

The Right Flier

Newsletter of the WSU-AAUP

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Analysis: Contract Assures Fairer P&T Process

By Mel Goldfinger, Contract Administration and Grievance Officer.

Protections against "arbitrary, discriminatory and capricious" promotion and tenure decisions in our first contract yielded spectacular results for four Bargaining Unit Faculty (BUFs) denied tenure or promotion last year. In all four cases, departmental votes to grant tenure or promotion were upheld. Article 13 of the contract specifies general, departmental, college, and university procedures for promotion and tenure and establishes departmental criteria for promotion and tenure as the standard in each P&T decision. It also provides a clear and powerful process for overturning promotion and tenure decisions "not based on applicable criteria" or resulting from "erroneous procedures."

Two arbitration cases successfully reconsidered

Two of the cases—one for promotion and tenure and the other for promotion to full professor—were reconsidered under the jurisdiction and rulings of an external arbitrator, as provided by Article 13.8. After hearing these cases, the arbitrator identified clear procedural violations on several levels and issued specific instructions to all involved. These instructions directed that the errors of last year were not to be repeated and that the decision-making process outlined in the contract be adhered to assiduously.

All participants—at departmental, college, and university levels—were given copies of the arbitrator's report with its explicit instructions together with a thorough explanation provided by joint communication from WSU-AAUP and the administration. Notable in these rulings were the express prohibition against the errors previously committed (including ignoring judgments of department P&T Committee, chair, and external reviewers, as well as the use of non-past-practice criteria raised only recently in the candidate's career) and the removal from all aspects of the process of the offending dean.

Two other P&T cases also successful

The other two cases—both for promotion and tenure—had been remanded by the Promotion and Tenure Appeals Committee, which provided both candidates with an extra probationary year and, in one case, the removal from the entire process of yet another offending dean. The P&T Appeals Committee, a joint committee formed of equal numbers of BUFs and administrators to review contested P&T decisions, is a creation of our first contract.

This year, all four candidates received unambiguous support from their respective chairs, departmental P&T Committees, external reviewers, college P&T committees, *and* the deans who substituted for the removed offending deans. The University P&T Committee affirmed each candidate's promotion and tenure on March 13.

Contract is powerful P&T document

What can we learn from these four cases? First, our contract has proven itself a powerful document which provides due process and just treatment to all BUFs. This contract is regarded as one of the best in the U.S. by the National AAUP. Second, arbitrary, discriminatory, and capricious treatment of candidates for promotion and tenure can be specifically identified *and* successfully appealed, *because* we have collective bargaining at Wright State. Most important, the commitment exhibited by these four professorial colleagues, who suffered professional indignities in the P&T process but who had the courage to test the P&T appeals and grievance process outlined in our first contract, should be an inspiration to all BUFs at Wright State.

Article 13 Flexes Muscle Again

As this edition of the *Right Flier* went to press, yet another questionable promotion and tenure decision fell before the protections offered by our contract.

This year, the University P&T Committee voted against a candidate who had been strongly supported by the department chair and departmental P&T Committee. In this case, the dean's letter forwarded with the candidate's file to the University committee had inaccurately and negatively characterized parts of the candidate's research record. Additionally, the candidate had not rebutted the dean's letter.

With assistance from WSU-AAUP, the candidate filed a rebuttal to WSU President Kim Goldenberg. The rebuttal contained corrections to several errors of fact in the dean's letter (including an incorrect publication criterion in violation of departmental and college past practice), additional documentation of the acceptability of and candidate's role regarding some publications, and reiterated support and clarification from the departmental P&T Committee as well as the department chair. Happily, the president reversed the ruling and recommended promotion with tenure to the Board of Trustees, which concurred.

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Deliver to:

The President's Message: Participate in Your Union

To any Wright State University faculty colleagues who still ask why we need a union: please read "Analysis: Contract Assures Fairer P&T Process" in this issue of the *Right Flier*. Two of the most important provisions in our contract grant faculty the right to appeal promotion and tenure decisions of the President and the right to file grievances over promotion and tenure decisions. In the past, faculty members denied tenure by the President had no recourse. Therefore the recent reversals of three tenure decisions and one promotion decision after these four cases went to the P&T Appeals Committee or to Arbitration represent a major turning point in the history of the Wright State University faculty. This victory could not have been accomplished without a union.

“For more than 30 years... various administrators of this university have arbitrarily decided who would be promoted That is no longer the case because we have a union.”

