

# TERMS and CONDITIONS

Newsletter of the SCFA/AAUP

Fall 2002

As the legally recognized bargaining agent for Senate faculty at UCSC, the Santa Cruz Faculty Association has the authority under the Higher Education Employer-Employee Relations Act to meet and confer with the administration over terms and conditions of employment "which have customarily been determined on a division basis," and to consult with the UC Office of the President over systemwide terms and conditions of employment.

## The Lecturers' Strike

Our Non-Senate Faculty colleagues in Unit 18 ("the lecturers") have been working without a contract for over two years.

Represented by the American Federation of Teachers (UC-AFT), the lecturers have filed two unfair labor practices (ULP's) that have been certified by the Public Relations Board. Certification means the

ure to process grievances at UCI, and the failure to respond to information requests necessary to represent UC-AFT members.

The Executive Board of the Santa Cruz Faculty Association calls upon the UC system to bargain a fair contract with the lecturers in Unit 18 immediately. **Furthermore, the Board urges all Academic Senate faculty to honor and support Unit 18's picket lines on October 14th and 15th.**

The SCFA is not currently bound by any "no-strike" clause because the Memorandum of Understanding (MOU) between UCSC and the SCFA has expired. Our legal counsel has advised us that: "During the hiatus between contracts, unions are NOT bound by 'no strike' clauses in their expired contracts."

**Ladder faculty are, therefore, free to act on the dictates of their conscience. The Board urges faculty members to do the right thing and stand with our colleagues, the UCSC lecturers.**

The SCFA's Executive Board recently emailed a more complete analysis of this situation to SCFA members. For additional information about the strike, please consult the "Strike Q&A" article beginning on page twelve. Web addresses for UC-AFT and other campus unions are also provided on that page.



**Dissatisfaction with UC's Labor Relations practices is widespread. The photo above shows CUE strikers and their supporters at UCB earlier this fall.**

Board believes the union has a *prima facie* case, giving the lecturers the legal right to strike. One of the ULP cases involved the refusal by a UC Davis dean to put four lecturers through their six-year reviews, effectively firing them (see AAUP letter on page 9).

UC-AFT has filed a number of other ULPs, including ones related to bad-faith bargaining, unilateral changes in health benefits, the fail-

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## Sweeping Changes for Faculty Health Insurance

Bob Meister, President  
Council of UC Faculty Associations

Effective January 1, 2003, UC employees can expect their out-of-pocket costs to increase and their benefits to deteriorate. The design of the plans will also be considerably different: there will no longer be a zero-cost HMO option; Aetna's UC Care will be replaced by a two-tier option offered by Blue Cross: the first tier will be an HMO; the second tier would cover (after meeting a deductible) 70% of the out-of-pocket cost of self-referring within the broader Blue Cross provider network. At a higher monthly cost, faculty will have the choice of self-referring within the entire Blue Cross network with 80% coverage

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# From The Chair

Shelly Errington,  
Chair of the Executive Board, SCFA



A historically significant contract was signed between the SCFA and the University Administration in late June, 2002, regarding rents at Laureate Court. For the first time the Administration has committed itself contractually to an agreement relating to housing with the Senate faculty via its bargaining agent, the SCFA.

Substantively, we achieved an absolute cap on rent increases as a yearly percentage; agreement that future rent increases will be determined, not only on the basis of the Administration's costs, but that salary and market conditions will also be taken into consideration; and finally, reimbursable costs for faculty moving from Hagar to Laureate will be \$1500 rather than the previously proposed \$1000.

The SCFA's Housing Bargaining Committee was ably lead by Professor Ronnie Lipschutz. We are pleased at this achievement both by the SCFA and the Administration, and we hope this precedent will

encourage the Administration to bargain with us concerning Parking Fees in a similar spirit of cooperation and mutual respect.

"HEALTH CARE BENEFITS: A Dialogue between OP and Employees" is an SCFA-sponsored open forum Nov. 4, 2002, at which you can express your opinions and concerns to Michelle French, Director of Health and Welfare Benefits Planning and Analysis from the UC Office of the President. (Place and Time TBA by flyer and e-mail.) Significant changes to your health-plan options--including the elimination of the no-fee HMOs--have been made to the plans available for you to choose from during Open Enrollment in November. You will want to study your new options carefully before choosing, and you will want to let Michele French know your point of view about your options. Please see Bob Meister's analysis in this newsletter for a deeper understanding of the issues.

In mid-October, 2002, the Lecturers of Unit 18 will be striking for two days. As you know from the letter I sent you in early October, the SCFA Executive Board met and voted to recommend that Senate faculty respect the picket lines. My letter discusses the issues in greater detail

(see the Q&A section on the back page of this newsletter, plus website addresses to find out more) and also points out that Senate faculty are acting completely legally and within our rights if we choose to respect the picket lines.

