

NTT Bargaining Session  
Wednesday, August 23, 2023  
9:00AM-1:00PM

Attendees:

Eileen Sperry  
Jeremy Sloane  
Sean Collins (SEIU)  
Pete Murray  
Will Kennerly  
Ruth McAdams (notetaker)  
Evan Halstead  
Sylvia Stoner-Hawkins  
Jared Klein (Zoom)  
Beatrice Kendall (Zoom)  
Patrice Malatestinic (Zoom)

Pat Fehling  
Sarah Delaney Vero  
Rob Manfredo  
Dorothy Mosby  
Julie Delay

9:10 Meeting begins.

9:11 Article II, Section 2: union maintaining position on one bargaining unit. We believe that postdoctoral fellows with teaching responsibilities are part of the unit. (Currently, all postdoctoral fellows have teaching responsibilities. There are only two postdocs right now, in Black Studies).

9:15 Article III: union introduces counterproposal on management rights. We think it's more straightforward than their initial proposal.

9:16 Article IV: we're agreed except for Section 5, which is being reserved for later, after more of the economic issues are introduced.

9:17 Article V: union maintain position wrt to a "closed shop." Article VI, we're tabling section 3 until discussion of appointments and assignments.

9:18 Article IX:

- We're close to agreement on Section 1. Rob asks about whether unit members would be giving up their rights to use FHB disciplinary processes [FHB Part One Article XI]. Sean

responds essentially yes. Pete notes that that section of the FHB is about the disciplining of *tenured* faculty anyway.

- Section 4. We're agreed on step 1. [*See the other attached document, on Article IX, Section 4, Step 1; and see below on Article XIII*]
- Section 5. Some language here had been accidentally cut by the admin in an earlier draft. We've restored it, since the cut was clearly an error. A separate issue is that we're maintaining our language about the admin's need to be timely wrt to the grievance process, in parity with the unit member's responsibility to be timely.

9:25 Article X, Section 2. We're maintaining our position on progressive discipline; we do not feel admin's latest proposal is consistent with concept of progressive discipline. Rob argues that it's inconsistent to remove FHB language in this section if we're not doing it in Article IX, Section 1. Sean pushes back a little. Rob concedes that the language they've proposed, which is cut and pasted from the FHB, is not actually "progressive discipline." Lots of back and forth here. Pete observes that the admin is proposing that academic freedom-related matters be run through CAFR rather than the grievance process, and that elements of the FHB would still apply, despite the existence of a CBA, whereas here he's arguing about the need to memorialize FHB language in the CBA in order for it to be applicable after the CBA is ratified. Rob sees this as a different issue. Pete observes that the title of the relevant section in the FHB is "discipline and discharge of *tenured* faculty." Rob thinks it has been applied to all faculty in the past, citing a conversation with Michael Orr.

9:33 Article X, Section 5, we maintain our position on expanding member's Weingarten rights. Sean observes that having an advocate in a disciplinary context can be really helpful for both parties. Rob asks whether the obligation to notify the member should be on the admin, insinuating that he feels this should be the union's responsibility.

9:36 Article XII. We're close to agreement. We added in language that the admin said last session it would agree to.

9:37 Article XIII. [*See the other attached document, on Article IX, Section 4, Step 1, which relates to CAFR and academic freedom*]. We feel that the grievance process should be the (only) process by which any disputes related to academic freedom and rights should be handled.

Pete makes the argument. We want a process that terminates in a determination by a neutral third party, rather than with the college president or the board. All appeals processes provided in FHB end in unilateral and unappealable decision by president or board. There is past history wherein president has ignored the recommendations of CAFR, such as in the case of [name redacted]. So, we want everything to go through the grievance process, though CAFR can have a consultative role.

Pete has spoken with former members and chairs of CAFR who confirm that the operating code is a living document that is determined by membership of CAFR and the committee has wide latitude with respect to what it considers. There is no consistent set of guiding documents on what constitutes a matter of academic freedom and rights. So the remit of CAFR can vary widely, and can include things that the union thinks are clearly grievable.

Rob asks how it would work for faculty to consult with CAFR. Pete observes that there is an informal process as part of CAFR's approach.

Sean cites national context of academic freedom under threat.

Pete reiterates that some sections of FHB indicates that CAFR's remit is actually even wider than just academic freedom and rights.

9:46 Article XV. We're close to agreement. We're maintaining on Section 6. Ruth explains why [sorry I can't type and talk at the same time]. Reasons have to do with the pressure NTT faculty face, usually from their chairs, to choose one option or the other (to zoom or not to zoom) when there is a campus closure. Rob asks some questions, Ruth responds.

9:53 Article XVI.

- Section 1: it's an aspirational statement.
- Section 2: We have offered a counter here.
- Section 3: Agreed
- Section 4: We withdraw the request for computers in retirement, were given misleading information earlier in the process that led us to make this request.
- Section 5: We erred on the side of generality in an earlier proposal but have added in some more details now.
- Section 6: first paragraph, we accept the admin's change. Second paragraph, we maintain position, emphasizing "if available."
- Section 7: We maintain proposal. Sean observes that this is standard at other colleges. Rob asks what happens if someone is terminated under bad circumstances. Ruth observes that maintaining email access is in the interests of students more than the faculty themselves.
- Section 8: reserved for later.
- Section 9: Somewhat ditto to section 7. This is not unheard-of at present.
- [pause bc some handouts are missing pages 28-9]

10:02 Article XVIII. We maintain our position on intellectual property. If the college were to change the intellectual property policy as a whole, this would require decisional bargaining, because it affects the unit members.

10:04 Article XIX. We reject admin proposal on faculty rights and responsibilities, because it is redundant of the FHB and also redundant of agreed-upon language in Article XII. [Btw, article numbers are subject to change]

10:06 Article XXI [this is a new proposal today]. There is a lot here.

- Section 2A&B. Sean explains that our overall goal is to reduce the reliance on terminal lines, increase renewable lines. This has been foreshadowed. The College has been relying on short-term staffing to fill long-term needs and we want this to stop. [There is a big typo on page 33! The intent is that a faculty member can only be on a terminal appointment for *three* years. Typo now corrected]. Our goal is to have renewal timeline for all renewable NTTs that is consistent with the existing policies for librarians, who have always had longer contracts.
- Section 2C. Wrt part-time appointments, we've distinguished PTers in music from PTers outside of music. We're proposing a "right of first refusal."
- Section 3 (notification) and 4 (seniority system) are explained. Section 5 on the conversion of terminal lines.
- Sections 6 and 7 (specific to the music department) have been held back for now. Those policies are still being drafted and the relevant faculty are involved.

10:14 Article XXII [this is a new proposal today]. Sean explains that one goal is to condense the number of titles and create a fair and transparent system for contract length, etc. This is a longstanding issue.

- Section 1.1 is explained.
- Section 1.2: we're proposing a three-tier promotional ladder for all renewable NTTs, consistent with the three-tier model already offered to librarians and artists/writers-in-residence.
- Section 1.3: Language around librarians is just memorializing current promotional ladder.
- Section 2: We're proposing promotional opportunities for PTers.
- Section 3: on accompanists, department assistants, and postdoctoral fellows.
- Section 5: Upon ratification NTT faculty will be grandfathered in to a *rank* based on their time/credit hours or services. People can elect to keep their pre-union *title* if they want. Rank and title are different!
- Question from Julie Delay: what about a senior visiting one-year position? Would that person be a VAP? Answer: basically yes, but we'll consider it. Not clear how often that happens.

10:26 [Caucus. No notes during caucus. Lunch. Passage of time.]

12:49 Meeting resumes. Rob remarks that they'll need more time, will need feedback from Janet Casey.

- Rob flags that we'll want to have further conversations about postdoctoral fellows. They don't really view them as part of the bargaining unit [!].
- Rob observes that they are disappointed by the counterproposal on management rights, Article III. They feel their fuller list is reflective of current management rights and consistent with other institutions. He'd like to have a more detailed convo about the specific items they proposed long ago. He wants there to be a list, encourages us to go back to their proposal and reconsider.
- Rob has some concerns about grievance process and role of CAFR. Observes that the arbitration process takes a long time and that external arbitors are not necessarily experts in academic freedom.
- Rob wants to have further discussion about use of remote work during campus closures.

12:55 Rob suggests future bargaining sessions on Friday Sept 22 or 29. Sean confirms that he'll get back to them.

12:55 Pete requests that we continue to use track-changes in the future.

12:56 Sean, on Article IX, Section 1: [Some confusing back-and-forth here that I misunderstood initially]. Sean confirms that we and the admin are still not in agreement. We want all non-excluded grievances to be handled through the grievance process, not the FHB grievance procedures. Rob confirms that what they want are parallel processes. Basically, if something happens, the faculty member can choose *either* the FHB grievance process *or* the union grievance process, and that decision can't be reconsidered, regardless of the outcome of the process. We are proposing basically to eliminate the FHB grievance process so that all issues are handled through the union grievance process. No agreement here yet.

Sean observes that there *are* arbitrators who have familiarity with academic freedom issues, reiterates that the College president is structurally not the best person to make these decisions.

12:59 Article XVI, Section 7: We're okay with adding language that say that in the event that a faculty member is terminated for cause or otherwise leaves the college on bad terms, we would permit email forwarding but no network access.

1:00 Article XXII, Section 1.1: We're okay adding "Visiting Professor" to the list of accepted titles for FT NTT faculty on terminal contracts.

1:02 Rob asks whether we considered the presence/absence of terminal degree in the rank proposals. Ruth responds that we absolutely discussed it and decided *not* to take that into consideration. If a faculty member is hired to a job, it doesn't matter whether they do or don't have a terminal degree—the work is the same.

1:03 Meeting adjourned.