

CUSF Newsletter



Edited
by
Virletta Bryant, CUSF Chair



Legislative Spring Edition

March, 2016



Message from CUSF Chair, Virletta Bryant

Welcome to CUSF's special Legislative Spring Edition of our Newsletter! This is a busy time of year for CUSF. We are tracking bills, solidifying our position on a number of important legislative issues, testifying to legislators and advocating for Faculty and public higher education in Annapolis on USM day, February 11, 2016.

This is the first time all three USM advisory councils came together with USM's Foundation Board to express our support of legislative efforts that strengthen the mission of our institutions. We were well received. Read about how we were recognized on the floor, and how we had a commanding presence in both the House and Senate balconies. It spoke volumes to our commitment, and USM's presence was definitely noted.

CUSF also met in small groups with legislators and the response was tremendous. One senator summed it up by saying, "we're so happy you're here, we want to hear directly from Faculty."

At the start of this busy season I sat down with Patrick N. Hogan, the new Vice Chancellor for Government Relations and spoke with him about his perspective of the upcoming legislative session. Listen to his interview about strategies to maximize continued relationship building particularly with legislators who are new to Annapolis.

CUSF is closely monitoring bills throughout the legislative session. One critical bill HB1607/ SB1052 seeks to merge UMCP and UMB in to one institution. The ramifications and unintended consequences can't be overstated and we will continue monitoring its progress.

In our special edition we highlight a legislative matter, Collective Bargaining. You will read one adjunct professor's perspective on the pros and cons of collective bargaining.

This edition is filled with wonderful news you can use. Take a few moments to read and become aware of how CUSF is representing you.

Enjoy!



CUSF at Annapolis, Maryland

February 11, 2016

Left: Albert Nekimken, Joyce Henderson, Nagaraj Neerchal, Janice Reutt-Robey, Elizabeth Clifford, Virletta Bryant, Lieutenant Governor Boyd Rutherford, Karen Clark, Vanessa Coles, Pat Alt, Isabel Rambob, Christopher Brittan-Powell

CUSF Executive Committee

Virletta Bryant, CSU, Chair
Robert Kaufman, FSU, Vice Chair
Pat Alt, TU, Secretary
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Annapolis Day Report from the CUSF Legislative Affairs Committee

By Christopher Brittan-Powell

Every year the faculty of the University System of Maryland (USM) dedicate a day to meet with the Maryland State Legislature. This past February 11th we took a slightly different tact by joining with our sister USM councils for staff (CUSS) and students (SGA) to create a collective USM event in order to have a bigger impact with the state government. In addition to this joint function, USM faculty still held numerous meetings with individual law makers to address both common/joint USM constituent issues and also matters of particular import to faculty. It is our pleasure to report to USM faculty some of the highlights of this year's Annapolis Day.

Some quantitative highlights:

- Despite poor weather, more faculty attended this year than have in recent memory
- We were able to visit all priority legislative committee leaders
- We were able to visit nearly all (approximately 85%) of members of salient legislative committees
- Numerous other legislators were also visited.

Some qualitative highlights are:

- Faculty perceived that we had a coherent and succinct message
- Faculty felt that their advocacy was very effective this year
- Faculty reported that legislators requested, and appreciated, their perspective on both existing legislation and general educational issues
- Numerous faculty reported that legislators requested their ongoing engagement and feedback on legislation
- All faculty stated they believe that CUSF can build on this year's effort to improve our general legislative effectiveness.

Kudos to all USM faculty for making this year's Annapolis Day event a success.



Meet Patrick N. Hogan USM Vice Chancellor for Government Relations



Mr. Patrick Hogan is serving his first legislative term as USM's Vice Chancellor for Government Relations. He was appointed by Chancellor Robert L. Caret and joined USM on November 30, 2015. Hogan was a former member of the Maryland House of Delegates, where he served in the Maryland General Assembly for eight years. Shortly before the 2016 legislative session started, CUSF Chair Virletta C. Bryant interviewed him about his new role and the opportunities it would afford the System. [Click here](#) to view the interview in its entirety.

Commentary on Collective Bargaining

Highlights of a Legislative Issue...

The Remedy of Collective Bargaining for the Collective Pain of Adjunct Professors

One of the nation's premier, open enrollment, online universities for adult learners is up for re-accreditation this year by the Middle States Higher Education Commission—University of Maryland, University College (UMUC), with 248,000 online course enrollments in 2015 by 60,000 students around the world. Ninety-five per cent of these courses are taught by some 3,000 adjunct professors who are hired on a per-course basis for equivalent compensation that is less than half the amount paid to UMUC's 300 full-time contract faculty members, with whom they have negligible contact. Lacking a Faculty Senate or any meaningful shared governance, neither group has any independent responsibility for curriculum or academic affairs.

Yet, *shared governance* is precisely what the Accreditation Standard 4 requires. Accordingly, adjuncts professors are pushing back against any UMUC re-accreditation that does not require adherence to this standard.

Recently, the University System of Maryland's (USM) Board of Regents approved a "Business Plan" that effectively privatized an allegedly public institution, cloaking its policies and governance behind an opaque administration and leaving a number of fundamental obstacles to authentic academic governance, including: confusion over what the term really means; confusion over who is "faculty" and who is "administration"; confusion over whether "academic governance" is a favor bestowed by UMUC administrators at their discretion and according to terms that they set, or whether it is a right conveyed to faculty members based on USM and state law as well as AAUP standards; confusion over what is "academic" and what is "non-academic" and who determines the characteristics of each.

If only this morass of confusion and despair were unique.

Unfortunately, it is only an extreme version of trends sweeping across Maryland and the rest of the country. Nationally, over half of all undergraduate courses are now taught by fully qualified, but contingent (and often itinerant) adjunct professors for low pay, no benefits, no security, no participation in academic affairs and no future. Yet, the size, cost and number of the typical university's administrative bloat continues, tuition and student debt levels continue to rise, and the quality of student education continue to erode.

A fully functioning Academic Senate composed of full-time faculty on long-term contracts with due process protections is the only safeguard against eminent debasement of diplomas earned by hard-working, indebted students who work full time with no knowledge of the danger that unaccountable, privatized administrators pose for their educations. Surely, they deserve better along with their marginalized professors.

The remedy is collective bargaining that levels the power advantage coveted by university administrators.

During a recent Maryland state Senate hearing called to consider a bill that would grant some professors the right to bargain collectively, opponents tellingly deployed a two-pronged strategy: (1) cry wolf that any potential union contract would break the budget and force tuition levels to rise while (2) insisting that unions were unnecessary because “our professors” are all quite content.

In fact, across the country, unionized universities with faculties that bargain collectively have (miraculously?) managed to survive the predicted fiscal Armageddon and faculty members have gained previously impossible benefits, both financial and academic.

In short, union employees choose representatives to speak for them in bargaining sessions with the employer. They vote to accept or reject the contract reached by the employer and employee bargaining committees. A ratified contract legally binds both sides—management and workers—to the contract terms. Boards of Regents everywhere obscure the obvious reality that—in the event that an employer has insufficient funds to meet its previously agreed contract obligations—negotiations begin to revise the terms. No union will demand payment from funds that don’t exist.

In the United States, some three-quarters of private-sector workers and two-thirds of public employees have the right to collective bargaining based on federal legislation for railroad workers in. In 1935, the National Labor Relations Act (NLRA) clarified the bargaining rights of most other private-sector workers and established collective bargaining as the “policy of the United States.” The right to collective bargaining also is recognized by international human rights conventions. Worth remembering, the freedom to form and join a union is core to the United Nations Universal Declaration on Human Rights and is an “enabling” right—a fundamental right that ensures the ability to protect other rights. Every year, some 30,000 collective bargaining agreements are negotiated. Today, about 8 million private-sector workers and some 8.5 million public-sector workers are covered by collective bargaining agreements. So far, the sky has not fallen in on university administrators. **Case in point:** Montgomery College in Montgomery County, Maryland, whose faculty is now covered by a collective bargaining contract negotiated by SEIU local 500 and labor relations are positive.

Curiously, classified staff members at UMUC and other universities are, in fact, covered by a collective bargaining agreement, leaving faculty members longing to be treated as well as janitors, bus drivers and non-managerial administrative employees.

Because of its basis in collaboration, collective bargaining is inherently a democratic process whereby a majority of employees select the subjects they bargain over and vote on whether they

agree to a contract. Aside from compensation, a collective bargaining agreement with university administrators can ensure: a fair performance rating system; whistleblower protection; job flexibility; academic responsibility for academic affairs and the overall ability to hold employers accountable from a position of relative equality.

A Human Right

As a Human Rights Watch press statement urging the United States to honor public employee bargaining rights, issued on February 26, 2011, explained:

The reason why collective bargaining is recognized as an international human right is that the compromises resulting from a process in which workers have an autonomous voice reflect principles of dignity, equality, and democracy consistent with human rights principles.

Article 23(4) of the United Nations' Universal Declaration of Human Rights, adopted in 1948, asserts that "everyone has the right to form and to join trade unions for the protection of his interests." Similarly, the International Labor Organization, (ILO), the United Nations agency responsible for drawing up and overseeing international labor standards, states in its Constitution and Declaration of Principles that the freedoms to associate and to bargain collectively are fundamental rights. Most major democratic countries honor the right to collectively bargain for both private and public sector employees.

Unfortunately, the United States has not ratified U.N. Convention No. 87 on the Freedom of Association and Protection of the Right to Organize or U.N. Convention No. 98 on the Right to Organize and Collective Bargaining.

As such, the United States remains a member of an exclusive club of countries that have refused to ratify ILO Convention No. 98. This list also includes countries such as Afghanistan, Bahrain, China, Iran, Mexico, Qatar, Saudi Arabia, Somalia, Thailand, and the United Arab Emirates.

Though the freedom of association is enshrined in the U.S. Constitution, the Supreme Court has not interpreted this right to encompass the fundamental right to collective bargaining.

Instead, Congress had to pass the National Labor Relations Act (NLRA or Wagner Act), the Railway Labor Act, and the Federal Service Labor-Management Relations Statute in order to guarantee private sector and federal employees the legal right to collectively bargain. However, these laws do not apply to state or local public sector employees, *leaving their rights to bargain collectively up to their respective state governments*—and leaving local unions across the country to fight for the right to bargain collectively state house by state house. Professors need to step up to the plate and join the play-offs.■



Disclaimer: The views and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Council of University System Faculty.

Legislative Session 2016 *Bills CUSF is Closely Monitoring*

HB 0212: Authorizing the College of Southern Maryland to offer specified bachelor's degree programs and award bachelor's degrees; requiring specified bachelor's degree programs to include specified components; and requiring the College of Southern Maryland, in coordination with the Secretary of Higher Education, to adopt specified rules and regulations relating to the implementation of bachelor's degree programs and the awarding of bachelor's degrees at the College.

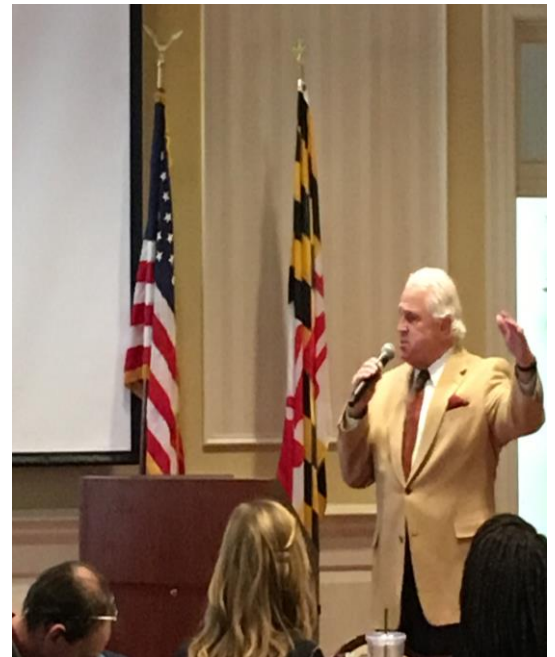
HB0813/SB0618: Making specified provisions of law that relate to the Equal Employment Opportunity Program and Maryland Whistleblower Law applicable to the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College; requiring specified boards of specified public institutions of higher education to adopt regulations; requiring that specified personnel actions be made in a specified manner; providing for specified options for specified complaint or grievance procedures; etc. (**Unfavorable Report**)

HB1002/SB0906: Prohibiting the carrying or possession of firearms, knives, or deadly weapons on the property of public institutions of higher education; and providing for exceptions to the prohibition for law enforcement officers, a person hired for the purpose of guarding the institution's property, a person engaged in organized shooting activity for educational purposes, and a person who has a written invitation from the president of the institution to engage in a historical demonstration.

SB0218: Prohibiting the inclusion of Morgan State University within the University System of Maryland.

HB0492/SB0155: Prohibiting an employee of a public body from creating or maintaining government e-mail by using a personal e-mail account; requiring an employee of a public body, under specified circumstances, to forward government e-mail to the official e-mail account of the employee within 5 days after the government e-mail is received; requiring each public body to retain government e-mail for a minimum of 7 years or, under specified circumstances, permanently; requiring the State Archivist to adopt specified regulations; etc.

Pat Alt, CUSF Secretary takes a few minutes to chat with Senator Lisa Gladden (District 41) at the reception USM hosted.



Mike Miller Jr., Senate President commends USM Staff, Faculty and Students for all the hard work they do to produce an educated citizenry in the state of Maryland.



Virletta Bryant, CUSF Chair; Delegate Barbara Robinson, Legislative Black Caucus of Maryland, Chair.



CUSF Reps. with Senator Paul Pinsky



Christopher Brittan-Powell, Legislative Committee Chair; Chancellor Robert Caret; Virletta Bryant, CUSF Chair; Mike Miller Jr. Senate President.

The Value of Education

By Joyce Henderson, UMUC

What a delightful experience we enjoyed when the University System of Maryland was recognized by the Senate of the State of Maryland during their floor session in their beautiful chambers. How great it felt to be met with applause as our large constituency of representatives from the Faculty, Staff, Student Body and the USM Foundation Board stood in the galleries. Our numbers were impressive as we almost filled both sides of the gallery.

CUSF members had the opportunity to meet in individual conversations in the offices of a large number of the legislators before and after the recognition in the Senate. This provided us each the opportunity to represent our individual institutions and the combined faculty across our system. I was pleased to hear how much support, appreciation and interest was shown by each senator or delegate for what we and our programs provide to the state. As one member shared, "you hold our future in your hands" because you educate our children. And it seemed that each legislator either attended one of our schools or had a relative who did and each was deeply appreciative of the robust education gained. It was especially nice to have the Lieutenant Governor of the State of Maryland to greet us in the Governor's Reception Room at the end of the day.

It was an honor to represent UMUC along with my faculty colleagues from other USM campuses. Each of our schools offer a unique value to the State of Maryland and as a combined system of the State of Maryland's higher education institutions, we provide a substantial and long lasting investment in the quality of education not only in the state, but in the United States as well. This is critically important due to the increasing need for high quality *and* affordable education to benefit individuals and our country today and in the future.





CUSF representatives meet with Delegate Andrew Platt.



Following their meeting, Delegate Edith Patterson took photos with CUSF's delegation.



Virletta Bryant, CUSF Chair; Senator Shirley Nathan-Pulliam; Patricia Westerman, Bowie State Faculty Senate Chair

Winter/Spring Meeting Schedule

Dec 10
Coppin State University

January 13
University System MD

February 11
University MD University
College

March 10
Salisbury University

April 12
University MD Baltimore

May 6
University of MD Baltimore
County

June 7
Towson University