

TERMS and CONDITIONS

Newsletter of the SCFA/AAUP

Spring 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.

Health Care Issues

Barry McLaughlin, Treasurer
Bob Meister, Vice Chair of the Executive Board

It is generally acknowledged in the UC Office of the President that UC Santa Cruz is the campus with the greatest problems in the area of health care. There is no UC medical facility close by and local options are constrained by the near-monopoly over health care exercised by the Santa Cruz Medical Clinic.

A survey of UCSC faculty several years ago indicated general satisfaction with health care options—especially the zero-cost option—as long as nothing goes wrong. Faculty felt they were living with a sword of Damocles hovering over their heads. If one is seriously ill, referral options are limited. One is at the

mercy of Clinic. Faculty in the UC Care program—where referral options are greater—were the most dissatisfied group taking the survey. Their complaints were generally about billing and reimbursements. In some cases, the reimbursement process was so drawn out and time-consuming that faculty paid expenses out of pocket.

Many faculty reported not having the information they needed to understand their medical plan coverage. Nor could they afford the time to resolve problems of coverage, access, and administration. Faculty reported the need for education on

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Bargaining Update: Retroactivity

Due to the SCFA's vigorous challenges to UC's practice of using employee parking fees to subsidize campus construction and other activities, Senate faculty are three years behind other employees in parking fee increases. The Administration has now proposed to make earlier campus-wide parking fee increases retroactive for faculty who paid the lower rates while SCFA has been in negotiation. SCFA has asked the administration to clarify the means by which it proposes to bill faculty retroactively for parking fees to which they did not agree at the time, and has sought legal advice on whether such retroactivity can be threatened. We believe that this element in the administration's current parking proposal is unsustainable, and opens the University to procedural and substantive challenges that could delay an equitable resolution of the parking issue. Meanwhile, the SCFA continues to oppose the Administration's efforts to raise parking fees to subsidize unrelated activities. This year, we are moving beyond this position to ask whether UCSC should begin subsidizing employee parking. Employee organizations have long been told that the use of state funds for employee parking is forbidden, but the Administration has not provided any legal authority to support this proposition. In fact, the UC Berkeley Chancellor recently agreed that discretionary revenues should be used to contain employee parking fees. His concession seems consistent with California's Higher Education Master Plan, which states that faculty parking may be provided by the UC as a fringe benefit. The SCFA intends to press our administration for a similar concession as part of our current round of negotiations. In a year of negligible COLA's and deteriorating health care benefits, the time is right to mitigate the burden of high parking costs.

SCFA Meeting on Faculty Housing

at the
**Hagar Court
Community Room**
on
**Wednesday, May 22
5:30 pm. to 8:00 pm.**

**Bring drinks. The SCFA
will provide a light
dinner.**

Don't miss this opportunity to discuss housing issues, including a proposal from the administration to increase rents by 6%. As we see it, the meeting will be informational. We'll tell you what we know; you tell us what you think should be done.

From the Bylaws . . .

Article V. Executive Board and Officers

Section 1. There shall be an Executive Board consisting of seven persons elected by the membership.

Section 2. The officers of the Association shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer. The officers shall be selected by the Executive Board from within its own ranks, following each election of Board members, and shall serve until successors are selected. . . .

Section 3. The term of Board members shall be two years, beginning October 1st and ending September 30th. . . .

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, whose purpose it shall be to nominate candidates of elections to the Board. The committee shall consist of three Association members in good standing as of the date of the 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. No later than April 10, the Nominating Committee shall propose at least one, and not more than two, candidates for each Board position to be filled at that election. No later than April 13th, the Board will distribute by mail to the members the names of the persons nominated by the Nominating Committee; such notice also will indicate that further nominations may be made on petition of seven members in good standing as of April 1st. Such petitions shall be delivered to the Secretary of the Association no later than 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.

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

Section 9. Each voter may vote for as many candidates as there are positions to be filled, and the winning candidates shall be those receiving the highest number of votes. In the event of a tie vote, there shall be a runoff.

