

Clarion

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MAY 2011

MAY



2011

Photo: Dave Sanders; Photo Illustration: Margarita Aguilar

BE THERE! On Thursday, May 5, the PSC will hold our biggest demonstration this year – and our first for a new contract. It's time to say no to austerity for CUNY. There are alternatives. But for things to change, we have to make our power visible. We will meet at City Hall at 4:00 pm and march to BMCC on Chambers Street. We are marching to link our support for fair funding for CUNY with our demand for a fair contract. If you have a stake in either one, you should be there.

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CITY BUDGET

Community colleges face deep cuts

PSC members urge City Council to restore funds.

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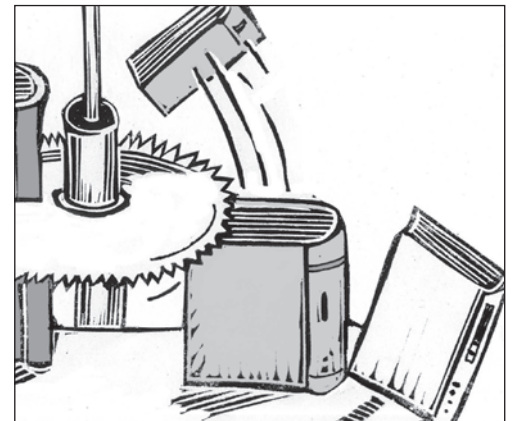


SCHOLARSHIP

Conservatives FOIL academic freedom

Right-wing activists are using Freedom of Information requests to pursue a campaign of intimidation and harassment against scholars they dislike.

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GENERAL EDUCATION

Who will control CUNY curriculum?

There's broad agreement that CUNY's transfer system needs reform. But 80th Street's plan to restrict general education across CUNY has sparked widespread concern.

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RESEARCH FOUNDATION

Historic RF contract settlement reached

The PSC and the CUNY Research Foundation have reached a tentative agreement that would give over 600 RF employees the security of a union contract for the first time.

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Mayor pushes 'devastating' CUNY cuts

By JOHN TARLETON

CUNY community colleges suffered a \$12.3 million reduction in base aid in the State budget adopted in March (see p.3). Now Mayor Bloomberg is ready to add to the pain.

Under the Mayor's budget proposal, CUNY's six community colleges would be shortchanged by \$63.1 million. They would receive \$37.2 million less than in the adopted budget for the current fiscal year, while another \$25.9 million in mandatory expense increases due to increased enrollment, rising heating costs and new programs, would go unfunded. The mayor has also proposed eliminating a number of Council-funded programs that assist vulnerable students, such as Safety Net financial aid and the Black Male Initiative.

'BURSTING'

"The impact will be nothing short of devastating," PSC Secretary Arthurine DeSola said in testimony before the City Council's Higher Education Committee. "Our community colleges are bursting at the seams. Enrollment has increased 33% over the last eight years, but public funding to provide each student with a quality education continues to drop."

The PSC's organizing this spring did push State legislators to limit Gov. Cuomo's cut to community college base aid. The governor's proposed cut of \$226 per full-time equivalent student (FTE) was scaled back to \$138 per FTE, a difference of 39%. In January, the union had worked with allies on the City Council to win restoration of \$4 million in City support, reducing

PSC to Council: restore funds



Joyce Moorman of BMCC testifies before City Council on March 18 while Lorraine Cohen (left) of LaGuardia and Heidi Lopez (right) of KCC look on.

Bloomberg's proposed midyear cut of \$11.8 million by about a third.

Now, the PSC is mounting another campaign to persuade City Council to reverse the mayor's latest round of proposed cuts. On Thursday, May 5, the union will hold a major demonstration at City Hall to demand an end to economic austerity for CUNY (see p.12). A rally outside City Hall at 4:00 will be followed by a march to BMCC, located a few blocks away.

"The moment has come for a public demonstration of support for our vision of CUNY," said PSC President Barbara Bowen.

The pushback against the cuts

will continue with the union's annual "CUNY at the Council" day on May 11, and other grassroots lobbying of Council members (see below for details). The union is urging full restoration of the \$63.1 million shortfall, \$19.6 million in funding for Safety Net and other Council-funded initiatives, and \$12.3 million to cover the loss in lost State support.

DAY-TO-DAY

LaGuardia Chapter Chair Lorraine Cohen and BMCC Chapter Chair Joyce Moorman highlighted the day-to-day impact of budget cuts when they testified with DeSola at

the March 18 City Council hearing.

"At the library you'll see a line of 50-100 students at 9 o'clock in the morning trying to get access to a computer so that they can do their research," said Cohen who teaches a sociology class of 38 students. "If you go to the admissions office, you will see lines of students waiting to be registered because professional staff have not been replaced."

LACK OF RESOURCES

Moorman said that a chronic lack of resources hinders her ability to teach effectively. "In my piano class, the pianos with broken wires aren't fixed for months on end because there isn't money for skilled workers or the wire," Moorman testified. "The audio equipment for my digital music course malfunctions so often it undermines my teaching."

Moorman also described how the number of BMCC security guards, clerical staff, and buildings and grounds personnel have been reduced by previous rounds of budget cuts, with an impact on campus safety. "The buildings aren't secure," she told the Council. In one recent incident, two female students were sexually assaulted on campus.

In addition to the \$63.1 shortfall in community college operating support, Bloomberg has also proposed zero funding for a range of City Council-supported programs at CUNY such as the Vallone Scholarships, Safety Net financial aid, the Black Male Initiative, the Center for Puerto Rican Studies, the Dominican Studies Institute, the Murphy Institute for Worker Education, and

the Creative Arts Team. The PSC is pressing for these programs to be funded at their 2009 levels, a total of \$19.6 million.

Many of these programs provide important support to CUNY students who face the biggest obstacles to securing a college education. CUNY community colleges had 91,000 students as of Fall 2010, of whom 66% were black or Latino and 46% came from households earning less than \$20,000 per year.

Heidi Lopez runs Kingsborough Community College's Single Stop

Community colleges would lose \$63.1 million.

program, a one-stop center that helps students access public benefits such as food stamps, Medicaid and workforce development programs. She testified that the burden of Bloomberg's budget cuts

would fall most heavily on the CUNY students who can least afford it. "These budget cuts are racist, classist and sexist," said Lopez, a HEO who began working at KCC in 2009.

The May 5 demonstration will demand full public funding for CUNY, and link this to the need for decent working conditions and a good union contract. It will be followed by the union's annual "CUNY at the Council" day on May 11, when more than a hundred students, faculty and staff will meet with legislators in the City Council's offices at 250 Broadway. The PSC is also organizing meetings with councilmembers in their local neighborhood offices on April 29, May 6, and May 13. "If you are tired of budgets that cut CUNY, you can do something about it," said the PSC's DeSola. Contact Amanda Magalhaes (amagalhaes@psccmail.org, or 212-354-1252 x221) to sign up for any of these dates or for more information.

QCC MOBILIZES

PSC chapters are mobilizing for upcoming May events. At Queensborough Community College, most of the chapter's April meeting was devoted to the May 5 and May 11 actions. Close to 70 members watched short videos of recent union actions, including the March 23 direct-action in Albany (see p.3) and the April 9 "We Are One" rally for union rights in Times Square. Participants then met in small groups to brainstorm about outreach to other members. Each person committed to speak with at least two or three of their colleagues.

"The message has gotten through that this is a critical time," commented QCC Chapter Chair Judith Barbanel.

Councilmembers are also getting attention from QCC in their home districts. The chapter's vice-chair, Joel Kuszai, told *Clarion* that teams of faculty and students will be meeting with councilmembers Mark Weprin and Daniel Halloran, both of whom have offices within walking distance of QCC.

"We're putting the community back in community college," Kuszai said. "The levers of power at a local level are not so far away."



LETTERS TO THE EDITOR

WRITE TO: CLARION/PSC, 61 BROADWAY, 15TH FLOOR, NEW YORK, NY 10006.
E-MAIL: PHOGNESS@PSCMAIL.ORG. FAX: (212) 302-7815.

Solidarity and star power

● As a fan of the Green Bay Packers, winner of Super Bowl XLV, I'm proud of the team members who pledged support to the public workers and teachers fighting against Wisconsin Governor Walker's ploy to destroy unions. The players' action helped raise public awareness of the fact that union members are no different than the rest of the working people – that they *are* the working people.

Today's unions have managed to insulate and isolate themselves from the public, which too often perceives labor as a narrow interest group only concerned about protecting 'their jobs' and 'their rights.'

Those of us who have long been part of labor know this is not true, but we have yet to craft an effective message that can persuade people not only of the things unions have done for our democracy, but that

we advocate for the welfare of all workers, and not only those who are union.

Like it or not, we live in an era where star power gets more attention than social upheaval – so maybe we can put the two together. Football and baseball players are unionized, as are many in Hollywood, including actors and screenwriters. Maybe we need to ask actor Matt Damon to support us, and ask Aaron Rodgers, the Green Bay quarterback, to talk about why it's important to have a union contract.

Ernesto Mora
Brooklyn College

Piven & politics

● I came to New York from my home of Puerto Rico in the fall of 1998 to pursue a doctorate at the CUNY Graduate Center, one of the truly

great institutions of our state. My very first semester, I found myself in Dr. Frances Fox Piven's Social Movements class, a subject that she has studied, written about, and taken part in throughout her entire career.

It was through that class, and through Dr. Piven's scholarly work and personal biography, that I came to fully understand and appreciate how politics work.

Democratic government doesn't work unless it bends to the will of the people. Government doesn't work unless those like myself and my colleagues in the State Senate are prodded by the collective action of the people. Dr. Piven taught me that. If you look at the history of this country – from the abolitionist movement, to the women's rights movement, to the civil rights movement, to the anti-war movements and movements for workers' rights – progress has come

when ordinary people have stood up and fought for their rights.

But as accomplished as she is as a scholar, Dr. Piven is an even better mentor to her students. Soon after I took that first class with her, I began my own college teaching career. And ever since, I have aspired to be the type of teacher in the classroom that Dr. Piven is. And I dare say that I wouldn't be a state senator today if it weren't for her inspiration.

This March, I was honored to be able to introduce a New York State Senate resolution, S 676, recognizing Dr. Piven as a great teacher, a great scholar, a great New Yorker, and a great American. I hope you will check out the text of the resolution online at tinyurl.com/PivenResolution.

State Sen. Gustavo Rivera
33rd Senate District, Bronx

Write to Clarion

Letters may be on any topic, but must be less than 200 words and are subject to editing. Send in yours before May 18.

Albany budget battle

By JOHN TARLETON

On March 31, the New York State Legislature made a choice: it passed an austerity budget that imposes deep cuts on children, students, the elderly, and the working and middle classes, in order to reduce taxes for the richest people in the state.

The cuts included a \$95.1 million reduction in State support for CUNY senior colleges and a \$12.3 million reduction in base aid to CUNY community colleges. Protests and grassroots lobbying helped prevent a further cut of \$5.2 million in community college aid proposed by Gov. Andrew Cuomo – but with \$350 million in State cuts to CUNY in the last three years, this year's budget dismayed many.

"Albany has chosen the rich over the rest of us," said PSC President Barbara Bowen. "The governor and the legislators who failed to stand up to him have made their priorities clear. This budget is not just cruel, it's counter-productive: economic austerity for millions of New Yorkers will not revitalize the economy."

Many community and labor groups, including the PSC, opposed the reliance on spending cuts. With the support of many economists, they argued that the State's \$10 billion deficit was largely a revenue crisis, the result of decades of tax cuts for the wealthiest New Yorkers combined with the 2008 financial crash. This grassroots coalition urged Albany to continue the surcharge of 1% to 2.12% on taxable income above \$200,000 that is scheduled to expire at the end of this year. The surcharge affects only the highest-paid 3% of New York residents, and raises about \$5 billion annually.

NOT OVER

"The fight is not over," said PSC First VP Steve London after the budget was passed. "We need to work for passage of a supplemental budget that includes an extension of the high-income surcharge, and makes good use of additional revenue, above earlier projections, expected later this year." London noted that the surcharge, which remains in effect through December, is popular with the public, and that the Assembly continues to support its extension.

