



American Association of University Professors Michigan Conference

Why AAUP?

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Among members and non-members alike questions like this arise, especially in the fall when new faculty are recruited and membership drives are planned. Why should one join the AAUP? What are the dues spent on? Couldn't we just do that job ourselves without a national association? Would we be better served to spend our money on an organization that promises direct member or chapter benefits? Every member should know the answers to these questions.

A Brief History

In 1915, a group of professors from across the country led by John Dewey and Arthur O. Lovejoy formed an organization that would protect the academic rights of faculty. Hence the AAUP was born with a mission of guaranteeing Academic Freedom, then a relatively new concept. Though codified in the 1925 Conference Statement on Academic Freedom and Tenure, these two core tenets did not become the widespread norm in American higher education until the 1940 Statement of Principles on Academic Freedom and Tenure was adopted.

Since that time, the AAUP has worked to define the rights and responsibilities of the professoriate and ensure the standards it expounds have been accepted and adhered to by institutions across the nation. The latter task has been the primary mission of the association's Committee A on Academic Freedom and Tenure. Policy statements impacting both of these principles are generally authored and vetted by this committee.

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The AAUP Today and in the Future

By Joel Russell, President, MIAAUP

As we start 2008, I would like to take this opportunity to reflect on the past year. As a conference, we in Michigan are doing very well. As for the standing of the entire profession, that is much less positive.

The Michigan Conference is very healthy in both membership and financial terms. We finished 2007 with a budget surplus, the fifth straight year we have done so. We are investing that savings in an effort to provide future budget stability and also to allow the conference to assist our collective bargaining (CB) chapters in negotiations and contract enforcement and our non-CB (advocacy) chapters in membership recruitment, leadership development and enhancement of faculty governance.



The AAUP has very strong CB chapters at EMU, KVCC, NMU, OU, WMU, and WSU. We are working hard to get a contract for a seventh – Michigan Tech. MTU is still fighting a determined, and at times unethical, administration. In March, the chapter won an unfair labor practice (ULP) ruling against the administration who was then instructed to begin bargaining in good faith. Sadly, compliance by the university negotiating team has been dubious at best. The discussions were drawn out until administration loyalists were able to file a decertification petition. Although the MTU AAUP chapter had already filed another ULP over the same issue as the one it had won last year, the decertification petition again put negotiations on hold. We continue to support this chapter with expertise and financial assistance. I hope in the upcoming year, we can finally celebrate a successful close to the negotiations for their first contract.

Michigan has active advocacy chapters at UM-Ann Arbor, MSU and UM-Flint along with several private colleges. At MSU, the chapter continues to fight for an overhaul of the faculty governance system. Several members prominently participated on task force committees to outline a new system. Those designs have been ignored by the administration and the current governance leadership. While it seems most faculty representatives have resigned themselves... *continued on page 2*

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The State of the Michigan Conference

By Joel W. Russell, President, MIAAUP

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to accepting that change will not occur, the AAUP has refused to abandon the goals of a faculty council, composed entirely of faculty, elected exclusively by faculty and led by faculty. The positive actions of our other advocacy chapters are too numerous to list here. Several have updates included in this newsletter; but there is one event I would like to mention. The 17th Annual *Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom* at UM-AA cosponsored by the UM AAUP chapter, Faculty Senate, and administration this year featured Nadine Strossen, president of the ACLU. This lecture, now viewed as the premier UM annual academic lecture, continues to be a fantastic tribute to three tenured faculty whose persecutions during the McCarty era crystallized the reality that academic freedom while being inherent is not an inalienable right of the professoriate.

I mentioned earlier that we have very strong CB chapters and the actions by two of them both reinforce that judgment and highlight a glaring weakness in the profession as a whole. After pressure from the WMU AAUP chapter, the summer of 2006 saw the resignation of Provost Linda Delene and the firing of President Judy Bailey. Faculty have had significant input into the hiring of the new president, John Dunn; and the ongoing search for a new provost. The firing of EMU President John Fallon after a faculty vote of no-confidence was well publicized, as were the many other reasons for his dismissal.

