

Unit Ties

Summer 2001

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AAUP National Council Endorses Fair Labor Code of Conduct

From the National AAUP website:
<http://www.aaup.org/pro01615.htm>

Washington, D.C.—On June 9, 2001, the Council of the American Association of University Professors unanimously voted to endorse the following “Fair Labor Practice” University Code of Conduct. By endorsing the concept of fair labor practices, the AAUP joins a growing movement of faculty, students, and staff to articulate community standards for campus employment and to hold administrations accountable for fair labor practices. Harvard’s “Living Wage” movement and the Boston-based University Organizing Project’s “Charter of Workers’ Rights” are other prominent examples of such standards.

Colleges and universities are threatened today by the growing sway of corporate values over university life. This influence appears in curricular decisions, research priorities, the declining role of faculty, and, most visibly, the sphere of employment relations. University employees are often denied elementary democratic rights of free speech, economic security, and equal opportunity.

No educational institution can fulfill its mission unless these rights are protected. To that end, every educational institution should become a “fair labor practice employer” by ensuring that it and all contractors doing business with it secure and uphold the following rights:

- Employees at educational institutions have the right to participate fully in determining the conditions of their work. Every employee has the right to free association, to organize unions without fear of retaliation, and to good-faith bargaining. Whenever a majority of employees have expressed the desire to be represented by a

union—whether by signing a petition or union card, or by voting in a union election—colleges and universities should recognize their union. Educational institutions should not engage in protracted legal struggles to thwart these democratic decisions. University and college administrators should conscientiously adhere to fair labor principles in contract negotiations and in their relations with employee unions, and refrain from practices aimed at undermining them.

- All members of the university community have the right to learn, teach, work and conduct research in an environment that values and protects academic freedom.
- Employees have the right to a living wage, including health, pension, and other benefits.
- Employees have the right to a workplace free from discrimination and harassment and a workplace that practices affirmative action. International students, post-doctoral fellows, and workers have the right to workplaces free of intimidation, coercion and misinformation regarding immigration, visa, and citizenship status.
- Employees have the right to humane and dignified working conditions in an environment that protects the health and safety of the workforce and the surrounding community.

(See **Conduct** on page 4)

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Where have all the flowers gone? Tenure demographics and the future of the profession at PSU

Sarah Andrews-Collier
PSU-AAUP President

In the last two decades, demographics of the PSU faculty have evolved in response to the same pressures that affect other universities statewide and nationally. The most significant of these pressures was economic restructuring ("downsizing") in the early '80s. Of almost equal significance was the next round of economic restructuring in the early '90s. Also important is the recent pressure caused by enrollment increases. Additionally, special circumstances at PSU combined with Oregon University System changes contributed to shifts in faculty demographics as well. These included lifting enrollment "caps" several years ago, and adopting the enrollment-driven budget model (RAM) in the last biennium. Finally, PSU has historically depended on using various unclassified (faculty) appointments to "grow" the university.

The PSU faculty consists of instructional tenure-related faculty, and instructional and non-instructional (Academic Professionals and No Rank) fixed-term faculty. In April 2000, faculty in the bargaining unit numbered 815, and faculty certified to participate in governance numbered 845 (April 2000 Quarterly Membership Report, PSU-AAUP, unpublished; Certification for 2000 Faculty Elections, PSU Secretary to the Faculty, Report to Steering Committee, March 2000 unpublished). Including some additional unclassified, adjunct and graduate student numbers, this translated into total FTE for Fall 2000 of 692.43. In the decade from Fall 1990 to Fall 2000, the FTE of all faculty increased by 135.07, or 19.5% (*PSU Factbook*, Fall 1990 and Fall 2000, Table 4.2). What was striking was not the growth itself, but where and how it occurred. In that decade, the ratio of tenure-related faculty to all faculty decreased from 304.19 to 529.03 (57.5%) to 234.73 to 692.43 (33.9%) (*PSU Factbook*, Fall 1990 and Fall 2000, Table 4.7).

The implications of this shift are several, but I want to speak about two from the perspective of PSU faculty.

