



The Forum



At *The Forum* we write about the pressing issues our members face on campus. We do so from the perspective of labor, connecting our local concerns to those of the state-wide agenda of UUP, the national crisis facing public higher education and the issues of working people in the US and beyond.

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Resolution Against Intolerance:

In light of recent hateful events on some of SUNY's campuses, the UUP statewide Executive Board adopted the following resolution:

Whereas, in the days since November 8, 2016, there has been a notable increase in the number of both bias-related incidents and hate crimes on college campuses across the United States; and

Whereas, such actions express the worst aspects of bias and systematic racism, sexism, misogyny, homophobia, and islamophobia; and

Whereas, higher education communities are, by their nature, intended to be sanctuaries for diversity in thought and expression, with tolerance being the over-riding principle guiding our intellectual exploration; and

Whereas, higher education communities are uniquely positioned to oppose the targeting, intimidation or exclusion of any member or group in these communities; and

Whereas, statements condemning acts of hatred and exclusion have unfortunately been limited in number and scope; and

Whereas, UUP has consistently maintained the strongest position in opposition to all types of bigotry, bias and hatred; therefore be it

Resolved, that UUP calls upon our campuses, communities, and our nation to come together in vigilant support of inclusion, of pluralism, and of diversity; and be it further

Resolved, that UUP expresses its unequivocal condemnation of hateful expression in any and all forms on SUNY campuses, our communities and our nation; and be it further

Resolved, that UUP publicly expresses this condemnation and invites the SUNY Faculty Senate and SUNY Administration to join us in aggressively countering such expression wherever it occurs in our University community.

You can read more about this resolution and the immediate context on the UUP Website. It is incumbent upon us as academic and professional faculty to stand emphatically in support of such principles. Your UUP Chapter leadership is committed to ensuring that the UAlbany campus is a safe and supportive environment for employees and students alike. Please keep us informed about concerns, incidents, or initiatives, and we pledge to work with both the University Senate and the University Administration to ensure that the campus lives up to ideals that it has espoused.

Save our Union!

Donald Trump is the President-elect of the United States of America. While this will undoubtedly present an enormous set of challenges for working people of all races and creeds, the one I will focus on here necessarily unites us as members of UUP: the fate of unions. Many of you will remember the case of *Friedrichs vs. California Teacher's Association*, a Supreme Court case that threatened to eliminate agency fee-payers and thus tried to cripple unions' financial and political power. We outlined the union's position on this case—which was decided by the sudden death of Justice Scalia—in a previous issue. Trump's victory makes this article newly relevant and so we reprint it below (pgs. 14-16). For Trump now gets to appoint at least one, maybe more, Supreme Court Justices, which means, in turn, that one of the some twenty-seven current anti-union cases similar to *Friedrichs* will eventually make its way to a newly right-wing Court. At the same time, we confront the very real possibility of National-Right-to-Work legislation, which would allow agency fee payers to opt out of their union dues, meaning that members of our bargaining unit could directly benefit from our labor without having to support it. Such a bill already exists in Congress and could be passed at the start of the next legislative session.

It is, nevertheless, possible that we will find some protection against even a federal bill of this nature. Governor Cuomo has not always been a friend to unions, famously calling teachers' unions an "industry" with selfish pursuits. But in a fiery speech to the AFL-CIO in August, he said: "I believe in the labor movement. I want union labor because they built the middle class in this country and they're going to rebuild the middle class in this country. That's why I want union labor. I want union labor because they're a force for social justice, not just in this state but all across the entire country."

Now, then, is the time to stand up for the union. If you appreciate dental care and vision, if you have benefitted from health care and job security, if you enjoy your weekends and your vacation time, then remember the long years of struggle and agitation by unions that got you those things. And if you value the notion of the social—the idea that we are in this together, regardless of our race, our religion, our gender or our sexuality, and that a just society is one that refuses to wall us up in our differences but, instead, finds ways to bridge them and one that refuses to exacerbate inequality, exploitation, and oppression, but, instead, seeks to redress them—then now is the time to make your voice heard. If you believe in the union and have friends who do not, tell them why. If you have members of your department or unit who are not part of our bargaining unit, sign them up (<https://uuphost.org/myuup/Membership/RegForm.php>). If you want to protect the benefits your union has provided, write to your legislators, your congresspeople, your senators. Contribute to VOTE-COPE (<http://uupinfo.org/votecope/index.php>). Remind Governor Cuomo of those ringing words above; hold your legislators' feet to the fire and demand that they recognize your interests. Because the union is yours: it is the only organization on campus dedicated to pursuing your interests as employees, and it is made up entirely of our members. It is a place, in other words, where you have a voice, but that voice only exists if you all participate. So let's raise our collective voices and preserve the freedoms we've won together. If we don't, then we might each have to negotiate our next contract on our own.

See Friedrichs, page 14

By the Numbers:

- 26 Number of so-called "Right-to-Work" States in the United States
- 3.1 Percentage wages are lower for all workers in "right-to-work" states after adjusting for demographic, socioeconomic and cost-of-living factors.
- \$1,588 Amount wages are lower in "right-to-work" states for the average worker.
- 2 Millions of votes Hillary Clinton's vote total is projected to exceed that of Donald Trump, once all ballots are counted.
- 21 Percentage by which White non-Hispanic voters preferred Trump over Clinton.
- 12 Percentage by which all women supported Clinton over Trump.
- 12 Percentage by which all men supported Trump over Clinton.
- 9 Percentage by which college graduates favored Clinton.
- 8 Percentage by which non-college graduates backed Trump.
- 10 Percentage by which white women favored Trump.
- 8 Percentage by which "Union households" preferred Clinton to Trump
- 12 Percentage by which voters with annual incomes under \$30,000 preferred Clinton to Trump.
- 2 Percentage by which voters with annual incomes over \$250,000 preferred Trump to Clinton.
- 4 Percentage by which voters with annual incomes between \$50,000 and 99,999 preferred Trump to Clinton.

But What Have You Done For Me Lately?

Bret Benjamin, Chapter President

The November election ushered in the possibility of federal “right-to-work” legislation as early as February and the likelihood that a conservative majority on the Supreme Court will rule against us in one of the 27 pending federal cases aimed at defunding public sector unions. In light of this dire context I thought it useful to devote my column to a “what have you done for me lately” exercise, as a way of illustrating just a few of our ongoing union initiatives. My simple challenge to all of you is this: Tell me, after reading the agenda below, that you, your colleagues, and your university would be better off without a union fighting on their behalf. I’m biased, no doubt, but the very premise strikes me as sheer lunacy.

As I think most of you know, we are currently in contract negotiations with the State. I’m a member of the Negotiations Team, and have witnessed first hand the meticulous preparation and dogged determination that characterizes this process. If you want to see an overview of the issues UUP fights for, please read the union’s “conceptual proposals” published in *The Voice* and available at the members’ only portal available on the UUP website (uupinfo.org). (Keep a paystub handy when you log into this portal, as it requires two unique ID numbers.) We have an exhaustive array of proposals about compensation, benefits, grievance procedures, leaves, job security, professional development funding, and many others. The contract is an obvious place where we fight for all 35,000 UUP members: academics, professionals, contingents, health-science employees—everyone. Contract negotiations make crystal clear the fact that workers are able to secure greater compensation, benefits, and workplace protections when they collectively bargain. As one member recently put it, “just try putting together a faculty subcommittee to get yourselves dental and vision; see how well that works out.”

