

# AAUP at NYIT

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AAUP at NYIT, Inc.  
Newsletter

Volume 1, Issue 3  
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## Upcoming Events

### **Manhattan General Meeting**

Tuesday,  
November 15, 2011  
Free Hour  
11<sup>th</sup> Floor Auditorium  
16 West 61<sup>st</sup> Street

### **OW/CI General Meeting**

Thursday,  
November 17, 2011  
Free Hour  
HSH Lecture Hall (Rm.130)

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## General Meetings Scheduled

### **Manhattan General Meeting Scheduled for November 15, 2011**

The next AAUP General Meeting for the Manhattan Chapter will be held on November 15, 2011 during Free Hour in the 11<sup>th</sup> Floor Auditorium, 16 West 61<sup>st</sup> Street.

The Union Attorney, Beth Margolis, will be on hand to answer any questions the membership may have.

Lunch will be served.

### **OW/CI General Meeting Scheduled for November 17, 2011**

The next AAUP General Meeting for the OW/CI Chapter will be held on November 17, 2011 during Free Hour in Harry Schure Hall – Lecture Hall (Room 130). Lunch will be served.

Below you will find scheduled dates for OW/CI General meetings for this academic year. Please mark your calendars accordingly. All meetings will take place on Thursdays during Free Hour and will be held in Harry Schure Hall – Lecture Hall.

Thursday, November 17, 2011  
Thursday, February 16, 2012  
Thursday, March 15, 2012  
Thursday, April 19, 2012  
Thursday, May 17, 2012

### **President's Message - Manhattan Chapter President, Ellen Katz**

Dear Colleagues,

I hope that the flurry of the new semester has settled down.

As the days go by, I ask that you pay particular attention to the anti-union movements being driven across the country, by very big money, with the express goal of destroying collective bargaining. All the rights and benefits that we enjoy at NYIT have been achieved through collective bargaining.

As we begin to prepare for negotiations, the current CBA expires August 31, 2012, please think about your priorities for the next contract. You may, of course, raise concerns with any member of the Joint Council, but I suggest that you send an e-mail copy to our Executive Director, dtibrewa@nyit.edu, so that we may keep a growing file.

If any one wishes to join one of the committees formed, please be prepared to do the hard work.

Hoping the rest of the semester goes smoothly.

Ellen Katz, President, Manhattan Chapter AAUP

<p><b>Joint Council Members</b></p> <p><u>Manhattan:</u></p> <p>Ellen Katz, President</p> <p>Percy Griffin, Vice President</p> <p>Dean Winokur, Secretary</p> <p>Steven Billis, Treasurer</p> <p>Felisa Kaplan, At-Large</p> <p>Katherine Williams, At-Large</p> <p><u>Old Westbury/CI:</u></p> <p>James Fauvell, President</p> <p>Laurence Silverstein, Vice President</p> <p>Tricia Nicholes, Secretary</p> <p>Shin-R Lin, Treasurer</p> <p>Yael Roitberg, At-Large</p> <p>Christopher Moylan, At-Large</p> <p>Stanley Silverman, At-Large (CI)</p>	<p><b>President's Message</b></p> <p>OW/CI Chapter President, James Fauvell</p> <p>I'd like to take a moment to acknowledge and support the students, faculty, and other individuals who are currently demonstrating for greater economic equality in downtown New York City and around our country.</p> <p>In case you haven't heard, several major labor groups, including the AAUP, Transport Workers Union, the Service Employees International Union, the United Federation of Teachers and the United Auto Workers took part in the demonstrations this past week. In fact, some of our faculty has gathered in Lower Manhattan lending support to the Occupy Wall Street movement.</p> <p>The truth is, over the last several years people at the very top have prospered while most of the middle and lower classes have stagnated or suffered economic decline. I hope that each of us will take some time in the coming days to think about what we are experiencing as a nation. The time may be here for all of us to stand up for what is right.</p> <p>If you think the action the Occupy Wall Street movement has taken to highlight the inequity and unfairness of our society is right, please either join their demonstrations or contribute what you can to help them in their cause. We are, after all, in this together.</p> <p><b><u>Here are a few things to note as we as we enter the middle of the semester:</u></b></p> <p><b><u>Workload Accounting</u></b></p> <p>By now, all faculty should have received from their chairperson a copy of their faculty compensation (Fac Comps) for the fall semester. Please look them over carefully, making sure you have been paid the proper number of ELH's for each class as well as for other compensated activities you are being paid to do. Also be sure to make sure your banked hours are listed properly as well as all overload.</p> <p><b><u>Two-Campus Work Assignments</u></b></p> <p>Any faculty or professional staff member assigned to two or more campuses on the same day shall receive \$30.00 for each such day in lieu of expenses.</p> <p><b><u>Global Assignments</u></b></p> <p>Teaching by New York based faculty in the International Programs is on a voluntary basis and there may be neither coercion nor discrimination in the assignment of such faculty to these Programs. A list of faculty available and interested in teaching at International sites should be composed for each term. While teaching assignments will be made to only those faculty members who volunteer, the college will make an effort to distribute available courses on an equitable basis, insuring that all faculty members have an opportunity to teach in the International program location for which she/he has volunteered, before faculty who have already taught in that program location are reassigned to that location.</p>
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Teaching in International programs shall be treated as entirely equivalent to teaching at the New York campuses for purposes of promotion, reappointment and tenure. The faculty may determine whether to treat an International teaching assignment as base load or as over load.

### **Second call for committee members**

The AAUP at NYIT is still seeking volunteers for the following committees in preparation for our contract negotiations:

- Academic Governance
- On-line teaching
- Student evaluations
- Research, Grants and Scholarly works
- Medical Insurance
- Retirement benefits
- Personal Procedures (Hire, rehire, tenure and promotion)
- Legal Representation
- Global programs

Please call our Executive Director, Ms. Deborah Tibrewala at 516-686- 1120 and let her know the committees you would like to serve on.

## **GEARING UP FOR CONTRACT NEGOTIATIONS (PART 1)**

BY L. SILVERSTEIN

The AAUP at NYIT is a bargaining agent, recognized by the NYS Labor Relations Board and the National Labor Relations Board, as the authorized representative of faculty and professional staff in negotiations with NYIT Administration.

The AAUP at NYIT has an established history of obtaining favorable Collective Agreements (“CBA’s”, “contracts”) with NYIT.

Currently, we are in the last year of a 5-year agreement, which expires on August 31, 2012. This Agreement sets wages, benefits, working conditions, and specifies personnel practices relevant to hiring, retention, and tenure and promotion processes, etc., for members of our Collective Bargaining Unit (CBU). We are about to begin an active period of re-negotiating our CBA. This will engage the AAUP-at-NYIT for much of the 2011-2012 Academic Year.

To address the concerns of our membership, your AAUP-at-NYIT leaders are currently soliciting and encouraging conversations and communications relating to opinions, issues, and priorities, for inclusion in our developing manifesto of negotiating positions. This will be an on-going process, especially during the Fall, 2011 semester.

How we represent you: The AAUP-at-NYIT is organized into two coordinated Chapters, serving the Manhattan campus and the Old Westbury/Central Islip campuses. Each Chapter is led by an elected Executive Committee, operating under a written constitution. The two Executive Committees come together to form a “Joint Council” (with its own set of by-laws), whose function is to negotiate,

supervise, enforce, and, if necessary, grieve and arbitrate, contractual provisions. Bargaining Unit members have access to, and participate in, this process by initiating direct contact with the appropriate Executive Committee (or Joint Council) members. The names of your Joint Council members are listed in many places, including the side-bar to the left of these pages. The process of protecting the interests and concerns of our members is intended to be open and transparent to the extent that personnel confidentiality allows. If you have a concern, rest assured that we will listen to, and advocate for you.

By contrast, CBA negotiations (upon which we are about to embark) cannot be conducted in a public spotlight, and varying degrees of confidentiality are essential. We are about to enter such a period of confidentiality. When we do, the AAUP Joint Council (composed of a total of 13 members), or some large subset of it, will commence a series of periodic meetings with representatives of NYIT administration.

It is usual for the Vice President for Academic Affairs (VPAA) to lead the NYIT Administration delegation in communications with members of your Joint Council, led by the Presidents of the Chapter Executive Committees. The bargaining discussions can sometimes become intense, but we strive to be collegial, polite and respectful.

Much detailed preparation goes into the process. Months of preliminary discussions among your AAUP leadership, augmented by consultations with faculty and professional staff, have already commenced.

The Joint Council attempts to achieve a CBA that most or all of us can wholeheartedly support, and which we then present to the membership for a vote. We strive to reach a fair agreement along many dimensions. As the negotiation progresses we will report back to the membership periodically.

Looking to the immediate future, we are currently researching and establishing our initial negotiating positions. It is hoped and expected that we can initiate productive bargaining towards the end of the Fall 2011 semester, and achieve an acceptable CBA by the end of the Spring 2012 Semester (well before the CBA expiration on 8/31/12). This will not be easy, but with good will, realism, and seriousness of purpose on both sides, such a goal is achievable.

As always, the issues which confront us revolve around the eternal intersecting and overlapping quartet of:

- Salary and compensation;
- Workload, working conditions, academic quality and responsibilities;
- Benefits (medical, and others);
- Governance

Here ends the first lesson. It will be followed in the next issue of this newsletter by an elaboration of some of the themes referred to above. We welcome your comments and questions, as always.

## **The Yeshiva Decision and Academia Today**

By: Felisa Kaplan and Christopher Moylan

Discussions about a wide range of issues in the areas of governance and union representation in academia often end with reference to the “Yeshiva case”, a Supreme Court decision rendered in 1980. In a contract year, it would seem prudent to give a general overview and history of this decision.

The Yeshiva University case (NLRB v. Yeshiva Univ., 444 U.S. 672) arose from an attempt to form a collective bargaining unit representing faculty at Yeshiva University in New York. The University had refused to negotiate with the Faculty Association, claiming that even though the central administration and Board of Trustees formulate college-wide policies, the faculty were in charge of all decisions relating to individual schools. Faculty were considered to have managerial and supervisory responsibilities in a wide range of areas, including curriculum, personnel issues, academic standards, calendars, admission and matriculation. The faculty also made recommendations as to hiring, promotion and sabbaticals. Even though the National Board of Relations had directed the University to bargain with the Faculty Union as professional employees, the Supreme Court agreed with the University’s interpretation of faculty as managers and supervisors and denied the petition of the Faculty Association and Labor Relations Board.

For a time, this ruling put a chill on most unionizing activity at private colleges and universities. (State laws govern bargaining at public colleges and universities.) However, since the Yeshiva decision several private universities have unionized: University of Great Falls in Montana, Manhattan College, University of the Virgin Islands, Emerson College and others. Two rulings by the National Labor Relations Board provided some encouragement to union drives. A 1996 NLRB decision allowed faculty members to unionize at the University of Great Falls in Montana, and a ruling in 1999 enabled unionization of Manhattan College. Further, a 2007 NLRB decision found that the faculty at Carroll College, a Presbyterian affiliated college in Wisconsin, had so little control over matters of governance that they could not be considered managers.

Eventually, the administrators of Carroll College succeeded in a court appeal, arguing that the college be exempted from unionization based on its religious affiliation. Nonetheless, the earlier precedent for challenging the Yeshiva decision remained, with the implication that the less control faculty have over governance matters, the less likely it is that a Yeshiva challenge to unionization would be upheld.

Some thirty years after Yeshiva, the profession has evolved in ways that at the least complicate applying this decision and arguably diminish its sway. The trend of many administrations toward a top-down corporate approach to governance has eroded the definition of faculty as managers. Many faculty senates are now ceremonial, their role confined to rubber stamping administration programs and initiatives and, more importantly, fulfilling accreditation requirements that a senate be in place. In *St. Thomas University v. St. Thomas Faculty Association* (1990), for example, it was held that although faculty had a nominal say in the usual range of so-called managerial functions (curriculum, promotions and tenure, course

approval, course loads and so on), the president or academic dean could ignore or reverse any decision. Similar findings were made in a number of other court cases. Clearly, the administrative structure at NYIT is consistent with this model (and given the absence of full time faculty input in global campuses, would seem to be even more centrally controlled).

Also, the proliferation of online and hybrid courses has drawn some faculty away from the day to day concerns of their colleges, thus reducing considerably their role (that is, of faculty largely involved in online teaching) in governance.

Finally, the increasing dependence on contingent faculty at many campuses has established a large population of teachers exempt from Yeshiva. It should come as no surprise that contingent faculty has presented an area of growth for the union movement on campus.

As it is now, full time professors face an unpleasant paradox; the more involved they are in making governance decisions that nurture and promote the health of the institutions that employ them, the more they work against their collective interests as professionals. This cannot be healthy for institutions or professors. A more optimistic view, however, would hold that with assessment-driven intervention in teaching and syllabi, and the increasing influence of corporate approaches to administration in academia, Yeshiva is losing its relevance to understanding of governance, unions and contracts, suggesting the possibility of a future modification of Yeshiva in the courts. Time will tell.

### **Union-Related Issues at the national level**

By: Christopher Moylan

**Anti-union legislation in Ohio, Wisconsin and Michigan:** Faculty at state colleges and universities were among many others affected by laws passed last March to eliminate collective bargaining for state employees. The partisan nature of this legislation was unmistakable; the bills were sponsored by Republicans in all instances and, in Ohio and Wisconsin at least (the party breakdown of the vote in Michigan was unavailable) only Republican legislators voted for them. The Ohio law is particularly hostile to unions, forbidding deduction of union dues from state paychecks and requiring a yearly vote by state workers on the status of the union.

Similar, if more moderate, anti-union measures have been proposed, with varying success, in Florida, New Hampshire, and New Jersey. Financial backing by the philanthropists David and Charles Koch, key supporters of the Tea Party movement, has been crucial so far to these anti-union initiatives in state legislatures. This support, along with that of other large scale contributors, complicates the notion that the anti-collective bargaining legislation responds simply to the budgetary contingencies of individual states.

One bit of information may help to drive home the importance of these anti-efforts to the broader academic community. Within the past few weeks it has been alleged (in *The Blade*, 9/22) that members of the administration at Bowling Green State University helped to write SB 5, the bill that outlawed collective bargaining for state employees in Ohio. One hopes that more details will be forthcoming, but in the meantime it should be evident that if anti-union legislation is important to administrators it should be even more important for faculty.

Against this backdrop of nationwide anti-union efforts the Joint Council of the

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AAUP at NYIT voted overwhelmingly in favor of providing material support to the repeal campaign in Ohio. The particulars of support from the entire AAUP chapter will be decided in due course. Meantime, the members of the Joint Council will lead the way by making donations as individuals to the repeal campaign.

**Attempt to limit free expression on campus:** After complaints by the AAUP and The Foundation for Individual Rights in Education the administration at the University of Illinois at Urbana-Champaign (UIUC), the “Provisional Electronic Communications Policy Document.” The document forbade the use of the school email system for political speech of any kind. This followed a 2008 document forbidding the display on campus of political bumper stickers, campaign buttons and the like.

In California, ten students pled guilty to misdemeanor charges for heckling the Israeli ambassador when he spoke at the University of California, Irvine, in November of 2010. In addition, the university imposed a one quarter suspension on the Muslim Student Union, the group that organized the protest. The decision of Orange County officials to prosecute the students has been criticized as intruding on campus free speech even by those, such as AAUP President Cary Nelson, who were critical of the students’ action in disrupting the speech.

Since college campuses have long been incubators for protest movements in the wider community, attempts such as these to curtail political expression raise questions as to the prospects for political free speech on campus as the nation continues to struggle with a difficult economy and a bitterly polarized electorate.

**Professors, Students Support Occupy Wall Street:** On October 5, unions and student groups, among others, came out in large numbers to march in support of Occupy Wall Street. PSC-CUNY, the AAUP chapter of CUNY participated as a union. At NYU, hundreds of students and faculty walked out of classes to join the demonstration. At least one member of AAUP at NYIT participated as well. Support for the Occupy Wall Street demonstrations came via a declaration on the AAUP Online posted on October 7. The statement begins:

The Collective Bargaining Congress and national Council of the American Association of University Professors stand in solidarity with the Occupy Wall Street movement.

The reasons offered for this endorsement speak to a wide range of issues confronting students and faculty across the country:

The dedicated students whom we teach at institutions of higher education are being forced to pay more for tuition and go deeper into debt because of cuts in state funding, only to find themselves unemployed when they graduate. The majority of college and university faculty positions are now insecure, part-time jobs. In addition, attacks on collective bargaining have been rampant throughout the nation, as our job security, wages, health benefits, and pensions have been either reduced or slated for elimination.

The relationship of the AAUP to Occupy Wall Street, bears watching at the national level and among local union chapters. At a minimum one can infer that the political currents from the right mentioned elsewhere in this newsletter are beginning to meet a response from students, faculty and their traditional allies in the left.