

NATIONAL CENTER

for the **Study of Collective Bargaining in
Higher Education and the Professions**

HUNTER

The City University of New York

47th Annual National Conference

Inequality, Collective Bargaining, and Higher Education

**October 19-20, 2020
A Virtual Conference
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NYC Seminar & Conference Center**

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October 19, 2020

I am delighted to welcome all of you to the 47th annual conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professions, a highly valued CUNY institution. The Center, housed at Hunter College, has been a respected national leader in bringing labor leaders, scholars and administration representatives together to deepen understanding and enhance the effectiveness of labor relations in higher education. That mission is central to the smooth functioning of our universities, especially at CUNY, and I offer my gratitude for your participation in this important conference and your efforts to build the durable bridges that help us achieve our highest goal – serving our students effectively by focusing on the mutual aims behind our common cause.

Today’s political landscape presents immense challenges – the divisions in our society are deep. The need for dialogue on the issues confronting us has never been greater. The theme of this year’s conference, focusing on inequality – including panels on the student debt crisis, affirmative action, mass incarceration, and reasonable accommodation – accordingly could not be more important. It is crucial to the vitality of our universities and our society that we continue to work together in good faith to seek solutions to the challenges we all face.

The work of our universities, especially our great public universities, has never been more necessary to help our students succeed in the knowledge economy, but it has also grown more difficult to engage in the robust debate, deep intellectual probing and community-building that are essential elements in the best academic experiences. CUNY’s National Center enhances our collective ability to do that important work and unites us in our educational mission. I wish you the best of luck in your deliberations and I look forward to the insightful ideas and solutions you offer, as you have at all of your annual gatherings.

Sincerely,

A handwritten signature in blue ink, reading 'Félix V. Matos Rodríguez', with a long horizontal line extending to the right.

Félix V. Matos Rodríguez
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Jennifer J. Raab, President

October 19, 2020

Welcome to Hunter College and the 47th annual national conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professions.

The National Center is a CUNY labor-management research center, one of the many substantive academic centers at Hunter College. The National Center is dedicated to studying the use of collective bargaining as an important means of advancing labor relations in higher education and other fields. Throughout its existence, the National Center has played an important role in the national dialogue over collective bargaining.

Over the past three years, the National Center has published data-based and historical research, as well as organized national and regional conferences concerning collective bargaining and labor relations. Last year, the National Center submitted its research to the National Labor Relations Board as part of comments concerning the proposed rule regarding the unionization of graduate assistants in the private sector.

This year's conference was originally scheduled for March but had to be rescheduled because of the COVID-19 pandemic. Over the past six months, the National Center, in collaboration with the Roosevelt House Public Policy Institute at Hunter College, organized a series of webinars related to the pandemic and higher education issues.

The theme of the annual conference is Inequality, Collective Bargaining, and Higher Education. The program has been carefully crafted with balanced panels related to that theme and will touch upon an array of inequalities including Black Lives Matter, affirmative action, LGBTQ issues, disabilities and reasonable accommodations, and the new Title IX regulations.

We are very pleased that labor journalist and author Steven Greenhouse will be the keynote speaker at this year's conference. The conference plenary will focus on the history, consequences, and solutions of the student debt crisis.

Hunter College is proud to be the home of the National Center, which helps us fulfill the Hunter motto: *Mihi Cura Futuri - The Care of the Future is Mine*. It gives me great pleasure to acknowledge the people who work tirelessly throughout the year to make this conference—and all the work done by the National Center—possible.

Thanks again go to Executive Director Bill Herbert and Administrator Michelle Savarese, whose dedication to the National Center is unparalleled; to the administrators and labor representatives who serve on the National Center's Board of Advisors and who are so very generous with their time and knowledge; and to the co-editors of the National Center's Journal of Collective Bargaining in the Academy, who, along with the journal contributors, provide fresh research and analysis.

Thank you for attending this year's conference.

Sincerely,



Jennifer J. Raab



A Union of Professionals

On behalf of the 1.7 million members of the **American Federation of Teachers**, we salute the **National Center for the Study of Collective Bargaining in Higher Education and the Professions** for its dedication to labor-management cooperation and support of public higher education.

The AFT stands with you as champions of **great schools and colleges** that fulfill the promise of public education, **good jobs** that support a middle-class life, **affordable healthcare** for all, the **fight against discrimination and hate**, and the **defense of democracy**.

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October 19, 2020

National Center for the Study of Collective
Bargaining in Higher Education and the Professions
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P.O. Box 615
New York, NY 10010-2547

Dear Friends:

It is a pleasure to welcome you to the 47th Annual Labor-Management Conference hosted by the National Center for the Study of Collective Bargaining in Higher Education and the Professions at Hunter College. As this year's theme, "Inequality, Collective Bargaining, and Higher Education" reflects there is still much work to be done to level the playing field for everyone with a stake in higher education. That is why the work that the National Center is doing to dive deep into timely and relevant issues is so important.

Every year the Annual Higher Education Labor-Management Conference brings together representatives from prominent labor organizations and administrators from respected institutes of higher education across the country. Throughout the three-day event, attendees have the opportunity to participate in presentations and interactive workshops, providing unique insight into current issues and trends in collective bargaining. I commend the National Center for hosting this premier event for nearly a half a century and for their ongoing commitment to advancing higher education.

Once again, best wishes to National Center for the Study of Collective Bargaining in Higher Education and the Professions for a successful conference. I am sure it will be a productive event.

Warmest Regards.

Sincerely,

A handwritten signature in blue ink that reads "Letitia James". The signature is written in a cursive, flowing style.

LETITIA JAMES





- The National Center's online peer-review journal
- Advancing research and scholarly thought in academic collective bargaining through:
 - Scholarly articles
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- Making relevant and pragmatic peer-reviewed research accessible to scholars and practitioners in the field
- Manuscripts may be submitted through the journal website: <http://thekeep.eiu.edu/jcba/>
- The Journal of Collective Bargaining is co-edited by Jeffrey Cross and Gary Rhoades. It is supported in part by a generous contribution from TIAA-CREF and is hosted by Booth Library at Eastern Illinois University

NATIONAL CENTER

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October 19, 2020

Welcome to the 47th annual labor-management conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professions, Hunter College, CUNY. The conference theme is *Inequality, Collective Bargaining, and Higher Education*.

The conference was originally scheduled for March 29-31, 2020 but had to be rescheduled due to the COVID-19 pandemic. Between May and August, we organized and hosted eight webinars on subjects related to the pandemic.

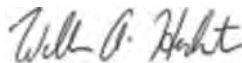
Over the next two days, our virtual conference will include panels on the growth in union density over the past decade, adjunct and part-time faculty issues, the Black Lives Matter movement, affirmative action, mass incarceration, race and labor in historical and contemporary contexts, Latinx faculty hiring and retention, the new Title IX regulations, the ERA, LGBTQ issues, disabilities and reasonable accommodations, retirement trends and COVID-19, higher education funding, and much, much, more.

Our conference keynote speaker is Steven Greenhouse, former New York Times labor and workplace reporter, who is the author of *Beaten Down, Worked Up: The Past, Present, and Future of American Labor* (2019). The conference plenary is titled *Student Debt Crisis: History, Consequences, and Solutions* with four leading scholars and analysts: Elizabeth Tandy Shermer, Caitlin Zaloom, author of *Indebted: How Families Make College Work at Any Cost* (2019), Jennifer Mishory, and Suzanne Kahn, moderator.

Our annual conference would not be possible without the support of Hunter College President Jennifer J. Raab. We thank TIAA for underwriting the conference and the sponsorships by SEIU, AFT and The Standard. We also thank the law firms, unions, and companies that have placed advertisements in the program. Finally, we must acknowledge the extraordinary planning and work by our Administrator Michelle Savarese, other National Center Staff, and members of our Board of Advisors.

Thank you for your participation in our annual conference.

Very truly yours,



William A. Herbert
Executive Director



The National Council for Higher Education Salutes the National Center for the Study of Collective Bargaining in Higher Education and the Professions

The National Council for Higher Education (NCHE) values the vision and excellence of the National Center for the Study of Collective Bargaining in Higher Education and the Professions. NCHE appreciates the Center’s dedication to collective bargaining as an important means for advancing higher education and postsecondary institution working conditions.

NCHE is an independent organization open to all higher education members within NEA, plus interested non-higher education NEA members as “associate members.” NCHE advocates for higher education services and programs within the union that support NEA’s mission and vision while connecting with the needs and aspirations of its higher education members. NEA members are encouraged to join NCHE and lend your voice to the conversation about higher education in our nation and within our union. Please visit the NCHE website for more information: nea.org/nche.

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Major support is provided by TIAA.
Additional funding is provided by AFT, SEIU, and The Standard.

PROGRAM

Monday, October 19, 2020	
A Virtual Conference Hosted by the NYC Seminar & Conference Center	
9:00-9:30 am EST	Welcome Jennifer Raab, President, Hunter College, CUNY Risa Lieberwitz, General Counsel, AAUP and Professor of Labor and Employment Law, Cornell University School of Industrial and Labor Relations Theodore Curry, Professor of Human Resources and Labor Relations, Michigan State University William A. Herbert, Executive Director, National Center for the Study of Collective Bargaining in Higher Education and the Professions, Hunter College, CUNY
9:30-10:30 am EST	Keynote Presentation: Introduction: Lili Palacios-Baldwin, Deputy General Counsel for Labor, Employment & Litigation, Tufts University Speaker: Steven Greenhouse, former <i>New York Times</i> labor and workplace correspondent, and author of <i>Beaten Down, Worked Up: The Past, Present, and Future of American Labor</i>
10:30-10:45 am EST	Break
	CONCURRENT SESSIONS
10:45 am-12:15 pm EST	Panel: LGBTQ Labor Issues in Higher Education After Bostock v. Clayton County Barbara J. Diamond, Diamond Law, Portland, Oregon Melissa Sortman, Director of Academic Human Resources, Michigan State University Elizabeth S. Hough, Counsel to the President, United University Professions Elizabeth C. Payne, Founder and Director, Queering Education Research Institute (QuERI) and faculty at CUNY, Moderator

<p>10:45 am-12:15 pm EST</p>	<p>Panel: Black Lives Matter on Campus and Beyond Elijah Armstrong, Organizational Specialist in Human and Civil Rights, National Education Association Paul Ortiz, University of Florida Chapter President, United Faculty of Florida NEA-AFT Terri Givens, Center for Higher Education Leadership, CEO and Founder Calvin Smiley, Assistant Professor, Sociology, Hunter College, CUNY Alethea Taylor, Doctoral Lecturer/Internship Site Developer, Hunter College - School of Education, Department of Educational Foundations and Counseling, Participant and Moderator</p>
<p>10:45 am-12:15 pm EST</p>	<p>Panel: Title IX Regulations: Bargaining Issues for Unions and Institutions Lance Houston, Consultant, Title IX/Employee Relations/Labor Law, Thomson Reuters Expert Witness Services Debra Osofsky, Negotiator, Educator and Contract Specialist Rana Jaleel, Assistant Professor, Gender, Sexuality, and Women's Studies, University of California, Davis Judi Burgess, Director of Labor Relations, Boston University, Moderator</p>
<p>12:15-12:30 pm EST</p>	<p>Break</p>
<p>12:30-1:45 pm EST</p>	<p>Presentation: Growth in Union Density Among Academic Labor, 2012-2019 Jacob Apkarian, Assistant Professor of Sociology, Department of Behavioral Sciences, York College, CUNY and National Center Affiliated Researcher Joseph van der Naald, Graduate Student Researcher, Program in Sociology, Graduate Center, CUNY and National Center Affiliated Researcher Gary Rhoades, Professor and Director, Center for the Study of Higher Education, University of Arizona, JCBA Co-editor, Commentator Adrianna Kezar, Endowed Professor and Dean's Professor of Leadership, USC, Director of the Pullias Center, Commentator William A. Herbert, Distinguished Lecturer and National Center Executive Director, Participant and Moderator</p>
<p>1:45-2:00 pm EST</p>	<p>Plenary Greetings: Christina R. Cutlip, Senior Managing Director, Institutional Relationships, TIAA</p>
<p>2:00-3:30 pm EST</p>	<p>Plenary: The Student Debt Crisis: History, Consequences, and Solutions Elizabeth Tandy Shermer, Associate Professor, Loyola University Chicago Caitlin Zaloom, Professor of Social and Cultural Analysis, New York University Jennifer Mishory, Senior Fellow and Senior Policy Advisor, Century Foundation Suzanne Kahn, Director, Education, Jobs, and Worker Power and the Great Democracy Initiative at the Roosevelt Institute, Participant and Moderator</p>

3:3-3:45 pm EST	Break
	CONCURRENT SESSIONS
3:45-5:15 pm EST	<p>Panel: Collective Bargaining from All Sides: Unionism, the Faculty Senate, Contingent Faculty, and Academic Administration</p> <p>Naomi R. Williams, Assistant Professor, Labor Studies and Employment Relations, Rutgers University</p> <p>Nelson Ouellet, Associate Professor, Université de Moncton</p> <p>David Hamilton Golland, Professor, History, Governors State University</p> <p>Jon E. Bekken, Professor, Communications, Albright College</p> <p>Theodore Curry, Professor of Human Resources and Labor Relations, Michigan State University, Moderator</p>
3:45-5:15 pm EST	<p>Panel: Affirmative Action in Higher Education, Post-Pandemic</p> <p>Victor Goode, Associate Professor, CUNY Law School</p> <p>Cara McClellan, Assistant Counsel, NAACP Legal Defense and Educational Fund</p> <p>Risa Lieberwitz, General Counsel, AAUP and Professor of Labor and Employment Law, Cornell University School of Industrial and Labor Relations</p> <p>Lili Palacios-Baldwin, Deputy General Counsel for Labor, Employment & Litigation, Tufts University, Moderator</p>
3:45-5:15 pm EST	<p>Panel: Retirement Plan Trends in the COVID-19 Pandemic</p> <p>Patricia McConnell, Levy, Ratner, PC</p> <p>Gary Herzlich, Senior Director, Associate General Counsel, TIAA</p> <p>Susan E. Bernstein, Schulte, Roth & Zabel LLP</p> <p>Christina Cutlip, Senior Managing Director, Institutional Relationships, TIAA, Moderator</p>
5:15-5:30 pm EST	Closing/Summary: National Center Director, William A. Herbert
Tuesday, October 20, 2020	
A Virtual Conference Hosted by the NYC Seminar & Conference Center	
8:30 - 9:00 am EST	<p>Welcome</p> <p>William A. Herbert, Executive Director, National Center for the Study of Collective Bargaining in Higher Education, Hunter College, CUNY</p> <p>David Cecil, Executive Director, United Academics, AAUP-AFT Local 3209</p> <p>Announcement: Journal of Collective Bargaining in the Academy</p> <p>Jeffrey Cross, Former Associate VP, Academic Affairs, Eastern Illinois University (Emeritus), Journal of Collective Bargaining in the Academy, Co-editor</p> <p>Gary Rhoades, Professor & Director, Center for the Study of Higher Education, University of Arizona, Journal of Collective Bargaining in the Academy, Co-editor</p>

	CONCURRENT SESSIONS
9:00-10:30 am EST	<p>Panel: Unemployment Insurance Policies and Practices: Adjunct Faculty, COVID-19, and Beyond</p> <p>Michele Evermore, Senior Researcher and Policy Analyst, National Employment Law Project</p> <p>Arnab Datta, Senior Legislative Counsel, Employ America</p> <p>George Wentworth, Of Counsel, National Employment Law Project</p> <p>Francisco Diez, Worker Justice Policy Advocate, Center for Popular Democracy, Participant and Moderator</p>
9:00-10:30 am EST	<p>Panel: Labor as Contingent as Free Speech? An Analysis of Recent Adjunct Faculty First Amendment Cases</p> <p>Nora Devlin, Doctoral Candidate, Rutgers Graduate School of Education</p> <p>Stacy Hawkins, Professor of Law, Rutgers Law School, Commentator</p> <p>Martin Malin, Professor of Law and Co-Director, Institute for Law and the Workplace, Chicago-Kent College of Law, Illinois Institute of Technology, Commentator</p> <p>Christopher Simeone, AAUP, Moderator</p>
9:00-10:30 am EST	<p>Panel: Health and Safety Issues and COVID-19</p> <p>Deborah Berkowitz, Worker Safety and Health Program Director, National Employment Law Project</p> <p>Amy Bahruth, Associate Director for Health and Safety, AFT</p> <p>Jeffrey Hescocock, Executive Director Environmental Health and Safety, UMass Amherst</p> <p>Thomas H. Riley, Jr. Executive Director of Labor and Employee Relations and Special Counsel for the University of Illinois System, Moderator</p>
10:30-10:45 am EST	Break
	CONCURRENT SESSIONS
10:45 am-12:15 pm EST	<p>Panel: Higher Education Funding After the Pandemic</p> <p>Sophia Laderman, Senior Policy Analyst, State Higher Education Executive Officers Association (SHEEO)</p> <p>Thomas Anderson, PhD. Department of History, Wayne State University; former Executive Director & VP, Union of Part-time Faculty, AFT Local 477, AFL-CIO</p> <p>Thomas L. Harnisch, Vice President for Government Relations, State Higher Education Executive Officers Association (SHEEO)</p> <p>Frederick G. Floss, Professor and Chair, Department of Economics and Finance, SUNY Buffalo State, Participant and Moderator</p>

<p>10:45 am-12:15 pm EST</p>	<p>Panel: The Old Wolf, Again: Latinx Faculty Negotiations, Recruitment, Retention, and Racism in the Academy José Luis Morín, Chairperson, Department of Latin American and Latinx Studies, John Jay College of Criminal Justice Michael Ortiz, Sul Ross University José Cintrón, Professor, College of Education, CSU Sacramento, California Faculty Association Theresa Montano, California State University, Northridge, Moderator</p>
<p>10:45 am-12:15 pm EST</p>	<p>Panel: Contingent Faculty, Job Security, and Academic Freedom Carl Levine, Levy Ratner P.C. Keila Tennent, Associate General Counsel and VP for Labor Relations, The New School Sonam Singh, former Unit Chair, BCF-UAW Local 2110 Barry Miller, Senior Policy Advisor on Labour Relations, Office of the Provost, York University, Moderator</p>
<p>12:15-12:30 pm EST</p>	<p>Break</p>
<p>12:30-1:45 pm EST</p>	<p>Presentation: Race and Labor In Historical and Contemporary Contexts Bill Fletcher, Jr. author and activist, former president of TransAfrica Forum, and Senior Scholar with the Institute for Policy Studies Derryn Moten, Alabama State University, co-president of the Alabama State University Faculty-Staff Alliance and a vice president of the Alabama AFL-CIO, Discussant Sherri-Ann Butterfield, Executive Vice Chancellor and Associate Professor, Sociology, Office of the Chancellor, Rutgers University—Newark, Discussant DeWayne Sheafter, President, National Council for Higher Education/NEA, Moderator</p>
<p>1:45-2:00 pm EST</p>	<p>Break</p>
	<p>CONCURRENT SESSIONS</p>
<p>2:00-3:30 pm EST</p>	<p>Panel: The Equal Rights Amendment and Higher Education Jessica Neuwirth, Distinguished Lecturer and Rita E. Hauser Director, Human Rights Program, Roosevelt House, Public Policy Institute at Hunter College, CUNY Julie Suk, Dean for Master's Programs and Professor, Sociology, CUNY Graduate Center Elizabeth Schneider, Rose L. Hoffer Professor of Law, Brooklyn Law School Karen Stubaus, Vice President for Academic Affairs, Rutgers, The State University of New Jersey, Moderator</p>

2:00-3:30 pm EST	<p>Panel: Mass Incarceration and Higher Education Vivian Nixon, Columbia University Teaching Fellow Michelle Jones, Doctoral Student, New York University Patrick Mitchell, Merced College Bidhan Chandra Roy, Cal State LA, Participant and Moderator</p>
2:00-3:30 pm EST	<p>Panel: Negotiating for Part-Time Faculty Equity Will Silvio, President, Berklee College of Music Faculty Union Jay Kennedy, Berklee College of Music Vice President for Academic Affairs/Vice Provost Darryl Wood, NYSUT Labor Relations Specialist Dia M.Carleton, Chief Human Resources Officer, SUNY Oneonta Beth Margolis, Gladstein, Reif & Meginniss, LLP, Moderator</p>
3:30-4:00 pm EST	Break
CONCURRENT SESSIONS	
4:00-5:30 pm EST	<p>Panel: Reasonable Accommodations for Faculty and Teaching Assistants Jamie Daniel, Former National Field Service Representative, AAUP Laura Yvonne Bulk, President, CUPE Local 2278 (Canadian Union of Public Employees), PhD Candidate, Rehabilitation Sciences, The University of British Columbia Barbara Aloni, Disability & Productivity Consultant, The Standard Insurance Company John Rose, Dean for Diversity, Hunter College, CUNY Alexandra (Sascha) Matish, Associate Vice Provost for Academic and Faculty Affairs and Senior Director, Academic Human Resources, University of Michigan, Moderator</p>
4:00-5:30 pm EST	<p>LERA Higher Ed Industry Council Panel: The Changing Place of Labor Studies in Higher Education Marissa Brookes, Associate Professor, University of California, Riverside Tobias Schulze-Cleven, Assistant Professor, Rutgers School of Management & Labor Relations Cedric de Leon, University of Massachusetts-Amherst Ruth Milkman, CUNY Graduate Center School of Labor and Urban Studies, Moderator</p>
5:30-5:45 pm EST	Closing/Summary: National Center Director, William A. Herbert



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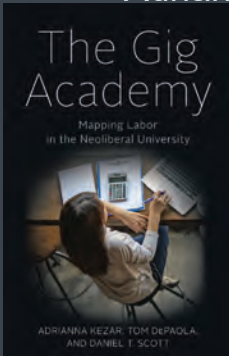


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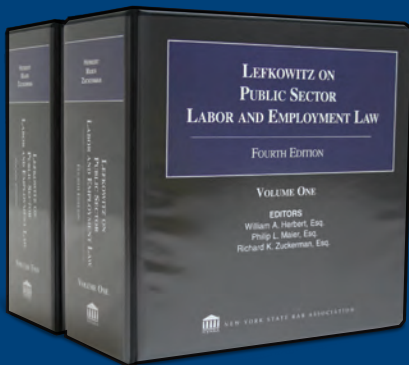
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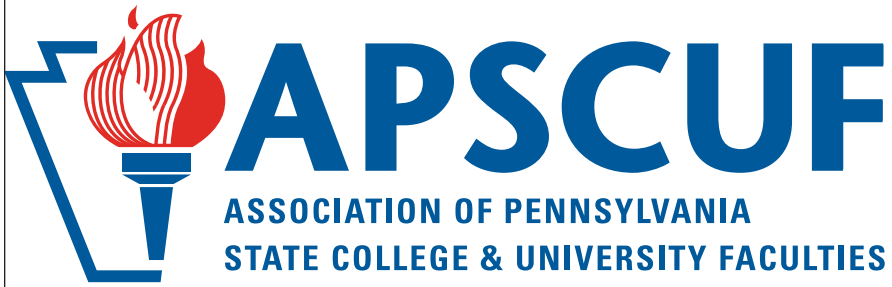


