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Advocate

At Western Michigan University

September, 2000

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Getting Into That Old Routine ...With A Few New Twists!

Ariel L.H. Anderson

WMU-AAUP President

It's that time of year when, once again, a number of annual tasks must be tended to. These same old tasks always generate a number of inquiries from faculty who are new to the process, or who (like myself) simply have to struggle a bit to remember just how things are supposed to go...a task made all the more difficult by the fact that our contract changes periodically, and with it comes changes in policies and procedures! Therefore, I plan to focus on some of these "same old things" that somehow always seem to hold surprises for us!

Professional Activity Report (PAR) and VITA. The current *Agreement* (42.§13) calls for each member of the bargaining unit to submit the following to his/her chairperson no later than October 15:

- in the first year of this contract, an updated vita; and
- annually, a Professional Activities Report (PAR) based on a form specified by the dean of his/her college.

As we are in the *second* year of the contract, there is no requirement to submit an updated vita this year. The PAR is due on October 15, and while you may turn it in early if you wish, there is no requirement to comply with any administrative requests for early submission of the PAR.

Some faculty have reported that they have been asked to supply both documents this year. While you cannot be required to provide an updated vita this year or next,

you are free to do so if you wish. If your administrator(s) have requested an updated vita it might not be such a hardship or bad idea to comply – at least this keeps your vita fully updated for whatever purposes might be useful to you. But remember – you are not *required* to supply the vita until the Fall of 2002 (following our next contract negotiations).

Merit Pay. Oh yes – this is a perennial favorite! The administration retains control over the merit pay portion of our compensation package. This year there is 0.5% allocated for merit pay. Administrators make all the decisions regarding who gets this money, and how much goes to each recipient. Awards must be at least \$500, and at least 20% of the merit money must go to reward good teaching. Numerous faculty have asked about the procedures, the criteria, the "application process," and how/when results of the distribution of merit funds will be made known to the faculty.

During both the 1996 and 1999 contract negotiations, the WMU-AAUP negotiation teams asked the administration to be forthcoming with information regarding policies, procedures, and results relative to the distribution of merit-pay funds. The administration has declined to provide this information. Thus, there are no known procedures or policies beyond the very general information included in the contract, and the administration has consistently refused to publish the results of the process. Thus, the WMU-AAUP can't really provide any relevant information to the faculty, with

the exception of publishing the results of the distribution, as the information on distribution must be provided to the Chapter office by the administration.

There is no “application process,” and administrators may not require faculty to apply or submit any special reports to ensure eligibility and/or consideration for a merit-pay award. Some administrators may use the PAR to assist in decision making. Individual faculty members may choose to “apply” one way or another – by email or print communication to the relevant administrator(s), a fully-updated vita, and so on. But failure to do so does *not* eliminate the faculty member from consideration – at least this is the way it is *supposed* to be.

The situation boils down to this: There is a merit-pay program at Western. Control over the program resides with the administration. There is no application procedure. There are no known policies, procedures, or results provided by the administration. The Chapter will provide a basic report of the results of the distribution of funds once that information is received in the Chapter office.

Promotion and Tenure Reviews.

The promotion and tenure provisions in the Contract were modified in significant ways during the 1999 contract negotiations. If you haven't

Faculty actions are not grievable under the collective bargaining Agreement.

carefully read Articles 17 and 18, I suggest that you do so. There are new restrictions regarding who can participate in the reviews. The tenure decision for an assistant professor has been linked to promotion to the level of associate professor, timetables have been altered and merged, descriptive language regarding teaching portfolios has been added, procedures for applying for early tenure and/or promotion have been clarified, and so on. No matter how clear we try to formulate contract language, there are always some ambiguities and unanswered questions. Below is the Chapter's response to some of the most frequently asked questions:

- *If I'm in my 5th year and want to go up early for promotion to associate, can I still do this?* If you were hired before the Fall of 1999, you have the option of going with the current *Agreement* or with the prior contract. So, if you are in your 5th year and you decide to go with the current *Agreement*, then you don't apply this year for promotion to associate. You just wait until next year and then go up for tenure. If you earn tenure, you'll get promoted to associate automatically. If you go with the prior contract, you can go up for promotion this year. This is an “on-time” promotion, not early. You do not have to ask for permission. This leads to the next question...

- *If I go up for promotion in year 5, and I earn the promotion to associate, am I automatically granted tenure?* No. This is a “one-way street” as far as the linking of tenure and promotion. You have to go through a tenure review to earn tenure, period.

- *If I have a letter of continuing appointment, does this “hold,” or can the requirements be changed and/or ignored?* Case law indicates that continuing letters of appointment are considered as contracts. You can be held to any requirements stipulated in your prior continuing letters of appointment, even though we have a new

...there is relevant case law to uphold the position that the continuing letter constitutes a contract...

provost. The new provost might decide *not* to hold you to such a stipulation, but that is the provost's call. The provost *can* hold your feet to the fire, so to speak. If you meet all of the requirements stipulated in a continuing letter of appointment, you should be set. If the “bar is raised in the eleventh hour,” you may have legal grounds to fight the good fight. Such a battle is difficult, of course, but there *is* relevant case law to uphold the position that the continuing letter constitutes a contract that both parties must live up to.

- *Does a faculty review committee have the right to raise the bar beyond that stipulated in a continuing letter of appointment?* Faculty colleagues make recommendations to the administration. Faculty actions are not grievable under the collective bargaining *Agreement*. Thus, in theory, a faculty review committee could “raise the bar” in rendering its professional judgment. However, there seems to be an inherent unfairness in doing so, unless a prior faculty review committee has established a higher standard than that which the administration seeks to impose. In other words, a faculty member should know what is expected at all levels, and there should not be surprises in terms of new standards being imposed by *any* reviewing body without ample prior notification. The administration *should* operate on a level playing field, and should not tolerate or go along with unreasonable

and unexpected demands levied by a faculty review committee that go beyond what was required *by the administration in the form of a continuing letter of appointment* at the time of the last performance review.

- *When a faculty member seeks an early promotion and/or tenure review, should the departmental colleagues review the potential candidate's vita before taking a position on whether or not an early review should be conducted?* The committee should *not* look at the candidate's file prior to making a decision. The decision to allow an early review should not necessarily imply a positive review. Thus, the request should be granted on matters of principle (e.g., we believe that someone should be able to go up when s/he thinks s/he is ready). The person's vita should be reviewed *after* the decision to allow an early review. The AAUP tried to do away with time-in-rank in contract negotiations. The administration would not agree. The Chapter leadership, and many faculty, felt that any faculty member should be able to put him/herself forward whenever s/he felt ready. But...the time-in-rank criterion had to stay, because the administration insisted it be that way. Thus, the contract permits a faculty member to ask colleagues for permission to go up early, but it is important that the decision to permit an early review not *bind* the committee to any particular outcome (positive or negative). The decision should not be "contaminated" by a prior viewing of the dossier. It should *not* be the case that the file is reviewed, colleagues decide it is not good enough to warrant promotion, and therefore the opportunity for review is denied. To clarify this position, let's consider, for example, a faculty member who applies *on time*. If one is "on-time," the file is not reviewed in advance to see if it is good enough to warrant a review. The review is simply conducted. If the faculty colleagues render a positive recommendation, the review proceeds. The review *also* proceeds if the faculty

recommendation is negative. This negative recommendation could be turned around at any upper level of review. (The reverse also happens, of course – faculty say yes, the dean and/or provost say no.) So, basically, faculty colleagues must make a philosophical decision about whether a faculty member should be allowed to try for promotion (or tenure) early. Personally, I would always say okay – let's do the review. Subsequently, the review is conducted, and the faculty review committee is free to make either a

Once the decision to permit an early review has been made, the review should proceed exactly as if it was an on-time review.

positive or a negative recommendation. If you view the file first, you may feel obligated to make a positive recommendation. Alternatively, you may be in the position of blocking a review simply because, at the departmental level, you feel the person is unworthy, when this person might well *get* the promotion if it was an on-time review, *despite* a negative faculty recommendation, because "higher-ups" disagree with the faculty assessment.

- *What if a faculty member seeks early consideration for promotion/tenure and his/her faculty colleagues deny the request? Should there be an appeal?* In the case of promotion, the contract has specific language which guarantees an appeal (see Article 18.§2.3). There is no parallel language in the tenure article (though perhaps there should be!). Common sense would suggest that

there be an attitude of openness, and that an in-person appeal be granted. The initial negative decision of the faculty colleagues needs not be reversed as a result of the appeal, though it *may* be.

- *If the faculty member's vita/dossier is not reviewed prior to making a decision on whether or not to grant an early review, what is the basis for an appeal?* In truth, there isn't much to appeal. If early review is denied, the faculty should be prepared to explain their philosophical viewpoint (perhaps it is that "one shouldn't be allowed to leapfrog over those ahead in terms of years in rank"). The candidate can then try to alter this viewpoint.

