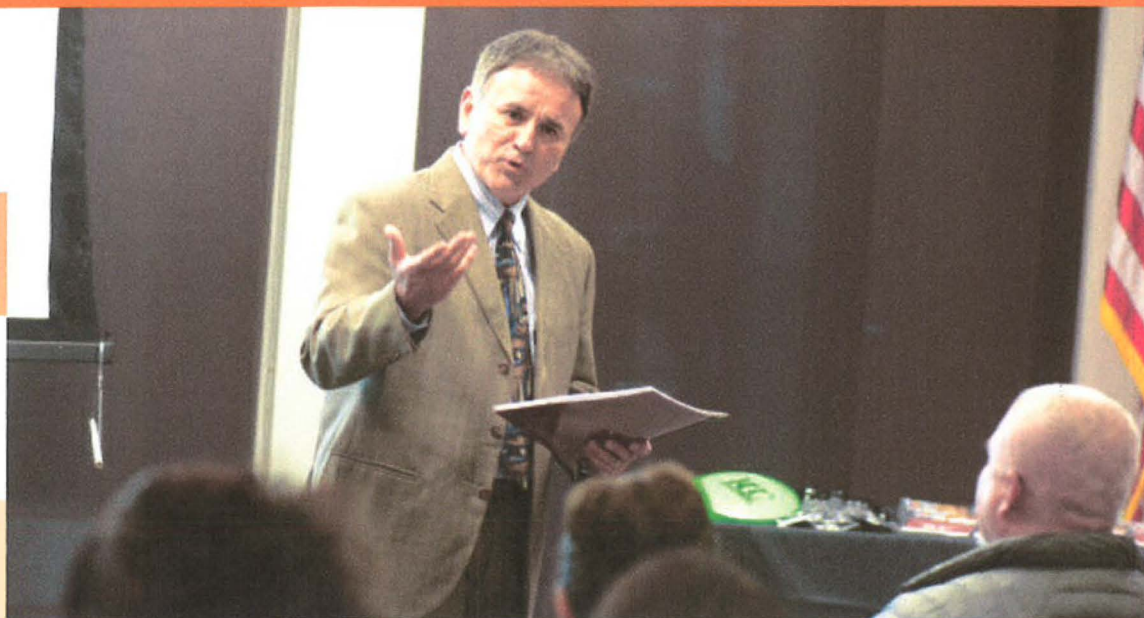


# RULES OF THE GAME



Roberto Gutierrez, president of  
Klamath Community College

## "TAKING FACULTY BY SURPRISE CAUSES ILL WILL THAT IS ENTIRELY PREVENTABLE."

—MARSHALL OGLETREE, *executive director, United Faculty of Florida*

a dead man," he says. "They assumed I thought their proposal was way too high."

As Gutierrez closed the door, the CFO began high-fiving other members of the administrative team. "I stopped the celebration and said: 'We came up with a number we said we could afford, and now you're happy because we're going to take advantage of our employees? That isn't right,'" he recalls.

Gutierrez told the group he believed they should honor their original intention. "That was unheard of," he says, "but the chairman of our board of trustees agreed."

When they returned to the negotiating room, the CFO walked up to the board and wrote down the administration's figure. "You could hear a pin drop," Gutierrez says.

With this simple act, Gutierrez had earned the union's trust—and opened the door for productive negotiations. In the end, KCC became one of the few unionized public colleges to implement a system of merit pay for faculty, a concession made possible by the good will his gesture had secured.

Trust and fairness are essential components in building strong, positive relationships with union representatives, Gutierrez and other college leaders say. Although negotiating contracts with faculty and employee unions can be challenging, it's easier and less contentious when the two sides approach the process not as adversaries, but as partners in improving education.

### FORGE RELATIONSHIPS

Some higher education leaders might resent the presence of unions on campus. But Bill Scroggins, president and CEO of Mt. San Antonio College in California, believes that strong union leadership and a robust collective bargaining agreement strengthen the campus community.