Our Chapter fights just as hard at the campus level. For instance, we have prioritized organizing with contingent faculty over the past few years. And, as several of the other pieces in this issue attest, we are seeing real results. Working closely with campus administration we have raised minimum per-course salary for part-time lecturers from \$2800 to \$3600, with another substantial raise expected next fall. We are working to secure longer contracts for our contingents, move more people into benefits-eligible positions, provide greater representation for contingent faculty in governance, and create

pathways to tenure for full-time lecturers. Much work remains to fix a structure that is as entrenched as it is debilitating, but contingent faculty have seen—and we believe will continue to see—significant material improvements to their working conditions. Moreover, the gains we’ve achieved on our campus have ripple effects across the system; other campuses are beginning to follow Albany’s lead, and the SUNY system has taken notice as well.

Our Chapter has consistently worked to enhance the capacity of employees to participate in the decisions that most directly affect their work-lives. The report on the university’s overreliance on SIRF scores published in the current issue is the latest such effort. As we say in that report, and as we have emphasized for the past few years, procedures having to do with the evaluation of academic faculty are mandatory subjects of negotiation, meaning that the union must be involved when evaluative procedures are developed or changed. A recent event in the new College of Engineering and Applied Sciences is a case in point. The Dean there unilaterally announced the creation of a new college-level review panel among other changes to the tenure and promotion procedures. When members brought this to our attention, we were quickly able to halt that process. We are, of course, more than willing to work with the new College to establish fair and robust evaluative procedures that are consistent with the Contract and University guidelines. But we will insist that these procedures be developed with the Chapter, and with maximum faculty consultation, not as a managerial directive.

This principle, issuing from New York’s Taylor Law, that the union has a mandated, institutional role in aspects of University governance underpins many of our initiatives. Following from a Chapter report last spring, which issued a set of concrete policy proposals designed to safeguard the evaluation, review, tenure and promotion processes for academic faculty, we have begun a joint review of departmental by-laws and procedures. In partnership with the Provost’s Office, we have decided to start with departments in the School of Public Health, where we have identified what appear to be structural problems. Members brought these concerns to our attention, and we are working to ensure that by-laws and departmental practices are in compliance with the Contract and the Policies of the Board of Trustees. We will insist that our members have all of their legal protections; the broader intent, moreover, is to ensure that faculty retain a central role in establishing the evaluative procedures for their units.

A related goal animates our Chapter’s push to ensure that all of our professional faculty have current Performance

Programs and Evaluations. We have worked closely with HR to insist that better data tracking systems need to be in place, and that the union has a right to see lists of employees whose supervisors are out of compliance. We have established a constructive partnership with HR leadership, which also recognizes the importance of this issue. Hosting joint workshops should boost not only compliance rates, but also the quality of the Programs in place. Programs and Evals are important because they provide due-process protections that afford our professional faculty with the right for clear notice of expectations developed in consultation between supervisor and supervisee. Further, they afford members with the right to respond and challenge managerial directives that our employees deem to be unfair or unwarranted. Here, too, we strive to maximize the participation of our members in the most critical aspects of their work.

Less visible, but no less important, our Chapter officers work almost daily to help members with individual cases where, for example, contractual obligations have not been met, where employees face accusations of misconduct, where tenure cases have gone awry, where comp time or reasonable accommodations were improperly withheld, where benefits provisions were incorrectly denied, where policies were not followed, among dozens of other workplace problems. As I've said many times before, we hope you never have to come to the union in such instances, but you can be assured that we will be here to help if you need us.

I know that our Union and our Chapter fight daily for the broad interests of our membership. And I trust that UUP members are smart. You surely understand that whatever short-term financial benefits might be achieved by halting a modest 1% dues payment, will over the long-haul erode economic and institutional security for you, for your colleagues, for SUNY, and for public higher education as such.

Tough times on the horizon, folks. But let's collectively stand up for labor rights and protections, which can preserve one firm piece of ground from which to organize the many necessary struggles to come.

Report of VP for Professionals

Tom Hoey

This year 2016 will most likely go down in history as one of the most turbulent years in union history. It started with a Supreme Court anti-union case (See "Freidrichs" on page 14) that luckily ended in a 4-4 tie vote, brought

on by the death of Justice Scalia. This allowed a lower court's favorable decision to stand, but that respite is likely to be short-lived given the election of Donald Trump and the possibility of national-right-to-work legislation. We need union friendly candidates from all levels of government to support pro-union legislation.

On the chapter front we have had several workshops the past few months, these included: a pre-retirement workshop; permanent appointment workshop and Performance Program/Evaluation workshop. We will be conducting more workshops in the coming semester and if you have any suggestions on what you would like to see, please let us know. The Professional Concerns Committee will be meeting soon and if you would like to be part of it send an email to Kelly at uupalb@gmail.com. The UUP Chapter is also one of the sponsors of the UAlbany Holiday Gala and you can get reduced price tickets if you a member, although the deadline has passed. And although we also have reached the deadline for signing up for the Flex Spend Program there are many members that don't know about the state sliding scale contribution to the dependent care account for children under 12 years old. Joint Labor/Management Individual Development awards are available again, but the funds must be spent before March 31, 2017. Contact uupalb@gmail.com for information.

UUP is a volunteer organization that as you know makes sure we get the best contract possible with the state, monitors the execution of the contract and stands up for our members when they are not afforded due process. We are in constant need of members to help with the day to day running of our union. Some of the functions are as simple as serving on a committee that meets 2 times a semester or being a department representative. We also need people who want to run for an executive board seat or a chapter officer position. We are an inclusive organization and need our members to be active in the chapter. Please consider helping your Union. Remember "We are the Union".

Raising Minimum Salaries for Contingent Faculty

Rebekah Tolley

At UUP's Fall Delegate Assembly earlier this month President Fred Kowal reminded us that the university is built on our labor. There is no group for whom this statement is more literally apt than contingent faculty who have long understood that the university is subsidized on the backs

of their underpaid labor. This is evident in the fact that the starting salary for contingent faculty at UAlbany had stalled out at \$2800 for over a decade. What was paltry then is appalling today. Our Chapter made it a priority to work on raising this minimum.

Despite the union's persistent attempts, the State has been unwilling to negotiate a system-wide minimum for part-time contingent academic faculty. Media attention on the issue of underpaid contingent faculty, whose numbers continue to grow (nationwide 75% of faculty are contingent and 55% on our campus) in addition to pressure from unions, have brought the issue to light. UUP has played a major role here, assuming leadership roles in the nationwide movement for contingent faculty, and pressing for substantive improvements to the working conditions of contingent faculty on the UAlbany campus. The Provost's office took up the long overdue task of forming a task force on contingent faculty. He declared a desire for UAlbany, one of SUNY's University Research Centers, to be a leader on the issue. Our UUP Chapter helped identify qualified members to serve on the task force, helped shape the committee's charge, and provided the committee with data, analysis and proposals during its period of deliberation. After studying the complexities of contingent labor on campus for many months, the committee argued in its final report that more than a simple matter of operational need, the campus' over-reliance on contingent faculty had become a matter of social justice.

The resulting report contained (among many key areas) a call to raise the campus minimum to \$5,000 per course in two to three years. While a modest goal in terms of what might be considered "fair" or "equitable" compensation (the MLA calls for a \$7,350 minimum) it couldn't come soon enough for those who have been trying to make ends meet on a contingent faculty member's salary. The urgency is real.

Fortunately the committee on benefits and wages has plowed forward. The Provost's office was able to secure \$400,000 last year through the Compact Budgeting process, which has been used this fall to raise the per-course minimum for all contingent faculty to \$3,600. This increase will also apply to summer courses, which have long paid a rate below the 'campus minimum.' This will greatly benefit graduate students, who teach many of those courses and who, due to turnover, often start out at the minimum each year.

For most contingent faculty the new per-course minimum represents a real economic gain, and we should applaud the University for heeding the task force's call for our campus to take the lead on this issue. Since the

Albany campus raised its per-course minimum for adjunct faculty, other SUNY campuses, including Old Westbury and Oneonta have followed suit. However, while we take pride and pleasure in these tremendous gains won through the persistent efforts of our members demanding equitable pay for contingents, this is but a first step.

