



### ***Building a Faculty, Family and Community Friendly University 2011***

*Allen Zagarell, President*

In a difficult economic and political environment (note Nancy Mansberger's article) and in a period between contract negotiations, our union doesn't have to be passive and wait for more prosperous times or the next negotiation to better our conditions. We can use this period to improve our working environment through a campaign to make Western Michigan University a better place to work and study. We can make WMU a more attractive employer, and make ourselves a more active contributor to our Greater Kalamazoo and Michigan Community. If we are persistent and resolute we can build a more faculty, family and community friendly university. We will face opposition (note Paul Wilson's article in this issue on the administration's renegeing on a verbal agreement during negotiations to set up a joint administrative-AAUP committee to investigate ways to hold down skyrocketing health care costs), but progress can be made.

#### **What do we mean by a faculty friendly community at Western Michigan University?**

We mean a university where we care for one another. This is the very foundation of our union and the traditional model for a university. We care about the welfare of our members. We strive for a university where the welfare and success of its faculty is central to its mission. This would make our university more competitive and more attractive despite our lower than average salaries. We are fighting for a university which views us as family and understands the changing makeup of the faculty who are often balancing family and professional expectations. We are fighting for a university that respects and values the opinions of our faculty.

We recognize that we are part of a still larger university community. We foresee our university supporting our students. We are

all working to give our students an excellent and affordable education. We believe that greater state support to higher education is critical to a healthy state economy. Investment in our youth is a necessity for Michigan's economic recovery and prosperous future.

We see our university as an important potential contributor to the economic and social vitality of our Greater Kalamazoo community. Our university is an important economic force in our regional setting. Our faculty, retirees, employees and students already contribute in multiple ways to the cultural enrichment of our community and we encourage further development of that partnership. We will be highlighting the many contributions our faculty have and are making to our region.

#### **What do we mean by an active campaign to make our university a better place to work?**

Our members periodically advise our union as to what would make WMU a better place to work. Usually these suggestions have come piecemeal and during negotiations. Some of the most recent and important suggestions have involved the question of maternity and potential adjustments by the university to make the university more sensitive to family concerns. Other suggestions have focused on the relative isolation of faculty from one another. We support all attempts to make faculty more socially and intellectually cohesive. Social and intellectual cohesion of our faculty increases our level of solidarity and strengthens the effectiveness of our union. We encourage initiatives from administration as well as faculty that strengthen that cohesion. For example, we strongly support Provost Greene's attempt to bring faculty together during periodic mixers, but clearly, more is needed.

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A&S - Science & Mathematics  
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We aim to build a more socially and intellectually interactive community. We hope to increase our social activity and encourage faculty interaction. We currently sponsor our very successful September BBQ, every year attended by many hundreds of faculty members. More such activities are needed and cost relatively little for us to provide. The Eastern Michigan University AAUP has successfully incorporated such activities into their yearly schedule, and we can do the same. (Note the article by Sharon Carlson on Faculty Clubs in this issue)

A faculty friendly university respects the opinions and deliberations of its faculty. Faculty must feel free to speak their minds. We believe in a university that jealously guards academic freedom. A community friendly university encourages and supports diversity and protects the rights of all its members. The union is dedicated to protect our academic freedom and all aspects of shared governance. (Note the article by Norman Hawker in this issue on the implications of the Garcetti decision for academic freedom).

A faculty friendly research university, such as ours, needs to provide multi-level support for faculty research. It needs to foster the exchange of ideas, an intellectual life. Our faculty union stands ready to work with the administration to support the life of the mind. We

have sponsored symposiums in the past in conjunction with the administration and other groups, dealing with education and health care. We will continue to do so in the future.

### **We Need You**

In order to build the kind of community we envision we need your input as to what it would take to make WMU, both professionally and socially, a better place to work. Our union's leadership hopes to meet with every department to listen to your suggestions. We hope to build consensus on how we can make WMU a more attractive place to work. We hope to continue these discussions with other employee and student groups, so we can work cooperatively for the long-term health of our institution.

We see this as a long-term campaign. We look forward to working with the administration to improve our working atmosphere wherever and whenever possible. But we will continue striving to make Western Michigan University a better place to work even without that cooperation. We expect the administration to adhere to our contract, but we expect still more. These are difficult times. We are facing economic and political headwinds. If we are active and aware we can still make progress.

