

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%.

(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. . . .

As this newsletter goes to press, 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.

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/sdfalobbying.html

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.

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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

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

CA-AAUP Online will host a number of chapter websites, including the new site of the SDFA/AAUP at:

www.aaup-ca.org/sdfaindex.html

Message from the Chair

David Braff

Not surprisingly, we have devoted much of this issue of *the forum* to the extraordinary financial breakdown that we are now witnessing (and feeling!) at both the state and federal levels. Given the magnitude of these crises, there is little reason to expect a dramatic reversal of fortunes anytime soon, and we anticipate that the lion's share of the Association's attention and resources in the coming years will be dedicated to running damage control as funding for UCSD lags the increasing demands being placed on the institution. Since we rely on members' dues to support our lobbying in Sacramento and--through the national AAUP--in Washington, D.C., building membership is the only way to bolster our efforts.



For a variety of reasons our members overwhelmingly hail from the ranks of the medical school's faculty. While these stalwarts provide us with a strong base, our goal for the coming year is to enroll new members from the main campus and achieve an internal demographic more representative of the entire Academic Senate.

Towards this end, we need faculty members from the Liberal Arts and Sciences to step forward and assume active roles in the Association. Don't be shy! This is the time for all of us to demonstrate our professionalism and solidarity in defense of quality higher education.

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.

UCSD vs. USC: How do we compare?

Survey 02/03	Avg Salary (1,000s)				Avg Compensation (1,000s)			
	Prof.	Assoc.	Asst.	All	Prof.	Assoc.	Asst.	All
USC	113.0	77.9	69.1	84.2	148.9	107.6	95.5	114.2
UCSD	108.9	67.5	59.5	89.6	145.7	92.3	82.1	120.8
UCSD as % of USC	96.4	86.6	86.1	106.4	97.8	85.8	86.0	105.8
Survey 97/98	Avg Salary (1,000s)				Avg Compensation (1,000s)			
	Prof.	Assoc.	Asst.	All	Prof.	Assoc.	Asst.	All
USC	91.8	63.5	55.9	72.6	117.1	84.9	75.3	95.0
UCSD	88.3	59.4	49.1	73.2	112.2	76.5	63.1	93.5
UCSD as % of USC	96.2	93.5	87.8	100.8	95.8	90.1	83.8	98.4

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

www.aaup.org/catalogue/index.htm

Washington

Report on 108th Congress

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

Congressional Action

The 108th 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 continued as Speaker, but Tom DeLay of Texas took over as Majority Leader after fellow Texan Dick Armey'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

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

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 would have allowed 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 included 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 was the size of the tax cut, but the two houses dif-

fered over other issues, including war expenses, funding for homeland security, and the faltering economy. Ultimately, the houses agreed to disagree over the size of the tax cut in the budget resolution, which meant that as a practical matter, the Senate number of \$350 billion determined the final agreement. (Under Senate rules, it would have taken 60 votes for a larger tax cut, and that proved impossible.) The package that President Bush signed at the end of May provided \$330 billion in tax cuts with an additional \$20 billion in relief for the states.

Meanwhile, Congress continues to consider other matters 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 and libraries from certain provisions of the PATRIOT Act.

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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 Legislative Analyst's Office (LAO) 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

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," Hershman claimed. (*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 wise to negotiate matters of enrollment and fees with the Legislature

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The following draft by-laws are presented for member review. An electronic version of this document is available from our website at www.aaup-ca.org/sdfaabout.html

Please direct any comments or suggestions to sdfa@aaup.org. A revised version of these by-laws shall be submitted to the S DFA/AAUP membership for ratification in the fall.

San Diego Faculty Association Chapter of the American Association of University Professors (S DFA/ AAUP)

Proposed By-laws

ARTICLE I. Name

The name of this organization, referred to as “Association” in these by-laws, is the San Diego Faculty Association Chapter of the American Association of University Professors, properly abbreviated S DFA/AAUP.

ARTICLE II. Purposes and Functions

Section 1.
The Association shall operate as a social welfare organization under Section 501(c)(4) of the Internal Revenue Code for the below stated purposes. The Association is formally chartered by the national AAUP, which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code and, as a chartered entity, shall work in harmony with the national AAUP.

Section 2.
The Association shall have as its general objectives: to further the professional and scholarly values held by the faculty, to protect those privileges and responsibilities traditionally reserved to the faculty for the purpose of maintaining and improving the academic quality of the campus, and to improve the economic status and general welfare of the faculty.

