

CAC Summary Report, Fall 2018

During summer and fall 2018 the CAC fielded 78 cases, including both new inquiries and ongoing cases from prior semesters. As in prior years, our work consisted of frequent email communication, both internally and to faculty bringing questions or concerns, as well as phone consultations, regular committee meetings, and meetings with Labor Relations (LR).

Below we summarize our recent work across the major categories that CAC typically addresses. In addition to the categories below, we fielded several inquiries around changes or updates in the new CBA, including implementation of retroactive raises, clarifying eligibility for AY 2017-18 raises, confirming timeframe of new review periods, and general questions regarding new compensation amounts. We have been working with LR to finalize details of the new course releases for selected Lecturers under Article 16.4.b, and this process is near completion.

Any questions or concerns about this report can be addressed to contract@unitedacademics.org.

FORMAL GRIEVANCES:

UA filed three formal grievances this fall. **(1)** The first relates to a potential violation of recall rights for a non-reappointed lecturer (the second such grievance on this particular case), focused on two sections of a course they had previously taught. In discussions with LR it was reported that the contested sections were generated by an external department and functioned equivalent to cross-listed courses taught by existing faculty in outside units. As this practice is not prohibited by the CBA, we did not advance the grievance. **(2)** The second relates to the administration failing to provide the \$75/full-time equivalent (FTE) increase in AY 2017-18 Professional Development Funds (PDFs) as negotiated in our new CBA. With no internal resolution, we have advanced this grievance to the Vermont Labor Relations Board and await further developments. **(3)** The third relates to Annual Performance Review / Reappointment, Promotion, and Tenure review guidelines (APR/RPT) in the College of Nursing and Health Sciences. This grievance contends that the process of revisions of these guidelines violates the CBA by substituting college-wide guidelines for departmental guidelines without departmental votes, and by structuring a new category of evaluation that is separate from existing categories specified in the CBA on evaluation and workload. This was filed recently and discussions with LR are pending.

DISCIPLINE/AAEO:

UA assisted several faculty facing potential discipline or AAEO investigation. Specific issues included conflict with students, student complaints of biased language, student complaints of lack of disability accommodation, inappropriate student supervision, and failure to fulfill Title IX mandated reporter obligations upon disclosure of student sexual assault. We joined faculty in all meetings with administration, consulted with faculty on appropriate responses to inquiries, and continue to follow up with affected faculty as warranted. One case resulted in a brief suspension

and sabbatical eligibility delay, and all others resulted in a letter of reprimand or no discipline. We did not find just cause for grieving any imposed discipline.

WORKLOAD:

As expected, workload queries were diverse, reflecting the wide range of faculty roles and responsibilities at UVM. We answered questions about workload forms, timeliness of workload notifications, and gave consultation to faculty who were considering reducing their full-time equivalency (FTE). We responded to faculty questions and concerns regarding requests for enrollment increases and other enrollment-related issues (e.g., relaying CBA language on what happens when a low-enrollment class is canceled). In some cases, we made note of issues that, while deemed not grievable under current CBA language, will be relevant for the next round of bargaining, e.g. granting a teaching overload in a unit after reducing instructional FTE of a different faculty member in the same unit without clear justification.

RPT AND ANNUAL EVALUATIONS:

We responded to faculty inquiries on what activities could and should be included in annual evaluations, how those materials are gathered, and contesting a prior annual evaluation. In the latter case, we noted that per the CBA, annual evaluations are presently not grievable, although faculty can provide rebuttals to evaluations. We also consulted with multiple faculty regarding timelines of the reappointment/promotion/tenure process, and reviewed concerns around an RPT dossier that did not include all CBA-required information.

SABBATICALS:

We responded to several mostly routine faculty questions about sabbatical deadlines and general policies around sabbaticals. However, in one instance, a faculty member had been given incorrect information about sabbatical application deadlines and we assisted with an MOU to allow the delayed semester to count towards their next sabbatical. In another case, we intervened with LR to correct a sabbatical review process that was implemented improperly by a Dean.

(Please note that the next deadline is September 1, 2019 for planned sabbaticals for Fall 2020, **Spring 2021**, and for AY 2020-2021.)

BENEFITS:

We responded to routine questions on tuition remission, the recent dental benefit change, and other benefits, often referring faculty to Human Resources with generally positive outcomes. We assisted a faculty member in obtaining retroactive benefits due to delays from Sponsored Projects Administration on a new grant, and assisted another faculty member in discussions with

LR around family care medical leave and associated workload adjustments so they could care for a partner with significant illness.

MOUs:

We facilitated and signed off on several non-precedential exceptions to the CBA related to incentives for planned retirements and/or faculty-initiated reductions in FTEs.

OTHER INQUIRIES:

We fielded a number of questions that do not easily fit into the categories above. Although not an exhaustive list, these included questions or concerns on: faculty intellectual property rights regarding course development; conflict between a faculty member and a department chair around response to a student concern; appointment letter language for a part-time faculty member transitioning to full-time status; advice for a lecturer whose appointment was non-renewed; discussing with LR and other UVM offices parameters on purchases made via PDFs; and giving advice to a faculty member considering resignation from UVM.

December 12, 2018

Submitted by Grievance Officer Keith Burt on behalf of the Contract Administration Committee (contract@unitedacademics.org)

Fall 2018 CAC members:

Keith Burt (Chair, Psychological Science)
Steve Finner (Consultant)
John Forbes (Theatre)
Dan Krymkowski (Sociology)
Katlyn Morris (Consultant)
Deb Noel (English)
Koela Ray (Biomedical and Health Sciences)