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On-Line Items

Chapter Election Results
<http://uupinfo.org/elections/results/chapter/Albany/Albany2013.pdf>

Resources on Reasonable Accommodations for University Employees
http://www.albany.edu/uup/pdfs/reasonable_accommodations.pdf

Reasonable Accommodations for Employees with Disabilities

Gail Landsman

If you are a faculty member, you probably know where to find assistance arranging a reasonable accommodation for a student with a disability. The Disability Resource Center located in the Campus Center can answer questions regarding accommodations you may need to approve or provide for students with disabilities in your classes. Additionally, a "Statement of Reasonable Accommodation Policy In Response to the Americans with Disabilities Act" as affects students is posted on the website. However if you are a UAlbany *employee* who has a disability and require an accommodation to perform your job, do you know whom to contact? Chances are the answer is no. The university's reasonable accommodation policy for employees has never been formalized or posted. That is, we hope, about to change.

A Bit of History

The Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and New York State's Civil Rights Law protect any individual with a physical or mental impairment that substantially limits that person in some major life activity, and any individual who has a history of, or who is regarded as having, such an impairment. These laws direct employers to modify working conditions to allow equal participation of employees with disabilities.

UUP members have long been concerned that requests for accommodations by employees had no single route or appeals process. Sally Knapp, an early UUP advocate for disability rights recalled that one UAlbany faculty member with a hearing impairment requested a room to teach in that would accommodate his deafness. He was referred to various different people, but finally retired without ever getting the accommodation.

To assess whether people on other campuses were also being denied accommodations, as well as to monitor implementation of the Americans with Disabilities Act at SUNY campuses, the UUP Disability Rights and Concerns Committee surveyed UUP bargaining unit members in 2000-2001. As co-chair of the statewide UUP Disability Rights and Concerns Committee, UAlbany's Sally Knapp prepared the committee's report, released in April 2004, entitled *Disability Access and SUNY Campuses: 10 Years After the ADA*. The full report, which covers issues of campus accessibility, provision of reasonable accommodations for employees, age and disability, attitudes toward disability, and the "just community" can be accessed at <http://uupinfo.org/reports/reportpdf/disability.pdf>.

Report Findings

Among the findings of that report were that 72 out of 384 respondents (30.8%) indicated that "there are accommodations that would enable them to better perform their jobs, which they did not have." The study indicated that on average, "32% of teaching faculty, 25% of librarians, and 13.8% of professionals were *denied* requested accommodations." Particularly striking in the report were figures comparing accommodations by type of disability. See **Accommodations**, page 8.

President's Corner

A Term in Retrospect

Jim Collins

Acting President,

Anthropology Department

Let me begin by thanking all the Chapter members who elected me to serve as Vice President for Academics and allowed me to serve as Acting President for this past year. Elected in Spring 2011 as the VPA, I came to office as part of an effort to make our union more open to and engaged with the members. That entailed working closely with other Chapter Officers and Executive Committee members to: re-invigorate chapter committees, increase publication of *The Forum* (our chapter newsletter), and meet more frequently with Department Representatives, the General Membership, and targeted Academic and Professional constituents. The down-sizing of the language programs and Theater Department took up a major part of our work on 2011-12, while addressing new challenges that included increasing reports of work load increases, job insecurity, and dissatisfaction with the imposition of certain aspects of NYSUNY2020.

In the summer of 2012, I was appointed by the Executive Committee to serve as Acting President when my predecessor, Candace Merbler, decided to resign for health-related issues. To be elected as VPA, and then become Acting President of an organization with over 1,850 members, has been an exciting challenge. Throughout my tenure I have tried to practice organizational strategies in keeping with principles shared with many other officers and EC members. These included: holding a variety of chapter and chapter-sponsored events; publishing articles in *The Forum* that examine what is happening on our campus in relation to our wider society; and encouraging active chapter committees that report back to members, (whether on issues of Health & Safety, Parking, Membership Development, Solidarity, Grievance, or others).

I will complete my term as Acting President on May 31st. By way of review let me return to several priorities announced in my first 'Presidents' Report (September-October 2012 issue of *The Forum*). These include six areas that were part of a 'focus on mobilizing.' Each area was a separate effort that I undertook together with my fellow chapter officers and Executive Committee Members, and in which many of you also participated:

1. Building our departmental representative structure: Representatives provide a department-by-department communication link between individual members and the elected union leadership and are crucial to the health of our organization. Our Membership Development Committee has had a faculty and a professional co-chair to direct this effort in 2012-13. *I'm happy to report that the Membership Development Committee has nearly doubled the number of Department Representatives (79), a sure sign of organizational vitality.*
2. Learning about and showing solidarity with our most exploited members: Part-time and Contingent Employees in our bargaining unit are a large part of our academic workforce. They are paid ruinously low wages, have few benefits, and fewer job securities (see The Other UUP, *The Forum*, Sept.-Oct. 2012,). This year I have worked with Jil Hanifan, the Chapter Officer for Contingents, to rebuild a Contingent Concerns Committee. *After several years' hiatus, we have re-established this committee, which held its first 'member event' on April 4th, and which aims to recruit and provide resources to contingent academic and professional employees on the UA campus, so that they can lead the union fight to improve their pay and job security on this campus.* (These have been the subject of articles and essays in previous issues of *The Forum* [see September-October & November-December, 2012]).
3. Establishing solidarity with other campus unions: In order to better communicate with other campus unions and discover where their interests and activities are similar to ours, *this year we published guest columns by representatives of CSEA and GSEU in The Forum. In the coming year, the chapter leaders will initiate a cross-union leadership meeting, to identify common concerns.*
4. Revising Chapter By-Laws: This year we completed a two-year process of revising our Chapter By-Laws, with the intent of making our organization more open and accessible. *Those By-Laws changes were debated and approved at a General Membership Meeting on October 23, 2012 (see: <http://www.albany.edu/uup/>).*
5. Holding open, accessible elections for leadership: Our chapter elects its Executive Committee and Officers, and this spring we did so for 2013-2015. We communicated regularly with members about the nomination process, published a Candidates' Statements issue of this newsletter, and held a Candidates' Forum on March 6th. *I am happy to report that new candidates stood for a range of chapter offices as well as academic and professional seats on the Chapter Executive Committee. 361 chapter members sent in votes by March 20, and the results were posted on March 23rd (see: <http://uupinfo.org/elections/results/chapter/Albany/Albany2013.pdf>).* The new Officers and EC members will assume office on June 1, 2013.

See **Term**, page 10.

President Elect's Report After the Elections

Bret Benjamin
VP Academics

It turns out that running for an uncontested office is a pretty good way of getting yourself elected. I should have checked with Nate Silver before submitting my bid...

In fact, I am honored to assume the role of Albany Chapter President this June. I extend my sincere thanks to those of you who voted in the election. On a personal level, I am both humbled and excited by the scope and complexity of what I will have to learn in the coming months and years. Undoubtedly I will gain a more comprehensive and nuanced understanding of both the University and the Union. And in contrast with other administrative tasks I've been involved with, union work offers the prospect of offering material help to members in need. I embrace that opportunity.

I consider myself extraordinarily fortunate to be working with such an insightful, committed, and dynamic group of incoming Chapter Officers. Congratulations to Tom Hoey (VP for Professionals), Barry Trachtenberg (VP for Academics), Roberto Vives (Officer for Contingents), Janna Harton (Secretary), Rob See (Treasurer), Eric Warnke (Assistant VP for Professionals), and Eloise Brière (Assistant VP for Academics). I am eager to take on the challenges of this new role knowing that I'll have the opportunity to work collaboratively with this exceptional group.

More important, I step into the Presidency with a clear-eyed sense of the challenges and the stakes of academic unionism in the present context. I am entirely convinced that we need an active, critical, dare I say fierce union presence on this campus. At every turn we encounter, at best, a gradual erosion, at worst, an energetic dismantling of the public University where we work. Among the concerns I hear most frequently are the following:

- **Job insecurity** for those with tenure, let alone those without. All of us look over our shoulder in such an environment.
- **Workload increases**, with professionals absorbing extra duties in shrinking units, and academics pressed to teach more and larger courses, take on additional service, and do more research—all with fewer

resources and less support. (My next *Forum* piece will likely take this issue up in detail).

- **The erosion of shared governance.** Our Faculty Senate, on which administrators have full voting rights, has retreated into its compliant role of advisor to the administration. Administrators, in our current structure, vote on how and whether to advise themselves. Decisions are made in small committees, and meaningful discussion and debate is minimized.
- **The micro-management, evaluation, and assessment of everything and everyone.**
- **Truly deplorable working conditions for contingent employees:** a per-course salary of \$2800 means many of these faculty members earn about \$11,000 a year, living not only paycheck-to-paycheck, but also semester-to-semester since they have only the weakest of job protections.
- **Revenue calculations trump intellectual or social considerations** in every decision.
- **A pervasive lack of institutional transparency.**
- **Students are forced to pay more for less.** In the late 1990s, New York State contributed approximately 75% of operating costs, with tuition making up the final quarter. Today that figure is reversed, with student tuition accounting for 75% of operating budgets and the State supplying the remainder.
- **Isolation and alienation** permeate the campus community, exacerbated by the fact that faculty and staff find themselves increasingly **disenfranchised from the decisions that affect our lives and our university.**

Widespread apathy and cynicism accompany this range of pressures. Reversing such a tendency and reestablishing a belief in the capacity of collective action will be the pressing task for our union.

See **Report**, page 10.