Section 3.
The Association shall have as its principal functions:

- a. It will inform, consult with, and seek to represent faculty interests to all agencies whose decisions affect the faculty. It will gather and disseminate information to the faculty on issues before the legislative and executive branches of California’s government, other relevant state units dealing with higher education, campus and University administrations, and the Board of Regents.
- b. It will monitor and may attempt to influence any pending legislation regarding public employee collective bargaining so as to assure members of the faculty the right to self-determination. It may, upon approval of the membership, seek to become the collective bargaining agent for the faculty.
- c. It will encourage the development of, maintain contact with, coordinate its activities with, and form liaisons with parallel or similar organizations on other campuses of the University of California.

ARTICLE III. Membership

Section 1.
Membership in the Association is open to individuals in all categories of faculty eligible for membership in the San Diego Division of the

Academic Senate, except for those holding full-time administrative positions at the rank of Provost and above.

Section 2.
The criteria for membership may be altered only on approval, in a mail ballot of the membership, by an absolute majority of the membership, or, if less than 75% of the membership cast valid ballots, by two-thirds of those casting ballots. The Executive Board shall make its views on the proposed alteration of membership criteria known to the membership at the time of mailing ballots.

ARTICLE IV. Relationship to the San Diego Division

The Association shall carry out its functions independent of the activities of the San Diego Division of the Academic Senate and its committees, and shall make use of none of the material resources or facilities of the San Diego Division. It shall support the principle of governance expressed in the present delegation of authority by the Board of Regents to the Academic Senate.

ARTICLE V. Executive Board and Officers

Section 1.
There shall be an Executive Board of at least seven persons but not more than eleven persons. Seven members shall be elected by the members of the Association. These individuals shall comprise the Executive Board. Up to three additional members of the Executive Board and the Chair of the Information Committee may be selected from the membership of the Association by the elected members of the Executive Board. These addi-

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tional four members shall comprise the Appointed Executive Board. Appointed Executive Board Members shall have all the voting rights of the Executive Board except those proscribed below.

Section 2.
The officers of the Association shall be a Chair, a Vice Chair, and a Secretary-Treasurer. The officers shall be selected by the elected Executive Board members from within their own ranks. Selection of officers shall take place following each election of Board members and officers shall serve until successors are selected. Once selected, officers may be removed by a vote of four members of the elected Board at a meeting of the Board called for that purpose.

Section 3.
The term of Board members shall be two years, beginning October 1st and ending September 30th. Initially, however, in January, 2004, seven board members will be elected and will take office immediately following the election; the term of those four not designated officers shall be until September 30, 2004; the term of the three officers shall be until September 30, 2005. The term of Appointed Executive Board members shall be two years.

Section 4.
Vacancies among elected members of the Executive Board or among its officers shall be filled by action of the elected Executive Board members; the term of appointments to the Board shall expire on the September 30th following the date of appointment and the position shall be filled by election at the next election following the date of appointment. Appointed positions may remain vacant at the discretion of the Executive Board.

Section 5.
Elections for the Board shall be by mail vote of the members in good standing as of April 1st. Ballots shall be mailed no later than May 5th.

Section 6.
There shall be a Nominating Committee for Board elections, which shall consist of three Association members in good standing as of the date of appointment (no later than April 1st). The Executive Board shall make the appointments; no member of the Board may be appointed to the Nominating Committee.

Section 7.
On or before April 10th, the Nominating Committee shall propose a candidate for each Board position to be filled at that election. On or before April 13th, the Board will distribute by mail and/or email to the members the names of the persons nominated by the Nominating Committee; such notice will also indicate that further nominations may be made on petition of 20 members in good standing as of April 1st. Such petitions shall be delivered to the Secretary-Treasurer of the Association on or before April 27th. The names of all candidates nominated by the Nominating Committee and by petition shall be placed on the ballot, with a designation of the method by which each was nominated. In the event that there are no contested positions on the ballot, the slate shall be considered elected by acclamation and the membership duly informed by regular mail and/or email.

Section 8.
Only Association members in good standing as of April 1st shall be eligible to be candidates for the Board.

Section 9.
Each member may vote for as many candidates as there are posts to be elected, and the winning candidates shall be determined by plurality vote.

Section 10.
The Board shall appoint a committee to be responsible for the conduct of the election and the counting of the vote. The Board shall announce the result of the election within seven days of the close of the ballot period.

Section 11.
The first election, to be held in January, 2004 (as indicated in section 3 above), shall be conducted by procedures parallel to those set forth in this Article, with suitable adjustments of dates.

