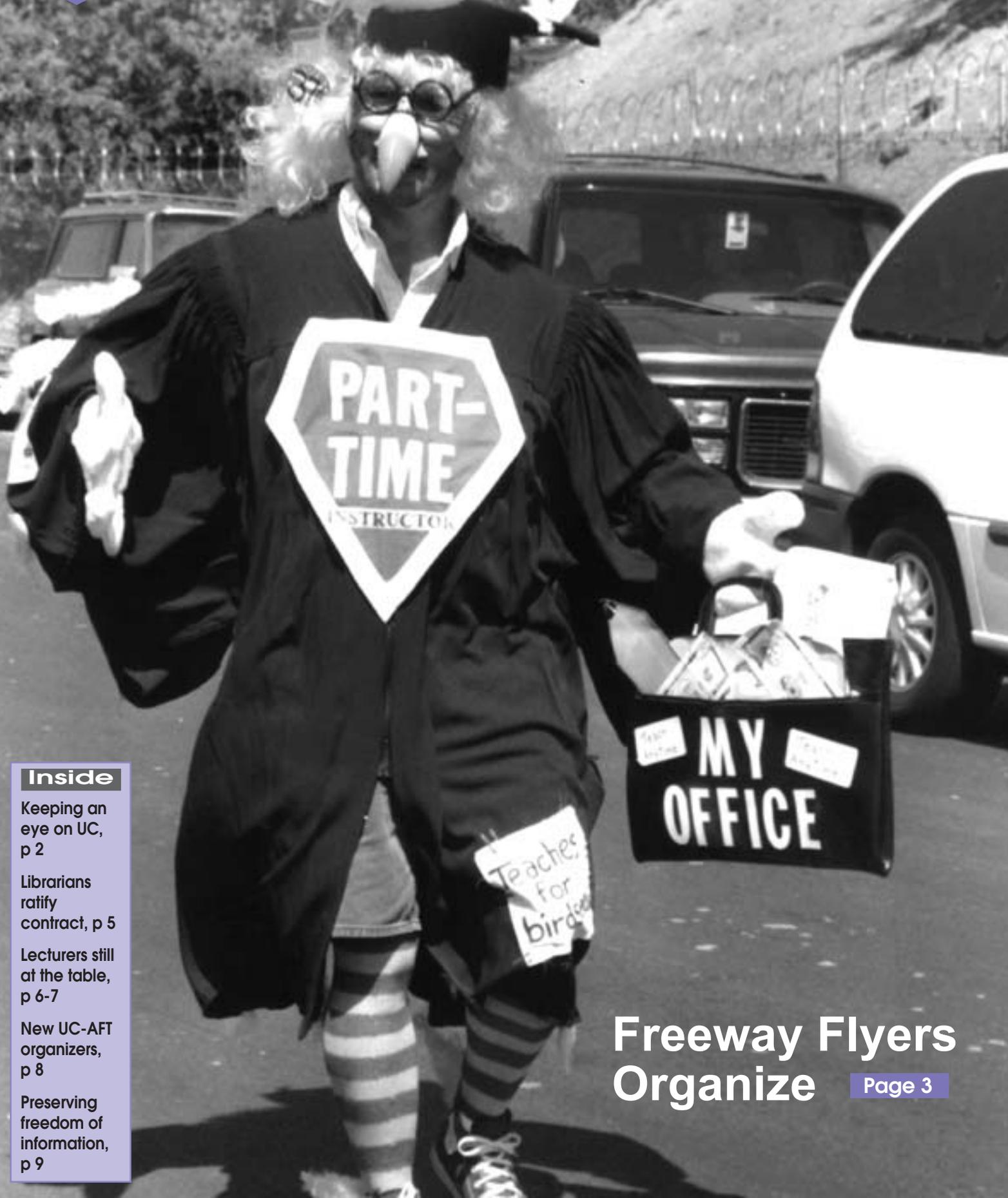




UC-AFT PERSPECTIVE

UNIVERSITY COUNCIL-AFT/CALIFORNIA FEDERATION OF TEACHERS, AFT/AFL-CIO • VOLUME 13, NUMBER 2 • WINTER 2001



Inside

Keeping an eye on UC, p 2

Librarians ratify contract, p 5

Lecturers still at the table, p 6-7

New UC-AFT organizers, p 8

Preserving freedom of information, p 9

Freeway Flyers Organize

Page 3

JEREMY ELKINS, UC-AFT PRESIDENT



AT ISSUE: Who guards the guardians?

In 1868, the State of California initiated a grand project of democratic education: a university, chartered by the people of California as a “public trust,” that would (in the words of John Hager, one of its early Regents) be “open to all with tuition free” and yet that might one day “in all the essentials properly belonging to an advanced education, rank with Harvard, or Yale, or Princeton.”

For 150 years, California has nurtured this project and this promise. The doors have never quite been fully open to all, but for generations, students who might otherwise not have been able to afford a world-class education have walked in and out of the doors of the University of California and through the gates of that promise. And today, as California stands both as the most populous and as the most diverse state in the nation, we depend – perhaps more than ever before – on realizing that great democratic project.

Yet we are faced with the very real question of whether that promise will continue to be redeemed. In public, those who have been given the honor of acting as stewards for the great public trust that is the University of California speak of honoring the promise. To the public, to parents, to alumni, to prospective students and to the legislature, they speak of the need to continue the great tradition of democratic public higher education.

