

2005 Legislative Activities

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

The Berkeley Faculty Association is a member of the Council of University of California Faculty Associations (CUCFA). CUCFA advocates on behalf of senate faculty in the UC system. Its member organizations - including the BFA - set CUCFA's agenda. The Council coordinates government relations activities and exercises its right to meet and consult with the UC Office of the President on matters effecting the systemwide terms and conditions of faculty employment. As an independent entity with its own financial resources, CUCFA has the power to lobby on behalf of faculty in ways that are impossible for the Academic Senate.

The 2005 legislative session that is winding down has been a busy one for CUCFA. It took positions on several issues of concern to BFA members, including the right of campus police to listen into and record faculty communications, the extension of the authority of the CSU to include the award of independent doctoral degrees, and the attempt to introduce of legislative oversight into the classroom. This article will discuss bills on which CUCFA or the AAUP took positions, and comment briefly on the recently passed state budget. It also identifies the issues that will most likely deserve our attention in the months to come.

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BFA Welcomes New Board Members

It is our pleasure to introduce the BFA's new Executive Board members. Terms on the Board begin October 1st of each year.

Mia Fuller (not pictured), is an Associate Professor of Italian Studies. Although Professor Fuller is on sabbatical for the 2005-06 school year, she has agreed to serve on the BFA Board from afar and will join us when she returns to Berkeley next year.



Incoming Board member,
Kristin Hanson

Kristin Hanson is an Associate Professor in the Department of English, having come here from the University of British Columbia in 1996. She holds a BA in English Literature from the University of Toronto, a Diploma in Linguistics from Univer-

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Politically Motivated Funding Cuts Leave UC's Labor Centers in Jeopardy

The labor and employment research and education programs located within the UC's Institutes of Industrial Relations (IIR) fill a tremendously important intellectual and social niche in California. In what can only be interpreted as a move motivated by political animus, Governor Arnold Schwarzenegger eliminated funding for these programs in his 2005-06 State budget. The gravity of this situation was pointed out by the AAUP in a letter sent to Tom Campbell in June:

[!]It is harmful to the national university community if state government is allowed to pick and choose specific research areas in the University budget for de-funding. This is a violation of university autonomy and academic freedom.

UCOP officials have yet to provide an estimate to the faculty and staff within the IIR as to their funding status for the coming year. In a state budget that has seen an increase in overall funding (including to research units), the UCOP's decision to allow funding for these programs to be eliminated at the prodding of the Governor is both unjustifiable and unethical. The Governor's action, and UCOP's failure to act decisively to preserve the Labor Centers, has dire ramifications for the principle of academic freedom at California's public colleges and universities. To preserve the intellectual autonomy of the University of California and its scholars, we urge that funding for the university's labor and employment research programs be continued.

CA-AAUP

Protecting Academic Freedom & Faculty Autonomy

The BFA is an active member of the AAUP's California Conference (CA-AAUP), the umbrella organization for all AAUP chapters in the state's public universities, community colleges, and private institutions of higher education. The CA-AAUP opposes any measures that would stifle or chill the work of academic researchers and teachers.

One of the CA-AAUP's biggest priorities this past spring was to oppose an attempt in the state legislature to limit the academic freedom and pedagogical autonomy of university and college faculty. Under the guise of a so-called "Academic Bill of Rights" (ABofR) proponents of such measures pressed forward with

Berkeley Historian, David Hollinger, Responds to SB5

(Submitted to the California Senate Committee on Education, April 20, 2005)

All institutions are imperfect, but the bill before you does not help us to diminish the imperfections of our universities and colleges, and if enacted could easily create new imperfections....[W]e already have in place procedures for protecting students against intimidation and for making sure that classroom instruction and indeed the entire research programs of academic departments reflect the entire domain of warranted truths in any discipline....How do bills of this type risk the creating of new imperfections? By inviting non-professional criteria for evaluation, by encouraging the false idea that the content of teaching and research can be helpfully classified in popular political categories, and by inviting costly litigation.

