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UPDATE

Summer 2005

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Campus Bargaining Generates Substantial Faculty Pay Raises

Collective bargaining between union representatives and administrators at several state universities netted dramatic increases in faculty salaries.

Nearly four years after the statewide contract that secured faculty rights expired, United Faculty of Florida (UFF) negotiators made considerable gains in both pay and how salary increases are awarded.

The 2001 reorganization of the state's entire K-20 public education system—changing governance of the 11 universities to local boards—made it necessary for UFF chapters on each campus to negotiate locally.

“The breakthrough finally came in 2005,” said statewide UFF president Tom Auxter. “We’re now producing results through local bargaining.”

Bargaining Report

FIU. This summer, faculty at Florida International University (FIU) will find

an extra 7.74 percent in their paychecks, thanks to local collective bargaining. That figure reflects an added 4 percent to the across-the-board 3.6 percent the legislature awarded to university faculty this spring, as well as an extra .14 percent (which occurs because one raise is added before the second increase is calculated).

What’s more, faculty will receive even more from locally bargained merit raises, which are expected to kick in later this year.

USF. At the University of South Florida (USF), faculty received an average 5 percent increase to their salaries over the winter as a result of a breakthrough in local collective bargaining. The USF contract set a precedent for raises in local collective bargaining statewide.

With the 2005 legislative increase, the salary raises will add up to 8.6 percent. The effect of compounding makes for an average salary increase of 8.78 percent.

In addition, bargaining is about to begin on possible university-funded add-ons to the legislatively mandated increase. If successfully negotiated, these raises are likely to take effect in August.

UCF. The 3.6 percent raise from the legislature was augmented by a 5.25 percent increase at the University of Central Florida (UCF). The result is an 8.85 percent salary increase that is expected to go into effect during the summer.

Union negotiators and university administrators currently are discussing further increases that would be in addition to the state-mandated 3.6 percent. Both sides expect faculty raises for promotions, merit and market equity, along with the continuation of a variety of faculty awards programs designed to recognize research, teaching and scholarship.

(See “Faculty Raises,” page 2)

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(“Faculty raises,” from page 1)

Secrets of Success

What accounts for this dramatic turnaround?

Auxter attributes the success in local collective bargaining, evidenced by the salary increases, to campus-by-campus organizing.

“It turns out that the campuses that have been successful in winning positive outcomes through local bargaining are the very campuses that actively organized faculty through the union,” he noted.

“At each of the campuses that experienced such large salary gains, there was an active and involved faculty that showed up in large numbers at board meetings,” he said.

At FIU and UCF, faculty mem-

bers (250 and 200, respectively) attended board of trustee meetings.

In a room packed with faculty, the FIU union chapter president spoke to the board about how counter-productive and damaging low salaries are when universities attempt to hire qualified faculty.

At UCF, the union president made a statement to the media after 200 faculty were refused admission to the board meeting. In both cases, the faculty message came through loud and clear, and settlements followed.

“Now that we have local bargaining, we have a compound effect on increases in faculty salaries,” Auxter said. “The state raise used to be a cap for us in any given

year. Now these raises are added to other raises that local boards know are needed to attract and retain faculty.

“Boards are willing to fund the extra money through collective bargaining to make a difference in the quality of results for faculty.”

More Good News

New College, which also is represented by UFF, negotiated a 3 percent across-the-board raise for faculty, plus a one-time bonus payment of \$500. When the 3.6 percent raise from the legislature was approved in the spring, faculty members at New College realized a 6.6 percent increase (6.7 percent with compounding).

New College negotiators have adopted a collegial style of bargaining. Administrators and faculty are working jointly on a plan for identifying colleges that are counterparts and moving all faculty salaries at New College up to the levels at the counterpart institutions.

At Florida Gulf Coast University (FGCU), the negotiated raise appearing in paychecks over the summer will be 5 percent, with 2 percent across-the-board and 3 percent allocated for merit.

