

The Forum

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Your Albany Chapter Newsletter

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By the Numbers:

\$47tn	Estimated amount, in a new Rand Corporation study, of increased wealth that the bottom 90% of workers would have if 2020 income distribution continued at 1975 levels
\$61,000	Amount a worker currently earning \$35,000 would earn under the same terms
\$120,000	Amount a worker currently earning \$72,000 would earn
25.7 million	EPI estimated number of workers hit by the COVID downturn
11.1 million	Officially unemployed
4.5 million	Dropped out of the work force altogether
3.1 million	Unemployed but misclassified as employed
7 million	Employed but experiencing cut in pay and hours
69.6%	Increase in worker productivity between 1979 and 2018
11.6%	Increase in hourly pay during the same period
40	Percentage of Americans in a Federal 2019 study who reported they didn't have enough cash in their bank accounts to cover a \$400 unexpected expense
95%.	Income gains during the recovery of 2009-2012 that went to the top 1%

\$845bn	Gains in wealth for US billionaires during during the first six months of the COVID crisis
70%	Estimated amount of the \$349bn made available to small business for COVID relief that went to large, publicly traded corporations

From Business Insider; EPI; Rand Corporation

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Cuts are coming!

An already tottering SUNY system is reeling from the COVID crisis. Units and departments that are already working as close to the bone as possible face further reductions. We all know the solution to this problem: more state funding. But in the absence of any visible movement on this front, our own campus faces cuts that may ultimately dwarf those we experienced following the financial crisis of 2008-10, which led to campus-wide losses and the deactivations of five academic programs. After strenuous advocacy we were able to get UUP representation on the various Forward Together Committees created this summer to plan for the Fall. These committees, we are told, continue to meet, though their membership is not posted and none of the UUP representatives seem to have been invited back. We hear ominous talk of “creative solutions” and discussions occurring between the Provost, VPs, Deans, and Chairs. UUP and the University Senate remain, as of this writing, outside of this process. This is unacceptable. This issue of *The Forum* represents our attempt to think about the coming austerity in an environment where we know little about the discussions actually occurring. Nevertheless, given that these cuts are looming—and that they will likely hit hardest those who

can least afford it— we have taken the unusual step of refusing bylines. These articles represent thinking together, in the spirit of solidarity, about what these cuts might actually mean for our members, our workplace, our students, and the public we serve.

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Clarity in a time of crisis

It's hard to find something positive to say about the COVID-19 pandemic. Even if you are like me and have been spared the human and financial toll that so many have had to pay, it has been nine months of frustration, confusion and uncertainty. But even as this pandemic continues to damage lives in ways great and small, like all crises, it gives us clarity: clarity about the nature of the world that we live in and, most importantly, the things that we can do right now to make that world more decent and more humane.

Though this crisis has laid bare many of the fault lines of US society, two issues stand out for me as a unionist working in higher education. Perhaps first and foremost, the COVID-19 crisis has clarified the perilous position of public higher education. Our Chapter, in past issues of *The Forum*, in our rallies, and other political actions has unraveled the tangled history of public university finances and argued that shifting the financing of public colleges and universities onto students and their parents is not just morally objectionable, but the surest way to undermine the promise of higher education. Today no one needs a history or economics lesson to make these connections.

As daunting as these challenges are, there is hope in the fact that the crisis has also clarified the very real steps that we can take to pull from the brink

and rebuild a system of public higher education that lives up to its promises. For years our calls for a massive reinvestment of public dollars into education, healthcare, and our social safety net have been met with the same, tired reply: it's too expensive, the money is just not there. The COVID-19 pandemic forced the hand of our political leaders to enact a massive stimulus program to support the unemployed, small business owners and state governments. Of course, that initial stimulus program did not go nearly far enough, sent too much money to large corporations, and ended far too soon, but the process revealed that if we don't support our public institutions it is not for a lack of funds, but a lack of political will.

In recent years progressive voices have railed against ever growing disparity in income and wealth between the very rich and the rest of us, but that message has become visceral as we, the inhabitants of one of the wealthiest nations in the history of the world, watch bodies piling up in overcrowded hospitals as a result of our vastly under-resourced response to the COVID-19 pandemic. Inequality is not longer a moral or technocratic matter, but a matter of life and death.

This has given new urgency and momentum to the movement for redistributing wealth, as seen by the growing chorus of voices in New York State and around the country calling for new taxes on the very rich. A year ago this movement could easily have been dismissed as a kind of "class warfare" waged by the left. Today, it looks like common sense. UUP has joined a broad coalition of labor unions, community groups, and political leaders calling for the reinstatement of the Stock Transfer Tax, which is estimated to generate somewhere between \$14 and \$19 billion in new revenue a year, potentially closing our state budget deficit, and sparing our public schools and universities further devastating cuts. (See "Advocate" pg. 37 below).

The COVID-19 pandemic has also made clear the desperate situation of working families--especially working mothers--whose financial and time resources are stretched to the breaking point. A quick internet search will instantly produce dozens of news stories documenting the even-weightier triple-burden that women are bearing. Work has become more demanding, not less, and in addition to being caretakers of their homes and children, many now are taking responsibility for their childrens' education. One recent report finds that four times as many women as men dropped out of the labor force in September as the remote school year began. Over the long term, the collective impact on women's earnings (and household budgets) could reach the tens of billions of dollars while, as the *Washington Post* put it in July, setting women's career advancement back a generation.

None of these patterns are new, but they have been grossly exacerbated by the current crisis. And yet, just as the pandemic has made it more challenging to strike a reasonable work-life balance, so too has it shown that our workplace can be more flexible, accommodating and humane. Before the COVID-19 pandemic forced us to find a way for people to work from home, every request for telecommuting and other flexible work arrangements was resisted. Without fixed work schedules and daily, direct supervision, we were told that employees would shirk their duties and too much work would go undone. This crisis has put the lie to that tired old myth. Since the Telecommuting Agreement was signed and the majority of our UUP members began to do most, if not all, of their work remotely, there have been no complaints of our members failing to meet their full professional obligation. But what we have seen, time and time again, is our members going above and beyond to keep this university running under challenging circumstances.

