



United Academics CAC Summary Report, Summer 2021, Fall 2021 and Spring 2022 Semesters

Overview: During our Fall 2021 and Spring 2022 semesters, our United Academics Contract Administration Committee (CAC) fielded approximately 150 separate inquiries. In many of these cases, we were able to assist faculty directly by answering questions. Many other cases were more complex and required some intervention through our CAC bringing the issue to UVM Labor and Employee Relations (LER), who would contact the relevant college or department to get answers or to correct an error. Sometimes we are able to discuss a case with LER and work through a process of informal resolution. Other times, when there is disagreement on the interpretation of the contract or when the administration is not willing to take steps to resolve an issue, we file a formal grievance and follow the Article 12 grievance process, which takes many months to resolve. This past year, we filed an unusually high number of grievances due to so many violations and the inability to work through informal resolution with the administration.

Below, we summarize representative work for the past academic year across the major categories of the Collective Bargaining Agreement (CBA) that the CAC typically addresses.

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

FORMAL GRIEVANCES:

We filed 17 formal grievances during this academic year. Three of these grievances related to the arbitrary non-reappointment of several non-tenure track faculty members, followed by the administration recalling them but not honoring the severance payment provision required by the CBA in cases of non-reappointment of Senior Lecturers. We advanced that grievance to the Vermont Labor Relations Board, had the hearing at the Board in June, and recently reached a settlement that the affected faculty members would receive their full 4-year reappointments. **After a 13-month grievance process, this was a satisfying victory!** Although the ideal would have been for the administration to grant the reappointments sooner, we accomplished this outcome through our union's persistence and by building a strong case. We also filed a grievance on the arbitrary non-reappointment of a non-tenure track faculty member. We prevailed in that grievance and the faculty member was reappointed as a result of our efforts.

Another grievance that we filed one year ago is ongoing and at the stage of the Labor Board, involving the termination of a non-tenure track faculty member due to errors,

despite strong performance evaluations and without just cause or any steps of progressive discipline.

We also successfully resolved a grievance filed last summer, to contest the involuntary reassignment of a tenured faculty member from one department to another.

We filed a grievance and Unfair Labor Practice concerning the administration modifying retiree benefits without bargaining with United Academics. This case is ongoing, awaiting a hearing at the Labor Board. We also filed several grievances related to details included in letters of reprimand.

Another grievance involved the arbitrary denial of a sabbatical, although we did not win in part due to the latitude afforded to the Provost's office in CBA language around approving or denying sabbaticals.

UA succeeded in a grievance we filed on behalf of a part-time faculty member relating to accessing Professional Development Funds which are ensured by the part time Collective Bargaining Agreement.

We filed several grievances that cover issues affecting the full membership, two of which are awaiting hearings at the Labor Board. One relates to the new requirement that all faculty complete a conflict of interest/conflict of commitment disclosure, which should have been bargained with UA since the prior Conflict of Interest policy is specifically referenced in the CBA. Another was filed to contest the administration adding language to the new RPT guidelines without bargaining it.

This summer, we have filed several new grievances relating to process. One grievance focuses on the CAS Dean's involvement in the course equivalency guidelines revision process and insistence on consistency between departments. The CBA language is clear that this should be the purview of departments (faculty and Chair), and specific CE policies are not uniform between departments. We recently filed another grievance with a similar theme, on the CESS Dean's direction of RPT and APR revisions which should be driven by department faculty. A third recent grievance addresses the issue of Rehabilitation and Movement Science changing the working conditions and worksite location of faculty by creating a new requirement for specific clinical placements.

DISCIPLINE / AAEO:

We supported one faculty member who received a notice of proposed termination over a minor issue, which would have been a termination without just cause if the administration had followed through. We were able to make that case, and as a result the administration

did not terminate the faculty member. We have supported several other faculty members in navigating the process of Article 13 and AAEO investigations.

WORKLOAD:

Workload was, once again, a broad and frequent subject of inquiry. Common causes of concern included increase in workload without clear communication or compensation, and errors and inconsistencies with workload plan forms. We were prepared to file a grievance on behalf of two faculty members whose workload forms reflected a reduction in course equivalency for the same course they had previously taught (a violation of Article 16.2). We were able to successfully resolve that case through informal negotiations with the administration and recover back pay to compensate those faculty members for their additional work. We fielded inquiries from members related to service, unequal distribution of workload, summer pay, lack of timely and transparent communication, missed deadlines, added responsibilities that fell outside of job descriptions, inability to meet new demands due to pandemic concerns, and ignored requests for course releases.

RPT AND ANNUAL EVALUATIONS:

We received several inquiries about RPT documents and processes. These included one faculty member's concern about mixed messages in a reappointment dossier; another faculty member with concerns about the impact of medical leave on RPT and evaluation; and an issue related to RPT and sabbatical vote in small departments, with a possible exception to department bylaws.

BENEFITS AND SABBATICALS:

Questions and concerns in this category included benefit continuity during unpaid leave, a number of inquiries related to parental leave provisions, including taking more than one parental leave, use of Professional Development Funds, use of paid medical leave, privacy concerns around benefits, among other issues. As noted in the grievances section above, we are still addressing a retiree medical benefits issue as an Unfair Labor Practice. Sabbatical-related inquiries included the potential denial of an application, questions about timing of sabbaticals, navigating a half- versus full-sabbatical, and a request for assistance converting a sabbatical to unpaid leave.

OTHER INQUIRIES:

We provided information and support for several faculty who negotiated Voluntary Retirement Agreements (VRAs), a number of MOUs for individual faculty members related to unique and specific work arrangements, as well as faculty considering leaving UVM for positions elsewhere. We have received a large number of VRAs in the past several years, mainly for tenured faculty members at or nearing retirement age, each with different

incentives depending on the unit and the faculty member's situation. Because these individual agreements affect working conditions for individual bargaining unit members, VRAs are handled between United Academics and Labor Relations after a faculty member discusses the terms with their Dean. Our role in UA is to ensure that any agreements are not in conflict with the CBA and that they are acceptable to the faculty member. We have also been working with our attorney to bargain changes to several parts of the standard legal VRA language used by UVM. If any UA faculty are in discussions around transition to retirement, feel free to contact us with any questions or concerns.

We also continued to respond to and negotiate revisions to official University policies to ensure their compliance with the CBA. A major policy last year on which UA engaged in bargaining was the COVID vaccination policy. In addition, we worked through a variety of inquiries that did not fall easily into the categories above. Selected examples include bargaining unit eligibility of individual faculty, pandemic classroom capacities and the pandemic health screening form, conflicts with chairs and other administrators, appointment letters, off-cycle salary raises per Article 18.7, and questions relating to public records requests.

Please contact our Committee with any questions or comments any time; CAC email: contract@unitedacademics.org

2021-22 CAC Members:

Wade Carson (UA Grievance Officer, Biomedical and Health Sciences)

Katlyn Morris (UA Executive Director)

Ellie Miller (UA President, Sociology)

Deb Noel (English)

Jeanne Shea, (Anthropology)

Koela Ray (Biomedical and Health Sciences)

John Forbes (Theatre)

Ingrid Nelson, (Geography and Geosciences)

The CAC welcomed **Ingrid Nelson**, Associate Professor of Geography, to the Committee in the spring semester, and **Dan DeSanto**, Library Associate Professor, joined the CAC this summer!

We congratulate longtime CAC member and former President **John Forbes** on his retirement! We will miss John and appreciate all his many contributions to United Academics over the years!