David Hollinger is the incoming Chair of the AAUP's Committee A on Academic Freedom and Tenure.

legislation in some 15 states, including California. This campaign is the brainchild of former New Leftist, David Horowitz, and has been advocated by an organization called "Students for Academic Freedom." The ABofR would allow legislators to regulate practices in grading, curriculum development, allocation of university funds, hiring, firing, promotion and tenure review, for the sake of "fairness and balance." This past spring California Senator Bill Morrow introduced SB 5, "Postsecondary Education: Student Bill of Rights" and the proposed bill reprises much of the language from Morrow's previous attempt, AB 1335. While references to an "Academic Bill of Rights" were replaced with "Student Bill of Rights" in this new piece of legislation, the intent of the bill remained the same – to introduce an unprecedented level of legislative oversight into the academic realm.

The California Conference of the AAUP(CA-AAUP)waged a successful legislative campaign against the proposed legislation. AAUP Associate Secretary, Marcus Harvey, spoke briefly at the California State Senate Education Committee hearing on SB 5 on April 20, 2005, and David Hollinger, Chair of Berkeley's Department of History and member of the AAUP Committee A on Academic Freedom and Tenure, submitted a formal written objection to the Com-

CA-AAUP VP Leaves for Cooler Climes

CA-AAUP Vice President and faculty advocate, Graham Larkin, proved himself a tenacious opponent of David Horowitz and the Academic Bill of Rights Movement. Shoring up the public side of the fight against ABofR legislation, Dr. Larkin waged a successful web and media campaign that exposed the flawed logic underlying the "Academic Bill of Rights" as well as the dangers posed by its implementation.

In a special report published on the CA-AAUP website in September 2004 <www.aaup-ca.org/Larkin_abor.html>, Larkin took Horowitz and Co. to task for the simplistic worldview, flawed statistics, and political motivations behind the ABofR. In January, 2005, Larkin and Dr. Marcus Harvey, an AAUP Associate Secretary, engaged Horowitz in a lively debate on a San Diego radio talk show. Horowitz and Larkin extended that debate in a number of venues, with Larkin maintaining that the profession--and the academic freedom sustaining it--are integral to the quality of our students' education.

Larkin, who taught art history at Stanford University, recently left California to assume responsibilities as curator of European and American Art at the National Gallery of Canada. We are deeply appreciative for all the work that Graham has done in defense of the profession and wish him well as he journeys to the cold and darkness of the Ottawan winter.

mittee (see box to left). Hollinger noted the danger of allowing legislative intrusion into our classrooms. Along with a statement prepared by AAUP's Committee A, the CA-AAUP submitted a position statement on the bill. Countering claims that SB5 sought to protect students from the political biases of their professors, the CA-AAUP noted:

[T]hese values are already carefully articulated, exercised, and protected by college and university policy and procedure...the individual institutions and their governing bodies are in the best position to implement policies to respect the rights of their students and faculty.

The California version of the Academic Bill of Rights, was voted down in committee by a margin of 6 to 4. □

Government Relations

Washington: Fall Outlook for AAUP Priorities in Congress

Mark F. Smith

Director of Government Relations
American Association of University Professors

General Outlook

Congress faces a range of critical issues as it returns from its August recess. The Senate will need to address several unfinished appropriations bills, deal with the aftermath of Hurricane Katrina, the appointment of a new Chief Justice, and the first appointment to the Supreme Court in

Science for a Free Society

There have been a number of political assaults on the integrity of science this year at both state and federal levels. These have not only included controversies over the teaching of evolutionary theory, but also the politically motivated Congressional targeting of research on climate change that has proven objectionable to the petroleum industry. In June, the AAUP's national Committee on Government Relations released a statement of concern on the politicization of science policy entitled "Science for a Free Society." The statement is available on the AAUP website at: <www.aaup.org/statements/Resolutions/Sciencefor-FreeSociety.htm>.

almost a decade. The House faces an equally broad agenda, although it did finish its preliminary work on the FY 2006 appropriations bills earlier this summer. Even with their daunting agendas, both houses will be considering measures central to the Association's major priorities: freedom of expression and academic freedom; reauthorization of the higher education act; and international students and scholarship.