The PSC pressed hard for a fair budget on many fronts. Union members met with legislators in Albany and in their local districts, while thousands of members called and sent messages to their representatives. Union leaders testified at public hearings, and the PSC's message was driven home with a TV ad campaign on broadcast and cable channels in both Albany and New York City.

On March 15, nearly 500 academics and college students from CUNY and SUNY converged on the State Capitol in a mass lobbying effort to urge restoring funds to public higher education. In mid-March, more than 3,100 PSC members e-mailed the governor and legisla-

CUNY slashed, PSC blocks Cuomo's door



PSC members block the entrance to Gov. Cuomo's Capitol office during a March 23 protest against proposed State budget cuts.

tors in support of funding CUNY and continuing the tax surcharge on top incomes.

But as the March 31 budget deadline drew near, signals from Albany indicated that the surcharge, opposed by both Gov. Cuomo and the GOP-controlled State Senate, was unlikely to be renewed, and that large cuts to social programs would follow. Polls showed that the public supported extending the surcharge by a 2-to-1 margin – but that majority opinion ran up against the solid support for Cuomo's austerity campaign from New York's political, financial and media establishments.

Key backing for the governor's plan came from the Committee to Save New York, a group of bankers, real estate developers, and other business interests that raised \$10 million to push Cuomo's message that there was no alternative to massive spending cuts.

DIRECT ACTION

The looming decision to give the rich a tax break came at a time when the top 1% of New York State residents take home 35% of all income. In New York City, where social inequality is even more extreme, the richest 1% of city residents garner 44% of total income. If top tax rates were the same as 30 years ago, Bowen noted in legislative testimony, New York would have a net budget surplus.

To cut services to poor and working-class New Yorkers in order to fund a tax cut for the rich is simply unacceptable, PSC leaders said – and they felt it was urgent

that they do everything possible to convey that to politicians and the public. At a special meeting the night of March 11, the union's Executive Council voted unanimously in favor of engaging in nonviolent, direct action at the State Capitol on March 23.

More than 150 PSC members and community allies traveled to Albany for the March 23 demonstration. "I believe you have to take a stand," said Glen Petersen, chair of the department of sociology and anthropology at Baruch, who was among the union members who decided to risk arrest.

"This was a very clear, articulate way of saying you oppose the cuts the governor is trying to impose."

Sitting in her bus seat, BCC Biology Professor Nikki McDaniel put aside the worksheets on meiosis and human reproduction she was preparing and ticked off the reasons she was traveling to Albany to support those engaged in direct action. Seventy-five percent of BCC students, McDaniel estimated, are working full-time while faced with increasing tuition costs and decreasing financial aid. Professors carrying a 5-4 course load find themselves unable to give students all the attention they need.

"I feel like I don't have a choice," McDaniel said of her decision to demonstrate. "If you want to affect change, it takes real action."

Riding on the same bus to Albany, Gail Green-Anderson, co-director of the writing program at LaGuardia,

told *Clarion* that recent rounds of budget cuts have meant fewer tutors and longer lines at the school's writing center at a time when LaGuardia's enrollment has grown swiftly. Further cuts would do great harm, she said: "If the Writing Center can't get more tutors, more of my students will fail their classes."

Albany 'has chosen the rich over the rest of us.'

After they arrived in Albany, participants marched on the State Capitol from a small church where they had met to review their final plans. PSC members and CUNY students were joined by public school advocates and tenant activists, making common cause in the budget fight. Entering the Capitol building, they chanted and marched in an open area on the second floor near the governor's offices. Cries of "Tax the rich, not the poor! Stop the war on CUNY!" echoed off murals depicting battles between white settlers and Native Americans.

"These cuts are not fair to kids or students at CUNY," said Chauncy Young, a Bronx school parent and member of the New York City Coalition for Educational Justice. Young said he joined the PSC-led action because "no one group can do it alone."

At about 2 pm, twenty-nine PSC members and four students sat down and blockaded the entrance to Gov. Cuomo's office. They and their supporters filled the hallway with call-and-response chanting ("Tell me what democracy looks like."/"This is what democracy looks like!") as several legislators looked on. State

senators Bill Perkins (D-Harlem) and Rubén Díaz, Sr. (D-South Bronx) joined in the chants, while others gestured their support.

"I think a lot of people were coming to observe us not just because we were making a lot of noise, but because we were right," said Bill Friedheim, a retiree from BMCC.

To the cheers of their supporters, Friedheim and the 32 other blockade protesters were arrested and led away one-by-one in handcuffs by State Police. PSC President Barbara Bowen, First VP Steve London, Secretary Arthurine De-Sola, Treasurer Mike Fabricant, and seven other members of the union's Executive Council were among those arrested.

"It was very empowering," said Irene Rozenberg, a senior at Brooklyn College who was among the arrestees. Getting arrested "is not as scary as you think," she told *Clarion*. "You get to see your teachers in a different way." Rozenberg said she was strongly opposed to cuts in student aid, noting that she had had to drop out of school from 2007 to 2010 due to a lack of funds.

The 33 detainees were released on their own recognizance after about two hours in custody. Their action received extensive media coverage in New York City and Albany, as well as other parts of the State. Several reports linked the force of the protest to the larger labor demonstrations in Wisconsin.

The Associated Press reported that the March 23 sit-in reflected "an uncommon level of protest" over this year's budget. Mobilizations against the cuts continued into the last week of March.

On March 24, a "Day of Rage Against the Cuts" drew more than a thousand people in lower Manhattan. Scores of CUNY faculty and students joined the march from City Hall Park to Wall Street, including a contingent of students from Hostos playing homemade drums made of empty water coolers. As the protest snaked its way through the narrow streets of the Financial District, Lina Cruz, a member of the Hostos student government, told *Clarion* that further cuts would undermine efforts to win longer hours for the school's library. It currently closes at 8 pm, a problem for the many Hostos students who work during the day. "If we don't have the resources, how are we going to make sure students succeed?" asked Cruz.

UNITED

On March 30, hundreds of protesters from several community-based organizations descended on the State Capitol and occupied it through the night as legislators, working behind closely guarded doors, sped through the process of approving the final budget. Signs and T-shirts saying, "Protect kids, not millionaires" and "\$ for the needy, not the greedy!" captured their anger at Albany's budget choices. Among the protesters was PSC Treasurer Mike Fabricant, who came at the request of the union's community allies.

"Time to move off the defensive, as we have today," Fabricant said in a Twitter post that night. "Our power will grow because we represent the interests of the 99%."

Dave Sanders

CALENDAR

FRIDAY, APRIL 29 / 9:30 am - 12:30 pm: UFS Spring Conference - General Education and Faculty Authority: CUNY's Future. The conference begins with a panel and discussion with Professor Pamela Mills (Hunter), Professor Francisco Fernandez (Hostos), Professor Emily Tai (Queensborough), and Professor Philip Belcastro (BMCC), moderated by Professor Josh Wilner of CCNY. The conference will also examine the Chancellor's proposed CUNY bylaws revisions and the weakening of faculty authority those revisions may entail. John Jay College. Contact Vernice Blanchard for more information at vernice.blanchard@mail.cuny.edu.



Pat Arrow

SUNDAY, MAY 1 / 1:00 pm - 3:00 pm: May Day Demonstration. Join New York unions at their May Day demonstration in Foley Square! Our demands – for the rights of workers in the face of a rising tide of austerity and anti-immigrant rhetoric – are as urgent as our 1886 Chicago predecessors' demands for the eight-hour day. Foley Square is between Centre and Lafayette Streets in lower Manhattan. PSC meet-up site to be announced; check the union website. Let us know you're coming! E-mail Jim Perlstein at jperlstein@bassmeadow.com. To learn more about the history of May Day visit www.psc-cuny.org.

MONDAY, MAY 9 / 7:00 pm to TUESDAY, MAY 10 / 3:00 pm: NYSUT Committee of 100 Lobby Day in Albany. This is your opportunity to meet with your legislators in Albany. Tell them that New York needs to renew the income tax surcharge on the richest 3% of people in the state. Contact Amanda Magalhaes (212-354-1252 x221 or amagalhaes@psccmail.org) for more information, or to sign up. Registration fills up quickly, so please do not wait.

TUESDAY, MAY 10 / 6:00 pm: Academic Freedom: Which Way Forward? A forum with featured speaker Frances Fox Piven, and discussion from Anita Levy (AAUP), Blanche Wiesen Cook, Clarence Taylor, and Kristofer Petersen-Overton. Sponsored by the PSC Academic Freedom Committee. At the PSC Union Hall, 61 Broadway, 16 Fl. For more information see p.9.

FRIDAY, MAY 13 / 6:00 pm - 10:00 pm: Labor Goes to the Movies. Daniel Day Lewis stars in *My Beautiful Laundrette*, in his 1985 breakout role as the romantic and business partner of a Pakistani operator of a London laundrette. PSC Union Hall, 61 Broadway, 16 Fl.

Court backs academic free speech

By **RACHEL LEVINSON**
Senior Counsel, AAUP

Potential good news for scholars

A federal court ruling at the beginning of April offered some tentative good news on the First Amendment rights of faculty members at public colleges and universities. The case was the most recent to wrestle with how a 2006 Supreme Court decision, *Garcetti v. Ceballos*, affects the rights of faculty members in public higher education to speak on a variety of issues.

Private employers are largely unhampered by the First Amendment when it comes to control over their employees' speech while carrying out duties on the job. Public institutions generally have greater obligations under the First Amendment than do private businesses – but in *Garcetti*, a narrow majority of the Supreme Court held that when public employees speak “pursuant to their official duties,” they are not protected by the First Amendment.

ADDITIONAL INTERESTS

The Court acknowledged, however, that there are “additional constitutional interests” at stake when it came to “expression related to academic scholarship or classroom instruction speech,” and therefore declared that it was not deciding whether its “official duties” analysis also applied to “speech related to scholarship or teaching.”

Since then, a number of courts have tackled the question of First Amendment rights for public-sector faculty members. While some have recognized *Garcetti*'s reservation

for academic speech, a number have concluded that a variety of kinds of expression – including service on faculty committees, criticism of institutional decision-making, and student advising – are nevertheless unprotected. Some rulings have simply ignored the reservation entirely.

This history underscores the importance of the early April decision in *Adams v. UNC-Wilmington*, in the US Court of Appeals for the Fourth Circuit.

Michael Adams is a tenured associate professor of criminology at the University of North Carolina-Wilmington. He joined the Department of Sociology and Criminal Justice in 1993, winning several awards and earning strong teaching evaluations. In 2000, he became a self-described Christian conservative and an active conservative commentator on a variety of social issues, causing tension with his colleagues and drawing complaints from the university community and the public.

In 2004, Adams applied for a promotion to full professor. After a majority of his department voted against his promotion application, Adams filed suit in federal court, claiming that the university had violated his First Amendment rights by retaliating against him for his speech and discriminating against him on the basis of his viewpoint.

Relying on *Garcetti*'s “official duties” approach, but not mentioning

its possible exception for speech related to scholarship or teaching, the trial court ruled against Adams. Because he had included citations to his columns and other extracurricular writings in his application for promotion, the court held that he had essentially transformed them into unprotected speech, and even suggested that *no* materials in a promotion file would be protected by the First Amendment.

Latest ruling heeds Supreme Court's concern on teaching & scholarship.

Adams appealed the decision and the American Association of University Professors (AAUP) filed a “friend of the court” brief, along with the Thomas Jefferson Center for the Protection of Free Expression and the Foundation for Individual Rights in Education.

On April 6, the Fourth Circuit reversed the district court decision. The appeals court reached two important conclusions: first, that there was no support for the proposition that Adams's speech was “transformed” into unprotected speech when he included it in his promotion application; and second, that at least under the facts of this case, the *Garcetti* analysis “would not apply in the academic context of a public university.” The court did not rule on whether Adams should have been promoted, but it had a lot to say about his freedom of speech.

The court reasoned that Adams's commentary should fall within the reservation for speech related to scholarship or teaching. Although UNC had argued that Adams's speech should be unprotected under *Garcetti* precisely *because* the university paid him to be a scholar and a teacher, the court noted that if *Garcetti* were applied so strictly, a wide range of public speech and service by public-sector faculty members would be left unprotected by the First Amendment. In the court's words, this outcome “would not appear to be what *Garcetti* intended, nor is it consistent with our long-standing recognition that no individual loses his ability to speak as a private citizen by virtue of public employment.”

CONCERN

The court also expressed concern about the impact that the university's argument would have on the “additional constitutional interests” that the Supreme Court identified in *Garcetti*. The appeals court therefore held that while faculty members will naturally “engage in writing, public appearances, and service within their respective fields,” that involvement was too “thin [a] thread” to leave Adams's speech unprotected under *Garcetti*.

The Fourth Circuit therefore remanded the case to the district court, and instructed it to consider whether Adams's interest in speaking on these matters outweighed the

university's interest in “providing effective and efficient services to the public,” and whether the speech was actually a substantial factor in the decision not to promote him.

This decision suggests some important principles, and also leaves open a few questions.

First, the court clearly stated that when a faculty member at a public college or university speaks on a matter that is of general interest to the public, he or she is protected by the First Amendment – just as any public employee should be. The panel also rejected the suggestion that because the scope of faculty members' duties on the job can be broad, any speech related to those wide-ranging duties is unprotected.

HEDGING

Nevertheless, the appeals court appeared to rest its decision at least in part on the fact that Adams's speech did not, in fact, arise from his assigned duties. As the court put it, the commentary was “intended for and directed at a national or international audience on issues of public importance unrelated to any of Adams's assigned teaching duties at UNCW or any other terms of his employment....” Although the court also clearly recognized that penalizing speech related to a faculty member's duties would be at odds with *Garcetti* and with important constitutional interests, subsequent courts might wrongly conclude that where a faculty member's speech is related to his or her specific university-assigned duties, it is not protected.

In addition, the court speculated that where a faculty member at a public university has “assigned duties” that include a “specific role in declaring or administering university policy,” speech related specifically to those duties might not be protected by the First Amendment. This passage (which is not binding) should apply only to those faculty members who are appointed to administrative positions in which they are expected to speak or act on behalf of the university administration. The vast majority of faculty members who take part in shared institutional governance have not been directed to “declare or administer” university policy. Thus, for instance, criticism by a faculty member of administrators' salaries, budget decisions, or town-gown relations – whether acting on his own or as a member of the faculty senate, an AAUP chapter, local union, or a faculty committee – should remain squarely protected by the First Amendment. Nevertheless, it remains to be seen how later courts will interpret this aspect of the decision.

The *Adams* decision will encourage other courts to recognize the heightened interests in free speech, open debate and criticism at public colleges and universities. With a post-*Garcetti* landscape that is still unsettled, however, public-sector faculty members do not yet have the clear-cut affirmation of their rights that they need and deserve.

Green energy



CUNY graduate students Shawndel Fraser (left) and Bijan Kimiagar shared one of five PSC Environmental Justice Awards, presented at the annual Nature, Ecology and Society (NES) Colloquium at the Graduate Center. They received one of three “Spirit of NES” awards, for using visual or digital media to enhance understanding of climate change, as did CUNY grad student Nina Young and artist Sharon Abreu. Two “We Are In This Together” awards, for work involving community action, went to CUNY grad student Christine Caruso and Ryan Lugalia-Hollon, a Chicago community activist.

RF contract agreement

By JOHN TARLETON

On March 31, the PSC and the CUNY Research Foundation (RF) reached a tentative contract agreement for RF employees at three CUNY campuses. If union members vote to ratify the settlement, it will mark the first time that these RF employees have had the security of a union contract.

"I feel very proud of this achievement. It represents a victory for the RF employees at the Graduate Center, LaGuardia and City Tech, who have fought tirelessly to win this contract," said Georgina Pierre-Louis, a bargaining team member who works at the Graduate Center's Howard Samuels Center.

GAINS

The tentative contracts cover 600 full- and part-time Research Foundation workers at the three campuses. They work on research projects, as instructors and counselors and in a wide range of other jobs, with wages and benefits funded by outside grants. Their paychecks come from the Research Foundation, which administers grant-based projects at CUNY.

A win across 3 campuses

Although many have worked continuously on RF lines for years, the Foundation officially treats them as new employees with each grant-funding cycle. Workers had no guarantee that accrued leave time would carry over from one appointment to the next, and some have worked for years without a raise. Correcting such inequities are among key gains in the agreement.

Major provisions include:

- Across-the-board raises of 2% in each of the four years of the contract, with higher increases for those earning less than \$25,000 a year or \$13.50 per hour. Principal investigators and project directors will be free to give greater increases at their discretion.

- A "lockbox" and other procedures to ensure that RF workers do not lose accrued annual leave from one appointment period to the next

- A grievance procedure to enforce the contract, including binding arbitration

- Guarantee of at least two weeks' notice if a position is eliminated before the end of the appointment period

- Tuition reimbursement for courses at CUNY

- Preservation of health insurance options for those eligible, and establishing gradual increases in employees' share of premium costs instead of an immediate 8 percentage point increase to what other RF employees are paying now.

"When you look around the country and see unions struggling to get things, it was wonderful to have this come through," said Jay Klokke, a negotiating team member who teaches ESL at City Tech.

The PSC Executive Council voted at its April 14 meeting to recommend the contract agreement to the union's Delegate Assembly (DA), which will consider the settlement at its meeting on April 28. If the DA also approves, RF members at the three campuses will then vote on ratification during the first two weeks of May.

When RF employees at LaGuardia, City Tech and the Graduate Center

voted in union elections in 2004 and 2005, more than 80% in each unit supported unionization. RF management opposed the union drive and made heavy use of delaying tactics. At the Graduate Center, for example, it forced a two-year holdup between when the ballots were cast and when

600 workers to vote on first contract.

they were counted. The foot-dragging continued at the negotiating table, as the RF spent up to \$500,000 per year on the anti-union law firm of Nixon Peabody LLP.

To force movement in the talks, RF workers and their supporters picketed and distributed leaflets outside meetings of the Foundation's board of directors. Activists stepped up the pressure with coordinated protests at all three campuses last September, and union activists said the organizing had an impact. "[RF-CUNY President Richard Rothbard] felt embarrassed about all these demonstrations," said Pierre-Louis. "People were talking about it."

Meanwhile bargaining team members had to build unity by learning more about each other's circumstances, participating mem-

ber Ellen Noonan told *Clarion*. For example, many RF personnel at LaGuardia and City Tech are instructors, while RF workers at the Graduate Center, where Noonan works, are mainly involved in research and administrative work.

Instructors "would be unable to gain seniority if taking summer breaks was held against them," Noonan explained. So it was important that union members from the Graduate Center supported their colleagues' demand that time off in the summer not be counted as a break in service, even though in their own workplace this was not a major issue.

'FIRST STEP'

Union bargaining team members welcomed the settlement as a good beginning. "People had earned vacation time they were unable to take," said Noonan. "This was a fundamental unfairness that will now be rectified by the contract."

Pierre-Louis, who had not received a pay raise in nine years, described the 2% raise "as a step in the right direction," while Sandra Johnson of RF-LaGuardia said she hoped PIs and PDs will recognize employees' contributions with pay increases beyond this minimum.

"This is a good first step," Klokke said. "Now we need to think about how we can make it stronger and better."

Teaching Austerity 101 at BMCC

By JOHN TARLETON

During the week of March 28, BMCC Assistant Professor of Political Science Geoff Kurtz invited students in his four classes to discuss and debate a new topic: their own learning conditions.

In the discussions that followed, the students talked about the difference between smaller and larger class sizes, the value of having sufficient computers and other classroom equipment, and the impact of funding cuts on the quality of their education.

'A USEFUL ROLE'

Kurtz also gave the students information about the debate over the New York State budget and how they could get involved. "It felt like a useful role for me to play, since most students don't have the information," Kurtz said.

Kurtz was one of more than 50 BMCC faculty members who participated in "Teach CUNY," an initiative of the campus PSC chapter to promote student awareness of cuts in public funding for the City University and how the cuts affect their education. The participants found a variety of ways to integrate discussion about cuts in funding for CUNY into their classroom pedagogy.

Gail Mansouri, a doctoral lecturer in the social sciences department, teaches a course in American government and politics that combines traditional civics lessons with inquiries about the role of activism and so-

Exploring CUNY budget cuts



BMCC's Frank Crocco leads a discussion about CUNY in his English 101 class.

cial movements in creating change. When she talked about CUNY's history as a free university and its current situation, the class's previous discussions about the civil rights, suffragette and antiwar movements "became more real," she said.

PLATO'S CAVE

"When you give students information about how other people have made change, they want to find out more about that," Mansouri said.

Teaching an English 101 class, Assistant Professor Frank Crocco drew on themes from "The Allegory of the Cave" in Plato's *The Republic* in which the ancient

Greek philosopher argues that the purpose of education is to turn people's minds from illusory shadows dancing on the wall toward an appreciation of the truth. "The budget works perfectly with this theme," Crocco said. "The students are generally uninformed about the cuts, the tuition increases and the context for these decisions, but would like to know more."

"Teach CUNY" wasn't just for those in the humanities or social sciences. During a remedial mathematics class, for example, Assistant Professor Kathleen Offenholley had students calculate the difference between the official rate of inflation

and the faster rate at which their tuition was increasing.

For those students who want to take action to reverse the downturn in CUNY funding, an April 6 meeting of students and faculty provided an opportunity to discuss how to jumpstart student organizing at BMCC.

Thirty-six students and nine faculty members attended the April 6 meeting. By the end of a fast-paced 90-minute discussion, the students had created three committees – one for social media, another for tabling, and a third to organize a speakers' bureau of students who would travel to various classes to make short presentations to their peers on the budget cuts and how to organize against them.

A student in Kurtz's Introduction to Politics class, Leo Paulino, was selected to head the social media committee. He launched voicesofcuny.blogspot.com, a Facebook page, a Twitter account, and a YouTube account later that night.

"The most important thing is to get students informed. They don't know what is happening," said Paulino, a sophomore business administration major who works as a butcher and is the parent of a two-year-old child.

The idea of doing a "Teach CUNY" week was first raised at BMCC by Crocco. After the idea was formally approved at the chapter's February 16 meeting, a group of 15 union activists set about reaching out to colleagues. They developed fact sheets and sam-

ple lesson plans and posted them online at teachcuny.wordpress.com.

The pedagogical push was partly inspired by a PSC-wide "Teach CUNY" week in 2001. That year one biology professor gave a lecture about the lab equipment his department could not afford, and what students would learn from the experiments he would assign if it were available. (Materials from 2001 are online at archive.psc-cuny.org/teachcuny.htm.)

CURRICULUM

"The people I spoke with were instantly receptive," Kurtz told *Clarion*. "The main question was, 'How can I get the information to make this substantive?'" Many saw connecting their curriculum to an issue that directly affects students' lives as an important pedagogical tool.

The faculty members organizing "Teach CUNY" deliberately pursued a strategy of organizing through one-on-one conversations instead of blanketing their colleagues with e-mail announcements. After receiving an initial commitment, the organizers subsequently followed up with their colleagues to see if they needed any additional materials or other support to follow through on their plans.

"It was multiple personal conversations," Kurtz said. "This wasn't quick-hit mobilizing. Our chapter organized in a way that built connections among us and kept us accountable to each other."

"I think we're going to do this again," added Crocco. "It allows us to engage mass numbers of faculty and students and bring them together for a common cause."

Students' awareness grows, organizing under way

“Repeal the 20th century”?

Are child labor laws an example of “big government telling parents how to raise their children”?

That’s the view of Missouri State Sen. Jane Cunningham, sponsor of a bill that would gut key provisions of the state’s child labor laws. The bill would remove the ban on employment of children under 14 years old; there would be no age limit at all. Current limits on how many hours children can be employed would also be eliminated, as would the requirement for 14- and 15-year-olds to have a work permit. The Missouri Division of Labor Standards would no longer have the right to inspect workplaces to monitor conditions in which children are employed.

