

**IBB Bargaining Meeting Notes**  
**November 28, 2011**

Participants: Darlene Andert, Jennifer Baker, Steve Belcher, Lois Christensen, Beth Elliott, Joan Glacken, Maddy Isaacs, Sue Putman (Observer), Monika Renard (facilitator), Hudson Rogers, David Vazquez, Jim Wohlpart.

Ground Rules were reviewed, discussed and “thumbed up” for adoption. Steve asked if there was a bargaining approach that was somewhere between IBB and Traditional bargaining. It was noted that there could be a modified approach to IBB. Steve Belcher agreed to place the adopted Ground Rules on to a single page for distribution to the IBB Team.

Meeting Notes for November 10, 2011 were reviewed and approved with minor edits. Meeting Notes for November 15, 2011 were also reviewed and approved with minor edits.

Monika indicated that the issues raised during the last IBB session could be identified as individual and shared interests. She noted that the items could be grouped according to themes.

Article 20 Themes were identified as follows:

1. IR Process 1 & 6 – These help to clarify the Informal Resolution (IR) process.
2. Technical issues in dealing with grievances (not shared)

The IBB Team proceeded to discuss the shared interests related to the IR process. These included the interests #s 2, 3, 5, 6) which focused on having concerns heard. Monika indicated that UFF has some technical concerns with the way the IR process is being used and was looking for a way for faculty to address concerns.

**Brainstorm IR Process**

Interest: How to improve the IR process?

Jim indicated that IR is the step preceding the Step 1 grievance process and is a precursor to filing a formal grievance. He said that the IR process was pulled out of the grievance process as the previous process required the formal filing of a grievance before IR. Maddy said that IR cannot be outside of the grievance process if it must be filed prior to a grievance. She said that the UFF wants to encourage IR so that matters do not have to result in a grievance. She indicated that we have formalized the IR and made it adversarial because it is structured with time limited and does not work as anticipated. Beth said that the time-line part of the process was problematic. Maddy said that it is also the formality of it that sets-up supervisors to be defensive.

Jim said from the foregoing discussion he is hearing concerns of:

- Issues
- Timeline
- IR required to go to grievance

Monika said that usually when faculty have a problem they go to the supervisor to try and work things out. She said that the faculty and supervisor goes back and forth trying to address the problem and may

49 not want to file an IR --- preferring to try and work things out. She said that the concern drags on and  
50 the faculty member has to get into a formalized IR process that is not really informal. Jim said that some  
51 issues lie outside of the colleges and faculty has the responsibility to use the established processes.  
52

53 Monika said that faculty does not contact the UFF right away so there may be a need for a longer  
54 timeline - say 60 days. Jim asked; why not make the entire process formal so that faculty file a grievance  
55 before going to IR? Monika said that the IR process drags on to the disadvantage of the faculty and by  
56 the time a grievance is formed sides are formalized. Maddy said that faculty want management to be  
57 responsive to faculty issues. She said that timelines are used as a barrier to avoid dealing with faculty  
58 issues. She said that filing an IR makes a faculty a problem child and no one wants to be a problem child  
59 so faculty by-pass the IR process and suffer. Beth said that faculty feel intimidated by the process. She  
60 said that they get upset and nervous. Maddy said that timelines have to do with prompt resolution so  
61 there is a need to move forward by encouraging management to respond to faculty concerns. She said  
62 that the process rewards management in that timelines are roadblocks and barriers to addressing  
63 faculty concerns.  
64

65 Steve said that more time may or may not change faculty experience with the IR process. He said that  
66 faculty with concerns need to enter into the process at some time. He said that we also need to  
67 distinguish between issues which are grieveable and those which are not as IR concerns need to be  
68 related to alleged violations of the CBA. He said that the idea of moving IR outside of the step grievance  
69 process was to allow the parties to address all concerns, but being able to differentiate between CBA  
70 and non-CBA matters and also between timely and non-timely matters. He said that given the email  
71 notification requirement, we have allowed greater flexibility in the IR process. He noted that now we  
72 are talking about the timeline for filing. He said that the current process requires thirty (30) days for  
73 filing if the matter is allowed to go on to a grievance. Maddy said that the current process is not  
74 working.  
75

76 Hudson asked if we should abolish the current IR process and return to the requirement that faculty  
77 must file a grievance within thirty (30) days before going to the IR process. He said that in the 2004-  
78 2007 CBA, you had to file a grievance within 30 days if there was an alleged CBA violation and after the  
79 filing of the grievance you had thirty (30) days to informally address the concern. If the matter is not  
80 resolved to faculty's satisfaction, you have the grievance hearing. He said that it was previously  
81 indicated that faculty did not want to go through formal grievance process and the result was that the  
82 CBA was changed to put the IR process ahead of the requirement to complete Appendix C (formal  
83 grievance filing) to get to IR. He said that if an issue happened in last 6 months, it is still heard though  
84 not through to the formal filing of a grievance (Appendix C).  
85

