

## **Labor-Management Meeting Minutes**

February 27, 2020, 1:40-3:05pm

History Dept. Conf. Room 8.65.36

**Labor Attendees:** Zabby Hovey (chair), John Pittman, Janet Winter, Dan Pinello, Rulisa Galloway Perry, Jayne Mooney, Jonathan Epstein, Ellen Sexton, Paul Narkunas, Jerry Markowitz, Ellen Belcher

**Management Attendees:** Karol Mason (president), Steve Titan, Diego Redondo, Ella Kiselyuk, Tony Balkissoon, Raj Singh, Joseph Laub, Yi Li, Mark Flower, Ellen Hartigan, Donald Gray

### **Security Policies, Actions and Consequences.**

**Labor,** Jayne Mooney (JM) -This item is raised in response to perceived heavy handed tactics used during interviews with faculty conducted by college security personnel. Vulnerable staff found the interview process threatening. Some felt they were asked to report on rumor rather than what they witnessed. In addition, a no-contact order was violated several times, and the college did not do enough to support the faculty member involved, who was told there were not enough resources to enforce the order. Also, social media attacks were not followed up upon. Many have felt that they were in a hostile work environment.

**Management Karol Mason (KM):** Our primary purpose with any investigation is to obtain facts. The investigation period was delayed due to having to pause our investigation while law enforcement agencies were conducting their investigations..

**Diego Redondo (DR):** We never interrogated anyone; that is a law enforcement term used for accusation of criminal act; we interview to obtain facts from witnesses. Don Gray was consulted to be sure that union contracts were followed before interviews, lasting 30-45 minutes.. We are not interested in rumors or innuendo. Preliminary questions were about establishing relationships, we tried to make them as friendly and non-confrontational as possible. People were told they could have union reps present during interviews. One investigation of an alleged no contact order violation took longer than anticipated as there was reluctance on the part of one of the witnesses to be interviewed. That particular investigation was being done by Central Office Public Safety.

No contact orders are agreements between two parties to stay away from each other; they are not legal documents such as orders of protection. We got a class schedule for the affected faculty; had officers patrol nearby during their class times. We offered escorts from campus to mass transit. Social media: college is working on a policy, we can only control college social media accounts. We assist with filing harassment charges with the NYPD if an individual wants it done.

**JM:** Individuals were called to multiple meetings, asked the same questions, it was frightening. The Henderson Rules are scary.

**KM:** Multiple investigations were ongoing simultaneously; Title IX investigations are privileged so we may not know that some individuals were interviewed more than once. John Jay started our investigation immediately; we had to pause our investigation when law enforcement agencies started investigating. The Inspector General's office was informed at the beginning.

**DR:** We monitor the 'victim' in a no contact order - generally no contact orders are adhered to by both parties. No contact orders don't have a lot of teeth - we help with order of protection or harassment charges filed with the NYPD if necessary. Violators can be penalized according to established processes if they are employed or enrolled here.

**KM:** A group meets regularly (used to be called the Metrics committee) regarding safety and security issues to be sure the correct office is investigating and resolving complaints. This group includes people from Title IX, Public Safety, legal, Dean of Students, Human Resources, some VPs. If people feel unsafe there are things college can do. We can answer questions regarding procedural issues, but not answer questions about specific investigations until there's been a resolution. It's an iterative, learning process as we obtain facts, unfortunately, we can't control how people feel.

**DR:** Social media harassment could be dealt with as workplace harassment, but better if NYPD pursues aggravated harassment, they can get an order of protection which is legally enforceable.

**KM:** If the complaint is about faculty members, this can be dealt with through HR. There are options at the college before approaching the police.

**DR:** "Come see us"; there is always someone at security, 24 hours a day, that can take a complaint. When Public Safety conducts its interview, we would not know who has been interviewed by Title IX, but **we can say "you may have been interviewed before...."**

#### **Update on the Status of Faculty members on administrative leave since summer 2018**

**KM:** We are proceeding under the terms of the contract. We can't say anything else. We negotiated a fee with the firm conducting the Title IX work in advance. The firm invested time well in excess of our negotiated fee. As a result, the amount paid to the firm was significantly less than the fees they incurred. The Law firm that was selected has no ties to the college; a number of firms were interviewed.

#### **FMLA and ADA Accommodations processes for Faculty and HEOs**

**Paul Narkunas:** The circumstances and disabilities of some individuals put them in difficult situations in the course of the past year, resulting from either slow resolution of an individual's status or inadequate understanding on the part of the supervisor of the meaning of the disability or the protective firewall of privacy.

**Raj Singh (RS):** In the last 6 months HR has received 40 applications; 32 were responded to within 3-5 days, for the others, some require complicated equipment, or the paperwork from the healthcare provider was incomplete, some go back to the academic department. We need to

figure out a better way. If for example a faculty member's health expert says they must teach all courses online, we cannot make a decision for chairs as to who teaches what. Based on medical information records, HR can say to a chair someone cannot teach after a certain hour or go to departmental meetings. We will talk with the provost about how to improve the process.

**Yi Li:** The Chairs' responsibility is clear regarding providing accommodations. Sometimes there are concerns about how the work is done. It is an ongoing process, takes time. Most understand this.

**Ella Kiselyuk:** New chairs meet with her and are trained on this and other issues; HEO supervisors also get one on one training at onboarding. There also training refresher opportunities being conveyed to chairs.

### **Public Funding for Student Success**

**Dan Pinello** described the impact of underfunding of the College and CUNY as a whole with an illustration from the Writing Center, which he pointed out is vital for the success of students across the college. Students have difficulty with writing, but the Writing Center has suffered from cutbacks and offers fewer resources now.

**Zabby Hovey:** We are entitled to know the magnitude of the underfunding within which we are working.

**KM:** There needs to be a different forum to address budget questions. This is a Labor Management meeting for issues that are more strictly labor considerations. I made it clear that I would be happy to discuss these issues in a meeting with anyone interested and that we discuss budget issues regularly with the appropriate governance committees, Faculty Senate and Chairs.

### **HEO reclassification meeting**

The chapter requested details about the timing of the essential review of the range of responsibilities that Higher Education Officers seek and how to learn the rationale for the denial of a reclassification request.

**RS:** The composition of the committee has been established and I will let HEO Delegate and PSC Vice President for HEOs Janet Winter know the timing of the review at least a week in advance. The Vice President of that division makes recommendations to the committee. **The HEO is entitled to know the decision of the committee and can go to their VP for information.** The reason is supposed to be communicated to them.

### **Tabled items**

1. Three-year contract renewals for adjuncts
2. Status of FIDO changes

Next L-M meeting scheduled for March 31, 2020. *[Instead, there was an emergency meeting on 3/12/20 and the next regular labor-management meeting was April 21, 2020.]*