Labor-Management Council Minutes

Meeting Date: July 9, 2019

Cochran Room, Kilcawley Center

**In Attendance:** Ms. Connie Frisby, ACE President and Council Co-Chair; Atty. Holly Jacobs, VP for Legal Affairs and HR; Atty. Kevin Kralj, Director, Labor and Employee Relations; Ms. Debbie Moy, ACE representative; Dr. Jennifer Pintar, Associate Provost and DFR representative; Dr. Brien Smith, Provost and VP for Academic Affairs and Council Co-Chair; Ms. Caroline Smith, SGA President; Dr. Steven Reale, OEA President; Mr. Shawn Varso, YSU Chief of Police; Mr. Ed Villone, President of APAS; and Ms. Brittany Bowyer, Office of VP for Finance and Business Operations.

**Check-in and Announcements:**

**Council Introduction** – This was Dr. Smith’s first meeting as co-chair of the council, so the council members went around the table to introduce themselves.

**Union Elections** – Ms. Frisby mentioned ACE elections took place on July 8 and that ballots would be sorted and counted on July 10.

**OEA Disciplines** – Dr. Reale mentioned there has been an uptick in the amount of discipline cases issued for faculty. He said faculty are afraid to bring up issues as they could be disciplined. Some cases are minor, such as a faculty member disagreeing with a department chair; others seem to stem from student complaints. Dr. Reale stated that a student has the right to a safe and productive learning environment; however in the classroom, material may be brought in by the faculty member that might be controversial to students. The material is not meant to be a threat or challenge to the students, but to aid in learning and discussion. Dr. Pintar indicated she did not think LMC was a place to discuss these cases. Dr. Reale replied that no identifying information would be divulged. Atty. Jacobs mentioned that some of the cases have to do with the evolution of contracts. She stated that having five disciplinary cases isn’t an extreme amount, but there are valid reasons for these cases. Dr. Smith stated he would like to bring up issues to be discussed, even if at times the discussions might be informal they need to be civil.

Mr. Villone stated that there has been some APAS disciplines as well. He believes they are related to student complaints. Dr. Pintar agreed and mentioned that Maxient student complaint system was entering the second year of use. She said once a student enters a complaint, designated faculty or staff must follow-up in a timely fashion. She thinks a lot of it has to do with the current generation. Ms. Frisby felt that the student dynamic has changed, stating she has noticed a lack of studying and learning going on. She said most students just want to know exactly what is on the exam; then get mad at the instructor when things are on the exam that weren’t previously mentioned, but perhaps it was a question on a previous exam or from assigned readings. Ms. Smith indicated that the student complaint system has been a great tool for students to feel empowered. She said some complaints are valid and others are not. She then explained that SGA has created a virtual town hall group for the upcoming semester. In this group students can talk about things unrelated to faculty issues, but are also provided a link for Maxient on the page.