86 Jim said that extending the IR process allows issues to be heard but may not work as effectively as  
87 possible given the goal of attaining a timely resolution. Maddy said that there is a need to consider  
88 when the thirty (30) days are occurring. She said that the event causing the concern could take place  
89 during exam week or the day before a holiday break and that disadvantages the faculty member as  
90 those days are counted in getting to thirty (30) days. Jim said that there is a need to decide whether we  
91 want to extend the process or develop a new process. Steve said that faculty can file an IR and ask for  
92 an extension. Maddy said that during exams and on holidays faculty do not even want to think about  
93 these issues. Monika said that a problem arises when faculty are not sure about how much time is left  
94 to file. Jim said that that means that maybe we should be discussing the timeline.  
95

96 Hudson pointed to Article 19 (Conflict of Interest/Outside Activity) and indicated that the language there  
97 states that when in doubt you should file. He said that faculty could adopt a similar process when they  
98 are not sure of the timeline for preserving the right to file a grievance after filing an IR. Steve indicated  
99 that a faculty member can file an IR and can then ask for an extension.

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101 Maddy said that in many colleges we have new Chairs who are learning on the job and who act  
102 immediately without knowing the CBA. She said that even though it might be with good intentions the  
103 chair may do or say something that is of concern and it may take more than thirty (30) days for faculty  
104 to figure it out. She said that faculty need to get past the assumption that supervisors know what they  
105 are doing. Maddy indicated that filing for an IR is really identifying an adversarial process to someone in  
106 authority who does not know the CBA. Beth said that faculty may not realize there is an issue until they  
107 talk to other faculty.

108  
109 Steve said that he does not know if forty-five (45) days will address a situation such as the one Maddy  
110 describes. He said that the IR is outside of the formal filing of a grievance (Appendix C) because as has  
111 been previously stated faculty are unwilling to file via Appendix C. Maddy said that the issue is related  
112 to a lack of knowledge of the filing process and timeline. Beth said that the issue is one of wanting more  
113 time as people may be new. She said that as faculty learn about the facts related to an issue and about  
114 their rights then forty-five (45) days would have gone by.

115  
116 Jim said that he is hearing two separate issues: (1) timeline, and (2) supervisor has power over faculty.  
117 He said that it is always possible to improve on the second issue by providing more training of Chairs but  
118 Chairs having supervisory authority is as it is and cannot be addressed by the CBA. Beth said that there  
119 are people who are concerned with retribution. Jim said that it sounds like we are really talking about  
120 changing timelines; faculty have a responsibility to know the contract. Jim said that while there is no  
121 certain way to know when faculty "should have known", except by way of e-mail and similar  
122 communication, the process established enables the faculty member to file an IR. Jim indicated that a  
123 faculty member could file an IR even though he/she is not quite certain of the specific CBA item that is  
124 of concern.

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126 Jim said that there is a need to be careful when talking about retribution because it is a perception and  
127 we need to recognize this and deal with it. Maddy said that we want to avoid the exceptional but the  
128 exceptional happens. She said that we need to accept that supervisors make mistakes. Monika asked if  
129 supervisor retaliation can be addressed here. Hudson asked for an example of retribution. Maddy said  
130 that there is a need to be able to account for it as best we can.

131  
132 Beth asked how many IR's take place in an academic year. Hudson said less than ten. He said that there  
133 are occasions when he walks faculty through process by referring them to CBA and suggesting that they  
134 contact the UFF representative. He said that he does not want to lose sight of what is in the contract to  
135 include the fact that the CBA provides for extensions. He said that maybe there is a need to educate  
136 faculty rather than change the CBA.

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138 Jim said that under the 2004-2007 CBA Step 1 used to be the filing of a grievance (Appendix C) and then  
139 there was a two (2) step process that involved IR followed by a formal grievance hearing if the matter  
140 was not informally resolved.

141  
142 Monika asked why management was so concerned with deadlines. Steve indicated that there is a need  
143 for timeframes so that the parties know when to go to next steps. He said that the timelines are also

144 binding on management and it is important for the parties to know when things start or conclude. Steve  
145 also indicated that timelines are similar to the legal concept of a statute of limitation and that forms a  
146 key part of the agreement. Jim said that without the timelines the process would be wide open and it  
147 would be nearly impossible to determine what can and what cannot be grieved. Jim said that  
148 management was not willing have the parties establish timelines and then set aside the timelines by  
149 allowing late acceptance of filing.

150  
151 Maddy asked if we could identify a selection of dates as schedules of individuals have changed. Noting  
152 that classes start on January 9, 2012, the team agreed to look for meeting dates in January. The meeting  
153 adjourned at 10:55 a.m.

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155 Management will facilitate next meeting set for December 1, 2011 in AB5, 210 from 1:00 p.m. – 4:00  
156 p.m.

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159 The following list reflects the brainstorming items that were discussed and listed on the board during  
160 the meeting:

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162 **Issues:**

- 163  
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- Timeline
  - Formality
  - IR required to go to grievance
- 166  
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168 **Brainstorm:**

- 169
- 60 days
  - Abolish IR & go straight to grievance.
  - Extend time to 45 or 60 days
  - Change the process
  - Define “should have known”
  - When in doubt, send it in.
  - Bifurcate IR – 1<sup>st</sup> 30 days - try to resolve it – 2<sup>nd</sup> 30 days – formally file IR.
  - End of term – toll the time from beginning of the next term
  - For 9 month faculty, list days that are counted, either identify as school days or contract days instead of calendar days.
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