

# UFF-UNF Impact Bargaining

Negotiations over how a decision of the administration affects faculty and how the effects can be prevented

Effects/impact bargaining is a type of bargaining which involves certain decisions that are within the administration's right to make, which have impact on mandatory subjects of bargaining. These decisions are not required to be a part of bargaining, but as they have an impact/effect on the mandatory subjects of bargaining, their effects/impacts must be bargained. The bargaining on these impacts or effects is called impact/effect bargaining

# Events Leading To Today's Session

- **3.11.2020. State University System Statement on COVID-19**
  - “REMOTE INSTRUCTION Effective immediately, all universities will make plans to transition to remote instruction as soon as possible.”
- **3.11.2020. Message from UFF-UNF**
  - “I wanted to reach out to you to let you know that UFF-UNF has been proactive in communicating with UNF administration, as well as with the United Faculty of Florida state office and our sister chapters regarding the health and safety concerns raised by the COVID-19 pandemic.”
- **3.11.2020. Coronavirus Update: UNF Transitioning to Remote Instruction/work**
  - “UNF is temporarily transitioning all in-person teaching to remote instruction for the two-week period following the completion of spring break week, March 15-22.” (3.24.2020 – Summer A &C; 4.1.2020 Summer B) (remote work)
- **3.13.2020. UFF-UNF. Bargaining (standard)**
  - Discussed issue and concerns surrounding Coronavirus
- **3.14.2020. Questions from UFF-UNF [to UNF] regarding the impact of the coronavirus event.**
  - Available at: [UFF-UNF.org](http://UFF-UNF.org)
- **3.19.2020. Discussion of UFF-UNF questions on Coronavirus event [Zoom meeting]**
  - Guiding principle: “Prevent adverse impacts and harmful effects”
  - Scope of impacts: Framework
  - Agreed to formally bargain: TBD
- **TODAY. 4.3.2020. UFF-UNF Impact Bargaining**
  - UNF Proposed Memorandum of Understanding (3.26.2020)

# Framework: UFF-UNF Discussion on Coronavirus event

Guiding principle: “Prevent adverse impacts and harmful effects”

## Instruction-related

- Online resources
- *ISQs\**
- *Intellectual property\**
- Summer teaching

## Research-related

- Campus access/offices
- Professional development & travel

## Service-related

- Support & Recognition

## Other

- *Performance evaluations\**
- *Tenure\*/promotion*
- Leaves/benefits
- Layoff and Recall

# Instruction-related: Online Resources

- Subject of bargaining
  - Tech support, wireless connectivity, teleconferencing, etc.
- Impacts/Effects
  - Some faculty are expending their own funds to transition to online teaching
  - There have been challenges with access (e.g., canvas), the availability of support (e.g., pick up of hardware, high call volume) and the required infrastructure (e.g., network outages) to support online instruction
  - Some courses (including prior online courses) are experiencing significant challenges following the mandate to move to remote instruction
- Proposal to prevent adverse impacts and harmful effects
  - UFF: Faculty will be fully reimbursed for any expenses incurred in moving to remote instruction. Faculty will not be penalized for challenges incurred and difficulties in moving to remote instruction, including additional challenges in courses that were online courses prior to moving to remote instruction.

# Instruction-related: Instructional Satisfaction Questionnaires (ISQs)

- Subject of bargaining
  - ISQs are included in annual performance evaluations
- Impacts/Effects
  - Recognition that ISQs are limited in their reliability and validity, but can offer information that can be beneficial to faculty
  - Concerns that the transition to remote instruction will adversely affect faculty ISQs
  - Concerns that ISQs taken during the period of remote instruction will adversely impact faculty performance evaluations (e.g., for instruction), tenure and promotion decisions (e.g., if taken and published), and compensation arrangements (e.g., merit based raises)
- Proposals to prevent adverse impacts and harmful effects
  - UFF: Faculty will have the option of whether to administer ISQs for their courses during the period of remote instruction and where they elect to have the ISQs administered; the option of whether they will be published, used, and retained for purposes of the faculty member's annual evaluation, tenure and/or promotion appraisal, and any other purposes.
    - UNF: "The ISQs for courses taught in the 2020 Spring semester will be used or not used for the purposes of the faculty member's annual evaluation and tenure appraisal upon the option of the faculty member."
    - UNF: "The ISQs for the 2020 Spring semester will be used or not used for the purposes of an application dossier for tenure or promotion upon the option of the faculty member."
    - UNF: "The ISQs for the 2020 Spring semester will not be publicly posted."

# Instruction-related: Intellectual Property

- Subject of bargaining
  - Ownership of instructional materials, works, etc.
- Impacts/Effects
  - Online instruction requires “appreciable university support” leading to questions of ownership
    - This impacts courses that transitioned to online
    - Also impacts courses originally online – increases university support
  - Faculty being asked to assign/include administrators in their courses (e.g., instructor of record) to address potential continuity issues
    - Creating concerns for IP rights
- Proposals to prevent adverse impacts and harmful effects
  - UFF: Faculty will retain all intellectual property rights to instructional materials and related works developed or used for all courses taught by the faculty member during the affected period
    - UNF: “The University of North Florida and the United Faculty of Florida (“the parties”) agree that faculty will have ownership of the original content of any course that was converted from an in-person delivery to a remote format as a result of the response to the COVID-19 pandemic during the Spring semester of 2020. Courses that were assigned as an online course for the Spring 2020 semester will have the ownership defined by the collective bargaining agreement.”
    - UNF: “A faculty member that is unable to deliver their assigned course to completion, may transfer course materials to another faculty member, during the Spring 2020 semester only, to allow for the completion of the delivery of the course to the student(s).”

