

Unit Ties

Promoting Quality Higher Education - An Investment in Oregon's Future

Winter 2011

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PSU-AAUP Speaker Series: "Outlook Hazy: Does Public Higher Education Have a Future in Oregon?"

As the University projects for a biennium with a 25% lower state allocation, the Executive Council is pleased to announce three events to help frame the discussion of higher education funding in Oregon. This series will explore the new normal that looks less like higher education for the public good and more like education for those who can afford it. Admission is free for all events and light refreshments will be served.

January 26, 2011 "State of the State in Higher Education"

David Sarasohn, Associate Editor of the *Oregonian* will talk about his book "*Failing Grade: Oregon's Higher Education System Goes Begging*" which chronicles declines in quality and access that accompanied two decades of cuts in higher education funding. PSU-AAUP will be raffling copies of his book.

February 17, 2011 "Private Models, Public Costs"

National AAUP General Secretary Gary Rhoades will discuss the changing national landscape in higher education and have a public discussion with PSU President Wim Wiewel about key concepts in his book "*Academic Capitalism and the New Economy*." Mr. Rhoades will talk about how Universities have become capitalist enterprises that must turn all activities into revenue streams. That altered focus has dramatically impacted faculty and higher education in general.

April 26, 2011 "Playing the Research Lottery: Not for Investment Purposes"

Bob Meister, UC Santa Cruz will discuss the implications of increasing tuition as state support for higher education declines. Meister is President of the Council of UC Faculty Associations and Professor of Political and Social Thought, UC Santa Cruz.

President's Message

by Jonathan Uto, PSU-AAUP President

A Quality Education: Fighting for Faculty in Uncertain Times

It amazes me how much the economy, education and the world has changed since the Great Recession. PSU-AAUP, like many organizations, is finally finding its footing in this new reality. Scarce resources, diverse expectations and uncertainty are tough to navigate. We are reminded in these tough times about our union's commitment to protecting and improving the wages, hours and working conditions of faculty and academic professionals so that we can continue to deliver a quality education.

Faculty and Academic Professionals are the driving force of Portland State University (PSU). That is a fact that no one will argue. As a group we are the primary force that creates and delivers the package of services and goods that keep this institution afloat and build its reputation. Whether it be in the classroom educating a 21st century workforce, or in the research arena developing products, ideas and knowledge to drive and build the economy, PSU cannot do it without us.

PSU-AAUP has been working diligently, and will continue to do so, reminding stakeholders, administration and others about the good work faculty and academic professionals do. We continue to be the voice of the profession. This is happening in Salem through lobbying, in taskforces/committees (PSU/OHSU Merger Task Force, Future Financials Task Force, LTIFS, Labor/Management, Fixed Term Faculty, Workload) and with our labor and higher education coalition partners. Our message is clear and simple, "If we want an educated work force and new ideas and products to build our economy, then investing in faculty and academic professionals must remain a top priority."

This lobbying, committee work and communication is important. As new buildings are proposed, new administrative positions created, and new initiatives are funded it seems faculty and academic professionals become an afterthought. We cannot let this happen. Funding faculty and academic professionals must be a priority. Recruiting and retaining a talented workforce is essential to the future of this institution and the economic health of this region. We must ensure quality education is protected and investment priorities have faculty and academic professionals at the top of the list.

Join your colleagues in PSU-AAUP across campus making all this happen. Uncertain times have taught us that one thing is clear. PSU needs to recruit and retain faculty and academic professionals to assure its long term success. Let's join together and do the work that ensures this happens.

Legislative Update

By January 12, over 1600 bills were introduced for the 2011 legislative session. PSU-AAUP has identified 74 bills that may be of concern to PSU and higher education faculty and will track them.

The Attack on PERS

As has been reported in the *Salem Statesman Journal* and the *Oregonian*, so far there are over 20 bills that propose to dramatically alter PERS and reduce retirement benefits for state employees and retirees.

