



Unit Ties

Faculty Working Together for Superior Education

Reflections and Recommendations

Sy Adler
President

Winter 2006

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Our experience during this last round of contract negotiations taught us many lessons. One critically important lesson is the value of a mobilized, T-shirt wearing, bargaining unit. The large turnouts at Faculty Senate meetings, at the State Board meeting, the meeting with the accreditation team, on the Library steps, and in the hallways at the start of bargaining sessions made a big difference. A contract campaign, led by a creative and hardworking Contract Action Team, must begin well in advance of the beginning of the next round of bargaining, to develop ideas, design and order T-shirts, and galvanize people.

Another very important lesson is the need for very close scrutiny throughout the year of the actions of the Oregon University System and the Oregon Legislature and a greater degree of engagement with both. The OUS Chancellor's Office, the OUS Board, and the legislature all made choices during 2005 that profoundly affected the financial status of the university and the context within which we negotiated.

Our lobbyist and our Legislative Committee were able to help us stay in touch with some of what was happening, and we were able to respond when we learned of developments that would have dramatic impacts on our efforts.

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AAUP Files Unfair Labor Practice

Julia Getchell
Executive Director

AAUP filed an Unfair Labor Practice (ULP) against PSU in July 2005. In January 2006, Carlton Grew, an Administrative Law Judge at the Employment Relations Board (ERB), heard that case. Judge Grew is expected to issue his recommended findings sometime this spring or early

summer.

The matter then goes before the full three-member panel of the ERB. In the ULP, AAUP alleged two primary violations of the Public Employee Collective Bargaining Act. First, PSU failed to provide information needed for a grievance investigation and then refused to process a grievance protesting the refusal to provide

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Grievance Report

Susan Lindsay

Vice President for Grievances and Academic Freedom

Did you know that PSU has a grievance procedure in addition to the Union's contractual grievance procedure? The PSU Faculty Grievance Procedure is outlined in OAR 577-042. (For details, see arcweb.sos.state.or.us/rules/OARS_500/OAR_577/577_042.html.)

The purpose of the Faculty, or non-contractual, Grievance Procedure is to provide a means to promptly and efficiently resolve grievances with an emphasis on collegial problem solving.

This procedure covers a broader range of grievances than those grievable under the Collective Bargaining Agreement between AAUP and PSU. The cornerstone of the non-contractual grievance procedure is a peer review over issues and procedures and provides for an opportunity for a peer hearing.

It has come to the attention of the AAUP Grievance Committee that the PSU Administration may not

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Unit-Ties is published on a quarterly basis. 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 fights for tenure, academic freedom, and due process for all faculty. The Portland State Chapter (PSU-AAUP) operates as both a professional association and as the exclusive collective bargaining agent for all PSU faculty employed at least .50 FTE.

Legislative Report

Tom Barrows

Dave Barrows & Associates

March 7th at 5 p.m. is the deadline to file for office in Oregon for the 2006 election. While there are always a couple of surprises on filing day, for the most part we know who is running.

There are seven major candidates for Governor at this point. Governor Ted Kulongoski is running for reelection, and he will be challenged in the Democrat primary by former State Treasurer Jim Hill and Lane County Commissioner Peter Sorenson.

On the Republican side, 2002 nominee Kevin Mannix is making another run at the office. Going up against Mannix are former Portland School Board Chair and 2002 primary opponent Ron Saxton as well as state Senator Jason Atkinson.

State Senator Ben Westlund has also changed his party registration from Republican to Independent and intends to run in the General Election as an Independent. Most observers at this time believe that Kulongoski is the favorite to win a second term.

The make-up of the Oregon State Senate is now 18-12 in favor of the Democrats. There are only a couple of seats that look like they could be in play in this election. In Eugene, former Mayor Jim Torrey is looking to pick up the seat for the Republicans, but with Sen. Vicki Walker deciding to run for reelection to the Senate instead of running for Governor it will be much more difficult for Torrey to accomplish.

The other seat really in play is an open seat that Sen. Charlie Ringo will be vacating, which covers Western Washington County and Northwest Portland. Democrat Rep. Brad Avakian is giving up his House seat to run for this Senate Seat. The Democrats have a registration edge, so it will likely continue to be in the D column.

The House is presently split 33-27 in favor of the Republicans. Every Republican incumbent, except one, is running for reelection. The exception is Derrick Kitts from Hillsboro. Kitts is running for Congress in the first district seat held by David Wu.

Nearly all Democrat Representatives are running for their seats as well. Most of those who are not running for reelection are in "safe" Democrat seats. The exceptions are in the Washington County area where Rep. Mark Hass has decided to leave legislative service and Rep. Brad Avakian is running for Sen. Ringo's Senate Seat.

Other than these open seats, there are really only a few races of real interest around the state. The Democrats are going to go after the Speaker of the House, Karen Minnis in East Multnomah County, Rep. Billy Dalto in Salem and Rep. Alan Brown in Newport and try to pick up the Kitts seat. The Republicans have targeted Rep. Larry Galizio in Tigard, Rep. Chuck Riley in Hillsboro and Rep. Arnie Roblan in Coos Bay. They also hope to pick up the Hass seat. The best guess at this point is that the split in the House will be about where it is today when the dust settles.

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Faculty Grievance Procedure Under Fire

(Continued from page 1)

be following the letter and the spirit of the Faculty Grievance Procedure. In two cases involving AAUP bargaining unit members in the past year, PSU Administration, via attorneys from the Department of Justice assigned to represent PSU administrators and members of the Faculty Grievance Committee, appear to have unnecessarily interfered with the process as written in OAR 577-042.

Attempts were made to limit the scope of grievances brought under the Faculty Grievance Procedure to matters of procedure and excluded matters of substance.

Then, as predicted, after succeeding in preventing substance issues from being heard in an important hearing, in a subsequent case, this repressive action was attempted again with a “past practices” argument. Obviously, if it wasn’t fair or in the spirit of the Procedure the first time, it won’t become more “legit” by repeated attempts.

The AAUP Grievance Committee is concerned that faculty member rights are unnecessarily being infringed upon by significant deviations from the Faculty Grievance Procedure. This Procedure is owned by you the faculty, and as such must be supported by

you. The AAUP Grievance Committee will be working with our colleagues at the Faculty Senate to draw more attention to this issue.

Your concern and activism is needed. Next time it might be a colleague of yours who finds him/herself poorly represented

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by a process designed to give disputes fair and comprehensive hearings.

Grievance Committee Update

Members of the AAUP Grievance Committee continue to assist members of the bargaining unit on a variety of contract-related matters.

Currently the committee members are assisting six tenure-track faculty members who are encountering difficulties during their reviews for promotion and tenure. In all cases there appears to be procedural irregularities in

their reviews.

Members of the Grievance Committee have been working informally with members of the PSU Administration on behalf of these faculty members to resolve these issues. If these cases are unable to be resolved informally, grievances may be filed.

New Committee Members Sought!

We are seeking new members of the AAUP Grievance Committee. Ideal candidates are bargaining unit members who are familiar with the promotion and tenure system at PSU, have a keen ear for listening to issues, and are willing to assist their colleagues. But all

ranks and terms welcome. You must be willing to keep all grievance-related information confidential.

AAUP will provide all the training and support needed to advise and assist your colleagues. The AAUP Grievance Committee meets bi-weekly during the academic. Please contact Susan Lindsay at 5-8257 or Julia Getchell at 5-4414 if you are interested in joining this intriguing and interesting committee. This is truly an important service position, and helping a colleague in need feels great!

Summary of Salary Increases

January 1, 2006, for 12-month contracts and February 1, 2006, for 9-month contracts

(Based on your June, 2005, salary.)

* 5% salary increase for bargaining unit members continuing from 2004-2005
(you received a paycheck in June 2005.)

* Low salary increase. The greater of 1.25% or \$450 9-month contracts/\$600 or 12-month contracts for Salary Equity Pool increase.

Please see Article 30 on our Website www.psuaaup.net/articles.html for details about thresholds for low salary increase eligibility.

* Establish Academic Professional reassignment salary increase minimums for an Academic Professional whose position is reassigned to a higher level within the same job family.

July 1, 2006, for 12-month contracts and September 16, 2006, for 9-month contracts

*2% salary increase for bargaining unit members continuing from 2005-2006
(you received a paycheck in June 2006.)

*7% increase to salary rate minimums.

*7% increase to minimum salary increases that accompany promotion in rank.

*7% increase to Academic Professional reassignment salary increase minimums for an Academic Professional whose position is reassigned to a higher level within the same job family.

January 1, 2007, for 12-month contracts and February 1, 2007, 9-month contracts

*1% salary increase for bargaining unit members continuing from December 2005 for 12-month contracts and January 2006 for 9-month contracts.

July 1, 2007, for 12-month contracts and September 16, 2007, for 9-month contracts

*1% increase to salary rate minimums.

(For further information, please visit www.psuaaup.net or contact Julia Getchell at 5-4414 or aaup@psuaaup.net.)

Lessons Learned Need Implementation

(Continued from page 1)

But we have to be much more informed and much closer to the action, so that we can be proactive in all of those arenas.