Online Education

Paul Stasi, English

On March 19, 2013, the SUNY Board of Trustees outlined its plan for Open SUNY, a program designed to create a “shared and comprehensive online environment” across the system’s 64 campuses. While the details of the program are not entirely clear, Chancellor Zimpher’s interest in it is. According to SUNY’s Press Release, the Chancellor estimates that “Open SUNY will add 100,000 degree-seeking students to the enrollment total within three years,” increasing the “feasibility of three-year undergraduate degree programs and five-year graduate degree programs.”

The same Press Release cites a series of principles that will guide Open SUNY’s implementation. The first: “New and expanded online programs that meet state workforce needs, support workforce development, provide international experiences, and include options for time-shortened degree completion will be identified and implemented.” Other principles include “strategies that promote academic excellence” and the development of a “research initiative . . . utilizing the expertise of SUNY faculty to identify best practices and professional development initiatives in support of online learning.”¹

This announcement raises a series of complicated issues that have yet to be addressed. As Chancellor Zimpher says “we definitely need something that higher ed usually doesn’t do, and that’s called a business plan.” To be sure, the issue of Online Education does require a business plan. If, for instance, the online environment is common to all 64 campuses, how can one reconcile the differential tuitions these campuses charge? What will be the value of a degree from, say, SUNY Albany, if a wide-range of courses can be taken at a number of different campuses? And what will be the ultimate impact on the actual university itself, and, in particular, those who work here? SUNY Associate Provost Carey Hatch says that Open SUNY will “cut down on administrative costs” but insists that “it’s not going to take people’s jobs away.” Nevertheless, UUP Spokesman Don Feldstein says

“SUNY hasn’t brought us into the conversation, hasn’t consulted us.”²

Here we find the core issue, which is consultation. Open SUNY’s principles mention “academic excellence,” but it is obvious from the emphasis of the press release and public statements by the Board of Trustees that “business plans” are foremost on their minds. Indeed, the first comments of the press-release concern the addition of students and the ease of getting degrees. Anyone who has spent time developing online courses at SUNY Albany knows that “enrollment figures” are code words for dollars generated. And though time to degree is important, it is not, in and of itself, an academic value. In emphasizing the relationship to the post-college workplace, rather than to any perceived pedagogical need, SUNY’s statements thus far seem to represent a fetishization of technology and the desire to capture new tuition dollars, rather than any realistic assessment of the efficacy of online education.

For despite the seemingly noble goal of increasing access, online courses, at least as currently configured, have not been very successful. A New York Times editorial published on February 18, 2013, notes that “student attrition rates—around 90 percent for some huge online courses—appear to be a problem even in small-scale online courses.” Furthermore, “courses delivered solely online may be fine for highly skilled, highly motivated people, but they are inappropriate for struggling students.” Indeed, a “five-year study, issued in 2011, tracked 51,000 students enrolled in Washington State community and technical colleges. It found that those who took higher proportions of online courses were less likely to earn degrees or transfer to four-year colleges.”³

This problem is relatively well known. A 2008 study of the University of Phoenix—an entirely online degree granting institution boasting 238,326 students—found that they had a six-year graduation rate of 9%.⁴ A three-year graduation plan seems, at least from all available statistical evidence, to be a pipe-dream.

See **Online**, page 11.

²<http://www.insidehighered.com/news/2013/03/27/florida-and-new-york-look-centralize-and-expand-online-education>

³http://www.nytimes.com/2013/02/19/opinion/the-trouble-with-online-college.html?_r=0

⁴<http://chronicle.com/blogs/innovations/for-profit-colleges-dubious-statistics/28999>

¹<http://www.suny.edu/sunynews/News.cfm?filename=2013-03-19-OpenSUNYRelease.htm>

Fair Trade Should Begin at Home

Barry Trachtenberg
Membership Committee Co-Chair

When I arrived to the Capital District in Fall 2003, I immediately joined two organizations, the Honest Weight Food Co-op (HWFC) and our local UUP Chapter. Being a member of the two groups seemed entirely compatible with my belief in peace and economic justice. For most of that time, the two have likewise been compatible with one another.

In its mission statement, the HWFC pledges to support "economic fairness" and to invest in our community. I take pride in the fact that the co-op supports local farmers and producers, promotes Fair Trade cooperatives abroad, and makes regular donations of food and resources to local social justice groups. Likewise, UUP has shown time and again that it is committed to principles of solidarity with workers locally and abroad, that it fights for public education, and that it uses its clout to improve wages and health care statewide. Given the role that the cooperative and union movements play in my life, it was a great surprise and disappointment to learn that my co-op has recently taken a decidedly anti-union turn.

The HWFC is building a new store several blocks north of its present location. The planning, which I've observed only from a distance, has been slow and arduous. The design for the building has been revised several times and raising the necessary funding has been extremely challenging. Nevertheless, after overcoming numerous obstacles, construction began. The new building promises to have a wider array of products, to be more energy efficient, and to have abundant parking.