Over the years our Chapter has run many workshops, forums, and initiatives aimed at improving members' working conditions, preventing

overwork from taking root, and finding ways of striking a healthy work-life balance. While those conversations have been helpful, they have often lacked a clear institutional reform to organize around. The pandemic has given us that. The flexibility to work from home when possible or to make other alternative work arrangements, should not go away when this crisis is over, but needs to become a permanent part of our workplace culture and practice.

These possibilities, though well within our reach, will not easily become reality. For those on the side of justice, decency and humanity, this crisis has clarified what is at stake and what can be achieved. But so too has it clarified the stakes and the possibilities for the wealthy and powerful. The chance to further erode public institutions, to squeeze ever more time and energy out of people bled nearly dry, to exploit new sources of profit is not one that they will pass up.

Clarity is helpful, but only if it leads to action. Our eyes now open both to glaring systemic weaknesses as well as to a new conception of what is possible. We will never merely be able to "return to normal." To survive, let alone thrive, we must galvanize the political will necessary to reinvest in our essential public institutions--higher-ed chief among them--to ensure the resources necessary to serve social needs and to weather future crises. But securing funding is not enough. We must use this moment to make permanent, structural changes to transform the university into a more humane and responsive workplace. COVID-19 has made plain that we best serve the needs of our students and our communities when we also recognize and prioritize the needs of workers and their families.

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The University is on PAUSE and all classes are remote for the rest of the semester

As part of the PAUSE, the University is required to evaluate whether the work performed by the UUP-represented employees is essential and whether such essential work can continue to be done via the Telecommuting Agreement in whole or in part. Even if you are declared an "essential worker," you may still be able to work from home depending on your job function. Conversely, some teaching faculty may be deemed "essential" in order to allow them access to their offices during the PAUSE. This does not require them to come to campus.

Be aware that it is not enough for your supervisor to declare that your entire office is "essential," meaning important to the University; for you to be deemed "essential" you must have been given written notice in accordance with Appendix 33 of the collective bargaining agreement. If you have received such a letter, this means you are considered essential. If you did not receive one, you are not considered essential for the purpose of these new directives. At the same time, being deemed essential does not negate the Telecommuting Agreement between UUP and the State of New York.

Remember, the Telecommuting Agreement is still in place until December 31 and the University and the Chancellor support the principle of remote work during COVID. In line with this leadership from above, many offices are trying to err on the side of low density in the office, allowing as many employees as possible to work from home.

Employees: Don't be swayed by pressure to show up in the office daily just because it might make a good impression.

Supervisors: think about the reasons you are having employees come in on a regular basis, especially if they are capable of doing all their work at home.

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Layoffs, Furloughs, Retrenchments: The Facts About Job Security Protections for UUP Employees

In these fiscally precarious times, UUP bargaining unit members are, not surprisingly, asking questions about whether they might be furloughed, laid-off or retrenched. No issue is more important or more painful for a union than when members face the loss of jobs and health benefits. Our contract cannot shield us entirely from such cuts, but it does provide important job security protections. This article seeks to define and contextualize the key terms, and to spell out the details of how they specifically affect members of the UUP bargaining unit.

First, there are no "layoffs" in the UUP bargaining unit as, for example, there are in the CSEA unit. CSEA and PEF are in the classified service of the State and are governed by the Civil Service Law and Rules pertaining to layoff. UUP-represented members are in what is known as the "unclassified service," so the layoff provisions that affect other state employees do not apply to us.

"Furloughs," understood as a defined time where you would not work and would, therefore, not be paid, are a mandatory subject of bargaining that the State cannot impose unilaterally. UUP has not been contacted by the State to discuss furloughs to date.

The two key processes that concern UUP employees are non-renewal and retrenchment, both of which have been negotiated into our collective

bargaining agreement in Article 32 (non-renewal) and Article 35 (retrenchment). If it were not for the contractual job security provisions of these articles, the State could treat UUP members as at-will employees when faced with fiscal pressures.

“Non-renewal” applies only to those bargaining unit members who have a term appointment (not those who have permanent or continuing appointment.) The contract stipulates a minimum period of notification for non-renewals, meaning that, depending on length of service, employees who are non-renewed will remain employed for up to a year, giving them time to secure other employment while maintaining benefits. The notice that the State must give you prior to the end date of your current term appointment depends on how much uninterrupted service you have with the University. You measure the deadline by which you must receive a notice of non-renewal back from the last day of your current appointment as stated in your term appointment letter: the campus must provide you 3-months’ notice if you have less than 1 year of service; 6-months’ if you are between 1 full year and less than 2 years of service; and at least 1 year from the end date of your appointment if you have 2 full years or more of uninterrupted service. Non-renewals can be given for any reason or no reason at all. The exception to this is if it can be shown that there are discriminatory reasons for the non-renewal, as outlined Article 10, which are not allowed. If the State fails to give you proper notice or if you are not sure if it has, please contact the Chapter to review. Unfortunately, no notice is required to be given if you have a temporary appointment.

Finally, there is retrenchment. Retrenchment is the decision by the State to curtail services, in whole or in part, due to financial exigency, reallocation of resources, reorganization of degree or curriculum offerings or requirements and/or reorganization of academic or administrative structures, programs or functions. The retrenchment clauses in the contract protect employees because they require the University to declare

that it will no longer offer a particular service or function going forward. For example, the University cannot retrench a French department one year because it does not like the current faculty or because their salaries are too high, only to create a new French department next year staffed, say, by contingent faculty. Likewise, the Contract restricts the University's ability to single out individual employees. It prevents the University from eliminating, for example, its offerings in African Francophone literature if that means firing the individual faculty member or members who specialize in that subject; instead the University would need to retrench the French Department as a whole unit. It must be willing to no longer offer students the option to study French, if not permanently, at least for a considerable period of time. Retrenchment, then, while devastating for the individuals affected, also carries a major cost for the university, which curbs the University's ability to effect savings by firing tenured/permanent employees in a fiscal crisis.

Because the University has declared that it will curtail particular services, retrenchment causes the termination of the employment of any academic or professional employee during the course of an appointment. Unlike non-renewals, retrenchment interrupts a term or tenured/permanent appointment. Article 35 suggests a minimum of 6-months' notice for anyone having a term appointment and 1-year's notice for anyone with a tenured/permanent appointment. It is a formal written notice.

