

March 2, 2015

***RE: SB 861 AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS AND DISCIPLINE OF FACULTY MEMBERS OF INSTITUTIONS OF HIGHER EDUCATION.***

My name is Rudy Fichtenbaum and I am President of the American Association of University Professors.

I am writing to you because SB 861 may be referred to the Labor and Public Employees Committee. The AAUP is opposed to this legislation because it would create an unprecedented level of involvement by the legislature in the collective bargaining process by mandating specific language in the Collective Bargaining Agreements (CBAs) of the institutions of higher education in Connecticut.

The bill would require criminal background checks before every promotion. The process of promotion is based on the performance of an individual faculty as judged by peers who are uniquely qualified to judge a faculty member's performance in the areas of teaching, research and professional service.

What this bill would do is to conflate the process of promotion, based on a faculty member's professional performance with discipline i.e., punishment for wrongdoing. It is my understanding that all employees are subject to a criminal background check before being hired. Discipline needs to be for adequate cause and this is covered in the collective bargaining agreement that applies to faculty at CSU. Faculty can be disciplined for "behavior demonstrating unfitness of the affected member to discharge professional responsibilities."

The main effect of this bill is to single out faculty and subject them to periodic background checks and then require discipline based on the results of these background checks. Moreover, there is nothing in the law that requires consideration of the nature and gravity of the offense, nor its impact on the potential of a faculty member to perform his or her job. Under this proposed law it is conceivable that a faculty member might be fired for engaging in civil disobedience i.e., for protesting an unjust law.

Therefore, I urge you to oppose SB 861. Thank you for your attention regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Rudy Fichtenbaum". The signature is written in black ink and includes a long horizontal flourish at the end.

Rudy Fichtenbaum  
President