




MEMORANDUM

To: Ernestine Weaver
CSCU General Counsel

From: Carolyn A. Magnan 
University Counsel

Re: CSU AAUP Bargaining Issue

Date: April 9, 2021

As you requested on March 17, 2021, I have interviewed six individuals who are participants in the current collective bargaining negotiations between the CSCU-BOR and CSU-AAUP. On the CSU-AAUP negotiating team, I interviewed Attorney Gregg Adler, Dr. Jay Brower (WCSU), and Kari Swanson (SCSU). On the CSCU-BOR negotiating team, I interviewed Anna Suski-Lenczewski (CCSU), Dr. Michelle Brown (WCSU) and Andrew Kripp (CSCU system office). I attempted to interview Dr. Patricia O'Neill (WCSU) but Attorney Adler declined to make her available, citing concerns about her role as CSU-AAUP Chief Negotiator in on-going negotiations. I asked each interviewee about the allegations made in the letter presented by the CSU-AAUP bargaining team to the BOR bargaining team at the March 11, 2021 negotiating session. In sum, those allegations are that during each bargaining session Andy Kripp engaged in behaviors that are sexist and misogynist such as persistent interruption, insulting and degrading comments of a gendered nature, disparate treatment of female colleagues, coercive pressure, professional threats, raised voice, filibustering, unwillingness to work towards mutual agreement, insistence on unsupported representations as statements of fact, centering male convenience as the primary motivator in decision-making, and general diminishment of dignity. After interviewing the three CSU-AAUP negotiating team members, it became clear that there were three factual situations that gave rise to these allegations.

First, they alleged that during the meetings that led up to the March 11, 2021 meeting, Andy Kripp, CSCU-BOR Chief Negotiator, constantly interrupted Patricia O'Neill, CSU-AAUP Chief Negotiator; one person stating that they counted at least twenty interruptions during one negotiating session. They noted that while O'Neill did most of the talking at negotiation sessions, Attorney Gregg Adler was asked to speak at times and Kripp did not interrupt him.

Second, they alleged that in responding to an AAUP proposal for a task force to study childcare centers on the campuses, during which O'Neill opined that the lack of such centers had a disparate impact on female faculty, Kripp commented that those were just "drop to shop" centers. Third, they alleged that after returning to an electronic joint meeting room from being in separate caucus rooms, Kripp said that he had to go through his first wife to get to his "right wife." They noted that after the reading of the CSU-AAUP letter at the March 11, 2021 meeting, Kripp's behavior changed in that he no longer interrupts O'Neill. They also noted that this was all that they were seeking, that they are satisfied and considered the matter closed.

Having interviewed Suski-Lenczewski, Brown and Kripp, there's not much dispute concerning these three factual allegations. Kripp admits that he became frustrated with O'Neill, explaining that she repeatedly failed to respond to the CSCU-BOR team's proposals and that the CSU-AAUP team failed to meet for more than 4 hours at each negotiating session, which included a one hour lunch break. This was confirmed by the other CSCU-BOR team interviewees. Kripp admits that he interrupted O'Neill frequently to seek clarification on CSU-AAUP's positions and did not interrupt Adler, explaining that, unlike O'Neill's presentations, Adler's were clear. Although Kripp could not recall his comment on the proposal for a task force to study day care centers, I conclude that he did say "drop to shop". Kripp noted that he was trying to make the point that the existing daycare facilities within the CSCU system were unlike the ones being proposed because the existing facilities had a connection to University educational programs. Kripp admitted the comment about his wives, noting that it was not made in the course of negotiations.

Although there is not much dispute concerning the factual allegations made by the CSU-AAUP team, there is a great deal of disagreement about the interpretation of these incidents. Kripp denies that any of his behavior/comments were gender related. The other CSCU-BOR team interviewees confirmed that Kripp's conduct was not gender related but the product of difficult negotiations.