

Spring 2013

EIU-UPI Year in Review

UPI Talk

EIU-UPI strengthens our unified faculty voice and the ability to impact positive change on behalf of our membership. As a member of the union, I value that collective bargaining allows for shared governance in decision-making. I choose to be involved to serve my colleagues as we work to preserve and protect the rights of faculty and strengthen the academic environment for our students.

- Kathleen O'Rourke, FCS
Department Representative

UPI Talk

Editor: Terri Fredrick

Presidential Recap

Ann Fritz, EIU-UPI President

Fall 2012 began with ratification of our current contract, which includes salary increases, stronger language on academic freedom, oversight of advisor workloads, reinforcement of the summer contractual rotation, uniform salary rates for all summer offerings, and the possibility of counter-offer pay raises for Unit B members.

As always, we face challenges to our contract, but we are fortunate to be represented by our outstanding grievance officers, Tim Shonk and Eric Bollinger.

For me, chapter highlights center on member action, including formation of a chapter Diversity Committee, a report from the By-laws Revision committee, and the active participation of new and returning delegates to UPI's House of Delegates meeting.

Our Political and Legislative Committee continues a tradition of productive actions to inform members and others through letters to the editor, invited speakers, and informational tabling.

On the pension issue, we've made a difference with all of our calls and emails to legislators. Collective action has been sustained since before the start of the academic year, beginning with a rally at Senator Dale Righter's Mattoon office last July, the "Save our Pensions" rally during January's lame-duck legislative session, a trip to Springfield during the last days of the prior legislative session during which Fern Kory and I met with legislators, and our on-campus meeting with Representative Halbrog. Throughout this time, the calls and emails have become a habit for most of us, but I believe the pressure we've exerted has had an effect; it appears that the "We are One" coalition (of which UPI is a member) has at least had a seat at the table in discussions over potential legislation. We hear that the last few weeks of May will again be times of action. We'll all need to be prepared to act—**so stay tuned.**



Ann Brownson and Ann Fritz enjoy a meal at the UPI House of Delegates meeting in March 2013

An Interview with Retiree Audrey Edwards

Audrey Edwards became EIU's representative to the statewide Retirees Chapter in 2010, when she retired from Eastern's Department of Secondary Education and Foundations. She was appointed by John Allison, then president of EIU-UPI, for an indefinite term. She describes her work for UPI in the following interview.

Can you tell us a little bit about the Retirees Chapter? Who makes up the membership? How many members are there?

The Retirees Chapter includes one representative from each campus, appointed by the president of that campus chapter. Representatives from Chicago State, EIU, Governors State, Northeastern Illinois, Northern Illinois, University of Illinois-Springfield, and Western Illinois meet two or three times a year to share ideas for serving the joint goals of retirees and current employees who are members of UPI. Each Retiree Chapter representative works closely with his or her campus chapter, coordinating social, informational, and lobbying plans.

This year has been stressful for retired state employees with all the legislation threatening pensions and health benefits. How does the Chapter advocate on behalf of its members?

Each chapter representative acts separately, but what I do is pretty typical. I receive email bulletins from AFT, IFT, UPI, and the State

University Annuitants Association. These messages offer information about impending state legislation, along with appeals for political action—usually email and phone campaigns, sometimes lobbying in Springfield as well. I relay all this information to EIU-UPI retirees, sometimes synthesizing it, adding legislator contact information for Charleston-area retirees, or adding my own reaction.

How can current state employees best support our retired colleagues in the fight for pensions and benefits?

I see the interests of current and retired UPI members as identical. Both groups need to stay informed, and this is a big job: the more we look, the more complex the picture becomes. Both groups also benefit from joint lobbying efforts.

Besides pensions and health insurance, what other issues are important to your members?

So far, the Retirees Chapter has had no time to discuss anything besides the big issue: safeguarding our pension and health benefits. If things ever calm down, we probably should discuss other issues that suggest joint action. Continued on page 3



EIU-UPI retirees participate in the "Pension is a Promise" rally in January 2013. L-R: Karl Konrad, Dollie Kilgore, John Kilgore, Alan Baharlou, Linda Coleman

EIU-UPI Forms Diversity Committee

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Is there anything else you'd like the EIU-UPI members to know about you or the Retirees Chapter?

I believe many retirees enjoy taking part in university life. We like staying connected to our profession and to our former colleagues. We like saying hello to current UPI members at the Student Rec Center, at concerts, at County Market, at UPI socials. We have a lot in common with current members, both socially and in terms of shared purpose. We also know that most of us have more time at our disposal than current employees, time that we can contribute to meeting our shared goals. And right now, UPI has a lot of work to do!

What I value most about being a member of the union is that the union is about improving life for everyone. Unions bring people together to work on solutions to problems, rather than splitting people apart to fight over dwindling resources: An example of this is the union backing of the We Are One Illinois solution to the budget deficit, the only real solution among all the options being considered. As a union member I know I'm not only fighting for my quality of life, but I'm also fighting for the quality of life of non-union workers, and for the quality of life of the community where I live and spend money. As Eric Liu said, "The presence of unions sets off a wage race to the top. Their absence sets off a race to the bottom." I'm proud of being part of the effort to improve the standard of living for everyone.

-Todd Bruns, Library, Delegate to UPI House of Delegates and AFT

In Fall 2012, the newly formed diversity committee began meeting, led by co-chairs, Jeannie Ludlow (Women's Studies/English) and Sace Elder (History). The charge of the committee is to assess and recommend ways that UPI can better reach out to and serve all of the diverse members and potential members on our campus. According to Ludlow, the committee began its work by discussing and researching ways to address diversity without "tokenizing" or using "the laundry list of diversity" approach. Other topics discussed by the committee include ways to address diversity-related problems in faculty and staff portfolios (e.g., criticisms from students over the teaching of material related to race, gender, or sexuality). Ludlow says that when it comes to portfolios, there is a gray area between what works well and what is a grievable problem; some of the issues that fall into that gray area are related to identity and diversity.

The committee's next task is to draft a diversity statement that can be placed on the EIU-UPI website. The committee has also begun considering the role of UPI in helping to host programming around diversity for faculty on our campus.

The Diversity Committee is pleased with the start they've made on addressing important issues for our chapter. "Sometimes work on issues of diversity starts slowly because we want to be respectful and careful," says Ludlow, "and we're excited to move forward at a more brisk pace next year."

If you have questions or concerns about diversity relative to the union and its members, feel free to contact Jeannie Ludlow (jludlow@eiu.edu) or Sace Elder (seelder@eiu.edu).

In the spirit of those who have paved the way before me, it is imperative that I always align myself in organizations that represent a need for collective engagement at all costs. UPI's mission supports a need for the voices of the people to be heard in meaningful ways, and as a new faculty member, I appreciate working with a group that actively carries out its purpose.

-Jamila D. Smith,
English
Member of EIU-UPI
Diversity Committee

An Interview with David Carpenter



Can you tell us about your history with UPI at the chapter and local levels?

My formal involvement with UPI began in 1994 when, during my second term on EIU's Faculty Senate, I was appointed by the senate to draft and file a chapter grievance (on behalf of all Unit A members) against EIU's administration and the Board of Governors. Both entities, in an

effort to settle a lawsuit filed against them by a faculty member, violated numerous articles of the Collective Bargaining Agreement (CBA) when they unilaterally awarded the plaintiff a promotion, a salary increase, and tenure.

While during the past fourteen years (since 1999), I've been an elected member of UPI's House of Delegates, my work with grievances on UPI's behalf began in 2000 when I was appointed to the EIU/UPI-Chapter's Grievance Committee; in 2001, I was appointed the chapter's Contract Officer; from 2002 to 2003, I served as the chapter's Associate Grievance Officer, becoming the chapter's Grievance Officer in 2003, a position I held until 2009.

For a four-year period, from 2005 to 2009, my formal work on grievances for the EIU/UPI chapter and the UPI local overlapped, as I was appointed Local Associate Grievance Chair in 2005, becoming Local Grievance Chair in 2007 (a position I've held for the past six years). I've served as a UPI Delegate to the Illinois Federation of Teachers and American Federation of Teachers since 2007, and I'm now serving in my second term as UPI Local Executive Vice President.

The grievance process is set up to support members on a wide range of workplace issues. What are some of those issues?

Issues most commonly requiring grievances have to do with non-retention, denial of tenure and denial of promotion. In short, most grievances have to do with personnel decisions made by management.

When does the Local 4100 Grievance Chair become involved in a grievance?

As UPI represents employees at seven Illinois universities, the answer to this question varies from campus to campus, but more frequently than not the Local Grievance Chair becomes involved in a consultative capacity, working with chapters' grievance officers, before a grievance on a given campus is actually filed.

What support can Local 4100 offer a member during the grievance process?

As I said, a representative of Local 4100 usually becomes involved, consultatively and thus indirectly, in grievances on various campuses before those grievances are even filed. It is not unusual for an IFT field representative, informed by IFT's legal researchers, to be involved beginning at the early stage of a grievance, as such involvement informs UPI's approach and strategy at the on-campus grievance stage and beyond. Indeed, if UPI decides to pursue a grievance beyond the campus level, should an on-campus resolution prove impossible, various UPI and IFT representatives become involved, as well as one or more of UPI's lawyers, before a formal decision is made to take a given grievance forward to arbitration. Additionally, UPI Local 4100 provides opportunities to its grievance officers to acquire advanced education in labor law and arbitration, and such advanced learning benefits the entire organization.

Can you recount for us one or two memorable grievances from your time as Chapter or Local Grievance Officer?

One grievance most memorable occurred on EIU's campus in 2001, and it had to do with the provost (Dr. Blair Lord) and the interim president (Mr. Louis Hencken) taking formal action against a UPI member (Dr. Doug DiBianco) because the two administrators disapproved of some of the content in one of the professor's courses. The provost and interim president set out to sanction the professor, thereby attempting to abridge and/or violate his academic freedom and his legal right to freedom of speech (as set forth in the First and Fourteenth Amendments of the U.S. Constitution). The two administrators' formal actions proved to be a redundant and legally insupportable exercise, one that ignored previous, legal determinations (vis-à-vis this same professor) arrived at by the Office of Civil Rights of the U.S. Department of Education (1994) and the Illinois Human Rights Commission (1999).

In the earlier, precedent-setting case, in 1993 two female students at EIU found some of the professor's course content offensive (e.g., sexually explicit/graphic lectures, films, and photographs), so they filed a sexual-harassment complaint with EIU's Office of Civil Rights (OCR) against the professor. Dissatisfied with EIU's response to their complaint, as the university (under the presidency of Dr. David Jorns) and Board of Governors stood behind/beside the professor in defense of his academic freedom, the two students filed a complaint with the OCR of the U.S. Department of Education against the professor and EIU. The complaint alleged that the professor sexually harassed female students in his Nonwestern Music course by creating a classroom environment hostile to them as females. The government agency conducted an extensive investigation and concluded that, "within the context of a university setting and examining the totality of the circumstances, the evidence

fails to show that the professor's comments were directed towards female students on the basis of their sex or that the remarks created a sexually hostile environment." The Illinois Human Rights Commission reached a similar conclusion in its 1999 decision, albeit the commission stipulated, among other safeguards for students, that the professor would forewarn students when he intended to introduce sexually explicit material they might find offensive.

(Noteworthy is that both government agencies avoided abridging the professor's academic freedom. Also noteworthy is that EIU's Director of OCR in 1993—whose investigation of the two students' complaints didn't find against the professor—was Ms. Cynthia Nichols. EIU's Director of OCR reports directly to EIU's president, and in 1993 that was Dr. Jorns.)

So, in 2001, a female student filed a sexual-harassment complaint with EIU's OCR, the specifics of her complaint reportedly similar to those cited by the two students back in 1993. This time around the Director of EIU's OCR, still Ms. Nichols (but this time she reported directly to Mr. Hencken, EIU's interim president, not to Dr. Jorns), found against the professor, found—in her words—that when "all of the circumstances are taken into consideration, this office concludes that the sexual material injected by respondent [Dr. DiBianco] into an introductory music class creates a hostile learning environment and that reasonable University responses are required." At the direction of the interim president, the provost (Dr. Lord) sent a certified letter to the professor that announced the university intended to sanction him for his "use of sensitive and potentially harassing course materials and teaching strategies..." The sanction would amount to a letter in the professor's personnel file and a loss of two-days' pay, as if the professor's academic freedom, as well as rights guaranteed by the

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"Membership in EIU-UPI is important to me because visionary men and women committed to justice are capable of changing the course of individual citizen's lives and even the course of human events. I want to stand with those who seek justice."

-Jim Sysko, Business, Member of UPI Study of Hiring Practices Committee

First and Fourteenth Amendments of the U.S. Constitution, amounted to nothing, and as if the precedents established by the 1993 complaints were non-existent.

UPI grieved the sanction, demanded that the university provide a copy of the OCR's report and findings, and demanded that the provost identify/specify what "sensitive and potentially harassing course materials" the professor was being sanctioned for using. After all, a sanction is "imposed solely for the purpose of changing the behavior of an employee who is in violation of his/her employment obligations" (EIU/UPI CBA, 16.2.a.). Because neither of its demands were met, UPI argued during the on-campus grievance hearing that the university was violating the grievant's contractual right to "a copy of any existing, identifiable documents in the possession of the University that refer to the action(s) being grieved" (EIU/UPI CBA, 19.8.a.(2)). Furthermore, UPI argued that, unless the provost identified what he and the interim president considered "sensitive and potentially harassing course materials," the purpose of the imposed sanction would be negated: How could the grievant's behavior be changed if the provost and interim president refused to be specific about what needed changing? According to the EIU/UPI Collective Bargaining Agreement, the "burden of proof that a sanction is warranted and appropriate rests with the University" (16.2.g.), and UPI argued that the university had failed to meet its burden of proof. EIU's Hearing Officer (Dr. Robert Wayland, an expert on labor law) found in UPI's favor in his decision of 13 May 2003, and the provost formally withdrew the sanction on 2 September 2003. In short, with this grievance UPI successfully fended off an attack on academic freedom, and no such attack has occurred on EIU's campus in the decade since the provost withdrew the sanction.

What is one piece of advice you would offer members concerning grievances or the grievance process?

Read the EIU/UPI Collective Bargaining Agreement carefully so you know well your contractual rights and responsibilities.

What do you value most about our union?

I value most that our union is a collective-singular enterprise, and that protecting one member's rights means protecting all members' rights.

As an Academic Support Professional (ASP), I feel that EIU-UPI membership affords me not only the benefit of collective bargaining when we go into discussions with the administration on contracts but also with security on the many issues that our contract protects us with. The partnership UPI has established with the administration is a good one, I believe. But the contract, along with our resolute membership, stands as a sentinel on our behalf to shield us from potential issues that may arise while the contract is in force. So I choose to be active to represent ASP's and to raise issues that affect us in the hope of maintaining a strong local union.

-Jeff Duck, EC/ELE/MLE,
Department Representative,
EIU-UPI Negotiating Team

**Update from Tim Shonk,
EIU-UPI Grievance Officer**

Grievance work this past year has been unusually light. There are two reasons for that: (1) the contract is being followed and (2) the administration and I have been able to work out problems informally, without a written grievance. In this informal manner, we have resolved such issues as the misinformation given to a faculty member that prevented his or her being allowed to apply for a PAI, irregularities in evaluation processes, administrative intrusion into the review of DACs, and similar issues. Currently we have a written grievance filed, discussions continuing, regarding the Dean of Sciences implementation of a policy that deems faculty as "research active" or "inactive," teaching loads lighter for the former, heavier for the latter.

My First House of Delegates Meeting

Nancy Crone, Academic Advisor, Kinesiology and Sports Studies

This March, I attended my first House of Delegates (HoD) meeting with the UPI. It was not only fun, but a learning experience. What a deal for someone who works in higher education!

A few of the delegates met to discuss resolutions prior to the HoD meeting. We talked about issues that we wanted to bring to the HoD meeting and divided into pairs to write up the resolutions. These were then sent to the UPI membership at EIU for comments.

The HoD meeting began on Friday evening, March 1st. President Ellie Sullivan welcomed everyone and introduced the officers. There was a guest speaker from Citizen Action Illinois, and then a breakout session where, as a new delegate, I was able to learn more about UPI itself.

Saturday was a full day that started with State Representative Laura Fine, herself a UPI member and political science instructor at Northeastern Illinois University. She spoke about her career path and presented a passionate, personal story about a car accident her husband was involved in due to a distracted driver using a cell phone. There was a personal triumph in her voice when she informed the group that the House has passed a law that will not allow cell phone use while driving. We had a couple of speakers from IFT who spoke about current legislation that impacts higher education, such as MAP grant money used at for-profit institutions, income tax on the half-tuition benefit, and of course, the pension issues.

After lunch we started discussion on the resolutions. One resolution proposed by EIU and approved by the HoD was to have a committee look into how the use of adjunct (or non-bargaining unit) faculty

on campuses impacts union membership. Another was that UPI would commit to engage in the struggle for social justice, and another was to review workloads of the academic advisors on the various campuses. Other resolutions that were adopted include 1) looking at the impact of the state pensions and social security benefits on those who qualify for both, 2) better educating the general public regarding public employee pensions, and 3) endorsing/supporting a fair income tax. The HoD ends promptly at 3:30 pm on Saturday, so whatever resolutions have not been discussed at that time are sent to the UPI Executive Board for consideration. If the institution that submitted the resolution wishes, they may also re-submit the next year. Resolutions are presented in the order they are received, so the EIU resolutions were all considered because our team was on the ball and got them submitted quickly! I have to admit that I got a bit carried away at the meeting. Chris Mitchell and I worked on the resolution about advisor workloads, and when it was being discussed, I spoke about how this issue impacts our campus. **If you are an academic advisor at EIU, you'll be hearing from me as part of a UPI committee to review who is doing advising and how it is handled in your department!**



Nancy Crone and Chris Mitchell prepare their resolution for the 2013 House of Delegates meeting.

2012–2013 Legislative Time Line

August 2012

IFT + 3 other unions bring class action suit in response to Senate Bill (SB) 1313, which rescinded promised state responsibility for health care contribution for retirees

Special Legislative session + Rally at the Rotunda

November 2012

Defeat of Constitutional Amendment #49, which would have required a three-fifths majority of any public body to improve public-employee pensions

December 2012

Gov. Quinn introduces House Bill (HB) 1447, his pension “reform” plan

January 2013

“Pension is a Promise Rally” held in Springfield during lame duck legislative session

February 2013

Test votes on a variety of pension-related House amendments fail

March 2013

SB1, amended to affect only Teacher Retirement System (K–12), passes in Senate

Cross-Nekritz bill (HB3411) passes out of committee. Includes 2% increase in employee contribution + Tier 3 deal for new employees in addition to diminishments featured in the amendments that were passed one-by-one (below).

House rejects 4% increase to employee contributions (HB1166), but passes amendments containing caps and other limits on Cost-of-Living-Adjustments (HB1165) and pensionable salary (HB1154) + raised retirement age (HB1166).

We Are One bills (HB3162 and SB2404) are not brought to the floor. Supported by IFT, these bills include ironclad guarantees regarding state funding and a 2% employee contribution

April 2013

Members respond to threat of Cross-Nekritz “mega-bill” (HB3411), which combines the changes found in HB 1165, HB 1166, and HB 1154 (described above) while increasing employee contributions.

What do I value most? In addition to great contacts and networking with colleagues across campus and across the state, I value the way union members pull together to create positive change in our work lives. For example, our calls and emails to state senators and representatives as members of the union have made what I hope will be a positive impact on what will ultimately be decided regarding our pensions. As an individual doing the same thing, my call would have likely been meaningless.

-Ann Brownson, Library,
Member of UPI Structural Review Task Force

I am thankful for the work EIU-UPI leadership is doing on our behalf, particularly regarding the pension situation in Illinois.

-Assege Haile
Mariam, Psychology,
EIU-UPI Rep to CUPB

Third floor view of the “Pension is a Promise” rally

