

VERMONT LABOR RELATIONS BOARD

IN RE: GRIEVANCE OF THE VERMONT)
STATE COLLEGES FACULTY FEDERATION,))
AFT LOCAL 3180, AFL-CIO)
)
v.)
)
VERMONT STATE COLLEGES)

DOCKET NO. 78-111S

FINDINGS OF FACT, OPINION AND ORDER

Statement of the Case

On December 19, 1978 the Vermont State Colleges Faculty Federation, AFT Local 3180, AFL-CIO (hereinafter "Federation") filed a grievance with the Vermont Labor Relations Board alleging that the Vermont Technical College had violated Article XXIX of the Agreement between Vermont State Colleges and Vermont State Colleges Faculty Federation (hereinafter "Agreement") by assigning an "excessive student load" to Dr. Robert Smith. On January 4, 1979 the Vermont State Colleges (hereinafter "VSC") filed an answer with the Board.

On March 8, 1979 a hearing was held before the Vermont Labor Relations Board on the grievance in Montpelier. All members of the Board were present. The Federation was represented by Dr. Stephen T. Butterfield, Grievance Chairperson, and the VSC was represented by Attorney Nicholas DiGiovanni, Jr., of Morgan, Brown, Kearns and Joy of Boston, Massachusetts.

FINDINGS OF FACT

1. Dr. Smith did not file the grievance in this case and did not participate in the grievance procedure, nor did he testify for the Federation or for the administration at the hearing. This grievance was brought

on by the Vermont State Colleges Faculty Federation which is the exclusive bargaining agent for the faculty members at the Vermont State Colleges. Vermont Technical College is a member college of the Vermont State Colleges.

2. The Board takes judicial notice of the Agreement between the Vermont State Colleges and the Vermont State Colleges Faculty Federation and in particular Article XXIX of the Agreement relating to workload.

3. Dr. Robert Smith is an assistant professor in the Agriculture and Business Department at Vermont Technical College. He was hired by the College in August of 1978.

4. One of the courses that Dr. Smith was hired to teach was Animal Diseases, a new course at the College and a required course for students majoring in Veterinarian Office Assistants and Farm Management. He is the only member of the faculty at Vermont Technical College who is able to teach this course. Dr. Smith taught Animal Diseases in the Fall Semester of 1978. Forty nine students were enrolled in his class. The course consisted of two hours of lecture each week and two hours of lab per week. The class of 49 students was divided into three smaller sections for the two hour lab sessions. (College's A).

5. In the Fall Semester Dr. Smith also taught a course entitled Animal Care with 16 students and a course entitled Lab Techniques with 15 students. He had a total of 80 students for the semester. (College's A).

6. In the Fall of 1978 at least four other courses were taught at Vermont Technical College which had an enrollment of 47 students or more. Among these was a course taught by Dr. Robert Brady entitled Introduction to Architecture with a total enrollment of 68 students. Introduction to Architecture had two hours of lecture per week and four smaller recitation sections of one hour per week. Dr. Brady also taught a course entitled Orientation 1 in which 66 students were enrolled which had no smaller sections. Dr. Klinton Wigren taught a course entitled Forest Resources Management with a total enrollment of 47 students. This course consisted of a two hour lecture class and was divided into two smaller lab sections which met for two hours each week. (College's B-1, B-3, B-5).

7. In the Fall Semester of 1977 at least five courses were taught at Vermont Technical College with a total enrollment ranging from 43 students to 77 students. (College's B-7 through B-10).

8. The Federation computed that the average size lecture class at Vermont Technical College has approximately 25.05 students enrolled in it and the average size of a lecture class in Dr. Smith's department is approximately 27.8 students. Dr. Smith's average lecture class size for the Fall Semester of 1978 was 26.6 students; for the Spring Semester 14 students; and for the entire year 20.66 students. Dr. Smith was assigned 12 credit hours for the Fall Semester and seven credit hours for the Spring Semester.

9. The Registrar's schedule of courses for the Fall Semester of 1978 shows that a limit of 36 students was set for Dr. Smith's course. This number is not viewed by the Vermont Technical College administration as being the maximum number of students permitted to enroll in Dr. Smith's course but rather as a guideline for the Registrar and students for purposes of estimating prospective enrollments.

10. In 1976 the department heads at Vermont Technical College recommended to the President that class sizes be limited to 36 students across the entire College. There is no evidence that this recommendation was ever accepted by the President or by the administration.

11. Dr. Smith himself did not consider the number of students in his Animal Diseases course to be excessive. He expressed the view to the administration that the format of the course and the subject material lent itself to a large size lecture class.

12. If Dr. Smith or any other faculty member expresses dissatisfaction to the administration with the size of any of his classes, it is the policy of the administration to accommodate the individual faculty member by decreasing his workload in some way.

13. Student evaluations for Dr. Smith's Animal Diseases course rated the course very highly and all but one or two students completed the course successfully.

