



**CONNECTICUT STATE UNIVERSITY
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS**

February 11, 2015*

Testimony of Vijay Nair, President, Connecticut State University American Association of University Professors to the

Higher Education and Employment Advancement Committee regarding

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

Greetings, Senator Bartolomeo, Representative Willis and members of the Higher Education and Employment Advancement Committee. My name is Vijay Nair and I am the President of the Connecticut State University American Association of University Professors (CSU-AAUP), which represents 3,100 full-time and part-time faculty, librarians, coaches, and counselors at CSU.

I am now submitting this written testimony in opposition to SB 861, as I was unable to be present at the Committee's hearings on February 10th. This bill as proposed 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. CBAs are negotiated by management and employee unions and any concerns either party has regarding existing practices are appropriately brought up at the negotiating table. Of course, public employee CBAs are subject to final approval by the legislature as well.

CSU-AAUP's CBA keeps the discipline process and the promotion and tenure process separate. This separation is essential as the promotion and tenure process is conducted by faculty peers, department chairs, school deans, and experts in specific academic areas. These people are uniquely qualified to evaluate the teaching, research, service, and professional activities of members of the faculty. All promotion and tenure recommendations resulting from this process are subject to approval by the Provost or the President of the University before they are forwarded to the Board of Regents. Outside activities of faculty members should be considered in this process only to the extent that those activities affect their job performance in these categories.

Any potential employee of the four state universities must pass a full criminal background check before being hired. In addition, our CBA already provides for the university to take appropriate disciplinary action against faculty members who, as a result of any criminal activity or conviction, become unable or unfit to perform their jobs adequately. Article 16.3.1 of our CBA defines "adequate cause" for discipline as "behavior demonstrating unfitness of the affected member to discharge professional responsibilities." Should an individual faculty member commit

* The version of this testimony originally distributed had the date as February 11, 2014, which was an inadvertent error.

an infraction that makes her or him unfit to discharge professional responsibilities, she or he would be subject to discipline, up to and including termination. In addition, if such behavior renders the faculty member unable to be present for teaching or other assigned duties, according to Article 16.3.3 of the CBA that would constitute “abandonment” and could be grounds for termination.

All State agencies, including universities, have many categories of employees as well as their managements, but SB 861 singles out university faculty. To subject faculty alone to periodic background checks and to require discipline based on the results of such background checks is incongruous and fundamentally unfair.

Finally, punishment for criminal activity is appropriately left to the courts. The employer should impose further punishment only when such activities or their consequences impact the employee’s job performance.

Thank you for allowing me to submit this written testimony, I urge you to oppose SB 861. It is unnecessary, redundant, and fundamentally unfair. Thank you also for your continued support of Connecticut State Universities.

A handwritten signature in blue ink that reads "Vijay Nair". The signature is written in a cursive, flowing style.

Vijay Nair