

## UC and the California Budget

Adapted from information provided by Myrna Hays,  
Lobbying Coordinator, Council of UC Faculty Associations

California's financial situation is grim, and UC's budget has already been significantly reduced despite surging enrollments. By the next academic year, on-campus enrollment should have increased by about 18% over a three-year period, while UC's budget will have decreased by some 6%.

The May Revision of the Governor's Budget was released on May 14. There is no way to forecast the pace of legislative action, but the constitutional deadline for passing a budget is June 15. Check our new website for lobbying updates and advisories.

[www.aaup-ca.org/bfalobbying.html](http://www.aaup-ca.org/bfalobbying.html)

As of press time, we are asking faculty members to contact their legislators and urge them to limit further cuts in the UC budget to those already outlined by the Governor.

Base budget reductions began in 2001-02, with \$11 million in mid-year cuts. In 2002-03, the budget act approved another \$160 million in base budget cuts. That year saw an additional \$52 million in mid-year reductions. The governor's 2003-04 budget and his proposed May Revision include a further \$139 million in base budget reductions and, if adopted, would raise the total amount of cuts to UC's base budget over \$360 million during this 3-year period. Under the governor's budget, UC students already face a \$1,200 fee increase over two years and so further revenue enhancements from increased

tuition are exceedingly unlikely. (Figures provided here have already been adjusted to account for offsetting revenue from student fee increases.)

Exacerbating the state's shrinking appropriations, UC campuses must absorb another \$100 million in cost increases that are not being funded by the state—these include skyrocketing health benefit costs, merit increases for eligible faculty, increased energy costs, unfunded costs related to the maintenance of new space, and inflation increases in the non-salary portion of the budget. And, of course, there is UC's need for 6,000 new faculty members over the next decade to accommodate enrollment growth. . . .

The governor's proposal seems now to be the best-case budget scenario, in part, because some legislators are calling for even deeper cuts in the UC budget. One legislative plan would make \$80.5 million in cuts beyond those contained in the governor's budget, and an Assembly Republican plan would cut another \$400 million from the UCs.

UC cannot absorb more cuts without seriously compromising the quality of the University. In fact, the cuts that are already being implemented include reductions equaling 10%-50% of program budgets in such areas as libraries, student services, public service programs, and administration.

### Contents

State Budget .....	1
CA-AAUP Website .....	1
Members' Letters .....	2
AAUP Salary Survey .....	2
Government Relations:	
Washington .....	3
Sacramento .....	4
Capitol Hill Day .....	7
Membership Form .....	insert
USA PATRIOT Act .....	5
Errington .....	5
Contact Information .....	6
BFA/AAUP Personnel .....	8
In Memoriam .....	8
AAUP Events .....	8

Research funding was cut 20% in the early 1990s and will probably sustain another 20% cut over the current two-year period. Meanwhile, faculty salaries will lag those at UC's comparison institutions next year by 9%, and UC faces a similar challenge with respect to staff salaries.

The California Conference of the AAUP has a new website at:

[www.aaup-ca.org](http://www.aaup-ca.org)

This site will provide information on higher education, faculty-related lobbying initiatives, and the activities of the AAUP's chapters and affiliates in California.

This site will also host a number of chapter websites, including the new web site of the BFA/AAUP at:

[www.aaup-ca.org/bfaindex.html](http://www.aaup-ca.org/bfaindex.html)

## Our Members Write

*We introduce this new feature in the hope that it will stimulate debate within the Association. Letters of 200 words or fewer are encouraged. The BFA/AAUP reserves the right to edit letters. Submissions must include the writer's name and should be emailed to <bfa@aaup.org>.*

### TO THE EDITOR:

The affiliation of the Berkeley Faculty Association with the American Association of University Professors increased the resources available to BFA members. There is nevertheless, one aspect of this affiliation which concerns me. The AAUP takes national political positions and makes endorsements without consulting its entire membership. For instance, the AAUP urged in 1996, the defeat of Proposition 209 in California, the enactment of which bans discrimination by race, gender or ethnicity in the State. For that reason I resigned from the organization in 1996. The BFA was founded to undertake activities on behalf of the Berkeley faculty, not to engage in political activities designed to impose ideological positions. While there may well be advantages to the affiliation of the BFA with the AAUP with regard to improving or expanding activities on behalf of the Berkeley faculty, I would urge that the BFA carefully limit the nature of what the newsletter terms the "coalition," to non-ideological activities and that they make that position clear to the AAUP. Irrespective of the merits of any ideological position that do not clearly and directly affect faculty welfare, the AAUP should not presume it is entitled to speak on behalf of the BFA or its membership on such issues.

Ernest B. Hook  
Professor, Public Health

## On the Money . . .

Entitled "Unequal Progress," this year's report of the AAUP's Committee on the Economic Status of the Profession points to the growing differences between salaries at private colleges and universities and those at public institutions. The report's primary author, Ronald G. Ehrenberg, is the Irving M. Ives Professor of Industrial and Labor Relations and Economics at Cornell University and director of Cornell's Higher Education Research Institute.

