

Unit Ties

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

Spring/Summer 2012

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Message from the President: The Whole Nation is Going the Way of PSU

Mary King, PSU-AAUP President

The University of Oregon faculty have just organized into a union, represented jointly by the AAUP and the AFT. Our national AAUP staff are going crazy, running around the country to work with faculty who want to join a union. According to Angela Hewett, AAUP National Organizer, a group of UCSD science faculty have committed to foregoing research efforts for two years, to work on organizing their campus!

Around the nation, faculty are all looking to organizing in order to more effectively deal with the same issues we've been facing for years at PSU: drastic cuts in public funding, a shift away from tenure-track and full-time faculty to short contracts and part-timers, prioritization of administrative hires and buildings over investment in faculty and the classroom, rising tuition and student debt, bigger classes and pressure to shift on-line, and endless demands to accomplish more with less.

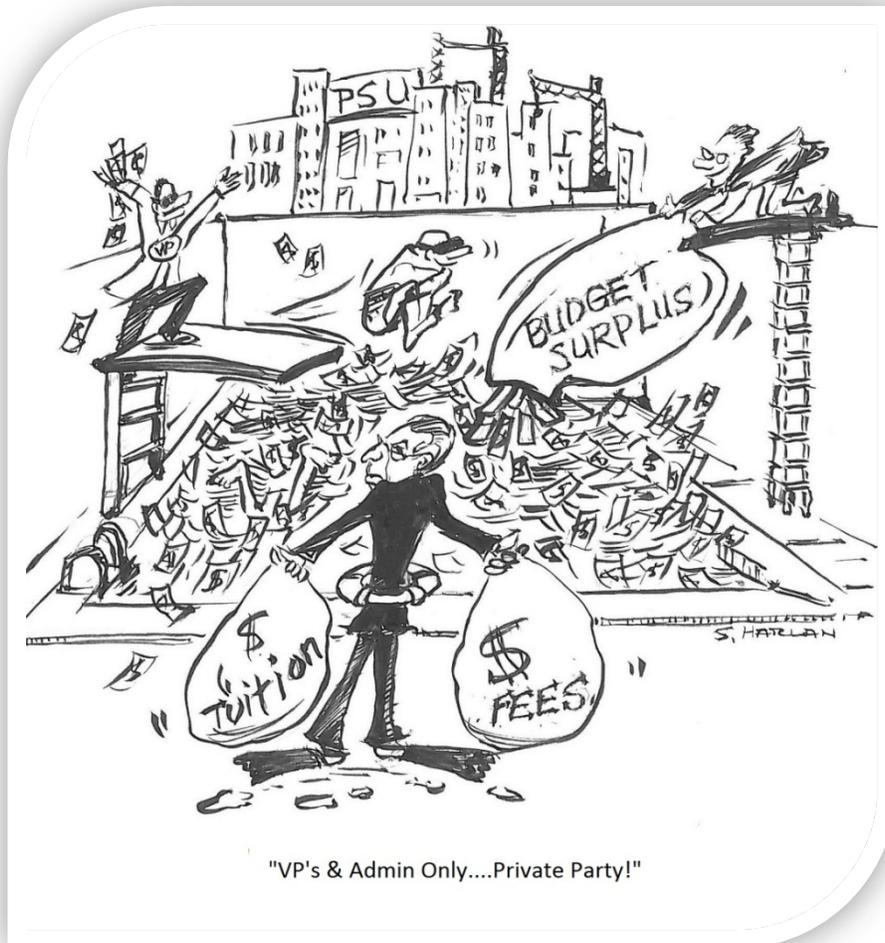
PSU is offering retirement incentives to thin the ranks, supplemented by layoffs and cuts - based on dire projections of a budget deficit that require ridiculously unlikely assumptions about our future. We're about to sell our soul to enter into a deal on "urban renewal" that will cost our schools, city and county health programs \$229 million in foregone property taxes.