Other news: the SCFA will be sponsoring an informational event concerning CHILD CARE in Spring Quarter, a subject that concerns many Senate faculty. Watch for the notices. Another piece of news: the SCFA affiliated with the AAUP in January 2001 on a trial basis for two years. We will soon decide whether to renew our affiliation. The Executive Board will keep you apprised of our thoughts on the matter and we very much want to hear your views. Meanwhile, keep up with higher education issues by reading *Academe!* It's the excellent bi-monthly magazine that comes to SCFA members free, because of our AAUP affiliation.

Finally, our membership numbers continue to swell. The more members we have, the more effective we will be as a voice for Senate faculty.

## Hold the Date

### **Health Care Benefits: A Dialogue between OP and Employees**

**Voice your concerns about soaring health care costs!**

**Monday, Nov. 4th  
Time and Location, TBA**

Sponsored by SCFA in cooperation with other campus employee organizations

## **FMLA Guidebook**

The AAUP is pleased to offer *The Family and Medical Leave Act: Questions and Answers for Faculty*. The guidebook is a resource for those who want to understand how the Family and Medical Leave Act of 1993 (FMLA) applies to the academic workplace. The FMLA entitles many faculty to twelve weeks of job-protected unpaid leave each year to take care of a serious health condition or a family obligation such as the birth of a child; the arrival of an adoptive or foster child; or the serious health condition of a spouse, child, or parent.

The guide costs \$8 for AAUP members; \$12 for nonmembers (plus shipping and handling). For more information about AAUP publications, visit [www.aaup.org](http://www.aaup.org) and click on "AAUP Store," or call 202-737-5900.

## Washington

### Congress in the Home Stretch

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

Both houses of Congress returned to work after Labor Day facing a busy month. By law, they need to finish action on 13 appropriations bills before the end of the fiscal year on September 30th. At the beginning of September, only 3 bills (Defense, Military Construction, and Legislative Branch) were ready for conference committees to reconcile differences between the two houses.

Controversy seems to have lessened for 2 of the 3 appropriation bills most important to higher education. The full House passed the Interior Appropriations Bill, and boosted funding for the National Endowments for the Arts to \$127 million and for the National Endowment for the Humanities to \$131.9 million. Instead of voting to eliminate funding for the Endowments, as it did in the mid 1990s, the House added funds to the President's request this year. The Veterans Administration-Housing & Urban Development Appropriations Bill includes funding for the National Science Foundation.

since its introduction in March 2001. After delaying action for more than a year, the House Judiciary Committee approved the bill in July. This bill, if passed, would clarify copyright protection for use in digital distance education, while ensuring that the protection would only apply to approved courses that included some form of "mediated instruction."

The next Congress will have to reauthorize the Higher Education Act (HEA), the basic law governing federal programs in higher education. In preparation for that debate, the Association is continuing to oppose significant changes in the rules for student financial aid such as the repeal of "the 12 hour rule." This rule requires non-standard term or non-term programs to offer at least 12 hours of instruction a week to be eligible for federal student aid.

The Department of Education failed to reach agreement on that repeal in a negotiated rulemaking process this spring, but has still proposed eliminating the rule. AAUP will submit comments opposing that decision on both substantive and procedural grounds. However, the larger issues dealing with quality assurance measures in higher education will still need to be addressed during reauthorization.

For the HEA debate (and in general), the AAUP needs to develop a detailed faculty position on issues that go beyond specifics such as the "12 hour rule" and the "50% rule." Simplistic time-based measurements have obvious drawbacks, but so far, no one has come up with an acceptable way to measure equivalency of effort and accomplishments, across a variety of institutions, disciplines, and regions.

## State Legislative Monitoring Service

In July 2002, the AAUP's Government Relations Office contracted with a Legislative Information Service (STATE NET) for online legislative reporting that will provide us with daily information and updates on bills relating to higher education in all 50 states. Specific issues that will be tracked include:

- \* **Postsecondary Education**
- \* **Universities and Colleges**
- \* **Teacher Evaluation, Merit Pay, and Career Ladders**
- \* **Collective Bargaining and Unions**
- \* **State Education Agencies**

For each of these issues the new service will provide AAUP's Government Relations Office access to Legislative Status Reports and Bill Texts. We will also receive Legislative Session Calendars, and state Legislative Directories. This service should help the national office work more effectively with the AAUP's California Conferences and UC chapters in responding to issues as they arise in Sacramento.

