

# AAUP

# NEWS

Volume XV No. 3 Dec. 22, 2003

## Unit 2 approves tentative contract

The AAUP Unit 2 Chapter members voted on Dec. 11 to accept a tentative agreement for a new contract. The agreement was recommended by the Bargaining Team and the Chapter Executive Committee.

The tentative settlement was reached during a bargaining session held Dec. 9.

The Cincinnati State Board of Trustees also must vote on the tentative agreement. AAUP Chief Negotiator John Battistone said he expected this item to be on the agenda at the Jan. 27 Board meeting.

If the tentative agreement is accepted by the Board of Trustees, the Unit 2 contract provisions would be

implemented retroactive to Dec. 23, 2003.

The tentative agreement calls for a three-year contract with across-the-board salary increases of 4 percent each year.

Health benefits will remain non-contributory, with members of Unit 2 moving to the same health insurance as Unit 1, including a "cafeteria" style plan with the College paying the total cost of Anthem Blue Preferred health insurance coverage, a three-tiered fee system for prescription drugs, and an increase in dental plan coverage (individual limits increased from \$1,000 to \$2,000).

The workload and tenure articles of the Unit 2 contract

will remain the same as in the current contract.

The \$2,000 "pool" for paying tuition reimbursement will be removed; any Unit 2 member who completes accredited college courses with a grade of "B" or better will be reimbursed at a rate of 75 percent of tuition paid, to a maximum of 15 credits per year.

In addition to John, the AAUP negotiating team included Ron Craig and Geoff Woolf.

AAUP Chapter President Pam Ecker said that a petition has been filed with the State Employment Relations Board concerning one member of Unit 2. (See related story on p. 7.)

## FACT discussions of hiring processes end unsuccessfully

Efforts to make changes to Cincinnati State's hiring procedures through collaboration in the Faculty / Administration Communication Team (FACT) have concluded without success.

AAUP Chapter President Pam Ecker said that at a FACT meeting on Nov. 21, the administration presented a "take it or leave it" proposal for changes to Section II of the

College *Administrators' Manual*, which covers "Procedures for Selection and Appointment of Personnel." This information is incorporated by reference in the Faculty Unit 1 and Unit 2 contracts, except when modified by specific contract provisions.

Pam said the AAUP Executive Committee examined and discussed the administration's proposal, and sent a response to the administration's FACT

representatives on Dec. 3.

Pam said the AAUP Executive Committee did not endorse the "take it or leave it" proposal, primarily because the document begins with the statement that the President of the College can supersede all policies whenever he chooses to do so. (See pages 3 and 4 for the full text of AAUP's response.)

see *FACT discussions/ 2*

## **FACT discussions conclude/continued from 1**

Pam said the administration's FACT team members sent a letter to the AAUP Executive Committee on Dec. 12.

In this letter the administrators say they will recommend to President Wright's Executive Team that the Nov. 21 proposed changes to the *Administrators' Manual* should be implemented, even if the AAUP representatives do not endorse the changes. (See pages 5 and 6 for the full text of the administration's letter.)

"It's true that the administration's proposed policy changes include a few of the hiring concerns that had been identified as shared interests during our many months of FACT discussion," Pam said.

"However, the first page of the administration proposal says that all the procedures in the *Manual* can be replaced with 'special methods and procedures' whenever the President determines that 'special or extraordinary circumstances' exist," Pam added.

"A policy that becomes moot whenever the President wants to do something else is no policy at all," Pam said. "That's one of the biggest problems we had hoped to fix through our FACT discussions."

### **Hiring concerns continue**

Pam said, "It's tremendously disappointing to the AAUP Executive Committee that a year after discussions began, the administration admitted they were unwilling to make meaningful and substantive changes to our hiring processes and procedures."

"The FACT committee started working on these issues in November 2002," Pam said.

"During Winter and Spring of 2003, we spent extensive time defining problems, making lists of shared concerns, examining data, and talking about our desire to create a set of hiring processes that would be perceived by all members of the College community as efficient, consistent, and trustworthy."

