

# The Faculty Voice

Volume 3, Issue 1

October 27, 2010

## AAUP-KSU

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## Congratulations Faculty!

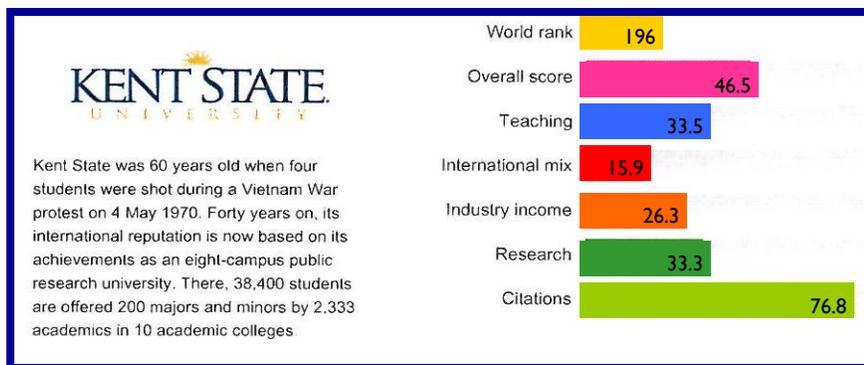
A sincere congratulations to all faculty members! It is because of YOU that Kent State University was named the 196th best university in the world by *The Times Higher Education*.

Universities were ranked according to their score in following categories: teaching, international mix, industry income, research and citations.

As illustrated in the figure below, Kent State University's highest score is from citations.

The University's faculty members are what catapulted its world ranking to be among other prestigious universities, including Harvard, Yale and Princeton Universities in America, University of Oxford and University of Cambridge in Great Britain and numerous universities across Europe and Asia.

*A Editor's note from the Times: The study included only institutions that assented to join the profiling process and provided and verified the data sought.*



Baty, Phil. Kent State University Ranking Summary. Digital image. *Top 200 - The Times Higher Education World University Rankings 2010-2011*. Times Higher Education, 2010. Web. <<http://www.timeshighereducation.co.uk/world-university-rankings/2010-2011/top-200.html>>.

## Negotiations Preparations Underway

The Negotiations Committee has begun to discuss issues relating to our contract negotiations scheduled for summer, 2011.

In the next few weeks, you will be asked to participate in a survey regarding the

issues concerning you most. We will follow that up in the spring with a more directed survey. We will also hold meetings at different campuses and colleges to get direct feedback from the membership.

See 'Negotiations' - page 4



As spirits roam the neighborhoods at night, Let loose upon the Earth till it be light...

Page 6 has more details...

## Grievance Report

Not only does the senior administration seem to have difficulty coming to terms with the fact that the *Collective Bargaining Agreement* is more than a mere set of recommendations or guidelines, or that final and binding arbitration is supposed to be final and binding, it now appears that the administration is unwilling to accept court rulings that do not go their way.

You may recall that in March of 2009, AAUP-KSU filed a grievance over the widespread cancellation of FPIL (sabbatical) leaves and URC research and creative activity awards for AY 09/10. The University refused to process this grievance and AAUP-KSU had to file a motion to compel arbitration with the Portage County Court of Common Pleas. The question before the court was a simple one: did the CBA call for binding arbitration as the method of dispute resolution and did the grievance filed articulate a dispute covered by the contract? On June 17, 2010, Judge Pittman ruled in favor of our motion to compel arbitration in this case. Unwilling to accept the judge's ruling, the University filed a Notice of Appeal with the 11<sup>th</sup> District Court of Appeals. Given that FPILs and URC research and creative activity awards had been reinstated for AY 10/11, AAUP-KSU was amenable to reaching an agreement with the University that would settle both the appeal and the grievance. Accordingly, AAUP-KSU made a settlement

proposal to the University to settle both matters. However, even with the assistance of two Court Mediators, it proved impossible to reach a settlement with the University. The University's appeal to the 11<sup>th</sup> District Court of Appeals will go forward.