Much of the work on the FY 2003 bills was delayed by debate over a supplemental FY 2002 appropriations bill to deal with the increased costs associated with the war against terrorism. That debate lasted much of the spring and summer, with the President only signing on in early August. The resulting bill did include \$1 billion to deal with a short fall in the current Pell Grant program, but the program requires additional support for FY 2003 if it is to meet current needs.

Partisan battle lines seem drawn for the Labor, Health & Human Services and Education bill, which includes funding for most student aid programs and research funding for the National Institutes of Health.

It is unlikely that Congress will deal with much beyond "must-pass" legislation, but one intellectual property bill on the AAUP agenda could pass this session. AAUP has supported S. 487, the TEACH Act,

of the provider's actual bill. The only zero-cost option remaining for UC employees will be a plan with a high deductible, also administered by Blue Cross, that is intended to cover "catastrophic" costs. (The "catastrophic" coverage in even this plan, however, would be unlikely to function as a true "stop loss" unless the insured medical bills are less than or equal to the rate Blue Cross negotiates with its providers.)

Anticipating significant changes to faculty health insurance plans, CUCFA established a task force last year to enter into ongoing consultation with the UC Office of the President (OP). Our original intent had been to advise OP on faculty concerns about plan design and monitor the terms that OP was negotiating with the providers. Task force members were selected for their expertise, and we were particularly fortunate to have Richard Scheffler, who holds the chair in Healthcare Markets and Consumer Welfare at UC Berkeley, and Warren Gold, professor of pulmonary medicine at UC San Francisco.

The task force met with OP officials at length three times between February and August. We were given information in advance about the Request for Proposals (RFP) and the history of employee and employer contributions for each existing plan. At the outset, we stated our desire to influence the choice UC made among bidders based on plan quality, plan design, and the adequacy of provider networks. We had the opportunity to express our criticism of existing providers, and our principal concerns for the future, but OP reneged on its promise to provide us with information and analysis about the competing bids while the selection process was underway. Nevertheless, CUCFA had

some influence on the criteria used on the eventual choice, and is now in a position to provide an independent and critical perspective on the issues that OP addressed--and should have addressed--in the bidding process. We have also offered to collaborate with OP in preparing educational materials on the new healthcare options so that faculty members will be able to make informed decisions during the Open Enrollment period this November.

The following summarizes some of the main points that emerged from CUCFA's discussions with OP since February.

**UC Contribution.** Although health care costs have increased in the past few years, do not assume that OP's present policy is a simple pass-through. During the 1990s (as part of the shift to managed care) health costs decreased significantly. Instead of passing through these decreases in the form of lower employee premiums or better benefits, OP dramatically reduced its employer contribution, allowing plans to deteriorate and employee costs to rise. In 1992, for example, OP contributed \$208 for one-party insurance, and \$505 for families. By 1999 (in unadjusted dollars), these amounts had fallen to \$146 and \$405, while employee copays and coinsurance rose. This year, the employer contribution will be back to approximately its 1993 level, with-

out adjusting for inflation. Despite anticipated increases in insurance bids of 16-25%, OP's budget request to cover this increase was in the range of 6-9%, and that it did not seriously bargain for more than the 6.7% increase for health care funding that it eventually got.

**UC Care.** UC Care is dead, the victim of adverse selection compounded by rising healthcare costs. OP (perhaps rightly) sought to reduce the effects of adverse selection in future years by requiring bidders to pool risks more broadly across employee groups. As I understand it, this meant that the bidder for UC Care's successor would also bid on an HMO (managed care), PPO (Preferred Provider Organization), and a major medical (catastrophic coverage) contract. It also meant that the three-tier POS (Point of Service) option that was customized for UC Care would be standardized as a two-tier option.

**Provider Choice.** During our meetings with OP, the CUCFA task force relayed faculty concerns about the quality of Aetna's provider network for UC Care. OP was not surprised by these complaints, and emphasized that Aetna's relation with UC was the result of its purchase of Prudential. The solution, from OP's perspective, was to increase the number of bidders. Previously, it was said, there had been too few

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**Premium Changes.** OP has been struggling with the implications for insurance premiums of this year's non-budget, but it is clear that the premium increases for health benefits will be massive. In a year of negligible COLAs, this means an effective decrease in net compensation for all employees. The minimum cost of HMO insurance for the plans available in our area is likely to be c. \$15-20 per month for individuals, and the provider networks and coverage may be somewhat thinner. As this newsletter goes to press OP has completed its calculation of the cost schedule for all plans, which will include a separate options for insuring families with children and a single adult and for insuring families with two adults and no children. There will also be a somewhat lower cost-schedule for employees earning less than \$40,000pa. CUCFA is presently discussing with OP the date at which the employee healthcare costs for each plan will be considered final, and subject to disclosure.