Dr. Ehrenberg points to several factors that have dampened increases in faculty salaries, including pressures on state budgets (which led thirteen states to reduce appropriations for higher education), negative returns on endowments for the second year in a row, rising unemployment, and large increases in enrollments.

This marks the sixth consecutive year in which faculty salaries rose more than inflation, although the average annual increase (net after inflation) was only 1.25 percent during this period. Salaries of continuing faculty (those who remained at the same institution over two consecutive academic years) increased 4.3 percent, a real increase of 1.9 percent. By contrast, last year the AAUP reported a 5.0 percent increase in continuing salaries, which translated to a 3.4 percent real increase.

The "unequal progress" highlighted in the report refers to continuing and growing differences between salaries at private colleges and universities and those at public institutions. One-quarter of continuing faculty in the public sector work at colleges and universities at which salaries did not keep pace with inflation. One effect of this disparity may be the apparent difference between public and private institutions in the continuation rate for associate professors, which has been lower, on average, at public institutions during the last several years.

The survey also found that the range of salaries across institutions within each sector has increased. Using data collected over four decades, the report indicates that the dispersion of salaries among faculty with the same academic rank has increased over the last twenty-five to thirty years in both public and private institutions.

The AAUP's annual compensation survey also tracks benefits for faculty. In 2002-03, the cost of providing medical insurance accounted for a higher proportion of total faculty compensation expenditures than in previous years.

Based on data from more than 1,400 institutions, the survey provides comparative institutional rankings. Summary tables show faculty salaries and compensation by academic rank, gender, region, and institutional type. Changes in salary levels from the previous academic year are given for all faculty and for continuing faculty. Tables provide the average institutional cost of specific benefits, and proportions of faculty with tenure. A new feature in this year's report is the identification of professional school salaries included in each institution's averages. This modification will allow for more relevant comparisons among peer institutions.

### Berkeley vs. Stanford: How do we compare?

	Avg Salary (1,000s)				Avg Compensation (1,000s)			
	Prof.	Assoc.	Asst.	All	Prof.	Assoc.	Asst.	All
<b>Survey 02/03</b>								
Stanford	137.3	97.8	76.3	116.7	172.1	122.0	101.6	147.4
Berkeley	117.3	74.6	67.3	98.6	157.0	102.0	92.5	132.8
UCB as % of SU	85.4	76.3	88.2	84.5	91.2	83.6	91.0	90.1
<b>Survey 97/98</b>								
Stanford	111.0	75.3	60.1	94.9	131.7	91.8	74.5	113.6
Berkeley	92.7	61.1	52.0	77.2	117.5	78.6	66.9	98.3
UCB as % of SU	83.5	81.1	86.5	81.3	89.2	85.6	89.8	86.5

Members receive the salary survey free in *Academe*. Non-members may order a copy (\$68.50) from:

[www.aaup.org/catalogue/index.htm](http://www.aaup.org/catalogue/index.htm)

## Washington

### Report on 108<sup>th</sup> Congress

Mark F. Smith  
Director of Government Relations  
American Association of University Professors

#### Congressional Action

The 108<sup>th</sup> Congress convened in January with an agenda dominated by unfinished business and new leadership teams. The November election resulted in narrow Republican control of both houses. In the House, Dennis Hastert of Illinois continues as Speaker, but Tom DeLay of Texas took over as Majority Leader after fellow Texan Dick Arme y's retirement. Nancy Pelosi stepped up as Minority Leader after Dick Gephardt of Missouri stepped down in order to run for the Democratic Presidential nomination. Steny Hoyer of Maryland assumed the Minority Whip's position.

The President's budget for FY 2004 is available online on the OMB (Office of Management and Budget) website:

[www.whitehouse.gov/omb/budget/fy2004/index.html](http://www.whitehouse.gov/omb/budget/fy2004/index.html)

The Department of Education has prepared "FY 2004 Education Budget Summary and Background Information," available online at:

[www.ed.gov/offices/OUS/Budget04/04summary/](http://www.ed.gov/offices/OUS/Budget04/04summary/)

In the Senate, the Republicans won majority control in the November elections, and put in a new leadership team. The new majority leader is Senator Bill Frist of Tennessee, replacing Trent Lott of Mississippi, and the assistant majority leader is Senator Mitch McConnell of Kentucky, replacing Don Nickles of Oklahoma. Nickles became chair of the Budget Committee, while Lott stepped down in the wake of controversial remarks he made over the winter. Democratic leaders will remain: Senator Tom Daschle of

South Dakota and Senator Harry Reid of Nevada, but they will lead the minority this session.

The new Congress completed action on the FY2003 appropriations bills in mid-February, four and a half months after the statutory deadline for final action. The last Congress had completed only two of the required 13 appropriations bills (defense and military construction.) The rest of the federal government was funded by continuing resolutions between the start of the fiscal year, October 1 and February 20, when the President signed the omnibus appropriations bill. However, two months later, Congress had to pass a FY 2003 supplemental appropriations bill, the largest such bill in history. This was largely to cover projected expenses for the war in Iraq. The total package approached \$80 billion, and in addition to covering six months of projected expenses directly related to the fighting in Iraq, included subsidy provisions for the airline industry.

