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THE United Faculty of Florida

UPDATE

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Newly Ratified USF Contract Expands Academic Freedom, Provides Pay Raise

Faculty at the University of South Florida (USF) have negotiated and ratified a first contract that extends faculty rights and includes a substantial pay increase.

“The new contract adds several new protections to the UFF statewide contract that previously guaranteed faculty rights,” said Tom Auxter, statewide United Faculty of Florida president. “An expansion of the protections in the article on academic freedom is among the precedent-setting achievements in this new contract.”

An overwhelming ratification vote (98 percent of those voting) is one indication of how much faculty appreciate and support this bargaining result. With 764 voting, there were only 13 votes against ratification.

Both the rate of voter turnout and the vast support for the contract set new records on this campus that had been in the national spotlight for violations of academic freedom since devolution of authority to a

local university board of trustees.

Because threats to academic freedom were of particular concern at USF, it is significant that this hallmark of higher education has been upheld and restored by contractual right. Indeed, this contract solidifies due process and grievance protections.

The protection of academic freedom has been expanded—with the elimination of an ambiguous and subjective “collegiality” requirement for faculty and with the inclusion of administrative responsibility for fixing problems before they escalate.

Other precedent-setting contract gains include:

- Sexual orientation is included for the first time in the nondiscrimination provision of the contract. This has been a UFF goal for more than two decades.
- Rather than being funded from the salary pool, promotions now are provided for in the university’s discretionary funds. This represents the achievement of another long-time UFF goal: the elimination of the practice of subtracting promotion raises from the annual salary increases of other faculty members.
- When filing a grievance over

salaries, faculty members no longer are limited to allegations of discrimination or arbitrary and capricious behavior on the part of an administrator.

- Sabbaticals at two-thirds pay have been added to the contract.

In addition, the new contract contains provisions to ensure that faculty raises are distributed in accordance with faculty-developed criteria, rather than on the basis of administrative whims. Merit criteria include: (1) a two-percent guaranteed minimum raise for all faculty whose evaluations are satisfactory or better; and (2) another two percent will be distributed based on performance and base salary.

The additional 1 percent will be distributed based on the discretion of a department chair-director. The university also will have the authority to provide additional increases for verified counteroffers, increased responsibilities, special achievements and market equity, including compression and inversion.

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District Court To Issue Successor Employer Ruling

PERC decree nullifying faculty rights under contract could be reversed

Will Florida faculty win back all enforceable collective bargaining rights lost nearly three years ago with the university reorganization?

The answer to that question is expected to be handed down in the near future in a ruling from the First District Court of Appeals.

Last November, a three-judge panel of the state court heard arguments in *United Faculty of Florida v. Public Relations Employees Commission*, in which the union argued that faculty should retain all bargaining and contractual rights they had before the university reorganization.

According to the “successor employer” labor law doctrine, protections guaranteed by contract remain intact, even if public employers change, as long as the employees remain basically the same.

When university governance was restructured in 2002—switching power from a statewide body to local boards of trustees (BOTs)—those boards abolished the collectively bargained contract.

Comprised primarily of members appointed by the governor, the BOTs claimed that the governance overhaul resulted in a change in faculty employer from the state body to the boards of trustees.

The statewide faculty contract was rendered obsolete, and the union was forced to re-cer-

tify its position as the bargaining agent at each university.

In essence, faculty members had to start from scratch to retain collective bargaining rights.

The Public Employees Relations Commission, a state labor board, issued a ruling supporting the position of the boards of trustees.

All legal requirements for fair pay and fair treatment were temporarily blocked. Politicians claimed faculty no longer were entitled by contract to fair compensation for all they do.

Faculty lost legal rights pre-

venting unfair discipline and terminations. Safeguards requiring due process were eliminated.

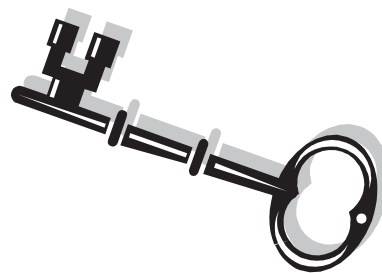
If the court rules that faculty should have retained all legal rights in the transfer of power, faculty at universities suddenly will have all protections they had in 2002 before devolution occurred.

Each local board would be forced to bargain based on the assumption that both sides will be talking about proposals to improve the previous collectively bargained contract.

The two universities (FAU and USF) where faculty actually have a new and improved contract with local boards will be affected less by this decision.

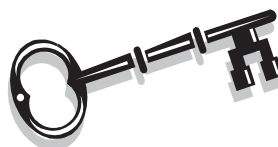
A new agreement supersedes the status quo inherited from the previous agreement.

The ruling could strengthen legal guarantees protecting faculty from political whims.