One: In spite of a huge increase in the relative number of fixed-term faculty employed by the university, minimal attention has been paid to non-instructional faculty to date, and even less attention has been paid to fixed-term teaching faculty with respect to compensation and working conditions. Two: Sizable decreases in the ratio of tenure-line faculty to fixed-term faculty are having a significant impact on issues of curriculum, pedagogy, research and governance. Furthermore, this paradigm shift may eventually, as it has elsewhere, beg the question of whether tenure has or should attain "endangered species" status.

I. Fixed-term faculty

Although the ratio of fixed-term to tenure-related faculty was smaller in the past, fixed-term faculty were major contributors to the development of individual programs and the entire university. Fixed-term faculty had instructional loads equivalent to those of tenure-related faculty, if not equivalent research and service loads. Many PSU programs have made every effort to integrate fixed-term faculty seamlessly into their regular operations. In my school (FPA), for example, the only major disparity in treatment was in the layoff order specified by the contract. In the Oregon Administrative Rules this parity has been continuously recognized in the sabbatical provisions—however seldom sabbatical has been awarded to fixed-term instructional faculty. It has been continuously recognized in our contract in Art. II, which mirrors the AAUP "Redbook" recommendation that a fixed-term faculty be eligible for tenure after the equivalent probationary period. It was also previously recognized in a letter of agreement in the contract that fixed-term numbers be held constant. The dividing line that did exist in the faculty ranks was not between members of the regular faculty but between the full time (.5 FTE and above) and the adjunct (less than .5 FTE) faculty.

Treatment of fixed-term faculty has shifted of late, consistent with the trend across higher education today to amend the power balance between faculty and administration so we can be better "managed." This shift is being driven at PSU by two other factors, the response to "enrollment management" activities and the turnover in officers of the administration. The outcome is that fixed-term faculty have been directed to become more like adjunct faculty—to teach more credits per load than tenure-line faculty. This requires, in effect, that they reduce research and service if they are to be as productive in the classroom as they were formerly. This policy change has come after, not before or simultaneous with, a major decade-long effort to increase productivity across the university. Astoundingly, it was first implemented in the most pedagogically demanding and externally visible program in the undergraduate curriculum, University Studies. In contrast to this "innovation," there is a notable lack of any action to compensate fixed-term instructional faculty, with, for example, the implementation of two-year contracts.

The remaining issues about fixed-term faculty are fairly straightforward. Although they now outnumber tenured and tenure-line faculty, nobody beyond the local level has done much to date with regard to pay and promotion oversight. Fixed-term faculty have no job security, they often endure less equitable treatment on the job, they are treated more capriciously on the whole, and they are often prevented from career advancement by demands made upon them, such as the increase in teaching loads cited above. For all this they receive less compensation than tenured and tenure-line do. Simultaneously, however, they are held to the same ethical standards as educators and/or researchers, and they put the same "face" on the university as their tenure-line colleagues.

Our OUS colleagues at Corvallis and

(See *Future* on page 6)

Bargaining Update

Martha Hickey
VP of Collective Bargaining

AAUP and the University held three bargaining sessions in July (11, 25, 31). Fixed-term issues (Article 41 of the contract) remained the primary topic of discussion and we have reached several understandings. (More on this below.)

In August there is only one session scheduled, an all day meeting on August 14, where we will discuss revisions to the Academic Professional Article (Article 12), workload and safety issues (Article 13), support for professional development (Article 40) and, possibly, the timing of non-renewal notices (linked, in AAUP's view, to the multi-year contracts for fixed-term faculty). The University has said that it does not have sufficient information from OUS to discuss financial issues yet, although they would like to know our priorities with respect to cash back and benefit options. Thank you to all those who responded to our healthcare benefits survey. Your responses will help the bargaining team formulate our position on this important issue.

MULTI-YEAR CONTRACTS FOR FIXED-TERM

FACULTY. AAUP wants real opportunities for multi-year contracts for all fixed-term faculty. For this reason we have been very concerned that those instructional faculty who were reviewed in January and recommended by their departments for two-year contracts have not yet been notified of the outcome of the review. The deans now have a list of 32 individuals whom the Provost has approved for two-year contracts. We were told that the delay is a reflection of budget uncertainties. On July 31, the Vice-Provost said that the deans now have sufficient information to give their approval (or not), and he will encourage them to make their decisions.

SENIORITY. The University agrees that there is a precedent for defining seniority for fixed-term instructional and research faculty as 8 years of full-time service. They expressed a willingness to accept that length of service as a threshold that would automatically trigger review for multi-year contracts and require consideration for sabbatical or professional development leave without pay if the qualify-

(See *Update* on page 7)

Lobbyist Report

Tom Barrows
Dave Barrows & Associates

The 2001 session of the Oregon Legislature adjourned *Sine Die* at 5:15 a.m. on Saturday, July 7. This session was generally not as contentious as the 1999 session had been. There was an effort by the leadership and most members of the Legislature to conduct themselves in a less partisan manner. This unity maintained itself fairly well until the last two weeks when a battle over redistricting saw the House Democrats leave the building and go into hiding for nearly a week. With less than a quorum present, the House could not conduct official business and the House Republicans' efforts to push through a redistricting plan that would bypass the Governor's veto ran into the July 1 deadline to have a plan in place. The responsibility to redraw the district boundaries then went to Secretary of State Bill Bradbury.

We went into the session with a budget proposal presented by the Governor that would have cut approximately \$96 million from the current service level for the Oregon University System and would have significantly raised tuition without the increases going to backfill the cuts. The Higher Ed Lobby Network (HELN) began meeting before the session began in order to move forward with a united front in an effort to increase funding for higher education. A rally was held on the steps of the Capitol Building on March 6 and Portland State University was very well represented. The final budget approved by the legislature increased the basic OUS funding by \$59.3 million and added targeted funds for Engineering (\$20 m), a Central Oregon Campus

(\$7.2 m), Small Schools (\$8 m) and Enrollment Growth (\$8.5 m) bringing the total OUS allocation to \$812 million. This was still a cut in funding, but it was better than it might have been in a session that saw the beginnings of an economic downturn.

Secretary of State Bill Bradbury has presented a draft of his redistricting plan and he must have a final plan in place by August 15. If his plan is challenged in the courts (and it almost certainly will be), the final decision must be in place by December 15. The uncertainty created by not knowing for sure where the new district lines will be is compounded by the fact that a Marion County judge has tentatively thrown out Oregon's legislative term limit law. This ruling was based upon the determination that it violated Oregon's rule for constitutional initiatives that they contain only one topic. The ruling has been appealed, but it may be some time before the Supreme Court declares whether this voter passed initiative is constitutional. This combination of factors makes it very difficult at this point to know what the 2003 Legislature will look like.

The House Democrats have named Rep. Deborah Kafoury (D-Portland) their new Caucus leader. She replaces Rep. Dan Gardner (D-Portland) who is presently termed out under Oregon's term limit law, but will be running for State Labor Commissioner even if the courts toss out that law.

The Workers' Rights Board: Grounded in Community

Veronica Dujon
PSU-AAUP Member (Sociology)

Perhaps more often than we realize AAUP members at PSU have deep commitments to improving labor standards not just at PSU but in the broader community as well. One way faculty has been able to follow through with that commitment is through active participation in the Portland Area Workers' Rights Board. The Board is a community-based project of Portland Jobs with Justice, a coalition of labor unions, community organizations, faith-based organizations and other concerned people. Currently five PSU faculty members from four departments (Economics, Political Science, Sociology and Women's Studies) are serving on the Board. Portland Jobs with Justice is part of a national coalition that works to promote economic justice and human rights for working people and their families. There are more than 40 Jobs with Justice chapters nationwide.