ARTICLE VI. Duties of Executive Board and Officers

Section 1.
The Executive Board shall act as the governing body of the Association between Association meetings. A majority of the Board shall constitute a quorum for conduct of its business.

Section 2.
The Chair shall preside over meetings of the Association and of the Executive Board, shall issue the call for such meetings, and shall supervise the administration of the Association's programs. The Chair, in consultation with the Executive Board, shall make such appointments to the Association's committees as he/she sees fit (except for specific exceptions noted elsewhere in these Bylaws). The Chair shall have primary responsibility for overseeing the Association's exter-

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nal relations, but may delegate specific areas of responsibility to other members of the Executive Board as warranted.

Section 3.

The Vice Chair shall assist the Chair in the supervision of the general program of the Association and shall act in the Chair's stead at all Association and Board meetings which the Chair is unable to attend. The Vice Chair shall also serve as Chair of the Membership Committee and shall have primary responsibility for overseeing the internal operations and continued strength of the Association.

Section 4.

The Secretary-Treasurer shall be responsible for keeping the records of the Association, for preparing a record of the minutes of all regular and special meetings of the Association and all meetings of the Executive Board, and for issuing notice of the call to regular and special meetings of the Association when instructed to do so by the Chair. The Secretary-Treasurer shall also serve as the custodian of Association funds and shall be responsible for keeping these funds in a suitable depository, for keeping the Association's financial statement up to date at all times and for making it available to the Association upon request, and for maintaining and keeping a current list of the membership in good standing, which list shall be available at any Association meeting when called for. The Secretary-Treasurer shall prepare a financial report for distribution to the membership at least once a year. The Secretary-Treasurer shall be responsible for the

disbursing of funds of the Association as authorized by the Executive Board.

Section 5.

Members of the Board shall perform such other functions as the Board may determine. The Executive Board may establish such committees as circumstances require.

Section 6.

The Board shall employ such staff as is necessary for the effective functioning of the Association. The staff will operate under the direction of the Executive Board.

Section 7.

The Chair shall issue a call for a meeting of the Executive Board upon request of three members of the Board.

ARTICLE VII. Standing Committees

Section 1.

There shall be a Membership Committee chaired by the Association's Vice Chair responsible for the recruitment of new members to the Association. Committee members shall be appointed by the Chair in consultation with the Vice Chair.

Section 2.

There shall be an Information Committee whose Chair shall be appointed by the Executive Board and who shall serve as a member of the Appointed Board for the duration of his/her term as Chair of the Information Committee. This committee shall oversee the production and distribution of materials from the Association to faculty at UCSD, it will also maintain the Association's websites, and, in conjunction with the Association's Chair, shall be responsible for media relations.

ARTICLE VIII. Dues and Assessments

Section 1.

The dues shall be graduated by faculty rank on a twelve-month basis at the rates set by the Board for Assistant, Associate, Full, and Emeriti Professors. The Board may develop a comparable and equitable dues structure to cover persons holding other titles, members on leave, and other special categories.

Section 2.

Dues shall be adjusted annually in accordance with the formula by which the AAUP adjusts its dues; that is, by that percentage amount which equals the average of continuing faculty salary increase (as determined by the AAUP faculty salary survey for all reporting institutions and the Consumer Price Index). Any additional changes in the level of dues for any category of member require the approval of the Executive Board, voting unanimously after due deliberation.

Section 3.

Paid-up membership shall be a prerequisite for Association membership in good standing.

Section 4.

Special assessments may be levied but only on recommendation of the Executive Board and by a subsequent majority vote at a meeting of the Association, provided that the provisions of Article VIII, Section 3, are met and that the proposal is specifically announced in the call for the meeting at which ratification is proposed.

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ARTICLE IX. Meetings

Section 1.

The Association will schedule at least one regular meeting during each academic year.

Section 2.

The Chair shall call a special meeting of the Association within two weeks when requested to do so by a majority of the Executive Board or on petition signed by ten percent of the Association members in good standing.

Section 3.

The quorum for any Association meeting shall be 15 members in good standing or five percent of the membership, whichever is higher. Any action taken at a membership meeting shall be submitted for approval by the membership by mail ballot upon request of one-third of the members in attendance at that meeting, or of a majority of the Executive Board.

Section 4.

The Secretary-Treasurer shall issue a notice of any regular or special meeting of the Association at least seven days prior to the meeting date, unless the Executive Board shall determine that circumstances require shorter notice.

