

Senate Committee on Faculty Affairs (SCFA)
September 13, 2016
Minutes of the Meeting

These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration or the Board of Regents.

[**In these minutes:** Agenda Setting for the Year and Discussion about Possible Unionization Forum Ideas; Unionization Update]

PRESENT: Monica Luciana (chair), Katherine Dowd, Joe Price, Kathy Brown, Theodor Litman, Rebecca Ropers-Huilman, Christine Blue, Tae Kim, Robert Kudrle, Peh Ng, Lori Rhudy, Geoff Rojas

REGRETS: Phil Buhlmann, Sophia Gladding, Ned Patterson, Aks Zaheer, Alisha Aagesen, Sam Stern

ABSENT: Ken Horstman, Teresa Kimberley, Ruth Okediji

OTHERS ATTENDING: Patti Dion, director, Employee and Labor Relations, Office of Human Resources; Ole Gram, assistant vice provost, Office of the Vice Provost for Faculty and Academic Affairs

1. **Call to order:** Professor Luciana convened the meeting, and called for a round of introductions.

2. **Agenda setting for the year:** Professor Luciana noted that the first agenda item is to discuss setting the committee's agenda for the year. She noted that she and Renee Dempsey, Senate staff, have had discussions over the summer with Vice Provost for Faculty and Academic Affairs Rebecca Ropers-Huilman, Vice President of Human Resources Kathy Brown as well as the Faculty Consultative Committee about potential topics the committee could talk about this year. Professor Luciana distributed a couple handouts, which included the committee's charge (<http://usenate.umn.edu/charges/scfach.html>) and a list of potential agenda topics that have been raised. Professor Luciana reminded members that the University is under a Maintenance of Status Quo Order, which was issued in January 2016 by the Bureau of Mediation Services, State of Minnesota that will likely limit to some extent the depth and breadth of discussions the committee can have with the administration until a union vote takes place.

Last year, reported Professor Luciana, the committee updated its charge to include matters of postdoctoral affairs and added a second postdoctoral member, Alisha Aagesen, who was unable to attend today's meeting.

Next, Professor Luciana turned members' attention to the document containing a list of potential agenda topics and walked members through it highlighting the following items:

- Continue to receive periodic updates concerning the Salary Equity Review Committee (SERC) process.

- Revisit the issue of spousal hires, e.g., resources available, enhancement of spousal hires, funding for opportunity hires.
- Discuss issues related to faculty retirement planning, e.g., invite a panel of recent retirees to meet with the committee to talk about their experiences, learn more about Encore Transitions from Dean Mary Nichols in the College of Continuing Education (<http://cce.umn.edu/encore-transitions>).
- Think about ways to better inform faculty about the unionization efforts that are underway in conjunction with the Faculty Consultative Committee (FCC) so faculty feel knowledgeable and prepared as they get ready to vote.
- Hold joint meetings with the Academic Freedom and Tenure (AF&T) committee to discuss issues/topics of mutual interest when there is overlap.
- Hear about changes to the Fair Labor Standards Act (FLSA) and its impact on the University and those in the University community.
- Receive an update from the Office of the Vice Provost for Faculty and Academic Affairs on *Works*, the online faculty reporting system - <http://academic.umn.edu/provost/works/>
- Continue to discuss the 25% Rule for Academic Appointments with Teaching Functions in conjunction with AF&T.
- Continue discussions about Post Tenure Review (PTR).
- Discuss with the Office of Human Resources the topic of faculty compensation strategies (discussion may be limited given the Maintenance of Status Quo Order).
- Learn about leadership development opportunities.
- Hear about diversity hiring initiatives/resources from the Office of Human Resources and/or the Office for Equity and Diversity.
- Discuss the topic of “bullying”/one person exerting power over another, and hear about what resources are available in this domain.
- Hear from the Bias Response Team BRT, which was created to fill any gaps that may exist related to bias incidents that are reported to ensure they are responded to in a timely and consistent fashion, and to provide referrals as needed.

Professor Luciana then asked if members had other agenda topics they would like to discuss. Professor Ng asked if there are plans to look at and possibly reduce the number of faculty job classifications. Vice President of Human Resources Kathy Brown responded that there are no plans at this time to look at faculty job classifications.

Postdoctoral student Geoffrey Rojas said an issue from the Postdoctoral Association (PDA) is the desire to implement a mentorship program with faculty on campus. Most other universities in the Midwest have formal mentorship programs for postdoctoral students, but the University of Minnesota does not. Additionally, Mike Wilson, survey chair, PDA, contacted Ms. Dempsey over the summer to get on an upcoming SCFA agenda to review a proposal he has for increasing the activity of postdoctoral scholars on campus through implementing changes in the postdoc infrastructure.

