

TERMS and CONDITIONS

Newsletter of the SCFA/AAUP

Spring 2003

As the legally recognized bargaining agent for Senate faculty at UCSC, the Santa Cruz Faculty Association has the authority under the Higher Education Employer-Employee Relations Act to meet and confer with the administration over terms and conditions of employment "which have customarily been determined on a division basis," and to consult with the UC Office of the President over systemwide terms and conditions of employment.

SCFA HOLDS DOWN PARKING FEES 1998-2002, SIGNS NEW AGREEMENT, WILL APPEAR IN SENATE MAY 16

Due to the SCFA's efforts to make the TAPS budget transparent and accountable, "A" permit fees for Senate faculty have, until now, been frozen at the 1999 rate of \$384—a big saving for Senators every year. More important than the amounts saved are our legal victories, our unearthing of budget information, our analysis of that information, and our development of principles that should govern the TAPS budget.

Find our complete analysis on the web at www.sc-fa.org. Parking fees and policy will be discussed at the May 16 Senate meeting, so BE THERE! SCFA representatives will be given the floor to answer your questions.

SCFA signs new fee agreement

Because the Senate Faculty's parking fees have been frozen so long at \$384, the University was threatening to collect retroactively the difference between their imposed parking rates on other employees and the rate under negotiation with the SCFA. TAPS was going to impose new fees of \$756 for 2003-04 and deny those new permits to any Senate faculty member who did not cough up hundreds and hundreds of dollars in retroactive fees. Although we wondered whether they could have done it either legally or politically, their lawyer at the bargaining table insisted in the strongest terms that it would happen.

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SCFA Annual Meeting

at the
University Club
on
May 20, 2003
5:00 to 7:30pm.

**The SCFA meeting is
open to all Senators.
We will occupy the
lanai and the rotunda
at the Club.**

**Refreshments will be
served.**

RSVP to scfa@aaup.org

TAPS' Rainy Day Funds

TAPS reserves are increasing much faster than projected.

Year	Projected Reserves	Reserves	% increase
2002	1,447,226	1,887,494	30%
2003	1,823,347	2,465,744	35%

Significantly, projections have increased over last two years and the amount of the increase has increased. In 2003, the difference between projected reserves and actual reserves is about \$642,000, or roughly 17% of TAPS' total revenues.

Parking
From page 1

Our analysts have calculated that about \$500/year for an A permit would have been fair for 2002-03, if the principles we advocate were followed. (Note that we have not done the calculation for 2003-04 yet.) That means that the \$384 that Senators have been paying does not cover TAPS' legitimate expenses. We believed that, like us, other Senate faculty would want to pay their fair share and not shift indefinitely the burden of TAPS' mistaken policies to other employees who could afford them even less.

And so on April 29, 2003, we signed an agreement that prevents the administration from seeking retroactive parking fees from Senate faculty for the years prior to 2002 and affirms that "the University is committed to meeting and conferring in good faith with the Association regarding those items to be considered in determining parking rates and increases." This is a significant concession on their part. (Prior to this, the administration has maintained that however much money TAPS collects and how the money is spent are a "managerial prerogative," and therefore "out of scope" for bargaining with the SCFA.) In return, the SCFA agreed that A permits for Senate faculty, beginning June 1, 2003, will be charged at the 2001-02 rate of \$684, and we will continue paying that rate until 2003-04 rates go into effect, whether by agreement or by the imposition of impasse. (We are still bargaining over those rates.)

Some Issue Highlights

TAPS wants (and so far, gets) parkers to pay for replacement of parking spaces that are lost when

buildings are sited on top of parking lots. Regular parking places cost \$8,000 per space, while parking structure spaces cost \$24,000 per space. The rise in A-permit fees from \$384 in 1999 to \$684 in 2001 to \$720 in 2002 was largely to pay for the new parking structure and its debt service, but two-thirds of those "new" spaces were actually replacements for spaces lost to infill buildings! That means that parkers pay \$8K/space to develop a lot, then \$8K or \$24K more to replace them when the lot is built over. Consult our analysis, then do the arithmetic and shudder.

TAPS projected budget and parking rates have been calculated assuming that 286 SCFA members pay only \$384 for A permits. Increasing this to \$684 should generate additional income of \$85,800 or a revenue increase of some 2.2%.

Now TAPS wants to build a new parking structure. If the same principles it has been using apply to the new structure, not just Senate Faculty but other parkers will subsidize buildings by paying for parking places several times over. Parkers include lecturers and low-paid support staff who live far from the University and buy parking permits so that they don't have to spend many unrecompensed hours each day getting to work by taking the bus.