PSU-AAUP is a member of the PERS Coalition, a consortium of organizations of active public employees and retirees. A significant percentage of the bills proposed likely violate state law since the Oregon Supreme Court's holding that Bill Sizemore's Measure 8 was unconstitutional. There are a few, however, that have the potential to change the game for retirement from the public sector. The PERS Coalition is going to approach these bills with a unified focus. To that effect, we have our first meeting with the Legislative Analyst Committee at the end of January to review these bills.

Faculty Testify at Senate Subcommittee on Higher Education on Senate Bill 242

On February 3, 2010 PSU-AAUP Vice President of Collective Bargaining Professor Mary King, and Executive Councilor and Bargaining Team Member Professor Ron Narode testified before the Senate and House Joint Subcommittees on

Higher Education about Senate Bill 242. Their testimony asked legislators to concentrate on academic quality in the face of a bill that shifts funding measures to the number of degrees we produce. Their testimony can be downloaded at: <http://www.psuaaup.net/index.html - testimony>

OUS Restructuring

We previously reported on OUS restructuring as it was considered out in the Governance committee of the State Board of Higher Education, and the Legislative Higher Education Work Group. That work has culminated in Senate Bill 242 which was introduced on January 10, 2011.

PSU-AAUP is mindful that the real impact of Senate Bill 242 will play out in a compact between the Oregon University System and the State, and a corollary compact between Portland State University and OUS.

Our prime concern is that the quality of teaching, learning, and research will erode if they are assessed by the universities themselves. PSU-AAUP will be discussing ways in which academic quality can be defined and assured within the context of the new legislation.

Executive Council seeks to empanel a Legislative Committee

With so many higher education bills, the Executive Committee needs volunteers to work with the executive director to evaluate the most important bills and make recommendations to the council on endorsements and other action regarding proposed legislation. If you're interested or know someone who can help, please contact Phil Lesch at phil@psuaaup.net.

Executive Council approves Bylaws Change

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At its January 6, 2011 meeting, the Executive Committee adopted a bylaws change that brings a number of changes. Last year the executive council adopted Association Policy 02- Hudson Procedure, to comply with the requirements of *Chicago Teachers Union. Local No. 1. AFT. AFL-CIO v. Hudson. 475 U.S. 292, 106 S.Ct. 1066 (1986)*. Association Policy 02, however, was not consistent with the PSU-AAUP Bylaws, which were written before the Hudson Decision and the implementation of our Hudson process. PSU-AAUP Bylaws Section 7 makes the Bylaws and Association Policy 02 consistent.

There are three revisions to Section 6. The first revision provides a methodology for increases in national AAUP dues to PSU-AAUP to be passed on as PSU-AAUP dues to members. Since 2000, national AAUP has increased their per member charge to PSU-AAUP 47%, or approximately 2% per year. This increase was a key driver of the Association's deficit spending in 2007, 2008 and 2009.

This change will slightly increase PSU-AAUP member dues when and if national AAUP increases dues to PSU-AAUP. As an example, if national AAUP per member dues to PSU-AAUP are increased 2.3% from one year to the next, then a 9 month Professor at \$80,000 will see the monthly dues deduction increase from \$66.66 to \$68.17. National AAUP increased its dues from 2010 to 2011, but that increase is not covered by this bylaw change. We have not been notified of any further increases.

The second provision enforces in the Bylaws the current practice for Associate members. If a PSU-AAUP member leaves the bargaining unit for an unrepresented position at PSU, it is assumed that the member wishes to remain a member of PSU-AAUP and automatically becomes an Associate Member of PSU-AAUP. Associate members can notify PSU-AAUP at any time to withdraw their membership from the Association.

The third revision addresses the costs of affiliation with other organizations, or the re-creation of an Oregon AAUP State Conference. Should the membership vote to join an organization that has per member charges of any kind, those per member charges are to be added to dues. There is currently no plan to create an Oregon AAUP State Conference or affiliate with any other organizations. The organizing drives at UO and OSU, however, may present opportunities in the future that the membership may wish to consider.

