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September 2006

the WMU  
AAUP



# Advocate

at Western Michigan University

## Executive Committee

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Paul Wilson

### Vice President

C.D. Simpson

### Contract Administrator

Michael G. Miller

### Chief Negotiator and Grievance Officer

Jon Neill

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### A&S - Science & Mathematics

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## Welcome to the 'Zoo!

**Paul T. Wilson**  
**President**

A new academic year is beginning. A sense of hope and renewal is in the air. We are all looking forward to....what? Last year was certainly a most interesting year, so what can we expect for this year? The irony of that old saying, "May you live in interesting times," has been on my mind of late. In the recent past at Western, it has seemed like interesting is a synonym for stressful.

### The Past

What has been so interesting for the WMU-AAUP about the last year and a half?

Most importantly, and one of the genuinely interesting aspects of our work, we have served you, our members, in a multitude of ways in the daily business of administering our contract with Western, of ensuring your health care benefits, of defending fair and thorough tenure and promotion reviews, of advocating your many rights and privileges as a faculty member. But there has been so much more.

We fought off a decertification attempt by the MEA in Spring 2005.

We enjoyed outstanding membership and emeriti support during the Summer 2005 contract negotiations.

We brought in a new contract with Western's administration that was ratified by the largest margin ever in the history of the Chapter in Fall 2005.

We engaged in more active support of the faculty voice in the Faculty Senate.

We worked very hard to ensure that the Senate evaluation of the President and the Provost got circulated quickly to the entire faculty. We protested consistently from the beginning (Spring 2005), and with increasing vigor during the 2005-2006 year, against the violations of shared governance in the Graduate Program Review process.

We immediately took a strong stance against the GPR's incomprehensible, ad hoc recommendations. On May 18, with broad support from our membership, we passed resolutions (a) calling for the recommendations not to be taken to the Board of Trustees, and (b) authorizing a vote of no confidence in former Provost Delene's academic leadership. Professor Delene resigned as Provost the next day.

We negotiated an appeals process—a necessary reassertion of shared governance—for those programs that the GPR had slated for closure. We provided consultation and strategic support to more than half of the programs that appealed. Most of the appellant programs received a complete reprieve, or at least some time to regroup and strengthen themselves before any further review.

We communicated consistently with the Board of Trustees, both on behalf of faculty and about the best interests of

Western, as they struggled with the mounting crisis that culminated in their termination of the contract of President Judi Bailey, and their appointment of Dr. Diether Haenicke as interim President on August 15.

### The Future

With such an interesting recent past, it is certain that the coming year will be just as *interesting*, but for a different reason: Undergraduate enrollment. Consider the history of the past five years:

Academic Year	Drop	Running Subtotal
2002-2003	500	500
2003-2004	1000	1500
2004-2005	1000	2500
2005-2006	1500	4000
2006-2007	1300+	5300+

We have heard speculation about a greater drop in enrollment for 2006-2007. By any account, these numbers are a cause for significant dismay for two reasons: revenue and campus morale.

Undergraduate enrollment is Western's most important source of revenue after our state appropriation and a major factor in our political clout in Lansing. Equally important, undergraduate enrollment is a particularly clear measure of student morale. If students feel that Western is a good place to be, more will come and more will stay. None of us need numbers, of course, to tell us that student morale is low. But the enrollment data tell us that it has eroded disastrously.

In visits to our Executive Committee and to the Senate Executive Board, President Haenicke has affirmed his commitment to address the enrollment crisis. We, Western's faculty, play the most important role because

we work face to face with our students, day in and day out. Our positive, creative energies, exerted on behalf of our students, are the key. We will come to grips with this issue, and we will resolve it.

Western has faced challenges this last year and a half unlike any other public university in Michigan. And we are now ready to move ahead. Throughout all these *interesting* events, the WMU AAUP Staff, Executive Committee, and Officers have been stalwart, thoughtful, aggressive, effective advocates and representatives of your most important interests.

We aim to continue this year, stronger than ever, without breaking stride. We look forward to working with you as friends and colleagues. Call us or drop in any time. And please continue to let us know how we can serve you.