"The faculty representatives on FACT made many attempts to provide new policy proposals that would clarify, streamline, and genuinely improve several aspects of our hiring processes," Pam said.

Debbie Bogenschutz said that the Faculty FACT team offered recommendations that would have clarified the existing College policy language concerning use of adjuncts. Debbie said another Faculty proposal would have eliminated the frustrations associated with positions being offered to candidates who are not recommended by screening committees.

"That problem has affected hiring for faculty, staff, and administrative positions," Debbie said.

Debbie said the Faculty team also offered a recommendation to define an "interim" position as one that would last no more than a year, and then would be opened to the standard search process.

Debbie said the administration team did not incorporate these recommendations into their final proposal.

Faculty FACT Team member Marcha Hunley said that the administration's final document did incorporate a number of recommendations that, if implemented, would add some efficiencies to hiring processes.

"Much of the language the

administration found acceptable to include in a revised *Administrators' Manual* refers to procedure changes that could have been implemented without having labor/management committee discussion," Marcha said. "Some of these changes have been discussed in various committees and quality teams for several years."

Pam said, "I can recall that in December 2002, President Wright said that making improvements to hiring processes was one of the most important tasks the College needed to accomplish."

"A year ago, the President said that we needed to 'get hiring fixed' so that Cincinnati State would be able to consistently attract the best candidates for every open position, and not let good people get away," Pam continued.

"The changes the administration plans to make in the *Administrators' Manual* won't fix some of the most serious long-standing problems," Pam said. "The Faculty Senate is finding it increasingly difficult to recruit faculty members who are willing to serve on hiring committees," Pam added. "The Senate recently sent a letter to Mr. Breyer expressing concerns about continuing problems related to hiring." (See the letter on page 3.)

"A year after the FACT discussion started, it finally became evident that the administration didn't really want to make the most meaningful and necessary changes to our hiring policies," Pam said.

"Perhaps we'll be able to accomplish something significant in the future, when we're back at the bargaining table," Pam concluded.

# AAUP Executive Committee Memo: “We cannot endorse your proposed hiring procedures.”

**To:** Gene Breyer, Co-Chair,  
FACT

**From:** AAUP Executive  
Committee

**Re:** Administration’s FACT  
proposal of November 21, 2003

**Date:** December 3, 2003

As promised at the November 21, 2003, FACT meeting, the faculty representatives have presented to the AAUP Executive Committee your most recent proposal regarding the Selection and Appointment Policies which have been under discussion pursuant to Article VI (E) (4) of the Agreement.

The AAUP Executive Committee cannot and will not endorse your proposed

procedures and would like to note its disappointment in the results of these discussions. For the record, the Executive Committee makes the following comments.

We believed from the beginning that there was a mutual goal of reviewing the entire Selection and Appointment chapter of the *Administrators’ Manual*, with the objective of creating a new and superior set of procedures that would be implemented and followed by all parties.

Our FACT representatives made it specifically clear from the outset that the current policy disclaimers allowing the president—and, in some cases, vice presidents and deans—to

circumvent policy and procedure at their discretion were part of the problems with the current hiring situation and would not be acceptable in any recommendations for change that the faculty could endorse. We understood it to be a shared goal to create a process in which all parties could have faith and trust. Your proposed plan would not do so.

After months of discussions, you presented a take-it-or-leave-it ultimatum which, in its very preamble, makes clear that no set of procedures will be followed if the College president decrees (whether reasonably or arbitrarily and capriciously) that some other procedure will do.

**see AAUP Memo/4**

## Faculty Senate seeks improved hiring processes

To: Gene Breyer

From: Diane Stump, Faculty  
Senate President

Date: Nov. 13, 2003

Re: Hiring Processes

The Faculty Senate is concerned about the increasing number of problems and anomalies in our hiring processes.

Over the past six months the Senate has been asked repeatedly to replace faculty members assigned to screening committees, or to allow hiring processes to proceed without some of the appointed faculty representatives.

