

November/December, 2006



Annual Fall Dinner

On the evening of November 10, some 65 UNO AAUP members and guests met at the Upstream Brewery West for an evening of socializing with old friends and colleagues and enjoying a buffet dinner. Among the emeriti members attending were Reese and Cora Connors [Reese is a retired professor of Foreign Languages] and Harl and Kay Dahlstrom [Harl is a retired professor of History and Kay managed the Foreign Languages listening lab]. Although some retired faculty members choose, for some inexplicable reason, to move away from Omaha to places like Florida, Arizona and Hawaii, some do stay in the area and are always a welcome addition to the semi-annual social gatherings of the Chapter.



The AAUP represents the entire faculty, whether members or not. Pay raises and benefits, working conditions and contractual rights are negotiated for all. If any faculty member has a question or concern about rights under the contract, an AAUP officer will gladly clarify it. If any faculty member is called before an administrator for what might be perceived to be disciplinary actions, an AAUP officer will accompany that person, to be sure that proper procedures are followed, to protect individual rights.

However, there are perks to belonging to the AAUP, such as subscribing to *Academe* and voting for ratification of the contract, and of course, the semi-annual members dinners.

BARGAINING UNDER- WAY

Negotiations with the NU Board of Regents on the 2007-09 contract began in September. The UNO AAUP Negotiating Team consists of Bill Pratt (Chief Negotiator), Nora Bacon and Joe Brown. Issues being addressed at the bargaining table include salary increases, promotion stipends for Lecturers (who have served six years as Instructors), Long-Term Disability, refinements in the RPT procedures, binding arbitration and a union office on campus. According to state law, an agreement must be reached by January 15, 2007, or all unresolved issues will be determined by a Special Master (arbitrator). To prepare for this contingency, the two sides selected a Special Master on December 5, 2006. The next scheduled bargaining session is December 14, 2006.

AAUP Amicus Briefs

In accord with the Association's principles and litigation priorities, the AAUP Legal Office is active in filing amicus briefs in cases involving, among other things, academic freedom, discrimination, and affirmative action, and, in rare circumstances, participating as a party in cases involving academic freedom, First Amendment rights, and national security. In the past two years, the Association has filed Amicus Briefs with state courts, District Courts and the Supreme Court in matters involving:

Academic Freedom and Public Employee Speech, Academic Freedom and National Security, Academic Freedom and Teaching, Academic Freedom and Institutional Matters, Tenure, Discrimination, Intellectual Property and Affirmative Action. One close-to-home example follows.

Pittsburg State University/Kansas NEA v. Kansas Board of Regents, PSU and PERB

This case involves a challenge by the Kansas National Education Association (KNEA) to the Kansas Board of Regents' proposed policy giving ownership of faculty intellectual property to the universities at which they work. In 2004, a Kansas appellate court ruled against the KNEA, stating that the Regents were not required to engage in bargaining with the union on copyright ownership issues because such a practice would conflict with federal law's provision that an author may negotiate away his or her intellectual property rights but cannot be required to do so. The appellate judge reached this decision by assuming that the faculty members' intellectual property was work-for-hire, and thus the property of the University.

The KNEA appealed the case to the Kansas Supreme Court, and on July 13, 2005, the AAUP filed an amicus brief in that court on the narrow issue of faculty members' ownership of their own copyrights. The AAUP argued that the work-for-hire doctrine does not include faculty intellectual property, noting that federal appellate court decisions, traditional academic practices, and notions of academic freedom all point to faculty retaining ownership of their work as original authors.

Status: In a victory for AAUP, on November 10, 2005 the Kansas Supreme Court ruled that intellectual property rights are not simply assumed to be work-for-hire belonging to the university and can be a subject of collective bargaining. The court cited the AAUP Statement on Copyright, and recognized that faculty intellectual property ownership cannot be treated simply as the work of an employee belonging to an employer, but rather "will necessarily involve not just a case-by-case evaluation, but potentially a task-by-task evaluation."

‘What Ever Happened to the Faculty?’

Mary Burgan, former general secretary of the American Association of University Professors, is not happy about the trends she sees with regard to faculty rights. Traditional governance models are being replaced with strict hierarchies, and too many faculty members have too little influence in crucial decisions, she writes, in *What Ever Happened to the Faculty? Drift and Decision in Higher Education*, just published by Johns Hopkins University Press. The following is an excerpt from an interview Dr. Burgan gave concerning issues raised in the book.

Q: What is your advice to faculty members who want to see professors play more of a role in the way academe is run?

A: I would advise them to serve conscientiously on important departmental and school committees (and to know which are important and which aren't worth their time). I would also advise them to stand for office in their faculty senate and/or to be active in their

local faculty union; neither of these instruments of faculty authority can be effective without participation by rank and file faculty. I would urge them to be aware of and support the wider range of civic activities in their professional organizations. And finally, I would say that unless they are deeply concerned about teaching at all levels, including K-12, they will not be able to make much of a difference. Traditional faculty power has derived not only from research achievements but from the American academy's engagement with our public schools. In turning away from training and supporting school teachers as a primary responsibility in every major department — not just in the School of Education, higher education has lost a lot of its credibility with the public.

My book is titled *What Ever Happened to the Faculty?* By that title I meant to imply that the faculty have been made irrelevant in many discussions and decisions about education through forces that are almost beyond their control. But teaching is not beyond their control, and so my title also challenges my own colleagues. I am haunted by the image of a first-year student, just out of high school, wandering through some campus searching for a real, live teacher there.

AFCON Rep. Needed

The State Conference of the AAUP needs a representative on the Academic Freedom Coalition of Nebraska, of which it is a member. Any AAUP member from the state is eligible. If you might be interested, contact President Sharon Wood or any chapter officer.

Not From the AAUP

The AAUP has learned that an e-mail message entitled “Deadly harvest: The Lebanese fields sown with cluster bombs” is circulating with the name of the American Association of University Professors appearing at the top. This e-mail is not from the AAUP, nor is it endorsed by the AAUP.

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