

# Unit Ties

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

## Summer 2011

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## Membership: One Hundred by Halloween!

PSU-AAUP's membership campaign is on track to secure 100 new members by Halloween. As you know membership to PSU-AAUP gives us strength at the bargaining table and supports a vibrant and active faculty union. At a time when public workers are under attack it is crucial that we stand together to fight for our wages and benefits. **You are not a member of PSU-AAUP, your collective bargaining union, unless you actively sign up and join.**

New members have incentives to join now! The usual membership benefits such as regalia reimbursement, the right to vote, the right to serve on committees and elected positions, and membership to National AAUP still stand. There is also the fact that the dues deduction level will not change when an individual signs up for membership so there is no reason for our colleagues to sit out! Membership applications can be found on our website: [www.psuaaup.net](http://www.psuaaup.net)

When you get a colleague to sign up for membership write your name on the top right hand corner of the application. For each new member you recruit PSU-AAUP will give you a \$10 gift card to one of the stores listed below.

- Powell's Bookstore
- Starbucks
- Amazon
- PSU Bookstore
- Whole Foods
- Apple Store

New members who join by Halloween will be entered into a raffle for an IPAD or one of five \$20 Starbucks gift cards. The raffle will be held at a PSU-AAUP social event on Halloween afternoon at 4:00 pm.

Are you a superstar membership recruiter? We can discuss a possible course release or 1/3 FTE reduction for you, paid for by PSU-AAUP to your department, to perform membership recruitment. Email Jonathan Uto at [utoj@pdx.edu](mailto:utoj@pdx.edu) if you are interested.

If you have any questions about membership please contact Jonathan Uto, PSU-AAUP President, [utoj@pdx.edu](mailto:utoj@pdx.edu).

## Faculty Reading Room in Library is Fabulous!

Have you checked out the new Faculty Reading room in the library? It's a nicely decorated room with two computers, wi-fi, and several comfy armchairs. It is a great place to work!

PSU faculty members using the room earlier this week said that the room works like a writer's retreat, creating a quiet, group workspace where they can avoid their "pit of an office," "toddlers at home," and the myriad number of distractions that impede scholarly writing.

One faculty member has thought through the acknowledgements section for the book she's writing; it will include a big thank you to the PSU-AAUP for negotiating workspace for faculty in the library!

Check out one of four keys from circulation by showing PSU Faculty ID, and see for yourself!

Submitted by PSU-AAUP VP Collective Bargaining Mary King, [crm@pdx.edu](mailto:crm@pdx.edu)

## Computer Lottery Well Underway



Nearly 400 people put in applications for a second computing platform, choosing from a laptop, desktop or iPad.

All of the people whose names were drawn during Round One of the lottery will get new computers, as will a good number of people whose names were ranked in Round Two.

According to Nate Henry of OIT, who's coordinating the rollout of the new machines while Jahed Sukhun is out of town, almost all of the computers have arrived, and most of the Round One winners have their machines. Round Two winners will be contacted shortly.

In addition, 65 people who had exceptionally weak computers after the last round of PSU upgrades were able to obtain new machines.

Submitted by PSU-AAUP VP Collective Bargaining Mary King, [crm@pdx.edu](mailto:crm@pdx.edu)

## Collective Bargaining Update

### From the Last Bargaining Session

Good News: August 9<sup>th</sup>, the Administration at last responded to our proposals.

Bad News: They dismissed all of them, except one strategy for better job security for fixed-term faculty that now appears to be a non-starter, blocked by the Oregon Administrative Rules (OAR) that govern the Oregon University System.

Worst News: they offered us the same lousy deal cooked up by the Chancellor and Governor that we should settle for what the Oregon state workers are having to take, including:

- picking up 5% of our health care premium, anticipated to be about \$64/month
- limiting total compensation gains to the equivalent of what AFSCME and SEIU (non-OUS) got, which included 5-7 furlough days/year, two cost of living increases and a step increase.

OUS is not even offering SEIU workers the opportunity follow the DAS deal: to take furloughs now, while pushing up base salaries, which can be built on later and factor into retirement contributions.

SEIU and OUS talks are at impasse, because OUS wants

- no furloughs
- no cost of living increases
- no step increase
- employee pick up of 5% of health care costs

SEIU is resisting, as will we, because the FACTS are that

- public money accounted for only 1/6<sup>th</sup> of PSU's budget in FY 2010.
- tuition, enrollment and external funding dollars are up, up, up.
- All kinds of vice-presidents, vice-provosts, assistant Deans, etc. are being hired,
- \$54 million dollars of E & G funding was banked as unrestricted assets at the end of June 2011—that's a surplus of 20%, of the monies used for faculty and teaching (<http://www.pdx.edu/budget/financial-reports-and-budget-exhibits>)
- PSU has made big additions to reserves every year over the past 5 years. (<http://www.ous.edu/factreport/opereport>)
- PSU salaries and benefits do not match the expectations or competition.

So, why is PSU banking big surpluses, while making cuts and talking tough?

Why are we sacrificing PSU's competitiveness and capacity, when we have the \$\$?

Where's the leadership for the PSU faculty, students and our standing as University?

We took furloughs and a wage freeze last biennium when the Administration underestimated revenues and over-estimated expenses..... are we seeing a pattern here?

*Submitted by Mary King, VP for Bargaining ([crm@pdx.edu](mailto:crm@pdx.edu))  
on behalf of the Bargaining Team  
(Sy Adler, David Hansen, Bob Liebman, Anh Ly, Ron Narode & Jon Uto)*

## SEIU-OUS Declares Impasse and Starts Preparations to Strike

In the spirit of the presentation of the American colony's Declaration of Independence to King George of England, on Wednesday August 17 SEIU-OUS Chief Negotiator Marc Nisenfeld dressed up like a member of the Revolutionary Congress and with a mass of SEIU and AAUP members in his wake, presented SEIU's declaration of impasse to "King" George Pernsteiner and PSU President Wim Wiewel. SEIU is beginning preparations for a strike on or about September 19<sup>th</sup>. They advise they have sufficient funds to man pickets at all 7 campuses as well as at the Chancellor's offices. While SEIU and OUS will meet again with the mediator on September 2, both sides are entrenched in their positions and little movement is expected. SEIU's rally and declaration of impasse is about money. The issues classified employees have faced in bargaining are the issues that your AAUP negotiators are facing in bargaining.

SEIU-OUS rejects the notion that OUS employees should accept the same furloughs and cutbacks as State employees because OUS and PSU has steadily increased revenues, steadily increased its profit margin, and continuously socked money in the bank.

SEIU-OUS rejects the notion that the Governor should continue to control OUS bargaining now that SB 242 has given us freedom. We couldn't agree more.

PSU-AAUP cannot participate in or advocate any kind of sympathy strike- such action is unlawful in Oregon. But we can join their rallies, and we can join their chants. We certainly share their indignation. We ask ALL AAUP members to come out to rallies and protests when possible in support of SEIU and our collective issues.

We hope to see you at an upcoming rally. Its likely events will begin happening very quickly, but we will send out notice as soon as we can once we are notified.

## Come to Bargaining, get an AAUP Tee-shirt!

Nothing puts management negotiators on edge like having an audience. Faculty and academic professionals have done a great job of coming to observe bargaining- the last session we had over 20 observers.

The new PSU-AAUP tee shirts are in. Come to bargaining and wear a red AAUP tee shirt in the audience to support the bargaining team.

Upcoming bargaining sessions are:

**Tuesday August 23, 2011**  
**1:00- 3:30pm SMU 333**

**Thursday Sept 8, 2011**  
**1:00- 3:30pm MCB 650**

Hope to see you there!

## AAUP VP Collective Bargaining Commentary

### *The Administration's Weak Response to Howard Bunsis' Audit of PSU*

Last May, Howard Bunsis, Professor of Accounting and Secretary-Treasurer of the national AAUP, presented an eye-opening audit of Portland State University's financial situation.<sup>1</sup> Using public OUS and PSU documents as well as AAUP data, Bunsis demonstrated that

- a) the University is in strong shape financially,
- b) PSU has added tens of millions to its reserve funds every year for the last five years
- c) In Fiscal Year 2010, ending in June 2010, during which faculty and staff were furloughed, PSU added \$30 million to its "unrestricted assets," spendable at the discretion of the Board,<sup>2</sup>
- d) PSU faculty earn substantially less than our comparators, and
- e) The University spends less than 35% of its total budget on instruction.

The PSU Administration has just published a response to Bunsis' presentation, in the second half of an item on cuts in state funding in the August 8<sup>th</sup> *Currently*, found by following a link to the PSU Communications webpage.<sup>3</sup>

**The Administration's response to Bunsis' presentation is weak, unsupported and oddly focused,** presumably because

- a) Bunsis' numbers are unarguable, always documented and coming straight from OUS and PSU sources.
- b) Bunsis knows what he's talking about; he teaches "Public and Non-profit Sector Accounting," and holds both an MBA and PhD from the University of Chicago, as well as a law degree from Fordham.

Rather than deal with Bunsis' central argument, that the University is financially sound, as clearly shown in the outside audits of the OUS system, the Administration's response resorts to rhetoric, stating that it will present Bunsis' "assertions versus the facts."

**In true double-speak fashion, this critique opposes Bunsis' documented figures with vague words** about "rising health care and pension costs, rising energy costs, rising financial and technology costs and increased spending to hire more student advisers, provide more library services and other expenses necessary to keep pace with enrollment growth." The amount of these allegedly rising costs is not mentioned, nor is any source cited for the reader to check their magnitude.

Bunsis uses the 2010-11 AAUP Faculty Salary Survey, which shows PSU pay in the bottom quintile nationally at all faculty ranks, to demonstrate substantial gaps between the pay at PSU and salaries at our comparators.<sup>4</sup> Bunsis also uses the data found on the State of Oregon Transparency website to demonstrate the rising pay and numbers of administrators. Presented with this data, the Administration response claims that "the most recent comparative data from peer institutions in 2009-10" shows that PSU total compensation (salary + benefits) is "not significantly different between PSU and peer institutions." No data source is mentioned to support this claim, nor are the "peer institutions" with whom we're supposedly being compared specified. In stark contrast, the AAUP Faculty Salary Survey for 2010-2011 shows PSU's total compensation by rank to be in bottom 20% of all doctoral granting institutions for full professors, and in the bottom 40% for all other faculty ranks (see Reference #4).

Not only does the Administration response to Bunsis NOT support any of its assertions with references, it resorts to quibbles in an attempt to flesh out the critique, faulting Bunsis for calling the loss of stimulus funds

(Continued on page 6)

## The Administration's Weak Response to Howard Bunsis' Audit of PSU (continued...)

“not important” to the overall health of the University. Really? Everyone knew the stimulus funds were temporary - that being the point - and they accounted for only 1.5% of the FY 2010 budget.

The remainder of the response is even weaker. Bunsis showed that instructional spending accounts for less than 35% of the budget, as is apparently true at many other universities, and called on PSU to move toward spending 50% on education. The response says that we should look at the fraction of the Education and General Funds that are spent on instruction, but that makes no difference. If we set a goal of spending 50% of the overall budget on instruction, that's the same as calling for spending a much higher fraction of E & G funds on instruction; obviously the point is to spend more on instruction and less on administration, real estate and athletics, not to take items out of the budget until the spending on instruction is more than 50% of what's left on the table.

In short, the Administration has now responded to Bunsis' presentation, in a weak, late, odd and obscure fashion, without documenting a single one of its claims.

**The Administration response completely fails to grapple with the central point of Bunsis' presentation, which is that examination of the annual, external audits of the OUS system clearly shows that PSU has added tens of millions of dollars to its reserves in every year for the last five years.**

Year after year, PSU has managed to save a lot of money by underestimating revenues and over-estimating expenses, always ending the year with a large pot to add to reserves. In FY 2010, PSU faculty and staff were furloughed

while the University added \$30 million to unrestricted assets. We all—faculty, staff and administrators—could have been made whole several times over.

**PSU documents show that we have just closed FY 2011 with a \$54 million surplus in E & G funds, contributing to an overall \$89 million addition to unrestricted assets.<sup>5</sup> In other words, the University banked 20% of last year's E & G funds, and 24% of all unrestricted funds, though OUS guidelines call for carry over of only 5-15% of the budget. Despite our overflowing reserve coffers, the Administration is again raising tuition, calling on faculty and staff to keep wages low and crying poverty.**

### References

1. Howard Bunsis' presentation may be viewed at the AAUP-PSU website, <http://www.psuaaup.net/>
2. OUS Financial Audits for the past several years can be found here: <http://www.ous.edu/factreport/operreport>  
For this figure, see p. 51 of *The Oregon University System Annual Financial Report 2010*.
3. The August 8<sup>th</sup> *Currently* piece is continued on the PSU communications website, where it “critiques” Bunsis' presentation. <http://www.pdx.edu/news/legislature-cuts-university-funding-what-it-means-for-psu>
4. The most recent results of the AAUP Faculty Salary Survey may be seen in the March-April 2011 issue of the AAUP's *Academe* magazine. PSU salaries, and their relative standing appear on pages 68-69.
5. *PSU Financial Summary on Current Unrestricted Funds by School/College/Department* <http://www.pdx.edu/budget/financial-reports-and-budget-exhibits>

*Submitted by Mary King, VP for Bargaining ([crm@pdx.edu](mailto:crm@pdx.edu))  
on behalf of the Bargaining Team  
(Sy Adler, David Hansen, Bob Liebman, Anh Ly, Ron Narode & Jon Uto)*

# AAUP President's Commentary

## *Dear President Wiewel: PUBLIC Higher Education is a PUBLIC Good*

From my graduate studies I was taught the basis the difference between a public good and a private good. In the private sector the CEO's and CFO's of companies are beholden to the shareholders. Shareholders are a private group of individuals who expect the organizations leaders to make them money. If a company the size of Portland State University (PSU) banked \$54 million dollars at the end of the year their shareholders would be satisfied and would expect dividends. No one would object or think twice about a private company making money.

PSU is not a private sector company. It is a public university that provides a public good. Our shareholders, if we can draw a comparison, are the public community that our mission points to us to serve. These people are the students, their families, and the City of Portland, the Portland Metropolitan region, and the state of Oregon. This community does not expect PSU to bank \$54 million dollars of tuition revenue at the end of the year. They expect us to either spend it on instruction or reduce tuition accordingly.

\$54 million dollars is about 20% of our annual Education and General Funds, and millions more than the 5% to 15% that the Oregon University System Board of Higher Education requires the University to set aside for emergencies. Yet President Wiewel and his leadership team is telling grounds keepers he can't afford real cost-of-living increases; they are telling students he needs to raise tuition; they are telling office managers they need to take furloughs; and they are telling faculty they can no long afford to fully cover their healthcare. Something is fundamentally wrong with this.

PSU's Mission states ". . . providing access throughout the life span to a quality liberal education for undergraduates and an appropriate array of professional and graduate programs especially relevant to metropolitan areas." Yet President Wiewel's nine plus percent increase in tuition, while banking \$54 million dollars in tuition revenue, is a slap in the face to struggling first generation and low income students.

PSU has hired and continues to hire new expensive administrative positions like a Chief Diversity Officer, Director of Corporate and Financial Relations and Assistant Dean of Finance and Administration (CLAS). These positions are likely important and helpful, but leave a bad taste in the mouth to faculty, academic professionals and staff who are being told they need to take furloughs, pay out of pocket for their health care and in some cases are being laid off. We know that one of the top indicators of student retention is a student having a positive relationship with someone who works at the University. Shouldn't we invest in the people that students have the most contact with?

I personally get frustrated as I see the decision making at the top negatively impacting faculty, academic professionals and staff. As someone who works with first generation and low income students, decisions that negatively impact these individuals really get me upset. We need better leadership that brings us back to our core access and instructional missions. We need this for an educated populace that can help build an innovative and economically viable region. We need this because it is a public good.

Submitted by PSU-AAUP President Jonathan Uto, [utoj@pdx.edu](mailto:utoj@pdx.edu)

# Dispute Resolution

## *Oregon Supreme Court Grants Review of PSU-AAUP case*

The Oregon Supreme Court has agreed to hear PSU-AAUP case stemming from a 2004 grievance regarding a discrimination issue. PSU-AAUP attorney Liz Joffe will present our oral argument for November 7, 2011.

To review, 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 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.

Since our decision to appeal the case was made, Senate Bill 242 was passed and signed by Governor Kitzhaber. In stripping PSU and the Oregon University System of its State of Oregon agency status, the attorney general, who appealed our ERB holding, no longer represents OUS and PSU. How PSU will participate in the Supreme Court proceeding is unclear.

## *School of Social Work Workload Policy*

PSU’s response to PSU-AAUP’s investigative inquiries about the unilateral implementation of a workload policy was that a workload policy had not been implemented, that all faculty did not have a workload benchmark of 36 student credit hours, and that no metric had been established to quantify research and service toward that 36 student credit hour number. PSU-AAUP concluded its investigation with a letter to administration expressing its’ expectation that any such policy would be a mandatory subject of bargaining and that PSU had a statutory obligation to provide formal notice to the Association and an opportunity to bargain over the policy.



## Dispute Resolution (*continued*)

### *School of Social Work Workload Policy (continued)*

Despite the PSU-AAUP response, work assignments to SSW faculty still contained reference to the 36 student credit hour benchmark, and still contained reference to SCH assigned to research and service. No faculty member has experienced adverse consequences for not participating in the (then) Dean's workload questionnaire, nor have teaching assignments been changed as a result of that questionnaire.

PSU-AAUP will continue monitoring the situation closely. Should discussions begin in any department regarding workload policy, PSU-AAUP would ask that the Association be contacted immediately.

### *OMSE program eliminated, its Executive Director released outside of program elimination procedure in Article 22*

The Oregon Master of Software Engineering (OMSE) program was a self-support program with differential tuition. During the winter 2011 term, the preliminary deliberations of a committee studying future financial models for PSU discussed the possibility of bringing self-support programs into load. Such a decision, if actually implemented, would have the effect of reducing self-support tuition fees of the OMSE Program by 41% and thus render it insolvent. Despite the fact that final recommendations of the committee were unknown, the administration decided that it was "prudent" to shut-down the program and lay-off its Executive Director. Program elimination, however, requires a prescribed process in Article 22 of the contract which requires faculty input at multiple stages of the decision making process, and also requires that impacted employees have access to the retrenchment hearing process in Article 23. The teach out of the program is purported to be 3 years for current students, and the rumored plan is that the administration intends to use the likeness of the Executive Director (in prerecorded video format), and the Intellectual Property that the Executive Director brought with him to PSU to do the teach out, supplemented as necessary with adjuncts. AAUP is fundamentally opposed to the replacement of faculty with their likeness and their intellectual Property. A formal grievance has been filed in accordance with Article 28, Division B of the contract. It was denied in total at Level One and is now under review at Level Two.

### *3<sup>rd</sup> year review evaluated scholarly agenda; made continued tenure appointment conditional upon specific focus in research and publication*

A tenure track employee received a 3<sup>rd</sup> year review from their department chair that expressed an expectation that their publications should be in the same specific niche that they were hired to teach and made continued employment as a tenure track employee, and the awarding of tenure, conditional upon research and publication in that niche area. This violated the P&T guidelines (Article 14) around the scholarly agenda as well as the faculty member's academic freedom (Article 12). PSU-AAUP has presented the grievance informally as per Article 27, Division B and is now trying to negotiate a rewrite of the review so that it comports with the contract.

## PEBB News: Health Engagement Model rolls out January 1

Starting January 1 PEBB members will have to choose to either participate in a health care model that requires them to take steps to improve their health, or pay more for their health insurance.

PEBB is working out the final details of the Health Engagement Model (HEM), a program designed to reduce health care costs by promoting wellness. The Public Employees' Benefit Board will have the HEM ready by open enrollment.

A detailed proposed framework for the Health Engagement Model was released at the PEBB meeting in early July.

People who choose not to participate will have to pay a monthly surcharge. Staff has recommended a surcharge of \$30 for single members and \$45 for members with a spouse on their health plan.

Participating members and their spouses will have to complete an online health assessment. They also will have to take at least one e-lesson from the PEBB website on a health topic of their choice.

Participants in the HEM will have to undergo health screenings to detect potential chronic diseases. In the first year, the screening will involve a simple self-reported waist measurement. Screenings in future years could involve blood work, blood pressure testing and other means to assess a person's overall health.

The health assessment and the screening information will be used to determine steps to be taken to prevent chronic conditions like diabetes or heart disease.

For example, waist circumference could be used to determine whether a person needs to participate in a weight control or exercise program. Women with waists of more than 35 inches and men with waists of more than 40 inches could be required to participate in such a program. Smokers would be required to take part in a tobacco cessation program, while workers with stress, alcohol or substance abuse issues would be asked to seek help from the state's Employee Assistance Program. Workers would be on the honor system in the beginning of the Health Engagement Model, personally tracking their progress and participation in required programs. However, PEBB could decide to begin enforcing the HEM by auditing the employee, asking them to provide proof of their participation. All information is subject to strict health privacy protections.

Workers will pay a \$50 monthly surcharge for a spouse or domestic partner who is on their PEBB plan but has health coverage available through their employer, while smokers will pay a \$25 monthly surcharge.

For more information, go to

<http://www.oregon.gov/DAS/PEBB/news/QAHealthEngagementModel.shtml>.

## Legal Update: “Known or Should Have Known” defined

The Oregon Court of Appeals decided an important case in July that has broad impact on labor relations in Oregon and on our relationship with PSU. Their decision reversed the ERB’s holding that the statute of limitations for filing an Unfair Labor Practice (ULP) runs from the “occurrence” of the violation rather than the union’s “discovery” of it. The court held that the discovery rule applies, i.e. that the 180-day timeline runs from when the union knew or should have known of the violation. The court also reversed the ERB’s finding that an employee’s knowledge of the alleged violation is automatically imputed to the union. Rather, that is a fact-based question.

It’s a great case for public employees in Oregon as it counters the long held view that the timeline runs from the date of the violation even if the union didn’t know about it. It’s possible the employer (in this case) will seek review of this decision in the Oregon Supreme Court, but at least for now, the new rule is that the timeline runs from when the union discovered or should have discovered the violation.

To read the decision go to <http://www.publications.ojd.state.or.us/A139551.pdf>. The important take away from this holding is that while it is now a fact based decision about when actual knowledge is imputed to the union, the law still expects that the union will be notified by the employee of issues that are actionable under the law. Employees must notify the union of these changes if the union is to take action, and we would prefer to know sooner than later of any changes that could be actionable. When in doubt, ask.

## PERS Retirement Verification System in place July 1, 2011

As previously reported, PSU-AAUP endorsed SB 897 in the 2010 special legislative session. This bill made PERS accountable for the retirement information that it provided to PERS members from which they made decisions about when to retire.

That bill required PERS to put in place a verification system. That program kicked off on July 1 and PERS now offers verifications to all PERS members.

Unfortunately if you check out the PERS website the verification information is not highlighted and if you click on the underlying FAQ there is very little there to suggest why verification is a good idea. This is not surprising since we all know the PERS board was not at all enthusiastic for this process.

Our PERS attorney has inquired into whether PERS members will be able to view their current retirement info electronically and we’ve been advised that is still a work in process with the expectation that that process will roll out in the fall. For now, members who request verification will get their retirement information sent to them in the mail. We encourage all faculty members to seek verification of their retirement benefits prior to making any retirement decisions.

## Legislative News

### *Executive Council Adopts Legislative Review and Endorsement Procedure*

This has been a busy legislative session. With more than 3000 bills our legislative team had its hands full sieving through the stack to find the ones to which we really had to pay attention. To streamline the work of the legislative committee the council adopted Association Policy 06- Legislative Review and Endorsement Procedure

(<http://www.psuaaup.net/associationpolicy.htm#six>). This policy enabled the team and the Executive Director to better partner with coalition partners on matters of mutual interest, allow us to deliberate on those where we had expertise or an outstanding interest, and react quickly enough to keep up with the rapid pace of the political process in Salem.

### *Senate Bill 242: OUS Restructuring*

Senate Bill 242, which was signed by the Governor on July 20 at an invitation only signing ceremony. This event was the culmination of two years of work with the State Board of Higher Education Governance and Policy Committee, the Chancellor's office, the Higher Education Legislative Task Force, and the Joint Legislative Subcommittee on Higher Education. PSU-AAUP participated in the discussion, and in the crafting of that legislation every step of the way to ensure we ended up with something we could live with.