These changes to established committees were requested by the Human Resources Office usually because interviews had been scheduled without assessing faculty schedules, or because after delays in carrying

out some hiring-related activities, “hurry up” procedures were put into effect.

The Faculty Senate appoints specific faculty members to serve on screening committees based on a number of criteria.

We believe it is important to have faculty representation from inside and outside the division or department for every process that leads to an offer of employment as a faculty member.

Cincinnati State faculty members are not just employees of a specific department or division; they are members and representatives of the entire College community.

More than once, the Senate has been asked to forgo or to change our appointed representation in order to meet other needs deemed important by the Human Resources Office. We

have tried to accommodate the requests from the HR Office in order to be “team players”—but these requests are becoming too frequent.

Additionally, faculty members who have agreed to serve on hiring committees (for faculty and non-faculty positions) continue to report problems such as lack of clear and consistent communication between the HR Office and screening committee members, and lack of efficient action by the HR Office on tasks such as getting in touch with candidates to schedule interviews.

We urge the HR Office to organize and monitor hiring processes in a way that will ensure both efficiency and integrity in carrying out contractual agreements concerning hiring.

## AAUP Executive Committee Memo/ continued from 3

The administration's FACT representatives made haste to note that, historically, the College has followed its procedures (however flawed) in 95 percent of appointments, as if this were somehow laudatory.

The AAUP Executive Committee is not interested in calculating whether this arithmetic is accurate or not, since this statistic is, at best, meaningless, and, at worst, cynical.

Failure to follow procedures in the past (even if only in five percent of cases) has resulted in:

- the appointment of individuals who are ill suited to the specifications of their jobs;
- the appointment of individuals to indefinitely "interim" positions, who are then simply appointed by executive fiat without benefit of any true effort to seek out and employ the best qualified people;
- the appointment of individuals to positions for which many perceive them to be

demonstrably and measureably incompetent;

- the appointment of part-time, adjunct faculty to essentially full-time jobs without benefits of any kind.

Nothing in a collective bargaining relationship (or in a FACT-style labor/ management committee) requires that the parties agree on issues. However, there is a requirement that the parties act in good faith.

beginning of discussions on this agenda item.

If the administration knew all along that it had no intention of agreeing to the elimination of the disclaimers which AAUP stated repeatedly were objectionable, it had the obligation to say so at the outset. Instead, we had a number of meetings over a number of months, all of which amounted to a colossal waste of our valuable time.

Perhaps these issues are better suited for the next round of contract negotiations, when there may be a greater willingness to make substantive compromises.

Submitted with all due respect,

AAUP Executive Committee

(signed)  
Pamela S Ecker;  
Joyce Rimlinger;  
Paul Davis;  
Geoffrey Woolf;  
David Simmermon;  
Ron Craig;  
Robert W. Eveslage

**“We understood it to be a shared goal to create a process in which all parties could have faith and trust in our hiring procedures. Your proposed plan would not do so.”**

Even if our belief that we shared the goals and objectives enumerated above is incorrect, the AAUP's interests were made abundantly clear from the

# AAUP

# Administration FACT team memo: “Management must deal with special circumstances in hiring when necessary.”

**To:** AAUP Executive Committee

**From:** Administration FACT Representatives

**Date:** December 12, 2003

**Re:** AAUP 12/3 Memorandum concerning FACT discussions on Selection and Appointment Procedures

We are in receipt of your December 3, 2003 memo regarding the outcome of the discussions of FACT in respect to the College’s Selection and Appointment Procedures. Needless to say, we are disappointed in the AAUP’s position.

The biggest source of our disappointment is the fact that the AAUP, in basing its rejection of the total product on its failure to obtain one of its expressed interests, is ignoring all of the positive improvements in the procedure that resulted from the discussions, including a specific “definitions” section, an expedited process for position approval, new procedures for dealing with anticipated vacancies and failed searches, procedures for insuring that hiring expectations are determined and understood early in the process, a more flexible committee interviewing process, more expeditious reference checking, and a broadening of the screening committee’s responsibility relative to its recommendations.

