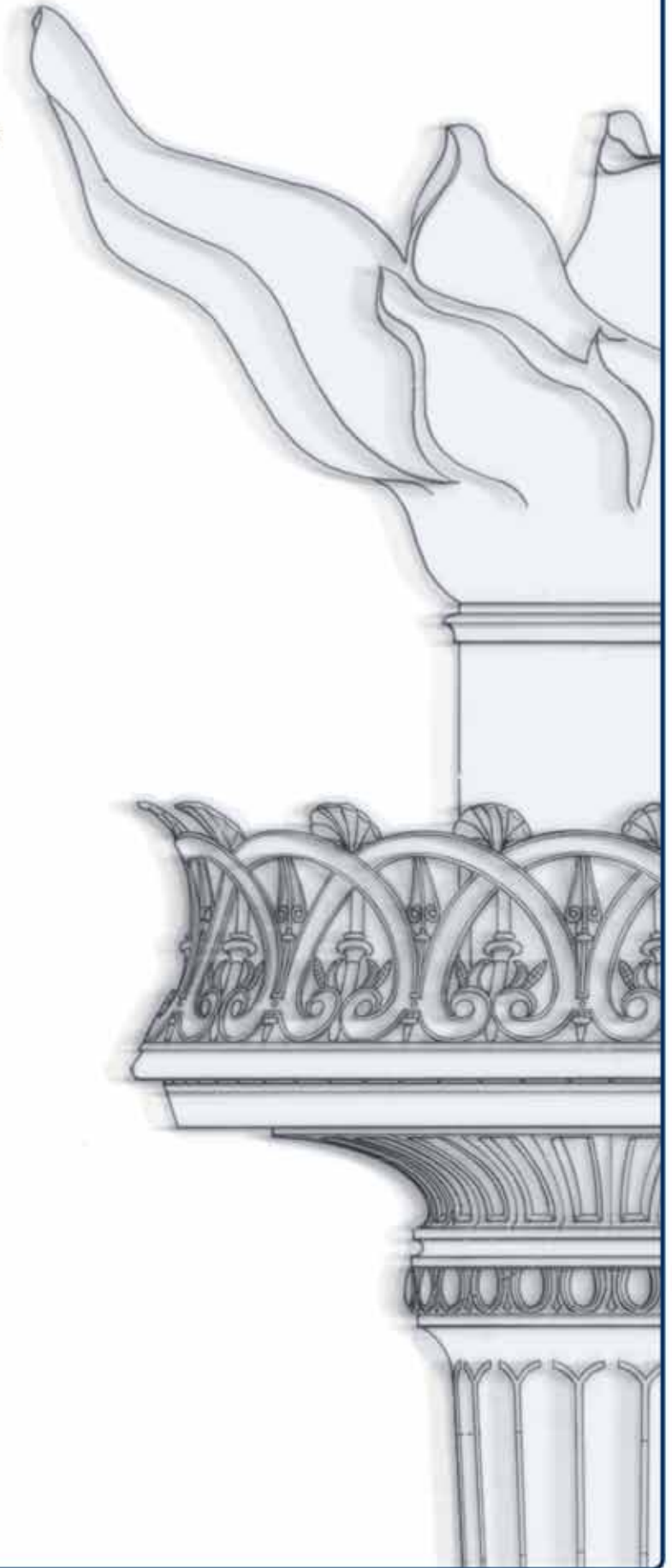


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Texas Association of College Teachers  
Defending Academic Freedom  
Volume LXIX Number 2



Quarterly eBulletin

October/November/December 2015

# The TACT Quarterly eBulletin

October/November/December 2015 - Volume LXIX Number 2

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## President's Message

by Mary Jo Garcia Biggs  
TACT President

*Drip, Drip, Drip, .....*

Like a Chinese water torture, the seven decades of TACT success is not measured like a series of battles won, but as a long course of facing reactionary change and negotiating to a favorable position of compromise.

Remember when the fear of post-tenure review leading to widespread firings turned into a developmental opportunity for faculty improvement? TACT.

Creating the Optional Retirement Program and subsequently enhancing the Teachers Retirement System (in coalition with others). TACT.

During a recession, the state budget writers wanted to turn their back on the ORP contribution rate until the Senate Finance Chair announced that existing participants would be grandfathered. TACT.

Most recently, for three legislative sessions, guns on campus had a majority of cosponsors, but couldn't get it out of both legislative chambers. Then when it was a slam dunk in 2015, amendments were added providing opt-out to private schools and local control for gun free zones. TACT. TACT.

Now, as found in this newsletter and we report to you each year, the average faculty salaries in Texas are within two percent of the average of the other top ten most populous states, when the discrepancy has been three to four times that during the past decade. Yeah, TACT.