Section 10. The Board shall appoint a committee to be responsible for the conduct of the election and the counting of the vote. No member of the Board may be appointed to the committee. The Board shall announce the results of the election within seven days of the close of the ballot period.

Changing of the Guard

This year, four positions on the Board need to be filled. Our Nominating Committee has put forward the following candidates: board member, Bud Bridges; board member and publications chair, Kirsten Gruesz; board member, Helene Moglen; and membership chair, Paul Ortiz.

Nominations by petition (Bylaws Art. V, Section 7) for Board elections may be mailed to our Soquel address (see below) or faxed to (800) 431-3348. No special form is required, but please include the petitioners' full names, departments, and contact information. Any such petitions should also indicate the willingness of the nominee to serve if elected. **Our full Bylaws are available on request.**

Due to unforeseen production delays, we are behind the timeline

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Upcoming AAUP Events

Eighty-eighth Annual Meeting Washington, DC June 6-9, 2002

The meeting will explore the effects of technology, commercialization, and hiring trends on the quality and viability of higher education. Events will include **Capitol Hill Day** (see page 9) an annual ritual that lets members participate directly in the AAUP's lobbying.

Summer Institute San Diego, CA July 18-21, 2002

The Summer Institute is the AAUP's premier training event. This year's Institute will take place at San Diego State University and provides an opportunity to network with AAUP leaders from across the country. Intensive sessions cover such things as lobbying, intellectual property, strategic communications, and higher education data and research. This is THE event for members who want to become more involved in the advocacy work of their local association or in the policy/political work of the national AAUP.

mandated by the bylaws. To ensure that members have time to act on the information contained in this newsletter, we will accept nomination by petition received within 14 calendar days of the date on which distribution of *Terms and Conditions* begins. Other election deadlines shall be extended accordingly.

We would like to thank our Nominating Committee--Bruce Bridgeman, Jennifer Gonzalez, and Barry Bowman--for their services. Thanks are also due the SCFA's Secretary, Karen McNally, for helping to set up the committee and ensuring substantial compliance with our Bylaws. Finally, the SCFA wishes to recognize Barry McLaughlin for his immense contributions. Barry, who will not seek another term on the Executive Board, has served us well on the Publications committee and as SCFA Treasurer.

Washington

Report on 107th Congress

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

In January 2001, the Republican party controlled the White House and both houses of Congress. Republicans anticipated two years of legislating in the context of a large peacetime budget surplus. One year later, control is split between the two parties, the country is at war, and we may face deficits until 2005 (according to recent projections from the Office of Management and Budget.) It has been quite a year.

Several pieces of legislation with potentially serious implications for higher education have already been

passed. The President achieved his \$1.6 trillion tax cut, as well as passage of "No Child Left Behind," a broad elementary and secondary education reform bill. Congress responded to the threat of terrorism after the September 11 tragedy by passing a number of security-related bills, including the USA PATRIOT Act. The appropriations bills were finally completed in late December (after 8 continuing resolutions), and Congress adjourned on December 20.

The 2002 outlook at the federal level is challenging. Partisan differences are becoming pronounced as both parties jockey for advantage in the upcoming November elections. The Democrats believe they can hold the Senate and take over the House, while the Republicans intend to hold onto the House and take back the Senate. This may make for entertaining political theater, but it does not offer much hope for real legislative accomplishment.

The major federal issue will be (as always) the Budget and Appropriations process. With the economic downturn, tax cut, and wartime expenditures, any possibility for a surplus is gone, and the AAUP will be scrambling to protect education programs.

On March 21, the AAUP, along with the National Humanities Alliance and various other organizations, co-sponsored Jefferson Day 2002. An advocacy event, Jefferson Day promotes the National Endowment for the Humanities and is held in conjunction with the NEH's annual Jefferson Lecture. On June 6, AAUP will sponsor its Annual Capitol Hill Day which helps draw legislators' attention to higher education policy and funding.

