

**LOCAL 1796**  
**At**  
**William Paterson University of New Jersey**  
**General and Executive/Local Council Meeting**

**Date:** May 5, 2005  
**Location:** Student Center, Rooms 203-205  
**Time:** 12:30 pm – 1:50 pm

**Present:** Stephen Betts (Marketing and Management), Robert Bing, Sherle Boone (Psychology), Dee Catarina (Special Education and Counseling), Rodney Cauthen (Alumni Relations), Donna Cedio-Fengya (Mathematics), Robert Chesney (Biology), Song H. Chung (Chemistry and Physics), Linda Gazzillo Diaz, Eleanor Goldstein (Mathematics), Jane Hutchison (Instruction and Research Technology), Richard Kearney, Charles Magistro, Kevin Martus (Chemistry and Physics), Ed Matthews, Al Montare (Psychology), Bob Murphy (Instruction and Research Technology), John Najarian (Computer Science), Frank Pavese (Music/Adjunct Representative), John Peterman (Philosophy), Janelle Pinkston (Professional Staff), Lou Rivella (Chemistry and Physics), Martin Rudnick, Ken Schneider (Admissions), Shari Selke, Barry Silverstein (Psychology), Cindy Simon, Peter Stein (Sociology), David Stern (Environmental Science and Geography), Paul A. Swanson (Economics, Finance and Global Business), Sue Tardi, Marion Turkish (Elementary and Early Childhood Education), Don Vardiman (Psychology), Stan Wollock (Elementary and Early Childhood Education), Melda Yildiz (Secondary and Middle School Education)

**Items distributed to the Council and General Membership:**

- 1) Agenda for Meeting of May 5, 2005
- 2) Minutes of April 19, 2005 General and Executive/Local Council Meeting
- 3) Proposed Budget for 2005-2006
- 4) Proposed Resolution Regarding the Funding of Public Higher Education in the State of New Jersey
- 5) Initial Assessment of Provost's Released Time Guidelines for Non-Teaching Assignment Draft

**1. Call to Order**

The meeting was called to order at 12:38 pm.

**2. Adopt Agenda**

Murphy proposed the item on the election of State Council representatives be postponed until September noting that whoever is elected president should recommend the state council representatives. Tardi asked whether this would be a violation of the Constitution because of possible required deadlines. Murphy speculated that it probably is not, and

that an emergency meeting can be called if necessary. Tardi requested that Gazzillo Diaz consult the Constitution on this. In the meantime, Murphy moved a motion that the agenda be adopted, seconded by Montare. Motion approved unanimously.

**3. Approval of April 19, 2005 Minutes**

Motion to approved the minutes of the April 19, 2005 meeting moved by Montare, seconded by Catarina. Motion approved unanimously.

**4. AFT Local 1796 Retiree Chapter Charter**

Tardi stated she was pleased to announce that after a lengthy process, we will be introducing a charter today establishing a retiree chapter. She summarized the process of establishing the chapter (involving consultation with other Locals and the Local 1796 attorney). Tardi noted that on the retiree side the principal mover of the retiree chapter is Reginald Grier, and read a testimonial in tribute to Grier's long career and service to the University and to the Local. Tardi introduced Grier to the membership for remarks. Grier read a letter he received from National AFT President Edward McElroy marking the establishment of the chapter, and he recognized from the floor several members of the chapter who were present to mark the occasion. Tardi thanked the organizing committee for their work in establishing the chapter. Tardi introduced a special guest (representing the National AFT), distinguished labor historian Irwin Yellowitz, to confer the charter. Yellowitz conveyed the good wishes of national retiree president Frank Stella, who could not be present, and presented the charter to Tardi. Tardi presented the charter to Grier. Tardi then presented membership cards to the four chapter members present.

**5. Budget**

Tardi noted the initial distribution of the proposed 2005-2006 budget as presented at the last General Meeting. She asked for any questions about the budget. Motion to approve the budget moved by Yildiz, seconded by Montare. Motion approved unanimously.

**6. Grievance Issue (Tentative)**

Tardi reported that we have a member who is being suspended without pay, and there are three serious issues in this case that should concern the local: due process, first amendment rights, and progressive discipline. Tardi reported that the Executive Board voted unanimously to support this case going before an Administrative Law Judge. Tardi provided the estimates of the likely costs to be incurred in pursuing the member's case at this level (ranging from \$7,000 to \$15,000, and possibly more) and explained the Local's strategy for seeking funding from sources outside the Local (specifically, applying for support to the AFT Legal Defense Fund and the State Council). Tardi further explained that under this strategy the Local may either incur an obligation for one-third or one-half of the total costs of the case. A member asked whether Tardi could share specific details of the case without identifying the member. Tardi provided a summary of the details as they bore on the three key issues raised and noted some of the events that transpired in the investigation and subsequent Loudermill hearing. Bing added some details to identify where the member currently stands in the process: the member is going before the Board of Trustees, and the Trustees are expected to turn the matter over to an Administrative Law Judge, at which point legal costs will start to be incurred. A member asked whether

the Local intends to pursue a separate case against the Administration for moving as it has on this member's case. The member reasoned that if no action is taken against the Administrators who are pursuing this, and if it costs nothing to the Administration to engage in such persecution of faculty, then these practices will continue. If the Union does not go after the Administrators who are engaging in these practices to hold them accountable, then the Union will continue to bear the costs of defending members in case after case. Tardi detailed the occasions in which the Union has registered complaints with the President about overzealous administrators conducting investigations against members, and the Local's repeated demands for a clear policy that could help prevent administrators from engaging in such practices. We are presently in the mode where we are trying to put pressure on the Administration and let it know the Union will not close its eyes to these repeated violations of faculty rights. Tardi further explained that in the case under discussion the State Council's attorney has not been very encouraging in supporting us, so we have consulted with our own attorney.

A member stated that only the individual member – not the Union – has standing in the member's case, and this is a bar to the Union taking any direct action against the Administration in connection with the member's case.

Another member mentioned additional cases with which she is familiar where similar types of faculty investigations are taking place, with similar sanctions being threatened.

A member asked how open-ended the Local's commitment will be in financial terms. Tardi responded that the member's case could cost more than \$15,000. She suggested that a motion of support could put a provisional limit on expenditures and then, if costs move beyond this, the Local could adopt another motion of additional support.

A member disagreed with the idea that the Local adopt a motion setting monetary limits on the extent to which we support the member. Tardi indicated that she agreed with this idea because individual members have limited resources. She further commented that in this case the member acknowledged using an expletive, but insisted it was not harassment. The Administration rejected this offer. Tardi reported that another member – on the Professional Staff – was threatened with a sanction for use of an expletive, which would also put the member on the road to a "progressive discipline" interpretation should charges be brought.

Bing voiced his support for a motion that does not put a monetary limit on our support for the member, and said the motion before the membership should be phrased simply in terms of whether the Local is willing to support the member.

Magistro stated that recent moves by the Administration suggest a pattern that the Administration intends to assume the position of a moral arbiter on campus vis-à-vis the faculty, and that there is a real danger in this tendency.

Tardi requested the Local Council's approval to support this action and the expenditure, in the form of a motion to support the member as financially needed, without limit at this

time, to move forward with contesting the matter before an Administrative Law Judge. Motion moved by Wilkerson, seconded by Martus. Motion approved unanimously.

A member repeated his earlier point that so long as the Senior Administration incurs no serious risks for engaging in persecutions of faculty it will continue to do so. He suggested the Local find some way to put direct pressure on these people to discourage them from continuing to pursue such investigations.

A member asked whether the Union was insured for protection in such cases. Tardi stated she knew of no such coverage. Bing stated that the only instance of insurance he is aware of is in cases where an officer is sued as a result of engaging in Union business.

**7. Resolution to Support Additional Funding for Higher Education**

Tardi provided some background information on the origins of the resolution (originally developed by the Rowan Student Government Association). A copy of the proposed resolution was distributed to members at the beginning of the meeting. A motion to approve the resolution was moved by Montare, seconded by Matthew. Approved unanimously.

**8. 2005-2006 Department Representatives, State Council Representatives and Standing Committee Chairpersons and Representatives**

Following a Constitutional review (see item #2 above), it was decided there is no barrier to postponing the election of State Council Representatives.

Tardi distributed the Local Council Representative Roster for 2005-2006 (as of today).

Yildiz moved a motion to accept the Local Council Representatives roster, seconded by Gazzillo Diaz. Motion approved unanimously.

Hutchison volunteered to serve on the Budget Committee next year.

A member asked whether revisions to the Constitution have addressed problems with the election process to remedy them, and whether these revisions might permit the introduction of electronic voting in future elections. Tardi replied that some election issues have been addressed in the current revision, but there is certainly a need for further revisions.

Simon asked whether the unchallenged officers can be elected today. Montare moved a motion, seconded by Stein, to do this. Motion approved unanimously. The individuals in (unchallenged) nomination for the Officer positions of Vice President for Negotiations (Linda Dye), Librarian Representative/Communication Director (Robert Wolk), and Adjunct Officer (Cindy Simon) were duly confirmed.

## **9. Alternate Assignment Update**

Tardi stated that the Provost has furnished her with his draft plan to address inequities. Tardi explained that the Local has never taken alternate assignment off the negotiating table, but we were obliged to wait for the Administration's response before moving forward on the issue. Following a review of the Provost's plan, Tardi emailed the union response detailing the "pros and the concerns". She and Gazzillo Diaz then brought the Provost's draft to the Council of Chairpersons which was also rejected there.

In the course of a discussion of that component of the Provost's plan calling for evaluation of Department Chairs, Tardi noted that earlier this semester a form was circulated calling for student and faculty evaluations of Chairs, and this was stopped after intervention by the Local.

A member asked why an assessment of Chairs should be any part of a proposal to address alternate assignment. Tardi speculated that the Administration was simply using this item as a trial balloon to see how it would be received. Tardi noted that one of the most glaring omissions in the Provost's plan is release time for the purpose of conducting research.

A member asked if members should consider dispensing with the idea of alternate assignment and simply proposing a 9-9 teaching load. Tardi replied that if we go in this direction the Administration will simply insist that it be negotiated in the next contract. Yet because 5 of 7 member institutions in the contract already have local agreements in place, we have no assurance of their support at the contract negotiation level. The member pursued the issue of time spent in excessive administrative tasks apart from teaching, a further obstacle to finding time and support for research. Tardi expressed her view that a local agreement could be achieved if the faculty is unified and can speak with one voice in favor of a clear alternate assignment plan. If we can get everyone on the same page then we can push this forward.

Tardi noted that at Montclair alternate assignment has existed for many years and that plans can be submitted for up to five years. Here at WPUNJ we are obliged to submit annual applications for 3-credit A.R.T. awards, and we must also provide reports on each award. Tardi noted that moving in favor of a 9-9 position, in effect asking for a reduction of workload, would open us to charges of acting illegally in violation of the current contract.

A member commented that when the institution attained university status his department was informed by the President that he did not support the creation of doctoral-level programs, or any steps to move the institution in that direction. A member commented that there has already been backsliding on the Administration's part with respect to acknowledging the demands of graduate teaching, because several years ago the Administration provided four credits to faculty who taught three-credit graduate courses, and this was then summarily revoked. At the present time some faculty teach six courses of two credits each to satisfy current contractual requirements.

Tardi requested that the members provide feedback to the Local on the Provost's plan.

#### **10. Promotion Policy Recommendations**

Gazzillo Diaz reported on her and Tardi's meeting with the Administration on promotions policy, and summarized the issues discussed:

- The Union proposed a timeframe for eligible evaluations; the Administration gave no definite answer, but seemed open to a two-semester timeframe;
- The Union proposed having people on the committee serve staggered two-year terms to provide for some continuity and mentoring of new members; the Administration rejected this proposal;
- The Union proposed having the Chair and Union observer first review submitted folders with a checklist in hand to make sure all required documentation is included before the folders are given to the Committee; the Administration seemed amenable to this but again gave no immediate answer.

Gazzillo Diaz asked the members for additional recommendations that could be brought before the Executive Board and then sent to the Administration. Tardi stated the Administration has indicated it is willing to continue negotiations on this matter during the summer.

#### **11. Announcements**

Tardi announced members will shortly be emailed a copy of the revised constitution, with a first reading to take place in September.

Tardi announced that members will also be receiving an email providing them with a username/password for access to an online membership directory.

Tardi thanked the members for their support this year.

#### **12. New Business**

Stern moved a motion in favor of providing recycling bins (in addition to trash cans) in rooms used at General and Executive/Local Council meetings next year, seconded by Hutchison. Approved unanimously.

#### **13. Adjournment**

Motion to adjourn moved by Yildiz, seconded by Selke. Motion approved unanimously.

The meeting adjourned at 1:52 pm.

Respectfully submitted,

Richard Kearney, Recording Secretary  
[Edit: May 8, 2005]