

AAUP News Update

Cleveland State University Chapter

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An Update on Interest-Based Bargaining

As many of you may know, the negotiations concluded last year produced a one-year contract, with an agreement that interest-based bargaining for a three-year contract would commence thereafter.

The CSU-AAUP is now that in the initial phases of interest-based bargaining with the administration. Because this style of bargaining may not familiar to everyone, we would like to give a quick introduction to interest-based bargaining, along with an update of its status.

Interest-based bargaining differs from traditional bargaining most fundamentally in its being structured around problem-solving of issues, rather than exchange of proposals. The format is intended to more collaborative and less adversarial. It is known to be especially useful in times of scarcity when innovation is required, because the parties are less likely to reach an impasse, and the substance of the bargaining is tailored to the circumstances and issues at hand, rather than governed by an exchange of proposals and counter-proposals.

The process begins with training of team members by a nationally-certified mediator and facilitator, who stays throughout the process to promote dialogue, overcome impasses, and move the bargaining forward.

In the early days of bargaining, both sides agree on a common agenda of ten issues of mutual interest. In approaching these issues, it is common for the facilitator to pair off members from each side into collaborative problem solving committees, which then report back to the bargaining table as a whole.

As the bargaining advances, the sides do have to reach agreement, and it is possible for negotiations to slow when contentious issues arise. As in traditional bargaining, both sides usually agree to resort to a mediator and/or fact-finder if negotiations are not concluded by a specific date. In interest-based bargaining, the facilitator is usually designated as the mediator/fact-finder in the case of an impasse. This can expedite the mediation process if it is needed, as the facilitator will have been present throughout the bargaining and will not need to catch up on the process or status of negotiations.

As the process moves forward, the CSU-AAUP needs input from you about what issues you think should be at the core of the bargaining. In the next few weeks, we will circulate a survey to solicit input about your concerns and issues: particularly what changes you would like to see in the next contract, and what changes you would deem unacceptable. In the meantime, feel free to contact the CSU-AAUP (aaup@csuohio.edu) to highlight your issues of interest.

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Dear Bargaining Unit Members:

Greetings. I hope that the New Year and new semester have begun smoothly for you. As you no doubt know from meetings and conversations around campus, the upcoming fiscal year is likely to be a rough one. Because of the expiration of federal stimulus funding and an expected reduction in state subsidy, CSU is bracing for a substantial shortfall in the next budget. In preparation for that eventuality, the CSU Administration has developed a plan for budget targets (which will come primarily from cuts) across the university. To its credit, the administration has stated that the greatest proportion of cuts will come from the non-academic side of the budget. The CSU-AAUP respects this decision, particularly as the administrative side of the university has witnessed intensive growth at CSU, while the number of tenure track faculty has declined by 9% in recent years. Protecting the academic sector of the university makes good sense both in terms of finances and core mission, for the academic wing engages in the central work of the university (research, teaching, serving the community), while simultaneously providing the primary source of revenue as well. We hope that the Administration will provide a clear delineation of those planned targets from their sector, so as to make manifest the Administration's commitment to bear its share of the cuts.

So what does the cutting/target process mean for members, and what is the CSU-AAUP's stance on the cuts? Those of you who have attended recent college or departmental meetings know that the administration has asked individual units to generate their own plans for satisfying budget targets. It is difficult to make a definitive statement on the means for meeting budget targets because the planning is a work-in-process right now, but the CSU-AAUP would like to affirm some core principles as we move ahead:

- It is commendable that Administration is respecting principles of local governance during this process, but the CSU-AAUP would like to remind members that colleges cannot unilaterally abrogate the terms of the Collective Bargaining Agreement negotiated in good faith between the faculty and the administration of the university.
- Any proposed changes to our workplace that are governed by the Collective Bargaining Agreement—such as summer salary, workload, and professional development funds—must be reached at the negotiating table. We are currently commencing the collaborative process of interest-based bargaining with the administration for a

three-year contract, and that provides the proper venue for such discussion.

- According to our Collective Bargaining Agreement, there can be no layoffs of tenure-track faculty without an official declaration of financial exigency or academic reorganization by the University. If either declaration were made, Article 17 of the Collective Bargaining Agreement provides for an intensive process of consultation between the CSU-AAUP and the Administration, including a panel charged with the task of finding a way to make the budget solvent without reducing tenure-track faculty.
- The Provost has told the CSU-AAUP that an invocation of financial exigency is “highly unlikely” and has indicated that it is his hope that any reorganization within units could bring greater efficiency and savings without eliminating tenure-track faculty positions. If a

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unit reorganization would reduce faculty, however, the Administration is required to work with the CSU-AAUP under Article 17, and that section provides numerous protections that we could invoke on members' behalf. The CSU-AAUP believes that given recent trends at CSU—most notably, increased enrollment, coupled with decreased hiring—a reduction in the number of tenure track faculty would be indefensible. The good news is that the Provost shares this view as well; he has affirmed to the CSU-AAUP both his desire to protect tenure track faculty positions and his commitment to follow the procedures of Article 17.

It is vital that members participate actively in the ongoing discussions within departments and colleges of budget target plans, not only for the sake of protecting faculty rights, but also to provide proactive input to help balance the budget without sacrificing core academic commitments to our students and the community. If you feel that a plan is being proposed in your unit that compromises the Collective Bargaining Agreement or other core principles of our workplace, please speak out and contact the CSU-AAUP for assistance. There are almost certainly painful cuts ahead, but if we work together and maintain a fruitful dialogue with the administration, we can help ensure the least harmful outcome from the process ahead.

A Message from the Ohio Conference of the AAUP Make Your Voice Heard to Oppose Senate Bill 5, Which Poses the Greatest Threat to Higher Education Faculty in Decades

Collective bargaining rights are under attack in Ohio, with drastic implications for higher education. This attack comes in the form of [Substitute Senate Bill 5](#) (Sub SB 5), which seeks to eliminate collective bargaining for all public employees, including faculty at state institutions of higher education. The sponsor of the bill, Sen. Shannon Jones (R-Springboro) admitted during her sponsor testimony that she did not know what, if any, cost savings would be realized by enacting this bill. Instead, she simply repeated that employers needed "more flexibility."

Should this bill be signed into law, the collective bargaining agreement—and all of its protections and guarantees regarding salary, workload, promotion, and the academic workplace—would disappear and be subject to administrative fiat. Whether you are a member of the CSU-AAUP or not, the evaporation of the rules that govern our workplace would be disastrous for all parties in higher education. A strong collaborative relationship between faculty and administration has grown as the collective bargaining agreement has been refined over the years by both parties. The details and procedures in the contract have protected both faculty and the administration by laying out clear standards of professional conduct, promotion and hiring guidelines, and dispute resolution procedures. In so doing, it has helped build a stable academic workplace to benefit our students, our research, and the community.

With an 18-year peak in enrollment, we stand at a strategic crossroads. CSU faculty have always been a proactive participant in faculty governance to secure the future of the institution; the recent high level of participation in the budget target process reveals the serious role we bring to the table as partners in problem-solving. The elimination of collective bargaining would silence the local governance that has built up our institution so successfully, and centralize in Columbus control over many aspects of our workplace. The stability and future of our workplace is under the greatest threat it has faced in decades, so please make your voice heard.

Among its many startling provisions is that the bill would abolish current salary schedules and replace them with models developed in Columbus, rather than at local institutions themselves. Workload would almost certainly fall under state jurisdiction as well. The bill also would require public employees to pay *at least* 20 percent of their health care costs. If this bill is signed into law, higher education faculty will almost certainly experience a loss of pay, either in the form of salary cuts or bearing a greater share of health care costs.

The CSU-AAUP encourages each of you join us in taking action by writing individual letters to your state representatives, submitting letters to your local newspapers when stories appear on the topic, keeping a watchful eye on local community and campus politics, and educating yourselves on the issues. If you don't know who your representative or senator is, you can find it at the Ohio state government website, along with contact information for their office in Columbus: www.legislature.state.oh.us.