



American Association of University Professors Michigan Conference

Across the State

Sign up Today for the 54th Annual Meeting of the Michigan Conference

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In the weeks leading up to the election, the chapter leaders worked feverishly to bolster support for the union. Issues ranging from lack of voice to retiree health care to compensation were addressed in emails, mailbox fliers, website posting and personal contact with their colleagues. The efforts of the chapter were bolstered by support from the CBC, the National AAUP and the Michigan Conference. Sadly, it was not enough.

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AAUP National Election

Several Michigan Candidates Highlight the Ballot

The election for officers of the National AAUP is currently underway. Profiles of the candidates are available at the AAUP website at <http://www.aaup.org/AAUP/about/officers/cand.htm>. If you have not received a ballot by mail by March 10, please contact your local chapter office or the state conference office at (517) 482-2775. Completed ballots must be received by the national office by April 15. The AAUP national leadership shapes the direction of the organization and oversees the activities of the national staff. Please take a few moments to contribute to the future of the AAUP and vote.

[Read more>>>](#)

Opinions and Viewpoints are of the Editorial Staff and not that of the Michigan Conference or the National AAUP. Please contact the conference office if you have any questions or comments.

115 West Allegan Street Suite 320 Lansing, MI 48933

Ph (517) 482-2775

Fax (517) 913-6447

office@miaaup.org

The 54th Annual Meeting of the Michigan Conference

Reserve your seat today!

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The remainder of this year’s program is somewhat unusual due to two non-traditional events. In the morning, our state conference committees will meet. Each meeting is open to any attendee who wishes to participate in the discussions and contribute to the future plans and activities of the committees.

In the afternoon, we have invited members from MEA and AFT higher education units to join us. Given the severe economic constraints of our institutions and the push by administrators to consolidate and monopolize all decision-making power, we hope this opportunity will allow faculty from across the state to understand what changes their colleagues face and have faced, and what we can do to combat those challenges.

Finally, in the evening, leaders from collective bargaining chapters across several states will meet to discuss issues they face and how the CBC can help them. This regional dialogue is a first time event spearheaded by CBC Chair Jeffrey Halpern.

Space is limited. To reserve a seat, please contact your local chapter office or the conference office at (517) 482-2775 or office@miaaup.org. The cost of attendance is \$25 and money is available from PFEI (The Professors’ Fund for Educational Issues) for chapters or individuals who need assistance.

Know Your Rights

Garrity Protection

In 1967 and 1968, the United States Supreme Court handed down two rulings that strengthened the Fifth Amendment rights of public employees. In *Garrity v. New Jersey*, 385 U.S. 493 (1967), the court found that incriminating disclosures made by a public employee cannot be used when a refusal to answer would result in job loss. When the choice is “between self-incrimination and job forfeiture”¹, such a statement is deemed an “involuntary” and infringes on both Fifth and Fourteenth Amendment Rights. Similarly, in *Gardner v. Broderick*, 392 U.S. 273 (1968), the court ruled that a police officer cannot be fired simply for refusing to sign a “waiver of immunity,” i.e. his

Garrity Rights. The Garrity ruling reinforced a previous ruling in which the employee was a public school teacher (*Slochower v. Board of Education*, 350 U.S. 551 (1956)).

Practical Application

A public employee cannot be forced to make a statement that could be self-incriminating even through threat of dismissal. Any such statement is inadmissible. Likewise, an employee cannot be forced, verbally or in writing, to waive that right. Unlike Miranda rights, however, the burden of asserting Garrity rights are on the employee. This means you have to know your rights. If you feel that you face a situation where Garrity may apply, do not answer any questions without legal advice or at least contacting your local chapter office.

¹ **GARRITY v. NEW JERSEY, 385 U.S. 493 (1967)**

Michigan Tech Decertification Vote

A Blow to Academic Freedom and Collective Bargaining

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"We should be proud," said Marilyn Cooper, MTU-AAUP President. "It is no small feat for nearly half of the faculty to stand up for collective bargaining when 70 or more faculty are new to Michigan Tech since the chapter was certified in 2004, when the administration, including the President and VP for Research, are openly opposed to unions, and when the petitioners (including senior professors) engage in fear-mongering, deceptive rhetoric, and fallacious logic."

