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March 21, 1994 Meeting Minutes

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MINUTES
SHAWNEE STATE UNIVERSITY
BOARD OF TRUSTEES
EMERGENCY MEETING
MARCH 21, 1994

The meeting was called to order at 5:15 p.m. by Chairman Winters.

Roll Call

Members Present: Ms. Greene, Mr. Hannah, Mr. Hyland, Mr. Reynolds, Mrs. Richards, Ms. Riffe (by conference phone), Mr. Shkurti (by conference phone), Mrs. Thatcher, Mr. Waller, Mr. Winters

Members Absent: Mr. Kaplan

Chairman Winters recognized the following media representatives present at the meeting: The Portsmouth Daily Times, The University Chronicle and Channel 3-TV.

Distributed at the start of the meeting were papers from the SEA that described the changes its President viewed were included in his language to Mr. Winters and the administration's view of the history of negotiations and clarifications.

Chairman Winters opened the meeting by stating that the Board was meeting in emergency session planning to vote on a counter-proposal from the Shawnee Education Association, who has been teaching under the Board's last and final offer since August 31, 1993. However, the faculty had, in fact, not voted on the counter-proposal that Mr. Winters and Dr. Miner discussed, but simply discussed the proposal at SEA's last meeting.

Furthermore, the Board received notice today from the Ohio Education Association with which the SEA is affiliated, that SSU was not to consider any proposals that did not come from Jane Currey, the OEA's hired staff person. Chairman Winters read the letter from OEA attorney, Michael Hunter, and stated that there was no action for the Board of Trustees to take until the Board receives an SEA voted-upon counter-proposal.

Chairman Winters read the following position statement from Suzanne Shelpman, chair of the University Administrative Senate and asked that it be made a part of the record:

"The University Administrative Senate has been supportive of implementation of the Last and Final Offer proposal but has remained cognizant of the ramifications of a faculty strike to the students and University as a whole. With over 18 administrators affected by lay-offs during last year's budget crisis, the UAS fully understands the need for a contract that is fiscally sound. Particularly, the UAS hopes that the agreement, should one be reached, would not provide the faculty with items (i.e. salary increases, benefits, etc.) that would be funded by further reductions among administrative staff. Our most recent position has been to object strongly to the inclusion of any and all language regarding University reorganization in the counteroffer language. The UAS believes University reorganization is not a negotiable item and, as such, lies outside of the realm of collective bargaining. It is the hope of the UAS that the faculty dispute will be resolved, but not at the expense of further administrative cuts that will affect service to students and compromise the future of the University's mission."

Chairman Winters asked for comments from the Board with regard to where we were at this point. Discussion followed with Trustees voicing confusion about the relationship of discussions between Mr. Winters and Mr. Miner and the letter from OEA attorney, Mike Hunter.

Mr. Shkurti asked, "How can we negotiate if we don't know who to negotiate with?" Ms. Riffe commented, "This is too important to do by guess work. The line of communication has been severed and the ball's now in SEA's court."

Chairman Winters asked if Dr. Miner was present. He was not. Chairman Winters asked if an SEA representative was present. Dr. Jeff Bauer, past SEA president responded that he was present at the meeting as an observer and information source, but not as an official SEA spokesperson.

Mr. Waller moved and Mr. Hyland seconded a motion to direct the Board's labor attorney, Sue Porter, Esq., to seek clarification of the March 18 letter from OEA's attorney (which designated Ms. Jane Currey as the only representative of the Association with whom SSU could negotiate), and to tell the OEA/SEA that, in the absence of a faculty-endorsed proposal, the Board reiterated that its last and final offer was still in effect. After limited discussion supporting the motion, Chairman Winters ruled that the motion carried without objection.

Comments from the Public

Dr. Jeff Bauer stated that he had to laugh because of the Board's confusion and stated that the Board's confusion was something he had gone through for months. He stated that the Board gave SEA their Last and Final Offer on August 31 and told SEA that the University would not negotiate past that date. Dr. Bauer asked, "Are you or aren't you negotiating? If you are negotiating, then go through the proper channels. When you go one-on-one it's very difficult to know what the entire constituents feel about the issues. You say that you are not negotiating. That's a legal game you've been playing for months.'

Chairman Winters answered that the Board was not negotiating and has never abandoned its last and final offer since declaring ultimate impasse last Fall. In discussions with Dr. Miner, he and Dr. Miner were trying to get to a position to resolve the concerns of both the faculty and administration, a matter that affects the entire University.

Dr. Bauer stated that he was in attendance at today's meeting because of the Chair issue and thought he could serve as an information source. Dr. Bauer stated that he perceived the Chair issue to be the hang-up on the so-called proposal and offered to talk to the Board, not as an SEA member, but as a Department Chair.

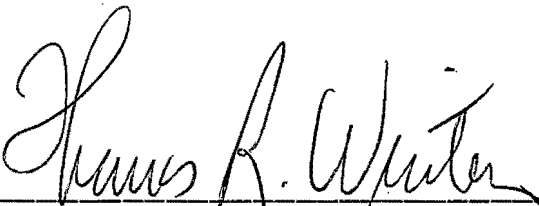
Executive Session

Mr. Hyland moved and Mr. Waller seconded a motion to go into Executive Session to discuss the impending strike by the SEA members to commence on March 30th at 10:00 a.m.

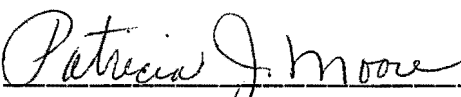
At 7:29 p.m. the Board of Trustees returned from Executive Session.

Adjournment

Mrs. Thatcher moved and Mr. Waller seconded a motion to adjourn. The meeting was adjourned at 7:32 p.m. by acclamation.



Chairman, Board of Trustees



Acting Secretary, Board of Trustees

Cloppert, Portman, Sauter, Latanick & Foley

ATTORNEYS AT LAW

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NANCY E. LEECH
DEBRA D. PAXSON

March 18, 1994

Hand Delivery

Susan Porter
Schottenstein, Zox & Dunn
41 South High Street
Columbus, Ohio 43215

Re: Shawnee State Negotiations

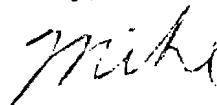
Dear Sue:

Enclosed please find a copy of a Notice of Intent to Strike at Shawnee State. Please feel free to call me if you have any questions on this.

As we discussed yesterday, I wish to reiterate that the designated representative of the Association in the negotiations is Jane Currey. It is Jane Currey who sent the Notice to Negotiate to the University. Accordingly, the President of the University should cease immediately, if he has not already done so, all back door negotiations with individuals who have not been authorized by Ms. Currey to negotiate on behalf of the Association. I trust that you will take care of notifying your client of this right away.

Thank you for your help with this. If there is anything I can do to help these matters run anymore smoothly, please feel free to call me.

Sincerely,



Michael J. Hunter

MJH/adm

enclosure

The University Administrative Senate has been supportive of implementation of the Last and Final Offer proposal but has remained cognizant of the ramifications of a faculty strike to the students and University as a whole. With over 18 administrators affected by lay-offs during last year's budget crisis, the UAS fully understands the need for a contract that is fiscally sound. Particularly, the UAS hopes that the agreement, should one be reached, would not provide the faculty with items (i.e. salary increases, benefits, etc.) that would be funded by further reductions among administrative staff. Our most recent position has been to object strongly to the inclusion of any and all language regarding University reorganization in the counteroffer language. The UAS believes University reorganization is not a negotiable item and, as such, lies outside of the realm of collective bargaining. It is the hope of the UAS that the faculty dispute will be resolved, but not at the expense of further administrative cuts that will affect service to students and compromise the future of the University's mission.