Health Care  
From page 4

bidders because the requirements of UC Care were too specific. OP hoped that the new structure would elicit a greater number of bids from insurers with better provider networks. This hope was largely realized. The result is that Aetna has been replaced by Blue Cross, and the new POS plan will be called Blue Cross Plus.

**Options.** Faculty will now have three meaningful options for health insurance (in addition to Prudential High Option): the first is an HMO (which will no longer be zero-cost); the second is a two-tier system (replacing UC Care) that allows members to move out of the HMO structure and self-refer with a PPO network (at additional cost); the third is a new option allowing members to self-refer within a broader PPO network with 80% coverage. (There will also be a zero-cost option recommended only for faculty who have their primary healthcare coverage through another family member.)

**CUCFA Issues.** CUCFA's discussions with OP focused on two issues of plan quality.

1) **Accessibility.** We were concerned specifically that faculty on campuses without hospitals should not have to choose between having primary care physicians who are local and the opportunity to get secondary care at a major medical center. We were also concerned that faculty on campuses with teaching hospitals would continue to have to access those hospitals as providers.

2) **"Balance billing."** A brief explanation is in order. Faculty choosing UC Care based on the Open Enrollment literature provided might have reasonably believed that they would be reimbursed for 80% of their Tier 2 bills, and 60% of their Tier 3 bills, that the entire amount of their actual bill would count toward their deductible, and that all

of their out-of-pocket expenses would count toward their stop-loss insurance. These beliefs would be false. Under UC care, the insurer counts only the amount it would have paid to its lowest cost HMO contractor as "reasonable and customary" expense, and reimburses only 60% or 80% of this deeply discounted amount. Moreover, it is this amount (and not the actual bill) that counts toward both the deductible and the stop-loss, despite the fact that the providers operating outside of their HMO contracts customarily charge far more than they would to HMO patients. Thus, if a faculty member self refers, e.g. to Sloan-Kettering, the reimbursement would likely be far less than 60% of the actual bill, and if the actual bills continued to exceed HMO rates there might be no point at which insurance picks up 100% of the out-of-pocket costs. (In this sense, "catastrophic coverage" does not exist outside the HMO context.) CUCFA argued strongly that the practice of "balance billing" should be curtailed, and that to the extent that it is not, employees need to be informed of the practice during Open Enrollment.

**OP Response to CUCFA.** OP staff claim that CUCFA's input was influential on several counts.

1) OP argues that the replacement of Aetna by Blue Cross has improved accessibility to major medical centers for faculty on all campuses. We cannot presently confirm that this is true systemwide. The proof would lie in the Deloitte-Touche study of provider networks that OP commissioned as part of its bid-review process. In our April meeting we were promised access to this study, but it was later withheld because it was based on "proprietary information." We protested during our August meeting, and received a written response allowing us to ex-

amine and copy a redacted version of the D-T report. It remains to be seen how much will be made available to us, and whether we should join with other employee groups in demanding more. Although this information remains relevant to CUCFA in assessing OP's choice among bidders, it is less essential for individuals now that the Blue Cross UC website is available. We strongly advise individual faculty to consult <[www.bluecrossca.com/uc](http://www.bluecrossca.com/uc)> to determine the availability of their preferred healthcare providers (specialists, major medical centers, primary care physicians, etc.) within the Blue Cross network.

2) The choice of Blue Cross should significantly reduce the problem of "balance billing" because no provider with a Blue Cross contract is allowed to charge more than the PPO rate to anyone insured with Blue Cross, even when they are out-of-area under an HMO or POS plan. In order to enforce this limitation, however, insured employees need to be informed of it, and of their vulnerability to "balance billing" in the event that they do not choose a provider under Blue Cross contract.

3) OP has agreed to assist CUCFA in the preparation of educational materials on the choices available during Open Enrollment. In particular, these materials should address the issue of "balance billing"--the differences between the maximum that providers can bill under Tier 2 of the POS and their PPO contracts--as well as the adequacy of network coverage (including major medical centers) in the HMO, POS, and PPO options for each campus.

CUCFA is reviewing a penultimate draft of this year's Open Enrollment document and will produce a supplement informing faculty of issues that are not yet fully disclosed and/or adequately explained.

*In response to questions about Benefits and Affinity programs available to our members through the national AAUP, we plan to feature a specific program in each issue of our newsletter. These are litigious times, and so liability insurance seemed like a good place to start.*

## AAUP Professional Liability Insurance Plan

This claims-made insurance plan has been designed to meet the specific needs of our membership. It will protect you from the high cost of defense and potential loss if a claim is made against you arising out of your professional activities.

Either a \$500,000 or \$1,000,000 (combined single) limit of liability is available. Defense costs are included within the policy limits. Coverage applies even if the lawsuit is found groundless in court. Premium costs are \$75/year for \$500,000 coverage, and \$125/year for the \$1,000,000 plan.