While a significant increase in pay for many, \$3,600 per course is still far below fair and equitable compensation for contingent faculty. In addition, while many of our contingent faculty members will see a real increase in their paychecks, those who have been working at the university for years may get little or no benefit from this pay increase. As a colleague puts it "There's all this money for contingents, but those who have been working here the longest won't see any of it." This fact is a reminder that the new per-course minimum salary is unacceptably low and that it raises important questions about salary compression that our chapter will need to address as additional funds are secured to boost the pay of contingents.

This year another \$300,000 has been secured to go towards raising contingent salaries, though in what way has yet to be announced. So far the sentiment among the members of the wages and benefits committee is to recognize that salary compression is an important issue, but to focus first on raising the floor and dealing with compression later.

We are making progress towards the campus goal of \$5000 in two years, but much work will need to happen if we are to achieve that. Moreover, many other crucial issues beyond per-course minimums remain on the table, including a range of concerns about working conditions, longer appointments, and, perhaps most significantly, pathways to permanent appointment for contingent faculty. As we all know, it takes a village. We will need to work with solidarity and renewed activism to maintain momentum and to achieve the goals that our contingent faculty surely deserve.

Two Local Union Struggles

Lawrence S. Wittner

As I write this in mid-November, two fierce labor struggles are raging in the capital district: a lockout of the workers at the Honeywell plant in Green Island and a strike by the workers at the Momentive Performance Materials plant in Waterford. Each results from the efforts of wealthy and powerful corporations to maximize their substantial profits by forcing concessionary contracts on their employees.

On May 9, 2016, Honeywell locked out the 41 workers at its Green Island Plant, which manufactures brake parts for aircraft. The action came after these employees, members of Local 1508 of the United Auto Workers, refused to agree to an outrageously bad contract offer that, among other things, raised healthcare costs and cut and eliminated pensions. In retaliation, Honeywell locked its employees out of the plant and, with the assistance of Strom Engineering, a company notorious for providing strikebreakers, brought in scabs to take their jobs. Although the ousted UAW members have been deprived of their wages since May, they were able to limp along on unemployment insurance. But these payments have come to an end, and, as a result, the company seems likely to try to starve its regular workforce into submission. Meanwhile, these plucky union workers continue to picket the plant around the clock, seven days a week, supplemented by union activists from the Albany County Central Federation of Labor and the Troy Area Labor Council.

Honeywell could afford to be considerably more generous. Last year, the company had record profits of nearly \$5 billion. Also, its CEO receives over \$30 million per year and has a retirement package of \$168 million. But, when it comes to workers and their communities, Honeywell adopts a hardline approach. Mark Emanation, the senior field coordinator of the Capital District Area Labor Federation, describes the company as making “mega profits while breaking unions like dishes, driving down wages, benefits, and working conditions. They pollute and destroy communities and work places with toxic chemicals and compounds that cause cancer and other illnesses. They poisoned the water up in Hoosick Falls. They spewed asbestos all over Green Island.” Furthermore, “they avoid paying taxes and use the money they save to buy politicians.” A disgusted 60-year-old millwright, commenting on Honeywell’s motives in locking him out, declared: “It’s basically corporate greed.”

The struggle at Momentive has emerged in much the same context. Like Honeywell, Momentive—a company that manufactures adhesives and sealants—is a thriving business enterprise, with \$567 million in net sales during the third quarter of 2016 alone. It was purchased in 2006 from General Electric, as part of a \$3.8 billion deal, by Apollo Management, a major hedge fund. But the 700 workers represented by Local 81359 of the International Union of Electrical Workers/Communications Workers of America, have not done nearly as well. They suffered a severe wage cut in 2010, a pension freeze for most of them in 2013, and ongoing bullying by management. Although Momentive CEO Jack Boss told investors in August that he expected a “positive outcome” to contract negotiations, that “positive outcome” has

not materialized. Instead, the company presented the union with a contract calling for significant concessions on healthcare and retiree benefits, built up a “strategic inventory” of supplies in anticipation of a strike, and made arrangements with the ubiquitous Strom Engineering for the deployment of a scab labor force.

Since then, the conflict at Momentive has escalated. In September, IUE/CWA members voted to reject the concessionary contract by an overwhelming margin. And on November 2, they went out on strike, establishing picket lines at the Waterford plant’s numerous entrances. In a show of solidarity, members of other unions (including UUP) and supporters from the community turned out to assist them. Although the company subsequently submitted a new contract proposal, it was considerably more onerous than the previous one. Not surprisingly, union members rejected it by a vote of 469 to 75.

During the first two weeks of the strike, scabbing at the plant did not go well for management, for it managed to bring only very small numbers of these replacement workers into the plant. This might reflect the difficulties in finding workers skilled enough to handle the dangerous chemicals that are used there and, if leaked into the groundwater, could poison the entire community. Even so, the company has apparently decided not to provide the NYS Labor Department with written certification that replacement workers are being hired on a temporary, rather than a permanent, basis. As this lack of certification means that the unionized work force will receive unemployment insurance—partially paid for by the company—immediately, it might also indicate that Momentive is planning to eliminate its workers and their union.

In any case, union picketing continues around the clock at both plants—at 50 Cohoes Avenue in Green Island and at 260 Hudson River Road in Waterford (at the juncture of Routes 32 and 4). Both unions would welcome participation by supporters. The locked-out workers at the Honeywell plant, whose unemployment insurance has run out, are also in great need of financial assistance. Contributions (payable to “Local #1508 UAW”) can be mailed to Local #1508 UAW, P.O. Box 1508, Green Island, NY 12183.

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The Place of Student Evaluations in Assessing Faculty Teaching

**A report by the Albany Chapter of United University Professions
Prepared by Aaron Major
Assistant Vice President for Academics**

October, 2016

The University at Albany aspires, quite rightly, to deliver the highest quality instruction to its students. Successful teaching depends not only on our faculty's diligent commitment to classroom practice, but also on the systems in place to formally evaluate the quality and effectiveness of faculty performance. The UUP Contract with New York State is very clear on the subject of evaluation: academic faculty can only be evaluated by other academic faculty. This report starts from the premise, codified in our contract, that any University procedure to evaluate the teaching effectiveness of academic faculty must be based on a system of peer-review.

Over the past several decades UAlbany's system of assessing academic faculty teaching has placed increasing—we argue undue—emphasis on student “evaluations” of our teaching via the Student Instructional Rating Form, or SIRF. Academic faculty, however, are skeptical of SIRF assessments. This growing skepticism is driven by, on the one hand, widespread attention given to several recent, high quality research studies that cast serious doubt on the validity and reliability of such student evaluations of teaching and, on the other hand, our University's shift to an on-line system of administering the SIRF, which has resulted in low student response rates that potentially give disproportionate weight to the views of a few disgruntled students. An extensive analysis of University at Albany SIRF data conducted in 2010 by the Course Assessment Advisory Committee shows that academic faculty are right to be skeptical of the instrument's validity as measure of teaching effectiveness. SIRF scores are systematically biased by low response rates, which have become much more common with the shift to online SIRFs, are biased against female instructors, and, because there is a strong, positive correlation between SIRF scores and students' expected grades, create pressures for grade inflation. The Albany Chapter of United University Professions works to ensure that all of our members are treated fairly as employees of the University. Too often, we have found, career-defining decisions about renewal, promotion and tenure are made on the basis of the deeply-flawed SIRF. This is particularly the case for our contingent academic members for whom the SIRF is very often the only formal evaluation that they receive. In many Colleges, Schools, and Departments, SIRFs function, we contend, as the *de facto* system of evaluation of faculty teaching. For many of our contingent faculty, for whom teaching constitutes their entire professional obligation, results from the SIRF constitute a *de facto* evaluation of their entire academic job performance.

