

Grievance Committee Monitors Wide Range of Faculty Issues

Every year, faculty from the Kent and Regional campuses bring a broad array of issues to AAUP-KSU's Grievance Committee. Here are some examples of Faculty concerns addressed by the Committee in the past nine months:

- T** disciplinary actions against Faculty members, including letters written by Chairs
- T** student academic complaint procedural issues
- T** teaching load issues with regard to distance learning courses
- T** workload equivalency issues
- T** research time and scheduling issues for library Faculty
- T** failure to honor the terms in letters of offer
- T** ethnic slurs and intimidating statements by Administrators
- T** denial of tenure/reappointment/promotion
- T** problems with Dean search procedures
- T** contractual violations and Unfair Labor Practices related to negotiations



Jennifer Larson/MCLS, AAUP-KSU Grievance Chair

Why Your Handbook Is Important

Most Faculty know that the Collective Bargaining Agreement (CBA) defines the working relationship between Tenure Track Faculty and the Kent State Administration, and that a violation of the CBA is grounds for a grievance. But did you know that the Handbooks outlining procedures for each Department and School are also part of the contract? Recently, an arbitrator handed down a decision favorable to AAUP-KSU in a case involving the distribution of patent income to Faculty inventors. That decision reaffirmed that the contents of Handbooks and some University Policies are also grievable. **(Continued on pg. 4)**

For some faculty, the first contact with the AAUP-KSU Office sounds something like:

“ I think I want to file a grievance...”

Much of AAUP-KSU’s work involves assisting faculty members with the processing of grievances and appeals. After the contract is ratified, 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 all pending cases and to make decisions about grievances, appeals and settlements. The Grievance Committee files a grievance when it believes that an action by a University administrator has violated the Collective Bargaining Agreement (CBA). If you are not sure whether your concerns rise to the level of a grievance, AAUP-KSU can help assess those concerns and advise you on how to proceed.

If the Grievance Committee determines that an issue is not appropriate for the grievance procedure, it doesn’t mean your issue is unimportant and it doesn’t mean that AAUP-KSU can’t provide assistance. Remember, a “gripe” is not always a “grievance,” but when in doubt, contact a member of the Grievance Committee.

Since last summer Grievance Committee has been busy with **nine grievances, four Step One meetings, five Step Two hearings, two arbitrations, six unfair labor practices, numerous informal resolutions and three Tenure/Promotion appeals.** In addition to processing grievances through the formal grievance and appeals procedure that appears in Article VII of the CBA, the Committee often works 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 the 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.”

If a formal grievance is filed, the Association and the faculty member can still resolve a dispute. Some cases have been settled on the day 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 Kent State. We can be reached at 330-673-9118 or aaupksu@kent.edu.

**Grievance Committee members
2004-2005:**

- Chair, Jennifer Larson, MCLS
- Pervaiz Alam, Accounting
- Moshe Amitay, Emeritus/Music
- Nancy Birk, Emeritus/LMS
- Greg Blundell, NTT, Stark/MIS
- Ken Calkins, Emeritus/History
- David Dalton, Education/EFSS
- Tracy Laux, NTT, Math
- Kara Robinson, LMS
- Deb Smith, Philosophy
- Frank Smith, Math
- Tish Soper, Salem/Technology
- Will Ward, Trumbull/Technology

HOW THE GRIEVANCE PROCEDURE WORKS¹

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 event that initiated the dispute, the contractual violation, and the desired remedy. The grievance form is signed by the grievant and an AAUP-KSU representative.

*All references to days are “calendar days” and time lines may be extended by mutual agreement of the parties.

STEP ONE

Within 15 days after the grievance is filed the Dean or the Vice Provost 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.

STEP TWO²

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.

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 the AAA using the alternate-strike method.

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.

GENERAL PRINCIPLES and PRINCIPLES

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

¹Please be advised that this is only a summary of the provisions of the Grievance Procedure. See also, Article VII, Section 1 of the *Collective Bargaining Agreement*.

²Some grievances are initiated at Step Two.

Handbooks (continued from page 1)

Handbooks cover many issues of interest 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 we do is check the appropriate Hand book. The rules and procedures in the Handbook, formulated as a cooperative effort between Faculty, Chairs, and Deans, help to 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 or School.

What's In YOUR letter of offer?

In recent months, AAUP-KSU has filed two individual grievances and one Association grievance regarding the University's failure to honor the terms in Faculty members' letters of offer. One case involves a tenured Faculty member on a regional campus, and the other involves an Endowed Chair at the Kent Campus. Letters of offer are enforceable contracts between the Faculty member and the University. When it issues a letter of offer, the University has complete freedom to state the terms and conditions of employment and to refrain from making any promises it may not be able to keep if circumstances change. Therefore, the University can and should be expected to honor whatever terms it does propose.



Left to Right:

Tracy Laux/Math/NTT Unit President, **Neil Baasten**/AAUP-KSU Counsel,
Sue Averill/Executive Director AAUP-KSU,
Jennifer Larson/MCLS/ TT Grievance Chair

AAUP-KSU

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at Kent State
for
30 Years

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