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THE United Faculty of Florida

UPDATE

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Breakthrough in Bargaining at FIU

Faculty at Florida International University (FIU) have negotiated a contract that provides for 6 percent salary raises for this academic year, retroactive to August.

Promotions now will bring 12 percent raises for full professors and 10 percent increases for associate professors—compared with 9 percent that was paid previously for faculty promotions.

This latest bargaining gain in salaries, added to the 4 percent across-the-board increases negotiated last year, represents a 10 percent salary upgrade over two years—with 7.6 percent across-the-board, 1.4 percent departmental merit and 1 percent for discretionary, counter-offers and awards.

Summer pay schedules also improved, increasing to 12.5 percent (up from 11 percent) per course for the first class taught. The second course will pay 11 percent, and the third a minimum of \$5,500.

Sabbaticals are full pay for one semester for every 40 faculty members. Two semester sabbaticals are two-thirds pay for every 40.

New parents now are entitled to six months of leave with full pay after the birth of a child. FIU is the first university in the state to agree to such a policy.

There were other significant gains, as well.

Academic Freedom Expanded

Protection for academic freedom was expanded beyond a faculty member's "own academic subjects," to include both the freedom "to speak freely on all matters of university governance" and the freedom "to speak, write or act as an individual, all without institutional discipline or restraint."

"These protections by contract are especially important as legislators move to narrow the exercise of academic freedom," noted UFF statewide president Tom Auxter. "UFF's victory in a legal case upheld by the Florida Supreme Court last year established that legislators cannot make laws limiting faculty collective bargaining rights, which are guaranteed by the state Constitution."

Discrimination on the basis of

sexual orientation is now prohibited and subject to grievance and arbitration under the non-discrimination article. FIU joins all other campuses that have negotiated local contracts with UFF in prohibiting discrimination based on sexual orientation. The union had been pursuing such protective language for faculty through statewide bargaining for more than two decades. The newly bargained contracts on each campus contain language prohibiting discrimination on the basis of sexual orientation.

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How FIU Did It

What accounts for these dramatic breakthroughs in salaries, rights and benefits at FIU?

A strong membership base, with 50 percent membership and active involvement of faculty, is the key to bargaining success.

"We could not have won this terrific agreement if we had not been a strong chapter," said FIU-UFF president Alan Gummerson. "Nearly half of the faculty are dues paying members of UFF.

"The key to victory was keeping the faculty fully informed and involved. Thanks to the 'ham-handed' attacks on faculty rights by the FIU administration, and to the indignation of the well-informed

faculty, when the UFF called upon the faculty to take action, they responded magnificently!"

During bargaining nearly all faculty wore "FIU Bargain Now!" stickers on their caps and mortar boards at Convocation. About one-third attended each of two separate board of trustees meetings to demonstrate their support for the union during speeches by Gummerson excoriating the administration's approach to bargaining.

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"Finally, the board of trustees tired of the war on the faculty, especially since they seemed to be losing every battle to the UFF, and instructed the administration to reach agreement," Gummerson said. "At that point, the bargaining team—which had been preparing since 2002 and had stood firm against all of the attacks at the table—was in a strong position and was able to win everything important to us.

"Because we had the support of our membership, we were able to stand up to the attacks and eventually come away with a very good agreement," he continued.

"In addition to the solidarity of FIU faculty, the UFF-FIU bargaining team is grateful for the unflagging support of the statewide UFF organization," said Lorna Veraldi, chief negotiator.

Veraldi also credited UFF executive director Steve Weinburger and his staff, UFF counsel Tom Brooks, and UFF bargaining consultant Toby Berk for helping FIU through successful negotiations.

"UFF president Tom Auxter and a network of chief negotiators and bargaining teams from around the state provided encouragement and advice," she noted. "We can all be duly proud of the strong union we have built and held together for more than three decades."



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A GREAT FACULTY CONTRACT.**

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UFF From the PRESIDENT

Legislators Threaten Academic Freedom

At the end of the 2005 legislative session, Rep. Dennis Baxley (R-Ocala) threatened to file his bill restricting academic freedom again if his efforts to get voluntary acceptance of his ideas do not produce results.

The bill (HR 837) (<http://www.unitedfacultyofflorida.org/pdf/HB837.PDF>)—defeated in the 2005 session—places strict limits on political and religious topics that can be discussed in the classroom and invites litigation if faculty cross the line in what they talk about.

Under the bill, controversial topics would be allowable in discussion only if they were directly pertinent to the subject matter of the course. If controversy were to be introduced in the classroom, there would have to be equally serious coverage given to alternative views.

Baxley has said repeatedly that public higher education has an extreme “liberal bias.” He believes that classroom instruction is one-sided and that there is toleration of abusive treatment of conservative students and faculty.