Our University's current reliance on the SIRF to evaluate faculty teaching is, to put it plainly, bad for faculty, bad for students, and bad for the University as a whole. To the degree that the University relies on SIRFs as “student evaluations”—and we believe that department chairs, deans, university committees frequent do just this—it violates the contractual obligation that only academic faculty can evaluate other academics. The increasing weight that is placed on SIRF scores in reviews of academic faculty for renewal (especially for contingent faculty), tenure, and promotion is deeply troublesome for three main reasons. First, the over-reliance on student evaluations of faculty teaching is contrary both to contractual obligations on the evaluation of academic faculty and the existing University Senate legislation governing the evaluation of faculty teaching, which de-emphasizes the importance of the SIRF. Second, the reliance on student evaluations of faculty raises questions of basic procedural fairness as student SIRF scores are biased against female faculty and faculty who teach large courses. Third, over-reliance on the SIRF is a disservice to students who would benefit from a substantive, multi-faceted evaluation of faculty teaching by their expert peers.

Background: the shift to the on-line SIRF and the CAAC report.

To address growing concerns regarding the use of student evaluations in the review process for renewal, promotion, tenure, and reappointment, in 2010 the Provost charged the Course Assessment Advisory Committee (CAAC) to evaluate the University's course evaluation procedures and tools. The context for this initiative was the effort to shift the evaluation process from in-class, paper SIRFs (which were costly both in the materials required and the use of the University's test-scanning facilities) to an online form that students would complete during a designated window at the end of the semester. As part of its report, the CAAC conducted a statistical analysis of student evaluations between 2005 and 2010 and published these results as part of its 2012 Report of the Course Assessment Advisory Committee. (The final report of the committee can be found here: <http://www.albany.edu/ir/CAAC%20FINAL%20Report.pdf>)

To date, this report remains the most thorough and systematic analysis of the reliability and validity of the SIRF tool as it has been administered at the University at Albany and, equally important, stands as the most recent effort by the University to give thoughtful, careful consideration of the place of student assessment of faculty teaching within existing University and Senate policies regarding the evaluation of teaching. Given growing concern about the fairness and usefulness of student evaluations of faculty teaching, it is time to revisit the CAAC report on student evaluations and, in so doing, renew the conversation about fair, effective evaluation of faculty teaching.

The Committee's overall finding was that student evaluations are an imperfect, but nevertheless useful and valid instrument upon which to base formative and summative evaluations of faculty teaching. A careful review of the Committee's report suggests that even this hedged conclusion does not correspond with the data it analyzed. The Committee's own analysis of five years of SIRF scores shows that student evaluations are biased against female faculty, biased by response rate, punish faculty who teach large classes, and reward faculty for giving out higher grades. That these factors significantly influence student evaluations of faculty shows that the instrument is not a valid one, especially for making important, career-shaping decisions about renewal, tenure, and promotion.

Data from the CAAC report

The analysis in the CAAC report draws on five years of University at Albany SIRF score data from fall 2005 to spring 2010, creating a dataset of the full population of 319,320 individual student evaluations over that period. The data is pooled across semesters, and separate regression analyses were run for those evaluations given during class time on paper, and those evaluations that were administered online. While the SIRF asks students to rate their instructors and courses across several measures, the CAAC's regression analysis focused on the overall instructor rating. Several measures of the characteristics of the students (gender, year in school, average GPA, grade expected in class) and the courses (size, level, time of day of class meeting) were regressed on this dependent variable.

The table below reproduces the results of the CAAC's regression analysis--(results can be found in the Appendix to the CAAC report, pages 22-26)--reporting the standardized and unstandardized regression coefficients and their significance. The variables are sorted according to the size of the standardized (Beta) coefficients, which provides a standard measure of the size of each independent variable's effect on students' overall instructor ratings. As the table shows, for evaluations given out on paper and in class, the five variables with the strongest effect on student evaluations of their instructors are 1) expected course grade, 2) class average GPA, 3) whether the course is a graduate level course, 4) the response rate of the evaluations for that class, and 5) the instructor's gender. For those evaluations administered online, expected grade, class average GPA, response rate and gender are still some of the more powerful predictors of how students evaluate academic faculty.

What do these results suggest about the validity of the SIRF instrument as a tool for effectively evaluating faculty? In its report, the CAAC draws attention to the finding that students who expect to earn a higher grade in a class evaluate faculty more favorably. Discussing this finding, the Committee notes: "the relationship between students' expected (or actual) grade and their ratings of instructors are potentially of interest in terms of the validity of ratings" (p. 12). While this finding itself raises questions about the validity of the SIRF, more troubling is the report's silence on other factors.

In particular, the CAAC's data shows a strong effect from the response rate to the SIRF on evaluations; the lower the response rate, the lower an instructors' rating. Given that one of the Committee's charges was to specifically evaluate the validity of online evaluations, the Report's complete silence on the effect of response rate on evaluation scores

**Results from the CAAC's analysis of SIRF data, 2005-2010: factors affecting
OVERALL INSTRUCTOR RATING** (results sorted by size of Beta)

EVALUATIONS ADMINISTERED IN-CLASS			EVALUATIONS ADMINISTERED ON-LINE		
	B	Beta		B	Beta
Expected Grade	0.322	0.221	Expected Grade	0.444	0.285
Class average GPA	0.244	0.113	Class average GPA	0.23	0.095
Level 500+	0.304	0.111	Size 150+	0.272	0.092
Response rate	0.531	0.09	Level 500+	0.211	0.074
Female instructor	0.11	0.051	Size 41-99	0.2	0.07
Start 5:45 or later	0.121	0.042	Response rate	0.245	0.042
Size 41-99	0.092	0.038	Junior faculty	0.117	0.04
Start time: 9:20 - 10:00 a.m.	0.157	0.034	Female instructor	0.093	0.04
Size 150+	0.093	0.032	Size 100-149	0.084	0.026
FT lecturer	0.122	0.031	Start before 9:20 a.m.	0.095	0.024
Junior	0.072	0.03	FT lecturer	0.098	0.022
Size 100-149	0.079	0.026	Size 20-40	0.055	0.022
Non-Matriculated	0.198	0.023	Start time: 9:20 - 10:00 a.m.	0.108	0.021
Start 4:15 - 5:44 p.m.	0.076	0.023	Class meets minor	0.07	0.02
Size 20-40	0.049	0.022	PT adjunct	0.047	0.02
Instructor Sex code missing	0.721	0.02	Female student	0.033	0.015
Class meets minor	0.058	0.018	Senior	0.025	0.009
Start before 9:20 a.m.	0.063	0.017	Junior	0.023	0.009
Sophomore	0.044	0.016	Instructor Sex code missing	0.294	0.008
Other instructor	0.096	0.015	Level 300/400	0.017	0.007
Freshman	0.041	0.015	Class meets major	0.016	0.007
Level 300/400	0.032	0.015	Other instructor	0.016	0.003
Junior faculty	0.036	0.014	Start 4:15 - 5:44 p.m.	0.009	0.003
Female student	0.026	0.012	Start 5:45 or later	0.009	0.003
PT adjunct	0.025	0.011	Freshman	0.005	0.002
Student sex code missing	0.069	0.01	Sophomore	0.005	0.002
Class meets major	0.019	0.009	TA instructor	0.003	0.001
Senior	0.011	0.005	Student sex code missing	0.012	0
TA instructor	0.01	0.002	Non-Matriculated	0	0

*Coefficients in **bold** are significant at .05 or less.

is troubling. The Committee does suggest that low response rates (below 30%) should be ‘viewed with caution’ (p. 14). This would be an appropriate conclusion if the effect of low response rates were to increase random variability in evaluations. Yet the regression results show that low response rates are systematically biasing evaluations downward. This points to a negative response bias in evaluations—students who more readily complete evaluations are more likely to be those with negative reactions to the instructor—which also points to the invalidity of the SIRF evaluations.

A careful reading of the study therefore shows *that student evaluations are not just an imperfect measure of instructor performance: they are an invalid measure of instructor performance*. Student evaluations may measure a student’s impressions of a course or an instructor, but they do not measure whether the instructor effectively conveyed the course material. This suggests a much stronger conclusion than the CAAC’s Report offers, namely that students are not appropriate assessors of faculty teaching for summative purposes.

Student evaluations within the context of existing Senate policy regarding the evaluation of faculty teaching.

While the recent move to online administration of the SIRF has spurred renewed interest in the place of student evaluations in formative and summative judgments of faculty teaching effectiveness, this is not the first time that these issues have been taken up by the University community. In addition to performing a statistical analysis of SIRF results, the CAAC was also charged with providing a “summary of historical use and policy” of student evaluations in the teaching assessment process. The Committee’s report outlines this legislative history on pages 4-5, excerpted below:

The most important legislation governing assessment of teaching is Senate Bill 8384-07, implemented by administrative memorandum in April of 1984 and revised in 1991. By policy, student feedback is regularly solicited for courses, using the Student Instructional Rating Form (SIRF) coordinated by the Office of Institutional Research, or some other instrument endorsed by the instructor’s department or program. The guidelines promulgated in 1984 specify that “all students shall be given an opportunity to make an evaluation in every class each term” and mandate that the collection of student opinions should be formulated and administered systemically at the department level (2005-06, p. 2).

The 1984 Senate legislation went beyond student course evaluations. It also called for peer evaluation of teaching and noted that the methods for proper peer review had been less fully considered. To support peer evaluation of teaching, the legislation described several accepted techniques as examples for the faculty of each unit to use in developing a system that is tailored to the particular needs of their curriculum. It also mandated the use of peer evaluation in decisions concerning continuing appointment, but noted that departments were to be given “broad latitude” in developing systems for collecting and interpreting peer evaluations of teaching (2005-06, p. 1).

The CAAC committee interpreted the existing Senate legislation as follows:

- 1) that Senate Bill 8384-07 mandates that student evaluations be part of the assessment academic faculty’s teaching.
- 2) that Senate Bill 8384-07 calls for peer evaluation to be part of the assessment process, but does not give peer evaluation any particular importance over other forms of assessment.

While the CAAC report correctly identifies the key pieces of legislation relating to student evaluations, it misconstrues the letter and spirit of that legislation. A fair reading of Senate Bill 8384-07 makes clear that the Faculty Senate intended to reduce the role of student evaluations in the assessment of faculty teaching by making peer review the primary mechanism of faculty teaching evaluation and to subsume student evaluations of teaching under the peer review process.

Senate Bill 8384-07 (note: Page references to the Bill do not follow the Bill’s own pagination (which does not list page numbers for the cover page and statement of background information); they reference the page number relative to the length of the entire document.)

Senate Bill 8384-87 emerged out of a policy statement submitted by the Educational Policy Council (EPC; now the University Planning and Policy Committee (UPPC)) to the Faculty Senate on December 5, 1983. A memo from Fred Volkwein to then President O’Leary dated December 6, 1983 suggests that the EPC policy statement was adopted in full. To the best of our knowledge, it remains the most recent Senate bill covering the evaluation of faculty teaching and is thus current Senate policy regarding evaluations of faculty teaching.

Contrary to what the CAAC report suggests, this bill does not establish policy with respect to student evaluations. As the bill describes in its own background summary, those policies had been put in place in previous years (1980 and 1981). Rather, Senate Bill 8384-07 emerged out of an effort to create a comprehensive policy for the evaluation of faculty teaching which, as stated in the bill “stresses the centrality of peer review in the evaluation of teaching (p. 2).” While it is difficult to know the intentions of these faculty senators in hindsight, the language of the bill strongly suggests that this effort was motivated by a desire to curb the influence of student evaluations of faculty by subsuming that process to an over-arching peer review process. The SIRF system had been put in place two years prior to this and the bill suggests that there was concern about how student assessment would factor into overall evaluations of faculty teaching. As stated in the bill in its opening page: “There are a number of guidelines on this campus regarding the collection and use of student opinion in the evaluation of teaching, but there is at present no comprehensive statement concerning

the role of peer review (p. 2).”

Senate Bill 8384-07 contains language showing that the EPC was skeptical of the usefulness of “student opinion” and mindful of the limited interpretation that should be given to this form of review. As the Bill states, student evaluations were seen as providing a measure of student perceptions of teaching effectiveness, not a measure of actual teaching effectiveness. Moreover, the EPC drew attention to “studies showing a statistically significant impact of subject matter, class size, and course level upon student ratings of instructors” (p. 6).

The EPC’s emphasis on peer review was grounded in a belief that “within the faculty resides the special competence needed to design the various programs of the curriculum, to make staffing decisions for courses, and to establish the standards by which student achievement is certified. Primary use of that same competence must be made in evaluating teaching (p. 3, emphasis added).” This principle, we believe, fully accords with the procedures for academic evaluation stipulated in the UUP contract.

To implement this general principle, the EPC charged academic departments with establishing “a credible and defensible method of evaluation of teaching (p. 4).” While the EPC did not make any recommendations for mandatory items to be included in each department’s procedure, it did offer several suggestions. Items that could be submitted in support of such an evaluation—including syllabi, assignments, reading lists, grade distributions, and student questionnaires—were all to be submitted “in support of peer review (p. 5).

In other words, not only did the EPC not give student evaluations any more pride of place than any other item that could be entered into this portfolio, it also explicitly includes student questionnaires as one of many items that could be included, the decision of which items to include “decided upon in the context of each department’s procedures (p. 5).” Indeed, the Senate Bill also allows the departments “to transmit a summary of the student response data (p. 6, emphasis added),” rather than the complete results of student evaluations.

In setting up the context and background for its Report, the CAAC is right to hold up Bill 8384-07 as the critical policy statement on the evaluation of teaching. However it misconstrues the letter and spirit of Bill 8384-07. The CAAC’s Report interprets Bill 8384-07 to suggest that peer review serve alongside student evaluations as part of a ‘mixed method’ approach to faculty evaluation of teaching. A closer review of the language of Senate Bill 8384-07 makes clear that student evaluations were, by policy, supposed to be subsumed to a process of peer review and given no special importance relative to other tools for assessing faculty teaching.

Moving forward: restoring the primacy of peer review.

Senate legislation establishing a framework for evaluation of faculty teaching asserts the primacy of peer evaluation and subsumes student review under a peer- and department-driven comprehensive evaluation procedure. Since the time when that Senate legislation was passed, evaluations of faculty teaching for formative and, most critically, summative purposes have become overly reliant on student evaluations. It is not uncommon for deans and chairs to make decisions about teaching effectiveness—including decisions of non-renewal—on the sole basis of SIRF scores. Such over-reliance is a) contrary to the letter and spirit of existing policy, b) as shown through an analysis of five years of UAlbany SIRF data, uses a highly imperfect instrument to guide decisions about teaching effectiveness, and c) does not comply with contractual obligations for academic review. There is no doubt that the academic faculty bears some of the blame for this current state of affairs. Comprehensive peer review processes are time consuming and while departments may be willing to devote the time and resources needed to conduct a more thorough evaluation of teaching for their tenure track colleagues, the growing ranks of part-time and contingent faculty across the University tend not to be evaluated in any manner except SIRF scores. This problem did not emerge overnight, and it will take thoughtful, careful discussion, planning and policy-making to correct it. In an effort to move that process forward, we suggest the following measures and principles.

