
Uncompensated Summer Work and Faculty Rights Under Article 38

Many people outside the university community (and even quite a few within it) are surprised to learn that WMU faculty on academic-year (AY) appointments who are not assigned to summer teaching are **not compensated by Western Michigan University for work performed in the months of May, June, July, and August.**

Yet many AY faculty are called upon to perform a variety of work assignments in the summer for which they will not be paid. Some examples include (but are not limited to) the following:

- work on the Academic Program Review
- work on strategic planning at the department, college, or university level
- administration of academic programs within departments
- independent studies, including those for which students pay tuition and receive credit
- lab and research supervision of graduate and undergraduate students
- graduate and undergraduate advising
- supervision of student internships
- training and supervision of graduate teaching and research assistants
- student recruitment activities
- other administrative or quasi-administrative activities

Most board-appointed faculty members at WMU have academic-year appointments, although there are also a number of fiscal-year faculty with 12-month appointments and some with 10-month appointments. While some AY faculty are eligible to participate in a deferred-compensation pay structure, in which a portion of each paycheck throughout the academic year is withheld for disbursement over the following summer, resulting in equal installments year round, their “summer pay” was actually earned during the academic year. Other AY faculty are paid their full earnings during the academic year, with their last paycheck until September disbursed on May 5.

Article 38 of the Agreement articulates the terms under which AY faculty are employed in relation to the academic calendar: “Bargaining unit faculty on academic year appointments shall not be required to work . . . during periods between semesters and sessions when classes are not scheduled to meet.” It expressly defines “outside the calendar” as “before the Fall semester begins, between the Fall and Spring semesters, and after the Spring semester ends.” Exceptions are permissible only in “limited circumstances,” which must be “legitimate responsibilities of academic-year faculty (e.g., registration, department orientation/organization meetings, retreats, committee assignments, and grading situations).”

In recent years, however, many AY faculty have been experiencing significant increases in uncompensated summer work assignments, as well as increases to their regular workloads that make it difficult to complete within the academic year all the work for which they are responsible. They report increasing pressure – to which untenured faculty are especially vulnerable – to work in the summer without compensation in ways that appear to extend the definition of “limited circumstances” well beyond the spirit of the Agreement. The institution is becoming increasingly dependent on free faculty labor, and it is time to break this exploitative cycle.

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The “legitimate” work of faculty on academic-year appointments can and should be performed during the academic year, within the bounds of reasonable faculty workloads. If there is work that is sufficiently critical to the functioning of the institution that cannot be done during the academic year but must be performed in the summer, *that work must be compensated*. Faculty members themselves are best situated to determine whether assignments they are asked (or expected) to perform outside the calendar constitutes legitimate use of their time during parts of the year when they are not being paid for their work. **Therefore, it is the Chapter’s position that all assignments of work “outside the calendar” must be compensated, offered without coercion, and accepted or declined without penalty at the discretion of each individual faculty member.**

Additionally, fiscal-year faculty rights to a reasonable workload must not be infringed. FY faculty must not be burdened with additional assignments, including work that would be “outside the calendar” for AY faculty, without overload pay. **Such assignments must be compensated, offered without coercion, and accepted or declined without penalty at the discretion of each individual faculty member.**

If the administration believes that any particular task or initiative is sufficiently urgent to require “outside the calendar” faculty attention, their proposals should be brought to the Chapter, pursuant to Article 38. §2, for consideration on a case-by-case basis. **In principle, however, the WMU-AAUP cannot support practices that do not compensate faculty members appropriately for their work.**

Chairs, directors, deans, the provost, and other administrators, especially those who are compensated for their work all year round, should follow the contract as well as the Golden Rule as their guiding principles. They must respect the academic calendar and honor the academic-year appointments of faculty members who hold them. They must refrain from expecting, requiring, or attempting to compel uncompensated “outside the calendar” work to be performed by AY faculty and from expecting, requiring, or attempting to compel any uncompensated overload work to be performed by any faculty member, regardless of appointment type.

Faculty members who feel that they are being expected or required to perform uncompensated summer work or overload assignments (and especially those who feel they are being pressured into doing so) are urged to contact the WMU-AAUP office ASAP.

It is long past time to send the message that a culture in which people are routinely expected to work without pay is unacceptable.



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