We have a year until we're once more in bargaining for our next contract. Let's use this year to talk together about what's going on; learn new skills; bring in speakers to find out more about how other people are dealing with these issues; research exactly what's happening at PSU; collaborate with the PSU Administration as best we can to advocate for high quality, affordable, public higher education in Oregon; nurture our ties with students, other unions and community groups; and - most importantly - build our community and networks among ourselves so that we'll be stronger next year at the bargaining table!

See you soon - in a meeting, at a workshop or a talk, at a mixer or at a rally! Mary

A Cartoonist's View of PSU

Susan Harlan, Professor, Art Department



Treasurer's Report

Vincent Fritzsche, PSU-AAUP Treasurer

I'm delighted to report that PSU-AAUP ended 2011 in increasingly sound financial health, with a budgetary surplus due to lower than expected expenses and slightly higher than expected income. We are using that surplus to continue to build reserves for the future, which executive director Phil Lesch and I have identified as a strategic priority for the organization as we head into future contract and workload negotiations. This past year, our 2010 financial documents received a favorable review from our independent auditor, Jarrard, Seibert, Pollard & Co. We will engage the firm in an audit of our 2011 finances and expect a similar result. Additionally, our membership levels continue to grow, now well into the 60% range of all represented, which gives us increasing leverage in all negotiations with the university. All told, our financial position is strong and bodes well for our future.

From Record-Breaking Surplus to Deep in Deficit in 3 Years????

Mary King, PSU-AAUP President

On February 29th, Vice President Rimai and Vice Provost Reynolds presented a Base Case Scenario for the "Education and General Funds" portion of the University's Budget, including the shocking prediction that by June 2015, PSU will be over \$23 million in the red. That's a forecast of a decline of \$85 million dollars in reserves, from the \$52.8 million reserve currently projected for June 2012.

An AAUP member commented during bargaining that the Administration would never again make the mistake of clearly demonstrating that they had a reserve of nearly 20% of operating revenue, and now we see that's true.

And - of course - the presentation of this budget provides the chance to implicitly vilify the union, as seen in the claim on PSU's web page that "increasing salary, benefits and retirement costs are projected to push the fund deep into the red in three years."

The Provost has said that this budget is "low probability" and not the basis for planning. According to him, planning based on the Base Case Budget Scenario presented in the Budget Forum would mean 7% cuts for each of three years, rather than 4%.

David Hansen, member of both the Faculty Senate Budget Committee and the AAUP Bargaining Team, has showed that very small, plausible tweaks to the Base Case Budget Scenario result in a healthy surplus.

And what do you know, the May OUS Board materials show PSU on track to end this academic year with a surplus of over 18% of operating revenues, with revenue from tuition and fees up 4% over their projection.

If we don't think that enrollment and research overhead are going to increase, why have we invested so heavily in highly paid administrators in these areas? Don't we expect them to accomplish anything?

It's hard not to think that this budget is political theater, designed to distract people from the high surpluses that PSU has been running while creating an environment of financial crisis, facilitating cuts and the reallocation of resources.

PSU has a long history of defensive budgeting - overestimating costs and underestimating revenues, presumably in order to hide funds from OUS, the state and itself - trying to gain some maneuvering room while always doing too much with too little.

PSU faculty members have paid the price - most recently when we took a furlough and a biennium-long wage freeze, only to find we had \$18 million in "over-realized tuition revenue."

Assistant Professor Jenn Schuberth's open letter to President Wiewel in the *Oregonian* - see preceding page (p.4) - makes the case forcefully that the University is headed in the wrong direction.

We're going to have to be organized and active in order to ensure that PSU's priority is building public support for high quality academics, rather than expanding our upper-level administrative ranks to pursue adventures in real estate.

