

AAUP Oakland Newsletter

August 31, 2009



The State of Negotiations

We have something of a ritual every three years. In August the negotiating teams from the AAUP and the university administration hammer out the final elements of a new faculty contract. As the start date of the fall term approaches, anxiety increases.

However, this year is different. Instead of finalizing one or two remaining problems, this year the negotiators are still debating solutions to nearly every major issue on the table. The accomplishments so far are minor changes to contract language. The points of conflict are varied and complex, indicating a difficult path ahead.

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“A week away from classes,
and we are nowhere.”

General Membership Meeting

6:00-8:00

St. John Fisher Chapel
(across Walton,
north of the university)

**Closed meeting for AAUP
members, including new
faculty**

The team will either discuss a tentative agreement or report on the status of the negotiations. All AAUP members should attend to show your support for the negotiating team. Come to have your questions answered about the contract.

Negotiations for the faculty contract began as soon as Michigan law would permit—on May 19. The two teams have continually met through the summer, but little has been resolved. Only some minor language changes have been determined, virtually nothing of substance accomplished.

Throughout the summer Oakland's team made only vague references to their objectives for health insurance. They did not even propose a salary package until August 25.

Much of the time in bargaining has been spent on issues that have become surprisingly contentious.

Previous agreements on workload policy have been challenged by OU. The administration has abandoned the idea that since each academic program has special instructional needs and unique professional expectations faculty workload should be

determined at the unit level. In addition, they have challenged the right of department chairs to determine class size.

Odd disputes have arisen, with OU resisting attempts to clarify policies concerning intellectual property rights.

One of the most complex problems concerns how to accommodate the new School of Medicine into the AAUP contract. The unusual structure of the SOM requires imaginative reconfiguration of work rules and administrative policies. However, OU has abjectly refused to provide the AAUP with the key document which explains the structure of the SOM—OU's proposal for accreditation. Despite the fact that this is a public document, covered by bargaining law, the administration refused to provide it.

This has been a frustrating bargaining cycle. OU has evaded the primary issues until the last minute, limiting the likelihood of agreement.

Frequently Asked Questions

How does the AAUP decide what to do if we have no contract? On Wednesday, September 2 there will be a general meeting of the AAUP membership. All faculty in the bargaining unit (including special lecturers and newly hired faculty) should attend. At that time the Negotiating Team will make a report and suggest a course of action. There will then be a vote to determine how we collectively respond to the situation.

Can we strike at a public institution? Our right to strike is quite limited. However, if a judge determines that the administration has been engaging in unfair labor practices and has violated the spirit of bargaining in good faith, it is not illegal to withhold our services.

I'm a special lecturer; will I be fired if I refuse to cross a picket line? The AAUP will not tolerate punishment of any faculty member for participation in a job related action. You will be protected as if you were a full professor.

Should I meet my classes if picket lines are established? As a sign of solidarity with the Negotiating Team, we may vote to not meet our classes. We ask you to honor that vote. This includes on-line classes and Moodle postings.

What will happen in my classroom if I withhold my services? In all likelihood the university will send someone (normally an administrator) into your classroom with minimal qualifications. Students are quick to recognize that these people do not have the skills of the members of the AAUP.

Can I work in my office or lab if picket lines are established? It is fine to preserve research in progress. For example, scientists with animal labs may need to tend to experiments. However, if staying out of your office or lab will not destroy your work, we ask you to stay away.

What will happen to my pay if we withhold services? The faculty salaries are negotiated as an annual figure for tenure track faculty and special instructors and as a semester figure for special lecturers. Once we have a contract agreement that figure will be divided into monthly payments and checks will be issued accordingly.

Might the semester be extended to compensate for any lost days at the beginning of the term? This might be part of the final agreement.

How will I know we have a tentative contract or find other news about the situation? Check the AAUP website or our Facebook page.

How can I help? Come to the General Meeting on September 2. We will be asking for volunteers for various tasks. Ask your Bargaining Forum representative or one of the Gate Captains.

The Future of Our Health Care?

Since the beginning of faculty bargaining at OU, health care has been one of the most contentious points of bargaining. Constantly rising costs of health insurance have complicated contract negotiations for more than a decade.

In an effort to curb costs, insurance companies are promoting policy guidelines based on "healthy living." These kinds of policies would establish two classes of recipients—those judged to be living a healthy lifestyle and those who do not meet the criteria. We now face the possibility of that sort of policy at Oakland.

Current administrative proposals call for all HMO coverage to be "healthy living" plans. Those determined by the insurer to be healthy would have coverage similar to that currently enjoyed under the faculty contract. Those who did not meet the criteria would have higher deductibles and make higher co-pays. The most dramatic change would be the end of 100% hospital coverage for those who were deemed "unhealthy."

Several questions emerge with "healthy living" plans. How will "healthy" be determined? Will it change over time? How does this system interact with issues of pre-existing conditions? More fundamentally, is this the purpose of health insurance—to segregate the sick to guarantee lower payments for the rest?

The administration is also calling for the inclusion of Priority Health as an insurance provider. OU's desire to add this option is based on the company's advocacy of "healthy living." The company's profile has limitations. Priority Health is substantially smaller than HAP, with fewer hospitals and doctors in its network. It is relatively new to Michigan, with limited experience in this part of the state. It also has a somewhat questionable record in terms of its fees. At the other Michigan universities where it is an option, it has become the most expensive plan. In fact, for these reasons Eastern is planning to drop it as a faculty health provider.

The administration would also like to drop the traditional Blue Cross plan. The most expensive option in the current health care agreement, Blue Cross traditional also offers the greatest flexibility. Members who need medical specialists and who travel a great deal are reluctant to shift to other coverage.

The final issue in health insurance concerns the university's response to recent changes in Michigan law. Oakland is the only public university in the state which does not provide for extended health care to domestic partners. The administration has made it clear that it will only extend this right to faculty if we accept "healthy living" HMO coverage.

Tenure and Job Security

One of the most disturbing proposals on the table is the idea of increasing the number of faculty with no tenure or job security. The administration has suggested that at least 20% of the full time faculty at Oakland should be on fixed term contracts. These faculty would have benefits, but their contracts would be renewed at the pleasure of the administration. This would be the equivalent of replacing regular employees with contract laborers.

For the foreseeable future all new new hires of full time faculty would be outside the tenure track. This would mean that Oakland would not be able to compete in the national market for new faculty.

The consequences of such a change would be disastrous for the university. Our growing national reputation rests on our ability to attract exciting and innovative faculty.

We would argue that too many faculty already fear for their future under the current conditions. Special lecturers often take on the roles of full-time faculty, but have little assurance that they will be employed if they suddenly come into disfavor.

Tenure is a critical prerequisite to creating

an open environment for discussion and innovation. Without tenure or job security, faculty will be afraid to innovate or challenge prevailing practices.

The truth of the matter is, tenure and job security protect freedom of expression. It allows us to use innovative, but controversial theories in the classroom. It allows us to challenge misdirected efforts by the university administration. It allows us to be public intellectuals.

Support for Faculty Research

Over the past several years Oakland has clearly aimed to improve its image as a research institution. Standards for tenure and promotion have been raised. New hires are offered more competitive salaries. In some areas the university provides research "start up" money to facilitate the work of our young faculty.

The AAUP would like to see the continuation of this direction of investment in faculty. There are a number of areas that need to be strengthened to solidify this

commitment to faculty research and publication.

Rules regarding outside summer income have served as an inducement to encourage faculty to seek outside grants and expand research projects in the summer. A change in the formula for summer pay will inhibit the continued productivity of faculty in the summer.

We currently enjoy opportunities to apply for special research leaves, which have been enormously beneficial to the development of new courses and have strengthened the prospects for faculty publication. These sorts of leaves (or the possibility of enhanced sabbaticals) need to be continued to foster continued research by our faculty.

Historically OU has not claimed rights to the non-patentable research of its faculty. Lectures, conference papers, articles, and books have been deemed the intellectual property of the faculty member who produced them. The transfer of rights to this sort of intellectual property to OU would generate a level of bureaucracy that would inhibit research and innovation.

We must continue to create an environment that encourages research.

AAUP at Oakland Day

Wednesday, September 2

The True State of OU's Finances

201 Dodge Hall

Noon-1:00

**Public meeting for faculty,
staff, and students**

Come hear an analysis and discussion of the financial status of Oakland University by Rudy Fichtenbaum and Howard Bunsis. Come here an analysis and discussion of the financial status of Oakland University. The Michigan economic crisis is real – Oakland's is not.

New Student Convocation

O-Rena

3:00-5:00

AAUP Chapter Meeting

St. John Fisher Chapel

6:00-8:00

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including new faculty**

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