

THE NEWSLETTER

Stony Brook Chapter of United University Profession

Library Bldg. 3rd floor 6-3368

November, 1979

John Stamm, President

Lee Wyers, Editor

RETRENCHMENT & THE REDFINITION OF TENUR

BY BILL LISTER

Probably very few new appointees to SUNY academic positions are aware of the highly conditional nature of the State's commitment to them. Even many veteran academics seem not to realize how vulnerable they are as a group to termination of appointment for administrative reasons. My view of our collective situation as it has developed goes, briefly, as follows:

(1) The Old Days: The Board of Trustees

Through the early seventies contractual commitments to academics, in particular those involving continuing appointments, were set and backed by the Board of Trustees, whose Policies specified simply that "the services of any members of the academic staff may be terminated in the event of financial or program retrenchment. If the Chancellor anticipates that such retrenchment may be necessary, he shall seek the advice of the Faculty Senate concerning the policy to be followed in reductions of staff." The 1971-74 union contract described retrenchment as "termination of employment as a result of financial or program curtailment" and detailed some layoff priorities. Of course in those expansive times cutbacks were only hypothetical possibilities. Nevertheless, the language of the Policies suggested that retrenchment would occur only after an explicit description of the problem by the Chancellor and the consideration of alternatives by, among other bodies, the Faculty Senate. Certainly the general belief at Stony Brook was that once a continuing appointment had been approved by the President, it would be terminated only on traditionally acceptable grounds.

(2) The Union Contracts: Management Rights

During the mid-seventies it seems in retrospect that the contractual status of academics weakened, although there are those, among them many of our current UUP leaders, who maintain that objectively nothing changed. The formal changes were of two sorts. On the one hand the Trustees abandoned the field, dropping any reference to retrenchment and to terminations for cause other than mental or physical incapacity. On the other hand the 1975-77 union contract defined retrenchment in considerable detail and alarmingly broad terms, at the same time conceding to management, the unrestricted power to invoke retrenchment and

MEMBERSHIP MEETING

WHEN:

WHERE:

AGENDA:

PRESIDENTS REPORT - John Stamm

I CHAPTER PRESIDENT'S MEETING

In the past months I attended two conferences, which made me aware of the serious issues that are confronting higher education. At the UUP Chapter President's meeting in September we were informed of the impact of Bundy Aid on the SUNY and CUNY systems and of our legislative effort for better control over these expenditures. New York is exceptional among all states in the amount of financial-aid to private institutions, the Bundy Aid Program. The Aid is based on the number of degrees granted by each institution which, in the 1980-81 academic year will be \$450 for a Bachelor's, \$900 for a Master's and \$4500 for a Doctoral degree. The rate of reimbursement and the number of eligible institutions has increased tremendously over the past decade: in 1969 the 57 institutions received a total of \$25.5 million, while in 1980 the 90 eligible institutions will receive \$88 million. This increase reflects the tremendous lobbying efforts by the private institutions to the large majority of legislators who are their alumni. Only 2 or 3 legislators are SUNY graduates. As you know, the SUNY budget has shown little overall real increase during recent years and substantial decreases for several programs and campuses. Therefore, UUP together with NYSUT is planning legislative lobbying toward limiting the growth of Bundy Aid and for more equitable distribution. The Aid should be pro-rated by a student's years of full-time attendance at an institution. This will eliminate the incentive for raiding of upper-class students from SUNY colleges. Your active support of our legislative actions is needed!

II CONFERENCE OF ACADEMIC UNIONISTS

The recent Conference of Academic Unionists dealt with the "Crisis in Higher Education". This weekend meeting in Hempstead was attended by our colleagues from campuses in the East and Midwest, who have been active in professional organizing and Collective Bargaining. I need not elaborate on the severity of the crisis: declining student enrollments, decreasing financial support, and the aggressive actions by administrators against faculty governance and tenure. I was impressed by the tremendous efforts of our colleagues in organizing their campuses for collective bargaining, overcoming the opposition of administrators and legislators and in carrying out the contract provisions which they had attained. The action is on each campus, large and small, public and private. In a sense, we here at Stony Brook are privileged, because the organizing and negotiations are done by "others" in Albany. Of course, this privilege is an illusion, as reported by Bill Lister's article on Retrenchment. The challenge to the conference was: How can we achieve unity, in view of our many diversities. In spite of the substantial progress in collective bargaining all over the country, we college professionals remain fractionated and one are affiliated with different national organizations. Two of these, AFT and NEA, primarily represent grade and high school teachers. There is urgent need for a "Voice" that will speak strongly for Higher Education, at the national level. The conference was united in establishing an organization that will accomplish this important task.

to designate the "units of retrenchment" campus by campus. The resulting apprehension in the ranks was calmed somewhat by assurances from the union leadership that the contract gave nothing away because inherent management rights had always included the broad discretionary power to "reorganize" and to "allocate resources". In any event the 1979-80 contract is the third to contain such explicit concessions, modified in certain details, which may or may not turn out to limit administrative discretion.

(3) Retrenchment: Terminations at Stony Brook in Education (a Test Case): Whether or not it gave anything away, the 1975-77 union agreement proved to be no inhibition at all on the use of retrenchment as a justification for termination of individual contracts. In 1975 the state executive branch put pressure on the 1976-77 budgets then in preparation. The responses of the various State University campuses differed widely. At Stony Brook the range of possible responses was and is unknown since the budgetary problem was never specified and the President's actions were never justified on financial grounds. Nevertheless, what actually happened in 1976-77 provided strong evidence that whatever financial exigency existed could have been met by a modest referral of growth. Phasing out of the Elementary Education Program was begun, but only a small cost reduction could have been realized in the first year. The Education Department was dissolved but some of its members were transferred to other programs, and the six tenured members who were given a year's notice obtained an additional year's delay, thus moving any "savings" into 1977-78, a year in which there were no claims of financial exigency. In addition several departments received new lines in 1976-77.

What all this indicates is that the spurious "exigency" of 1976-77 provided an opportunity for a test of administrative power to retrench freely in support of administrative plans to reorganize or reallocate. The failure of subsequent grievances and legal actions has apparently established that the President violated neither the union contract nor the law. That his move also succeeded politically was due in part to faculty ambivalence and union inaction.

The cases of six dismissed tenured members of the Education Department are not well enough known even by those who were on campus at the time. The most disturbing circumstances were that most of them had only the slightest connection with the eliminated Elementary Education Program and that several were essentially replaced, their functions and lines moved to other departments and new appointments made in their places. The account in these pages of Professor Jeremiah Schneiderman's experience at New Paltz is vivid testimony that this set of outrageous abuse of retrenchment authority has occurred on other campuses and will no doubt continue until checked.

Last summer at the request of one of the six, the Executive Board of this chapter reviewed the cases and as a result appealed to Acting President Schmidt to reconsider his predecessor's action in the hope that this would lead to the reinstatement of those wrongfully dismissed. Dr. Schmidt rejected this appeal, citing the established legality of the action and the responsibility of the faculty for appointment recommendations.

ANNOUNCEMENTS

- We regret the delay in the mailing of the last Newsletter. This is entirely a problem of the mail room. Hopefully this Newsletter will arrive more promptly.
- We have received a large shipment of attractive academic calendars and of the new contract. They are in the UUP Office. Come and help us distribute them in your department.
- Important information about new Health Plans is available in Personnel Office. Obtain this information and talk with Betty Bodkin as soon as possible. (Nov. deadline)
- The regular Board meetings are open to all constituents. Call the office for the next scheduled meeting and visit us.
- Our membership, as of 10/12/79, is 412 Academic and 298 NTP. This decline of 20 members since 8/31/79 reflects the termination of faculty for the fall semester. We must contact all new employees and enroll them in UUP. Help us by talking to your new colleagues and enrolling them in UUP. We have an information folder for new employees and will send it out, as soon as we know Departmental addresses.
- Please attend your membership meeting for important information. It is very difficult to send notices that arrive in time.

