

The Right Flier

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Two Key Issues in Negotiations

By Rudy Fichtenbaum, Chief Negotiator, AAUP-WSU

In the last newsletter we discussed the issue of workload and the administration's failure to hire appropriate numbers of tenured and tenure-track faculty. In addition to these issues two other issues have emerged which will be crucial in our negotiations.

Issue 1: The first issue is the proposal for "post-tenure review" in Article 11 which has been put forward by the administration. You can find the exact language proposed by the administration on our web page at <http://www.wright.edu/admin/aaup/art11.html> which the administration calls "Performance Improvement for Tenured Bargaining Unit Faculty Members." This proposal is a thinly veiled attempt to institute a policy of "post-tenure review" that could eventually lead to the dismissal of tenured faculty because of "poor performance" on annual evaluations.

The essence of the administration's proposal is that a bargaining unit faculty member who receives ratings of *unsatisfactory* in teaching, scholarship or service in a given year, or a bargaining unit faculty member who receives *adequate* in teaching, scholarship or service for two consecutive years would be given a "performance improvement plan" (PIP) by the department chair. If the faculty member fails to meet the conditions specified in the PIP, the administration will convene a "performance improvement committee" consisting of a member selected by the AAUP-WSU, a member selected by the administration and a member selected by the Faculty Senate Executive Committee. This committee will be charged with revising the PIP and/or monitoring the faculty member's progress in meeting the goals of the PIP. After a certain amount of monitoring, if the committee determines that the bargaining unit member's progress is unsatisfactory, the case will be referred to a hearing board for consideration of tenure removal.

In the words of one of our colleagues, this type of punitive proposal is insulting and demeaning to faculty. Administrators state that less than a handful of tenure-track faculty members are not doing their jobs. Making policy for all faculty based on a handful who are not fulfilling their duties will not serve the students, faculty, administration or community of WSU. If scholarly productivity is the administration's concern, hiring sufficient numbers of tenured and tenure-track faculty would do more to allow all faculty members to vigorously pursue their research agendas. A proposal that rewards high performance rather than one that is punitive would have a much more positive impact on the university community.

Tenure is designed to protect academic freedom. Academic freedom is clearly under attack in Ohio -- see Senate Bill 24 the "Academic Bill of Rights." Academic freedom allows faculty to teach about controversial topics and enables faculty to experiment with new and different methods of teaching students without fear of reprisal. It also allows faculty to pursue research even if the subject of that research is controversial. The ability to teach and do research without interference lies at the heart of academic freedom, and without this freedom the University will be transformed from an institution of higher education into an instrument for propaganda and indoctrination.

According to the AAUP *Redbook*, "post-tenure review" is a system that "super-impose[s] a more comprehensive and systematic structure on existing processes of evaluation of tenured faculty." The *Redbook* also states that such a system of review is objectionable because it is designed "to weaken the prevailing standards for dismissal and diminish the efficacy of those procedures that ensure that sanctions are not imposed for reasons violative of academic freedom." Specifically, the *Redbook* notes that it shifts the standard for dismissal from "incompetence" to "unsatisfactory performance."

Among the reasons for tenure removal in our current CBA are substantial and manifest neglect of duty or demonstrable incompetence. The bar for dismissal is high, as it should be, and the administration has to prove its case using the due process mechanisms specified in Article 15. This means that the administration has to

document and build a case against a faculty member and then prove its case before a group of faculty peers. It is rather ironic that the administration is asking bargaining unit faculty to perform the function of administrators in monitoring their peers' performance on the job. One of the consequences of the administration's proposal is that it would create more committee work for an already overworked faculty. More importantly, although the proposal would require a tenure removal hearing where the administration would have to "prove" its case, the process of "post-tenure review" would effectively put faculty members who are the targets of these reviews in the position of having to prove that they are "innocent" rather than having the administration prove that they are "guilty".

Issue 2: The second major issue that has recently emerged is the administration's plan to dramatically increase health care premiums. Although we will not see the administration's actual proposal on health benefits until April 15, we have obtained a copy of the administration's plan to increase health premiums. In fact, this is more than just a proposal because the administration has reported to the Board of Trustees Finance and Audit Committee that this draconian plan has already been implemented for all employees except bargaining unit faculty.