The State is also required to notify statewide UUP of the retrenchment, identifying the operating unit, who will be affected, and the nature of the appointment held. This allows UUP to investigate whether the State has applied the Article 35 rules correctly.

Retrenchment follows a specific procedure: those with temporary appointments first, followed by those with term appointments in reverse seniority order and then those with tenured/permanent appointment in

reverse seniority order. If any of the work previously done by the retrenched unit remains, then that requires that some members of the unit be employed to perform these duties, meaning that the work of the unit cannot be taken on by someone else in a different unit. Unlike layoffs in the classified service, a retrenched employee who finds employment outside the retrenched unit cannot displace another, less senior employee outside the operating unit that is being retrenched.

What rights are available to a retrenched employee? The employee gets "special consideration" to system-wide employment for six months after the actual termination. That is the right to apply and receive special consideration for a "suitable position" for which the "employee is qualified." After the expiration of the University-wide special consideration, the retrenched employee can exercise an additional 18-months of "College-wide special consideration" at the home campus by the same process and eligibility as the University-wide special consideration.

Further, if the employer brings back the work within 4 years from when the employee is retrenched, the retrenched employee has the right to be recalled in reverse order of retrenchment. If the employee is recalled, the employee maintains the tenured/permanent appointment status held prior to retrenchment as well as seniority for purposes of future retrenchment; the employee likewise retains any sick leave accruals they had at the time of retrenchment (vacation leave up to 30 days are paid upon separation) and any prior service credit that you may have had (up to a maximum of four years) for term appointees towards tenure/permanent appointment. If you decline reemployment offered at the same position at the home campus, then you shall receive no further consideration for re-employment. For professional employees, those holding a permanent appointment or a term appointment with a balance of more than six months removed as a result of retrenchment shall be offered reemployment in the same position at a similar College for a period of two years (see Appendix 14 of the

collective bargaining agreement to find what other campuses are considered similar to the retrenchee's home campus). If such reemployment is declined, the employee shall receive no further consideration for re-employment unless the offered position is more than 50 miles from the home campus work site or the retrenchee's home.

N.B., you can take a temporary appointment within SUNY without impairing any of the forgoing rights. If you take a term/permanent position, your rights are extinguished.

Additionally, your health benefits are covered by the New York State Health Insurance Program (NYSHIP) for a period not to exceed one year, provided you continue to pay the employee share you were paying as an employee (you will be billed by the Department of Civil Service). Dental and vision benefits though the UUP Benefit Trust Fund will continue at no additional cost and UUP life insurance is covered in the first year. Those close to retirement should consult with the campus Health Benefits Administrator about other possible options for continuing benefits or retirement option prior to their last day on the payroll.

At any time, following issuance of the written notification of retrenchment, the Chancellor, or designee, may offer the employee a designated leave with pay up to the termination date indicated on the notification. Other programs for retraining, resume writing and continuing education are available through the State/UUP Joint Labor Management Committee (see <https://goer.ny.gov/grant-opportunities>). Finally, referral help is available through the Employee Assistance Program (EAP).

Your particular situation will be unique to you. In the unfortunate event that you find yourself facing non-renewal or retrenchment, your Chapter leaders can help you navigate these various options.

Bringing Union Principles to Your Department or Unit

As is abundantly clear by now, our campus, like so many others, faces a two-fold crisis: the health crisis posed by COVID, and the economic crisis brought about by the loss of revenue from room and board fees, tuition, and State funding. The scale and magnitude of these paired crises are enormous. Any meaningful remedy will require structural transformations at the level of state and federal governments, along with long-term shifts in social values, behaviors and forms of organization. Faced with the enormity of such challenges, it is easy to feel powerless. Many of us, I know, find ourselves waiting anxiously for bad news about forthcoming budget cuts, trying to comply with priorities outlined by campus administrators, and straining to complete extra work that has been created by staffing shortages or the disruptions of a transition to remote work.

Union principles and practice provide a necessary antidote to the feelings of despair, powerlessness, and reactive passivity. As unionists, we turn first and foremost to organizing in our immediate workplaces, even as we keep our eyes fixed on the goals of effecting broader social and political transformation. We believe, for instance, that workers should have a say in the decisions that most directly affect them. We believe that workers have expertise and experience that uniquely qualifies them to determine the most safe and effective ways of working. We believe that collective deliberation, decision-making, and action allow workers to perform their best and maximize their power in the workplace. And we believe in solidarity—that by fighting for the needs and interests of others, particularly those who are more vulnerable, we all benefit in the long run.

As we face the COVID crisis together, we have compiled a few concrete suggestions for ways to carry these union principles into our individual home departments and units. Our units, of course, vary widely—in size,

function, composition of academics and professionals, “cultures,” and so on. Not all of these ideas will make sense for every unit; mix and match as appropriate. This list is merely a start. The Chapter is eager to hear from members about strategies that work in one unit and might be adopted more broadly to better act in union.

- **Wherever possible, work to ensure collaborative, collective decision-making.** The university, like most workplaces, operates through hierarchical power structures. When questions arise having to do with budgeting, operations, or curricular planning in response to COVID, we urge members to call for department/unit meetings to discuss and plan collectively. Maximizing full participation in such meetings will clarify the perspective of employees to their Chair/Director, and should inform or shape communications to the administration. Furthermore, we educate ourselves and our colleagues in such meetings, which enables us to better respond to the challenges we face.

- We are frequently asked to represent our work in terms of a set of metrics determined by the administration. But a university is an enormously complex institution, one that cannot be reduced to a set of metrics that attempt to cut across all units. **Pay particular attention to the categories, units, or metrics of analysis.** No set of data will adequately capture the unique and valuable work that different units do. In addition, therefore, to complying with administration requests to align unit work with the university’s selected metrics, consider ways in which your department/unit might challenge the relevance of some of those metrics for the particular work you do, and propose supplemental metrics or qualitative rationales that highlight your contributions in different ways.