In fact, Glenn Mroz, Michigan Tech President, sent an email to all faculty members two days before the election highlighting his viewpoint that a union was unnecessary and counterproductive. He used his own career as an example of how a Michigan Tech faculty member can excel outside of a collective bargaining environment. It was commented several times that evening by AAUP stalwarts that perhaps his advice was apt for all of

those future university presidents out there; for almost everyone else, the union would be a much better option.

While the reasons for the outcome are certainly complex, a major factor was the large influx of new faculty. Almost 25% of the bargaining unit was hired after the original certification election in September 2004. Those faculty members had no experience with the long term abuses and mismanagement. They also had no clear understanding why negotiations had not produced a contract. Most importantly, as Cathy Jones from the AAUP national staff stated "the junior faculty were just too scared to support the union." Cathy added that on several office visits she made, faculty members *in their own offices* were afraid to sound their support for the union at more than a whisper.

For the past 41 months, the MTU-AAUP worked towards its first contract, but only 13 months of that span were spent in actual negotiations. Those negotiations, hindered by insincere bargaining by the administration, were further delayed by several Unfair Labor Practices and two decertification campaigns. According to the Chief Negotiator, Dave Chesney, the union was close to a contract when the last decertification petition was filed. Marilyn Cooper echoed that sentiment. "We had been making good progress before the decertification petition was filed, and we could have achieved a contract within a couple of months. Half the articles were TA'd and the other half had been exhaustively discussed."

The chapter's work is far from over. The conditions that brought about the initial union drive persist, and the MTU-AAUP chapter is committed to bringing about change. The Michigan Conference will continue to support the chapter as it carves out a new role on campus.

Michigan Conference Loses Two Stalwarts

In the span of a month, the AAUP lost two stalwarts in the state of Michigan. On December 26, 2007, Wilfred Kaplan passed away at the age of 92. Wilfred came to the University of Michigan in 1940 and had been an AAUP member since 1946. For nearly all of that time, he was active at the local and state level. In fact, he was still participated at chapter executive committee meeting in the last weeks of his life. The 1954 persecution of Professors H. Chandler Davis, Mark Nickerson, and Clement Markert for refusing to testify before the House Committee on Un-American Activities deeply impacted him. In fact, Chandler Davis was a colleague of Wilfred's in the Mathematics Department. Today, more AAUP members reside in that department than any other on the University of Michigan campus.

Donations can be made in the name of Wilfred Kaplan can be made to the Academic Freedom Lecture Fund at <http://www.umich.edu/~aff/> or the Professors' Fund for Educational Issues at <http://www.miaaup.org/PFEI.asp>.

On January 13, 2008, longtime Michigan Conference Executive Director Robert Grosvenor passed away. Bob came to the AAUP in 1991 after his second retirement. He had a long career in organization after which he served as the Executive Director of the Michigan Trial Lawyers Association. Through his knowledge and commitment, Bob became a legend in the AAUP. He retired for the last time in April 2006 at the age of 82. Bob also served as the President and one of the driving forces of CAPPs, the Citizens' Alliance on Prisons and Public Spending. While many in government are finally realizing that Michigan is overspending on prisons to the detriment of other public good programs, Bob had advocated on this topic for years.

Donations can be made in the name of Robert Grosvenor can be made to CAPPs at <http://www.capps-mi.org/Donations1.htm> or the Faith United Methodist Church at <http://www.lansingfaithumc.org/>.

National AAUP Election

Two Michigan Leaders Vie for National Council Seat

The election for officers of the National AAUP is currently underway. Profiles of the candidates are available at the AAUP website at <http://www.aaup.org/AAUP/about/officers/cand.htm>. If you have not received a ballot by mail by March 10, please contact your local chapter office or the state conference office at (517) 482-2775. Completed ballots must be received by the national office by April 15. The AAUP national leadership shapes the direction of the organization and oversees the activities of the national staff. Please take a few moments to contribute to the future of the AAUP and vote.

Michigan has a National Council seat up for grabs. Running are Joel Russell from Oakland

University and Mohey Mowafy from Northern Michigan University. Both serve on the Collective Bargaining Council Executive Committee and are involved in the leadership of their chapters. Joel is also the current President of the Michigan Conference. Statements from both candidates are below. These statements and additional information including a brief biography are available on the national AAUP website at the above link.

***Note:** This article is intended for informational purposes only and is in no way an endorsement by the Michigan Conference of any candidate.