The heart of the plan calls for employees to pay 5-15% of the actual cost of the lowest cost health plan (currently the HMO plan, which pays no benefits for out-of-network care). The proportion to be paid by non-bargaining unit faculty and staff depends on salary. The administration uses the annualized salary to calculate premium contributions. This means that your academic year appointment salary is multiplied by 1.22 to determine your premium contribution bracket.

Until now the University has had three salary brackets: less than \$25,000, \$25,000 - \$49,999, and \$50,000 or more. In our last CBA all faculty except 12 bargaining unit members fell into the \$50,000 or above category. So we took the position that all faculty should be in one bracket since that was nearly the *de facto* situation. We included special language in Section 23.1.4 of the CBA to make sure that faculty members who were not in the \$50,000 and above category were not hurt by this change.

The plan currently implemented by the administration has created two additional annualized salary brackets, \$75,000 to \$100,000 and \$100,000 and above. Projected HMO costs are shown in table below.

Academic Salary	Annualized Salary	HMO Cost
<\$24,590	<\$30,000	5%
\$24,590 - \$40,983	\$30,000 - \$49,999	8%
\$40,984 - \$61,474	\$50,000 - \$74,999	10%
\$61,475 - \$81,967	\$75,000 - \$99,999	13%
>\$81,967	≥\$100,000	15%

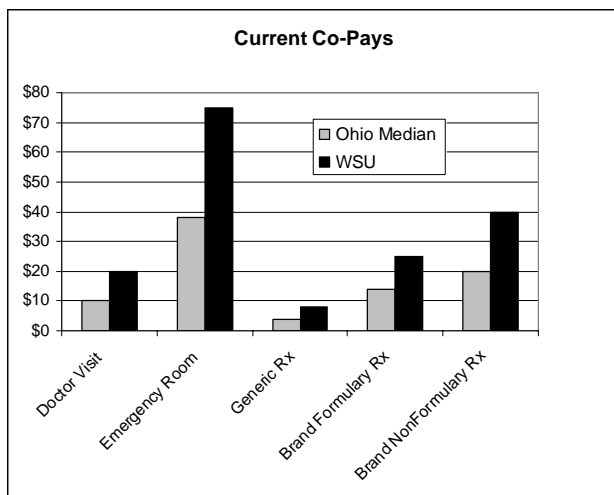
As if these increases were not enough, the administration has also decreed that over a four-year period it will phase in a system that requires you to pay 100% of the difference in the cost between HMO and PPO coverage if you elect the latter plan, which offers some benefits for out-of-network service. The table below shows current and projected costs and the percentage increase in cost for PPO coverage for faculty earning more than \$61,475.

	2005	2008	Percentage Increase
Academic Salary			
\$61,475 - \$81,967			
Employee Only	\$23	\$89	287%
Employee+One	\$64	\$178	178%
Employee+Family	\$87	\$237	172%
Academic Salary >\$81,967			
Employee Only	\$23	\$101	339%
Employee+One	\$64	\$201	214%
Employee+Family	\$87	\$268	208%

If the administration were to implement this plan for bargaining unit faculty, by 2008 the majority of faculty would be paying much higher monthly premiums than under the current CBA. Currently, that is before the proposed

increases, faculty at WSU already pay premiums which are above the median of those paid at 10 other public universities in Ohio for the plan selected by most faculty at an institution. For employee-only premiums WSU is \$19 above the Ohio median, for employee-plus-one WSU is \$15 above the Ohio median and for employee-plus-family WSU is \$9 above the Ohio median.

In addition to paying higher premiums, we also spend more for co-pays than faculty at many of our 10 Ohio peer institutions. Moreover, many of those institutions waive the emergency room co-pay if a patient is admitted, but at WSU we pay the \$75 regardless.



The bottom line is that we are already paying more for similar coverage than our peers. Now it appears that the administration is poised to demand that we pay even more.