The common link between the two incidents is the failure of administrators to include faculty in the decision-making process of the university. I have written previously regarding the "corporatization" of higher education. These are obvious examples. The 1940 AAUP Statement on Faculty Governance, endorsed by over 140 higher education associations and organizations, tasks faculty with formulating and implementing all academic policies. In addition, we have a role, albeit advisory or oversight, in the overall administration and direction of the university. Those notions are falling by the wayside. Today's universities are governed by boards comprised of businesspersons; individuals used to making

decisions based chiefly on profit and results. Presidents are no longer the "first among many academics," but the CEO of million (or billion) dollar "corporations" answering exclusively to the board of directors and shareholders (alumni and donors). Provosts make policy using hand-picked task forces, expecting faculty to implement these edicts without question. Deans and chairs act with an equal sense of entitlement using legal rather than academic reasoning.

How did this happen and is it reversible? First, the fault does not lie exclusively with power-hungry administrators. Weaknesses in faculty governance exist because we allow it to happen. Few individuals volunteer to serve. Many who do serve act solely as critics of the administration and not as partners in shared governance. As university policies became increasingly complex, more faculty choose to delegate the responsibility of self-governance to administrators and administrative-professional staff. Power, like nature, abhors a vacuum and administrators and APs accepted those tasks faculty opted to abandon.

Can we go back to the old system? This is unlikely, but it should not imply faculty are forever tools to be brandished by autocratic administrators. At their heart, all rights are simply ideas. It is our actions to claim and assert these rights which make them tangible. I put it to you simply that the future of the professoriate lies within its own hands. For some, the best way to accomplish this is to unionize the faculty. For others, such a step is politically unfeasible. Regardless, the protection of our interests lies in the solidarity of our actions. Ask yourself what you can do to help your profession. Become more active in your chapter and the larger AAUP. Solicit colleagues who are not members to join. Open and read the monthly email messages sent by national AAUP president, Professor Cary Nelson showing the vital need for a strong AAUP to keep academic freedom, tenure, and shared governance. Encourage your colleagues to read these messages and support the AAUP. Most of all, do not accept limitations of your academic rights, but work with others to expand your rights and those of your colleagues.

MIAAUP 54th Annual Meeting Announcement

The Michigan Conference of the American Association of University Professors will hold their 54th Annual Meeting on April 12, 2008 starting at 10 AM. This year the meeting will be held in Ypsilanti at the EagleCrest Marriot. The theme of the program will be "The Future of Higher Education in Michigan."

Please see our website at www.miaaup.org for more information as the date approaches. If you have any questions or would like to make reservations, please contact the conference office at office@miaaup.org or call (517) 482-2775.

Michigan Tech: The Struggle Goes On

By Marilyn Cooper, President, MTU-AAUP

Again this year, the administration announced in August a unilateral merit salary increase for tenured and tenure-track faculty during contract negotiations, and once again the chapter filed an unfair labor practice charge in response. President Glenn Mroz says they have negotiated in good faith on the salary issue, but that is a poor description of their approach to negotiation. The administration's negotiating team refused to negotiate salaries as part of a full contract, insisting instead on an "interim salary agreement," and their "last, best, and final offer" on salaries was virtually identical to their initial offer, ignoring all of the association's many salary proposals.

The Michigan Employment Relations Commission (MERC) gave us an early hearing date of September 27 for the ULP, but the administration asked for and received a postponement until October 30. By the end of October, it appeared that we might get agreement on a contract, so we asked for the hearing to be rescheduled for a later date. But then on October 31, some faculty filed a decertification petition, and MERC has ruled that negotiations must cease while the decertification vote is pending.

In the meantime, MERC approved our petition for

fact-finding over the protestations of the administration, which means that if we can get back to negotiations, we will be able to proceed with fact-finding.

The administration also made significant changes in the 2008 health insurance benefits package for all employees. These changes would increase out of pocket expenses and constitute a roughly 1 percent salary decrease for faculty. We had been negotiating for an additional 1 percent raise in return for our accepting the new package when the decertification petition was filed. At this point, the administration asked us to sign a waiver of our objections to the new package, and we refused. The result is that next year the administration will have to manage two separate health insurance plans: the old one for the faculty and the new one for all other employees.

