



KEAN FEDERATION OF TEACHERS
An Association of Professors, Professional Staff and Librarians
Local 2187, American Federation of Teachers
Kean University, Union, N.J. 07083
Phone 908 737-3925 Fax 908 737-3929

KFT General Meeting
22 February 2006
Hennings Hall, Room 113
3:30 p.m.

I. Approval of Agenda

J. Erickson moved to approve the agenda; seconded by C. Kelly.

Agenda unanimously approved.

II. Approval of Minutes

C. Kelly moved to approve the minutes; seconded by P. Pezzolo.

Minutes unanimously approved.

III. President's Report

*M. Rodriguez reported that KFT officers attended the 2/3/06 State Council meeting. The State Council office has moved to 1435 Morris Avenue, but their phone numbers and fax number remain the same.

*The Professional Staff Committee of the State Council met on 2/21/06 at the Rutgers Labor Center.

*The Librarians Committee of the State Council will meet on 3/10/06.

*The COPE funds are used for educational purposes to support rallies related to the Union issues, to support candidates, to rent a bus to go to a demonstration. These funds cannot be used in a national election.

*M. Rodriguez stated she went to a meeting with a representative from the Attorney General's office on 2/9/06 with P. Pezzolo to insure how to best protect the election process and to clarify how we are protected under the law on a daily basis. The privacy of speaking on the phones for Union business was discussed, for example. They met with Michelle Miller, Deputy Attorney General. It was a cordial meeting, but some questions could not be answered because if there would be further legal action on any issue, the Attorney General's office would represent the University. Other concerns would have to

be brought to the County prosecutor's office. She had indicated that she is now sensitized to the issues at Kean.

*The KFT is interested in making lobbying a local issue to determine a way to influence public officials. There is a firm called "Street Partners" with whom there will be a meeting next week to get information about fees. C. Kelly knows D. Placa and has gotten the firm to substantially reduce their fees.

*There will be a meeting on 3/3/06 at 1:00 p.m. at Kean to which all the women local presidents (seven of them) have been invited. They are invited to also bring along Professional Staff, Faculty or Librarians for networking conversations.

*M. Rodriguez attended a Step 1 Hearing for the faculty who had filed grievances regarding non-reappointment and/or non-promotion.

*On Saturday, 4/29/06, there will be an antiwar demonstration sponsored by AFT and many other groups in New York City at 14th street and Union Square. Specifics will come at a later date.

*There was a meeting with students who were concerned about the situation at Kean and want to improve many things at Kean. On 5/1/06, from 1:00-3:00 p.m. a panel is planned to present a discussion on labor issues on both the local and national levels. From 3:00-5:00 p.m. on that same day the KFT will have its Spring celebration with a jazz band. From 5:00-7:00 p.m. that evening there will be student poetry readings. Students are encouraged to participate in creating poems regarding what it means to be a worker in this society. We are asked to schedule final exams so that they are not in conflict so that students can participate.

*Discussion ensued regarding the privacy of phone conversations on the Kean phones in offices. There have been cases in which non-Union members knew about issues after Union conversations on the KFT phone. The law in New Jersey is clear that there should not be any interference on forming a union or any regular business conducted by the Union. Future conversations with the County prosecutor's office staff may be held.

IV. Treasurer's Report

*E. Comerford indicated that a mailing has gone out with details regarding a meeting with B. Tupper from the Kean University Foundation. Two students will be recipients of KFT special scholarship based on the KFT endowed scholarship fund. The same criteria will be used for the endowed scholarship as is used for the scholarships that come directly from the KFT. The KFT has a great deal of input about who receives the endowed scholarships, yet we are able to put our donated money with other monies from the Foundation so that a higher yield of interest could be earned. The deadline for the KFT direct scholarships is next Monday.

*Two ads were placed in The Tower that were paid with private funds, not KFT funds. Two ads about Librarians at Kean were paid for privately. The campaign literature for those running for election or re-elections was also paid for privately. The ad for the availability of the KFT direct scholarships were paid for from KFT funds for the amount of about \$100, as has been done since the scholarships were given out.

V. Committee Reports

**Election Committee*-J. Erickson spoke to the Head of the American Arbitration Association who indicated that out of 453 ballots sent, 227 had been returned as of 3:00 p.m. today. Last year at the same time, 310 ballots had been returned.