- *In the tenure article (17.§3.4) the contract stipulates: "Under exceptional circumstances of academic merit and professional accomplishment, a faculty member may request an early final tenure review." What does the term "exceptional" imply?* What is *exceptional* is that the candidate has met the criteria for tenure in a less-than-expected time frame. Once the decision to permit an early review has been made, the review should proceed exactly as if it were an on-time review. The candidate does not have to be a "super star," and does not have to *exceed* the performance of one who would be "on time." What is *exceptional* is that the performance standards have been met in a shorter-than-usual time frame.

- *Can a faculty review committee have access to letters of appointment for those candidates undergoing performance reviews?* The committee should have access not only to initial letters of appointment, but to continuing letters of appointment as well. The contract calls for personnel (promotion/tenure) reviews to be *cumulative*. Thus, a faculty review committee should be informed by the prior paper trail. The candidate under review should provide copies of all prior letters, including those that constitute

“mini-contracts” in the form of letters of continuing appointment (e.g., the 2- and 4-year review letters; see above).

To be sure, there is nothing quite like undergoing a performance review to raise both uncertainty and blood pressure! But the collective bargaining *Agreement* is designed to establish a level playing field and to ensure that due process rights of faculty are protected. I highly recommend that each department/unit develop clear departmental policies and procedures that comply with the contract, and which help to clarify the process for junior colleagues. I also recommend the establishment of mentoring programs within each department/unit. It is very important that we take a supportive stance, making sure that, at the very least, our colleagues know what to expect with regard to the promotion and tenure review processes. The Chapter leadership stands ready to provide assistance and guidance. If you wish to schedule an appointment to consult with a Chapter officer, please feel free to contact us at the AAUP (345-0151). My personal best wishes to all those who are undergoing review this year. May the process be clear and fair! #

Visit the
WMU-AAUP
Web Site
at

www.wmich.edu/aaup

From the Desk of Your Contract Administrator...

Gary Mathews

What good is the union?

The union has fought and continues to fight to protect the membership, and to promote the well being of the faculty. We occasionally hear faculty members grumbling about the union, and complaining that in their particular case it just does not seem logical that they should have to pay dues. Even if you are a one-year term temporary employee, it is important to join the union.

Are you happy with your salary? The administration offered you that salary, but had to meet the minimum salary requirements negotiated with the union. Do you like your fringe benefits? It is likely that you would not have all of those benefits were it not for the presence of the union. Do you have a complaint? The union gives you a place to check out that complaint, discuss strategy, and quite possibly gain a forum for addressing that complaint if you do not have success in going directly to the administration. Need advice on where to find the answer to your questions? The leadership of the union has been around for many years and may be able to point you in the right direction. Most importantly, if you are treated unfairly or charged with an infraction, the union will advocate for you. In almost every department you can find someone who has been helped by the union in some tangible way.

Is it time to evaluate administrators?

Last spring some faculty convened to discuss changing the evaluation of deans and chairs. Current practice is

that administrators are evaluated upon request of a faculty member or members. Some chairs and deans have never been evaluated, while others are evaluated quite regularly. It may be time to institute a routine and predictable timetable by which administrators receive constructive feedback. We will be discussing this further in the Association Council.

What is the AAUP doing in the approval process for Academic Career Specialist positions?

Article 20 of the current *Agreement* includes the proviso that “new position descriptions will be reviewed and approved by the contract administra-

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tors of the AAUP and WMU relative to category suitability.” (p.51) It may seem unusual to have a union official involved in the approval of position descriptions. However, we want to safeguard the faculty, and this includes protection of the faculty presence in the classroom. If requests are made to develop positions which are nothing more than classroom teaching and service positions with the title of Academic Career Specialist, the Chapter shall not approve them. Academic Career Specialist positions should include program or project coordination, clinical supervision, or activities outside of the classroom which enable and enhance teaching. They should not be a back door for those without terminal degrees to teach traditional classroom courses without the de-

mands of research and creative activities. They should not be used for the weakening of tenure and academic freedom.

What is going on at Eastern Michigan University?