We have decided not to use the ULP to block the decertification election — which we have renamed a re-certification election — as we think we can get a stronger majority vote for the association which will put us in a better position at the negotiating table. The election has been scheduled for February 20 and 21, and we are now organizing to get out a positive vote.

Northern Michigan University

By Laura Soldner, NMU-AAUP Information Officer

Fourteen faculty members (a record number!) were recently awarded sabbaticals; this increased number of sabbatical is due to the implementation of negotiated changes in the 2006-2009 Master Agreement which gives power to the Faculty Review Committee (rather than the Provost and Vice President of Academic Affairs) to recommend how the available sabbatical funds are distributed.

In response to the growing use of contingent faculty, nationally and at NMU, Committee O (whose

focus is on educating and organizing the membership) has developed and distributed an electronic survey to all contingent faculty. The purpose of the survey is to determine more about these individuals' demographics, experiences, and concerns. It will collect and analyze this data to determine the next course of action. For more information or for copies of this survey, please contact Committee O Chairperson, Rebecca Mead at rmead@nmu.edu.

University of Michigan – Ann Arbor

By Dan Burns, UM-AA President

The University of Michigan, Ann Arbor, Chapter has sponsored or co-sponsored three special events this past semester: the UM reception for new faculty; the annual *Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom* featuring an address by Nadine Strossen, of NYU Law School and President of the ACLU; and the Fall Chapter Meeting with a special invited lecture by Pat Shaw, labor lawyer and organizer for the national AAUP.

Reception for new faculty: This annual event is put on by the University, at which many faculty organizations, including ours, gather to present themselves to new faculty. This event is a great opportunity to meet new faculty and encourage them to engage with the AAUP. It is a sobering experience, however, to see how much work is before us to familiarize the new generation of scholars with the mission, ideals and role of the AAUP in American academia, and more importantly, in their own backyards. We are hoping to organize ourselves to be able to present a menu of grassroots services for new faculty which will serve to reinvigorate faculty interest in the AAUP. Any suggestions or experience in other chapters would be of interest to us should be emailed to aaupexcom@umich.edu.

Academic Freedom Lecture: On Friday, November 9, Professor Nadine Strossen of NYU Law School, and long-term President of the American Civil Liberties Union, delivered the 17th *Annual Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom*. Her theme was "Defending Freedom: Even for the Thoughts We Hate". The talk was very well attended, and was followed by a vigorous question and answer session.

Professor Strossen (below) drove home the point that suppression of *another's* freedom of expression is a powerful drive in all of us. She detailed a freedom of speech for all except this or that is clear litmus test freedom of freedom of can admit one accepts as protected but whose content one even hates. This phrasing goes back to Oliver Wendell Holmes, and Professor Strossen exhibited great erudition, indeed local erudition, in citing instances based in Michigan and even the University of Michigan, of such speech hateful to some and needing protection from others on either side of the political spectrum. In fact, many references were to the preceding speakers in this illustrious series, not surprising in that for some time, she has been an



advisor on the selection of speakers for the series. It was a model of what such a lecture could be.



The entire lecture is available by direct streaming video online as is the oft-repeated history of the Lecture and the background history of Markert, Nickerson and Davis (above l-r) and their persecution during the McCarthy era at UM at www.umich.edu/~sacua/AFL/aflecture.html. The Lecture series is sponsored in part by the AAUP Chapter, along with several other campus organizations.

Fall Chapter Meeting: Our Fall Chapter meeting featured a lecture by Pat Shaw (below), long-term labor lawyer and Associate Director of the AAUP in the Department of Organizing and Services. He spoke on "Are Contingent Faculty Really 'Faculty' and Is It Important?" – a cheeky title meant to stir discussion. Our request to him for such a topic was motivated by continuing requests to the Chapter from non-tenure-track faculty for advice on grievance redress of what they saw as unfair or unprofessional treatment by administrators in their respective units.