Increasingly, federal limitations have been placed on international students and scholars in the wake of 9/11. AAUP work in the arena of international affairs has primarily concerned executive branch

agencies. However, AAUP has also begun efforts in support of SB 455, a bill that attempts to reform visa processes in order to improve the climate for international students working in the U.S. The AAUP has opposed travel restrictions placed on scholars attending international conferences and has spoken out against publishing restraints on manuscripts from particular countries in proposed regulations of the Treasury Department's Office of Foreign Assets Control. In addition, the Commerce Department's Bureau of Industry and Security, and the Department of Defense have proposed new restrictions on so-called "deemed exports," restrictions that would deny international students and scholars who have already been reviewed by VISA MANTIS and other security procedures from working with many types of laboratory equipment in research facilities. The Association has submitted comments opposing these "deemed export" regulations.

Congressional Action

To protect academic freedom and promote funding for higher education, AAUP has concentrated on the reauthorization of two major bills in this session of Congress: the Higher Education Act (HEA) and several sections of the USA Patriot Act. Just before Congress left Washington for the August recess, both houses took significant action on both bills.

Higher Education Act

First passed in 1965, the Higher Education Act was scheduled to be renewed by the last Congress. In anticipation of the scheduled renewal, the Association produced

a booklet setting forth our position, "The Higher Education Act: A Faculty Perspective on Reauthorization." That document focused on four goals for the reauthorization debate: to increase access to college and university education; to protect the quality of higher education programs; to promote the diversity of our higher education system; and to maintain support for the openness of the academic community. However, the previous Congressional session failed to make a decision on the HEA bill. In late July, the House Education and the Workforce Committee approved their version of the HEA -- HR 609, the College Access and Opportunity Act -- on a party-line vote of 27-20. The full House will consider the bill in the fall. The AAUP opposes the House version of the HEA bill, as it is currently conceived. Although some amendments (such as retaining the 90-10 rule, which mandates that no more than 90% of an institution's budget can come from federal financial aid programs) limit some of the potential damage, the bill retains a single definition of higher education. In general, the bill as currently written goes too far in supporting the 'for-profit' agenda and the single definition would enable for-profit institutions to compete for federal funds beyond their current ability to receive Education Department grants and training dollars. When federal student dollars are scarce, it is difficult to argue that those dollars should go to assist profit-making companies concerned more about the bottom line than the common good. HR 609 also retains language based on the so-called "Academic Bill of Rights" (ABofR),

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AB 992: Privacy of Faculty Communications at Risk

CUCFA has taken an active role in lobbying against AB 992 (*Law Enforcement Surveillance, T. Spitzer, R-Orange*), a bill which, if passed in its original form, would have given UC police virtually unlimited power to eavesdrop on and record private faculty communications. When the bill was proposed in January of 2004, the Academic Council believed that such legislation would not impinge on academic affairs, and consequently decided not to take a position on it, as the bill would have given the UC and CSU campus police forces the same authority to overhear and record communications that virtually every other law enforcement agency in the State already had under existing law. When the legislation in question was formally introduced in February, 2005, some members of the 2004-05 Academic Council had second thoughts about the broad authority that the UC police would have if the legislation were enacted. The current Academic Council began to consider the matter at its March meeting and, at its April meeting, voted to oppose AB 992, reversing the position it had taken in 2004.

The turnaround on AB 992 was expressed in a letter from Academic Council Chair, George Blumenthal, to Senior Vice President, Joseph Mullinex, dated May 19, 2005. In it, Professor Blumenthal wrote that the Academic Council had not instructed him to communicate its opposition to the bill anywhere other than to Mullinex, and so he had “no plans to pursue this matter outside the University.” He did, however, note that the letter in question was a “public document,” and that other faculty members who “may [have] cho[sen] to oppose this bill as individuals” could “use this letter as evidence of Council’s views.”

On the same day that the Academic Council’s letter was written, AB 992 passed out of the Assembly by a landslide vote of 65 ayes to 3 noes and went to the Senate for their consideration. In spite of the daunting Assembly vote, some faculty members continued to oppose the bill -- and using the Academic Council letter as ammunition -- contacted CUCFA seeking our support. Very shortly thereafter the CUCFA Board voted its own unanimous opposition to the bill.

CUCFA’s lobbyists from the firm of Orrick, Herrington and Sutcliffe contacted Assemblymember Spitzer’s staff, conveying our specific objections to the bill that had passed out of the Assembly. In the Senate the bill was assigned to the Public Safety Committee. We sent a formal letter of opposition to the Chair and members of that committee, as did other organizations, including the ACLU and the California Faculty Association (the CSU faculty union). Individual UC faculty members also lobbied the Senate committee staff, making good use of the Academic Council letter.