And so, for example, in order to preserve the excellence of instruction for the projected 5700 new students next year, the University will obtain from the legislature an additional \$53 million dollars and will receive another \$19 million from student fees. (The funding is based on the assumption that those instructing the students will be assistant professors, teaching an average of four courses and beginning

at a starting salary of over \$53,000.) And to maintain the excellence of the University, the legislature will increase the University’s allocation of state funds overall by 6.3% or over \$200 million in new funds, for a total general fund allocation of \$3.4 billion.

But quietly and in private, something else is happening. The University is relying on an increasing number of non-Senate faculty to teach undergraduates – currently close to 50% of the undergraduate education is provided by non-Senate faculty – while undermining the system that was designed to attract, retain and award the highest quality non-Senate faculty.

❖ While the non-Senate faculty workload is already about twice that of Senate faculty, throughout the system, deans and department chairs have quietly been told to increase yet further the workload for lecturers. In some cases, this comes in the form of increasing the number of courses a non-Senate faculty member must teach; in other cases, it comes in the form of increasing class size.

❖ Quietly, on several campuses, departments are being told to replace lecturers every few years in order to avoid the increased job security afforded post-six-year lecturers. (In one case, the plan is to teach students through a system of rotating post-docs; in another, the plan is simply to refuse to re-hire excellent lecturers after 5 years; and so on.)

❖ At the same time, the University has taken the position (now the subject of an unfair labor practice) that it may replace long-term and demonstrably excellent lecturers with new hires for

continued on page 4

 **UC-AFT PERSPECTIVE**
VOL 13, NO. 2 • WINTER 2001

The University Council-AFT represents faculty and librarians throughout the University of California.

President	Jeremy Elkins, UCSC
VP for Legislation	Mike Rotkin, UCSC
VP for Organizing	Kevin Roddy, UCD
Secretary-Treasurer	Miki Goral, UCLA

For contract administration issues contact:

UCB Michael Eisenscher 510/832-8812
UCD Richard Seyman 707/678-6466
UCI Elizabeth Barba 323/667-3280
UCLA Kwazi Nkrumah 213/383-4645
UCR Elizabeth Barba 323/667-3280
UCSD Funeka Windsor 619/296-3224
UCSB Allegra Heidelinde 805/682-1420
UCSC Robert Weil 831/684-1310
Exec. Director Rebecca Rhine 510/832-8812
Director of Organizational Development
 Michael Eisenscher 510/832-8812

This newsletter is a publication of the University Council-AFT and the California Federation of Teachers, AFT/AFL-CIO. It is a member publication of the WLCA, AFTCA, and ILCA.

Editor Vanessa Tait

UC-AFT/California Federation of Teachers attention: Rebecca Rhine
 1 Kaiser Plaza #1440
 Oakland, CA 94612
 • 510/832-8812
 • email: UCRhine@aol.com
 • website: www.cft.org/uc-aft

On the cover, the Freeway Flyer (a.k.a. David Milroy) lobbying at the Democratic National Convention last year in Los Angeles. Milroy teaches at four schools in San Diego. Photo by Linda Janakos, who was trailing the bird for a documentary called “I Love to Teach” about faculty in California’s community colleges.

Have you been feeling “contingent” lately? You are not alone. As the recent National Conference on Contingent Academic Labor (COCAL) made clear, the overuse and abuse of lecturers, adjuncts, and part-time faculty is a national problem.

The conference, held in San Jose in mid-January, attracted a nationwide audience of teachers, scholars and activists concerned with raising awareness of the issues of “contingent” (non-tenure-track) employment in academia.

UC-AFT helped sponsor and organize the conference, along with the California Part-Time Faculty Association (which represents adjunct professors in the California Community Colleges), the American Association of University Professors (AAUP), and twenty-two other faculty groups.

Key speakers included Jane Buck, president of the AAUP; Cary Nelson, Modern Language Association activist and editor of *Will Teach for Food: Academic Labor in Crisis*; and Linda Collins, president of the Academic Senate for the California Community Colleges. Honored guests included former California Assemblymember Scott Wildman and current Assemblymember Elaine Alquist (Democrat).

UC-AFT was represented by President Jeremy Elkins, who spoke at the meeting’s press conference, as well as Susan Griffin (from Local 1990 at UCLA), who spoke with passion and humor about the effect of non-tenure-track labor on writing programs. Also in attendance were Michael Eisenscher, a UC-AFT staff member; and this writer, who was on the Conference Advisory Committee and organized a panel on the effect of non-tenure-track labor on the humanities disciplines.

The conference received a good deal of national attention, including a front page story in the January 26, 2001, issue of the *Chronicle of Higher Education*.

As various participants emphasized, the erosion of job security in academia not only hurts faculty, it undermines the academic freedom central to higher education, and thus ultimately hurts students.

As such, the struggle for improved working conditions for lecturers and other contingent faculty is part of a larger struggle to return universities to the traditions of excellence which they claim to defend. As AAUP President Jane Buck aptly stated: “The struggle must be joined by the ranks of the tenured faculty who must abandon their relative security and educate the public and lawmakers in the fight for academic freedom, tenure, and shared governance.” (Buck’s speech is available online at:

www.cdfa.org/cocal/papers/buck.html.)

A “permatemp” economy

Key to the discussion was an emphasis on the link between contingent employment in higher education and trends in the economy as a whole, where industries have relied more and more on short-term contract work (commonly done by “permatemps”) with fewer of the benefits and job security of stable employment. With the goal of cutting costs and decreasing the power of faculty, university administrators see contingent faculty as a way to “do more with less.” As UC-AFT’s Susan Griffin stated: “There are no jobs in higher education but there’s a lot of work!”

