



APs Get Fired Up About Sanctions

Who Sets "Just Cause" for Dismissal?

By Jenny Barrett

The Urbana-Champaign Faculty Senate is considering an amendment to the University Statutes that defines cause for sanctions and dismissal of academic professionals. Because University administrators are contemplating multiyear contracts for some APs, they see the need to define cause and create a more streamlined system for dismissal.

The Association of Academic Professionals (AAP) does not dispute the need for a definition of cause. Our position is that if an employee is seriously negligent or poses a threat to others in the workplace, then he/she should be sanctioned or dismissed. However, the definition of cause should be developed very carefully so as not to facilitate arbitrary dismissals.

Many APs expressed concerns about the language contained in the First Reading of the proposed amendment (www.uiuc.edu/providers/senate/sp9706.html), which defined cause as:

one or more acts or omissions which, singly or in the aggregate, are sufficient to interfere with the orderly and efficient operation of any part of the University. This may include off-duty behavior or extramural conduct if it is found that such behavior clearly and convincingly demonstrates that the staff member can no longer be relied upon to perform university duties and functions.

APs do not have a vote on the matter since we are not members of the Senate, but I requested floor privileges and spoke at the February 21 Senate meeting. In my statement, I raised the following concerns: Can participation in a demonstration at Swanlund be interpreted as an act that interferes with the University's orderly and efficient operation? Could inclusion of "extramural and off-duty" acts restrict an AP from exercising his/her freedom of speech?

I also criticized the proposed "Progressive Response," which is:

1. Counseling and/or verbal warning; 2. Written warning and/or reprimand; 3. Sanctions; and 4. Dismissal. The amendment stipulated that any of the steps "may be repeated, omitted, or taken out of sequence." This makes it neither progressive nor necessarily required. I suggested that each step be strictly followed; situations that may

Will this amendment make it easier to get rid of APs? While dismissing an employee for egregious behavior is necessary at times, we hope that this amendment will not lead to capricious dismissals. The only way to ensure that academic professionals are treated fairly is to have objective, third-party arbitration and a voice for APs in the form of a collective bargaining unit.

The Association of Academic Professionals is a group of academic professional employees at the University of Illinois at Urbana-Champaign that is attempting to organize for the purpose of collective bargaining. The AAP is affiliated with the Illinois Education Association and the National Education Association. We are part of a national movement of academic professionals who seek collective bargaining rights.

In order to maintain and improve on the benefits of working at this great university, we believe that we need to organize so that our voice commands attention when administrators make decisions that affect our jobs.

The AAP seeks to ensure certain rights such as:

- ☆ clear paths for career development and advancement
- ☆ third-party resolution of disputes with supervisors
- ☆ fair, timely, and consistent evaluation procedures
- ☆ safeguards against arbitrary dismissal
- ☆ rewards for good job performance
- ☆ compensation for mandatory overtime
- ☆ paid and unpaid leaves
- ☆ *a meaningful voice in decisions that affect our employment*

**AAP Advocate
UIUC Association of Academic Professionals**

STEERING COMMITTEE:

Jenny Barrett (chair), *Psychology*
 Guy Davis, *Career Services*
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 Diana Johnson, *Spurlock Museum*
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 Jamie McGowan, *Ctr. for African Studies*
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 Ron Szoke, *CCSO*

IEA STAFF: Peter Miller

Employee Free Speech Bill Awaits Governor's Signature

An important piece of legislation for academic professionals and all state university employees was recently passed in the Illinois State Senate. House Bill 2580 simply allows more open dialogue at meetings of university boards of trustees.

Under practices now current under the various boards, citizens and university employees are not allowed to make comments at board meetings without first filing for and receiving permission. In other words, the boards—or those organizing the agenda—can decide who will speak, what views will be aired, what problems addressed.

HB 2580, which passed the Illinois House and Senate this session, simply states, “At each regular and special meeting that is open to the public, members of the public and employees of the university shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.”

Illinois community college boards, as well as K-12 school boards, already follow this policy. It is time the state's universities caught up. Thanks to Illinois Education Association lobbying efforts, the state legislature approved the bill, and it's waiting for the governor's signature.

Provost Points to Progress and Problems

At a reception for APs sponsored by the Professional Advisory Committee, Provost Richard Herman announced that the University is a family-friendly place. As evidence he pointed to his decision to double the number of slots at the child development center. When the center is done, the University will have 192 slots for 17,000 employees.

He also mentioned that the administration is working on career development and acknowledges that, since the University doesn't have a large budget for career development, administration may try to provide more opportunities for training and workshops.

Regarding evaluations of academic professionals, Herman noted that 85 percent are being done correctly while 15 percent aren't. He didn't state how many people are actually getting evaluations.

An academic professional asked about salary inequities and what the University plans to do about them. Herman responded that the University needs more data on APs.

Another AP asked why there isn't a group at the University that serves as an advocate for benefits and salaries. Herman acknowledged that it's a problem.