For the upcoming academic year, FGCU negotiated a total compensation package of 5.1 percent, consisting of 3.6 percent across-the-board, supplemented by a merit pool of 1.5 percent.

In total, compensation at FGCU will rise by 10.1 percent. FGCU plans to adopt a collegial style of bargaining for future salary increases—building on a cooperative relationship that developed as salaries were negotiated this year.

View Collective Bargaining Agreements Online!

For campus-by-campus bargaining results, visit the following Web links to view local collective bargaining agreements. Or you can see all of the contracts by visiting the United Faculty of Florida Web site at:

www.unitedfacultyofflorida.org/page/5-98.html

Florida Gulf Coast University

[http://www.fgcu.edu/uff/CBA%202004-7/CBA%20\(5-18-05\).doc](http://www.fgcu.edu/uff/CBA%202004-7/CBA%20(5-18-05).doc)

Florida New College

http://ncf.edu/Provost/documents/NCBOT_NCUFFBargainingAgreement.pdf

Florida Atlantic University

<http://www.fau.edu/facstaff/FAUBOTUFFCBA2003-2006.pdf>

University of Central Florida

<http://www.uffucf.org/bargaining/contract/index.php>

University of South Florida

<http://w3.usf.edu/~uff/ratification/CBA0407.pdf>

UFFrom the PRESIDENT

Faculty and Student Activism Defeats So-Called Academic Bill of Rights Legislation in Florida

The combined efforts of faculty and students carried the day in defeating an “Academic Bill of Rights” introduced in the 2005 Florida Legislature.

This was a close call for academic freedom in Florida.

Extremist political forces, hoping to convince state lawmakers to pass restrictions on academic freedom, were poised for their first victory in the nation.

The bill was drafted by David Horowitz, a self-described “conservative” activist who receives funds from foundations to crisscross the nation and carry out campaigns to swing both the media and higher education in a right-wing direction.

He took language from the American Association of University Professors (AAUP) classic statements on academic freedom to sugarcoat a poison pill for academic freedom on campus. The bill would have labeled “illegal” much of what occurs in the classroom. He called this the “Academic Bill of Rights” and proceeded to find “conservative” legislators to introduce it in state legislatures.

The bill would have made it illegal to introduce a controversial

topic in class that is not directly pertinent to the subject matter. It also would be illegal to fail to provide “balance” when discussing a controversial issue.

Students who found professors too controversial could have filed suit and sought a settlement against professors. In addition, the bill would have provided a path to state court for students who were unhappy about what they believed was grade discrimination for political or religious positions they held.

So far, Florida is the only state to take the bait from David Horowitz. Ours is the only state where an “Academic Bill of Rights” has made it out of committee and onto the floor of the legislature (HB 837).

Indeed, Horowitz was called as an “expert witness” to give testimony before the House committee by the Republican leadership. They referred to him as “Dr. Horowitz,” although he does not have a doctoral degree. (He did not correct them.)

His use of anecdotal evidence, as well as his disregard for the need to substantiate claims of abuse before drawing conclusions, made his “expert witness” credentials

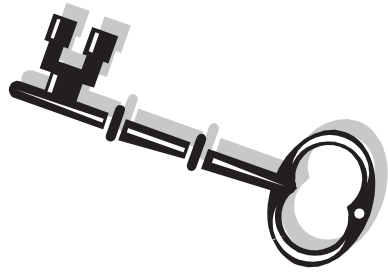


Tom Auxter
UFF statewide president

doubly suspicious to faculty who witnessed his act before the legislature.

Horowitz’s presentation consisted, largely, of a recitation of horror stories about faculty abuse of conservative students. He hammered on the point that the pervasive “liberal bias” in academe means that faculty feel free to use their classrooms as platforms for preaching their ideology and punishing students who disagree.

He also claimed that the overwhelmingly liberal faculty on almost all campuses discriminate against conservative professors and blackball them in hiring and promotion decisions so that there is no “diversity” in viewpoints.



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After Horowitz testified, the House permitted only one faculty member to testify in response.

I was chosen to speak for the university and community college faculty represented by UFF (roughly 18,000 faculty members), as well as to present the positions of our national affiliates (the American Federation of Teachers and the National Education Association).

Dr. Roy Weatherford was prepared to speak for AAUP but was not given an opportunity to explain that the language taken from AAUP to sweeten all the “whereas” clauses introducing the bill actually masks the destructive resolutions for action at the end of the bill, which are opposed by AAUP.

I provided a written statement analyzing the destructive effects of the bill and a copy of the mo-

tion opposing it, that was passed unanimously by the statewide UFF Senate (100 faculty members elected from across Florida). (For the statement, motion and news articles on the issue, visit www.united-facultyofflorida.org.)

I spoke directly to the accusations made by Horowitz and the main problems with the bill. (For

audio clips of the testimony, visit www.nea.org/hc.)

I painted a picture of how radically this bill would change academic life. I also argued that this untested idea (rejected in every other state) would make it extremely difficult to recruit and retain faculty—a task made difficult enough already, given the low salaries the state offers.

Two weeks later, when the testimony before the House resumed (just before the committee vote), I was surprised to find that the legislative leadership permitted me to speak again. I took the opportunity to provide an update and summary of arguments against the bill.

Three students opposed to the bill were given a chance to testify as well. They were very effective in arguing that they wanted an education that freely challenged their beliefs, and they did not want restrictions on controversy in the classroom.

Before the committee vote, members of the House spoke about why they were voting one way or the other. Those opposed to the bill said they were affected by faculty and student testimony.

The lone Republican to vote

“All of this amounts to a victory for faculty and students, as well as for the citizens who entered this debate as a result of the news coverage generated by faculty and student activism.”

against the bill, Rep. Larry Cretul, stated that all the students contacting him were against the bill. He said he could not vote for a bill that was supposed to benefit students when students were against it.

Even those initially in favor of the bill seemed to soften their positions after two hearings. Some wondered whether a non-legislative solution involving the university presidents might be possible.

The bill passed by a party-line vote (8-6), as almost all bills in the House do, with one Republican taking the unusual step of breaking with the majority.

At the last minute the Republican leadership decided not to schedule the bill for a vote on the floor, although it passed two committees and went to the floor with party-line approval (with the exception of Rep. Cretul's vote).

The testimony—covered extensively in the Florida press—and the ensuing public outcry nailed

down the result. All the attention to the bill dissuaded House leaders from pursuing the issue.

The Senate also responded to the public outcry and refused to hear the bill, although it was scheduled for a hearing before the Education Committee, which is a requirement for clearing the bill for a vote. It appeared on the calendar—and disappeared—without a hearing. This killed the bill for 2005.

Since Republicans hold a two-thirds majority in both houses, they easily could have passed the bill. They were, in fact, prepared to pass it earlier in the session.

The public testimony in the House, covered in the state's newspapers and media outlets, clearly made a difference.

If faculty had not testified about the destructive effects of the bill, and if students had not told legislators they did not want this bill conditioning their lives in the class-

room, the result would have been different.

If Florida's newspapers had not covered, in detail, the public debate over free speech in the classroom, the result could have been different.

If the media had not reported on how few cases of discrimination against conservative students could actually be found in Florida, the result could have been different.

With all of these pieces in place, faculty and students made the difference on a critical issue.

All of this amounts to a victory for faculty and students, as well as for the citizens who entered this debate as a result of the news coverage generated by faculty and student activism.

Faculty and students carried the day in providing testimony and making the case to a public that became informed about the destructive consequences of the bill.

Extra! Extra! Read All About It. . .

For state and national coverage of the public debate in Florida, visit www.unitedfacultyofflorida.org. For excerpts of the testimony before the Florida House of Representatives, visit <http://www.nea.org/he>. For the complete testimony before the House (in CD format), contact: House of Representatives Duplicating Office (850/488-7097). Specify the meeting, date and time: House Education Council, April 5, 2005, at 2:45 p.m. and April 19, 2005, at 9:15 a.m. (Both CDs from the first hearing plus the first two of three CDs from the second are relevant.)

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years.

Florida Faculty Win Battle in the War for the Restoration of Collective Bargaining Rights

District Court of Appeals: 2001 university reorganization shouldn't have interfered with collective bargaining or faculty rights.

The faculty contract—and bargaining rights—should not have been interrupted as a result of the 2001 university restructuring.

That was the bottom line of the First District Court of Appeals (DCA) ruling issued on Feb. 14, 2005.

“That ruling makes it clear that the effort of politicians to deny the collective bargaining rights of faculty and public employees by reorganizing the governance structure of Florida’s universities is not acceptable under the state constitution and in accordance with state law,” said Tom Auxter, statewide president of the United Faculty of Florida.

The ruling, specifically, prohibits “a rule allowing state government to alter terms and conditions of employment unilaterally based solely upon reshuffling in the higher reaches of the bureaucracy—reshuffling that does not alter the work that state employees, whose wages and hours might be affected, must do in the same way at the same place under the same supervisors to the same end. . .”

“This ruling demonstrates that the constitutional right to collective bargaining for faculty and public employees at universities cannot be taken away by politicians and their appointed representatives on university boards of trustees no matter what excuses

[The] transparent attempt to break faculty and public employee unions at the universities has now failed.”

Tom Auxter, statewide UFF president

they use about “reorganizing” to change the employer while retaining the same employees working under the same conditions,” Auxter said.

“This transparent attempt to break faculty and public employee unions at the universities now has failed.”

The decision will be implemented in fall 2005 after the one remaining technical avenue of appeal to the Supreme Court has been exhausted. (The full DCA earlier had refused to review the original unanimous decision from a three-judge panel and, along these lines, rejected a request to certify the case to the Supreme Court).

Once the appellate process concludes this summer, the final ruling will establish that UFF was certified and under contract all along and that faculty should never have been denied the rights and benefits they were due under contract during this period.

What are the implications for an organized faculty whose rights were denied during the time before the decision was made?

“Full compensation must occur after what faculty have been through,” Auxter concluded. “The union will aggressively pursue maximum remedies in all available forums.”

All damages occurring from denial of rights during that time on each campus should be remedied, if the court order is enforced consistently and systematically. Furthermore, the full restoration of rights should be addressed at the bargaining table (on each of the 11 campuses involved), which may circumvent further litigation.

“The rights held by faculty during this period are once again recognized in Florida,” said Jack Fiorito, UFF vice president. “It is time for all university boards to negotiate seriously with faculty on each campus to improve upon the statewide contract that should have been honored all along.

“This would show respect for faculty by repairing the damage that was done in the interim and keep improving on previous contracts on the path to excellence in the universities,” he continued.

For updates, documents and other
UFF information, visit us online at
www.unitedfacultyofflorida.org

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Charter member, AFT, Princeton,

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"... to protect [our] own
economic status and ...
to secure [our] influence
in the political field."



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How Does Collective Bargaining Protect You?

When significant budget cuts loom on the horizon, education funding becomes a target. In fact, there have been times when lawmakers proposed eliminating annual pay raises for faculty—those WHO ARE NOT protected by a collective bargaining contract.

In 1992, when lawmakers threatened to cancel pay raises, despite the existence of a contract, United Faculty of Florida took them to court.

The state Supreme Court ruled that

eliminating pay raises for employees under the protection of a collective bargaining contract was unlawful!

UFF believes it's wrong to balance the state budget at the expense of university faculty.

The collective bargaining agent for Florida's higher education employees for more than 25 years, UFF is committed to protecting your rights.

Protect your job, your family and your future.
Join the United Faculty of Florida! We'll help you weather the storm.



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An affiliate of the Florida Education Association, NEA, AFT