## Does Western Need Another Curriculum Review?

**Paul T. Wilson**  
President  
**Jon Neill**  
Grievance Officer  
Chief Negotiator

Now that the Graduate Program Review is behind us, a little retrospection is in order with, of course, the future in mind. There is no exaggeration in saying that the graduate review initiated by former Provost Linda Delene took this University to the brink of chaos and nearly drove its faculty to despair. It was truly a sad chapter in the University's history, and a relief that most of the recommendations that came out of the review were not taken to the Board of Trustees. Unfortunately, this chapter is not closed for two reasons. First, many of the recommendations in the GPR Report are still scheduled to be implemented. Second, a comprehensive review of the University's undergraduate curriculum looms over us. This review has only been postponed, not cancelled, and so for that reason alone, we would be prudent to reflect on what we have learned this past year, and in turn, how we should be thinking about curriculum reform for the future.

A basic question was not addressed last year: What is the objective of a comprehensive review of any university's curriculum? In our view, such a major commitment of time and physical and intellectual resources is only necessary and appropriate when doubts arise about whether the curriculum fits the university's mission, or when an administration is proposing a significant change in the university's mission. Because we had no campus-wide discussion about Western's mission, the fatal flaw of the graduate

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review was the absence of any cohesive, mission-driven plan for the University's graduate programs. Principles were never articulated by the administration:

- Principles that could have been discussed, debated, and ultimately vetted by faculty and their chosen representatives.
- Principles that would have charted a clear course for our University.
- Principles that would have led to sensible criteria, that everyone understood, by which programs could be evaluated.
- Principles, most importantly, around which the University community could ultimately have been united.

The graduate review was never framed in this way. Rather, it proceeded fitfully, on the basis of "emerging criteria" that were vague and incoherent, to the point of being unintelligible.

It would be foolishness repeated for the administration to oppress the faculty with another curriculum review—or for that matter, to make any further substantive changes in the University's graduate programs—before there is a significant examination or a major reorientation of our University's mission. When former President Bailey repudiated Dr. Delene's plan, it suggested that there actually had been no real consideration of Western's mission, a view further supported by Dr. Bailey's public statements that Western would continue to be a major research center where one of the primary functions of research is to enhance the educational experience of its students. That sounded very similar to "A student centered research university for the 21st century." **Western's mission had not changed.**

After studying the Faculty Senate document, "University Curriculum Review Process and Process for Organizational Changes of Academic Units," it became clear to us that the policies and procedures it outlines are not intended as a framework for a complete overhaul of the University's curriculum. It contains, for example, no criteria. It appears to have been designed (and seems reasonable) for the periodic curricular housekeeping that any well-managed, dynamic university needs to do. So we reiterate: Until a new vision for undergraduate education at Western has been presented and embraced by the community, let us remain content with improving our students' education by focusing on department and faculty driven curricular improvements that are proposed and approved through the established Senate procedure.

Our hope is that this is all that will be done regarding our curriculum this year, and that those recommendations from the Graduate Review which are being re-examined will not be acted on. No action should be taken in this regard until there has been a meaningful dialogue between the administration and faculty of this University over its mission and the most effective means for accomplishing it. There are other challenges of much greater immediacy—the enrollment crisis springs readily to mind—to which we must respond with all the intelligence and energy we can muster. Let us move forward to address the necessary challenges without further distraction.

**WMU-AAUP**  
**The Montague House**  
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## Appealing or Not? We Move Onward

**John Jellies**  
**Executive Committee**  
**Member, AAUP Secretary**  
**& Vice President, Faculty Senate**

The first phase of the Graduate Program Review fallout and appeals has been completed. We now must begin preparing for the additional hard work of looking at the details of proposed changes and mergers. This work will be done, at the initiative of the faculty, using the procedures for curricular review in the Senate to the extent they are done at all. If our recent experience has taught us anything, it must be that our diligence and attention to shared governance is paramount. That said, while I have already written several things about the appeals process, I hoped now to write a brief summary and update as a Chapter member and officer to help understand what we went through in the hopes of improving our future collective efforts to secure and enhance shared governance.