Professor Luciana thanked Dr. Rojas for his ideas and said that if other members think of items after the meeting to contact Ms. Dempsey and let her know.

3. Unionization update: Professor Luciana welcomed Vice President of Human Resources Kathy Brown and Patti Dion, director, Employee and Labor Relations, Office of Human Resources, and said the committee is interested in hearing where things stand with the unionization initiative, the timeline, etc.

Vice President Brown began by noting that the unionization effort is a two-step process that happens once a petition for representation is filed by a union with the Bureau of Mediation Services at the state. The first step is defining who the eligible voters are and the second step is issuing an election order and conducting an election. Currently, the University is still in step one of this process. She noted that a petition was filed on January 20, 2016 for the Twin Cities faculty in Unit 8 under the Public Employment Labor Relations Act and subsequently, the Service Employees International Union (SEIU) sought to add ten P&A classifications to the Twin Cities faculty unit. These ten classifications are identified in the statute as Unit 11, and SEIU wants to pull these employees out of Unit 11 and put them in Unit 8. This action resulted in the University submitting motions to the Bureau of Mediation Services to deny this request on the basis of the law and how the statute is constructed. The Bureau determined that they had the jurisdiction to make this decision, and, as a result, held a Community of Interest (COI) hearing to determine whether, factually, individuals in the ten P&A classifications had the same COI as the faculty in Unit 8. In the interim, the University appealed this decision to the Minnesota Court of Appeals, which neither affirmed nor denied the ruling saying it was too early in the process for the Court of Appeals to make a decision. The issue of whether the Bureau can actually make this decision remains open-ended.

Then, in late April/early May, the Bureau held a hearing. Both parties, the University and SEIU, submitted briefs and the University is awaiting the Bureau's decision about whether there is a COI between all or any one of the ten classifications in the P&A group that the union wants to join the Twin Cities faculty in Unit 8. Currently, the University is awaiting the Bureau's decision and has no idea when it will come; there is no statutory obligation for the Bureau to make a decision by a specified time. Once a decision is received, the University will analyze it and decide what its next steps will be. With that said, it is difficult to predict when an election will occur. Ms. Dion added that there will definitely be an election for Unit 8 at some point.

Professor Kudrle asked if the Bureau decides to combine Unit 11 into Unit 8 would the University appeal this decision. Vice President Brown said before any decision is made the University will have to analyze the Bureau's decision, and decide if an appeal would be appropriate or not. Then, in response to another question from Professor Kudrle, Vice President Brown said she cannot think of any circumstances under which the Unit 8 election would go ahead until the issue about including the P&A matter (Unit 11) is resolved.

Professor Luciana said committee was talking about what it might be able to do in terms of facilitating more conversation in the University as a whole around this issue, and mentioned the possibility of co-sponsoring another forum in conjunction with the FCC. Is it true that the administration could not participate in such a forum? No, that is not accurate, said Vice President Brown. In the past when there were efforts to organize graduate students, for example, Ms. Dion participated in a forum where she explained the process, gave information, etc. There is nothing that precludes an administrator from participating in such a forum, but there would be

limitations when it comes to what an administrator could say and cited a few examples. Professor Luciana said she will follow-up with Professors Campbell and Konstan, chair and vice chair of the FCC, and talk about this idea further.

Professor Ng asked whether it is correct to assume that Morris faculty can continue to have discussions with their administrators because Morris faculty are not covered under the Maintenance of Status Quo Order. Yes, this assumption is correct, said Ms. Dion. Professor Luciana asked whether the same assumption applies to the Academic Health Center (AHC) schools and the Law School. Yes, said Vice President Brown, the Maintenance of Status Quo Order does not apply to the AHC schools and the Law School per a statute from 20 plus years ago when the faculty in these schools opted out of Unit 8.

In response to a question from Dr. Rojas about the timeline for the election after a ruling is received, Vice President Brown said an election order would need to be issued. Dr. Rojas asked whether the University has had conversations the Bureau about the specifics of holding an election. Ms. Dion noted that at the beginning of this process, the University did have some preliminary discussions with the Bureau about what kind of election it would be, e.g., election on campus, mailed ballot, but no final decisions were made.

Professor Luciana asked members by a show of hands who thinks holding another forum would be a good idea. A majority of members expressed uncertainty as to whether having another forum would be worthwhile or not. Professor Luciana thanked Vice President Brown and Ms. Dion for attending after which they excused themselves. The committee spent the remaining few minutes talking about the union issue. Professor Luciana reiterated her earlier comment that she will follow-up with Professors Campbell and Konstan about next steps.

4. **Adjournment:** Hearing no further business, Professor Luciana adjourned the meeting. She reminded members that the next SCFA meeting is on Tuesday, September 27 and that it will start at 3:15 p.m.

Renee Dempsey
University Senate Office