At the same time Congress passed the supplemental FY2003 appropriations bill, the two houses sparred over differences on the FY2004 Budget Resolution. The House budget resolution allows for the entire \$726 billion tax cut called for in President Bush's original proposal, while the Senate settled for a more modest \$350 billion cut after a series of conflicting votes. The House resolution also includes a 1% cut on all non-homeland security programs, while the Senate passed an amendment proposed by Senator Edward Kennedy of Massachusetts explicitly allocating \$1.8 billion to the Pell Grant Program to raise the maximum grant to \$4,550.

The biggest issue involves the size of the tax cut, but the two houses differ over other issues, including

war expenses, funding for homeland security, and the faltering economy. In mid-April, Republican leaders floated the idea of passing a budget resolution that would allow the two houses to disagree over the size of the cut, leaving the decisive argument for a later time. The budget resolution is not binding, but it does allocate the sums available to the appropriations committees to set the levels of spending for federal programs. If the size of the tax cut is not specified in a reconciled budget resolution, Senate rule would require a supermajority 60 votes to pass any cut, rather than a simple majority of 50.

While budget issues dominate debate, Congress is considering other issues of concern for the AAUP and higher education. These include issues regarding international students and scholars, freedom of expression, and next year's reauthorization of the Higher Education Act.

Technical problems continue to block effective implementation of the Immigration and Naturalization Service's proposed Student and Exchange Visitor Information System (SEVIS). The AAUP joined in testimony to the House Science Committee that reported anecdotal evidence of students being denied re-entry into the country in the middle of their studies, technical problems that send student data to different institutions, and simple backlogs of data entry that have made the system a shambles.

Proposals continue to be floated that would expand controversial provisions of the 2001 USA Patriot Act, as well as some that would pull back some of those provisions. The AAUP has endorsed H.R. 1157, the Freedom to Read Protection Act of 2003, which exempts bookstores

## Sacramento

Charles P. Nash, VP -External Relations  
Myrna Hays, Lobbying Coordinator  
Council of UC Faculty Associations

### Report on the UC Budget Discussions--April 2003

Discussion of the UC budget heated up in legislative budget hearings and in meetings of the UC Regents well before the May Revise. In addition to concerns about enrollment funding and student fees, the other issues being seriously discussed in the Legislative hearings were the cuts to Outreach and the Subject Matter Projects in the Governor's budget, as well as the funding for UC Merced. The LAO (Legislative Analyst's Office) continued to cite the opinion that UC should increase the student/faculty ratio as a means of cutting enrollment costs, but Faculty Association observers did not see any serious discussion of this issue. Nonetheless, if you would like to review some of the most salient points being made by UC in reference to faculty interests, the full report of President Atkinson and V.P. Larry Hershman's comments to the Legislature and to the Regents are available at:

[www.ucop.edu/regents/regmeet/mar03/502.pdf](http://www.ucop.edu/regents/regmeet/mar03/502.pdf)

#### Faculty Salaries and Merits

UC continues to place a high priority on faculty (and staff) salaries despite the fact that the Governor's budget provides no funding for either. It is particularly noteworthy that UC recognizes the need to pay faculty merits (due, at least in part, to the lawsuit in which the Faculty Associations played a major role when the merits were denied in the early 90's). However, no one has said where the funding will come from. UC does say in the report that:

*"In a survey conducted by the University spanning the last half of the 1990s, the reason most often cited by first-offer candidates for not accepting a UC appointment was that they had received a better salary offer elsewhere. Nothing is more certain to undermine quality than a persistent inability to offer competitive salaries. The University must be able to compete for the best faculty if its quality is to be maintained. This is particularly important during a time of unprecedented enrollment growth when campuses must hire thousands of new faculty over this decade."*

#### Budget Challenges Facing UC in 2003-04 (\$ in millions)

**\$159. Deep targeted cuts to the base budget covering nearly every area of the University's budget (on top of \$160 million in cuts contained in the 2002-03 Budget Act).**

**\$179. Student fee increases to avoid cuts in Instruction.**

**\$35. Unallocated reduction not covered by student fee increases.**

**\$24. Funding for faculty merit increases. UC says it has no choice but to fund faculty merits.**

**\$25. Employee health benefit increases.**

**\$20. Energy cost increases.**

**\$6. Maintenance of new space.**

**\$20. Price increases on non-salary budgets.**

These figures are based on the Legislature accepting the Governor's budget--not a done deal by any means. Recently, the Republicans

rang in with an alternative budget proposal reflecting their desire to avoid increasing taxes. If adopted, their plan would cut UC by as much as 10% more. Hershman told the Regents and the legislators that UC will fight any reductions beyond those in the Governor's budget because those cuts are already deeper than they expected. Hershman said that despite the Governor's attempts to protect instruction, the additional \$35 million in undesignated cuts could affect instruction, and added that quality would also be affected.