1. The university needs to return to a process of evaluation of faculty teaching based on the principles laid out in Senate Bill 8384-07 and echoed in the UUP contract. Specifically, such a process needs to be peer-driven, shaped by the expertise that each department has over its subject matter, and open to a variety of tools and metrics. Those based on the evaluation of one’s expert peers should take priority.

2. SIRF scores must no longer be used as the sole or primary measure of teaching effectiveness. While a more comprehensive evaluation procedure is developed, faculty should be able to freely choose between different student evaluations tools, such as narrative evaluations or those provided through the Institute for Teaching, Learning and Academic Leadership (ITLAL). In addition, faculty should never be evaluated on the raw results of student reviews, but rather should always be given the opportunity to reflect on those results through a narrative summary and should have those reviews analyzed and assessed by other academic faculty. In addition, faculty committees and administrators who play key roles in the review, tenure and promotion process should establish clear procedures and guidelines for how SIRF and non-SIRF student reviews of faculty teaching will be contextualized within a broader peer evaluation of teaching effectiveness.

3. We believe the University should end the practice of publicizing SIRF scores. Even with return rates above 60%, the scores are an invalid measure of teaching effectiveness, and retain biases against large classes of faculty members. Publicizing results legitimizes a deeply flawed practice.

4. We encourage the University Senate to review its existing policies setting the principles and procedures for evaluations of faculty teaching and, in so doing, further encourage the Senate to reaffirm the letter and spirit of Senate Bill 8384-07, particularly those elements that (a) assert the primacy of a flexible, peer-driven evaluation procedure and, (b) assert that each academic department has the “special knowledge” needed to develop their own evaluation procedures (but see points 5 and 6, below). In working to establish new principles and policies, the Senate should work closely with the UUP Albany chapter leadership, or its designees, to ensure that the system of evaluation of faculty evaluation comply with the letter and spirit of our collective bargaining agreement with the State.

5. We are sensitive to concerns that peer review can also be a highly imperfect instrument. Without clear guidance from existing best practices, peer review is likely to suffer from similar concerns about validity and reliability as student evaluations and thus subject faculty to similar kinds of bias and discrimination. Peer review can also be problematic in cases where departmental relationships are contentious. Given that Senate Bill 8384-07 charges each academic department with developing its own evaluation procedures, departments would benefit immensely from guidance from existing best practices.

6. The process of evaluation of faculty teaching should be flexible to accommodate the professional standards and practises of various departments. However, all departments should establish procedures that are based on frequent consultation with the faculty member being evaluated, including:

- a. the ability of the evaluated faculty member to present and interpret their own portfolio of evidence of teaching effectiveness;
- b. the ability of the evaluated faculty member to review the presentation of their teaching record before it is sent for consideration by the larger faculty, and
- c. the ability to respond to outside evaluations of their teaching at all stages in the process.

These procedures should be made clear as part of a readily-accessible document outlining the larger departmental procedures and policies for renewal, tenure and promotion. Finally, each department will need to develop clear processes for peer review of teaching that are applied to both the full-time and part-time faculty.

7. Currently, ITLAL provides a general set of guidelines and best practices for departments to consider as they develop their own peer review processes (http://www.albany.edu/teachingandlearning/tlr/peer_obs/). These resources are helpful, but could be bolstered by more concrete examples of peer review processes at peer institutions. In addition, ITLAL should be in a position to serve as an outside evaluator of faculty teaching.

We recognize that developing and implementing this kind of rigorous, fair, multi- dimensional and procedurally transparent evaluation process will require a great deal of time and energy from the University faculty. However, the importance of this issue demands such an investment. For the faculty, it is a matter of basic fairness as we move through the processes of renewal, tenure and promotion. For our students, it is a matter of ensuring that our curriculum is up to date and intellectually rigorous, preparing them not only for their future careers, but also to be thoughtful, engaged members of their communities. For the University, it is a matter of fulfilling the mission of SUNY to provide an education of the highest quality.

“Having to Save the World”: A Report on the COCAL Conference

Rebekah Tolley

The Coalition of Contingent Academic Labour held its twelfth biennial Conference in August of 2016. The Coalition, founded in 1996, “is a network of North American activists working to improve higher education through the collective achievement of job reliability, livable wages, academic freedom, and time and resources for academic research and professional development for contingent academic laborers” (<http://cocalinternational.org/aboutus.html>).

In the conference’s opening remarks, Calvin Bruneau, Chief of Papachase First Nation welcomed us to First Nations land and aligned the struggles of academic laborers with the struggles of marginalized First Nations people. Later in her keynote address, Pam Palmater, M’kmaw lawyer and Chair in Indigenous Governance at Ryerson University outlined some of what those ongoing struggles entailed including a housing crisis, flooded lands, contaminated drinking water, Native children removed from their families due to poverty, over-representation of First Nations peoples in prison, police racism, abuse and corruption, indigenous women murdered or missing, and suicide. She also outlined some of the dismal history of biological and cultural genocide, forced sterilization, scalping laws, germed warfare through introduction of blankets infected with smallpox, all of which occurred after peace treaties with the Canadian government were signed. Children were placed in residential schools where the odds of dying were greater than the odds of dying in WW II. And yet the former Prime Minister of Canada, Steven Harper, claimed “We have no history of colonialism.” Dr. Palmater charges us: “Not only do you have to advocate for yourself, but you have the unfair burden of having to also save the world.” As a Canadian citizen who has witnessed the vast appropriation of native culture in Canada I am aware of the misrepresentation of Canada’s relationship with its First Nations peoples and I found this talk both powerful, and an important reminder that the struggles of contingent academic labor are part of the much larger struggle for social and economic justice.

Several of the papers were of particular interest. In the first panel “Organizing and Reorganizing,” Professor Longmate outlined “The Program for Change” a strategic plan based on B.C.’s Vancouver Community

College model for real world equality. It offers over 30 specific goals and can be adapted by activists in their unions. He was kind enough to send me a copy of his presentation. In the second panel on “Diversity, Equity and Human Rights,” Professor Cruz-Boone’s paper “Are you my mother? A Discussion about the Barriers faced by Contingent Faculty Parents,” highlighted the feminization of the contingent workforce.

In the third panel on “Job Security,” Professor Candela of the Vancouver Community College’s Faculty Association gave a presentation on “Using Collective Agreement Language for Better Job Security.” Their approach was to get language in the contract that stated clear goals, even when they were not able to negotiate immediate benefits for their members. For example, in their contract it states: “We believe in the concept of equal pay for equal work with 100% pro-rata pay as a goal.” This language makes it easier to negotiate towards this goal in the future.

Panel four addressed “Living Well in a Precarious World” which discussed the constant stress of being underappreciated and trying to pay unaffordable health care premiums. One presenter challenged the myth that academic laborers teach as a hobby, and reminded us that many fall into adjuncting when they face chronic illness, which impedes progress towards tenure.

In panel five “What is to be Done?” Robin Sowards, an organizer and researcher at the United Automobile Workers discussed “Bargaining for Power: Why long-term contracts should not be our goal.” He argued there is no need to bargain for longer term contracts if we can control the process through which contingents are hired and rehired. Rather than hired at the whim of department chairs, adjuncts would be hired by a set of strict procedures, for example seniority, that chairs would not to follow. By controlling the process, adjuncts can ensure those who have been there retain their jobs.

In all this was an intense and rewarding conference. It not only broadened my perspective on the struggles of other contingent academic laborers, but reminded me of how those struggles are connected to movements for social justice. In addition, by learning about others’ struggles and strategies for success, I have many new ideas to take back to my chapter. I am grateful for the opportunity to attend.

A Step in the Right Direction

Tara Needham

Even though I teach writing and literary studies, I spend a lot of my time doing math. Flip through the novels I am teaching, and you will see simple addition and subtraction, occasional long division in the margins, along with notes for teaching. These are often similar sums over and over. Predictable ones: utility bill, car insurance, phone and internet, food expenses, taxes. And while these numbers grow incrementally over time, they have always been subtracted from the same, stagnant amount: my paycheck as an adjunct Lecturer in the English department.

