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Right Flier: Newsletter of the AAUP-WSU Volume 4, Number 3, April 2004

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The Right Flier

Newsletter of the WSU-AAUP

Volume 4, Number 3, April 2004



MARK YOUR CALENDARS

Spring 2004 Chapter Meeting

Friday, May 14, 12:15 pm

146 Russ (Main Campus), **151 Dwyer** (Lake Campus)

Only regular chapter members are eligible to attend. Refreshments will be served.

Open Meetings

Thursday, May 20 at 2:15 pm, 167 Rike *and*

Friday, May 21 at 1:30 pm, 148 Russ

All members of AAUP-WSU and all Bargaining Unit Faculty (BUF) are eligible to attend.

Why: For BUF to express their concerns about the current Collective Bargaining Agreement (CBA) and wishes for the next CBA.

Promotion and Tenure Workshop

Friday, May 7 at 2:00 pm, 495 Millett Hall

Why: This workshop will focus on the roles, rights, and responsibilities of both the candidates and departmental committees in the tenure and promotion process. This is not a session on how to prepare your case but rather on the rules to be followed in preparing and evaluating the case. All BUF are welcome to attend. We especially invite untenured faculty to participate. Since the chairs of the departmental P&T committees are also members of the bargaining unit, we would likewise encourage them to attend this session. We cannot guarantee we can help you to avoid all mistakes, but we can make you aware of the mistakes others have made in recent years.

The workshop will be conducted by David Barr (Grievance and Contract Administration Officer, WSU-AAUP) and Rudy Fichtenbaum (Chief Negotiator, WSU-AAUP). No reservations are necessary. If you have any questions or concerns you can email David at david.barr@wright.edu or Rudy at rudy.fichtenbaum@wright.edu.

OBTAINING A BETTER COLLECTIVE BARGAINING AGREEMENT

by Rudy Fichtenbaum, Chief Negotiator and Jim Vance, Communication Officer

In memos and in conversation the faculty sometimes refer to the “union contract.” A contract, of course, is an agreement between at least two parties, so there is no such thing as a “union contract.” The Collective Bargaining Agreement (CBA) is an agreement between two parties: AAUP-WSU and the administration of Wright State University.

The CBA is the result of negotiations. The process of negotiation implies that each side must compromise to some degree. Otherwise, there will be no agreement. Hence, a contract can never be a perfect document from the perspective of either party. However, we can position ourselves to obtain a better CBA. How this can be achieved is the focus of this article.

Debunking a misconception

When most of us hear the term “union,” we are likely to imagine a local organization that employs a business agent and other paid professional staff, and that is strongly tied to a powerful national or international union. In such a union, the day-to-day tasks as well as contract negotiations are not handled by the members but by a paid professional staff. Moreover, the priorities during negotiations are often set by bureaucrats far removed from the local union at their D.C. headquarters.

It is important for faculty in the Bargaining Unit to recognize that our union bears little resemblance to the conventional model sketched above. AAUP-WSU has no business agent; we have no paid professionals to deal with contract violations or the many other matters that call for communication with the administration; we have no hired guns on our negotiating team. In fact, our only employee thus far is our part-time Administrative Assistant, Ms. Connie Jacobs. We do not take directions from the national or state AAUP in negotiating our contract. In fact, we are a union of professionals, *and we rely almost exclusively on volunteers*. In other words, *the members run our union*.

What it takes to run our union

The point is -- AAUP-WSU is not like most other unions. So, who does the work? And what type of work is it that must get done? These are important questions, and each Bargaining Unit Faculty Member (BUFM) needs to know the answers. Here they are. (And yes, *this will be on the test!*)

The work of our union can be divided into two major categories: **day-to-day operations**, and **contract negotiations**.

Day-to-day operations run the gamut from fielding routine questions about the CBA to formal negotiations with the administration. Here are some examples.

- A BUFM who has applied for promotion and tenure appeals a negative decision by the University P&T Committee. AAUP appoints five members to serve on the P&T Appeals Committee (as does the administration). This duty, whose importance and sensitivity are evident, typically involves *many* hours of deliberations.
- The CBA calls for a joint AAUP-administration committee to review and propose changes to the form used for student evaluation of teaching. BUFMs appointed by AAUP undertake this important task.
- Likewise, the CBA calls for a joint AAUP-administration committee to review health care benefits; again, BUFMs appointed by AAUP perform this work on behalf of us all.