For more than 30 years, since WSU became an independent institution of higher education, various administrators of this university have arbitrarily decided who would be promoted to Associate Professor and receive tenure and who would be promoted to Professor, a rank that recognizes the accomplishments of senior faculty members in scholarship, teaching and service. For all those years, faculty denied promotion and tenure or promotion to Professor had no choice but to accept the verdict, no matter the injustice involved. That is no longer the case *because we have a union*.

“At long last, the faculty now have recourse when they feel that a promotion decision has been made in (an arbitrary, discriminatory and capricious) manner.”

From its beginnings, this university has been structured to ensure that faculty could never have an equal or—perish the thought—final voice on any important decision. The University Promotion and Tenure Committee, packed with administrators, on various occasions functioned in an "arbitrary, discriminatory and capricious" manner to overturn the favorable decisions of department and/or college promotion and tenure committees. At long

last, the faculty now have recourse when they feel that a promotion decision has been made in such a manner.

“... the faculty governance provisions of our first contract ... among the best in the nation...”

Indeed, the faculty governance provisions of our first contract have been cited by the national office of the AAUP as among the best in the nation because they make faculty equal partners in establishing criteria for annual evaluation and for promotion and tenure. Now these criteria must be clearly specified in departmental bylaws. Therefore, as President, I want to urge all departments to move as quickly as possible in finishing their bylaws. Establishing clear written criteria for annual evaluation and promotion and tenure will strengthen faculty rights and make it easier to win grievances when faculty are mistreated.

“...clear written criteria ... make it easier to win grievances when faculty are mistreated.”

I want to thank Mel Goldfinger for his untiring work on behalf of faculty rights as the Contract Administration and Grievance Officer. Representing all of us, he stood by the side of five of our colleagues who had the courage to challenge the promotion and tenure system at this university. Members of the WSU faculty and our union have won all five disputed cases over the past two years. Such victories would not have been possible without a union. I hope every member of the faculty at WSU appreciates the service Mel has rendered to his colleagues. Additionally, I offer congratulations to the five faculty on their well-deserved promotion and tenure.

“Join us as we continue the struggle...”

Finally, I want to invite all those who have not yet joined the union to do so. A large majority of the faculty already belong to the union. Imagine the impact the union could have if all the faculty joined. I also want to urge all members to play an active role in determining the direction our union takes. There are opportunities for you to make a difference at WSU by serving on the Bargaining Council or the Negotiating Team as we prepare for our next contract. Join us as we continue the struggle to improve both the quality of education for students and the quality of life for the faculty at Wright State University. **Allan Spetter, President**

Departments, Colleges Progressing on Bylaws

By Rudy Fichtenbaum
Chief Negotiator, WSU-AAUP

The process of writing department and college bylaws is moving forward. As of April 5, fifteen departments and one college have had bylaws reviewed by the Faculty Governance Committee (FGC) and four departments and one college are close to being finished.

When FGC first started meeting, we knew that reviewing bylaws would be a learning process, and that FGC's understanding of department and college standards would develop over time as more sets of bylaws were studied. We did not want to approve one department's bylaws only to discover later that we had told one department one thing and told another department something else. Perhaps we have been overly cautious, but we want to ensure that all department and college bylaws are evaluated using the same standards. At the outset, FGC agreed that we would not formally approve any bylaws until we had bylaws from at least a few departments in each college, representing different areas that were acceptable. I believe that we are approaching that critical mass and that FGC will start formally approving bylaws early in the spring quarter.

"We want to ensure that all department and college bylaws are evaluated using the same standards."

Apparently, the departments that have been the most successful in moving ahead with bylaws are those in which Bargaining Unit Faculty have exercised leadership or have enjoyed the cooperation of administrators, or both. Nevertheless the process has turned out to be more difficult than most of us anticipated.

One of the major differences between the bylaws departments are writing and bylaws written in the past is that the new bylaws, once approved by deans and the FGC, will be contractual. Before collective bargaining, bylaws could say almost anything because they were unenforceable. For example, department bylaws could talk about duties of the chair or the chair selection process. However, if the dean did not agree with the duties or with the chair selection process, he or she could simply ignore the bylaws. Since the new bylaws are contractual, they are subject to the grievance procedure. This means that ultimately the University could be subject to the decision of an arbitrator if it ignores the bylaws. In other words, the bylaws we are writing have teeth. Consequently, the administration is reluctant to put language in bylaws that would diminish their managerial rights except as explicitly agreed to in the contract.

"Since the new bylaws are contractual, they are subject to the grievance procedure."

For the purposes of establishing these new bylaws, the parameters of what can and cannot be included are established in the contract. The administration and WSU-AAUP have sent out to chairs, deans, and bargaining unit faculty respectively several memos representing our joint interpretation of the contract. If you think that the Contract gives too many rights to management, then the time and place to take this matter up is in the next round of negotiations.

