

Panel Descriptions (in order of the conference schedule for those panels and workshops that have provided a description for posting)

Plenary. Overview: Financial Landscape of Public Higher Education

Plenary will provide a framing speech about the major fiscal trends facing higher education.

**Strategies for Coping with Public Higher Education's Financial Landscape
(Companion Panel to Opening Plenary)**

State and federal support for public institutions of higher education continues to decline across the nation. How are institutions responding during these challenging times? What are the implications for collective bargaining? Following a brief presentation by each panelist, participants will have ample opportunity for questions and interaction with the panelists.

Workshop: Freedom of Information Law

This workshop provides an overview of the purpose behind and uses of open records laws by labor unions and other entities. This includes a brief review of the federal Freedom of Information Act; examination of a few select state open records laws; concrete examples of the use of FOI and open records laws by labor organizations; and, finally, how open records laws have been used to harmfully target specific faculty members and their scholarship.

Workshop: Interest Based Bargaining in Higher Education

In the past two decades, the use of interest based and mutual gains bargaining has become increasingly common. During the recent recession, however, questions have emerged about the use of this process when employers have little or no economic gains to distribute. Workshop participants will discuss the following questions with their presenters:

1. Does interest based bargaining truly differ from traditional bargaining? If so, how? What points do they share in common?
2. Is IBB generally a good or bad approach for negotiating higher ed labor contracts?
3. When would you choose to use IBB? When or why would you avoid IBB? What particular facts and circumstances inform your answer in each instance?
4. Are certain issues better addressed in IBB than in traditional bargaining? Conversely, are certain issues better addressed in traditional bargaining?
5. Recognizing the unique exposures that result from using IBB: Does the possibility of failure pose a higher risk? Is there life after failure?
6. Does using IBB pose any unique legal issues or challenges, e.g., under the National Labor Relations Act?

Legal Challenges to Collective Bargaining

The panel will begin with a broad summary sweep of the issues affecting legal and legislative challenges to collective bargaining in various states across the country. Included among the issues are the rights of selective groups to unionize (e.g., temporary faculty or post-doctoral students) as well as issues regarding right-to-work considerations. We will also utilize the experiences in two states – Ohio and California – to discuss the local ramifications of these

broader issues. In Ohio, the focus will be on ideological issues such as re-defining who can bargain and the use of Right –to-Work to seek limitations on collective bargaining. The California experience will focus on more practical issues discussing how severe budget restrictions threaten the traditional expectations for work conditions.

Crisis Impact on Students, Families, Local Businesses

Since many states are experiencing budget crises, the response has been to cut higher education funding. How does this trend impact students, families and local businesses? The public is dismayed by reports of yearly tuition increases but often do not understand that declining state support often requires tuition increases as part of this equation. This panel will bring perspectives from California, Illinois, Pennsylvania and Puerto Rico on the effect of the funding crisis on their respective institutions and their communities.

Best Practices to Avoid Crisis Impact on Diversity and Gender

The panel will review:

- Current State and Local Trends—Quantitative Picture
 - More Women at Community College
 - More Women Staff
 - Difference Between Institutions in Regard to Employee
 - Rank
 - Pay
 - Age
 - Titles
 - Choices Made by Minorities and Women in Terms of Positions, Departments
- Employer of Choice Best Practices--Women
 - Family Leave
 - Tenure Clock Resets
 - Work/life issues
- Employer of Choice Best Practices—Minority
 - Start-up Packages
 - Clear Guidelines on Advancement/Tenure
 - Assigned/Defined Mentoring Programs
- Impact of Culture Change
 - Integrating New Perspectives by Women and Minority Faculty
 - Assessing Impact on Dominant Culture as Women and Minority Advance from Assistant to Full Professors
 - Redefining Curriculum and Knowledge Development

Changing the Conversation: Fiscal Constraints—Responding to the Challenge?