This bill has been popularly touted as the bright spot of the 2011 legislative session. PSU-AAUP generally expects that the flexibility that this bill brings to OUS in the conversion from a state agency to a public university system will lead to more clout, better working conditions and higher salaries for faculty at PSU. There will no longer be a need for OUS to saddle our bargaining interests to those of classified employees in State Department of Administrative Services Bargaining, and OUS will be better able to provide competitive salaries, academic and institutional support, and working conditions with our comparators.

### *Endorsements*

**House Bill 3418.** HB 3418 was signed by the Governor on July 20 with SB 242. We were a

sponsoring party to this bill. HB 3418 is a companion bill to SB 242 which creates a task force of 17 gubernatorial appointees, including faculty, to define the accountability measures to the performance compact around which the OUS system will be funded through the SB 242 investor model. PSU-AAUP will be appointing one faculty member to this task force, and the task force will start meeting in August.

**House Bill 3471.** This bill creates a free tuition program at Oregon Community Colleges and OUS institutions (more) for students who grow up in the Oregon foster care system. This bill passed the legislature and was signed by the governor.

**House Bill 742.** This bill, if enacted would have exempted students who are not citizens or lawful residents of the United States from paying nonresident tuition and fees for enrollment in an institution of higher education in Oregon if they meet certain qualifications of having attended and graduated from an Oregon High School, and attended school in the United States for a significant amount of their childhood. This bill failed to pass the House and became embroiled in political controversy.

**Other legislative Issues.** In accordance with Association Policy 6 we did participate in discussions around other labor and public employee issues in the legislature, but we did not actively endorse any of the measures. Legislative gridlock, however, kept most of those bills from leaving committee.

### *Creation of a Political Action Committee*

At its May 19<sup>th</sup> meeting the Executive Council approved the exploration of the creation of a political action committee (PAC) through which faculty could contribute money through small additional payroll deductions so we could participate in targeted initiative campaigns and candidate races that are important in our mission to promote quality higher education as an investment in Oregon's Future. Contributions to Political Action Committees in Oregon are eligible for direct tax credits on the Oregon Tax Return- \$50 for an individual return and \$100 for a joint return. Contributing to a PAC is voluntary, and any PSU employee would be able to voluntarily sign up for payroll deductions of a small amount each month to contribute to this PAC. Once we have the PAC set up we will include the PAC in the member recruitment drive and will advise how employees can participate.

## National AAUP News

Gary Rhoades, general secretary of the National AAUP, resigned from his position after many months of organizational turmoil stemming from an evaluation process where National AAUP staff input, with the support of AAUP President Cary Nelson, was given an inordinate amount of weight in review process that culminated in the Association's executive committee voting to recommend that AAUP not renew Rhoades three year contract when it expires at the end of the year.

The issues associated with Gary Rhoades review were widely reported in the *Chronicle of Higher Education* and *Inside Higher Education*. Most of the reporting was negative, and cast a shadow on AAUP as a national movement for higher education faculty.

You can view the Chronicle Articles here: <http://chronicle.com/article/Gary-Rhoades-Reportedly/127620/> <http://chronicle.com/article/AAUP-Appears-Ready-to-Part/127085/>

This negative backlash led the Executive Council, through our own Executive Councilor Marcia Klotz, to write a letter of protest on behalf of the Executive Council to the *Chronicle* in support of Gary Rhoades (<http://chronicle.com/article/AAUP-Secretary-Reported/127888/>)

Attendees at the National AAUP Annual Meeting in June protested the non-renewal of Rhoades contract, and against Cary Nelson for the part it was perceived that he took in orchestrating Rhodes' ouster. In the end the collective bargaining congress agreed to convene a task force to recommend changes to structure, staffing and organizational relationships. PSU-AAUP President Jonathan Uto is playing a key role on that task force.

Both the General Secretary and the Director of Affiliate Service positions, the two top positions in AAUP, are vacant and it remains unclear when they will be filled. The Director of Affiliate Services position had been posted, but the candidate pool was prescreened by the old guard (see below). It is unclear if the CBC task force efforts will result in that position being restructured or re-posted. It is also unclear if Cary Nelson will assume the role of General Secretary until the end of his term. That is rumored, but not widely welcomed.

Executive Councilors have spent much time discussing the ramifications of Rhoades ouster amongst themselves and with Howard Bunsis, general secretary of the AAUP Collective Bargaining Congress. It is now widely believed that the Rhoades ouster is reflective of a greater struggle in National AAUP between the old guard, embodied in retired members of the National Council who come from non-collective bargaining chapters and the new guard and the new AAUP, represented by the Collective Bargaining

Congress and Collective Bargaining Chapters like PSU-AAUP. This struggle is a consequence of the re-organization underway to turn AAUP into three distinct entities: a labor union, a foundation, and an advocacy group (to continue to do the work of Committee A: academic freedom cases for non-members in non AAUP represented institutions).

As part of the restructure, member dues derived from Collective Bargaining Chapters will flow directly to the Collective Bargaining Congress, currently under the guidance of Howard Bunsis, who comes from a Collective Bargaining chapter. Collective Bargaining Chapters now account for more than 75% of AAUP dues. Gary Rhoades fully supported the efforts of Collective Bargaining Chapters to become a stronger voice in National AAUP and was personally involved in many organizing drives that made National AAUP visible as a key contributor in those organizing efforts. His efforts, in turn, were what led to National AAUP staff backlash. He had asked them to become involved in organizing and fully support collective bargaining as a movement. It was reported, however, that they did not want to travel and generally did not support the growth of collective bargaining. That, we believe, is what led to all the negative staff evaluations of Rhoades and his ouster.

The new structure for AAUP, once implemented, means that dues income will not flow through National AAUP (as it currently does) to be spent how the elected AAUP President (Cary Nelson) wants to spend it, but through the Collective Bargaining Congress. The CBC, in turn, will provide the rest of the organization its funding. This is a fundamentally different funding mechanism and the reason, we believe, we are seeing the politicking we are seeing. While it is easy to dismiss the struggle as petty because it deals with money, we see the struggle as very significant, and that it actually threatens the viability of National AAUP as an organization.

The faction that must win the struggle is the new guard, those who support collective bargaining and National AAUP as a labor union. While we have great respect for the work of Committee A and the policing they have done over the years of the academy in general, as a collective bargaining chapter we assert that AAUP as a labor union must serve its collective bargaining membership first.

The only way National AAUP can evolve to properly function in its new structure is if the old guard, retired members on the National Council that no longer represent anyone, are replaced by collective bargaining chapter representatives. The March AAUP National Council elections will be critical for AAUP's future, and to our continued relationship with AAUP. If the national council does not become reflective of the organization that AAUP now represents (more than 75% collective bargaining members) we expect many collective bargaining chapters, all independent organizations like ours, will choose to leave the AAUP fold and go elsewhere, or go it alone.

## PSU- AAUP Organizational News

### ***Contract for Independent Auditor***

We have hired Mark Sleasman, CPA, from Jarrard, Seibert, Pollard & Co. to do the year- end independent audit of our financial statements for the fiscal year ending December 31, 2010. Completion is pending receipt of the National AAUP audit. We expect completion by mid-September. Members will be provided a link to the audit as soon as the completed audit is available.

### ***AAUP National Dues increase***

National AAUP has notified us that national AAUP dues will rise on January 1, 2012. In accordance with PSU-AAUP Bylaws Section 6 local dues will increase 1.7% across all categories of membership. In accordance with Article 10 of the contract, that same increase will apply to Fair Share Fee Payers.

### ***National AAUP Back Dues Arrangement***

Careful readers of our audit this year will find references to a settlement agreement with National AAUP regarding back dues. This settlement was reached in December 2010 and was the result of twelve months bargaining with National AAUP representatives regarding the payment of National Dues for fiscal year 2009.

Previous Executive Director Julia Getchell did not accept the new contract offered to her by the Executive Council for 2009 (she accepted a significantly higher paying labor relations position with the City of Portland). During the period before the hiring of Phil Lesch as Executive Director in May 2009, PSU-AAUP President Jonathan Uto and Vice President for Collective Bargaining Michele Gamburd made repeated requests to National AAUP for organizational support while the chapter recruited for the open position. Those calls and emails for help went unanswered. During that period the Association incurred substantial expenses to attorneys and stipends to cover the work of the Executive Director.

This led to considerable debate at the Executive Council whether we should remain affiliated with National AAUP. The willingness and ability to service its affiliates was concluded to be a fundamental reason to retain affiliation with National AAUP. This rationale, in the minds of the council, significantly outweighed the value of the four letters "AAUP" in our name. In the end, however, the council decided not to disaffiliate with AAUP because it was felt that AAUP was likely to be very important to faculty members who are not otherwise paying close attention to the operations of the Association.

The council did decide, however, that the dues relationship with National AAUP needed to be substantially altered. In late 2009 it was decided that we would seek to enter into negotiations regarding our dues rate and the back dues; we felt strongly that if we couldn't count on AAUP for anything, we should not be sending them \$100,000 per year. The EC subsequently approved a 2010 budget for AAUP dues at an amount that it felt was reflective of the value of affiliation: \$3333 per month or \$40000/year.

We re-commenced paying National AAUP Dues at \$3333 per month in January 2010 and at the same time initiated the discussion with National about negotiations. In January we also approached our National AAUP representative Craig Flanery. Craig Flanery, based in San Francisco, is the AAUP staff member who had servicing responsibility to PSU-AAUP. We did not hear anything for a long time until we reached out, again, this time to Gary Rhoades, who after much difficulty getting calls back and scheduling, came for a meeting with the executive committee in the beginning of April, 2010. The committee expressed its overwhelming discontent with AAUP, the under currents of distrust and that we were seriously considering disaffiliation over what happened in 2009. He advised he did not have negotiating authority but would take our proposal back to the executive committee and advise.

