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January 2011

Editor: Martin Kich

The Right Flier

Volume 11, Number 2

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President's Message

The 2010-11 academic year brings both opportunities and challenges for AAUP-WSU. We recently voted by a more than four-to-one margin to adopt an agreement with the administration regarding faculty workloads under the coming semester system, a milestone for AAUP-WSU, since the agreement spells out basic workload parameters for the first time (see the recent special edition of *The Right Flier* for a history of the disputed status of workload negotiations at WSU). Although the terms of the semester transition discussions dictated in advance that the conversion would be "workload-neutral," the administration has acknowledged that adjustments are needed in several areas, and having now drawn an initial baseline, we should be able to negotiate such adjustments in the future. This is a major and positive step forward in the collective bargaining process at WSU.

In the "challenges" category, in January 2011 we will begin negotiating our fifth contract in the worst economic environment we have faced since collective bargaining began at WSU in 1999. The good news is that we now have a mature contract, which is to say that many basic terms and conditions have been established and refined over the past decade, so most of the contract does not require major adjustments. The less positive news, however, is that agreement regarding compensation and benefits will likely be more difficult to achieve than ever, given the discouraging state budget, increases in health care costs, etc. Now more than ever, AAUP-WSU needs an informed and engaged membership, so please stay involved by reading email messages and newsletters from AAUP-WSU and communicating your questions, concerns, and ideas to your union officers (see page 2 for a list). In our last round of contract negotiations in 2008, we successfully avoided wage cuts and an HSA-style health plan because AAUP-WSU was able to tell the administration that 80% of our members had pledged to reject any contract or fact-finder's report that would have yielded either of those outcomes. As past experience has shown, then, good contracts come not from savvy negotiators but from active, involved, and vocal members, so we on the AAUP-WSU Executive Committee hope to hear from you in the coming months.

Barry Milligan

Report from a AAUP Summer Institute 2010 Attendee

I participated in the contract negotiation sessions, which were three three-hour sessions on two consecutive days. After an overview of the negotiation process and approaches to productive collective bargaining, the participants were randomly assigned to either an AAUP faculty or an administration contract negotiating team for a fictitious academic institution. I was on the administrative team for "Rocky Bottom State University." We were given facts about our university and instructions from its board of trustees on what we needed to gain from the faculty. The faculty team was also given instructions on what they needed to gain from the administration. What became quickly apparent is that the members of a negotiating team need to be chosen carefully.

Our self-appointed chief negotiator tried to advance an agenda that differed significantly from that of the board of trustees and treated the members of the faculty team with contempt. The elected chief negotiator on the faculty team opened with a laundry list of demands that were so unrealistically absurd that even the other members of her team were bewildered. (Had these demands been backed up by good research, perhaps they would not have been so absurd.) While the negotiations dragged on, our chief negotiator was negotiating with each of the members of the faculty team individually, and sometimes in conflicting ways. Although our teams did finally reach agreement on the key issues, the agreement was contrived. In the real world, we would have been going to arbitration.

What I learned from these sessions is that successful negotiations depend on two things: (1) making arguments on the basis of good research, and (2) having a chief negotiator who, armed with that research, can present compelling arguments and, also, properly can ascertain when a compromise is in order. We are very fortunate to have a chief negotiator like Rudy Fichtenbaum at WSU.

Linda Farmer
Member-at-Large

Committee W Report

Committee W met throughout Fall Quarter, 2010 and discussed issues to raise during collective bargaining in the upcoming contract negotiations. The committee focused on issues which pertained to recruitment and retention of women faculty including child-care, dual career appointments, and work-life balance issues. The committee's findings were reported to the Executive Committee and to the Bargaining Council. The committee will continue to meet in upcoming quarters and will focus its efforts on ascertaining, within each college, how much service female faculty are performing in comparison with their male colleagues and whether there is any equity in how faculty are being evaluated/credited for their service commitments.

Linda Farmer
Member-at-Large &
Lawrence Prochaska
Treasurer

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Highlights of Contract Administration

Funding Professional Development Expenses:

Article 18.4.1 guarantees access to \$900 per year for each bargaining unit faculty member for use for professional development expenses. Article 18.4.2 allows for those funds to be carried forward up to \$3600. Since this is the third year of this contract, members who have not used any funds should have access to \$2700. "To request funds, a Member must submit to his or her department chair a written request that includes a statement describing how the requested travel or materials will enhance the Member's teaching or contribute to scholarly productivity." (18.4.5) Consult the contract for appropriate uses for these funds. If your chair is denying the existence of these funds, please contact the GCA officer at barbara.hopkins@wright.edu

Maintenance Drug plan through Express Scripts:

In our bargaining survey we found that 42% of bargaining unit members who have used Express Scripts have had problems with it. We are working with the administration to correct these problems or change to a more reliable service provider. Please answer the survey posted by Human Resources at <http://www.zoomerang.com/Survey/WEB22BG4X975PX> and if you have problems contact Tony Linz in HR at 937-775-4217 or at hr_benefits@wright.edu and let us know.

