
Executive Committee: President – **Jamie Phillips**; Vice President – **Barry Sweet**; Secretary – **Sally Sentner**; Treasurer – **Sue Courson**; Delegates – **Jamie Phillips, Barry Sweet, Karen Bingham, Elizabeth MacDaniel, Deborah Ellermeyer, Sylvia Stalker**; Alternate Delegates – **Greg Goodman, Mark Kilwein, Paul Klenowski, Melissa Kuntz, Annette Rosati**; Coaches Delegate – **Ron Righter**; Coaches Alternate – **Mike Brown**; Coaches State Rep – **Mike Brown**; Coaches State Rep Alternate – **Gie Parsons**; Venango Campus – **Bill Hallock**; CAP – **Jamie Phillips**; DRC – **Stephen Johnson**; Grievance – **Elizabeth MacDaniel**; Health & Welfare – **Janice Krueger**; Legislative – **Barry Sweet**; Membership – **Suzanne Boyden**; Negotiations – **Jamie Phillips**; Nominations & Elections – **Ellen Foster**; Gender Issues & Social Justice – **Deborah Ellermeyer**; Public Affairs/Relations – **Mark Franchino**; Retirement SERS & TIAA-CREF – **Bob Balough**; Student Liaison – **Naomi Bell O’Neil**; Human Relations – **Sonja Heeter**; Rules & Bylaws – **Colleen McAleer**; Strike Chair – **Andy Lingwall**; Temporary Faculty Committee Chair – **Jessica Modrzejewski**

The President’s Message...

Article 5: To Grieve Or Not to Grieve

The single most important feature of our contract is the right of faculty to file grievances. Without this right it would become extraordinarily difficult for the union to ensure that any aspect of the CBA is followed or that any rights afforded to faculty in the CBA are protected. Thus, the right to grieve is of paramount importance.



What is a Grievance?

A grievance, by definition, is an “allegation that an act by a manager or someone authorized to act by a manager constitutes a violation, misinterpretation, or improper application of a specific article(s) and/or a section(s) of an article of the Collective Bargaining Agreement and a statement of the remedy being requested.” A written grievance, then, is constituted by two features: (1) a statement of the alleged contract infraction and (2) a statement of what the grievant wants done as a consequence of this infraction. In point of fact, grievances are not expected to be heavily detailed or argued. They should simply be brief, but accurate, statements of fact. Faculty are allowed to write and submit grievances on their own, but I would encourage any faculty member who has not written a grievance to ask for help from our local Grievance Committee. Elizabeth MacDaniel is the Chair of this committee and its other members are Steve Johnson, Mark Kilwein and Annette Rosati. These individuals are dedicated members of APSCUF and are all very willing to provide whatever assistance they can.

Timeliness

Critically, faculty must submit their grievance in a timely fashion. Failure to do so will void any chance of the grievance being addressed. Article 5: Section C states “written grievance(s) shall be submitted to the President or his/her designee within forty (40) calendar days of the occurrence giving rise to the grievance or within forty (40) calendar days of the date on which the grievant or grievants learned of such occurrence.” The only exception to this is when the “grievable act” occurs during the summer between May 1st and September 1st. The chief moral to draw from this is the following: if you suspect that your rights under the CBA have been violated, you should probably just go ahead and file a grievance to avoid time expiring.

Resolution

The resolution of any grievance can be swift or slow and is often determined by how willing the Administration is to accept that a contract violation has occurred and by how willing the Administration and the faculty member are to fight the grievance through to arbitration. Some grievances are resolved almost (Continue Page 2)

immediately and some can take years to reach a final conclusion. But this latter fact should not be given too much emphasis. My position is that no member of the faculty should stand for their rights being violated. What is more, faculty who are willing to stand up for their rights will not be alone—they will have the Union standing with them.

I trust that you will all have a relaxing break and I look forward to seeing you all next year. Happy Holidays!

Jamie Phillips
President, Clarion APSCUF

SPRING 2011 MEETING DATES
(Please mark your calendars!)