Many, if not all, of these recommended improvements in the process contained in the final draft address interests expressed by the AAUP (and the SEIU) in the discussion over the past months.

Instead of embracing these improvements and joining with the Administration’s FACT representatives in recommending them, the AAUP

against the best interests of the College.

The contractual charge to FACT was to “examine the College’s selection and appointments procedures regarding the faculty and administrative positions described above, with a goal of recommending possible improvements” (emphasis added). In our view, we have met that charge, short of actually making recommendations.

The College’s initial agreement to expand the discussion to the entire Selection and Appointment Procedure (and to add other stakeholders to the discussion) was a good-faith recognition that these processes affect the entire College. As the AAUP

recognizes in its memo, there is no contractual requirement that the parties come to agreement on items they discuss. There is also no such requirement to agree implicit in the College’s willingness to place items on the table for discussion.

To accuse the administration of bad faith for failing to agree with the AAUP on a single issue, regardless of how important the AAUP considers that issue to be and how clear it made its position known, is disingenuous at best.

The AAUP presents in its response a number of “consequences” (unsupported by any data) that it purports to result from failure to follow

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is conditioning its approval on achieving its desire that the College (and its President) abdicate its legal and contractual management right to hire in the best possible manner employees not covered by its collective bargaining agreement with the AAUP and whose hiring is not covered by its provisions.

That best possible manner of hiring such employees will be in the vast majority of cases the procedures under discussion here. But to prohibit the administrators of the College from exercising their responsibility to use their discretion in dealing with exceptions and special circumstances is contrary to their role as managers and

## Administration FACT memo/ continued from 5

stated hiring procedures in the past.

Even the best designed systems, when followed to the letter, sometimes result in failed hires, a fact recognized in our discussions. This fact does not justify the elimination of management's ability to deal with special circumstances in the hiring process when not contractually limited.

Finally, the AAUP accuses the College of issuing an "ultimatum" and of wasting its time with months of discussion. First of all we do not consider the presentation of a final position on this subject after over ten months of discussion as an ultimatum. There is a point at which further discussion does not result in improved outcomes. We believe that we have reached that point.

As for the AAUP's contention that "if the administration knew

all along that it had no intention of agreeing to the elimination of the disclaimers which AAUP stated repeatedly were objectionable, it had the obligation to say so at the outset," we can only say that the College at no time expressed any interest in agreeing to remove the language at issue from the Selection and Appointment Procedures.

Had the AAUP made it clear to the College at the outset that the elimination of this language was a pre-condition for the AAUP's agreement on anything, then surely the discussions would have terminated earlier. As it was, we felt that there are positive outcomes, and that our time, therefore, has not been wasted.

It is our intent, as administrators, to recommend to the Executive Team that the changes to the Selection and Appointment Procedures as

outlined in the November 21, 2003, draft be incorporated into the *Administrators' Manual*. It is our hope that FACT, by consensus, will join in that recommendation after having contributed such valuable input.

However, if the AAUP feels that it must include these issues in the next negotiation of a successor collective bargaining agreement, as it has in all previous negotiations, it has every right to do so.

(signed)

Eugene L. Breyer, Jr.;  
Carolyn H. Anderson;  
Monica J. Posey;  
William N. Rollins, Jr.;  
Marianne Krismer;  
Sharon Davis

### Background: FACT discussions of hiring began one year ago

The FACT discussions of possible improvements to hiring processes began in November 2002. The FACT committee had the task of recommending possible improvements in hiring processes by the end of Spring Term 2003.

FACT is a contractually-established standing committee that has been in existence since the first Faculty contract was signed in 1990. Six members are appointed by the AAUP and six by the College President.

According to John Battistone, the FACT mandate to recommend improvements in hiring resulted from the

contract negotiations of summer 2002.

"The faculty made several proposals for changes in the processes for selection and appointment of faculty members and some academic administrators," John said.

"We didn't reach agreement on all of those proposals, but we did agree to extend the discussion as part of the FACT agenda," John said.

