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# FAC'S SHEET

**Newsletter of the University of Scranton Faculty Affairs Council  
April 2014**

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## ***April Meeting Set!***

### **FAC Schedules Membership Meeting for April 8<sup>th</sup> in the Rose Room in Brennan Hall**

The third FAC meeting for the Spring 2014 semester is scheduled for Tuesday, April 8<sup>th</sup> in the Rose Room on the 5<sup>th</sup> floor of Brennan Hall. Lunch will be served beginning at 11:15 a.m. with the business meeting starting at 11:30 a.m.

The Executive Committee urges all members to attend. Check in the right hand column for the agenda.

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| <h3><b><i>FAC Meetings for 2014</i></b></h3> |
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The FAC Executive Committee has scheduled monthly membership meetings for the upcoming academic year on the following dates and at the places indicated. All regular meetings are set for Tuesdays and begin at 11:30 a.m. Additional meetings may be called to address special issues or concerns.

**April 8 Tues. Room 509 Brennan Hall**  
**May 13 Tues. Room 407 DeNaples Center**

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## **FAC'S SHEET**

is published periodically by the Faculty Affairs Council at the University of Scranton. The editor is Betsey Moylan. Comments and suggestions from the membership are welcomed. Members may also check FAC's Web site at [www.scranton.edu/fac](http://www.scranton.edu/fac) for further information on the Faculty Affairs Council, an affiliate of the American Association of University Professors (AAUP). Copies of the Faculty Contract and Handbook are found on the site.

## **AGENDA**

for April 8<sup>th</sup> Meeting

1. Chair's Report - Michael Friedman
  - A. Negotiations Survey
  - B. Shared Governance meeting with Fr. Quinn
  - C. Anti-discrimination and Anti-Harassment Policy
  - D. Scranton Prep Scholarships
2. Contract Administrator's Report - Kevin Nordberg
3. Treasurer's Report - Dan West
4. Grievance Officer's Report - Len Champney
5. Old Business
  - A. Service Criteria for R&T
  - B. Interdisciplinarity
6. New Business
  - A. New Handbook Sub-committee

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## **Weingarten Rights**

by Michael Friedman

[The following article is reprinted from the September 2001 FAC's Sheet in updated form as a reminder to all faculty members about their rights under federal law.]

In *NLRB vs. Weingarten* (1975), the US Supreme Court gave employees the right to be accompanied by a union representative during an investigatory interview. Such an interview occurs when an employer questions an employee to obtain information, and the employee has a reasonable expectation that discipline or other adverse consequences may result from what he or she says. On our campus, such an interview might concern subjects like poor job performance,

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*Minutes from the March 11, 2014 FAC Meeting*

**I. Chair's Report**

**A. Negotiations Survey** – Friedman asked that members complete the survey by the deadline, April 4. He thanked Bryan Burnham, who posted the survey online. He also encouraged faculty to submit their names as candidates to serve on one of the many committees that contribute to the work of negotiations.

**B. Shared Governance meeting with Fr. Quinn** –The Chair reported on the first meeting, held on March 4. In attendance were three members of the Executive Committees of FAC and the Faculty Senate as well as Fr. Quinn, Interim Provost Pat Harrington, and University Treasurer Ed Steinmetz. Friedman was encouraged by the meeting and with Fr. Quinn's willingness to examine the areas in which Shared Governance seems to be both working and not working well at the University. He appeared to be comfortable with our definition of Shared Governance as a decision-making process involving meaningful consultation with legitimate representatives of affected constituencies. The President also appeared to accept the principle that faculty representatives must be elected by the faculty or appointed by an elected faculty body. Future meetings are scheduled for the remainder of the semester and Friedman assured the membership that he will keep them informed of progress

**C. Merit Adjustments** – Individual applications for merit adjustments are now in the hands of the Deans, who will forward their recommendations to the Provost by April 15, who will make her decisions known by May 15. FAC will obtain a report containing the names of all those who received merit adjustments and the amounts. The contract subsequently requires FAC to report the names of those receiving such awards to the general membership - but not the amounts granted.

**D. Scranton Prep Scholarships** – The Chair called attention to Associate Provost Dreisbach's announcement inviting faculty to apply for three \$2000 scholarships to Scranton Prep for dependents of faculty hired on or after September 1, 1994. .

The deadline for submitting this very simple application form to Joe is March 31, 2014.

**E. Rosenberg Grant** – Since the location of the Summer Institute for AAUP still has not been announced, the FAC Officers have extended the application deadline until the location of this year's Summer Institute until April 14

**2. Contract Administrator's Report:** Kevin Nordberg clarified a question regarding an increase in the deductible amount indicated on the forms for BC/BS. HR is aware of the problem and has told subscribers to ignore the amount. One member asked for clarification about the tiering of certain prescription drugs. Nordberg agreed to bring the issue to HR for discussion.

**3. Treasurer's Report:** Dan West reported that our 2013 tax forms are currently being audited. The 9/90 and Department of Labor reports are due at the end of March.

