



Who I am: Diomedes Tsitouras, Executive Director, University of Connecticut Health Center, American Association of University Professors (UCHC-AAUP)

Who We Are: The UCHC-AAUP is the Chapter of the AAUP that represents over 500 faculty working at least 20% time at the UConn Health Center. The Chapter protects and furthers the interests of the UCHC faculty by negotiating improvements in wages, benefits, and working conditions and by protecting members of the bargaining unit from arbitrary and discriminatory actions by administrators that are in violation of the CBA and UConn policy. The Chapter is also responsible for protecting academic freedom and participation in shared governance of the Health Center. The Chapter participates in legislative and political action to ensure that higher education in the State of Connecticut is adequately funded and that public education in general is protected. www.uchc-aaup.org

The UCHC-AAUP is opposed to **Raised Bill No. 861** for the following reasons:

- 1) Assuming this a reaction to the Ravi Shankar CCSU professor case from last year, collective bargaining was not an issue in that case, and should not unnecessarily be dragged into this. For those of you that don't know, Ravi Shankar was supposedly granted a promotion as a faculty member while simultaneously incarcerated. At UCONN Health, our promotion process is contained in the UCONN and medical school bylaws. The criteria for promotion is developed by committee. So, Raised Bill No. 861m by forcing this language into the collective bargaining agreement makes this difficult and odd for us since our collective bargaining agreement does not presently deal with the issue of promotion. To the extent that criminal history is relevant in promotion, a UCONN medical or dental school committee assigned to evaluate the faculty member could easily incorporate that as criteria without the need for a law.
- 2) Raised Bill No, 861 significantly alters our system of collective bargaining in ways that are not productive. This is because it mandates language be written into the

- contract as opposed to normal process. The typical process is that the employer (here the university) and the union will bargain the contract, both sides seek approval from their constituents –(the trustees on the university-side and the membership vote for ratification on the union-side). Finally, the contract is brought to the legislature for approval. *By mandating language be put into a contract, this process is short-circuited.* The judgment of the parties is substituted for that of the legislature. If such practice is perpetuated over time, the contract because a laundry list of legislative dictates from issues of a given day, and not one that serves the institution.
- 3) As currently, written this bill singles out faculty members, and does not apply to other higher education or state employees. This is not fair nor is there a reason provided as why this should apply to faculty and nobody else.
 - 4) The legislation has no “nexus” requirement. In many jurisdictions, especially unionized-settings, in order for the employer to discipline an employee for outside misconduct, he or she must show how such outside misconduct is related to employee’s job. The theory being that misconduct that calls into question the employee’s ability to perform on the job is more of interest to the employer than conduct that does not. For example, a state employee performing an accounting or auditing job who lies on his her taxes would be more of a detriment to the state than that same employee being charged with marijuana possession. This is because the state needs confidence that this employee is properly representing financial statements, and hence a tax crime would impair his/her duties to the states, whereas a medical marijuana charge may not. Here, the Raised Bill No. 861 does not indicate what criminal conduct is impermissible requiring action and what conduct is more tolerable.
 - 5) Raised Bill No. 861 infers that a negative background check finding *alone* could warrant some sort of discipline. Hence, under its present language an arrest with charges filed that were later dropped would still result in a negative background check finding. While, the employee in this situation is not convicted of anything, he or she may still find him or herself facing discipline by the employer.
 - 6) Raised Bill No. 861 may be superfluous. Many university policies already require certain background checking. For instance, physicians are credentialed and licensed before they can work at UCONN Health.