Government Affairs is hard. And slow. And takes the patience and commitment of our TACT predecessors since 1948. We are the predecessors of the faculty who will lead our profession in 2048. What will be our legacy? 🗺️

Mary Jo Garcia Biggs, PhD

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## Executive Director's Report

by **Chuck Hempstead**  
TACT Executive Director

### Elections/No Elections


**E**lection Day 2015, and not a name on the ballot until primaries crank up next year.

I plowed through the Constitutional Amendments, which included making Texas safe for hunting and fishing, saving dozens of dollars on future public school property taxes (while the Leg. committed billions to keep the districts whole,) and I can't remember the other five. Also, we saw the price of gas fall below two bucks, so I wonder what the Legislative Budget Board is thinking about future state revenues, which seemed so limitless six months ago.

On the guns on campus controversy, TACT has shifted its focus from the Legislature to the campuses. Your board members and staff have been showing up at faculty gatherings, distributing talking points of potential gun-free areas and supporting the faculty, staff, students and others who will live under the new legislation, or leave for private schools or out of state. My rhetorical question to those who say the people will be safer: "Why does it look like all the private schools which are permitted to opt out of this legislation are going to do so?" It is discouraging to hear non-TACT members say things like, "If I really thought the Legislature would pass such a law, I'd have been at the Capitol lobbying against it!" Sheesh.

But we carry on. We recently visited with key legislative staffers at the Capitol about our usual issues: increase faculty salaries, the new 60x30 strategic plan, no unfunded mandates like the Hazlewood Act, which robs resources from the students, shared governance for issues affecting faculty and institutional policies.

Fall is our membership drive time of year. If you could help us get one more member, I wouldn't have to hear from so many faculty who are uninformed about the issues that affect them. I so often hear, "If I had only known....."

This just in: House Speaker Joe Straus announced his interim charges for House committees to study and report prior to the 85th Legislative Session. TACT board members and staff will provide faculty input on these and other issues, including committees on Appropriations (university funding formulas), Defense and Veterans Affairs (Hazlewood Act) and Higher Education (60X30TX, the new higher ed strategic plan). The full list of charges may be viewed at: [http://www.house.state.tx.us/\\_media/pdf/interim-charges-84th.pdf](http://www.house.state.tx.us/_media/pdf/interim-charges-84th.pdf) 

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## Due Process in Faculty and Staff Dismissals

by Jennifer Jasper


**T**he Fifth Amendment to the United States Constitution prohibits the federal government from depriving a citizen of “life, liberty, or property, without due process of law.” Through the Fourteenth Amendment, that same principle applies to state governments and thus includes public education institutions.

Procedural due process generally refers to how an accusatory proceeding is carried out. Most people are familiar with procedural due process in a criminal setting: the right to a jury trial, the right to question your accuser, the right to a fair and impartial judge, etc. That same underlying idea, a fair procedure, is required any time someone’s life, liberty or property interest is at stake.

The US Supreme Court decades ago recognized that “liberty interests” are implicated when a person’s name, reputation, or integrity is at stake. Denial of tenure or termination of an employment relationship can have a devastating effect on a person’s future academic career, and thus may implicate a person’s liberty interest. Accordingly, in a tenure denial situation, for example, a certain amount of due process from a public university is required. Notice and opportunity to be heard are two cornerstones of due process in this context.

But how much due process is one entitled to, for example, if her tenure is suddenly revoked at post-tenure review for no apparent reason? Is it acceptable for a university to provide minimal notice of a hearing, or present “surprise” witnesses at the last minute? Generally, it is. Courts have typically recognized that a person whose academic position is at stake, is entitled to some due process; but as long as some, even minimal due process exists, this typically satisfies the person’s Constitutional rights. Courts generally are wary about interfering with the internal affairs of a university or college.

If you have been unfairly denied due process, your remedy is simply the due process to which you were entitled. In other words, even if you convince a court that a university failed to provide due process before it terminated you, and thus potentially violated your Constitutional rights, the remedy is simply additional due process, or a “do over.” And, unfortunately, it is the rare case where the additional due process changes the ultimate result.

There is a silver lining, however. Any administrative due process affords you the opportunity to present and memorialize your “side.” An attorney can help you coalesce the reasons underlying why action was taken against you, and develop an understandable and favorable version of the events, that may help with your next employment, and establish for all to see that indeed there are always two sides to every story. 

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## 60x30TX

*By 2030, at least 60 percent of Texans ages 25-34 will have a certificate or degree.*

### Texas Higher Education Coordinating Board

The *60x30TX* ("60 by 30 Tex") higher education strategic plan contains four broad goals. Each goal contains a set of targets that will move the state toward reaching one or more goals. Many stakeholders across Texas will need to develop and implement a wide range of strategies to meet each target.

**1. By 2030, at least 60 percent of Texans ages 25-34 will have a certificate or degree.**

- The first goal in the plan, the 60x30 goal, aims to increase the percentage of 25- to 34-year-olds in Texas who hold a certificate or degree.
- The 60x30 goal also uses 25- to 34-year-olds as a yardstick to answer the question: How prepared is Texas for the future? Through the focused efforts of industry, government, community organizations, K-12, and institutions of higher education, the state can respond positively to this question and achieve this goal.