The new bylaws are posted at : <http://www.psuaaup.net/bylaws.htm>

Preparing for Bargaining

The current collective bargaining agreement expires on August 31, 2011. The Collective Bargaining Team has been meeting since September to review the changing financial landscape of the state and the Oregon University System. A survey will be distributed to the membership so the team can understand the membership's priorities for the upcoming bargaining proposal.

Nominations Open for Executive Council Positions

Elections for PSU-AAUP officers will take place in April. The following positions are open for nominations: Vice President of Grievances and Academic Freedom, Secretary, Treasurer and 3 at-large councilor positions. Announcement of open nominations will be sent out in mid-February in accordance with the Bylaws Section 1.

Year End Actuals Released



The Association's 2009 financials are available on our website at:

<http://www.psuaaup.net/index.html - actuals>

Dispute Resolutions

Court of Appeals reversal to be appealed to Oregon Supreme Court

In December, the Ninth Circuit Court of Appeals reversed our 2006 holding at the Employee Relations Board. That holding stated that PSU had violated the contract when they refused to process a grievance based upon discrimination when a parallel discrimination complaint had also been initiated with the EEOC. Specifically, the Employment Relations Board found that the “Resort to Other Procedures” language in Article 28 of the 2007-2009 collective bargaining agreement was discriminatory and caused a material reduction in faculty members ability to use the grievance procedure (the Resort to Other Procedure language was removed in bargaining the 2009-2011 contract).

The Employment Relations Board holding was appealed by the Oregon Attorney General, and the Court of Appeals reversed the Employment Relations Board decision, stating their belief that it was reasonable for the public employer to seek to aggregate claims to reduce costs. We believe the rationale behind the reversal is flawed and the thrust of the case is appropriately and eloquently explained in the dissent, which affirms that denying an employee access to due process outweighs the need for the public employer to contain costs. The Executive Council voted to have our attorney Liz Joffe petition the Supreme Court for review.

The case is important to PSU faculty and all workers because the Court of Appeals decision allows employers, in effect, to bar employees from using the grievance procedure in discrimination cases when discrimination is in a collective bargaining agreement. This is a substantial loss of due process and provides a chilling effect against the filing of discrimination grievances and discrimination claims.

School of Social Work Workload Policy

PSU-AAUP is investigating whether the School of Social Work implemented a workload policy in possible violation of the collective bargaining agreement and the Public Employee Collective

Bargaining Act (PECBA). The document describing the policy benchmarks workload for tenure-related faculty at 36 student credit hours per year, and forces faculty to justify on a yearly basis the reduction from that benchmark for scholarship and service. Workload has been held by the courts to be a mandatory subject of bargaining as an “Other Condition of Employment” since *OPEU, Local 503 v. State of Oregon, 10 PECBR 51(1987)*. An information request seeking clarification about the workload policy was presented to the administration on January 6th.

Discipline from relations with students

Faculty are increasingly finding themselves facing sanctions under Article 27 for complaints from students for sexual harassment outside of the classroom, mostly during office hours. Close proximity that appears to be innocent to a faculty member could be interpreted to be something very different by a student. PSU-AAUP urges faculty to use caution and good judgment in meeting with students, especially in the evening.

Department Intervention/Mediation creates a needed healing

A department of approximately 15 full time tenured, tenure track and fixed term faculty members was plagued with grievances against each other that spanned half a decade. Department meetings were contentious; professional respect and courtesy were abandoned. At PSU-AAUP’s request, the University hired an outside mediator skilled in conflict resolution. Through facilitated meetings with the outside mediator, this department found a path back to collegiality, and the individual faculty members are beginning to report healing. Community lunch gatherings are on the horizon. PSU-AAUP is committed to helping departments find maintain professionalism. If a faculty member believes their department might similarly benefit from intervention, s/he should contact Phil Lesch at phil@psuaaup.net.