

NEA Higher Education Advocate

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Classroom Tools



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How to help the student veterans on your campus

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Just say no: Working-to-rule in higher ed

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Headline News

ACA and Contingent Faculty: Get informed, get organized

WHILE MANY OF THE RULES around the Affordable Care Act (ACA) have yet to be written, and key pieces of the law don't go into effect until 2014, some colleges and universities already are scrambling to avoid the cost of providing health benefits to more employees, as they fear may be required of them, or the possible penalties for *not* providing those benefits.

Their not-so-thoughtful solution? Unilateral cuts to working hours and class assignments for contingent faculty. This year, thousands of non-unionized contingent faculty are suffering new restrictions on class assignments—and pay, too.

But where well-organized unionized faculty are armed with good information about the health reform law, it doesn't have to happen. Take inspiration from the IEA/NEA-affiliated union of contingent faculty at Oakton Community College, near Chicago, which has forestalled immediate cuts. After rallies and speeches at two spring meetings of Illinois community college presidents and trustees this spring, Oakton's adjunct union members heard no new faculty would be hired to replace them, and summer classes were assigned normally. Cuts could have affected about 80 people.

These kinds of cuts aren't just bad for contingent faculty—although they are, and that includes people with 30 years of experience at Oakton, said Barbara Dayton, president of its Adjunct Faculty Association. They're also bad for students. “Obviously, if you're replacing an experienced teacher with an inexperienced one, it's going to effect the quality of the class,” Dayton said.



“People need to challenge unilateral, thoughtless, selfish acts,” urged Beverly Stewart, a higher-ed IEA Board of Representative member. And it is selfish, she noted, for colleges to cut the wages of their lowest-paid educators. And it is thoughtless for them to do so without knowing all the facts about the ACA.

So what are the facts? The fact is the law creates the possibility of a penalty for large employers, those with at least 50 full-time employees during the previous calendar year, that do not offer health benefits for full-time employees and their dependents. According to ACA, a full-time employee is one that works an average of at least 30 hours a week during any given month, but the law does not specify how employers should count those hours. Federal regulators are still developing those rules specific to contingent faculty, and NEA has been part of the conversation. Likely no one answer will work for everybody. While regulators say employers should use a “reasonable method,” faculty should speak up and tell administrators what looks reasonable to them.

MISSED SOMETHING?

READ PREVIOUS ARTICLES ON OUR WEBSITE

WORK-STUDY WOES

How many of your students are going to lose their federal work-study jobs this summer? About 33,000 students could get booted. Find out how many from your state...

www.educationvotes.nea.org/2013/04/10/

WANTED: BIPARTISAN SUPPORT FOR WIA

Why did House Democrats stand up and walk out of a hearing on the next Workforce Investment Act? And how can you help them protect the voices of faculty at community colleges?

www.educationvotes.nea.org/2013/03/07/

MOOCs: ARE THEY OVERHYPED?

How do thousands of students and a handful of instructors add up to more learning?

www.neatoday.org/2013/03/15/

BUDGET CUTS SLAM COLLEGES AND STATES

A new report shows clearly the cumulative effect of state funding cuts on colleges—and also state economies.

www.neatoday.org/2013/03/20/

DREAM RESOURCES

NEA's resources for DREAMER students includes a DACA toolkit, plus scholarship info and more.

www.educationvotes.nea.org/2013/04/07/



THE Union THAT COULD

Let's say you're bargaining a contract this spring, and it's not going well. Maybe the other side is coming to the table with regressive proposals. Or maybe they're not coming to the table at all. You're feeling frustrated, exhausted, and angry. You want to go to sleep. You can't sleep. You want to cry. You can't cry. Actually you want to kick somebody in the shin. Don't do that either. Instead take a look at the most recent National Labor Relations Board (NLRB) orders from a small, private college in Chicago, where a determined NEA-affiliated union of part-time faculty has persevered in the face of some truly awful conditions.

T

he lessons from Columbia College Chicago are many: You are not alone, you have important allies and legal rights, and all is not yet lost in the ever-increasing battle between working people and the corporate interests that would silence their voices. There are a lot of reasons to be hopeful.

“For those of us who refuse to be rendered a union in name only, the ruling is a significant affirmation of our belief in the right to organize and protect our members from anti-union animas,” said Diana Vallera, president of the Part-time Faculty Association at Columbia College (P-FAC). “For the nation, it is an affirmation of the core elements of any union.”

Specifically, the NLRB ruling this March orders Columbia to immediately engage in good-faith bargaining — or face federal contempt charges —and publicly pledge to refrain from a laundry list of unlawful activities. They must stop offering proposals that leave union members with fewer rights than if they didn’t have a union at all. And they must stop changing contractual pieces, like faculty evaluation systems, without negotiating them first.

Because of Columbia’s “egregious failure to bargain,” NLRB also called on “special remedies,” which included forcing Columbia to pay all of P-FAC’s costs, to publish these NLRB rulings in its college newspaper, and to report back to NLRB regularly on the status of bargaining. Meanwhile, Columbia also was ordered to pay thousands of dollars in back wages to the union members who had sustained the college’s retaliatory wage cuts or class reassignments.

