



August 27, 2020

John M. Wienczek, Ph.D.  
Executive Vice-President and Provost  
University of Akron  
Buchtel Hall  
Akron, Ohio 44325

Re: Response to Invocation of Article 15, Section 3.A.

Dear Dr. Wienczek:

On behalf of the Akron-AAUP, I am responding to your letter dated August 25, 2020 regarding “Initiation of Retrenchment Process.” The Akron-AAUP objects to the Administration’s attempt to invoke Article 15, Section 3.A. because it violates the collective bargaining agreement in several respects.

First, the President’s August 21 letter to the Provost directing him to initiate the procedures of Article 15, Section 3, which is incorporated and relied on in the Provost’s memorandum to Dr. Schulze, erroneously applies or interprets Article 15, Section 1. The Akron-AAUP disputes that the items listed under item 1 on page 2 of the President’s letter constitute financial exigency as necessary to trigger retrenchment. The Akron-AAUP disputes the Administration’s reference to enrollment declines on a University-wide basis as satisfying Section 1(A)2 – this section allows for retrenchment when enrollment has declined for five semesters in a “college, department or program.” The Administration has not identified such units or provided evidence of a five-semester enrollment decline in a college, department, or program in which intends to implement retrenchment. The Akron-AAUP disputes the Administration’s reference to the consolidation of colleges in Res. No. 5-1-20 as a basis for invoking retrenchment under Section 1(A)(3). Section 1(A)(3) permits retrenchment to be initiated when a college, department, or program is “discontinued.” A consolidation is not a discontinuation. The Akron-AAUP disputes the Administration’s categorization of a reduction in SSI or other state funding as an action “by the Ohio Board of Regents or Ohio General Assembly which requires the University to implement a retrenchment.” A reduction in funding does not “require” a retrenchment and such reductions are not the actions contemplated by Section 1(A)(4). Furthermore, the reduction in funding does not require a retrenchment any more than it requires the elimination of football. The same is true of all other actions of the Ohio General Assembly or ODHE cited by the Administration.

Second, the Administration has failed to comply with Section 2.B. of Article 15. You note in your letter that at the time the Chapter filed its grievance on June 8, 2020, the Chapter

believed that the Administration had complied with Section 2 of Article 15. When the Chapter received the RIF list on June 24 and received very limited explanations regarding some of the names on the list, our view changed. That is so because we saw that academic units whose faculty had been categorically excluded from the last voluntary retirement/separation program were now on the RIF list. To comply with Section 2.B., faculty from those excluded departments should have been offered the voluntary retirement/separation program as well.

Third, the Administration failed to comply with section 2.C. of Article 15. The Board of Trustees has made no judgment that retrenchment requires reduction in bargaining unit faculty beyond those conducted through attrition. This is so because the University would first have to comply with Section 2.B., which it has not, and because the Board has in fact made no such determination as a predicate to the current “Initiation of the Retrenchment Process.”

Fourth, for the reasons stated in the Akron-AAUP’s opening brief and to be stated in its reply brief in the pending Article 15 arbitration, the Akron-AAUP denies that the Administration has provided evidence that the efforts taken to date (assuming the reinstatement of all faculty on the RIF list) are insufficient, as required by Section 3.A. of Article 15.

Fifth, the Administration is seeking to retrench only tenure track and tenured faculty in violation of Article 15 by excluding non-tenure track faculty in this process.

Without prejudice to the Akron-AAUP’s position as set forth above, the Akron-AAUP will meet with the Administration and designate three representatives. The names of those representatives will be sent to you no later than 5:00PM on Friday, August 28, 2020.

Sincerely,



Pamela Schulze, Ph.D.  
President,  
Akron-AAUP