

# The Union Rag

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Renewal Workshop for Second Year & Later Renewals

Early February: Time and Date TBA

ECSU Open House at Our New Location in Goddard 121 & 120

Early February: Time and Date TBA



**Eastern Faculty Refunded Over \$8K**

In October 2009, Eastern-AAUP and the University arrived at an agreement regarding the treatment of fringe benefits for the FY 09 research curriculum stipend paid under the CSU-AAUP Collective Bargaining Agreement. Accordingly, over twenty full- and part-time faculty were reimbursed for deductions erroneously taken from their grant stipends. The total amount refunded was over \$8,000.

Eastern AAUP is grateful to the part-time faculty member on Eastern's campus who first brought the error to our attention.

**Be Sure to Report Your Furlough Days to Human Resources**

Why do we have to report our furlough days if they're already taking the money out of our pay? Full-time teaching faculty must report their furlough days to Human Resources, using the form that was created jointly between AAUP and Administration. All of this must be done for payroll auditing purposes.

Furlough days must be observed on designated workdays during the regular academic semesters, fall and spring only. Therefore, furlough days cannot be observed on days that are otherwise noted as holidays (i.e., Thanksgiving Days, President's day, etc.) and/or days during Spring Break.

To assist you in this determination:

- Fall 2009 - workdays begin on August 25, 2009 (first day of semester) and end on December 23, 2009 (date final grades are due).
- Spring 2010 – first workday is January 19, 2010 and last workday is May 26, 2010.
- Fall 2010 – first workday is August 23, 2010 and last workday is December 22, 2010.
- Spring 2011 – first workday is January 18, 2011 and the last workday is May 25, 2011.
- All furlough days must occur between the dates noted above.

- When identifying the “floating” furlough day, you must specify the date on which the furlough day will be observed.



Indicating “any” on the form does not provide the necessary detail for documenting the furlough action for purposes of a payroll audit.

Please send your furlough form to Lourdes Ardel in HR, and try to enjoy your day off!

### **Part-Time Cancellation Fees Step 3 Grievance Result after Arbitration**

This case involves the failure of the University to pay five part-time faculty members a \$300 course cancellation fee during Intersession 2008-09 when the course assigned to these members were cancelled within no less than five (5) business days of the start of classes. After due notice a hearing was held on May 22, 2009 before the Grievance Arbitration Committee in accordance with Article 15.5.3 of the collective bargaining agreement. AAUP argued that the faculty members were entitled to pay pursuant to Article 4.6.1 because the contract language is clear and unequivocal. The University argued that the faculty members were not entitled to such payment because Article 4.6.1 only applies to courses cancelled in either the fall or spring Semesters

and does not apply to Intersession or Summer Session courses.

This case went to Arbitration on October 19, 2009. Arbitrator J. Larry Foy’s decision on Case No. 12 390 00328 09 was announced November 28, 2009.

#### **Relevant Contract Provisions**

##### **4.6.1 Course Cancellation Fee**

If a class scheduled to be taught by a part-time member is cancelled within seven (7) calendar days prior to the beginning of the first day of classes, the part-time member shall be paid the sum of \$300.

Foy stated: “The plain meaning rule is the dominate rule of contract interpretation, but it has been subject to considerable criticisms and adverse judicial and arbitral precedent<sup>3</sup>. *How Arbitration Works* notes in its 2008 *Supplement* that,

A growing number of arbitrators hold that whether the meaning of a contract is “plain” or susceptible of a different interpretation and, consequently, “ambiguous,” depends on context and, therefore, it is appropriate to admit and consider evidence as to the circumstances existing at the time of contract adoption and the parties’ past practice in applying it.

