UC workers testify on low-pay, turnover problems

Senators outraged at UC’s executive pay practices

UC management was in the hot seat on Feb. 8 before the state Senate Education Committee, which is holding a two-part special hearing to look into UC executives’ pay and perks.

The investigation followed reports by the San Francisco Chronicle that UC distributed hundreds of millions of dollars of stipends, bonuses and other hidden compensation to administrators. In 2004 alone, some $871 million was handed out, mostly to top executives. So-called “severance” pay was also at issue, particularly the lucrative golden parachutes granted to UC’s second-in-command, former provost M.R.C. Greenwood and former UC Davis vice chancellor Celeste Rose.

Clearly on the defensive, UC president Richard Dynes opened his testimony with an apology, acknowledging that “we have not always met the standards others hold us to in matters of compensation and compensation disclosure.” But Dynes also claimed that he didn’t know so many problems existed in the far-flung university system of 160,000 employees.

The legislative “smell test”

The senators weren’t buying it. Some pointed out that the executives concerned worked at top levels, close to him. Senator Abel Maldonado (R-Santa Maria) called UC’s executive pay practices “an organized disaster,” adding that the university’s “credibility had gone downhill” in the wake of revelations about corruption at the highest levels.

Committee chair Jack Scott (D-Pasadena) said he was particularly disturbed that Greenwood received a lucrative severance package, and said UC’s explanation “didn’t pass the smell test.” The stiffest challenge came from Senator Glorida Corona (D-Los Angeles), who asked whether any executives had resigned or been fired over the scandals. When Dynes said Greenwood had resigned, Romero replied, “We heard about what happened to her,” referring to her $301,840 salary for a 15-month leave, on top of retaining her $163,800 faculty position.

Greenwood left her executive position in November after newspaper accounts revealed her business partner and son had been hired into UC jobs. She was also given a secret $125,000 allowance to move from Santa Cruz to Oakland. Rose, the UC Davis vice chancellor, got a new job, a new title, and a $20,000-a-year raise, with no regular duties.

Researches and techs approve new contract with substantial raises and retirement protections

UPTE technical (TX) and research (RX) members turned out in record numbers in late December to approve a new three-year contract.

The contract provides raises averaging 13.2%. It provides employees with two and a half years of stable raises to help build their careers. In the new contract, employees will receive two consecutive years of step increases for the first time in a decade.

“These raises should begin to ease the more than 30% annual turnover of research employees,” said UPTE president Jelger Kalmijn, a staff research associate at UCSF. Employees who remain at UC throughout the contract will get about 14% in raises because of the steps. These raises add up to 4% more than the compact UC made with the governor, and 2% more than the 12% in raises UC says it plans to give unrepresented employees over the same period.

Tech members approved the contract with 77% of the vote and researcher members voted 87% in favor. The ballot included a choice between two pay plans, and in both contracts a plan for step increases plus cost-of-living raises received the most votes (among techs, that option received 73% of the vote, and among researchers it received 76%).

Retirement protected

For the first time in any UC contract, UPTE won protections for retirement. UC is completely barred from making changes to retirement plans. Members felt strongly about the right to retain the right to engage in sympathy strikes. The “smell test” passed.

Debate over strike rights, pay plans

A lively debate about the choices for pay plans, how to protect retirement benefits, and whether to retain the right to engage in sympathy strikes drove strong participation in the vote. While many members felt strongly about the right to sympathy strike, several other UC unions had already conceded this right in their bargaining.

UPTE plans to coordinate its bargaining with other unions, and if (continued on p. 5)
Become a steward

Want to help your co-workers as well as yourself with on-the-job issues? Learn how the UPTE contracts protect you and how to use labor law to defend your rights by attending an UPTE steward training.

The next training is scheduled in southern California at UCLA on February 25, from 10 am to 3 pm. Location is 130 MBI (near Lot #4). Lunch is provided. For more information or to RSVP, please email <uptela@netwood.net>.

The agenda will include grievance training mixed with how to enforce the contract on a wide range of issues, including filling unfair labor practices.

Get a scholarship

Thirty partial college scholarships of $3,000 each are being offered by UPTE’s national union, CWA, for the 2006-2007 school year. Winners will be selected by lottery, and will receive a special recognition party and a scholarship for $3,000 each are being offered by

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Ten ways to get a great HX contract

Health care professionals met recently to elect representatives and prepare to bargain a new contract in 2006. We asked newly elected bargaining rep Wendi Felson, a clinical lab scientist at UCSCF, what health care workers could do to support the process.

If all of us at one time or another have scratched our heads wondering why UC gets away with some of the things it does. Such things as doing nothing about unfair supervisors. Or increasing parking fees when our salaries are stagnating. Or paying higher salaries to co-workers who do the same work. Or expecting us to work through breaks or do a double shift when one too many people call in sick. And, that is without even discussing our salaries, which lag way behind comparable market rates, or that our health benefits are on the chopping block.

UC’s health care professionals’ (HX) unit contract expires on June 30. Now is the time to do something about the way we are treated. A strong contract only happens when there is an active and engaged membership. Let’s work together to get the contract we deserve!

1. Join UPTE. This is not only the easiest thing you can do, it is also the most important. If UC thinks no one cares enough about the union to join, it assumes we have no power and are a weak union, and treats us accordingly. Don’t let that happen! Please go to <www.upte.org> to join.

2. Contact your local bargaining team member. Let him or her know the issues and concerns in your work area, and get the latest information to take back to your co-workers. Bargaining reps are Bob Dawson, UCB =><jazzbeau@comcast.net>, Larry Fried, UCI =><cindyuye@gmail.com>, Sue McCormick, UCD =><sammccormick2000@yahoo.com>, Sheila Sittiam, UCSD =><costitians@yahoo.com>, Cindy Yuge, UCLA =><cindyuye@gmail.com>.

3. Sign up to be the “zone contact” at your work site. Each work location (lab, clinic, pharmacy, etc.) needs an on-site representative to help distribute information, flyers, buttons, etc. It’s easy and fun!

4. Join your local Benefits Committee. UC has serious plans to cut back on our retirement and health care benefits (see story page 3). Committees are forming on each campus to fight these cutbacks. This is a very heavy attack on one of the reasons many of us have continued to work at UC.

5. Hold a departmental meeting with an UPTE representative. As health care workers, it can be hard to make noon time meetings. Contact your local rep and ask for a convenient meeting in your area.

6. Join your local Professional Practices Committee (PPC). These committees deal directly with quality of care issues. While we are doing more with fewer employees, working longer hours, and at a faster pace, the chance of errors increases.

7. When bargaining sessions are at your campus, attend! Anyone can come and it shows UC how strong we are when we fill the room with our members.

8. If a rally or some other action is scheduled, be sure to participate. Bring your co-workers, and help publicize it. Plan a special action for your work site.

9. Join your local’s Mobilizing Committee. There will be many great plans and actions and we will need all the help we can get.

10. Sign up your co-workers. Carry UPTE membership forms and get your colleagues to sign up. Remember, just getting fees taken out of your check doesn’t mean you are a member; you have to fill out the application. This is actually the number one way to get a good contract! – Wendi Felson, CLS and HX bargaining team member at UCSCF.

Health and safety

Improving your indoor air quality

An indoor air quality problem exists when a limited amount of fresh air is circulated throughout the office (tight building syndrome); air is circulated at too fast a rate within the workplace; toxic substances are present in the office environment; or polluted outside air is circulated into the workplace.

Contributors to indoor air pollution are the use of chemicals like formaldehyde in carpets and furniture; carbon monoxide given off by outside traffic or accumulated naturally; polychlorinated biphenyls contained in electrical transformers; radiation from building insulation; ozone from copiers; solvents used in cleaners, glues, copiers; the ventilation system itself; and the presence of micro-organisms within the ventilation system, which are then spread throughout the entire building.

Air quality problems are compounded by “sealed buildings” that were designed to reduce energy costs, and by inadequate ventilation. Although ventilation systems are not designed to remove large amounts of air contaminants, a well-maintained system may circulate enough fresh air to sufficiently reduce the level of air pollution.

Severe ventilation problems may exist in offices where partitions and walls have been filled with what were previously open spaces. Although such spatial divisions may provide needed privacy, these work areas can contain dead or polluted air if the circulation of fresh air is inadequate. Each of these work areas should have properly operating supply and exhaust vents to ensure adequate ventilation.

