



# Unifier

UNITED UNIVERSITY PROFESSIONS

◆ FARMINGDALE CHAPTER

◆ September 2016



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# We're Back!

Welcome to all new bargaining unit members and welcome back to all returning members!



*L-R: President Nader, UUPF President Vicki Janik, VPP Solomon Ayo, VPA Mike Smiles*

And welcome to our new college president, Dr. John Nader. We are especially pleased that Dr. Nader has been one of us for many years—a past UUP member and a SUNY employee for many years. We hope that his familiarity with the strengths and challenges of the SUNY system will give our chapter greater opportunities that benefit our students and our college.

Our two UUPF vice presidents and I met with Dr. Nader off campus for lunch last month. We chatted about the campus and SUNY and upstate campuses, as well as sports, especially interesting since Dr. Nader's family is very involved in sports in the Oneonta area. We are pretty confident that the outstanding Division III Athletic Program at Farmingdale will have strong presidential support.

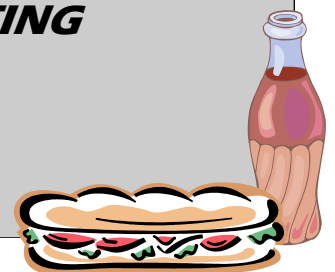
But we have not yet addressed serious campus challenges with Dr. Nader at Labor Management meetings or otherwise. These challenges include increased workload, part-time staff support, management style, course delivery issues, etc. We look forward to productive discussions. ◆

## GENERAL MEMBERSHIP MEETING

Thursday, September 22, 2016

11:00 am ◆ Gleeson Hall room 104

Please join your fellow UUPF members for lunch.



# Professionals' Corner

By Solomon Ayo

Welcome back to the 2016-2017 Academic Year!

## Performance Programs

As always, your union is looking out for your professionals' concerns all year long. Last semester, to keep members informed, we had an educational "Grievance or Gripe" workshop. We also held a joint training workshop with management to train supervisors of UUP members. This training was meant to educate supervisors about their responsibilities in completing performance programs correctly to ensure a proper evaluation process. I should add that the onus is on you to ask for your performance program and for an update if your responsibilities change. If you do not have a performance program, I advise you to speak to your supervisor. Both of you should develop one together since it defines your professional obligation for the coming year. Remember, you cannot receive your annual evaluation without a performance program. It must be signed by you and your immediate supervi-

sor. If you need help, please contact me.

## Part-Time Issues

There is an increasing number of part-time professionals on our campus. Last spring there were 135 out of a total of 324 total professionals. With this growing number, UUPF leadership is particularly conscious of the need to protect the rights and entitlements of these part-time members. At the August 10th Part-Time Labor-Management meeting, the following part-time concerns were discussed:

- 1- The written procedure form that part-timers will use to receive compensation for mandated activities such as, but not limited to, training, meetings, and workshops.
- 2- Pay increases for part-time staff.
- 3 - The means by which the college provides orientation for part-time staff concerning rights and responsibilities, such as, but not limited to, the use of performance programs, use of various necessary software applications,

the application process for promotion, and use of facilities.

I will keep you posted on final understandings reached by labor and management.

## Professional Committees

At the end of last semester the UUPF Professional Issues Committee concluded the election for the Committee on Professional Evaluation (CPE) and the College Review Panel (CRP). Congratulations to all elected member.

Many thanks to the following nominees, whose names will be retained in the pool so that should a need arise, you may be called to serve: Kathy Kollar, Harry Espaillat, Judi Cestaro, Amy Stier, Elleen DeClemente, Carlos Jativa, and Nicole Scrugg . ♦

Committee on Professional Evaluation	College Review Panel
Roseann Byron Debbie Nilsen Yolanda Segarra	Roseann Byron Theresa Dember-Neal Sandy Hustedt Debbie Nilsen Frank Rampello

## VOTER REGISTRATION

**Tuesday, October 4<sup>th</sup>**  
**Campus Center Lobby**

Exercise more than your body and mind, EXERCISE YOUR RIGHTS. Around the world people are still dying for the rights that we take for granted. If you are a new voter, changing party, or if you have moved, you need to register. Ensure that your voice is heard.

*Please share this message.*

# President's Message

## On Contract Negotiations

Did you know that this fall 2016 semester Management locked out faculty at LIU- Brooklyn—on *Labor Day*? Faculty were unable to come onto their campus because they had no contract. That means they could receive no pay, no health insurance.

Another result? Students, who had already paid private college tuition, would be coming into classrooms the following day which had managers and other scabs standing at the front of the room, acting as if they were the teachers—pretending to fulfill a faculty member's highly professional duties.

Of course, that's not SUNY and that's not UUP. Still, you and I, like the staff at LIU-Brooklyn, are without a contract. We are in negotiations for a new contract. But even if you and I are not in danger of being locked out, we need strength.

Your eventual contract depends on this strength. And where does that come from? From you and me.

- ◆ *We* are the 35,000 bargaining unit members.
- ◆ *We* are the ones sitting *on the other side* of the bargaining table.
- ◆ *We* are the ones negotiating *for-- not against--*
  - ◇ ensuring greater security for ourselves
  - ◇ expanding and deepening learning for our students
  - ◇ extending the role of SUNY in the world.

Every additional union member, every additional active union member, strengthens our negotiating position. The stronger the membership, the stronger the contract. A good contract benefits everyone.

LIU-Brooklyn may have settled by the time you read this. But still, it's too bad higher education--LIU Brooklyn, that is--tried to do it on the cheap. Let's hope SUNY and the Governor will not try to do that as well.

In Solidarity,  
Vicki Janik



**We all know that  
*adjunct faculty*  
at Farmingdale  
make far, far too  
little money.**

**Their wages can  
qualify for food  
stamps!**

**But here's a good  
riddle:**

***When do our full-  
time faculty mem-  
bers make even less  
than adjuncts???***

[The answer.. in next  
month's *Unifier*.]

# Workspace Temperature

By Theresa Dember-Neal

Extreme temperatures in the work environment make it difficult for students to learn, teachers to teach, and staff to work. If this affects you, you are not alone. UUPF has received several reports of extreme conditions in classrooms and workspaces.

NYSUT recently had an article in the news about the same issue. They called on the members to “help put an end to overheated schools”. Here are some of their recommendations.

- ◆ Record the temperature in your work space twice daily, in the morning and in the evening (you can pick up a temperature log at the UUP office)
- ◆ Record the temperatures for two weeks

- ◆ Make sure to include the dates for each day of the week
- ◆ Take temperatures before opening windows

According to the US DOH, “OSHA *recommends* temperature control in the range of 68-76 degrees”. If your workspace is outside of this range, you may want to consider monitoring.

You can monitor the temperature of your work space by using a digital thermometer. There is one device that can be signed out from the UUPF office, Ward Hall. Please keep in mind that there is only one. It will be on loan two weeks at a time.

Certain smartphones also have temperature sensors built in that can help monitor room tempera-



ture when using an app from Google Play or iPhone App Store. While these apps cannot provide proof that your workspace is outside of the recommended range, they can provide information that when reported can alert Physical Plant to potential problems that can be fixed.

If you are complaining about the temperature without monitoring, you cannot achieve desired results. Once you have logged the temperature of your room for two weeks, please bring your logs to the UUPF office or fax them to the UUPF Health and Safety officer at **631 694 3370**. ♦

# CIVILITY NOW!

Maybe in July you noticed that just before he left campus, Dr. Keen sent an announcement that a “Civility Policy and Procedure” had been agreed upon by the College Cabinet. He added that both UUPF and CSEA representatives had worked on this document, implying that we had agreed to it. **NO.**

**Facts :**

- ◆ We did work on it—for four years.
- ◆ *We did not agree to this document*— didn't even see

the final version before it was passed.

- ◆ Admittedly, we are glad there is a policy and procedure. That means that the college recognizes that a problem does exist and should be formally addressed.
- ◆ Over the years, UUPF emphasized that a policy without a *clearly stated and neutral procedure* is unacceptable. We had advocated a procedure that allows both a management representative

and a staff representative to investigate a problem and determine a suggested outcome.

- ◆ Currently, only a management representative investigates and determines a suggested outcome.
- ◆ This Management-Only Procedure is what the College Cabinet wanted and what the College Cabinet agreed to accept.
- ◆ We will follow up on its value to our members. ◆







August 17, 2016

## Message from UUP President Fred Kowal

# Update on SUNY's Proposed Patent Policy Changes

## Title J, SUNY Board of Trustees Policies

Since April 2015, UUP has been involved in efforts to address the proposed patent policy changes SUNY announced a month before. During the fall of 2015, we gathered member input through chapter meetings, campus Senate meetings, and phone interviews with patent holders.

We also received written comments and suggestions from concerned UUP members through emails and a UUP web portal created for this purpose. UUP also reviewed patent policies at 40 top research universities/university systems in the United States for comparative purposes.



Following the collection of member input, UUP met repeatedly with SUNY between July 2015 and June 2016 to present our members' concerns about SUNY's original proposal and to propose changes. Those meetings resulted in a number of revisions that addressed many of

these concerns. The meetings concluded in June and the SUNY Board of Trustees passed a resolution to begin the formal rulemaking process by publishing the proposed SUNY Patents and Inventions Policy for the purposes of seeking public comment.

The proposed revision of the SUNY Patents and Inventions Policy has now been published in the NYS Register for public comment. The public comment period closes Aug. 27, 2016. The proposed revision can be found on pp. 22-24 at the following link:  
<http://on.ny.gov/2b4iWJq>

## Highlights of Modifications to Patent Policy Submitted to the SUNY Board of Trustees, June 2016

### Scope of Patent Policy

The new policy clarifies that the Patents and Inventions Policy does not impact current SUNY Copyright Policy in any way by stating that "Creative and Course Content is beyond the scope of this Policy." Creative and course content is owned by the personnel who create it.

*SUNY's March 2015 proposal included language which created significant confusion about the impact of this policy on ownership of creative and course content which is subject to copyright.*

### Royalty Income

Creator/inventor share of royalties is 45 percent of the first \$100,000 of **net royalty** and 40 percent of net royalty thereafter. *SUNY's March 2015 proposal was 40 percent of net royalty.*

Application of the above royalty split will generally be applied to Computer Software and Non-Patentable Intellectual Property "created in the performance of academic or research activities and obtained by or through SUNY or assigned to or as directed by SUNY ..."

*SUNY's March 2015 proposal left distribution of royalties from computer software and other non-patentable IP to campus president discretion.*

over



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### **Definition of Net Royalty**

Net royalty is "Royalty less reasonable out-of-pocket expenses incurred by SUNY and not reimbursed by licensees for the evaluation, marketing, development, protection, maintenance, and enforcement of the subject Intellectual Property."

*This clarified that expenses which may be deducted from royalties must be out-of-pocket and unreimbursed by licensees. SUNY's March 2015 proposal lacked clarity on this point.*

### **Distribution of SUNY's share of patent royalties**

All net proceeds after payment of creator/inventor share and other costs shall be used for the support of SUNY's research program consistent with federal Bayh-Dole Act. Distribution of the campus share of net proceeds is based on local campus policies and procedures.

*SUNY's March 2015 proposal did not specify that the campus share of net proceeds must be distributed pursuant to campus policies and procedures.*

### **Campus-level transparency in distribution of SUNY's royalty share**

The creator/inventor can request an accounting of the distribution of SUNY's royalty share on the campus.

*SUNY's March 2015 proposal did not contain this provision.*

### **Release and Waiver**

SUNY must determine whether to retain title to intellectual property within one year of the creator's/inventor's disclosure. If SUNY elects not to retain title or fails to

make such an election within one year, title must be returned to the creator upon written request

*SUNY's March 2015 proposal contained no time limit on SUNY's ability to retain ownership without electing to proceed with patenting and development.*

### **Creator Ownership of Independently Developed Intellectual Property**

The procedure for declaring creator ownership of IP developed outside the scope of SUNY employment is separated from substantive terms regarding creator ownership to avoid implication that failure to submit an External Invention Disclosure Form might adversely affect ownership rights.

*SUNY's March 2015 proposal lacked clarity on this point.*

### **Applicability/Effective Date**

Intellectual Property which a creator has fully disclosed and assigned to SUNY prior to the effective date of the new Patent Policy will continue to be subject to the prior Patent Policy.

*SUNY's March 2015 proposal did not contain this provision.*

### **Innovation and Policy Board**

Composition of the Board shall remain five members, three of whom must be members of the Academic staff. No change in Board procedures will take place without prior discussion with UUP.

*This was not included in SUNY's March 2015 proposal.*





# Labor Day Parade

## New York City



*Darleyne & Douglas Mayers*



*Holding banner: Yolanda Segarra and Statewide Treasurer, Rowena Blackman-Stroud*

On Saturday, September 10<sup>th</sup> almost 100 UUPers joined the annual New York City Labor Day parade to celebrate the victories of labor won for everyone—a five-day week, vacations, health insurance, pensions, safe working conditions, and on and on. The music, the food and the floats were great. But most of all, being with 1000's of our union sisters and brothers from workplaces everywhere. ♦



*Wura, Solomon & Barbara Ayo*



*Mike Smiles, Vick Janik, (and not shown) Yu Chen, Carlos Jativa and family*





## FARMINGDALE CHAPTER

### EXECUTIVE BOARD

**Vicki Janik**

President

**Mike Smiles**

VP Academics

**Solomon Ayo**

VP Professionals

**Susan Conforti**

Treasurer

**Debbie Nilsen**

Secretary

**Doug Cody**

Contingents: P/T

### Affirmative Action

Anjana Mebane-Cruz

### EOC

[to be elected]

### Grievance: Academic

Lou Scala

### Grievance: Professional

Solomon Ayo

### Health & Safety

Theresa Dember-Neal

### Labor/Management

Mike Smiles

### Library Concerns

[to be elected]

### Membership

Sandra Hustedt

### New Members &

### Mentors Coordinator

Dolores Ciaccio

### Newsletter

Yolanda Segarra

### Outreach

Darleyne Mayers

### Retiree Concerns

Barbara Maertz

### Webmaster

Harry Espallat

### DELEGATES

#### Academic

Amit Bandyopadhyay

Doug Cody

Henry Ellis

John Masserwick

Anjana Mebane-Cruz

Margaret Porciello

Robert Reganse

Fayez Samuel

Lou Scala

Mike Smiles

#### Professional

Barbara Maertz

Debbie Nilsen

Darleyne Mayers

Solomon Ayo

Yolanda Segarra

# DEFENSIVE DRIVING

UUP is sponsoring a defensive driving class on

**Saturday, October 22, 2016 at 9:30am**

The cost is \$25 dollars a person.

**Reservations are due by Friday, October 9<sup>th</sup>**

There is a \$3 non refundable deposit due at time of reservation

**Lunch will be provided.**

For reservations, please contact Debbie Nilsen at [631-420-2462](tel:631-420-2462) or

[nilsendr@farmingdale.edu](mailto:nilsendr@farmingdale.edu) ♦



## CHAPTER MEMBERS on STATEWIDE COMMITTEES

### Solomon O. Ayo

Affirmative Action

Comm of VPs for Professionals

Grievance

### Douglas S. Cody

Contingent Employment

### Susan L. Conforti

Finance

### Henry G. Ellis

Contingent Employment

Outreach

### Harry Espallat

Technology Issues

### Sandy Hustedt

Membership Committee

### Vicki K. Janik

Comm of Chapter Presidents

Grievance

Women's Rights and Concerns \*

### Barbara T. Maertz

Active Retired Membership

Finance

Retirees Legislation Action Group

Outreach

### Darleyne E. Mayers

Affirmative Action

### Deborah-Ann R. Nilsen

Membership

### Margaret M. Porciello

Technology Issues

Women's Rights and Concerns

### Louis Scala

Grievance

### Yolanda Segarra

Task Force on Hostile Workplace

Latino Affairs

### Mike Smiles

Comm of VPs for Academics

### Mary J. Stedman

Nursing Professns Work Group

*\* Committee Chair*

The UUPF Newsletter welcomes articles and letters submitted by members of the Farmingdale community. Remember, this is your newsletter. Share your thoughts with us. We want to hear from you. Persons who have material they wish to submit should contact Vicki Janik at [Vicki.janik@farmingdale.edu](mailto:Vicki.janik@farmingdale.edu). *The opinions expressed in this newsletter are those of the contributors and not necessarily those of UUPF.*