**INCREASE MEMBERSHIP.
BUILD STRENGTH.**

THE KEY TO NEGOTIATING
A GREAT FACULTY CONTRACT.



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Faculty Activism, Involvement Make For Successful Bargaining at USF

The monumental gains achieved in the new faculty contract at the University of South Florida are proof positive that unity and activism are essential to success at the bargaining table.

“Faculty at USF hit a grand slam in contract negotiations,” said Tom Auxter, statewide president of the United Faculty of Florida (UFF). UFF has represented the state’s higher education professionals for nearly 28 years.

Threats to academic freedom and stringent rules imposed by the university’s administration motivated faculty to unite in order to defend their rights.

“When faculty saw their rights disappearing, they organized, protested and attended meetings on campus in record numbers,” Auxter said. “Both the faculty senate and UFF sprang into action in ways that were cooperative, rather than competitive.”

As a result, provisions in USF’s newly ratified faculty contract protecting and extending academic freedom and faculty rights are “arguably the best legal protections in the country,” he noted.

“What makes the advances in this contract significant is that USF is a campus that had a national reputation for violating academic freedom,” he continued. “In every area where faculty had major concerns, UFF negotiators protected faculty rights by contract and set a precedent for how issues will be resolved in the future.”

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Tom Auxter, UFF statewide president

After the previous faculty contract expired three years ago, USF’s board of trustees imposed a set of “emergency” rules that changed or eliminated rights that had been guaranteed in the outdated collective bargaining agreement.

Among other things, the rules prohibited faculty from running for political office; eliminated academic freedom in governance, advising, counseling, supervision of interns and academic administration; and eliminated grievances charging certain forms of discrimination.

“We faced a new board of trustees that wanted draconian changes in rules affecting academic freedom and tenure,” said USF faculty union president Roy Weatherford. “Even worse, they wanted across-the-board changes in faculty rights that would wipe out any guarantees of fair treatment in employment conditions—including discipline and termination.”

The faculty union, which already had an active organizing plan in place, was instrumental in mobilizing faculty. Even before the faculty contract expired, UFF launched a certification card campaign to maintain the union’s status as faculty bargaining agent when Governor Jeb Bush and the state Leg-

islature passed a law reorganizing the state university system in 2003.

“The new board of trustees at USF took the opportunity to seize power and redefine everything faculty cared about in new rules,” Weatherford said. “The faculty organizing campaign was intended to reclaim faculty rights by re-establishing a contract at the campus level.”

When Weatherford addressed the board of trustees to protest unilateral changes in employment conditions, he was accompanied by a delegation of faculty members who made it clear that this was not the way faculty wanted to be treated.

Faculty distributed flyers outlining their opposition to the unilateral elimination of their grievance rights during a board meeting. Additionally, the active participation of the faculty senate bolstered the efforts of the union to secure rights in new contract language.

“USF’s faculty remained active and united, regardless of difficulties, and organized itself to demonstrate widespread support for a strong contract,” Weatherford said. “Increasing union membership and growing faculty activism were key factors in hitting a ‘grand slam’ in contract negotiations.”

UFFrom the PRESIDENT

Will Faculty Have Enforceable Rights in Florida?

A three-judge panel of the First District Court of Appeals is expected to issue a decision soon on the legality of a nearly two-year-old ruling that nullified the statewide faculty contract.

At issue is whether university faculty organized at the state level with a collective bargaining contract protecting rights can have that contract abolished by politicians who reorganize the governance of universities and change the faculty employer to local boards of trustees.

The union presented arguments before the court last November in *United Faculty of Florida v. Public Employees Relations Commission* (PERC).

The panel will decide whether the 2003 ruling by PERC that eliminated the rights faculty had previously should be overturned.

If the panel invalidates the PERC ruling, we will see a restoration of contractual rights to conditions that existed in 2002 before the devolution of authority to local boards of trustees occurred.

New contracts with local boards will replace rights in the previous statewide contract that remained in effect during the interim period.

Nevertheless, ominous signs point toward more challenges for faculty, regardless of the ruling.

Politics, As Usual

This issue developed when Gov. Jeb Bush pushed through the state Legislature a bill abolishing the statewide board of regents—the

body responsible for oversight of all 11 public universities prior to the restructuring. As the statewide “faculty employer,” the board of regents was the party with which the union negotiated the contract.

The contract protected academic freedom and due process in personnel decisions, as well as faculty rights to salary raises and benefits at state universities. After the overhaul in governance, the statewide board of regents was replaced by individual boards of trustees at each campus. Gov. Bush personally appointed nearly all of the new board members.

The boards at some universities decided that the transfer of power wiped out all contractual protections of faculty rights. Worse, they proceeded to redefine the future conditions of employment for faculty.