CaTS:

Over the summer CaTS rolled out a new authentication system for the wireless network. Pursuant to article 7.12 of the contract, union representatives have ensured that CaTS would not use this authentication system to collect information from computers accessing the network. When the network failed to work reliably for faculty classroom use, we requested that authentication be removed. This has brought us to the dual system we have now. Since the EZconnect system has not been reliable either, we continue to challenge the

administration to live up to its commitment to provide "high quality computer and network resources." (7.12.1)

Promotion and Tenure:

The appeals committee for promotion and tenure considered two cases last spring.

Barbara Hopkins
Grievance Officer

Lessons Learned

With negotiations toward our fifth Collective Bargaining Agreement (CBA) just around the corner, we are well advised to review lessons we've learned in previous bargaining with the WSU administration.

Spring 2008

Early in April, 2008, during negotiations toward the CBA that is now in effect, the administration proposed a package of health benefits and salaries. When set against the inflation trends of that day, this proposal would have yielded a cut in real pay deeper than six percent over three years. Our Negotiating Team responded with its own proposal, supporting it with relevant facts (e.g., data showing the lackluster level of our salaries vs. those at certain comparator institutions). We argued as eloquently as we could.

But rhetoric and data did not win the day. *Our members did.*

When it became apparent that facts and argument were not sufficient for us to obtain what we thought were appropriate salary and benefits, the AAUP-WSU Executive Committee asked for your help. We asked you to write messages opposing the administration's

proposal and to state that you would rather go to fact-finding (see sidebar) than accept their offer. *And write you did.* In less than two weeks, we had the better part of *two hundred messages* along the lines we had sought. We reported this massive response to the administration, and they got the message. They knew that fact-finding is the first step toward a strike; they knew that if the fact-finder's report was not satisfactory, then our members could vote to reject it and thus take a second step toward a strike; and, they knew that if the two hundred message-writers all voted to reject, the fact-finder's report would probably go down the drain.

What Is Fact-Finding?

When negotiating parties can't resolve all the contract issues before them – when they reach an impasse – state law calls for a neutral third party, a *fact-finder*, to hear the sides' positions and to propose a settlement of all unresolved issues. The fact-finder's "report" (the proposed settlement) is implemented along with all the agreed-upon contract language, *unless* one party or the other votes by a supermajority of 60% to reject the fact-finder's report. In that event, the law allows the employer to impose its last best offer and the union to go on strike – though the two sides may instead elect to return to negotiations.

We had a deal well before the end of May. That's how the voices of *our members* won us the package of salary and benefits in our present CBA.

Winter 2010

In March, 2009, the administration and AAUP-WSU signed a Memorandum of Understanding (MOU) in which the parties agreed to devise a workload policy that would, simply stated, preserve the status quo in terms of teaching done by Bargaining Unit Faculty and revenue provided to the administration by that teaching.

Workload policy negotiations began in late July, 2009, and continued for months on a regular schedule. It was not until December, however, that the administration had finally prepared a proposal for the heart of the matter: standard teaching loads. Unfortunately, though this proposal would indeed have preserved the administration's revenue stream, it would not have protected us from significant increases in our teaching load.

We told the administration that their proposal was not satisfactory. We reminded the administration that the March, 2009 MOU bound the parties to two objectives, one being not to increase the teaching load of BUFMs. We had already outlined rational means for the parties to achieve both objectives. We told the administration privately that we did not want to halt the conversion to semesters, but we would if we had to. However, that private message did not seem to have an impact. One month later, the administration had not moved.

Our rhetoric and our rationality did not win the day. *Our members did.*

On January 18, 2010, we asked our members to slow down their work on converting the curriculum from quarters to semesters until we had a clearer idea what our teaching loads would be. We repeated the request on January 25, calling for all curricular conversion work to stop. *And stop you did.* By mid-February, the administration was talking more collaboratively about workload. So, we reported to our members that it was reasonable to resume informal work on the curriculum conversion, but formal approvals should still be withheld until we had a firmer commitment regarding workloads. And that withholding is just what happened. By late April, we were convinced that a fair workload policy agreement was at hand, so we asked all Bargaining Unit Faculty to resume curricular conversion work.

It took months to finalize all the details, have our attorney check it all, and put the tentative workload agreement to a vote of the Regular Chapter Members. But now we have a signed workload agreement that should move us from

quarters to semesters without increasing the teaching load borne by Bargaining Unit Faculty - and we have a framework within which we will be able in future negotiations to address various workload issues that have up to now been impossible to negotiate.

Recap

In Spring, 2008, what our members *wrote* to us absolutely turned the tide in contract negotiations. The administration got the message when we told them how many of our members had said “no” to their salary and benefits proposals. Thus the package of salary and benefits in our current CBA is a far better one than it might otherwise have been.

In Winter, 2010, what our members *did* (or perhaps one should say did *not* do) completely altered the administration’s workload position. Their proposals would have protected their revenue stream but would also have enabled them to significantly increase teaching loads on the Bargaining Unit if they needed, wanted, or felt political pressure to do so. That is, in converting to semesters, all the risk would have been borne by faculty. As it is, however, we have an agreement that offers real protection to the Bargaining Unit against teaching load increases.