As a result of all these efforts the version of AB 992 that had passed the Assembly so handily was voted down in the Senate Committee on June 14, 2005. The Senate Committee granted the author’s request for reconsideration and, on June 22, Spitzer introduced a heavily amended version of the bill that would have limited UC and CSU police officers’ authority to the overhearing or recording of communications only in criminal investigations related to sexual assaults or other sexual offenses. CUCFA then withdrew its opposition to the bill. The amended bill was considered by the Public Safety Committee on June 29 and again failed to get a majority “aye” vote. By the rules of the Legislature, a bill that fails to get the necessary votes to pass it out of com-

mittee “may not be considered further during the session.” The current session is now over for all practical purposes, but a new one will convene in January and it remains to be seen whether or not AB 992 is truly dead.

Proposition 75: Public Employee Union Dues. Required Employee Consent for Political Contributions.

If passed in the November special election, Proposition 75 would apply to the Santa Cruz Faculty Association and all of the public employee labor unions in the state, including those in the UC system. Any of these organizations would be required to get the written permission of each of its members if it wanted to contribute any of his/her dues money to political causes. There is no companion proposition on the ballot that would require employers or corporations to get a piece of paper signed by each employee or each shareholder before spending money on political campaigning. Accordingly, we urge you to vote **NO** on Proposition 75 on November 8th.

SB 724

California State University Doctoral Degrees (J. Scott, D-Altadena).

As originally introduced in February of 2005, this bill would have authorized the California State University to award free-standing professional/clinical doctoral degrees, which were defined as post-master’s degrees that would qualify their holders to enter professional practices other than university faculty research and teaching.

This is not the first time that CSU has tried to extend its authority to include the award of independent doctoral degrees. The ostensible motivation for this latest attempt was the looming need in the state for a professional doctoral degree in audiology. The national accrediting body for audiology has decreed that two years from now a master’s degree will no longer be accepted for certi-

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AAUP Amici Brief Update

Adapted from Summer 2005 Report by Donna Euben, AAUP Staff Counsel

The AAUP's legal office works with experts from around the country in submitting friend-of-the-court briefs in key appellate cases, seeking to shape the law in ways supportive of Association principles. AAUP's amicus briefs before the Supreme Court and appellate courts safeguard sound academic practices and due process. In accord with the Association's principles and litigation priorities, the AAUP Legal Office is active in filing amicus briefs in a variety of cases involving academic freedom, discrimination, and affirmative action. This summer the AAUP filed amicus briefs in three cases.

Garcetti v. Ceballos:

This case raises the legal issue of whether job-related speech of public employees should have First Amendment protection under the matters-of-public-concern test, which balances employee expression with the need of employers to maintain an efficient workplace. While the case does not involve a faculty member, the legal issue raised may have sig-

nificant implications for the academic speech of the professoriate. In its brief, which was written by The Thomas Jefferson Center for the Protection of Free Expression, the AAUP and the Center argued that if speech related to employment is not protected by the First Amendment, there could be deeply troubling implications for faculty academic speech at public institutions. The brief was filed on July 21, 2005. **Status:** The case is pending before the U.S. Supreme Court.

Pittsburg State University/Kansas NEA v. Kansas Board of Regents, PSU and PERB:

This case involves a challenge by the Kansas National Educational Association (KNEA) to the Kansas Board of Regents' proposed policy giving ownership of faculty intellectual property to the university. The AAUP filed in an amicus brief, written by Associate Counsel Ann Springer, on the narrow issue of faculty members' ownership of their own copyrights. The AAUP argues that the work-for-hire doctrine does not include

faculty intellectual property, noting that federal appellate court decisions, traditional academic practices, and notions of academic freedom all point to faculty retaining ownership of their work as original authors. The brief highlights AAUP's Statement on Copyright, which emphasizes that preservation of academic freedom requires that faculty members control their own intellectual property. **Status:** The case is pending before the Kansas Supreme Court.