Feeling contingent?

by David Kuchta
Local 2034



The Freeway Flyer with former Los Angeles-area legislator Scott Wildman (Michael Eisenscher, photo).

And it’s contingent faculty who are increasingly performing that work, often without the benefit of “real” jobs. Nationwide, according to a recent study by the U.S. Department of Education, over 40 percent of faculty in higher education work part time. In California’s public institutions of higher education, according to the California Post-Secondary Education Commission, only 36 percent of faculty have tenure-track positions.

You are indeed not alone.

David Kuchta teaches in the Revelle Humanities Writing Program at UCSD.

**President's message:
who guards the
guardians?**

continued from page 2

any reason, including the desire to reduce costs by hiring cheaper, less experienced faculty.

❖ The University has allowed the starting salaries of non-Senate faculty to slip more than 30% as compared to Senate faculty, and has now proposed eliminating all mandatory merit reviews for non-Senate faculty.

❖ The University has taken the position that it is inconsistent with administrators' "academic judgment" for non-Senate faculty to have any system of job security that is enforceable by a neutral arbitrator.

❖ The University has argued that it should not be required to provide to non-Senate faculty office space, phones, computers or other equipment necessary for instruction.

The University's vision appears to be a system of instruction in which students are taught by faculty who teach 8-12 courses a year, work 60-80 hours a week at a starting salary of \$29,000-\$32,000, and rotate through the University every several years.

Of course, this is not the vision of excellence that the University projects to the state legislature; and it is not the vision that it projects to alumni, or to students and their parents. But it is the vision that the University is already taking steps to implement.

California deserves better. And those who have dedicated their careers to fulfilling the promise of the University of California deserve better.

WHAT YOU CAN DO:

➤ Sign the union's open letter supporting its demands at <www.cft.org/uc-aft>

➤ Join a delegation to visit your local legislator

➤ Come to a meeting to hear bargaining updates and help plan upcoming events. (To receive updates, write to getorganized@igc.org.)

➤ Attend a bargaining session (check <www.cft.org/uc-aft> for upcoming sessions)

➤ Attend a UC-AFT state council meeting (the next meeting is scheduled for April 29 in Sacramento and UC-AFT will pay all transportation expenses)

equipment necessary for performing their jobs. And they will have a workload that is based on the realistic demands of the job. They will, in short, be treated as professionals whose work is – as it always has been – essential to the excellence and to the mission of the University.

Specifically, these are some of the things we are fighting for:

❖ Replacement of the current, abuse-plagued, post-six-year system with a new system of post-six-year "continuing appointments" that could be reduced or terminated only when the courses were actually eliminated or taken over by Senate faculty;

❖ Additional protections for pre-six-year non-Senate faculty to assure that appointment decisions are based on a review of performance, and that they are not terminated for the purpose of avoiding post-six-year appointments;

❖ A system in which violations of the contract, including the provisions regarding job security, can be fully enforced by a neutral third-party arbitrator;

❖ A workload maximum of 8 quarter courses or 35 units (whichever is less) – and the equivalent for semester courses – at least one of which would be used to cover non-classroom service (e.g. advising, independent studies, administration)

❖ A new salary scale that makes up for some of the ground that we have lost over the past decade and that includes regular and significant annual increases;

Keep the excellence

We believe that we have a better vision. In our vision, those who teach students and who contribute to the excellence of the University will be treated as integral members of the campus community, rather than as guest workers. They will be paid a respectable salary and their experience will be valued, both through job security and through regular and decent salary and merit increases. The professional development and research in which they are engaged – to the benefit of their students and the University – will be recognized and compensated. They will have access to computers and other

continued on page 12

In the last issue of the *Perspective*, my bargaining update was titled with an automotive metaphor: "Life in the Slow Lane." That article described a painfully laborious process which had not been yielding very much in the way of positive results. Bargaining since that time, as indicated by the title of this piece, has taken a turn for the worse.

Despite fleeting indications at informal meetings with the administration's chief negotiator that UC might seriously address non-Senate faculty concerns in bargaining, no substantive progress has been made in over ten months at the table.

Discussions reached an all-time low near the end of January when virtually the entire bargaining session was consumed with accusations about "regressive bargaining" rather than attempting to actually solve any of the outstanding issues that divided the two teams. And we haven't even begun to talk about money!

We knew from the outset that bargaining would not be easy this time. Despite a number of conditions favorable to the union, including a

strong UC and state budget picture, a shortage of qualified teachers, a growing student population, and a supportive legislature in Sacramento, we understood that it would not be easy to accomplish our essential goal – a new relationship between the administration and non-Senate faculty, one based on respect for the educational needs of the institution and the professional contributions of our members.

It has been our painful discovery that the University administration simply appears incapable of the mutual give and take at the table that characterizes most bargaining relationships in modern private and public sector institutions. It would be easy to speculate on the motives behind this apparent incapacity, and such speculation has, as a matter of fact, been a favorite topic among our team members as we often sit cooling our heels while the UC team caucuses endlessly over what appear to us to be trivial issues. But I doubt that it would be productive to engage in such speculation.

To be fair and accurate, most discussion at the table is cordial and

BARGAINING SLAMS INTO REVERSE

by Mike Rotkin, Chief Negotiator (non-Senate faculty)

professional. The UC negotiator and his team ask appropriate and even thoughtful questions about each of the many substantive proposals we have put in front of them. But, with the exception of one arguably regressive UC proposal on the appointments article, we have yet to see a substantive counter-proposal to anything we have proposed. Nor have we seen any willingness to address the concerns we have expressed. I think it fair to say that "flexibility," virtually unlimited management prerogative, seems to be the only guiding principle of the institution — a principle that apparently trumps any other rational need of the educational institution, the students, or our members.

