

**Subject:** Re: Response to Informal Grievances Notification 30 Aug 2019

**From:** Jeremiah Duncan <jsduncan@plymouth.edu>

**Date:** 9/23/19, 1:22 PM

**To:** Robin Dorff <rhdorff@plymouth.edu>

**CC:** Jonathan Santore <jsantore@plymouth.edu>, Linda Carrier <lcarrier@plymouth.edu>, Caryn Ines <clines1@plymouth.edu>, Ann McClellan <akmcclellan@plymouth.edu>, Donald Birx <dlbirx@plymouth.edu>, Gail Mears <gmears@plymouth.edu>

Dear Robin,

I am writing in official response to your email of September 11, 2019 regarding the two informal grievances I filed on August 30, 2019. In a previous email on Sept 12, I specifically addressed the response related to the ""Informal Grievance from PSU-AAUP - Summer 2019 maximum course cap change." In this email, I am addressing the second one: "Informal Grievance from PSU-AAUP - Academic Policy Changes."

After discussion with the PSU-AAUP Executive Committee and Grievance Committee, I have determined that the Administration's response to this informal grievance does not resolve our grievance, and therefore, I will be working with my Grievance Committee to file a Level Two formal grievance on this matter, pursuant to Article 10.4.2.5 of our CBA. As per Article 10.4.2.2, this grievance will be filed with the Chief Human Resources Officer separately from this email.

I feel it would be courtesy to explain this action, and as such, I offer two reasons:

1. Our original informal grievance requested that the new policies would be rolled back to the original policies until and unless they were successfully vetted through the faculty governance system. This roll back did not happen, and indeed, the Administration's response did not address this request. Given this lack of response, we did not feel satisfied that the Administration truly appreciated what we considered to be the gravity of this situation.
2. As the Administration's response explained, several of these policies were considered to be outside the purview of Academic Affairs, and thus, involved parties and offices in other parts of the administration. We feel it is important that the Administration understand and appreciate that our union contract is not just with the Provost and the Office of Academic Affairs, but with the entire Administration, and indeed, USNH and the Board of Trustees. As such, it is necessary for our grievance to begin at Level 2.

Thank you for your time and attention in this matter.

Sincerely and on behalf of the PSU-AAUP,

--Jeremiah Duncan

President, Plymouth State University Chapter of the American Association of University Professors (PSU-AAUP)

On 9/11/19 9:51 AM, Robin Dorff wrote:

Dear Jeremiah:

I am writing in response to the two informal grievance notifications we received from you on August 30, 2019 via email. The first addressed the "Summer 2019 Maximum Course Cap Change" and the second the "Academic Policy Changes." By way of this written response, I would also like to incorporate the public statement disseminated to all PSU faculty on Wednesday, September 4, 2019

and which read:

“PSU-AAUP leadership and the PSU Academic Affairs Committee Chair have made us aware that the process by which we instituted certain changes in academic and administrative policy this summer may have violated certain articles within the PSU-AAUP CBA in relation to Faculty Governance and process. Over the past two weeks, we have met with the Faculty Speaker, the chair of Academic Affairs, and the union leadership to work on resolving these conflicts.

We acknowledge and apologize for any violations that might have occurred and want everyone to know we are working closely with Faculty Governance and the PSU-AAUP both to clarify and rectify any such violations, and to avoid similar violations of policy and process or the CBA in the future. We also wish to restate our deep respect for and appreciation of the value and importance of shared governance. We do not want to erode any of the trust that is so central to making shared governance work effectively, and pledge to do all we can to help restore it. We plan to work with faculty to establish clear processes on reviewing and discussing any academic policy changes, particularly when faculty are off contract May-August.

In regard to the specific PSU-AAUP informal grievance concerning raising course caps as part of first-year and transfer student enrollment in June of this year, we wish to reassure all faculty that in the future we will not unilaterally make wholesale changes to course caps without appropriate consultation. At the same time, and as acknowledged by the CBA, the Provost reserves the right to make the final determination of maximum class size. We will work closely with the PSU-AAUP and Faculty Governance to establish a formal process for communicating faculty recommendations about maximum course sizes prior to any future broad-based changes in maximum course caps.

Per our faculty governance procedures, we will continue to meet with union leadership and the appropriate principal policy-making committees as soon as possible to answer any additional questions and to further understand and rectify any conflicts.”

There are many specific details and nuances to both of the grievance items, and I don't know that it would be productive to go through all of them in writing or even to discuss them in detail. From our point of view we do not think all of the specific issues raised are directly related to academic policies but instead to administrative policies. I believe the goals we share—avoiding any similar confusion, mistakes, and potential violations in the future—would be the better driving points behind our discussions. Therefore, may I suggest the following as our specific response at this time?

- 1) We will not unilaterally make wholesale changes to course caps without appropriate consultation. At the same time, and as acknowledged by the CBA, the Provost reserves the right to make the final determination of maximum class size.
- 2) We will work closely with Faculty Governance to establish a formal process for communicating faculty recommendations about maximum course sizes prior to any future broad-based changes in maximum course caps.
- 3) We will seek to clarify in discussions if there are some clear distinctions between academic policy over which the faculty certainly has a clear right to consultation and administrative policies that really need to involve faculty consultation in order to improve decision outcomes. Further, whether there are administrative decisions that are not only outside the purview of faculty but with which they really would not want to be involved. All of this discussion would focus on improving overall communication, consultation, and collaboration. I do not think this should be as much about who must as who should and needs to be consulted.
- 4) For example, the elimination of the “first day drop” was one of several that derived from changes in financial aid compliance policies nationally. We should have done a better job communicating the reasons behind it, but it was not discretionary on our part as students who were dropped from classes might automatically be in violation of their financial aid requirements and not know it, and might not know they were dropped. We can go through each of the 13 policies referenced in the message Jeremiah shared with faculty on September 6<sup>th</sup> and provide similar explanations and clarifications. Based on

those discussions, we can decide how we proceed.

- 5) We also need to discuss how we can develop and establish clear processes for reviewing and discussing any academic policy changes, particularly when faculty are off contract May-August. Decision timeframes on some matters are frequently quite short, and that is compounded during this period. Who should/needs to be consulted and how is that done most effectively during the summer months?
- 6) We are already scheduled to bring the entire list of 13 policies to the Academic Affairs Steering Committee and, as needed, to the entire Committee, for discussion as needed. We would be happy to do the same for the PSU-AAUP leadership.

In the end, and as we stated, we have "deep respect for and appreciation of the value and importance of shared governance." However, to be clear, I also think most of us agree that shared governance is not faculty governance, nor does it always require formal faculty votes of approval for final decisions and implementation. However, we must also avoid surprises and that requires more and more effective communication.

Please let me know if this acknowledgement and response is sufficient for the purpose of proceeding with the informal grievance process. If it does, I suggest we coordinate calendars and schedule the next meeting to continue that process. We could also decide at that meeting whether our response to the course caps informal grievance is sufficient at this time to resolve it. If this is agreeable, please let me know who should attend from the PSU-AAUP and our office will coordinate. May I assume this would be you, Jonathan and Linda? I will also ask Caryn Ines, Director of Human Resources, and Associate Provost Ann McClellan to attend.

Thank you again and in advance for your prompt attention to our response.

Sincerely,

Robin Dorff

Robert H. "Robin" Dorff, Ph.D.  
Provost and Vice President for Academic Affairs  
Plymouth State University  
O: (603) 535-3500  
M: (717) 448-4400  
Email: [rhdorff@plymouth.edu](mailto:rhdorff@plymouth.edu)

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Jeremiah Duncan  
President, Plymouth State University Chapter of the American Association of University Professors (PSU-AAUP).  
Assoc. Professor of Chemistry  
Chemistry and Biochemistry Program, MSC 48  
Plymouth State University  
17 High Street  
Plymouth, New Hampshire 03264-1595  
[jsduncan@plymouth.edu](mailto:jsduncan@plymouth.edu)  
office: 603-535-2289, Boyd 208  
fax: 603-535-2723  
<http://oz.plymouth.edu/~jsduncan>