There's more. TAPS raises its parking fees every year based on its projected income, expenses, AND desire to accumulate a big reserve. In the last several years, TAPS has been accumulating reserves faster (by approximately 35% for last year) than its earlier projections predicted. This additional increase in the reserves corresponds to about 17% of the estimated revenues, suggesting that parking fees could have been lower. However, TAPS has not lowered the parking fees or even raised them more slowly.

More highlights and more details will be revealed at the May 16 Senate meeting, including a Resolution to the Chancellor from the Faculty Welfare Committee. The SCFA will be there to give you an update and answer questions.

Shelly Errington,
Chair of the Executive Board

On the Money . . .

Entitled "Unequal Progress," this year's report of the AAUP's Committee on the Economic Status of the Profession points to the growing differences between salaries at private colleges and universities and those at public institutions.

This year marks the sixth consecutive year in which faculty salaries rose more than inflation, although the average annual increase (net after inflation) was only 1.25 percent during this period. However, one-quarter of continuing faculty in the public sector work at colleges and universities at which salaries did not keep up with inflation. One effect of this disparity may be the apparent difference between public and private institutions in the continuation rate for associate professors, which has been lower, on average, at public institutions during the last several years.

Also, the range of salaries across institutions within each sector has increased, and the dispersion of salaries among faculty with the same academic rank has increased over the past three decades. Dispersion (or "variance") refers to the spread between the institutions with the highest and the lowest average salaries for each faculty rank.

Based on data from more than 1,400 institutions, the survey provides comparative institutional rankings. Summary tables show faculty salaries and compensation by academic rank, gender, region, and institutional type. Changes in salary levels from the previous academic year are given for all faculty and for continuing faculty. Tables provide the average institutional cost of specific benefits, and proportions of faculty with tenure. A new feature in this year's report is the identification of professional school salaries included in each institution's averages.

Members receive the salary survey free in Academe. Non-members may order a copy (\$68.50) from:
www.aaup.org/catalogue/index.htm

Washington

Report on 108th Congress

Mark F. Smith
Director of Government Relations
American Association of University Professors

Congressional Action

The 108th Congress convened in January with an agenda dominated by unfinished business and new leadership teams. The November election resulted in narrow Republican control of both houses. In the House, Dennis Hastert of Illinois continues as Speaker, but Tom DeLay of Texas took over as Majority Leader after fellow Texan Dick Armey's retirement. Nancy Pelosi stepped up as Minority Leader after Dick Gephardt of Missouri stepped down in order to run for the Democratic Presidential nomination. Steny Hoyer of Maryland assumed the Minority Whip's position.

The President's budget for FY 2004 is available online on the OMB (Office of Management and Budget) website:

www.whitehouse.gov/omb/budget/fy2004/index.html

The Department of Education has prepared "FY 2004 Education Budget Summary and Background Information," available online at:

www.ed.gov/offices/OUS/Budget04/04summary/

In the Senate, the Republicans won majority control in the November elections, and put in a new leadership team. The new majority leader is Senator Bill Frist of Tennessee, replacing Trent Lott of Mississippi, and the assistant majority leader is Senator Mitch McConnell of Kentucky, replacing Don Nickles of Oklahoma. Nickles became chair of the Budget Committee, while Lott stepped down in the wake of controversial remarks he made over the winter. Democratic leaders will remain: Senator Tom Daschle of

South Dakota and Senator Harry Reid of Nevada, but they will lead the minority this session.

The new Congress completed action on the FY2003 appropriations bills in mid-February, four and a half months after the statutory deadline for final action. The last Congress had completed only two of the required 13 appropriations bills (defense and military construction.) The rest of the federal government was funded by continuing resolutions between the start of the fiscal year, October 1 and February 20, when the President signed the omnibus appropriations bill. However, two months later, Congress had to pass a FY 2003 supplemental appropriations bill, the largest such bill in history. This was largely to cover projected expenses for the war in Iraq. The total package approached \$80 billion, and in addition to covering six months of projected expenses directly related to the fighting in Iraq, included subsidy provisions for the airline industry.

At the same time Congress passed the supplemental FY2003 appropriations bill, the two houses sparred over differences on the FY2004 Budget Resolution. The House budget resolution allows for the entire \$726 billion tax cut called for in President Bush's original proposal, while the Senate settled for a more modest \$350 billion cut after a series of conflicting votes. The House resolution also includes a 1% cut on all non-homeland security programs, while the Senate passed an amendment proposed by Senator Edward Kennedy of Massachusetts explicitly allocating \$1.8 billion to the Pell Grant Program to raise the maximum grant to \$4,550.