Now that self-described “conservative” political forces control the professional lives of faculty, they are determined to show how little faculty can expect in Florida.

Accountability and business-like efficiency are the watchwords of the new world order, and “conservatives” in Florida have a special talent for exacting economies—no matter the consequences.

These forces want to scrutinize faculty in every area and dole out punitive discipline, without a contract to safeguard against unfair treatment. This would expedite the process of firing seasoned faculty and replacing them with



Tom Auxter
UFF statewide president

someone cheaper and more compliant with workload increases.

Nineteenth-century concepts of efficient business operation would replace sound, proven academic methods that have governed how faculty organize their professional lives.

Fighting Back

At Florida International University, the board actually suggested that faculty should be willing to accept demotions and salary cuts if evaluations from management find faculty members deficient in comparison with others.

Although a firestorm of faculty opposition—including a turnout of 250 faculty members at a board meeting—seems to have resulted in a change of plans, we now have a glimmer of what some boards of trustees envision for faculty.

In the “Brave New World of Accountability,” faculty will need to prove that they measure up to

their peers in ways that are convincing to boards with business-efficiency models of quality in mind.

In this new world, boards will design merit pay schemes (for those they favor) and demotions with pay cuts (for those they do not)—enforced with a vengeance—to run the most efficient system possible and get rid of faculty they deem substandard.

It will take a determined, vigilant, and organized faculty to defend the values at the heart of the academic world in the face of threats like this.

This is not the only example of a board contemplating using its power to transform the academic environment.

Indeed, the only boards that have agreed to bargain a contract with faculty locally, reinstating the rights faculty had previously under a statewide contract, are at Florida Atlantic University and University of South Florida. Both of these campuses received national attention resulting from reports of violations of academic freedom.

The boards at these campuses decided to send the message that they did not want faculty to leave over doubts about rights. An active and united faculty on both campuses made it clear that the choice over a contract was a choice over future relations with the faculty.

The new contract at USF has set an example and created a model for how unions and senates can work together to defend faculty rights. In effect, these two organizations worked as a tag team, with each contributing in whatever way it could in defense of faculty rights.

As a result, USF faculty enjoy a union contract that protects all the rights that were in jeopardy.

“Florida faculty live in a ‘war zone.’ Those things that always have constituted the core of a meaningful profession are about to be swept away.”

Tom Auxter
UFF statewide president

It was produced by a faculty consensus and with a faculty mandate—making clear to a new board what it will take to recruit and retain a faculty worth respecting.

Faculty unity and faculty organizing produced the result. Faculty will need this kind of unity if they are to prevail in the face of what is coming.

Business, As Usual

What is the larger picture after the election results of 2004?

The results were conclusive for those who are determined to run education like a business. Now that the advocates of this trend are fully ensconced in the political driver’s seat, they are all too willing to drive faculty to distraction—if not to perdition—on the road to accountability. They are driving faculty away in the process.

The Bush-appointed board of governors that determines policies for universities has adopted the governor’s brainstorm of an idea: turn academic life into a producer/consumer relationship—like any self-respecting business. Now faculty members will spend time writing “academic compacts” that sum up what faculty deliver to students and at what cost.

In the eyes of both the governor and the board of governors, faculty are the “producers” and

students are the “consumers.” Therefore it makes sense to enforce truth in advertising and make sure faculty are held accountable for delivering what was advertised.

Right?

Gov. Jeb Bush sent a threatening letter to the local boards of trustees when he started pushing the idea of “academic compacts.” He wanted to make sure boards remembered that he had the power to appoint (and disappoint) boards. He intended to make sure boards enforced accountability for faculty.

The governor made it clear: boards better get on board or else. Maybe this has something to do with how openly and boldly some board members talk about redesigning academic life.

Florida faculty live in a “war zone.” Those things that always have constituted the core of a meaningful profession are about to be swept aside by those who have no experience in academic life and who could care less about what is lost when our profession is transformed according to their specifications.

This is already happening.

Some boards of trustees already are poised to finish the job—unless faculty organize to stop them.

Strong contracts only come from strong faculty unions.

It is a critical time to join the union and add to the momentum to reach a local contract that protects what faculty care about. If we wait to do this until after the period when our whole world is officially up for grabs, it will be too late to repair the damage.

Will faculty have enforceable rights in Florida?

The answer depends on faculty.

The battle for a great faculty contract is one that we can't afford to lose.
Our contract is the only guarantee that protects:

- salary raises, equity raises
- tenure
- sabbaticals
- protection of intellectual property rights
- phased retirement
- tuition waivers
- a fair grievance procedure
- faculty voice in policy development
- parental leave
- protection of academic freedom
- sick leave pool
- employee assistance program



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Representing Florida's higher education professionals for more than 27
years.