

# TERMS and CONDITIONS

Newsletter of the SCFA/AAUP

Fall 2005

## 2005 Legislative Activities

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

*The Santa Cruz 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 SCFA/AAUP, 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.

### 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

### 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.

### Contents

Legislative Update .....	1
CA-AAUP .....	2
Government Relations .....	3
AAUP Amici Brief Update ....	5
Personnel .....	5
Membership Form .....	insert
Contact Information .....	7
AAUP Unionism.....	8

### SCFA/AAUP Collective Bargaining

The Santa Cruz Faculty Association (SCFA) has been an AAUP collective bargaining chapter for faculty since 2001. Through the SCFA/AAUP, faculty members at Santa Cruz contribute to the ongoing defense of academic freedom and faculty prerogatives in the academy. The authority to negotiate over locally determined terms and conditions of faculty employment at UC Santa Cruz distinguishes the SCFA from every other association of Senate Faculty within the UC system. The SCFA must also be consulted over systemwide changes to faculty employment conditions -- we use this right to benefit all Academic Senate members at the University of California. The SCFA/AAUP derives bargaining strength through the support of its members.

*Support Your Colleagues,  
JOIN YOUR FACULTY  
UNION TODAY!*

# CA-AAUP

## Protecting Academic Freedom & Faculty Autonomy

*The SCFA 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

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](http://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.

### UC 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.*

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/ScienceforFreeSociety.htm](http://www.aaup.org/statements/Resolutions/ScienceforFreeSociety.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),

CUCFA  
From page 1.

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

## 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 animosity, 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:

[I]t 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.

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 committee "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.

### 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

# 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 significant 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

### **SCFA/AAUP Officers**

Shelly Errington, Chair  
Robert Meister, Vice Chair  
Paul Ortiz, Secretary  
Joel Primack, Treasurer

### **SCFA/AAUP Executive Board**

Elizabeth Abrams, Writing Program  
Kirsetn Gruesz, Literature  
Norman Locks, Art  
Charlie McDowell, Computer Sci.

### **AAUP, West Coast Staff**

Marcus Harvey, Associate Secretary  
Erika Gubrium, Associate Secretary

### **CUCFA**

Robert Meister, President (UCSC)  
Charles P. Nash, Vice President (UCD)  
Warren Gold, Vice President (UCSF)  
Marcus Harvey, Managing Director  
Eric Hays, Lobbying Coordinator  
Christine Rosen, Secretary (UCB)  
Roger Ransom, Treasurer (UCR)

CUCFA

From page 4.

for audiology has decreed that two years from now a master's degree will no longer be accepted for certification/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 Sen-

ate 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 "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.

on the calendar for legislative consideration 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/](http://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

SCFA/AAUP  
scfa@aaup.org  
[www.aaup-ca.org/scfaindex.html](http://www.aaup-ca.org/scfaindex.html)

15 Shattuck Sq., Suite 200  
Berkeley, CA 94704-1151  
800-431-3348  
[www.aaup-ca.org](http://www.aaup-ca.org)

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

# Contact Us

## SCFA/AAUP Coalition

[scfa@aaup.org](mailto:scfa@aaup.org)

(800) 431-3348

### 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

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

### Visit us online!

AAUP:  
[www.aaup.org](http://www.aaup.org)

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

SCFA/AAUP:  
[www.aaup-ca.org/SCFAindex.html](http://www.aaup-ca.org/SCFAindex.html)

---- Please tape closed ----

# Santa Cruz 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.

- \_\_\_\_\_ \$9.75 / month for Assistant Professors and Acting Profs. of Law
- \_\_\_\_\_ \$15.00 / month for Associate Professors
- \_\_\_\_\_ \$20.25 / month for Full Professors

Mail completed form to:  
**SCFA/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

<b>Campus</b>	LOC	Employee I.D.	<b>Date</b>	
Action on this Form to become effective the pay period beginning:			Date	
<b>Monthly Deduction</b>				
		<b>Enroll</b>	<b>Cancel</b>	<b>Monthly Amount</b>
<b>Dues</b>		<b>X</b>		
<b>Initiation Fee</b>				
<b>General Assessment</b>				
<b>Total</b>				

<b>Last Name</b>	<b>First</b>	<b>Middle Initial</b>
<b>Department Employed at UC</b>		
<b>Title at UC</b>		
<b>Organization Name (include local name &amp; number)</b> 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.