14. The head of Dr. Smith's department, Dr. Winston Pierce, attended the lecture class and some of the lab sections for Animal Diseases. During the lab sections he attended, discussions did take place between Dr. Smith and the students which involved material which had been discussed during the lecture.

15. The size of a faculty member's workload for one semester is taken into consideration when his workload for the next semester is set by the administration. In Dr. Smith's case in the Spring Semester of 1979, he has taught three courses with a total of 42 students in all three classes and a total of seven credit hours as compared with a total of 80 students and 12 credit hours in the Fall Semester.

MOTION TO DISMISS

The VSC has moved to dismiss this petition on the grounds that Dr. Smith did not consider his workload to be excessive and did not file this grievance or participate in any way in the grievance procedure. As we have already stated in our earlier opinion in Grievance of the V.S.C.F.F., #78-79S, 3 V.S.A. §926 extends the right to institute grievance proceedings to "individual employees, groups of employees and collective bargaining units." The Federation, therefore, has the right by statute to bring a grievance before us on its own behalf as a bargaining unit whether or not the individual faculty member is dissatisfied with the aspect of employment or working condition complained of by the Federation. The VSC's motion to dismiss, therefore, is denied.

OPINION

Article XXIX of the Agreement between the Federation and the VSC states in pertinent part:

"The Federation and the Colleges agree to strive towards a normal individual workload of 24 credit hours or its equivalent per year and to observe that norm in the appointment of new faculty. For the duration of this agreement, however, faculty shall not be required to teach an excessive number of contact hours, assume an excessive student load, or be assigned an unreasonable schedule. In determining what is excessive or unreasonable under this paragraph, current practices in the colleges shall be one of the important elements to be considered."

The issue as framed by the Federation is: Whether Dr. Smith was given an "excessive student load" under the terms of Article XXIX of the Agreement. The Federation's argument that Dr. Smith's workload was excessive is based on the fact that 49 students were enrolled in his course, Animal Diseases, and that this is an excessive number when compared with the current practices at Vermont Technical College.

At the heart of this matter is the interpretation of "excessive student load" as it is used in Article XXIX cited above. The Federation argues that "excessive student load" can be measured by the number of students for one faculty member in one lecture course. The Federation claims that where a faculty member lectures, and where there is no recitation period where faculty and students can discuss the lecture, the faculty member is obligated to answer all student questions either at the lecture or in non-class time, and thus must do more work. The VSC on the other hand contends that "excessive student load" must be established by a showing that a faculty member's overall student load measured by "credit hours" and "contact hours" is excessive, and that the load should be assessed on an annual rather than a per semester or per course basis.

We are not convinced by the Federation's argument that "excessive student load" as it is used in Article XXIX of the Agreement can be measured by the number of students in one lecture course. However, even if we were persuaded that the issue as it is framed by the Federation is correct, we do not believe that the evidence in this case clearly establishes that the number of students in Dr. Smith's class was excessive based on the current practices at Vermont Technical College over the past few years. The evidence shows that other classes in the Fall Semester of 1978 and 1977 had enrollments which were in excess of 49 students. Some of these classes like Dr. Smith's were broken down into smaller groups for lab sections while others were broken down into smaller groups for recitation sessions. There were conflicting opinions expressed at the hearing as to whether this distinction between a lecture/lab class and a lecture/recitation class is significant with regard to the amount of faculty effort and work when compared to the number of students enrolled in the course. But there is no direct and convincing evidence in this case to show that 49 students in a lecture/lab class like Dr. Smith's Animal Diseases is an excessive student load whereas 68 students in a lecture/recitation class like Dr. Brady's Introduction to Architecture is not an excessive student load.

Article XXIX of the Agreement does refer to 24 credit hours or its equivalent per year as a measure of a normal individual workload for a faculty member. There was also some testimony at the hearing that faculty members measure the workload assigned to them by the number of credit hours they are

given per semester. Using credit hours as a measure of Dr. Smith's workload, we cannot find that it was excessive since he was assigned 12 credit hours in the Fall Semester and only 7 credit hours in the Spring Semester.

In our opinion the evidence presented in this case is insufficient to establish that the number of students in Dr. Smith's Animal Diseases course was excessive when measured by the current practice at Vermont Technical College and the grievance is, therefore, dismissed. The meaning of "excessive student load" is an important issue and we make no ruling in this case as to whether, if the student enrollment in one course were shown to be excessive, this would be sufficient evidence to establish an "excessive student load" as that term is used in Article XXIX of the Agreement.

ORDER

The grievance of Vermont State Colleges Faculty Federation, AFL Local 3180, AFL-CIO is hereby ORDERED dismissed and it is DISMISSED.

Dated this 23rd day of April, 1979 at Montpelier, Vermont.

Vermont Labor Relations Board


Kimberly B. Cheney, Chairman


William G. Kemsley, Sr.


Robert H. Brown