Still another lesson is the power of acting jointly with our colleagues on other state campuses. We participated in the first-ever joint news conference with representatives from the other state system institutions to call attention to the fact that higher-ed faculty would be getting substantially smaller percentage salary increases than would virtually all other state employees.

This comparison was made explicit for the first time during this round of negotiations. We need to work with our colleagues elsewhere to press this issue, and others of mutual concern, forward.

Further, we learned, as a result of the many discussions we had to accompany the contract ratification vote, that a substantial percentage of bargaining unit members were very concerned about the inclusion of risk-sharing language regarding health care.

While the bargaining team and the Executive Council thought it was worth accepting that risk in order to secure other gains, we all shared the concern.

It's highly likely that the health care issue will return to the table during the next round of negotiations. As we know, paying for health care has been an extremely contentious issue across the country and in every industry. We need to start doing research now about alternative strategies to address the issue.

It was clear throughout negotiations that we needed to know more about the university budget than we did; we need a stronger independent analytical capacity. Not only will we need to know more about resource generation and allocation at the

university for future bargaining purposes, but we'll also need to know more, and be in a position to make recommendations, as we enter the period of budget-cutting that looms immediately ahead.

At this moment it appears that the budget gap will range from \$4 to \$7 million. Faculty need to be discussing alternatives, especially alternatives to cutting academic programs; AAUP needs to take a leadership role.

The last lesson is the need for a large number of people who are willing to play active organizational roles and to step into leadership positions. AAUP needs people to put into practice all the lessons enumerated above.

This means people willing to serve on the Contract Action Team, the Legislative Committee, an AAUP version of a Budget and Priorities Committee, and a Health Care Committee. It means people be willing to serve as Unit Reps so that Executive Council and the Bargaining Team can communicate critical information and get

meaningful input in a timely manner.

It also means people willing to run for Executive Council. Seven positions on Executive Council will open up this spring, including President and Vice-President for Collective Bargaining. (See page 7 for a complete listing.) I will not stand for re-election as President, although I will occupy the past-president position on the Council. It's time for new people to assume all of these key leadership posts.

Please join the Executive Council and the bargaining team at an upcoming contract celebration party. It's being planned both to acknowledge a job well done and to begin the process of implementing the lessons we've learned.

“We have to be much more informed and much closer to the action, so that we can be proactive in all arenas (during the next round of contract negotiations).”

ULP: PSU Refused to Provide Information

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information. AAUP has rights under the Collective Bargaining Agreement with PSU and the Public Employee Collective Bargaining Act that entitle the union to information needed to investigate grievances.

The Employment Relations Board has ruled in similar cases that unions are entitled to the type of information AAUP has requested here.

Second, AAUP alleged that PSU refused to bargain in good faith when it refused to address illegal contract language and insisted on a prohibited subject of bargaining. AAUP believes that Article 28, Division B, Section 2 (Resort to Other Procedures) is illegal.

Article 28, Division B, Section 2 says: "If, prior to seeking resolution of a dispute by presenting a grievance hereunder, or while the grievance proceeding is in progress, a member seeks resolution of the matter through any agency outside the University,

whether administrative or judicial, the University shall have no obligation to entertain or proceed further with the matter pursuant to this grievance procedure or pursuant to Article 29 (ARBITRATION)."

"The Employment Relations Board has ruled in similar cases that unions are entitled to the type of information AAUP has requested here."

When a bargaining unit member files a discrimination or equal opportunity complaint with the Oregon Bureau of Labor or

Industries Civil Rights division or the federal Equal Employment Opportunity Commission, PSU has used the "Resort to Other Procedures" language to stop processing grievances.

According to AAUP's attorney, Elizabeth Joffe, this language is illegal and should not be part of the AAUP-PSU Collective Bargaining Agreement because courts in several jurisdictions and the Equal Employment Opportunity Commission have held that this type of language constitutes retaliation for engaging in legally protected activity.

Through contract negotiations with PSU, AAUP has tried fruitlessly to eliminate or modify this language to allow bargaining unit members to file civil discrimination claims without losing their rights under the Collective Bargaining Agreement and the Public Employee Collective Bargaining Act.

Join the Executive Council!

The following positions are currently open:

President, Vice President for Collective Bargaining, Treasurer,
and four (4) Councilor positions

Nominations need to be received by AAUP by March 15, 2006.

Only full members are eligible.

Nominees must be able to attend weekly meetings.

All positions are two-year terms with the exception of treasurer, which is one year.

All terms begin May, 2006.

American Association of University Professors

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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 _____

SSN _____

Annual Dues

Normal Annual dues for PSU-AAUP members are 3/4 of one percent (.0075) of academic salary.

Active Entrant dues (must be new to the PSU-AAUP bargaining unit) are 3/8 of one percent (.00375, half of normal dues).

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