That is, until this Fall 2016.

Thanks to the efforts of the UUP, part-time Lecturers in the English department now get paid \$3600/course. That's a twenty percent raise since this Spring, up from \$3000/course. In my household, which includes two adjuncts teaching two classes per semester, that's nearly \$5000 more per calendar year, a meaningful sum to us. That means paying more bills on time, with less anxiety. It means paying down debt rather than adding to it—in effect subsidizing our own teaching labor—as we have done in the past.

I was told there might be a raise, and I expected, as in times before, a symbolic amount with a nod to cost of living increase. Maybe \$100/course, eaten away by taxes and fees, an extra \$40 more per month? Cat food. Better than putting it on the credit card.

Money talks. And I am proud of and grateful to our union for what this raise says. This substantive increase says: adjuncts deserve fair, just compensation, and they deserved it yesterday. It communicates an attempt to make up for lost time and lost wages. It says adjuncts are due actual, meaningful compensation and not just appeasement and compromise. With the amount capping off above a neat and tidy \$3500, at \$3600, it leads us closer to \$4000 and then \$5,000/course. It says we are not done fighting. Because it is fair and just and necessary. When 75% of college courses nationwide are taught by contingent faculty, it is more than time for collective efforts for a dignified and living wage.

Exploitative pay is a blow to self-worth; it accelerates burnout and apathy among talented teachers and scholars, the very people trained, ready and willing to bring their expertise to classrooms. A raise makes one feel valued, rejuvenated. Living at the poverty line has the

opposite effect.

But it's still not enough. The baseline pay for adjunct courses should be \$5000/course at minimum. And I am confident we will get there. I am proud of a union that is growing stronger, not weaker, in a contemporary climate actively hostile to collective bargaining. Its not just a win for our union, it's a win for every union. It's a step in the right direction for adjuncts everywhere, and demonstrates the impactful results that only unions can achieve.

Tara Needham is a member of UUP. She is a Ph. D candidate at UAlbany and adjunct instructor in the English department.

Friedrichs Vs. California Teachers Association

Paul Stasi

(Note this article is reprinted verbatim from our November 2015 issue. The case has been decided, but the underlying threat is given new life by Trump's victory.)

Sometime next year, the Supreme Court will decide a case that will have a direct impact on the structure of all public sector unions: *Friedrichs vs. California Teachers' Association*. Filed on behalf of ten California teachers and brought forward by the Center for Individual Rights – a right-wing group partly funded by the Koch brothers and famous for opposing affirmative action and the Voting Rights Act – the case asks the Supreme Court to strike down two long-standing aspects of labor law. The first concerns the legality of agency-fee payers – those workers in a bargaining unit who do not wish to become members of a union but, nevertheless, are covered under the terms and conditions of its contract – the second, the mechanism by which such fee payers can be reimbursed for the portion of their union dues that goes for expenses not directly related to terms and conditions of employment. The two are tied together: if the court disallows agency fee payers the second issue disappears. Masquerading as a free-speech issue, the case is, instead, a direct attack on the bargaining power of public sector unions, as a simple examination of its non-existent logic demonstrates.

The Current Situation:

Established in 1977 by the Supreme Court case *Abood vs. Detroit Board of Education*, the law governing agency fee payers is relatively simple. Workers who directly

benefit from the contract the union negotiates must pay their fair share for the labor entailed in such negotiation and enforcement. In return, the union must equitably enforce the contract's provisions for all members of the bargaining unit regardless of whether they are union members or not. Currently all bargaining unit members pay either union dues or an equivalent "agency fee." If someone is not a union member, they can ask to be reimbursed for that the portion of their dues that goes towards expenses unrelated to terms and conditions. To be clear: none of our dues, member or not, go towards actual political advocacy or electoral campaigns. Rather they fund the business of the union, which includes activities directly related to collective bargaining as well as various member events. When these events are not explicitly about terms and conditions – like, for instance, our recent co-sponsored workshop on the racial dimensions of the "school to prison pipeline," or our co-sponsorship of the Workforce Challenge 5K charity run – they can be construed as "political" in a broader sense and then become refundable for agency fee reimbursement. Current law thus makes a distinction between politics in the narrow sense – lobbying, direct action – and politics in the more broad sense, which we might understand to be the larger social world in which we all operate.

The Case Against Abood:

Such as it is, the argument against the current arrangement is relatively simple. Workers who disagree with the union's political positions shouldn't have to pay for its activities. If the suit is successful, it would turn agency fee payers into so-called free riders. These workers would get the same contractual benefits we all get and we, as a union, would be required to support their grievances and defend their rights under that contract. Only they would not be required to pay one penny towards either negotiation or enforcement. This situation was addressed directly by the Abood case, which argued that it would be unfair to force unions to directly support those who refuse to support the union.

It is remarkable, then, that the right-wing – which loves to disparage anyone receiving government moneys (except, notably, all Republican politicians) – would countenance such an obviously unfair arrangement. Indeed, the heart of capitalist ideology is the idea that you get what you pay for. Clearly free-riders should not be allowed to benefit from a union contract they won't pay for as even Justices Scalia and Kennedy acknowledged in the 1991 case *Lehnert v. Ferris Faculty Association*. And the alternative – which would force every single member of the bargaining unit who does not wish to be a union member to negotiate his/her own contract with the state – is obviously untenable. Since the case has almost nothing

to do with the practical situation in which unions and those they represent find themselves, nor to consider the contradictions of the situation it would create, and since, furthermore, its premise, that workers shouldn't pay for politics they don't agree with, is already enshrined in the law, we must look elsewhere for its motivations. They are not hard to find.

The Real Issues:

The real motive, obviously enough, is profit. If unions lose this case, it will mean a vast reduction in dues revenue and, therefore, bargaining power. This will make it all the easier for corporations, who see the money spent on public school as an asset they can capture, to rush in to the breach. For the attempt remove agency fee payers is part of the larger attempt to privatize our nation's schools: each is an effort to funnel public money into the corporations that run charter schools and test preparation companies and away from students and the educational professionals who serve them. *Friedrichs* is, then, best understood as part of the decades' long assault on any notion of the public good that is not immediately capturable by corporate interests, for if you remove the teacher's unions, it becomes that much easier to privatize schools. As recent events demonstrate clearly, unions—and the educators they represent—are the only institutions capable of halting the profiteering drive behind the so-called education reform movement. Whether its in Chicago, Washington State or here at home, unions have been at the forefront of advocating for both members and students against corporate interests.

The logic of the case begins with the reprehensible view enshrined in the infamous *Citizens United* case: that money equals speech, a view that, obviously enough, accords more speech to those with more money. Union dues, then, are understood to be a form of political speech that undermines the First Amendment rights of those who don't agree with the union's positions. But this is wrong-headed in two directions: it fails, first of all, to distinguish between lobbying and bargaining. And secondly, it fails to understand that, when we think of politics in the broadest sense, there is no such thing as a politically neutral act.

This first idea is clearly established by decades of legal precedent: the state acts in distinct capacities when it acts as a sovereign and when it acts as an employer. Moneys directed towards it in its first capacity are called lobbying, in its second capacity they are called bargaining. And the same holds true for employees. Your first Amendment rights as a state-employee are distinct from, and more limited than, your first Amendment rights as a

citizen. *Friedrichs*, then, asks us to abandon context in favor of a one-size fits all approach to government, which fails to account for how governments actually operate. The second idea is more subtle but it goes to a basic misunderstanding of the nature of the public sphere, one that is, to my mind, one of the most pernicious aspects of our current political climate, namely the accusation, always leveled against one's enemies, that they are "politicizing" an issue. Take, for instance, gun control. Thirty-six people a day are killed by guns in America. But if, as happened after the most recent mass shooting in Oregon, some members of the public ask for stronger gun control legislation, they are accused of "politicizing" the tragedy. But to fail to address gun control legislation in the context of another mass shooting is also to "politicize" the tragedy. There is no way to avoid politicizing a debate that takes place in the context of a democratic public sphere governed by laws instituted by representatives of the people. If the government regulates an industry it is operating politically. And if it doesn't regulate that industry it is also operating politically. There is no neutral action that the government can take, for it shapes the context in which our social and economic lives exist and it does this it regardless of the particular action it takes.