Foy found that the language of Section 4.6.1 was the product of a “mutual mistake.” The remainder of the decision is as follows: “What the parties actually agreed upon was that a cancellation fee of \$300 was due to part-time faculty for scheduled classes “cancelled within seven (7) calendar days prior to the beginning of the first day of classes *for the Fall and Spring Semesters.*” The Union has negotiated a new benefit for part-time faculty and they can negotiate for its expansion to the summer session and intersession in the next round of negotiations. It does appear that part-time faculty have an equal interest in

getting partially compensated for course and class preparation for cancelled classes scheduled for summers sessions and intersessions as well as for the two regular semesters. The University, in turn, may have time constraints which were testified at the hearing, that make the notice period for a cancellation fee shorter in the case of the summers session and intersession. Those issues will be left for negotiations between the parties.”

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### **Selling Your Soul?: Campus Equity Week 2009**

As reported by David Stoloff and Kris Jacobi

Campus Equity Week (a.k.a. Fair Employment Week in some states and in Canada <http://www.caut.ca/pages.asp?page=572>) is an international event which aims to educate campus communities, policymakers and the public about part-time and contingent faculty issues.

This year, attention was drawn to the dramatic



Rembrandt. "Faust" c. 1652-53. Etching with drypoint and burin, 3rd state. Rijksmuseum

decrease in the proportion of professors who hold tenure-track (TT) positions. Currently only 35 percent of the faculty in the United States are TT. Part- and full-time non-tenure track faculty are often subject to exploitative employment conditions, and

the dwindling number of tenure-track faculty threatens the quality of higher education.

For a visual representation of national statistics, see <http://www.aaup.org/NR/rdonlyres/9218E731-A68E-4E98-A378-12251FFD3802/0/Facstatustrend7505.pdf>, which is a bar chart titled “Trends in Faculty Status 1975-2005.” The chart shows the dramatic growth in contingent positions over the last 30 years.

Taking place every other year, Campus Equity Week 2009 was October 25-31, 2009 and CSU-AAUP sponsored two programs on the CCSU campus, in New Britain, a Wednesday night forum and a Thursday morning workshop. We attended the Wednesday night forum at which Dr. Peter D.G. Brown, Distinguished Professor SUNY-New Paltz, spoke on “The New Faculty Majority,” a new, independent national organization for adjunct, part-time, and contingent faculty from all disciplines teaching at any public or private higher education institution in the U.S.

Interweaving the storyline of Goethe’s *Faust* into his lecture, Dr. Brown presented his views on the increased reliance of adjunct/part time/contingent faculty on the national scene of the academy. Information packets on the New Faculty Majority <http://www.newfacultymajority.info/national/> >. You can visit the web site to “Learn More about the Issue” and get involved.

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### **NERCHE Workload Study Update**

As reported by Elena Tapia, Workload Study Liaison for AAUP

#### **Third Site Visit**

The New England Research Consortium in Higher Education (NERCHE) workload study commissioned by CSU-AAUP has been

continuing this fall. NERCHE made its third site visit to CSU campuses. During the third site visit, they conducted ten interviews with full-time faculty, five interviews with part-time faculty, and three focus groups (two focus groups with full-time faculty, and one focus group with part-time faculty).

Prior to the visits, the investigators requested recommendations for FT and PT faculty to interview. These include all member of our bargaining unit: teaching faculty, librarians, counselors, and coaches and trainers.

As workload study liaison, I made recommendations by seeking input from department chairs and directors. Management (i.e., deans and directors) also makes recommendations for members to be interviewed; then NERCHE chooses interviewees from the combined sets. All recommendations are based on the following criteria: 1) served in their current faculty role for one year or more; 2) the academic departments in which they work have enacted changes in recent years that have affected faculty workloads or have restructured the academic work context; 3) the pool of interview participants represents a range of academic disciplines and fields of study, including undergraduate and graduate programs; and 4) the pool of interview participants is diverse in terms of years of experience, race, ethnicity, and gender.

### **Workload Study On-Line Survey: All Better Now**

NERCHE has spoken with our administrator of email servers, and it has been confirmed that messages from [workloadstudy@umb.edu](mailto:workloadstudy@umb.edu) will now be released from the spam filter. It is important to note that before we distributed this particular survey, we did contact IT staff at Eastern, and they did confirm that [workloadstudy@umb.edu](mailto:workloadstudy@umb.edu) was on their “white list” and that the messages from that email address would be able to go through. However, it became apparent that [workloadstudy@umb.edu](mailto:workloadstudy@umb.edu) had, in fact, not been moved to such a list. Now, faculty at

Eastern will be able to receive messages from [workloadstudy@umb.edu](mailto:workloadstudy@umb.edu) directly into their inboxes.