The panel's content will revolve around the topics of productivity, prioritization in spending, entrepreneurial ideas and collective bargaining. We would like to engage in a discussion of how these four tools can be used to change the conversation and respond to the challenge in fiscal

constraints by the upper-levels of administration in higher education, human resource management and collective bargaining groups. In keeping the scope of the conversation contained we would like to discover how changes in state, as well as university, budgets, advancements in technology, in-sourcing and workload efficiency interact with the four topics aforementioned.

Workshop: Negotiations 101

This interactive seminar offers a real-time demonstration of a grievance arbitration. Participants will experience the process of an arbitration, and will have the opportunity to discuss all issues regarding the hypothetical scenario with the arbitrator and attorneys.

Collective Bargaining. The Crisis: Impact on Retirement, Tenure, and Faculty Mobility

This panel will focus on the changing face of the academic labor force over the past several years, the impact of the national economic crisis on academic labor, and projections regarding where we are headed. Panelists will discuss the increasing prevalence of non-tenure track instructors and adjuncts; contractual tensions between and among tenured and tenure-track faculty, non-tenure track faculty, and adjuncts; delayed retirement and its impact on hiring patterns and practices; the increasing importance of health insurance issues in collective bargaining for all sectors of academic labor; and the impact of the economic and health care crises on faculty mobility. Brief presentations by panelists in these areas will be followed by encouragement of robust debate and discussion among the audience.

The Nexus between Budget Conditions and Collective Bargaining Realities: What We Disagree and Agree Upon

It is certainly not news that higher education has been facing unprecedented budget cuts in many states, coupled with attacks on union bargaining rights, dues collection and employee pensions. When these devolve into debates between management and labor representatives, the discussion often boils down to management arguing “there is no money” for salary or program increases as faculty representatives argue, “yes there is money, but it’s not being used in the best way.” The two presenters will discuss their attempts to grapple with these kinds of issues in recent years. Patrick Lenz is the vice president for budget at the University of California, which faces breathtaking financial problems, and Howard Bunsis is an accounting professor from Eastern Michigan University who is often invited to assess budget issues for faculty groups. Bunsis is chair of the Collective Bargaining Congress of the American Association of University Professors.”

Digital Instruction and Rights: Impact on Collective Bargaining Agreements and Contract Language

This panel, moderated by the University of Michigan's Senior Director of Academic HR Jeff Frumkin, brings to the conversation five experienced commentators, representing the teaching faculty, their bargaining representatives, and legal counsel... who together will walk you briskly along the spectrum of critical issues in digital instruction and related online activities.

* Kathi Westcott, senior counsel at the AAUP, will sum up the key association policies involving intellectual property rights and teaching online.

* Diane White, past-president of the Solano College Faculty Association, will recount her institution's introduction of digital instruction in the absence of pre-set policies/contract

provisions.

- * Cynthia Eaton, associate professor of English at Suffolk County Community College, will present and explain the Memorandum of Understanding negotiated between her college and the faculty union.
- * Mark Farley, former vice president for human resources at two major public institutions, will discuss informal online instruction and issues of online relationships and behavior.
- * Jim Castagnera, legal counsel at Rider University, will cover disciplinary cases arising out of faculty activities on Facebook and other social media.

Jeff will then open the conversation to the audience. Panelists will welcome questions and comments in anticipation of a lively discussion of all of the points along the spectrum they've touched. We will encourage recounting of related experiences, as well as articulation concerns and suggestions aimed at advancing our collective understanding of digital instruction's challenges and collectively bargained solutions.

Faculty Entrepreneurship: Funding Source?

The panelists will explore the evolution and impact of the interface between the commercial world and academia and the associated challenges of securing private, state and federal funding necessary to allow faculty to bring the fruits of their research and expertise to the marketplace for the public good. Panelists will also discuss possible legal considerations including intellectual property rights and patents.