**2. By 2030, at least 550,000 students in that year will complete a certificate, associate, bachelor's, or master's from an institution of higher education in Texas.**

- The completion goal complements the 60x30 goal by supplying graduates of all ages from all two- and four-year institutions of higher education in Texas.
- Growth in certificates and degrees among two- and four-year colleges is critical for reaching the 60x30 goal's 60 percent and educating a skilled workforce, but it is only part of the solution for reaching that goal.

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## 60x30TX (cont'd.)

**3. By 2030, all graduates from Texas public institutions of higher education will have completed programs with identified marketable skills.**


- Students need to be aware of the marketable skills embedded in their academic programs, and institutions must make certain that students graduate with marketable skills.
- This goal charges two- and four-year public institutions in Texas with documenting, updating, and communicating the skills students acquire in their programs. (Private institutions of higher education in Texas may opt to participate in this goal.)

**4. By 2030, undergraduate student loan debt will not exceed 60 percent of first-year wages for graduates of Texas public institutions.**

- This goal challenges stakeholders to balance the levels of student loan debt with a graduate's earning potential the first year after college.
- If graduates are to contribute to the state's revenue and have the means to pursue personal goals, they must also complete their programs with no debt or with manageable debt, relative to their starting wage after college.

## Latitude in Pursuing the Goals

Although the *60x30TX* Plan focuses on higher education in Texas and its relationship to the workforce, one size does not fit every institution of higher education in the state. The plan provides latitude for two- and four-year institutions and encourages local creativity in pursuing the *60x30TX* goals as institutions pursue their own distinct missions.

The *60x30TX* Plan addresses students' desires for a better life, employers' desires to remain competitive, and the state's need for a robust economy. This plan also strengthens the excellence and quality in Texas higher education by challenging the state's two- and four-year institutions to prepare students for the jobs of the future, while also inspiring them to contribute to a greater Texas society. The *60x30TX* Plan sets goals for Texas higher education that cannot be postponed without postponing the progress of Texas. 

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### Average Faculty Salary Comparison - Texas Public Universities and Ten Most Populous States Fiscal Year 2015

	Professor	Associate Professor	Assistant Professor	Instructor	Lecturer	Average - Includes All Faculty	Average - Excludes Non-Ranked Faculty
Texas	125,167	85,311	74,340	46,795	53,801	87,127	88,173
CALIFORNIA	126,330	87,239	79,246	49,599	61,687	99,106	99,145
FLORIDA	118,814	83,588	73,853	53,074	61,419	85,086	85,797
GEORGIA	110,033	78,298	69,494	47,328	49,946	79,942	80,178
ILLINOIS	120,229	84,480	76,077	44,933	49,389	86,122	86,162
MICHIGAN	126,801	88,719	75,056	53,008	54,446	92,439	94,216
NEW JERSEY	131,928	99,748	79,404	62,458	62,942	100,104	101,484
NEW YORK	115,444	82,352	70,315	52,372	54,037	84,770	84,770
NORTH CAROLINA	112,373	79,776	70,342	53,704	48,258	77,584	82,449
OHIO	118,686	84,370	73,928	48,131	52,841	87,524	88,173
PENNSYLVANIA	127,432	90,991	74,147	53,958	56,173	89,104	89,792
10 States Average	121,825	85,327	74,077	51,121	55,924	88,724	89,838
National Average	117,155	83,243	71,840	49,231	54,444	85,429	86,100

### History

	Professor	Associate Professor	Assistant Professor	Instructor	Average Faculty	Texas Total Faculty Weighted Average Compared to Ten States
FY 2015 Texas	125,167	85,311	74,340	46,795	87,127	-2%
FY 2015 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%
FY 2014 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%
FY 2013 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%
FY 2012 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%
FY 2011 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%
FY 2010 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%
FY 2009 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%
FY 2008 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%
FY 2007 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%
FY 2006 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%
FY 2005 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 (19 of 38 in Texas). Salaries adjusted to standard nine month salary. Report excludes data where institutions reported one individual for a given institution.

THECB October 2015

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## Pictures from the Fall Conference



TACT Vice President of Government Affairs Peter Hugill and Lisa Hobson participated in the bi-annual Capitol visits with staffers of the Senate and House Committees on Higher Education. Implementation of guns on campus, the unfunded mandate of the Hazlewood Act and the new higher education strategic plan were among the discussion items



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## Pictures from the Fall Conference (cont'd.)



Keynote Speaker Dr. Diana Natalicio, President of the University of Texas at El Paso, described the integrated efforts among the university, community college and school district to efficiently and cost effectively assist low-income students attain college degrees.

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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**

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Chuck Hempstead

Harvey D. Johnson

Lynn Godkin

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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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or renew over the phone by calling (512) 873-7404.



Visit [www.tact.org](http://www.tact.org) and  
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