

Alfred UUP News

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May 12, 2014



Chapter President Earl Packard

Spring Delegate Assembly, May 2—3

Alfred State College officers, committee members, and observers attended the UUP Spring Delegate Assembly in Albany on May 2-3, 2014. A number of issues were discussed at the meeting, including:

- ◆ Teacher Certification Exams (edTPA)
- ◆ Contingent Equity issues
- ◆ SUNYIT & CNSE Merger
- ◆ SUNY Downstate & LICH
- ◆ Harris v. Quinn
- ◆ Open SUNY

The edTPA

The edTPA is a new high-stakes certification requirement for student teachers developed by the Stanford Center for Assessment, Learning and Equity. The edTPA is a complex performance assessment with multiple components that include controversial videotaping in K-12 classrooms.

Students in teacher preparation programs who planned to graduate in Spring 2014 were required to pass the edTPA to receive teaching certification in New York State.

The State Education Department had refused to push back its May 2014 edTPA implementation date, even though educators have not had enough time to modify their curricula and adequately prepare students to successfully complete the edTPA. SED predicted that up to 40 percent of graduating seniors will fail the edTPA and be denied teaching certification. SED had refused to listen to educators' concerns about the edTPA's validity as a predictor of teaching excellence. (For more on the edTPA, see page 5 in this newsletter).

Contingent Equity Issues

UUP President Fred Kowal discussed contingent salary strategies, including an update to the Adjunct Salary Study, and an FTE Salary Structure Study. Later in the day, the Contingent (continued on page 4)

Inside this issue:

<i>SUNY's Future</i>	2
<i>edTPA changes</i>	5
<i>Workload Creep</i>	5
<i>Mayday \$5K</i>	6
<i>NYSUT Ad</i>	7
<i>List of Officers</i>	8



Ezra Zubrow of the University at Buffalo (right) makes a point while Jamie Dangler and Joe Petrick look on at a meeting of Vice-Presidents for Academics during a DA.

SUNY's Future

(Adapted from remarks made by Joe Petrick at the SUNY Voices Conference, "Shared Governance for Institutions of Higher Education in the 21st Century: Beyond Stereotypes," April 23 - 24, 2014).

Institutions are determined by contingencies, and their futures depend on how they respond to the historical imperatives with which they are confronted. The conditions that have determined the present state of the State University of New York (SUNY) are rooted in its history, and the future of SUNY has always depended on circumstances that could not have been foreseen by faculty and administrators, whether those circumstances were economic or political. Three events in the history of the faculty union of the state-operated campuses of the State University of New York (SUNY) may represent how unionism has had an impact on shared governance. The creation of the union was itself a function of shared governance. A second example may be a planning document from 1990 entitled *SUNY's Future*. A third representative example may be the 1999 action that united University Senate and United University Professions (UUP) against the SUNY Board of Trustees. These historical events by no means exhaust the union's role in shared governance, but illustrate union interaction with governance.

Faculty senates and faculty unions are understood to have separate roles, the former being involved in shared governance and the latter terms and conditions of employment. From this perspective, senates have no direct say on collective bargaining issues and faculty unions have limited input regarding academic issues. United University Professions (UUP), the bargaining unit of faculty and professional staff employed by the State University of New York (SUNY), nonetheless has a history of participation in governance. The union was created because of historical conditions stemming from shared governance structure. Subsequent to its founding, the union has respected the mission of SUNY University Faculty Senate (UFS), but it has on occasion attempted to engage in shared governance either on its own or through collaboration with UFS. This engagement is related to governance at the national level through relations with the Association of American University Profes-

sors (AAUP), as well as historical forces and trends.

The Creation of United University Professions

Faculty unions largely did not exist before the late 1960s. In their book *Unions on Campus: A National Study of the Consequences of Faculty Bargaining* Kemerer and Baldrige pointed out that nationally there were "virtually no unionized institutions" in 1965, but 450 bargaining unit organizations had come into existence by 1975, just ten years later. Unionization of public higher education in New York State did not grow out of motivated self-interest, but was directly related to a completely unrelated event, the New York City Transit Strike which began on January 1, 1966 which lasted for twelve days. A few days after the end of the strike, Governor Nelson Rockefeller announced a Committee on Public Employee Relations chaired by George W. Taylor, a Professor of Industry at the University of Pennsylvania. This committee recommended legislation that included the "inapplicability of strikes," and the creation of a New York Public Relations Board. The enacted legislation is known as the Taylor Law, after the chair of the committee which advocated it. With the legislation in place, in November 1967, Governor Rockefeller announced that three negotiating units would be created: The Civil Service Employees Association (CSEA) was recognized as a general unit for state employees, a second negotiating unit was created for state police, and a third would be created for professional employees of the State University. Community colleges would have to negotiate with the counties in which they were located, requiring each professional staff to form negotiating units.

SUNY teaching faculty had little enthusiasm for organizing, however. In his book *Administering the Taylor Law: Public Employee Relations in New York* Ronald Donovan noted, "The concept of collective bargaining seemed at odds with, if not offensive to, their views of a self-governing community of scholars." Nonetheless, it had been ordered that SUNY faculty bargain collectively.

Several organizations were interested in representing SUNY faculty. In May 1968 an organization named the State University Federation of Teachers (SUFT) was created to negotiate for five SUNY units, but other

entities expressed interest in representing SUNY faculty, including CSEA, the AAUP, and SUNY Faculty Senate. The SUFT was a faculty organization, and had no interest in representing non-teaching professionals (NTPs). Similarly, the AAUP had no interest in representing NTPs. A position in the AAUP specifically in relation to SUNY was that attempting to represent professional employees as affiliate members would violate federal law, and thus AAUP did not change its membership criteria. Nonetheless, the AAUP wanted to represent faculty at both CUNY and SUNY, investing \$100,000 in the effort, according to Philo Hutchinson in his book *A Professional Professoriate: Unionization, Bureaucratization, and the AAUP*.

SUNY Senate had existed for only fifteen years when it petitioned to become the negotiating agency for academics and NTPs in SUNY. SUFT had already challenged the right of the Senate to represent faculty because Senate had participating representatives of SUNY System Administration. The Public Employee Relations Board ruled that the Faculty Senate was an employee organization, and the Senate Professional Association (SPA, later to become UUP) was allowed to compete for the right to engage in collective bargaining on behalf of faculty and professional staff at the state-operated SUNY campuses.

The State University Federation of Teachers appealed the decisions of the Public Employment Relations Board, and the decision was handed down on November 10, 1970. The Senate withdrew from contention as the representative agency for collective bargaining, leaving the Senate Professional Association (SPA) as a separate agency to compete for representation. The CSEA, AAUP, SUFT, and SPA and "no representation" (i.e. the option of having no collective bargaining unit) were on the ballot. SUFT won a plurality of the votes cast, with SPA coming in second. According to the rules established by PERB, a runoff was undertaken, and SPA won the runoff election.

In 1973, members of the Senate Professional Association met with members of the State University Federation of Teachers to discuss merging the two

SUNY's Future (continued from previous page)

organizations. The name of the merged unit was SUNY/United, later renamed United University Professions. Robert Granger of SUNY Alfred was the SPA President prior to the merger.

SUNY's Future

In the late 1980s, amidst talks of campus closures to reduce a gap in the New York State Budget, SUNY System Administration announced that it was undertaking a planning process called SUNY 2000. At the February 1-2, 1991 97th UFS Plenary at New Paltz meeting Chancellor Bruce Johnstone remarked to the UFS concerning the planning process, "The phase we are on now is what I would call the system phase; the trustees' phase; the chancellor's phase, which is not to say that it can be done or is being done in isolation from campuses and from constituencies. But, it's basically a phase that will result in certain broad, system-wide goals." The second phase would consist of campus plans that would respond as to how they would integrate their own goals into the system goals, "piggybacking" on the existing planning processes of the campuses. Although there was a Faculty Senate advisory committee it was clear from Johnstone's remarks that the planning process was being driven by System Administration.

Today UUP increasingly take positions on governance issues, particularly its stances on Open SUNY, the Seamless Transfer initiative, and edTPA..

In response to the SUNY initiative, United University Professions had released in March 1990 a planning document entitled "SUNY's Future: Expanding the Mission, Fulfilling the Promise," which, although it did not specifically mention the SUNY 2000 planning process initiated by SUNY System Administration, pointedly remarked, "Every state and institution has a vast collection of volumes rarely if ever read: master plans. They are objects of endless joking, products that typify their origin in bureaucracy. Some can be examined with interest, but many seem made to serve their author-agencies more than the

public." The preface continued by saying that people are important to planning processes, and that the *SUNY's Future* report was created by inquiring of constituent groups what was needed for the future of the State University of New York. As a result, the report was formulated from listening to the broad base of faculty, non-teaching professionals, students, and other interested parties in a manner which was the polar opposite of the SUNY 2000 plan which was driven by SUNY System Administration with goals that were largely imposed on campuses.

Many of the goals contained in the SUNY's Future document reflected SUNY System initiatives of the time, or those carried forward in the future, such as a desire for increased enrollment or increasing diversity at SUNY campuses. Although the SUNY 2000 project begun by SUNY System Administration was never mentioned in the document, UUP's SUNY's Future document was in essence a commentary on the planning process being carried out by System Administration. Because the union did not have the means to carry out its goals or even have a direct impact on the planning process imposed by System Administration by the campuses, the UUP document was, in effect, more of a commentary on shared governance than involvement in governance itself. It was however a means of illustrating the possibilities inherent in grassroots planning (as opposed to top-down planning), if only administrators had paid attention.

A Vote of No Confidence

Ten years after the inception of the process that produced the UUP SUNY's Future document, political conditions in New York State had changed. A different gubernatorial administration had however changed the composition of the SUNY Board of Trustees, and that Board acted in more top-down fashion. As a result, UFS and UUP charged, among other things, that the Board of Trustees has failed in its responsibilities by: "allowing ideological views to dictate the academic direction of the University; [...] Violating its own policies by imposing a mandated General Education police for all campuses without the direct involvement of legitimate faculty representatives, chief academic officers, or presidents; Disregarding well established practices of consultation, communication, and open discussion within the University

community and with the Board of Trustees, and excluding the legitimate representatives of the faculty and professional staff."

As campus groups endorsed the resolution, the *New York Times* explained the primary cause of concern to SUNY faculty: "Although the faculty and trustees had been discussing a core curriculum for two years, the list of 10 subjects, including mathematics, American history, foreign language and Western and world civilizations, was not shown to campus presidents or faculty members before the December board meeting.

In addition to concerns about the lack of transparency in creating the general education requirements, the *New York Times* reported that the SUNY Board of Trustees among a number of other things, allowed "ideological views to shape academic decisions," failure to conduct open and fair searches for senior administrators, and failing to advocate for strong financial support for SUNY. The resolution was endorsed by UUP as well as by UFS at its April 23-23, 1999 Plenary meeting in Albany. Campus senates and local union chapters also endorsed the resolution. The University Senate and UUP had no power to remove the trustees, and the endorsement of the resolution was intended to bring attention to the conflicts with the Board of Trustees.

Conditions between faculty, the SUNY Board of Trustees, and SUNY System Administration have changed over the years, particularly given the processes of New York State politics. The vote of no confidence of 1999 should be remembered as the most drastic action in the history of the University in which UUP and UFS collaborated to remind SUNY System Administration and the SUNY Board of Trustees of the precepts of shared governance.

Conclusion

Throughout their forty-plus years together UUP and UFS have both worked together and their leaderships have sometimes disagreed with each other. Today UUP increasingly take positions on governance issues, particularly its stances on Open SUNY, the Seamless Transfer initiative, and edTPA, the performance assessment for initial (continued pg. 4)

SUNY's Future (continued from pg. 3)

teacher certification now required by the Board of Regents. One reason that the two organizations can work together is that in many cases they are comprised of the same people who move from one group to the other, sometimes participating in both UUP and UFS at the same time. Although the two groups are undeniably different in their missions and more often than not the perspectives of their leaders, they can and have on occasion worked together to advance mutually agreed upon positions which have demonstrated their interests in participating in shared governance. Given the vicissitudes of New York State politics, prevailing economic conditions, and the initiatives driven by SUNY System Administration, there is always work to be done.

Spring Delegate Assembly (continued from page 1)

Concerns Committee discussed minimum salary for adjuncts. The Contingent Concerns Committee requested that the American Federation of Teachers actively campaign for resolutions on the following:

- ◆ Public Service Loan Forgiveness Program Eligibility for Part-time Faculty
- ◆ Clarification of the "Reasonable Assurance" Clause in Federal Unemployment Compensation Law (AFT is involved in national effort to secure from the Department of Labor a letter clarifying the "reasonable assurance" clause in federal unemployment compensation legislation)
- ◆ IPEDS Expansion to Include Collection of Data Regarding Part-time Positions (Part-time employees have not been counted in IPEDS data since 2003)

It was also announced that the SUNY Student Assembly passed a resolution endorsing the Mayday 5K campaign (see page 6 of this newsletter).

SUNYIT & CNSE Merger

The SUNY Board of Trustees voted to create the State University of New York Institute of Nanoscale Sciences, to be known as INSET, from a merger of the

College of Nanoscale Science and Engineering with the SUNY Institute of Technology at Utica-Rome. The trustees selected Alain E. Kaloyeros as the chief executive officer of the merged institutions. UUP President Fred Kowal said to the Albany *Times-Union*, "Under no circumstances should SUNY IT be absorbed by CNSE and subsequently cease to exist. For this merger to work, SUNY IT must continue as a degree-bearing entity that provides a comprehensive range of high-quality undergraduate and graduate programs."

SUNY Downstate & LICH

UUP continues to advocate for SUNY Downstate Medical Hospital and has proposed the only workable plan to keep the hospital in operation (see <http://www.brooklynhospitalplan.org>). The situation with Long Island College Hospital (LICH) continues to unfold with lawsuits being brought by LICH bidders.

UUP continues to be concerned about the implementation of Open SUNY, seamless transfer, and intellectual property issues.

Harris v. Quinn

Of some concern to UUP members is an upcoming Supreme Court case known as Harris v. Quinn. Illinois Governor Pat Quinn issued an executive order that said the program's 4,500 workers for the mentally disabled were state employees and therefore eligible for union representation. Pamela Harris sued on the grounds that she should not be required to pay union dues. If the Supreme Court rules unfavorably to the State of Illinois the decision may have an enormous impact on the ability of unions to collect agency fees.

Open SUNY

The Open SUNY initiative is scheduled to begin Fall Semester, 2014 with eight pilot programs at six campuses:

- ◆ Oswego, MBA Health Services Administration
- ◆ Oswego, MBA
- ◆ SUNY Broome -- AAS in Tourism Management
- ◆ SUNY Delhi -- BS in Nursing
- ◆ Empire State College -- BS in Business, Management, and Economics: Human Resource Management
- ◆ Empire State College -- BS in Science, Math, and Technology: Information Systems

UUP continues to be concerned about the implementation of Open SUNY, seamless transfer, and intellectual property issues, and continues to monitor developments of StartUP New York.

The Academic Delegates were given a presentation on workload creep by Vice President for Academics Jamie Dangler, and were advised to take steps to ensure that extra responsibilities does not become part of normal workload expectations (For UUP suggestions on workload, see sidebar on page 5).

In other business, Ray Gleason was re-elected to the UUP Statewide Executive Board.



Alfred Chapter Vice-President for Professionals Bill Schultze (left) with Joe Dolce from SUNY Geneseo at a recent delegate assembly.

Regents approves edTPA changes

An April 29 decision by the state Board of Regents changes the edTPA implementation plan by providing student teachers with a necessary safety net as the assessment is further developed.

UUP supports the Regents' creation of a new task force to review and refine the edTPA. The task force, established by the Regents April 29, will be made up of teacher educators and teacher education experts from SUNY and the City University of New York (CUNY). Representatives from UUP, NYSUT, the Professional Staff Congress/CUNY, the State Education Department (SED), and Stanford Center for Assessment, Learning and Equity (SCALE)—the edTPA's developers—will be part of the task force.

The Regents also decided that edTPA scores will not be used in the state's institutional profiles until the 2015-16

academic year.

"We approve of and support the Regents' decision, which holds harmless student teachers in this year's and next year's graduating classes, as an effort is made to address problems with the edTPA," said UUP President Fred Kowal. "UUP looks forward to participating in that process, and we take that process very seriously."

"The task force is an opportunity for SED to hear the voices of teacher educators at the ground level who are working with students," said UUP Vice President for Academics Jamie Dangler. "Their experience is valuable and should be taken into account."

Under the agreement, teacher candidates who do not pass the edTPA will be allowed to use a passing score on the Assessment of Teaching Skills-Written

(ATS-W) to demonstrate readiness to enter the classroom as a teacher. The ATS-W is one of four exams future teachers must currently pass to become certified in New York. The Regents' safety net extends to June 20, 2015.

"This agreement is good news for students in teacher education programs who aspire to work in New York classrooms," said NYSUT President Karen Magee. "It provides a safety net that allows student-teachers to use the traditional ATS-W test to earn the initial certificate they need to enter the classroom and begin their teaching careers."

Magee credited the collaborative efforts of NYSUT, UUP, PSC, SUNY, students, parents and lawmakers for the successful agreement.

(From UUP website).

Workload Creep

What is the professional workload obligation as an academic?

There are no uniform university-wide standards on the number of courses one is expected to teach. Indeed, this often varies on a given campus among the various departments. Overall, however, "workload" follows past practice, meaning that faculty of a given department (or division) have agreed to teach "X" number of courses per semester, devote "Y" amount of time to scholarship, and to serve on "Z" committees throughout the year. If you are a new faculty member, it's wise to consult with a more senior colleague about what is expected and what is the norm.

Should you be asked to teach additional courses or perform duties beyond the "normal workload," it is appropriate for you to be paid for such "extra service." Each campus (or department) has a standard rate for this. It should be emphasized

that one should not undertake extra duties without some form of compensation. This could be "extra service" pay, or reduction of some other part of one's professional obligation. Remember the old saying, "No good deed goes unpunished!" If you do take on extra duties, you may find that you're expected to continue them—worse yet, you may be establishing a practice that will affect many of your colleagues in the future.

What is the professional workload obligation as an academic?

Many professionals in SUNY normally work a professional obligation and are not tied to particular hours. These employees are entitled to compensatory time for service worked beyond their normal professional obligation as outlined in the contract (Appendix A-29). For example, you normally work Monday to Friday and are asked to work on Saturday because the college is holding an event. You are entitled to ask for compensatory time off at a later date that is mutually agreeable to you and your supervisor. These employees would be classified as

"exempt" and are not eligible to receive overtime under the Fair Labor Standards Act (FLSA). There are other professionals whose professional obligation is directly tied to hours worked. These employees would be classified as "nonexempt" and are eligible for overtime under FLSA.

Compensatory time has been around for a long time and it is referenced in a memorandum in our contract (Appendix A-29). All professionals who are exempt from earning overtime under the FLSA can earn compensatory time. Contact your UUP chapter officers if this is not acknowledged by your immediate supervisor.