At the end, someone asked why the Chancellor didn't take a stand for the tuition waiver benefit when the legislature was considering voting it out. ■

Sanctions

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necessitate dismissal without the other steps should be spelled out clearly. Furthermore, the employee should be able to give a written response to each written warning; otherwise, an unjustified warning or reprimand may be used as evidence to build a case against the employee. A truly progressive response includes the right to appeal at each level, not just after the dismissal notice has been served.

The Senate Committee on University Statutes and Senate Procedures considered our recommendations and deleted some of the offending language (see www.uiuc.edu/providers/senate/sp9706_2.html). The sentence starting “This may include off-duty behavior or extramural conduct...” was removed from the revised document. The phrase “where warranted by the seriousness of the circumstances” was added to the sentence about the steps in the progressive response being “omitted or taken out of sequence.”

But why does the amendment still include the language “interfere with the orderly and efficient operation of any part of the University”? Why not just acts that have to do with one’s job? And who determines the seriousness of the circumstances? How can the progressive response process be enforced?

The revised amendment is the result of successful intervention by AAP and a reasoned response by the Senate committee. The success shows not only that the AAP will guard the interests of APs, but also that the union and the administration can work together in the interest of APs.

Currently nonteaching APs on recurring funds are issued one-year contracts. If our contract is not renewed, we usually receive a notice of non-reappointment (a terminal contract) and can continue working for the University until the contract runs out.

With the proposed change, if an employee is dismissed for cause, the existing contract is abrogated and the dismissal is effective immediately after the proposed hearing. Some APs wonder if this is an answer to the criticism of the outside consultants in the Support Services Strategy Initiative (S3) that:

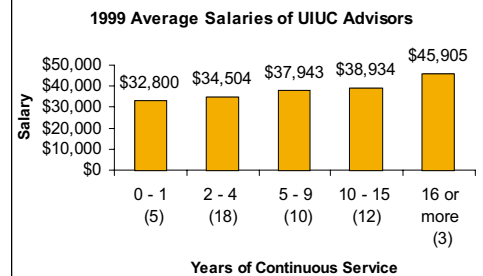
The burdensome termination processes and University culture make it difficult to remove poor performers.... Once a decision has been made to terminate an academic professional employee, that employee must continue working until the termination date. (*s3.ua.uillinois.edu, p. 200.*)

The new policy, to the extent that it responds to consultants’ complaints, represents another instance of the corporatization of our University.

While dismissing an employee for egregious behavior is necessary at times, we hope that this amendment will not lead to capricious dismissals. No matter how carefully the definition of cause is constructed, its implementation depends on how it is interpreted. The only way to ensure that academic professionals are treated fairly is to have objective, third-party arbitration and a voice for APs in the form of a collective bargaining unit.

All we are asking for is fair treatment. ■

UIUC Salary Snapshot: Advising



* (N) = sample size for each category. Total sample = 48. Includes all full-time (9- and 12-month appointment) academic professionals with these titles: Academic Advisor, Academic Counselor, Education Career Counselor, and Specialist in Career Development. Assistant Directors employed in an advising capacity were included. Nine-month employees’ salaries were pro-rated to one year.

Update on Sanctions:

A second reading of the proposed amendments to the University Statutes was originally scheduled for discussion and action in the Senate on March 20. Al Kagan, a Faculty-Senator, kindly offered to present as amendments to the document my list of suggested changes to address problematic language that still existed in the second draft. For example, while the phrase “off-duty behavior or extramural conduct” was removed from the definition of cause, it reappeared in the section under sanctions. However, for reasons unexplained, the issue was tabled. The Senate committee on statutes subsequently met and on March 22 informed us that they had rejected most of our suggested changes. ■

**EMAIL
POLL!**

We want to know what you think about the proposed sanctions for APs. Please send your opinions to aap@shout.net.

Ask AAP

Would an AP union limit salaries?

Q ■ If academic professionals attain a collective bargaining contract, won't it limit their earnings with some sort of salary cap?

A ■ This old canard is as completely baseless as the notion that there is something inherently "unprofessional" about unionization. Actually, employee organizations such as AAP are only concerned with establishing decent contractual *minimums* for the employment relationship, never with maximums.

One can, for example, search the Screen Actors Guild contractual terms (on the Web at www.sag.org/wannabefaq.html) in vain for anything that might suggest any caps or maxima on any kind of compensation. There is nothing in unionization that requires this or has it as a probable consequence.

Would-be mega-superstar performers in academe, as in show biz, actually have no basis whatever for thinking that a professional employee union will in any way inhibit or constrain their attainment of fame and fortune. When true to its own principles, such a group will in fact always encourage, support, and require of all its members an acceptable level of productivity and ethical conduct. ■

— *This month's answer provided by Ron Szoke*

Send your questions about UIUC policy, employment/labor law, unions, and collective bargaining to aap@shout.net.

AAP

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Join us for...

Brown Bag on Professional Development, noon-1 pm, location TBA

* Wednesday, May 10

Happy Hour, 5-7 pm, The Bread Company, 706 S Goodwin Ave, U

* Thursday, April 20

* Thursday, May 18

* Thursday, June 15

Check our Web site for updated calendar information: www.prairienet.org/aap/