Nominations are now being sought for Bargaining Council representatives for the next round of negotiations. (**See story page 4**)

Fair, Consistent Criteria Most Important For P&T and Annual Evaluations

The two most important parts of the new bylaws are the criteria for annual evaluation and criteria and procedures for promotion and tenure. In looking at drafts of bylaws the most difficult questions arise in trying to develop criteria to evaluate teaching. In the past, most chairs have relied largely on numbers from student evaluations to determine teaching effectiveness. Although this is an easy way to evaluate faculty, the majority of the faculty in the first Bargaining Council felt that the use of numbers on student evaluations was fundamentally flawed and in the initial proposal WSU-AAUP proposed eliminating numbers altogether. The current language in the contract represents a compromise between WSU-AAUP and the University.

"The fundamental principle put forward in our contract is that everyone needs to be evaluated fairly and that consistency is the foundation of a fair system."

The fundamental principle put forward in our contract is that everyone needs to be evaluated fairly and that consistency is the foundation of a fair system. A department chair should evaluate all faculty using the same yardstick. If a chair cannot explain why one individual is a better teacher or scholar than someone else, then both people should get the same evaluation.

Another element of fairness is informing people in advance of the criteria that will be used to evaluate them, so that each individual knows the basis on which he or she is being evaluated. While input from student evaluations can provide important information, this information is just a part of what should be used to evaluate teaching effectiveness.

Developing criteria to evaluate teaching is a lot like developing criteria to grade papers. You cannot necessarily anticipate everything a student might write in a paper, and there are always elements of subjectivity involved in grading papers. Nevertheless, it is incumbent on faculty to inform students in advance what sorts of things we look for when we grade papers. Often, when students ask us how we will grade a paper, we give examples of what we would like to see. If we can do this for our students then we should be able to apply these same principles in developing bylaws.

FGC is responding directly to faculty and chairs regarding their proposed bylaws. The Executive Committee of WSU-AAUP urges all Bargaining Unit Faculty to redouble their efforts to revise bylaws and send them on to your deans and to the FGC. As in the past, the AAUP members of the FGC stand ready to meet with committees or individual faculty working on bylaws. If you need assistance, please contact Rudy Fichtenbaum x3083, Jim Vance x2206, or Adrian Corbett x2058.

Committee W Seeks Volunteers

By Paulette Olson, Vice-President and Chair,
Committee W

As a sub-committee of the National AAUP, Committee W provides annual reports on the status of women in the academic professions. In recent years, three interrelated trends within academia have been identified at the national level with different consequences for women and men faculty: continued salary disparities, disproportional movements up the promotion ladder, and a reduction in tenure-track positions (Glazer-Raymo 2001).

Between 1975 and 1999, the gender pay gap increased among academics. Controlling for inflation, the male salary premium has grown from 4.5 to 7 percent among assistant professors, from 5 to 9 percent among associate professors, and from 10 to 15 percent among full professors (Magner 2000).

Glass ceiling is persistent

The glass ceiling is equally persistent. AAUP's Committee Z reports that a disproportionate number of women faculty are tenured at the associate rank (35.2%) than at the rank of full professor (19.3%). According to a 1999 survey of 3,124 universities and colleges, women comprise 19 percent of all presidents, mainly in community colleges, women's colleges, denominational colleges, and public four-year colleges (Ross and Green 2000). And although women deans remain in the minority, there has been a slight increase in women provosts over the last few years (Lively 2000).

The good news for a *few* women, however, is offset by the bad news for the *majority*. There has been a marked increase in the number of low-paid, part-time and non-tenure track positions which are disproportionately held by women and racial/ethnic minorities. Between 1973 and 1998, the ranks of part-time faculty grew by 266 percent, and non-tenure track faculty rose by 51 percent. By comparison, full-time, tenure track positions grew by 49 percent (Gold and Robinson 1998). Interestingly, this latter trend coincides with a proportional rise in women and racial/ethnic minorities receiving Ph.D.s and pursuing careers in academia. Thus, it appears that women and racial/ethnic minorities are purchasing tickets as the gravy train leaves the station.

Committee W to conduct member study

Whether or not these national trends represent the experience of women and racial/ethnic minorities at WSU is unknown. At most universities, annual status reports are generally provided by the Office of Affirmative Action or a similar administrative unit. Yet the last comprehensive status report by the administration was almost a decade ago (1992).

Consequently, the Executive Committee has requested Committee W to conduct a comprehensive study of *all members* of the bargaining unit so that our negotiating team can better represent the concerns and interests of everyone in the next round of negotiations for our second contract.