Unfortunately, it's also being built with non-union labor, in a direct violation of its basic principles. In October of this year, the Ironworkers Local #12 began to demonstrate in front of the new site, protesting the fact that the developer of the new building, Sano-Rubin Construction, does not have a labor agreement with them. Instead, Sano-Rubin is bringing in workers from out of state, who will work for lower wages and benefits, and who won't benefit from the safety precautions the standard union agreement can provide. While there may be a short term economic benefit for the co-op in terms of cost savings, it will certainly mean long-term harm: in lost wages to local unionized workers,

to the relationship between the HWFC and unions and other Capital District social justice organizations, and to its long-term reputation.

The HWFC's defense of its decision is unconvincing. In an email sent to members in late October, the co-op insisted that union members only approached the co-op well after the bidding process had ended. As a member of the co-op, it seems to me that one should have been able to take it for granted that the co-op would have insisted on such an arrangement as a condition to bid. It's inconceivable to me and many of my fellow members (both at the co-op and in my local UUP) that employing unionized workers wasn't at the core of the contract. The newsletter also stated, "We decided on an open shop, so union and non-union firms would be invited to bid on every scope of construction, because it seemed more inclusive." This idea of "open bidding" is entirely disingenuous. Non-union construction will most often be cheaper, but that doesn't necessarily make it better or make it right. Imagine if the products we sold at HWFC were always subject to "open bidding." We would be selling food made from unsafe ingredients, via unsustainable practices, and produced by people making unlivable wages.

I recognize that in order for the HWFC to provide for its members and be sustainable, it has to make compromises. Not all of the food that it sells can be organic, nor can it all be local. Such a thing would be impossible. At the same time, none of the products it sells are made with genetically modified products. It's a red line that the co-op will not knowingly cross. The HWFC needs to adhere to a similar red line with its construction projects. It would never sell food that it didn't trust. Why should it benefit from labor practices that it doesn't believe in?

Contract Ratification Vote Delayed

NYS has not yet provided UUP with the necessary information concerning two critical aspects of our Tentative Agreement (i.e., details on the Deficit Reduction Leave Program and the plan for retroactive payments on Health Insurance Premiums), delaying printing and distribution of the Negotiations Bulletin. Without this bulletin containing exact contract language, our members cannot make an informed decision on the contract. As a result, ballots will not be mailed until May 1. Ballots are due back by 5:00 pm on June 3. Ballots will be counted on June 4.

Corporate Welfare in Albany County

Larry Wittner
Solidarity Committee

If Albany County Executive, Dan McCoy, has his way, Albany County will soon enrich a private corporation with millions of public dollars while undermining the livelihoods of hundreds of local workers, and jeopardizing the welfare of current residents at the Albany County Nursing Home, as well as the admission of future patients.

The County Executive's proposal is to privatize the Albany County Nursing Home by giving this public facility to a private business -- the Upstate Service Group (USG) -- to manage for the next ten years.

It would be a very sweet deal, indeed, for USG, a for-profit corporation. Albany County would provide it with a \$4 million grant (which would not be repaid) and a \$12 million loan (repayable at 2.3% annual interest). Furthermore, the county would spend another \$2 million on its own to improve the building. In addition to receiving this \$18 million in public support, USG would also benefit substantially by being exempt from local property taxes, as the building would still remain, at least technically, a county facility.

The deal would be considerably more bitter for the workers at the County Nursing Home. After the USG takeover, the entire workforce would have to reapply for their jobs, and USG has already announced that it will lay off 5% of the workers. Moreover, those workers who remain on the job would lose the contributions to their pension funds currently contributed by New York State. Not surprisingly, the Albany County Nursing Home Professional Staff Association (Local 5127 of the New York State United Teachers), the union representing many of the workers, strongly opposes the privatization plan.

The families of many patients at the nursing home, as well as many other community residents, have also assailed this privatization scheme. They fear that a profit-making corporation, unlike a public facility, will discriminate against patients with severe disabilities.

Given these drawbacks to the privatization scheme, the real question is: Why doesn't the county just use the \$18 million to improve the nursing home, expand the number of beds to make it economically self-sufficient (which USG has said it

plans to do), and continue to operate it as a public facility?

At present, it looks like the county legislature is set to vote on the privatization scheme at its meeting of May 13. If UUP members and others would like to testify on it and/or applaud the speakers, they are welcome to do so by arriving at 6:00 PM at the legislative chambers, located in the Albany County Courthouse, 16 Lodge Street, in downtown Albany.

Members are urged to contact their respective legislators to seek answers to the questions raised in this article and voice their opinions regarding the proposed privatization plan (see <http://www.albanycounty.com/departments/legislature/legislator.asp?id=165> for contact information).

Smart Phone App Fosters Solidarity

Barry Trachtenberg

Earlier this year, my partner (also a UUP member) and I stayed at a hotel in Cambridge, MA. Like many, we booked our room via a third-party site that promised a hotel in a particular location, a certain number of stars, and a price we could afford. Everything turned out fine until one afternoon when my partner called from downstairs to tell me that there was a picket line in front of the building. She didn't want to cross it to come in and I felt like I was behind enemy lines. I went out and talked with the picketers to find out what was up. As it turns out, the hotel in which we were staying is under a boycott that has been called by its own workers. I learned from the protestors that ever since HEI Hotels & Resorts took over Le Méridien in Cambridge in 2007, they have reduced their staff by 30%, harassed pro-union employees, and increased the workers' responsibilities without increasing their pay. (You can learn more at <http://www.heiworkersrising.org>.) And they are not alone as boycotts are under way at the Holiday Inn Express in Latham and in Hyatt's worldwide – more at <http://www.hyattthurts.org>.

Fortunately, there is now a great resource for travelers. [Http://www.hotelworkersrising.org](http://www.hotelworkersrising.org), will supply you with a smart phone app that will help you locate hotels with unionized staff. While skipping the third-party booking sites might take you a bit more time to find an affordable hotel, using this app can ensure you are staying in one that treats its workers fairly.

Harriet Tubman Event

Deborah Lafond, University Libraries

On March 8th, International Women's Day, the Women's Studies Department hosted the Symposium, "Harriet Tubman: A Legacy of Resistance" on the University at Albany campus. Dr. Janell Hobson, Professor of Women's Studies organized this event with the support of colleagues and students. The UUP Albany chapter was among the list of co-sponsors.

The symposium and celebration marked the 100th anniversary of the passing of Harriet Tubman (1820-1913), legendary black feminist, Underground Railroad conductor, Civil War veteran, suffragette, community leader, and freedom fighter. This women's studies and women's history month event launched on International Women's Day, Friday, March 8, 2013, continued up to the official anniversary on March 10, 2013.

In a milestone year that also commemorates the 150th anniversary of the Emancipation Proclamation, the 100th anniversary of the birth of Rosa Parks, and the 50th anniversary of the March on Washington, highlighting Harriet Tubman as an important figure to both women's history and New York State history brought forth presenters who helped audience members and future scholars critically examine the frame of historical representations that Harriet Tubman has been placed within. Harriet Tubman not only found self-liberation but liberated countless others in the journey to freedom.

Presenters focused upon the representations and mis-representations within historical iconography used to tell the story of Harriet Tubman and her activism against slavery. While some historical renderings of her life may offer positive portrayals, embedded stereotypes, it was argued, have limited our understanding of Harriet Tubman's integrated vision, cultural knowledge, and transnational awareness which may have informed her specific strategies of resistance.

By exploring a woman's struggle and resistance, presenters shared details of and perspectives on Harriet Tubman's life that articulated the need for in-depth reflection and exploration of her story. Presenters documented several questions and utilized a variety of interpretive frameworks to address Tubman's life and work.

Dr. Janell Hobson speaks directly regarding the presenters at the Symposium in her article entitled,

"100 Years Later" in Ms. Magazine on March 10, 2013.

Other presenters situated Tubman in the larger context of women's histories—whether in relation to other resilient rebel leaders such as Nanny of the Maroons in Jamaica, as explored by Mildred Smith-Chang or in relation to other black female fugitives, specifically those residing on the U.S./Canadian border, as examined by historian Daniel J. Broyld of the University of Pittsburgh, Johnstown.

Broyld further invited the audience to think of Tubman as more than an "American" hero, redefining her as a transnational subject since she had resided in neighboring Canada for most of a decade when she and other African Americans fled the United States in the wake of the Fugitive Slave Act of 1850, which made this country unsafe for both enslaved and free blacks.

A highlight of this panel was Syracuse associate professor Vivian M. May's paper, "Under-Theorized and Under-Taught: Re-examining Harriet Tubman's Place in Women's Studies," which revealed that Tubman is significantly missing from the field of women's studies. If a PBS series can't recognize Tubman's contributions to the antislavery movement, what does it mean to erase her from much of the curriculum in women's studies? May specifically challenged us to complicate her history, to view her beyond simple "strong black womanhood" stereotypes and to especially reclaim her ties to the women's rights movement, for which Tubman was an ardent supporter and champion.

Throughout the day, the conversation around Tubman grew richer and more complex. Especially provocative was a panel moderated by Barbara McCaskill of the University of Georgia on Tubman's legacy in the criminalization of black women's resistance. Literary historian Andrea N. Williams of the Ohio State University raised the specter of Tubman's single status, despite her marriage to two men, and how productive she remained during her single years—and yet single black women in the 19th century existed outside the law and were thus criminalized in their status as well as in their resistance to the system of slavery.

Talitha LeFlouria of Florida Atlantic University explored the importance of Tubman's modeling of resistance to oppressive systems, as it would later impact on the resistance strategies of black women entrapped in the Convict Lease System during the post-Civil War years in the South.

See **Tubman**, page 11.

Accommodations, from page 1.

The least accommodated categories were people with visual disabilities, followed by those with emotional/psychiatric disabilities, and respiratory disabilities. The report speculates that readers or computer programs might have been perceived as being too costly as accommodations for those with visual impairments, while those with psychiatric disabilities may not have felt comfortable discussing their disability and thus never initiated the process of requesting accommodations.

Regarding accommodations for disability, the report concluded *“There is a serious lack of needed accommodations for disabled employees at SUNY [Emphasis in the original]. Stinginess in providing job-enhancing accommodations is ‘penny-wise and pound-foolish’ and translates into a loss of productivity to both SUNY and the 72 employees who need them.”*

Requesting a reasonable accommodation

The ADA, New York’s Civil Rights Law, and Section 504 provide the legal basis for requests for reasonable accommodations for both employees and students with disabilities. It is important to note that the University is responsible for providing a reasonable accommodation only for employees with disabilities of which the university is made aware. In fact, unless the impairment is obvious, such as a missing limb, blindness, or a mobility impairment requiring use of a wheelchair, the university must not initiate a discussion of potential disability or reasonable accommodation. *The responsibility and right to raise the issue of disability belongs to the employee alone.* The University is not able to address a disability unless and until the employee seeks a reasonable accommodation.

Disclosure is thus the first step in requesting an accommodation. However many employees hesitate to take this step, particularly if they would be revealing a chronic illness (such as cancer, multiple sclerosis, or Crohn’s disease), or a mental illness. The decision to disclose such an “invisible” or “hidden disability” is complex, and may entail concerns about social stigma, stereotyping, pity, the undermining of professional support, and fear of being judged less capable of performing one’s responsibilities. This puts the employee in a no-win situation. In the words of Elaine Beretz, “Revealing

the challenges of a medical condition risks seeming unable to do the job. Downplaying the challenges risks a poor performance review that focuses solely on decreased productivity.” Untenured faculty and employees facing performance reviews may feel particularly vulnerable and hesitant to disclose a hidden disability.

It is important to realize that any institutional authority to which one discloses a disability is obligated to respect the individual’s privacy. Under federal law, medical records and information about a disability must be kept separate from the employee’s regular personnel file. This does not, however, remove all the anxieties associated with such a disclosure. Current research into the experiences of those who have disclosed mental illness in academia may prove helpful in addressing these issues. The advantages and disadvantages of disclosing an invisible disability are also reviewed in some articles listed in “Resources” online (page 1).

The request for an accommodation may be made verbally. However consultants for the U.S. Labor Department Office of Disability Employment Policy’s Job Accommodation Network (JAN) *recommend employees always put their requests in writing.* An employee must be able, with or without an accommodation, to perform the essential functions of their position. The employee must also provide documentation from a medical professional (doctor, physical therapist, mental health counselor, etc.).

Employees may or may not know the specific reasonable accommodation needed to carry out the essential functions of their job. An employee’s medical professional may be able to make recommendations. Often however, this is not the case. The Job Accommodation Network’s Searchable Online Accommodation Resource (SOAR) is an excellent resource to help employees and/or employers match the disability and job limitation of the employee to suggested accommodations. For instance, if an employee has arthritis, he or she could choose from a list of limitations (such as “individual has fine motor limitations,” “individual is sensitive to extreme temperature conditions”) each of which leads to job functions with which one has difficulty (such as keyboarding, or gripping or pinching objects) and in turn results in accommodation solutions (on screen keyboards and work prediction programs, keyguards, speech recognition software, or page

turners and book holders). To find this resource, go to <http://AskJAN.org/> and click on "Search Accommodations Database."

UAlbany employees seeking to start the process of requesting an accommodation have had no official point of contact; nor has the procedure for requesting an accommodation ever been posted. So after weighing the pros and cons of disclosure and determining if an accommodation is necessary, to whom should one disclose? Up until now, faculty and professional staff have turned to supervisors, department chairs, Nancy Belowich-Negrón of the Disability Resource Center (whose mission is to serve students), or our chapter's Disability Rights and Concerns Committee chairperson Carol Jewell, among others. Jewell has repeatedly brought the issue of identifying a contact person to the attention of the Labor/Management Committee, while the administration grappled with determining which university office would bear responsibility. Progress on this front will be discussed below. Jewell also reports that to her knowledge, everyone who has requested an accommodation has received it. Similarly, Nancy Belowich-Negrón states that the DRC has loaned equipment such as scooters or assistive listening devices to faculty and staff. However we do not know if there are employees who never sought needed accommodations out of fear of disclosure to a supervisor or because of lack of knowledge about how to start the process.

UAlbany's Reasonable Accommodation Policy

The local chapter of UUP has been persistent in asking that the university make the process for requesting a reasonable accommodation public and accessible to our members. Some progress appears to have been made, although at the time of publication, firm information about the University's developing policy is still incomplete.

The reasonable accommodation review process, which up to now has been scattered, will be housed in the Human Resources Management Office. Although there will be no position of ADA Compliance officer in the near future, Benefits Manager Merissa Mabee now serves as the point of contact for employees seeking accommodations for disability. According to information provided by both James Mancuso and Merissa Mabee, routine accommodations will be handled by Mabee. For more complex requests, she will convene a committee to determine what accommodation is reasonable and how to get it funded if funding is

required. In addition to the HR Benefits Manager, the committee will consist of the supervisor or chair of the employee's department or area, and representatives from the Office of Diversity and Inclusion, the Disability Resource Center, and the Office of Environmental Health and Safety.

The Reasonable Accommodation Policy has still not yet been posted on the Human Resources website, although a "placeholder" appears there. It can be found by going to the Human Resources website, clicking on "Employee Resources" and then on "Employee Policies." Employees seeking a reasonable accommodation are directed to contact Merissa Mabee at mlmabee@albany.edu or (518) 437-4729. The employee requesting an accommodation is responsible for providing documentation of disability from a medical professional. Human Resources Management is the keeper of employee medical records, which are kept confidential and in a locked cabinet in the Time Record Unit. We look forward to reading the new reasonable accommodation policy and to having it posted so that the information can be easily located.

The Albany chapter's Disability Rights and Concerns Committee will continue to assist members on disability issues; as a means of informally monitoring this new policy, the chair of the committee, Carol Jewell, would be interested in having members share their experiences, good and bad. She can be reached at cjewell@albany.edu. Carol will treat information as confidential. At the same time, UUP's statewide Disability Rights and Concerns Committee, of which I am a member, is working on developing materials to educate members on their rights regarding disability. Please feel free to contact me (gail.landsman@gmail.com) with your concerns, experiences, and suggestions.

Many thanks to Sally Knapp, Carol Jewell, James Mancuso, Maureen Seidel, and Merissa Mabee for providing information that was useful in preparing this article.

How is your Waitress Faring?

How does your favorite restaurant treat its workers? When we dine out, lots of us ask where our fish came from. But how many of us know whether our waiter gets paid sick days? Check out this new tool from the Restaurant Opportunities Center to find out! <http://rocunited.org/files/2011/11/ROC-DINERS-GUIDE-2013.pdf>

Term, from page 2.

6. Debating and voting on our employment contract:

We have been without a new contract since July 2011. *Statewide UUP and the NYS Governor's Office of Employee Relations, reached a tentative contract agreement in mid-February, and since then we in the chapter leadership have worked to answer members' questions, post information about online resources, solicit and pool member questions, and hold a General Membership Meeting on March 28.* At that meeting, members of the statewide Negotiating Team discussed the tentative contract and took members' questions from the floor. Thanks to the more than 240 members who attended the March 28 meeting. Please vote on the tentative contract, whether you vote to accept or reject it. Contract ballots will be mailed to your homes on April 19, and they are due back by May 15th.

In 2013-2015, I will continue serving our chapter as a member of the Executive Committee. In closing, let me repeat a few remarks from an earlier President's report; they still capture my sense of why unions matter:

- We stand for self-governance, in contrast to administrations that fashion themselves as corporate hierarchies; and we stand for solidarity, with our fellow UUP members, whatever their station or circumstance, and with the working-class majorities in this country and the world.
- If you've fallen for the canard that unions are 'not progressive,' open to diversity, committed to equity, and so forth, rethink that assumption. Your union is what you make it, but you're not alone in that effort.

Our chapter is an organization with over 1,850 active members and 250 retiree members. If you are new and have not yet joined, please do so. If you are uncertain about whether you are a member, contact us at uupalb@albany.edu.

Mental Illness: To Tell or Not?

Disability awareness programs have generally been geared to visible disabilities. Invisible disabilities (e.g., heart disease, asthma) are less often discussed. Even more infrequent are discussions around mental illness. In 2012 researchers began a survey to gather information on disclosures of mental health issues among faculty. Here's the link: <https://www.surveymonkey.com/s/facultydisclosureproject>. You are encouraged to participate.

Report, from page 3.

As we deliberate a new tentative agreement, it is easy to think that "the union" and "the contract" are synonymous. Rather, as I have argued before, the essential job of negotiating and defending the contract marks the beginning, not the end, of union work. From there our task is to organize, using the mechanisms and levers that we have at our disposal—including Labor/Management meetings, faculty governance bodies, University committees, partnerships with other campus unions, and more—to fight for better working conditions, and a better university.

Two guiding principles can inform our work. First, we must reprioritize the educational and social mission of UAlbany as a comprehensive public research university. Second, we must meaningfully engage our membership. *You are the union.* Your concerns will establish our priorities. And it will likely be your ideas and insights that will enable us to develop strategies for addressing the problems we face. Expect the Chapter to be circulating surveys, asking for feedback, and soliciting participation.

- Have you taken on extra duties as your unit has shrunk?
- Are you being asked to teach more and larger courses?
- On-line courses?
- Is your workplace safe?
- Do you have the necessary support to meet the research requirements of your position?
- Are the review and promotion procedures for your job clear and fairly applied?
- Does your job allow you to provide the highest quality education and support for the University's students?

We need to hear from you on these and many other issues.

Fortunately, we have a wealth of expertise and creativity among our membership. If we take the time to communicate, to gather information, to analyze our institution and the context in which it operates, to engage in critique and to formulate forward-thinking solutions, we can collectively transform our chapter and our university for the better.

I'm eager to work with all of you in this worthy project.

OnLine from page 4.

Why, then, the rush to implement them? Faculty, in an institution that continues to insist on non-tenure track labor – as, for instance, in the fast-tracked Writing Critical Inquiry program which seeks to have one tenured director oversee between 14-16 non tenure-track full time instructors—would not be too paranoid to think it might have something to do with control over both course content and those who teach them. Here is the press release’s final principle: “With system support, faculty from all SUNY campuses will be encouraged to openly license the instructional content they produce so that campuses may build capacity to offer more courses and programs online.”⁵ On the face of it, this might not seem so alarming, but it has the effect of reducing faculty to content providers, as the number of people inserted between the instructor and student—web developers, administrators—multiplies.⁶

But teaching is, as Professor Mark Edmunson has written in another NY Times Op-Ed piece on the subject, first and foremost “a collaboration between teacher and students.”⁷ Online education can never replace the constant adjustment a committed teacher makes to the non-verbal forms of communication that only emerge in person. Of course it could be said that this argument only applies to the Humanities, where relatively small class sizes are still the norm. In part, this is true and no doubt there are certain subjects that can be transmitted more easily through the online medium. And yet faculty in non-Humanities disciplines often bemoan the impersonal nature of the large lecture courses they teach. Online education, at least as currently configured, tends to exacerbate this problem.

Ultimately, though, the workplace issues might trump disciplinary differences and this is where UUP should be the most vigilant. For if courses can be owned by the university, then they can be staffed by whomever the University wants, reducing faculty to content providers for courses taught by low-paid adjuncts. Furthermore, if there is a system wide online environment, why would our campus need, say, a French department, if our students can take their French courses from SUNY Buffalo? Online education, in other words, threatens to cut jobs—layoffs which will be described through the administrative language of

cost-cutting and educational efficiency. Open SUNY will not only mean less face-to-face time between faculty and students; it will also likely mean less faculty faces for more students.

Indisputably, innovative teachers can produce excellent online instruction and the university is right to investigate its possibilities. But until the administration shows a sensitivity to the pedagogical issues the practice raises and a willingness to engage in a serious way with the constituents its demands for innovation will most impact—faculty and staff, in short, UUP—we reserve the right to be skeptical about Open SUNY.

Tubman from page 7.

Most important was the conversation panel, “What Would Harriet Tubman Do? A Legacy of Resistance and Activism,” featuring such renowned black feminists as moderator Paula Giddings, author of *When and Where I Enter: The Impact of Black Women on Race and Sex in America*; Barbara Smith, founding member of Combahee River Collective and Kitchen Table: Women of Color Press; and Beverly Guy-Sheftall, editor of the anthology *Words of Fire* and author of numerous works documenting the history and contemporary expressions of black feminism.

For this UUP member, the Symposium created an open space to learn, listen, dialogue and develop conversations regarding unfortunate histories that continue to impact all of humanity. While the focus was to articulate the struggles of one woman in resistance to such a horrific institution, the event was also an opportunity to connect with those who seek visions of social justice and attempt to clarify language which will allow us to create those visions together.

See:http://www.albany.edu/harriet_tubman/symposium.html

<http://msmagazine.com/blog/2013/03/10/100-years-later-the-harriet-tubman-symposium/>

⁵www.suny.edu/sunynews/News.cfm?filename=2013-03-19-OpenSUNYRelease.htm

⁶For more information see “Intellectual Property” in *The Forum*, 123 (Nov-Dec. 2012). http://www.albany.edu/uup/pdfs/Nov_Dec2012_Forum.pdf

⁷http://www.nytimes.com/2012/07/20/opinion/the-trouble-with-online-education.html?_r=0

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