

# AAUP

# NEWS



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## AAUP appoints 2002 bargaining team; administration files Notice to Negotiate

At the Chapter meeting on March 28, AAUP announced the Bargaining Team for the 2002 contract negotiations.

John Battistone will serve as Chief Negotiator. The other team members are Debbie Bogenschutz, (Library); Joyce Rimlinger, (H&S); and Ken Stoll (ETD).

"All of the team members are experienced negotiators, aware of the range of concerns that are important to Cincinnati State faculty," said Chapter President Pam Ecker.

On April 30, the College filed a *Notice to Negotiate* with the State Employment Relations Board (SERB) to begin this round of negotiations.

John Battistone said, "I have informed administration spokesperson Gene Breyer that the faculty committees continue to prepare recommendations for this year's proposals."

"If the administration has proposals they wish us to present, we can review them any time," John added.

AAUP Bargaining Council chair Bob Eveslage said that

faculty committees are completing their recommendations for review by the AAUP Executive Committee.

"Several committees will meet with the Executive Committee during the coming weeks, to ensure that the complete set of recommendations are fully discussed and clarified," Bob said.

### AAUP files grievance over selection and appointment violation

On April 30, AAUP filed a grievance against the College for unilaterally appointing a faculty member to the position of program chair without following the contractual selection and appointment procedures, according to AAUP Grievance Officer John Battistone.

According to John, the Board of Trustees approved a position called "Interim Program Chair" for a new HTD program and appointed Tina Cisle to that position.

When AAUP expressed its concern, Director of Human Resources Gene Breyer said that he had thought that the position was part time. When he learned

Bob said the Executive Committee has also been reviewing the results of the faculty survey that was distributed at the end of Winter Term.

"When our bargaining team takes proposals to the table, we will be certain that they are reflective of the needs and interests expressed by faculty," Bob said.

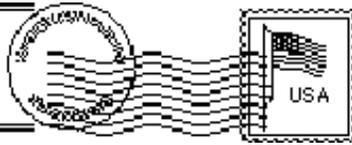
it was full time, he agreed to post it internally and go through the appropriate procedures.

"The position was posted, but as an AAUP Unit 2 position," John said. There is no analogous position in Unit 2, which consists of all "soft money" counselor/advisors.

"This program is like any other program, and therefore the faculty chair should be appointed to Unit 1, following standard procedures," John said.

AAUP offered to proceed directly to arbitration, but has had no response yet from the administration.

# Letters



## To the editor:

As Grievance Officer for the AAUP, I sometimes need to ask the administration for certain public documents. Almost everything at a public college is considered under Ohio law to be a public document, available to anyone. There are very few exceptions.

In the Bad Ole Days under former administrations and HR Directors, obtaining such documents was often a battle, requiring AAUP to begin legal proceedings to get the administration to submit public documents. Under the current administration and HR director, I thought we had gotten over the Bad Ole Days and had developed a more appropriate professional relationship—until recently.

At the February Board of Trustees meeting President Wright made a presentation regarding the state of Information Technology at the College. Many faculty who were not present at the meeting asked to hear a tape or read a transcript of the proceedings. I was charged with asking for a copy of the tapes and the PowerPoint slides which the President had used, both of which are public documents under the law.

I went directly to the President's Executive Assistant and asked for the tapes. Inconveniencing no one, I took them to the Media Center, where a helpful staff member made copies of the tape (which is his job). I then returned the originals to the Executive Assistant. The entire transaction took about 8 minutes and was an inconvenience to no one. This is how it is supposed to work.

Next time wouldn't be so simple. Certain of the President's comments on the tape of the February meeting made faculty members angry. At the March Board meeting, about 60 faculty members attended to listen to Faculty Senate President George Armstrong make a formal response to the President's comments.

Several Board members said they were astonished that faculty might possibly have been offended at the President's remarks, and they made some remarks themselves, which many faculty found astonishing. Faculty who were not present again wanted to review those comments and asked me to acquire copies of the tapes.

I went to the President's Executive Assistant and asked for the tapes. This time, however, I was told that the President wanted me to wait until his Executive Assistant had finished transcribing them herself. I waited. When I did not receive them the next day, I waited some more. Then I went to HR Director Gene Breyer and requested them more formally. Over the next week, I made several more requests of the HR Director for the tapes. I was told that the Executive Assistant was out of the building.

The following week, I made clear to Mr. Breyer that AAUP would ask its attorney to begin drafting a petition to the court to order the College to submit the public documents and to pay AAUP's attorney's fees. Mr. Breyer wrote me an e-mail saying that he had consulted with the Attorney General's office and had been advised that

"the end of the week" would be considered "reasonable time" under the law (see the sidebar on page 3 for what the law says).

On Friday at 3 p.m. of that week, I went to the Executive Assistant again. She said she needed 30 more minutes. I then found out that the tapes had already been copied, but were simply being withheld. I asked the HR Director to release them, which he did.

It had taken 18 days and considerable human energy to do an 8-minute job. Why?

Now consider this experience. Executive Vice President Myrtle Dorsey invited the Academic Technology Committee (ATC) to a meeting on March 14. She had provided less than 24 hours notice and had provided no agenda for the meeting, so many members of the committee could not attend.

At the meeting the Vice President made a Power Point presentation about possible restructuring of the ITS department. At the meeting, ATC co-chair Geoff Woolf asked the Vice President to send him an electronic copy of the presentation for those who had been absent. He did not receive it.

Later, Geoff wrote an e-mail to the Vice President explaining why he want a copy of the presentation and asking courteously for her simply to e-mail an electronic copy. He received no copy. In fact, he received no response whatsoever. Nothing. It was as if he had not written at all. He waited.