Baxley repeats the accusations made by conservative activist David Horowitz, who launched a well-financed, national campaign against academic freedom. Students are supposedly punished

Public higher education has an extreme “liberal bias.”

*Rep. Dennis Baxley
(R-Ocala)*

with lower grades and humiliation in the classroom if they identify themselves as conservatives in a discussion or written work. He says students also can expect punishment if they wear buttons or t-shirts that announce their views.

Horowitz was chosen by the Republican leadership as an “expert witness” to begin legislative hearings last April on Baxley’s bill. His testimony consisted largely of horror stories of abusive treatment of students.

There was no independent investigation or substantiation of any of the stories he told, and the examples were drawn from other states. (*Inside Higher Education* recently published evidence, which was released by the University of Northern Colorado, showing that Horowitz’s claim about a professor who allegedly required students to write an essay on why George Bush is a war criminal is false. [See: <http://www.insidehighered.com/news/2006/01/11/retract.>])



Tom Auxter
UFF statewide president

Baxley insisted that the abuses were rampant in Florida, too, and that he had received hundreds of complaints from students.

Nevertheless, he said he would not supply details about any of the cases in order to protect the students involved, who expected retaliation from professors if their identities were revealed. Initial comments from other legislators in the hearings indicated that they were disturbed by the accusations and that they were seriously considering taking action.

As president of the union representing some 18,000 faculty members in Florida, I testified in the hearings in response to Horowitz and Baxley.

I gave legislators a prepared statement (see: <http://www.unitedfacultyofflorida.org/pdf/4-6->

05Statement-Academic Freedom.pdf) and also spoke directly to the claims by Horowitz and Baxley. I pointed out that accusations are different from evidence and that we have no substantiated examples of abuses to prove there is a problem in Florida.

Since the proposed legislation would impose extreme limitations on academic freedom, with destructive consequences for higher education, it would cause damage without providing any demonstrated benefit, I argued.

Further, I emphasized that it is hard enough to recruit and retain faculty in Florida, given the low salaries we offer, without the Legislature making it even more difficult by passing radical restrictions on academic freedom.

I was pleased that both legislators and reporters seemed to understand and appreciate the view that the proposed bill would undermine the quality of higher education by replacing an academic definition with a political definition of how a topic could be approached in the classroom.

I was surprised by the firestorm of public reaction against the proposed legislation. Newspapers across the state covered the hearings and reported on problems the bill. Editorials followed.

An outpouring of reactions from faculty and students indicated to the public and to legislators that those directly affected had good reasons for their opposition. At the last minute, the leadership of the House and Senate decided not to bring the bill to a vote.

When the bill was defeated last spring, Rep. Baxley said he was not willing to give up plans for fu-

ture legislative action on the issue unless higher education officials and university presidents gave him what he was seeking by administrative order.

Both Horowitz and Baxley said they would be delighted to see Florida do what Colorado did in response to similar legislation.

There, the university presidents signed a “memorandum of understanding” promising to discipline any professor who made a student “feel uncomfortable” in the classroom. After Baxley suggested this idea in the legislative hearing, I noted that this reduces classroom discussion to the lowest common denominator of the most easily offended student, with professors subject to litigation if what they say bothers any student in class.

On Jan. 12, Rep. Baxley told me that he was optimistic about talks he is having with the new chancellor, the board of governors and university presidents.

If these talks result in administrative measures to control the problem he believes exists, then he will not need to reintroduce the legislation in 2006. (He still has time to do so.)

In other words, if administrators give him what he wants through a campus policing mechanism, similar to what was created in Colorado, he will not have to force the issue to be resolved through legislation.

Earlier the same day, I spoke with a legislative aide in Baxley’s office who said that Baxley was waiting for an Office of Program Policy Analysis and Government Accountability (OPPAGA) report to be issued before he filed the bill again. The OPPAGA is an investi-

gative arm of the Legislature that has power to force state agencies to provide information legislators seek.

Last summer, this office forced public universities and community colleges to supply the records of all student complaints against faculty, as well as complaints faculty made against other faculty members that had to do with the exercise of academic freedom.

Why did legislators who want to restrict academic freedom feel the need to go through the OPPAGA process of fishing for complaints made against faculty?

In the 2005 legislative hearings, it was embarrassing to Baxley and others that they could not point to any verifiable cases of professors discriminating against conservative students or professors. Baxley’s hope is that he can prove there is a problem by citing the OPPAGA report so that his credibility is not called into question again.

Will Baxley and other legislators get their way through intimidating public officials in higher education? Will they finally produce an egregious example of abuse at the hands of a faculty member that serves to stampede the Legislature into punitive action against all faculty?

Much remains to be seen.

What we know so far about how university presidents in Colorado responded to this kind of high-pressure tactic (coming from the very same legislators who control the process of state appropriations) is not good news.