Back in the Fall of 2007, AAUP-KSU filed two grievances on behalf of Faculty members who had appealed negative tenure recommendations from the Provost to the Joint Appeals Board (JAB). In each case, the JAB had recommended that the Faculty member's appeal of the Provost's negative recommendation regarding tenure be upheld and the Faculty member be awarded tenure. AAUP-KSU maintained that the President, in deciding not to accept the JAB's recommendation, violated Article VII, Section 2.F.5 of the CBA. The two grievances were combined into a single arbitration which took place before Arbitrator Richard Sambuco in the Summer of 2008. In a ruling dated 1/17/09, Arbitrator Sambuco held that the University had violated Article VII, Section 2.F.5 of the CBA. Not content to accept the result of final and binding arbitration, on 2/17/09 the administration filed a motion with the Portage County Court of Common Pleas to vacate the arbitrator's decision. In response, AAUP-KSU filed a Motion to Confirm the arbitration award. On 7/26/10, Judge Pittman issued a ruling

denying the University's motion to vacate the arbitration award and upholding AAUP-KSU's motion to confirm the award. Still unwilling to accept defeat on this issue despite clear rulings by the arbitrator and the judge, the University filed a Notice of Appeal with the 11<sup>th</sup> District Court of Appeals on 8/25/10.

AAUP-KSU believes that it is extremely unlikely that the administration will succeed at having either of Judge Pittman's decisions overturned on appeal. To date, this administration has been on the losing end of all three binding arbitrations and all three court cases concerning AAUP-KSU grievances held since President Lefton's hire. It is unfortunate that this administration continues to pursue such frivolous appeals and incur significant costs at a time of extreme economic uncertainty. It is becoming increasingly difficult to avoid the conclusion that the administration is attempting to break the union by drawing out every proceeding to ridiculous lengths and is making meaningful remedies for the aggrieved Faculty members virtually impossible.

*This report is written by Deborah Smith, the AAUP-KSU Tenure Track Grievance Chair.*

## What You Need to Know About Reappointment, Tenure and Promotion

### File Completeness and Additions to / Subtractions From your File

After you and your local administrator have signed off on the completeness of your reappointment, tenure, or promotion file you have the right to be: (i) notified of, (ii) given the opportunity to review, and (iii) given the opportunity to include in your file written comments in response to any material that is added to your file.

### Faculty Ballots

You have the right to be given copies of Faculty ballots and the relevant administrator's recommendation concerning your reappointment, tenure, or promotion no later than the time at which those documents are forwarded to the next higher administrator.

### Statement of Factual or Procedural Errors

Regardless of the recommendation your candidacy receives at a given level, you have the right to have a letter specifying errors of procedure or fact in the administrator's letter or in the Faculty ballots included in your file.

This letter must be submitted to the relevant local administrator within 10 working days for tenure and promotion reviews and within 5 working days for reappointment reviews of receiving the written notification of the recommendation.

### Appeals of Negative Recommendations

Any Faculty member who has received a negative recommendation concerning reappointment, tenure, and/or promotion has the right to appeal to the next higher academic officer, or in some cases to the Joint Appeals Board.

Such an appeal must be initiated within 10 working days of receiving the written notification of a negative recommendation.

The appeal is initiated by sending a brief letter or email to the next higher administrator (with copies to the lower level administrators) with the following basic content:

"On [date] I received notice from [administrator] of a negative reappointment/tenure/ promotion recommendation. I am writing in order to inform you of my intent to appeal. Please contact me with information about procedures and scheduling."

**You have the right to be assisted throughout your appeal by AAUP-KSU!**

**AAUP-KSU has a set of RTP counselors trained to assist you at all levels of your appeal. For assistance with an appeal of a negative RTP decision at any level call 330-673-9118.**

## Negotiations (Continued...)

We would also welcome additional volunteers to participate as members of the Negotiations Committee. We currently have no representatives from several colleges and campuses. If interested, please contact me.

*Eric*

Eric Mintz  
[emintz@kent.edu](mailto:emintz@kent.edu)



## ANNOUNCEMENTS

### **COUNCIL NEEDS YOU!**

As many of you are already aware, AAUP-KSU Council is one of the governing bodies of the Tenure Track bargaining unit and is composed of elected members from each academic unit, as well as members of the Tenure Track Executive Committee. Academic units are entitled to a Council delegate for each twenty AAUP-KSU members, or part thereof. To be eligible, you must be a tenured or tenure track Faculty member of the academic unit you wish to represent and have been a member of AAUP-KSU for at least one year prior to your term of service. Currently, the following academic units have open seats:

***Accounting, Anthropology, Chemical Physics, Chemistry, Communication Studies, EHHS/ Foundations, Leadership and Administration\*, Geography, Management and Information Systems, Marketing, Mathematical Sciences, Nursing, and Physics. (\* denotes units which have one vacant seat and at least one seat filled)***

If you belong to one of these units and are interested in either becoming a representative, or learning more about the AAUP-KSU Council and its functions, please contact us at: [office@aaupksu.org](mailto:office@aaupksu.org).