We heard nothing until June, when we heard through Gary that the executive committee at its annual meeting refused to 2009 in arrears, but would perhaps entertain a settlement that returned some of that money in the form of a grant back to the chapter. That concept was discussed at the 2010 Executive Council Summer retreat, and the executive council decided to become current with 2010 and leave the 2009 dues arrearage issue to negotiations.

Negotiators for National AAUP came to Portland in October and we reached a conceptual agreement for a grant back to PSU-AAUP for 25% of the 2009 dues in arrearage and an arrange to pay the remaining 2009 dues arrearage balance over 10 years with no interest. The grant back will come back in the first three years of the arrangement. After much delay (and attempt by National AAUP attorneys to add provisions to the agreement that had not been discussed) we formally reached agreement and signed on December 29, 2010. The national dues payable and the National AAUP grant are reflected on the 2010 independent audit.

### ***Website Redesign is coming***

PSU-AAUP is in talks now with a website vendor that we hope will make our website far more relevant, easier to use, more technologically current, and a go to resource that faculty can use every day. Stay tuned ...

# In Solidarity

## *Ohio “No on SB 5” campaign underway*

The Ohio Conference of the AAUP is actively campaigning for the “NO on SB 5” campaign, a referendum which hopes to reverse SB 5 which took collective bargaining rights away from higher education faculty earlier this year. National AAUP has contributed \$200,000 to the campaign, and the Ohio Conference has asked all chapters to contribute what they can to the effort in support of collective bargaining for higher education faculty and all public employees. The PSU- PSU-AAUP collective bargaining agreement expires on August 31, 2011. Our Association will consider making a financial contribution to the campaign once we reach a settlement and no longer have the onus of an expired contract and its costs hanging over our head.

## *The Next Phase Ohio’s metamorphosis- Charter Universities*

Ohio’s 14 universities, including Wright State, would be automatically relieved of some state regulations and they could qualify for even more autonomy if they take less state money, according to an executive summary of a plan released recently. The Ohio Conference of AAUP reacted: “...charter universities undermine the whole concept of public universities and instead make them semi-private institutions that still take taxpayer monies but have little or no accountability to the public...”

Legislation to allow the creation of charter Universities has been discussed in Salem as recently as spring 2011. This is an important trend that could find popularity in Oregon and will be watched closely.

Read more: <http://chronicle.com/blogs/ticker/ohio-plan-would-let-universities-bargain-their-way-out-of-some-state-mandatess/35246>

## *Solidarity in Portland*

PSU-AAUP is one of ninety one members of the Portland Jobs With Justice Coalition of Labor Unions united to help each other in their struggles with their employers for worker rights and pay. JwJ is an active group and they are always in need of volunteers. Interested? Learn more about Jobs With Justice at [www.jwjpx.org](http://www.jwjpx.org), or contact our JwJ representative Randy Blazak at [cfrb@pdx.edu](mailto:cfrb@pdx.edu).

The American Association of University Professors (AAUP), established in 1915, is the only National Organization exclusively representing faculty of higher education. AAUP has pioneered the fight for tenure, academic freedom, and due process for all faculty.

The Portland State Chapter of the AAUP (PSU-AAUP) operates as both a professional association and as an exclusive collective bargaining agent, representing over 1,200 instructional faculty and academic professionals employed by Portland State University at .5FTE and above. We work to protect the rights of our bargaining unit through advocacy, collective bargaining, and grievance procedures. We are affiliated with the American Association of University Professors, the nation's only organization that exclusively represents higher education faculty, and are committed to protecting tenure, due process, and academic freedom for all



Please visit us at  
our website:  
[www.psuaaup.net](http://www.psuaaup.net)

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## American Association of University Professors Portland State University Chapter Membership Application

Name \_\_\_\_\_

Last

First

M.I.

Campus \_\_\_\_\_ Home \_\_\_\_\_  
Mail Code \_\_\_\_\_ Address \_\_\_\_\_

Academic Field & Rank \_\_\_\_\_

Extension \_\_\_\_\_ E-mail \_\_\_\_\_

### Automatic Deduction Authorization

As provided under ORS 292.043, I authorize the monthly deduction of my dues to the American Association of University Professors, Portland State University Chapter. The amount of the deduction is based on my salary and AAUP status, and is calculated by the AAUP office and the Payroll Office. The monthly deductions will continue until I provide written notification to the Payroll Office.

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Department \_\_\_\_\_

Date \_\_\_\_\_

PSU-ID \_\_\_\_\_

Regular Dues for members hired into a bargaining unit position on or after October 1, 2010 are .75%. For employees hired before October 1, 2010, dues are the entrant dues rate for the employees' first four academic years in the bargaining unit position (or until tenure is achieved) and .75% thereafter. Entrant dues rates are as follows: October 1, 2010- .425%; September 1, 2011- .525%; September 1, 2012- .60%; September 1, 2013- .675%; September 1, 2014- .75% or the regular dues rate). Annual Dues cover local and national membership in AAUP.

Send completed form via campus mail to mail code "AAUP"