A collective bargaining agreement "gives us the rules of the game for employer-employee relations," he observes. "If we have any issues, we have well-defined processes for resolving them."

As a faculty member at El Camino College in the 1970s, Scroggins helped negotiate the first collectively bargained contract at that institution. Having sat on the other side of the table before, he understands that when employees are satisfied with their working conditions and feel they are being treated fairly, they are more engaged in their jobs and committed to the college's mission.

Union leaders are included within Mt. SAC's key governance structures. They sit on the President's Advisory Council and are involved in strategic planning. This not only gives them a





voice in campus decisions; it ensures they won't be blindsided as new policies are enacted.

"If we're proposing a change to a policy or procedure," Scroggins explains, "union members have a chance to say in those meetings, 'Wait a minute: We think there might be some issues that affect hours, wages, and working conditions. We'd like to put that on pause until we can sit down and see what the implications are.'"

He adds: "We don't solve problems at the end of the process. We try to address them early on."

Having a voice in campus governance is something union leaders appreciate. "Many problems could be nipped in the bud if there was some discussion at the front end of the decision-making process," says Marshall Ogletree, executive director of the United Faculty of Florida. "Taking faculty by surprise causes ill will that is entirely preventable."

Fostering strong relationships with union representatives involves frequent communication. Scroggins meets regularly with the presidents of the college's three unions not just when problems arise, but throughout the year.

"Each of the union leaders has an hour with me once a month, and they can also get on my calendar whenever they need to," he says. "The minutes of my senior staff meetings are published for the entire campus community, and I give the union leaders an advance copy of those minutes so they can review what our senior management group is working on. That way, they are well prepared to answer faculty and staff questions about the direction our college is taking."

When the Supreme Court ruled last year in *Janus v. AFSCME Council 31* that public employees don't have to pay dues to the unions that represent them in collective bargaining agreements, Scroggins made an unusual gesture.

"I sat down with our faculty union and said: This is going to impact your membership," he says. "What can we do as an institution to make sure the financial impact of this ruling doesn't limit your ability to function as employee representatives?"

After discussing the issue with union leaders, Scroggins extended the release time that the union president and chief negotiator have to work on union-related issues throughout the year. "Those sorts of actions tend to build trust," he notes. "They demonstrate our commitment to valuing the unions' work."

The investment that Scroggins has made in forging strong relationships with union leaders has paid dividends. "We have very few grievances, and the ones we do have, we have a process in place to come up with good solutions," he says. "We still have disagreements once in a while—but they are never disruptive."

### RETHINK NEGOTIATIONS

Even with strong relationships in place, contract talks between administrators and campus unions can be fraught with challenges. College presidents often feel caught in the middle as they try to balance the needs of employees with the financial health of their institution.



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"When I first started my career in education decades ago, we were getting 6-percent annual salary increases and our health care was amazing," says Dustin Swanger, president of Fulton-Montgomery Community College in upstate New York. "Today, health care premiums are skyrocketing. Budgets are tight, and colleges are closing."

This new landscape calls for a different approach to negotiating. With funding for higher education failing to keep pace with inflation in many states, today's college leaders must be creative problem solvers.

Before Swanger became president at Fulton-Montgomery, the college had what he describes as a "pretty traditional" approach to negotiations: "The union had an attorney on its side, and we had an attorney on our side. The two teams sat in a room and stared at each other, and the two attorneys talked back and forth." He adds: "That's not very productive."

Swanger invited a trainer from Cornell University's School of Labor Relations to present a workshop on interest-based bargaining to union leaders and administrators. Interest-based bargaining is a less adversarial approach to negotiating in which the two sides focus on developing mutually beneficial agreements based on each others' interests, using a collaborative approach to problem solving.

Under interest-based bargaining, contract negotiations now look much different at Fulton-Montgomery. "Each team sends two people to

the table to talk about what the issues are and how we might solve those issues," Swanger says. "It's just a conversation among four people. They take that information back to the larger negotiating team to get some direction, but it's a much friendlier approach."

