

## Reviving Western Michigan University's Educational Mission

Cynthia Klekar, Chief Negotiator

Western Michigan University's message to students on its website is that WMU fosters "knowledge and innovation," transforms "wisdom into action," and supports a culture of teaching and learning through a commitment to faculty research and instructional support. But WMU clearly cannot honor these obligations and at the same time strip its colleges of funding, increase its reliance on adjunct instructors, and funnel increasing resources to non-instructional endeavors such as athletics, real estate, and even cobblestone walkways. While the faculty have continued to shore up their resources and use creative problem solving to serve our students, the administration's goal of doing more with less is not sustainable.

The lack of instructional support and respect for students and faculty is not simply the result of a disagreement about how to achieve our university's mission; it is an insidious effort to shift the campus culture from one of academic freedom and shared governance, where students and faculty have the right to pursue rigorous scholarship and diverse ideas, to one of silenced dissent, where progressive, individual thinking is stifled and learning outcomes depend upon credit hours, not imaginative and critical thinking.

WMU's faculty have made it clear that we will resist this culture shift. As co-governors of this institution, we value our charge to prepare students for independent and thoughtful citizenship; we *want* to do this work. At our February chapter meeting, the faculty union discussed priorities for the 2014 contract negotiations, priorities that will revive Western's educational mission. The mandate to the negotiation team and the chapter leadership was clear: protect the rights and resources that foster a campus culture of teaching and learning. Those rights and resources include but are not limited to:

- **Workload:** Workload is the measure of a university's commitment to sound pedagogy, a purposeful curriculum, and professional autonomy. Decision-making authority over curriculum and pedagogy should reside with the experts, those who have dedicated their professional careers to the public good of higher education.
- **Faculty Hiring:** The proportion of full-time faculty on our campus signifies the level of commitment to students. In recent years, retirements and attrition have placed significant strain on many departments. These departments' inability to provide a sufficient number of courses impedes students' progress to degree completion. Only with sufficient full-time faculty can we legitimately claim to mentor, advise, train, and support our students at the highest level.
- **The Value of Research:** Especially demoralizing is the fact that not all academic research on this campus is created equal. As one faculty member put it, "we are united in our dismay that writing books, publishing articles, winning external grants and prizes, putting on recitals, art shows, and all other work that does not generate overhead revenue for the University is not counted as research." The myopic vision of what constitutes valuable research, of what is deserving of funding and support, minimizes our institution's accomplishments. Further, it sends a conflicting message to our students when the professors teaching them to conduct research and engage in intellectual and creative work are not adequately recognized for their own endeavors in those areas.
- **Gender Equity:** Faculty and students remain angry and confused about the recent mismanagement of the gender equity salary adjustments. Let us recall that it was a student—an example of our

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awesome, smart, courageous, and empathetic student body—who led the gender equity rally last fall. To disappoint and disrespect a segment of the faculty is one thing, as shameful as that is, but to set the example for our students that diversity, equality, and democracy are ideas that we talk about but not ideas that we believe in, is unconscionable, at best. It is imperative that we implement a fair and effective model for resolving gender and salary inequities.

- **Faculty Compensation:** Compensation matters. The *Chronicle of Higher Education* reports WMU's salaries as "far below" the national median. We are increasingly asked to sacrifice benefits, even though we lack substantial support in areas such as sick leave and family leave. It is difficult to summarize in this short amount of space the extensive repercussions of an inadequate compensation package. The account would include faculty recruitment and retention, student recruitment and retention, the quality of instruction, and the reputation of Western as a place that holds intellect and the pursuit of knowledge in high esteem.

Refocusing Western's priorities will be a challenge. But I am not discouraged; I consider what the WMU faculty has accomplished in the last year and I am heartened. Our chapter's efforts over the past year have resulted in the censure of the provost, national coverage of the gender pay equity process, and a revitalized faculty union. When last fall the deans reported the drastic budget cuts implemented across the campus, the faculty did not respond with apathy; we responded with purpose and insisted that the administration consider the ways the cuts put the entire university at risk—the students' ability to

complete their degrees, the departments' ability to offer adequate instruction, the university's ability to maintain its research status. When the gender equity pay process resulted in even more egregious inequities, the faculty did not respond with resignation; we responded with a refusal to accept that inequity is simply an unfortunate reality on this campus. When the provost announced the implementation of the academic program review without meaningful collaboration with the faculty, the faculty did not respond with disillusionment; we responded with outrage that Western is eight hundred plus faculty deep, and yet in decision-making processes we are the least utilized resource. We raised the stakes by challenging the administration to define their ultimate goals, the real motivation driving the academic program review and planning process, and noted that a comprehensive review in the spirit of improving our institution would include a review of the administration.

