



Notes from Montague House

Paul T. Wilson, President

What are unions good for?

Duane Hampton from Geosciences passed along an article reporting on research by Benjamin Radcliff, a Notre Dame political scientist, comparing happiness in countries from Europe, Japan, Australia and the United States. Controlling for multiple factors, what produces the greatest happiness is the prevalence of unions. People who live in countries with more unions are happier.

Unions are, to wages and benefits, like the rising tide that lifts all boats. In general, Radcliff notes, salaries are higher for everyone when there are more unions, because non-union employers must compete with union employers to provide comparable salaries and benefits. This point has been confirmed here at Western, where the benefits that the WMU-AAUP negotiates wind up being provided not only to our members, but to the clerical and administrative professional staff, as well as to most administrators themselves. So we play a role in making life better for everyone here at Western.

How can we influence what Michigan invests in?

There's an interesting connection between unions, happiness, and economic well-being. Through our Advocacy Committee, we have been promoting the idea that the Michigan legislature should be investing in higher education. Data from the Citizen's Research Council's Jeffrey Guilfoyle and Michigan State's Charles Ballard show that when education levels are higher, everyone's income goes up. Higher education, like unions, is a rising tide that lifts all boats.

To build a better future for Michigan's children, our state-level leaders should be increasing support for higher education, not defunding it. Please keep that in mind as you talk with, and write to, the candidates for

public office this fall. Investment in public higher education is something that all of us can support. And please attend our September 30 forum, or watch the online videos, to learn more about this for yourself.

How should we treat each other?

Tenure & Promotion Reviews: Each of the last several years, I've written about the importance of honoring confidentiality during tenure and promotion reviews. In the simplest terms, violations of confidentiality can have a corrosive effect on departmental unity, civility, and collegiality, and create lingering resentments. There seemed to be fewer concerns last fall; many thanks to everyone who stayed professional; let's stick with it again this year. Tempered, candid discussion of the merits of those whom we may invite to join our community is crucial to making the best decisions. We can all help to create the atmosphere that makes such discussion possible.

And a brief note on the schedule: The Agreement does spell out in complete detail all of the key dates, for candidates, committees, and administrators. So please be sure to consult Articles 17 and 18 if you have any concerns about the deadlines, and get in touch with us (345-0151) if you have questions that need individual attention.

Does tenure mean forever?

The idea of tenure is to protect academic freedom and the free exchange of ideas about institutional governance. In practice, it often means that a faculty member with tenure can remain at an institution until retirement. Setting aside, for the time being, the precipitous national decline in the number of tenured faculty, and the data showing that more than 70% of the cur-

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rent teaching faculty in higher education are not employed on tenure lines, it is possible, however, for tenured faculty to lose their jobs. We are facing such a situation in one of our colleges where a tenured Associate Professor with more than 100 peer reviewed publications may well be let go because of a program closure.

The issue of how we should treat each other comes up in such situations because our Agreement's Article 25 on Layoff and Recall allows for a faculty member who is to be let go to be placed in another department, if there is a suitable position. It has proven somewhat difficult in recent years to find new departmental homes for faculty in this situation because departments at times, and understandably so, may want to hold open the possibility of getting someone with more specifically focused qualifications and expertise than the person who is to be let go. None of us, I suppose, would care to be in either position, either asking to be kept, or having to decide whether to choose someone who does not fit the profile we had in mind. Let us exercise care and humanity in balancing these factors if such decisions are imposed upon us.

What makes a good union?

When people stick together, because of shared goals, respect, fellowship and, in our case, collegiality, they are stronger. We academics are so often creatures of the book, of printed and graphic symbols, with appetites for data, good thinking, well crafted argumentation. We thrive on information that is widely shared and discussed. We need to know what our colleagues are thinking. During the last two years, the WMU-AAUP has had a new commitment to openness to the views of its members, and has enacted policies and practices to demonstrate that commitment. Here are several salient examples.

