

Managing Presidential/Faculty Contract Relations

AACC Presidents Academy Summer Institute
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Topics Covered

- Advantages of a Strong, Well-Crafted Faculty Union Contract
- Getting There: Positive Relations Between President and Faculty Union
- The Labor Contract as a Governance Tool
- President's Role in Bargaining Contracts
- Unsolicited Advice

Personnel Issues

Faculty Workload

Faculty Compensation

Discipline

Professional Behavior

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Advantages of a Strong, Well-Crafted Faculty Union Contract

- Defines the relationship between employer and employee in a fair and equitable manner
- Examples:
 - Contact hours for full faculty assignment
 - Building schedules and assigning faculty to courses: management rights BUT
 - Faculty Evaluation Standards and Process
 - Pre-discipline and Discipline language should be avoided where addressed in law



Advantages of a Strong, Well-Crafted Faculty Union Contract

- Legal Basis: Rank Order of Contracts is: Constitution/Law/Regs/Contracts/Board Policy/Admin Procedures so Contracts trump Board Policy
- Define Scope of Hours/Wages/Working Conditions
 - Distinguished from Faculty Senate—BUT address where they intersect/work together
 - Examples: Academic Calendar, Online Education, Hiring, Professional Development



Getting There: Positive Relations Between President and Faculty Union

- You Should Establishing Your Union Code
 - Have open, honest, transparent, and affirming meetings with union leaders
 - Set aside your past history and personal beliefs about unionism
 - Emphasize the positives of union representation
- Recognize union leaders as part of leadership team
- Affirm the value of union contracts
- Transparency means sharing information





Use the Labor Contract as a Governance Tool

- Read all contracts thoroughly—know the language
- Discuss contract language and lingering issues with senior staff—plus their take on how contracts are being implemented
- Have the same discussion with representatives on management bargaining teams
- Train middle managers on implementation of contracts
- Provide updates to board members on labor relations



President's Role in Bargaining Contracts

- Your positive union code extends to the bargaining table
- Interest Based Bargaining (IBB) is an effective practice that:
 - Diffuses acrimony,
 - Gets to the heart of issues,
 - Establishes the basis of agreement on those issues before discussion of contract language, and
 - Creates a collaborative rather than adversarial bargaining atmosphere



President's Role in Bargaining Contracts

- Your role can be that of a **negotiator**
 - Positives: more control, decisions made at the table, reinforces relationship with union, better understanding of the contract AND intent.
 - Negatives: time consuming, IBB takes experience, may not be part of your leadership philosophy
- Your role can be that of a **guide**
 - Positives: You still set management priorities, meet with chief negotiator, but do not invest as much time
 - Negatives—May spend as much time as guide as doing it yourself, less contact with the process and union leaders, and less contract knowledge



Unsolicited Advice: Personnel Issues

- Most serious personnel issues intersect with state and federal laws, so have a working knowledge of such laws—and a good labor lawyer
- Work with your middle managers as well as using your positive relationship with union leaders to detect personnel issues as early as possible
- Balance business necessity (e.g., faculty actually working productively) with the human condition (e.g., a positive workplace environment promotes productive work—also seen as supporting faculty)

EXAMPLES



Unsolicited Advice: Faculty Workload

- Faculty workload is a typical contract item, e.g., weekly credit lecture load of 15 hours
- However, low class size means high employee cost to produce funded student contact hours—so be cautious
- For example, you might give a financial bonus for large class sizes—double or just by increasing student count—that is mutually beneficial to faculty (pay) and the college (reimbursement)



Unsolicited Advice: Faculty Compensation

- Compensation includes salary and benefits—health, sick leave, vacation, retirement, etc.
- So consider total compensation when negotiating.
Examples:
 - Overgenerous retirement health benefits can break a district
 - Very low college contribution to health benefit premiums results in poor faculty recruitment—or even resignations when discovered by newly hired faculty



Unsolicited Advice: Discipline

- Assure that the evaluation process and standards are particularly rigorous for probationary faculty seeking tenure
- Support vigorous peer faculty review of such faculty and termination when standards are not met
- Once, tenured, utilize primarily statutory and regulatory standards and processes to handle egregious situations such as sexual harassment or incompetence



Unsolicited Advice: Professional Behavior

- Include objective, observable, measurable professional behavior requirements in the contract.
 - Examples are turning in grades on time and meeting class starting and ending times each day
- Leave other types of behavioral problems to legal discipline standards
 - Quite a gulf between being late to class & sexual harassment
 - Evaluation can help, but has little teeth for tenured faculty
 - Use tools like professional development and right of assignment



Unsolicited Advice: Contract Negotiations

- Conclude each IBB issue resolution with a Tentative Agreement signed by both chief negotiators. Include in the TA agreed upon “intent language”
- Make use of Memoranda of Understanding and Side Letters.
 - MOUs can be signed in between negotiations and are intended to become part of the contract at the next period of negotiations
 - Side letters can be signed to address a specific, short-term circumstance that is either not addressed in the contract or is a temporary exception to the contract





A resource for future reading is my monograph entitled
“The College CEO Position-Advice for the New CEO”
published by the
Community College League of California.

https://www.ccleague.org/sites/default/files/publications/pdf/advice_for_new_ceo_report.pdf

