

COHE Contract Survey, Fall 2010  
Complete the survey on this link  
<http://survey.constantcontact.com/survey/a07e329rathgf4d9na7/start>

The survey greeting page reads:

“Please find on this survey a lengthy list of proposed contractual changes. I have gathered these ideas from you, as I heard folks discuss the contract over the years. I tried to include all proposed contractual items sent my way. If I missed yours, please accept my humble apologies. Please inform me as quickly as possible so we can include it in the survey. I placed all imposed items on the survey, but in some cases I am not sure what the controversy was. I did my best.

I placed the items in order of the contract sections. I suggest you review the contract as you read these items, which is available here: [http://www.sdbor.edu/policies\\_initiatives/univfacubagree.htm](http://www.sdbor.edu/policies_initiatives/univfacubagree.htm). Also, note that several of these proposals conflict with each other. I attempted to offer various alternatives from which to choose.

Thanks,  
Gary”

You will be asked to rate these items using the following scale:

Disagree  
Uncertain  
Slightly Agree  
Moderately Agree  
Strongly Agree

Grievance procedures (Article 7). Only tenured, not just tenure-track, faculty members serve on peer review committees. Imposed item (c.).

Grievance procedures (Article 7). Final decisions about termination can only occur after a report of the faculty peer review committee is issue. Imposed item (c.).

Grievance procedures (Article 7). Faculty must remain on salary until all internal BOR grievance procedures have been exhausted. Imposed item (c.).

Grievance procedures (Article 7). In all cases of a grievance, the burden of proof shall rest upon the administration.

Hiring and Background Checks (new section in Article 8). Administration must inform COHE of any background checks used before hiring any new faculty.

Term contracts based on seniority. (Section 8.2). Decisions to not renew term contract employees must be made on a seniority basis.

Contract Year (Section 8.4)? Imposed item (d.)

Reporting of administrative leave. (Section 8.4) Faculty cannot be required to report administrative leave on holidays and academic breaks as is currently done with Banner system.

Nonrenewal of tenure track contracts (Section 8.6.3). For faculty with at least four years of service, nonrenewal notification must occur by February 1 (currently April 1).

Additional protection for tenured faculty. Nonrenewal of tenured faculty (new Section 8.6.4). For tenured faculty, non-renewal notice must be provided by February 1 and then must offer a one-year contract (currently no additional protections).

Contract Fulfillment/Liquidated Damages (Section 8.7). Strike entire section which allows BOR to collect damages from those that quit prior to end of the annual contract period. Imposed item (e.)

Agreement to Assign Intellectual Property (Section 8.9). Instead of blanket assignment as condition of employment, ability for individual faculty to negotiate conditions.

Shared governance must include actual shared decision making on curriculum and personnel issues by lowest affected unit (department, college, university). (Section 9.1) Imposed Item (f.)

Local administration must negotiation standards expectations, i.e., Appendix G. (Section 9.1) Imposed item (f.)

Additional workload recognition for distance course delivery. (Section 9.2). Imposed item (g.)

Reinstate System Workload Committee, instead of BOR resolving local disputes solely. Section 9.2 (Imposed item (h.)

Revisit Workload Librarians provisions (Section 9.4)

Revisit Private Practice and Consultation / Outside Employment provisions (Sections 9.5 and 9.6)

In case of layoffs or reduction in forces. Other Universities with position vacancies must hire laid off faculty if they meet qualifications (Section 10.2)

Performance Evaluation Guidelines: Excuse annual review in years when faculty apply for tenure or promotion (Section 11.2) Imposed item (i.)

Long-range planning requirement "Professional Development Plans" must have an appeal process that where the final decision is made by a faculty peer committee (Section 11.2) Imposed item (i.)

Annual Evaluation Procedure – response time (Section 11.3)? Imposed item (j.)

Instead of VP for Academic Affairs' unilateral decision, faculty peer committee to decide disputes about workload (Section 11.3)

Student Opinion Surveys, faculty member can select which section of multiple section courses in a school year to employ SOS (Section 11.4).

Informal Evaluation and Personnel Files: Faculty members must be notified of information gathered by department head within one year of collecting such data. Otherwise, the information cannot be used as evidence for disciplinary procedures. (This provision applies to informal "working files" maintained by department head that are separate from official personnel file.) (Section 11.7 and 17.1)

Those portions of Sections 12.1 and 12.5 that relate to the five year promotion rules? Imposed item (k.)

Promotion and Tenure Committee Formulation (Section 12.4). Only full, tenured (not just tenure-track) professors may serve on any P&T Committee.

Promotion and Tenure Committee Formulation (Section 12.4). Two term limit for all P&T Committees (six years of continuous service max).

Promotion and Tenure Committee Formulation (Section 12.4). Instead of presidential discretion, the number serving on P&T Committees must be negotiated by local COHE and administration.

Promotion and Tenure Committee Formulation (Section 12.4). Administrators not allowed to serve on P&T Committees, only bargaining unit members.

Promotion and Tenure Committee Formulation (Section 12.4). Any department (not just USD and SDSU) may have a departmental P&T Committee.

Promotion and Tenure Committee Formulation (Section 12.4). Instead of presidential discretion, the decision to institute departmental P&T must be by a majority vote of tenure-track faculty in that department.

Promotion and Tenure Committee Formulation (Section 12.4). Any training or instructions provided to P&T Committee must take place with local COHE President or designee present, who can speak to committee about differences in contract interpretation.

Procedures for Promotion Recommendation (Section 12.5). Appeals process for President to reconsider denial does not abrogate rights to grievance procedure. In these cases, the grievance clock does not begin until final letter from President exhausts appeals/reconsideration procedure. In a case before a Hearing Officer now, BOR is claiming that these are two distinct processes and that the clock for both start on the date of initial denial letter.

Academic Freedom (Article 14). Stronger language that includes faculty peer review as operating principle for all curriculum and personnel decisions.

Background checks (new section in Article 14). The administration cannot force faculty to waive their rights to prevent a background check as a condition of employment.

Academic Freedom (Article 14). Adapt language from 1940 AAUP and other statements.

Academic Freedom (Article 14). Reorder contract to move this article to the first one in the contract, recognizing the primacy of this principle.

Revisit Disciplinary Procedures (Article 15)? Imposed items (l.), (m.), and (n.)

Revisit Disciplinary Procedures (Article 15). Burden of proof is upon administration in all cases, including letters of warning (which are currently exempt). (Section 15.3)

Background Checks (new section in Article 15). Any information derived from background checks on faculty may not be used in disciplinary procedures.

Retention Based on Seniority (Section 16.2). When reduction in force, faculty must be laid off in the reverse order of hired. Currently, tenure is ignored, layoffs based on performance measures.

Retention Based on Tenure (Section 16.2). When reduction in force, tenure-track faculty who have yet to earn tenure must be laid off first. Within each category (i.e., tenurable and tenured), performance measures may be used to deciding factor.

Salary Provisions (Article 19) Abandon current formula and market measures altogether. Institute a negotiated salary schedule with step increases.

Salary Provisions (Article 19) True cost-of-living-allowance that matches inflationary measure BEFORE any market and other adjustments.

Salary Provisions (Article 19) Before money is allocated according to formula, guarantee every faculty member makes a fixed percent of OK study (say 80 or 85%).

Salary Provisions (Article 19) Fix percent for current allocations: 80% market, 10% performance, 10% institutional priority or something similar. Currently greatest weight is on performance.

Salary Provisions (Article 19). Pay raises solely determined by market measures.

Salary Provisions (Article 19). Abandon Oklahoma Study as market measure and use CUPA-HR salary survey.

Overload, Summer Term, and Self-Support (Section 19.5) Change rate from seven to eight percent. Imposed item (p.)

Overload, Summer Term, and Self-Support (Section 19.5) Change rate from seven to ten percent. Imposed item (p.)

Revisit Civility Code, Appendix G. Imposed item (q.) In all cases, the burden to prove the charges will rest with the administration.

Revisit teaching technology, Appendix G? Imposed item(q.)

Revisit Board's legal theory that faculty performance standards are non-negotiable. Imposed item (r.) Appendix G and local standards documents are decided by BOR and local administration, respectively.

Bargaining unit membership determination. (Appendix A). Part-time instructors should be in bargaining unit, currently must be more than 50% employed.

Bargaining unit membership determination. (Appendix A). Include "part-time administrators" who are actually faculty. Any person who teaches a course and less than 50% administrative appointment should be included in bargaining unit.

Bargaining unit membership determination. (Appendix A). Any individual with a faculty rank who does not directly supervise another faculty member should be in bargaining unit. This includes directors, coordinators, and others as long as they do not complete Part B of the PSE.

Fix Appendix D should read Step 4, not Step 3.

Conflict of Interest (Appendix S)? Imposed item (a.)

Revise Appendix Q. Imposed item (b.)

This is the final question. You will be asked to rank these possible negotiating strategies with 1 = Most preferred.

“Full court press” – Propose and fight for as many contract items as possible, including virtually every imposed item and those on which a majority of COHE members.

“Targeted” – Select a handful of major proposals and a few minor ones fighting for these aggressively.

“Trade” – Select a handful of major proposals and a few minor ones recognizing that some of these may need to be traded to win one or two items.

“Defend Status Quo” – Propose a few items, but most of our effort should be directed to fighting off the most egregious new BOR proposals.