Bargaining Report #4, April 2020

Session 4—Tuesday March 31, 2020, 1-4
Virtual Meeting using the Zoom platform

United Academics (UA) Team: Jane Knodell (lead negotiator) Joel Goldberg, Deb Noel, Don Ross, Katlyn Morris, Erica Andrus (acting note-taker)

Administration Team: Nick DiGiovanni (Counsel, lead negotiator), David Jenemann, Stephanie Dion (HR), Mary Brodsky (Labor Relations), Jim Vigoreaux, Abigail McGowan, Linda Shadler (Dean, CEMS)

After roll call, the teams agreed on procedures for the Zoom meeting, including private breakout rooms for caucusing and the assurance that no one was recording the meeting.

Background: Although the March 31 session had been the agreed-upon deadline for new proposals, including economic proposals, UA’s bargaining team received an emailed request from the Admin team to delay economic proposals until May 15 due to uncertainties related to the pandemic, offering that any contract settled by December 31, 2020 would be retroactive to July 1, 2020. UA’s bargaining team was ready to present the remainder of our proposals, economic and other, at this March 31 session, but after some deliberations, UA’s team agreed that we were open to discussing delaying economic proposals. UA’s team also asserted that retroactivity is expected regardless of when a final agreement is reached. In response, the Admin team agreed to open the meeting with discussion, and Admin agreed to retroactivity with no particular date limitation.

Opening discussion: UA opened the bargaining session acknowledging that the university community is experiencing a crisis that needs everyone’s full attention; the health and well-being of faculty, staff, students and our broader community should be our focus at this time. Furthermore, UVM is in an uncertain position economically, which makes bargaining difficult for everyone involved. Accordingly, UA introduced the concept (not yet a formal proposal) of a one-year extension of the current contract, maintaining all provisions in the current contract and including an across-the-board cost of living salary adjustment for the year of the extension. Under this plan, UA suggested that bargaining would be resumed in October, 2020 (following the Fall add/drop period) with a goal of completing negotiations swiftly.

The Admin team agreed to consult with upper administration and notify UA within one week (by Tuesday, April 7) of a decision as to whether they would consider negotiating a one-year extension.

The remainder of this session was devoted to non-economic proposals and counterproposals.

The Administration’s team

Article 13.10: Discipline and Sanctions.
Administration is proposing sweeping changes to the article addressing discipline leading to terminations or suspensions of tenured faculty. Most notably, they proposed **eliminating the faculty committee** currently intended to conduct a “full and fair hearing,” the committee’s report to the President, and the President’s referral of the case to the Board of Trustees for a final decision.

The Admin team described their draft proposal as a “streamlining” of the process, which they characterized as outdated and overly complicated. In their draft, the decision to terminate or suspend would be initiated by a Dean and determined by the Provost. Faculty facing termination or suspension would have the right, under certain conditions, to appeal the Provost’s decision to the President. Should the President affirm the Provost’s decision, the faculty member could bring a grievance before the Vermont Labor Relations Board.

Along with their previous proposal for 14.3, “Substandard Performance for Tenured Faculty,” this new proposal to remove the faculty committee would enact a dramatic erosion of due process and faculty governance.

**Article 22.1: Sabbatical and Professional Development Leaves**

Put simply, the Administration’s proposal **eliminates sabbaticals** for Clinical, Extension and Research Associate and Full professors and eliminates professional development leaves for faculty not eligible for sabbaticals.

Further, their proposal **reduces the salary for full-year sabbaticals from 77.3% to 50%**. Lastly, for new hires, the approval of time accumulated toward sabbatical leaves at other institutions would have to be granted at the time of appointment (no later).

The Admin team characterized the 50% salary for full-year sabbaticals as more aligned with peer institutions. Salary for half-year sabbaticals would remain at 100%.

**UA’s team**

In caucus with UA’s bargaining team and faculty observers, UA decided to postpone presenting our economic proposals until the next session after hearing back from the Administration about a contract extension. Our team then turned to our counter-proposals regarding diversity and inclusion. The following proposals counter the Admin’s draft proposal wherein faculty would “adhere to” the Board of Trustees’ “Statement on Diversity,” which “may be amended from time to time.” UA’s team regards any language referencing policies external to the contract, which may be changed by other parties at any time, as a threat to our right to bargain the terms and conditions of our employment. UA remains committed to diversity and inclusion, so we developed counter-proposals, drafted in consultation with our Executive Council and members, that bring meaningful investments and commitments to diversity and inclusion on campus.

**Article 5: Anti-Discrimination**

UA’s team proposed a title change to this article, which would henceforth be: “Anti-Discrimination, Diversity and Inclusion.” In this new draft proposal, we hope to secure at least $500,000 over the course of this next contract to be dedicated to recruitment of two tenure-track faculty of color, with any remaining funds to be used for diversity and inclusion initiatives that support further recruitment and retention of faculty of color. A sub-committee of the President’s Commission of Inclusive Excellence, comprised of six faculty members of the bargaining unit appointed by UA and six members selected by the Provost, would be formed to determine how funds dedicated to this effort would be allocated. The
proposal also requires that the Administration provide UA with available data regarding the race, gender, rank and type of appointment of bargaining unit members to be better able to track and support recruitment, retention and equity for faculty of color.

**Article 14.5.e: Evaluation Criteria (i. Teaching and Advising, iii. Service)**

This counter proposal was developed to build on and improve the Administration’s proposal to add a fourth and separate evaluation criterion of diversity and inclusion. UA’s team added language to this article reflecting and affirming ongoing efforts in units across campus to include diversity and inclusion as a consideration in evaluative criteria. Our proposal focuses on the “Teaching and Advising” and “Service” criteria in this article. Among the “prime indicators” of effective teaching, the proposal adds “evidence of consideration of and/or incorporation of diversity and inclusion in the classroom, advising and/or mentoring, as appropriate,” and in the section of the article that addresses measures and methods of evaluation, the new proposal adds examples to the list of indicators that may be included: “serving as an advisor to student clubs or organizations that promote diversity and inclusion on campus,” “attendance at workshops and/or other professional development events regarding inclusiveness in the classroom” and “attendance at workshops on non-discrimination, sexual harassment and diversity.” In the section that lists activities faculty may reference as evidence of service to the university, the proposal includes as an example: “involvement in local, state or national organizations that promote diversity and inclusion in society.”

Efforts to revise annual evaluation guidelines are afoot across campus, and the team believes that our proposals advance diversity and inclusion while also protecting faculty autonomy and intellectual freedom.

**The next bargaining session is currently scheduled for April 14 at 12pm (again on Zoom). Please stay tuned for news regarding a possible one-year extension or the continuation of negotiations and presentation of economic proposals. Depending on what happens over the next 10 days, it is possible that there will be a vote on whether to approve a one-year contract extension before the end of the semester. This will be a topic of discussion at our Spring Members Meeting on Wednesday, April 8 from 3:30-5:30. Please plan to join us at that meeting if you have questions or feedback for the bargaining team.**

Sincerely,

Your United Academics Bargaining Team: Jane Knodell (lead negotiator) Joel Goldberg, Deb Noel, Don Ross, Katlyn Morris