Cunningham has defended her proposal as an attempt to put parents in charge and “put back some common sense.” Missouri’s Department of Labor has responded that under current law “casual work such as mowing the lawn and raking leaves for a neighbor, etc., would not warrant the need for a work certificate unless that young person worked for...a landscaping company.”

CHILD LABOR

Her bill would still protect children, Cunningham maintains. She emphasizes that the bill would still require children to continue attending school, and would still ban their employment in occupations such as mining or the manufacture of ammunition or explosives. But it would also allow a seven-year-old to work 60 hours per week.

“There was a time when children’s value was marked by the amount of money they brought home to their families,” commented Gary Schoichet of Communications Workers of America (CWA) 1180. “Employers liked children because they were cheaper, more manageable, and less likely to strike. They were everywhere.”

Among Republican state legislators across the US, Cunningham is not an isolated figure. She has chaired the Education Committee of the American Legislative Exchange Council (ALEC), an influential conservative group that drafts state-level legislative proposals and circulates them across the US. (See page 7.) Other bills to scale back child labor laws have now been introduced in Maine, Minnesota, Ohio and Utah.

If these bills passed, children would still be protected by federal law. But a number of right-wing politicians believe that federal labor laws, including those on child labor, are unconstitutional.

While Ronald Reagan pushed to reverse many social reforms of the 1960s, today the Tea Party right is going after reforms of the New Deal and even the Progressive Era. Its proposals start with rolling back union rights and privatizing Social Security, and move on to questioning the collection of an income tax or the direct election of senators. Several commentators have summed this up as a drive to “repeal the 20th century.” **-PH**

Fight over union rights

By PETER HOGNESS & MIKE ELK

While Wisconsin has gotten the most attention, unions have been fighting anti-worker legislation in a number of other states as well.

On March 31, Gov. John Kasich signed a bill, SB 5, that would strip public employees of most bargaining rights. Public-sector unions would be barred from negotiating over basic issues like health care, sick time or pensions, and would be prohibited from striking. Some bargaining could still occur on wages and a few other issues, but all guaranteed wage increases would be replaced by “merit” systems that give managers wide discretion. Binding arbitration would be eliminated: state and local governments and public agencies would have the power to impose a contract on their own terms whenever bargaining hit an impasse.

For faculty at Ohio’s public universities, the news is even worse: the bill would reclassify most as “management-level employees,” and thereby bar them completely from union membership. Ohio law already rules out collective bargaining by contingent faculty at public universities – but SB 5 is so broadly worded that even some adjuncts might find that they are now classified as managers.

Implementation of SB 5, however, has been suspended due to a pending effort to overturn it in a statewide ballot initiative. Under Ohio law, once petitioners file an initial 1,000 signatures seeking a referendum on a recently adopted bill, they have 90 days in which to gather enough signatures to force a public vote. The law does not take effect during that period – and if petition-gatherers succeed, the law remains suspended until the referendum vote is held.

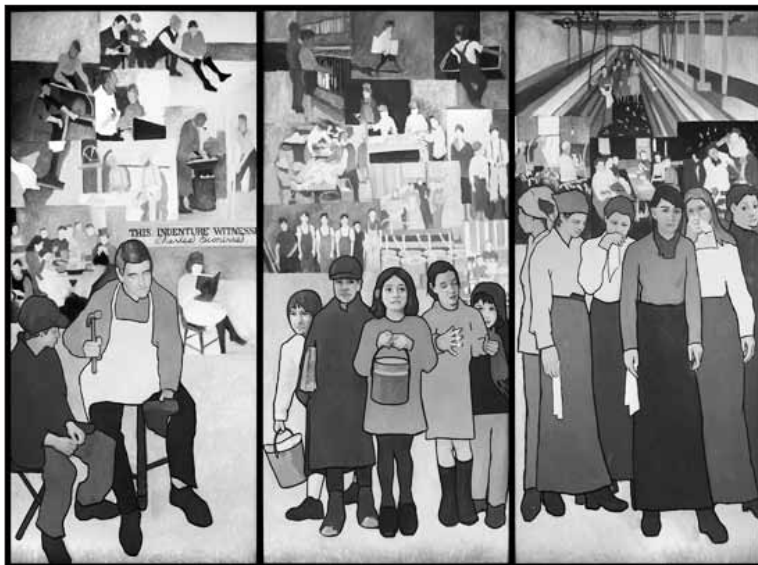
VOLUNTEERS

At an 11,000-person rally held in Columbus on April 9, to mark the start of the petition campaign, organizers were optimistic about getting the required 231,147 signatures within the 90 days. “We have thousands of people asking us not, ‘Where do I sign?’ but ‘Where do I sign up to become a petition circulator?’” an activist with the pro-union coalition We Are Ohio told the *Youngstown Vindicator*.

In a statewide poll in mid-April, respondents favored repeal of the anti-union measure by a double-digit margin, 51% to 38%. Gov. Kasich’s numbers have plunged during the fight over union rights: another recent poll found him to be the least popular governor in the nation, with an approval rating of 30%.

“The basic human rights of 400,000 public-sector workers in Ohio have been cast aside,” said AAUP President Cary Nelson. SB 5 is “a very targeted aggression toward faculty members,” Nelson told *Inside Higher Ed*. “We simply

Conflict in many states



Maine Governor Paul LePage caused an uproar when he had a 36-foot-wide mural removed from the Maine Department of Labor Building. Created in 2007, the mural’s 11 panels depict the history of the state’s working people. LePage, elected in November with strong Tea Party support, said the mural’s worker history focus was one-sided. “We need to have a décor that represents neutrality,” a spokesperson said. “It’s based on historical fact,” responded the artist, Judy Taylor. “I’m not sure how you can say history is one-sided.”

can’t let this stand.” AAUP and AFT chapters in Ohio, which have advocated for contingent faculty union rights, are both working on the referendum campaign.

Anti-union legislation in Ohio, Michigan & Indiana

Anger among faculty increased when the head of the state’s association of public colleges and universities, the Inter-University Council of Ohio, admitted that it was the Council that had asked the legislature to classify its faculty members as managers. Bruce Johnson, the Council’s president and CEO, said the shift was needed “to improve managerial processes on campus, to increase efficiencies and reduce costs.” The measure’s wording is similar to the *Yeshiva* court decision that has hobbled union organizing at private universities for many years.

Some college and university presidents spoke out on the other side. “I was raised in a union family,” said Wright State’s president, David Hopkins, who opposed passage of SB 5. “[I] have found our union leadership to be of the highest quality,” he said in a campus e-mail, “and I believe we are a stronger institution because of their dedicated commitment to their membership.”

UNILATERAL

In mid-March, full-time faculty got a hint of what Johnson had in mind when he spoke of “efficiencies”: Gov. Kasich’s budget address included a proposal that professors be required to teach an additional course every two years. Jack Fatica, head of the AFT local at Terra Community College, told *Inside Higher Ed* that “faculty workload has been an issue on which he is proud of contract advances.” But if SB 5 takes ef-

fect, faculty will have no chance to bargain over Kasich’s extra course.

In Michigan a law was enacted in March that allows the governor to appoint emergency financial managers with broad powers to break union contracts, fire or override elected officials, and even dissolve entire towns. “Under the law whole cities or school districts could be eliminated without any public participation or oversight,” the *Michigan Messenger* reported. An earlier version of the bill would have allowed the emergency manager to be a private corporation.

TAKEOVER

“This is a takeover by the right wing,” said Michigan AFL-CIO President Mark Gaffney, “and it’s an assault on democracy like I’ve never seen.” As in Wisconsin, conservative activists have filed legal requests seeking the e-mails of professors they consider pro-union (see p.9).

Already the emergency law has been used to force workers to make concessions. The city of Flint received an \$8 million emergency bond to meet expenses only after public employees agreed to pay more for health care and give up holiday and night-shift pay – givebacks they accepted to avoid having an emergency manager imposed.

Protests continue in Michigan’s capital, Lansing, as the consequences of the bill become more widely understood and Gov. Rick Snyder’s proposals for huge budget cuts are debated. Close to 7,000 protesters assembled to protest the law on April 14, in Lansing, where almost weekly protests have numbered into the tens of thousands. Snyder’s poll numbers are declining, though he

has not sunk as low as Kasich.

While some activists favor organizing to recall Snyder, that idea faces difficult procedural hurdles. The state’s unions are looking to challenge the emergency legislation in court, while the Michigan Education Association (MEA) asked its local chapters to consider whether the MEA should “initiate crisis activities up to and including job action.”

Several anti-union bills were withdrawn or scaled back after large union protests sparked an extended walkout by the Democratic minority in Indiana’s House. A newly powerful Republican majority introduced a series of ambitious anti-labor bills, including a so-called “right-to-work” bill to ban the union shop; legislation for large-scale privatization of public schools; dropping protection for construction workers, and making permanent Indiana’s temporary ban on public-sector collective bargaining. Unions responded with daily protests in Indianapolis in late February and early March.

GOP CONCESSIONS

Following the example of their counterparts in Wisconsin, Democratic legislators exited the state, denying Republicans a quorum. They stayed out of the state for nearly five weeks while pursuing often tense and angry negotiations over withdrawal of the anti-union measures. Mass protests against the bills continued, with one on March 24 drawing more than 20,000 people. State Rep. Bill Crawford said it had become “a movement, as opposed to a typical political battle.”

As a result of the public and procedural pressure, GOP legislators agreed to drop the “right-to-work” bill, the school privatization measure, and the permanent ban on public-worker bargaining. The compromise does allow a pilot project of school vouchers for 7,500 students and would largely ban new project labor agreements, which allow unionized construction companies to be more competitive in bidding on contracts. But most unionists considered the result a substantial victory, considering the Republicans’ solid legislative majority.

OTHER STATES

Battles over workers’ rights are being fought out in many other states, including Oklahoma, Nebraska, Tennessee, New Hampshire and Florida. In March, Idaho adopted legislation that limits public-school teacher unions to bargaining over salary and benefits, prohibiting negotiations over class size or course loads and ending teacher tenure. Idaho’s teachers’ union vowed to fight on.

“I know teachers,” said state union president Sherri Wood. “I’ve been in this profession for 34 years, and I know that the voices of teachers will not be silenced.”

Walker versus workers

By MIKE ELK & PETER HOGNESS

The fight over public worker union rights in Wisconsin is playing out in the courtroom, in the voting booth, in the workplace, and on the streets. A restraining order has so far prevented Gov. Scott Walker's anti-union legislation from taking effect, while legal challenges to the bill wind through the courts. The case may come before the State Supreme Court soon – but the recall elections that will decide the measure's ultimate fate are just getting started.

Democrats and union activists say they have had an overwhelming response in most of the districts that they targeted for recall efforts. As *Clarion* went to press in late April, campaigners had so far filed recall petitions against five Republican state senators who voted for Walker's bill to gut collective bargaining rights for public employees. There have only been four previous recall elections in all of Wisconsin history.

Barry Urbas of North Hudson, Wisconsin, was among the volunteers who collected more than 23,000 signatures to recall Sen. Sheila Harsdorf. A construction worker who works for a non-union contractor, Urbas said it was wrong for Walker and his allies to blame teachers for the state's fiscal and educational problems. "What has become [of us] when you're ashamed to be a teacher in this country?" Urbas told the *Hudson Star-Observer*. "It isn't right. These people deserve better than that."

WIDE MARGIN

The number of valid signatures required to trigger a recall election is equal to 25% of the number of voters in the last gubernatorial election in that district. In the current recall efforts, that figure ranges from around 12,000 to 21,000 signatures

Wisconsin's struggle continues



Gathering signatures to recall Sen. Alberta Darling, a Walker ally

per district. Petitions in each of the five Republican districts filed so far have included around 150% the minimum number, so all look likely to withstand any challenges. They were submitted two weeks before the end of the 60-day window.

Republicans said they were set to file three petitions at *Clarion* press time, in at least two cases with a generous margin above the minimum number of signatures required.

If the Wisconsin Democratic Party is able to pick up three seats in the Wisconsin State Senate they would gain a majority, though two votes might be enough to block anti-union legislation. Republicans hold a wider majority in the State Assembly – but if Walker loses the tangled court fight over the legitimacy of his anti-labor bill, control of one house would be enough to prevent an attempt to re-enact it.

In one of three separate lawsuits against the bill, the Dane County DA charged that the legislature's approval of the bill had violated Wisconsin's strict Open Meetings Law, which requires 48 hours' notice for almost all votes. Democrats charged that less than two hours' notice was given to convene the meeting that voted to strip Wisconsin public employees of their collective bargaining rights.

Dane County Circuit Judge Maryann Sumi ordered the state not to officially publish the law while she heard the case against it, and Secretary of State Doug La Follette said he would comply. Walker then got another state agency to print the law, argued that it had now been "published" and began to implement its provisions, such as the ban on dues checkoff for public-sector unions. On March 29, Judge Sumi

ruled that this was in violation of her restraining order, and warned Walker that defiance of the court would result in sanctions. Since then Walker has abandoned efforts to rush implementation of the bill. On April 1, Sumi gave attorneys seven weeks to answer a set of questions about the legal challenge, and observers say the case may well drag on for months.

Another lawsuit, filed by AFSCME Local 60, Firefighters Local 311 and Laborers Local 236, all representing City of Madison employees, asserts that the anti-union bill is unconstitutional. The unions' suit contends that the bill imposes "an impermissible burden" on workers' ability to act and express themselves through their union, in violation of their constitutional rights to freedom of speech and association. It argues that the bill also violates the constitution's equal protection clause, by imposing burdens on union members not faced by non-union employees, and by limiting the rights of some unions but not others.

The Walker administration has asked the State Supreme Court to consider an appeal of Sumi's restraining order, but the court has not yet said if it will take the case. The challenges against the bill are expected to end up before the high court eventually, which meant that pro- and anti-union activists were out in force for the April 5 Supreme Court election. At stake was the seat currently held by Justice David Prosser, part of the Court's current 4-3 conservative majority.

The race was extraordinarily close. The lead swung back and forth as votes were counted, and when election night was over, Democratic candidate JoAnne Kloppenburg was reported to be ahead by

a little over 200 votes. In an election that close, a recount would be automatic.

Then Waukesha County Clerk Kathy Nickolaus announced that she had discovered 14,000 votes from Brookfield, the largest city in her county, which she said she had forgotten to save while tabulating results on her personal computer. This put Prosser ahead by 7,316 votes. The fact that Nickolaus, a Republican, had previously worked under both Prosser and Walker did not reassure Democrats, nor did the fact that she had had problems with sloppy and irregular procedures in the past. Nickolaus had previously been warned against keeping election records on her PC instead of the county's server, and had received immunity from prosecution in an investigation of misconduct when she worked as a staffer for the State Senate's Republican Caucus.

New law violates constitution, unions say.

No specific allegations against Nickolaus have been raised, and most observers expect Prosser's apparent victory to stand.

But an investigation by the federal Justice Department's Public Integrity Section has been requested by a number of officials, including US Rep. Tammy Baldwin. Kloppenburg has asked for both a statewide recount and an investigation into the results from Waukesha County.

LIMBO

While Walker's bill hangs in limbo, unions like the Teaching Assistants' Association (TAA) at the University of Wisconsin-Madison are collecting pledges from members to continue to pay dues if the bill's ban on collecting dues through paycheck deduction takes effect.

"Some of the graduate employees we talked with this week were a little confused about the future of our union," said Katie Lindstrom, TAA vice-president of organizing. "But after clarifying with people that Gov. Walker can't ban the TAA and take away our rights to organize, the response has been overwhelmingly supportive."

Academic freedom at issue in FOIA requests

The fight over union rights in the Midwest has put professors in the crosshairs – not only as union members, but also as scholars.

On March 17, an official of the Republican Party of Wisconsin filed a request with the University of Wisconsin-Madison legal office under the state's Open Records Law (popularly known as a "FOIA request," after the federal Freedom of Information Act). The request sought "copies of all e-mails into and out of Prof. William Cronon's state e-mail account from January 1, 2011, to present which reference any of the following terms: Republican, Scott Walker, recall, collective bargaining...." It was the beginning of a very long list.

Cronon is president-elect of the American Historical Association, and a professor of US history at

UW-Madison. Just a few days before the Republican Party asked to go through his e-mails, Cronon had put up the first post on his new blog, Scholar as Citizen, about the apparent role of the American Legislative Exchange Council (ALEC), a GOP policy group, in designing and promoting state-level anti-union measures in Wisconsin and several other states. (See sidebar on page 6.) Within two days the post had received half a million hits.

RAW NERVE

"My study guide about the role of ALEC in Wisconsin politics must come pretty close to hitting a bull's-eye," commented Cronon. "Why else would the Republican Party of Wisconsin feel the need to single out a lone university professor for such uncomfortable attention?"

On March 25 and 28, the Mackinac Center for Public Policy, a conservative think tank based in Michigan, followed suit with a FOIA request for the e-mail correspondence of professors at three labor studies programs at Michigan public universities.

FISHING

"It sounds like they're trying to catch us advocating for the recall or the election of a politician," Roland Zullo, a professor at the University of Michigan Labor Studies Center, told Talking Points Memo.

Carolyn (Biddy) Martin, Chancellor of the University of Wisconsin, said that UW would comply with the request but would not release "private e-mail exchanges among scholars that fall within the orbit of academic freedom and all that is

entailed by it."

A UW statement explained why: "When faculty members use e-mail or any other medium to develop and share their thoughts with one another, they must be able to assume a right to the privacy of those exchanges," it said. "Having every exchange of ideas subject to public exposure puts academic freedom in peril and threatens the processes by which knowledge is created."

The American Association of University Professors called the Wisconsin request "an obvious assault on academic freedom" and applauded UW's response.

American Federation of Teachers (AFT) President Randi Weingarten said that the e-mail requests "are nothing more than attempts to intimidate university faculty members. Clearly, their goal is...to

shut down open political discourse and to limit the academic freedom of professors whose independent voice has always been a critical component of public debate," Weingarten said.

A statement from the PSC affirmed that "such fishing expeditions threaten academic freedom and have a chilling effect on the free exchange of ideas on university campuses, and we stand with those who denounce this attack on academic freedom."

CONTRACTUAL

It added that PSC members have a contractual right to use CUNY e-mail to communicate with other union members, but should also keep in mind that under CUNY policy, privacy of e-mails is not guaranteed. More information is on the PSC website, at tinyurl.com/AcadFreedomEmail.

(See pages 8 & 9 for related news and discussion.)

—PH&BF

PSC retirees to the rescue

By JOHN TARLETON

For labor unions and other progressive social movements, the creation of a safety net to protect the elderly from the financial perils of old age was one of the 20th century's great achievements. But today the future of popular programs like Social Security and Medicare is in danger.

In Washington, support for "entitlement cuts" has become the yardstick by which the political and media establishments measure whether a politician or pundit is "serious." Fearmongering about budget deficits dominates the discussion, and more sober analysis is too rarely heard.

EDUCATION

The PSC Retirees Chapter has responded by launching an educational campaign for union members about what Social Security and Medicare do, how they are financed, and how they are being targeted by conservative ideologues who resent the very existence of such government-run initiatives.

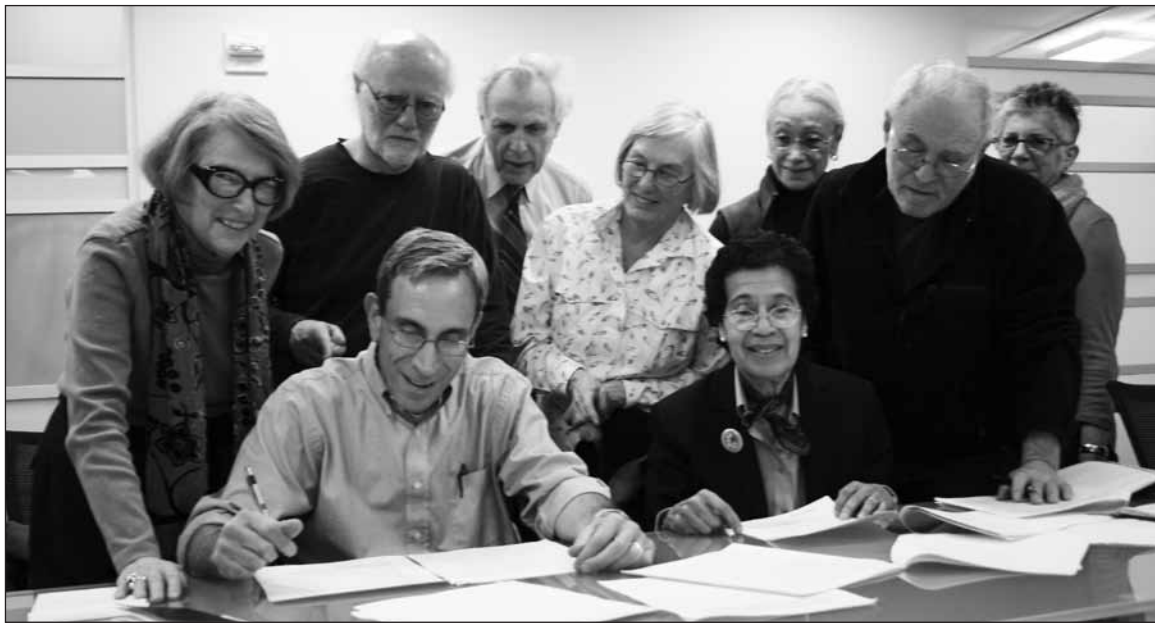
"People need to know what is at stake," says Steve Leberstein, co-chair of the Social Safety Net Working Group.

Enacted in 1935, Social Security is widely considered the most effective anti-poverty program in US history. At the end of 2010, fifty-four million Americans were receiving Social Security benefits, including more than 3.2 million New Yorkers. While retirees make up about two-thirds of beneficiaries, the program is also a vital resource for millions of disabled workers and children who have lost a parent.

TRUST FUND

Social Security is financed directly by payroll taxes that workers pay into a general trust fund; it does not contribute to the federal

Launch campaign to defend safety net



Members of the PSC Social Safety Net Working Group. Sitting: Steve Leberstein (left) and Evi Rich. Standing (from left to right): Fran Brewer, Bill Friedheim, Dave Kotelchuck, Eileen Moran, Cecilia McCall, Jim Perlstein and Diane DiMartino.

deficit. Even with no changes, the program is already projected to be solvent until at least 2037. Lifting the cap on what high earners contribute (payroll taxes are now only levied on the first \$106,800 in earnings), would leave it solvent until 2080 or longer.

Republicans (and some Democrats) are calling, instead, for future benefits to be cut. House Speaker John Boehner (R-Ohio) has suggested the retirement age should be upped to 70 by the middle of the century; President Obama's deficit commission recommended raising it to 69 and slashing benefits by up to a third for middle-class retirees. Many critics of Social Security would also like to see the program wholly or partially privatized by diverting payroll taxes into individual accounts that would be managed on commission

by investment firms. While President Bush's effort to move in this direction was soundly defeated, the idea is still alive in Washington and on Wall Street.

Younger generations have most to lose, they say.

In early April, House Republicans startled many observers when they unveiled a sweeping plan to dismantle the guaranteed health care benefits provided by Medicare and replace them with vouchers that could only be spent on private insurance plans. The plan was authored by Rep. Paul Ryan (R-Wis.) – a self-proclaimed fan of the far-right writer Ayn Rand, who favored abolition of both Social Security and Medicare.

"The logic of where we are going is dystopian," said John Hyland, the other co-chair of the Social Safety

Net Working Group. "The Right's underlying idea is that there's no society, just an agglomeration of individuals." The political forces targeting Social Security, Medicare and public-sector pensions "are anti-tenure and anti-public higher education" as well, Hyland added.

Younger and middle-aged workers have the most to lose, said Leberstein, since politicians will seek to avoid the ire of present-day recipients. An increase in the retirement age, he noted, would force people to stay in their jobs longer, which will make it harder for younger people to get good jobs.

UNION-WIDE PROJECT

The Retirees Chapter formed the Working Group in October and, in February, the PSC Executive Council voted to make it a union-wide project. Subcommittees have been

Forum on academic freedom

On Tuesday, May 10, the PSC's Academic Freedom Committee is sponsoring a forum on "The Ongoing Attack on Academic Freedom: Which Way Forward." Frances Fox Piven will be the featured speaker at the event, which will also include presentations and discussion from Anita Levy (AAUP), Blanche Wiesen Cook (John Jay & GC, history), Clarence Taylor (Baruch, history), Kristofer Petersen-Overton (Brooklyn, poli. sci.). Refreshments at 6 pm, program beginning at 6:30, in the PSC union Hall at 61 Broadway, 16 Fl.

formed to research and prepare basic explanatory materials on Social Security, health care and public-sector pensions, respectively.

Leberstein expects the papers to be completed by the end of the semester. They will then be compiled into a small pamphlet that will also inform people about how they can take action.

Members of the Social Safety Net Working Group spoke at PSC chapter meetings at City Tech on April 14, and the CUNY Central Office on March 3.

"People felt it was very informative," said Greg Dunkel, chair of the Central Office chapter. "A lot of members had thought Social Security was going bankrupt."

The Safety Net Working Group is looking to schedule speaking appearances at the other CUNY campuses as well as to organize a CUNY-wide forum on the issue for the fall. Leberstein said the group will also be working closely with activists in other unions.

More information is online at psc-cuny.org/our-campaigns/defend-social-safety-net.

Welfare Fund juggles new federal mandates

By LARRY MORGAN

Director, PSC-CUNY Welfare Fund

The first elements of the federal health care reform law are starting to take effect. Nationwide, some benefits are expanding, and that's welcome news. But change in the US health care system is a complicated undertaking, and poses challenges for existing providers. How and when new rules take effect may vary, including for the PSC-CUNY Welfare Fund.

EXPANDING BENEFITS

Our Fund and almost all of the more than 100 public-sector union supplemental funds in New York City currently cover all children until age 19, and after that until age 23, as long as they are qualified as full-time students and are unmarried. The new law expands the

Key Obama reforms unfunded

eligibility of adult children up to age 26, and almost all restrictions within that age group are removed. There are no longer restrictions related to student status, marital status, residency or tax reporting. Effective July 1, 2011, this will mean that between 1,500 and 1,800 people between age 19 and age 26 will be covered by the Fund.

For these young people and their families, this is good news. Unfortunately the law does not require the employer – in this case CUNY – to increase benefit funding, and they haven't. That's not good news for the Fund. Fortunately, the added dependents in this age group are generally healthy and do not tend to use their benefits with high frequency.

Another benefit expansion scheduled to go into effect is the gradual removal of limitations such as annual or lifetime caps on key benefits plans. For our Welfare Fund, the only significant benefit so affected is the Medco prescription drug program, which currently provides coverage up to a maximum of \$10,000 per person, per year. The health care reform law provides for a phased lifting that would place the cap at \$750,000 in the first year.

Your Welfare Fund operates on a fixed income in much the same way as many pensions. While costs may increase, the income of the Welfare Fund remains a per capita contribution from CUNY that typically stays fixed over

the course of a contract. To raise the Medco cap would mean a sizeable increase in costs (over \$1,500,000, according to our benefit consultants), with no additional revenue to cover them. The only way for the Fund to implement this part of the health care reform law

Your welfare fund operates on a fixed income.

as scheduled would have been to reduce other benefits to pay for the increased cap. The legislation allows for funds in this situation to apply for a year-to-year waiver: the Fund did so, and a waiver was granted.

Without a waiver, we would have been forced to cut other benefits to pay for the higher cap. That is not the intent of the new law, and avoiding such unintended consequences is why the waiver provision exists. Because we were granted the waiver, no benefit

changes had to be made. Most other welfare funds were in a similar position, and more than 1,000 waivers have been granted.

LOOKING AHEAD

As this example indicates, the new health care reform law is not perfect. Stronger options were available, such as a single-payer plan, a public option, stricter control over prescription drug prices, or stronger mandates on employers, any of which would have done more to provide an adequate funding stream or lower costs for expanded benefits. The new law will improve health care for millions of Americans, but it leaves many key problems in health care unresolved for Congress to address in the future.

Meanwhile entities like the PSC-CUNY Welfare Fund are working to find ways to meet new levels of responsibilities. The Fund will inform members as the implementation of the new law proceeds, and as the debate about more meaningful health care reform unfolds.

WHO'S NEXT?

Open season on academics

By **STEPHEN LEBERSTEIN**

Chair, PSC Academic Freedom Committee

& **SANDI COOPER**

Chair, University Faculty Senate

The year began with threats of violence against Frances Fox Piven, distinguished professor of sociology and political science at the Graduate Center, following Glenn Beck's repeated denunciations of Piven on his Fox network show and the posting of her home address on his blog. At the same time, Kristofer Petersen-Overton, a PhD student in political science hired to teach a course on Middle Eastern politics at Brooklyn College, was fired just days before his first class following a complaint to the Chancellor by Assemblymember Dov Hikind.

FIGHTING BACK

As a result of a massive letter-writing campaign and the united stance of the department, Petersen-Overton was re-hired several days later. Piven's colleagues have rallied to her defense – and the Graduate Center has taken the precaution of posting a guard outside her classroom door.

Now the Republican Party of

Wisconsin has launched an “open records” request for all e-mail that William Cronon, University of Wisconsin-Madison historian and president-elect of the American Historical Association, may have sent containing the words “Republican,” “collective bargaining,” “rally,” “union,” or the names of anti-union Republican legislators targeted for recall.

Cronon had recently written an op-ed piece for *The New York Times* suggesting that Wisconsin Gov. Scott Walker's attack on public sector workers' bargaining rights was out of line with the best traditions of the state, more akin to the tactics of the disgraced, late Senator Joseph McCarthy. The Freedom of Information Law (FOIL) demand came just after Cronon used his new blog, Scholar as Citizen, to inquire about the role of a group called the American Legislative Exchange Council (ALEC) in drafting the bill stripping collective bargaining rights from Wisconsin's public employees, including those at the University of Wisconsin. ALEC drafts model laws that Republicans then introduce in state legislatures, and there are striking similarities between Wisconsin's anti-union legislation

and that introduced in other states (see pp. 6-7), and Cronon's blog post may have hit a nerve.

That same week the Mackinac Center for Public Policy followed suit with its own open records request in Michigan, seeking any e-mails from faculty at labor studies centers at the University of Michigan-Ann Arbor, Michigan State University, and Wayne State that contained the words “Scott Walker,” “Wisconsin,” “Madison,” or “Maddow.” The person responsible for this request, the Mackinac Center's Ken

Random right-wing attacks spread fear.

Braun, said, “There is a very specific type of discussion that I am looking for, and that is why it is targeted at these three unique departments at these three universities,” reported the *Chronicle of Higher Education*. But Braun refused to discuss exactly what the Mackinac Center was looking for.

Braun's motives are hardly a mystery, though it remains to be seen how the Michigan FOIL request will play out. But the threat to the free exchange of critical ideas is real, however random it may appear. It's easy enough to imagine ways that the Wisconsin Republican Party or the Mackinac Center

might use an out-of-context quote to demonize its author, especially if found on her university e-mail account. Beck, for example, has conjured up a ridiculous conspiracy theory that holds Piven and her late husband, Richard Cloward, responsible for the economic collapse of 2008, based on their short 1966 article about how poor people win concessions from government.

As for Michigan, labor studies centers are already under attack by Republican legislatures in California, Indiana and elsewhere, and the Mackinac Center is apparently seeking ammunition to shutter the ones in Michigan. If you happen to be a tenured, distinguished professor, or the president of the American Historical Association, chances are good that your university won't try to fire you, as might very well have happened in an earlier period. But if you're an adjunct lecturer or other contingent faculty member, there are no guarantees you can count on to keep your job. The very randomness of the targets makes the attacks all the more frightening: how can you be sure you won't be next?

The result is intended to stifle the kind of critical inquiry that is at the heart of the academy, and thus to restrict public discourse on the

most important issues of the day.

Cronon's aptly titled blog, Scholar as Citizen, puts it best. That's the role he and Piven and Petersen-Overton and many others are playing, at their risk but to the benefit of our tottering democracy. But how many others, especially the majority of college teachers without protection who need their jobs to pay the rent, will play it safe rather than risk standing up to speak out about the truth they have found in scholarship? Even the end of the *Glenn Beck* show on Fox News hasn't yet banished the ghost of Joe McCarthy from academia.

VIGILANCE

What's needed is resistance, persistence and, as the cliché has it, eternal vigilance. Universities must stand firm against outside political pressure. We must defend existing protections like tenure, and extend due-process protections of intellectual freedom to our growing legions of contingent faculty as well.

If we remain courageous and assertive about academic freedom in its broadest definitions, maybe with a bit of luck, we will soon see the end of these thuggish assaults cloaked behind the legal veil of FOIL.

HIGHER ED TRANSFORMED

The corporate university

By **LENORE BEAKY**

LaGuardia Community College

“In reacting to the economic insecurities of the past forty years, the nation's colleges and universities have adopted corporate practices that degrade undergraduate instruction, marginalize faculty members, and threaten the very mission of the academy as an institution devoted to the common good.”

With these words, historian Ellen Schrecker introduces her new book, *The Lost Soul of Higher Education: Corporatization, the Assault on Academic Freedom, and the End of the American University* (New Press). Schrecker explores the traditional aspects of academic freedom, its history, definition, and the struggles that have surrounded it. Then in the book's final chapters, Schrecker analyzes the “structural” threats to the academy since the 1970s, including the withdrawal of public funding, its replacement by corporate values and practices, and the increase in contingent faculty. These last chapters turn out to paint an uncanny portrait of CUNY.

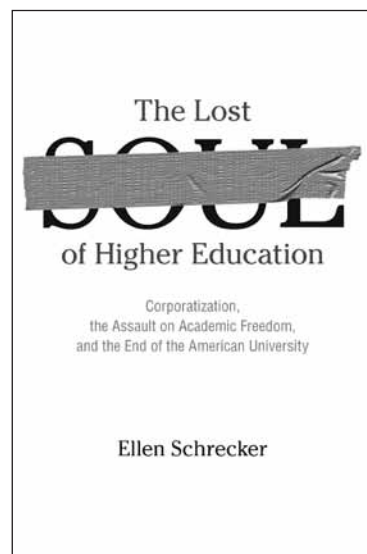
Academic freedom is an essential condition for effective teach-

ing and scholarship. The AAUP's 1915 and 1940 Statements demonstrate how, through tenure, academic freedom protects faculty in the performance of their teaching, research, scholarship, and outside (“extramural”) speaking. Academic freedom is also reinforced by faculty governance, Schrecker says. However, some court decisions (*Bakke*, 1978; *Urofsky*, 2000) have located academic freedom in universities rather than in faculty members. In the wake of the 2006 *Garcetti* decision, lower courts have given mixed signals about whether there is any particular legal protection for faculty speech while on the job (see p.4).

SQUEAKY WHEELS

Schrecker chronicles instances of successful attacks on faculty and the failure of their institutions, sometimes their colleagues, and sometimes the AAUP, to protect them. Many such faculty were “squeaky wheels,” intemperate or difficult colleagues, leftists. The struggles of the 1960s and the subsequent right-wing backlash are set forth in the middle portion of the book, continuing through post-September 11 manifestations of intolerance and fear on campus.

Susan Rosenberg at John Jay and Mohamed Yousry at York College are cited. But such struggles of the past decade are less consequential than the structural changes to which Schrecker devotes her last two chapters (and might well have devoted a fuller analysis).



Responding to neoliberal assaults on the public sector and to the 1970s financial crises, Schrecker says, universities became more responsive to market forces, monetizing their resources. Academia

would be run like a corporation; it would be “flexible,” “nimble,” entrepreneurial. Faculty governance, too cumbersome, would be circumvented, then ignored.

The 1980 Bayh-Dole Act permitted universities to patent their products and reap the proceeds, so faculty would produce profits for themselves and their universities through research. Universities and corporations would work together; faculty would work for corporations. If studies didn't confirm the marketability of a product, the results wouldn't be published. Conflicts of interest would be “managed,” not prohibited.

As tuitions increased to replace public funding, universities marketed themselves to prospective customers through national rankings or standardized test results. Students became consumers, focused on more career-oriented curricula. Students were most likely to be taught by contingent faculty off the tenure track who lacked due process, academic freedom, and curricular control. By 2007, AAUP's *Academe* revealed that nearly 70% of all faculty held full- or part-time contingent appointments. This “casualization” of the faculty is the subject of Schrecker's final chapter.

CUNY has followed this same trajectory. About half of all instruction at CUNY has long been provided by adjunct faculty – and that proportion has recently been on the rise. The School for Professional Studies (SPS) is designed to respond “nimble” to market demands. The New Community College will prepare students for work as quickly as possible. Neither had any significant initial faculty planning, and CUNY envisioned both as alternatives to traditional faculty structures of governance.

CONFLICTS OF INTEREST

The 2008 CUNY Policy on Conflicts of Interest “seeks to manage Conflicts of Interest in order to minimize the potential harm that could result,” since the policy concedes that “The University has determined that a strict prohibition of Conflicts of Interest (as defined in Section 5.7), with disciplinary sanctions for violation, does not serve the public interest because potentially beneficial interactions with industry would be lost.”

The trends, at CUNY and nationally, are not encouraging. Schrecker wonders whether “higher education as a bastion of freedom and opportunity will, like the polar bears' glacial habitat, slowly melt away.” And as with global warming, the answer to that question will be determined not in one big confrontation, but in thousands of smaller struggles, each of which shapes a piece of the university's – and our University's – future.

GENERAL EDUCATION & TRANSFER

Fake solution to a real problem

By MATTHEW MOORE & SCOTT DEXTER

At its June meeting the CUNY Board of Trustees will consider a resolution on “Creating an Efficient Transfer System,” the text of which can be found online at cuny.edu/pathways. That resolution is objectionable both substantively and procedurally: substantively, because it will drastically reduce the quality of general education at CUNY; and procedurally, because it will wrest control over curriculum away from faculty at the campuses and pull it up to 80th Street, where the faculty’s voice will be only one among many. There has been little or no rank-and-file faculty involvement in developing this proposal.

The Board intends to amend its bylaws in June as well, and one of the changes sheds light on who CUNY administration thinks should make decisions on curriculum. Section 8.6, which now states that “the faculty shall be responsible...for the formulation of policy relating to...curriculum,” would instead say that “the faculty makes policy recommendations” on curriculum and related matters.

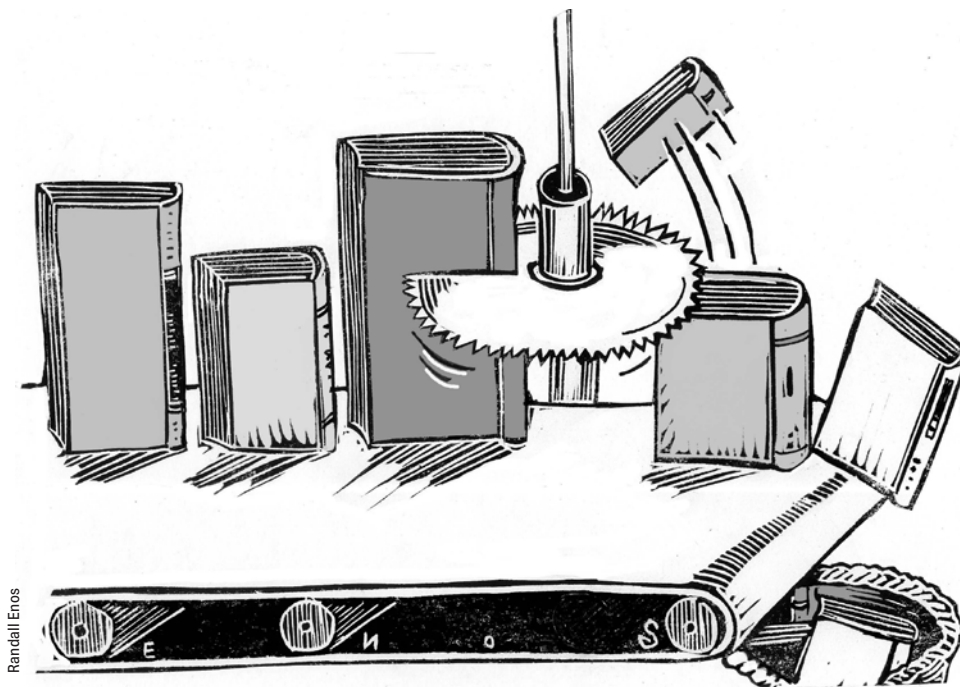
Eightieth street is pushing the Board of Trustees to move rapidly to make CUNY a very different place. We write in the hope that faculty, once apprised of the Board’s intentions, will speak loudly and effectively in opposition. Nothing less than the future of our University is at stake.

NON SEQUITUR

Anyone who interacts with and cares about our students knows that we make life much too difficult for those who transfer. We need an efficient transfer system, and we needed it yesterday. Policies and procedures for transferring general education credits are among the many obstacles our transfer students face; by all means let us reform those policies and procedures, along with all of the others that make transferring too hard at CUNY. But let us make sure that any changes we adopt will actually help solve the problem, and will not undermine CUNY’s existing strengths.

The second sentence of the resolution’s Rationale states the obvious truth that in order to “enhance [transfer] students’ progress, CUNY must insure that its transfer system operates smoothly and efficiently.” But then there appears a *non sequitur* that runs through the rest of the resolution, shifting its focus from outdated and unwieldy processes to curriculum. Under the inspiring banner of transfer reform, this resolution launches a focused attack on general education itself.

The proposal calls for the formation of a task force, to be charged with “creating a common general education framework for the undergraduate colleges of the University. The framework will set credit requirements



in general education across broad disciplinary areas and will consist of a maximum of 36 credits of lower-division general education courses, with baccalaureate programs able to add up to six credits of lower- or upper-division credits at their option.”

Such a reduction in the number of general education credits would require arbitrarily eliminating valuable and carefully developed courses, and thereby dilute academic standards.

For these reasons, resolutions in opposition to this proposal have already been adopted by governance bodies at Baruch, Brooklyn, City, College of Staten Island, and Lehman; by many departments at Brooklyn College; by several CUNY-wide discipline councils; and by student governance bodies at Baruch and Brooklyn. Another, even more disturbing, reason is that the homogeneity of this framework would sweep away many of the best features of the colleges’ general education programs, which have been carefully shaped by faculty in order to serve our students’ needs and aspirations. Unique and valuable initiatives developed by a college’s faculty to help their particular students, such as Brooklyn’s Core Curriculum or BMCC’s health education requirement, have no place in CUNY’s proposal.

RUSHED

We encourage everyone who reads this article to spend some time with the resolution itself, and the critiques of it by various faculty bodies. This framework will lead to deep and sweeping changes in general education curricula at all of our campuses. One would expect that a framework with such momentous implications would be formulated with most deliberate care. The task force to be created at the June Trustees meeting, however, is to deliver its report to the Chancellor by November 1, 2011. The blueprint for general education at CUNY is to be torn up and replaced in less than half a year. A process this rushed will not have a good outcome, and many of the faculty resolutions ask the administration to slow it down.

This task force represents a radical change

of approach, not just to general education, but also to faculty governance and, in particular, faculty control over curriculum. One might expect that the scale of the changes in curriculum and in faculty governance that this resolution would usher in, and the precipitate haste with which they will be enacted, would have very compelling justifications. But those offered to date fall far short of the appropriate standard of proof.

The actions proposed in this resolution find their main justifications in a report issued by CUNY in October 2010, entitled “Improving Student Transfer at CUNY.” This 30-page report (excluding appendices) purports to be a close, data-driven analysis of the challenges facing the transfer system(s) at CUNY. But as an analysis by Baruch Professor of Finance Terrence Martell shows, much of the data cited in the report is not what it seems, and very little of it lends any support whatsoever to the proposition of a University-wide overhaul of general education.

CUNY’s report seems largely motivated by the claim that “excess” credits – those earned by students beyond the 120-credit minimum for graduation with a baccalaureate degree – represent a cost to the University of \$72.6 million. But as Professor Martell points out, at most, \$20.9 million of that might be attributable to problems with CUNY’s transfer system. Either way, we vigorously reject the suggestion that general education is a luxury we cannot afford to give our students.

Another source of data for CUNY’s report is a set of three focus groups of transfer students who graduated with more than 120 credits. These students suggested a number of reasons for having earned more than the required number of credits, according to the report: “having changed majors...needing to take more courses to bring up their GPA’s...extra courses so they could maintain full-time status to remain eligible for [health insurance or financial aid],” in addition to problems with transfer and course evaluation. But the lesson CUNY’s report draws is that “students had not acquired these credits through a simple desire to explore academic byways.” Instead,

it concludes that “when they changed majors, it was usually because they had trouble meeting requirements – especially math requirements – in their first [majors].”

As Professor Martell says, “The Report strongly suggests that all our transfer students change majors because they cannot succeed at their initial choice! This is not our experience and it demeans our transfer students.” Indeed, CUNY’s report imagines a status quo in which none of our students (transfer or otherwise) ever experience intellectual growth or curiosity. This flies in the face both of the mission of *any* university and of the daily experiences of CUNY’s faculty and students.

STUDENT VOICES

The students in these focus groups identify a number of problems with which all of us are familiar – the need for students to maintain full-time status; the insufficient offering of required courses; gaps in academic preparation. But the recommendations made in the report appear not to engage these problems at all – and may even exacerbate them. CUNY’s modest proposal to reduce the amount of general education we can offer our students may indeed make graduation arrive more quickly and easily for many of our students. But what of the value of their diplomas, their ability to contribute to the economic growth of the city, and their prospects for a fulfilling life?

Anyone who has worked with transfer students at CUNY knows that the transfer system is not just inefficient, but in many respects simply broken. A task force comprising students, faculty and administrators is an excellent mechanism for identifying and cutting through the many administrative and operational knots that constitute this complex problem. Put the focus of the resolution on transfer, where it belongs, and not on general education, and the overall approach is not a bad one. Our objection is not to a task force in which these groups collaborate, and certainly not to the aggressive pursuit of a solution to the very real problems our transfer students face. It is only when such a task force intervenes in curricular matters that it becomes objectionable.

TIME TO ACT

When we recall that in June the Board will be asked to amend the bylaws so that faculty no longer set, but only recommend, policy on curriculum, we see that the resolution on general education is part of a larger assault on faculty governance, and a major step in the creation of a more top-down university, with much reduced academic standards. If you agree, the time to act is now. If your department, and the governance body at your college, have not yet adopted a resolution in opposition to this proposal, urge them to do so right away, and to forward it to the University Faculty Senate, which is collecting such resolutions and passing them on to the administration. Add your own name to the online petition at bit.ly/cunyGenEdPetition.

The administration would like us to believe that these damaging changes are inevitable. They are not, unless we allow them to be.

Matthew Moore and Scott Dexter are faculty members at Brooklyn College. Moore is chair of the philosophy department; Dexter is a professor of computer and information science and director of BC’s Core Curriculum.

What do you think?

Clarion welcomes letters to the editor or ideas for other op-eds on CUNY’s proposed changes in general education. Write to phogness@pscmail.org; letters should be under 200 words. The University Faculty Senate Spring Conference, 9:30-12:30 on April 29, is on “General Education & Faculty Authority.” See p.4 for details.