Neither have we seen a willingness to agree that we are at impasse, either overall or on particular articles. So, in a last-ditch attempt to clarify whether there is any hope of agreement without the aid of an outside mediator, both sides have agreed to work through each of the forty or so articles in the union's comprehensive proposal and see if UC either accepts each article, rejects it, or has a counter-proposal. At our last two sessions, we got through a discussion of the first 23 articles, but we still await any UC response to each of them.

I want to assure our members that despite our discouraging experience, the UC-AFT bargaining team is as determined as ever to fight for a lasting contract of which we can be proud. We will not recommend any agreement to our members that does not adequately address their reasonable needs with respect to job security, professional recognition, decent compensation, manageable workloads, and an enforceable contract. We will also continue to fight for an agreement that protects not only our members' needs, but for one that helps ensure that UC will enter the 21st century as the premier educational institution that the residents of California and their children deserve.

Librarians make gains in new contract

Unit 17, the librarians' bargaining unit, completed nine months of negotiations with UC last November. During that time, we worked toward our goal of a new contract for the new millennium. Our intention was to improve the existing contract by raising salaries, strengthening the protections for librarians involved in disputes, increasing professional development funds, and redefining our relationship with the University. Our success resulted in a unanimous acceptance of the new contract by union members. Among the gains:

- ❖ an increase of almost 70% in the base amount of professional development funds
- ❖ a more comprehensive description of procedures for peer review that are now protected by the contract
- ❖ a significantly improved transition to a new salary scale, allowing some librarians to be reviewed a year sooner than under the old scale
- ❖ more protections for temporary appointees
- ❖ a new holiday – Veterans' Day

This was not achieved without considerable struggle on the part of a dedicated bargaining team and the dogged determination of our labor consultants, Ed Purcell and Rebecca Rhine. The University's obstinacy led us to impasse and sessions with a state-appointed mediator. Now it is up to all unit members to make the contract work and to let us know when issues arise that need to be addressed. – Miki Goral, chief negotiator (librarians)



A happy Miki Goral signing off on the contract (photo, M. Eisenscher).



Elizabeth Barba

Elizabeth Barba is the new field representative for UC Irvine and UC Riverside. While a student at UC Berkeley, she worked with the Chicano/Latino

Agenda and helped found a group on campus for Chicana/Latina women.

After graduation and numerous temporary jobs, she realized she needed work with more meaning. "I used my father, a long-time Teamster steward," said Elizabeth, "as inspiration, and got a job at Service Employees International Union, Local 399." At SEIU, she helped unionize the first hospital for the local in over ten years. She also worked for the California Nurses Association before coming to UC-AFT. You can reach her at <ucaftbarba@yahoo.com>.



Michael Eisenscher

Michael Eisenscher came to his post of Director of Organizational Development from a three-decades long career in the labor movement as an organizer,

negotiator, educator, trainer, and consultant. He also serves as field representative for UC Berkeley, along with Richard Seyman. Most recently, he was the co-founder and lead organizer of the Project for Labor Renewal. He has a B.A. in labor studies from San Francisco State University and an M.A. from University of Massachusetts, Boston, where he has completed all but his dissertation toward a doctoral degree in public policy. His email address is <getorganized@igc.org>

Allegra Heidelinde serves as field representative at UC Santa Barbara. With a working background in college administration, project development and volunteer coordination, among others, Allegra brings an avid interest in the connection between education and empowerment.

Part of a feminist activist group while at Occidental College, she also founded a women's experimental theatre group and was a rape crisis advocate for two years.



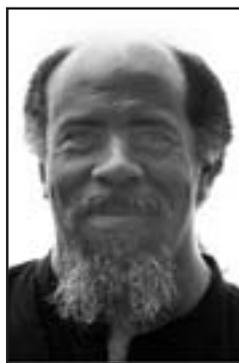
Allegra Heidelinde

In addition to her UC-AFT work, she is employed by Family Service Agency, a non-profit human service organization. Allegra sings for a local rock band and is studying to become a

certified Feldenkrais practitioner. (Whew!) You may reach her at <Allegra@rain.org>.

Kwazi Nkrumah served as the UC-AFT southern regional field representative for the last year and a half. Now, he is the designated field rep at UCLA.

Kwazi came to UC-AFT with an extensive background as an organizer and activist in the civil rights, housing, labor and environmental justice movements. Away from work, Kwazi continues to be a community activist. He is currently coordinating efforts to defend listener-sponsored community radio in southern California. You can reach him at <kwazi@loop.com>.



Kwazi Nkrumah

UC-AFT s ORG across th

Rebecca Rhine began her tenure in the newly created position of Executive Director of UC-AFT, in late September of last year. Her current duties include coordinating contract negotiations, overseeing contract and union administration, assisting with implementation of a legislative strategy and facilitating the participation of UC-AFT members in their union.



Rebecca Rhine

Her belief is that whether the issue is pay equity, child care, professional development, job security or quality of work life, unions must serve as a tool to empower workers to speak out and have a meaningful impact on the arena where most of their waking hours are spent.

A native San Franciscan, Rebecca is the granddaughter of union organizers and the daughter of a high school English teacher. She holds both a B.A. in administration of justice and an M.A. in human resource management from Golden Gate University. She also attended both UCLA and UC Santa Cruz. During the two years prior to joining UC-AFT, Rebecca served as Director, West Coast, for the American Federation of Television and Radio Artists.

Rebecca's husband, Kevin Gibbons, is a business agent for the International Longshore and Warehouse Union, and her daughter Dylan is a seven-year-old aspiring detective. She can be reached at <UCRhine@aol.com>.

staff... ANIZING the state

Richard Seyman has worked as a UC-AFT organizer and representative for two years. He is currently the field representative for UC Davis and UC Berkeley (the latter post he shares with Michael Eisenscher). Prior to that he worked for 18 years as technician for the department of Animal Science at UC Davis.

He has a degree in American studies from UC Davis. He began his organizing career in the nuclear weapons freeze



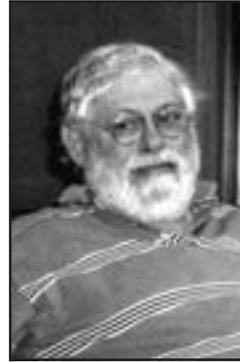
Richard Seyman

campaign in the 1980s and has remained active in political work ever since.

Richard considers the best part of his UC-AFT work to have been getting to meet face to face with hundreds of UC lecturers

and librarians over the past two years. "Email him at <rseyman@davis.com>."

Robert Weil is the union's Santa Cruz field representative. He has been a life-long activist in the labor, civil rights, anti-war, environmental, and international solidarity movements, going back to the 1960s. This included helping to organize a union of cotton plantation workers who went on strike in 1965, as well as organizing among dairy farmworkers in upstate New York in the 1980s.



Robert Weil

He is also a part-time lecturer at UC Santa Cruz, with a Ph.D. in sociology and a specialty in Chinese studies, and is a member of Unit 18. His staff position as a field representative therefore brings together his roles as an activist and an educator, both of which, he says, inform his "concern with the way that lecturers and all other employees are treated by the University."

Feel free to contact him at <Rwaft@aol.com>.

Funeka Winsor, the union's UCSD organizer, began her labor path with the United Domestic Workers in San Diego in the late 70's. Cesar Chavez was instrumental in guiding and training her and her fellow activists to be a union organizers. Says Funeka, "We chose to organize home care workers because they were unrepresented, mainly poor minority, middle-aged women who had been ignored by the traditional labor movement. These workers knew they were being taken advantage of and knew nothing would change without union representation."

In 1987, Funeka led an organizing campaign in San Diego which resulted in 3,200 new union members within a 3-month period.

Since then she led and won a county union representation campaign, organized UCSD hospital service workers and other county workers.

Funeka welcomes questions, comments or ideas for organizing at UCSD at <funekadeloreswinsor@bwn.net>.



Funeka Winsor

Join your union! Contact us and we'll mail you an application right away!*

More members make the union stronger.



Being a member entitles you to participate fully in your union, including voting in elections and contract ratifications. Even though your pay stub may show a "fair share" contribution to UC-AFT if you are in a unit covered by a contract, you are not a member of UC-AFT unless you have filled out and sent in a member application. And, if you are in units 17 (librarians) or 18 (lecturers), membership dues cost exactly the same as the fair share fee.

If you'd like to join, contact your local UC-AFT representative.

*Or download a form at <cft.org/uc-aft/new-membership.shtml>

The new academic labor system and the new academic citizenship

by Richard Moser, AAUP

It is no coincidence that the period 1972 to 1977 marked the first surge and greatest relative growth in the use of adjunct faculty. We look back at the early 1970s as a time when society's existing economic assumptions, sometimes called the mid-century social contract, underwent profound revision. In higher education, the changing times were characterized by disinvestment, the ascendancy of a corporate style of management, and the subsequent shifting of costs and risks to those who teach, research and study.

As a result, part-time faculty and graduate assistants now constitute a majority of faculty appointments and work under conditions of exploitation and insecurity. The new academic labor system is not only unjust but also poses a threat to the profession and to the integrity of the university itself. Fortunately, the crisis has rekindled the spirit of academic citizenship, and faculty members are organizing to defend higher education.

Boom and bust

In the wake of World War II, America's unrivaled power allowed most Americans to enjoy a remarkable period of economic opportunity. Government promoted economic growth through investment in higher education by underwriting the scientific, technical, and theoretical knowledge necessary for post war economic activity. Virtually free technology transfers from research universities and government laboratories enriched thousands of business enterprises of all descriptions.

It should be noted, however, that despite the burgeoning budgets of the 1960s and the growing economic prominence of the university, equitable investments in faculty were not made. In 1959 there was one faculty member for every 9.6 students, but by 1969 that proportion rose to one per 17.8, roughly

the same student/faculty ratio that remained until at least the early 1990s. It is possible to argue that the historic increases in teaching loads were the first indication that the fate of the faculty was changing and that new employment strategies were afoot.

By the mid-1970s, slower economic growth and heightened competition were evoked to change popular expectations concerning living standards and public expenditures. The accumulated social and environmental costs of industry and war had become a significant impediment to maximizing profits and corporate leaders sought to externalize those costs. In the university, cost-shifting meant that the faculty would be slowly transformed into part-time employees without tenure or economic security and that students would increasingly carry a greater burden of the costs as higher tuition.

Trail of tiers

Most important for the topic at hand, the multi-tier workforce that had been taking shape in the academy since the early 1970s became one of the most effective strategies for realizing corporate and administrative goals. In two-tier systems new or younger employees are not offered the same level of compensation or job security as existing staff.