How can we effectively counter the administration's proposal for "post-tenure review" and the likelihood that the bargaining unit faculty will be asked to pay a big increase in health care premiums? We do lots of research and we come to the bargaining table armed with lots of good arguments. However, our strength at the bargaining table does not come from being well prepared and making convincing arguments. Ultimately, our strength comes from *you* – the rank and file members of AAUP-WSU.

Bargaining is all about political power, and our power comes from our numbers and our willingness to act collectively. One indication of our willingness to act collectively is the feedback that we get from our members. We could bargain very effectively if we can say that we have heard from 100 members who think that the administration's proposals concerning "post-tenure review" and the plan to increase our health insurance premiums must be rejected. In past negotiations we have used email from rank-and-file faculty members very effectively at the table to make our points. Such messages let the administration know that the membership is behind the Negotiating Team.

Please let us hear from you on these issues and any other issues that are important to you. We would like to share your thoughts with other members and with the administration. If you wish, we will share just the substance of your thoughts and preserve your anonymity. If we are united we can get the kind of contract we all want and deserve.

STRS Board Election

From Judith F. Borus, Executive Director of Ohio AAUP: You will soon receive your ballots for election of STRS Board members. The Ohio Conference Board of Trustees has taken the unusual step of endorsing candidates they believe will work to preserve health care for retirees. This is a critical election. We are urged to cast our votes for:

- **Dr. Neil Johnson**, Past President of the Greater Cleveland School Superintendent's Association
- **Dave Speas**, President of the Clark-Shawnee Board of Education
- **Rolla Beach**, President and Chief Negotiator of the South-Western Education Association

2005 Summer Institute

The 2005 AAUP Summer Institute will be held at the University of New Hampshire July 21-24. The institute provides excellent training for those who want to become more involved in AAUP-WSU or who are already active. If you are interested in attending, please contact a member of the Executive Committee.

Legislative Brunch

A Legislative Brunch will be held at The Ohio State University on April 22. This event offers a chance for you to talk to Ohio legislators before the Higher Education budget is finalized. Look for more details in the February issue of Ohio Academe.

WSU-AAUP Working for You!

- An additional professional development leave was awarded in the College of Liberal Arts due to a procedural error.
- A case of higher workload was settled in favor of a chapter member before the grievance process was initiated.
- Numerous errors in faculty salaries and benefits have been identified and corrected during routine record-keeping by our staff.
- As a result of contract negotiations, faculty salary increases for 2004-05 (averaging 4.5%) were among the highest increases in the state.
- As a result of contract negotiations, our salaries now rank among 11 Ohio public institutions, 4th in compensation for assistant professors, 4th for associate professors, and 7th for full professors.
- As a result of offering P&T workshops to untenured faculty and department chairs during Fall quarter, there has been a noticeable decline in procedural errors and grievances related to the P&T process this year.
- As a result of contract negotiations, we now have minimum salary levels for each academic rank; \$38,000 for assistant professors, \$49,000 for associate professors, and \$60,000 for full professors.
- Three of the six promotion and tenure cases last year were resolved in favor of the faculty members involved.
- Of the 33 non-P&T grievance cases last year, the majority were resolved in favor of the faculty members involved through a process of reasonable compromise.
- Inappropriate handling of teaching evaluations in the matrix departments was resolved in favor of the matrix faculty.
- A faculty member who had been overcharged for health care more than two years ago received a full refund.
- We provide daily advice to faculty members about their rights under the contract.
- Our website provides up-to-date information on contract negotiations and other related issues. See www.wright.edu/admin/aaup for more information.

Together We Are Many

Sixteen new members have joined AAUP-WSU since the end of Fall Quarter for a current total of 302 of 417 (72%) Bargaining Unit Faculty. For the first time in the history of our organization more than 50% of BUFMs in each college are Regular Chapter Members.

Only RCMs have a voice and can vote on the collective bargaining agreement currently being negotiated between the WSU administration and WSU-AAUP. Please talk to your colleagues who have not yet joined and encourage them to become part of AAUP-WSU. Contact Anna Bellisari (x2923) for a list of non-members in your department or college.

Congratulations!!!

Congratulations to Dr. Travis Doom, Associate Professor of Computer Science & Engineering on his election to the office of member-at-large of the Executive Committee.

MAIL TO: