

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

Date: May 12, 2009
Location: UC 171
Time: 12:30 pm – 1:45 pm

Present: S. Tardi, G. Guerrieri, E. Matthews, S. Selke, F. Pavese, R. Wolk, G. Pope, M. Williams, K. Martin, K. Martus, K. Asada, J. Carter, J. Najarian, S. Wollock, R. Soto, L. Gazzillo Diaz, S. Betts, D. Fengya, T. Newman, K. Louie, J. Peterman, K. McNeal, G. Furst, A. Holpp Scala, J. Matthew, R. Kearney, I. DiMaio, C. Simon, E. Goldstein, R. Cauthen, S. Rienstra, D. Van Boerum, J. Heavey, B. Mason, H. Youraghi, P. Chen, J. Hutchison, J. Tracy, M. Rosar, M. Mwaura, B. Duffy, N. Kalb, L. Refsland, D. Potacco, R. Schwartz, K. Malu, D. Catarina, L. Hamel, A. Schaefer, C. Goldstein, J. Stone

Items distributed to the Council and General Membership:

- 1) April 21, 2009 General and Executive/Local Council Meeting Minutes
- 2) Memo on Assessment Methods

1. Call to Order

The meeting was called to order at 12:40 pm.

2. Adoption of the Agenda

A motion to adopt the agenda was made by K. Martus and seconded by B. Duffy.

3. Approval of Minutes of the April 21, 2009 General Membership and Executive/Local Council Meeting. A motion to accept the minutes was made by K. Martus and seconded by B. Duffy. Approved unanimously.

4. Scholarship Awardees

Tardi announced that five Union scholarships have been awarded, and noted that all the recipients have a GPA of 3.0 or better, submitted very interesting essays on *Unionism in the 21st century*, and have a family member who is a union member. The scholarship recipients introduced themselves: Victoria Collins, Robert Dotto, Linda Finaldi, Ioanna Protopiannis, and Maria Rivera. Tardi recognized the members of the Scholarship Committee: Steve Betts, Kem Louie, Esther Martinez, Frank Pavese, and Janet Tracy. Tardi noted that all Union members are welcome to volunteer to participate on the Scholarship Committee. R. Soto volunteered to serve on next year's committee. Tardi thanked the Committee members and scholarship recipients for their hard work, and said she is pleased the Union can continue to provide these important scholarships to students, especially during this current economic climate.

5. President's Report

a. Urgent Faculty Issue

Tardi stated that the administration has levied its intent to de-tenure an individual in our

bargaining unit. She noted that this is the same individual whom the Membership previously voted to approve up to \$1,000 to seek legal advice. Tardi stated that this person is a colleague with a stellar record at the University, and a person who has made significant contributions in teaching and in the Union. Tardi explained that the individual in question was working on a paper with a colleague in a different department. The paper was accepted for publication in a book chapter, and a signed agreement was involved. At the same time, the individual in question was also working with another person at a university in a different country, and the individual took the information that was only partially his or hers (the individual had contributed more on the research and less on the writing), and submitted it to a conference. The person in question removed the co-author's name, added the individual's name from the other country, changed the title, and submitted the paper word for word to the conference, without the co-author's permission. The individual being charged claimed that it was never his or her intention to "steal another person's work," but rather, that he or she submitted the original paper only to meet the deadline to get accepted to the conference. Once accepted, he or she planned on changing the entire contents of the paper.

Tardi stated that this is a clear case of plagiarism, and the Union in no way condones plagiarism in any form. However, the Union is concerned with the punishment that the administration is choosing to levy based upon the terms of the contract, since the contract calls for progressive discipline and this is the person's first act. She further stated that it is the feeling of the Union Leadership that detouring the person and ruining an entire career is a harsh sentence for someone with such a stellar record at the University, and this individual is entitled to progressive discipline as outlined in the contract. Tardi noted that the attorney for our Local agreed with the Union leadership. Tardi stated that she feels a significant penalization such as a lengthy suspension with no pay is certainly in order, but that detouring the person is excessive punishment.

Tardi stated that another factor in this case is that during a "fact-finding" session that involved the administration and one of the deans, it was determined that the person really had nothing to gain from the plagiarism act. It was not a prestigious conference, and the paper would not have been published in time to be considered when the person went up for promotion. Tardi was told by the administration that the co-author informed them about the matter. The attorney has raised questions relating to the co-author's conduct, although not in terms of plagiarism. Tardi stated that the Executive Board is asking the Membership to support the person in terms of the person's right to representation and to be judged in terms of his or her career, not on one moment of extremely bad judgment.

Comments from members:

A member asked if the paper had William Paterson's name on it. Tardi responded yes. A member stated that detouring someone for one incident seems to be a much higher standard than what we expect from students. Tardi responded that she mentioned that point to the administration and got no response because she feels that now that the matter has been brought to their attention, they want to protect themselves and the University. A member stated that if she turned in every student who "accidentally" plagiarized, she would be in trouble. Tardi indicated that this does not involve a student, but rather a senior

faculty member. Tardi reiterated that the standards should be very high, but since this involves ruining a person's entire career, she thinks the administration is taking drastic measures for a first-time offense. A member asked about the current status of the paper. Tardi replied that the person never presented the paper, but it was in the conference proceedings that were distributed on a disc. Tardi noted that this could have been resolved much more easily if the co-author, who is a member of our bargaining unit, would have come to the Union before going straight to the administration. A member asked what detouring means. Tardi responded that it means that this individual's career as a professor is over. A member stated that he was the person who made the motion at the previous meeting to pay \$1,000 for the individual to seek the advice of an attorney, but he is now uncomfortable putting forward any extra money because he's not sure what we are defending, and he does not want to be labeled as a defender of plagiarism. Tardi said she agrees, however, there are extenuating circumstances in this case. She stated that the fact-finding is typically done by HR, but since it was an academic matter, the Provost recommended that it be conducted by an academician. The administration considered this to be an informal process. Tardi said the conclusions in the fact finding report were not completely factual, and President Speert based his recommendations on that report. Tardi noted that if we do not provide the support for this person to seek further legal representation from our attorney then, we as a Union, would not be representing this person appropriately. She further noted that when the matter goes before an administrative law judge, the bill will go far beyond \$1,000 and she feels the individual deserves to be defended. A member asked if any similar situations have occurred in the past at William Paterson. Tardi responded that there have been no situations like this, although there have been cases involving bad behavior and the University has issued intentions to detour, but in those cases progressive discipline was used, as stated in the contract. She further stated that there was also one case where the University would not negotiate and an administrative law judge mandated a settlement allowing the person to resign. A member asked about the implications of losing before an administrative law judge. Tardi said the attorney for our Local believes that while the individual clearly did something wrong, he doesn't think an administrative law judge will be willing to bypass on progressive discipline and go straight to detouring. Tardi noted that the person is extremely embarrassed and there are also confidential circumstances that cannot be discussed publicly. Tardi stated that we should not want to destroy someone's career when we don't know the entire case. A member stated that we are getting bogged down in the minutia, and she wants to make it clear that we are not supporting plagiarism, but rather, we are defending a tenured individual who has been an exemplary colleague and made one horrible mistake that will ruin his or her career and life. A member described several different instances that have occurred over the years, where faculty members were accused and convicted of very serious things, yet they were not detoured. The member said she feels there is some hidden agenda in this case, that the individual in question is being used, and she wants the Union to fight it (applause from the Membership). A member stated that in the legal system, if a complainant drops the complaint, usually the case cannot proceed. Tardi stated that too many people know about this and the President has already indicated that the administration will not pull back. A member stated that we are all members of the Union here and we work in solidarity. The member went on to say that clearly, the faculty member made a serious

mistake, but she is suspicious of the administration, especially at a time when getting rid of faculty members is all too handy. Tardi said that in all honesty, she does not feel that the administration is pursuing this to get rid of someone and save on the salary; she feels they are doing it because they want to be “hands off” and they don’t want to do anything to draw attention to themselves. A member asked what other types of disciplinary action has been presented in the past and what would a law judge do? Tardi responded that she assumes this matter will reach an administrative law judge due to the seriousness of the charges. She stated that in terms of the kinds of settlement that can be reached, she feels it should be very significant due to the extremely serious nature of the case. A member asked if it is possible to get the State Council to contribute to the defense fund. Tardi stated that if the Membership approves it at the Local level, we will ask the Local, the State Council, and the National AFT to each contribute one third. A member said he wonders if the administration is testing the strength of the Union and the strength of the contract. He said if we let this slip through our fingers and don’t take charge, we can forget about much else. Tardi stated that this is a double-edged sword because an administrative law judge is not always fair and kind in terms of seeing things the way we see them.

J. Matthew made a motion to support the process to retain progressive discipline as part of our contract by facilitating representation for the individual, not to exceed the amount of \$5,000. The motion was seconded by J. Najarian. The motion passed with one opposed and one abstention.

b. Fiscal Crisis Update

Tardi stated that President Speert would like to close the University for two weeks, during the winter break and spring break. This closing would result in no pay for any University employee during those time periods. Tardi said the Council states that impact must be negotiated, and she will argue that there is not equal impact. Tardi stated that one issue is that the Governor is not providing appropriate funds from the federal stimulus and President Speert’s options are limited. Tardi said President Speert will give notice of his intent to close at the May 15 Board of Trustees meeting, but the actual vote will take place at a later date. She stated that as soon as he announces intent to close, she will ask to address the Board on the subject of administrative accountability. Tardi noted that of the nine State colleges and universities, we are among three who are considering a furlough. The other six are stating that they have reserves, and she questions why William Paterson does not have reserves.

Questions and comments from members

A member asked if the two-week closing of the University is being proposed in addition to what the governor wants to do. Tardi said she thinks that the Governor’s threats will fall through. A member asked how a December closing impacts the winter session. Tardi stated that it will have an impact on faculty, staff, and students, and that is why the impact must be negotiated. A member asked how this will impact adjunct faculty members. Tardi responded that nothing is being mentioned about the adjunct faculty at the present time. She noted that she had anticipated more need for adjunct faculty members during the fiscal crisis and hiring freeze, but that does not seem to be the case

because the Union leadership is beginning to get email messages from individuals who have not been rehired. A member commented that one of the deans said the administration would like to reduce the number of adjunct faculty members. Another member commented that the Provost attended a meeting of the department chairs in February and announced that no courses would be closed without consultation of the deans and faculty members. A member asked if the enrollment numbers at the University are down. Tardi responded that President Speert told her the conversion rate “looks good,” but she does not think it can be significantly better since the University’s fiscal urgency has not appeared to change. Tardi noted that at a recent Senate meeting it was announced that the administration is spending \$180,000 on the beautification of the campus, which Steve Bolyai said is partially for safety reasons. Tardi further noted that Kean University has new landscaping with waterfalls, but departments are being closed. A member commented that in regard to the reserves, we should not look at the budget but rather at the foundation. The member asked if there is a way to get the financial records for a 503c (the classification for a non-profit organization). Tardi responded that she had already asked the State Council to put in an OPRA request for the amount in reserve at each of the State universities. A member commented that every member of a corporation has the right to know this information. Tardi asked Muroki Mwaura, the treasurer of the State Council, to pursue the matter.

Tardi asked the Membership for a recommendation of what suggestions she can give to the administration, other than what has already been expressed. A member stated that President Speert will say that the closing is a disadvantage for everyone in the same way, because when everyone shares the pain, it saves jobs. Tardi stated that while everyone’s salary will take a hit, the impact of that hit is not equal. She said she is anxious to hear from the Council attorney regarding whether or not the President must negotiate impact because if not, he will get away with the closings rather easily. A member commented that since the administration works 12 months per year, there is more impact on faculty members who are only paid for 10 months. A member asked about the President’s response to the request to meet with the faculty and professional staff in April. Tardi stated that no meeting was requested because there was no information to add. The money is not there and the President doesn’t know if the Board of Trustees will allow him to use a portion of the reserves that we do have. Tardi said it all depends on how much money is given to the University through the federal stimulus package and that amount is not known at this time. Tardi said we can also brainstorm and come up with solutions, but the only thing she can think of right now is administrative accountability. A member commented that we should be careful when talking about 10 month employees vs. 12 month employees because there are many support staff members who make much less. A member asked if we can apply for unemployment benefits while furloughed. Tardi said no. A member asked if the proposed furlough would impact the pension. Tardi responded yes, and we also stand to lose about \$20,000 in Union dues. A member asked if we can schedule a rally or a walk-out. Tardi questioned the likelihood of this having an impact. A member asked if the closing is contingent upon an economic recovery not taking place in a timely manner. Tardi stated that the Governor has supposedly not applied the stimulus money to higher education in an appropriate manner. She said if the money does get filtered to us it might help. A member asked if there is a total figure on

the budget shortfall. Tardi responded that the budget is projected to be short by \$10 million. A member commented that many administrators take a percentage of the grants they are on and perhaps those funds should go to the University. Another member responded that there are restrictions on how grant funds can be used and that would not be possible. A member asked if sick days can be used during the closure. Tardi responded that while sick days cannot be used during a furlough, creative deviance does occur when people are forced into situations that they view as unfair. A member commented that the cafeteria workers at William Paterson are in a national fight and are confronting serious negotiations in the fall. The member suggested that maybe we could organize a one-day strike in conjunction with them. Tardi said that would be possible if she knew that she can count on people. Tardi further noted that this would take serious on-the-ground organizing, and she would be willing to guide people on this, but there will not be enough time to organize in time to impact the furlough, because the decision to furlough would occur prior to the fall semester.

6. Adjournment

A motion to adjourn was made by S. Wollock, and seconded by S. Selke. The meeting adjourned at 2:07 p.m.

Respectfully submitted,

Jan Pinkston,
Recording Secretary
[Edited:]