Indoor air pollution can cause or promote many health symptoms that office workers experience. For example, contaminated air can cause headaches, sinus discomfort, upper-respiratory congestion, and eye irritation—as well as serious infections like Legionnaires’ Disease, a type of pneumonia. In addition, colds, headaches, drowsiness, irritation, and irregular breathing may be brought on by temperature extremes, improper humidity levels, and too little or too much air circulation. Job stress may compound these health symptoms.

An efficient, properly designed and properly operating ventilation system is a primary factor in preventing these symptoms. An efficient ventilation system determines the quality of the indoor air by controlling the amount of air that is added to the workplace atmosphere, the cleanliness of such outside air, and the rate at which the office air and its pollutants are either exhausted to the outside or recirculated throughout the building.

For more details and recommendations for solving office air pollution, see <www.cwa-union.org/hsFactSheets.aspx?ID=361>. – Joan Lichterman, UPTE’s health and safety director

New RX/TX contract

(continued from p. 1)

necessary, we’ll strike together to defend our rights,” says Kalmijn.

Amanda Habel, a staff research associate at UCSF, agrees. “This contract will help us attain job security, especially in this economic climate with corporations leading the way in a race to the bottom. We got better wages in this contract with both steps and a cost of living,” though, she adds, giving up the right to sympathy strike was a setback. “It’s great that we safeguarded retirement. Now we need to show UC we’re a force to be reckoned with, to prevent future take backs,” she adds.

Nearly half of the membership turned out to vote, and almost 300 people joined the union as new members during the two weeks of voting. “This is more than double the membership gain during our last contract ratification in 2003,” said Kalmijn, noting that stewards’ trainings and other opportunities are in the works to help bring new members into the leadership of the union.

A copy of the new contract, the vote results, and a survey are at <www.upte.org>.
Our benefits in the crosshairs
Defending our health benefits and pensions

Working at the university has its benefits, but they come at an increasing cost. Recent projections from UCOP Human Resources estimate that UC’s contributions to our health care premiums will decline from 97% (in 2001) to 68% (in 2010), and that UC currently funds 89% of health care premium costs. UC has staked out its initial position regarding the funding of our retirement plan in the “benefits brochure” it sent to all employees a few weeks ago. It announces that the retirement fund will drop below 100%-funded some time in 2009 and that employees will have to make contributions to keep the fund solvent. UC wants to implement these changes July 1, 2007. Benefits are part of our compensation and are bargainable under state law. In addition, the new UPTE tech/researcher contracts spell out that the union has the right to bargain over these kinds of changes. “We’re working in coalition with other UC unions on the organizing and legislative fronts,” says UPTE president Jelger Kalmijn, “to make sure our benefits and retirement systems will run in the best interests of our members.”

What happened to our pensions?

UC’s mismanagement made large investments in Enron with the pension fund, and when that corporation collapsed, the UC pension plan took another hit. Since then, the plan has changed management hands numerous times but has never regained its former robust performance. UC now wants us to make up the shortfall for its bad investing practices,” according to Lisa Kermisch, UPTE’s vice president and a long-time staff professional at UC Berkeley. She says employers are expressing great interest in working with UPTE to protect their hard-earned benefits. UC is also considering other changes, such as offering new employees a “defined benefit plan” (DBP) instead of a “defined contribution plan” (DCP) instead of a defined benefit plan (DBP) as soon as July 1, 2007. (See box above for definitions.) UC may propose a combined DBP/DCP plan for current employees. If UC begins to enroll employees in a new DCP and/or into a defined contribution plan (DCP) instead of a defined benefit plan (DBP), the investment power of the existing DBP will decrease.

What can you do?

UPTE is working in coalition with the other unions at UC to fight erosions in our benefits, and has formed local benefits committees to monitor developments and formulate policies and strategies to maintain UC employees’ benefits.

UC Union Coalition will be holding town halls and other events to discuss these changes and to gather employee opinions. If you’re interested in attending the seminar, or in making a presentation to the UPTE’s local benefits committees, please contact your campus local.

Which pension would you rather have?