Faculty control over curriculum at risk

UNIONS & UNIVERSITIES

We're all badgers now

A conversation about unionization and higher education between Stanley Fish, professor of humanities and law at Florida International University in Miami, and Walter Benn Michaels, professor of English at the University of Illinois at Chicago.

STANLEY FISH: In over 35 years of friendship and conversation, Walter Michaels and I have disagreed on only two things, and one of them was faculty and graduate student unionization. He has always been for and I had always been against. I say “had” because I recently flipped and what flipped me, pure and simple, was Wisconsin.

When I think about the reasons (too honorific a word) for my previous posture I become embarrassed. They are by and large the reasons rehearsed and apparently approved by Naomi Schaefer Riley in her recent op-ed piece “Why unions hurt higher education” (*USA Today*). The big reason was the feeling – hardly thought through sufficiently to be called a conviction – that someone with an advanced degree and scholarly publications should not be in the same category as factory workers with lunch boxes and hard hats. As Riley points out, even the American Association of University Professors (AAUP) used to be opposed to unionization because of “the commonly held belief that universities were not corporations and faculty were not employees.”

WALTER BENN MICHAELS: But at UIC, where I worked for Stanley and where many of us are working right now to build a union, “a lunch bucket faculty for a lunch bucket student body” is a standard way of describing us, originally intended as a form of condescension but increasingly accepted as a badge of honor. Why is it a bad thing that our students aren’t as rich as the ones at Northwestern or the University of Chicago? Why is it a bad thing to accept the fact that we are workers? We’re fortunate that some of us are pretty well-paid workers, but many of us aren’t and, well-paid or not, we all have less and less of a say in what our university does and how it does it. When workers want a voice, what do they do? Unionize! So even though our job descriptions range from professor to principal investigator and we make more books than widgets, that’s what we’re trying to do.

SF: I have to agree. If “universities are not corporations” ever was a good argument, it isn’t anymore because universities, always corporations in financial fact, become increasingly corporate in spirit every day.... [T]he only question becomes whether, as employees, we can do better for ourselves by ourselves or whether we will be in a stronger position if we unite.

That’s not the simple question it appears to be, because for a small percentage of academics there is something like a free agent market: another university comes calling and you’re in the nice position of being able to pit your current employer against your suitor and wait to see who will come up with the best package. But most of us are not in this position, and so it doesn’t pay (quite literally) to conceptualize our situation as if we were all stars. Once we accept as a baseline the average hardworking instructor or the completely vulnerable adjunct the case for unionization, at least on the level of professional self-interest, seems compelling.

It has not seemed compelling to those who see an ill fit between what is essentially a meritocracy (the question asked in tenure and hiring meetings is always “Who is the smartest?”) and the tendency – or so it is said – of unions to protect members who are marginally competent. If academics opt for unions and “a belt-and-suspenders security,” Riley warns, we might “expect that even the laziest, most incompetent or radical professor won’t get fired.”

both unionized and, to use the word invoked by Riley in her *USA Today* piece and by our own provost in his communications to the faculty, “elite.” This would come as a shock to the Rutgers philosophy department, which works on a unionized campus and which is nonetheless ranked as one of the two best in the US. And it’s even a bit of a shock to the UIC English department, which isn’t as elite as Rutgers philosophy but is (according to the National Research Council) among the

alism consists in shutting up and doing what management tells you to do.

But why should we shut up? Who else actually cares about our teaching and research? People like Riley claim that we should be worried about how unionization will “affect the quality of higher education in America.” But whether you’re a radical or a conservative, a Republican or a Democrat, it’s easy to see that the unions aren’t what’s destroying the public colleges and universities. In the last 10 years, we’ve seen Illinois and states all around the country beat a rapid retreat from their commitment to public higher education. We’ve seen the increased transfer of undergraduate teaching to non-tenure-track faculty who are paid at a wage that, if they were supporting a family of four, would qualify them for food stamps. We’ve seen more money spent on administering universities and less money spent on the teaching and the research that are the only reasons the universities exist in the first place. Unions aren’t the problem. They’re the beginning of the solution.

SF: The erosion of support for public higher education is a part of a larger strategy designed to deprive public employees of a voice and ensure the triumph of conservative/neoliberal policies. Republican legislators in New Hampshire propose taking the vote away from college students and say straight out that they want to do it because students are known to be liberal. Governor Walker of Wisconsin cites budgetary woes as the reason for taking away the bargaining rights of public sector unions, but everyone knows his real reason is to reduce union membership (why join and pay dues if there is no longer any strength in numbers?) and thus dry up support that would have gone largely to Democratic candidates. Wisconsin Senate Majority Leader Scott Fitzgerald (shouldn’t there be a patent on names?) makes it official: “If we win this battle and the money is not there under the auspices of the unions...President Obama is going to have a...much more difficult time getting elected.”

Fitzgerald, Walker and Riley remind me of something I had forgotten, cocooned as I have been in the small world of the academy. With apologies to John Donne, “no university is an Island” and “ask not at whom the union-bashing is aimed; it is aimed at you,” even if you (like me) are relatively insulated from its immediate effects....

We are all badgers now.

WBM: Hey, UIC faculty – sign the card!

A slightly longer version of this article originally appeared on Stanley Fish’s blog in the Opinionator section of The New York Times website (see tinyurl.com/fish-badgers).



It is when I read a sentence like this one of Riley’s that I come to my senses and recognize what’s going on. “Lazy” and “incompetent” go together; they point to deficiencies we don’t want our teachers to display. But “radical” is a political judgment. What Riley fears is that if colleges and universities were unionized, teachers with far out, discomforting ideas couldn’t be fired. It’s hard to imagine a better argument for unions (and also for tenure). The autonomy and independence of the academy is perpetually threatened by efforts to impose an ideological test on hiring and firing decisions....

WBM: At UIC, we’re not so worried about our bosses weeding out the radicals – our administration has been staunch in its support of academic freedom. But what amazes us is the idea that somehow a faculty can’t be

top 20 in the country, and which almost unanimously supports unionization. Riley may think that only the “laziest” want unions, but our ranking is based largely on the strength of faculty productivity – it’s the hardworking ones who want the union most.

Why? Because we think that the people who actually do the teaching and the research should have more of a say in how the teaching and the research gets done. Riley quotes the president of the University of Buffalo saying, “Unionization runs contrary to what you’re socialized to do if you’re a researcher. The notion of belonging to a herd seems on the face of it inappropriate.” But since when does having a voice in what happens in your own workplace count as belonging to the herd? The president of Buffalo, despite the fact that Buffalo is itself unionized, apparently thinks that rugged individu-

No professor is an island....

Clarion MAY 2011

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15-MINUTE ACTIVIST

Bring a couple of friends

The May 5 rally at City Hall will be the PSC's biggest demonstration of the year. For this rally to make our union's power fully visible to the City, the CUNY administration and to each other, we not only need you to come but we need you to invite at least two colleagues to attend. As the protests in Wisconsin showed, it makes all the difference when

people take a stand in the most personal way: being there.

Contact PSC organizer Alex Reusing (areusing@psccmail.org) to let us know that you're coming. To get the budget restorations and the contract that we deserve we need to stick together, in solidarity and strength. Students are welcome to attend.

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OUR POWER

Why May 5

By BARBARA BOWEN
PSC President

On Thursday, May 5, the PSC will hold our biggest demonstration this year, and our first for a new contract. We will meet at City Hall at 4:00 pm and march to Borough of Manhattan Community College on Chambers Street. **We are marching from City Hall to BMCC to link our opposition to budget cuts for CUNY with our demand for a fair contract.** If you have a stake in either, you should be there.

One of the lessons from Wisconsin is that numbers matter. Even though the outcome remains uncertain, the protests in Wisconsin changed the political landscape far beyond that state. What made the difference was not just the brave and brilliant action of the teaching assistants' union, whose members started the occupation of the Capitol. Nor was it the speeches by celebrities and union leaders. It was the sheer number of people – many of whom had never been to a demonstration before – who took a stand in the most personal way: being there.

I am asking you to *be there* on May 5. Power is built one person at a time, and the PSC has probably never needed power more than we do now. **We are marching on May 5 to make our power visible to the city, to the CUNY Administration and to each other.** With nearly 25,000 members, the PSC is one of the city's major unions. On May 5, we need to think big.

We get there by starting small. Behind every demonstration are thousands of individual decisions to take action. Make that individual decision, if there's any way you can, for May 5. Join hundreds of your colleagues who have rearranged their schedules to stand up with you. Don't allow the outcome of our contract negotiations or the budget decisions to be determined without your voice. If you have a vision for CUNY and for your own professional life, we need you there.

On May 5, Mayor Bloomberg is scheduled to announce his executive budget. His preliminary budget already demands deep cuts to CUNY, and we expect more of the same in the final proposal. **We are marching on May 5 to oppose the mayor's austerity budget and demand a restoration of CUNY funds.**



PSC members at a protest against budget cuts to CUNY.

Budgets represent political choices, and the choice expressed in the mayor's budget is clear. In the state with the greatest income-inequality in the country, CUNY is one of the few means of moving out of poverty. For thousands of students, Mayor Bloomberg's budget would block that route. **We are marching to call for an end to the war on CUNY.**

We are marching on May 5 to puncture the myth of economic austerity. Wall Street profits are soaring and CEO salaries regularly top \$20 million. There is plenty of wealth in the US, but it is distributed more unequally than at almost any time in our modern history.

New York State did not need to pass an extreme austerity budget. By closing tax loopholes and implementing a more progressive fiscal policy, the State could have avoided many of the cuts. Yet Albany

gave a five *billion* dollar tax break to the richest 3% of New Yorkers – and paid for it by slashing funds for children, the elderly, the sick, the poor and CUNY. That doesn't make economic sense, because it will not help to revive the economy; and it doesn't make moral sense, because it blatantly transfers public wealth from the poor and the middle class to the rich. Budgets in other years have been worse for CUNY, but few have screamed injustice as loudly.

The cuts are "racist, classist and sexist," as PSC member Heidi Lopez said in her testimony last month at City Hall. They disproportionately affect women, people of color, the poor and the working class – exactly the population that counts on CUNY for a chance of a different life. Every dollar cut from the University budget means a loss in the qual-

ity of students' education: a professor who is so overworked that she has no time to spend with individual students, a dilapidated building that is not repaired, a class that's too big to teach well. There is still a chance that the State budget can be amended before the tax break goes into effect: **we are marching on May 5 to demand a modification of Albany's immoral budget.**

The myth of economic austerity also threatens our contract negotiations. **We are marching on May 5 to show the CUNY administration we will not accept an austerity contract.** Six months after the expiration of our last contract, we still have no economic offer and no contract proposals from CUNY. Informal talks about non-economic issues are making some progress, but CUNY has not yet proposed any money for salary increases or other economic needs. Meanwhile, a war on public workers is raging nationwide, and both Mayor Bloomberg and Governor Cuomo are threatening to use the excuse of economic crisis to force concessions from public-employee unions. The PSC is taking a stand for a contract that does not give in to the false premise of austerity.

PSC members have told us you do not want the bargaining team to move forward with a contract until there are real economic increases, but you have also told us you cannot wait indefinitely. If CUNY is to remain competitive nationally, salaries must continue to rise. Our other demands become more urgent as funding shrinks and enrollment climbs.

CUNY's reliance on underpaid adjunct labor to teach half its courses is the scandal at the heart of the University. The demand to fix this system is growing, and it is being voiced by full-timers – and students – as well as adjuncts themselves. Class size and teaching loads are becoming dysfunctional; both of these must be addressed if our students' education is not to suffer. And the log-

jam of promotion for higher education officers must be broken: when capable employees find a roadblock obstructing their careers, the University suffers. **We are marching on May 5 to demonstrate support for our contract demands and our support for each other.**

Above all, **we are marching on May 5 to build power for May 6, May 7, and beyond.** We will need that power, for we are up against well-financed opponents when we challenge the lie of austerity and demand economic justice. But each act of resistance helps to loosen the grip of that lie. The most important thing we can do on May 5 is allow ourselves to be changed by action; we may be surprised at what we become able to do.

Let's
make
our
power
visible.