Section 5.

Meetings shall be governed by *Robert's Rules of Order* (most current edition). Individuals chairing meetings of the Association may appoint a parliamentarian for each meeting.

ARTICLE X. Amendment

These by-laws may be amended, except as provided in Article III, Section 2, by a majority of the

membership responding to a mail ballot.

ARTICLE XI. Ballots

Section 1.

Mail ballots, other than those scheduled for regular election to the Board, may be initiated for any purpose by the Executive Board or by direction of a regular or special meeting of the Association.

Section 2.

Except as otherwise specified in these by-laws, those eligible to vote in any mail ballot shall be all members in good standing as of one month before the date on which these ballots are mailed. Unless the Executive Board shall declare that an emergency exists requiring a shorter period, all ballots post-marked within two weeks from the date of mailing of a mail ballot shall be counted.

Section 3.

Except as otherwise specified in these by-laws, matters submitted to the membership by mail ballot shall require only a simple majority of those casting ballots.

ARTICLE XII. Relationship to National AAUP and California Conference of the AAUP

Section 1.

The Association is authorized to speak for itself in promoting AAUP policies and principles.

Section 2.

The Association is not a legal agent of the AAUP, and neither the national AAUP nor the California Conference of the AAUP are legal agents of the Association. None of the parties mentioned in this Article shall be liable for any act, error, omission, debt, or other liability of any of the other parties.

ARTICLE XIII. Prohibition against Private Inurement

No part of the net earnings of the Association shall inure to the benefit or be distributed to any director, employee, or other individual, partnership, estate, trust or corporation having a personal or private interest in the Association. Compensation for services actually rendered and reimbursement for expenses actually incurred in attending to the affairs of the Association shall be limited to reasonable amounts.

ARTICLE XIV. Effective Date

These by-laws to become effective pending the outcome of a ratification vote by the Association's members.

SDFA/AAUP Personnel

Executive Board

David Braff, *Chair*
Antonino Catanzaro
Allen McCutchan
Jerrold M. Olefsky

SDFA Advisory Committee

Gary S. Firestein
R.R. Henry

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, *Administrative Director*
Myrna Hays, *Lobbying Coordinator*

San Diego Faculty Association Membership Application

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

- _____ \$11/month for Assistant Professors
- _____ \$15/month for Associate Professors and Lecturers with SOE
- _____ \$19/month for Full Professors

*Please send completed form to:
SDF/AAUP, West Coast
15 Shattuck Sq., Suite 200
Berkeley, CA 94704-1151*

Emeriti professors may join by sending a check for \$72 (annual dues) along with their name and contact information to the address above.



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

Please Print or Type

	Campus UCSD	LOC	Employee I.D.	Date	
Action on this Form to become effective the pay period beginning:				Date	
Monthly Deduction					
Last Name	First	Middle Initial		Enroll	Cancel
Department Employed at UC			Dues	X	
Title at UC			Initiation Fee		None
Organization Name (include local name & number) San Diego Faculty Association			General Assessment		None
				Total	

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.

Employee Signature	Date
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FOR UNIVERSITY USE ONLY

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

RETENTION 1 YEAR AFTER INACTIVE - ACCOUNTING OFFICE

Sacramento
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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 BUD-

GET 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

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:

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

sdfa@aaup.org

Contact Us

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**AAUP, California Conference
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**AAUP, National Office
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800-424-2973
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**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
Bob Margett (Rep)
Senator.Margett@sen.ca.gov
John Vasconcellos (Dem)
Senator.Vasconcellos@sen.ca.gov

Assembly Budget Sub-committee for Education:

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

Washington
From page 3

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.

The 108th 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

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

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!

Upcoming AAUP Events

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 available at:

www.aaup.org/events/CBSI.HTM

Conference on Governance

October 9-11, 2003

Indianapolis, IN

The AAUP, in collaboration with the National Collegiate Athletic Association and the Coalition on Intercollegiate Affairs, presents a three day conference devoted to issues of collegiate athletics as well as more general issues relating to the faculty's role in shared decision making. Sessions will touch upon such themes as the future of collegiate athletics, Title IV, evaluating governance, and faculty/administration teamwork. For more information, visit:

www.aaup.org/events/03gov.htm

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 outlawing tenure in all public institutions

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

Among the most helpful individual campus sites are those of Cornell and the University of Pennsylvania.
www.cit.cornell.edu/oit/PatriotAct
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

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

The Free Expression Network monitors a variety of developments:

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>. Be advised, the document is long and