Mr. Villone voiced concern over the increased use of cellphones creeping into the criminal justice program. He said we all need to be aware of issues that can arise from the use of cellphones, such as video recordings of comments or events. He indicated some type of training for managers would be good and then they could share the information with faculty and staff to be aware of potential issues. He said video training would be good, but they often take a lot of time to watch. Atty. Jacobs agreed, but mentioned having knowledgeable speakers come to campus once, to only reach a small segment of the community isn’t cost effective. She said learning videos are used by other universities and can be accessed by both faculty and staff. She mentioned the new Equal Opportunity Officer (EOO), Mark Weir, started about a month ago and would be doing some training and speaking on campus. She plans to invite him to the next LMC meeting. Atty. Jacobs also indicated that over the years our policies on equal employment opportunity and harassment have changed. Previously faculty didn’t feel the need to do harassment training and about 10 years ago everything (complaints and recommendations) related to these two topics would go through faculty channels to be worked out. Ms. Frisby stated that she thought that was her, because with the change in RC that University classified employees were no longer considered “in the service of the state” she questioned if classified employees had to do this training. Atty. Jacobs stated that all university employees were considered state employees and therefore must complete these on-line training courses. Now the office of Equal Opportunity does this and follows the state and federal laws, rules and regulations just like other universities. She said we as a state institution need to mature and maybe correct somethings to be in line. Dr. Reale agreed with her regarding governance and oversight by the EOO, but wanted to know if a person could contest or appeal a report by the EOO. She said EOO does an investigation and collects pertinent evidence needed for a case; talks with all parties involved, reviews everything and then develops a recommendation to be reviewed by HR and legal, who then will make the final decision. An appeal can be made after a final decision is made. Dr. Reale questioned why an appeal wouldn’t be made after the EOO develops a recommendation and prior to a final decision being made. Dr. Smith replied that after the decision is made, a person can then file an appeal or enter into the grievance procedure. He stated the process is similar to a legal case where evidence is heard by a jury and they decide based on evidence if the case will go to trial. Atty. Kralj said a due process procedure is used for various levels of discipline cases. The initial step is to send a letter of charges to the person; then a meeting takes place with the person, their direct supervisor and the EOO. At that meeting parties can bring up important materials and questions they have before moving to the next steps of review, recommendation and then final decision. Atty. Jacobs said the whole process is time consuming and does not want to make any false charges. They hope to make the best decision based on facts and expect the decision to be upheld.

**Benefits Staff Relocated** – Atty. Kralj mentioned a few HR Benefits staff, Stacey Luce, Linda Mazzocco and Linda Moore, have moved across the hall from suite 312 to suite 359; and that he and Alisha Greco-Yanniello have moved from suite 359 to suite 312.

**Strategic Plan** – Dr. Pintar mentioned the second day of the Strategic Planning Retreat would be taking place later on. The retreat is made up of SPOT committee members that are trying to create and outline a living document for the strategic plan. They are utilizing faculty, staff and student feedback from questions previously asked by the SPOT committee. Ms. Frisby stated that she liked the questions being asked to the campus community and told ACE members to participate and voice their feedback. Dr. Pintar said some of the feedback received was very useful. Dr. Smith said once the outline for the strategic plan is in place he would like to prioritize certain sections; along with including more faculty governance; and plans to have better discussions with campus constituents. It was also mentioned that the goal is that the new Strategic Plan would be a living document, not just something to be put on a shelf.

**New Internal Auditor** – Dr. Pintar mentioned a new internal auditor has been hired. Ms. Bowyer stated the new auditor, Ms. Kelli Miller, started on July 8; replacing our previous auditor, Sarah Gampo. Ms. Miller previously lived in Baltimore and now lives in Salem. Her office is located on the 2nd floor of the Phelps building. She will be working on audit related reports for the university and working with the Board of Trustees via the Audit Subcommittee. She will also be working on enterprise risk management and the anonymous reporting hotline.

**Topics for next meeting** – A review these minutes will take place to follow-up on anything that required action. Mr. Mark Weir, EOO, will be in attendance if available. Also, an enrollment update will be given by either Mr. Eddie Howard or Ms. Elaine Ruse depending on availability.

**Adjournment:**

The meeting adjourned at 9:47 a.m.

**Next Labor Management Council meeting: Tuesday, September 10, 2019**

**at 9:00 a.m. in KC, Cochran Room**

**Labor Management Council**

**2019 Meeting Schedule**

Updated 11/21/2018

~~Tuesday, January 22, 2019 9-11am KC, Cochran Room~~

~~Tuesday, March 19, 2019 9-11am KC, Cochran Room~~

~~Tuesday, May 14, 2019 9-11am KC, Cochran Room~~

~~Tuesday, July 9, 2019 9-11am KC, Cochran Room~~

Tuesday, September 10, 2019 9-11am KC, Cochran Room

Tuesday, November 12, 2019 9-11am KC, Cochran Room

Respectfully submitted,

Brittany Bowyer,

Recorder