The biggest issue involves the size of the tax cut, but the two houses differ over other issues, including

war expenses, funding for homeland security, and the faltering economy. In mid-April, Republican leaders floated the idea of passing a budget resolution that would allow the two houses to disagree over the size of the cut, leaving the decisive argument for a later time. The budget resolution is not binding, but it does allocate the sums available to the appropriations committees to set the levels of spending for federal programs. If the size of the tax cut is not specified in a reconciled budget resolution, Senate rule would require a supermajority 60 votes to pass any cut, rather than a simple majority of 50.

While budget issues dominate debate, Congress is considering other issues of concern for the AAUP and higher education. These include issues regarding international students and scholars, freedom of expression, and next year's reauthorization of the Higher Education Act.

Technical problems continue to block effective implementation of the Immigration and Naturalization Service's proposed Student and Exchange Visitor Information System (SEVIS). The AAUP joined in testimony to the House Science Committee that reported anecdotal evidence of students being denied re-entry into the country in the middle of their studies, technical problems that send student data to different institutions, and simple backlogs of data entry that have made the system a shambles.

Proposals continue to be floated that would expand controversial provisions of the 2001 USA Patriot Act, as well as some that would pull back some of those provisions. The AAUP has endorsed H.R. 1157, the Freedom to Read Protection Act of 2003, which exempts bookstores

Sacramento

Charles P. Nash, VP -External Relations
Myrna Hays, Lobbying Coordinator
Council of UC Faculty Associations

Report on the UC Budget Discussions--April 2003

Discussion of the UC budget is heating up in legislative budget hearings and in meetings of the UC Regents. While testimony is being taken, no real action is expected until after the May Revise. In addition to concerns about enrollment funding and student fees, the other issues being seriously discussed in the Legislative hearings are the cuts to Outreach and the Subject Matter Projects in the Governor's budget and the funding for UC Merced. The LAO (Legislative Analyst's Office) continues to cite the opinion that UC should increase the student/faculty ratio as a means of cutting enrollment costs, but Faculty Association observers do not see any serious discussion of this issue. Nonetheless, if you would like to review some of the most salient points being made by UC in reference to faculty interests, the full report of President Atkinson and V.P. Larry Hershman's comments to the Legislature and to the Regents are available at <www.ucop.edu/regents/regmeet/mar03/502.pdf>

Faculty Salaries and Merits

UC continues to place a high priority on faculty (and staff) salaries despite the fact that the Governor's budget provides no funding for either. It is particularly noteworthy that UC recognizes the need to pay faculty merits (due, at least in part, to the lawsuit in which the Faculty Associations played a major role when the merits were denied in the early 90's). However, no one has said where the funding will come

from. UC does say in the report that:

"In a survey conducted by the University spanning the last half of the 1990s, the reason most often cited by first-offer candidates for not accepting a UC appointment was that they had received a better salary offer elsewhere. Nothing is more certain to undermine quality than a persistent inability to offer competitive salaries. The University must be able to compete for the best faculty if its quality is to be maintained. This is particularly important during a time of unprecedented enrollment growth when campuses must hire thousands of new faculty over this decade."

Budget Challenges Facing UC in 2003-04 (\$ in millions)

\$159. Deep targeted cuts to the base budget covering nearly every area of the University's budget (on top of \$160 million in cuts contained in the 2002-03 Budget Act).

\$179. Student fee increases to avoid cuts in Instruction.

\$35. Unallocated reduction not covered by student fee increases.

\$24. Funding for faculty merit increases. UC says it has no choice but to fund faculty merits.

\$25. Employee health benefit increases.

\$20. Energy cost increases.

\$6. Maintenance of new space.

\$20. Price increases on non-salary budgets.

These figures are based on the Legislature accepting the Governor's

budget--not a done deal by any means. Recently, the Republicans rang in with an alternative budget proposal reflecting their desire to avoid increasing taxes. If adopted, their plan would cut UC by as much as 10% more. Hershman told the Regents and the legislators that UC will fight any reductions beyond those in the Governor's budget because those cuts are already deeper than they expected. Hershman said that despite the Governor's attempts to protect instruction, the additional \$35million in undesignated cuts could affect instruction, and added that quality would also be affected.

Further reductions could also affect enrollment. UC is currently experiencing unprecedented growth: By 2003-04, total enrollment will be more than 12,000 FTE over the level envisioned in the 1999 plan. In the current year alone, the University has 5,000 students more than budgeted levels. To accommodate an additional 10% funding reduction, UC would need to "reduce its student population by 32,000 people or raise tuition by 90%--\$3,200--in a year's time, said Lawrence Hershman. . ." (*Sacramento Bee*, March 26, 2003).