### Questions and Answers

*Please note: If there is a conflict between the policy language and any information in the following Q&A, the policy language shall control. Therefore, we advise you to read the policy carefully.*

#### When does my protection begin?

The first day of the month following receipt and approval of your application and premium. Any liability claim for actions prior to your effective date is not covered.

#### Coverage Continuity

##### Coverage will continue as long as:

1. You remain a member in good standing of the AAUP (including retirees);
2. You continue to pay your premiums as they come due;
3. A renewal application is completed and approved each year;
4. The Group Policy remains in force; and
5. You continue to meet underwriting eligibility requirements.

#### Is there a deductible?

No! You pay no deductibles with the AAUP-sponsored plan.

#### Does the Plan pay legal expenses?

Yes. The plan pays for the defense of suits brought against you (valid or groundless), regardless of the outcome. Defense costs are included within the coverage limits. Defense costs include (subject to policy exclusions):

- a) Up to \$250 per day for defendant's loss of earnings. . . up to \$5,000 per trial.
- b) Attorney's fees and investigation expenses.
- c) Premiums on appeal bonds.

#### What unique benefits are covered with the AAUP plan?

AAUP provides defense for sexual misconduct suits and offers \$10,000 coverage for assault and battery claims.

#### Does the Plan include protection against liability for libel, slander or defamation of character?

Yes! These actions are covered in the context of personal injury described in the policy.

#### If I choose to bring a liability suit against an educational institution or colleague, will this plan pay my legal fees?

No. This plan will only protect you as a **defendant**--not as a plaintiff--in a liability suit.

#### As a plan participant, am I covered for actions arising from decisions made as a member of a tenure evaluation body?

Yes. You are covered for claims brought against you as a faculty member dealing with salary, promo-

### Features of the AAUP Professional Liability Insurance Plan

Coverage includes, but is not limited to, actions in connection with:

- **Dismissal, suspension, disciplinary sanction or layoff of a tenured or non-tenured faculty member prior to the expiration of a term appointment.**
- **The non-reappointment of a probationary faculty member.**
- **The evaluation of students.**
- **Judgements relating to the salary, promotion, rank, leaves of absence, work assignments, resignations or other professional rights, duties and responsibilities of colleagues.**
- **The publishing of research papers or similar materials, provided your compensation is under \$3,000.**
- **ERP option**

In the case of cancellation or non-renewal for any reason other than non-payment of premiums, you can purchase an Extended Reporting Period (ERP) option for up to three years. If you terminate or non-renew your coverage due to retirement, you have the option to purchase an unlimited ERP, subject to the terms and conditions of the policy. Please see the policy for complete details.

tion, resignation, and other professional matters.

#### Does this plan contain the customary exclusions?

Yes. This plan does not insure you for dishonest, fraudulent, criminal or malicious acts or omissions; for any claims related to bodily injury, sickness, disease, or death; for liability associated with Workers Compensation Law; for injury to or destruction of property; or for claims based on or arising from collective bargaining union activities by the insured.

This plan also excludes claims for services by the insured as a psychologist, guidance counselor, nurse, or any other profession not defined in the policy form ("professional services"). Deans or other purely administrative personnel are not eligible for coverage.

**For information, or an application packet, call (800) 686-1172**

# Santa Cruz Faculty Association Membership Application

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

- \_\_\_\_\_ \$8/month for Assistant Professors
- \_\_\_\_\_ \$13/month for Associate Professors and Lecturers with SOE
- \_\_\_\_\_ \$18/month for Full Professors

Send completed form to:  
**Treasurer, SCFA/AAUP**  
**343 Soquel Ave., #333**  
**Santa Cruz, CA 95062**



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

Please Print or Type

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

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>
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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**

## "Every Member is an Organizer" Program

Our union is only as strong as its membership. Therefore, your Membership Committee is asking that each SCFA/AAUP member help recruit a new member, or refer a potential member to the committee. New member recruitment during these times is critical. Our goal is to sign up the majority of Academic Senate faculty to SCFA by the end of the 2003-04 academic year.

Your membership committee has a plethora of recruitment materials, including SCFA/AAUP brochures, newsletters, posters, and membership forms. You can call me at 9-5583 if you are interested in forms or would like to talk with your colleagues about the Association. Expect to get a call or email from your Membership or Executive Committee about participating in this exciting new program!

