

PORTLAND STATE UNIVERSITY

## American Association of University Professors

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

Via Email and US Mail

November 18, 2013

TO: Carol Mack, Vice Provost for Academic Personnel ([mackc@pdx.edu](mailto:mackc@pdx.edu))  
Lorrie Baker, paralegal, Office of General Counsel ([bak4@pdx.edu](mailto:bak4@pdx.edu))  
Patricia Williams, Special Assistant to Carol Mack ([patricia.williams@pdx.edu](mailto:patricia.williams@pdx.edu))

From: Phil Lesch, Executive Director

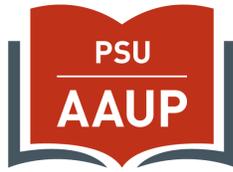
Re: Statement of Issues and Demand to Bargain: Proposed Acceptable Use Policy

The University’s Acceptable Use Policy concerns terms and conditions of employment which significantly affect members of the AAUP bargaining unit, and thus cannot be changed except by mutual agreement under Collective Bargaining Agreement Article 8. And, even if Article 8 did not apply, the University would be obligated to bargain with AAUP regarding the proposed changes to the Acceptable Use Policy under PECBA. Without waiving any rights under the Agreement or PECBA, PSU-AAUP hereby demands to bargain both the decision to modify the Acceptable Use Policy and the effects of that decision with the understanding that no changes to the policy may be implemented by the University until and unless we reach mutual agreement pursuant to the Collective Bargaining Agreement Article 8.

We are mindful that as an interested party we have been invited to provide input to this policy as a draft. Our decision to provide input should not be interpreted by the University as a waiver of the party’s obligation to bargain, nor shall it obviate our right to file grievances on the final policies. Our issues of concern are detailed in Appendix 1.

Please contact me at your earliest convenience to schedule dates for our respective teams to come together. I look forward to hearing from you.

C: Mary King, President  
Ron Narode, Vice President Collective Bargaining  
Judy Patton, Vice President Grievances and Academic Freedom  
Wim Wiewel, PSU President via US Mail pursuant to CBA Article 39



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## **Appendix 1**

### **PSU-AAUP Comments on Proposed Acceptable Use Policy**

First, we are concerned that the proposed policy does not clearly explain to employees that they may continue to use university information technology resources for union-related communication, which is protected by the Public Employees Collective Bargaining Act and by collective bargaining agreements. Without a clear statement, it is ambiguous whether the University includes union-related communication in Article V Paragraph 1 as “University-related business,” or under paragraph 3 as “personal.” We believe the proposed policy should be clarified as follows:

1.0 PSU information technology resources are provided for University-related academic, business, and research activities and are to be used in a manner consistent with PSU policies, regulations, and procedures, including PSU’s Professional Standards of Conduct and Student Conduct Code. PSU employees may use University information technology resources for employment-related communications, including but not limited to union-related communications and communications regarding terms and conditions of employment.

Second, we are also concerned with the proposed provision that states, “PSU information technology may not be used by University employees for more than incidental personal use.” The scope of this restriction is vague and ambiguous. Depending on the intended scope of the proposed restriction, it could represent a change to well-established past practice regarding permitted personal use of University information technology resources that would have a significant impact on faculty members.