WMU's educational mission is at a tipping point. Faculty are faced each day with the task of re-legitimizing the values and priorities that should be the natural conditions upon which this campus operates. Now, perhaps more than ever, is the time to unite. We need to stand firm against the anti-intellectual policies that threaten our campus. As we negotiate our contract, and importantly, *as we come out of the negotiations*, we must focus on the ways that we can once again become an academic community that will take action to preserve academic citizenship. We have *all* dedicated ourselves to this purpose—students, staff, faculty, and administrators—and we have *all* dedicated ourselves the promise of Western. Our purpose and our promises are worthy of honoring through a collaborative effort.

### **Request for outstanding CVs for faculty specialists**

Are you a faculty specialist who has transitioned from business, industry or academic administration into your tenure-track position? Or, has your career path to promotion and tenure been a traditional academic path? Whatever your background, your contract administrator is seeking copies of CVs which can be shared with colleagues preparing their case materials. If you would like to share your CV, please email it to [staff@wmuaaup.net](mailto:staff@wmuaaup.net).

Sample CVs that demonstrate transitions from non-academic to the academic career are particularly needed, across all disciplines.

If your CV is housed on your personal faculty homepage or department website, you may simply send us the link(s). Hard copies of CVs will be maintained at Montague House for review in the building. A list of links may be provided to faculty as requested or needed.

## A Question of Priorities

### Lisa Minnick, Chapter President

Released last fall, the university's 2012-13 audited financial statement is bursting with good news: "The University's financial position is strong," it announces, with assets of \$946.8 million and liabilities of \$549.5 million. It projects a net revenue increase of three million dollars for 2013-14, and it shows that the university continues to generate positive operating margins and comfortable cash flow, despite sustaining a 24% decline in state support since 2008. WMU also continues to enjoy an A1 bond rating.

And yet despite this encouraging news, WMU faculty, staff, and students have seen funding for our colleges and our departments decimated. Faculty hiring has come to a near stand-still. Many senior colleagues nearing retirement age report that they are reluctant to step down, fearing that their positions will not be replaced, that the high-quality academic programs they spent decades building will disappear, and that with fewer faculty to share the burden, their younger colleagues will be left with an increasingly unmanageable workload.

In its February 2014 report, "Labor Intensive or Labor Expensive? Changing Staffing and Compensation Patterns in Higher Education," the Delta Cost Project ([deltacostproject.org](http://deltacostproject.org)), which studies college affordability nationwide, looks at faculty hiring patterns and growth in administrative positions over the past two decades.

Among its key findings:

- Growth in administrative jobs has been widespread across higher education and has outpaced enrollment growth.
- In full-time faculty hiring, the pace "either equaled or lagged behind student enrollments," and the new hires were often for non-tenure-track positions.
- Part-time faculty hires have outpaced new full-time positions at all but the top public universities, and part-time faculty and graduate assistants "typically account for at least half of the instructional staff in most higher education sectors."
- There has been considerable growth in well-compensated "managerial and professional administrative" positions across the higher-education sector.

- Since 1990, there has been a decrease of approximately 40 percent in the number of faculty or staff per administrator.

According to Delta, increasing tuition at most universities has been used to compensate for other revenue losses, especially state support, which has decreased sharply. The report emphasizes that "Faculty salaries were not the leading cause of rising college tuitions during the past decade" and that the "average salary outlay per full-time faculty member has stayed essentially flat from 2002 to 2010." However, the authors add that "additional savings from shifting to part-time instructors have not been enough to offset the costs associated with continued hiring and rising benefits expenditures" for the burgeoning administrative workforce.

And yet the message we keep hearing at WMU is that the faculty is the problem, that we are too expensive, that our compensation is not sustainable. The message seems to be that whatever might be wrong with the university must be fixed at our expense.

Ironically, this message comes most often from individuals who are compensated far more generously than the overwhelming majority of faculty members ever will be. For example, 46 non-faculty employees of Western Michigan University are paid over \$150,000 per year, while only four faculty members earn salaries of \$150,000 or more. Eleven of these lucrative non-faculty positions pay over \$200,000 per year. (It may be needless to add that the total number of WMU professors earning \$200,000 per year or more is zero.)

The annual survey of faculty salaries, conducted by the national AAUP, with data provided by the institutions themselves, reports faculty salaries at WMU as "far below" the national median year after year. For 2012-13 (the most recent data available), salaries for full professors here are in the 15th percentile nationwide. The salaries of associate professors at WMU are in the 13th percentile; assistant professor salaries are in the 11th percentile.

*That's right: 85 to 89 percent of faculty members at colleges and universities in the United States are paid more the faculty at WMU.*

At the top of the WMU homepage, the banner reads: “Western Michigan University: A top 100 national university.” Make no mistake: The national reputation of this university is well deserved and it is the result of the hard work, dedication, and talent of its faculty.

But we are doing that work while living on salaries that are nowhere near the top 100. They’re not even in the top 200. Or the top 300.

Faculty salaries at Western Michigan University rank 346th nationwide.

Yet still we keep being asked – compelled – to do more with less. And we are in the dark when it comes to the direction in which the university is moving. Colleagues are asking us if the administration cares about preserving our Carnegie classification as a Research University with “high research activity,” if we can hope to remain a “top 100 national university.” They ask what the administration’s priorities are for the university, about its vision for our academic identity. I don’t know how to answer those questions.

Nothing that happens on a university campus happens in a vacuum. And when we look around and don’t see the kind of shared sacrifice that we keep being called upon to give, the only logical conclusion seems to be that what we are experiencing is perhaps less the consequence of financial exigency than a major shift in institutional values and priorities.

For example, we were informed last fall that salary increases – including equity adjustments – can only come with offsetting cuts to the funding of our academic colleges. A system in which deans, chairs,

and faculty members are instructed to choose between fair compensation and adequate funding for the tools that make it possible for us to serve our students and the institution suggests the rise of a real crisis of values on this campus.

No one should need reminding that the faculty are integral to the institution. We have committed our professional lives to the well-being of Western Michigan University, and along with our families, we make tremendous sacrifices and investments that enable its success. I listen to colleagues talk about their students, their research, their creative work, their service, their commitment to this university, and I am in awe. What they give to their students – and to this university, this community – is immeasurable. So much of it remains uncompensated, unacknowledged, uncounted and uncountable, and saddest of all, unvalued.

The university is now in the process of a lot of profound transitions, which, as President Dunn rightly noted in his State of the University speech last October, will result in a significantly changed university in the coming years. It only makes sense, then, for the senior administration to collaborate with the faculty in meaningful ways to ensure the success of the major initiatives now or soon to be underway – the medical school, the law school, the program review.

Realistically, none of the initiatives that the senior administration have prioritized can happen without us. And none of them should. In return, we expect nothing more than our rightful role as true partners in the academic enterprise, fair and just compensation, and the respect we deserve for what we do.

### **Request for outstanding CVs for traditionally ranked faculty**

Your contract administrator is seeking samples of CVs for traditionally ranked faculty, from a variety of disciplines, as resources for colleagues preparing their promotion and tenure materials. I am looking for CV examples from faculty who have had a traditional academic path toward promotion and tenure as well as examples from faculty who have transitioned from other arenas including business, industry, and academic administration. If you would like to share your CV please email it to [staff@wmuaaup.net](mailto:staff@wmuaaup.net)

If your CV is housed on your personal faculty homepage or department website, you may simply send us the link(s). Hard copies of CVs will be maintained at Montague House for review in the building. A list of links may be provided to faculty as requested or needed.

## Where Do Your Faculty Rights Come From?

### Ask a Union Pioneer

#### Bill Warren, Chapter Vice President

On February 6, the chapter sponsored a panel discussion at the Zhang Legacy Collections Center featuring five past leaders of the WMU-AAUP. Galen Alessi, Lynwood Bartley, Mary Cain, Edward Pawlak, and Robert Ricci participated as panelists. Each conveyed historical reflections on the WMU-AAUP's importance and evolution as a collective bargaining chapter. They also provided the audience, consisting of faculty, emeriti, and community members, including some who had also been involved in leadership roles at different times in the chapter's nearly 40-year history, with inspiration and insight into the value of an effective collective bargaining chapter. Since its founding, the chapter has not only embodied the hopes and aspirations of its leaders and members, it has also established the groundwork for all of the important rights the faculty now claim as part of the WMU community.

The chapter's collective bargaining origins illuminate the importance of a united and motivated faculty. The Fall 1977 issue of the *AAUP Report* included a detailed article written by David Selden, president of the American Federation of Teachers from 1968 to 1974 and the WMU chapter's executive director during its early collective bargaining years, titled "How WMU-AAUP Won Its Contract." Situating the faculty's support for collective bargaining in frustration over administrative indifference and deteriorating faculty salaries compared to Michigan's other public universities, Selden noted that "Western's priorities were the priorities of its administration and little concrete response was made to the faculty's voice."

WMU's faculty voted to make their longstanding AAUP professional association into their collective bargaining chapter in March 1975. Despite support from many chairs who wanted to be included in the bargaining unit, WMU's administration insisted that chairs were part of the administration. Bargaining for the chapter's first contract commenced in August 1975. Stephen Mitchell, WMU's Vice President for Academic Affairs, galvanized faculty support for the bargaining process by dismissing 175 faculty members in September 1975 who were either on term appointments or in their first or second year of tenure-track positions. Administration further alienated faculty by refusing to offer more

than token economic concessions. They also refused to provide the chapter with access to specific budget information, making meaningful bargaining very difficult. Although the chapter then took a strike vote, it went down to defeat.

In February 1976, the administration finally presented their contract proposal, which chapter members promptly rejected by a vote of 409 to 6. Nearly all faculty felt this initial proposal had little merit. The chapter then successfully petitioned for fact-finding with the Michigan Employment Relations Commission (MERC) in April 1976. The fact-finding report along with recommendations from George Bowles, an administrative law judge, and a report from the state's auditor general all supported the chapter's push for significant economic, procedural, and governance concessions from WMU. Many of these were included in a new proposal presented to faculty on August 20, 1976, which was over one year after the start of negotiations. Chapter members then ratified their first collective bargaining agreement on August 31st. This first contract resulted in an average salary increase of 10 percent, which Selden claimed was the highest among the state's public universities in 1976-1977. It also included protections for agency shop, layoff and recall procedures, and tenure, promotion, and grievance processes.

A newly-elected executive team, consisting of President Lyn Bartley, Vice-President John Petro, Secretary Jared Wend, Treasurer Charles Woodward, Janet Kanzler, Janet Stillwell, Chester Rogers, and Don Lick, as well as a chapter membership eager to build on the initial contract's provisions, decided to reopen negotiations the following year. After bargaining began in May 1977, one of the holdover issues from the previous year's negotiations was the issue of salary equity owed to faculty. The 1976 contract had established a \$300,000 equity pool, but no adjustments had been made from the pool. Contention over the allocation of this equity pool then became a central issue in the 1977 negotiations. But bargaining bogged down over the summer, and several important articles pertaining to job protection, raises, and salary fairness remained unsettled. When the administration finally made its economic offer in late August, Selden

described it as “another insult to the faculty.” Counterproposals from the chapter were rejected, and the administration would not consider additional compromises. The chapter’s “S” committee worked tirelessly to prepare the membership for a possible strike. Finally, after the impasse continued, the chapter met at Kalamazoo’s Civic Auditorium on Sunday, August 28, 1977, to consider a strike. In a close decision, the chapter voted 273 to 258 in favor of a strike.

The next day, Monday, August 29<sup>th</sup>, was the first day of Fall semester. While nearly two hundred faculty picketed outside various campus buildings, many other faculty spoke with students about the reasons for the strike. However, no students were prevented from entering buildings. A 2pm rally at the Seibert Administration Building attracted more than one thousand faculty and students. That same afternoon, a MERC mediator met with the two sides. After an all-night meeting, the negotiation team and WMU’s administration agreed to form a

joint union-management committee to study the compensation issue. After agreeing to this plan, the chapter’s executive committee suspended the strike pending a chapter vote on the new contract. Three days later the membership voted overwhelmingly in favor of the contract. Among other provisions, the second contract provided for greater department autonomy, improvements in workloads, improved layoff and recall procedures, enhancements in the grievance and dismissal procedures, greater equity in compensation and workloads for fiscal year faculty, and significant salary increases and increased promotion increments.

As our chapter prepares for upcoming contract negotiations, it is useful for all of us to reflect on the courage, commitment, and motivation of our union’s pioneers. The efforts of the chapter’s leadership and a supportive faculty in the crucial period from 1975 to 1977 laid the foundation for the rights and benefits that we now have and should continue to hold dear.

## Contract Administrator’s Corner

### Marilyn S. Kritzman, Chapter Contract Administrator

In addition to regularly scheduled office hours, Officer and Executive Committee meetings, I have been engaged in the following work on behalf of our members. This list is representative rather than all inclusive.

- assisted members prep for and/or attended 21 promotion and tenure appeal cases at the department committee, department chair college promotion committee and/or Dean level. Colleges represented are: College of Health and Human Services (CHHS), College of Arts and Sciences (CAS), College of Education and Applied Sciences (CEAS), College of Education and Human Development (CEHD), Hayworth College of Business (HCoB) and College of Fine Arts (CFA). To date, 18 of the 21 less favorable decisions have been changed to favor the faculty candidate’s case for promotion or tenure. The appeals have addressed violations of the contractual process, violations of due process (several grievances have been filed in conjunction with the appeals specifically regarding the use of unsubstantiated comments and conflict of interests). We also addressed the delay in notifying faculty of decisions at the chair level that occurred in multiple colleg-

es. Some faculty members experienced a nearly 30 day delay in receiving a response from their Chair regarding their case;

- presented at the jointly sponsored promotion and tenure workshop with the Provost’s office;
- represented tenure track faculty in CFA and multiple CAS investigatory meetings and clarification conferences regarding Article 21 (Professional Conduct) charges in Article 22 (Progressive Review) proceedings. One case has resulted in charges being dismissed, one in a letter of notice and another is still in progress;
- represented tenured faculty in CFA, CEHD, and CHHS regarding allegations of lack of adequate job performance due to health/medical issues. In all cases faculty members have been encouraged to apply for accommodations under ADA/ADAAA and FMLA. I continue to insist on due process and fair treatment under the WMU-AAUP Agreement;
- reviewed and continue to review department policy statements;

- met and worked with faculty considering reduced retirement (Article 35);
  - met and worked with faculty regarding Article 41 (Summer Teaching Preference). In one instance a School Director proposed reducing each board appointed faculty members summer teaching by one course (11%) and further proposed filling the summer teaching schedule with part-time and graduate assistants. The Director also invited the School's faculty to write their Article 41 rights out of their DPS. As of today, these faculty still possess their Article 41 rights for summer preference and will teach at 22% (as requested) providing the summer courses fill;
  - collaborated with the Provost's Office and the Office of Faculty Development to hold a) classroom observation workshops and, b) teaching portfolio workshops to assist faculty with promotion and tenure cases. Additionally, I am working with several members to host CV prep workshops for both traditionally-ranked and faculty specialists to assist with tenure and promotion cases;
  - met with multiple faculty regarding the University's spousal hire process;
  - attended several meetings, including the open forum regarding the 26 versus 27 paycheck issue. A decision on this every ten or eleven years should be announced by Vice-President Van Der Kley by mid-March 2014;
  - worked with our chapter attorney on an emerging trend which could adversely impact our members. The newly appointed Director of Academic Collective Bargaining is allowing administrators to introduce and use unsigned, undated, second and third-hand hearsay evidence in promotion and tenure cases, Article 22 investigatory cases, and performance due to medical issue cases. Chapter members enjoy hard-fought for protection, through current contract language, from the use of unsubstantiated comments in any personnel decision. I am working hard to prevent these comments from being used against our colleagues in any formal or informal situation. If you know that unsubstantiated comments are being used in any personnel decisions against a board-appointed faculty member, please contact the chapter office;
  - negotiated a five-year lease renewal for Montague House for the WMU-AAUP, pending approval by the Board of Trustees and the WMU-AAUP Executive Committee;
  - worked with Extended University Programs on a hybrid-course development stipend agreement. This is more favorable to members than the current contract language (Article 30.4.3). Once approved by the WMU-AAUP Executive Board, faculty developing hybrid courses delivered at branch campuses will be eligible for a course development stipend;
  - have sought, since early January, the contractually guaranteed copies of all contracts with health care agents and providers (Article 33.1) plus a copy of the *complete* Benefits Guide (Article 33.3). As of this writing the documents have not been provided and a chapter grievance has been filed;
  - continued to work with members on workload and assignments issues who have been transferred to new departments since the dissolution of UCTC;
  - continued to work on reports of copays being charged at both the Sindecuse Health Center and the Unified Clinics as well as being charged for PT supplies. This is contrary to the negotiated health care benefits under the current Agreement. I will be meeting with the leadership of these providers to gather information and attempt to resolve the problem. If you are being charged copays (or for supplies) at either Sindecuse or the Unified Clinics, please contact the Chapter Office so we can address the issue on your behalf;
  - attended Board of Trustees and Faculty Senate meetings, along with presentations on University finances and suicide prevention; and
  - met with many members and administrators to discuss concerns, answer questions and solve problems.
- I am available by telephone and by appointment to meet with faculty on these and other contract/workplace issues. You may send me an email or schedule an appointment. My office hours are Tuesday, Wednesday and Thursday mornings. I will do my best to assist you.

## A Primer on Unfair Labor Practices

### John Saillant, Chapter Grievance Officer

Unfair Labor Practices (ULP's) are acts that are illegal under federal or state law. The relevant federal law is contained in the National Labor Relations Act, which is supplemented by State of Michigan law. The NLRA declares it unlawful for an employer to interfere with the administration of a labor organization, to discriminate against employees for joining a labor organization or asserting their rights as employees, to refuse to negotiate in good faith with a labor organization, to fail to provide information the labor organization has relevant to a grievance or to collective bargaining, or to refuse to implement grievance settlements or arbitration awards. Early in the twentieth century, employers also tried to undermine labor organizations by forming their own "company unions" that received management support and that purported to represent employees. Such sponsorship or control of shadow labor organizations is also outlawed by the NLRA.

Our Agreement and a recent decision by the Michigan Supreme Court are also relevant. Article

45 (Waiver Clause) agrees and acknowledges that both WMU and the chapter gave up the right to bargain collectively during the life of the Agreement. Except for specific kinds of contract issues, our sole method for remedying a breach of contract is through the grievance procedure. The only exceptions that the Michigan Employee Relations Commission (MERC) recognizes are when the employer fails to provide information that is requested by the chapter and that is relevant to the enforcement of the Agreement and when the employer repudiates the grievance and arbitration process. *The Michigan Supreme Court, in Macomb County vs. AF-SCME, 494 Mich 65 (2013)*, confirmed that filing a complaint over a ULP involving an issue subject to the grievance procedure is highly disfavored. Such complaints do not rise to level of a ULP.

Complaints about ULP's must be filed within six months of the offending act and in Michigan are adjudicated by MERC.

## The Importance of Union Dues

### Bill Warren, Chapter Vice President

In an essay written in 1915, Samuel Gompers, a founder of the American Federation of Labor and its president in all but one year between 1886 and 1924, expounded on the importance of membership dues to organized labor's activities:

Power is necessary to influence. Power depends upon resources. This is true of the trade union as well as of every other organization. The labor organizations that have the greatest power to protect their members and the greatest influence in furthering the needs and the demands of their members are the labor organizations provided with ample, substantial financial resources . . . Labor organizations are constantly preaching the gospel of higher wages. What wages are to the individual, dues are to the organization.

Nearly 100 years later, Gompers' perspective is still valuable for WMU-AAUP chapter members to consider.

#### Request for copies of exemplary teaching portfolios

Have you prepared an outstanding teaching portfolio as part of your tenure or promotion portfolio? If so, would you be willing to share it with colleagues? Your contract administrator is seeking several teaching portfolios that may be shared with colleagues as they are preparing their tenure and promotion materials. I am seeking portfolios for both faculty specialists and traditionally ranked faculty, from a variety of disciplines. The portfolios will be kept at Montague House and will be available for review only in the building. If you would like to help us assist our colleagues, please email me at [staff@wmuaaup.net](mailto:staff@wmuaaup.net).