Origins and Objectives of the Board

The Workers' Rights Board is a public forum where workers can bring complaints against employers for violating their human and legal rights in the workplace. In the recent past AAUP members have sat on various public hearings. Included in this list is a public hearing on contract negotiations at Powell's Books, represented by the International Longshore and Warehouse Union (ILWU), Local 5 (June 2000). The hearing was critical to the ILWU's ability to successfully negotiate a decent contract. Public hearings have

also been held on concerns about the labor, health, safety and environmental practices of Oregon Steel (September 2000) and the right to organize (June 2001). The Board is drawn from a broad spectrum of community leaders and can intervene with employers and the public to help resolve situations that threaten workers' rights. PSU faculty has been included in the selection of all panels convened so far.

For those of us who serve on the Workers' Rights Board, the objectives of the Board and the forum it provides for us to make a contribution allow us an opportunity to be linked in a meaningful way to the community in which we live. The Board believes that it is especially important to support the efforts of low wage-workers, who tend to be women, immigrants, young workers, and workers of color, to achieve justice in the workplace. Safe, living wage jobs, where workers are not discriminated against for speaking up for their rights are the backbone of any healthy community. Our experiences and concerns as AAUP members about fair labor practices at our own work site are often reflected at the public hearings in which we participate. An injury to one is an injury to all. We are more than just dwellers in an ivory tower.

For more information on the Portland Area Workers' Rights Board, go to: <http://www.jwjpx.org/workersrights.htm>.

(Continued from *Conduct* page 1)

- All members of the university community have the right to learn, teach, and work in an institution that does not depend upon prison labor.

These rights should be guaranteed to all employees, including service and maintenance workers; clerical and technical workers; security personnel; faculty and professional staff; full-time, part-time, and subcontracted employees; and adjunct instructors and graduate-student employees.

Welcome New Members!

James Bickford	Education
Vincent Fritzsche	Professional Development Center
Sharon Hasenjaeger	Public Administration
Philip Jenks	University Studies

A Message from OPEU President: OPEU Prepares for Strike

Denise Duncan
SEIU, Local 503/OPEU, Local 089 President

As you probably know, OPEU has been in mediation and have recently declared an impasse. We are now in our 30-day cooling off period. Our bargaining delegates voted to begin preparing for a strike. We're still in mediation and have two sessions planned here at PSU, one on August 22 and one on August 27. On the 27th, we are having a rally. There's not much time to throw it together, but we're going to work very hard between now and then to get the word out and hopefully get the same kind of turnout we had for the April 11 (Higher Ed Solidarity) rally. We can really use some help. We haven't decided on a location yet, but the rally will be at noon. We'd like someone from AAUP to speak and let the attendees know how your negotiations are going and tie it in to our struggle and the common struggle, etc., etc. Any help we can get is much appreciated. If you're interested in attending planning meetings, please let the AAUP office know (5-4414 or aaup@teleport.com) and you will be invited to each meeting.

OPEU could also use help with these upcoming events:

- **Tuesday, Aug. 14:** We're having a "ready to strike" sticker day. We'd like as many people on campus as

possible to wear these stickers. Let the AAUP office know if you want stickers and how many. The 14th will be our blitz day, but wearing them everyday is fine with us!

- **Wednesday, Aug. 22:** Button/t-shirt day—same sort of deal as the 14th.
- **Monday, Aug. 27:** Rally.

On Wednesday, Sept. 5 we will be holding an informational picket, 7:30 am, noon, and 5 pm, on Broadway across from Parking Structure One. We will have flyers to hand to passers by, etc.

I realize many people are out until mid September, but any help we could get would be much appreciated. Let the AAUP office know if you have any questions (5-4414 or aaup@teleport.com).

Labor Notes

Campus Equity Week, October 28 to November 3, 2001

The AAUP National Council has endorsed Campus Equity Week (CEW) to focus attention on the growing degree of contingent appointments among faculty and other university employees. The AAUP is participating in a nationwide coalition to publicize the overuse and abuse of contingent faculty and its impact on the future of the profession and the quality of higher education. PSU-AAUP is planning an event during this week. Details to be announced. For further information on Campus Equity Week, go to: <http://www.cewAction/org>. Download the AAUP Campus Equity Week Flyer at: <http://www.aaup.org/CEWAd.pdf>. If you'd like to be involved in helping plan Portland area CEW events, contact the AAUP office at 5-4414 or aaup@teleport.com.