Department Meetings: During the fall 2008 semester, we had intensive deliberation with the Association Council about our progress in the 2008 negotiations, and how we wanted to be better prepared for 2011. The Association Council directed the Executive Committee and the Officers to stay in closer touch with the views of the general membership by continuing the practice of departmental meetings that had typically occurred only in the spring semesters of negotiation years. Thus in 2009 we conducted meetings with 22 departments. We will step up the effort this year, starting this fall, because we need to get to as many departments as possible before the 2011 negotiations. We need to hear your thoughts first hand, and discuss our strategies.

Association Council Quorums: For many years, it was

something of a struggle to get a quorum for Association Council meetings. A previous WMU administration aroused concerns that activated our AC reps for a while, but that subsided. In Fall 2008, I started calling AC reps, with the goal of reaching at least half of them before each meeting; we had quorums for almost every meeting that year. Last year, Allen Zagarell, our Vice President, took over this task and persevered more successfully than I had. He called more people for each meeting than I'd been able to, and attendance rose further. On each occasion when there was a key vote, we had the requisite quorum. We also did two surveys of Association Council reps to find out meeting times and days that might work better for them. At our first meeting this fall, Friday, September 17, we had at least 41 voting members. Outstanding! Not only is this great attendance, but it means that more of our elected representatives are able to deliberate with us in making decisions.

The Union Study Committee: Considering the 2008 negotiations, and AFT Michigan's success in organizing contingent faculty here (TAU and PIO), the Executive Committee authorized an ad hoc Union Study Committee in late Fall 2008. The purpose of the committee was to investigate how we need to adjust to our changed political landscape. The Association Council was brought into the discussion in early Spring 2009, and took a lead role in directing the investigation, including bringing AFT MI President David Hecker and AAUP General Secretary Gary Rhoades to campus to speak. The result was an alliance approved in the 14-member Executive Committee by a vote of 12-2, and in the 62-member Association Council by a vote of 30-7 with 1 abstention.

The Union Study Committee set a standard of effective, frequent communication that could serve as a model for many committees. But more important, these three initiatives considered together, along with others we have undertaken, represent a significant commitment to openness and transparency that seem to me unique in my time with the WMU-AAUP. We are getting much more in touch with you, our members, and involving our Association Council in newly substantive ways in our decision-making. You have a right to expect this from us; we have been delivering on it; and there will be much more during the coming year as we prepare for negotiations. We are all looking forward to your participation.

Building an Independent Faculty Voice: A Necessity for Progress

Allen Zagarell, Vice-President

At the national AAUP conference in June 2010, partly in response to our activities here in Michigan, Gary Rhoades, General Secretary, continued his call for a newly independent faculty voice. This is a crucial concept for us here at Western.

Faculty voice is meant in the broadest of terms. It is a process rather than a thing. It is seen as much more than “collegial” faculty senates, or advise and consent systems, whereby faculty are asked for often secret, or private comments on already developed policies, undiscussed “advice” which ends up being interpreted as consent. Faculty voice includes the fundamental AAUP principle of shared governance but it is more than shared governance as typically practiced. It is more than the ability to make recommendations; it is a real partnership where the professoriate, the faculty as a whole, enter into discussions with their administrations.

An independent faculty voice is also more than a right to participate in discussions at a local level. It is the ability of faculty to contribute to discussions of issues relevant to our lives, as faculty, scholars, and vitally important contributors to society, on all levels. It is the ability to be heard on a state and national level. Faculty cannot expect administrators to represent the interests of faculty on all questions. We can work with administrators, but we need our own voice to represent our points of view.

For many years, university discussions and policies were local concerns, with faculty striving for participation in their universities. In most regards that was sufficient to deal with the issues facing faculty at individual campuses. Most union issues could be resolved on this level. In the last few decades, however, higher education has experienced a dramatic transformation. Higher education on a state level has become increasingly privatized, and more and more forced to operate as businesses. State institutions everywhere have become state supplemented, or state located bodies, rather than state supported ones. This is particularly true in our state, where public funding has fallen below the 25 percent level.

Universities, colleges, community colleges, are forced to compete with one another, selling education as a commodity to an increasingly cash-strapped clientele. Students have been forced to become deeply indebted to finance their education. Tuition levels, length of programs, and recreational as well as academic facilities all are part of marketing strategies. Even private institutions

are forced to operate in a similar way, competing with other private and state institutions, as well as with “education for profit” organizations, like Phoenix, the Apollo group, and others.

