



# FAC'S SHEET



**Newsletter of the University of Scranton Faculty Affairs Council  
November 2009**

## **Mark Your Calendar!**

### **FAC Meeting Set For November 10 In The DeNaples Ballroom**

The third FAC meeting for 2009- 2010 is scheduled for Tuesday, November 11 in the McIlhenny Ballroom of the DeNaples Center. Lunch will be served beginning at 11:15 a.m. with the business meeting starting at 11:30 a.m.

The Executive Committee urges all members to attend. Check in the right hand column for the agenda.

#### ***FAC Meetings for 2009-2010***

The FAC Executive Committee has scheduled monthly membership meetings for the 2009-2010 academic year on the following dates and at the places indicated. All regular meetings are set for Tuesdays, beginning at 11:30 a.m. Additional meetings may be called to address special issues or concerns.

- November 10, 2009 – DeNaples Center 407
- December 8, 2009 – DeNaples Center, 407
- February 9, 2010 – DeNaples Center, 407
- March 9, 2010 – DeNaples Center, 407
- April 13, 2010 – DeNaples Center, 407
- May 11, 2010 – DeNaples Center, 407

## **FAC'S SHEET**

is published periodically by the Faculty Affairs Council at the University of Scranton. The editor is Betsey Moylan. Comments and suggestions from the membership are welcomed. Members may also check FAC's Web site at [www.scranton.edu/fac](http://www.scranton.edu/fac) for further information on the Faculty Affairs Council, an affiliate of the American Association of University Professors (AAUP). Copies of the Faculty Contract and Handbook are found on the site. Members may also link to the national AAUP home page.

## **AGENDA for November 10th Meeting**

1. Chair's Report (Michael Friedman)
  - A. Faculty-reserved Parking Update
  - B. Contractually Mandated Committees
  - C. Pregnancy and Childbirth Leave
2. Contract Administrator's Report (Kevin Nordberg)
3. Treasurer's Report (Dan West)
4. Grievance Officer's Report (Len Champney)
5. FAC Elections (Betsey Moylan)
6. New Business (Michael Friedman)
  - A. Family and Medical Leave  
(See article in this month's issue)
  - B. Chair's Sabbatical Recommendation
  - C. Irregular Loads for Faculty Specialists

## **FAC to Hold Annual Executive Committee Election**

On December 1-2, 2009, FAC will conduct its annual election for positions on the FAC Executive Committee. Betsey Moylan and Dan West are coming to the end of their current two-year terms, and Len Champney will finish the second year of Ned Warner's term, which Champney was elected to complete last year. Therefore, a total of three positions are up for election during academic year 2009-2010.

Moylan, West, and Champney have all expressed an intention to seek reelection to their positions on the Executive Committee. FAC also welcomes the written nomination of any other members in good standing. Such nominations should be submitted to FAC's Secretary, Betsey Moylan, by Friday, November 27.

## FAC OFFICERS 2009-2010

### *Chairperson*

Michael Friedman  
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### *Contract Administration Officer*

Kevin Nordberg  
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### *Grievance Officer*

Len Champney  
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### *Secretary*

Betsey Moylan  
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### *Treasurer*

Daniel West  
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## MINUTES

*from the October 15 FAC Meeting*

Michael Friedman, Chair, called the meeting to order at 11:40 a.m. in the DeNaples Ballroom.

**Chair's Report:** Friedman announced that the Handbook Committee will need to spend at least one more month examining new language regarding the Family and Medical Leave Act. If all issues are resolved at the October meeting, he will bring revised language for this area of the Handbook for consideration at the November meeting.

**Posting the New Contract** – The 2009-2012 Faculty Contract is now posted on the FAC Website. Friedman urged members to sign and send their individual contracts back as soon as possible.

**Faculty-reserved parking update** – At the most recent FAC/FPC chairs meeting, Ed Stienmetz announced that one of the new parking lots is still incomplete and therefore the changes to campus

parking are on hold. Stienmetz assured Friedman that as soon as the lot is ready he will inform the faculty. The number of faculty-reserved parking spaces will remain the same; only some of their locations will change.

**Contractually mandated committees** – The new contract requires the formation of four new faculty/administration committees: the Dining Facility Committee, the Program Directors Committee, the Faculty Benefits Committee, and the Lab and Clinical Equivalency Committee. The FAC officers have recruited faculty members to serve on these committees and have reported the membership lists to the administration. Once the full committees are assembled, the officers will keep the membership posted on their progress.

**Contract Administrator's Report:** Kevin Nordberg has so far examined 49 faculty contracts, including renewals for faculty specialists and lecturers. Kevin also noted that colleagues who attended the PA AAUP Conference hold the University in high esteem due to the fact that our handbook is part of our collective bargaining agreement.

**Treasurer's Report:** Dan West announced that all new faculty have become members of FAC. Outstanding invoices to ARAMark, AAUP, and conference attendance have been reconciled.

**Grievance Officer:** Len Champney reported that there have been no new grievances.

**New Business:** Friedman gave a brief introduction to the issue of online submission of Rank & Tenure documents, offering the rationale for such a request and the comments made by members of the Handbook Committee, who had discussed it during the previous meeting. The consensus of the Handbook Committee was that we should seek some input from the faculty at large, particularly from prospective candidates for Rank and Tenure, before proceeding to make a recommendation. He opened the floor for comments or questions. Several comments were made, and Friedman said he would report these important concerns back to the Faculty Handbook Committee.

Friedman also presented the issue of the role of faculty in the search for full-time non-tenure-track faculty. He explained that a department had not been consulted in a last minute hire of a lecturer. When members of the department complained about this

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## Handbook Changes and the Family and Medical Leave Act

by Michael Friedman, FAC Chair

In 1993, Congress enacted the Family and Medical Leave Act (FMLA), which requires certain employers to grant eligible employees up to a total of 12 work weeks of unpaid leave during any 12-month period for one or more of the following reasons: the birth and care of a newborn child, an instance of adoption or foster care, or the need to care for an immediate family member (spouse, child, or parent) with a serious health condition. Since the University of Scranton employs more than 50 employees, all faculty who have at least one year of service to the University are eligible to take unpaid leave under this law.

Last year, I was contacted by a department chairperson who had been informed by one of her departmental colleagues that she was planning to take approximately three weeks of family and medical leave. A problem arose in trying to plan for coverage of the faculty member's teaching responsibilities because the *Faculty Handbook* does not currently address family and medical leave. When a faculty member takes short-term disability leave (STD), the Handbook requires his or her departmental colleagues to cover classes for two weeks without reimbursement, but they are paid a pro-rated overload for any additional weeks. Since STD leave and FMLA leave are not the same thing, it was not entirely clear how coverage of the faculty member's duties should be handled.

In addition, the department chair faced the further complication that there were no members of her department who were both qualified and willing to assume the extra responsibilities. When the department chair approached the dean of the college to request the hiring of a temporary adjunct faculty member to cover the courses, the department chair was told that such an action would violate the *Faculty Handbook*. The FAC officers did not agree that such a hire would constitute a handbook violation, but both sides agreed that it would be wise to compose new handbook language to cover this sort of situation in the future.

The new language, which involves several handbook sections, makes it clear that the dean is allowed to hire an adjunct faculty member to replace

the faculty member on FMLA leave if no department member is available to teach the vacated courses. These revisions also bring the section devoted to STD into parallel form with the new FMLA section. Finally, the new language makes it clear that short instances of STD or FMLA leave (periods of fewer than six months) will not interrupt a faculty member's continuous years of service with regard to rank and tenure, but that longer leaves (of six months or more) will not be counted toward the faculty member's years of service. In either case, a faculty member may petition the Provost for an exception to this default position.

Please join us at the November FAC meeting for a discussion of this proposed language, as well as a few other minor changes to the *Faculty Handbook*, all of which will be distributed electronically before the meeting.

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## Report from the Collective Bargaining Conference

by Len Champney, Grievance Officer

On October 2 and 3, in Portland, OR, I attended the fall workshops of the Collective Bargaining Conference (CBC). The CBC was established by the AAUP in 1985 to provide support to the collective bargaining efforts of the chapters. I report here on two of the four sessions I attended.

The topic of the first session was contract negotiations, and it emphasized the importance of never accepting any administration argument about "financial concerns" unless they are willing to "open the books." Legally, only a claim of "financial exigency" forces an opening of the books. However, if they are asking for "shared sacrifice," they need to show us the things for which we are sacrificing. At institutions across the country, a steady decline in the percent of the total budget devoted to faculty salaries is literally a universal trend at this point. Moreover, the best indicator of an institution's financial health is its bond rating. With a solid bond rating, there are no "financial concerns."

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## ***Luncheon Menu***

*for November 13th Meeting*

- **Mixed Green Salad-Two Dressings**
- **Roast Turkey- Dressing**
- **Sliced Baked Ham - Fruit Sauce**
- **Cranberry Sauce**
- **Mashed Potatoes - Gravy**
- **Corn**
- **Rolls and Butter**
- **Apple and Pumpkin Pies**
- **Coffee, Tea, Soda, and Water**

**Serving will begin at 11:15 a.m. in the McIlhenny Ballroom (4<sup>th</sup> floor).**



## ***MINUTES from October 15<sup>th</sup> Meeting***

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action, the administration and FAC officers re-examined the Handbook and found that there is currently no language that deals with the faculty role in the hiring of lecturers and faculty specialists, only with the hiring of tenure-track faculty (Appendix V). In order to rectify the situation, the Handbook Committee asked for feedback from the faculty about how the Handbook could be adjusted to cover such situations. Once again, he opened the floor for questions or comments, which Friedman agreed to bring back to the Handbook Committee.

The meeting adjourned at 12:45 P.M.

Respectfully submitted,

Betsey Moylan FAC Secretary

## ***Champney CBC Report***

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The topic of the second session was the grievance process, and it emphasized two things. First, that faculty may only grieve administrators, not other faculty. So, for example, if a faculty colleague is harassing you, you ask the Dean to put a stop to it. If the situation continues, you grieve the Dean for “failure to properly supervise.” Second, in the grievance process, the faculty union (here, FAC) does not advocate for the individual faculty member, nor does it take any position on the substantive merits of the claim made by the faculty member. FAC advocates only for the Handbook and due process; FAC also gives the grievant advice on such matters.

At The University of Scranton, the relationship between the administration and the faculty is governed by the Master Agreement. The Master Agreement includes the current three year contract, the Faculty Handbook, and any Memoranda of Understanding (MOUs). MOUs are agreements between the administration and FAC to create exceptions to the Faculty Handbook in special circumstances. To file a grievance, a faculty member must allege an administrative failure to meet an obligation contained in the Master Agreement. For example, our current contract states “Full-time faculty members, their spouses, and their children will, on application through the Director of Human Resources and acceptance by the University, receive full tuition scholarships for any credit bearing catalogue courses taken at the University.” If the bursar was to take the position that tuition remission does not apply to on-line courses, that would be grounds for a grievance. As another example, the Faculty Handbook states, in connection with faculty hiring, that “After the interviews are completed and feedback from the participants has been gathered, the department will meet to develop a recommendation which is transmitted to the Dean.” If the Dean attempted to make an offer to a candidate in the absence of a departmental meeting and recommendation, that would be grounds for a grievance. Most grievances are initiated by individual faculty. The process begins with the filing of a complaint, and the entire procedure is outlined in section 16 The Faculty Handbook, which is available on-line at [www.scranton.edu/fac](http://www.scranton.edu/fac).