

NEWS

AAUP files grievances and ULPs for contract violations affecting faculty hiring

During Fall Semester 2024, Cincinnati State AAUP has filed three grievances and two Unfair Labor Practice charges because of contract violations committed by the College's Human Resources Department.

- **Grievances** are handled using internal process steps described in the AAUP contract. College administrators including VP of Administration Steve Morris review and respond to the AAUP concerns described in grievance documents.

- An Unfair Labor Practice

(ULP) charge is presented to the State Employment Relations Board (SERB) and asks this state agency to investigate the contract violation.

SERB is the monitoring agency for all activities that involve Ohio labor unions comprised of employees at K-12 schools and higher education institutions, as well as many other state agencies and organizations.

AAUP Chapter President Abbey Yee said, "It's rare for our Chapter to file formal grievances, and even more unusual to

take our concerns to SERB for investigation."

"However, the number and extent of contract violations involving the HR Office made these actions necessary."

The College administration has responded to the grievances, and the ULP steps are in process.

One grievance filed by AAUP concerned HR's failure to implement contract language that permits incoming faculty members to try to negotiate for a

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All full-time faculty members are invited to an

AAUP Chapter Meeting

Monday, Nov. 4 • 3-4:30 p.m.

Main Bldg. Conference Center

- **Discussion: "AAUP 101 for new faculty"**
(and anyone who wants to review your contractual rights)

- **Service Activity: "Student Success Packs"**
(assemble bags of treats & motivational messages to give to students)

Plus refreshments!

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starting salary that is higher than the contractual minimum.

In some cases, HR personnel have told incoming faculty members that the AAUP contract prohibits starting salaries that are above the minimum given in the contract.

However, the AAUP contract does not include this limitation, and recently-added contract language specifies possible reasons for setting a starting salary that is higher than the minimum.

The administration's response to this grievance acknowledged what they called "miscommunication as to the meaning and effect of the contract language." In addition, the administration's response said training would be provided to HR personnel who are involved in faculty hiring.

The SERB has not yet taken action on the ULP that AAUP filed because of this contract violation.

Another AAUP grievance concerned the administration creating conditions of employment that are outside of contractual provisions and making these extra-contractual conditions part of a new faculty member's offer letter.

- The conditions included telling the incoming faculty

member they would not be eligible for the contractual 3% raise all faculty received in August 2024, because the administration had agreed to a starting salary above the minimum.

- In addition, this faculty member was told that if they did not stay at the College for at least three years, they would need to "pay back" part of their salary.

The administration's response to this grievance acknowledged what they called an "unintentional error" in the offer letter and also apologized for the "oversight in adherence to the contract language."

The administration's response also said the affected faculty member would receive a revised offer letter and that any missing pay would be restored.

The grievance response from the administration said training would be provided for administrators and HR personnel who are involved in hiring new full-time faculty members.

The SERB has not yet taken action on the related ULP that AAUP filed.

A third AAUP grievance concerned HR's failure to deliver to the AAUP copies of offer letters provided to new faculty members. Providing copies of

offer letters to the AAUP is a provision of the current contract.

Copies of offer letters were provided to AAUP, ten days after the grievance was filed, for faculty hired during the past several months.

While reviewing these letters, AAUP discovered numerous errors, including:

- incorrect names and addresses for newly-hired faculty.

- inclusion of provisions that do not apply to members of the AAUP bargaining unit.

- failure to implement contract provisions, such as supplying new faculty members with a link to the current AAUP contract. Instead, some new faculty received links to out-of-date AAUP contracts from past years.

AAUP Contract Compliance Officer Greg Klein said, "The problems described in the grievances and ULPs we filed are part of a pattern of HR failures that has been going on for years."

"We've tried to solve these problems informally through discussions with HR staff and with senior College administrators, but the errors and the lack of attention to the language of the contract haven't stopped."

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AAUP Happy Hour!

Wednesday, November 6, 2024 | 4 to 6 p.m.

**Esoteric Brewing Company
918 E. McMillan St., Cincinnati 45206**

**(AAUP is happy to facilitate comradery & conversation
but please plan to purchase your own food & drinks)**

FACT begins discussing how implementing the new Learning Management System will affect workload

A group of faculty members and administrators has started weekly meetings to discuss how faculty workload will be affected by the impending change from Blackboard to Brightspace as the College's Learning Management System (LMS).

These meetings, which began October 17, are attended by members of a Faculty / Administration Communication Team (FACT).