In the academy, this multi-tier approach reached its fullest expression. The body of teacher-scholars was fragmented and reworked into a multi-tier personnel system that included the tenure and tenure-track faculty, the full-time non-tenure-eligible faculty, the part-time faculty, and graduate student faculty.

Multi-tier approaches succeed because they promise not to affect existing constituencies. Indeed, the evil genius of the multi-tier system is that it enticed people with short-term benefits. By allowing administrations to leverage faculty time by exploiting members of our own profession, we have cooperated

in our own demise. In fact, the increasing exploitation of adjuncts has occurred over the same years that salaries for full-time faculty have stagnated or declined.

More important, tenure is in danger of losing its force as a professional standard as more faculty are hired outside the tenure stream. It is also not just coincidence that post-tenure review and stricter tenure requirements have increased as the profession fragmented and the number of adjuncts ballooned. Tenure's weakened capacity has grave implications for academic freedom. In the academy, participation in governance has been based on the idea that free speech and dissenting opinion can be exercised without the fear of reprisals. When those who teach and research no longer shape college life, what are we to expect about the quality of that experience?

The quality of education is already weakened by the example that many universities are setting in regard to intellectual activity, citizenship, and democracy. What lessons are being taught to students when they realize that all of their core courses are being taught by people who barely earn a living wage? What values are being learned when those who teach, who esteem the intellect and who extol the values of citizenship are apparently held in low regard by society and by the university community itself?

We can begin to imagine what lies ahead by looking at what now exists. I will quote from a report on faculty appointments by the AAUP's Ernest Benjamin.

The change since 1975 is striking. Part-time faculty have grown four times (97%) more than full-time (25%). The number of non-tenure-track faculty has increased by 88% while the number of probationary (tenure-track) faculty has actually declined by 9%. Consequently, where there were 50% more probationary than non-tenure track faculty in 1975, by 1993 non-tenure-track appointments exceeded probationary by 33%. The

continued on page 10

UC-AFT opposes restrictive licensing rules

by Samuel E. Trosow, Local 1474

UCITA (the Uniform Computer Information Transactions Act) is a proposed state law that seeks to mandate a unified approach to the licensing of software and information.

Federal copyright laws have historically been the rules governing the use of information resources. Limitations on the rights of copyright owners (such as the fair-use doctrine, the first-sale doctrine, library and archival copying exceptions and limitations on infringement liability), operated in a print-based world to at least ameliorate the harsh effects of copyright law on librarians, educators and others seeking to make transformative uses of information resources.

But with the rise of electronic formats, information vendors have been trying to avoid these limitations by resorting to licensing agreements. Many licensing agreements contain provisions that take away rights that users of information would have under copyright laws. Licensing agreements (often in a shrink-wrap or click-wrap form) also contain many provisions that limit other rights of users. The enforceability of these agreements has been somewhat unclear, with different courts applying different rules. State contract law, not federal copyright law, generally governs licensing agreements.

UCITA is an attempt to impose a "uniform" set of provisions among the states. While uniformity and certainty is indeed a laudable goal, there are many problems in the case of UCITA. UCITA is decidedly biased in favor of vendors and against users of information:

- it legitimizes a non-negotiable contract-based system of intellectual property

- it permits provisions that prohibit reverse engineering and public comment or criticism of a product

- it allows the licensor to electronically disable computer information or software that resides on your system

- it allows software firms to waive liability for known defects in their software

- it threatens to undermine efforts to bridge the digital divide and will impede efforts to insure that all

the measure. To date, the measure has only been passed in Maryland and Virginia. It was blocked last year in Iowa, New Jersey, Maine, Illinois and Delaware. It was not introduced in California last year.

While it is early in the legislative session, (and the deadline for entering bills has not passed as this is written), California library associations are gearing up to oppose UCITA should it be introduced. In December, a UCITA teleconference was held on many of the UC campuses. UC-AFT was a co-sponsor of the event at Berkeley and a number of UC-AFT members attended the event at other campuses.

In January, the UC-AFT council went on record in opposition to the measure. Beyond the access-destructive effect UCITA would have on libraries, it poses threats to all consumers of information products. UCITA applies not only to information content, but to software products as well. UCITA also will be applicable to mixed-media items. So this is an issue for the broader educational community – it is not simply a library issue.

Additional UCITA resources may be found at:

- <http://www.arl.org/ucita.html>
- <http://www.ala.org/washoff/ucita.html>
- <http://www.badsoftware.com>
- <http://www.4cite.org>



Sam Trosow at UC Berkeley's Law Library (David Bacon, photo).

Californians have access to the Internet and to the vast information resources the web contains

- it will exacerbate the gap between the information rich, who can afford commercial database searches, and the information poor, who have been relying on freely available public information.

As a result of these problems, the library community has been a vocal opponent of the measure. Working in coalition with other consumer, educational, research and business groups, the national library associations (American Library Association, American Association of Law Libraries, Special Library Association, Medical Library Association and the Association of Research Libraries) have been working in various states to try to stop

Samuel E. Trosow is the Boalt Express Librarian at UCB's Boalt Hall Law Library and is an active member of Local 1474. He also serves as Secretary of the American Association of Law Libraries Government Relations Committee and Chair of the Northern California Association of Law Libraries Government Relations Committee. He is a doctoral candidate at the UCLA Department of Information Studies with an emphasis in the field of information policy. Sam can be reached at <strosow@library.berkeley.edu>.

The new academic labor system

continued from page 8

decline in the absolute number of probationary appointments implies that an absolute decline in the number of tenured faculty and professional opportunities for new faculty will follow.