**4. Grievance Officer's Report:** Len Champney reported that there are no active complaints or grievances.

**V. Old Business**

**A. Service Criteria for Rank and Tenure** – Following the discussion at last month's meeting, the FAC officers took the Service language back to the Handbook Committee for further discussion. At its March meeting, the Handbook Committee enacted revisions to the language and endorsed a new proposal, but an additional issue arose after the meeting, and the Provost and Chair have agreed to wait one more month before bringing the language back for additional discussion. Please look for the revised proposal to be distributed sometime after the next Handbook Committee meeting on April 7.

**VI. New Business**

**A. Librarians' Norms and Reappointment** Members of the Handbook Committee endorsed a proposal to revise the language dealing with various aspects of the reappointment and Rank and Tenure process for librarians at the March meeting. The

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### Weingarten Rights

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discrimination, harassment, student complaints, absenteeism, theft, drugs, falsification of records, or damage to university property.

Not every discussion that you might have with an administrator is an investigatory interview. For example, a dean might call you in to discuss strategies for improving your scholarly record, a topic that probably will not lead to disciplinary action. However, if an administrator becomes dissatisfied with your answers and takes an adversarial attitude, the meeting becomes an investigatory interview and Weingarten rules apply.

Unlike police officers, who must inform criminal suspects of their Miranda rights, administrators are not obliged to notify you of your Weingarten rights.

**You** must make your own request for union representation before or during the interview. Administrators may choose to grant your request and delay questioning until a union representative arrives, or they may deny your request and end the interview immediately. Alternately, an administrator may give you the choice of continuing the interview without union representation (usually a bad move) or ending the interview (your best choice if no union officer is immediately available). If an administrator denies your request for union representation and proceeds to question you, he or she has committed an unfair labor practice, which gives you the right to refuse to answer any further questions.

Having a union officer present can help you in many ways. The union officer can serve as a witness to prevent either side from giving a misleading account of the conversation. The union officer can also object to intimidating or confusing questions and raise extenuating circumstances. If you appear to be losing your temper, the union officer can help you to avoid making reckless statements or damaging admissions. And finally, the union officer can, when appropriate, advise you against blindly denying all charges, which may give the appearance of dishonesty and guilt.

According to legal precedent, a union officer has the right to counsel you during an investigatory interview and to assist you in presenting the facts of the case. When the union officer arrives, the supervisor must inform you both of the subject matter of the interview, such as the type of misconduct that is being investigated. The union officer then may take you aside for a private conference before the questioning begins. The union officer may also speak during the interview, but he or she has no right to bargain over the purpose of the interview or to obstruct it. At the end of the questioning, the union officer may provide information to help you to justify your conduct.

If you are summoned to meet with an administrator, and you have a reasonable expectation that disciplinary action might result, consider making the following statement before the meeting starts: "If this discussion could affect my working conditions or lead to my being disciplined, I respectfully request that a union officer be present at this meeting. Without representation present, I choose not to participate in this discussion."

Source: Hessenauer, Donna. "Weingarten Rights." Communication Workers of America. 3 Aug. 2001  
<http://www.cwa3603.net/Weingarten.htm>.

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### *Luncheon Menu for April 8th Meeting*

- Mixed green salad with two dressings
- Flank Steak in Mushroom Sauce
- Broiled Fillet of Sole in Lemon Butter
- Pasta Primavera
- Bourbon Carrots
- Rolls and Butter
- Rice Pudding
- Coffee, Tea, Soda, and Water

## FAC OFFICERS 2013-2014

### *Chairperson*

Michael Friedman, English  
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### *Contract Administration Officer*

Kevin Nordberg Philosophy  
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### *Grievance Officer*

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### *Secretary*

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### *Treasurer*

Daniel West HA. & HR  
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## **Minutes**

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first half of this document inserts new material into Appendix II, Section B.2 in order to define effective “librarianship” and to declare how the quality of such librarianship will be assessed by the Board on Rank and Tenure. The second half of the document makes some revisions to Appendix VI, Section G (Re-appointment of Librarians) in order to bring the language up to date with certain changes in the discipline. Betsey Moylan explained the reason for the need for

these revisions. The Chair asked if there were any questions and one faculty member wanted to be sure that the department was aware of the language changes. Moylan assured the member that the language had been thoroughly vetted by the department prior to its discussion at the Handbook Committee. Since there was a quorum at the meeting, the Chair called the question and a unanimous vote approved the changes to the Handbook. The Chair will forward this vote to the Provost, who will bring the recommendation to the Board of Trustees at their next meeting.

B. A member asked for clarification on handbook language regarding the departmental letter for annual re-appointment and rank and tenure. His question involved the addendum that may be added to the departmental letter and the lack of signatures on said addendum. His query was meant to question what other departments consider fair and equitable and how the interpretation of such addendum is valued by the Board on Rank and Tenure. A heated discussion ensued, with numerous comments from members who had served on the Board in recent years, as well as feedback from department chairs and tenured members who participate in the annual meetings and contribute to the letters. The Chair asked that discussion end as many members had to leave the meeting to attend their one o'clock classes or office hours. He assured the members that he would bring their concerns back to the Faculty Handbook Committee's April meeting.

The meeting adjourned at 12:55 P.M.

Respectfully submitted,  
Betsey Moylan  
FAC Secretary