GRIEVANCE

by Lee Rosen

The UUP Grievance Workshop held in N.Y.C. on October 13th, was attended by Lee Rosen, Frank Erk, Ruth Sheppard, and Ann Zuppardo. It dealt with Chapter and Statewide structure for handling grievance procedures from step 1 to 4; grievance processing, settlements, arbitrations, and case studies. This was a concise and informative workshop and proved to be absorbing and interesting in every aspect.

REMINDER:

1. Know your Grievance Procedures.
2. You must file within 45 calendar days following act or omission giving rise to grievance.
3. If you have a complaint or grievance, call

Lee Rosen - 6-7173
Prof. Chairperson

Frank Erk - 6-5045
Academic Chairperson

AFFIRMATIVE ACTION

by Ruth Cowan

On October 26th several UUP members held the first meeting of the Affirmative Action Committee for the academic year. R. Friend, K. Weisberg, N. Bohannon, M. Lewis, and R. Cowan were present, as was J. Kaufman. We have the following requests to make of the UUP Board:

1. That the Board approve this committee as a joint committee of Stony Brook and HSC UUP, pending similar action by HSC Board.
2. We would like to hold a tenure workshop in the spring for faculty and NTP's --core campus and HSC. We would like approval of this activity (which will be co-sponsored by campus NOW--which held a similar and very successful workshop last spring) as well as approval for spending up to \$200 on it. This sum will go primarily for mailings and for refreshments.
3. We would like the Board to request that our committee be permanently represented on the President's Advisory EEO committee as well as any ad hoc bodies that the President may establish to review affirmative action progress and procedures on campus.

EXECUTIVE BOARD MINUTES (excerpts)

10/15/79

(1) J. Stamm and L. Rosen met with L. Yasamura to review lists of new employees, terminations, and those on leave. This is a contractual requirement. Although, the lists had been promised for some time we have not received adequate information from personnel changes as of Oct. 1.

(2) Purchase of a Gestetner duplicating machine was discussed and \$800 we approved for purchase of a reconditioned machine.

10/22/79

(1) The two week delay in mailing our newsletter and other problems with the campus mail room were discussed. J. Stamm will inquire about the difficulties.

(2) Membership decline and the need for a membership drive were discussed. Since the list of new employees available does not include their campus addresses, UUP material will be mailed to their home addresses.

(3) Central UUP has received about 150 applications for the new Field Representative position, and is interviewing 50 applicants. The new Rep will cover 4 campuses (Health Sciences, Farmingdale and Old Westbury) and will not be available until mid-November. The Board is strongly dissatisfied with the unilateral actions of UUP and the long delay. We were not consulted about any aspect of this assignment.

(4) We want to hire a part time office secretary who will have the same status as a central UUP employee. Stamm will obtain information.

(5) The Wyandanch teacher's are on strike. It was suggested we support them. They are suffering great hardship. J. Kaufman will obtain information.

10/29/79

(1) The Board approved a donation of \$200 to the Wyandanch Teachers Assistance Fund.

(2) The report from the Affirmative Action Committee was read and its request were approved.

(3) The pay rate for Marion Ragona will be increased to \$4.00/hour.

(4) The Board approved purchase of a new Gestetner 460 duplicating machine for a maximum of \$1200.00.

(5) J. Stamm reported that we cannot hire a secretary through the local NYSUT office. He will ask central UUP to consider placing a half-time secretary on its payroll.

NEXT BOARD MEETING Nov. 7, 4:30PM, UUP Office, Library Bldg.

RETRENCHMENT AT NEW PALTZ

I want to tell you about my experience of being retrenched. I hope it doesn't happen to you.

I never believed it could happen. I went off to the Soviet Union in February 1978 for an academic year on the SUNY Senior Faculty Exchange with Moscow University, having been encouraged to get more training by the New Paltz college administration.

I left New Paltz with a secure feeling about my position at the college. I had been teaching courses in European and Russian History since 1961 and had been a full professor since 1970. I was second in length of service in a department of twenty members; I was fifth in seniority in terms of the date of continuing appointment. My book, published by Cornell University in 1976, has received excellent reviews; parts of it are assigned reading in a course at Columbia University. I have had numerous research grants, including three from the SUNY Research Foundation. In 1979 and 1979 I was the senior nominee of the college for a grant from the National Endowment for the Humanities. I have served on the Research Committee of the Faculty Senate. At New Paltz I have served on numerous committees and been chairperson of the Organization Committee and the Research, Awards and Leaves Committee.

I returned to New Paltz from Moscow in early February of this year. On March 1 a colleague from another department stopped me in the Faculty Tower foyer and warned that I was likely to be retrenched. I was incredulous. Why should I worry since my academic record was a good one and I had seniority. But my colleague stated that seniority would be ignored by the college administration for it wished to save certain junior members.

I still could not believe it. However, when my chairman indicated that I was one of ten members of the department being considered for retrenchment I was shaken. Shortly thereafter I obtained a meeting with the Dean of Liberal Arts and Sciences and the Vice President for Academic Affairs. At that meeting I presented extensive evidence of my academic training and teaching in European History. Three-quarters of my teaching load in my first years at New Paltz was in European History. In recent years it has been one-third of my teaching load, the other two-thirds being in Russian History. After meeting a letter was addressed to the Dean and Vice President providing extensive evidence that I was a European Historian.

All was to no avail. On March 27, a day before my fifty-sixth birthday, I was called into the President's office and told that I was being retrenched. The reason given was that Russian History was to receive less support. Thus the unit of retrenchment was Russian History, a group of courses. I then stated that I was a European Historian and could teach numerous courses in European History that are in the

college catalog and thus according to the terms of the UUP contract replace a European historian with less seniority. The Vice President replied that he agreed that I could teach many courses in the catalog but that he wanted a specialist in Medieval History, a remark he later tried to retract.

During my oral first Step appeal the representative of the college administration stated repeatedly that I was a Russian Historian and that the President had the power to choose the level of retrenchment. However, three members of the History Department received letters of retrenchment different than mine. They were retrenched in History, that is, the unit of retrenchment was the History Department. The college administration treated me differently; it did not wish to indicate that my retrenchment was in History for it knew that I had seniority in the History Department. Most important of all it wanted to save the two most junior members of the Department as it had in 1976. At that time a faculty committee had recommended that they be retrenched but the college administration saved them and retrenched but the college administration saved them and retrenched other faculty.

How have I fared since retrenchment took place? According to the UUP contract retrenched faculty are supposed to be given "special consideration" for vacant position for which they are qualified. But the college administration has acted in the same callous manner in this regard as toward my retrenchment. I was one of the several faculty members who was interviewed by a faculty committee for the position of Assistant to the Dean in the Faculty of Liberal Arts and Sciences. However, when the Dean told me that I had been awarded the position he added that it would probably be cut out of the budget the following year; if I were to be offered the position it would be at a figure considerably lower than he originally quoted to me, one that is about half my salary. At the same time the Director of the Learning Resource Center was quietly moved into a position that was vacant and that was superior to mine, that of Assistant Dean. No retrenched faculty member was informed of this new vacancy; no search was made; no committee was established to interview candidates. The Dean simply asked her if she would like a job in his office. The above facts form the basis of a grievance I filed a week ago.

My experience leads me to believe that the New Paltz college administration does not want me at the college after September 1, 1980. My presence is an embarrassment to the administration for it throws fear into faculty members by reminding them that the same horrendous experience can occur all too easily to them.

What have I learned from my experience? That I have suffered for not having gone along with the grade inflation of recent years and for having high standards and that departmental politics were involved in my retrenchment. I have learned that administrators feel that the UUP contract has given them a free hand to fire anyone they please. Continuing appointment and seniority are a farce. You too can be retrenched for a college administrator can make a determination within narrow limits of what your specialization is, true or not, and hold that it is no longer needed. Moreover, you will not necessarily be retrenched for financial reasons. I was not retrenched; I was replaced; the college administration was hiring while it was firing. Of course departmental chairmen who received new lines were anything but angry against the retrenchment.