What will we need to write or say or do or not do during the upcoming CBA negotiations? Only time will tell. A still-rocky economy and changes in the Ohio political landscape both engender a prediction that the bargaining will be tough. Tough or no, though, let us hold fast to our lessons learned and stick tightly with each other. If we do that -- *when* we do that -- we can expect to obtain a satisfactory successor to our current CBA.

Jim Vance
Communication Officer

BGSU Faculty Vote for Bargaining Unit

In mid-October, the faculty at Bowling Green State University voted to form a collective bargaining unit. The vote was 391 for and 293 against, with about 86 percent of the eligible faculty casting votes by mail.

The decisive margin in the vote reflects the widespread support for unionization throughout the colleges and departments of the university, among faculty at the various ranks, and between both tenure-track and non-tenure-track faculty.

Two previous efforts to form a bargaining unit at BGSU had failed. The success of this campaign can be attributed to the very determined but consistently reasonable and collegial approach taken by its leadership. That tone was set by David Jackson, president of the BGSU Faculty Association and an associate professor of political science, and it was sustained even as the opposition expressed by the BGSU administration intensified. Indeed, Jackson tried to set a very conciliatory tone even as the vote count was concluded. In an article in the *Bowling Green Sentinel Tribune*, he is quoted as stating: “We’re all in this together. Administrators are not the enemy, and we look forward to sitting down with them to continue the hard work of shared governance.”

The report on the election results in the *Chronicle of Higher Education* cites three main reasons for the faculty’s support for unionization: dissatisfaction “with their salaries, a lack of shared governance, and an increase in the hiring of contingent faculty members who have little job security.”

Following the vote, the BGSU administration issued the following statement, quoted in the *Chronicle*: “Although we would have preferred a different outcome, we respect the process and its result.” Despite the neutral tone of that statement, the BGSU administration has subsequently demonstrated that it will pursue an antagonistic relationship with the new bargaining unit. The administration has dramatically revised the Academic Constitution, essentially gutting faculty input from all levels of decision-making, while arguing that such input will now

need to be negotiated between the administration and the new bargaining unit. In the meantime, of course, there will be a great deal of ambiguity about the role of faculty in even some of the most mundane day-to-day business of the university.

Although the BGSU administration charged that the campaign at BGSU was being fueled, in effect, by outside and often paid, professional agitators, the truth is that the BGSU Faculty Association galvanized a tremendous amount of active support on their campus and that effort was supported by many volunteers from other bargaining units throughout Ohio as well as by the national office. The point person for the national office was Jenn Nichols, and she was assisted by Pat Shaw and Kira Schuman. Anyone who has met any of them would be hard-pressed to characterize them as anything but very personable, knowledgeable, and dedicated. If they are the new “faces” of the labor movement, they serve to illustrate how much the whole tenor of labor organizing has changed and continues to change.

When I asked Candace Archer, the Secretary of the BGSU Faculty Association, what her favorite or most enduring memories of the campaign will be, she offered the following thoughts: “My favorite memories all surround the energy of the volunteers. When people got excited that we could actually change things and started getting involved in the organization, it was great to see their excitement. I remember one new volunteer texting me ten times one night with ideas for t-shirts. And although it was a lot of long hours and hard work, actually getting to know people I didn't know before and working with them on the campaign was great. The late nights of ‘being in the trenches’ and laughing, drinking a beer while working on whatever project—all of those moments were great.”

Mike Kimaid, who was the point person at the Firelands Campus of BGSU, strikes many of the same notes: “Watching the movement turn from an abstract idea into a genuine community was the most gratifying result of the entire process from my perspective. From the very first organizational meeting to the victory celebration and the countless meetings in between, we got to know each other and become part of

something bigger than ourselves. Academia is so factionalized; people view the institution through both their professional/disciplinary training and their life experience, and we tend to forget that we have much in common despite being from different places and different departments. It was encouraging to have meaningful dialogues with people whose approaches to knowledge are so different than mine, and find that we agreed on a lot more than we disagreed on. I'm proud of the work we've done, and aware that there remains much more to do. “

To close on a personal note, I enjoyed not only reconnecting with many faculty whom I know at BGSU, and especially at Firelands, but also making so many new acquaintances. I also very much enjoyed working in a somewhat different context with many of my colleagues on the executive committee of our own bargaining unit. The number of hours put in at BGSU by Wright State volunteers, who made many office visits and some more formal presentations, may not have had a measurable impact on the campaign, but it did demonstrate and illustrate very pointedly the extent to which collective bargaining can deepen one's sense of collegiality and solidarity of purpose.

There are many ways in which our bargaining unit, the state conference, and the national office can continue to support the new bargaining unit at BGSU as it establishes itself as an effective and dynamic part of its institution's formal governance structure and, more broadly, its culture.

**Marty Kich
Vice President**

Mail to: