

“Resounding Proof that Unionization Is Well Worth It”

Seven Members of United Academics-AFT/AAUP at the University of Vermont Discuss the New Contract for Full-Time Faculty—and What Made the Difference in Winning It

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With a vote of 214 to 1, members of United Academics-AFT/AAUP, the union representing most faculty at the University of Vermont, have ratified a new three-year contract for full-time faculty that’s being applauded as “one of the very best faculty contracts in the country.” The new contract, which covers both tenure-track and nontenure-track faculty, features

- a 15-percent salary increase over three years,
- a 37-percent increase in professional development funds,
- significant salary increases for faculty receiving promotions,
- university retirement contributions for summer income,
- paid parental and family leave provisions that appear to be the best among universities nationwide,
- the payment of an agency fee by the small percentage of eligible faculty who have not joined United Academics but benefit from UA’s representation.

More, the faculty union fought off proposals from the administration that would have

- boosted retired faculty members’ health-care premium share from 20 to 50 percent,
- cut pay for sabbatical leaves,
- infringed upon faculty governance and academic freedom.

What’s significant about this contract for UVM faculty? And what made the difference—skilled negotiations, persuasive research, a united faculty, an administration beset by charges of financial mismanagement and misplaced priorities—in winning a contract that is among the very best negotiated by university faculty unions in recent years? UA talks with Beth Mintz, Peter Spitzform, Trina Magi, Tony Bradley, Tom Streeter, David Shiman, and Ross Thomson on these questions.

What for you are the highlights of the new contract? What is the contract’s significance—for UVM faculty and in relation to higher education and collective bargaining trends?

Beth Mintz, Sociology, Bargaining Team Member: Parental leave and family leave are among the highlights. Prior to the new contract, departments and colleges handled the six weeks of parental leave available differently. Now, all faculty with the rank of assistant, associate or full professor, senior lecturers and other faculty with at least four years of bargaining unit service (out of the most recent six-year period) are entitled to either one semester for nine-month faculty or fifteen weeks for twelve-month faculty of paid leave with benefits. This is probably the best policy in the country. Similarly, before the new contract, faculty members were only entitled to up to twelve weeks of *unpaid* leave under the federally enacted “Family Medical Leave Act” (FMLA) to care for a spouse, civil union partner, or parent with a serious health condition. Now,

all faculty with the rank of assistant, associate or full professor, senior lecturers and other faculty with at least four years of bargaining unit service (out of the most recent six-year period) are entitled to use up to thirty days of their medical leave per fiscal year for caregiving, and they may elect to take an additional six weeks unpaid leave as specified by the FMLA. This, too, seems to be far and away the best policy in the county. In addition, a faculty member who becomes a new parent or legal guardian of a minor child or is caring for a seriously ill family member may apply for an extension of the tenure clock with a three-year maximum extension.

Peter Spitzform, Bailey-Howe Library, Delegate: From my perspective, one of the most notable gains in this contract is that when it comes to benefits, most—if not all—distinctions between tenure-track and nontenure-track faculty have been eliminated. In particular, the phased retirement program only pertained to tenure-track faculty in past contracts, but is extended to all faculty with this contract.

Trina Magi, Bailey-Howe Library, Contract Campaign Committee: Of special note is the new parental leave provision (fifteen week/full semester). The administration was proposing that the new benefit only pertain to tenure-track faculty or faculty with multiple years of work at UVM; in the end, the benefit has been much more widely granted.

David Shiman, Education, UA President and Negotiating Team Member: In addition to the highlights, it's important to note some things that did not change. To me the fact that we kept our excellent sabbatical policy, including the half sabbatical, and rebuffed administration efforts to shift the ultimate power to create reappointment, tenure, and promotion criteria to the deans are real accomplishments, as is retaining our existing percentage of contribution to health insurance.

Tony Bradley, English, Contract Campaign Committee: It matters a great deal that we held the line on retiree health and other benefits. What I found galling was that the administration proposed to double the amount intending retirees like myself would pay for supplementary insurance for health care. (There's a lot that Medicare doesn't cover.) This seemed like a betrayal of trust with the retiring faculty, especially coming as it did in time of a looming national recession, when those on a fixed income are particularly at risk. All the other issues are important in the same way; that is, once you give them up, you're never going to be able to go back and restore them. I know it doesn't seem realistic to say we couldn't afford to compromise on any of the issues our negotiators won for us, but we really couldn't, and they deserve great praise for their skill in negotiating this contract for us.

Tom Streeter, Sociology, Executive Council Secretary: It continues to get better. The story of United Academics is one of getting a pretty good contract and each round improving on it. The only possible exception to that is that our raises this time are only 5 percent each year instead of the approximately 5 ½ percent that they've been in the past contracts—but I think that's acceptable mostly because of the economic climate and also it is still better than any raise I saw between the time I arrived at UVM in 1989 and 2002 when we got our first contract. So even on raises, the new contract is resounding proof that unionization has been well worth it.

Ross Thomson, Economics, Chief Negotiator: Among universities with contracts through fiscal year 2011, our 15-percent salary increase over three years is the highest, a bit over the 14.4

percent at the University of Connecticut, and far over the 3 to 4 percent annually at some other universities. Our increases are above the pool at almost every nonunionized campus we've reviewed. This will help us attract and retain faculty, and the high share of across-the-board and market/compression funds will also help maintain real incomes and move those furthest behind national markets closer to their peers, while also reducing the capriciousness of performance allocations. Deans must indicate how they will allocate performance funds before workload agreements are signed, which enables faculty to seek input into the standards being used. A further factor adding to salaries are the much larger increases that come with promotions. When salary increases are combined with parental and family-care leaves, greater retirement contributions, more professional development funds, and improved equity between tenure-track and nontenure-track faculty, UVM has one of the very best faculty contracts in the country.

The administration had proposed numerous cuts and rollbacks in wages and benefits as well as infringements on faculty governance and academic freedom. What's your take on how we won such a strong contract—without apparent rollbacks and trade-offs?

Beth: I think that we were able to hold the line on governance issues simply because we made it abundantly clear that these would be deal breakers. The data that we collected through surveying the faculty were unequivocal: concern, if not outrage, at the possibilities. I think the administration misread how strong sentiment would be and didn't anticipate that we would go to impasse on these issues no matter what the rest of the contract looked like. I think that they misread faculty sentiment on benefits as well. While they knew that take-backs are always difficult, I don't think they understood how badly a decrease in sabbatical pay, for example, would be received, especially in light of the ever increasing workloads that we face.

Trina: I think it's possible that all the member surveys done by the negotiating team helped win a better contract. Having the ability to confidently state the desires and preferences of the union membership—backed up by research—probably strengthened the negotiating team's hand. It made it clear that our union is a force to be reckoned with—that we're organized and in constant communication.

Tom: This round of negotiations we learned that unions can be more professional than administrators and use that to our advantage. It's about not being afraid to assert union authority, not being afraid to lead on defining the issues and defining the terms of the debate instead of being reactive. Here the surveys of the faculty really had an effect. And our team was very quick to respond to administrative proposals they thought were beyond the pale—quick and firm. The possibility of a public campaign was also an important part of our success, even though we did not have to act on it this time. It was crucial to our success this time that we'd been quite public in the past with our criticisms of the administration—we'd held demonstrations, gone to the press, and so forth—and we made sure the administration was aware of what our criticisms would be if we went to impasse this time.

Peter: I think the PeopleSoft debacle has been haunting them, and they may well have concluded that a public campaign, if the parties declared impasse, would not be good for them. Or maybe the administration realized that further investments in the faculty would pay off much more than denying us

Ross: I think there are several reasons for our success, and the administration's withdrawal of all its extreme positions. First, because of our Fall meetings, our surveys, and our ongoing meetings with the delegates assembly, we had a much firmer idea of what our members wanted and why. We could say, with extensive documentation, that our members would never accept a contract with the features they sought. Second, we had superb evidence from the surveys, UVM sources, national salary data, and other faculty contracts, and we developed strong analyses to demonstrate our points. Third, because of the initial press conference—where we led with our goals, demands, and rationale—the administration could anticipate what a public campaign would have done. So our evidence-based arguments at the table perhaps helped persuade them—and certainly made clear the kinds of support for our position that would go public if we went to impasse and at a time when they were publicly vulnerable for mismanagement of funds.

Tony: I think our negotiating team did a brilliant job. What helped them make their case may have been that the administration understandably had no stomach for a public discussion of financial priorities at this time. I would like to think they realized that faculty were prepared to fight long and over these issues, and that the ensuing discussion would revolve around the millions the university has chosen to spend on matters that do not significantly affect teaching and research.

Are there any drawbacks you see in the new contract? What are the unmet concerns or challenges ahead that we—faculty in both the full- and part-time units—need to be ready to face?

Beth: I think that the new contract is terrific—very little downside. But while we did very, very well fending off takebacks in this go-around, we need to remain ready to face these issues in future negotiations.

Tom: And we still have to be concerned where conditions of work erode or money is misallocated. One table our team presented in negotiations shows that, even with the good salary increases in the first two contracts, the share of total compensation of instructional faculty members in the bargaining unit fell relative to tuition revenue from the students we teach, even net of financial aid. The obvious question is what increased to create the gap.

Peter: One drawback or potential drawback of the contract is that we conceded to rather high merit raises in years two and three of the contract. Supposedly, the administration will be drafting standards and criteria by which faculty will be ranked for merit raises, because there has been very little transparency in the process so far. I was personally disappointed that we didn't win greater dental coverage. I've had to forego some dental work because my annual allotment is already gone since I needed a crown early in the year!

David: We also have not effectively addressed several important workload issues at the bargaining table. The administration resists almost all efforts by the union in this arena. We'll need to find ways to address some pressing workload matters in other venues over the next few years.

Ross: We did get some marginal improvements in workload, such as the need to provide probationary faculty a teaching release to allow them to concentrate on research by their fourth year, and we got language that would allow 12-month faculty to take vacations before the time had accrued. But on the big issue, all we got was the obligation for the Provost to provide us information on overall workload issues and the obligation of the Provost to meet if we wanted to discuss these issues. In addition, many issues of control were unsettled. For instance, the administration team refused to accept our proposal that the faculty of each college will set the policy on allocating performance money, though they did say that the policy (remaining mute on how it's set) will be communicated to faculty. Moreover, we wanted more job security for nontenure-track faculty, which they rejected mostly, though we did get the possibility of a five-year appointment for Senior Lecturers. Lastly, they would not budge on redefining the bargaining unit definition of full-time to include Continuing Education courses and successive one-semester appointments. We can still make progress on these issues.

What can faculty do besides wait for the next round of negotiations to address workload and other challenges?

Ross: We will use our opportunities to meet with the Provost on workload issues, which will enable us to collect data and make public the results. Where the contract is ambiguous, faculty can assert our rights. For instance, faculty should propose to their deans that they develop policies to allocate performance increases and see what their deans say. We can ally with college and university standards committees over reappointment, promotion, and tenure decisions, which would strengthen our case if we had to go to the Labor Board. We can ally with the Faculty Senate on issues of academic freedom, workload, and conflict of commitment. We can use the part-time contract to argue for full-time benefits for faculty in the part-time unit who are doing full-time work and/or present a unit clarification petition to the Vermont Labor Board. We'll have to make aggressive use of the grievance process. We'll certainly need to draw more faculty into union activities to accomplish these ends.