## **Cooperating to Control Costs? It Takes Two to Tango**

*Paul T. Wilson, WMU-AAUP Contract Administrator*

During our accelerated Phase I negotiations in Spring 2011, mindful of the increased pressure on the administration, including concerns from the public and the legislature, and the necessity for us to bear some share of the increasing costs, we agreed with the administration to form a joint health care committee. The concept was that representatives from the administration, knowledgeable about health care issues, would meet regularly with representatives from the WMU-AAUP's Health Care Committee, who are also quite knowledgeable, to discuss developments in health care treatments and management strategies. The purpose of these meetings, as we understood it, and proposed it, was to engage in very specific conversation about how to modify our health care plan for our mutual benefit.

When we approached the administration this summer to begin the committee, first we got an agreement that by a specific date, both of us would identify our members for the committee. When we sent our names forward, we did not hear from the administration. In fact, they said that they did not remember making a commitment to do this.

When we pressed the issue, pointing out what our agreement had been, we got a reply after some delay. The administration declined to participate in the committee they had agreed to. Instead, they asserted unilaterally that there should be a different committee that would include representatives from all employee groups. We participated in such a committee before. That committee was primarily promotion of health information programs, with no serious discussion about how to control the costs paid by our faculty members.

This kind of approach goes against the spirit of shared governance; we had made an agreement to work together to control costs, and now we find it thrown back at our feet. We reiterate our call to the administration for a committee that is seriously committed to controlling health care costs, both for our members and for the administration. Let's work together and stick to the agreement that we made in good faith.

## University Clubs – Tradition and Opportunity

*Sharon Carlson, Secretary*

At the August 2011 AAUP retreat, the idea of having a university club resurfaced as a way to help make this university more faculty, family and community friendly. While Western Michigan University has never had a sponsored club, the closest this institution came was the Brown and Gold Dining Room. This private dining room, with wait staff, served lunch until the early 1990s on the second floor of the Bernhard Center.

University clubs have a tradition of operating as the campus host. Nearby examples of a true university club include our neighbors in East Lansing. Michigan State University's "University Club" began at the "State College Club" in 1929 and incorporated as the "University Club of Michigan State" in 1962. Today this organization provides dining, spa, and recreational opportunities.

Some university clubs have reciprocal agreements and in order to facilitate these arrangements, the Association of Faculty Clubs formed in 1978. (See <http://www.acuclubs.org/index.htm>) It reorganized in 2002 as the Association of College and University Clubs. The website for this organization provides excellent information on the types of university affiliated clubs that exist. A 2008 member survey included responses from 86 member clubs, representing organizations in the United States, Canada, and Europe. Ninety-six of these clubs offered dining and banquet opportunities with

theme dinners, wine tastings, banquets, private parties and dining made up the majority of the club activities. A much smaller percentage offered golf, tennis, and other recreational opportunities. The types of colleges and universities with clubs were primarily those with over 20,000 students enrolled. Eighty-five percent of the university clubs were affiliated with institutions having enrollments of over 10,000.

The models of governance also varied with clubs usually having a separate board governing operations independent from the university's board. Eighteen percent of the clubs were fully operated by the parent institution in contrast to 31% fully independent from the associated college or university. Thirty-eight percent operated with some assistance from the college or university.

While having a club would require large investments of time and money, the idea of sponsored opportunities for faculty to meet colleagues could be done with much less monetary commitment. If this idea appeals to you, look for information in upcoming editions of the *Advocate* and announcements from the Chapter. In order to continue to build community, the WMU-AAUP is planning events to bring faculty and their families together in informal settings. If you would like to be part of this initiative, please contact Sharon Carlson ([sharon.carlson@wmich.edu](mailto:sharon.carlson@wmich.edu)).

## UPDATE ON MICHIGAN LEGISLATION: IMPACTS ON WMU-AAUP FACULTY

*Nancy Mansberger, Grievance Officer*

The 2011 legislative session is not over and has already been the costliest in Michigan history for working families, students, seniors, and the poor. The legislation passed in just eight months has been aimed at eliminating collective bargaining rights, privatizing jobs, shifting costs to working families and the poor, while eliminating consumer, worker and economic safety nets. As a result, WMU-AAUP members will now face a substantial increase in the amount they must pay for state taxes and job benefits, and an overall loss of a number of rights and benefits, while simultaneously enduring cuts in educational and municipal resources and social services. In this article we will share some of the more significant pieces of legislation that have been passed into law during the past year, and will conclude with an update on up-and-coming legislation of importance to WMU-AAUP faculty.