<table>
<thead>
<tr>
<th>Type of plan</th>
<th>Design or promise</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defined benefit</td>
<td>Income replacement, replaces income based on a formula (age at retirement, years of service, highest annual compensation). The benefits and risks associated with investment are assumed by the employer.</td>
<td>Guaranteed pension for life</td>
</tr>
<tr>
<td>Defined contribution</td>
<td>Capital accumulation, based on a strategy in which the employer and employee contribute to the capital, which is then invested. At retirement, the employee has a total amount of money, which can vary wildly depending on the market.</td>
<td>Account balance</td>
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Defined benefit systems will run in the best interests of our Associates, owned by political friends of UC. In 2000 and gave over management to a corporation run in-house by UC treasurer Patricia Dynes, who ran it so well-managed that it ran a huge surplus. It was run in-house by UC treasurer Patricia Smalla, a UC employee. UC forced Small out in 2000 and gave over management to a private investment firm called Wilshire Associates, owned by political friends of one Republican governor (for details, see <www.upte.org/wilshireassociates.pdf>.

This change “wiped out years of good management of our retirement fund with one move,” notes UPTE member Frank Pinto, a computer resource specialist at Davis. “So every time UC puts out another brochure saying how we have to cut it because there’s just not enough money left,” said Pinto, “it makes me mad.

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Legislative hearing

Two-long time UC Berkeley computer operators, Daniel Ruiz and Lawrence Roush, were notified on November 1, 2004, of upcoming layoffs to go into effect two months later. Ruiz had worked at UC for 26 years, Roush for 24.

UC said the layoffs were needed because technological upgrades meant that malfunctions in the campus’ central computing system no longer needed to be reported to programmers for fixing. UC had also moved the department to a location that was more secure, where computers were no longer vulnerable to flooding, power outages, and other unforeseen problems.

UC broke the law

But UC made a crucial procedural error. Because UPTE was without a contract at the time, UC was legally obligated to bargain with the union before implementing the layoffs, but failed to do so. UC filed an unfair labor practice charge on behalf of Ruiz and Roush, winning both employees $5000 each and three years of preferential rehire rights.

“At the time of their layoffs,” explains union steward Tanya Smith, “both employees chose severance pay over preferential rehire rights, so the settlement was valuable to them in that they recovered preferential rehire rights and we were able to extend these rights to three years.”

Roush is pleased with the settlement but discouraged by UC’s disregard for long-term employees. “With the steady encroachment of the private sector’s business ethos into the administration of our public institutions of higher learning,” Roush told the UOpinion, “career employees are being sacrificed to the false ideal of efficiency, while their expertise and many years of loyal service to the university are ignored.”

“UPTE offers these displaced workers solidarity and support in their hour of need, while holding the university accountable for its actions,” he added.

Laid-off techs win cash and rehire rights

The second takes place in Berkeley on November 4, 2004, of upcoming layoffs to go into effect two months later. Ruiz had worked at UC for 26 years, Roush for 24. UC said the layoffs were needed because technological upgrades meant that malfunctions in the campus’ central computing system no longer needed to be reported to programmers for fixing. UC had also moved the department to a location that was more secure, where computers were no longer vulnerable to flooding, power outages, and other unforeseen problems.

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Los Alamos workers cheated out of pensions

While UC managers celebrate winning the contract for the Los Alamos lab, the reality for the 10,000 employees is very different. Starting July 1, they will no longer be UC employees but will work for Los Alamos National Security, LLC, a partnership of UC, Bechtel, Washington Group and BWX.

The five-year contract was announced in late December, after a series of safety and management problems led to scrutiny by Congress and the opening of competitive bidding for oversight of the lab by the U.S. Department of Energy, which owns the lab.

Manny Trujillo, UPTE’s LANL president, says the union will continue to organize to protect employee rights under the new contract. One challenge has already come up. On January 12, the regents voted to spin off a separate “Cloned Pension Plan” for current LANL and future LANL retirees.

The employees will no longer accrue service credit with UCRS (UC’s pension system). If they retire and lock in their retiree health benefits, they lose their right to a job at the new employer. If they do not retire, they have the choice of either having their public pension converted to a private plan or opting into a “clone plan,” or of becoming an inactive UCRS member and being put into the new company’s “market-driven plan.”

This means that many of employees nearing retirement age now have decades of service credit on the chopping block. Nearly a thousand employees, including many distinguished scientists, have taken earlier-than-planned retirements for fear of losing what they’ve built up.

In addition to no longer being an active part of UCRS, the new employer will hire all workers as “at will” employees, which means they can be fired without any reason, at any time.

