



Representing Wayne State Faculty and Academic Staff

NEWSBRIEFS

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December, 2002

Thirty Years Ago ...

"Wayne Christmas Gift: Mass Dismissals"

Steve Babson

Thirty years ago, this headline galvanized support for union representation at Wayne State University. In January of 1972, two-weeks after Christmas, university administrators stunned the Wayne community by announcing the imminent layoff of nearly 300 non-tenured faculty and academic staff. The administration cited a looming financial crisis as the cause of these draconian cuts.

Two months later, the Michigan Employment Relations Commission held elections to determine whether a majority of academic personnel at Wayne favored union representation. ***The result was an overwhelming mandate for collective bargaining: of 1218 ballots counted in March of 1972, 1030 faculty and academic staff— 85% of those voting and 66% of the total eligible to vote— cast a ballot for one of three unions competing for support.*** The "no union" tally was a mere 188 votes, just 15% of the uncontested ballots and 12% of all faculty and academic staff.

Deja vu All Over Again?

Thirty years later, we are confronted by yet another financial crisis and the potential for deep cuts

in yet-to-be-named academic programs. Some aspects of this current crisis bear an uncanny similarity to the events of 1972, but it is worth

emphasizing how much has changed at Wayne State in the intervening years. Above all, there is now a union and a collective bargaining agreement that prevents the kind of arbitrary dismissals of 30 years ago.

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Before the union, university policy concerning faculty and academic staff could change at the whim of individual administrators. With no university-wide standards or due process for making decisions concerning tenure and promotion, deans and department chairs were left to unilaterally impose whatever process suited them. Salary decisions were also erratic and arbitrary in many areas of the university. Since there was no public posting of raises or salaries, a department chair could favor his/her allies while concealing patterns of racial and gender discrimination.

The budget crisis of 1972 revealed an equally glaring lack of equity and due process in regulating layoffs. Confronted by a shortfall in state funding, acting President George Gullen sent

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Mass Dismissals

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termination letters to 282 faculty and academic staff whose term contracts ended in June, 1972. This was done without formally consulting academic departments or the University Council (as the Academic Senate was then known), and without reviewing individual cases. Gullen's unilateral action, which included termination letters for a number of faculty who had been nominated for tenure by their departments, created a firestorm of criticism, eventually leading to a vote of censure by the chairs of the College of Liberal Arts (which then included the departments presently in the colleges of Science and Fine and Performing Arts).

The Vote

Then as now, administrators left to their own devices were prone to a style of unilateral action that mocked traditional norms of collegial governance. It was in this context that a group of faculty and academic staff had already begun to circulate a petition in 1970 calling for union organization, citing low salaries, the lack of due process, and the administration's disregard for the University Council. Two years later, the administration's unprecedented announcement of mass layoffs gave this organizing drive a special urgency.

Voting to determine whether a majority favored union representation was delayed until March of 1972 as the Michigan Employment Relations Commission (MERC) decided two key issues: first, who should be in the bargaining unit and eligible to vote, and second, which of several unions competing for support should be allowed on the ballot.

As for the first issue, the administration argued that academic staff should be excluded from the bargaining unit and union representation. This interest in dividing academic staff from faculty has remained a perennial with administrators who would rather deal with two weakened units than a unified organization representing all academic professionals on campus. In the last round of negotiations, the administration proposed – again – to remove academic staff from the bargaining unit and put them elsewhere – anywhere – but in the AAUP-AFT. Thirty years ago, MERC rejected this argument for balkanizing academic personnel. In 2002, we likewise refused to divide and weaken our union.

The second issue also resonates with recent events. Thirty years ago, the American Federation of Teachers (AFT) launched the organizing drive at Wayne and was the first union to collect the signatures required for ballot status. Prompted by the AFT's initiative, two other organizations soon joined the fray and eventually won a place on the ballot: the American Association of University Professors (AAUP), which had previously organized a non-bargaining chapter at WSU and now petitioned for ballot status as a union; and the Michigan Education Association (MEA). In contrast to the AFT, neither the AAUP nor the MEA was affiliated with the AFL-CIO.

While the pro-union vote was overwhelming in the March election, none of the competing unions gained an outright majority. The AFT and the AAUP were first and second, with 554 and 331 votes respectively, and these two unions went head-to-head in a run-off election held that April. The outcome was a narrow victory for the AAUP, which out-pollled the AFT by just 18 votes (596-578).

For the next 25 years, the AAUP negotiated as an independent union, calling on support from AFL-CIO unions in moments of crisis, but otherwise holding itself aloof from the rest of the labor movement. In 1998, this isolation ended with a 2-1 membership vote in favor of joint affiliation with the AFT's state affiliate, the Michigan Federation of Teachers.

Then and Now

In the three decades since the vote for union representation, the AAUP-AFT has fought for the things that were so lacking before 1972: due process, standard criteria, faculty consultation, and decent salaries. There is certainly much more to be done, especially as administrators promote a "market-driven" model of higher education that diminishes the role of tenured faculty and professional staff in favor of low-cost adjuncts and contract personnel (see last month's *Newsbriefs*).

Even so, whether it is tenure, promotion, selective salaries, or a host of other issues, the

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contract calls for elected peer committees and due-process procedures that represent our last, best defense against mismanagement and unilateral decision making.

And when it comes to budget crises and the potential for mass layoffs, the contrast between what we face today and what we faced in 1972 is telling indeed. You need only look at the accompanying story on page 3, "If it Comes to Layoffs..."

If It Comes to Layoffs... (*And it Probably Won't*)

Charles Parrish, President

In the current economic and political climate, with tax revenues shrinking and deficits growing, Wayne State and other public universities will face budget shortfalls for the next several years. The recent 2.5% reduction in state support to WSU (about \$6 million) is the first consequence of that budget crisis, and may well be followed by additional cuts. As a consequence, many members are understandably concerned about what would happen if there were substantial reductions in some academic programs, or even their elimination.

The Contract

The Collective Bargaining Agreement (Article X) and the Board of Governors (BOG) Statutes that are included in the Agreement by reference (Article VII) specify the rights of faculty and academic staff with respect to layoffs.

The Agreement recognizes that adjustments can be made in programs through attrition and non-renewal of term contracts. This is not in question here. However, in circumstances where there is a need for "substantial curtailment or discontinuance of a program" or where "extraordinary financial exigency" threatens the university, faculty and academic staff with tenure or ESS may also face layoffs. The phrase "extraordinary financial exigency" is not defined in the BOG statutes, but the term is taken from the National AAUP's Statement of Principles, which refers to an economic crisis that threatens the existence of the institution.

If the administration decides that either of these situations apply, they can only recommend layoffs to the BOG after first consulting the affected units and the appropriate academic councils. Opportunity must be given for written responses, and there

must also be a meeting between the union and the administration to seek alternative solutions.

If the administration subsequently decides to proceed with layoffs, it must first establish a committee to advise the President on the possible placement of affected employees in other units within the University. Half of the committee's voting members must be drawn from a slate furnished by the Academic Senate, with an additional non-voting representative appointed by the union.

The contract specifically states that affected employees "shall be given preference in filling other vacant positions in the bargaining unit in the University for which he/she is qualified." When there is agreement that a person holding tenure or Employment Security Status would be appropriate to another unit after additional training, the affected employee who consents to such a move "shall be granted a training leave at full pay for a period not to exceed one year."

If layoffs are still necessary, the contract specifies the order in which these must occur. For faculty, part-timers would go first, except in "unusual circumstances when special experience is essential to the unit." Additional faculty layoffs would occur by rank and (within rank) by length of service, starting with non-tenure-track faculty, followed by non-tenured faculty on tenure track, and ending with tenured faculty. In specifying this progression, the contract further states that "untenured lecturers and senior lecturers with more than seven years service shall be treated as tenured faculty."

For academic staff, the contract stipulates that layoffs would occur by classification on a University-

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If It Comes to Layoffs

wide basis and (within classification) by length of service, beginning with part-timers, followed by academic staff on renewal contracts, then academic staff who have not acquired tenure or ESS, and ending with academic staff holding tenure or ESS.

For both faculty and academic staff, the contract stipulates that notice of a pending layoff must be given with adequate notice: 6-12 months for employees who do not have tenure or ESS (depending on the expiration date of their term contract), and 18 months for persons holding tenure or ESS.

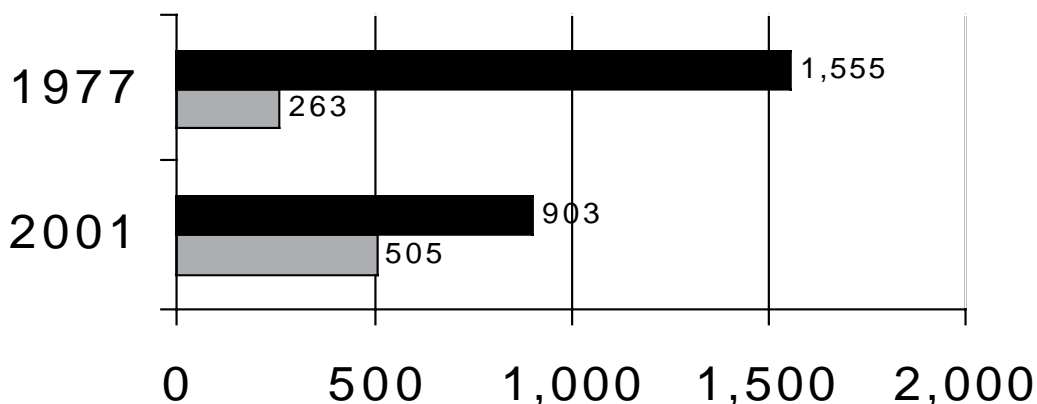
Bargaining unit members who are laid off shall be recalled to an available position, where practicable, in the inverse order in which they were laid off. Employees with tenure or ESS shall retain such recall rights for two years; employees on term agreements retain these rights until the expiration date of their term agreement. Affected employees with tenure or ESS can waive their recall rights and opt for severance pay equivalent to a maximum of one and one-half years' salary.

The Sky is Not Falling

While the administration has appropriately used the occasion of our economic difficulties to reassess organizational priorities, there is little chance that anyone will deem the University in such dire shape that an extraordinary financial exigency will be declared. The \$6 million cut for the present year amounts to less than is in the Rainy Day Fund, and can be met without much difficulty.

Another cut may come next year with the new administration in Lansing, and the long-run prospect of restricted budgets will need to be addressed seriously. However, we believe that a redress in the imbalance between the academic and administrative sides of the University (see chart below) would suffice to meet any foreseeable economic problems we might face. If the administration wants to propose substantial cuts in, or discontinuance of, existing academic programs, it will have to do so primarily on programmatic grounds and not on the basis of the University's budget problems. We are far from insolvent. It is most worthwhile to reassess the academic direction of the institution at this or any time, but we must not do so in a panic because the economic sky is perceived to be falling.

Administrative Productivity? Number of Ranked (tenure & tenure-track) Faculty vs. Central/Academic Administrators



Source: Michigan higher education database, HEIDI. See November 2002 *Newsbriefs*

■ Central/Academic Administrators ■ Ranked Faculty