

Bargaining Session 11

5/27/15

Meeting Notes – Transcribed by Meghan Bohardt

Admin Team: Rob Craddock (Asst. Director for LER), Leslie Arvan (Director University LER), Drew Slaucher (Admin aide), Heather Horn (LER), Deb Huisiuga (University Asst Dean, Social Work), Paul Redman (Asst Dean FAA), James Yoon (Dept. Head, Linguistics) [arrived mid-session]

BTeam: Kay Emmert, Dennis Dullea, John Rubins, Sasha Mobley [left mid-session], Jon Nadler (IFT), Shawn Gilmore, Dan Steward, Mary McGrath

Overserves: Meghan Bohardt (AFT)

Abbreviations:

AF: academic freedom

SG: shared governance

Dept: department

NTT: non-tenure track faculty member

TT: tenure track faculty member

BU: bargaining unit

Introductions

Next sessions: June 10, 24, July 15, 29, Aug 11, all at 1:30pm

Kay: Did you have any economic proposals?

Leslie: We do not. I do want to say we have been reviewing them. We are certainly looking at understanding your proposals. We don't have a budget from the state yet, so that is why we can't have a proposal yet. We have a lot of other proposals on the table. We want to discuss those before we get to economics.

Kay: Ok. We want to hear answers to our questions about academic freedom.

Leslie: We spoke with people. We have an amended proposal on academic freedom for you today in response to the concerns that you had last time.

We deleted the first paragraph in our initial proposal and we have substituted a more simple and direct statement "Bargaining unit members shall be entitled to the protection of academic freedom as set forth in the University of Illinois Statutes". We are trying to be responsive to the various issues and examples you raised. Upon reflecting we thought our first proposal may have been interpreted as more restrictive than we intended. We understand there are amendments to the statutes that make academic freedom more expansive and including. AF for all faculty, TT and NTT, is addressed by the statutes. We think the best thing is to use the statutes as they may

be changed from time to time. It is not our intent to take away the current freedoms you enjoy. That being said, we are not going to agree to language that would be unique to this group of employees that would be different from other employees. That is not what they did at UIC. Our interest as the employer is to have the same reference for all faculty across the campus. We also think AF is case specific. Each case is unique. We are hesitant to write language that would apply to all academic freedom. We believe it is in your interest and our interest to keep it both broad and brief. We believe this language more fully represents our intent on AF.

Kay: Are you saying this give NTTs the same protects as TTs?

Leslie: We are saying we want the protections under the statutes.

Kay: What exactly are those protections? We need to be clear what you mean.

Leslie: We have a group in the senate and they determine what it is.

Kay: We wouldn't know what our rights would be until we brought a problem.

Leslie: I'm saying whatever the statutes provide.

Kay: Can you be more specific? I'm not sure exactly what you are referring to. I'm not talking about the remedy but the exact right.

Leslie: They are the subject matter experts and they are peers of faculty.

Kay: Again, you are talking about the process of remedy not the specific rights.

Leslie: I don't know how to say it any way other than what I have said.

Kay: What are the rights?

Leslie: I know you are familiar to the language. It is exactly what the statutes say.

Kay: I am asking your bargaining team what the university means exactly by these rights. These are interpreted differently by depts. What exactly are the rights?

Leslie: The employer preference is that we leave these issues to CAFT. They are the ones to determine.

Kay: How would a faculty know what an AF problem would be?

Leslie: They would have to go to CAFT.

Kay: I'm not sure what you mean by AF if you can't even tell me that the university means by academic freedom.

Leslie: The language says [reads statute]

Kay: So you are saying that language applies to NTTs?

Leslie: I'm saying that CAFT will determine. Historically they have been the ones that decide. I know that there have been cases of NTTs presenting to CAFT and CAFT accepting. It is not the role of the bargaining process to determine academic freedom.

K We are not trying to redefine AF. We are trying to ensure protections for our members. So how the statutes define academic freedom, those definitions are now being offered to NTT faculty in our BU?

Leslie: ...

Kay: how is this different from AF for TTs?

Leslie: I'm saying it is up to CAFT.

Kay: So I should be talking to CAFT right now?

Leslie: I think so.

Kay: Could we get them here?

Leslie: I don't think this is the place to have this discussion. We don't think it's relevant to these negotiations.

Kay: I see many problems with that. First of all, CAFT is an advisory body, and they have been ignored. This is the place to have these discussions. How else are we supposed to enforce this?

This isn't something we can agree to if you aren't willing to tell me exactly what you are offering here. Let's look at our language and get some questions from you so we can understand what your position is.

I want to present a memo which mentions the language on AF from the AAUP. What I'm presenting is a statement from their most recent.

I'll read the memo for the record:

DATE: May 27, 2015

TO: Leslie Arvan

FROM: Kay Emmert
SUBJECT: AAUP Guiding Principles of Academic Freedom

CFA Local #6546, parallel to the University's policies, considers the AAUP Statement of Principles on Academic Freedom and its supporting documents to be foundational to the union's stance on Academic Freedom.

To this purpose, the Union provides a copy of the AAUP's statement on "The Freedom to Teach" as published in the AAUP's *Policy Documents and Reports 11th Ed*. This statement on "The Freedom to Teach" offers a clear explanation of what it means to have the academic freedom of teaching and any agreement on Academic Freedom made by CFA Local #6546 is defined by this guiding document.

Now we understand that there are varieties of positions on AF especially in different departments. We don't want to dictate that every dept has to follow our definition. However, we believe a guiding principle is that NTTs should have the same rights at TT faculty. If a TT were to teach my same course, would they be held to the same standards? In my dept, yes...

....

Our BU members are professionals, AAUP has made statements that faculty, regardless of appointment, have academic freedom. This is worked out in departments. It doesn't not change from NTT to TT.

Leslie: So are you saying, because we have talked about this... Are you saying that you understand or acknowledge that when it is a large survey course with multiple sections that there is a common text? So the dept. could say ... you understand and agree that the dept. has the right to do that? Are you trying to say that TT faculty could deviate from those when NTTs don't?

Kay: What I am saying is that NTTs should have the same protections as TTs. Faculty, especially our BU members, fall through the cracks when its not clear to whom these rights apply. First our point is, our rights would be the same as TTs. Second, if there isn't a dept. policy that all faculty would abide by, then that authority is left to individual instructor. I would hate for us to create a situation where our members don't know what their rights are, and therefore there is no remedy for it when they have a problem.

In the lack of tenure, we need a CBA. We want NTTs to be part of shared governance just like TTs. If a TT has the right to choose a textbook for their course, NTTs should have the same right. Unless, you feel NTTs should have different rights than TT faculty.

Leslie: Do you have specific examples?

Kay: We do have specific faculty who have struggle with their departments. It is unclear what rights they have to AF. It is generally considered that NTTs have less rights to AF than TTs. We think if the person has the qualifications to get hired in this position, then they have the rights to teach that course. Period.

For example, even our students have a hard time understanding what it is. They will go to Dean's over an instructor to get course material changed.

Leslie: I don't think that is relevant here...

Kay: I think it is because we are at the mercy of students, parents, and donors.

....

Kay: Would you be willing to include our line 6?

Leslie: I think you can see that we favor an approach that is broad and all inclusive. We don't see a need to single out AAUP above other organizations. So no.

Kay: The statutes refer to AAUP. So you are saying you don't want include that language.

....

Leslie: It is not appropriate for a CBA.

Kay: So you don't think it should have any concrete consequences.

Leslie: We aren't saying that. We are saying it isn't part of collective bargaining.

Kay: All a CBA does it make it concrete. I don't understand why, if the university believes in these principles, why you wouldn't want to make it enforceable.

Leslie: We do believe that our current processes do work. You don't like our answer, but that is our answer.

Kay: Well, the CAFT report states that these processes don't work.

Leslie: We believe in AF and SG but it's the BOT that has to have the final authority.

Kay: And the BOT has the authority to make these negotiations right here.

Leslie: Yes, as

Kay: So the BOT doesn't want to have the AAUP statement be enforceable?

Leslie: You are putting words in my mouth. We are saying as an employer we are not interested in this being part of a CBA.

....

Kay: What do you mean by academic freedom? We need to know what you mean. Are you saying you don't know what your language means?

Leslie: We don't need to.

Leslie: We are not trying to reduce any protection you currently enjoy. We believe your peers are the best way to get expertise on this.

Kay: I don't know what you mean by the rights our peers give.

What protections are you offering us? What are the protections of academic freedom? What are you saying the statutes provide?

Leslie: You know what, let's caucus.

Kay: Okay, we'd like to ask some questions for you to consider in caucus so we can understand what your position is.

Reads questions:

- a. Is our teaching different from TT? Do you see academic freedom for TT from academic freedom for NTT? How do you see TT teaching and NTT teaching? (Of the same subject)? What about NTT research and TT research?
- b. How do you see NTTs and TAs differently?
- c. Can we keep our language for "subject" rather than "research specialty"?
- d. Would you accept this language on the AAUP statement?
- e. What laws are you referring to? So if not specifically restricted by law, then everything else is considered protected freedoms of faculty?
- f. Why don't you want academic freedom to be grieveable? How can faculty be fully protected from influences within the university if there isn't even the option to appeal to an outside neutral party?
- g. You wanted to address public statements made by faculty as individual citizens here instead of in non-discrimination. Will this language in our item B work for you?

Last time we wanted to substitute "subject" for area of "scholarly research". Would you accept this change?

Leslie: Well, we took that language out of our new proposal so it isn't relevant.

Kay: Well it is still relevant due to what you read from the statute. They are primarily for TTs. They aren't appropriate for the work NTT faculty do.

We also wanted to address issues you had with faculty talking as private citizens in the non-discrimination clause.

Caucus 2:26-3:39

Leslie: So we did spend a lot of time talking discussing and thinking about your questions and issues you have raised. I will try to rephrase our intent and purpose. Issues of AF are best handled through SG process. We are not interested in intervening or overriding SG, depts. should have freedom to employ AF as they see fit. I believe you stated that you understood that. We would welcome a counter proposal from you. I want to tell you it's difficult to image us moving from our position. This benefits the union as much as it does the employer. Its and important issue to you and to us, and its very complicated. It's our intent to allow the CAFT decision-making process to make decisions. We believe this belongs to the SG model. You don't like that answer but it is our answer. You wanted to follow up on the questions from last time. We did spend more time thinking and review. We are willing to discuss them and bargaining in good faith. It seems you want a one size fits all solution to this. It's not what is best for you.

Kay: Are you going to put these comments about SG in the proposal about that?

Leslie: I don't know...

Kay: If that's what you want, you should do it there.

Leslie: We will discuss that. That's all we have from our side right now.

Kay: So, no specific responses to our questions?

Leslie: Ok. Which ones?

Kay: For example, the language about "scholarly research" vs. subject. Are you attached to sticking with what the statute language says? Area of scholarly interest? Or would you be amenable to making this more specific to our BU, like subject matter? I think this gets at one of the issues of just relying on the statutes, which is primarily a TT documents. It doesn't address pedagogy, it focuses more on research. Again, relying on this language, it doesn't seem appropriate for our BU members.

Leslie: If you want to present a counterproposal we will consider that.

Yoon: Could you site examples of how TTs and NTTs ? Letting go of the issues about TAs.

Kay: So you don't think NTTS should be treated like TAs.

Yoon: I don't think that would be the right thing to do.

Kay: We aren't looking at a conflict between the two groups but in their treatment in regards to AF. If TT or specialized faculty are doing the same job, are you saying they would have the same authority over the job? I would assume the same regulations would apply to me as to a TT. Is the Admin saying that?

Yoon: I think in practice, when faculty are doing the same job. In the statutes, there are things specific to TT as you know. By nature there will be differences, they won't be identical.

Kay: The language being proposed by your team refers to the statutes, so how do you see this for NTTs?

Leslie: We asked you for examples. We have said over and over again what we trying to say.

Kay: So you are saying that it would be acceptable for depts. restrict academic freedom for NTTs?

Leslie: I'm saying can you even think of a situation where that might be appropriate.

....

Kay: How is academic freedom important in Linguistics?

Leslie: No, we aren't going to go there.

Kay: if you aren't willing to provide specifics...

Leslie: We have asked you for those examples and you have failed to provide them.

Kay: I'm not going to report on my members. We are trying to get them protection, currently they have none.

You stated that you don't know the rights, but how can you offer us rights when you don't know what they are?

Leslie: ...

Kay: Members have the right to go to HR, I'm not going to talk for them without their permission. Yoon stated that there are differences in the way TTs and NTTs are affected...

Leslie: That is such an abstract questions

Kay: But there have to be basic guiding principles. So what are those guiding principles for the specialized faculty?

Leslie: We are going to leave that up to CAFT. We believe that benefits you and your membership. We believe it's best for them to define it however they want to, they are experts they have general guidelines in the statutes.

Kay: I'm confused about how these decisions will be made because you said before it will be the departments. The depts. decide and then CAFT works within that, or ... when will anyone know if it is a matter of academic freedom.

Leslie: Depts. create bylaws to deal with these issues which CAFT enforces.

Kay: What I'm asking is, who is the ultimate authority?

Leslie: The authority is the dept. we want to respect SG, then CAFT would come in.

Kay: So CAFT would enforce the policies but would also be influenced by other forces? Who defines AF and when? What gets reinforced by the other influences would be at play and you're saying that would be acceptable.

Leslie: I believe this is an important discussion to have. We are interested in bargaining in good faith. I'm wondering the benefit of getting so far into the weeds into this discussion when we have other topics on the table. This is hampering our ability to get anywhere, when we could talk about some things that we have more in common. I think we have things in common. I think we should table this discussion.

Kay: I think we can agree to table this discussion for now.

Leslie: We would like to talk about the information request that you asked for. We process the report from the date that they were received. Which was May 19. This will likely have more limited information than if you were to submit the request in June.

Kay: We understand that. As long as the information is accurate up to that date because last time we requested in Feb and it was only up to date as of Dec. Is there anything else?

Leslie: We wanted to discuss what to talk about next time.

Kay: We want to discuss savings clause and academic calendar. We want to confirm that you have our counterproposals.

Leslie: What we have from last time: memoranda- visa status, preamble
Counter proposal-non-discrimination

Kay: Next time we will talk about the savings clause and academic freedom.