



# *FACULTY ADVOCATE*

## IFT Higher Education Council

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### **BARGAINING BILL FOR HIGHER ED INTRODUCED IN LEGISLATURE**

On Friday, January 22 a bill to extend collective bargaining rights Idaho's higher education faculty was introduced by Moscow Senator Gary Schroeder.

Interviewed by the *Lewiston Tribune* Schroeder stated that faculty needed union representation to right the current imbalance of power. Schroeder mentioned the proposal to give more authority to the campus presidents during financial crises, and also the decision by the UI to break its promise about retiree medical benefits.

"If you look at what happened with the retirees, they had a contractual agreement to retire early in exchange for certain benefits, but the administration didn't live up to that," Schroeder said. "Faculty members need to be protected somehow from that type of activity."

The Lewiston paper also quoted IFT President Nick Gier: "If K-12 teachers can have collective bargaining for 37 years, why should higher education be excluded?"

Representative bodies at UI, LCSC, BSU, ISU, and NIC all voted to support the bill. The combined vote was 158-18. "Now we're asking the representatives of the people to honor that vote," Gier said.

Before the bill can be considered, there has to be a hearing for it to be printed. The Senate log for Friday, January 22 showed some action in this direction, so let us hope that the bill will be printed.

### **OREGON LEGISLATURE PROTECTS CONTINGENT FACULTY**

(excerpted from *AFT on Campus* September/October 2009)

Oregon is the first state to put the principles of AFT's Faculty and College Excellence (FACE) campaign into state statute. The State Senate's 30-0 vote on June 27 followed a nearly unanimous 54-1 vote in the House on the Oregon Faculty and College Excellence Act.

The FACE campaign presses for more full-time faculty and pro-rata pay and benefits for contingent faculty, all those without continuing contracts. FACE proposals call for increasing pay-equity money for contingent faculty and dedicating money to convert part-time positions into full-time positions.

Oregon's bill allows part-time faculty access to high-quality health insurance benefits through the Oregon Educators Benefit Board. It also holds institutions accountable by requiring annual reporting and tracking of faculty staff and salary ratios for review by the Legislature and the Governor.

State Rep. Michael Dembrow carried the bill and argued that "all of these faculty members are equally credentialed with their full-time colleagues, and most of them are excellent teachers. However, they are paid much less, with few benefits, and they have little job security."

Please read the IFT position paper on contingent faculty at [www.idaho-aft.org/contingent.htm](http://www.idaho-aft.org/contingent.htm).

### **EDUCATION BOARD RISKS LEGAL ACTION AND NATIONAL CENSURE**

By Nick Gier, IFT President

**Note:** This appeared as a column in the *Idaho State Journal*, the *Idaho Statesman*, and the *Idaho Press-Tribune*. Agidius' column, along with specific responses to SBOE policy changes, can be read at [www.idaho-aft.org/SBOEChanges.htm](http://www.idaho-aft.org/SBOEChanges.htm).

I would like to respond to a column written by Paul Agidius, who, as president of the State Board of Education, defends proposed changes to its personnel policies.

Agidius begins his column with a reference to Charles Dickens' "worst of times/best of times," presumably with the intent of presenting a state of balance in Idaho higher education. The facts on the ground, however, force us to conclude that the worst, by far, has the upper hand.

There are indeed a few strong departments left, but most campus units have been devastated by cut-backs, lay-offs, and faculty seeking greener pastures. (See [www.idaho-aft.org/greener.htm](http://www.idaho-aft.org/greener.htm)) My own department is now staffed at the level it was when I came in 1972, but it is servicing on average five times the number of majors. Furthermore, how can UI offer any Ph.D. degree without the German program that it just cut?

Agidius boasts about what a bargain students are getting on Idaho's campuses. But since I arrived at the UI in 1972, student fees have risen from \$364 to \$5,236 per year, a whopping 1,371 percent increase. Agidius' own office reports that "Idaho's average 6-year graduation rate of baccalaureate students is 42.9 percent." On this score we are the 7<sup>th</sup> lowest in the nation. The national average is 56.1 percent.

If you look at the proposed changes to Board personnel policy, you will find that powers given to the campus presidents are not new; rather, they have been lifted out of the financial exigency sections, but without the due process protections for employees that exist there. As a result employee rights are severely compromised.

The faculty senate at Lewis-Clark State College has taken the lead in resisting any changes in personnel policy. Here is the essence of their full statement before the Board's December 10 meeting: "the Board is engaging in unfair, unaccountable, and unconscionable practices that are contrary to public policy and sound employment principles and violate basic tenets of contract law."

Latah County (and perhaps many more throughout the state) has declared a financial emergency, but the Board has insisted that it cannot do this because it would destroy Idaho's credit rating. Some of us are thinking of other possible reasons:

- Campuses still have reserves, and one cannot blame administrators for putting aside the funds. The BSU financial vice president has announced that there are no more reserves for FY11, from which we can infer that reserves were used to meet previous cut-backs.
- The UI Agriculture Dean was thwarted in closing the Parma station because he would have to go to a board heavily lobbied by growers and legislators.
- The Lois Pace case (1981-86), a \$1 million settlement financed by the faculty union, stands as an intimidating legal precedent for botched financial exigencies.

The financial exigency policies have been vetted by my national office as well as the American Association of University Professors (AAUP), and the procedures are strong because Elizabeth Zinser refused to assume the UI presidency in 1989 unless they met the highest academic and legal standards. The UI was removed from the AAUP's national censure list and Zinser became the UI's 14<sup>th</sup> president.

Agidius appears to have a rather cavalier attitude towards academic tenure, a property right that can be removed only in the case of professional incompetence, a felony conviction, moral turpitude, program reduction, or financial exigency.

In its proposed changes the Board properly excludes tenured faculty from "reduction in force," but another proposed change states that their contracts can be altered. Agidius is simply wrong in assuring us that this is "no different than the process that currently exists."

At the December meeting, BSU counsel Kevin Satterley claims that the law is silent on the question of whether a tenured professor's salary can be reduced, but our national office has provided us two legal precedents in Montana and Florida that indicate that tenure protects base salary. The union is prepared to use these cases to protect Idaho's tenured faculty.

Agidius declares that the Board is open to full discussion of these changes. At the October meeting campus representatives were limited to one per campus, and there was only thirty minutes of discussion at the December meeting. (I have been

waiting patiently [29 days now] for a response from Agidius to this column.) Will Agidius give more time in February, or are these changes essentially non-negotiable?

The Board has also proposed a major change to its financial exigency policy, removing due process for employees who may be reassigned anywhere in Idaho. At the December 1<sup>st</sup> UI faculty senate meeting, Dean John Hammel stated that, without Board language that would allow it, he could move the Parma faculty to any station he chose.

Before the Parma station was saved by private contributions by growers and the Simplot Company, Dean Hammel was prepared to close Parma and two other stations using the Board's program reduction policy. In a December 2008 legal brief from my national legal office declared that the policy is "severely deficient in terms of procedural due process safeguards." The procedures "do not comport with Idaho law" and the termination of any faculty member could be challenged in court.

By approving the proposed changes to its personnel policies or eliminating programs, the Board is risking not only court action on behalf of faculty and staff, but also an investigation by the AAUP and the possibility of placing the entire college and university system on its national black list. I beg the Board to reconsider these unwise and arguably illegal moves.

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