First, we must acknowledge that several programs did not succeed through the appeals process. Of the 15 programs that entered into the appeals with a predestination of termination by administration fiat, 12 emerged successfully. None of us, neither the programs and our faculty colleagues, nor the outstanding members of the appeals committee emerged unscathed however.

As chair of the appeals committee, I tried to take a position of neutrality toward facts, but advocacy toward process to ensure as comprehensive review as possible. This meant that I asked a great deal from the committee members, all of whom acted with the utmost responsibility and collegi-

ality. It also meant that during the process we guarded the details of our deliberations from all and were then, and only then able to act independently, as peers trying to make sense of the termination recommendations. I would encourage you asking any of the committee members about their experiences and their impressions of how this difficult task was pursued. I cannot speak for them, but I can say that I am enormously grateful for their hard work and very professional reasoning and communication abilities.

Our responses to appeals were written as narratives that summarized the committee rationale, and also acknowledged the strengths, and at least in some cases, the perceived weaknesses in the information we had related to program appeals. We did not claim perfection and were very aware that our determinations might be no more “correct” than those of the prior review teams, but we were dedicated to act as faculty to use our best reasoning, rather than some unexplainable administrative visions of programs or bias.

Peer review is not a comfortable job. At some level I think we all know this. Ask anyone who has had 90% of their grant proposals or manuscripts reviewed over and over in highly competitive fields. Or speak to those whose creative works are endlessly reviewed and evaluated, dissected and critiqued. Nonetheless, peer review and introspective review in an ongoing way are essential to our future and the future of the programs we work to offer for the benefit of our students, our disciplines and society.

I accept that some, particularly those few whose programs did not succeed in their appeals, might be highly critical of our review and rationale. Yet even in these cases it was absolutely clear to everyone involved that the dedication and quality of our faculty is astounding. The committee pub-

lished detailed summaries of all of our deliberations, actions, interviews and decisions on the provost’s web site for your review.

During the proceedings, several of the very astute committee members remarked that what we were doing seemed very much to them like what they had experienced in tenure and promotion reviews. This is particularly relevant as we think back on what the Chapter role is. For example, in tenure and promotion we take great pains to insure fair process and clarity of decisions at all levels. As you may know, the contract cannot, and does not offer any assurance that any and all particular individuals **will** succeed in promotion and tenure. Likewise, in the appeals process we just went through there could be no assurance that all programs would succeed. As **faculty**, we worked—whether flawed or astute as you choose to see it—to analyze the information available and make our detailed recommendations to the president in the form of collegial advice. As a Chapter member, I am proud that we diverted a process that, at the end, reasserted the primary responsibility of the **FACULTY** to evaluate and assess programs and the curriculum.

As a Chapter, I argue that we cannot and should not take particular detailed positions on strategic directions or program enhancement. Along that road is the destruction of solidarity. Imagine a Chapter that advocated for one field or pursuit in a time of real or imagined scarcity of resources. That would effectively disenfranchise the rest.

We can and should protect process and demand fair treatment and acknowledge that faculty are the best suited to evaluate and deliver the curriculum. We can and should enhance our control over curriculum and creative activities. It was in this

spirit that we went through the appeals process that saved most of the programs that came before us for review. I encourage you to remain aware and vigilant as we continue to move through further changes and evaluations.

In Service and Solidarity,

John Jellies

## CAGO Update

Michael G. Miller  
Contract Administrator  
&  
Jon Neill  
Grievance Officer

### Grievances

The Contract Administrator and Grievance Officer, with the help of Paul Wilson, Chapter President, have been working very hard to settle seven grievances filed since late April. Three of these relate to tenure reviews, two allege violations of the workload provisions of the Agreement, one involves professional misconduct by a chairperson, and one has to do with Western’s obligation to provide the Chapter with any data and documents it needs “to meet its collective bargaining responsibilities or to administer [its] Agreement” (**Article 6.§1**) with Western.

### **Tenure Reviews**

All of these grievances were filed over fourth-year reviews. One of the grievances was a personal grievance; the other two were Chapter grievances. In the personal grievance, the aggrieved alleges that the reviews by the chair and dean were neither fair nor thorough. One of the

Chapter grievances also alleges that an administrator did not conduct a fair and thorough review of his/her record. The second Chapter grievance alleges that the Provost is using a tenure review to dismiss the faculty member for cause. All of these grievances are presently at Step One of the grievance procedure.

### **Workload**

Both of these grievances are Chapter grievances. One of them involves a faculty specialist who, in the Chapter's opinion, was not compensated for instruction in Summer I and II. The other alleges that faculty were not compensated for teaching 7000 level courses according to the formulas in their department policy statement. Both of these grievances are at Step One.

### **Professional Misconduct**

This is a Chapter grievance filed against a chairperson in response to his/her continued disregard for departmental and University policy, and repeated onerous treatment of faculty. This grievance is at Step One.

### **Healthcare**

Recently, a faculty member was forced to pay \$5,000 for surgery due to a misunderstanding regarding payment of out-of-network providers. The Contract Administrator and Health Care Advocate routinely receive calls about the procedures that our policy covers, and the fees approved by Blue Cross-Blue Shield for those procedures. These questions can only be answered if the Chapter has BCBS's Benefits Guide and the list of its approved fees.

The Chapter has repeatedly requested these documents to no avail, and therefore, a grievance was filed. However, Western has yet to schedule a Step One meeting, though this grievance was filed on June 16. Con-

sequently, the Officers have instructed the Grievance Officer to contact the Chapter attorney about filing an unfair labor practice against Western.

### **Other Business**

#### **Intellectual Property Policy**

Over the summer the Executive Board of the Faculty Senate asked CAGO to review a policy on intellectual property that the administration is asking the Faculty Senate to approve. We did so, and sent our comments to Mary Lagerwey, Faculty Senate President. To summarize, we believe that one clause in the proposal from Western violates **Article 43** of the Agreement, and therefore, we suggested that this clause be replaced by a clause in that Article (**43.§1.3**). We also suggested that the Faculty Senate try to address the silence of the Agreement on a faculty member's recourse should Western choose not to commercialize a patent or copyright that it shares with the faculty member.

#### **Tenure Reviews and the College of Education**

Another issue that CAGO addressed this summer was the way in which fourth, fifth, and sixth year tenure reviews will be conducted in those reorganized departments in the College of Education. Western's Contract Administrator and the Dean of the College of Education have been very cooperative in reaching an understanding on this matter, and a letter of agreement should be forthcoming.

### **Additional Healthcare Items**

#### **Long Term Disability**

The administration has informed the Chapter that faculty who are on unpaid leave or have been terminated

because of disability can only purchase healthcare through the University for 18 months. This is the minimum term set by the federal law's COBRA provisions. Frankly, we fail to understand Western's motive, particularly in regards to faculty on professional leave. We should add that **no one on unpaid leave can purchase long term disability insurance** through Western.

The logic of this position is hard to fathom, both from an insurance point of view, and from the perspective of the language in the Agreement. We have asked the Chapter attorney to review Western's interpretation of those provisions of the Agreement relating to long term disability insurance.

#### **Network Healthcare Coverage**

If you are provided medical care by a person or institution that is not in the BCBS Community Blue network, you will be reimbursed an amount equal to 80% of **the fee for that service approved by BCBS**. If you were referred to the out-of-network provider by an in-network provider, you will be reimbursed an amount equal to 100% of the approved fee. Since out-of-network providers generally charge more than the approved fee, you are not likely to be reimbursed for the full amount you will pay, whether you were referred or not.

#### **Dependent Additions**

Finally, please remember that you have **only 30 days** in which to add a new born or newly adopted child to your healthcare plan. Western has, in some cases, shown very little compassion towards faculty who have missed the deadline. So those of you who are expecting or in the process of adopting a child, please make a note of this.

## ***Nominations Are Needed***

The Chapter's Nomination/Election Committee is seeking candidates for the 2006 election of **President and Vice President**. The committee is also looking for constituents for the following:

### **Executive Committee Representatives**

- College of Arts & Sciences – Humanities
- College of Aviation
- College of Business
- Career English Language Center for International Students
- College of Health & Human Services



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