Open Letter to President Wiewel

by Jenn Schuberth as printed in the *Oregonian*

B6

COMMENTARY

THE SUNDAY OREGONIAN • APRIL 1, 2012

UNIVERSITY BUDGET TRANSPARENCY

Portland State, show us the money

By JENNIFER SCHUBERTH

An open letter to President Wim Wiewel:

In my three years as an assistant professor at Portland State University, I have had the pleasure of working with engaged students from diverse backgrounds and with colleagues who genuinely care about their students' academic success and the quality of academic research. The PSU community has challenged me in my work as a teacher and researcher, and I am proud to work at a university where knowledge often benefits from and serves the city in which it resides. PSU's academic environment is all the more praiseworthy in that both faculty and students have done such great work while under considerable financial pressures.

I am concerned, however, by some contemporary developments. While educating Oregonians and conducting research has traditionally been at the heart of PSU's mission, the actions of PSU's current administration are moving us away from both goals and could lead to a lower quality of education for students and to poverty wages for faculty. PSU is at a crossroads, and all stakeholders — students, faculty, staff, taxpayers and administrators — need information about PSU's real financial situation in order to make decisions about its future.

Like many students and faculty, I have been frustrated by the administration's lack of transparency about financial matters. For more than a year, PSU faculty and students have asked the administration to explain how a \$54 million surplus will be spent and why the university, while forcing draconian cuts in the teaching budget, is building up reserves in excess of the Oregon University System's recommendations. The administration has never given a clear answer.

I recently attended a budget forum at which the university Budget and Planning Office claimed that this surplus would become a \$23 million deficit within three years, mostly because of increases in faculty salaries and benefits. That forum was pure theater. The administration used a "conservative" (read "imaginary") model concerning tuition and enrollment, assuming a zero percent increase in tuition and enrollment. When pressed, an administrator admitted that of course tuition would be increasing, just perhaps not at the 9 percent rate we saw last year. As far as enrollment is concerned, PSU does not use 0 percent when it courts investors. In the fall 2011 issue of *Portland State Magazine*, plans for a massive building campaign indicate that PSU will need to accommodate between 10,000 and 20,000 more students in the coming de-

CADES. Are administrators assuming that none of that increase will occur in the next three years? Of course not, but if they had used a model that assumed a reasonable rate of increase in both tuition and enrollment, they wouldn't have been able to show that very scary chart.

Their charts are not meant to disseminate information, but to create fear. With a growing deficit looming in the background, the administration claimed that faculty will need to increase productivity and capacity — i.e., increase class sizes — and that PSU will be implementing retirement incentives so that higher-paid faculty can be replaced with lower-cost alternatives. In academics, "lower cost" means adjuncts who are paid by the course, often teach huge classes and have no benefits. Many adjuncts working at PSU teach at one or two other schools and make only enough to hover around the poverty line. Some are on food stamps. This is the current administration's vision of PSU's future: lower-quality education and a workforce living in poverty.

The administration has repeatedly said that faculty and students don't understand budgets. The administration has consistently refused to be transparent about PSU's finances, and administrators have admitted that some of the surplus is being put aside for "strategic investments," but they won't reveal how much or what those investments might be. Clearly, investing in human infrastructure isn't what administrators mean by "strategic investment," so one assumes that they are referring to the various private-public partnerships that PSU has been promoting, such as the Oregon Sustainability Center. This center will most likely not be built because it lacks state support, but PSU was poised to invest in a building that looks more like a risky venture capital project than a "strategic investment" in the core mission of the university.

The cost of the project was much more expensive than a standard building; unproven technologies would have driven up costs even more; and any research done by private companies would have been owned by those companies, not by PSU or its researchers. PSU tuition money would be underwriting a risky venture capital project. Some argue that PSU should invest in such projects because they will create jobs and industry. However, if you are funding these projects by skimping on the quality of PSU students' education, those jobs will go to people who have been educated in other states. Our graduates will not be able to compete with graduates who were at schools where the administration thought that "stra-

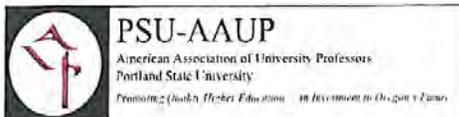
tegic investments" were not antithetical to investing in human infrastructure.