At the Regents' meeting, Hershman said that UC cannot reduce enrollment for 2003-04 because the students have already been admitted. The Regents discussed ideas for reducing enrollment over the long haul, including sending more students to community colleges. They also discussed possible fee increases, noting that UC fees are still lower than those of our comparison institutions. One Regent suggested a fee structure based on the student's ability to pay--charging more to students who can pay more. Hershman said that UC would be

SCFA/AAUP Reaffiliation Proposed

Two years have passed since the Santa Cruz Faculty Association (SCFA) began our trial affiliation with the American Association of University Professors (AAUP). Designed as a two-year trial to see how our organizations “fit,” it seems to us that they fit pretty well and the partnership has helped us to improve and increase our activities on behalf of Santa Cruz faculty. In the interests of developing more permanent ties, we have negotiated terms for a successor agreement that, we believe, will enable the SCFA to continue its organizational development while becoming a fully articulated chapter of the AAUP, its Collective Bargaining Congress, and its California Conference.¹

Before proceeding further, however, we need to hear from our members. Let us know your thoughts on reaffiliation at our upcoming meeting on May 20th. We will be submitting a ratification ballot to our membership shortly to ensure that we proceed in accordance with the desires of a majority of our members. Interested members may request the full text of the proposed agreement and related documents from <scfa@aaup.org>.

¹ The AAUP's Collective Bargaining Congress houses faculty at some 70 institutions: including, Rutgers, Univ. of Alaska, Univ. of Connecticut, Univ. of Delaware, Wayne State Univ., Univ. of Nebraska-Omaha, Univ. of New Hampshire, City University of New York, State University of New York, Kent State Univ., Univ. of Rhode Island, and the Univ. of Vermont. Large AAUP chapters in California, include the California Faculty Association (representing the CSU system's faculty), as well as the UC Berkeley and San Diego Faculty Associations.

We believe that reaffiliation will advance our bargaining and programmatic agenda while further enhancing our member services and communication efforts. During the past two years, we have received—and continue to receive—AAUP support in the areas of bargaining, communications, finances, insurance, taxation, leadership training, and membership development. In fact, our membership has grown by more than 50% in the past two years.

The AAUP provides a range of services to our members, including a subscription to *Academe*, access to professional liability and other discounted insurance programs, and the advice and assistance of the AAUP's professional staff. Member dues sustain the national activities of the AAUP—the defense of academic freedom, due process, and shared governance; government relations; higher education policy development; conferences and professional meetings; and the national salary survey—while providing for direct services to the SCFA. Under the terms of the reaffiliation agreement, much of the SCFA's administrative work will be handled through the AAUP's West Coast office, eliminating the need for us to incur additional staff expenses. Additionally, the AAUP has contracted with StateNet Legislative Information Services to be able to provide current updates on legislature moving through Sacramento, and is developing a new comprehensive website to provide additional information and resources to our faculty. Finally, there is the Emergency Fund of the AAUP's Collective Bargaining Congress should crises arise.

The SCFA currently pays discounted dues to the national AAUP; however, under the terms of the reaffiliation proposal, SCFA dues

would come up to the rate paid by other AAUP collective bargaining chapters and the AAUP's other UC affiliates (at Berkeley and San Diego). This transition would be gradual—spread out over 5 years—and balanced by several new services. The SCFA should be able to maintain positive revenues and build our reserves by raising monthly dues between \$.50 and \$2.00 (specific amounts would depend upon rank and other factors) annually (beginning January 2004). We believe that modest annual increments represent the best way to ensure a viable budget while pressing forward our advocacy work on behalf of Senate faculty.

Upcoming AAUP Events

89th Annual Meeting: “Liberal Education and Social Responsibility”

June 11-15, 2003

Washington Court Hotel, Washington, DC

It seems as if everybody is talking about liberal education these days—about its definition, about its uses and about its social relevancy. This year's annual meeting will focus on the faculty's response to ultimate questions about what we do as educators. For more information, go to:

www.aaup.org/events/03am.htm

Washington Court Hotel reservations may be made by calling 1-800-321-3010. AAUP rates are \$155/Single, \$175/Double. Be sure to mention the AAUP when making your reservations.