### 2011 SPRING/SUMMER LEGISLATIVE HIGHLIGHTS

Public Acts 4 and 9 give the State the power to take complete control of local governments and school districts. The State can now remove locally elected officials from office, and transfer their legal authority to appointed state bureaucrats (Emergency Financial Managers, or EFMs). EFMs may opt to sell off municipal resources and properties without using competitive bidding. In addition, these Acts allow EFMs to abolish contracts and collective bargaining rights without any voting or approval by citizens or other elected officials.

Public Act 14 modified unemployment insurance law to reduce the maximum number of weeks of unemployment benefits from 26 weeks to 20 weeks. To make matters worse, House Bills 4409 and 4410, which man-

date a 48-month limit on Public Assistance, were put into immediate effect by the Senate. This legislation hurts the most vulnerable in our communities. State figures estimate that some 30,000 people lost their benefits Oct 1, 2011; 350 families in Kalamazoo County alone for the current month.

Public Act 38 is part of a huge tax policy shift. This Act eliminates the business tax, and shifts the \$1.8 Billion Dollar price tag onto retirees, low wage earners, and middle class families. Some of these changes include:

- Elimination of pension exemption.
- Major reduction of earned income tax credit.
- Elimination of child deduction. The child deduction provides a \$600 subtraction from AGI for each dependent child age 18 or younger.
- Phased out elimination of personal exemption.
- Elimination of the city income tax credit.
- Elimination of the dividends, interest, capital gains exemption received by seniors.
- Elimination of the \$2,300 special exemptions for seniors and individuals with unemployment compensation equal to or greater than 50% of their adjusted gross income.
- Elimination of the community foundations credit.
- Elimination of the homeless shelter/food bank credit.
- Elimination of the public contributions credit.
- Elimination of the college tuition and fees credit.
- Elimination of the vehicle donation credit.

Overall, the Michigan Legislature's budget for FY 2011-2012 lowered taxes by over 80 PERCENT to business, while cutting 1 BILLION DOLLARS from K-12 schools (an average of \$470 per student), and a 15% revenue CUT to Michigan colleges and universities.

Public Act 54 requires that, if a contract expires while in negotiations, the employer must pass on all increases in health care costs, freeze wages and eliminate step increases for the workers. It creates an incentive for employers to stall negotiations beyond the expiration of a contract period. It is useful to note that, in part due to this Act, WMU-AAUP chose to engage in "expedited bargaining" with WMU administrators during our most recent contract negotiation.

Public Acts 100, 101, 102 and 103, are a package of laws that were publicized as teacher tenure reform. These laws have more to do with stripping away collective bargaining and protections from employer abuses than tenure. They are only part of what has been labeled "a vicious attack on educators" across the state. One of the most problematic components of these new

laws is the requirement that *50 percent* of a teacher's annual evaluation of teaching effectiveness be based on **student scores on the State-mandated achievement test**, or MEAP (despite the well-researched fact that no valid method for evaluating individual teachers has yet been found). Perhaps even more concerning to WMU faculty, policy makers have promoted the use of score-based, mandated teaching evaluations to track and compare which higher education institutions produce "the most effective" teachers.

SB 7 places hard caps on public employee health care insurance, or to force public employees to pay at least 20% of their health care. The bills interfere with collective bargaining by interjecting legislative control on health care benefits. The bills do not take into account the concessions and trade-offs that workers have taken in order to maintain their health care. Nor, does it allow current deductibles and co-pays to count toward the 20%. The bill was passed in both House and Senate on Wednesday, August 24.

