

# AAUP Works

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## Contract FAQs

*What is the relationship between the “workload documents” and the AAUP contract? How does it legally affect my department’s workload policy?*

UC submitted some general University guidelines and more specific documents from all of UC’s colleges. Those documents were approved by the Board of Regents. The policies contained in those documents are binding on the University and on Faculty Members.

Shortly after the implementation of the law in 1994, the faculty at Central State University challenged the law’s constitutionality, claiming that it denied them equal protection under the law because it took away their right to bargain over workload policies, while all other state employees had no such restriction. After losing in Common Pleas Court, the CSU faculty won decisions in Appeals Court and in the Ohio Supreme Court that held that such unequal treatment violated both Ohio and U.S. constitutions.

The case was appealed to the U.S. Supreme Court, which held that there was no violation of the U.S. Constitution and remanded the case back to the Ohio Supreme Court for re-review. The Ohio Supreme Court then reversed itself and held there was no violation of the state Constitution because state law allowed the Legislature to restrict rights when a real or perceived public interest could be demonstrated. With that decision, the policies adopted by state universities and approved by the Regents were held to be binding.

There is vagueness in the original law, however, as to whether or not the right to bargain would be restored once the budget bill to which the workload language was attached expired.

Can changes be made to my dept’s workload document?

There is a question of whether any attempt to change those policies now, almost 12 years later, would violate state law. Even if it were not a violation of law, any workload changes and subsequent consequences would have to be negotiated since they would be changes in existing terms and conditions of employment.

What does this mean for faculty today?

Can department faculty alter their workload document through shared governance consideration? The AAUP-UC (as bargaining agent) would probably not object if a college faculty voted to change their workload document and the Administration approved, provided it was demonstrable that a *genuine* shared governance process which involved all bargaining unit members in the college (not merely those affected or only those in a particular track) was performed.

What cannot happen is a unilateral change in workload documents. A few years ago, when deans in the Colleges of A&S and Engineering indicated they were going to change workload policy, the Chapter threatened to file an Unfair Labor Practice charge because the University was changing terms and conditions of employment without first bargaining with the AAUP over those changes. The proposals from the deans were withdrawn.

Feel free to contact the AAUP Chapter office if you have questions specific to your department.

—Dave Rubin, PhD  
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