Workshop: Negotiations 102: Collective Bargaining in the Brave New World: Exploring the Continuing Impacts of Electronic Media on Negotiations, Protected Activity and Privacy in the Modern Workplace

This panel will provide an update on the trends in, legislation and case-law related to, and impact of electronic/digital technology and social media on collective bargaining negotiations and in the workplace. Specifically, the panel will survey recent and critical court and agency decisions in areas related to the impacts of social media and electronic/digital technology in the labor and employment legal arena. In addition, the panel will discuss recent events in collective bargaining where social media played a critical role, and critique activity in this area of the law from both management and union/employee perspectives.

Collective Bargaining Contracts with Performance Metrics

As public universities are being challenged with the uncertainties of diminishing state support, the creative thinking of some faculty bargaining teams and their university counterparts has had an impact on faculty compensation based on the university's and/or the faculty members' successes in certain areas. Both the University and Akron (UA) and Kent State University (KSU) have enhanced the total compensation of their faculty by taking this approach. For example, as the result of a negotiated "Success Pool," faculty at Kent State University received a significant one-time bonus while faculty at UA are eligible to receive a variety of increases based on merit, compression/market adjustments and strategic priorities. In this session, panelists from UA and KSU will provide information about how they have looked beyond traditional across-the-board and merit calculations to augment faculty salary packages that might have otherwise been limited by changes in state appropriations.

Union Coalition Bargaining: Faculty, Staff, Librarians, Contingent

This panel will examine, from six very different perspectives, the central issue facing all but the narrowest of faculty unions and their bargaining committees: how best to represent, as well as achieve real gains across the board for, a membership which is, at best, an extremely broad and only relatively willing coalition and, at worst, a sectarian battle field.

Cindy Oliver will speak on overcoming the Wisconsin Syndrome: Strategies to Strengthen Post-Secondary Education Bargaining in Tough Times. Every union negotiator has faced the problem of a combative employer using the context of tough economic conditions to force significant changes in current contracts. Like many parts of the public sector, post-secondary education finds itself squeezed on many sides as government funding of public institutions falls well short of current demands and rising tuition costs place more barriers between our students and their opportunity to learn. The experience of post-secondary educators in British Columbia, Canada is no different in that respect from the experience of educators across North America. However, Cindy Oliver, President of the Federation of Post-Secondary Educators (FPSE), the union that bargains on behalf of 10,000 faculty and staff in that province, will describe the strategies that her organization has adopted at their bargaining table to defend current contracts and position her membership for future gains.

Workshop: Negotiations 103

This workshop covers the distinctions and interactions between collective bargaining and governance in higher education in connection with tenure review and other issues. We will explore whether governance structures and collective bargaining should address distinct issues, or whether they can and should be approached in tandem to strengthen faculty governance and improve working conditions for faculty members. Participant experiences involving the interaction between collective bargaining and governance will also be discussed.

Legal Issues in Higher Education: Year Review of Decisions, Cases

The Legal Update Panel includes a review of the major labor and employment decisions from the past year and their implications for college and university administrators, faculty and employees. This covers, among other things, cases decided by the National Labor Relations Board and state and federal courts on labor matters, such as employee rights, collective bargaining, organizing activity, and unfair labor practices. The session will also include a review of the latest cases on academic freedom, discrimination law and related topics. Panelists will review emerging trends in all these areas and will take questions from the audience.

What Case Can Public Higher Education Make that Will Resonate with Politicians?

We will hold a roundtable conversation with audience participation. Panelists represent a strong record of political expertise in public education institutions, state government, and at the national level. Panelists will offer innovative ideas about how to more assertively advocate for public higher education on the local, state, and national levels – and how to forge alliances and partnerships in this advocacy.

The Collective Bargaining Landscape for Contingent Faculty

This dynamic and experienced panel will explore the causes and implications of the explosive growth in contingent faculty over the past several decades. Panelists will discuss the changing working conditions for contingent faculty, historical versus "hot button" issues, how contingent faculty bargaining impact full-time, tenure track faculty, and how the private sector plays into what we are seeing in the public system.