The issue of the surplus comes down to the basic issue of transparency. Instead of telling faculty that their salaries are causing a financial crisis, PSU needs to have a completely open conversation about how the pie is being divided — and not the pie after the administration has taken out what it claims it needs. We need to ask where the money is going. We need answers to basic questions: Why has the number of administrators, as well as their salaries, increased at a much greater rate than full-time faculty? Why do administrators and coaches make \$140,000 and up when more and more faculty earn poverty wages with no benefits? Why do we continue to fund sports when the programs lose more than \$1 million a year? Does the quest for more out-of-state students lead to spending on nonessential items and buildings that in the end don't pay for themselves? Will PSU's proposed model of employing more adjuncts at poverty wages lead to such a decline in quality that enrollment will decrease as students — in-state or out-of-state — begin to wonder whether a PSU education is a wise investment?

Portland State has the potential to be a great open-access public university, but that potential cannot be realized if the administration continues to mislead its faculty and students about the actual financial state of the university. If PSU cares about sustainability, it needs to be completely transparent about its finances and have an honest conversation about priorities. The current administration imagines that PSU can only be a great university if it boasts shiny buildings and research facilities. Ultimately, however, the plans that have been put forward reveal risky development projects that benefit private industry while being funded by tuition and, therefore, student debt.

I want to offer a different vision of PSU as a great university, one defined by its central role in providing Oregonians with a quality, affordable education while providing faculty and staff — full time and part time — with stable employment and a living wage. With full budget transparency, the PSU community can begin to have a real conversation about the future of the university. Can we invest in headline-grabbing building projects without putting tuition dollars — and employee livelihoods — at risk? Perhaps. But until we all have access to the university's real financial data, the conversation will not get beyond rhetoric and scare tactics.

Jennifer Schuberth is an assistant professor of religion at Portland State University.



PSU Local 089

Have Something on Your Mind?

How can we strengthen your voice on campus?

Do you feel you are being treated well at PSU?

What would you like to change?

What are your concerns?

Calling all Fixed Term and Research Faculty!!!

**PSU-AAUP would like to hear from you!
Join us for the Fixed Term Faculty Caucus!**

Do you feel you are being treated well at PSU?
What would you like to change? What are your concerns?
How can we strengthen the voice of non-tenure track faculty on campus?

**Come join us on May 22, 12-1:30pm
Neuberger Hall, Room 407**

Light refreshments will be served

PSU and PDC's Education Urban Renewal Area Plan: A Deal with the Devil?

Mary King, PSU-AAUP President



On April 17th--after being chastised in the *Oregonian* for rushing an unscrutinized deal through the official hoops with exceptionally little public process--Mayor Sam Adams, President Wiewel and representatives of the Portland Development Commission (PDC) went public with the plan for an "Education Urban Renewal Area" around PSU.

The idea is to use \$229 million in property tax reductions to lure private developers into partnership with the City and PSU for real estate projects around PSU. The Portland Public Schools alone stand to lose \$75 million, a shocking amount while schools are laying off more teachers, raising class sizes, eliminating Outdoor School and educational offerings.

Critics of this kind of urban renewal point out the risks that out of state developers make large profits, construction hiring does not prioritize local or under-represented populations, public funding for schools, health care and other services is slashed and promises for affordable housing and amenities like parks are frequently not met.

The League of Women Voters of Portland have come out against this proposal, calling urban renewal "the wrong financing tool for PSU and the city". Check out what they had to say in this article:

<http://lwvpx.org/issues-and-advocacy/action-committee-news/testimony/2012-04-psu-ura>

Is this really the best way forward for PSU?