Pat discussed the quality of life and service within the profession and the connection to faculty organization. He did not advocate exclusively for any one form of organization, such as unionization, but indicated a variety of paradigms by examples. The discussion was open to the public, and in particular we were joined by some colleagues from the UM Lecturers' Employees' Organization (LEO), which had just concluded its second contract with UM for faculty on the Lecturer track. Ian Robinson spoke after Shaw as a representative for LEO, and an interesting discussion of the current status of various types of non-tenure-track faculty at UM ensued. The event was co-sponsored by the Senate Advisory Committee on Academic Affairs.

Personal Note: Long time AAUP activist and Chapter member Wilfred Kaplan passed away in December at the age of 92. He had recently been diagnosed with cancer. Wilfred had been active in the AAUP since the 1940's and served as president of the Michigan Conference from 1968-1970. Even into his 90's, he was still active in the UM chapter in the last years of his life.

Oakland University

The Oakland University Chapter has three active contract issues that include: health benefits for spouses of retirees, the appointment of full time faculty to long term appointments without tenure opportunities, and workload statements from each academic unit.

The Oakland University Faculty agreement has included the following language since 2000: "When the retired faculty member becomes eligible for health care coverage through Medicare, Oakland shall contribute \$121.67 monthly in 2006 toward single party coverage and \$243.34 monthly in 2006 toward two-party coverage for a retired faculty member in accordance with procedures established by Oakland." The AAUP has long understood this language to mean that when the retired faculty member turned 65, the retired member and spouse would receive payments equal to two-party coverage. It was discovered last year that administration was instead interpreting this to mean that the spouse would not receive the health care contributions until he/she was

65. The Chapter grieved to have the correct payments made. This issue will be heard by an arbitrator March 7, 2008.

The Oakland agreement also includes language that allows the administration to hire up to 15 full time faculty for long term appointments with tenure opportunities, faculty who "will generally be expert practitioners." These faculty were not intended to be heavy use teachers. The administration filled five of these positions using the title "Full Time Adjunct" for use as classroom instructors. The AAUP has grieved these hires. A Step 2 hearing has been held and an apparent settlement may be reached.

The 2006-09 faculty agreement added the development of workload statements for each academic unit. The agreement gives the academic units the charge of drafting the workload statements with follow up review and approval by the administration. The academic units are expected to have their statements to the administration by the end of the Fall 2007 semester.

Michigan State University

By Sheila Teahan, MSU-AAUP President

At MSU, we continue to await the outcome of the reform effort initiated by the Ad Hoc Committee on Faculty Voice that was active in 2004-5. That Committee's report called for the establishment of the five elected faculty task forces that met in 2005-6 and that made extensive recommendations on a range of issues pertaining to the status of faculty voice at MSU, from faculty review of administrators and participation of contingent faculty in governance to recommendations for significant reform of the governance system itself. The outcome of many of these recommendations has yet to be determined. Several pieces of the proposed task force reforms, including those addressing faculty review of administrators and issues of transparency and communication, were delegated by Faculty Council to ad hoc or standing committees where the original proposals lost much of their force. However, we remain hopeful that the proposals calling for reform of our current governance system (for example, we still lack a functional faculty senate) will be implemented. Faculty Council has begun to take up Task Force One's complex recommendations on governance.

Thanks to the national office, we were able for the first time last month to distribute our newsletter electronically to the entire MSU faculty. Our Secretary, Phylis Floyd, did a superb job in putting together an extremely attractive and professional newsletter. We are grateful to Cary Nelson for his offer to distribute the newsletter on our behalf, and especially to Martin Snyder for doing the legwork that made this possible.

Also in November, we had a productive open faculty meeting sponsored by the AAUP at which our invited guest was Terry Curry, MSU's new Associate Provost and Vice President for Academic Affairs and Human Resources. Professor Curry kindly spent two hours talking with faculty matters ranging from the growing numbers of contingent faculty to a possible role for the AAUP in working to improve communication between faculty and administration.

In 2008, central tasks for the chapter will include working to encourage governance reform and continuing our efforts at chapter-building, especially in connection with Cary Nelson's current e-mail membership campaign.