WSU's Committee W welcomes your participation. Bargaining Unit Faculty who serve on Committee W or other AAUP committees can have a significant impact on the conditions of employment and advancement for faculty at WSU. Additionally, service to the university through WSU-AAUP may be counted on the service portion of annual merit evaluations. If you are interested in serving on WSU Committee W, please contact Paulette Olson via email (paulette.olson@wright.edu), phone (x2409) or campus mail (Department of Economics, 248 Rike Hall). We welcome your participation, expertise, and good humor.

Bargaining Council Returning Soon

The Bargaining Council of WSU-AAUP will soon re-form in preparation for forthcoming contract negotiations. Article X.B of our chapter's Constitution and Bylaws specifies the Bargaining Council's composition according to the number of regular chapter members (RCMs—members of WSU-AAUP who are in the Bargaining Unit) in each college.

Our new Bargaining Council will comprise sixteen members. Of these, two will come from the College of Business, two from Education and Human Services, one from Engineering and Computer Science, five from Liberal Arts, one from the Lake Campus, one from Nursing and Health, and four from Science and Mathematics.

We expect that Bargaining Council representatives will have been selected before this quarter ends. The selection process, which includes a call for nominees and voting by RCMs in colleges providing enough nominees, is described in Article X.C.

The articles from our chapter's Constitution and Bylaws noted above can be viewed online. Point your web browser to the address www.wright.edu/admin/aaup/Chapter_Bylaws.html. Or, just go to the welcome page www.wright.edu/admin/aaup, wait for our home page to automatically appear, and then click the link to the Chapter Constitution and Bylaws.

Ohio Conference of AAUP

WSU-AAUP Hosts Spring Membership Meeting

The Ohio Conference of the American Association of University Professors will hold its Spring Membership Meeting at Wright State University, April 27-28. All events will take place in the Student Union. WSU-AAUP Chief Negotiator Rudy Fichtenbaum will open the Business Meeting with a welcome address at 7:30 p.m. in the Student Union Formal Lounge.

At the business meeting Ohio Conference officers and committee chairs will report on past chapter work. Membership will vote for Private Council Vice President. Candidates are Dan Wolber of Ohio Wesleyan and David LaPalombara of Antioch. Private Council deals with issues affecting private colleges. Additional nominations may be made from the floor. A reception will follow the business meeting.

Saturday's events include committee meetings and a special Part Time/Adjunct Panel Discussion and Workshop, featuring Rich Moser from National AAUP and Marian Lupo, Chair of the Ohio Conference Committee on Adjunct Faculty (Committee P), as well as Linda Shuler from the University of Toledo and Charles Seibert of University of Cincinnati. Luncheon speaker Martin Snyder of National AAUP will discuss the controversial *Ex Corde*

Ecclesiae in relation to AAUP policy. A 1990 papal document, *Ex Corde Ecclesiae* restricts the academic freedom of Catholic theologians teaching theology in a Catholic institution of higher learning by requiring the theologian to obtain ecclesiastical license to teach—essentially subjecting theologians to scrutiny for doctrinal correctness.

In an effort to encourage part time and adjunct faculty to attend the Spring Membership Meeting, especially the panel discussion and workshop, the meeting is free to all part time and adjunct faculty who pre-register online.

Conference registration forms and a complete agenda are available in the February and March issues of *Ohio Academe* or on-line at www.oasys-designs.com/registration/meeting.html. Fees for the conference are \$25.00 (Friday program and reception and Saturday morning coffee, pastries, program and luncheon) or \$20.00 (Saturday events only). WSU-AAUP will pay registration fees for a limited number of Wright State Faculty who are members in good standing of the chapter. Interested faculty should contact Chapter Secretary Jim Vance x2206.

We're Growing: A Membership Report

By Jim Vance, Chapter Secretary

Membership in our AAUP chapter at Wright State has undergone explosive growth in recent years. Starting from a handful of members in the pre-union era, our chapter grew to slightly over fifty percent of the Bargaining Unit in the months preceding the successful Collective Bargaining election in 1998. Subsequently, we lost several members due to the most recent early retirement plan and fell to slightly less than fifty percent. But since then our ranks have climbed steadily, more than compensating for the loss of the last retiring cohort.

Indeed, our members form a solid majority of Bargaining Unit faculty in every college but one; and our membership ranges up to three-quarters in the College of Education and Human Services and even beyond ninety percent in the College of Nursing and Health.

"...among Bargaining Unit Faculty hired in 2000, nearly seventy percent have already elected to join WSU-AAUP."

Among new faculty, we have more good news to report. For example, among Bargaining Unit Faculty hired in 2000, nearly seventy percent have already elected to join WSU-AAUP.