In addition to fiscal issues, AAUP is monitoring two bills from last year that remain on the congressional agenda: S. 487 and HR 1992. We will, of course, also act on new initiatives affecting research, academic freedom, and freedom of expression.

S. 487, the "Technology, Education, and Copyright Harmonization (TEACH) Act."

The 1998 Digital Millennium Copyright Act directed the Copyright Office to study legislative changes that could be made in the Copyright Statute "to promote distance education through digital technologies." AAUP General Secretary, Mary Burgan, testified on this issue in January 1999, and the Copyright Office issued its report in April of that year. However, it took almost two years for Congress to act. After the introduction of S.487 in March 2001, the bill moved quickly through the Senate. On June 7, the full Senate passed S.487, but the bill awaits action by the full House Judiciary Committee.

The TEACH Act would extend the existing teaching exemptions for using copyrighted material to digital distance education courses. AAUP supports the bill, in part, because it is limited to courses that are under "the direction of an instructor as an integral part of a class session offered as a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution."

H.R. 1992, the "Internet Equity and Education Act."

The Higher Education Act amendments of 1998 created an Education Commission to study the "Promise of the Internet to Empower Higher Education." AAUP's General Sec-

Capitol Hill Day

Washington, DC,
June 6th, 2002

Join other faculty members at one of the AAUP's most popular events. Held in conjunction with the annual meeting, Capitol Hill Day gives AAUP members an opportunity to visit their senators and representatives in Washington, D.C., and talk with them about issues affecting higher education.

Make an appointment to see your senators and representatives by calling the congressional switchboard at (202) 224-3121 in April or May and asking for an appointment (between 10 am and 4 pm on June 6).

Orientation sessions will be offered in the morning, and AAUP staff--as well as legislative information and packets--will be available throughout the day. In the afternoon, gather on the Hill for a congressional reception featuring recipients of the 2002 Henry T. Yost Award for Congressional Leadership. The Yost Award is given to legislators who do the most for higher education each year. Nominations for next year's Yost award will be accepted until the end of September 2002. Send your nominations to the AAUP's Committee on Government Relations at <govtrelations@aaup.org>.

Sacramento

Charles P. Nash
VP -External Relations
Council of UC Faculty Associations

On January 10, 2002, Governor Davis submitted his budget recommendations for the fiscal year 2002-03 to the Legislature. They included current-year (2001-02) cuts in the base budgets of many agencies, including UC, as well as greatly curtailed augmentations for the upcoming year because his advisers were projecting a revenue shortfall in the target year of ca. \$12.5 M. More recent estimates by the Legislative Analyst's Office suggest that the shortfall could be as large as \$16.5 M.

The Governor's recommended permanent cuts, amounting to \$36 M, would not affect the core educational programs of the University. His suggested one-time cut of \$5 M in the clinical teaching support for UC's hospitals, neuropsychiatric institutes and dental clinics was rejected in the first meeting of the Joint Legislative Budget committees. His proposed UC budget for 2002-03 included total increases under the so-called "partnership" of

\$181.9 M. The Regents' budget adopted last November asked for \$353.9 M in these same categories. If there is any good news it is that the Governor's budget fully funds a projected enrollment increase of 4.3% (7100 FTE students).

Gov. Davis's salary budget provides barely enough money to fund faculty and staff merit increases and promotions, with nothing left over for a general cost of living increase (COLA). [N.B. The COLA for 2001-02 was only 0.5%.] The current estimate is that with no COLA in 2002-03, UC faculty salaries will be 7% behind those of our Comparison 8's at the end of that fiscal year. To continue with the bad news, the Regents asked for a 10% increase in the state appropriation for employee health and dental benefits, but the Governor's budget provides only 6.7% (a difference of \$12.4 M) and UCOP's current guesstimate is that the cost increase could be close to 15%.