Fraternally,  
Paul Ortiz, Chair,  
SCFA/AAUP Membership Committee

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SCFA/AAUP  
343 Soquel Ave., #333  
Santa Cruz, CA 95062

## Academic Freedom in a World of Moral Crises

Mary Burgan, General Secretary, AAUP

Last month, members of the Appropriations Committee of the North Carolina House of Representatives voted to use the power of the state budget to block the assignment of a



book to all freshmen and transfer students at the University of North Carolina at Chapel Hill: *Approaching the Qur'an: The Early Revelations*, by Michael Sells, a professor of religion at Haverford College.

The legislative committee's move signifies how much the independence of public colleges and universities may be in jeopardy. First, it inserts state politicians directly into the administration of a university by using the power of the purse to censor the curriculum. Ever since the founding of most land-grant institutions, state legislatures have refrained from using state dollars to encourage or inhibit the teaching or discussion of certain ideas on individual campuses. While politics has occasionally encroached, history has shown that when such limitations of academic freedom occur, they can undermine the reputation of the university and of the state it serves. In North Carolina itself, the legislature's ban on Communist speakers on state campuses in the 1960s--which threatened the system's accreditation and was eventually overturned by the U.S. Supreme Court--shadows the current controversy.

Second, micromanaging university budgets according to the winds of controversy robs boards and admin-

istrations of the authority they need to resist politicizing the institution. This problem has become so threatening that the Association of Governing Boards of Universities and Colleges has called on its members to ward off such pressures if they are to govern "in the public trust."

Unfortunately, some legislatures use fiscal crises as a cover for selectively cutting programs that treat controversial matters. In April, a Minnesota legislator proposed removing financial support from the University of Minnesota Press for its publication of *Harmful to Minors: The Perils of Protecting Children From Sex*, by Judith Levine.

More recently, the University of Missouri System's appropriation was docked some \$150,000 in reaction to the decision by the director of the public-television station on the Columbia campus to prevent personnel from wearing flag pins on camera, and to the work of Harris Mirkin, a professor on the Kansas City campus. In a letter to the University of Missouri's president, Manuel Pacheco, the instigating legislator worried about Professor Mirkin's "thought patterns" in writing "The Pattern of Sexual Politics: Feminism, Homosexuality, and Pedophilia." So critical are that and other financial cuts in the Missouri system's budget that a trustee on one campus has written to ask external groups, like the AAUP, to support a resolution asking for the restoration of the core operating budget for 2004 and the cessation of further withholdings in 2003.

A third problem with the intervention of state legislatures in curricular decisions is that it replaces the considered judgment of experts trained in pedagogy and their academic subjects with directives from people who are neither educators nor experts.

Finally, the North Carolina legislators betray a misunderstanding of the very nature of education itself. They mistake study for advocacy, the presentation of ideas for exercises in conversion, and the university as a franchise for particular doctrines or ideologies.

Despite their lip service to such a concept, some critics of higher education have implied that academic freedom is a trivial pursuit, for peacetime only, and a luxury in time of war. The AAUP has been pleased to note that, since September 11, administrators, faculty members, and students at the majority of American higher-education institutions have affirmed the study of all points of view to be the most patriotic act they can make.

Accordingly, faculty members are now asking legislators in every state to listen to words like those of Menachem Magidor, president of Hebrew University of Jerusalem, as he defended "the diversity and pluralism" of his institution in a recent letter to *The New York Times*. In the aftermath of the deadly bombing on his campus, he reaffirmed the value of academic freedom in a world of moral crises: "I asked myself whether it still makes sense to strive for a peaceful society based on reason and understanding. Then the answer came to me clearly, and it is summarized by the Hebrew word *davka*--despite everything."

The North Carolina, Minnesota, and Missouri legislatures--and, indeed, legislatures, boards, and those of us on campuses everywhere--should be so bold.

This is a condensed version of an article that originally appeared in *The Chronicle of Higher Education* (September 6, 2002, Section: The Chronicle Review, Page: B20.) Complete text available at: [www.aaup.org/statements/SpchState/02MABop.htm](http://www.aaup.org/statements/SpchState/02MABop.htm)

## Open Letter to the UC –Davis Community, Excerpt

Flo Hatcher, Chair of the AAUP Committee on Part-Time and Non-Tenure Track Appointments

The AAUP's national standing committee on Part-Time and Non-Tenure Track Appointments would like to extend its support and encouragement to the lecturers at UC-Davis. By deciding against the renewal of full time faculty members without the review or recommendation of a duly constituted faculty body, the UC-Davis administration has violated a long-standing AAUP policy necessary for the protection of academic freedom.

The committee is also concerned about the public statements of administrators that pit one tier of faculty against another. We do not endorse the false limitations set on the number of tenure appointments and are confident that tenure can be extended in ways that enhance professional performance and that do not punish, but actually recognize, long-serving members of the lecturer faculty.