**Negotiations Committee*-C. Kelly stated that Tenured Faculty Research Initiative awards were made available. One can apply on-line. There is a regular peer review process for these awards. Two per College can be granted. In regards to range adjustment, it is currently required that data from the past four years be collected regarding faculty observations and student evaluations in order to apply for the range adjustment. The Administration feels that the monetary award is too high to give any range adjustments. There haven't been any given out for the past three-four years. The range adjustment amounts to about \$109,000 since it is an increase in range in the amount of two ranges. The Administration wanted to make it equivalent to what a faculty member would get if he/she were promoted, which would then result in it taking 3 years to get the total increase of \$10,000. The KFT was going to accept this proposal if there were modifications in the number of years of student evaluations (going from 4 years required to two). The KFT also wants the Administration to agree that a certain number of range adjustments will be given, as was done with the TFRI awards. However, the Administration is concerned about the budget crisis. The Governor's budget will be announced 3/21/06, so the Administration indicated they would know better then about this issue. The KFT maintains that the adjustments would be like a promotion. Right now the range adjustments are lucrative on paper, but the Administration will not give any out. With a reduced amount of money per individual, the hope is that more would be given out. If not, a ULP would be filed. Other colleges do have range adjustments being given. One person now has a grievance filed and was told by the Administration that the faculty member could apply again, but the person was told that there is no money available when the person did apply. The range adjustment is for full tenured professors and associate professors. One does not have to be at the top of the ranges to apply. Faculty are eligible to apply if they haven't gotten a promotion in 4 years.

VI Old Issues

Code of Conduct-P. Pezzolo spoke about the final draft of the "Professional Code of conduct". He indicated that he is trying to inform the membership about it. At the last meeting 3 weeks ago, there was a flyer from him. This is the third step in informing the membership. It may take another meeting to further explain it. He has gotten some responses from the flyer suggesting some people were confused about the "Code of Ethics" versus the "Code of Conduct". The Code of Ethics was a blue covered document

that is in effect throughout the state that covers everyone who works at Kean. The Code of Conduct is only for Faculty and Professional Staff. It was prepared at Kean and is not yet formally proposed. It was submitted to the Executive Faculty Senate in September in final draft form. It applies only to members of the bargaining unit and does not apply to the administration or Board of Trustees. Conflicts of interest are addressed in the Code of Ethics, while the Code of Conduct is intended to address our behavior or performance. They are two different documents. Discussion ensued. What are the legal grounds regarding a document only for particular members or group-is it considered unfair treatment or discrimination? Everyone who is not a member of the bargaining unit is allowed to behave anyway they want. The power of public opinion is close to invincible. We are trying to create a public opinion about the document. If public opinion disapproves of the document, it is suspected that the Administration would think twice in proceeding with this.

A Presidential task force was appointed in 2004 made up of administrators, faculty, staff and students. D. Casale had either failed to appoint a KFT observer to the task force or the appointee did not show up. The task force worked for one year on the document and submitted it to the Executive Faculty Senate in September. P. Pezzolo was asked in December to attend a meeting of the task force to recommend that the task force reconvene due to the KFT concerns with the document. At the task force meeting, B. Cirasa had made a motion friendly to the Union position indicating that the Task Force should recommend to the Administration that the document should be negotiated. However, there was no quorum, so no vote was taken on the motion. Recently, some revisions have been made in the enforcements section of the document. Parts 2,3,4,5 of A are conduct standards. Section B speaks to enforcement. There is no specification of sanctions or discipline regarding not living up to the conduct standards. Two weeks ago, the Chairs recommended that revisions be considered. Section B then changed somewhat.

The single most objectionable feature of the document from the Union's point of view is that it sets up a Peer Review Committee, made up of 5-6 Faculty and 5-6 professional Staff, as hearing complaints. This committee would then make recommendations for discipline. In the revised version, the discipline is made explicit-dismissal, referral, etc.. The KFT lawyers said that members of our bargaining unit may not recommend disciplinary actions against other members of the bargaining unit. Under N.J. collective bargaining law, supervisors and supervisees may not be in the same bargaining unit. If a member recommends discipline against another member, that person is "statutory supervisor". Therefore, members may not perform that role. One member of the Task force had made a motion to take this out, but no one seconded it. P. Pezzolo cannot vote on the Task Force. He is only an observer.

The conduct standards prescribe quality/character of people's performance of duties and assignments. The Code is intended to enforce standards of performance. It is not aimed at criminal or illegal conduct. The argument can be made that this is redundant. A handout of the N. J. City University Code of Conduct was distributed. It includes the same kind of conduct standards as Kean's. However, there is nothing about any enforcement machinery in the document. On their web site, P. Pezzolo got a "Statement

of Professional Ethics and Responsibilities”. Enforcement is contained within the faculty and is an opinion process. It brings to bear, where merited, the disapproval of colleagues and that is it. It does so in a collaborative, collegial way. There is no administration involvement or discipline.