Even worse, some national professional organizations claiming to represent the highest principles of higher education—like the Ameri-

can Council on Education—issued a joint statement adopting David Horowitz’s language and model of “diversity.” The idea was that this would appease the political forces that want to limit academic freedom.

This statement, however, merely whetted the appetite of these conservative political forces.

The next day, the Republic leadership in the House called a press conference and said the most distinguished organizations in higher education have finally admitted there is a problem with liberal professors abusing conservative students. Now, they claimed, is the time for Horowitz’s “Academic Bill of Rights.” They immediately inserted it into the Higher Education Reauthorization Act, which is still pending in Congress.

It is clear that backing down on the principles of academic freedom will lead to its demise.

It is far better to take a principled position the public can understand—as UFF did in its testimony last spring before the Legislature. (Audio clips at <http://www.nea.org/he/flaMedia/index.html>.)

We need to challenge directly the unsubstantiated allegations, while patiently explaining why academic freedom is essential to the quality of higher education for us all.

Listen to the audio clips of the testimony and learn about the nature of the attacks. When the crisis intensifies this spring, be prepared to respond by sending messages and making legislative visits.

Join us in organizing to defend academic freedom. Join UFF!

FSU Faculty Protest Salary Stalemate

Faculty at Florida State University (FSU) held a demonstration on Feb. 21 outside the Westcott Administration Building to protest the dismal response of FSU officials to the salary crisis at the university.

More than 40 faculty members marched with signs that carried messages like “Not without merit,” and “FSU can too!”

Florida chapter president at FSU. “We tend to hire people at the market level or a little above, but not reward them for their future achievements once they’re here.”

At FSU, salaries are about \$10,000 below the market rate for faculty at comparable rank and discipline. Salaries are roughly 15 percent below the national average.

Yet, this year, the administra-



The official aspiration of the university to enter the top ranks of research institutions, coupled with the reluctance of administrators to budget any merit salary raises, has made life impossible for faculty who take the pledge of excellence seriously.

“What’s been happening in recent years is that we’ve been losing people as fast as we’re hiring them, in part because of salary problems,” said Jack Fiorito, United Faculty of

tion is capping faculty salaries at the level of across-the-board raises for Florida public employees (3.6 percent).

In effect, the administration is telling faculty that the exercise they went through last spring, determining who should receive merit raises for publications and professional achievements, was meaningless. FSU is not rewarding merit this year.

“How much more productive



More than 40 FSU faculty members demonstrate on the steps of the Westcott Administration Building to urge the university to fund merit raises.

“How much more productive will FSU faculty be if a few well-paid stars are hired, but the majority of faculty are demoralized by salary policies that neglect faculty achievements?”

*Jack Fiorito,
UFF-FSU
chapter president*

will the FSU faculty be if a few high-paid stars are hired, but the majority of faculty are demoralized by salary policies that neglect faculty achievements,” Fiorito asked.

This is happening in spite of the fact that the eight universities that have negotiated contracts this year are rewarding merit (averaging an extra 1.2 percent) on top of the state employee raise, in addition to other types of raises.

At the University of Central Florida, for example, there are merit raises, as well as special salary increases for teaching and research excellence.

The problem with salaries forced FSU faculty to take the administration to impasse in collective bargaining before a Special Magistrate at a Feb. 22 hearing, making the case that FSU is abandoning its commitment to faculty.

The official answer from the university is that FSU cannot afford raises due to increasing utility

bills and an unexpected decline in student tuition receipts. But tuition went up 6 percent this year, and faculty saw nothing from this increase.

At his fall 2004 address to faculty, FSU president T.K. Wetherell had a different view when discussing Florida’s Legislature.

“It’s easy to say that there isn’t enough money,” Wetherell said. “There never is and never will be.

“But if you want to find it, it’s there to be found.”

With a \$400 million FSU budget (excluding its medical school), faculty suspect that perspective applies to merit raises for academic year 2005-06, as well.

At the Special Magistrate hearing, the FSU administration estimated a 1 percent merit raise will cost about \$1.2 million.

“We believe the administration’s current position reflects misplaced priorities, not financial constraints,” Fiorito noted. “A few months ago,

FSU administrators were boasting about luring a group of researchers from another university at a cost of about \$2 million.”


In a show of solidarity, the university faculty senate unanimously adopted a resolution on Feb. 15 urging FSU to fund merit raises.

The resolution says:

“Whereas failing to reward meritorious faculty performance demoralizes and discourages the faculty, the Florida State University Faculty Senate strongly urges the FSU administration to make funds available to provide 2005-06 merit pay increases comparable to those at other state university system institutions.”

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- faculty voice in policy development
- parental leave
- protection of academic freedom
- sick leave pool
- employee assistance program



The best strategy to win the battle
for a great faculty contract:
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United Faculty of Florida

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

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 storms.



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An affiliate of the Florida Education Association, NEA, AFT