

# UNTF

## Union of Nontenure-Track Faculty at Michigan State University Local 1855 AFT, AFL-CIO

### Fixed Term Job Posting Changes

Since the 1970s a Federal law has been on the books that is intended to make public sector jobs available to larger numbers of the American public, specifically veterans. In effect, it requires that all new positions will be posted and filled by open searches. The law allows for employers to use waivers when special circumstances make compliance with the law unreasonably burdensome. Michigan State University has developed an extensive list of such “waivers” over the years, but now believes that its current system may not be in compliance with the law. The details of the new system have not been finalized, but we can clarify some misunderstandings that are already going around.

Some UNTF members have reported that their departments believe that the new system will require fixed-term faculty and academic staff to reapply for the positions that they already have. This grows from the assumption that at the end of an appointment, one’s position becomes “open” and is therefore subject to the law. We have been assured by the Provost’s office that this is not true. Our understanding is that the new policy will be very clear that a position that one has in a current appointment does not become an “open” position at the end of that appointment if the same employee is to be reappointed to that position. In other words, your job does not become “open” between appointments, so it is not subject to the law.

The changes are expected to take effect in 2018. The UNTF will be monitoring this change. Please continue to let us know what you hear at the department level.

#### *In This Issue*

##### *Page 2*

- *Background Checks*

##### *Page 3*

- *Are appointment papers a “contract”?*
- *UNTF New Hire*

##### *Page 4*

- *Contract Negotiations 2018*
- *Designation B*



### Contact us

2990 E. Lake Lansing Rd., Ste. 201-E  
East Lansing, MI 48823  
(517) 203-0880

office@untf.org  
www.untf.org  
www.facebook.com/UNTF1855

# Background Checks

In 2015, MSU began reviewing its procedure for background checks for faculty and academic staff (see UNTF newsletter April 2015). MSU had 2 major reasons for wanting a change: it was not screening unpaid appointments and it wanted to get updated checks on current employees. MSU did not want to incur the expense of screening its many unpaid appointments or periodically screening current employees. MSU drafted a new procedure to address these concerns and presented it to the UNTF in 2015.

It added a new requirement that faculty and academic staff must self-report certain changes. The UNTF had several concerns about the proposed changes.

- Faculty should not have to report felony arrests when there was no charge
- Faculty hired before background checks became standard (2010) should not have to undergo a background check
- Faculty should not have to self-report incidents that occurred prior to this change in policy
- Background check records must be securely maintained
- Any disciplinary action taken because of self-reporting or failure to self-report must continue to meet the standard of Just Cause for non-probationary UNTF members

After 2 years, MSU has unveiled its new policy. It addresses the concerns raised by UNTF.

- Mere arrest has been removed as a need for self-reporting. The policy requires reporting any felony crime where there is an arrest and a charge
- MSU agrees faculty hired before background checks became standard will not have to undergo a background check
- MSU agrees faculty should not have to self-report incidents that occurred prior to this change in policy
- The policy now requires that background check records be maintained in a secure location separate from personnel records and that MSU will keep them confidential to the extent allowed by law
- MSU agrees any disciplinary action taken because of self-reporting or failure to self-report must continue to meet the standard of Just Cause for non-probationary UNTF members

While not a UNTF issue, the new policy addresses MSU's need for a background check for unpaid faculty by saying it will rely on background checks done by outside agencies or employers.

Please let us know if you have concerns about how this policy is implemented.

**HAPPY HOLIDAYS FROM THE UNTF  
EXECUTIVE BOARD**



# Why Do We Call Appointment Papers a Contract?

Fixed-term faculty and academic staff at MSU often refer to their appointment papers as their “contract”.

MSU’s fixed-term appointment papers (offer letter and appointment memorandum) are primarily a list of limitations on employment:

- An employment end date is set with no obligation for reappointment
- We agree to have read the Code of Teaching Responsibility
- We agree the appointment can be terminated for unforeseen budgetary reasons
- We agree there is no commitment to be made continuing or tenure
- We agree that certain behaviors can lead to termination

In what other profession would an employee consider this a contract?



The Wex Legal Dictionary defines a contract as:

“An agreement between private parties creating mutual obligations enforceable by law.”

Nowhere on MSU’s fixed-term appointment papers is the word “contract” used. These documents do not give rights, rather they take them away. Our real security comes from the agreement between MSU and UNTF – a real contract.

## UNTF New Hire



**Ashley Hewlett** has been hired by UNTF to assist with managing our office on Lake Lansing Road. She has also been a fixed-term faculty member with the English Language Center since 2011.

She has served on the Executive Board for the UNTF as the Treasurer since 2015.

**Union of Nontenure-Track Faculty**  
**2990 E. Lake Lansing Rd., Ste. 201-E**  
**East Lansing, MI 48823**

## **Negotiating Team**

The contract between UNTF and MSU expires in May 2018. A committee of UNTF members will negotiate a new agreement in early 2018. That agreement will be presented to the general membership for approval. The team will be assisted by AFT Michigan staff.

If you have an interest in serving on the negotiating team, e mail the UNTF office, [office@untf.org](mailto:office@untf.org). No prior experience is required but you must be a full member of UNTF in good standing.

## **Designation B Deadline**

UNTF's contract with MSU features Designation B, the process whereby long-term employees can apply for three-year rolling appointments. Employees are eligible at the start of the tenth semester of teaching (not including summers) within the past six years. So far 51 Union members have been awarded this status. If you have questions about when you will be eligible, please email us at [office@untf.org](mailto:office@untf.org) and we will be happy to help you figure it out.

The next opportunity to apply is January of 2017. Five members attended the December 6th training on how to navigate this process.

If you were unable to attend on December 6th and are interested in either applying in January or learning more, please contact the UNTF office by email ([office@untf.org](mailto:office@untf.org)) or phone (517-203-0880). With enough interest, we may plan another training session.

The next deadline for Designation B applications is January 31, 2017.