The proposed budget freezes student fees for the eighth consecutive year. This time, however, there is no recommendation for a State appropriation to "buy out" the lost revenue. The attendant loss (taking into account both undergraduate and graduate/professional fee requests that were included in the Regents' budget) is almost \$39 M. This figure is so large that at the January Regents Meeting Vice President Hershman actually uttered the words "fee increase." The student regent obviously opposed even considering one.

On February 20, the Legislative Analyst's Office released its analysis of the budget situation, including the larger estimated revenue shortfall noted above, and made recommendations in several areas of the UC operating budget including student fees, state-supported

summer instruction, financial aid, outreach, teacher professional development programs, and UC-CSU joint doctoral programs in education. Of particular interest to the faculty is a recommendation for a one-time cut of up to 5% (i.e., \$16.8 M) in the University's General Fund Research Budget. Our contacts in UCOP tell us that they were prepared for such a recommendation because one appears every time the State is in financial difficulty, and they were already working on counter-arguments when the report came out.

Also in the research context, the capital funding for the four California Institutes for Science and Innovation is currently mired in partisan political wrangling. The Governor believes that construction of the Institutes will contribute significantly to the State's economic recovery. Senator Steve Peace (D, San Diego) plans to introduce a bill to fund all the Institutes' remaining construction projects with lease-revenue bonds rather than from the heavily impacted General Fund. UC and the Governor want the bill to be considered immediately. They fear that delaying or deferring the projects could threaten the matching funds provided by California industries, which have provided a 3:1 match rather than the 2:1 match called for in the enabling legislation passed in 2001-02. The Assembly Republican caucus prefers to consider the Peace bill as part of the overall budget process.

Legislative budget hearings have just begun, with overview presentations to the Assembly Budget Committee on March 13 and the Senate Budget Committee on March 20. The CUCFA team--Lobbying Coordinator Myrna Hays, Council Vice-

Continued on page 7.

On the Money. . .

AAUP's 2001-2002 Report on the Economic Status of the Profession was released on April 11. Based on a survey of more than 1400 institutions, this year's report shows that faculty salaries increased by 2.2% (after adjusting for inflation) between the 2000-01 and 2001-02 academic years. The nominal increase for the average salary was 3.8%. For the first time in 30 years, the average inflation-adjusted salary caught up to what it was in 1971-72. AAUP members can look for their copy of the salary survey, including institutional comparisons, in the mail. Non-members may order a copy (\$68.50) from:

www.aaup.org/catalogue/index.htm

Members' dues fund the operation of the SCFA, the state-wide lobbying of the Council of UC Faculty Associations, and the AAUP's defense of faculty rights across the nation. If you're not already a member, why not take this opportunity to join with your colleagues in support of this important work?

Please contact us if you would like more information.

(800) 431-3348
scfa@aaup.org



Four horizontal lines stacked vertically, intended for an address or return information.



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



---- Tape or staple closed ----

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

Emeriti professors may join the SCFA by returning this form and a check for \$50 (annual dues) to the address above.



**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
Monthly Deduction			
		Enroll	Cancel
Dues		X	
Initiation Fee			None
General Assessment			None
Total			

Last Name	First	Middle Initial
Department Employed at UC		
Title at UC		
Organization Name (include local name & number) Santa Cruz 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
---------------------------	-----------------

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
		MO DY YR			
X1			6	G	
X1			6	G	
X1			6	G	

RETENTION 1 YEAR AFTER INACTIVE - ACCOUNTING OFFICE

On Belonging: The New SCFA/AAUP

Paul Ortiz,
Membership Committee Chair

Becoming Membership Chair of the Santa Cruz Faculty Association (SCFA) has been a wonderful, eye-opening experience for me. I learned more about the University of California, Santa Cruz—and the UC system in general—at one SCFA general membership meeting than I’ve learned through all of the campus orientations I’ve attended. I became a member of the SCFA/



AAUP for overlapping reasons of culture, scholarship, self-interest, and profession. My research on social movements, African American, and Latino history has taught me that individuals in the modern world cannot survive with dignity unless they learn to cooperate with others in formal organizations. The SCFA is an organization that has enhanced the lives of faculty members on this campus for over two decades.

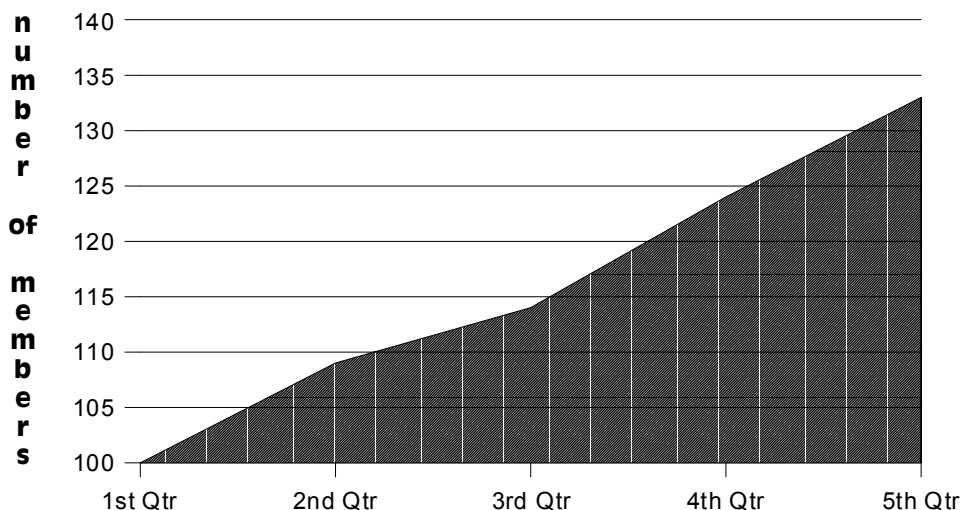
Over the years, the SCFA has had a positive impact on such issues as salary, health care, and housing. This is an important (if at times, hidden) history that we will be sharing with you in upcoming issues of the SCFA newsletter. As professionals, we sometimes succumb to the illusion that we don’t need associations or unions, that we’ve “made it all by ourselves.” Nonsense. Imagine where our cherished academic freedom or tenure rights would be today without the AAUP. Closer to home, remember when the administration tried to freeze merit salary raises in the recession of the

early 1990s? The SCFA stepped up to the plate (excuse the baseball metaphor) and fought to preserve merit raises. That struggle continues to put real money in our pockets; it also established the important principle that the administration cannot use economic downturns to abrogate merit salary increases. So, if you’ve received a merit increase in the past several months, thanks go in part to the SCFA.

The history of the SCFA is but a prelude to a much more effective future—but only if YOU increase our strength by becoming a member! We are not a perfect organization. We’ve made our share of mistakes in the past. That is no excuse, however, to not join. Remember, ladder faculty: the SCFA advocates for you on campus, at the UC Office of the President, and at the State Legislature. If you are Senate faculty, but have not yet joined the Association, this is an excellent time to end your “free rider” status, and return your completed membership application form (provided with this newsletter and available online at <www.sc-fa.org/appform.html>) today. We need your help to make housing and childcare more affordable, to ensure that faculty get a fair shake as the campus moves to year-round operation, and to resist the “speedup” that will result if increased enrollments are not matched with a commensurate increase in ladder faculty hiring. And this is just a partial list of issues that are on our evolving agenda.

A stronger SCFA also allows us—as ladder faculty—to offer meaningful support to staff, graduate students, and our sisters and brothers in the other campus unions. We’ve received accolades from members of the AFSCME and the AFT lec-

**SCFA / AAUP Recruitment
Jan. 2001 to the present**



Membership
From page 5

urers' union for working with them to improve conditions on campus for all workers. Believe it or not, those seemingly arcane struggles over campus parking that the SCFA has engaged in have allowed other unions to put parking fees on the table during their own negotiations. And this is just the beginning.

I am the chair of the SCFA's new membership committee, a committee composed almost entirely of junior faculty members. Thanks to the guidance of AAUP Associate Secretary, Marcus Harvey, and our own executive committee, we've

increased SCFA membership by leaps and bounds since last spring. Membership rates are pivotal for us as an association. Simply put, the more members the more clout we have.

We need your help in recruiting members. Our new philosophy in the SCFA is that every faculty member is an organizer. Each and every one of us has the ability and the duty to talk with non-members and encourage them to support our union. This is a great time to join because we are in a period of growth and renewal. Literally speaking, everything is on the table.

By joining, you gain an opportunity to set the agenda for the SCFA now and into the future. If you need help or ideas in thinking of ways to talk to your colleagues about the SCFA please feel free to contact me or anyone else on the membership committee. We'll help out. That's what the new SCFA-AAUP is all

The Road to a Hellish Academic Year is Paved with Good Administrative Reasoning, No Doubt

A compressed academic calendar featuring weekend exams and quarters beginning on major Jewish holidays (Passover in Spring and, yet to come, Yom Kippur in Fall '02) has left many faculty members exhausted, distressed, angry, incredulous, and generally in the grip of a variety of health-threatening emotions. Many SCFA members wrote to me to express their anguish. Specific, thoughtful observations about this year's calendar filled these letters, but specifics aside, the most striking product of this calendar for faculty was low morale. Letter writers experienced it as anti-good pedagogy and assessment (in multiple ways), anti-research, anti-T.A., anti-family, offensive to those trying to practice their religions, and anti-staff advisors (in both college and department).

An assistant professor, at UCSC for two years, wrote: *"As a junior professor, I feel the strain of taking what little time I have when I'm not teaching to work on my research and publications. I not only had no "break," but I burned myself out trying to get my grades in and reach a couple of article deadlines. My health is way down, and they just don't pay me enough for this kind of abuse. And I don't have a family!! I can't imagine what I'd do if I did. This is the first time in a really long time (since I was a waitress) that I feel truly exploited as a worker. I don't know why I expected something different as a university professor, but I did!"*

A seasoned and somber full professor who has been here for decades wrote: *"My feeling is that we are being asked to run like a research university when the calendar is being set as if we were a low-grade commercial trade school: no breaks for research time, zero days between teaching sessions, no staff assistance except when classes are running. For the first time in my career here, I feel I am working under insane conditions and my university doesn't care one bit about whether quality teaching and evaluation of students is feasible. It makes me angry"*

On behalf of the SCFA, I have written an open letter to relevant Administrators and Senate Committees detailing the hardships this calendar has produced for the University's academic mission. As one faculty member succinctly put it, *"Clearly, the administrative calendar should be designed to serve our students and our pedagogy, rather than vice-versa."* This year, we clearly got the vice-versa. Will next year's calendar be better?

--Shelly Errington, Chair of the Executive Board

PERSONNEL

Executive Board

Shelly Errington, Chair (*Anthropology*)
Bob Meister, Vice Chair (*Political Science*)
Barry McLaughlin, Treasurer (*Psychology*)
Karen McNally, Secretary (*Earth Sciences*)
Bud Bridges (*Physics*)
Kirsten Gruesz (*Literature*)
Helene Moglen (*Literature*)

Membership Committee

Paul Ortiz, Chair (*Community Studies*)
Tina Campit (*Women's Studies*)
Jennifer Gonzalez (*Art History*)
Yvette Huginnie (*American Studies*)
Tara Madhyastra (*Computer Engineering*)
Karen McNally, (*Earth Sciences*)

Liaison to Lecturers w/SOE

Carol Freeman, (*Writing Program*)

Publications Committee

Kirsten Gruesz, Acting Chair (*Literature*)
Marcus Harvey, Production Editor (*AAUP*)
Scott Brandt (*Computer Science*)
Barry McLaughlin (*Psychology*)
Karen McNally (*Earth Sciences*)

Nominating Committee

Barry Bowman, (*Biology*)
Bruce Bridgeman, (*Psychology*)
Jennifer Gonzalez, (*Art History*)

Council of UC Faculty Associations

Bob Meister, President (*UCSC*)
Charles P. Nash, Vice President (*UCD*)
Warren Gold, Vice President (*UCSF*)
Marilyn Fravel, Executive Director
Myrna Hays, Lobbying Coordinator

AAUP, West Coast Staff

Marcus Harvey, Associate Secretary

Washington
From page 3

retary also testified before that Commission which issued its report in December of 2000. Commission co-chair, Representative Johnny Isakson, introduced the legislation (H.R. 1992) on May 24, 2001, and it moved quickly through the sub-committee and committee process. AAUP wrote the committee in July outlining our opposition, and then wrote the full House in October in an effort to block passage. AAUP strongly opposes H.R. 1992 which proposes significant changes in the rules for student financial aid for distance education programs, including repeal of "the 50% rule" and "the 12 hour rule." Given the fact that no additional federal allocations for student aid are likely, changes to these rules could have a profound impact on student aid dollars going to public institutions.

AAUP's opposition was noted during floor debate when Representative Patsy Mink read the text of AAUP's letter as part of an unsuccessful effort to amend the bill by removing the repeal of "the 12 hour rule." The House passed the bill overwhelmingly, and it now goes to the Senate. Although it is less likely to pass the Senate, the AAUP will continue to oppose the bill.

2002 Negotiated Rulemaking for Higher Education

The Department of Education announced a negotiated rulemaking process at the end of 2001 that would eliminate the "12 hour rule." AAUP formally objected to the proposed changes and maintains that any changes need to be addressed in the context of the overall reauthorization of the Higher Education Act scheduled for the next Congress. In developing alternative measures of quality to replace the time-based approach, several different institutional roles need to be kept in mind.

The Department of Education plays a "consumer protection" role in regard to national programs by ensuring that student aid dollars designed to be used for higher education purposes are in fact used for such purposes.

Accrediting agencies play a "quality assurance" role in regard to institutions. The accrediting agencies determine an institution's capacity to deliver a program of study in higher education. Accrediting agencies need to be empowered to strengthen their reviews of institutional quality. This is especially critical if the Department dismantles some of its own objective criteria of assessment.

Faculty play a "quality assurance" role in regard to course and program integrity. Faculty have responsibility at the campus level for fundamental educational issues such as curriculum, subject matter, methods of instruction, and requirements for degrees.

These issues are among those that the AAUP will address during the Congressional reauthorization of the Higher Education Act next year. The HEA covers the entire range of higher education programs: institutional aid, grants and loans, research, and international programs.

*For information on developments in Washington consult:
www.aaup.org/govrel/index.htm/*

Sacramento
From page 4

President Charles Nash, and professional Lobbyist Joanne Bettencourt from Orrick, Herrington and Sutcliffe--have now met with Senator Jack Scott (Chair of the Education Committee), Assemblymember Joe Simitian (Chair of the Higher Education Budget sub-committee), the principal staff aide to Assemblymember Jenny Oropeza (Chair of the full Assembly Budget Committee), and Assemblymember Elaine Alquist, (Chair of the Assembly Higher Education Committee). All of these individuals warned that this year would be very difficult. To his credit, Simitian (a realist) told us that as rocky as 2002-03 might appear, 2003-04 will likely be worse.

CUCFA's lobbying team are tracking several additional bills of possible interest to the faculty, including one to limit salary increases for high level administrators to the same percentage as those for the unionized staff, several bills having to do with student fees, and two bills by Assemblymember Aroner: one deals with impasse procedures in higher education labor relations and the other with funding for higher education student housing. As the latter bill progresses we may ask the author to consider extending its scope to include faculty housing.

Terms and Conditions: An Explanation

The SCFA is a member of the Council of University of California Faculty Associations (CUCFA), but Santa Cruz is the only UC campus where senate faculty won collective bargaining rights. This means that the SCFA has the authority to meet and confer with the administration over those terms and conditions of faculty employment that have customarily been determined locally. For strategic reasons, the SCFA long ago designated CUCFA as its bargaining agent and thereby empowered the Council to consult with the UC Office of the President over changes to the terms and conditions of faculty employment that have statewide ramifications. In this way, we are able to bring the full weight of all our allied Faculty Associations with us to the table when we meet with UCOP. We think that the new title of the SCFA/AAUP newsletter, "Terms and Conditions" evokes the substance of the SCFA's work on behalf of faculty. We hope that you will agree.

the use of plan benefits and, especially, how they coordinate with Medicare when the time comes.

The recently implemented Health Care Facilitator Program promises to be helpful in resolving many of the practical problems of information on plan coverage and patient rights. The Facilitator (Frank Trueba—9-3573) has been hired to provide information on health care plans and to intervene, where possible, to settle problems for both active and retired faculty and staff.

System-wide, however, the situation will only get worse. The health care industry is going through a period of rising costs and decreasing profits. Health care providers are withdrawing from unprofitable markets. HMO's are withdrawing from non-urban areas and contract cancellation is becoming a more common negotiation strategy. Moreover, vendor consolidation is creating less choice, less competition, and rising costs. In 1994, UC had contracts with Prudential, Take Care, Health Net, Kaiser, Blue Shield, and Pacific Care. In 2001, UC had contracts with Aetna, Health Net, Kaiser, and PacifiCare.

At a time when consumers are demanding better access and quality, costs are increasing, especially in the area of pharmaceuticals, which now represent 20% of every health care dollar. The future will see more employee cost-sharing in the form of increased office visit co-payments, separate deductibles for hospital inpatient care, and tiered co-payments for prescription drugs. There is discussion of separate (less costly) plans for new hires. Retirees are likely to have fewer Medicare + Choice options.

The SCFA is concerned with these developments. While the University

cannot control plan consolidation and withdrawals on the part of providers, it has some leverage in negotiating what plans are offered, what they will look like, and how much faculty and staff will pay. Because of savings that have come about through changes in the health care industry—i.e., the move to HMO's—the University is actually spending less in real dollars for health care benefits than it did ten years ago.

As the contracts with health care providers go out to bid, the Council of UC Faculty Associations (CUCFA) will have representatives involved in the process of plan development and selection. The Council has considerable expertise in this area, and has formed a subcommittee consisting of Richard Scheffler (Distinguished Professor of Health Economics and Public Policy/Chair in Healthcare Markets and Consumer Welfare at UCB), Warren Gold (Professor of Medicine at UCSF), and Bob Meister (who serves *ex officio* as CUCFA President). The subcommittee has already met twice with Michele French, the UCOP official responsible for health insurance policy, to discuss the bidding for non-HMO providers. On the basis of preliminary discussions it is already clear

that UC employees face a real reduction in total compensation due to rising employee co-pays and declining coverage

As a consequence, UCOP will phase out Tier 2 of UC Care, and solicit bids on a new PPO plan (replacing Tier 2) that will not have primary care "gate-keepers," and should allow employees to "self-refer" to a wider range of providers, including UC teaching hospitals. Whether or not this is a desirable change will depend on its impact on services available in Tier I of UC Care, and the degree to which UCSC employees will have the option of using specialists at major medical centers without incurring unpredicted expenses.

Before deciding among the competing bids, OP will consult with CUCFA on the structure and coverage of the proposed non-HMO plans, as well as the changes in coverage and cost of the HMOs. CUCFA should, therefore, have an impact on the range of options available to faculty in a year of generally poorer benefits, and be able to provide faculty with independent advice on the advantages and pitfalls of the choices available during "open enrollment" in November.