The Power of the Ballot Box

By Jeffrey R. Lee, MIAAUP Executive Director

As we approach the election of 2008, let us look back to how the past two elections in Michigan have affected higher education. In 2004 and 2006, constitutional amendments were approved by the voters, both of which reversed previous social policy and impacted the hiring and working conditions of faculty.

In 2004, voters approved Proposal 2, the "Michigan Marriage Amendment," the text of which reads

"To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose."

During the 2004 advertising campaign, proponents of the proposal repeatedly asserted that the intention was only to define marriage and not to eliminate the employment benefits of same-sex couples. However, in his March 16, 2005 interpretation of the amendment, Michigan's Attorney General, Mike Cox, found that "there can be little doubt that conferring these [health and retirement] benefits constitutes recognition or the acknowledgement of the validity of these same-sex relationships." (Opinion 7171)

Cox's ruling was appealed. A Circuit Court ruling in favor of continuing domestic partnership benefits was overturned by the Appellate Court. Currently, the case is in the Michigan Supreme Court with oral arguments having been heard in November 2007.

The Michigan Civil Rights Initiative was approved by voters as Proposal 2 in the 2006 election. Although the text is too lengthy to include, the amendment eliminated affirmative action programs in governmental entities, with public universities singled out. The majority of the discussion regarding the

impact has centered on student diversity. For a profession dominated in its highest ranks by white males, the more long term issue is the effect on faculty hiring and promotion. With both students and faculty, the challenge of the MCRI is less one of legality and more of attitude. How does an institution express its commitment to diversity and minorities and how to make those groups feel equal?

No matter one's feelings regarding these two amendments, the greater concern for both institutions and faculty is the degradation of the independence of higher education. Public colleges and universities are granted autonomous status by Michigan's Constitution. These two amendments have demonstrated a weakness in that autonomy. While they do not deal with strictly academic issues, we must be aware of the possibility of such a proposal in the future. "Intellectual Diversity" and "Academic Bill of Rights" legislation has been proposed in several other states. Could they be introduced here? Recent years have shown that our universities are constitutionally vulnerable.

The Michigan Legislature has spent the last year arguing over whether to raise taxes and what to do with that additional revenue. Time will tell if it is spent on mechanisms to revitalize our state. Through constitutional intervention, we have handcuffed our strongest tool in effecting economic recovery. For as much as business, higher education brings young talent to this state. Yet, in this decade, universities have seen their abilities to recruit restricted. Coupled with decreasing state funding, this, as much as any tax policy, has created a hostile economic growth environment. Can this trend change? Absolutely, and our universities are leading the way with new strategies to convert intellectual capital into economic growth. The real question is whether Lansing and the rest of the state will assist in this endeavor or intervene to its detriment.

Kalamazoo College

By Henry Cohen, Kalamazoo College AAUP President

The Kalamazoo College AAUP Executive Committee has identified as the issues to which it would give special attention this year: the sabbatical leave policy, the preservation of the integrity of tenure-track positions, accessibility to faculty development

funds, workload, and advocacy for faculty who feel that they have been unfairly treated. It has also devoted one meeting to employee health care costs in relation to total compensation.

Why Bother Being an AAUP Member?

By Jeffrey Lee, Executive Director, MIAAUP

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More of its business, however, involves the investigation of violations of Academic Freedom and Tenure.

Today, the AAUP has fifteen standing committees addressing academic issues in addition to ad hoc committees and the work of conferences and individual chapters. Topics range from professional ethics to the economic status of the profession to accreditation to the recent investigation of the violation of academic rights in the wake of the Hurricane Katrina disaster. And unlike most national organizations, the AAUP remains driven by work of members, especially at the local level. Most of the output of the AAUP, from policy statements to investigation reports, is a result of a commitment of time and effort by faculty such as you. For the most part, they are not paid. Your dues pay for a professional staff that annually reviews thousands of Academic Freedom concerns; researches economic and academic trends; lobbies government officials; publishes *Academe*; assists members; and organizes and supports chapters and conferences. In addition, a portion of the collected dues is earmarked to return to members/chapters in need.