# Other: Performance Evaluations

- Subject of bargaining
  - Annual performance evaluations
- Impacts/Effects
  - Concerns that remote instruction and remote work involving research and service will adversely affect annual evaluations
  - Concerns that process and decisions can be adversely impacted in ways that cannot be identified or measured (e.g., access to campus, conferences, remote instruction/work, performance evaluations, etc.)
- Proposal to prevent adverse impacts and harmful effects
  - UFF: At a faculty member's discretion, the faculty member's annual report and evaluation will not be performed until such time as all remote instruction and work is discontinued
    - UNF: "The University's Chairs and Directors will be provided with guidance regarding the manner in which annual evaluations, annual tenure appraisals, and the appraisal of a tenure application will take into consideration the challenges and obstacles that have been created during the Spring 2020 semester as a result of the COVID-19 pandemic."
    - UNF: "The ISQs for courses taught in the 2020 Spring semester will be used or not used for the purposes of the faculty member's annual evaluation and tenure appraisal upon the option of the faculty member."

# Other: Tenure/Promotion

- Subject of bargaining
  - Promotion process
  - Tenure process
- Impacts/Effects
  - Concerns that remote instruction and remote work involving research and service will adversely affect process and decisions
  - Concerns that process and decisions can be adversely impacted in ways that cannot be identified and measured (e.g., access to campus, conferences, remote instruction/work, performance evaluations, etc.)
- Proposal to prevent adverse impacts and harmful effects
  - UFF: All faculty members' tenure and/or promotion "clocks" will be stopped until such time as all remote instruction and work is discontinued, unless at the discretion of the faculty member they choose to go forward under the terms of the contract.
    - UNF: "The tenure-track faculty will be advised of the process available to them to seek an extension of the tenure clock. The University will be open to requests for an extension based upon circumstances emanating from the COVID-19 pandemic."
    - UNF: "The University's Chairs and Directors will be provided with guidance regarding the manner in which annual evaluations, annual tenure appraisals, and the appraisal of a tenure application will take into consideration the challenges and obstacles that have been created during the Spring 2020 semester as a result of the COVID-19 pandemic."
    - UNF: "The ISQs for the 2020 Spring semester will be used or not used for the purposes of an application dossier for tenure or promotion upon the option of the faculty member."

# Instruction-related: Summer Teaching

- Subject of bargaining
  - Summer Appointments and Assignments
    - Policy, procedures, compensation, etc.
- Impacts/Effects
  - Concerns that move to remote instruction will adversely affect procedures and priorities for assigning courses
  - Concerns that student demand will result in dropped courses due to minimum enrollments not being met
  - Concerns for compensation being impacted
- Proposal to prevent adverse impacts and harmful effects
  - Propose: Policies and procedures and for assigning, compensating, and prioritizing summer courses will not be adversely affected.

# Research-related: Conferences and Travel

- Subject of bargaining
  - Professional development and travel
    - Travel and related cancellations affected by event
    - Future of professional development and travel
- Impacts/Effects
  - Uncertainty as to expense reimbursement for canceled conferences and travel, etc.
    - Protocols for faculty reimbursement
  - Future participation in professional development activities
    - How will such activities be authorized, compensated, and recognized
- Proposal to prevent adverse impacts and harmful effects
  - Propose: Protocols will be developed to ensure faculty are fully reimbursed for affected professional development & travel and to ensure continuity in the authorization, compensation and recognition of future affected professional development & travel.

# Instruction/Research-related: Campus/Office Access

- Subject of bargaining
  - Office spaces, workspaces, labs, studios, etc.
    - Where required (e.g., needed equipment for remote work, caretaking of live animals, management of ongoing experiments, etc.)
- Impacts/Effects
  - Uncertainty as to who should have access given mandates on remote work
    - Protocols for faculty access
  - Health and safety concerns for those that are permitted access
    - Protocols for protection, cleaning, etc.
    - Protocols for safety
- Proposal to prevent adverse impacts and harmful effects
  - Propose: Protocols will be developed to ensure faculty access as necessary and to ensure the health and safety of faculty on campus based on recommended guidelines

# Service-related: Support & Recognition

- Subject of bargaining
  - Performance evaluations
  - Tenure/promotion
  - Other (e.g., compensation, travel, etc.)
- Impacts/Effects
  - Concerns that the conduct and assessment of service will be adversely affected
  - Concerns for expectations regarding service (i.e., scheduling, reporting, etc.)
- Proposal to prevent adverse impacts and harmful effects
  - Propose: Protocols will be developed to ensure that the performance and assessment of faculty service activities will not be adversely affected during the period of remote work

# Other: Leaves/Benefits

- Subject of bargaining
  - Leaves
    - Family and Medical Leave Act (FMLA) provisions in contract and Federal law.
    - Parental Leave/Paid Parental Leave
    - Leaves Due to illness/injury – sick leave
    - Job-Related Illness/injury
    - Annual Leave
    - Administrative Leaves (Jury, Military, etc.)
    - Leave Without Pay
    - Other Leaves (Pending investigation, other)
  - Benefits
    - Health insurance
    - Retirement
    - Other (courses, employee assistance programs, pre-tax benefits, parking)
- Impacts/Effects
  - Uncertainty as to administration and continuity of leaves and benefits
    - Accrual, qualification, conditions, authorization, use, transfer, duration, payment, etc.
- Proposal to prevent adverse impacts and harmful effects
  - **Propose: Apart from changes mandated by law, the continuity and administration of faculty leaves under Article 25 and benefits under Article 31 shall not be adversely affected**