While the workers suffer from these changes, UC will receive a management eight times as large as before the contract was put out to bid, and the new director will have a salary three times that of his predecessor. Trujillo tells the Update that the local is looking into a possible class action lawsuit due to UC’s breach of contract.

NYU grad workers stand strong

At a rally with more than 3,000 union members, faculty and community supporters, striking New York University (NYU) graduate teaching and research assistants vowed Jan. 26 to keep the pressure on the university until it agrees to recognize the graduate workers’ right to join together in a union.

CWA president Larry Cohen and New York State AFL-CIO president Denis Hughes were among the labor leaders who pledged their support for the student workers’ struggles. The graduate workers members of the Graduate Student Organizing Committee/UAW Local 2110 – walked out Nov. 9 to protest the university’s refusal to bargain a second contract. The strike followed the school’s August announcement that it would no longer recognize the union and that it would allow the contract to lapse.

The NYU graduate workers voted to join together in a union in 2000 and negotiated a four-year contract with the university. But in 2004, the Bush administration’s National Labor Relations Board (NLRB) reversed a Clinton-administration ruling and abolished federal labor law protections for graduate employees. Nothing in the NLRB ruling prevents NYU and other universities from voluntarily recognizing the union. Visit <www.2110uaw.org/gsoc> to learn more. – Work in Progress

Labor violations at National Public Radio

Members of UPTE’s national union, CWA, who work at National Public Radio, are urging elected officials and other newsworkers not to give interviews to NPR if a union-represented technician is not doing the field production. The techs are members of the National Association of Broadcast Employees and Technicians (NABET-CWA). Nearly 100 skilled technical workers, members of NABET-CWA Local 52031, have been trying for several months to reach a fair agreement with NPR management.

NABET-CWA filed an unfair labor practice charge against NPR for assigning a non-technical employee to conduct an interview with US Senator Evan Bayh on Jan. 17 and to perform the technical work normally done by union workers. Bayh’s office cancelled the interview when it learned of the labor dispute.

The technicians work in Washington, DC, New York, Chicago and Los Angeles. The union is asking member stations and newsworkers to contact NPR to urge management to get back to the bargaining table and negotiate a fair agreement.

For more information, go to <nabet31.com> and click on the NPR link.

UC students urge regents to divest from Sudan

A coalition of University of California students is demanding that the regents divest the university’s substantial financial holdings from companies doing business in Sudan to help stop genocide in the country’s Darfur region.

Of UC’s huge endowment, more than $4 billion is invested in foreign companies, some of which do business in Sudan. Student activists say UC has more than $100 million invested in oil and energy companies doing business in the region. Human rights groups have documented widespread ethnic genocide against non-Arab Africans since early 2003, and estimate that 400,000 people have died in the genocide in Darfur.

At the regents’ meeting in San Diego on January 19, hundreds of students demonstrated with pictures of victims of the genocide. Inside the meeting, they stood with locked arms and gave out a list of elected officials, including state Attorney General Bill Lockyer and 14 Assembly Republicans, who have urged UC to divest its Sudanese holdings.

UCLA’s African Studies director Allen Roberts compared divesting from Sudan to the movement two decades ago to divest from businesses operating under the apartheid regime in South Africa. In both cases, the divestment drive was largely student-led, Roberts told the Regents, and just as it helped overturn apartheid in South Africa, the current move to divest from Sudan can help defeat genocide in Darfur.

Regents to vote on issue in March

In response to the protests, the regents voted unanimously to create a task force (which will include student representation) to investigate UC’s holdings in oil and energy firms operating in Sudan and to send letters of concern to the university’s fund managers. The regents also agreed to a vote at their next meeting this March in Los Angeles on whether to follow through with divestment.

Student leaders called the move “a strong first step,” but say there is more to be done.

“We’re asking UC to completely divest from companies that we’ve identified as offending companies,” Jason Miller, a UCSF graduate student and co-director of the student-run UC Sudan Divestment Taskforce, told the San Francisco Chronicle. “We’ve pulled together thousands of faculty, staff and students in support.”

Other universities, including Harvard and Stanford, as well as institutions in Illinois, New Jersey and Oregon, have begun divestment actions in Sudan. For more information, or to sign a petition in support of UC divestment from Sudan, go to <www.inosphere.com/sudanhome.asp>.

In the news