- **Internal competition between and among units is corrosive.** In a climate of scarcity it is common for units to do everything possible to boost enrollments, secure resources, and demonstrate their value to the

university. Units naturally want to do the best work possible, and represent themselves in the best possible light. But in many cases, this amounts to gains that come at the expense of other units—a zero-sum game that merely redistributes existing resources rather than generating real growth. Acting with solidarity means trying to look out for our colleagues in other units, especially smaller or more vulnerable units. The university is infinitely enhanced by the diversity of its curricular offerings and the breadth of services that we offer to students and faculty. As we revise curricula or develop new proposals, departments might consider collaborating and consulting with other units, seeking ways to boost our own productivity and visibility along with that of other units.

- **Take special care to protect those who are most vulnerable.**

Departments and units can help shield those colleagues who are contingent faculty, those without continuing or permanent appointment, those who are more junior, those with health concerns, those who may carry financial burdens or family obligations, or those who, for any number of other reasons, may find themselves susceptible to subtle forms of institutional pressure or coercion. Ensure that all employees are consulted and are able to participate in department/unit discussions—especially those discussions that directly affect them. Likewise, consider the value of responding unanimously, as a collective body. Unity helps to prevent pressure being placed disproportionately on a few individuals.

- **Workload creep** is a predictable side effect of the exceptional circumstances we face. Departments/units should be conscious of the pressure for extra work in the face of short-staffing and added duties, and look for fair and thoughtful ways to manage workloads. Working collectively, departments/units should carefully document where increases are happening, put in writing that workload increases are temporary and not part of a normal obligation, ensure that duties are distributed as fairly and evenly as possible, look for areas where work-load might be reduced

or streamlined to prioritize essential tasks, and so on. When such decisions are discussed and addressed transparently and collectively, employees typically find intelligent, equitable solutions to the problems they face. (See “Professional Obligations” on p.18 in this issue for additional specific information on your contractual rights and avenues for redress.)

- **An employee’s decision to take on extra service**—for instance, teaching an extra course, or taking on a special project—**is an individual choice**, and we trust that individuals will know and do what is best for themselves. However, in a climate where the University is looking to save money by cutting positions—which, concretely, means non-renewing employees who will then be without an income and without access to health insurance—the decision to take on extra duties may affect whether a colleague keeps their job. We ask employees to consider the implications of their decisions and act with solidarity.

- The need to plan our academic calendar so far in advance places us all in the difficult position of making decisions months into the future at a time when so much remains murky. Fall 2021 planning will be underway shortly if it has not already begun. Prioritizing the health and safety of colleagues, students, and the broader community remains a matter of enormous significance—without exaggeration, it may be a matter of life and death. **Do not confuse or conflate pedagogical or institutional needs with health and safety needs.** Discuss planning questions collectively in your departments/units in order to ensure that we continue to foreground the health of our community.

- **Employees have institutions of shared governance** through which they can voice their concerns and priorities, most notably UUP and Senate. Ask for updates from your union or Senate representatives—perhaps as a regular, ongoing feature of departmental/unit meetings—and make certain that your reps can convey the collective positions you decide

on. If the Senate or UUP is not taking up an issue that you feel is important, let them know. In order for shared governance to be effective, academic and professional faculty need to be shaping the agenda of those bodies, and actively guiding the participation of their departmental/unit representatives.

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Professional Obligation:

All UUP-represented academic and professional faculty have a professional obligation. Per the Policies of the Board of Trustees, Article XI, Title H, sec 2, that obligation must be consistent with the member's academic rank or professional title and consist of teaching, scholarship/professional development, university service and professional duties as appropriate to that title or rank.

Other than designated overtime-eligible professional faculty who must submit a time-in/time-out attendance record, faculty have a contractual obligation to note attendance on an "exception" attendance record, noting times they used authorized accruals and certifying that they fulfilled the professional obligation for that period. Because UUP-represented faculty have a professional obligation and not a defined workweek, their workday or workweek is set by employees to ensure the full professional obligation is met. Except for points-of-service obligations within their professional obligation, they do not "punch a timeclock" and are not told when to perform the various parts of their professional obligation. The Campus President sets the full professional obligation, but such setting should comport with historical departmental/programmatic norms.

The Campus President has the right to ensure that an employee is performing a full professional obligation. If a department/unit identifies a professional or academic faculty member who is not working a full

professional obligation consistent with historical departmental/unit norms, UAlbany management has consistently assured UUP that an individual meeting will be held with the affected member and time given for that member to achieve full obligation.

The Campus President has the right to redefine the mix of component parts of the professional obligation. The supervisor and the faculty member should be consulting on the need to change the mix of the component parts and identifying *together* those aspects of the professional obligation that require reduction to offset the increase in another component part.

If the workload is increased in excess of a full professional obligation, UUP reserves the right to challenge the assignment on the basis that there was a unilateral change in a mandatory subject of bargaining under the Taylor Law. Professional and academic faculty should not agree to a significant increase in workload unless it is agreed that it is for a specified time and does not increase the historical baseline that has been the departmental/programmatic norm.

How should professional and academic faculty evaluate changes to their workload? First, professional obligation should be viewed in an historical context: "What have I been doing in the past?" That defines the professional obligation for the purposes of determining workload. Then ask, "what am I expected to do under this new mix or change of assignment?" "Is what I am asked to do consistent with my title or rank?"

If there is a "significant increase" in the overall mix of the component parts, there are several ways to right this:

- there can be a concomitant reduction in another part of the professional obligation;

- the member can be offered additional compensation for the period of the significant increase (*N.B.*, under Article 20.12 of the Agreement, the Campus President has the discretion to make upward adjustments to the salaries of individual employees or he can authorize extra service pay); or
- the member can be offered a reduction below the full professional obligation at a future point.

If the assignment is inconsistent with title or rank, it must be bargained with UUP before assigning.

Any increase of your assigned tasks, responsibilities, number of classes and/or service assignments should prompt an immediate discussion with your supervisor to reduce another component part of your professional obligation.

If you have requested any of the above remedies and have been denied and directed to perform work that brings you above your full professional obligation, bring it to the attention of the Chapter leadership to have them review the situation. If the matter must be litigated, it is required to be brought before the Public Employment Relations Board (PERB) within four months of the change or the claim is untimely, so don't put off reaching out to your union.

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Essential but contingent

The pandemic has upended the working lives of all of us on campus. In one sense, we are all in this together. Yet, many of us feel rather isolated. I have not been on campus since March. Like so many of my teaching colleagues, I am teaching remotely to lessen the chance of contagion.

As a contingent faculty member with part-time status, my feelings of isolation are compounded by a few things. First of all, I am not invited to participate in meetings held in my academic department. This common experience means that, in many departments, contingent faculty and graduate student instructors had little input into the decisions about remote teaching. The result is that many contingents feel themselves exposed to health risks without having a meaningful say in the decision making process.

At the same time, I have no guarantee of a job beyond this current semester. Budgetary concerns have meant changes for contingent faculty. Until this semester part-timers were receiving year-long contracts, but the return to semester-by semester employment highlights what contingency means. My current contract, along with the contracts of all part-time contingents, expires at the end of this term. My full-time counterparts currently have one-year contracts when many had previously been receiving up to three-year contracts, representing a further erosion of an already tenuous job security.

This uncertainty—caused by the pandemic—also makes the effects of the pandemic worse. Teaching, for many contingents, guarantees their health insurance. It would be beneficial, for instance, to know that we have classes to teach in the spring and that our health insurance coverage will continue beyond the fall term. I can assume that I will back for the upcoming spring semester, but I have nothing in writing that guarantees that. In fact, our formal appointment letters often do not arrive until after we have begun teaching.

The University thus confronts a paradox: it might seem as if non-renewing contingents is the easiest solution to the budget crisis. After all, our contracts are designed precisely to make our hiring and firing as easy as

possible. But because we are so low paid, the mass non-renewal of contingents would not actually solve the budget crisis. At the same time, the University runs on our under-compensated labor. Simply put, SUNY could not run without contingents teaching the number of classes we teach.

Contingent faculty, whether full time or part time, are essential to this university. We teach courses that enable students to complete their degrees. We are part of the teaching faculty and the campus community. Our presence here is essential to the students and the financial well-being of the university. We save this institution money. During this time of unprecedented uncertainty, it may seem reasonable that appointments are now shorter in duration. However, contingent faculty are left in a precarious position. Losing one's job in a time of great economic uncertainty is harrowing. Being deprived of health care during a pandemic is potentially life-threatening. The University has a moral responsibility to avoid putting those it depends upon at risk in this manner.

Contingent faculty are a diverse group of people. We come from very different backgrounds and have had very different life experiences. An important common denominator is our lack of job security. We are professional people who are highly educated in myriad fields of study. Yet, we have no job security. It is absolutely outrageous that we, as a group of professional people, are considered disposable employees when the university relies on us to teach a large portion of its students. We are essential, but not necessarily valued. This needs to be changed.

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Building Solidarity

It's the question every educator hates: "so that means you have summers off right?" While technically true, the idea of a permanent summer vacation extending into adulthood is hardly the reality for most teachers. K-12 instructors spent vast parts of the summer preparing for the upcoming school year, as do college instructors. Tenure-line faculty with research obligations—which is to say every professor at SUNY Albany—spend the summer doing the only work that gets them promoted: working on research projects, writing articles, books and grant proposals. Ironically enough, faculty at SUNY are classified as 10 month employees: a fact that is often used to justify their lower salaries compared to their administrative colleagues even if they must spend those "uncompensated" summers working on this essential part of their professional identities and obligations.

Nevertheless, it is also the case that many educators appreciate the self-guided nature of their work, just as they appreciate the job security and health insurance that comes with their particular form of employment. What is often contained behind this seemingly innocent question, then, is a kind of resentment: the sense that it is unfair that teachers get summers off, just as it is unfair that they should have the stable health insurance and career opportunities denied the vast majority of American workers. This basic disparity has important consequences for how the University is situated within the community and, in particular, for how we can think about building solidarity as we make the case for the importance of high quality, affordable, public education.

For if our students and their parents seem, on the one hand, natural allies in the pursuit of adequate funding for the public education system in both New York State and the broader nation, there are obvious barriers to constructing this solidarity. The average student loan debt in the United

States for 2019 is estimated at \$32,731. The website College Factual suggests that the average SUNY Albany student takes out \$27,000 of federal student loans to finance a four-year education. Anecdotally, we know that our students often struggle to pay for college. Nearly half of them spend their first two years at community colleges before transferring to SUNY to defray costs and many of them work multiple jobs to make ends meet. This dramatically limits their ability to engage in course material, even as it forces them to make instrumental choices about what to study. The fact of student debt, in other words, is the all-pervasive context for higher education in the USA and for students at SUNY Albany in particular.

In fact, the high cost of education is precisely why many parents choose to send their students to a public university. But then we encounter the second part of the story: the word “public.” The SUNY system is a public university system in name-only: roughly 15% of our operating budget comes from New York State. The rest of the money is made up by tuition and, increasingly, room and board. SUNY Albany is, effectively, a landlord, making up most of the deficit in state funding through the money in-person students pay to live in the dorms.

Now imagine your landlord—to whom you owe an increasingly large percentage of your stagnating wages, so much, in fact, that you have to take out loans to pay your rent—comes to you asking for more money! No wonder, we face an uphill battle convincing parents to increase funding for SUNY. It must seem impossible, in other words, a system they imagine is actually supported by their taxes, and whose ever-increasing tuition and room and board bills are making their own financial lives more and more unmanageable would describe itself on the verge of collapse. But this is the reality of our campus. Everyone who works here understands this. There is hardly a unit or department that does not feel itself as “close to the bone” as it is possible to be. Many of our academic departments are missing

major, load-bearing pillars of their disciplines; others are just managing to scrape by.

Perhaps, most cruelly, our appeals to the ideals of the public university—to that great 19th- and 20th-century vision that a broad based education in the liberal arts be made available not just to the sons of the elite, but to the sons and daughters of all citizens—fall on deaf ears, because in the 21st century neoliberal university an education is no longer conceived of as a social good, but rather a personal gain. The only reason to attend college, according to politicians and pundits and, indeed, universities themselves, is for private gain. No wonder the fundamental question concerning college is understood primarily through cost-benefit analysis how much money did it cost, how much money did it get me. Quite simply, our society has abandoned all other justifications for higher education.

This puts faculty in a particular bind. They may feel themselves at odds with the neoliberal agenda of an increasingly corporatized higher education. But they have summers off. And health care. The truth of the matter is that our lives are as determined by neoliberalism as that of our students and their parents. But there is an equally important second truth, which is that we are often more privileged than both groups. We need, in other words, to find common ground across what can seem like a stark divide, where we are seen to benefit from an institution that some approach with skepticism or distrust.

I think we have to start at the beginning with facts. We need to make clear how little the state supports the SUNY system and then we need to make clear the consequences of that lack of support. We need to highlight how it has forced the University to employ contingent faculty at disastrously low pay rates, that their children's courses might very well be taught by a Ph.D. on public assistance. We need to make visible the programs that we cannot currently offer and those that will disappear under whatever round of

budget cuts await. We need to suggest how all this diminishes the quality of their investment and of their student's college experience, as well as whatever career prospects they project into the future. And we need to make it clear just how easy it would be to achieve universal free tuition, hence ending the student debt trap. We need to return, in other words, to the communal project that once animated public education in the first place: a project which we can all get beyond, which is increased access to the highest quality education for the broadest segment of the population. This is a noble ideal but we have to be honest about how little we are currently able to achieve. This situation will not change until the State renews its investment in the communal project of public education. We all need to work together to make this happen.

* * *

The College Experience

"Living on campus is an integral part of the overall college experience." This is the first line in the Residential Life section of UAlbany's Division of Student Affairs webpage. The "college experience" has come to be synonymous with in-person classes and on-campus living. We'd all agree the college experience looks very different today than it did 8 months ago, but the time since has revealed a growing tension about the role college experience should play in university planning. Some say student success depends on a college experience, something that exceeds monetary valuation. Others argue that college experience is little more than a marketing ploy created to compensate for the skyrocketing cost of a college education and the steady decrease in government funding. More problematic is the extent to which "experience" is often elevated above or disconnected from "education."

We transitioned to remote learning in spring 2020 with a sense of urgency and the determination to care for our entire UA community. That we would still be deep in the pandemic with virtually no end in sight was something most of us couldn't have fathomed at the time, epidemiologists and a few plague historians excluded. But here we are, still living in a limbo of social, physical, political, and psychic uncertainty. No one functions optimally under the current conditions, which is why it's more important than ever to establish stability where we can. We as a university need to establish a consistent and trustworthy message emerging from courageously candid conversations about where we are and how we move forward.

It is no secret that UAlbany's operating budget is dire and that we're facing dramatic cuts. We also know that a major part of UAlbany revenue comes not only from tuition dollars but also from residence hall income, to the tune of \$59 million, or 10% of our operating budget (roughly equivalent to our ever-dwindling State funding). These numbers have been openly shared by the administration, so why is it so difficult for the University to acknowledge the simple fact that one—not the only, but one—of the reasons they are pushing for in-person classes is the income received from students living in the dorms?

Instead we are told that the push for more in-person classes during a global pandemic is not because we rely on the residence hall income, but because fully online learning denies students their "college experience." Not being sure whether or not the administration is honest and forthcoming can make even the most benign decision challenging. Having to make potentially life and death decisions amidst unnecessary ambiguity and equivocation erodes essential trust more as it continues. This trust has been greatly strained but not yet irreparably broken if steps are taken to address it. First, the administration needs to come clean and acknowledge that bringing students on campus is driven by financial necessity. The attempts to deny this reality are likely part of what led, early on, to many,

especially contingent, faculty and professional staff being kept out of the decision-making process, with the result that the lowest-paid employees were forced to assume the most risk. That faculty and staff united in support of each other—and that the administration listened and changed course to find creative solutions—demonstrates we work more effectively together. But if we are to share the same vision we must start by sharing the same reality.

Most students, by the way, aren't fooled by the fancy prevarications. They made the choice to come to campus despite, not because of, university messaging about the necessity of the college experience. If we were to finally own this reality, our solutions for fostering student well-being and academic achievement would be far better. Ignoring this reality means we ignore the precarity of students' lives, students who have accepted facing higher risk of exposure to the virus, as well as potentially crippling student loan debt, as preferable to staying home, students who have chosen to come on campus despite feeling that we aren't truly interested in their well-being, that the college experience messaging is mostly for show. If we want the college experience to be more than gaslighting, we need to provide for the physical and emotional safety of all involved.

Second, we need to uncouple pedagogy from pandemic. Students are being robbed of their college experience, but it's not teachers choosing to teach online who are robbing them of this, but rather COVID-19 and the federal government's disastrous lack of leadership. The SUNY administration's insistence on student preferences as a point of pedagogical persuasion creates a world distinct from the pandemic, where teachers are cast as unwilling or unreasonably fearful, or, on the other hand, martyrs, heroically willing to risk their own lives on behalf of the ever-important college experience. But we—all of us—know better. After all, teachers, like students, overwhelmingly prefer in-person classes. Even teachers with expertise and experience teaching online classes often prefer

teaching in person. Why, then, haven't more faculty agreed to teach in person? It's not simply a matter of fear—of not wanting to become ill or putting oneself, one's family members, one's students, and one's colleagues at risk, though these are, of course, entirely legitimate reasons to avoid in person classes. When the worst outcome of that risk is death, choosing not to do the thing you prefer is an act of care, not a fearful or selfish denial of student's college experience. We can all agree that we'd prefer our student's college experience were not fatal. That we've been fortunate this semester in that regard is beyond a relief, but, and this is important, it's also due in part to some faculty not doing what they prefer so that others may do so more safely.

It's also not bad or lazy pedagogy. Online teaching and learning often demands more, not less, of a time investment than traditional in person classes. Learning new technology is frustrating and depleting. Couple this with dependent and child care, for children who are also, often, newly learning online, and the amount of energy our work takes now has only intensified. And while it's true that some classes, like labs or some theater arts, do not work well online, some classes can be an effective substitute under the current circumstances. Some students even perform better online than they would in person, pandemic or no. And it is not unreasonable to consider the extent to which this year's "college experience" might be incidentally transformed into a kind of collective trauma bonding or end up resulting in an unconscious caste system that carries over after the pandemic ends. We need strenuous pushback against a complex pedagogical process having been turned into a binary preference of in-person or online.

Above all, although we have used the terms administration and faculty/staff as if they are oppositional, what we need is to inhabit if not the same position, one built on the foundation of trust and honesty. We simply cannot continue to move forward on a wink and a nod.

Academic Workload

We have every reason to expect a renewed effort to review the research productivity of academic faculty with an eye towards increasing teaching loads. To that end, we reprint a revised version of an article from April 2018, outlining our response to a previous effort by the campus administration to unilaterally define teaching loads across the campus. Readers can be forgiven for feeling they are in Groundhog Day or a particularly depressing horror movie, where the villain rises, once more, from the grave.

To begin at the beginning: workload is a mandatory subject of negotiation. Management has the right to review our workload and adjust the elements of our professional obligation: teaching, research and service. (For more detail on this see "Professional Obligation" in this issue, page 7). What this means is that an increase in one area of our professional obligation requires a concomitant reduction in another area. If, for instance, a Dean directs a faculty member to teach additional classes, the university must reduce that faculty member's research or service obligations. Importantly, what determines workload is past practice, on the one hand, and departmental/unit norms on the other.

This is why UUP has never agreed to the framework articulated in the O'Leary Memo, which envisions a universal standard for teaching loads across the University. This memo was issued in 1989 by then-President Vincent O'Leary. Since it was not negotiated it is, in our view, non-binding, merely a statement of management's view on the case rather than settled policy. The O'Leary memo states that the normal teaching load for faculty across the university is a 3-3, with reductions for graduate teaching and research, allowing faculty to teach a 2-2. In other words, the O'Leary memo itself contradicts the notion that workload is unit dependent, asserting, instead, a university-wide policy that disagrees with the case law

emphasizing past practice and historic norms. What the O'Leary memo also states, however, is that "faculty may balance out responsibilities for teaching, research and service over several semesters." This is a crucial point that the renewed push for an annual review of faculty must keep in mind.

Indeed, one of the main problems with the notion of an annual review—and something all faculty who fill out the, let's call it cumbersome, FAR know well—is that it fails to adequately capture the life of a working academic. Service burdens ebb and flow; graduate students come and go; research leads to breakthroughs and dead-ends. Our work is not so neatly measured by the output-driven statistics the FAR is designed to measure.

What the FAR can measure, of course, is the number of publications, grants or other markers of research productivity, and here we get the essence of Management's desire to review faculty: research. The annual review is aimed at academic faculty deemed to be unproductive in their research. Indeed, its very existence betrays a belief among the administration that the university is replete with deadwood faculty who have managed to shirk work only because of a lack of proper administrative oversight. No wonder faculty resent it so much.

But beyond our hurt feelings, the idea that an annual review of faculty productivity might result in changes to workload suggests the intended result of these policies, one obviously made more urgent by the pandemic: the increase of faculty teaching loads. To be clear, no one in the administration has stated this as an explicit goal. But it is the inevitable outcome of a policy designed to find faculty who are underperforming in research. Indeed, there is really no other way for the policy to operate. Given that, in recent years, the Chapter has had to intervene to prevent the administration in both the College of Arts and Sciences and the School

of Public Health from unilaterally increasing teaching loads, faculty are right to feel suspicious of this renewed scrutiny on our professional obligation.

But, of course, to increase the teaching load of a research-inactive faculty member is itself a problematic endeavor. First, it treats teaching as a punishment, hardly a solution that is likely to best serve our students. Moreover, it decreases the ability of the faculty member to correct the perceived problem. Indeed, we have argued that for any such effort to be effective it must, first, alert the faculty member of a problem and then, secondarily, provide a probationary period for the problem to be corrected. If the University administration truly wishes to increase academic faculty productivity they need to promote policies that help us do our research. What do we in fact need to increase our research productivity? Time to write, money to travel to conferences, conduct field research, operate our labs and supervise doctoral students. A sabbatical every seven years is great, but it hardly allows one to produce research at the level of our aspirational peers, and the campus support for travel—which comes and goes as budgets necessitate—is grossly inadequate to the needs of our faculty, often failing to cover the costs of even one conference a year. If research productivity requires, above all else, dedicated time and resources, directing academic faculty to spend significantly more time teaching can only hamper our ability to conduct research.

At the same time the University continues to articulate the importance of our status as a Research 1 institution. This is, in part, behind the desire to ramp up the review of faculty productivity. And the fact of the matter is that even if academic faculty are forced to teach more, they will continue to produce research if they wish to remain part of the profession to which they have dedicated their working lives. Everyone knows this. This means it is virtually impossible to imagine such a plan operating, as it must, within the confines of management's contractual obligation not to increase the overall workload of its faculty. COVID has only intensified these problems.

And yet, if you talk to faculty across campus they will often describe how thinly stretched they already are. With nearly half of the faculty on contingent appointments, and thus, largely and rightly exempt from service, a greater portion of the service burden of running the university falls on a shrinking tenure-line faculty. Across campus tenure-line positions for both academics and professionals are going to remain unfilled for the foreseeable future, meaning more work for fewer people.

What most academics feel, then, is that they are increasingly unable to conduct the research that they actually want to do because of diminished support from the university and because they are overburdened by other kinds of labor—assessment, advisement, committees, increased numbers of graduate students, various forms of reporting demanded by management, picking up the slack for retired and departing colleagues.

What, then, is to be done? If such a policy is put forward, the labor of oversight will largely fall on departments. On the one hand, this adds another administrative task to an already overburdened faculty. But the good news, here, is that if this operates at the department level, we will be able to manage it in disciplinarily-specific ways. It is incumbent upon all of us, then, to craft department-specific standards for our academic faculty, and to conduct meaningful reviews of workload that take into account the full breadth of academic work, the necessary ebb and flow of insight and discovery that accompanies actual research, and value the labor that goes on outside of page production and grant dollars. We need not believe in the need for annual review; in fact I imagine most of us find the notion distasteful if not outright insulting. What we can do is take control of the process so that it reflects, to the best of our abilities, our disciplinarily distinct priorities and values.

Finally, if you feel you are being penalized for a perceived lack of work in any area of your obligation, come talk to us. We are here to help and to ensure that academics are respected for the work they do rather than penalized for the imaginary labor they are supposed to be able to accomplish under increasingly unfavorable conditions.

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Build-To-Strength

As with the previous article, we here reprint a revised version of an old favorite: the fallacy of build-to-strength as a model for the University, once again relevant giving the cuts we anticipate.