Legislative Report

Phil Lesch, PSU-AAUP Executive Director

We will see a number of changes to the Oregon higher education system as a result of this year's short February session. PSU-AAUP participated in, and continues to participate in conversations around all of these changes. Some of the most important changes are:

HB 4057. PSU-AAUP was a sponsor of this bill. In its original form it required OUS to break out the demographic data on the Unrepresented Unclassified and Unrepresented Excluded populations of employees at each institution so we could track the growth of administration. OUS agreed to do that in a letter to the legislature, which, in turn, enabled this bill to be used to extend the deadline on the report to the legislature about the possibility of OUS carve outs for Healthcare benefits and retirement. The letter to the legislature about the demographic data is what is important. Starting next year we will be able to directly gauge the growth of administration and establish accurate student/administrator and faculty/administrator ratios.

HB 4059. This bill does two things: 1. Creates a mechanism for the Higher Education Coordinating Commission (HECC) to develop criteria and procedures to give students' academic credit for prior learning; and 2. Directs the HECC to develop a proposal for a partnership with Western Governors University (WGU). Both of these sections were driven by the legislature's intent to increase degree completion as required by the 40-40-20 mandate in SB 253 last session. PSU-AAUP expects to be involved in the development of the proposal for WGU once the HECC is empaneled in July 2012.

HB 4061. This bill establishes the Special Legislative Committee on University Governance whose purpose is to review issues of governance in the Oregon Higher Education System and recommend legislation for the creation of local governing boards at public universities that want them. PSU-AAUP expects to be involved with this special committee to promote faculty interests with the creation of any local board structure.

HB 4131. This bill restricts hiring and requires layoffs of supervisory employees for the purpose of attaining a ratio of 11 to 1 of non-supervisory employees to supervisory employees. This bill aims to reverse the administrative bloat in Oregon state agencies and is a foot hold for a similar kind of measure for the university system in the future.

SB 1538. This bill expands and clarifies the role of the Higher Education Coordinating Commission (HECC) in light of the authority of the Oregon Education Investment Board (OEIB). This bill reconciles many of the conflicts between SB 242 and SB 909 and the two boards that these separate bills created.

SB 1548. This bill prohibits publication of any advertisement for a job vacancy that limits applicants to persons who are not currently unemployed.

SB 1581. Probably the most important bill of the session, this statute defines the scope of the position of the Chief Education Officer, and puts in place a requirement for each education entity in the State of Oregon to engage in an achievement compact with the OEIB for continued funding. PSU-AAUP has been integrally involved in the negotiation of the achievement compact OUS and the seven separate institutions and will continue to participate through full implementation of the bill on July 1, 2012.

The Retirement Incentive Plan: A Letter to AAUP Members

Ron Narode, PSU-AAUP VP for Collective Bargaining

Dear PSU-AAUP Members,

Your Collective Bargaining Team, consisting of Sy Adler, David Hanson, Mary King, Phil Lesch, Bob Liebman, Anh Ly, and myself, met with our PSU Administration counterparts to negotiate the terms of a Retirement Incentive Offer (RIO).

Our negotiations were successful in obtaining two options: a cash-out or a medical plan assistance. While we were unsuccessful in our press for more cash and a richer medical plan, we were successful in creating more flexibility for the medical plan as well as some safeguards for possible changes in the future that might compromise it due to plan or tax law alterations. We also assured that those people on 9-month salary could include all of their PSU income including summer session when determining the cash-out option.

Please read the offer in its entirety to see all of the conditions before making your election. Meanwhile, the bare bones of the agreement:

Option 1: One-time Cash --- 1.5% of average of last three years PSU annual income times the number of years of service with \$10,000 minimum and \$40,000 maximum.

Option 2: Health Care allowance of \$990/month for up to 3 years to be used on PEBB plans toward individual or family plans.

Note: special conditions apply, so please read the offer carefully by clicking on the link below.

The final offer is described in an email sent to eligible members, and described further here <http://www.pdx.edu/hr/sites/www.pdx.edu.hr/files/RIO%20Detail%202012.pdf>

I would like to thank all of the people at the bargaining table for making the time to effect such a swift resolution.

Finally, please note that this offer is **TIME SENSITIVE** - **June 7, 2012** is the final day to elect the benefit. There will be information sessions available through Human Resources.