National Council District III Candidate Statements

Mohey Mowafy

Being a teacher at an institute of higher education is the only profession I had since graduating from college. Although on the surface, this may paint an image of someone who has limited experience, I humbly want to assure you that such an image would be grossly inaccurate.

I have experienced institutions when and where administration had an unbridled control over all aspects of my employment. When I began my career at NMU the institution was taking on the fight to unionize and to negotiate its very first contract. It was a baptism of fire never to be forgotten. My experience also included leaving the faculty to serve as a department head for a few years. Suffice it to say that I had seen both sides of the academic human drama. Even during my service as an administrator, I remained steadfastly devoted to the principles and tenets of the AAUP.

As a chapter member my involvement has consistently been vigorous and relentless. I have served on almost every committee which protects and polices academic freedom and shared governance. As my brief bio will show, I have been almost a steady fixture on our chapter's executive committee, currently serving my second term as the VP; selected to represent our chapter at our administrative counsel, served on and chaired our educational policies committee (EPC) which, according to our contract is the epicenter of our shared governance; selected to serve on the president counsel, and to co-chair our newly formed committee on internationalization.

Additionally, I have been my department's senator and/or bargaining council representative, and was a member of the senate executive committee. I have also attended several AAUP summer training institutes. I was recently elected to serve on the Executive Committee of CBC. To put it mildly and hoping not sound "lofty", I have experience up the kazoo.

More important than my experience, perhaps, is my visceral and unflinching dedication to the AAUP and all that it does and stands for.

Again, I am deeply honored to be nominated and I humbly ask for your vote.



Joel Russell

The next three years will encompass a critical period of transition for the AAUP during which its ability to remain the dominant voice for the American professoriate will be severely tested. The decline in non-collective bargaining membership must be replaced by a substantial growth to maintain our credibility as the unifying professional association for higher education faculty. Faculty from community colleges through research universities should support collective bargaining as an honorable tool to protect with strength academic freedom, tenure, and shared governance in the face of the "corporatization" of American higher education.

Within the next year the national officers and council members will implement a new formal structure stressing the AAUP as a professional association but with enhanced capabilities to support those engaged in collective bargaining and enhanced ability to raise funds to support the profession. The need for the Council to move beyond past divisions and work together to strengthen all components is essential. The oversight role of the officers and Council will be even more critical as we not only reorganize but hire a new General Secretary. Those chapters and conferences with strengths in numbers, leadership and resources can assist in developing both advocacy and new CB chapters as have my chapter and conference. Until far more faculty realize that the future of their profession cannot rest solely on disciplinary associations but needs a strong AAUP speaking for faculty in all disciplines, shared governance will continue to be eroded by administrative appointed task forces and outsourcing of faculty duties to the lowest paid term-contract instructors and at-will administrative professionals.

I am honored to have been nominated for a Council seat. Whether you elect Professor Mowafy or me, you will have three dedicated Michigan council members representing collective bargaining and advocacy chapters from small to very large. If elected I shall work diligently for the common good of the professoriate and to make the twenty-first century AAUP as significant as the twentieth century AAUP was in defining and defending our profession.



AAUP MEMBERSHIP APPLICATION – MICHIGAN CONFERENCE

Check Membership category (2008 National Dues):

___ Full-time (\$161) ___ Associate (\$121) ___ Entrant (\$81) ___ Joint (\$81)
___ Retired (\$81) ___ Part-time (\$41) ___ Graduate (\$41)

Name: _____

Institution: _____

Preferred mailing address: _____

Daytime Phone: (___) _____ - _____ E-Mail: _____

Tenured: ___ Yes ___ No Academic Rank & Field: _____

Membership Status: ___ New Member ___ Renewal ___ Reinstatement

Note: Membership will extend for twelve months from the month payment is received at the national office.

PAYMENT

Total Dues: ___ National Dues
 + ___ Michigan Conference - \$38
 + ___ Chapter Dues (GVSU, MSU, U-M Ann Arbor - \$10, U-M Flint - \$12)
 = ___ Total Dues Owed

Check: Amount Enclosed \$ _____ Please make check payable to: AAUP

I hereby authorize the AAUP to charge my credit card \$ _____

Visa ___ MasterCard ___ American Express ___ Discover ___

Card No. _____ Exp. Date: _____

Signature: _____ Date: _____

Mail to:
MI-AAUP
115 W. Allegan St. Ste320
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Fax to:
(517) 913-6447