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

**FOR UNIVERSITY USE ONLY**

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

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

# AAUP Unionism: Principles and Goals

*Over 70 AAUP chapters and affiliates serve as collective bargaining representatives for faculty on campuses across the country, including the SCFA/AAUP chapter at UCSC.*

*The AAUP's Collective Bargaining Congress has recently developed a Statement on Unionism that offers a description of the distinctive model of collective bargaining that the Association offers its chapter affiliates. Below are excerpts from this statement.*

Over the last thirty years, faculty and other members of the academic community have increasingly turned to unions in order to protect their individual rights, their shared role in institutional governance, and the standards and practices that guarantee the quality of American higher education....The AAUP is well suited to provide support in organizing and operating academic unions because our base is located exclusively in higher education. Having framed and promulgated the classic statement on academic freedom in the United States, the AAUP has remained the primary defender of this foundational principle ever since....Because of the Association's insistence on individual responsibilities within academic communities, our chapters have developed expertise on professional principles and a model of member-based, democratic organizing....

## Characteristics of AAUP Unionism

### 1. Commitment to Academic Freedom and Shared Governance

...AAUP unions are effective because their form of concerted activity has been successful in maintaining not only individual rights but also the collective forms of power at the base of these rights. That is why local

AAUP unions defend traditional forms of collective self-governance such as those embodied in faculty senates. Strong senates and strong union chapters can work together to preserve and protect academic freedom on campus. Together they establish the institutional terrain and precedents on which individual rights are defined, defended, and sometimes adjudicated.

### 2. Local Autonomy

In union affairs, as in purely academic matters, the site for academic freedom is the local campus (and in some states, a system made up of local campuses). In the context of the American labor movement, the AAUP's local collective bargaining chapters are unusual in their autonomy. Members of each AAUP chapter decide their priorities for themselves....The AAUP's commitment to local autonomy is reflected in our dues structure and governs our allocation of resources. AAUP collective bargaining chapters enjoy the benefits of a local retention of dues.... The national Association's reputation in this arena is a vital contribution to all local chapters.

### 3. Emphasis on Organizing

An AAUP union is not an off-campus organization. It is the profession, in an organized form. It is an amplified voice of the faculty and other academic professionals—a voice they use to achieve their needs. AAUP member-based unionism relies to an exceptional degree on empowerment of the rank and file so that they can exercise local initiative....Member-based unionism is committed to helping campus educators recognize their collective power. The energies and expertise it has unleashed in AAUP union chapters have won contracts that are strong on bread-and-butter issues and superior with regard to matters of due process and shared

governance. Active union chapters have provided fertile ground for new ideas and tactics in day-to-day campus affairs. And they have enabled a mobilized faculty to join in broader political actions beyond the campus to defend the rights of working people and participate in struggles for social justice.

### 4. Commitment to Organizational Democracy

A union of professionals committed to retaining power and autonomy in their work must be organized differently from other institutions in modern America....Faculty and academic professionals join unions not just to get higher wages, but also to maintain authority and a primary role in the university.... AAUP union chapters exemplify the autonomy and self-governance that faculty and other academic professionals strive for in their traditional governance structures, and provide an alternative to the competitive market forces increasingly at work on our campuses.

## Conclusion

...Commentators sometimes mistake unions for special interest groups. But AAUP unions are public interest groups. The Collective Bargaining Congress believes that they provide the best way for tenured and tenure-track faculty, contingent faculty, academic professionals, and graduate assistants to work for their institutions and so fulfill that "duty . . . to the wider public" which the AAUP's founders affirmed in 1915 in their first declaration of the faculty's mission in American democracy.

*To learn more about the AAUP's collective bargaining work on a national level, please check the AAUP website at <<http://www.aaup.org/Faculty-Org/cbc/index.htm>>. □*