PSU-AAUP Joins 20+ Labor Organizations Demanding Repeal of Portland Joint Terrorism Task Force

Last November, the Portland City Council passed an emergency ordinance (without a public hearing) to create the Portland Joint Terrorism Task Force (PJTTTF), a joint operation between the Portland Police, the FBI and other Oregon police agencies. Activities such as union organizing and strikes can be (and have been) considered dangerous and potentially "terrorist" under this ordinance, thereby justifying the participants to be spied upon. The ordinance is up for renewal in late September. This time, Commissioner Erik Sten promises that there will be a public hearing on this ordinance. A Portland area anti-PJTTTF has been formed and union/labor leaders have met with the mayor's aid, the police chief's aid and some city commissioners. The next delegation will meet with Commissioner Dan Saltzman on Wednesday, August 15. If you are interested in attending a meeting with a commissioner or would like more information on this ordinance, please contact the AAUP office at 5-4414 or aaup@teleport.com.

Party at Powell's!!

Powell's bookstore employees are having a party to celebrate their one year anniversary of their first contract. Everyone is invited. There will be cake, balloons, speeches and music by General Strike. The party is on Tuesday, August 14 from 12-1pm in front of the Burnside store (10th & West Burnside). If you attend the party remember to wear your AAUP button!!

(Continued from *Update* page 3)

ing faculty member requests it. (This does not prohibit earlier application.) AAUP and the University also agreed that the number of years would be subject to review by the Fixed-Term Faculty Task Force that we have agreed to convene this fall.

DEFINITION OF LOAD. AAUP and the University have agreed on language in the contract that acknowledges that significant non-instructional activities should be part of the FTE load for fixed-term instructional appointments (or significant instructional activities of a member on a fixed-term research appointment).

TASK FORCE. We are seeking 2 interested volunteers who will share up to 3 course releases to serve two terms on a fixed-term faculty task force. This task force will be responsible for developing guidelines for review, reappointment, professional development and the granting of multi-year contracts to fixed-term instructional (FTIF) and research faculty. These recommendations will provide a basis for renewed bargaining on these issues.

PROFESSIONAL DEVELOPMENT FOR FIXED-TERM FACULTY. The University has agreed to publish a chart listing all grants, funds, awards, and leaves that a

fixed-term faculty member is eligible for. These include professional development leaves of absence and sabbaticals for those at the rank of senior instructor or above (and other ranks upon exception).

REVIEW OF FIXED-TERM FACULTY. AAUP and the University agree that all parties benefit from clear communication of expectations. We have collaborated on a revision of the current letter of appointment for fixed-term instructional and research faculty and created a template for job descriptions that must accompany the appointment letter. This job description would also become the basis for any review that would be conducted. The task force will be asked to survey current policy and recommend a meaningful and workable system for review of fixed-term faculty.

TIMELY NOTICE. The University accepts 30 days prior to the term as a standard for signing and submitting a fixed-term contract. It also wants to ask the task force to consider what prior notice is appropriate for notification of non-renewal.

If you would like to be present for all or part of the next bargaining sessions, please contact the AAUP office (725-4414 or aaup@teleport.com) by Monday, August 13. We will distribute a list of our goals and interests prior to that session.

The PSU-AAUP Executive Council and Staff

The AAUP Executive Council is committed to being available to you. Please call or email a council member or the AAUP office with any concerns or questions.

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Comments and submissions may be sent via e-mail to aaup@teleport.com or to mail-code "AAUP" (232 SMC).

Visit our website at <http://www.teleport.com/~aaup>



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of
University Professors
PSU-AAUP
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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.

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Annual Dues

Normal Annual dues for PSU-AAUP members are 3/4 of one percent (.0075) of academic salary. Non-tenured Active Entrant dues (must be new to AAUP) are 3/8 of one percent (.00375, half of normal dues).

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