

THIS MESSAGE INTENDED ONLY FOR MEMBERS OF THE YSU-OEA



The Advocate

A Newsletter of the YSU-OEA

Fall 2021

President's Report

Susan Clutter, YSU-OEA President, suzclutter@gmail.com

We have finally limped to the end of one of the worst semesters we have seen in a long time in terms of Union work. There have been 10 retrenchment actions so far. Of those faculty members:

- Two were successfully transferred into another Department.
- At least three faculty with considerable time at YSU will be forced to retire earlier than they had planned.
- Two faculty members are connected to endowments, as they run Centers. These Centers are now in jeopardy.
- One faculty member was tenure track, and the rest were all tenured faculty members with more seniority than others in their Department.

Since all of these retrenchments were in clear violation of the terms of our contract, we planned to file grievances, and go to arbitration on behalf of each faculty member. However, the Administration has offered a severance package to try to make these faculty go away quietly. The Union has been working with Administration to secure the best possible severance option for those who have been retrenched. Some faculty may take the severance, and others may choose to grieve and arbitrate.

Meanwhile, we have been told by Administration to expect 'round 2' of faculty separations next semester, but these will be Article 11 non-renewals of lecturers. The contract states that these notices must be delivered to faculty by March 1st, but we don't know who, when, or which Departments.

The Union pleaded with the Administration to look at alternative ways to cut expenses without impacting academics. The Senate also issued a resolution to this effect. Unfortunately, the powers that be have decided to cut their prime source of revenue, choosing to ignore all other fiscally responsible options.

Thus, the Union Executive Committee voted unanimously to hire an independent examiner who will perform a full and comprehensive multi-year financial analysis of the university. Once he is finished with the research, he will determine if the money is focused on the core mission, or if they are overspending elsewhere. In order that the process is as unbiased as possible, we have asked the Budget Committee of the Academic Senate to work with this accountant when necessary. Lastly, **the accountant will be invited to share his conclusions with the Senate for maximum transparency.**

We hope that shedding new light on the budget and the financial future of YSU will convince the Administration to consider options other than retrenchment and the sunsetting of our programs.

Chief Negotiator's Report

AJ Sumell, Chief Negotiator, ajsumell@gmail.com

First, I'd like to acknowledge and express gratitude to other members of our negotiations team: Susan Clutter, Karen Larwin, Gabriel Palmer-Fernandez, Michael Pontikos, and our newest member, Kivie Cahn-Lipman. When not in contract negotiations, the main task of the negotiating team is to discuss and develop modifications to the contract through Memorandum's of Understanding (MOU's). This year was unusually busy, with 9 MOU's agreed upon and others in development. Two of the more important MOU's include the Voluntary Separation Retirement Program, of which 24 of our colleagues received this Spring, and an MOU which allows bargaining unit members, spouses and dependent children to pay only 20% of the cost of online instruction for courses provided by Academic Partnerships. If you want more details the full text of all executed MOU's can be found on YSU's Human Resources site: <https://ysu.edu/human-resources/memorandums-understanding>

Keep in mind that it is almost time to elect our negotiations team for the next round of negotiations. Given the context of retrenchment and program cuts, this next round of negotiations will be especially challenging, but there is no more important task for a Union than to negotiate a fair Collective Bargaining Agreement. A call for nominations will be distributed in February, and an election will be held in March. Please consider nominating yourself or a colleague. If you have any questions about negotiations or anything else please don't hesitate to reach out. My email address is ajsumell@ysu.edu and my office phone is (330) 941-1678.

In solidarity,

AJ Sumell

Grievance Report

Gabriel Palmer-Fernandez, Grievance Committee Chair, gpalmerfernandez@gmail.com

MASKING COVID

Should a group of time travelers from some distant utopia looking to promote their beliefs in democracy visit our campus during the COVID-19 pandemic they will be stunned to discover that among our species of featherless bipeds some soar over others. Like a class of ruling elites their risk of infection is reduced by means denied the rest. Public statements by the provost and others during the start of the academic year assured us that administration was taking proper safety measures, such as upgrading air filtration systems (and consequently, no mask mandate was necessary). Those statements were far from being true and accurate. To be sure, the president's loge at Stambaugh Stadium did have its air filtration system upgraded as early as spring 2020. But for the rest of us "there was," as Mr. John Hyden put it to the Academic Senate on 3 November 2021, "confusion... [and] unintentional misstatement in the media."

Faculty union members know that we filed an Association grievance seeking to uphold contract language per Article 25.1 on a safe and healthful workplace. The grievance was presented at Step 2, level of the provost, and he, instead of listening to a matter of importance to faculty, assigned it to Mr. Neal McNally, Vice President for Finance & Business Operations. We were not surprised that our remedies were rejected by him. After all, on August 3, 2021, to an email from Ms. Julie Gentile - copied to YSU's leadership team including Mr. Tressel, "providing a detailed response to the questions and concerns we are all hearing about the 'new COVID outbreak'," and concluding that "[o]ur campus does not need masks" - Mr. McNally replied: "Julie, Thank you for sharing this. I agree with you completely. 100%." And then Neal is assigned to adjudicate a grievance on the very (lack of) protocols he lauded. "And what do you call that?" asked one of our utopian time travelers. "Barren land for democracy," their leader replied. "*Vámonos de aquí!*"

Meantime, we featherless bipeds play tricks on each other, often but not always for amusement. Some of them are *fons et origo* of perfidy. One trick I had not seen before is the assertion of attorney-client privilege for any email in which Ms. Holly Jacobs, Vice President and General Counsel, is copied – not an email discussion she initiates or to which she replies or gives legal advice, but *any* email that includes her name. How convenient. Seeking further information on COVID protocols on campus, we requested email exchanges between Mr. John Hyden and others. We did receive a few. Most of them, however, we were informed are protected by privilege, as Ms. Jacob's name appears among those copied. Is she refuge for any matter administration wishes to mask? This rather mischievous trick is played by them both inconsistently and selectively. In response to information requests by our union, I have in possession emails in which Ms. Jacobs is copied and others in which she replies. And all of them were made available to me by her own office. Privilege predicated on what?

"Everybody knows the fight was fixed." (Leonard Cohen)

Treasurer's Report

Taci Turel, YSU-OEA Treasurer, tacibaht@gmail.com

Charge	Deposit	Balance	
\$ 115.83		131580.78	Local tax w/h -- 3rd Qtr RITA
\$57.19		\$ 131,523.59	State withholding -- 3rd qtr.
\$ 948.21		\$ 130,575.38	Secretary wages -- 60 hours
\$740.44		\$ 129,834.94	Federal taxes, 3rd Qtr, 941
	\$15,172.00	\$ 145,006.94	Member dues -- Pay #20, 10/30/21
\$140.00		\$ 144,866.94	Jim Diffley -- 3rd qtr taxes
\$948.21		\$ 143,918.73	Secretary wages -- 60 hours (online payment)
\$300.00		\$ 143,618.73	Rent -- Oct
\$24,027.53		\$ 119,591.20	OEA dues -- statement 10/1-10/30 Invoice#
\$131.80		\$ 119,459.40	AT&T Uverse (online payment)
\$200.00		\$ 119,259.40	Donation to GATA for their strike
	\$15,234.00	\$ 134,493.40	Member dues -- Pay #21, 11/15/21
\$948.21		\$ 133,545.19	Secretary wages -- 60 hours (online payment)
\$948.21		\$ 132,596.98	Secretary wages -- 60 hours (online payment)
	\$15,225.00	\$ 147,821.98	Member dues -- Pay #22, 11/30/21
\$ 26,816.43		\$ 121,005.55	OEA dues -- statement 10/30-11/30 Invoice# 8440585
\$21.98		\$ 120,983.57	Reimb. Susan Clutter, protest coffee
\$35.98		\$ 120,947.59	Reimb. Gabriel Palmer-Fernandez, protest purchases
\$131.80		\$ 120,815.79	AT&T Uverse (online payment)
\$166.79		\$ 120,649.00	Reimb. Taci Turel, USPS, envelopes, e-ballot fees, Zoom account (Oct 10-Dec 10)
Local organization cash in checking:		\$ 120,649.00	

First VP's Report

Beckey Curnalia, First VP, drcurnalia@yahoo.com

50 Years of YSU-OEA

Dan O'Neill emailed me recently to talk about the 50th anniversary of YSU-OEA. In previous editions of *The Advocate*, Tom Shipka wrote about the formation of the YSU-OEA in 1972, recalling, "We had unionized under the cloud of retrenchment and, understandably, job security was uppermost in our minds."

It is striking to me that we will observe the 50th anniversary of YSU-OEA while still "under the cloud of retrenchment." In fact, we still face many of the challenges that Tom noted had been the first faculty concerns tackled by the inaugural YSU-OEA Executive Committee: plans to retrench faculty, unilateral cancellation of classes due to enrollment, and the content of personnel records. As we move into our 50th year as a bargaining unit, the need for a strong, organized, active faculty union is as essential as ever. To that end, I want to thank the members of our EC for rallying to defend our colleagues facing retrenchment.

We are led by an extraordinary team:

Susan Clutter, President, who has been vocal, responsive, and persistent in her defense of faculty. Susan represents us on more committees than I can count, and her service has been outstanding. She is a tireless advocate for each of us, and we are all better off for her leadership.

AJ Sumell, Chief Negotiator, who has served in several union leadership roles and has shared years of his time and expertise in YSU-OEA leadership and negotiations, currently works meticulously on MOUs and leading our negotiation team. Along with Megann Walsh, our Labor Relations Consultant (LRC) and the Negotiation Team, AJ has done exceptional work defending the word and spirit of the CBA.

Gabriel Palmer-Fernandez, who is our longest serving member on the EC, has also held myriad positions in the YSU-OEA and fiercely defends faculty and the CBA in addition to securing the future of the union by bringing faculty into leadership roles and mentoring them.

Lastly, there is a lot of 'behind the scenes' work that goes on in the union: Loren Lease keeps us on task and organized as our Secretary; and that is no small task when dealing with a group of faculty. Taci Turel keeps us budget-conscious as Treasurer. Tom Diggins makes sure we hear faculty voices as our College Advocates Chair. Jamal Tartir brings both previous negotiations experience and a critical eye to EC business as Second VP. He is also planning the 50th anniversary celebration this Spring. Shelley Blundell has kept our voices in the media and helped us collect data and information on both the Communication Committee and Research Committee. Mandy Fehlbaum makes sure our votes are counted as Elections Committee Chair. Helen Mays is our office support who keeps our files in order and our chapter in compliance.

And, of course, there are the many members who are on these committees as well who generously share their time and skills.

As others have said in this newsletter, please seek opportunities to participate in the union. We need your time and skills to continue our work.

In addition to being active in the union, please be vocal and active in your departments, including in the development of Governance Documents which will be on our agendas at the start of the Spring. Attend and participate in Academic Senate, where academic issues are often first introduced and debated. And, lastly, participate in the professional development activities that help us all work within the confines of the CBA, university policy, and state law (see below). Doing these things will help the EC.

Reminders

The Association reaffirms its support of YSU's policies prohibiting sexual harassment in both the workplace and learning environment. Such behavior is completely unacceptable at this University and will not be tolerated.

The Association is demonstrating its full support of a safe workplace and learning environment by endorsing University Policies 3356-2-03 and 3356-2-05 and Article 25 and publicly circulating the below statement:

"The Union wishes to affirm with our members the continuing importance of the University's policy on Discrimination/Harassment (3356-2-03) Title IX Sexual Harassment (3356-2-05), as well as our obligations to the students and our community to maintain a campus/classroom environment free from illegal harassment and discrimination. This obligation is included in Article 25.2 and 25.3 of the CBA and we agree to encourage and cooperate with EEO/Title IX training to better ensure that our students are free from harassment/discrimination and able to engage with faculty to pursue educational excellence."