Gonzales v. John Doe:

The legal issue before the U.S. Court of Appeals for the Second Circuit is whether Section 2709, 18 U.S.C. Sec. 2709, as amended by the USA Patriot Act, which provides for the issuance of National Security Letters (NSLs) to seek materials "to protect against international terrorism or clandestine intelligence activities," violates the First Amendment. On August 1, 2005 the AAUP joined with the American Booksellers Foundation for Free Expression, the American Library Association, the Association of American Publishers, the Freedom to Read Foundation, and the PEN American Center in filing an amicus brief. The brief argues that by giving the government an unprecedented ability to intrude on the intellectual and academic freedom of the above organizations, their members and patrons, and the general public, Section 2709 violates the First Amendment. **Status:** This case is pending before the Second Circuit. □

PERSONNEL

BFA/AAUP Officers

Karlene Roberts, Chair
Steven Segal, Vice Chair
Christine Rosen, Secretary
Richard Scheffler, Past Chair

BFA/AAUP Executive Board

Clair Brown, Economics
M. Steven Fish, Political Science
Mia Fuller, Italian Studies (Incoming)
J. Keith Gillless, ARE
Kristin Hanson, English (Incoming)
Tabitha Kanogo, History
Kristin Luker, Soc./Jurisprudence (Incoming)
Karlene Roberts, Business
Gene Rochlin, Energy & Resources
Christine Rosen, Business
Richard Scheffler, Pub. Policy/Pub. Health
Steven Segal, Social Welfare
Mark Wilson, Education (Incoming)

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CUCFA

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fication/licensing in that field.

The UC administration vigorously opposed SB 724 as being contrary to the provisions of the venerable Master Plan for Higher Education. They argued that the projected demand for professional degrees in audiology, education, and other fields was exaggerated, and what needs there really were could be met by the proper implementation of planned or existing UC/CSU joint doctoral programs. UC also questioned the plausibility of the proposed funding strategy whereby CSU proposed to pay for the new programs at no additional cost to the state by combining the existing formulaic capitation funding with a fee that would be higher than the standard CSU fee but lower than UC's graduate program fees.

CUCFA also formally opposed this bill in letters to the Senate Education Committee (chaired by Jack Scott, the bill's author) and the Senate Appropriations Committee. Contrary to the administration's rigid position, ours acknowledged the possibility that at some point there could be needs "that might be met most effectively by using the expertise and resources of CSU acting on its own." To us, however, the legislation then at issue had inadequate mechanisms for addressing this question on a case-by-case basis. We also doubted that quality programs, particularly in fields with significant library or equipment requirements, could be created or sustained at the bargain-basement costs that the bill projected.

Over the opposition of UC, a bill authorizing the CSU to award doctoral degrees "in selected professional fields" passed out of both Senate committees with no dissenting votes and on May 31 overwhelmingly passed on the Senate floor. During

the next month, UC and CSU reached a compromise whereby CSU would be authorized to offer only an independent Doctor of Education degree. The bill as amended in that manner was passed by the Assembly Higher Education Committee in mid-July by a vote of 5 to 2, the Assembly Appropriations Committee without dissent on August 25, and on August 30 the Assembly as a whole by a vote of 73 to 3. Because the current version of SB 724 is totally different from the one that was originally passed by the Senate, the bill has been returned to that body for its concurrence. The probable final version of SB 724 will require the CSU to fund the program with resources derived from enrollment growth budgeted at the marginal cost of instruction, and without changing the ratio of graduate to undergraduate enrollment in the system. Students can be charged fees no greater than those charged for students in the UC or joint UC/CSU Ed.D programs, and CSU will be required to pay startup costs from existing academic support budgets without diminishing either the quality of the support for, or the enrollment in, its undergraduate programs.

ACA5
Public Retirement Systems (Richman, R-Northridge).

ACA5 is a proposal to eliminate all defined benefit retirement programs for new public employees in California, replacing them with defined contribution plans. As part of Governor Schwarzenegger's "year of reform" — legislation backed by voter initiatives — ACA5 received considerable press attention. Many may think the issue died when Schwarzenegger withdrew his endorsement of the supporting voter initiative after it became clear the wording of the initiative might result in the elimination of death benefits for the families of police and fire fighters. However, ACA5 is not dead. It has been placed on the calendar for legislative con-

On the "Student Bill of Rights"

SB5 (Morrow, R-Carlsbad), along with similar bills throughout the country, was formally opposed by the AAUP. It failed in the Senate Education Committee at the end of April by a vote of 4 ayes, 6 noes, with one member not voting. However, it is probably NOT dead. By a vote of 11 to none the Committee granted the author's request for reconsideration, so in some form or other it will more than likely be revived in 2006.

sideration next year and is a high priority item among Republican legislators.