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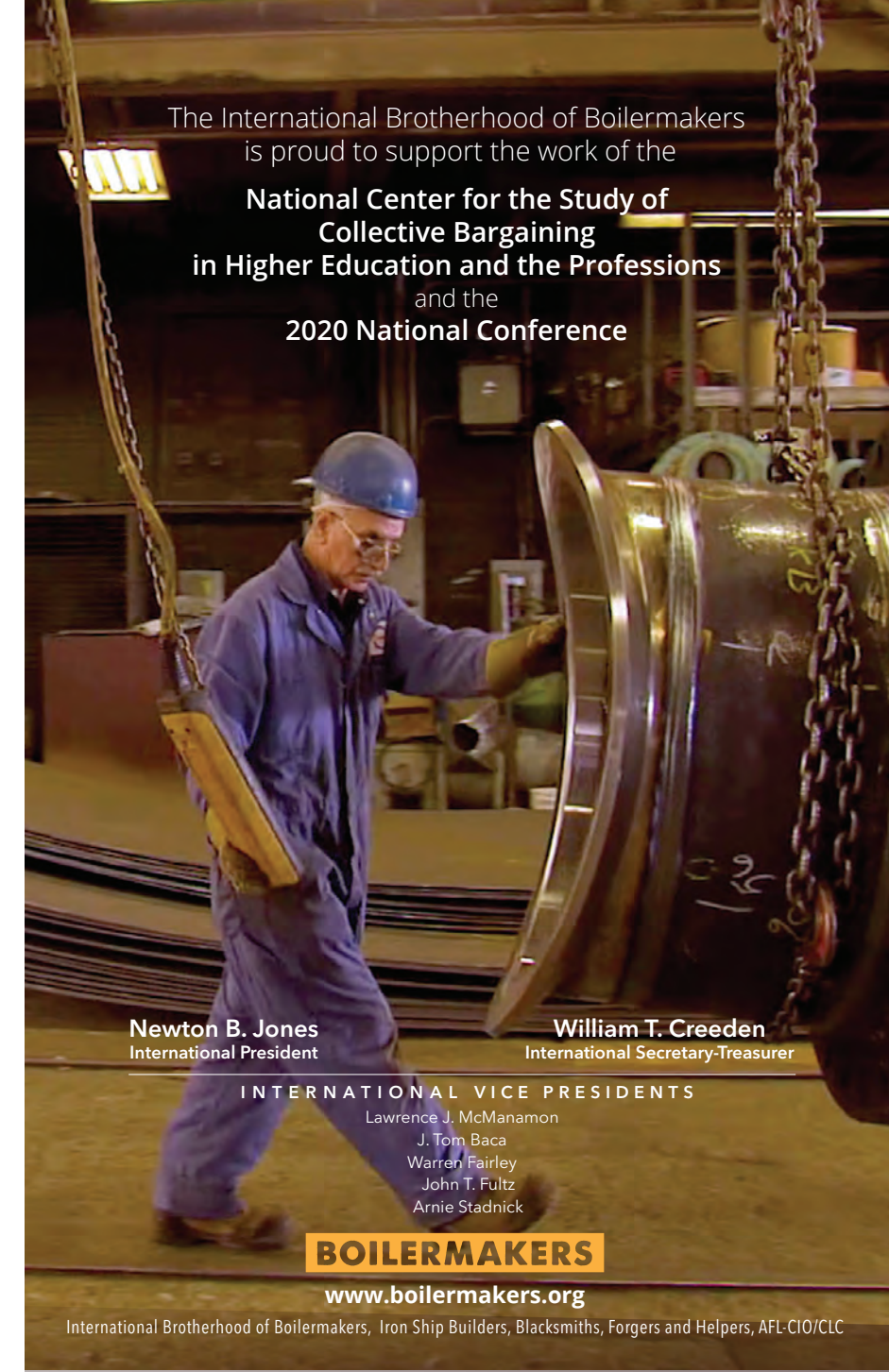
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