The committee believes that our institutions of higher education need to be reformed and that includes protecting academic freedom by increasing the proportion of tenure-eligible faculty and extending due process protections to contingent faculty. The AAUP's 1940 *Statement on Academic Freedom and Tenure* holds that, "tenure is a means to certain ends; specifically: freedom of teaching and research and of extramural activities and a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to students and to society."

... The churning of faculty will not improve conditions at UC-Davis but only institutionalizes the worst as-

pects of contingency by attenuating the faculty's connection to their students and colleagues. The proliferation of new types of contingent appointments makes administrators less accountable and the university community as a whole less cohesive by creating inconsistency and confusion.

We call on the UC administration to pursue an alternate course by resisting the creation of new tiers of contingent faculty, rehiring the terminated lecturers who are experienced and tested, and stabilizing the ranks of the faculty by extending due process protections to all who teach at UC-Davis.

### New Committee on Academic Freedom & National Security

The AAUP has created a special committee on "Academic Freedom and National Security in Time of Crisis" to review and analyze post-September 11 developments which impinge on academic freedom. The horrific events of September 11 have brought in their wake renewed conflicts between the imperatives of national security and the imperatives of free research and teaching.

"It is crucial," said Joan W. Scott, professor of social sciences at the Institute for Advanced Study in Princeton, New Jersey, and chair of the AAUP's Committee A on Academic Freedom, and Tenure, "that we examine the lessons to be learned from the conflicts of the past year, and what they might portend for the future."

Robert M. O'Neil, director of the Thomas Jefferson Center for the Protection of Free Expression, former president of the University of Virginia and of the University of Wisconsin, and former chair of Committee A, will chair the special committee.

O'Neil commented, "While there is much we still do not know about the impact of post-September 11 actions and policies on academic freedom, it is vital that we now begin to assess this impact as we mark the first anniversary of that frightful day. The potential risks to open discourse within the academic community are grave indeed. . . . No organization is better equipped, or more clearly committed, to undertake such a task than the AAUP."

Members on the committee are:

**Robert M. O'Neil**, director, Thomas Jefferson Center for the Protection of Free Expression;  
**Ronald Atlas**, professor of biology, University of Louisville;  
**Galya Diment**, professor of slavic languages and literature, University of Washington;  
**Matthew W. Finkin**, professor of law, University of Illinois, Urbana-Champaign;  
**Joseph A. Losco**, professor of political science, Ball State University in Indiana;  
**Afsaneh Najmabadi**, professor of history and women's studies, Harvard University;  
**Melvin T. Steely**, professor of history, State University of West Georgia;  
**Jonathan Knight**, associate secretary, American Association of University Professors; and  
**Mark F. Smith**, associate secretary, American Association of University Professors.

The committee will address issues including responses by academic leaders and state government officials to controversial teaching and speech at particular colleges and universities; restrictions proposed by the federal government on non-classified university research that is deemed sensitive but is not classified, particularly in the areas of microbiology and bioterrorism; renewed concerns about classified research on the university campus; restrictions on foreign scholars and students (as in the decision of the U.S. Department of Agriculture no longer to allow foreign scholars and students to work in its laboratories); provisions of the U.S. Patriot Act relevant to higher education and to scientific research; and restrictions on the implementation of the Freedom of Information Act, with respect to academic research.

Q&amp;A

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ers); AFSCME (American Federation of State, County, and Municipal Employees, representing skilled trades); and UPTE (University Professional and Technical Employees, which includes technical, research, administrative and health workers).

**QUESTION: With all that union support, what does it matter what Senate faculty do about the strike?**

**ANSWER:** Senate faculty, and the students we share with the lecturers, are the ones who will be most affected by the outcome of Unit 18's negotiations with UCOP. For that reason, if no other, the position that we take will be noted by the Administration and by UCOP.

Put simply, the faculty is the heart of the University. UCOP and the local Administration listen to Senate faculty in academic matters. We have access to the Administration, both as individuals and through the Senate, in ways that other unions do not. Hence what we do and say about this strike will count. The lecturers believe that Senate faculty support will make a big difference in their efforts to bring UCOP back to the bargaining table.

**QUESTION: Why should Senate faculty support this strike?**

**ANSWER:** It is the responsibility of Senate Faculty to protect the academic integrity of our programs and our curriculum. In fact, the Standing Orders of the Regents give plenary authority to us concerning curriculum and courses as well as for setting admissions policies--hence the existence of the Senate Graduate Council (GC), the Committee on Educational Policy (CEP), and the Committee on Admissions and Financial Aid (CAFA).

As teaching and research faculty of UC, we of the Senate want a quality curriculum, and both we and the non-Senate lecturers therefore have an interest in making sure that judgments about their re-employment and curriculum have a significant and guaranteed component of academic review. One of their certified ULP's is precisely about this issue.