UC Budget

President Dynes' July 11, 2005 newsletter and messages from the various campus Chancellors have discussed budgetary outcomes at some length. By comparison with the recent past, it was clear from the outset that UC was going to be treated relatively well in the 2005-06 final budget. We met with Vice President Hershman before the budget hearings began and assiduously monitored activities on that front in the Capitol. Contrary to recent past practices, this year we saw no need to meet separately with legislators or legislative staffers.

Governor Schwarzenegger's January budget proposal mirrored the "compact" that he had reached with UC and CSU. It ended four years of budget cuts and included funding for faculty and staff merit and salary increases, systemwide student enrollment growth of 5,000 full-time-equivalent students, and increased employee health-care benefits. The final budget also provided funding for capital improvements and restored the funding for "academic preparation" programs. On the downside, the Governor blue-penciled the already miniscule funding for the Institute for Labor and Employment. □

and provides for the establishment of an International Advisory Board for Title VI programs to monitor and make recommendations on international programs under the HEA. The AAUP believes that both of these provisions represent unwarranted political intrusions into academic freedom. The fundamental problem with the House version of the HEA bill, however, is that it does not provide for adequate long-term funding of higher education programs. The authorization for the maximum Pell Grant is set at \$6,000 for the next five years. AAUP supports increasing federal funding for that award to raise the authorized level to \$10,000 for individuals. During the Congressional recess, these problems grew more dire when the Congressional Budget Office suggested that the Senate Health, Education, Labor, and Pensions Committee must actively seek additional billions of dollars in student aid savings over the five-year life of the bill. Meanwhile, the Senate Health, Education, Labor, and Pensions Committee has recently unveiled its own bill to reauthorize the HEA. The senate version is an improvement over the House bill, but also contains a problematic section on "Protection of Student Speech and Association Rights," and still would constitute an intrusion into academic freedom. The AAUP has formally requested that the Senate Committee strike this section.

USA Patriot Act

When the USA Patriot Act legislation first passed Congress in the immediate aftermath of September 11, 2001, several sections were scheduled to sunset in December 2005. The AAUP spoke forcefully against the overreaching powers that were authorized by the legislation (see our 2003 "Report on Academic Freedom and National Security in a Time of Crisis" at: <www.aaup.org/

statements/REPORTS/911report.htm>) and supported several bills that would have curtailed those powers. Specifically AAUP sought to repeal Section 215 of the Act, which enabled federal review of bookstore and library records of anyone, including individuals not suspected of a crime, as these records were "relevant" to a counter-terrorism or counter-espionage investigation. In response to this federal intrusion, Representative Bernie Sanders (D-VT) introduced HR 1157 -- the Freedom to Read Protection Act. The AAUP supports this legislation, as well as SB 737, the Safety and Freedom Ensured (SAFE Act), sponsored by Senators Larry Craig (D-ID) and Richard Durbin (D-IL). In contrast, the Bush administration has called for broadening the authority of the Patriot Act and making its provisions permanent. Attorney General, Alberto Gonzalez, has specifically opposed both the Freedom to Read Protection Act and the SAFE Act.

In June, 2005, the House voted 238 – 187 to block the Justice Department from enforcing Section 215 searches of library and bookstore records by denying funding for such purposes. Nevertheless, in late July the same House voted to reauthorize the USA Patriot Act, including Section 215, and denied Representative Sanders the opportunity to offer any amendment on the section. The Senate meanwhile unanimously passed its own bill, SB 1389. While this legislation also reauthorized the USA Patriot Act, it introduced a number of safeguards not contained within the House bill.