EXECUTIVE COMMITTEE (EC)

Tuesday, February 1
Tuesday, February 15
Tuesday, March 1
Tuesday, March 22
Tuesday, April 5
Tuesday, April 19
(All meetings are held @ 3:30 pm
In Room 217 Founders)

DEPARTMENTAL REP COUNCIL (DRC)

Tuesday, February 8
Tuesday, March 15
Tuesday, April 12
(All meetings are held @ 3:30 pm
in Room 202 Still Hall)

MEET & DISCUSS (M&D)

Friday, January 28 – Pre-Meet
Friday, February 11
Friday, March 4 – Pre-Meet
Friday, March 18
Tuesday, April 26 @ 3:30 pm – Pre-Meet
Friday, April 29
(All meetings are held @ 2 pm)

LEGISLATIVE ASSEMBLY Spring 2011 (LA)

*February 3 - 5, 2011
Holiday Inn East, Harrisburg
*April 14 - 16, 2011
Four Points Sheraton, Greensburg

**Important
DATE!**

GENERAL APSCUF & BARGAINING UNIT MEETING is scheduled for Tuesday, March 29, 2011, @ 3:30 pm. Location is to be announced. Please “pencil in” this meeting on your meeting calendar. Also, this will include “Meet the Candidates” Forum for the 2011 Spring Election.

NOTE: The APSCUF Office will be closed the following days: December 9, 10 and 15. Also the APSCUF Office will be closed in observance of Christmas and New Years, Thursday, December 23rd thru Friday, December 31st. The APSCUF office will reopen Monday, January 3, 2011. Have a safe and happy holiday break! See you next year in 2011!!

****Remember:*** The outside doors to Hart Chapel will be locked from December 24 until January 4. You will not be able to pick up Health and Welfare claim forms outside the APSCUF office during that time. However, you can print out the forms from the websites www.pafac.com or www.apscuf.com .



APSCUF SPECIAL ELECTIONS RESULT: Lynn Smith will serve as Alternate Delegate to the Legislative Assembly for the spring semester. Congratulations to Lynn, and thank you to the candidates for their willingness to serve and all who participated in the election. Nominations & Elections Committee.

TAX TIP: TAX SEASON IS JUST AROUND THE CORNER! IF YOU ITEMIZE, PLEASE NOTE THE FOLLOWING 2010 FEDERAL TAX DEDUCTION FOR UNION DUES OR FAIR SHARE PAYMENTS: NINETY-ONE (91%) PERCENT OF UNION DUES ARE DEDUCTIBLE WHEN FILING YOUR FEDERAL INCOME TAX RETURN. NON-MEMBER FAIR SHARE PAYMENTS EQUATE TO NINETY (90%) PERCENT OF UNION DUES AND ALL OF THESE PAYMENTS ARE DEDUCTIBLE.



COMING SOON.....SPRING 2011 ELECTIONS!!!

GET INVOLVED!!! Nominating petitions will be arriving in your mailboxes at the beginning of spring semester. If you would like to run for positions on APSCUF Offices and Committees, Contractual Committees and/or Council on General Education in the April election, please check out the upcoming local APSCUF January Newsletter for election information and consider running for the available positions.



ATTENTION COACHES: as you know the Coaches' Collective Bargaining Agreement (CBA) ends June 30, 2011. If you are wondering how the coaches' negotiations are going, please click on the "Coaches" tab on the State APSCUF's website at www.apscuf.org. There you will find updates on Coaches Negotiations. As joint meetings occur, Julie Reese from State APSCUF's Contract Department and part of the Coaches' Negotiations Team will update this information on the Coaches' webpage.

CLARION UNIVERSITY APSCUF 2011 FALL SCHOLARSHIPS

Applications are now available for the *Clarion University APSCUF Fall 2011 Scholarship* to be awarded to six (6) Clarion University currently enrolled students. Applications can be picked up at the local APSCUF Office, B-7 Hart Chapel; Venango Campus - Suhr Library and Admissions & Financial Aid office; and West Penn - School of Nursing, 3rd Floor, Room 334. Or you can now download the instructions and application from the web at: <http://www.apscuf.org/clarion/student.html>

We are asking once again for you to please announce this scholarship to your students. In advance, the Scholarship Committee wants to thank you for your assistance. (*See insert*)

Sonja Heeter, Chair, Katy McDonnell & Todd Pfannestiel
APSCUF Scholarship Committee

2011 STATE APSCUF SCHOLARSHIP PROGRAM

State APSCUF is now accepting applications for their annual scholarship program. The scholarship award of \$3,000 will only be presented to one (1) eligible applicant in his/her higher education career in August, 2011. An eligible applicant must be a "family member" of an APSCUF/APSCURF member in good standing or an APSCUF staff member and must be enrolled at one of the fourteen (14) state-owned universities. Deadline is Friday, March 4, 2011. For the complete application packet, go to www.apscuf.org. On the left hand side, just click onto "Special Services" and select "2011 State APSCUF Scholarship Information". There you can print out the detailed information and application. Or if you wish, you can obtain one from APSCUF office, B-7 Hart Chapel. (*See insert*)

EMERITUS STATUS PROCEDURES:

Nominations for Emeritus Status should be initiated by member(s) of the appropriate department/unit and announced at a department/unit meeting, normally within one year following retirement. The nominated member(s) of the department/unit shall forward a one-page summary of the significant accomplishments made by the nominee to the Dean and appropriate Vice President.

The Office of the Provost and Academic Vice President will be responsible for the implementation of this policy and its procedures. The above procedures for departments to follow to request emeritus status for retiring faculty in departments are taken from the Clarion University of Pennsylvania Policy on Emeritus Status. A copy of the entire policy is available from the APSCUF office.

If you have faculty who are retiring at the end of the fall or spring semester in your department, please follow the procedures in this policy to request emeritus status for the nominee.



IS YOUR E-MAIL BOX “OVER QUOTA”??????? This is a reminder to PLEASE clean out your e-mail mailbox before you leave for winter break. Thank You!

REMINDERS:

- Healthy U Phase IV ends May 31, 2011. Go to www.apscuf.org and click the “Healthy U” tab on the left hand side for more detailed information.
- PA Faculty Health and Welfare Fund Wellness Initiative grant applications can be found on “The Fund’s” website at www.pafac.com.
- Effective January 1, 2011, State APSCUF’s mailing address will be 319 North Front Street, Harrisburg, PA 17101. They will no longer have a post office box.

APSCUF is very active in the social media scene! Follow APSCUF on the web!



www.twitter.com/apscuf

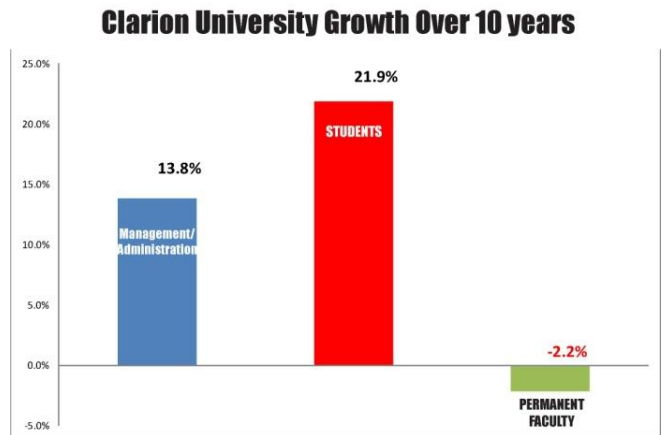


“APSCUF Faculty and Coaches”

The NEW APSCUF Blog!

<http://apscuf.wordpress.com>

**CLARION STUDENTS:
IS THERE SOMETHING WRONG WITH THIS PICTURE?**



Note: Permanent Faculty – Tenured and Tenure-Track Faculty
Data Sources: PASSHE Factbook, PASSHE Payroll Records

WE THINK SO, TOO!

**HAVE A VERY MERRY CHRISTMAS &
A SAFE AND HAPPY NEW YEAR!**



-NOW ACCEPTING-
Applications for Clarion University
APSCUF Scholarship
To be awarded for Fall Semester 2011

**Applications are available from the APSCUF Office, B-7 Hart Chapel*

**Venango Campus: Suhr Library and Admissions & Financial Aid Office*

**West Penn: School of Nursing, 3rd Floor, Room 334*

**Or to download the instructions and application, go to:*

<http://www.apscuf.org/clarion/student.html>

Deadline for Applications: 12:00 p.m. Friday, February 18, 2011

Return completed application to the APSCUF Office, B-7 Hart Chapel

Scholarships will be announced on Thursday, March 24, 2011

Six (6) \$500 scholarships will be awarded to Clarion University students currently enrolled for the spring 2011 semester, one in each of the following categories:

1. **Child or spouse or parent or domestic partner or their child of a Clarion University APSCUF member**
2. **Graduate student in Fall 2011**
3. **Senior in Fall 2011**
4. **Junior in Fall 2011**
5. **Freshman or Sophomore in Fall 2011**
6. **At large**

Students will be considered for all categories in which they fit. Order of selection will be as per the above. Only one (1) scholarship will be awarded to any one (1) student. If there is not a qualified applicant in a category, the scholarship committee reserves the right to roll that scholarship into the at-large category.

The following criteria will be considered in the selection of the recipients:

- **Minimum of 3.2 QPA**
- **Participation and leadership in campus and community service organizations**
- **A one page narrative outlining goals and objectives for the future**

The scholarship award will be made directly to the university in the name of the student to be applied toward fees and/or room and board.

NOTE: PAST RECIPIENTS OF THE APSCUF SCHOLARSHIP ARE INELIGIBLE FOR THIS YEAR'S AWARD.

