

Faculty Inter-Action

Newsletter of the Kent State University Chapter of AAUP

Could this be you?

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- A faculty member notified her chair that she was planning to teach a course at another institution. The chair refused permission citing University policy.
- A faculty member was required to teach a course via distance learning as a first time preparation and without additional compensation.
- A faculty member was asked to meet with the dean. When she got there, her department chair was also present. They told the faculty member, who was tenured, that they did not approve of her teaching methods and that she would be required to get peer reviews, have a monitor visit the classroom, and turn in samples of course materials. These requirements and others were put in a letter sent to the faculty member.

What happened? See p.4 for the rest of the story.

I think I want to file a grievance...

Much of AAUP-KSU's work involves assisting faculty members with grievances and/or appeals. After the contract is signed, the Chapter's Grievance Committee is responsible for administering and enforcing the bargaining team's hard work.

The Grievance Committee, chaired by Jennifer Larson (MCLS/Kent Campus), meets monthly to discuss pending cases and to make

decisions about grievances, appeals, and settlements.

The Grievance Committee files a grievance when it believes that an action by the administration has violated the CBA. If you are not sure that your concerns rise to the level of a formal grievance, AAUP-KSU can help evaluate these concerns and advise you on how to proceed. *Continued p. 3*

Why Your Handbook Is Important

Most faculty members know that the CBA defines the working relationship between faculty and the administration, and that a violation of the CBA is grounds for a grievance.

But did you know that Handbooks outlining policies and procedures for each department, school, or college are also part of the contract?

Recently, an arbitrator ruled in favor of AAUP-KSU, reaffirming that the contents of Handbooks and some University policies are also grievable.

Handbooks cover many issues of importance to Faculty,

including specific reappointment, tenure, and promotion criteria, workload specifications and equivalencies, procedures for elections to departmental committees, the conduct of FAC meetings and their agendas, research leaves, procedures for the evaluation of teaching, and criteria for the distribution of merit pay.

If a faculty member brings a concern about one of these issues to AAUP-KSU, the first thing that we do is check the appropriate Handbook.

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How the Grievance Procedure Works

The following is a summary of the provisions of the grievance procedure. Please see Article VII Section 1 of the **CBA** for a full description.

GENERAL PRINCIPLES GOVERNING THE PROCESSING OF GRIEVANCES

- *Grievances can be filed on behalf of an individual, a group, or in the name of AAUP-KSU.*
- *Formal grievances must be filed on a Grievance form prepared by AAUP-KSU.*
- *An AAUP-KSU designee must sign all Grievance forms.*
- *An AAUP-KSU designee will attend all meetings concerning formal grievances.*
- *AAUP-KSU recommends cases for arbitration in consultation with the grieving party.*
- *Grievances will be processed as rapidly as possible.*
- *No one shall be disciplined or discriminated against for participation in the grievance process.*

SUMMARY OF GRIEVANCE PROCEDURE:

1. **CONTRACT VIOLATION.** A grievance must be filed within 45 days after the events upon which it is based or within 45 days after the Faculty member knew or through the exercise of reasonable diligence should have known of the events on which it is based. The form we prepare describes the events that initiated the dispute, the contractual violation, and the desired remedy. The grievance form is signed by the grievant and an AAUP-KSU representative.
2. **STEP ONE HEARING.** Within 15 days after the grievance is filed the dean or the executive dean for Regional Campuses will schedule a Step One meeting. Within 15 days after the Step One meeting, the University will provide AAUP-KSU and the grieving party with a written answer to the grievance.
3. **STEP TWO HEARING.** If AAUP-KSU and the grieving party are not satisfied with the University's Step One answer, AAUP-KSU can appeal the matter to Step Two within 15 days. A Step Two hearing will be scheduled within 15 days of the appeal and the University will provide AAUP-KSU and the grieving party with a written answer within 15 days of the Step Two hearing. [Note: Under some circumstances, grievances may be initiated at Step Two.]
4. **ARBITRATION.** If AAUP-KSU is not satisfied with the University's Step Two answer, within 30 days it may appeal the case to arbitration under the rules of the American Arbitration Association (AAA). AAUP-KSU and the University will select an arbitrator from a panel of arbitrators provided by AAA using the alternate strike method.
5. **ARBITRATOR'S DECISION.** The arbitrator's decision will usually be rendered in writing within 30 days after any grievance has been submitted to the arbitrator and this decision will be final and binding on the parties.

I think I want to file a grievance... (cont'd)

If the Grievance Committee determines that an issue is not appropriate for the grievance procedure, it does not mean your issue is not important and it does not mean that AAUP-KSU cannot provide assistance. Remember, a "gripe" or complaint is not always a "grievance," but when in doubt contact a member of the Grievance Committee.