A strike is a frightening experience for everyone concerned. Many of us at Western may be tempted to assume that the faculty at EMU are being unreasonable in their demands, because we don't like to think that a strike is something that could happen here. But here is what we have heard about the issues. The university proposed that they could replace full-time faculty with part-time faculty anytime they wished with no limitations. The workload in the predominantly female nursing department is significantly higher than the rest of the university. EMU has been unwilling to discuss this issue. The university is attempting to negotiate a contract giving them a non-exclusive license that is world-wide, perpetual, irrevocable, and royalty-free on all online courses developed by faculty. And, although deans participate in the evaluation of faculty, Eastern Michigan University does not want the faculty evaluating deans. These are just some of the reasons that there was a strike at EMU.

Three wishes.

We wish that Western had a policy on e-mail confidentiality and security. For example, is our outgoing e-mail stored in any way? Is our incoming e-mail stored in any way that is beyond our control to delete? Is WMU asserting the right to read that message? If we read a message and leave a copy on the WMU server, is WMU asserting a right to read that message? Is WMU maintaining a copy of our discarded e-mail that is preserved independent of an individual user's ability to preserve or delete? An explicit statement of WMU administration policy is long overdue.

We wish that all faculty realized that the files on their WMU computer are the property of Western and not private property. If you have personal files that you would rather the administration not see, take them home or delete them.

We wish that all faculty realized that their Western office is not their private domain, and that Western can enter and take possession of that office at any time. How many of us have things in our offices that we would rather not have the administration know were there? If you have things in your office of a private nature, take them home. #

Nominations Are Needed

The Chapter's Nomination/Election Committee is seeking candidates for the 2000 election of **President** and **Vice President**, as well as **Executive Committee Representatives** from the following constituencies:

- Arts & Sciences -- Humanities
- Business
- Association of Language Specialists
- Education
- Health & Human Services

Please contact the AAUP office (345-0151) if you wish to nominate someone or would like to be a candidate yourself. Nominations close officially at the Chapter Meeting scheduled for Thursday, October 19th.

Flight Delays...

Elaine L. Phillips
WMU-AAUP Grievance Officer

In August, after giving two presentations at a convention in Washington, D.C., I flew to Detroit to board a small commuter flight that would take me to a rural community to join my family on a two week vacation, which for them was already underway. The commuter flight was late and overbooked. Two people agreed to take a flight the next morning, so that two others (myself being one of those two) could board the plane.

The weather was bad and worsened once we were in the air. A thunderstorm with lightning and high winds rocked the plane and resulted in the pilot lowering the landing gear early and turning off all interior lights. As the flight progressed, I began thinking that taking this flight had been a mistake.

When we finally landed, the baggage handler at the small airport shouted up to the pilot, "Man, we didn't think you were going to land this thing tonight. We've got a new nickname for you—Suicide." For the record, let me state that this is not a name one wants applied to the pilot of one's plane. When I entered the terminal, my visibly shaken husband greeted me and said that five minutes before landing there had been two direct lightning strikes on the runway. As rough as this flight was, it is not the worst I have ever been on. I am relating this to you to put what follows into perspective.

For several months, the AAUP and the administration have been dealing with a grievance in the College of Aviation. The AAUP has taken a position that those employees in the International Pilot Training Program who are primarily teaching should be included in the bargaining unit. The administration has at times said they agreed with this, but we (the AAUP and the administration)

could not agree on the details of how to bring these workers into the unit. At other times, the AAUP has been told that some administrators did not agree that these workers should be in the unit and, therefore, more time was needed for discussion. At those times, it seemed that we had made no progress at all.

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The best metaphor that I can give of this whole situation is not one of a rough flight, but one of a flight loaded with passengers idling for hours on the runway. As was the case with the infamous Northwest flight, sitting on the runway for hours on end believing that the flight will take off soon results in people becoming irritable. These negotiations have, at times, been unpleasant and uncomfortable, but it appears that at long last we have reached an agreement and are in the air.

The 40 employees who are teaching in the International Pilot Training Program will become part of the bargaining unit as Academic Career Specialists in 2001.

We are pleased to bring this grievance to a close and look forward to welcoming the Academic Career Specialists in the International Pilot Training Program to the AAUP. #

AAUP Officers' Hours

Ariel Anderson

President

Wed	10:00 - 12:00 noon
Wed	2:00 - 3:00 pm
Fri	1:00 - 2:00 pm

Gary Mathews

Contract Administrator

Tues	1:00 - 3:00 pm
Wed	10:00 - 12:00 noon

Elaine Phillips

Grievance Officer

Mon	1:30 - 3:30 pm
Wed	10:00 - 12:00 noon



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