Basically, P-FAC won every charge it brought against the college. You can almost hear the federal judges sighing over the private college’s “continual course of unlawful conduct.”

What happened here? Columbia’s tactics over the past few years read like a handbook for union busting: Since P-FAC’s contract expired in

2010, Vallera’s class assignments were taken away from her, in what amounted to job termination without cause. This is a woman who was runner-up for the college’s own “Excellence in Teaching” award, and yet her photography class was re-assigned to a woman with no teaching experience — because, administrators admitted in court testimony, they considered her a “troublemaker.”

Meanwhile, faculty pay was unilaterally slashed. Union members taught classes that hadn’t changed — same materials, same standards, same class hours — but college administrators took away credit hours and paid them less for the same work. The agreed-upon seniority system for class assignments, a provision of the still-binding 2006-2010 P-FAC contract,

was trashed. A new evaluation system for faculty, the “Early Feedback System,” was announced. Surprise!

And the deceptively named “Prioritization,” a massive, college-wide effort that would change funding levels for various academic departments without faculty input, also was kicked off — also without faculty input. In one particularly frightening incident, Vallera’s nanny called police after discovering a man snapping pictures of the Vallera’s home and child. He refused to say why he was there, but the nanny later identified the man through photographs as a Columbia College attorney. (Criminal charges were never filed.) Then, when Vallera told colleagues about the alleged incident, administrators investigated *her* for misconduct!

Meanwhile, as the college willy-nilly ignored the still-binding provisions of the expired faculty contract, tossing aside tentative agreements and choosing to do whatever it liked to increase its profitability, its administrators simply refused to sit down with the union’s bargaining team for months on end.

You have to wonder: Isn’t that bad-faith bargaining? Can they get away with that?

And the answer is no. They can’t.

Take Notice

The union dug in, stayed focused, and reached out for the support and services of labor allies in the city,

Columbia College students, and staff from the Illinois Education Association/NEA. They rallied on Michigan Avenue with NEA Higher Ed colleagues from across the country last spring (see photo, right), and occupied an administrative office during a student-led action. They told their story to local media and also importantly to the federal board that enforces labor law in this country. And ultimately, they forced their employers to respect their standing as a union of educators.

That lack of respect is a growing issue for educators across the country, from kindergarten to graduate school, but it often seems particularly egregious for contingent faculty, who typically work for the lowest wages, with very little job security and very little recognition of their qualifications. The conditions of their employment often make it difficult for



“THE RULING IS A SIGNIFICANT AFFIRMATION OF OUR BELIEF IN THE RIGHT TO ORGANIZE AND PROTECT OUR MEMBERS.”

— Diana Vallera (right), president, Part-time Faculty Association at Columbia College



them to organize — active union membership may appear to be a dangerous thing to a person who can't pay their bills and could be fired at any time. And yet, at the same time, union membership is almost always the only way to get that job security, that living wage, and that recognition as an educator increasingly relied upon to deliver high-quality education.

“We were fighting for our survival,” Vallera says now. To allow that kind of retaliation against union leaders to stand, to allow the college to silence the voices of faculty in important matters, like the right to earn a living wage or have a fair system of evaluation or deliver the kind of instruction and course offerings that matter to students, would have been to render the union meaningless. At the same time, it also would have had a chilling effect on contingent faculty

everywhere.

The recent victory wasn't P-FAC's first. Less than a year ago, NLRB also ordered Columbia to pay back wages —about \$5,000 each — to more than a dozen history and humanities faculty members who been hit with a sudden cap on the number of courses they could teach. At that time, the NLRB also ordered Columbia to “cease and desist” in its practice of withholding critical information from faculty.

Is everything perfect now? Not likely. Bargaining has new energy, said Vallera, and the administration's commitment to settling the contract is clear. A new college president arrives to Columbia this summer, and the chair of its board of trustees has reached out to Vallera, hoping for more regular, meaningful conversation between the union and trustees.

But Columbia's part-time faculty members, like many across the country, are settling in for a fight for access to employer-provided health care, as required for full-time employees by the new federal Affordable Care Act (see page 2 for more information), and they continue to jostle for a seat at the table where decisions are made.

“For our members, the ruling represents a preservation of their voice,” said Vallera. “The ruling also represents hope: hope that quality instruction will win over the cheapest course; that dignity and fairness in the workplace will overcome the current effort to standardize the worker in educational institutions.”

BY MARY ELLEN FLANNERY
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Thriving in Academe

REFLECTIONS ON HELPING STUDENTS LEARN

Thriving in Academe is a joint project of NEA and the Professional and Organizational Development Network in Higher Education (www.podnetwork.org). For more information, contact the editor, Douglas Robertson (drobert@fiu.edu) at Florida International University or Mary Ellen Flannery (mflannery@nea.org) at NEA.

■ The Three D's

The most effective teachers vary their styles depending on subject matter, course timing, and other factors. In doing so, they encourage and inspire students to do their best at all times.

BY PAUL B. THORNTON
*Springfield Technical
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How to vary your teaching style and why

This paper discusses three primary teaching styles that should be in the tool chest of every college instructor, along with practical suggestions about when and how to use them.

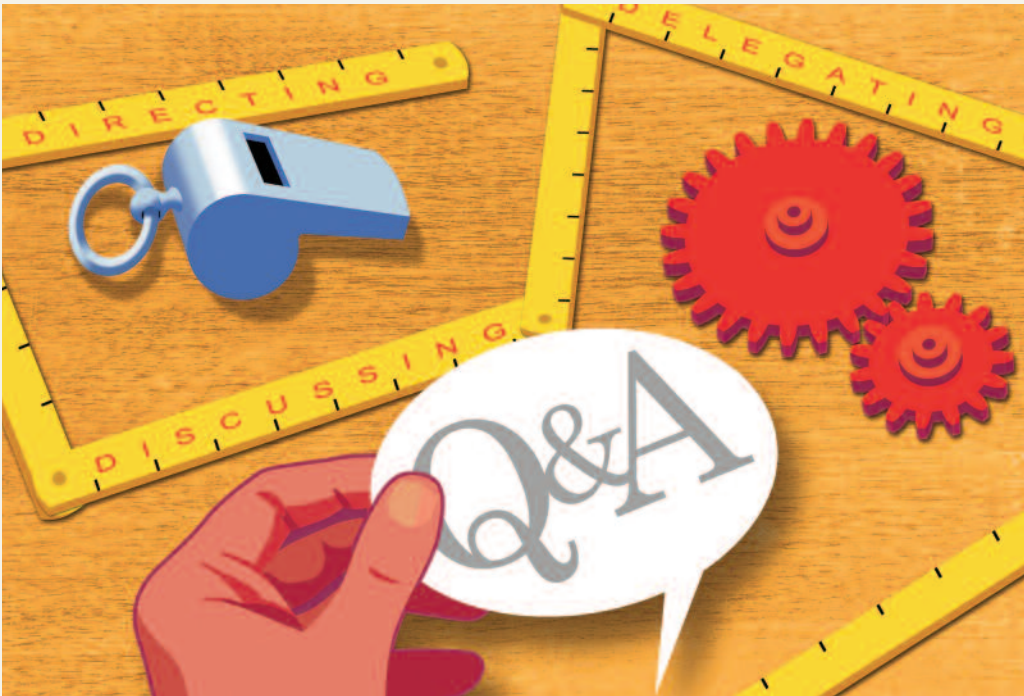
The basic concepts are derived from the “Situational Leadership Theory Model,” developed by Ken Blanchard and Paul Hersey, with whom I studied at Ohio University. Since then, as a college instructor, coach, consultant, corporate trainer, and facilitator, I have successfully applied the concepts described below with thousands of students in a variety of settings.

Think of these teaching styles as the three Ds: **Directing**, **Discussing**, and **Delegating**.

The **directing** style promotes learning through listening and following directions. With this style, the teacher tells the students what to do, how to do it, and when it needs to be done.

The **discussing** style promotes learning through interaction. In this style, practiced by Socrates, the teacher encourages critical thinking and lively discussion by asking challenging questions of students. The teacher is a facilitator guiding the discussion to a logical conclusion.

The **delegating** style promotes learning through empowerment. With this style, the teacher assigns tasks that students work on independently, either individually or in groups.



Meet Paul B. Thornton



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he teaches principles of management, organizational behavior, and principles of leadership. Paul has designed and conducted management and leadership programs for Palmer Foundry, UMASS Medical School, Mercy Health Systems, and Kuwait Oil Corporation, and also serves as a speaker and trainer. His articles have appeared in many publications, including *The Leader-to-Leader Journal* and *Management Review*. He is also the author of *Leadership—Off the Wall* and twelve other books on management and leadership. He may be contacted at PThornton@stcc.edu.

Using an appropriate mix of each teaching style

I typically structure my classes to include some amount of each teaching style. However, during the first part of a semester I primarily use the directing style, followed by more discussing style in the middle. Toward the end, I lean more heavily on the delegating style. Using an appropriate mix helps students learn, grow, and become more independent. Too much reliance on one style causes students to lose interest and become dependent on the teacher. But no matter which style is used, teachers

should be alert for “teachable moments.”

Below is a brief description of each teaching style, with suggestions on using them for best results. For each I have organized this material according to four key components: communication, coaching, decision making, and recognition.

The Directing Style

COMMUNICATION in the directing style is predominantly one-way: teacher to student. The teacher imparts information to the students via lectures, assigned readings, audio/

visual presentations, demonstrations, role-playing, and other means. Students learn primarily by listening, taking notes, doing role-plays, etc. The teacher may ask, “Do you understand the instructions?” but generally does not solicit other feedback.

COACHING occurs as the teacher advises

TALES FROM REAL LIFE > PLAYERS AND COACHES

When I was a high school freshman, I made the varsity hockey team. Unfortunately, compared to other teams in the league, we floundered. At the time, in all of my teenage wisdom, I concluded that the difference between us and the league’s most excel-

lent teams came down to coaching, and I began studying what the top coaches did to bring out the best in their teams and players. Later, at Ohio University, I took a terrific course taught by a terrific teacher: *Managing Organizational Behavior* by Paul Hersey. His knowledge and passion

for the subject further ignited my interest in management and teaching styles. After graduating no NHL teams clamored for my services. I worked a few years in sales but that wasn’t my passion. At age 27, I accepted a teaching and coaching position (varsity hockey) at American

International College. This experience gave me the opportunity to apply some of the concepts and theories I had learned in college—and on the ice so many years earlier. Over the past thirty years, I have observed, studied, and interviewed hundreds of the top business managers and leaders

to try to identify how they bring out the best in their people. The principles I have learned about management and leadership styles are also applicable to the needs and approaches of teachers in the classroom.

students on what they need to change. In addition, the teacher may demonstrate desired behaviors to the students, such as rewriting a passage to improve clarity.

DECISION MAKING occurs when the teacher defines the problem, evaluates options, and makes a decision. By understanding the teacher's process, students learn how to frame problems, evaluate alternatives, and make effective decisions.

RECOGNITION happens spontaneously when the teacher praises students in class. It also can be accomplished on a more formal basis through test grades or teacher-student conference feedback.

Suggestions for using the directing style

- **Start with the big picture.** Provide the context before launching into specifics.
- **Be clear and concise.** Students need to know exactly what they must do to succeed and how their work will be evaluated. Understandable goals, specific deadlines, and concise directions increase student motivation and eliminate confusion. Sloppily written, poorly organized instructional materials, on the other hand, will confuse and discourage students.
- **Provide sufficient detail.** Breakdowns occur when important details are omitted or instructions are ambiguous.
- **Don't sugar coat the message.** There are times when teachers need to be very

direct to get through to students.

The Discussing Style

Communication in the discussing style is two-way (between teacher and student) or multi-way (among students, or students and teacher). The teacher asks challenging questions and listens carefully to responses. Follow-up questions help uncover underlying assumptions, reasoning, and feelings. Students learn to have opinions and be able to back them up with facts and data.

Coaching occurs when the teacher asks questions that require students to evaluate themselves. Good questions to ask are "How do you think you did? What could you have done better? What steps can you take to improve?" The goal is to encourage students to examine what they did, why they did it, and what they can do to improve.

Decision making occurs as the teacher and students work together to define problems, identify and evaluate alternative solutions, and make decisions. Students learn as they respond to the teacher's questions, offer their own ideas, and consider the pros and cons of each option.

Students should be praised for thoughtful observations, creative ideas, building on the ideas of others, and helping the group reach a logical conclusion.

Suggestions for using the discussing style

signing a particular task and the potential benefits of it.

Discussing style of teaching: Before class, I devote considerable time to creating questions that will stimulate discussion about key issues. In class, I give students ample time to think and respond, and I resist the temptation to immediately answer my own questions.

Silence is a great motivator. I have discovered that students are most interested in discussing the questions they create. I often ask my favorite follow-up question: *Why?* And my second favorite question: *What if?*

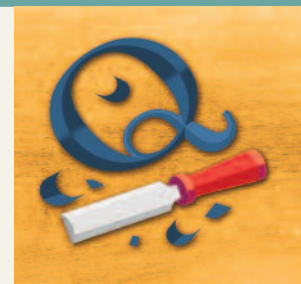
Delegating style of teaching: I try to delegate tasks that are a bit outside students' comfort zone. I want them

- **Prepare questions in advance.** Great discussions don't just happen. Ask one question at a time. Be open and interested in learning what each student thinks.
- **Don't allow one or two students to dominate.** Solicit everyone's ideas. Gently draw out students who seem reticent. I sometimes start my classes by saying, "I want to give each of you one minute to discuss your views on this topic. Let's go around the room." Get closure by reviewing the key point or points you want to make.
- **Have Students Create Questions.** I like to have my students read a case and formulate three questions to ask their classmates. Then we discuss their answers in class.
- **Utilize "clickers."** Some teachers ask them to use clickers to answer multiple-choice questions during class. After their responses are summarized onscreen, students discuss why they gave certain answers.

The Delegating Style

Communication occurs as the teacher assigns tasks for students to tackle independently or in small groups. Students listen and ask questions until they fully understand the task.

Coaching is accomplished primarily through self-coaching. Students gain the most when they are able to critique their own performance. For example, to my stu-



to stretch and struggle a bit. It's important to let students know that you have confidence in their ability to be successful. For long-term projects, I establish specific milestones when they must report on their progress.

■ BEST PRACTICES > IMPLEMENTING THE THREE Ds

Directing style of teaching: While constantly looking for opportunities to communicate more clearly and succinctly, I chisel away like a sculptor at every sentence, word, and slide that doesn't add value. I often provide written instructions, so students can reread them over and again. To increase motivation, I explain why I'm as-

dents I might say: “I want you to think about your performance on this assignment. Identify three things you did well and one area needing improvement. I’d like to meet tomorrow to hear what you come up with.”

Decision making happens as students establish goals, implement plans, and work through issues on their own. The teacher gives them the power and responsibility to solve their own problems, which may include dealing with team members who are slacking off.

Recognition most often includes praise, good grades, and other rewards given to students who work well independently, meet deadlines, and produce good work.

Suggestions for using the delegating style

- **Assign research projects.** In my management course I require students to interview a manager of a local business to get answers to questions like the following:
 - What are the main performance measures your company uses to evaluate each employee’s performance?
- **Assign team projects.** Have each team select a team leader, define roles and responsibilities, and hold each other accountable for completing the project on time. In my management class, I have teams of students analyze the management and leadership behaviors on movies like *Remember the Titans*.
- **Assign a capstone project.** The final project in my course involves student teams doing a PowerPoint presentation that summarizes the seven principles they will follow to be an effective leader.

There is no one best teaching style. Effective teachers use a variety of styles, and they know how and when to choose the most appropriate one for the specific situation.

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ISSUES TO CONSIDER

THE BENEFITS OF EACH TEACHING STYLE

WHAT TEACHING STYLE SHOULD BE USED?

Teachers need to consider students’ knowledge, skills, and experience around particular assignments. If students have little or no experience, a directing style is appropriate. As students gain know-how, teachers should move to a discussing style, then a delegating style. The goal is to use a teaching style that engages students and makes them think, learn, and take responsibility.

WHAT ARE THE SIDE BENEFITS OF EACH TEACHING STYLE?

In the working world, managers want employees who can follow directions, generate ideas, form opinions, and work independently. Each teaching style helps develop one of these skills.

- **The directing style** teaches students to listen, pay attention to detail, and follow directions.
- **The discussing style** teaches students to

form opinions, contribute their ideas, and build on the ideas of others.

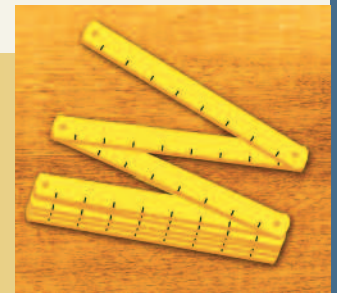
- **The delegating style** teaches students to take initiative, learn by doing, and be responsible for meeting deadlines.

WHAT CAN BE LEARNED FROM MANAGERS AND COACHES?

In most business meetings I attend, the manager moderating the meeting uses all three styles. I take mental notes about which styles work best and why. When I attend athletic events, I sit behind the players’ bench so I can observe how the coach interacts with the players. Try it. I guarantee you’ll gain some new insights.

WHAT KEEPS STUDENTS ENGAGED?

The answer is variety and involvement! With students’ attention spans getting shorter and shorter, it’s important to use a variety of teaching styles and methodologies (videos, case studies, role plays, simulations, etc.) For example, after showing a short video, you might *direct* students to (tell them about) the key



points. You could also ask questions and *discuss* the relevant points, and/or you could *delegate* an assignment that requires the students to independently identify the key points and the lessons learned.

HOW CAN TEACHERS EVALUATE THEIR EFFECTIVENESS?

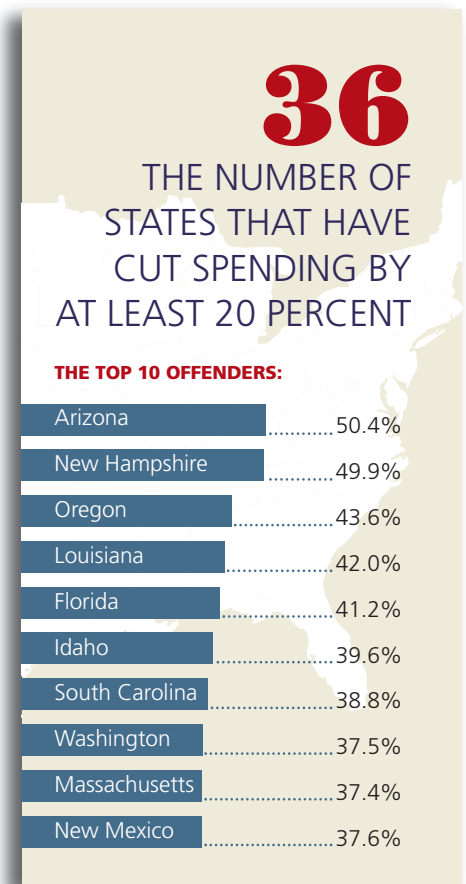
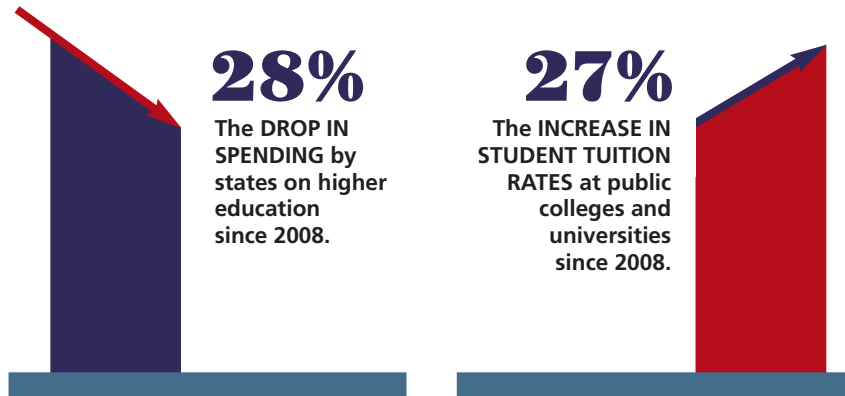
At the end of each teaching period, assess your own performance with questions like the following:

- Did I use the most appropriate teaching style for each phase of the class or course?
- Did I overuse any particular style?
- What changes do I need to make when using each style?
- Did students become more capable and independent as the term progressed?
- Did I look for and take advantage of teachable moments?

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The Cuts that Keep Bleeding

WHEN STATE LAWMAKERS cut funding to higher education in the name of their state's economic health, they're doing exactly the wrong thing *for their state's economic health*. You know that. Your students seeking degrees and good jobs know that. And now, hopefully, so do voters and policy makers. In April, researchers at the Center on Budget and Policy Priorities (CBPP) released a report that shows clearly how state lawmakers have cut remarkably deep into public higher education during the past five years, and how these cuts will harm students and state economies for years to come—*unless lawmakers re-invest in higher education*.



“THIS RESEARCH SUGGESTS THAT STATES SHOULD STRIVE TO **EXPAND COLLEGE ACCESS** AND INCREASE COLLEGE GRADUATION RATES TO **HELP BUILD A STRONG MIDDLE CLASS** AND DEVELOP THE SKILLED WORKFORCE NEEDED TO COMPETE IN TODAY’S GLOBAL ECONOMY.

IT SUGGESTS FURTHER THAT THE SEVERE HIGHER EDUCATION **FUNDING CUTS** THAT STATES HAVE MADE SINCE THE START OF THE RECESSION WILL MAKE IT **HARDER TO ACHIEVE THOSE GOALS.**”

— Center on Budget and Policy Priorities

WHAT HAPPENS when funding is cut? CBPP’s report shows that tuition is increased, jobs lost, and programs eliminated. For example:

California’s Community Colleges

- 485K** Number of enrollees cut
- 15%** Number of course offerings cut
- >180** Number of programs consolidated or eliminated

Ten Things You Should Know About Student Vets

With our military out of Iraq, and funding for global military operations on the decline, thousands of newly discharged men and women are trying to figure out “What’s next?” The answer for a record number of new veterans is higher education, for several reasons... But, the transition from the intensity of military life to a more self-sufficient civilian life can be overwhelming. In some ways, it’s similar to the experiences of laid-off workers: both groups may feel disoriented and suffer losses of identity and work-related friendships. But former military personnel report feeling not just disoriented, but deeply alienated from the rest of America; not just sad over the loss of friendships, but

devastated over the loss of brothers and sisters; not just a temporary destabilizing of identity, but a complete identity crisis.

Some veterans hope college will ease their discomfort. But whether they enter a small community college or a large state university, new challenges await. A supportive and informed faculty is the key to these veterans’ success.

In my eight years of working with our military citizens, and having been one myself, I’ve found that when college faculty and staff understand a few core principles about student veterans, the experience is much more positive for everybody in the classroom.

Here, in David Letterman style, is my top-ten list of principles for working with student veterans:

10. Student veterans are a highly diverse group—as diverse as America itself.

9. Veterans do not see themselves as victims. Ever.

Even when student veterans are psychologically struggling or physically wounded, they see themselves as powerful warriors. This is part of the reason it’s difficult for them to seek appropriate accommodations in the classroom. Framing these accommodations

as “adaptations” that many people need, not just veterans, helps this internal struggle.

8. They can feel very alone on campus.

7. They are often unaware of their own mild traumatic brain injuries.

6. There are three things you should never say to a student veteran (but they still hear them every day).

“These wars were atrocities and a waste of human life,” “I don’t get why you’re having so much trouble—you volunteered, right?” and worst of all, “Did you kill anyone?” You may not always be able to prevent a student from saying something hurtful, but you can model awareness of other viewpoints, and explain how these comments might be hurtful.

5. Female veterans suffer deeply, and almost always in silence.

4. They often want to go back to the war zone.

3. Combat trauma is an injury, not a mental illness.

2. To succeed, veterans need your understanding, compassion and respect.

1. Student veterans are one of America’s greatest untapped human resources.

We owe them a chance to have meaningful new careers and fulfilling civilian lives, from which we will all richly benefit.

EDITOR’S NOTE:

This is an excerpt of a new Thought & Action article by Alison Lighthall, RN, MSN, a military behavioral health consultant for HAND2HAND CONTACT. For this work, Lighthall won the NEA Art of Teaching Prize. To read it in its entirety, visit www.nea.org/thoughtandaction.

NEA MEMBERS INSURANCE TRUST® AND PLAN 2011 SUMMARY ANNUAL REPORT

(Plan Year Beginning September 1, 2011)

The following is the summary annual report for the NEA Members Insurance Trust® and Plan (collectively Trust), Employer Identification Number 53-0115260, providing information on the insurance programs sponsored by the National Education Association (NEA) including the NEA Life Insurance® Program, NEA Accidental Death & Dismemberment Insurance Program, NEA Complimentary LifeSM, and NEA Medicare Supplement Program for the period beginning September 1, 2011, and ending August 31, 2012. The annual report has been filed with the Employee Benefits Security Administration by the NEA as Plan Administrator, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

BASIC NEA MEMBERS INSURANCE TRUST FINANCIAL INFORMATION

The value of Trust assets, after subtracting liabilities of the Trust, was **\$107,625,428** as of August 31, 2012, compared to **\$97,799,896** as of September 1, 2011. During the Trust year, the Trust experienced an increase in its net assets of **\$9,825,532**. This increase includes unrealized appreciation and depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the value of the assets at the beginning of the year or the cost of assets acquired during the year. During the Trust year, the Trust had total income of **\$113,430,973** including participant contributions of **\$102,043,037**, a net appreciation in the market value of investments of **\$7,307,532**, and earnings from investments of **\$4,371,191**. Trust expenses were **\$100,730,718**. These expenses included benefits paid to participants and beneficiaries, administrative and other expenses.

INFORMATION FOR NEA LIFE INSURANCE PROGRAM

The Trust has a contract with Minnesota Life Insurance Company to pay all NEA Preferred Term Life Insurance claims and The Prudential Insurance Company of America to pay all other NEA Life Insurance claims incurred under the terms of this program. Because it is a so called "experienced rated" contract, the premium costs are affected by, among other things, the number and size of claims. The total premiums for the Trust plan year beginning September 1, 2011, and ending August 31, 2012, made under such "experienced-rated" contract were **\$55,698,799** and the total of all benefit claims paid under the contract during the Trust year was **\$47,284,497**. The total number of participants was **508,518**.

INFORMATION FOR NEA ACCIDENTAL DEATH & DISMEMBERMENT (AD&D) PROGRAM

The Trust has a contract with The Prudential Insurance Company of America to pay all NEA AD&D claims incurred under the terms of the Trust. Because it is a so called "experienced rated" contract, the premium costs are affected by, among other things, the number and size of claims. The total premiums for the Trust plan year beginning September 1, 2011, and ending August 31, 2012, made under such "experienced-rated" contract were **\$4,134,115** and the total of all benefit claims paid under the contract during the Trust year was **\$3,921,149**. The total number of participants was **167,726**.

INFORMATION FOR NEA COMPLIMENTARY LIFE INSURANCE PROGRAM

The Trust has a contract with The Prudential Insurance Company of America to pay all NEA Complimentary Life Insurance claims incurred under the terms of the Trust. The NEA Complimentary Life Insurance Program is self-supporting and paid by premiums from the NEA Members Insurance Trust funds rather than from Member contributions. Because it is a so called "experienced rated" contract, the premium costs are affected by, among other things, the number and size of claims. The total premiums for the Trust plan year beginning September 1, 2011, and ending August 31, 2012, were **\$1,364,935** and the total of all benefit claims paid under the contract during the Trust year was **\$1,529,897**. The total number of participants was **3,003,426**.

INFORMATION FOR NEA MEDICARE SUPPLEMENT PROGRAM

The Trust has committed itself to pay all Medicare Supplement claims incurred under the terms of the NEA Medicare Supplement Program. The total contributions for the Trust plan year beginning September 1, 2011, and ending August 31, 2012, were **\$16,676,072** and the total of all benefit claims paid under the contract during the Trust year was **\$12,455,924**. The total number of participants was **7,735**.

Your Rights to Additional Information

As a participant, you have the legally protected right to receive a copy of the full annual report, or any part thereof for a reasonable charge or you may inspect the Annual Report without charge at the office of NEA Members Insurance Trust, Attn: NEA Member Benefits, 1201 Sixteenth Street, N.W., Washington, D.C. 20036 or at the U.S. Department of Labor in Washington, D.C. upon payment of copying costs. Requests to the Department should be addressed to: Public Disclosure Room, Room N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. You also have the right to receive from the Trust Administrator, on request and at no charge, a statement of the assets and liabilities of the Trust and accompanying notes, or a statement of income and expenses of the Trust and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and accompanying notes will be included as part of that report. The charge to cover copying costs given above does not include a charge for the copying of these portions of the report because these portions are furnished without charge.



Jason Walta is an attorney in the NEA Office of General Counsel and an adjunct faculty member at American University's Washington College of Law.

Same-Sex Marriage

The NEA's briefs to the Court

BY JASON WALTA

IN MARCH THE SUPREME COURT heard two historic cases involving same-sex marriage. At stake in both is a fundamental question of social justice: Whether the Constitution's guarantee that "No State shall...deny to any person within its jurisdiction the equal protection of the laws" protects the right of same-sex couples to enter into what the Supreme Court has called "the most important relation in life." But swirling around that fundamental question are dense issues of federalism and separation-of-powers that make it nearly impossible to predict how—or, indeed, if—these cases might be decided.

The first case, *Hollingsworth v. Perry*, is a lawsuit brought by a group of gay and lesbian couples to challenge the constitutionality of California's Proposition 8, a ballot initiative that ended the state's previous recognition of marriage equality. After a lengthy trial, the judge issued an eloquent decision striking down Prop 8 because it violated the couples' fundamental right to marry and their right to be free of irrational and invidious discrimination. The Governor and Attorney General declined to appeal the decision because they agreed that it was correct and did not want to enforce an unconstitutional law. Nevertheless, the anti-marriage equality group that had championed Prop 8 did appeal. And, after losing again in an intermediate appellate court, they asked the Supreme Court to hear the case.

In the Supreme Court, Prop 8's challengers filed a powerful brief—required reading for anyone interested in these issues (bit.ly/10I53VG)—which spoke movingly of marriage as a right that "central for *all* individuals' liberty, privacy, spirituality, personal autonomy, sexuality, and dignity." That view was supported by NEA and the California Teachers Association, who partnered to file a brief (bit.ly/152QMHz) detailing Prop 8's baleful effects on the school environment, including its tendency to further isolate and subject to bullying the children of same-sex couples and LGBT students.

The second case, *United States v. Windsor*, involves a

challenge to the Defense of Marriage Act (DOMA), which defines "marriage" for purposes of federal law to exclude even those same-sex marriages performed lawfully in some states. As detailed in a brief filed by NEA, AFL-CIO, and Change To Win (bit.ly/16LMvqa), DOMA's harmful effects on gay and lesbian married couples are far-reaching and include making spousal coverage for health insurance inaccessible or unaffordable; denying spousal benefits under Social Security, Medicare, and the Family Medical Leave Act; and even breaking up families by denying legal immigration status to non-citizen spouses. Early in the case, the Obama administration concluded it could no longer justify defending DOMA's discriminatory treatment. Instead, a group of Members of Congress has stepped in to defend the law, while the Obama administration has argued to strike DOMA down.

Thus, in both cases, the executive branch officials who would normally enforce and defend a law have acknowledged its unconstitutionality. And it turns out this may pose a real problem for the Court in reaching a decision. In the Prop 8 case, the fact that the initiative's supporters can show no real harm or injury from allowing same-sex marriages suggests that they lack "standing" to appeal the original order invalidating Prop 8. And in the DOMA case, allowing a group of Congressmen to defend the law over the President's contrary position turns upside-down traditional notions of separation-of-powers. It is therefore no surprise that the Justices' questioning in both cases focused intently on their power to even render a decision.

So, the bang that some are expecting from the Court's opinion this summer may turn out to be a mere fizzle. But make no mistake: the Court will have to face the key constitutional issue eventually. And when it does, with the momentum for marriage equality seeming only to gather more rapidly in our nation's conscience, it could be the looming judgment of history that proves to be the most persuasive force in swaying the Justices' decision.

OPINION

EDITOR'S NOTE:

Work-to-Rule (WTR) policies by faculty in the University of Maine system are in effect at six of the seven universities, with a faculty vote on WTR pending at the seventh. Since faculty continue to teach and engage in scholarship, most effects have been seen in service activities. But no single model of WTR fits every faculty member. The fact is, says Ron Mosley, AFUM president, "unhappy, angry faculty members are less likely to volunteer their services. But such decisions are individual." Their collective goal is to end WTR, settle their contract, and redirect their focus to the futures of their universities.

Working to the Rule in Maine

I RETURN TO MY OFFICE AT 4:00 PM and sit down, taking respite from another one of those days. Since arriving on campus early this morning, I've taught classes, discussed course selections with advisees, helped students struggling with new concepts, met with program faculty to make scholarship recommendations, answered emails, and posted Blackboard discussion comments. Maybe I'll just go home—I still have to grade papers and finish preparing for tomorrow's classes, but that can wait until tonight.

I'm jolted when my pocket vibrates. Google calendar says I have 15 minutes until another committee meeting. What's this one about? Oh yes, the course equivalency matrix for transfer credit. Haven't we already handled that?

No! I'm not going! My colleagues and I have adopted Work-to-Rule, and this is a really appropriate way to show solidarity and try to wake up the administration. They can do that extra stuff without me.

Our last raise was over four years ago. We are working for a second year without a contract. Negotiations stalled. Mediation failed. The administration rejected our proposal to compromise in line with fact-finding recommendations. Our contract arbitration request is pending. The administration says it cannot afford a decent

raise for us, even following the three highest annual surpluses ever achieved. We are losing faculty to other universities. Faculty searches are failing.

Higher education faculty workload consists of teaching, scholarship, and service. Service benefits our students, departments, schools, universities, communities, disciplines, professions, and the public. We all perform service, choosing a unique mix of activities that is the right fit for us.

Normally, we are happy to volunteer, often beyond expectations. But these are not normal times. We are not happy. We are angry. The administration disrespects and devalues us.

Under Work-to-Rule, we fulfill contract requirements, but no more. Unhappy, angry faculty members volunteer less, but such decisions are individual. We each decide what we will and will not do, ensuring that we do not disadvantage any student. No single model fits every one of us.

I hope no faculty members attend this meeting. That will send a message.



Ronald J. Mosley, Jr., Esq. is president of the Associated Faculties of the Universities of Maine, and a professor of business and law at the University of Maine Machias.



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