The consequences of such privatization and free market competition are that institutions are pressed, both by circumstance and legislatures, to drive down labor costs and, at the same time, limit dissension in their organizations that may emerge from such policies.

State legislatures are attempting to impose limits on working conditions in state schools. In Michigan there have been proposals to impose restrictions on health care, and salaries. On a national level there have been discussions of limiting tenure and restricting the ability to collectively bargain, of limiting the power of “fat cat professors” (Fox TV). Tenure has been increasingly challenged, weakened and in some places completely done away with.

There has been a progressive defunding of state support for higher education, curtailing and potentially ending the public system of higher education. Recently, Ohio has been moving to group all universities under a single state system with, ironically, more controls and, at the same time, less money. That has opened a discussion in our state as to whether we should be doing the same thing (AFT-MI Higher Ed 9/17/2010). What are the implications for faculty if such changes are made? Can we depend on administrators to represent the interests of faculty in these areas? What will happen to faculty rights and representation as public universities move in the direction of privatization?

In private sector institutions, because of the Yeshiva decision, full time faculty are denied the protections of collective bargaining that are available to almost all other workers. This has a negative effect on all faculty, limiting the faculty’s collective voice. This limitation, combined with the recent Supreme Court Garcetti decision, and other Garcetti influenced cases, has put very restrictive limits on all faculty (among others) and represents a significant threat to the whole concept of academic freedom. Administrations may fire any workers who, in the context of their employment, utter views that differ from the public positions of the employers. Already a faculty member working in another institution lost her job for criticizing policies in a departmental meeting. Clearly, events outside our university can have a significant effect on our work-

ing conditions here at Western Michigan. We are not an island, nor sole masters of our own fate, but dependent on more global set of events over which we presently have little to say.

Thus we must find ways to come together.

The national AAUP has called for an increased emphasis on building broad alliances among faculty and their allies, and fighting for increased support for higher education. On the national level the AAUP has been working hand in hand with the American Federation of Teachers to organize faculty in states across the country. Indeed, a representative of the American Federation of Teachers was the keynote speaker at the annual meeting of the AAUP's Collective Bargaining Congress. However, while the AAUP has good working relationships with both the NEA and the AFT, there continue to be turf wars between faculty unions, limiting our ability to speak with one voice (<http://www.eiaonline.com/intercepts/2010/07/04/nea-convention-2010-nea-aft-relations>).

A key factor here is that as a result of increasing economic pressure, the mix of faculty has dramatically changed around the country. Percentages of part-time faculty have increased almost everywhere. At many colleges and universities part-time faculty constitute 60-80 percent or more of the teachers. And part time faculty are unionizing at a faster pace than full timers. The potential for conflict between part-time and full-time faculty has emerged at Madison Area Technical College, where part-time faculty—MATC local 6100 have been highlighting how inexpensive they are in relation to full-time faculty (<http://wi.aft.org/ptunion/index.cfm?action=article&articleID=8e97c020-a128-48b5-ba68-84586edd4749>). Here at Western, there have even been limited attempts to encourage conflicts between the WMU faculty unions.

The Michigan AAUP State Conference is beginning to become pro-active in terms of confronting difficulties we are facing on supra-campus level. Up till very recently the MI-AAUP has had almost no influence on a state-wide level. Our state-wide infra-structure was under developed, and our cooperative relationships very limited. But during the past year and a half, we have been working at achieving a state presence in Lansing, and building the kind of alliances the national is calling for.

Our WMU-AAUP chapter has been in the forefront of this state movement, both through advocacy and activity at the state level, and through setting an example on our own campus, where we have made very significant progress in building a broad faculty and higher education voice. Our alliance with AFT Michigan, which had the

overwhelming approval of our Association Council, has provided the basis for working closely with the other academic unions on our campus.

At the direction of the Association Council, we have established a Unified Faculty Council, made up of the WMU-AAUP, the PIO/AFT (part-time faculty), and the TAU/AFT (graduate Teaching Assistants) to discuss mutual issues, to co-ordinate policies where possible, to support one another in emergencies, and to keep from being pitted against one another by the administration. We are also staying very active with the on-going Western Employee Council, made up of all employee groups on the campus, to give one another support and to discuss our problems in this difficult period. Both these councils are helping to build our voice here on campus. For the future, we need a closer working relationship with our undergraduate and graduate students as well.

