

Agendum
Oakland University
Board of Trustees Formal Session
February 4, 2009

**AMENDMENT TO THE 2006-2009 AGREEMENT BETWEEN
OAKLAND UNIVERSITY AND THE OAKLAND UNIVERSITY CHAPTER,
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS**

A Recommendation

1. Division and Department: Academic Affairs

2. Introduction: The amendment to the 2006-2009 Agreement between Oakland University and the Oakland University Chapter, American Association of University Professors (CBA), designates the Oakland University William Beaumont School of Medicine (School of Medicine) as an academic unit of Oakland University (University) in the CBA.

Collective bargaining contracts with officially recognized bargaining unit groups must be approved by the President and the Board of Trustees (Board) pursuant to the Board's Contracting and Employment Authority Policy (Policy). The Board approved the CBA on October 5, 2006.

The Board approved the establishment of the School of Medicine as a constituent school of the University on August 6, 2008, and authorized the President and his designees to perform such actions that are required to develop and administer the School of Medicine consistent with and subject to the Board's policies, procedures and practices.

In that regard, the Senior Vice President for Academic Affairs and Provost (Provost) and the Executive Committee of the CBA signed a Letter of Agreement to fully integrate the School of Medicine into the University. In addition to amending the CBA to designate the School of Medicine as an academic unit, the Letter of Agreement also makes provisions for appointing the initial faculty of the School of Medicine.

The amendment to the CBA contained in the Letter of Agreement (Amendment) is acceptable to the President. On November 19, 2008, the Letter of Agreement was ratified by the AAUP membership by a vote of 228-18.

3. Previous Board Action: The Board adopted the Policy on December 4, 1997 and amended the Policy on January 9, 2008. The Board approved the CBA on October 5, 2006. The Board approved the establishment of the School of Medicine on August 6, 2008.

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4. **Budget Implications:** None.
5. **Educational Implications:** Approval of the Amendment will designate the School of Medicine as an academic unit of the University in the CBA.
6. **Personnel Implications:** Approval of the Amendment designating the School of Medicine as an academic unit of the University in the CBA will facilitate the appointment of an organized faculty. The organized faculty will be comprised of tenured/tenure track faculty; and non-tenured/non-tenure track faculty including research professors, clinicians, adjuncts, and lecturers.
7. **University Reviews/Approvals:** The Amendment was reviewed by the Vice President for Legal Affairs and General Counsel, and approved by the Provost and President.
8. **Recommendation:**

RESOLVED, that the Board of Trustees approves the Amendment to the 2006-2009 Agreement between Oakland University and the Oakland University Chapter, American Association of University Professors as set forth in the January 20, 2009 Letter of Agreement.
9. **Attachments:** A. January 20, 2009 Letter of Agreement.

Submitted to the President
on _____, 2009 by

Virinder K. Moudgil
Senior Vice President for Academic Affairs
and Provost

Recommended on _____, 2009
to the Board of Trustees for Approval

Gary D. Russi
President

**Letter of Agreement
Between
Oakland University
and the
Oakland University Chapter, American Association of University Professors
(School of Medicine)**

This letter of agreement ("LOA") is entered into by and between Oakland University ("Oakland") and the Oakland University Chapter, American Association of University Professors ("Association"), in connection with their 2006-2009 collectively bargained agreement ("Agreement").

Oakland, in partnership with William Beaumont Hospital, recently established the *Oakland University William Beaumont School of Medicine* ("OUWBSOM"). So that all aspects of the OUWBSOM will be fully integrated into Oakland, OUWBSOM faculty appointments must be consistent with Oakland practices and in consonance with the faculty collective bargaining agreement, including appointments of: tenured/tenure track faculty; and non-tenure track faculty including research professors, clinicians, adjuncts, and lecturers.

Similar to the circumstances that existed when Oakland established its School of Nursing, there is a need to appoint a nucleus of OUWBSOM faculty, and to allow that nucleus to grow to sufficient size so that it can assume all of the prerogatives and responsibilities of a full organized faculty. No existing Oakland academic unit can readily assimilate the proposed OUWBSOM program nor provide the added visibility and independence that derive from a separately organized school.

The Agreement contains, in part, provisions relative to: primary appointments in academic units and the transfer of those primary appointments (Paragraph 14, Primary Appointment); the right to make recommendations concerning initial employment within the corresponding unit of all persons with academic titles specified in Article IV (Paragraph 34, Employment Procedures); the designation of academic units (Paragraph 41.a.(7), Re-employment, Promotion, and the Tenure Review Process); and, the designation of pay groups (Appendix B, Pay Groups).

Therefore, to fully integrate the OUWBSOM into Oakland, the parties agree as follows:

1. Paragraph 41.a.(7) of the Agreement is amended to add "School of Medicine."

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2. Appendix B of the Agreement is amended to add "School of Medicine."
3. As exceptions to Paragraphs 14 and 34:
 - i. If a current Oakland faculty member is a candidate for a primary appointment in the OUWBSOM, that faculty member's current academic unit shall have the right to make a recommendation concerning that faculty member's appointment.
 - ii. If a candidate for a primary appointment in the OUWBSOM is not a current Oakland faculty member, a representative group of at least four Oakland faculty in the biomedical sciences or the biomedical field, selected by the Provost and the Dean of the School of Medicine, shall have the right to make a recommendation concerning that candidate's appointment.
 - iii. The forgoing employment procedures will be in effect for: (A) the initial OUWBSOM faculty appointments for associate deans, and; (B) the first six faculty members with primary appointments in the OUWBSOM. Thereafter, and for purposes of administering the employment procedures contained in Paragraph 34 of the Agreement, those six faculty members will comprise the initial academic unit for the OUWBSOM.
 - iv. The provisions of Paragraph 34 with respect to the right of the FRPC to make employment recommendations to Oakland for employment with tenure shall be followed.

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4. The provisions contained in this LOA supersede and replace, where applicable, any and all inconsistent terms and provisions contained in the Agreement whether or not specifically identified or referenced herein. All terms and provisions of the Agreement that are not effectively amended by this LOA are ratified hereby.

This LOA is effective upon the date last signed below.

On Behalf of the Association

John H. Kiser Dated: 1/20/09

On Behalf of Oakland

Virinder K. Moudgil Dated: 1/20/09
9/30/08
Virinder K. Moudgil
Senior Vice President for
Academic Affairs and Provost