Eleven days later, I was asked to request a copy officially. I wrote an e-mail to the Vice President outlining the Ohio sunshine law and formally requesting a copy of this public document. I received no response. Not a refusal. Not an acknowledgment. Nothing. It

was as if I had never written.

To respond to my e-mail and to insert the requested file would have taken three strokes of the computer mouse and about 8 seconds of the Vice President's valuable time.

I asked the Director of HR to get involved. He agreed that there was no question that this was a public document. I waited. Nothing. On April 1, I wrote again to Vice President Dorsey on a copy of the e-mail I had previously sent her on March 25. I asked again for the public document and requested that if she intended not to give it to me, would she at least have the courtesy to tell me so, so that we could then proceed with a petition to the court.

I received no response. Not a refusal. Not an acknowledgment. Nothing. It was as if I had never written.

Mr. Breyer told me that the Vice President had been out of the building.

But this is a Vice President well known for going nowhere without her Palm Pilot and laptop. She is wired up and hooked in. (Remember that our computers can tell us when someone has read e-mail, and she had certainly read mine.)

Late on Friday afternoon I received in my snail-mail box a "hard copy" of the Power Point slides. It had taken 21 days to an 8-second job.

I hope during this collective bargaining year that we are not seeing a return of the Bad Ole Days of adversarial relationships.

Some people regard this kind of rudeness as bad faith under the law. Where I grew up, this kind of rudeness is regarded simply as bad manners.

## Public Record Law in Ohio

Ohio Revised Code 149.011 defines public record as follows:

*"Records" includes **any document, device, or item, regardless of physical form or characteristic**, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.* (Emphasis added).

Ohio Revised Code 149.43 (B) states:

*"**All public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Upon request, a person responsible for public records shall make copies available at cost, within a reasonable period of time.** In order to facilitate broader access to public records, governmental units shall*

*maintain public records in such a manner that they can be made available for inspection in accordance with this division."*

Ohio Revised Code 149.43 (C) states:

*"If a person allegedly aggrieved by the failure of a government unit to promptly prepare a public record and to make it available to him for inspection in accordance with division (B) of this section, or if a person who has requested a copy of a public record allegedly is aggrieved by the failure of a person responsible for it to make a copy available to him in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the governmental unit or person responsible for the public record to comply with division (B) of this section and that awards reasonable attorney's fees to the person that instituted the mandamus action."*

## Letters



### To the editor:

I'm sure that many of you have forgotten about the charges that the AAUP filed against the College for an "unfair labor practice." This has been at the forefront of my thoughts since July 2001. I have wanted to write this letter for quite awhile but have been too upset to look at things objectively.

The AAUP newsletter reporting this situation left out a few facts that I would like to share with the faculty. As you have guessed I am one of the faculty involved in the dispute. I went to the AAUP over three years ago asking what I could do about my salary being two standard deviations outside of

the rest of the nursing faculty. The AAUP very clearly told me (with witnesses present) that there was NOTHING that could be done by the AAUP to help. The AAUP did recommend, however, that I deal directly with administration. So this is what I did. I went to the Dean of the Health Technologies Division and spoke with the Academic Vice President. For the next three years, meetings took place and e-mails went back and forth.

FINALLY, July 2, 2001 my salary adjustment of 22.5% was brought before the Board of Trustees and voted on. As you can imagine, I was ecstatic to

see Letter/4

## Letter/continued from 3

hear that the salary adjustment passed. My family has many financial concerns (as I'm sure you can relate to) and this would certainly help take away some of the stress. Less than one week later, the AAUP contacted me to let me know that charges were being filed against the College administration. The AAUP told me that they had no idea that this talk about a salary adjustment was taking place. I reminded the AAUP that this is what the AAUP recommended that I do three years ago and that the AAUP was well aware of my problem. I was then told that maybe the AAUP did not handle the situation as well as they could have during the past three years.

I have not seen one penny of the salary adjustment because the AAUP blocked the action. I was not familiar with unions but naively thought that unions were supposed to support their members and work for them. So what happened in my situation? I went to the AAUP, followed their recommendation of how to handle the problem, only to

have them block the action by administration. So are we talking politics, power struggle, or what?

I am confident that the persons representing the AAUP are intelligent enough to have found a way to work around the contract language to allow the salary adjustment to stand. The adjustment was well supported by data and I know that the AAUP was well informed about my situation ahead of time. Again I ask, why was the AAUP so quick to stop something that they recommended that I do to begin with?

At this point I am very discouraged and have lost all faith in the AAUP to help me. The AAUP clearly was not interested in my case until administration acted on the inequity. Since that time the AAUP failed to seek my input before the negotiations occurred with the administration. I was horrified to hear what the AAUP was requesting "on my behalf." I was also told that the AAUP would only focus on the two salary adjustments approved by the administration and found out that this was not what happened either.

I feel that it is very important that the faculty is aware of how the AAUP handled my case—especially with the contract coming up for re-negotiation. I would encourage all to be well aware of what the AAUP is going to bring before the administration. In my case, it seems that things were brought before administration that I was not informed of or even approved of.

So—is the AAUP my friend or foe? You decide.

Connie Rose  
Health Technologies Division

*Note from AAUP Executive Committee:*

AAUP made a proposal in December which would have met all of the College's expressed interests, would have allowed for Ms Rose's raise, and would have established a mechanism through which others could have the same opportunity to make a case for an equity adjustment.

The administration apparently wishes to discuss this at the bargaining table, since it has failed to respond at all to that proposal.

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