Both academic and professional members should feel free to contact their local UUP chapter to inquire about answers to workload questions.

SUNY Student Assembly Endorses Mayday \$5K

On April 5 the SUNY Student Assembly passed the following resolution, with a minor modification asking that Chancellor Zimpher provide funds for adjunct salaries:

TO: Members of the Student Assembly

FROM: Caitlin Janiszewski, Delegate, University at Albany – Graduate Division

I recommend that the Student Assembly adopt the following resolution:

Whereas the typical 3-credit course salary for a SUNY adjunct is between\$ 2,500 and \$3,000 per three-credit course they teach; and

Whereas adjunct faculty in SUNY are typically signed to contracts lasting one semester or one year, at most; and

Whereas SUNY contingent faculty are the only category of New York State employees for which there is not minimum contractual salary; and

Whereas contingent faculty on temporary appointments can be fired at any time without cause, and those on term appointments can be non- renewed for any or no cause, and therefore contingent faculty need to be extremely concerned about their job security; and

Whereas this demeaning treatment of contingent faculty negatively impacts the qual-

ity of education at SUNY as contingent faculty are not able to deliver the same quality of education as they would if they were better supported by receiving a living wage, office space to meet with students, and other necessary resources for fulfilling their role as educators and advisors; and

Whereas students understand the need for flexibility on behalf of the system administration when it comes to hiring and firing faculty, but also recognize that concern for being laid off or non-renewed can hinder the quality of education or the ability of contingent faculty to challenge students; and

Whereas many contingent faculty in the SUNY system are graduate students; and

Whereas contingent faculty and GTAs are the most vulnerable employees; and

Whereas 44% of SUNY faculty are contingent faculty, not including GTA labor; and

Whereas contingent faculty are often given only one course leaving them ineligible for benefits; and

Whereas students understand that adjunct faculty will always be present on SUNY campuses; and

Whereas the Modern Language Association proposes a minimum starting salary for part-time faculty of \$7,090 per standard three-credit course, rather than the market baseline which is approximately \$2,500-\$3,000 which adjunct faculty salaries are currently determined by; and

Whereas students understand the contributions adjunct faculty have made to SUNY; now, therefore, be it

Resolved that the SUNY Student Assembly consider the treatment of contingent faculty to be unfair and harmful to academic quality; and, be it further

Resolved that the SUNY Student Assembly call on SUNY System Administration to pay all contingent faculty members a minimum starting salary of \$5,000 per standard three-credit course; and, be it further

Resolved that the SUNY Student Assembly recommend that departments, whenever possible, offer two courses to a contingent faculty member making them eligible for benefits; and, be it finally

Resolved that copies of this resolution be distributed widely, but not limited to, the SUNY Board of Trustees, SUNY Chancellor Nancy L. Zimpher, University Faculty Senate, Faculty Council of Community Colleges, SUNY Campus Presidents, and SUNY Student Government Associations.

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WHAT IS VOTE-COPE?

VOTE-COPE is the Voice of Teachers for Education - Committee on Political Education, the non-partisan political action arm of New York State United Teachers and its affiliates. Funded entirely by voluntary contributions from members, VOTE-COPE is used to help union-backed candidates and campaign committees that support education and labor.

VOTE-COPE helps strengthen political action programs at all levels — national, state and local. To help on the local level, VOTE-COPE provides rebates to participating unions for local political action.

VOTE-COPE funds, by law, are kept separate from those of NYSUT. Decisions on the use of VOTE-COPE contributions are made by a statewide committee. VOTE-COPE solicits and accepts only voluntary contributions. Contributions to VOTE-COPE are not tax deductible.

Support our political action fund.



For the name of your VOTE-COPE regional coordinator, call NYSUT's Legislative Department at 800-342-9810.

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United University Professions

The union that makes SUNY work

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