

EXECUTIVE COMMITTEE MINUTES

Present: Baesu, Bouma, Boudreau, Dawes, Eklund, Kopocis, Leiter, Lott, Tschetter, Vakilzadian, VanderPlas

Absent: Bearnes, Shrader

Date: Tuesday, August 20, 2024

Location: 203 Alexander Building

Note: These are not verbatim minutes. They are a summary of the discussions at the Executive Committee meeting as corrected by those participating.

1.0 Call (*Eklund*)

Eklund called the meeting to order at 2:29 p.m.

2.0 Announcements

2.1 Email Message from Chancellor Bennett on Structural Changes

Eklund reported that he spoke with the Chancellor prior to the email message that was just sent out and noted that it was not the desire of the Chancellor to eliminate the Office of Equity, Inclusion and Diversity. However, due to the political climate and comments made during the Board of Regents meeting, he became aware that the university budget request could be denied if the DEI office remained. Eklund noted that he believes there are enough voices in the Legislature that would hold the university budget hostage if the decision to remove the office was not made.

3.0 Professor Beth Niehaus, Educational Administration

3.1 The Pros and Cons of Unionizing Faculty

Eklund reported that he has been asked by faculty members about unionizing, so he invited Niehaus to meet with the Executive Committee to discuss the issue. Niehaus pointed out that her research primarily focuses on free speech and academic freedom and recently she has been doing research about faculty unions. She noted that there are discussions occurring throughout the country about tenure being dead and some feel that the only way to protect academic freedom is through unions, so she has been conducting research around academic freedom and unions' potentials and limitations for protecting academic freedom. She noted that Eklund invited her to meet with the Executive Committee to have a conversation about what the pros and cons are of a faculty union.

Niehaus reported that unions vary widely and are very context specific based on where they are located and who are the members of the union. She pointed out that in Nebraska it is illegal for people who are considered necessary for government functions to strike. She stated that a collective bargaining unit is generally determined by a governing body and in Nebraska that would be the Nebraska Commission of Industrial Relations (NCIR). She reported that when a group of employees file to be recognized as a collective bargaining unit, the NCIR determines the appropriate community that would be in the

unit. She pointed out that the members could be narrowly defined or as broad as including all employees who do faculty work. She noted that it is more difficult for the staff to form a collective bargaining unit because their positions are so varied.

Niehaus stated that things covered by collective bargaining agreements may include representing and/or assisting employees in grievances, negotiating labor agreements, raising awareness about critical issues facing the institution and its employees, lobbying the legislature, and allows workers to have a voice in key institutional decisions. She stated that many contracts provide a right to have access to budgetary information and hiring processes information. She noted that depending on the contract, academic freedom, protections on course scheduling, and the administration having to regularly abide by the recommendations of a faculty committee can all be covered by a union. VanderPlas asked if there was any guarantee that the information provided by administrators would be accurate. Niehaus pointed out that if a person knows they are being watched it is usually an incentive to provide accurate information. Also, knowing that the information could be made public would be a deterrent to providing inaccurate information.

Niehaus reported that there are advantages and disadvantages to having a union, although there is wide variance depending on the specific context. She stated that potential advantages include:

- Wages/benefits/job security – generally have higher salaries, job security for contingent workers, can negotiate for better benefits
- Professional development – opportunities for leadership development within the union, guarantees of professional development/travel funds, leaves
- Working conditions – can provide protection against unreasonable course schedules
- Voice in Institutional Issues – mechanism for collective voice and action on key institutional issues, ability to push for needed organizational change
- Transparency – can have the right to regular budgetary information and right to a detailed justification for budget reductions, required transparency in hiring processes
- Academic Freedom – protection for tenure, job security for all faculty members and protection from retaliation, ability to lobby against legislative interference in academic freedom
- Faculty Recruitment and Retention – improved morale, improved salaries and benefits, greater equity and transparency
- Institutional Culture – opportunities for community and connections across disciplines and appointment types, fostering a more democratic institution
- Relationship between faculty and administration – promotes greater transparency and trust, shrinks the power difference between faculty and administrators
- Politics – ability to have collective voice in legislation
- Student learning – faculty working conditions are student learning conditions

Potential disadvantages:

- Union dues – those who are not members of the union and not paying dues still benefit from the union’s work, dues can be expensive although a sliding scale can be made
- Loss of autonomy and flexibility – less room for individual faculty members to negotiate for better salary/benefits, administrators can be limited in what they can offer to recruit or retain faculty members, job security and wages may limit budget flexibility
- Tension between the individual and collective – possibility that not all will be represented well by the collective
- Voice – having more voices at the table can create difficulties with making decisions, difficulty in managing power dynamics
- Time and effort – negotiations can take a great deal of time and effort which is unpaid labor for faculty members involved
- Poor union leadership and management – often a lack of leadership training and development for union leaders
- Protection for faculty who do not deserve protection – union contracts can make it more difficult to fire faculty who are underperforming or engaging in misconduct
- Inefficiencies – decreased flexibility in being able to shift staffing when needed
- Relationship between faculty and administrators – can lead to overly formal relationships between faculty and administrators, contract negotiations can turn contentious
- Politics – potential political backlash
- Unintended consequences – faculty members may stop volunteering to serve on committees which could negatively impact the functioning of the institution

Eklund asked how unions get started at a university. Niehaus stated that usually there are one-on-one conversations to see if there is interest before a public campaign where potential members are asked to sign union cards. She noted that 30% of the community needs to be interested before a group can file for election. She stated that the NCIR decides what group of employees can be in a particular bargaining unit.