Since last summer, the Grievance Committee has been busy with 8 grievances, 5 Step Two Hearings, numerous informal resolutions, 2 Affirmative Action cases, and 6 tenure/promotion appeals. In addition to processing grievances through the formal grievance and appeals procedures that appear in

Article VII of the **Collective Bargaining Agreement**, the Committee often works directly with the University administration to resolve disputes prior to and during the formal process.

Article VII, Section 1.C.1 of the **CBA** states: "The parties intend and agree that all disputes should be resolved informally, whenever possible, before filing of a formal grievance and the parties encourage open communications so that resort to the formal grievance procedure will not be necessary."

The **CBA** requires that prior to the initiation of a formal grievance "the Grieving Party and the appropriate Chairperson

(or Regional Campus Dean or independent school Dean, where appropriate) shall make a reasonable effort to meet and adjust the grievance in an informal manner."

Even if a formal grievance is filed, the Association and the Faculty member can still resolve a dispute informally at any stage. Some cases have been settled on the day that the arbitration hearing was scheduled to begin.

AAUP-KSU is here to assist you with and represent you in all matters concerning your employment at KSU. Please give us a call at 330-673-9118 or email aaupksu@kent.edu.



**Professor Jennifer Larson,
AAUP-KSU Grievance
Officer**

Grievance Committee Members 2005-06

Chair, Jennifer Larson, MCLS
Pervaiz Alam, Accounting
Moshe Amitay, Emeritus/Music
Nancy Birk, Emeritus, LMS
Brent Bruot, BSCI
Lee Fox-Cardamone, Stark/Psych
Ken Calkins, Emeritus/History
Sandy Eaglen, NTT, Stark/MIS
Chris Fenk, Tusc/Chemistry
Polycarp Ikuenobe, Philosophy
Tracy Laux, NTT, Math
Kara Robinson, LMS
Deborah Smith, Philosophy
Frank Smith, Math
Tish Soper, Salem/Technology
Will Ward, Trumbull/Technology

Why Your Handbook Is Important (cont'd)

The rules and procedures in the Handbook, formulated as a cooperative effort between Faculty, Chairs or Directors, and Deans, help ensure appropriate Faculty input in departmental governance, minimize biased or arbitrary decision-making, and

clarify the rights and responsibilities of Faculty. That's why it is so important for Faculty to ensure that Handbooks are kept up-to-date and to be aware of Handbook content.

The **CBA** requires that all Handbooks include a process for revision to take place on a regular

cycle. Please help AAUP-KSU protect Faculty by making sure your Handbook is reviewed regularly and informing us of any Handbook-related issues in your department, school, or campus.

AAUP-KSU

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We're on the Web!

See us at:

www.aaupksu.org

“AAUP-KSU provides services to both members and non-members alike.”

Could this be You ? What Happened

- A Faculty member was asked by the Dean's Office to meet with a parent who was upset with her son's grade and claimed his disabilities were not properly accommodated. *AAUP-KSU was able to have this meeting cancelled because the Dean and the student failed to follow the proper procedures for student academic complaints. We advised the faculty member to remain in compliance with FERPA rules by not discussing the student's grades with anyone other than the student.*
- A faculty member notified her chair that she was planning to teach a course at another institution. The chair refused permission citing University policy. *When AAUP-KSU intervened, the decision was reversed because University Policy permits outside teaching unless it is performed on a continuing (full-time) basis.*
- A Faculty member was required to teach a course via distance learning as a first time preparation and without additional compensation. *Through a grievance that was eventually settled, AAUP-KSU was able to obtain compensation for the Faculty member in the form of teaching load reductions.*
- A faculty member was asked to meet with the dean. When she got there, her department chair was also present. They told the faculty member, who was tenured, that they did not approve of her teaching methods and that she would be required to get peer reviews, have a monitor visit the classroom, and turn in samples of course materials. These requirements and others were put in a letter sent to the faculty members. *When AAUP-KSU was informed, we were able to get the letter withdrawn and clarify that these requirements had no contractual basis.*

About AAUP-KSU..

At the national level, the American Association of University Professors (AAUP) is a respected professional organization known for its strong advocacy of academic freedom, shared governance, and the defense of academic values.

The local chapter of AAUP serves as your "union" with responsibility for negotiating the terms and conditions of employment for all full-time faculty at KSU's eight campuses.

The chapter includes two bargaining units—one for tenured and tenure-track faculty members and one for non-tenure track faculty members.

AAUP-KSU provides services to both members and non-members alike. One of our most important responsibilities is to negotiate the **Collective Bargaining Agreement** that governs matters such as salary increases, benefits, and the structure for shared governance at the

department, college, and campus levels.

Membership in AAUP-KSU is not automatic even though all faculty members will pay some share of the costs of faculty representation. We hope that you will join the majority of your faculty colleagues by becoming an AAUP-KSU member if you are not already one.