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PROFESSIONAL ASSOCIATION

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October 31, 2014

VIA UNITED STATES MAIL
AND ELECTRONIC MAIL

Paige Anderson
C/O Tom Wazlavek
UFF District Representative
1510 Harvard Boulevard
Lynn Haven, Florida 32444

Re: Engagement of Students in Union Activities

Dear Ms. Anderson and Mr. Wazlavek,

I am writing with regard to a concern that the Pensacola State College Faculty Association (PSCFA) has inappropriately sought student support and involvement in a labor dispute and union business. Specifically, the faculty is seeking to involve the student newspaper, the Corsair, in the ongoing collective bargaining negotiations and the faculty's actions associated with that labor dispute. As we are aware, educators have a high legal and ethical standard to refrain from exploiting students for the educators' personal gain or interest. The College considers such a standard to be a significant obligation of our faculty and will not permit conduct it considers a violation of state statutes, the collective bargaining agreement ("CBA"), and applicable rules and regulations.

In addition to the aforementioned statute, the Florida Department of Education's Code of Ethics and Principles of Professional Conduct for the Education Profession in Florida also outline educator expectations and requirements. Rule 6A-10.081, Principles of Professional Conduct for the Education Profession in Florida, and in particular, subsection (3) governs the educator's obligations to students stating that the individual:

- h. Shall not exploit a relationship with a student for personal gain or advantage.

The above rule is clear and its enforcement consistently protects students against exploitation. On a prior occasion, a teacher received disciplinary action for utilizing written student statements in support of his campaign for Teacher of the Year. The teacher sought the award for personal reasons and was found in violation for student exploitation. *Winn v. Allen*, Case No. 13-0140 (Fla. DOAH Aug. 28, 2013). In another matter, a teacher was terminated for

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exploiting students whereby he profited directly from the student/teacher relationship. *Brogan v. Narvaez*, Case No. 97-2845 (Fla. DOAH Jun. 11, 1998). The PSCFA and its faculty member engaged students for personal gain and their support of union business, compromised the educator/student relationship, and ignored their obligation to the students.

Section 447.501(2)(f), Florida Statutes states:

A public employee organization or anyone acting in its behalf or its officers, representatives, agents, or members are prohibited from:

- (f) Instigating or advocating support, in any positive manner, for an employee organization's activities from high school or grade school students or students in institutions of higher learning.

Pursuant to the above statutory language, the PSCFA is explicitly barred from utilizing students to further their organizational goals.¹

Furthermore, the PSCFA's actions are those contemplated by the Court when citing PERC's determination that:

"The clear purpose and intent of Section 447.501(2)(f) is to prohibit employee organizations, and those acting on their behalf, from seeking student support for union activities. The most obvious evil to be prevented by the statute is the exploitation of students by their teachers, or representatives of their teachers, who might otherwise take advantage of the dependent nature of the student's posture in the student-teacher relationship in order to coerce from the students what might well be very reluctant support. In other words, the statute is a prohibition against using students as unwilling pawns in organizational activities in which the students have no economic interest."

Board of Regents v. PERC, 368 So. 2d 641 (Fla. 1st DCA 1979).

Lastly, CBA Article 6, Faculty Rights, governs the College's faculty members and states that "faculty members must be free of any arbitrary limitations on the study, investigation, presentation, or interpretation of facts and ideas. Academic freedom does not, however, allow an instructor the right to deviate from the general course description found in Pensacola State College's catalog or the major learning objectives specifically stated in the district course syllabus." This limitation includes within it a prohibition on the faculty member to engage a student on union business, as that subject matter is not within the parameters of any offered course.

¹ Although courts have questioned its constitutionality, the statute remains in place.

April 16, 2014
Page 3

It is the College's expectation that the PSCFA will refrain from undertaking any other actions that violate the above-cited statute, and it will notify all faculty members that they are not permitted to seek student support for union activities.

By copy of this letter, we are informing the Advisor of the Corsair of the legal considerations of this matter.

Sincerely,



Michael Mattimore

cc: Mike Taranto (mtaranto@pensacolastate.edu)
Dr. Erin Spicer