Finally, the WMU-AAUP's Advocacy Committee is bringing to the forefront of the public dialog the whole question of state funding of Higher Education and the health of our economy. Our state is 31st in per capita funding for higher education. Our population is among the poorest educated in the US. Only 35 percent of our population has a community college degree or more (AFT-MI Higher ED).

What we have learned in the last year is that states with high levels of college graduates actually have higher incomes for all. Higher education is that tide that raises everyone's boat. It is poor public policy not to invest in higher education. In the long run, our state incurs greater and greater economic cost by not investing in educating its workforce.

The Forum on Higher Education that our Advocacy Committee has organized for Sept. 30 is a model for the state. This faculty initiative has brought all sections of the university into motion. It has involved the WMU-AAUP, the Faculty Senate, and President Dunn. It has gotten the support of all employee groups at our institution, and will be attended by multiple local politicians, both Democrats and Republicans. This model is going to be repeated At Northern Michigan University in Marquette and hopefully in other sections of the state. It is one of the first steps in building that independent voice.

We are facing difficult times. We are facing difficult challenges. To face those challenges we will have to be pro-active, and act on both a local and supra-campus level. There is no need to fear the future. We have to plan for it.

Tuition Remission Benefit: Is WMU Adding Eligibility Requirements?

Joetta Carr, Contract Administrator

One of the most lucrative fringe benefits that WMU full-time bargaining unit faculty members have is the **Tuition Discount and Remission Program** for themselves and their dependents. This program is defined in Article 36.9 of our Agreement (p. 112). Over several decades as our Agreement with WMU matured, faculty have accepted the compensation and benefits packages that were negotiated partly because our benefits allowed our dependents to have affordable health insurance **and** enabled us to send our children to college because of a 75% tuition remission. Our spouses and partners who qualify for Designated Eligible Individual status also receive a 75% remission on undergraduate courses only. Our children, spouses, and DEIs may take up to 183 undergraduate credit hours. When faculty members take graduate **or** undergraduate classes, we receive 100% remission of tuition and fees.

In the last few years, WMU has attempted to tighten the eligibility requirements. For example, several years ago a faculty member's husband took an undergraduate course and the remission claim was rejected because he was not enrolled in a degree-seeking program (he had already obtained his degree). When this rejection was appealed, it was overturned after the colleague threatened to file a grievance. More recently, I was contacted by a colleague whose son was turned down for this negotiated benefit. In pursuing this case, I discovered that WMU had added a requirement that exceeded the language in Article 36. Article 36.9 provides tuition remission for students "meeting admission requirements" (p. 112). WMU is now requiring that students also make "**Satisfactory Academic Progress**" (**SAP**), a policy that state and federal financial aid regulations require for awarding student financial aid, and adopted by WMU in 2008. According to the WMU Financial Aid website, requirements include:

- ◇ Pass a minimum of 67 percent of all attempted hours at Western
- ◇ Maintain a minimum cumulative grade point average as stated in the [University's Catalog](#)
- ◇ Not exceed a total of 183 undergraduate credit hours, **including transferred hours**

The standards are established to encourage students to progress toward their educational objective and complete their degree within a reasonable time frame. If the standards are not met, students are not eligible

for federal and state financial aid. <http://www.wmich.edu/finaid/pdf/2009-10/sap.pdf>

The faculty member who called me stated that her child had gotten off to a rough start at WMU and had not passed his first year courses. The student was placed on academic probation and subsequently dismissed from WMU. The student transferred to KVCC the next year and was very successful, earning over a 3.0 GPA. The student then reapplied to WMU and was readmitted by the Admissions Office. The KVCC credits were also accepted. However, when the faculty member submitted the tuition remission application to the Human Resources office for this fall term, it was **REJECTED** by the Office of Financial Aid on the basis of this "Satisfactory Academic Progress" policy! (Note that while credits transfer from other institutions, transfer credits are not included in the cumulative grade point average.)