The opening sentence of the Mission Statement of the SUNY system is unequivocal in its understanding of the comprehensive nature of the University system:

The mission of the state university system shall be to provide to the people of New York educational services of the highest quality, with the broadest possible access, fully representative of all segments of the population in a complete range of academic, professional and vocational postsecondary programs including such additional activities in pursuit of these objectives as are necessary or customary.

In previous years, however, at least at the University at Albany, we heard much about “building-to-strength.” Given budget constraints, the argument goes, the University should focus on things it is (or hopes to be) good at and support those, with the inevitable result that things we are less good at (or that we consider less valuable) will fall by the wayside. It is easy enough to imagine this logic returning as the University struggles to

deal with the economic fall out of COVID-19. Nevertheless, as before, the idea of “build-to-strength” represents not only a fundamental misunderstanding of how Universities and academic disciplines work, but also a betrayal of the comprehensivity outlined in the Mission Statement quoted above.

Quite simply, all the intellectual activities of the university are, or should be, connected to one another. This is often clear enough when the disciplines in question are contiguous: students in biology need to understand chemistry; students in English will do better when they understand history. But it is also true even when we take into account fields that seem distinct from one another. When students from different disciplines enter history classes they not only bring distinct bodies of knowledge, but they also view that discipline from a different perspective. Indeed, this is the very meaning of interdisciplinarity: the idea that each discipline brings a distinct perspective on a world that does not separate itself into our neat disciplinary divisions. The only way to understand this world is by trying to understand its component parts through a range of disciplinary lenses. The general education structure of the university suggests as much and if we are to produce well-rounded citizens, we need to be able to train them in a complete range of academic programs.

At the same time, a state university such as ours has an ethical responsibility to provide this complete range of academic programs to the state’s citizens. To do anything less is to engage in a subtle form of class warfare. Students who can afford to attend private institutions will still be able to study all the various disciplines that exist. Working-class students, however, will only be able to study those that we decide to support. Worse, if that support is tied to earning potential or the “needs” of the market – themselves hard to distinguish from short-lived trends in hiring or employment – then we reduce our institution to a vocational school. Now, don’t get us wrong: there is nothing wrong with vocational

training. But the public education system in this country was founded in order to provide working-class subjects with opportunities beyond vocational training. Turning our backs on comprehensivity means turning our backs on the 100-year experiment in providing class mobility for working-class subjects.

But the build-to-strength model also has a pernicious effect on the entire academic institution. Departments find themselves pitted against one another in the desire to prove that they are one of the strong. Most often this manifests itself in the quest for enrollments. Since enrollments and majors are signs of strength – and since only these numbers, rather than curricular or pedagogical need, can get departments resources – we must compete with one another for students. Now we may be able to attract more MA students or more Ph.D. students to our departments, but our undergraduate population is largely determined by the state we live in and the size of our campus. If one department increases its enrollments these gains, likely, come at the expense of another. Instead of fostering competition among departments for the same students, the University as a whole would do better to simply offer those students a quality education, exposing them to a full range of disciplines and, in this way, giving working-class them the many-sided perspective that will prepare them for the world they will enter after college.

Finally, the build-to-strength model hurts our intellectual standing. We are still trying to recover from the program deactivations of ten years ago: decreased enrollments in the Humanities and the blow to the University's reputation. Those decisions spoke of the University's then-willingness to jettison whole fields of study rather than make relatively modest investments to maintain the University's traditional commitment to comprehensivity. We certainly hope that the institution has learned from those mistakes. However, nearly all of the administrators who made them have either left the University altogether or have returned to the faculty.

For those of us who continue to teach in the Humanities or other disciplines that may not immediately be considered “high needs fields,” the build-to-strength model affects our research lives in concrete ways. It is difficult to conduct world-class research in English when one doesn’t have colleagues who study German literature, for instance, or Classics, or Indian History. And it is difficult to train graduate students to become world-class scholars when they lack similar resources.

The University at Albany has articulated a desire to “reach the next level of academic excellence.” The first step in achieving this is to abandon the destructive “build-to-strength” model and instead to embrace the principle of interdisciplinarity by making it more than simply a fashionable slogan. For we can’t collaborate intellectually if we’re engaged in practices that pit us against each other, practices that, in the long run, hurt the viability of the very units with which we would like to collaborate. Like union members, the various units of the university are in it together.

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Advocate for your University!

While national events have largely captured our energy and attention for the past several months, please take a moment to consider the fiscal crisis faced by our state, its impact on public education, public health and safety, mass transit, and local government services; and, most importantly, what you can do about it.

NYS is currently facing a \$14.5 billion deficit. The impact on public universities like ours has already been devastating, but could be even worse if the State follows through with a proposed 20% reduction in funding for SUNY campuses.

Now here's the good news. There is a realistic, fiscal solution, and it's already in place. It's called the Stock Transfer Tax. Passed in 1905 (by a Republican legislature), the State has been collecting this tax for over 100 years. The problem is, beginning in 1981, the State began rebating the revenue back to the brokerage houses that pay it.

The tax amounts to $\frac{1}{4}$ of 1% (0.25) and is paid by the brokers, not the purchasers or the sellers (in case you're an active trader). It is estimated that the tax could raise between \$14-19 billion per year.

A coalition of legislators is actively working to reverse the rebates and have the State keep this revenue. But the governor and the rest of the legislature need to hear from us urging them to support their efforts.

Take Action: UUP is spearheading this lobbying effort. Right now, in mere minutes, you can:

- Send letters to the [governor](#), your [state reps](#), and the [majority leaders](#) in both houses.
- Print and send a [postcard](#). Be sure to follow these [instructions](#).
- Use UUP's [toolkit](#) to post on social media.

More Details: <https://uupinfo.org/legislation/advocacy.php>

Reversing the Stock Transfer rebates would have an enormous impact on our state's fiscal health that would translate into tremendous good for citizens all across New York State. We urge you to consider supporting this effort and informing as many people as possible about it.

Chapter Elections!

Nomination Forms Mailed	01/21-22/21
Nominations Close	02/17/21
Nomination Lists Posted to Web	02/19/21
Elections Ballots Mailed	03/10-12/21
Elections Ballots Due	04/14/21
Elections Ballots Counted	04/15-6/21

More details at:

<https://uupinfo.org/elections/chapter.php>

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The Forum
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