Leaving the lawyers out of the discussion can save thousands of dollars in legal fees that could be spent on salaries instead, Ogletree says. It also shows faculty that you trust them. "When outside attorneys aren't present, the relationship seems much more respectful and collegial," he observes.

Not all of the unions at Fulton-Montgomery bought into interest-based bargaining initially. "The faculty union did so first, and then the other two unions followed suit when they saw how well it worked," Swanger said. Since the college adopted this approach, "negotiations have gone much more smoothly, and generally in less time as well."

During the most recent contract talks with faculty, one of the key sticking points was how much faculty should pay for health insurance. Under the old agreement, tenured faculty did not have to contribute toward the cost of their insurance. With health care costs on the rise, however, it was becoming harder for the college to maintain this arrangement.

Of course, "nobody wants to lose ground on their benefits," Swanger acknowledges. Through collaborative problem solving, "we landed at a place where anybody hired after September 2019 will contribute

Bill Scroggins, president and CEO of Mt. San Antonio College.



Image Credit: Mt. San Antonio College



# "I BELIEVE THAT DECISIONS CAN BE MADE A LOT MORE EFFECTIVELY IF THEY AREN'T MADE IN A VACUUM."

—ROBERTO GUTIERREZ, *president, Klamath Community College*

10 percent of the cost of their health insurance for their entire career—but the people who haven't had to pay are grandfathered in."

Swanger believes the key to maintaining healthy relationships with unions is to be open and honest at all times. "People have said: 'We might not always like what you tell us, but we know that what you tell us is what you really believe. You're not trying to play a game.' I think that's important," he says.

However, don't be in a rush to speak during negotiations, he advises. "Pause and take time to think about the discussion. Don't feel like you have to provide an immediate answer when you're sitting at the table, because your initial thought might not be the best response."

## VALUE INPUT

Mt. SAC and KCC also use interest-based bargaining. Gutierrez says it helps both sides zero in on the underlying issues, so they can solve problems together more effectively.

At Gutierrez's institution, faculty were required to advise students as well as teach courses. Some instructors welcomed this additional responsibility; others disliked it. When this was brought up during contract negotiations, the union reps indicated that some faculty members didn't feel comfortable advising students, and they wanted to focus on what they were passionate about. Student surveys confirmed that some faculty members were very good at advising, while others weren't.

Recognizing that students weren't being well served by this policy, the two sides reached an agreement: Faculty who aren't interested in advising must teach an additional class, and those who do enjoy it can take on more students and teach fewer classes.

"We listened to the problem, we looked at the data, and we came up with a solution that serves everyone's interests," Gutierrez says.

Interest-based bargaining fits Gutierrez's leadership style: "I value input. I believe we have good people here, and I believe that decisions can be made a lot



more effectively if they aren't made in a vacuum." However, both sides have to be committed to the process for it to work. "You can't just go through the motions," he warns. "It's not for everybody."

KCC hasn't had any faculty grievances during Gutierrez's time as president, a fact he attributes to the institution's culture.

"If a faculty member is struggling, our philosophy is: How can we help that person improve? We mean that, and our faculty know that," he says. "Usually, when an employee is dismissed, the union files a grievance. That hasn't been the case here, because the union knows we're serious about trying to help our faculty succeed. And they know we have been fair. If somebody doesn't improve, it's not because they haven't been given the opportunity."

When college leaders commit to implementing a shared governance process, and they treat employees with fairness and respect, "the outcome is a well-run, healthy place to work," Gutierrez concludes. "Things get done. Transformational change happens. And we serve our students and our community effectively, because we are all working toward a common purpose. But this takes years to develop. It doesn't happen overnight." ■



At Klamath Community College, interest-based bargaining benefits both administration and faculty.

Dennis Pierce is an education writer based in Boston.