FACT was created as part of the first AAUP contract in 1990. This mechanism has been used many times to resolve problems and address concerns that arise during times when there are no formal contract negotiations underway.

The membership of FACT varies, depending on the issue.

When the College changed from a five-term calendar to a semester calendar, a FACT team developed standards for workload release/compensation for faculty to convert all courses to the new system.

Faculty representatives on the LMS FACT team are Scott Horn, Julie McLaughlin, Peggy Rolfsen, and AAUP Chapter President Abbey Yee.

The administration's FACT members are Stephanie Stafford (Associate Dean of Teaching and Online Learning), Yvonne Baker (Dean, Business Division), Geoff Woolf (Dean, Humanities & Sciences), and Beth Hamon (Associate Dean, Health & Public Safety).

The current AAUP contract includes language (in Appendix B) related to an LMS change.

This language states that AAUP and the administration will meet to "develop standards

for providing faculty bargaining unit members with work release units that are equitable and comparable to peer institutions for completing any required modifications to their electronic course materials" as a result of College adoption of a new LMS.

The contract language was established in Summer 2023, in anticipation of an LMS change.

The decision to change from Blackboard to Brightspace was confirmed in September 2024, after extensive examination and evaluation of LMS options by faculty members and administrators.

The changeover from Blackboard to Brightspace as the College LMS is expected to be completed by Fall 2025.

At the first FACT LMS meeting the group agreed to meet weekly until the end of Fall Semester. Additional meetings will be scheduled if needed.

Faculty representatives said the meetings so far have included "meaningful discussions" about the timeline for LMS transition, the type and amount of training that will be provided by the vendor, Brightspace, and how information about the LMS change will be communicated to faculty.

"Before we can start in-depth discussion of how much time and effort will be needed for faculty to change their courses from Blackboard to Brightspace, other parts of the transition process needed to be clarified," Julie said.

"Stephanie and other College personnel have been meeting with Brightspace to work on some of the technical issues involved the transition," Julie added.

"Those discussions aren't complete, and some of our conversations about workload will be affected by the technical implementation, including support that Brightspace will provide to move individual courses from the Blackboard platform to Brightspace."

"A lot of things related to the LMS change aren't locked down yet," Abbey said.

"AAUP members of the FACT team are concentrating on trying to clarify the details, so we can make well-informed recommendations on the kind and amount of workload release that might be needed."

"We will be definitely communicating with faculty members as we move forward with this work," Abbey said.



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"Telling incoming faculty members that they can't negotiate for a salary above the minimum and 'blaming' the AAUP contract has been happening for a while, and more than one past HR Director has made this false claim," Greg said.

"During our most recent bargaining in Summer 2023, we added language to the Compensation section of the contract to make it clear that the administration can offer starting salaries that are above the minimum," Greg continued.

"The new contract language

even spells out the criteria that can be applied to support a higher starting salary."

"Despite the new contract language, HR has continued to persist in the false claim that the contract prevents higher starting salaries, or they attach 'special' provisions, outside of the contract, as conditions for a higher salary."

Abbey said, "AAUP hopes that by filing these grievances and getting the SERB involved, the College administration will finally address ongoing HR problems."

"The training they have

promised in their grievance responses has been promised in the past. We hope the administration's next steps will actually resolve these problems."

"Employees who are dealing with HR, whether at the start of their employment or later on, need to receive professional service that doesn't violate the AAUP contract," Greg said.

"Although we hope for meaningful and permanent solutions to these problems, AAUP will file more grievances in the future, if needed."

AAUP meets with committees to review contractual responsibilities

AAUP officers are meeting with faculty members on contractually-established committees to ensure that group members understand their contractual responsibilities.

These groups include the Tenure Committee, the Sabbatical Review Board and the Budget Advisory Team (BAT).

AAUP Contract Compliance Officer Greg Klein said, "These three groups have unique responsibilities and in some

cases have procedures that are described in the language of the AAUP contract."

"AAUP officers try to set up meetings with the faculty serving on these committees at the start of each academic year, so if the faculty reps have questions or concerns, they can be addressed before the groups are deeply involved in their annual activities."

Faculty vote for divisional representatives to serve on the Tenure Committee and the

Sabbatical Review Board.

The Budget Advisory Team is an administrative committee with faculty representatives who are appointed by the Faculty Senate. The BAT responsibilities are described in Article 6 of the AAUP contract.

Several other shared governance committees listed in Article 6 are organized under guidelines established by the Faculty Senate, and members are appointed by the Senate.

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