Summer Institute

July 24-27, 2003

University of New Mexico, Albuquerque, NM

This year's Institute offers three days of intensive training for AAUP leaders and provides invaluable opportunities for chapter leaders to compare notes with their colleagues from across the country. The program includes workshops on such topics as lobbying, strategic communications, and the effective use of higher education data and statistics. This is THE event for members who want to become more involved in the advocacy work of their local association or in the policy/political work of the national AAUP. More information available at:

www.aaup.org/events/CBSI.HTM

Santa Cruz Faculty Association Membership Application

I wish to join the UCSC Faculty Association. I agree to pay the following monthly dues (check one) by payroll deduction and to sign Form U669 below.

- _____ \$8/month for Assistant Professors
- _____ \$13/month for Associate Professors and Lecturers with SOE
- _____ \$18/month for Full Professors

Send completed form to:
SCFA/AAUP
343 Soquel Ave., #333
Santa Cruz, CA 95062

Emeriti professors may join the SCFA by returning this form and a check for \$50 (annual dues) to the address above.



**EMPLOYEE ORGANIZATION MEMBERSHIP
PAYROLL DEDUCTION AUTHORIZATION
UPAY 669 (r7/90)**

Please Print or Type

Campus UCSC	LOC	Employee I.D.	Date
Action on this Form to become effective the pay period beginning:			Date
Monthly Deduction			
	Enroll	Cancel	
Department Employed at UC	Dues	X	
Title at UC	Initiation Fee		None
Organization Name (include local name & number) Santa Cruz Faculty Association	General Assessment		None
Total			

I authorize The Regents of the University of California to withhold monthly or cease withholding from my earnings as an employee, membership dues, initiation fees and general assessments as indicated above.

I understand and agree to the arrangement whereby one total monthly deduction will be made by the University based upon the current rate of dues, initiation fees, and general assessments. **I ALSO UNDERSTAND THAT CHANGES IN THE RATE OF DUES, INITIATION FEES AND GENERAL ASSESSMENTS MAY BE MADE AFTER NOTICE TO THAT EFFECT IS GIVEN TO THE UNIVERSITY BY THE ORGANIZATION TO WHICH SUCH AUTHORIZED DEDUCTIONS ARE ASSIGNED AND I HEREBY EXPRESSLY AGREE THAT PURSUANT TO SUCH NOTICE THE UNIVERSITY MAY WITHHOLD FROM MY EARNINGS AMOUNTS EITHER GREATER THAN OR LESS THAN THOSE SHOWN ABOVE WITHOUT OBLIGATION TO INFORM ME BEFORE DOING SO OR TO SEEK ADDITIONAL AUTHORIZATION FROM ME FOR SUCH WITHHOLDINGS.**

The University will remit the amount deducted to the official designated by the organization.

This authorization shall remain in effect until revoked by me - allowing up to 30 days time to change the payroll records in order to make effective this assignment or revocation thereof - or until another employee organization becomes my exclusive representative.

It is understood that this authorization shall become void in the event the employee organization's eligibility for payroll deduction terminates for any reason. Upon termination of my employment with the University, this authorization will no longer be in effect.

This authorization does not include dues, initiation fees and general assessments to cover any time prior to the payroll period in which the initial deduction is made. Payroll deductions, including those legally required and those authorized by an employee are assigned priorities. In the event there are insufficient earnings to cover all required and authorized deductions, it is understood that deductions will be taken in the order assigned by the University and no adjustment will be made in a subsequent pay period for membership dues, initiation fees and general assessments.

Employee Signature	Date
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FOR UNIVERSITY USE ONLY

	Tran Code	Employee ID No.	Date	Element No.	Bal CD	Amount
	1 2 4	12 13 18	MO DY YR	19 22	23	24 3
	X1			6	G	
	X1			6	G	
	X1			6	G	

RETENTION 1 YEAR AFTER INACTIVE - ACCOUNTING OFFICE

Members' dues fund the operation of the SCFA, the state-wide lobbying of the Council of UC Faculty Associations, and the AAUP's defense of faculty rights across the nation. If you're not already a member, why not take this opportunity to join with your colleagues in support of this important work?

Please contact us if you would like more information.

(800) 431-3348
scfa@aaup.org



SCFA/AAUP
343 Soquel Ave., #333
Santa Cruz, CA 95062

---- Tape or staple closed ----

UC-AFT Lecturer Contract Update

Mike Rotkin,
President, UC-AFT, Local 2199

Following over three years of bargaining, UC Lecturers, represented by the UC-AFT, have seen what appears to be our first real breakthrough at bargaining sessions held in Los Angeles on the fifteenth and sixteenth of April. An important caveat is that the agreement on a framework for a settlement has not yet been reduced to final contract language. However, for the first time, we are at least in conceptual agreement on the provisions necessary for a contract acceptable to both the UC-AFT and the Administration.



