

AAUP Negotiating Bulletin #5 The Current Status of the Negotiations

The Provost has recently stated, “We are encouraged by the frank, open and collegial tone that has characterized the negotiation process thus far and remain committed to finding mutually agreeable solutions that allow the University to move forward as a student-centered institution.”

This quote may lead you to believe that this summer’s negotiations are proceeding smoothly with progress towards a new Agreement.

Nothing could be further from the reality of the situation.

Thus far, this summer’s negotiations are extraordinarily different from those in recent years and little substantive progress is being made.

It is important to understand why this year’s negotiations are different, so that we can be prepared to take whatever steps are necessary to safeguard the University. The differences between this year and previous years are due to two issues: the nature of the administration’s proposals and the administration’s approach to bargaining.

The Nature of the Administration’s Proposals

The current agreement is the result of over 40 years of cooperation, progress, and agreement. The result is that we have a mature, tested, and proven collective bargaining agreement.

During those 40 years, the faculty and administration developed a set of procedures and structures that works and works well. At this point, we would expect each side to propose evolutionary changes to respond to specific issues and problems that have arisen since the previous negotiation.

Focusing on incremental improvements is how past negotiations have normally progressed, but it is not how the current negotiations are unfolding.

The administration is not proposing evolutionary changes to the existing proven and tested system. The administration is proposing a revolutionary resetting of the relationship between the faculty and the administration. The administration’s proposals effectively erase the system that has worked and worked well.

Rather than fine tune the details, the administration’s proposals represent a radical reworking of a system that was built by the cooperation between previous administrations and the faculty.

We have detailed some of the administration's specific regressive proposals in previous bulletins. However, it is important to see the totality of their proposals. As a whole, their proposals would strip the faculty of any meaningful voice in academic decision-making at the university, college, department and program level. Their proposals would remove every single element of governance from the agreement. Procedures for appointments, workload and Promotion and Tenure could be eliminated from the Agreement. The administration could unilaterally control and exercise their exclusive authority of these and many other rights.

It should be obvious that regressive proposals are more likely to lead to conflict than those that build on years of successful mutual decision making. What we have works and works well. We are willing to make incremental improvements, but we are not ready to throw out the entire Agreement.

The Administration's Approach to Bargaining

The administration's behavior at the table also differs dramatically from previous negotiations. While the tone of the negotiations has been for the most part collegial, there has been a remarkable lack of engagement on the part of the administration. The administration's lack of engagement has caused an almost complete lack of progress this summer.

In the past, each side would present their proposals in terms of what problems they are designed to address and to work through all of the consequences of adopting such proposals. By focusing on the underlying problems, the parties were able to explore the nature of those problems and try to find common ground and mutually agreeable solutions. This approach has benefited everyone over the past 40 years.

Regardless of the Provost's characterization, the administration has steadfastly refused to approach negotiations as it has in the past. The only reasons asserted for their proposals include an insistence on change for the sake of change and appeals to popularity. We have heard the administration say "We need change" and "This is the way it is done at other places" many times this summer. The administration simply refuses to give any other reasons or any rationale for their proposals other than its desire to be more 'nimble'. We expect our students to support their positions in and outside of the classroom and we can surely expect the administration to do the same.

For example, when discussing the administration's proposal on governance, we asked for an example of a problem with the present system. The administration refused to provide any example or any specific problems. If there were problems, we, as we have done in the past, would work to find mutually agreeable solutions. Regardless, with no evidence of any problem, the administration simply wants to throw out the existing effective governance structure.

When we asked why we should remove governance from the Agreement, instead of an engagement on the question we got a simple refusal to bargain. Their only response was, “such issues are not mandatory subjects of bargaining and we will not bargain them.”

Although the administration has provided no examples or any reasoning whatsoever for cutting our existing governance system it has proposed language that **“all Articles within this Agreement that pertain to Governance, i.e., do not involve terms and conditions of employment, will sunset as of September 1, 2015.”** When we asked if this would mean the disappearance of Articles or parts of Articles beyond the one labeled “Governance” they said that it would, but they would not discuss which elements of the Agreement they saw as disappearing under their proposal. We find this absolutely shocking. In effect, they are proposing to cut out much of the Agreement, yet they refuse to tell us what exactly they are cutting. This is not the sort of behavior that is likely to reach, as the Provost has stated, “mutually agreeable solutions.” Their approach will only lead to impasse and conflict.

We remain committed to a negotiating process that will lead to a mutually acceptable Agreement that will serve the long-term interests of Rider and its students. We are committed to defending the institution from those who seek to fundamentally change what has worked well. We will defend what works for the benefit of all who are here now, who will be here in the future, and to respect those who fought to give us what we have now. Unfortunately, such an Agreement is unlikely to be reached if the administration continues to insist on a radical restructuring of the University with no justifications whatsoever and a refusal to engage in meaningful negotiations.

We urge you to speak out and let your voice be heard. We thank those who have contacted the administration to let them know where you stand.

We also sincerely appreciate the feedback we have received from many of you. We truly value your support and encouragement.

We look forward to seeing everyone on August 28, 1 pm, BLC Theater.

Your Negotiating Team,
Jeff Halpern, Chief Negotiator
Mike Brogan
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