APSCUF State Scholarship Program Guidelines and Requirements

- 1. State APSCUF Scholarship eligibility rules: Must be a *family member of an APSCUF/APSCURF member in good standing or an APSCUF staff member. * For the purposes of this program, family member is defined as the following: spouse, child, parent, parent in-law, brother, sister, brother-in-law, sister-in-law, domestic partner and any children who may be born to or adopted by one of the persons in a partnership or for whom one of the persons is the primary caregiver or financially responsible, nieces, nephews and grandchildren.**
 - 2. An eligible applicant must be enrolled at one of the fourteen (14) state-owned universities.**
 - 3. Scholarship will be awarded to an eligible applicant for the pursuit of either an undergraduate degree or graduate degree. For an undergraduate degree, the applicant must have completed and passed 30 credits with at least a 2.75 GPA. For a graduate degree, the applicant must have completed and passed nine (9) credits with at least a 3.0 GPA. All of the above stated credits must have been obtained at one of the fourteen (14) state-owned universities (no outside transfers).**
 - 4. Transcripts must accompany the application with the stated Grade Point Average of all completed credits.**
 - 5. Essay must accompany the application. Please note: This year's applicants can chose between one of two topics for their essay. The choices are as follows: "How has the union movement benefitted or influenced the rights and working conditions of the American worker?" or "What are your views on public service in the context of your professional future?" (500 words, typed and double-spaced).**
 - 6. Must obtain reference letters from two different FULL DUES PAYING APSCUF/APSCURF members. Membership confirmation can be verified at the local APSCUF office.**
 - 7. State APSCUF Scholarship award will only be presented once to an eligible applicant in his/her higher education career. One (1) \$3,000.00 State APSCUF Scholarship will be presented in August 2011.**
 - 8. State APSCUF's Special Services Committee will review, evaluate and select the winner from all eligible applications/essays received. In no case shall an APSCUF Special Services Committee member take part in the consideration of an applicant if that applicant is a part of the Committee member's family as defined above or if a Committee member submits a reference letter on behalf of an applicant.**
 - 9. Completed application, essay and written reference letters, must be forwarded to: State APSCUF Scholarship Program, C/O Director for Membership Services, 319 N Front Street, Harrisburg PA 17101.**
- All materials must be clearly postmarked by a recognized postal service no later than March 4, 2011. A complete application packet can be downloaded from www.apscuf.org or you can obtain one at the local APSCUF office.**

MEMORANDUM

TO: APSCUF Faculty members

FROM: Mary Rita DuVall-Quinn, MILR
Head of Contract Department

DATE: November 11, 2010

RE: Technology Transfer & Commercialization Guide for PASSHE Faculty

Over the last week, faculty members have been informed that they may access the Technology Transfer & Commercialization for PASSHE Faculty on line at www.passhe.edu/techtransfer. Over the last several years, APSCUF State Meet & Discuss team with the help of legal has worked quite closely with PASSHE by offering numerous and very significant language changes to the *Technology Transfer & Commercialization Guide for PASSHE Faculty* to bring it in compliance with Article 39, Intellectual Property, of the collective bargaining agreement. APSCUF has endeavored to address what we feel were direct violations of Article 39 by offering such revisions to the language and notes that PASSHE has taken many of our suggestions to amend some of the language in this guide.

The last set of changes to the Guide that APSCUF offered to PASSHE was on October 27, 2010. APSCUF has not received a finalized version of this document but it is to our understanding that an email from the Chancellor's office with a link to the Guide has been provided to the faculty for their reference. APSCUF has requested a finalized version of this document from PASSHE and upon its receipt will be sure to provide an electronic copy to you. Upon your receipt of this document, you will note that APPENDIX C refers to the APSCUF Chapter President as the authorized local contact representative. Please also note that the Work-For-Hire Agreement referenced in the Guide is still a document that does not meet APSCUF's approval and is considered to be a work in progress between the two parties. As of this date, PASSHE has not responded to our suggested language changes to this document. APSCUF has expressed serious concerns with the language as presented and would advise faculty to seek outside legal counsel prior to signing this document as it currently reads.

The Technology and Transfer & Commercialization Guide remains a complicated and confusing guide. APSCUF believes that both parties were at a point to agree to disagree on certain areas of the Guide that remain confusing. In such areas, APSCUF will monitor its application and reserves its right to grieve when appropriate. APSCUF holds that Article 39 is the governing language for Intellectual Property and the Guide's application should not violate the agreed upon rights established in our collective bargaining agreement under this article.

If you have any concerns or questions, please do not hesitate to contact me.

Thank you.

Cc: James Cowden, Esquire
Michael Doctrow, Esquire