

An Important Message From the President; Please Read First



John Hamlin

If you disagreed with the vote that was to be taken, this issue is for you

In an e-mail to the University after EVCAA Schokker stepped down, Chancellor Black expressed his hope that we would find better ways to communicate. We agree. But, dare we use that old saw, communication is a two way street. On that point, we have chosen to lay bare here two faculty issues the UEA has been working hard to resolve with administration. Our communication about the issues you

will see time-lined on front and back for your review. One issue is large and complex – *workload*. The other issue is the opposite of that – *parking*. In both cases interactions by various administrators with UEA first appears good and then sort of gets mired in subterfuge. It seems an ‘open-and-willing-but-dodge-and-delay’ strategy exists, and this is very difficult to explain to members, so we thought one response might be to share the correspondence with you about some issues. Scott Laderman and Chris McIntosh comment on the correspondence as well, to give it some context.

In presenting these two “case studies,” we hope you are in a better position to form your own opinion about our leadership. And we invite you to continue to dialogue with us about how you feel about these and other key issues affecting faculty and this University at this precarious time.

Workload Issue Commentary

(Continued on Back)

Contributor: Dr. Scott Laderman, History
This is an issue that never should have been an issue. For decades UMD faculty have (or should have) been assigned instructional workloads below the limits specified in their collective bargaining agreement (CBA), and these “normal” instructional loads were recognized by both the faculty and the administration as consistent with contractual intent. But, dispensing with a shared understanding that goes back to the very first CBA in the early 1980s, the current administration notified UEA in 2014 that it rejected the existence of these instructional norms. Why they chose to do so is uncertain. But the threat their rejectionism poses to faculty could not be clearer. If the administration prevails – and UEA filed a still-open grievance to put a halt to this potential disaster – then there is nothing stopping them from unilaterally imposing an across-the-board

workload increase. Your teaching load could go up, and you would have no choice but to accept it.

The distressing story of how we arrived at this point is more complex than a short newsletter piece allows. But here, in several paragraphs, is a much too brief summary of how the administration put all our workloads in peril.

It began a few years ago. After UEA learned that faculty in CEHSP were regularly being assigned instructional loads at the upper limits allowed by the contract for short-term, irregular situations, UEA President-Elect John Hamlin and I, as the UEA Contract Administrator, brought our concern about this contract violation to the attention of EVCAA Andrea Schokker. We first met in December 2012. She agreed with us that this was a problem and told us – clearly and explicitly – that the arrival of a new CEHSP dean (our meeting occurred during the search for a new dean following the departure of Paul Deputy) provided a perfect opportunity to decrease the instructional loads of our CEHSP

December of 2012;
Meeting with EVCAA and then EVCAA & Chan and were assured they were concerned with CEHSP teaching loads and would look into the issue. In these meetings it was suggested the time to remedy the issue was with the new dean.

January 27, 2013;
Forums with the dean candidates were being set up. UEA would attend the forums to ask question about teaching loads.

February 7, 2013;
EVCAA indicated that department maximums would the teaching loads, contradicting what we were told in December of 2012.

February 17, 2013;
The teaching load was increased for some faculty, particularly non-regular without adjusting pay. Administration maintained they had right within the limits of the contract. So 100% appointment in 2012 was no longer 100% appointment in 2013-2014.

February 18, 2013;
UEA raised our objections, EVCAA stated: The open forum was in the afternoon. EVCAA sent us an email at 9:48 apologizing for not sending us a message she thought she sent in January and offered to meet with us before the forum if we so desired. This of course was a CBA issue and should have taken place well before the forum. In the message she states, “The average department contract hour maximum in the contract would be the expected workload of T/TT faculty members.” Later in the message she stated, “All term faculty will have an expected workload of 1.5 times the average department contract hour maximum in the contract.”

February 24, 2013;
UEA reminded the Chancellor of his commitment to not raise teaching loads during his interview for the position.

March 4, 2013;
Email from Linda Kinnear to Deans, “Good morning. Andrea indicated she has been working with each of you on Term Faculty workloads for your units. Andrea and I have had discussion regarding workloads, percentage of time of appointments and UEA rosters. Attached you will find a spreadsheet with the current workloads per the UEA contract, along with a column (D) showing the calculation of 1.5 times the Department/Program/Area workload limit for term faculty.

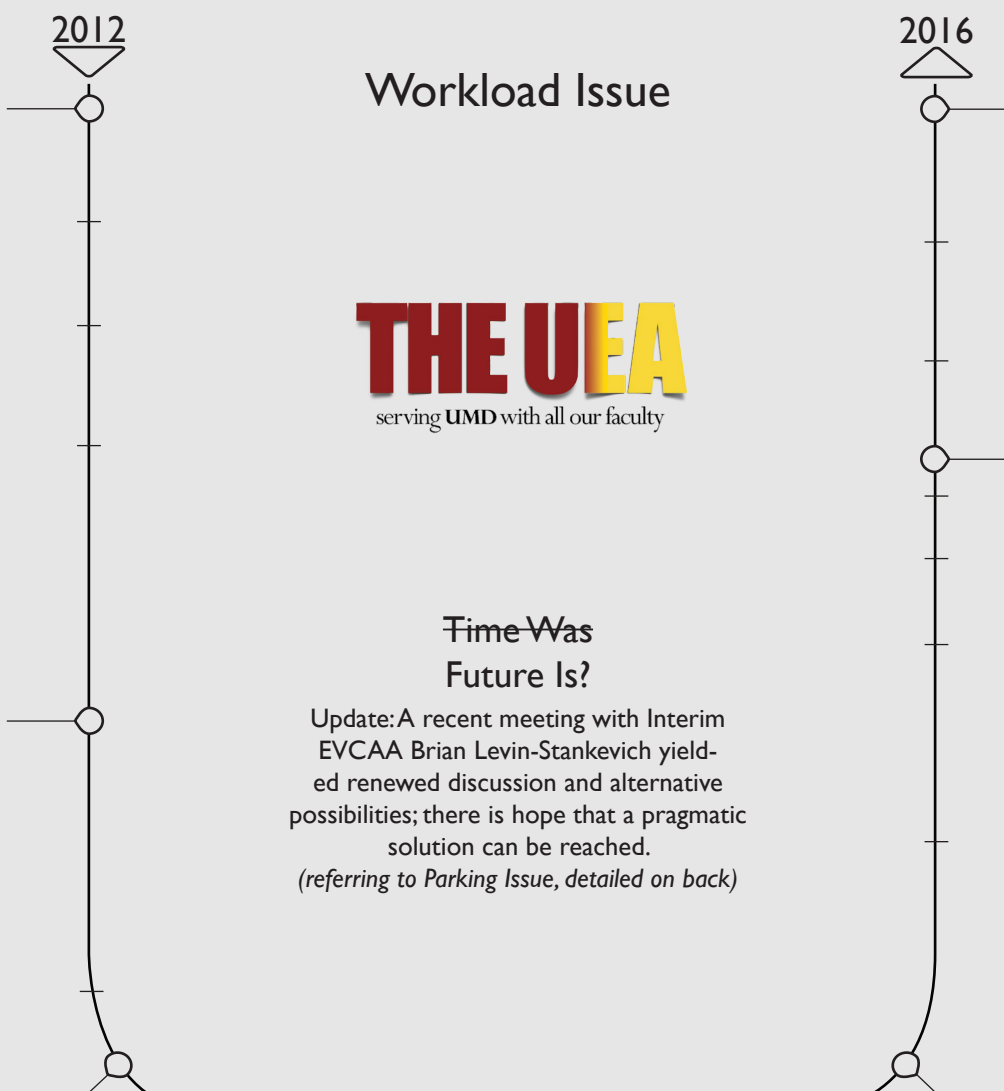
I need your staff to provide me with the number of contact hours that will be considered 100% time work for a term faculty in each of your departments (enter in column E). This information will allow us to ensure proper percentages of appointments and salary for UEA and payroll purposes for term faculty working both full and part-time. “

January 29, 2014;
“I’ve attached a draft workload proposal along with a document with examples. I’m requesting a meet and confer as per section 850 with the UEA Executive Committee to discuss the proposal and answer questions.”

February 2, 2014;
Email sent to EVCAA and Chan concerning their attendance at a faculty assembly meeting on the 10th. This meeting was to address the workload proposal.

February 19, 2014;
Email to Faculty from EVCAA, “We will not be implementing the workload proposal at this time. I will be working with the UEA leadership during the upcoming contract negotiations to discuss workload.” From Andrea to campus

March 3, 2014;
“There is no workload change from last year in the colleges for the upcoming fiscal year. We are moving into UEA contract negotiations in the upcoming months and I am looking forward to



Workload Issue



Time Was Future Is?

Update: A recent meeting with Interim EVCAA Brian Levin-Stankevich yielded renewed discussion and alternative possibilities; there is hope that a pragmatic solution can be reached.
(referring to Parking Issue, detailed on back)

working on solutions that will help bring equity and and (sic) an overall reduction in course contact hours for many of our faculty.” Very different from administrations views a year earlier.

March 6, 2014;
Met with Chan. Black and EVCAA concerning CEHSP teaching loads

March 7, 2014;
“Thank you for meeting with us yesterday. We appreciated your assurance at the end of the meeting that you recognize the importance of contractual compliance and that you will be addressing the excessive instructional workloads in CEHSP. It occurred to us after we left, however, that we didn’t determine how we should proceed. Did you want to meet again soon? Something else?”

I hope you can appreciate why UEA sees this as an urgent issue. Faculty in CEHSP (as well as SFA, though we have heard more often and more bitterly from our colleagues in CEHSP) have been frustrated, to put it mildly, by the continued assignment of instructional workloads that reflect the contract limits that exist for emergency situations, not the norms that govern regular teaching loads across the departments/programs/areas. These norms, as we pointed out (and as are documented in a number of places), are approximately 85 percent of the Department/Program/Area contact hour limits in Table 1 of the CBA. Exceeding these norms in a non-emergency situation is a contract violation. It is also inconsistent with the research mission of the University. So we want to be sure that this issue receives the pressing attention it deserves. How would you like to proceed? Thanks again for the productive meeting. Regards, Scott”

March 21, 2014;
“Absent documentation of an agreement otherwise, the University must act within the limits of the contract for CEHSP and all other colleges. The following remains the standards for faculty:
* Faculty can work up to the department or individual limit.
* Faculty can exceed the department limit without overload if others in the department are below the limit, as long as the department average is not exceeded.
* In the rare event that faculty are asked to help the unit in a great time of need, such as an unexpected medical leave, faculty are paid overload for the full course, regardless of individual limits or department limits, at the discretion of the Dean. Please be assured Chancellor Black supports me as his designated contract administrator to work with you on this and other items, as we have in the past. I look forward to our continued relationship and your support of the teaching mission at UMD.”
Andrea

March 25, 2014;
We agreed to hold the workload grievance and provide HR and EVCAA the information supporting teaching norms
April 1, 2014;
Documentation given to Tim and Andrea
April 9, 2014;
Andrea told Michael and Scott that they were waiting for a response from the south. We were told by Tim and Andrea that they would look at the information and make a determination. There was no need to involve the TC. In effect by sending it down to the TC the jumped to step 3.

October, 2015;
The task force work group begins meeting on teaching loads.

March 13, 2015;
The Chancellor agrees and a Memorandum of Understanding is discussed.

March 12, 2015;
Follow up email to Chan. Black asking if he agrees to stalling the arbitration and assembling a workgroup to look at teaching loads. Decision needs to be made before the month is over or the selection of the arbitrator will be complete

March 2015;
Discussion with Chan. Black concerning stalling the arbitration and while attending the regents meeting

April 2, 2015;
Proposal from workgroup on non-regular issues.

August 2014; UEA filed for arbitration.
July 29, 2014;
Step 3 grievance rejected, Twin Cities HR in their rejection stated, “I do not deny the instructional norms exist, but they are not contractual...”

July 1, 2014;
Step 3 grievance hearing was held

April 14, 2014;
“First let me say that both Tim Caskey and I appreciate all the time and effort you invested in putting together the April 1, 2014 packet of documents related to the workload issue. It was very helpful in understanding the detail and basis for your position on the matter. We understand your position related to the formula for membership and the use of the 85% factor in calculating workload. However, after reviewing our grievance file, the settlement notes, and the MOU our position remains that this agreement only applied to the formula in determining membership in the UEA, not related to the workload language contained in the existing contract. We believe the current contract (page 22) is clear on the limits for both the individual and the department related to workload.” From Andrea
April 12, 2014;
“Dear Andrea and Tim,
When we notified you in late March that we intended to grieve your reinterpretation of the contract, you asked us to hold off on filing the grievance. Show us your documentation of the instructional norms, you said, and if we agree that they show the norms’ existence, we’re willing to acknowledge as much and can settle the issue here at UMD. If we disagree, you told us, you can file the grievance at that time.

We accepted your invitation in a spirit of trust. We understood your request to mean that you would personally look at the documentation and then make a decision. We did not understand it to mean that you would also be sending the documentation to the Twin Cities. While we are not worried about the Twin Cities reviewing the materials -- the norm is well established -- we are nevertheless bothered that you sent it south. Your decision to do so raises larger concerns for us, particularly given the trust necessary to engage in interest-based bargaining. If it was not your intention to simply evaluate the documentation yourselves, why didn’t we just file the grievance? After all, what you are doing now is, we presume, the process you would have followed if the grievance had been filed.

Andrea, you also said you would notify us when you made a decision about the so-called SMOUCH in the Cultural Entrepreneurship program. We see that CUE 1111 (Creative Problem Solving) is currently listed in the online fall schedule with Brad Hokanson as the instructor. Has the proposal been approved? Or are unapproved courses/instructors now being listed in the schedule?”

Workload Issue Comment. (cont.)

colleagues. She reaffirmed this commitment to fix the problem in a subsequent meeting that UEA requested with her and Chancellor Black.

Needless to say, we were encouraged by the administration's assurances, as UEA always tries to work out any problems informally, if possible. But troubling portents soon emerged. In February 2013, for instance, EVCAA Schokker proposed that the “expected workload” of every faculty member at UMD “be at the maximum average department contact hours.” For nonregular faculty, this meant “1.5 x the average maximum department contract CH [contact hour] load.” The administration backed off, however, after, among other things, UEA reminded Chancellor Black that he had pledged during his interview for the position not to increase instructional loads. Then, that summer, the controversial Program Prioritization Initiative was announced, which generated a great deal of frustration and trepidation. And, when the 2013-2014 academic year began with a new dean at the helm, the CEHSP instructional loads were not uniformly decreased.

More worrisomely, the administration began to retreat from its earlier commitment to rectify the situation in CEHSP. Perhaps the most grave portent came on January 29, 2014, when EVCAA Schokker sent out a draft workload proposal to the entire campus that would have increased the instructional baseline of most faculty. This is the same proposal, by the way, that was accompanied by an e-mail comfortingly stating that the proposal had been “shared with the UEA.” This is significant, as UEA is the legal bargaining representative of the UMD faculty. But, as we had to make clear to our membership, we

had not in fact been presented with the proposal beforehand. What EVCAA Schokker apparently meant by “shared” was that she had sent the proposal to the UEA leadership immediately before circulating it to all faculty; according to the timestamp on my e-mail, UEA received it one minute before it was sent to the general faculty list.

As those of you who were at UMD at the time know, the administration's workload proposal was overwhelmingly rejected by the faculty. But this was only the beginning of our problems. John Hamlin, UEA President Michael Pfau, and I met with EVCAA Schokker and Chancellor Black on March 6, 2014, about the CEHSP workloads, which still had not been corrected. They assured us that they took contractual compliance seriously and would be addressing the matter in CEHSP.

Then came the bombshell. On March 21, EVCAA Schokker sent me an e-mail in which she said she could find no evidence of the instructional norms' existence and effectively abandoned her earlier promise to decrease our colleagues' loads. In other words, not only was the administration backtracking on its commitment to address the workload problems in CEHSP; it was now dispensing with decades of past practice and denying the norms' existence altogether. This imperiled all UMD faculty.

When we informed EVCAA Schokker that we would be filing a grievance over the issue, she and Tim Caskey, the director of Human Resources and Equal Opportunity, asked us to hold off. Provide them with documentation on the norms, they said, and, if the documents demonstrated that there are instructional norms at UMD, they would adjust the CEHSP instructional loads accordingly. So we gathered a number of records and, together with a cover memorandum,

forwarded them to EVCAA Schokker and Mr. Caskey. That was on April 1, 2014. The following day, in light of the issue's ability to affect every faculty member at UMD, Michael Pfau sent the same memorandum and documents to the entire UEA bargaining unit. The issue was that important.

On April 14 came the administration's response: The norms do not exist. All that mattered were the CBA's limits. “We believe the current contract (page 22) is clear on the limits for both the individual and the department related to workload,” EVCAA Schokker told us. That's what would govern administrative decision-making. We thus prepared a grievance.

Given the enormity of the issue, we notified the entire faculty about where things stood. As we pointed out at the time, the administration was insisting on a radical reinterpretation of the contract that was unprecedented at UMD. To the best of our knowledge, every previous chancellor and VCAA (now called EVCAA) had recognized what this administration refused to see. From the bargaining notes for our very first contract to more recent correspondence with the last administration, our documentation demonstrated that instructional norms exist. Indeed, it is because these norms had been universally accepted for more than thirty years that most regular faculty at UMD teach below the limits enumerated in the contract. But under the current administration's rejectionist interpretation, there are no contractual barriers to increasing teaching loads. If they want to raise them, they can raise them.

This was alarming, so we filed our grievance. It was rejected at Step 2 – the campus level – by Linda Kinnear, the chancellor's designee. Unfortunately, this hardly surprised us. In what we believe is also unprecedented

for UMD, the current administration has ruled against UEA on every grievance it has decided. To be sure you understand just how bad things have gotten, let me repeat that point: Every single ruling on a grievance we have filed under this administration has favored the administration. In fairness, I should note that we have settled some. And, realistically, we recognize that we may not always prevail. That is the nature of the system. But never winning a grievance – as in not once – is another matter entirely. There is an inherent conflict of interest in any administration being asked to render a judgment about itself, but the record amassed by the Black administration points to a serious problem of a different sort.

We thus filed at Step 3, which is the University system level. Again the grievance was rejected, though this time with an interesting twist. The hearing officer, Assistant Director of Labor Relations Sheri Stone, acknowledged – unlike our administrators at UMD – that norms do indeed exist. She just said they were “not contractual and they do not seem to be calculated consistently throughout the departments.” While we appreciated her recognition of the norms' existence, we disagreed with her rejection of their contractual nature, so we filed at Step 4, which is the arbitration stage.

The grievance is currently on hold at that level. Before making any arguments before an arbitrator, both sides consented to the formation of a joint task force that would seek to resolve our workload disagreements. This is probably what should have happened a few years ago when the administration first decided it didn't like the current system. But instead they opted for rejectionism. And now, three years and much tumultuousness later, we are left trying to clean up their mess.

The Parking Issue Commentary

Early November 2014
Concern raised by UEA Contract Administrator Scott Laderman to Chancellor Lendley Black and EVCAA Andrea Schokker

11.8.2014;

Andrea email to Scott
* “Gold lot: I emailed Lisa (Vice Chancellor for Student Life Lisa Erwin) and explained the concern. I've asked her to meet with you directly so you may be hearing from her soon.”

* Added note by Chris McIntosh (current UEA Contract Administrator) 2/10/2016: this email is not included with the others appended since it contains confidential information regarding other issues

11.17.2014;

Andrea email to Scott
* “Lisa suggested that you meet with Corbin (Smyth) and Pat (Keenan) together (she has talked with them as well I believe) about the parking item. Contact Carrie Gagne to schedule.”

Scott reports on meeting with Patrick Keenan and Corbin Smyth: They said they would look into the issue, but that it would take time – they said they might need until the end of the academic year to figure it out

Academic year ends with no communication to UEA

6.30.2015;

Scott follows up with Patrick and Corbin

7.9.2015;

* “When the new parking policies, including hours of enforcement, were implemented in the summer of 2013, one of the primary factors was alignment with the UMD Strategic Plan - especially Goal 5: strengthening ties with the Duluth community. There was a strongly expressed need to provide convenient and free parking for patrons of evening events - such as music, theater, and sports.”

* “That being said, in order to better meet the needs of faculty and staff Gold permit-holders who need appropriate parking after 5pm, we will be piloting a nine month trial program at the Chester Park Gold Lot R2 beginning this fall semester. There are 14 Gold permit spaces in that lot. Enhanced enforcement hours will be posted in 4 spaces with signs indicating Gold Permit only parking Mon - Fri, until 11pm (rather than the current 5pm).”

7.9.2015;

Scott responds to Patrick
* “The Chester Park Gold Lot is the farthest lot from the heart of campus and the farthest lot for those

2014

Contributor: Chris McIntosh (LSBE), UEA Contract Administrator AY2015

I was surprised that this parking issue was ongoing as I took over for Scott as Contract Administrator. It seemed like such a clear need to me; basically, having reasonable access to job facilities. I would have expected the Chancellor to move quickly since it could have brought goodwill between faculty and administration. Instead, eight months later UEA was again raising the issue after being denied multiple times by Patrick Keenan (Director, Student Life Operations). The meetings with the EVCAA, Chancellor, and UEA were over eight months apart but ended the same way, needing to check with Lisa Erwin. However, the second time it only took a little over a month to get approval. I can't help but wonder why that couldn't have happened the first time. The approval was for six spots (of the ten requested) in Gold Lot C to be reserved for faculty displaying a special permit after 5pm and on the weekends (the signs clearly state “Reserved for Music & Theater Faculty After 5pm”). I recently followed up with UMD Parking Services and was told there are approximately 130 unreserved spots in Gold Lot C; it is unclear to me as to why faculty were only given six. There are four spots immediately adjacent to those allocated that are the end of a natural row, why these were not offered is a mystery. Enforcement continues to be an issue. I like to attend UMD basketball games and have witnessed multiple times vehicles occupying these spots without the special permits (after 5pm) and without tickets. On February 13th, there was Women's and Men's Basketball, a Flute Choir concert, and a performance of “All's Well That Ends Well”; the reserved spots were filled by vehicles without the special faculty permits at around 4:40pm and around 8:00pm (without tickets). Although I am not sure whether Gold Lot C was completely full (some vehicles were already leaving), I do know it was very full as I left the Men's Basketball game at 8:00pm. Unfortunately it seems little has been gained for faculty needing these spots.

faculty most likely to consistently need their Gold Lot spaces after 5:00 p.m. (i.e., those faculty in SFA with evening performances). It makes much more sense to designate spaces in Gold Lot C (i.e., the lot by the stadium) for enforcement until 11:00 p.m.”

7.10.2015;

Patrick responds to Scott
* “The parking lot audits indicate that there are numerous spaces available around campus in both Gold and Maroon lots after 5pm. Near Gold Lot C are also Maroon Lots M2 and E as well as Pay Lot G. All of these are open to Gold permit holders after 5pm.”

7.10.2015;

Scott responds to Patrick
* “This is the first I had heard about the audits, so I appreciate the information. To follow up, I'm still not sure why some of the spaces in Gold Lot C cannot be enforced until 11:00 p.m. That is, I believe, the lot most used by SFA faculty, who may have to arrive on campus shortly before an

evening performance (and thus don't have time to look for a space elsewhere) and/or need to carry heavy, bulky equipment, such as musical instruments (which, depending on the instrument, can be difficult to lug around). If there are indeed numerous spaces available around campus after 5:00 p.m., then non-permit holding visitors should have no problem finding one. But for Gold Permit holders who may be pressed for time or need to transport stuff, that proximity to Weber, Humanities, and MPAC can be very important.”

7.11.2015;

President Elect Rudy Perrault responds to Patrick
* “Were those audits conducted on Sport events and or Theatre/Concert evenings? On a regular evening when nothing is going on in Romano or MPAC, I will admit, it is not very hard to find a parking spot on Lot C. But on those evenings when Romano (especially) is busy, the first lot that gets filled up is Lot C. The proximity of this lot is why some of us are paying the higher fee. By the way

2015

11.11.2015;
EVCAA Schokker responds: “parking: we'll have to talk with Lisa Erwin”

11.11.2015;
McIntosh follows up with Administration over enforcement
**First, while SFA is grateful for the reserved parking spots, they are not being enforced. I have witnessed all the spaces being taken by vehicles without permits (during reserved hours) and none had a ticket. Others in SFA have had similar experiences. How can we get better enforcement?”

11.2.2015;

Rudy reports to UEA that he met with Dean William Payne regarding the lack of enforcement of parking spots

9.30.2015;

Meeting with Chancellor Black, EVCAA Schokker, UEA representatives (John Hamlin and Chris McIntosh)

* Announced 6 Gold Lot C spaces will be reserved.
* Added note by Chris McIntosh 2/5/2016: Gold Lot C has about 130 non-reserved spaces

7.30.2015;

EVCAA Schokker's notes from 7.30.2015 meeting with Chancellor Black, UEA representatives (Scott Laderman, John Hamlin, Chris McIntosh)
* “Gold lot parking: concerns about parking for faculty (primarily SFA) after hours in gold lots near performance venues on campus; spots are currently not enforced after 5pm Action: LB (Chancellor Lendley Black) to follow up with Lisa Erwin”

7.27.2015;


Patrick responds to Scott and Rudy - reiterates Chester Park spaces

7.11.2015 (continued);

After 5pm, the 1:1 ratio justification does not quite hold water. I appreciate the effort to include the community at large and make it accessible for people to park on our campus (that IS one recurring theme, and source of aggravation for many), but let us not try to solve a problem by creating a new one, and/or aggravating the very people the community is coming to applaud. I think that a middle ground exists. You very nicely agreed to 4 or so spaces at the Chester Lot. Though this should alleviate some of the issues there, it does not begin to address our concerns in Lot C. I believe that a minimum of ten spaces should be dedicated to Gold Permit holders in Lot C. In a lot that huge, this should not be a major issue. If I remember correctly, quite a few spaces have been reserved for Athletic Staff already...”

This section pays homage to the work of one Dr. David Schimpf, a retiring mind these days, but whose long and dedicated service to the UEA and UMD deserve the honor of a section dedicated to keeping our collective eye on the ball.

A star* indicates the presence of a College of Arts and Sciences, the number indicates the number of colleges.

 Check out the UEA on Facebook!

Schimpf Shelf

1. Minnesota State Mankato - 7
2. Cal Poly San Luis Obispo - 6
3. College of Charleston - 6 (or 8 with Honors College and Graduate School)
4. South Dakota State U - 4* + College of Nursing and College of Pharmacy
5. Southern Illinois University Edwardsville 4* + Nursing and Pharmacy
6. UMASS Dartmouth - 5* + Nursing and Law
7. U of Michigan Dearborn - 4*
8. UNC Charlotte - 7* + Honors College and Grad School
9. U of Northern Iowa - 4* + Graduate College
10. Western Michigan University - 6* + Honors C, Graduate C, and C. of Aviation
11. Western Washington - 6 + Graduate School