I made some calls to get information about this **SAP**. I called Human Resources and was told that their job is only to determine whether the applicant is eligible as a bargaining unit faculty. Then I called Financial Aid and was told that this **SAP** policy is based on federal financial aid guidelines and was adopted in 2008 by the WMU. When I postulated that this negotiated benefit should not be subject to federal financial aid guidelines, I was referred to the Business office. The Business Office referred me to the Director of Academic Collective Bargaining. I emailed WMU's Director of Academic Collective Bargaining regarding this rule since it appears to be adding new requirements beyond the requirements in the current contract that we have with WMU. She stated that she sees no conflict with the contract and that it is consistent with University policy.

If a child, spouse, or DEI of a faculty member meets admission requirements and is accepted (or reaccepted) to WMU that should be enough to qualify them for tuition remission. Otherwise we are unable to use this popular and rich benefit. The faculty member above did receive this benefit upon her dependent's successful appeal to Financial Aid. How many other cases like this have occurred of which the WMU-AAUP is unaware?

You can find the Tuition Remission Application form and policies at www.wmich.edu/hr/handbook/16-development. Please notify me if you have had problems using this benefit.

ICES Online

Nancy Mansberger, Grievance Officer

As of the Fall 2010 semester, “ICES Online” became the sole course evaluation system for all WMU classes. According to the WMU Office of Institutional Effectiveness, the former paper-and-pencil Instructor and Course Evaluation System (ICES) generated an average of 13,000 sheets of paper a semester, much of which ended up being discarded when instructors chose not to evaluate in a given term. Again according to WMU administration, not only was the system environmentally unsustainable, but cost approximately \$60,000 to administer. Moving our course evaluation from a paper-based system took more than two years of planning, and was phased in over a three-term pilot period that started in January 2010. Movement to an online version of evaluation was done to meet ongoing campus needs for shorter turn-around times to receive evaluative feedback, and to provide equitable evaluation resources across all instructional modalities, including courses delivered traditionally on main campus, and those offered online, with alternate-schedules, and at regional campuses.

Of course, changing how we evaluate instruction has significant contractual implications. In order to move to an online system, representatives of the WMU-AAUP Executive Committee have worked with representatives of the administration in order to ensure that the intent of the evaluation, and protections and rights for the faculty contained in our Agreement are maintained. In October 2009, the WMU-AAUP Executive Committee approved a Letter of Agreement with the administration that “all effort to conform as closely as possible to the intent of [Articles 16.4., 16.4.1, and 16.4.2.1 in the WMU-AAUP 2009-2011 Agreement] has been met in the development of the ICES Online Policy”. This letter indicates that it is our understanding ICES Online was designed to mirror as nearly as possible the content, goals, and procedures of the paper-based ICES. In fact, a number of key features in the current ICES Online system at WMU were customized during the development process at the insistence of the WMU-AAUP, in order to preserve to our best ability the policies and practices of the original ICES process. For example, features to make student comments available to view solely by faculty, and to make them “volatile” (or, automatically expunged from the stored online record after a set period) were designed to protect faculty ownership of student comments as stipulated by our contract regarding practices with the paper-based ICES format.

Over the course of the pilot period, amazingly few technical glitches have occurred. More common have been the

identification of procedural issues that have been (and continue to be) fine-tuned and adjusted as feedback from faculty and administrators is received. However, one serious issue with substantive consequence to the University has become a problem for a substantial proportion of the faculty: For many courses, student response rates are too low to be considered validly representative of the overall group in the class.

To illustrate, a colleague shared with me that he had **four** students out of twenty-five complete the ratings in one of his courses. With what confidence, he queried, could he draw any conclusions about his teaching from these responses? Similar abysmal rates have been reported by others. One of the administration’s responses to such complaints has been to share tips on how professors can encourage higher student participation. Yet, my own experience indicates that attempts to boost student participation can be tricky: Despite concerted effort (for example, having a mobile internet lab in my last class one term; walking my students to the computer lab as our “last class activity” in another term), I have not yet exceeded a 60% response rate in any of the five courses I’ve evaluated during the three pilot terms.