At Rowan University, it appears as though N.J. City University’s code was used as a model. At Rowan, it applies to faculty and staff. There, responsibilities of peer faculty and professional staff are assigned to a Senate ethics Committee. In extreme cases, public censor can result. At Stockton, Rowan and The College of N.J., they are not at all like Kean’s. The proposed Kean code mixes both kinds of standards and machinery. At Stockton, for example, the conduct document is in regards to that which is illegal or criminal (rape, bringing liquor or drugs on campus, etc.). At William Paterson University and Montclair State University, there were no codes of conduct to be found. At Thomas Edison State College there are no residential faculty, but there is some form of enforcement machinery. Some institutions around the country have codes set up like Kean does. For example, the University of California at Davis has one. But it does not have the same kinds of disciplines that Kean does. Does it make any sense to mix the standards like those at NJCU and Rowan with the machinery for enforcement at Stockton, Ramapo and TCNJ? It is like mixing apples and oranges.

The Faculty Senate minutes quote Dr. Farahi as saying that it is a state requirement to make a code of conduct. It is unknown if he did say it, but the minutes reflect that he did. Kean used to have no lawyers of its own and had the attorney general’s office assigned as necessary. Now there are various Kean lawyers. M. Tripodi, one of Kean’s lawyers on the Task Force, and T. Lateano, the Task Force Chair, said they had no knowledge that the President said it was a state requirement.

If a student has a course of action, an employee cannot pre-empt it by saying that he/she is being disciplined at work. So, what is the need for the code of conduct? Is there a raging problem of misconduct at Kean? Three to four faculty did marry students. They would be in trouble according to this code. The Master Agreement does provide Article 7 that indicates that the administration can dismiss untenured faculty or Professional Staff in the middle of a contract. Why do we need the code and if we do need one, what kind of code does Kean need? The KFT may need to negotiate the code. The code has been proposed by a Task Force of our colleagues, which was chaired by a faculty member. The point the Administration wants to make is that a certain amount of respect needs to be given to the work of the Task Force and the Task Force itself. Decisions of the Task Force were made by consensus. There are no records of the Task Force meetings. There were no votes, nor any minutes. The Task Force was unable to answer questions about models used. P. Pezzolo performed a Google search and there were over 10,000 hits. How much credibility should be given to the Task Force based on memories of proceedings. For example, the Task Force Chair remodeled the enforcement section of the code using his views and based on the Ramapo model. P. Pezzolo stated that he wanted to ask why Ramapo, why weren’t other colleges looked at and why were these standards and machineries chosen?

Discussion ensued. For one and one-half years the Task Force met. What could the political intention of the document be? What effect would the document have on the working environment? The conduct standards are statements of ideal forms of conduct. If enforced, it would have an immense intimidating effect. Tenured faculty have secure jobs, yet most are afraid. People don't want to speak up. With enforcement of this document, the atmosphere of the campus would be detrimental. Codes are subjective and cannot be measured. The members are being educated and if the members show disapproval, the administration may see the need to negotiate it. If we have to negotiate it, all procedural protections of fairness will be brought to bear. M. Rodriguez took office as President of the KFT June 1, 2005. During the summer of 2005, the Task Force did not meet, so no KFT observer was assigned during the summer. In the Task Force, C. Rover had asked about the conduct standard that says we must "model exemplary verbal and nonverbal behavior" and asked if there was a need to be more specific. M. Tripodi said use of profanity would be an example. V. Ortiz had asked if Shakespeare had ever been read (in which profanities are used). The Peer Review Committee would be made up of one member from each of the colleges. For five members, a quorum majority is three members. Decisions would be made by a majority of the quorum, only two people. At TCNJ, it states that if the entire committee is not present, decisions will be made unanimously, not by a majority. The problem is not the Union, but the document. It is extremely defective. In reference to a KFT observer not appearing at the Task Force prior to P. Pezzolo, another committee had met but never informed a KFT observer that there were meetings. Only a new secretary invited the member.

B. Rodriguez-Bachiller motioned to adjourn the meeting; seconded by V. Ortiz.

Meeting adjourned at 4:57 p.m.

Respectfully submitted by Linda Bradbury, Secretary to the KFT.

Handouts:

Agenda

2/1/06 KFT General Meeting minutes

Professional Code of Conduct Issue

KFT Scholarship application

Professional Code of Conduct for Faculty and Professional Staff

Faculty Senate minutes of 10/28/06

Stockton, Ramapo, TCNJ, NJCU, and Rowan code of conduct-type documents

12/6/05 Memo from P. Pezzolo to Task Force on Code of Conduct