- A BUFM is uncertain about the meaning of a certain provision of the CBA; she calls a member of the Executive Committee, which discusses the matter and provides a response.
- Two BUFMs are dissatisfied with the annual evaluation scores assigned by the chair, and both seek assistance from our Grievance and Contract Administration (GCA) Officer. In one case, the GCA officer arranges a settlement through informal discussions with the administration. In the other, the BUFM files a formal grievance. Both BUFMs receive higher evaluation scores and hence higher merit raises.
- The administration decides to merge two departments. AAUP negotiates an agreement with the administration to govern annual evaluation, promotion and tenure, and departmental faculty governance pending the adoption of unified bylaws for the new department – as well as an approval procedure for those bylaws.
- Our chapter Treasurer, in monitoring the administration's collection of membership dues and Fair Share fees called for by the CBA, finds that too much money has been deducted from a BUFM's paycheck. The Treasurer works with the administration to be sure that the mistake is corrected.
- Our chapter Vice President orchestrates the writing of our chapter newsletter *The Right Flier* to keep faculty informed on a variety of important issues.
- The Vice President organizes a membership drive to recruit more BUFMs to join our union.
- AAUP members attend the *Summer Institute* offered by national AAUP, receiving training in handling grievances, negotiating contracts, and the legal responsibilities a union bears.

Contract negotiations encompass a variety of tasks that begin well in advance of formal negotiating *per se* and that last through actual contract ratification. Here are some highlights:

- The Chief Negotiator, along with other members of the Executive Committee and Negotiating Team, collects data (e.g., on faculty raises and health benefits costs at WSU's sister institutions) and performs simulations (e.g., if our contract provides [say] 3.7% raises for the next three years, where can we expect WSU faculty to stand in comparison to peers at sister institutions three years from now?). This occurs both during the "quiet" periods between contract negotiations and while formal negotiations are under way.
- The Chief Negotiator and the Executive Committee together survey the faculty in advance of negotiations.
- Members of the Executive Committee meet with the faculty in advance of negotiations to solicit their concerns about the current CBA and priorities for the next one.
- The Bargaining Council, with RCM representatives from each college, makes recommendations to the Negotiating Team regarding contract proposals and priorities. Of course, results from the aforementioned research, survey, and meetings inform this process.
- The Executive Committee, Negotiating Team, and Bargaining Council jointly craft the initial contract proposals our Team takes to formal negotiations. This work, though largely invisible, is critically important and extremely labor-intensive.
- During formal negotiations, the Negotiating Team attends all bargaining sessions. These normally occur once a week for at least four hours. In addition, the Team meets at least once a week to prepare for each bargaining session. The Team also reports their progress to the membership via weekly updates of the chapter's web pages. These updates include complete contract language proposed by each side, as well as a summary of the issues discussed at each bargaining session.
- After a tentative CBA is agreed to, the Negotiating Team and Executive Committee distribute the tentative CBA to the Regular Chapter Members and organizes a discussion meeting prior to the actual ratification vote.

To repeat an important message – the essential work of our union is performed almost exclusively by a volunteer staff, and there is no shortage of work. Every faculty member who serves the faculty through AAUP – on the joint committees on teaching evaluation and health care, P&T Appeals,

Executive Committee, Faculty Governance Committee, Bargaining Council, and Negotiating Team – is expected to teach, conduct research, and perform normal department, college, University, and professional service. Although some members of the Executive Committee and Negotiating Team get a one course load reduction, it almost never compensates for the many hours devoted to making our union a success.

Building a stronger union

At the outset of this article, we stated that our CBA is not “the union contract.” Instead it is the product of negotiations between our union and the administration. So, the question becomes -- “How can we obtain a better CBA?”