Solidarity on Parade:
Striking clericals and lecturers found clever ways to make their points.
(Photo courtesy of Fred Glass,
Communications Director, CFT/AFT)

Facing pressure from a UC-AFT membership growing in numbers and militancy, the Administration finally offered significant and real improvements in job security, pay, and the enforceability of the contract. A persistent educational campaign, including two day strikes in

the fall, additional direct action threatened for this spring, and strong support from the California legislature, allies in other unions and professional associations — including the SCFA/AAUP— apparently made the difference.

Although the UC-AFT did not achieve every improvement we sought when we started bargaining in March of 2000, we made significant progress in virtually every critical area. Some of the improvements we will see, when the conceptual agreement is concretized in final contract language include:

*** New and significant protections for pre-six year lecturers. Among these are provisions to prohibit automatic churning of lecturers in order to block all access to post-six year appointments; a requirement that departments will review files and follow procedures when they are making decisions based on the academic qualifications of pre-six year lecturers; and a prohibition on replacing incumbent pre-six year lectures simply in order to hire someone at a lower salary.**

*** A significant increase in the minimum salary paid to pre-six and post-six year lecturers (we are still discussing the exact dates for the increases to take effect).**

*** Retroactive pay increases going back to October 2000.**

*** An automatic step increase (about 2.5%) for all lecturers in their third year of employment and consideration every three years for a minimum two-step merit increase (about 5%) for post-six year lecturers.**

*** A new system of benefit and retirement coverage for part-time employees working more than half-time, even if they are hired on a quarterly basis. The new system will not penalize lecturers for not working for the University over the summer.**

*** Committees, including lecturers, on each campus to study workload problems in certain departments and recommend changes.**

*** A new system of continuing appointments for post-six year lecturers to replace the current three year appointment system. The system would provide significant protections against arbitrary dismissals or lay-offs. We are still clarifying how augmentations to appointment percentages will work. This is not a tenure system, since lecturers could still be laid off or reduced in time if there are no courses for them to teach; however, the reasons for layoff will be limited in very specific ways. Lecturers could still be terminated for cause—among other reasons, for a significant and sustained decline in the quality of their teaching—but there would be a clear system allowing for remediation of problems and appeals before termination.**

*** New contract protection for lecturers with “by arrangement” salaries, including coverage under Unit 18 range adjustments and minimal salary provisions.**

*** A new professional development fund, which will, for the first time, provide support for lecturers, including attendance at professional conferences and a limited number of paid leaves. Decisions about the distribution of the money will be based on the recommendations of lecturers.**

*** A new system of third-party arbitration for dispute resolution.**

Because there is always the very real danger that the agreement will not be successfully consummated, we are urging our members and supporters to continue their pressure on the Administration. However, the prospects for a settlement in this long-running dispute appear, for the first time, to be somewhat hopeful.

Sacramento
From page 4

wise to negotiate matters of enrollment and fees with the Legislature to avoid possible negative consequences. He asked to have student fee increases placed on the May meeting agenda. The Legislature will continue budget hearings throughout the spring and summer until a budget is signed.

Hershman pointed to two possibly positive signs for meeting budget deadlines: the Big Five has begun to meet and the court ruling that the state could not pay state employees any more than the federal minimum wage may put pressure on the Legislature to act. Nonetheless, there is great division among the politicians. It may be a long summer.

Regarding Letters to Legislators Concerning the UC Budget

Recently, President Atkinson sent out a newsletter entitled: "A BUDGET UPDATE FROM THE UNIVERSITY OF CALIFORNIA PRESIDENT FOR UC FACULTY

AND STAFF" which is available on the web at <www.ucop.edu/news/budget/issue7.html>. In the Q&A part of that message he wrote: "Currently, the state Legislature is evaluating the Governor's proposed 2003-04 state-funded budget for the University. One of the things you can do is to write your legislator, stressing the importance of continued strong state investment in UC by sharing your personal experience of how specific programs or services to students or the public are being or may be impacted by budget cuts."

The Faculty Association legislative monitors agree that carefully crafted letters from individual faculty members could be very helpful to the University's cause, but we think that they should be directed to members of the Assembly and Senate committees that at this moment are dealing with the UC budget in the trenches (see below) rather than their own local representatives, who will get into the act only when the horse trading is pretty much over.

Under no circumstances do we recommend saying word one about faculty salaries in general or merits in particular. The administration has already made a strong case for keeping salaries competitive, but the best that one could realistically hope for from such a pitch would be legislative support for a rapid return to parity with our comparison institutions when the state's finances are healthier.

Faculty members are very credible sources of anecdotal evidence regarding the educational consequences of past, present and future educational policy and budget decisions. For example, in recent years the legislature has sought and obtained some significant changes in UC's admissions policies. Partly because of them, UC is presently

"overenrolled" by about 5,000 students systemwide. What that really means is that we are underfunded by the dollar equivalent of 5,000 students at the so-called marginal cost of instruction, currently about \$9,000 per FTE student. UC projects that in 2003-04 the over-enrollment will be more than 12,000 FTEs. Like it or not, on some campuses the student/faculty ratio will have to increase, even though our current systemwide figure is larger than that of any of our comparison-8 institutions. The inevitable consequences will be larger classes, fewer sections of required courses, etc., etc.

If you do contact one of the legislators listed below, please send a blind copy to us:

c/o Myrna Hays,
CUCFA Legislative Coordinator,
1129 Fordham Drive,
Davis, CA 95616

dfamhays@dcn.davis.ca.us

CONTACT US

SCFA/AAUP
scfa@aaup.org
www.sc-fa.org

AAUP, West Coast
15 Shattuck Sq., Suite 200
Berkeley, CA 94704-1151
800-431-3348
westcoast@aaup.org

AAUP, National Office
1012 14th St., NW, Suite 500
Washington, DC 20005-3465
800-424-2973
aaup@aaup.org
www.aaup.org

CUCFA
P.O. Box 8378
Santa Cruz, CA 95061-8378

Senate Budget Sub-committee for Education:

Chair: Jack Scott (Dem)
Senator.Scott@sen.ca.gov
Bob Margett (Rep)
Senator.Margett@sen.ca.gov
John Vasconcellos (Dem)
Senator.Vasconcellos@sen.ca.gov

Assembly Budget Sub-committee for Education:

Chair: S. Joseph Simitian (Dem)
Assemblymember.Simitian@assembly.ca.gov
Wilma Chan (Dem)
Assemblymember.Chan@assembly.ca.gov
Lynn Daucher (Rep)
Assemblymember.Daucher@assembly.ca.gov
Jackie Goldberg (Dem)
Assemblymember.Goldberg@assembly.ca.gov
Carol Liu (Dem)
Assemblymember.Liu@assembly.ca.gov
Sharon Runner (Rep)
Assemblywoman.Runner@assembly.ca.gov

Washington
From page 3

and libraries from certain provisions of the PATRIOT Act. Specifically, the proposed legislation would protect the privacy of patrons by preventing law enforcement agencies from compelling bookstores and libraries to release lists of books purchased or borrowed. The PATRIOT Act had broadened the scope of searches allowed under the Foreign Intelligence Surveillance Act. The proposed legislation would also require the Attorney General to more completely report to the Congress on a regular basis the results of such searches.

Capitol Hill Day

Washington, DC

Thursday, June 12th, 2003

Capitol Hill Day affords AAUP members the opportunity to visit their senators and representatives in Washington, D.C. to talk about issues affecting higher education.

Call the congressional switchboard at (202) 224-3121 through May and ask to make an appointment with your senators and representatives between 10 AM and 4 PM on June 12.

Orientation sessions will be offered first thing in the morning at the Washington Court Hotel, and legislative information and packets will be available throughout the day. Members of the AAUP's Committee on Government Relations will be available for consultation during the day.

In the afternoon, gather on the Hill for a congressional reception honoring the recipient of the 2003 Henry T. Yost Award for Congressional Leadership. The Yost Award is given to the senators and representatives who make the greatest contribution for higher education each year. Nominations for next year's Yost award will be accepted until the end of September 2003, and should be marked to the attention of the Committee on Government Relations.

For more information visit:
www.aaup.org/govrel/capthill/2003/caphillindex.htm

The 108th Congress will reauthorize the Higher Education Act (HEA), but with all the pressing business now before it, Congress will put that off until next year. The Association has identified a core group of themes, (access, quality, diversity, and openness) that will guide our work on the reauthorization process. During the course of the debate, these themes will be fleshed out to deal with specifics of the legislation. Information on the HEA is available on the AAUP's Government Relations webpage

www.aaup.org/govrel/index.htm

This page includes a link to the Department of Education's official reauthorization webpage:

State Legislative Highlights

While other state governments are not dealing with the magnitude of the cuts California is facing, most are facing difficult budget situations and cutting popular programs. Higher education programs are especially hard hit. State Budget Cuts even led to the proposed layoffs of tenured faculty members in Nebraska. Despite bad news on the budgetary front, there were some bright lights. Last session, the Washington State Legislature passed, and the Governor signed, legislation giving faculty and graduate teaching assistants the right to choose to engage in collective bargaining. This session, New Mexico joined that trend. On March 7 Governor Bill Richardson signed the Public Employee Bargaining Act, giving faculty and other public employees these basic rights. AAUP members strongly supported this legislation in both states.