The administration has stated its preference for the House bill. The AAUP supports the Campaign for Reader Privacy's endorsement of the Senate bill. This campaign, a coordinated effort of the American

Booksellers Association, American Library Association, Association of American Publishers, and PEN American Center, approves of the restrictions that the Senate bill would put on Section 215, and therefore supports SB 1389. The Senate bill limits searches to the records of people who are suspected terrorists or spies and people who are in contact with them, reducing the danger that the FBI will engage in fishing expeditions of bookstore and library records. The Senate bill also gives the recipient of a Section 215 order the right to consult an attorney and to challenge the order in the secret court established by the Foreign Intelligence Surveillance Act (FISA); it requires an FBI agent to obtain written approval from the FBI director or deputy director before applying to the FISA court for a search order for bookstore and library records; and it requires the Justice Department to publicly reveal each year the number of Section 215 orders issued to bookstores and libraries. Finally the Senate legislation provides that Section 215 will expire at the end of 2009, forcing another Congressional review of this provision. □

Contact us

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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
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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	
Monthly Deduction				
		Enroll	Cancel	Monthly Amount
Dues		X		
Initiation Fee				
General Assessment				
Total				

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.

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	23	24 3
	X1		MO DY YR	6	G	
	X1			6	G	
X1			6	G		

RETENTION 1 YEAR AFTER INACTIVE - ACCOUNTING OFFICE

BFA/AAUP Coalition

Since 2000, the Berkeley Faculty Association has been the AAUP chapter for senate faculty on the Berkeley campus. Through the BFA, Cal's faculty members contribute to the ongoing defense of academic freedom and faculty prerogatives in the academy. In this regard, the chapter at Berkeley is disproportionately important for several reasons. First, the BFA is one of the AAUP's largest advocacy chapters at a top tier research institution. Second, BFA faculty members serve on the Association's most vital committees: Committee A on Academic Freedom and Tenure, as well as the Committee on the Economic Status of the Profession. Third, the BFA anchors AAUP activities throughout the western states by providing a home for both the AAUP's California Conference, and its west coast office. None of this could happen without the support of hundreds of BFA/AAUP members. Support your colleagues, join the Coalition today!

Board Members
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sity College London, and a Ph.D. in Linguistics from Stanford. Her principal research interest is poetic meter, from the development of a general theory of its relationship to aspects of the rhythmic structure of natural language to admiration for particular aesthetic effects poets have used it to achieve. In addition to her work in English, especially on Sidney, Donne, Shakespeare and Tennyson, she has studied meter in Finnish, Italian and French. Recently she has become especially interested in comparing meter with other art forms in their relationships to perceptual faculties like vision and hearing, partly in hopes of lending intellectual dignity to her obsessive fuming about the aesthetic degradation of public spaces like Berkeley's Civic Center plaza.

Kristin Luker is a Professor of Sociology and of Jurisprudence and Social Policy (Boalt Hall School of Law). She is the author of many scholarly articles, as well as three books: *Taking Chances: Abortion and the Decision Not to Contracept* (1975), *Abortion and the Politics of Motherhood* (1984) and *Dubious Conceptions: The Politics of the Teenage Pregnancy Crisis* (1996). Her fourth book, *The Hidden Sexual Revolution: Sex Education in American Life* is forthcoming. Professor Luker has been elected to the American Academy of Arts and Sciences, the Sociological Research



Incoming Board member,
Kristin Luker

Association. She has won fellowships from the Guggenheim Foundation and the National Endowment for the Humanities. Her book *Abortion and the Politics of Motherhood* was nominated for a Pulitzer Prize. Professor Luker's concerns regarding the changing structure of academia have to do with the effects of market forces and the privatization of higher education, as well as with the development of a two-tier professoriate (tenure track and non-tenure track).

Mark Wilson is a Professor in the Graduate School of Education. His work focuses on measurement and applied statistics and spans a range of issues in measurement and assessment from the development of new statistical models for analyzing measurement data, to the development of new assessments in subject matter areas such as science education, patient-reported outcomes and child development. He has recently published three books: one, entitled *Constructing measures: An item response modeling approach* (2005), is an introduction to modern

measurement; the second (with Paul De Boeck of the University of Leuven in Belgium), entitled *Explanatory item response models: A generalized linear and nonlinear approach*



Incoming Board member,
Mark Wilson

(2004), introduces an overarching framework for the statistical modeling of measurements; the third, entitled *Towards coherence between classroom assessment and accountability* (2004) is an edited volume that explores the relationships between large-scale assessment and classroom-level assessment. He has recently chaired a National Research Council committee on assessment of science achievement—Systems for state science assessment (with Meryl Bertenthal of the NRC). He is founding editor of a new journal, *Measurement: Interdisciplinary Research and Perspectives*. □

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