Adjunct appointments went from 22% in 1970 to 32 percent in 1982, to 42% in 1993, to a current level of about 46 percent of all faculty. There is nothing in the historical record to suggest that these trends will stop without policy intervention and our activism.

Beginning to organize

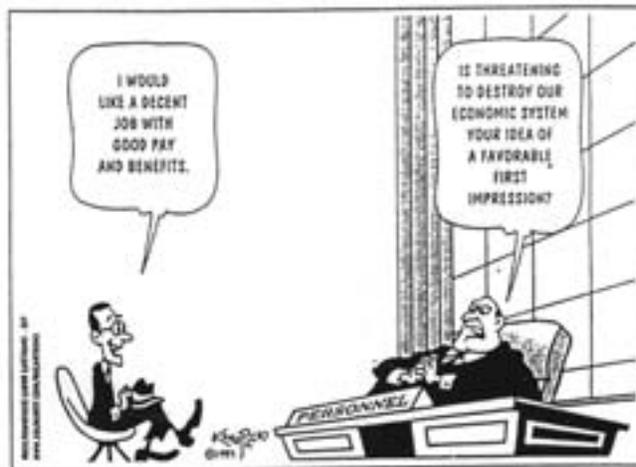
Professional and disciplinary associations have in fact begun to respond to the threat posed by this division in the ranks. A major conference held by eight disciplinary and professional organizations produced a comprehensive statement on the excessive use of part-time faculty. (See www.aaup.org for details) More recently, representatives from 17 disciplinary and professional associations founded the Coalition on the Academic Workforce (CAW) to engage accrediting associations and encourage better policies and practices for non-tenure-track faculty.

On dozens of campuses across the country, full-time, part-time, non-tenure-track faculty and graduate assistants are turning to concerted action to draw attention to the issue and defend our profession. Barbara Wolf's brilliant new film, "Degrees of Shame," has become a powerful educational and organizing tool. Here are some recent developments:

In Chicago, the NEA, after winning an NLRB representational vote among

part-timers at Columbia College, has launched a citywide campaign aimed at part-time faculty. The AFT has registered similar success in organizing part-time faculty particularly in the New Jersey state system. In California, part-time faculty have organized the California Part-Time Faculty Association to lobby for legislative relief. North of the border the Canadian Association of University Teachers has also launched a drive to bring "sessional" faculty into the union, claiming that their "inclusion is long overdue."

Along with other faculty and labor organizations, the AAUP has helped to plan and fund the Coalition of Contingent Academic Labor's third annual congress held in Boston last April. A national network of activists, COCAL is one of the more visible signs of the burgeoning movement of faculty



activists. The third annual congress brought over 100 faculty activists together to share their stories and strategies and to be renewed by the contagious sense of momentum and movement. (See COCAL's web page omega.cc.umb.edu/~coccal/)

Perhaps the most important outcome of the COCAL congress was the founding of a new organization of Boston area faculty. Proposed by the AAUP, the Boston organizing project is a multi-campus organization of faculty aimed at improving the status of adjunct faculty and defending the integrity of

higher education.

In conjunction with the Boston initiative, the AAUP is sponsoring a comprehensive survey of working conditions. Faculty from any institution or region can take the survey at the AAUP home page, www.aaup.org, or contact Richard Moser at rmoser@aaup.org. The new group plans to begin the fall 1999 semester by publicizing the survey results, conducting an educational campaign and supporting organizing drives.

Everywhere I see a growing consciousness about the new academic labor system and an increasing willingness to take action to defend higher education. Academic citizenship is on the rise and the engaged citizen-scholar is emerging as a new model for academic life. There is, after-all, no professional activity more important than the exercise of academic citizenship. Only activism and organizing can defend and create the conditions on which all of our teaching and research depends. We must all put first things first.

By confronting the overuse and abuse of adjuncts we will make a real contribution to the national discourse over the quality of higher education and the nature of work in contemporary America. That, I would argue, is the larger meaning of the Teamsters strike at UPS, the UAW strike at GM and of our concern over the increasing use of all contingent faculty at the university. This is more than a struggle to protect our interests, this has direct bearing on the public good. That, above all, is what our profession is about, quality education and the public good. It is a charge we dare not fail to fulfill.

Richard Moser is a national field representative of the American Association of University Professors. He has a Ph.D. in US history from Rutgers University and is author of The New Winter Soldiers: GI and Veteran Dissent During the Vietnam Era. This article first appeared in Radical History Review, number 80 (May 1999). Reprinted with permission.

Supporting people's art

by Grant Kester & Fred Lonidier,
Local 2034

Public funding for the arts is nearly universal in the so-called "northern countries" of the industrialized world (such as France, the United Kingdom, and Germany). Many "southern" countries also consider the arts to be part of their national heritage and support it in various ways with government funding (including Mexico, Cuba, Nicaragua, Brazil, and Argentina).

The United States, however, has never provided more than a fraction of the proportional support for the arts that is found in these other countries. Moreover, the support that is available is divided among federal, state and local agencies that often needlessly duplicate bureaucratic tasks and administrative expenses. California in particular has one of the smallest arts funding budgets per capita in the country. For this reason, UC-AFT passed a resolution in support of increased funding for the California Arts Council for 2001-2002. The San Diego-Imperial Counties and San Mateo Labor Councils also endorsed the resolution last fall.

There are a number of excellent reasons for unions in education to support public arts funding. In addition to the fact that a significant portion of arts funding goes to support K-12 schools and higher education, art instruction depends on a wide variety of publicly-supported venues, including art galleries, symphonies and theaters. Moreover, these various arts practices are the products of a rich and diverse mix of cultural communities. In myriad ways, the arts help to represent and strengthen these communities.