Leiter asked what the power of a union is if the members cannot go on strike. Niehaus pointed out that the inability to strike does weaken a union, although there are other ways that a union can exert political pressure. Eklund asked if there is a set of unions for faculty. Niehaus reported that there are a number of “parent” unions that faculty unions often affiliate with, including the AAUP, which is now affiliated with the AFT, along with, the Nebraska Education Association. UNO’s union is affiliated with AAUP/AFT, while UNK is affiliated with NEA. She stated that the AAUP is very higher ed faculty specific. She stated that we have an AAUP chapter here at UNL, which is an advocacy chapter and not a collective bargaining (union) chapter. She pointed out lecturers and graduate students at some universities are represented by the autoworkers’ union. Eklund asked if Professors of Practice and Lecturers could be included in the same union or other unions that are not education specific. Niehaus stated that the faculty would need to figure this out, but it is the NCIR that would make the final decision. She noted that at some universities non-tenure-track faculty have a separate union, but politically, in terms

of organizing the wider the range of faculty, the better. Leiter asked if there were any higher education unions that included both faculty and staff. Niehaus stated that she does not know of any unless they were a state-wide employee union. Leiter pointed out that strategically it would be good to work with the staff, even if they are a subgroup within a union. Niehaus noted that Rutgers University is unionized and has worked to build a collaborative relationship across different unions at the University even though there are different bargaining units for faculty and staff.

Dawes asked how unions work with the existing faculty governance structure, particularly if you have good, robust committees in place such as the Academic Planning Committee. Niehaus stated that it varies, and some contracts state that governance is in the realm of the Faculty Senate, but the contract could include language to make the work of the Senate more enforceable. For instance, the contract could specify that the Chancellor would have to follow the recommendations of the APC or provide written justification as to why not.

Leiter asked if the Faculty Senate is the driving force to unionize. Niehaus noted that more recent unionizing efforts haven't seen strong Faculty Senate leadership, but this does not mean that they can't. She stated that it would depend on the structure of the Faculty Senate and the specific role it plays at a university.

Baesu asked if there are other Big Ten universities that have unions. Niehaus stated that Rutgers has one, but she would need to verify what other Big Ten universities have unions. Lott asked which of the Big Ten universities include Extension faculty in the union. He noted that there has been a real generational change with Extension Educators, and they might be more receptive to having a union than past Extension Educators. Niehaus stated that she would investigate which of the Big Ten universities are unionized and which include Extension faculty.

Eklund noted that if UNL was unionized it could possibly get larger salary increases. Vakilzadian stated that he has heard that we receive the same percentage of salary increase as UNO. Niehaus stated that this is not necessarily true and pointed out that UNL only allows merit raises. She pointed out that UNK has written in their contract that salary increases are to be across the board. VanderPlas pointed out that if cost of living raises were in the contract it is no guarantee that merit raises would be eliminated. Niehaus stated that most of the contracts she has seen have different salary floors for the different faculty positions.

VanderPlas noted that with the increased ties between UNL and UNMC how the process would work to unionize if the intent is to tie the two campuses together. Niehaus stated that according to Nebraska law, university faculty can bargain at the administrative level and if a merger were to occur, any unionizing effort would depend on how the administrations were combined. Leiter suggested that there could be separate bargaining units.

Leiter stated that the first step is to poll the faculty to see how many are interested in unionizing. Dawes asked if UNL's AAUP chapter is trying to find out if people are interested. She suggested inviting Professor Vazansky, the current UNL AAUP chair, to a meeting with the Executive Committee. Niehaus stated that she would be willing to talk to anyone who wants to know more about unions but pointed out that the local AAUP chapter is an advocacy group only, it is not a union chapter, and it is only affiliated with the national AAUP.

Vakilzadian asked what the membership fees are if we were unionized. Niehaus stated that this information can be found on the national AAUP website pointing out that there is a sliding scale for membership fees for advocacy chapters. Each union sets their own membership dues rates and noted that the members of the local AAUP advocacy group must be a dues-paying member to be an officer. She pointed out that Nebraska is a right-to-work state and that no one is required to join a union.

4.0 Approval of July 22, 2024, and August 6, 2024 Minutes

Eklund asked if there were any further revisions to the July 22nd minutes. Leiter noted that he was not in attendance. Tschetter moved for approval of the minutes. Motion seconded by Dawes and approved by the Executive Committee.

Eklund asked if there were any further revisions to the August 6th minutes. It was pointed out that the meeting met in 201 Canfield Administration. Vakilzadian moved for approval of the minutes. Motion seconded by VanderPlas and approved by the Executive Committee.

5.0 Unfinished Business

5.1 Executive Committee Goals for 2024-2025

Vakilzadian suggested that the goals identified should include a plan on how the goal will be achieved. The Executive Committee agreed to work on developing action plans for the goals. Vakilzadian and Kopocis volunteered to develop a plan for goal number one, Eklund stated that he would work on developing a plan for goals number three, and VanderPlas stated that she would work on goal number four.

6.0 New Business

6.1 September 3 Faculty Senate Meeting

Griffin noted that President Gold will be speaking with the Faculty Senate on September 3rd and the Louise Pound-George Howard Distinguished Career Award will be presented to Professor James Van Etten.

The Executive Committee discussed possible questions to ask President Gold when he attends the September 3rd meeting. Vakilzadian suggested asking about synching UNL's calendar to LPS and who will be making the decisions on future schedules for the university system. Another topic of discussion is the lack of IT support since ITS was centralized, and the problems the lack of support is creating.

The meeting was adjourned at 5:02 p.m. The next meeting of the Executive Committee will be on Tuesday, August 27, 2024, at 2:30 pm. The meeting will be held in 203 Alexander Building. The minutes are respectfully submitted by Karen Griffin, Coordinator and Signe Boudreau, Secretary.