Why Membership Matters

In an economic and political environment where we expect tangible results for investment, the question of the value of being an AAUP member is especially appropriate. Unfortunately, like most public good non-profit organizations, the benefits of membership are directly felt by the payee only on rare occasions. Certainly, the value of the AAUP is proven when an individual's rights are defended and that person's employment and career are made safe. That is an obvious circumstance, but thankfully, not a situation most faculty will face.

To properly assess the worth of the AAUP and its work on behalf of the professoriate, we must envision the future of higher education without the AAUP. While some argue that the AAUP does not offer a unique service and that in its absence, other groups would fill the void, no other group has the same primary mission but instead the championing of academic rights is an ancillary function.

The first noticeable difference in an AAUP-less future is the absence of faculty in the governance of the university. Elected governance would be eliminated as too slow and ineffective. In its place, a streamlined system of faculty involvement which would be restricted to only those could forward the agenda of the administration.

Second, the current shift towards untenured faculty would greatly accelerate. Remember, without faculty governance, hiring committees would become advisory only and the offer, or even the possibility, of tenure would lie in the hands of the provost or dean. Instead, tenure would be reserved for research "stars." These individuals would effectively become mini-administrators, overseeing numerous projects undertaken by a myriad of contingent researchers. Instruction would become the province of untenured lecturers, individuals with heavy teaching loads and no other responsibilities.

While this prediction seems dystopian to many of you, please consider the current trends of higher education here in Michigan alone. In February, Cornerstone University in Grand Rapids eliminated the tenure track for its non-seminary programs. All newly hired faculty will hold that position on a contingent basis, i.e. on a single or multiyear contract whose renewal is dependant solely upon of the approval of an administrator. For the 2006-07 academic year, 51% of the instructional faculty at the University of Michigan – Ann Arbor was not on the tenure track. In fact, less than 37% of instructional faculty had tenure. In comparison, less than 48% of the faculty was not on the tenure track just four years early. Going back ten years, the percentage falls to 42%. Regardless of the size or prominence of the institution, there is a trend to move away from tenured positions.

Continuing on with the prediction, a loss in tenure leads to limits in academic freedom. Those limits need not be formally imposed, but simply implied or perceived as a condition of continued employment. This scenario could not happen overnight. In the end, this prediction comes true not from because it is the desired outcome of either party, but because the momentum of circumstance and past decisions becomes too much for a restricted faculty and a decentralized education system to counteract.

The AAUP exists to provide that unifying force for the professoriate. It is the AAUP that discourages colleges and universities to limit the use of contingent faculty and defends the continuation and value of tenure. No organization can stop a determined administration from enacting bad policies. One dedicated to the common good can attempt to isolate that policy, condemn its proponents and educate others on more productive approaches.

As was mentioned earlier, other organizations exist that advocate on behalf of higher education faculty. Most do a superb job protecting the rights of their members,

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although they do not expend much energy on those individuals who are not members. While this clearly benefits members in the short term, it does little to effectively manage the environment of higher education. No matter how strong and influential an organization is, one cannot simply sidestep popular sentiment and environmental conditions. We need to look no further than the bill passed October 1 to effectively end the monopoly of MESSA, the health care affiliate of the Michigan Education Association.

It's a Public Good

The majority of AAUP activity is the protection of the rights of individuals, but the essence of that activity is the defense of the rights of a profession. That is a mission that cannot be accomplished by an individual or a single chapter. Academic rights cannot be secure on one campus while in danger on others. Education is an essential public good; a commodity whose mere existence impacts all people. Your membership dues

ensure the value of higher education to all while seeking to secure the rights for you individually.

As always, the future of the AAUP lies in the hands of the faculty. Individuals and chapters can always disassociate themselves from the national organization, believing that the monetary saving is worth the risk of any future actions of the administration. Ironically, this action makes negative consequences more likely since it reduces the AAUP's ability to react and counter adverse trends. Instead, consider the opposite action, become more active in the AAUP and in the recruitment of new members. A stronger organization is a more effective organization. Your actions will both revitalize your chapter's resolve and stem any unwanted initiatives from the administration. Remember academic freedom is a public good and the more people who contribute to its defense, the stronger it will become, and the more higher education thrives under its umbrella.

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