Fred Lonidier is a professor in the Visual Arts Department at UCSD. Grant Kester is an assistant professor of art history at UCSD, and collaborated on the language of the resolution.

Moving a mountain

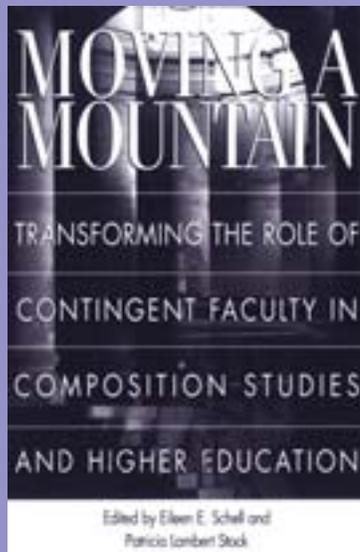
by Nick Tingle, Local 2141

My colleague, Judy Kirscht, and I are happy to announce the publication of *Moving a Mountain: Transforming the Role of Contingent Faculty in Composition Studies and Higher Education*, edited by Eileen E. Schell and Patricia Lambert Stock (Urbana, IL: National Council of Teachers of English, 2001). We are happy, in part, because the volume includes an article we wrote: "A Place to Stand: The Role of Unions in the Development of Writing Programs." But more importantly it addresses the hidden scandal of higher education today: the exploitation of part-time and adjunct faculty, most especially in composition and writing programs.

The volume is divided into three sections. The first describes the efforts at various campuses to transform the material conditions of their labor. The second describes efforts at collective action, including collective bargaining. The third offers a re-conceptualization of non-tenured faculty roles and rewards. Overall, the book offers a detailed look at the struggles of contingent labor in writing programs from across the nation.

When Judy and I first noticed the call for papers for *Moving a Mountain*, we both immediately knew we had to write something. I had been most active in the UC-AFT during its inception. Judy served, during a critical period, as president of our local, UC-AFT 2141, at UCSB from 1988-93, and also as southern vice president for the University Council from 1993-97. Together, we were able to construct a narrative of the processes of unionization and most especially to outline its importance for the growth and development of the writing program in which we work. The narrative we have constructed is not one that will be found in official administrative documents.

Roughly, we argue that the development of the writing program and its enduring presence could not have taken place without the recognition of lecturers afforded by the Memorandum of Understanding (MOU). With the degree of permanence afforded by the MOU, lecturers proved willing and able to devote energies, not simply to their work as teachers, but



also towards the construction of the most efficient and effective curriculum possible. As a consequence, largely as a result of the work of lecturers, the writing program at UCSB was described in an external review as "cutting edge" and is recognized, by members of the local administration, as unique in the nation. Further and perhaps even more importantly, the

strength of the program has led to the commitment of two additional permanent tenured positions. The work of lecturers has led to a kind of official recognition unexpected and unprecedented on this campus.

Still, even given the positive consequences of unionization to date, the situation is very far from stable. Union remains a necessary part of our existence. Administrations, tied to notions of research and rewards for research, still appear unwilling to allocate resources and energies to the mandated teaching mission of the University. At about the same time UCSB laid claim to two Nobel Prize Laureates, three-year reappointments for some lecturers were reduced from 100% to 11%. This is not a good sign, and makes even less sense in light of a recent accreditation review. During the course of this review, it became increasingly clear that, on the academic side, freshman writing classes were the single most positive element of "The Freshman Year Experience" at UCSB.

A message from UC-AFT President Jeremy Elkins

Who guards the guardians?

continued from page 4

❖ A system of grants allowing for paid leave (up to one quarter every three years) to pursue research and professional development;

❖ Funds for professional development and for instructional equipment.

Thus far, UC's negotiators have resisted each of our proposals. While they claim to come to the table with authority, they have delayed bargaining for months while they "consult" with unnamed others. Despite assurances to the contrary, they have then misrepresented our positions to these various advisory bodies, while refusing our requests to bring representatives of those bodies

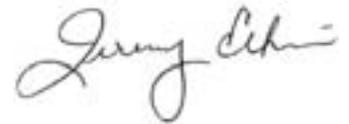
to the table (even as observers.) The negotiators who claim to have "authority" then cite the "opposition" of these unnamed others as the reason for rejecting our proposals. This is not a process designed to work out differences; it is a process designed to avoid genuine bargaining. No doubt the administration expects that, if they can continue to delay, they will weaken us. But we are firm in our belief that if we are going to take a stand, it must be now.

Keeping the promise

In the coming months, we will be taking our case to the legislature and to the public, and we will be comparing our vision of excellence to the administration's. We will be asking whether the nation's premier public

university is still committed to the promise for which it was established, and we will be asking whether the administration's vision is consistent with that promise. We will ask whether the goal of providing a first-class education is really best met by further reducing job security for those whose primary responsibility is teaching, and whether a University with a \$9 billion core operating budget really cannot afford to pay its teachers a decent salary and to treat them as though they matter.

And we will need to ask whether those who are supposed to guard the public trust that is the University may have, somewhere along the way, forgotten the point of that trust.



12

 **UC-AFT PERSPECTIVE**
VOL 13, NO. 2 • WINTER 2001

California Federation of Teachers
1 Kaiser Plaza, Suite 1440
Oakland, California 94612
<http://www.cft.org/uc-aft/>

NON-PROFIT
ORGANIZATION
U.S. Postage PAID
Oakland, CA
Permit No. 1765