Sincerely,

Ron Narode, VP of Collective Bargaining

Trying to Talk Sense in Salem

Report from Gigi Harris- Governor's Appointee to the Task Force on Higher Education Student and Institutional Success

G.L.A Harris, PSU-AAUP Executive Councilor

Dear Colleagues:

I hate to be bearer of not so good news but my experience on the Task Force on Higher Education Student and Institutional Success is telling me that the die has already been cast. While the Task Force members are appointed by the Governor to represent their constituencies, as it appears, the Task Force members are not being allowed to determine what issues should be addressed. Few of the controversial issues raised by the members and by me, specifically, have been included in the Task Force's working document. Here are some examples of the issues that are not being addressed:

Administrative Bloat

I have repeatedly raised the problem of administrative bloat. During the initial meetings, I was given some deference. However, nowhere in this current report is there mention of administrative bloat. My concern, of course, is the explosion of high level administrative posts at Portland State University in light of what we have been repeatedly told are funding pressures, contrary to the robust funding reserve. Given these new administrative positions, there have been no commensurate increases in either tenure line or fixed term faculty positions nor has there been any push to address the problem of the inordinate use of contingent faculty. Using OUS' own data, only 35 percent of funding is being devoted to classroom instruction while a whopping 65 percent of funding represents administration. These actions are not in keeping with the University's mission.

Faculty Recruitment and Retention

I have raised the following concerns about faculty recruitment and retention:

- Provide the infrastructure necessary for emphasis on recruitment and retention by bringing faculty compensation up to market levels of peer institutions
- Reduce attrition rates for especially underrepresented minority (URM) (Native Americans, African Americans and Hispanics) and women faculty.
- Pay immediate attention to mentoring of new and incoming faculty by more senior and tenured faculty as part of the efforts for retention.

- Eliminate the practice of offering one year contracts to fixed term faculty by employing faculty on a multiyear contractual basis.
- Reduce the disproportionate use of contingent faculty.
- In addition to decreasing the teaching load for faculty--included in the current iteration of the Task Force's working document-- reduce the class sizes for each course, especially at the undergraduate level, to ensure that quality education is being provided to all Oregonians.

Balanced Focus on Student Recruitment

- Develop a system that incentivizes OUS universities to focus on attracting and educating Oregonians to higher education. Nothing is wrong with recruiting out of state and international students. However, such recruitment should not come at the expense of attracting and educating Oregonians.
- Promote the importance and rewards of having an educated citizenry especially in light of the fact that, as a state, Oregon is not only competing on a national level but increasingly at the global level as well.
- Have an educated citizenry and workforce that will in turn attract more employers, both public and private, to the state.

At this point, the question that you're probably asking yourselves is why am I still on the Task Force when the decisions appear to be a done deal? My hope, the eternal optimist that I am, is that if I keep revisiting these issues, hopefully the politicians on the Task Force will take notice. Representative Michael Dembrow introduced HB 4057 because I kept hammering the problem of administrative bloat. He has also concurred with me on the need to support veterans who are attending the OUS institutions. So, stay tuned! I will continue to update you as the time advances.

Grievance Report

Judy Patton, PSU-AAUP VP of Grievances

Although grievances are by their nature confidential and sensitive situations, we can report on some of the kinds of issues that members are currently working with the union to address. Recently these include:

- a) protection of intellectual property,
- b) students complaints of discrimination,
- c) premature use of new titles for fixed term faculty before the promotion and tenure guidelines have been established for these titles, and
- d) shifting jobs from Academic Professional status out of the bargaining unit.

Intellectual Property

A fixed term faculty member who had developed a fully online program was released from service after many years to be replaced by the course materials he had loaded to D2L and video recordings of his lectures. PSU-AAUP grieved violations of Article 18, 20, 22, 23, and 27. On the precipice of filing for arbitration we reached a non-precedential settlement that provides the faculty member an additional year of employment and an agreement that the University will not be using materials the employee considered to be his intellectual property from his work prior to his release.