Further reductions could also affect enrollment. UC is currently experiencing unprecedented growth: By 2003-04, total enrollment will be more than 12,000 FTE over the level envisioned in the 1999 plan. In the current year alone, the University has 5,000 students more than budgeted levels. To accommodate an additional 10% funding reduction, UC would need to "reduce its student population by 32,000 people or raise tuition by 90%--\$3,200--in a year's time," said Lawrence Hershman. . ." (*Sacramento Bee*, March 26, 2003).

At the Regents' meeting, Hershman said that UC cannot reduce enrollment for 2003-04 because the students have already been admitted. The Regents discussed ideas for reducing enrollment over the long haul, including sending more students to community colleges. They also discussed possible fee increases, noting that UC fees are still lower than those of our comparison institutions. One Regent suggested a fee structure based on the student's ability to pay--charging more to students who can pay more. Hershman said that UC would be

# Contact Us

## BFA/AAUP Coalition

**bfa@aaup.org**  
**(510) 841-1997**

### **AAUP Member Benefits**

The following programs are available at special rates to AAUP Members.

**Professional Liability Insurance**  
**Customized Major Medical**  
**Catastrophic Medical Insurance**  
**Auto and Home Insurance**  
**Group Term Life Insurance**  
**Medicare Supplement**  
**Accident Insurance**  
**Group Disability Income Insurance**  
**Group Hospital Indemnity Insurance**  
**No-annual-fee platinum credit card**

---

---

---

---

**Affix  
Postage**

BFA/AAUP Coalition  
15 Shattuck Sq., Suite 200  
Berkeley, CA 94704-1151

# Berkeley Faculty Association

## Membership Application

I wish to join the UCB Faculty Association. I agree to pay the following dues (check one) by payroll deduction and to sign Form U669 below.

- \$8.00 / month for Assistant Professors and Acting Profs. of Law  
 \$12.00 / month for Associate Professors  
 \$16.00 / month for Full Professors

Mail completed form to:  
**BFA/AAUP Coalition**  
**15 Shattuck Sq., Suite 200**  
**Berkeley, CA 94704-1151**

Emeriti professors may join the organization by returning this form and a check for \$35 (annual dues) to the address above.



**EMPLOYEE ORGANIZATION MEMBERSHIP  
PAYROLL DEDUCTION AUTHORIZATION  
UPAY 669 (r7/90)**

Please Print or Type

Campus	LOC	Employee I.D.	Date	
Action on this Form to become effective the pay period beginning:			Date	
<b>Monthly Deduction</b>				
	Enroll	Cancel	Monthly Amount	
<b>Dues</b>	<b>X</b>			
Initiation Fee			None	
General Assessment			None	
<b>Total</b>				

Last Name	First	Middle Initial
Department Employed at UC		
Title at UC		
Organization Name (include local name & number) Berkeley Faculty Association		

I authorize The Regents of the University of California to withhold monthly or cease withholding from my earnings as an employee, membership dues, initiation fees and general assessments as indicated above.

I understand and agree to the arrangement whereby one total monthly deduction will be made by the University based upon the current rate of dues, initiation fees, and general assessments. **I ALSO UNDERSTAND THAT CHANGES IN THE RATE OF DUES, INITIATION FEES AND GENERAL ASSESSMENTS MAY BE MADE AFTER NOTICE TO THAT EFFECT IS GIVEN TO THE UNIVERSITY BY THE ORGANIZATION TO WHICH SUCH AUTHORIZED DEDUCTIONS ARE ASSIGNED AND I HEREBY EXPRESSLY AGREE THAT PURSUANT TO SUCH NOTICE THE UNIVERSITY MAY WITHHOLD FROM MY EARNINGS AMOUNTS EITHER GREATER THAN OR LESS THAN THOSE SHOWN ABOVE WITHOUT OBLIGATION TO INFORM ME BEFORE DOING SO OR TO SEEK ADDITIONAL AUTHORIZATION FROM ME FOR SUCH WITHHOLDINGS.**

The University will remit the amount deducted to the official designated by the organization.

This authorization shall remain in effect until revoked by me - allowing up to 30 days time to change the payroll records in order to make effective this assignment or revocation thereof - or until another employee organization becomes my exclusive representative.

It is understood that this authorization shall become void in the event the employee organization's eligibility for payroll deduction terminates for any reason. Upon termination of my employment with the University, this authorization will no longer be in effect.

This authorization does not include dues, initiation fees and general assessments to cover any time prior to the payroll period in which the initial deduction is made. Payroll deductions, including those legally required and those authorized by an employee are assigned priorities. In the event there are insufficient earnings to cover all required and authorized deductions, it is understood that deductions will be taken in the order assigned by the University and no adjustment will be made in a subsequent pay period for membership dues, initiation fees and general assessments.

<b>Employee Signature</b>	<b>Date</b>
---------------------------	-------------

**FOR UNIVERSITY USE ONLY**

Tran Code	Employee ID No.	Date	Element No.	Bal CD	Amount
1	2 4 12	13 18	19 22	23	24 3
X1		MO DY YR	6	G	
X1			6	G	
X1			6	G	

**RETENTION 1 YEAR AFTER INACTIVE - ACCOUNTING OFFICE**

## What Should I Do If . . . I Receive a Law Enforcement Inquiry Under the USA PATRIOT Act?

Adapted from materials posted to the national AAUP website

Since September 11, 2001 and the subsequent passage of the USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act of 2001, law enforcement agents have increased their monitoring of higher education institutions.

The following may help faculty members in protecting themselves and their institution from liability for unauthorized disclosures. While the PATRIOT Act made substantial changes to the Family Educational Rights and Privacy Act (FERPA), the law still provides privacy protection for most student records. The following information is not intended as legal advice, and it is not intended to contradict any policies or procedures established by individual institutions.

## Searches and Inquiries

Refer all inquiries from law enforcement personnel to the institution's legal counsel or designee. A subpoena needs to be reviewed immediately by counsel. Law enforcement agents may begin searching with a search warrant, but the institution's legal counsel should be called. Make notes on the conduct of the search for counsel.

Searches conducted under the Foreign Intelligence Surveillance Act (FISA) warrants also contain a "gag order," which prohibits discussing the search with others. The gag order will not normally change the right to notify your institution's counsel, and it does not change your right to legal representation during the search.

## Biological Agents

The PATRIOT Act expands restrictions on the possession, use of, and access to biological agents, toxins and delivery systems. Violators of these restrictions face potential penalties of large fines and imprisonment for up to ten years. The law

also restricts access to certain materials by certain individuals, including some convicted felons, fugitives, illegal aliens, aliens from the State Department's list of terrorist-supporting countries, and individuals dishonorably discharged from the armed forces.

## Resources

The National Association of State University and Land-Grant Colleges (NASULGC) and the Association of American Universities (AAU) maintain a site that includes links to individual institutional resources:

[www.aau.edu/resources/resources.html](http://www.aau.edu/resources/resources.html)

Among the most helpful individual campus sites are those of Cornell and the University of Pennsylvania.

[www.cit.cornell.edu/oit/PatriotAct](http://www.cit.cornell.edu/oit/PatriotAct)  
[www.ehrs.upenn.edu/patriot/patriot.html](http://www.ehrs.upenn.edu/patriot/patriot.html)

The United States Department of Education, Family Policy Compliance Office has guidance relating to the anti-terrorism amendments to FERPA available at:

[www.ed.gov/offices/OM/fpco/ht\\_terrorism.doc](http://www.ed.gov/offices/OM/fpco/ht_terrorism.doc)

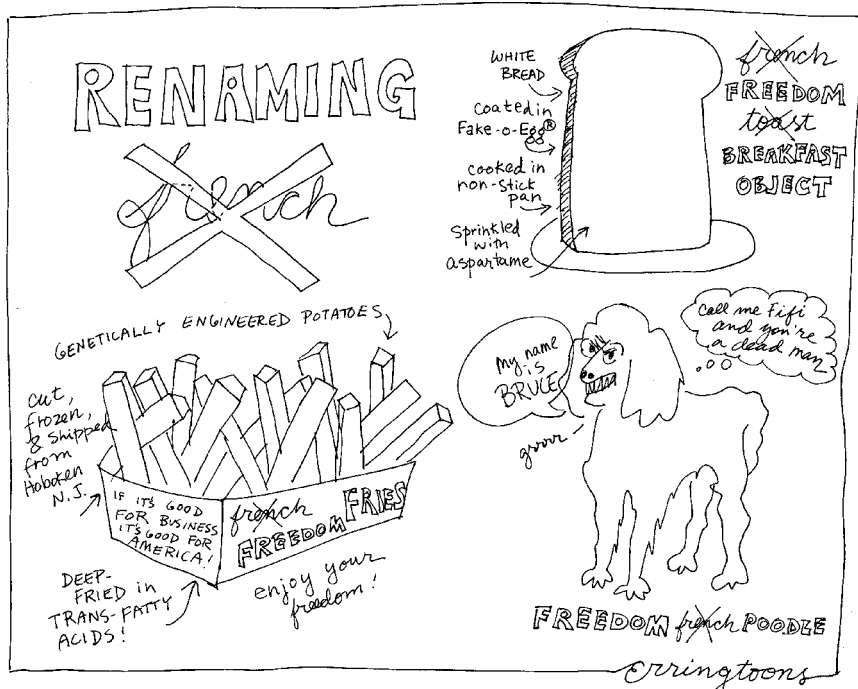
The American Library Association maintains a chart on its website outlining the standards and legal process necessary for compelled disclosures:

[www.ala.org/alaorg/oif/usapatriotact.html](http://www.ala.org/alaorg/oif/usapatriotact.html)

The Free Expression Network monitors a variety of developments:

[www.freeexpression.org](http://www.freeexpression.org)

The text of the USA PATRIOT Act, Public Law No: 107-56 is available in pdf format upon request from the AAUP's West Coast office. Email <[westcoast@aaup.org](mailto:westcoast@aaup.org)>. Be advised, the document is long and may take several minutes to download.



wise to negotiate matters of enrollment and fees with the Legislature to avoid possible negative consequences. He asked to have student fee increases placed on the May meeting agenda. The Legislature will continue budget hearings throughout the spring and summer until a budget is signed.

Hershman pointed to two possibly positive signs for meeting budget deadlines: the Big Five has begun to meet and the court ruling that the state could not pay state employees any more than the federal minimum wage may put pressure on the Legislature to act. Nonetheless, there is great division among the politicians. It may be a long summer.

**Regarding Letters to Legislators  
Concerning the UC Budget**

Recently, President Atkinson sent out a newsletter entitled: "A BUDGET UPDATE FROM THE UNIVERSITY OF CALIFORNIA PRESIDENT FOR UC FACULTY

AND STAFF" which is available on the web at:

**[www.ucop.edu/news/budget/  
issue7.html](http://www.ucop.edu/news/budget/issue7.html)**

In the Q&A part of that message he wrote: "Currently, the state Legislature is evaluating the Governor's proposed 2003-04 state-funded budget for the University. One of the things you can do is to write your legislator, stressing the importance of continued strong state investment in UC by sharing your personal experience of how specific programs or services to students or the public are being or may be impacted by budget cuts."

The Faculty Association legislative monitors agree that carefully crafted letters from individual faculty members could be very helpful to the University's cause, but we think that they should be directed to members of the Assembly and Senate committees who deal with the UC budget in the trenches (see text box to the right), in addition to local representatives.

Under no circumstances do we recommend saying word one about faculty salaries in general or merits in particular. The administration has already made a strong case for keeping salaries competitive, but the best that one could realistically hope for from such a pitch would be legislative support for a rapid return to parity with our comparison institutions when the state's finances are healthier.

Faculty members are very credible sources of anecdotal evidence regarding the educational consequences of past, present and future educational policy and budget decisions. For example, in recent years the legislature has sought and obtained some significant changes in UC's admissions policies. Partly because of them, UC is presently

"overenrolled" by about 5,000 students systemwide. What that really means is that we are underfunded by the dollar equivalent of 5,000 students at the so-called marginal cost of instruction, currently about \$9,000 per FTE student. UC projects that in 2003-04 the over-enrollment will be more than 12,000 FTEs. Like it or not, on some campuses the student/faculty ratio will have to increase, even though our current systemwide figure is larger than that of any of our comparison-8 institutions. The inevitable consequences will be larger classes, fewer sections of required courses, etc., etc.

If you do contact one of the legislators listed below, please send a blind copy to us:

**BFA/AAUP,  
15 Shattuck Sq., Suite 200  
Berkeley, CA 94704-1151**

**[bfa@aaup.org](mailto:bfa@aaup.org)**

**CONTACT US**

**BFA/AAUP  
[bfa@aaup.org](mailto:bfa@aaup.org)  
[www.aaup-ca.org/bfaindex.html](http://www.aaup-ca.org/bfaindex.html)**

**AAUP, California Conference  
15 Shattuck Sq., Suite 200  
Berkeley, CA 94704-1151  
800-431-3348  
[westcoast@aaup.org](mailto:westcoast@aaup.org)  
[www.aaup-ca.org](http://www.aaup-ca.org)**

**AAUP, National Office  
1012 14th St., NW, Suite 500  
Washington, DC 20005-3465  
800-424-2973  
[aaup@aaup.org](mailto:aaup@aaup.org)  
[www.aaup.org](http://www.aaup.org)**

**CUCFA  
P.O. Box 8378  
Santa Cruz, CA 95061-8378**

**Senate Budget Sub-committee  
for Education:**

Chair: Jack Scott (Dem)  
[Senator.Scott@sen.ca.gov](mailto:Senator.Scott@sen.ca.gov)  
Bob Margett (Rep)  
[Senator.Margett@sen.ca.gov](mailto:Senator.Margett@sen.ca.gov)  
John Vasconcellos (Dem)  
[Senator.Vasconcellos@sen.ca.gov](mailto:Senator.Vasconcellos@sen.ca.gov)

**Assembly Budget Sub-committee  
for Education:**

Chair: S. Joseph Simitian ( Dem)  
[Assemblymember.Simitian@assembly.ca.gov](mailto:Assemblymember.Simitian@assembly.ca.gov)  
Wilma Chan (Dem)  
[Assemblymember.Chan@assembly.ca.gov](mailto:Assemblymember.Chan@assembly.ca.gov)  
Lynn Daucher (Rep)  
[Assemblymember.Daucher@assembly.ca.gov](mailto:Assemblymember.Daucher@assembly.ca.gov)  
Jackie Goldberg (Dem)  
[Assemblymember.Goldberg@assembly.ca.gov](mailto:Assemblymember.Goldberg@assembly.ca.gov)  
Carol Liu (Dem)  
[Assemblymember.Liu@assembly.ca.gov](mailto:Assemblymember.Liu@assembly.ca.gov)  
Sharon Runner (Rep)  
[Assemblywoman.Runner@assembly.ca.gov](mailto:Assemblywoman.Runner@assembly.ca.gov)

Washington  
From page 3

and libraries from certain provisions of the PATRIOT Act. Specifically, the proposed legislation would protect the privacy of patrons by preventing law enforcement agencies from compelling bookstores and libraries to release lists of books purchased or borrowed. The PATRIOT Act had broadened the scope of searches allowed under the Foreign Intelligence Surveillance Act. The proposed legislation would also require the Attorney General to more completely report to the Congress on a regular basis the results of such searches.

## Capitol Hill Day

Washington, DC

Thursday, June 12th, 2003

Capitol Hill Day affords AAUP members the opportunity to visit their senators and representatives in Washington, D.C. to talk about issues affecting higher education.

Call the congressional switchboard at (202) 224-3121 and ask to make an appointment with your senators and representatives between 10 AM and 4 PM on June 12.

Orientation sessions will be offered first thing in the morning at the Washington Court Hotel, and legislative information and packets will be available throughout the day. Members of the AAUP's Committee on Government Relations will be available for consultation during the day.

In the afternoon, gather on the Hill for a congressional reception honoring the recipient of the 2003 Henry T. Yost Award for Congressional Leadership. The Yost Award is given to the senators and representatives who make the greatest contribution for higher education each year. Nominations for next year's Yost award will be accepted until the end of September 2003, and should be marked to the attention of the Committee on Government Relations.

For more information visit:  
[www.aaup.org/govrel/caphill/2003/caphillindex.htm](http://www.aaup.org/govrel/caphill/2003/caphillindex.htm)

The 108<sup>th</sup> Congress will reauthorize the Higher Education Act (HEA), but with all the pressing business now before it, Congress will put that off until next year. The Association has identified a core group of themes, (access, quality, diversity, and openness) that will guide our work on the reauthorization process. During the course of the debate, these themes will be fleshed out to deal with specifics of the legislation. Information on the HEA is available on the AAUP's Government Relations webpage

[www.aaup.org/govrel/index.htm](http://www.aaup.org/govrel/index.htm)

This page includes a link to the Department of Education's official reauthorization webpage.

### State Legislative Highlights

While other state governments are not dealing with the magnitude of the cuts California is facing, most are facing difficult budget situations and cutting popular programs. Higher education programs are especially hard hit. State budget cuts even led to the proposed layoffs of tenured faculty members in Nebraska. Despite bad news on the budgetary front, there were some bright lights. Last session, the Washington State Legislature passed, and the Governor signed, legislation giving faculty and graduate teaching assistants the right to choose to engage in collective bargaining. This session, New Mexico joined that trend. On March 7 Governor Bill Richardson signed the Public Employee Bargaining Act, giving faculty and other public employees these basic rights. AAUP members strongly supported this legislation in both states.

2003 saw two legislative battles over the status of tenure. In Virginia, a rather frivolous bill outlaw-

ing tenure in all public institutions was introduced in early January. It was immediately tabled by the Education Committee after a great deal of comments extolling the importance of tenure to the quality of higher education. A more serious threat developed in South Carolina, where faculty leaders discovered in February that a state bill had the apparently unintended consequence of eliminating tenure in the state. The bill's sponsors meant to clarify that all employment relationships in the state were "at-will" relationships unless both parties signed a written contract explicitly stating otherwise. The bill further stated that no handbook, policy, or procedure overrode the at-will relationship. Since few tenured or tenure-track faculty have individual written contracts of the kind described in the bill, the effect would have been to transform tenured faculty status into at-will employment.

The bill had passed the South Carolina House overwhelmingly and seemed set for quick passage in the state Senate. Working with chapter, conference, and faculty senate leaders in the state, the national AAUP office mobilized calls to senators. Within a week, concerted faculty action led the state senate to agree to an amendment providing that nothing in the bill "shall be construed to affect the rights and policies regarding tenure for public and private college and university faculty." This language removes the threat to tenure from the bill, allowing the settled and well established employment relations in colleges and universities to stand. After the Senate amended the bill to protect tenure policies, it voted to send the bill back to committee, where its ultimate fate is uncertain.

Congratulations to the faculty involved for contacting their legislators, and clarifying these vital protections!

## In Memoriam

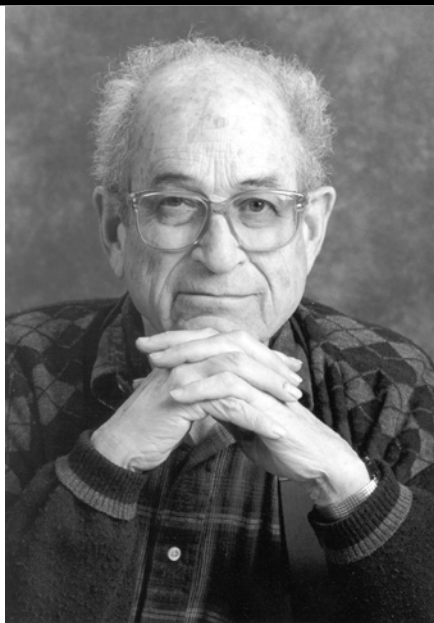
**David Feller**, long-time John H. Boalt professor of law, died on the 10th of February, 2003. Feller was 86. During the course of an extraordinary career, Feller became widely known for his work in the areas of labor and civil rights.

***"Feller's contributions to the work of the national AAUP included a term on the governing Council from 1975 to 1978 and membership from 1981 to 1983 on the Special Committee on Relationships with Other Organizations. Particularly noteworthy was Feller's service on Committee N on Representation of Economic and Professional Interests, the body that formulated the AAUP's basic policies on collective bargaining. Feller's membership on the committee ran from 1972 to 1984, and he served as its chair from 1976 to 1981.***

*Academe* (May-June 2003), 10-11.

He wrote one of the *amici* briefs in *Brown v. Board of Education* and served for a number of years as the general counsel to the United Steelworkers of America.

Anticipating the legalization of unions within the UC system, Feller was a prime mover behind the creation of faculty associations on various campuses in the early seventies. Later he played a leading role in the drafting, and 1978 passage, of California's Higher Education Employer-Employee Relations Act (HEERA) which provided public-sector faculty in California with the right to organize for purposes of collective bargaining. He founded the Council of UC Faculty Associations (CUCFA) and, for some fifteen years, was its chair, intellectual guide, and most forceful spokesperson.



David Feller (1916 -2003)

Feller joined the Boalt Hall faculty in 1967 and continued at Berkeley until retiring two decades later. He joined the AAUP in 1969 and served as chair of the BFA from 1971 to 1980. Continuing his advocacy work on behalf of faculty as an emeriti, Feller remained on the BFA's Executive Board for many years and was instrumental in bringing about the BFA's formal affiliation with the AAUP in 2000.

## Upcoming AAUP Events

### 89th Annual Meeting: "Liberal Education and Social Responsibility"

June 11-15, 2003

Washington Court Hotel, Washington, DC

It seems as if everybody is talking about liberal education these days--about its definition, about its uses and about its social relevancy. This year's annual meeting will focus on the faculty's response to ultimate questions about what we do as educators. For more information, go to:

[www.aaup.org/events/03am.htm](http://www.aaup.org/events/03am.htm)

Washington Court Hotel reservations may be made by calling 1-800-321-3010. AAUP rates are \$155/Single, \$175/Double. Mention the AAUP when making your reservations.

### Summer Institute

July 24-27, 2003

University of New Mexico, Albuquerque, NM

This year's Institute offers three days of intensive training for AAUP activists and provides invaluable opportunities for chapter leaders to compare notes with colleagues from across the country. The program includes workshops on lobbying, strategic communications, and the effective use of higher education data and statistics. This is THE event for members who want to become more involved in the advocacy work of their local association or in the policy work of the national AAUP. More information is available at:

[www.aaup.org/events/CBSI.HTM](http://www.aaup.org/events/CBSI.HTM)

## PERSONNEL

### BFA/AAUP Officers

Karlene Roberts, *Chair*  
Steven Segal, *Vice Chair*  
Carol Redmount, *Treasurer*  
Christine Rosen, *Secretary*  
Richard Scheffler, *Past Chair*

### BFA/AAUP Executive Board

Clair Brown, *Economics*  
M. Steven Fish, *Political Science*  
J. Keith Gilliss, *ARE*  
Tabitha Kanogo, *History*  
Richard Malkin, *PMB*  
Carol Redmount, *Near Eastern Studies*  
Karlene Roberts, *Business*  
Gene Rochlin, *Energy & Resources*  
Christine Rosen, *Business*  
Richard Scheffler, *Pub. Policy/Pub. Health*  
Steven Segal, *Social Welfare*

### BFA/AAUP Membership Committee

Lawrence Grossman, *Nuclear Engineering*  
Christopher Nealon, *English*  
Robert Sawyer, *Mechanical Engineering*  
Laura Stoker, *Political Science*  
Estelle Tarica, *Spanish and Portuguese*

### AAUP, West Coast Staff

Marcus Harvey, *Associate Secretary*  
Fernanda Bustamante, *Administrative Asst.*

### Council of UC Faculty Associations

Robert Meister, *President (UCSC)*  
Charles P. Nash, *Vice President (UCD)*  
Warren Gold, *Vice President (UCSF)*  
Christine Rosen, *Secretary (UCB)*  
Roger Ransom, *Treasurer (UCR)*  
Marilyn Fravel, *Executive Director*  
Myrna Hays, *Lobbying Coordinator*