NERCHE contacted their survey software provider, SurveyGizmo. They are one of the leading online survey providers in the U.S. Major universities, such as Michigan, Harvard, and Carnegie Mellon, as well as the American Psychological Association (APA) are clients of SurveyGizmo. They are really quite good. They de-activated the forwarded web link that several people were using to complete the survey. This prevented even more people from trying to complete the survey from the forwarded link.



Next, SurveyGizmo went to work trying to recover data submitted by people who attempted to respond to the survey from a forwarded web link. Again, the online software gives NERCHE only the data from people who complete the survey from Dee’s original email message; data submitted from any forwarded link simply cannot be recorded by the software. Therefore, SurveyGizmo is now trying to recover the data that people entered when they tried to complete the survey through a forwarded link.

Dee sent a message (12/8/09) to individual faculty members who should have received the survey to indicate what had happened regarding the spam filter, why they should not forward their link nor use anyone else’s forwarded link, and how they need to complete the survey only from an email message that they receive directly from [workloadstudy@umb.edu](mailto:workloadstudy@umb.edu). It is important to

note that the original survey instructions indicated that the survey “can be completed only through the email account at which you received this message.”

NERCHE also contacted Chuck Booth, Eastern’s IRB chair, and alerted him to the issues and described NERCHE’s responses, which are consistent with appropriate human subject research protocols. Dee believes no further action will be needed concerning IRB.

These developments are quite a relief because surveys for librarians, counselors, and coaches will be coming out very soon. NERCHE and AAUP are happy that the glitches are fixed.

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### **ECSU-AAUP Council Member Election Results**

These results were announced in October, but we repeat them here. Of the 288 eligible voters, only 46 persons voted (a mere 16%). A **\*big thank you\*** to those who took the time to vote. Andy Nilsson is the new Alternate Council Representative and began to represent ECSU at the November 19 CSU-AAUP Council meeting. Council members meet every third Thursday evening in New Britain. Thank you, Darrell, for your willingness to run. Congratulations to Andy Nilsson!

Thanks to the Nominating Committee, comprised of Nicole Krassas and Kris Jacobi.

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### **ECSU-AAUP New Year, New Location**

In August 2009, ECSU-AAUP Chapter President Elena Tapia filed a space request in to move ECSU-AAUP offices to the main part of campus.

According to Tapia, “The current office and conference room in Beckert are located on the second floor, which has no handicap



access. Climbing a steep and narrow flight of stairs is the only way to get to the second floor. She added, “The current space is not suitable because of the accessibility issue and also because of the visibility issue, which affects our ability to serve our membership. Bargaining unit members -- instructional faculty, librarians, counselors, coaches and trainers--frequently have questions about policies, rights, and benefits. We need to be more accessible for them.”

AAUP staff person, Angela Collison, is preparing for the impending move, which she expects to happen in January. The ECSU-AAUP Executive Committee members are planning an open house for sometime in February. Be sure to stop in!

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### **ECSU-AAUP Executive Committee**

#### **Officers:**

- President:** Elena Tapia (English)
- Vice-President:** Kristen Jacobi (Library)
- Secretary:** Ann Higginbotham (History)
- Treasurer:** Nicole Krassas (Political Science)

#### **CSU-AAUP Council Members:**

- Catherine Carlson (EES)
- Branko Cavarkapa (Business)
- Anne Dawson (Visual Arts)
- Andy Nilsson (Sociology)

**CSU-AAUP Secretary:** Marty Levin (Biology)

**Staff Person:** Angela Collison

The ECSU/AAUP Office is **currently** located on the second floor of Beckert Hall. Telephone: 465-5153  
e-mail: [aaup1@easternct.edu](mailto:aaup1@easternct.edu)