### **EXIT INTERVIEW SURVEYS**

As part of our continuing efforts to identify and address issues of concern to faculty at KSU, AAUP-KSU has begun conducting Exit Interviews of all Tenure Track Faculty who have left or are leaving the University. In order for this effort to be successful, we need your help! Please e-mail the AAUP-KSU office ([office@aaupksu.org](mailto:office@aaupksu.org)) with the names and contact information of Tenure Track Faculty whose employment ended in the last year. Thanks for your time and attention.

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## F.A.Q.

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*Below are several frequently asked questions and answers. If you have questions that are not listed here or you need further information, please contact our office at 330-673-9118 or [office@aaupksu.org](mailto:office@aaupksu.org).*

**Q:** *Last year we received a success pool bonus, will we be getting one again this year?*

**A:** No. The Administration has communicated to the Association that they will not be declaring a bonus this year because none of the contractually required minimums were achieved. (Research, retention and institutional advancement.)

**Q:** *Why should I become a member?*

**A:** The most important benefit of membership is the right to vote on such issues as future collective bargaining agreements, the election of department or campus representatives to the AAUP-KSU Council, which is the governing body of the TT Unit, and future AAUP-KSU Chapter Presidents.

**Q:** *Do I have to become a member to be represented by AAUP-KSU in the event of a violation of my contractual rights?*

**A:** Absolutely not! Regardless of whether or not you are a member, AAUP-KSU represents every Faculty member to the best of its ability.

**Q:** *I have heard of additional benefits that I am eligible for if I become a member. What are they?*

**A:** Such additional membership benefits include free notary services, access to one free legal consultation on contract or employment issues per year, membership in the Seven Seventeen Credit Union, and a complimentary copy of the latest edition of AAUP's Policy Documents and Reports upon request. AAUP-KSU Chapter members also become members of the Ohio Conference AAUP and the National AAUP and, as such, can vote in state and national elections for AAUP representatives and officers. Members also receive *Academe*, a national AAUP publication that annually reports on salaries in the profession and other issues of general interest to all faculty.

**Q:** *I have some questions that relate to the Collective Bargaining Agreement, but I am not sure if I should call the office.*

**A:** Please do not hesitate to call us! We are more than happy to answer any questions you may have! Call or email Coleen and Shannon!

Hark! Hark to the wind!  
'Tis the night ... they say.  
When all souls come back from the far away -  
The dead, forgotten this many a day.

— Virna Sheard

AAUP-KSU Halloween Party  
Friday, 29 October 2010  
3:00—5:00 PM  
5960 Horning Road, Suite 300



A house is never still in darkness to those who listen intently;  
There is a whispering in distant chambers,  
An unearthly hand presses the snib of the window,  
The latch rises.  
Ghosts were created when the first man awoke in the night.

— J.M. Barrie

## AAUP-KSU

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We're online!  
<http://www.aaupksu.org>

### About AAUP-KSU...

The Kent State Faculty have been represented for over 30 years by the KSU chapter of the American Association of University (AAUP-KSU). At the national level, the AAUP is known for its work in protecting faculty against attacks on tenure and academic freedom, as well as for promoting positive academic values and shared governance.

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 Collective Bargaining Agreement that is negotiated every three years for all full-time Faculty encompasses a wide array of salary and benefit provisions, grievance and appeal procedures, and outlines the fundamental principles for shared governance at Kent State at the department, school, college, and campus levels.

**AAUP-KSU welcomes suggestions, ideas and articles!**

If you have something you would like to see in the newsletter, submit it via email to:  
**office@aaupksu.org**

### Becoming an AAUP-KSU Member

Through membership in AAUP-KSU, Kent State professors not only receive benefits through both AAUP-KSU and National AAUP, but moreover, a voice.

AAUP-KSU benefits include: information and assistance with faculty concerns, automatic membership in the National and Ohio Conference AAUP, reasonable dues, free legal consultations and notary services, and much more.

Becoming an AAUP-KSU member is easy. Simply go to the website and click on the

"Membership" link. Download the membership form and return a signed copy either through Campus Mail or by fax.

The website contains a more comprehensive list of member benefits as well as testimonials from current members.

For more information, please contact the AAUP-KSU office and ask for either Shannon or Coleen. We look forward to welcoming you as a member!