The core of our answer contains one key fact: *negotiating is all about power*. Negotiating our CBA is, in many ways, like a game of chicken. Each side is trying to guess how far the other side is willing to go. If the two sides have equal bargaining power, then the tendency to compromise on both sides will be equal. However, if one side is more powerful relative to the other side, there is less pressure to compromise. Faculty have the ultimate power in an academic institution simply because if we refuse to offer our services, the main work of the institution grinds to a halt. This does not mean that the faculty want to exercise that power, but negotiating from a position of strength often ensures our goal of obtaining the best possible CBA.

Aside from our willingness to utilize our “ultimate weapon,” withholding our services (i.e., going on strike), there are two additional dimensions to our power as a union.

The first dimension of our power is the size of our membership. During our first CBA negotiations, our membership hovered around fifty percent of Bargaining Unit Faculty. This put us in a relatively weak position. By the second round of negotiations, we were in a stronger position because we had passed the sixty percent mark. Today membership stands at approximately seventy-one percent. But this increase did not just happen. It was part of a strategic plan developed by the elected leadership of AAUP-WSU. However, credit for the success of our membership drive lies entirely with individual members. Indeed, *it was the action of individual faculty who joined our union which has strengthened our position at the bargaining table*.

But having a high membership rate marks only the beginning of building our union’s power. The second dimension of our power is the membership’s willingness to participate in the important work of the union. To begin, faculty can help by simply reading the CBA and offering suggestions for its improvement. Each member is welcome to contact any member of the Executive Committee in this regard. Public opportunities to offer feedback are also available (see page 1). Each member can also help establish the priorities we will take to formal negotiations by responding to the forthcoming pre-bargaining survey. *In short, if you desire a better CBA, give us some language to work with*.

More importantly, we need members to run for union office and to serve on union committees. Every time the administration sees a new face representing AAUP-WSU, we send a signal that our power is growing and that they will have to take us more seriously during the upcoming negotiations. In addition, the more members who share union responsibilities, the more democratic our collective voice will be. And every new participant who undertakes the work noted above (“What it takes to run our union”) allows our union to do more. *In short, even more than joining our union, volunteering to work for the union helps to get a better CBA*.

During negotiations we regularly post both the union and the administration proposals on our web site and prepare summaries of the issues discussed in each negotiating session. We strongly urge every

member to read the proposals and provide feedback to the Negotiating Team. If there is a problem, members should communicate it to members of the Bargaining Council and/or the Negotiating Team. Your Negotiating Team is in a much stronger position if (for example) we can tell the administration that "we received one hundred emails from our members rejecting your proposal to increase parking fees." *If you want a better CBA, once formal negotiations begin in early 2005, we will rely on you to track their progress, provide feedback, and participate in actions to support our negotiating position.*

Ultimately, our negotiating power depends on collective action which requires the active participation of our entire membership. WE NEED YOU! To say it another way (with thanks to JFK)...

Ask not what your union can do for you – ask what you can do for your union!

ANNUAL EVALUATIONS

By Rudy Fichtenbaum, Chief Negotiator, AAUP-WSU

As a reminder, the process of annual evaluation of Bargaining Unit Faculty (BUF) must be done in accordance with Article 11 (Annual Evaluation) of the Collective Bargaining Agreement (CBA). Also relevant to this process are Article 12 (Student Evaluation of Learning and Teaching), Article 16 (Grievance), and finally the August 4, 2003 Memorandum of Understanding Concerning Promotion and Tenure and Annual Evaluation in Department and College Bylaws (MOU).

In accordance with Article 11.3, each year BUF are required to submit a report of their teaching, scholarship and service activities during the preceding year. Except for BUF hired on or after July 1, 2003 [see Article 11.2.2 for the particulars], the chair is required to conduct an annual evaluation for each area - teaching, scholarship and service. BUF may also submit any other material that provides evidence of successful teaching, scholarship or service. The chair may use other written materials if they document the chair's direct observation or are from identifiable sources. This means that a chair may not use anonymous complaints or hearsay evidence in the annual evaluation process.

For untenured faculty, chairs will receive numerical scores and copies of written comments from student evaluations. While numerical scores may be used as part of the evaluation process for untenured faculty, they cannot in and of themselves form the sole basis for evaluating teaching performance. This is spelled out clearly in Article 12.4.

For tenured faculty, the chair will receive only copies of the written comments from student evaluations. The chair may not require or even request that a tenured BUF submit his or her numeric scores although a faculty member may choose to submit these scores. However, under no circumstances can a BUF be penalized for choosing not to submit numeric scores from student evaluations.

The chair must provide a written evaluation and assign integer scores on a scale of 0 to 4 with 0 being the lowest and 4 being the highest. The University will then calculate an overall score based on relative weights assigned to teaching, scholarship and service. These overall scores are then used to calculate merit raises in accordance with Article 11.7.

The MOU of August 4th explains that the integer scores and weights must be assigned using the criteria contained in department bylaws if: 1) the BUFs' performance was evaluated using bylaws criteria in 2002, 2) bylaws were approved any time in 2002, or 3) a majority of BUF in a department voted by December 31, 2003 to apply annual evaluation criteria in department bylaws for this year's

annual evaluation. If none of these circumstances apply then a department chair can assign integer scores and weights in accordance with past practice which means they need to be consistent with criteria that have been applied in recent years, unless an individual has a work assignment that is sufficiently different from his or her colleagues to warrant different criteria.

If scores are not assigned in accordance with the criteria in bylaws or consistent with past practice then a BUF may file a grievance. This means that if you feel that your chair has been inconsistent in applying the criteria in bylaws or inconsistent with past practice you may file a grievance. In order to determine whether a chair has been consistent in assigning scores you may request copies of the scores and annual evaluations for all other faculty in your department. You can also request copies of all activity reports, student evaluations for all faculty in your department and any other information that the chair used in evaluating faculty. (If you request an extraordinary amount of material please be aware of the fact that the University does have the right to charge you for the costs of copying this material.) Remember it is your overall score relative to the overall scores of other BUF in your department that determines your merit raise.

The first step in filing a grievance would be to follow the informal complaint procedure in Article 16.3, which normally means meeting to discuss this matter with your chair. If you want to file a grievance you should start by writing your chair a memo requesting an informal meeting to discuss your complaint. The chair must set up a meeting at a time that is mutually agreeable within five days of your written request. In this meeting you have the right to be advised and assisted by AAUP-WSU. To receive such assistance or advice you should contact our Grievance and Contract Administration Officer, David Barr. If this informal process does not resolve the grievance, then a formal grievance must be filed not later than 40 days after you receive your annual evaluation or by June 1st whichever is later. This deadline is new in the 2002-2005 CBA.

If you have any questions about how to interpret the CBA or the MOU or have questions about the grievance process please contact: Rudy Fichtenbaum (rudy.fichtenbaum@wright.edu) x3085 or David Barr (david.barr@wright.edu) x2293.

Protecting Academic Freedom

One of the major objectives of AAUP is to protect academic freedom. To this end, the national office's Special Committee on Academic Freedom and National Security in a Time of Crisis issued a report examining the impact of the USA Patriot Act. The report raised particular concerns about governmental restrictions on the availability of information and on normal international exchanges among scholars and students caused by the elevated barriers to entry into the U.S. They also challenged the subpoenas issued by a federal grand jury that demanded extensive information about an antiwar conference held at Drake University in Des Moines, Iowa. Although the subpoenas were withdrawn, the incident in Des Moines provides a striking reminder of the continued threat to academic freedom. Please join 45,000 faculty members in AAUP who are committed to academic freedom and professional standards in higher education. **Join WSU-AAUP today at www.wright.edu/admin/aaup/pd_form.pdf.**

Faculty Can't Be Blamed for Higher Tuition Costs

The recent issue of *Academe* reports that from 2002-03 to 2003-04 average faculty salaries increased just 2.1 percent, only .2 percentage points above the inflation rate. At public institutions, continuing faculty received an average salary increase of 2.6 percent. By comparison, tuition and fees at 4-year public institutions rose by an average of 14.1 percent. The report concludes that although increases in faculty salaries contribute to higher tuition other factors (e.g., reductions in state support, rising financial-aid costs, expansion of R&D infrastructure, escalating benefit costs for all employees, and the rising costs of information technology) have played a greater role since the 1970s. Indeed, tuition and fees would be lower today if they had been pegged to the rate of average faculty salary increases.

Mail to: