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Dear Faculty,

With finals complete and graduation ceremonies over, another semester has ended and soon it will be 2015! This will be the last news alert of 2014, but look for the next one in January! Please note that the AAUP-KSU Office will be closed December 24, 2014 – January 1, 2015.

We sincerely hope you have found these periodic news alerts helpful. And remember, whether you have an issue or a question, please contact us!



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**ANOTHER WIN FOR AAUP-KSU!!** On December 5, the honorable Patricia Thomas Bittel ruled in favor of AAUP-KSU protecting the contractual language regarding the grievance process. Specifically the administration was calling for the Faculty Senate Ethics Committee to hear a potential grievance before the contractually-agreed-upon grievance process would initiate. This ruling confirms that the administration cannot insert additional steps to the grievance procedure. In her ruling, Bittel states:

*The Association's argument about this committee is persuasive: the Faculty [Senate] Ethics Committee affords no review of the ethical violations alleged here...The Faculty*

*[Senate] Ethics Committee has no jurisdiction over ethical disputes between a faculty member and an administrator.*

AAUP-KSU filed a grievance against the administration for retaliation against a Faculty member. The administration is asserted that the case must first go to the Faculty Senate Ethics Committee, however, the TT CBA has a clear grievance procedure for cases such as these. Furthermore, the Faculty Ethics Committee charge explicitly states that it does not hear cases against administrators. As a result of the arbitration ruling, there is now a codified process for filing ethics charges against administrators.

**REAPPOINTMENT/TENURE/PROMOTION (RTP):**The Kent State University RTP process for AY 2014-2015 is well underway. As always, AAUP-KSU has RTP Counselors available to assist faculty members should there be a need. If you are in need of assistance, please contact the Office.

**NEGOTIATIONS 2015:** The Negotiations Committee continues to meet. At its last meeting in December, the Committee reviewed questions for the Negotiations Questionnaire. The questionnaire will be sent during the spring semester and we hope all Faculty will participate. Input and support are essential!

**UPCOMING MEETINGS:** Anyone interested in serving on any of the many AAUP-KSU committees should contact the office! (Committees include Grievance and Arbitration Committee, Oversight Committee, Committee W, Committee Q (formerly LGBTQ Committee), Racial and Ethnic Concerns Committee, Nominations and Elections Committee, Negotiations Committee, Membership Committee, Action/Media Committee.)

TT Grievance Committee Meeting – Friday, January 9 (tentative)

TT Executive Committee Meeting – Friday, January 16

Council Meeting – Friday, January 16

**GRIEVANCE/ARBITRATION UPDATE:**

Regional Campus Course Caps: On December 1<sup>st</sup>, the honorable James Mancini ruled in favor of the Association on the arbitrability of the regional course caps grievance. Mancini states:

*“...it would be unreasonable to infer that prior to that date [October 30, 2013] the Union should have known of the Provost’s final decision regarding course caps on the regional campuses. Rather, the evidence clearly demonstrates in this case that the Union did not receive any official confirmation of the Provost’s final decision until October 30, 2013...this arbitrator must find that the Association’s grievance was timely filed and therefore the matter should proceed to a hearing on the merits.”*

AAUP-KSU filed a grievance against the KSU administration for refusing to lower course caps for freshmen English writing courses on the Regional Campuses after the English Department formally adopted a resolution requiring caps for freshman writing courses to be uniform across

all KSU campuses. On Friday, September 5<sup>th</sup>, an arbitration hearing was held between AAUP-KSU and the KSU administration. Because the KSU administration argued that the grievance was not filed in a timely manner, the arbitration was solely related to the arbitrability of the grievance. The case may now proceed to a second arbitration on the merits of the case. A conference call is scheduled for mid-December to discuss dates for this second hearing. **UPDATE:** Discussions between AAUP-KSU and the administration are ongoing to resolve the grievance prior to a hearing on the merits.

FEA/Merit Eligibility: On Friday, December 5<sup>th</sup>, Association representatives met with the administration to informally resolve a grievance related to Faculty Excellence Awards (FEA)/Merit. The Association objected to the inclusion of a former interim chair among the list of Faculty members eligible to receive FEA/Merit. The Faculty member was the interim chair of a department for two semesters during the review period. The administration believes that the Faculty member is eligible because he/she was in the bargaining unit at some point during the review period. This interpretation is incorrect as it could hypothetically lead to administrators being moved into the bargaining unit for a period of time as short as a single day, and still be eligible to receive FEA/Merit. Discussions are ongoing to informally resolve this issue and we are hopeful that a settlement can be reached. Faculty should be aware of such implications when accepting administrative positions.

Regional Campus Interim Dean Appointments: Discussions are ongoing to informally resolve a grievance filed against the administration regarding Regional Campus Interim Dean appointments. We are hopeful that a settlement can be reached in this case.

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Just a reminder! If you are receiving this email, it does not necessarily mean you are a member of AAUP-KSU! Membership is voluntary but must be actively sought. Just because your paystub has a notation for "Union Dues," it does not mean you are necessarily a member. If you want to be a member, and have not (or don't remember) signing a membership form, please contact us today! It's easy and the cost is extremely minimal. <http://www.aaupksu.org/membership/content/dues.php>

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Thanks for reading!

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