Under the “paper ICES” system, professors have depended on the ICES ratings to portray an accurate and valid (if limited) representation of their students’ opinions and experience of their courses and teaching. The use of these ratings in the tenure and promotion process is required by the WMU-AAUP Agreement, and is depended on by Tenure and Promotion committees as the foundation for the evaluation of Professional Competence. Having such low response rates threatens to invalidate what has been a primary data source for our professional evaluation, and leaves us feeling vulnerable and unsure of how to document our teaching.

In light of the importance we place on our ICES ratings, a number of faculty have suggested that the University put a hold on students’ grades until they have completed their course evaluations. However, the practice of withholding a student’s grade for administrative or compliance reasons has been the subject of several court cases that have found the practice to be illegal. Barring the ability to implement such a high-stakes incentive for students to participate, several faculty members have called for the university to abandon the online evaluation format. Yet it is clear that, despite the significant challenges posed by the online system, it is extremely

unlikely the University will return to “paper” ICES, especially when given the substantial financial savings reported by the Office of Institutional Effectiveness (\$40,000). Nor would most of us want to encourage a system that had such a wasteful impact to the environment.

In the absence of reliable student ratings, we are left with the need to think more creatively about how we may document, and perhaps deepen our conversation about our teaching. Peer reviews of our teaching (as required by our contract to be conducted during one’s first three years of teaching) may be implemented voluntarily during any year of the tenure and promotion process to support and illustrate our teaching competence. A teaching reflection and review process may be engaged in. Such a process could possibly entail the use of a portfolio of teaching resources, syllabi, examples of student work, videotapes or other artifacts of instruction, and their subsequent review by and discussion with an invited panel of colleagues, which may be documented and shared as part of one’s professional narratives in one’s promotion materials. With some thought, it is possible for most of us to think of ways that we might be able to share our teaching experiences and skill that provide a more rich and nuanced picture than that reflected in ICES ratings.

Even as we move to newer and richer ways to document our teaching, we will still want to continue our individual efforts to improve the participation of our students in the ICES process. Also, we can examine whether or not there appears to be a systematic difference between our ratings and response rates on the former paper ICES and those we receive from the ICES Online process. Additionally, we can look seriously at the comments and ratings of the students who do respond, and use them to help us reflect and fine-tune our teaching effectiveness to the degree possible. And, finally, we can also avail ourselves of the resources

provided by the Office of Institutional Effectiveness, which has posted a series of annotated bibliographies on their website to help professors grapple with the issues surrounding student response rates (<http://www.wmich.edu/poapa/ices/resources.html>).

Yet, how might our use of ICES ratings need to change in the future, if invalid response rates continue to persist for many or most courses? What will the institutional response and the subsequent value placed on these ratings become? At the very least, we need more information about this dilemma in order to begin to understand what strategies might be effective to address low response rates. We need the University to do a study on the pervasiveness of this problem. Among the questions this study could address:

- ◇ How do the response rates received by individual professors compare between the results of ICES Online and those of the former paper ICES?
- ◇ What proportion of courses across the university is generating invalid ratings due to low response rates?
- ◇ What patterns or trends regarding student response rates may be evident? For example, do response rates vary systematically by department? By graduate/undergraduate status? By class size? By instructor in a department? By instructional format such as hybrid, lecture, lab, online, etc.?

More importantly, a University study on student responses on ICES Online may provide us the information to determine whether the current regulations regarding the use and reporting of the ICES ratings in the tenure and promotion process should be maintained in the WMU-AAUP Agreement, or whether ICES ratings will have become of such superficial value that their use should no longer be required by the Agreement.

2010—2011 Association Council & Chapter Meeting Dates

Beginning this fall the Association Council and Chapter meetings will be held the 3rd Friday of the month at 1:30pm. Association Council representatives, please remember to send a sub if you are unable to attend any of the meetings.

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| Chapter Meeting | Friday, October 15th | 1:30pm | Room 157, Bernhard Center |
| Association Council | Friday, November 19th | 1:30pm | Room 105, Bernhard Center |
| Association Council | Friday, January 21st | 1:30pm | Room 157, Bernhard Center |
| Association Council | Friday, February 18th | 1:30pm | Room 157, Bernhard Center |
| Association Council | Friday, March 18th | 1:30pm | Room 105, Bernhard Center |
| Chapter | Friday, April 15th | 1:30pm | Room 105, Bernhard Center |

