

Contract Administration Committee (CAC)
Report: September 1, 2006 – February 28, 2007
** note: this six-month period is not always exact*

Formal Grievances (resolved, settled, or pending)

1. Information Request (1 case)

Description: as part of the processing of an RPT grievance (see #2), UA requested under Article 9 (Right to Information) the academic record files of two faculty members who had recently gone through the same RPT action; the University, citing Article 17 (Personnel Files), asserted that UA did not have the right to review these other files, even for comparative purposes, without the written authorization of the faculty members in question; UA grieved arguing that we could not fulfill our duty to process grievances on behalf of faculty members if we were denied access to information that might clarify whether University actions violated the contract

Status: this case went all the way to the Vermont Labor Relations Board; though the Board placed some modest restrictions on our access to academic record files, UA won the right to view such files as “information” under Article 9

Comment: this is a major victory both because it makes it easier for UA to establish its position in grievance cases and because it helps ensure that the University will be consistent in its application of contractual stipulations (including RPT guidelines); it will be much more difficult, for example, for the University to get away with discrimination as defined in Article 5

2. Tenure-denial (1 case)

Description: a case left over from 2006 has gone to the Vermont Labor Relations Board; the crux of the case is the failure at all levels of the administration to follow established RPT guidelines (both those listed in the contract and those established by the department)

Status: the case will be presented at a Labor Board hearing on April 5, 2007 by Andrew Barnaby, UA Grievance Officer

3. denial of right of Lecturer to apply for promotion to Senior Lecturer (1 case)

Description: the University decided against the decision by a College Dean that would have permitted a Lecturer to apply for promotion; UA grieved on the grounds that the University refused to recognize its own precedent in counting as a full year of full-time service an academic year in which this Lecturer’s appointment had been split into two semester-long appointments in order to serve an administrative need; UA provided ample evidence that the University had previously recognized the year in question as a full-time, full-year appointment

Status: the Provost agreed with the UA's position and recognized the Lecturer's eligibility to apply for promotion in 2006-07 (promotion pending)

4. Denial of promotion to Full Professor (2 cases)

Description: there are two holdover cases involving Associate Professors who applied for promotion to Full Professor; in both cases (one through a grievance and one through a pre-grievance settlement), UA convinced the Provost permit the faculty members to resubmit their cases; there was clarification on the proper guidelines those reviewing the case should be employing and a clear statement that promotion will be retroactive should the grievant now be awarded the promotion

Status: promotions pending

Concerns brought to the CAC

** Note: the CAC meets every two weeks during the academic year (and at least twice during the summer) to discuss concerns brought to us by bargaining unit members. Below are some of the issues that have come up during the past 6 months.*

1. Discipline (4 cases)

Not formal grievances, UA provided representation in four cases involving the threat of discipline. In one case, the faculty member accepted a letter of reprimand from the College Dean, but not before the University was forced to concede that the Dean had violated the faculty member's Weingarten Rights in refusing to answer the questions of the UA representative who has sought to clarify the issues at stake. In two cases, UA helped convince the Chair not to pursue formal discipline. One case is still pending but UA did prevail upon University Counsel to chastise the Chair of a department for violating a confidentiality expectation.

2. University contribution to retirement for faculty members funded on grants outside the appointment period continued to be a problem; most likely will be an issue during next year's contract negotiations

3. Many inquiries about RPT guidelines; most common concerns include:

a) attempts by Deans to deny faculty members, operating as departments, the right to prepare guidelines (as stipulated in the CBA); included here is an attempt by central administration to refuse to accept the right of faculty members to vote on their department's RPT guidelines (the administration was forced to back down on this position)

b) specific attempts to force departments to include language requiring grant-funding as evidence of scholarly achievement

4. Various concerns about whether the University will compensate faculty for required work done outside the appointment period

5. Workload: we have received numerous inquires / complaints related to individual workload assignments as well as to the policies set forth by individual units regarding how workload assignments are determined. We are investigating efforts by administrators to force faculty members into doing work not listed on their workload or to do more work than is specified on workload. We have counseled many faculty members about appropriate FTE allocation.
6. Salaries: We have been asked to approve some exceptions to the CBA's guidelines governing how the University might raise a faculty member's salary. In each case, UA has approved the University's decision to raise salaries for individual faculty members (the funds for these increases never come from money in the salary pool for that year).
7. Other exceptions to the CBA: We have been asked to consider some exceptions to the CBA's stipulations about the length of contracts that must be offered; these have usually been requests to make one-year appointments where the CBA calls for a multi-year appointment (these were generally approved when the choice was non-renewal for the bargaining unit member)
8. Benefits: We received several inquiries about, and consistently argued for contractual rights in the areas of: maternity leave, early retirement, tuition remission, vacation accrual
9. We successfully argued against a Dean's statement that faculty are "paid" to complete the specific work proposed on sabbatical applications with the implication that faculty might need to pay back sabbatical salary if the faculty member did not complete the proposed work
10. We received numerous inquiries from part-time members about appointment status, pay, promotion, and other matters (e.g. borrowing privileges at the Library)
11. We successfully challenged a policy in CESS that appeared to require approval from the Dean to perform academically relevant work outside the state
12. We have raised concerns about the time-frame for submitting a rebuttal in an RPT action; the University has agreed to recognize those concerns as legitimate and has agreed to work harder to guarantee that faculty members are not squeezed out of their contractual rights.
13. We worked to clarify University's position that we are not employed by the University outside the appointment period (which could affect such things as workman's compensation)
14. We provided contract interpretation in cases involving requests to stop the tenure clock.

15. We prevailed upon the University to examine its policy about not-reappointment research faculty when grant-funding expires

16. other major issues under consideration by CAC

a) Conflict of Interest policy

b) reporting of “sick days” on PeopleSoft when we have now accrual model of “sick days”

If you have questions / concerns involving contract issues, terms and conditions of employment, etc. (or if you are interested in serving on the committee), please contact a member of the CAC:

David Shiman / Education (UA President): 6-1428 / David.Shiman@uvm.edu

* Professor Shiman is on leave in Spring 07; his place is being filled by

Ross Thomson / Economics (UA Vice-President): 6-0182 / Ross.Thomson@uvm.edu

Andrew Barnaby / English (UA Grievance Officer): 6-4151 / Andrew.Barnaby@uvm.edu

Kathy Fox / Sociology: 6-2170/ Kathy.Fox@uvm.edu

Steve Finner / UPV Senior Consultant: 658-3113 / stevef@upvaft.org