"Once FACT meetings got started in November 2002, we also agreed to a request from Human Resource Director Gene Breyer," John said. "Mr. Breyer asked us to add representatives from SEIU to the FACT

discussions, so there would be an opportunity to address faculty, staff, and administration concerns about problems and shortcomings in our hiring processes."

The faculty FACT members who attended meetings related to hiring are John Battistone (co-chair), Debbie Bogenschutz, Pam Ecker, Marcha Hunley, and Ken Stoll.

Administrators in these meetings included Dr. Carolyn Anderson, Gene Breyer (co-chair), Sharon Davis, Dr. Monica Posey, and Bill Rollins.

The SEIU was represented by Karen Merten and Melissa Scott.

## AAUP seeks SERB resolution of Unit 2 dispute

Cincinnati State AAUP has filed a Petition for Clarification of the Bargaining Unit with the State Employment Relations Board (SERB) concerning a faculty member who the AAUP believes has been assigned incorrectly to AAUP Unit 2 instead of AAUP Unit 1.

According to Chapter Grievance Officer John Battistone, the AAUP is asking the SERB to investigate the assignment of the new position Advisor/Counselor, Humanities Division, to AAUP Unit 2.

John said the duties and responsibilities of this faculty member are the same as those of the Humanities Advisor who is in Unit 1.

The new full-time Humanities Advisor/Counselor position started in Early Fall Term.

"AAUP Unit 2 represents those faculty members whose jobs were created as a result of grant funds," John said. "The administration is claiming that the new Advisor/Counselor position in Humanities is also a

job that was created by Perkins grant money."

"At Cincinnati State, the Perkins grant money has been used for many years to pay a portion of the salaries of the Pre-Tech Advisors in Business, Health, and Engineering, and those faculty jobs are in Unit 2," John said.

John said that the rules for Perkins grant funding indicate that Perkins-funded advisors should be those who work with "technical and vocational students" and other student populations that are specifically identified in the Perkins grant criteria.

"For ten years, Cincinnati State has been offering non-technical degrees in Arts and Sciences, and those students have been advised primarily by full-time Unit 1 faculty," John said. "In fact, in 1994 when CTC became Cincinnati State, the administration told the Board of Regents that a new full-time faculty advisor would be hired to assist students seeking Associate of Arts and Associate of Science degrees."

"The Humanities Division does not assign 'pre-tech' students to different advisors or meet the other standards that the rules for Perkins funding seem to require," John said.

"However, the administration claims that they have permission from the Department of Education to use Perkins grant funds to pay part of the salary of this new full-time advisor," John said.

"The only difference between the two full-time Humanities Advisors is that one gets a term off and the other does not," John continued. "Otherwise, their daily responsibilities and the types of students they advise are exactly the same."

"The AAUP believes that SERB needs to investigate this situation and then rule on whether the Humanities Advisor/Counselor job--which is different from the Pre-Tech Advisors' jobs--has been incorrectly placed in Unit 2."

John said he anticipates that the SERB will hold hearings about this case in early 2004.

## Ohio AAUP joins State retiree health care coalition

The Ohio Conference of AAUP has joined with groups representing all of Ohio's public employee unions, as well as representatives of the five State pension systems and representatives of public employers, in forming a Coalition for Public Retiree Health Care.

The goal of the group is to "identify the common issues and devise policy recommendations that would provide quality, affordable health care for Ohio's public

retirees while maintaining fiscally sound pension systems."

The Coalition held an initial meeting on Dec. 8 at the STRS office in Columbus.

The Ohio Conference of AAUP was represented by David Patton, an Ohio State professor who serves as head of the Ohio AAUP Committee on Government Relations.

Currently, two bills are being considered by the Ohio legislature concerning oversight of Ohio's state employee

pension systems. It is expected that some form of legislation will be sent to the Governor in the near future.

For more information about the Coalition or about other State AAUP activities, contact Paul Davis. In addition to serving as a chapter officer, Paul heads the Ohio AAUP Committee on Two-Year College Concerns.



**AAUP**  
*Wishes You*  
*a Peaceful Holiday Season*  
*and a*  
*Prosperous New Year*



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