2003 saw two legislative battles over the status of tenure. In Virginia, a rather frivolous bill outlaw-

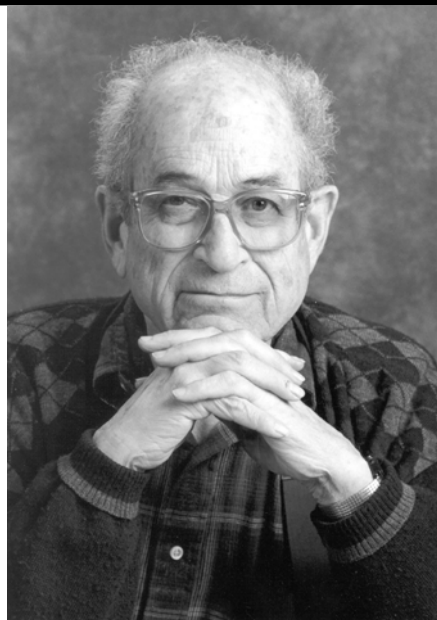
ing tenure in all public institutions was introduced in early January. It was immediately tabled by the Education Committee after a great deal of comments extolling the importance of tenure to the quality of higher education. A more serious threat developed in South Carolina, where faculty leaders discovered in February that a state bill had the apparently unintended consequence of eliminating tenure in the state. The bill's sponsors meant to clarify that all employment relationships in the state were "at-will" relationships unless both parties signed a written contract explicitly stating otherwise. The bill further stated that no handbook, policy, or procedure overrode the at-will relationship. Since few tenured or tenure-track faculty have individual written contracts of the kind described in the bill, the effect would have been to transform tenured faculty status into at-will employment.

The bill had passed the South Carolina House overwhelmingly and seemed set for quick passage in the state Senate. Working with chapter, conference, and faculty senate leaders in the state, the national AAUP office mobilized calls to senators. Within a week, concerted faculty action led the state senate to agree to an amendment providing that nothing in the bill "shall be construed to affect the rights and policies regarding tenure for public and private college and university faculty." This language removes the threat to tenure from the bill, allowing the settled and well established employment relations in colleges and universities to stand. After the Senate amended the bill to protect tenure policies, it voted to send the bill back to committee, where its ultimate fate is uncertain.

Congratulations to the faculty involved for contacting their legislators, and clarifying these vital protections!

In Memoriam

David Feller long-time John H. Boalt professor of law at UC Berkeley's Boalt Hall died on the 10th of February, 2003. Feller was 86. During the course of an extraordinary career, Feller became widely known for his work in the areas of labor and civil rights. He wrote one of the *amici* briefs in *Brown v. Board of Education* and served for a number of years as the general counsel to the United Steelworkers of America.



David Feller (1916 -2003)

"In 1998/99, in his eighties, David served as our representative on the arbitration board concerning the parking issue, writing a memorable--blisteringly contemptuous--dissent from the decision of the arbitrator. The SCFA owes Dave Feller an immense debt."

*Michael Warren,
Former Chair, SCFA*

the right to organize for purposes of collective bargaining. He founded the Council of UC Faculty Associations (CUCFA) and, for some fifteen years, was its chair, intellectual guide, and most forceful spokesperson.

He was an indefatigable and generous advisor to chairs of the SCFA. Although primarily involved with the Berkeley Faculty Association, Feller took a marked interest in the SCFA because of our significance as the only senate faculty with collective bargaining rights in the UC system. Indeed, Feller served as our chief negotiator and engineered the Association's foundational Memorandum of Understanding with the administration.

Anticipating the legalization of unions within the UC system, Feller was a prime mover behind the creation of faculty associations on various campuses in the early seventies. Later he played a leading role in the drafting, and 1978 passage, of California's Higher Education Employer-Employee Relations Act (HEERA) which provided public-sector faculty in California with

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Important Senate Meeting FRIDAY, MAY 16

Few issues are as controversial, or affect us and the support staff as much, as PARKING. An important Resolution concerning Parking will be put before the Senate at its May 16 meeting.

Further, members of the SCFA's Parking Bargaining Committee will be on hand, at the request of the Senate Committee on Faculty Welfare, to brief you on the bargaining process, the new agreement that the SCFA has signed on parking fees for Senate Faculty, and to answer your questions.