#### **IMPENDING LEGISLATION OF IMPORTANCE TO WMU-AAUP FACULTY**

Not content to rest on their laurels, Michigan legislators have started their Fall session with a barrage of bills that threaten to change the face of higher education in Michigan for decades to come. The following three bills are currently under active consideration, and WMU-AAUP members are urged to contact their state representatives and senators immediately:

HB-4770 and 4771 would prohibit public employers from providing **domestic partner medical benefits**, and would prohibit domestic partner medical benefits as a subject for collective bargaining. The WMU-AAUP vigorously opposes this bill as an inequitable and unethical denial of a basic right of Michigan higher educational institutions for self-governance and autonomy.

HB-4052 bans the use of "taxpayer-funded equipment" and facilities for union activities. This legislation could require that all union business (including chapter meetings, grievance consultations, and negotiations) be conducted off campus, and could ban all union communication to our members via university email and phone systems.

HB-5059 would prohibit employers from paying union officials for conducting union business. This bill could deny WMU-AAUP members the opportunity to have full representation and participation in grievances, disciplinary actions, and contract negotiations.

In addition to these last three bills, the Michigan Legislature has proposed a number of additional initiatives to privatize public school teachers, deny union deductions from public school employee paychecks, reduce prevailing wage acts, force the privatization of non-instructional public school employees, decertifying the union of the chapter of public school employees that vote to strike, prohibits state agencies from making health, safety or other laws more stringent than federal regulations, and many more.

### **CONCERNED? WANT TO GET INVOLVED? JOIN THE WMU-AAUP ADVOCACY COMMITTEE**

The WMU-AAUP Advocacy Committee is a group of faculty members who follow and act to influence the policy-making environment at the State and Federal levels. We have met with both state and federal legislators

about our concerns and goals for education funding, collective bargaining rights, and higher education policies, and have written letters, joined rallies, organized informational meetings and town halls, and are joining in a network of like-minded citizens seeking to impact legislation. If you would like to join in our effort to monitor and influence the policy environment, please send an email to [staff@wmuaaup.net](mailto:staff@wmuaaup.net).

<b>Upcoming Association Council &amp; Chapter Meetings</b>	
Association Council and Chapter meetings are held the <b>3rd Friday</b> of the month at <b>1:30pm</b> in the Bernhard Center.	
Chapter Meeting Friday, October 21 Room 157	Association Council Friday, November 18 Room 157

### **Working for a Faculty Friendly Community at WMU: *Garcetti* and Academic Freedom**

*Norm Hawker, Information Officer*

Allen Zagarell, our union President, outlined a bold vision and ambitious agenda in this issue of *The Advocate*. Strengthening faculty governance is a fundamental part of this vision, and that in turn depends on the freedom of faculty to participate in and offer constructive criticism of the governance of our University. Sadly, the U.S. Supreme Court has cast doubt on whether the First Amendment protects our academic freedom, especially in the area of faculty governance. Our collective bargaining agreement, therefore, remains our best defense of this essential tool for building a faculty friendly community at Western Michigan.

In *Garcetti v. Ceballos*, a divided court held that public employees do not have the *freedom of speech* to criticize their employers. The case concerned a deputy district attorney who recommended dismissal of a case when he discovered misconduct by the sheriff's department. The district attorney decided to proceed with the case, and Ceballos testified at trial on behalf of the defendant. The district attorney subsequently punished Ceballos.

According to the majority in *Garcetti*, "when public employees make statements pursuant to their official duties, ... the Constitution does insulate their communications from employer discipline."

It remains unclear whether the First Amendment protects the *academic freedom* of faculty at public univer-

sities. The majority expressly refused to discuss question in *Garcetti*, even though Justice Souter noted in his dissent that the majority's decision imperiled the academic freedom of university faculty.

The majority acknowledged that its decision "may have important ramifications for academic freedom," but they hedged their bets on academic freedom, stating that there is "some argument that expression related to academic scholarship or classroom teaching implicates additional constitutional interests." Completely missing is any reference to protection of academic freedom for faculty governance.

As Justice Souter feared, at least three lower courts have held that the First Amendment does not protect the academic freedom of faculty. According to a recent report in *Inside Higher Ed*, Louisiana State University at Baton Rouge fired one faculty member in apparent retaliation for research regarding Hurricane Katrina that proved embarrassing to the federal government and suspended another for giving low grades.

Simply put, we cannot rely on the courts to protect our academic freedom under the First Amendment. If we are to build a faculty friendly community at our University, we need to work together to strengthen the academic freedom protections in our contract.