Unions understand this principle. But let's be clear: so do our enemies. Under the guise of protecting free-speech and under the false pretense of promoting apolitical, neutral policies, they are pushing a radical class war, one that seeks to undermine the union's political power and our ability to affect both our working lives and the larger political climate in which we live. They are, in other words, operating politically in the broad sense of the word – they are using all the weapons in their power to try to eliminate the existence of unions and their ability to do the work the law actually lets us do: negotiate the terms and conditions of our working lives. And this gets to my largest point, which is that unions exist to advance the interests of workers. Since all employees benefit directly from this foundational commitment, and since the union is obligated to represent all members of the bargaining unit equitably, all members of the bargaining unit should be required to pay for the services they receive. Contract negotiations are coming up, as I'm sure you are all aware, and those negotiations don't take place in a vacuum. They, instead, take place in the political climate that produces cases such as *Friedrichs*. There is not such an easy separation between terms and conditions and the larger political climate as one might hope. But just because the two realms overlap does not mean that there are not important distinctions between politics in the broad sense – the public sphere in which our actions take place – and the more directly political action unions in which unions sometimes engage. The current law

recognizes this distinction. What the Koch Brothers and their friends are attempting to do, under the guise of promoting the supposed neutrality of market interests, is to abolish it.

Friedrichs will not decide the fate of our union. We will continue to exist even if some members of our bargaining unit choose to benefit unfairly from services for which they refuse to pay. But the larger point here is to recognize it for what it is: a direct assault on the middle class structures built by unions, the people who brought you the eight-hour day, sick leave, paid vacation, subsidized healthcare and the weekend.

UUP Supports Food Pantry

A new collaborative partnership is being developed among the University at Albany, the Albany chapter of United University Professions and the St. Vincent de Paul food pantry. Located at 984 Madison Ave., the St. Vincent food pantry closest to campus and the Pine Hills neighborhood where many off-campus students live.

Food insecurity on campuses is a growing problem nationwide as the cost of college continues to rise and student debts mount. There are an estimated 300 food pantries on U.S. college campuses, according to a recent report on NPR. The goal is for the University and the union to support the pantry through fund-raising, while getting the word out to UAlbany students, faculty and staff that the pantry is available to them if they need it.

The idea for the pantry began over a year ago when Greta Petry first presented it up to UUP's Executive Committee. Citing this nationwide trend and the rising cost of higher education, the chapter began advocating for a University food pantry initiative. In collaboration with University administration, we decided to partner with St. Vincent de Paul, because the pantry has been operating for 33 years and is already equipped to offer a wide variety of foods, including meat, dairy, fresh produce and fresh bread."

Interim Provost Darrell Wheeler said, "The food pantry collaboration shows that when the University at Albany marshals its resources, we can accomplish great things in the community. Efforts such as these are not only the 'right' thing to do, but essential for a public university."

Under Petry's persistent leadership, and drawing on the generosity of UUP members, our chapter has raised over \$1,000 for the food pantry this year, with additional fund-raisers in the works.

**Elections are coming! Run for Office! Vote for your Officers!
Get Involved!**

UNITED UNIVERSITY PROFESSIONS

**2017 CHAPTER, RETIREE, AND AFFILIATE CONVENTION
ELECTION CALENDAR***

*Dates may be modified.

Activity	2017 Elections
Chapter Requests to E&C Committee Due	12/02/16
Election Certification Date	01/11/17
Mail Chapter, Retiree & Affiliate Convention Nomination Forms	01/18/17
Chapter, Retiree & Affiliate Convention Nominations Close	02/15/17
Chapter Nomination Lists Posted to Web	02/17/17
Mail Retiree Election Ballots	02/22/17
Retiree Election Ballots Due	03/22/17
E&C Committee: Count Retiree Ballots	03/23/17 - 03/24/17
Mail Chapter Elections Ballots	03/08/17 - 03/10/17
Chapter Elections Ballots Due	04/12/17
Count Chapter Elections Ballots	04/13/17 - 04/14/17
Conduct Run-off Elections as required	

Approved by the UUP Executive Board on August 19, 2016

Note: You must be a signed member by the Election Certification Date in order to vote.

Join UUP's 'Fair Contract' Campaign



SUPPORT YOUR UNION'S EFFORTS TO NEGOTIATE A NEW CONTRACT

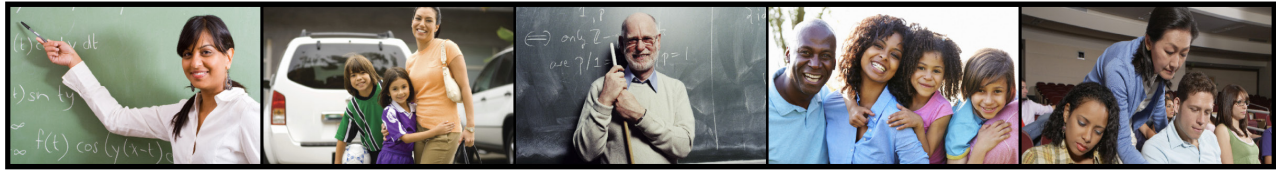
Here's what you can do:

- Post a UUP 'United for a Fair Contract' sign or sticker on your office door and in other prominent locations, e.g., bulletin boards, car windows.
- Wear a Fair Contract button or sticker.
- Attend chapter meetings on your campus to discuss the contract and other union issues.
- Put a sticker on the bumper of your car, and ask family and friends to do the same.
- Wear red on Fridays!

Call or email your UUP chapter office to get a 'United for a Fair Contract' sign, button or sticker.

Check the UUP website at www.uupinfo.org—and the union's members-only section in particular—for periodic negotiations updates. Encourage your UUP co-workers to view the site at <http://bit.ly/2cBv57P>; tell them to follow the directions posted there.

Contract questions can be sent to UUP at contract@uupmail.org



Save with NYSUT Member Benefits

We salute our hard-working professors for their dedication and the sacrifices they make on a daily basis to help improve the lives of others.

And NYSUT Member Benefits is proud to offer you -- the hard-working UUP bargaining unit member -- an opportunity to participate in the more than 40 endorsed programs & services offered by NYSUT Member Benefits.

Look to Member Benefits for crucial insurance programs such as life, long-term care or vision plans. Member Benefits also offers a variety of travel, entertainment & shopping options to help you with everything from daily purchases to those special once-in-a-lifetime excursions.

The following is just a sampling of the endorsed programs & services available to UUP bargaining unit members & their families:

- Life Insurance
- Vision Plan
- Financial Counseling Program
- ID Watchdog
- PayCheck Direct
- Car & Truck Rentals
- Wyndham Hotels
- Endless Vacation Rentals
- Buyer's Edge, Inc.
- American Solar Partners



To learn more about Member Benefits-endorsed programs & services, visit memberbenefits.nysut.org or call **800-626-8101**.



For information about contractual endorsement arrangements with providers of endorsed programs, please contact NYSUT Member Benefits. Agency fee payers to NYSUT are eligible to participate in NYSUT Member Benefits-endorsed programs.

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Editorial Policy: The opinions expressed in *The Forum* are those of the writers and do not necessarily reflect the position or policies of United University Professions.



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