This case is a cautionary tale for faculty. The University took the position in this case that anything created by faculty pursuant to their job description/appointment letter can be used freely by the University. We disputed that position. In the settlement, the parties agreed to reserve their respective positions regarding their dispute over ownership and use of intellectual property. IP should be a continuing concern.

Student complaints of Discrimination

Over the last six months a number of students were removed from various programs for such reasons as failure to earn minimum grades, failure to attend classes or field placements, or other minimum performance requirements. A number of these students filed complaints against PSU, the programs from which they were removed, and the faculty in the programs alleging discrimination based upon a variety of protected classes in Title VI from the Civil Rights Act of 1964. The office of Equity and Compliance, a sub office of the Office of Global Diversity and Inclusion (ODI) is responsible for investigating such complaints.

A large number of AAUP members have gone through interviews, and

(continued)

Grievance Report (continued)

PSU-AAUP representatives attended each one of them. So far all the complaints have been baseless. PSU-AAUP continues to participate in OSI hearings when asked by faculty to do so, and encourages all AAUP bargaining unit members to take advantage of their ability to have representation should they be called to participate in any interview with ODI or management.

Fixed term Clinical Professor of Practice Position

The SBHE adopted revised OAR 580-020-0005 in January allowing Universities on a permissive basis to create a number of new ranks and positions. This revision triggers a Faculty Senate Process to revise the OSU Promotion and Tenure Guidelines to incorporate the new ranks, titles and promotional schemes that make sense at PSU which, in turn, triggers the need to bargain those salary and terms for those positions for incorporation in the CBA.

A department anxious to use the title jumped the gun and created a "Clinical Assistant Professor" position on their own. PSU and PSU-AAUP negotiated and agreed that the department will use the "Clinical Assistant Professor" as a WORKING TITLE in the rank of Assistant Professor to hire the positions that have already been posted, and that these positions will be grandfathered into the salary and

terms we negotiate at a later date later for the RANK of Clinical Assistant Professor when all the changes brought by the 580-020-0005 revision come to the bargaining table.

UnUn/UnEx no longer performing excluding duties brought into AAUP bargaining unit

An Unclassified Unrepresented employee was hired to do work that was performed by certain academic professionals in our bargaining unit as well as supervisory duties and certain management duties that excluded the position from the bargaining unit because of rules established in the Public Employee Collective Bargaining Act (PECBA).

A reorganization and additional management personnel led to the removal of the exclusionary duties from the employees job description. PSU-AAUP pursued informal meetings prior to filing a formal grievance and Unit Clarification Petition with the Employment Relations Board, and those informal meetings led to an agreement between PSU and PSU-AAUP to bring the position and its occupant into the bargaining unit. We are working out the final details and it should be finalized this month.



PSU-AAUP

American Association of University Professors
Portland State University

Promoting Quality Higher Education – An Investment in Oregon’s Future

Membership Application

Name: _____
Last First M.I.

Campus Home
Mail Code: _____ Address: _____

Automatic Deduction Authorization

Completion of this section is required by law. It must be completed in order to change your designation from fairshare fee payer to member. This does not change your dues amount.

Pursuant to 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 PSU-AAUP status, and is calculated by the PSU-AAUP office and the Payroll office. The monthly deduction will continue until I provide written notification to the Payroll Office.

Print Name _____

Signature _____

Department _____

Date _____

PSU I.D. _____

Date of Hire _____

(Date of Entry into First PSU-AAUP bargaining unit position)

Annual Dues

Regular Dues for members hired into a bargaining unit position on or after October 1, 2010 are .763%. 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 the regular dues rate thereafter. Entrant dues rates are as follows: January 1, 2012- .534%; September 1, 2012- .60%; September 1, 2013- .675%; September 1, 2014- .763% (or the regular dues rate). Annual Dues cover local and national membership in AAUP.

Send completed form via campus mail to mail code “AAUP”