On a different note, we--as Senate Faculty who teach--would prefer to have one effective strike to a series of less effective strikes that could seriously interrupt academic life. If this October strike is effective in showing broad support for the lecturers and bringing UCOP back to the table ready for fair bargaining, it will mitigate the need for further actions. All of us--Senate faculty, Unit 18 lecturers, and students, as well as the Administration--will be better off.

**QUESTION: I'd like to support the strike, but don't we as Senate faculty have a no-strike clause in our contract (our Memorandum of Understanding)? And if so, does that mean it's illegal for us even to respect the picket lines? And what is the difference between striking and respecting a picket line?**

**ANSWER:** Mindful of both the law and the well-being of members of our bargaining unit (Senate faculty), the SCFA Executive Board consulted with our legal counsel over this question. We have been advised that the SCFA and its bargaining unit members are not bound by any "no-strike" clause because the Memorandum of Understanding (MOU) between UCSC and the SCFA has expired. Our legal counsel has advised us that "During the hiatus between contracts, unions are NOT bound by 'no strikes' clauses in their expired contracts." (Write

to us for details if you are interested in why our MOU has expired: We have not signed it for several years due to our own problems in bargaining with the Administration.)

Regardless of that, it is perfectly legal, even when we have an MOU in effect, to respect picket lines. Of course, we urge you to make appropriate arrangements with your students so that they are not harmed educationally.

Senate faculty are free to act on the dictates of their conscience. The Executive Board of the SCFA urges all Senate faculty to do the right thing and stand with our colleagues, now, when they need us most and when our support will be most effective. And we urge you to educate yourselves about the long-term issues as well as to support the October 14-15 strike.

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# UNIT 18 LECTURERS' STRIKE

## Q&A for Senate Faculty

prepared by the Executive Board of the SCFA

**QUESTION: What is this strike about?**

**ANSWER:** The point of the strike is to encourage UCOP to come to the bargaining table with negotiators who are ready to bargain in good faith and who have the authority to reach an agreement rapidly.

The Unit 18 Lecturers (UC-AFT) have been working without a contract for over two years, during which time they have been meeting with representatives from UCOP's Labor Relations to negotiate a new contract. The Lecturers have become increasingly frustrated. They have filed two charges of unfair labor practices (ULP's) that have already been certified by PERB (Public Employees Relations Board). The case of the four lecturers not put through their six-year review at UC Davis is particularly egregious as one of those lecturers had just won a campus-wide teaching award.

UC-AFT has also filed ULPs on such matters as bad-faith bargaining, unilateral changes in health benefits, U.C. Irvine's failure to process grievances, and UC's failure to respond to requests for information that the union is entitled to receive.

In short, the lecturers believe they have done everything in their power during the last two years, other than strike, to encourage UCOP to negotiate fairly and in a timely way. However, their efforts to bargain have been met with Unfair Labor Practices and delays. They are now turning to the only legal tactic left to them, a strike.

### For More Information. . .

UC-American Federation of Teachers  
[www.cft.org/uc-aft](http://www.cft.org/uc-aft)

Coalition of University Employees  
[www.cueunion.org/ucsc/scruc.php3](http://www.cueunion.org/ucsc/scruc.php3)

University Professional & Technical Employees, CWA, #919  
[www.upte.org](http://www.upte.org)

AFSCME Local 3299  
[www.afscme3299.org/ucsc.html](http://www.afscme3299.org/ucsc.html)

Please note that this strike is not directed against our local Administration but against the systemwide Administration (the Office of the President, or UCOP), which deals with the Unit 18 master contract. Nevertheless, as our Unit 18 colleagues explain, their jobs are here, and so here is where they must strike.

**QUESTION: Does Unit 18 have support from its own members and from other unions?**

**ANSWER:** In a democratic vote conducted recently, 88% of the members of Unit 18 voted to strike on October 14 and 15.

Other unions are going to support this strike by respecting the picket lines. This is a legal strike that has been sanctioned by the Monterey Bay Labor Council, the Building Trades Labor Council, and the Teamsters Joint Council #7. Consequently, on October 14 & 15, construction on campus will stop, most deliveries to on-campus addresses will not take place, city bus service will stop at the edge of the campus, and many of the shuttle bus drivers will not be working. Some other campus unions might also strike on these same days. These include CUE (Coalition of University Employees, representing clerical work-

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## SCFA/AAUP Personnel

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Karen McNally, Treasurer (*Earth Sciences*)  
Paul Ortiz, Secretary (*Community Studies*)  
Bud Bridges (*Physics*)  
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Christine Rosen, *Secretary (UCB)*  
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Marilyn Fravel, *Administrative Director*  
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