It's not idle rhetoric to call the expansion of our chapter "good news." The greater our membership, the more effective we can be in representing faculty interests to the administration, and the more broadly democratic will be that representation.

"The greater our membership, the more effective we can be in representing faculty interests to the administration..."

Faculty who are not members of the Bargaining Unit, but who are currently paying fair share are urged to join their colleagues in the union as we prepare for negotiations for our second contract. If all faculty currently paying fair share were to become regular chapter members, we could bring the strength of over 96% of the Bargaining Unit to the table.

So—if you are not yet a WSU-AAUP member, we'd like to invite you to become one. And likewise, if you already belong, we say *thank you*—and we ask you to recruit your colleagues to join us! Membership forms are available online at www.wright.edu/admin/aaup/pd_form.pdf, on the chapter office door (127 Allyn Hall), or from any chapter officer.

Scholarships Available

Chapter Seeking Participants for AAUP Summer Institute

The Executive Committee of WSU-AAUP invites Bargaining Unit Faculty (**BUFs**) who want to become more involved in chapter governance, shape future collective bargaining agreements, or simply enrich their experience as chapter members to enroll in AAUP's Summer Institute. This year's Institute will be held at the University of Delaware in Newark, DE, July 19-22.

In past years the chapter has provided full scholarships—tuition, transportation, and room and board—for chapter members interested in training to become state and chapter activists, honing collective bargaining skills, and helping develop the chapter into a more effective advocacy organization. The Executive Committee is able to fund five attendees this year.

This year's Institute will be held at the University of Delaware in Newark, DE, July 19-22.

Institute participants may enroll in one four-session or two two-session tracks focusing on such topics as Contract Negotiations, Contract and Grievance Administration, Distance Education and Intellectual Property, and Strategic Communications. Additional late afternoon seminars address effective lobbying, membership recruitment, and chapter management, as well as other topics of interest. Intensive case studies and role-playing exercises are combined with one-on-one topical analyses by experts from National AAUP and experienced officers of state and local collective bargaining chapters. The opportunity to meet and network with colleagues from collective bargaining chapters nationwide is unparalleled.

Each workshop and seminar focuses on developing or strengthening participants' strategic planning skills, data and statistical information use, nuts and bolts expertise, and networking contacts. Evening recreational and social events round out the Institute experience.

WSU faculty who have attended the past Institutes describe it as an eminently rewarding, though grueling, three-day bootcamp for future union activists. These participants have gone on to take an active role in chapter governance, either serving as chapter officers and executive committee members or working behind the scenes in their departments and among their colleagues to educate and assist BUFs during our early years as a collective bargaining campus.

Last year's Institute was held at Kent State University. Participants included **Paulette Olson**, Economics; **Colleen Finegan**, Education; and **Edgar Rutter**, Mathematics and Statistics, all of whom trained in Contract Negotiations. **Mark Sirkin**, Political Science, studied Chapter Management and Strategic Communications. Lake Campus's **Arthur Moliterno**, English, devoted himself to Strategic Communications and Part-time and Non-tenure Track Faculty Issues. **Carol Loranger**, English, focused on Contract and Grievance Administration. **Munsup Seoh**, Mathematics and Statistics, attended sessions on Higher Education Data and Research. Despite the heavy workload, the group also found time to tour the May 4 Site and Memorial under the guidance of KSU emeritus professor and eyewitness Jerry Lewis.

Interested BUFs should contact Chapter Secretary Jim Vance, x2206, for further information and to place their names before the Executive Committee. A link on your chapter website—www.wright.edu/admin/aaup/aaup.html—leads to more information about the Institute and the University of Delaware facilities.

Need Headers?

Tenured faculty who need headers for Spring Quarter student evaluations **prior** to Monday, May 7 (week 9 of the regular term) should contact Assistant Contract Administration and Grievance Officer Carol S. Loranger as soon as possible.

Email carol.loranger@wright.edu or call extension 2961. Give your name, department and the date by which you require headers. Please allow 48 hours for delivery. All other tenured faculty will receive their headers on or just before May 7.

Need Answers?

To any tenured and tenure-track faculty who have questions at any time, please feel free to contact President Allan Spetter or the other members of the Executive Committee: Paulette Olson (Economics), vice president; Jim Vance (Mathematics & Statistics), secretary; Adrian Corbett (Physiology and Biophysics), treasurer; Rudy Fichtenbaum (Economics), chief negotiator; Mel Goldfinger (Physiology and Biophysics), contract and grievance officer; Carol Loranger (English), and Mark Sirkin (Political Science).