

# **AGENDA**

## **UW-GREEN BAY FACULTY SENATE MEETING NO. 4**

Wednesday, January 27, 2010 3:00 p.m.

Phoenix Room BC, University Union

Presiding Officer: Laura Riddle, Speaker

Parliamentarian: Clifford Abbott

### **1. CALL TO ORDER**

### **2. APPROVAL OF MINUTES OF FACULTY SENATE MEETING NO. 3, November 18, 2009 [page 2]**

### **3. CHANCELLOR'S REPORT**

### **4. CONTINUING BUSINESS**

### **5. NEW BUSINESS**

- a. Discussion on legislative outlook, presented by Dan Spielmann
- b. Discussion on a uniform style guide, presented by Sue Bodilly
- c. Discussion on governance committees, presented by Cliff Abbott
- d. Discussion on Wisconsin's Disinvestment in Higher Education, presented by Brian Sutton [page 6]

### **6. PROVOST'S REPORT**

### **7. COMMITTEE REPORTS**

- a. Academic Affairs Council Report [page 10]

### **8. UNIVERSITY COMMITTEE REPORT**

Presented by Brian Sutton, Chair

### **9. OPEN FORUM ON COLLECTIVE BARGAINING [page 12]**

### **10. ADJOURNMENT**

## MINUTES 2009-2010

### UW-GREEN BAY FACULTY SENATE MEETING NO. 3

Wednesday, November 18, 2009  
Alumni Rooms AB, University Union

Presiding Officer: Laura Riddle, Speaker of the Senate

Parliamentarian: Clifford Abbott, Secretary of the Faculty and Academic Staff

PRESENT: Lucy Arendt (BUA), Scott Ashmann (EDU), Andrew Austin (SCD), Kimberly Baker (HUB), Caroline Boswell (HUS), Peter Breznay (ICS), Kathleen Burns (HUD), Toni Damkoehler (AVD), David Dolan (NAS-UC), Adam Gaines (AVD), Stefan Hall (HUS), Thomas Harden (Chancellor, *ex officio*), Mimi Kubsch (NUR), James Loebel (BUA), John Lyon (NAS), Randall Meder (AVD), Daniel Meinhardt (HUB), Steve Meyer (NAS alternate), Thomas Nesslein (URS), Illene Noppe (HUD-UC), Laura Riddle (AVD-UC), Jolanda Sallmann (SOCW), Heidi Sherman (HUS), John Stoll (PEA), Brian Sutton (HUS-UC), Julia Wallace (Provost, *ex officio*), Jennifer Zapf (HUD)

REPRESENTATIVES: Brent Blahnik (academic staff), Megan Loritz (student government)

NOT PRESENT: Michael Draney (NAS-UC), Tim Kaufman (EDU-UC), Steve Kimball (EDU), Michael McIntire (NAS)

GUESTS: Dean Scott Furlong, Interim Dean Derryl Block

**1. Call to Order.** Speaker Riddle called the Senate to order at 3:03 p.m

**2. Approval of Minutes of UW-Green Bay Faculty Senate Meeting No. 2, October 14, 2009.** On a **motion by Senator Sallman (Senator Lyon second) the Speaker called the minutes approved** with minor corrections already made to the on-line version.

**3. Chancellor's Report.** Chancellor Harden made several announcements. The fall commencement speaker will be Daniel Keegan, director of the Milwaukee Art Museum. The Wisconsin Department of Public Instruction is currently reviewing our Education programs. The mid-year convocation is scheduled for Tuesday, January 19<sup>th</sup> at 9:00 a.m. and the Chancellor welcomes suggestions on that event. Finally the Chancellor mentioned that he would be starting discussions on strategic planning, probably with the University Committee soon.

**4. Continuing Business.**

**a. Code Changes to chapters 3 and 51.** Cliff Abbott presented this item with the background that the UW-System legal team was seeking changes to the code changes approved by last year's Senate and administration. The revisions are not intended to change any current procedures or

policies, only to reduce redundancy and improve clarity. The changes made to accord with legal advice were: to remove from our Code the sentence that said there is no mandatory retirement age (this is covered by state statutes); to remove the sentence that said the Chancellor may hire retirees (this right is protected by other System rules and our Code did not include the provision that there is a short waiting period between retirement and hiring); to insert the phrase “after an initial probationary appointment” in the sentence that says promotion to associate professor implies tenure (it is possible to make an initial appointment at the level of associate professor and set a few years probationary period before a tenure decision but it is not possible to promote an assistant professor to associate without giving tenure); and to treat the personnel rules for tenure track faculty and those for instructional academic staff in separate chapters (so as not to allow any interpretation that academic staff may have tenure). **Senator Sutton (Senator Meyer second) moved the adoption of these Code changes and the motion carried (25-0-0).**

## **5. New Business.**

a. Recommendation on the Granting of Degrees. Senator Sutton presented this routine resolution affirming the Faculty’s role in granting degrees to the fall 2010 graduates. **Senator Meinhardt (Senator Lyon second) moved approval and the motion carried (25-0-0).**

b. General Education Mission Statement. Senator Sutton briefly introduced this resolution and **Senator Hall (Senator Arendt second) moved to endorse the General Education Mission Statement**, created by the Task Force on General Education and approved earlier by the General Education Council. After brief clarifying questions **the motion carried (25-0-0).**

c. Proposal to Adopt a Latin Motto. Senator Sutton introduced this resolution to adopt the Latin motto *Ad Scientiam Renovandam* with background on its meaning and the fact that, although it was created nearly a decade ago, it had never been officially adopted. **Senator Kubsch (Senator Damkoehler second) moved adoption of the resolution.** The discussion of this motion took up more time than any of the other actions, a good part of the time being taken up with observations that we were devoting too much time to this issue. There did not seem to be objections to the particular motto but there were several concerns with the idea of adopting any Latin motto. Those concerns were: that it was unnecessary; that it was unclear whether the Senate was adopting the motto for the University or simply on behalf of the Faculty; that strategies for the use of a motto had not been developed; that a Latin motto ought to be more meaningfully launched than with a simple Senate vote. One response to this discussion was that **Senator Meyer (Senator Lyon second) moved to table the motion. The motion to table failed (2-17-6).** Another response was that Senator Meinhardt (Senator Nesslein second) moved to amend the resolution to consider adopting a Latin motto such as *Ad Scientiam Renovandam* after seeking input from the broader University community. Some brief discussion of this amendment led to its withdrawal and the **original motion was put to a vote. It carried (18-4-2).**

d. Request for future business. Senator Breznay suggested an update on the implementation of the smoking policy adopted last spring by the Faculty Senate at the request of the Student Government Association.

**6. Provost Report.** Provost Wallace used her report to offer some general impressions she had gained from the first few months of her time here. She offered that the academic structures seemed initially overly complex but after some critical examination they do appear to make sense and people are proud of them. Except for the early days of the University there has been and continues to be a difficulty in convincing others of our distinctiveness and it is important to find all sorts of ways on an almost daily basis to tell our story/stories. We need a niche. Among the people who work here, she finds a good deal of commitment to the institution. There is a healthy cynicism, but there is also much optimism and lots of hard work. This is a young campus - the average age of faculty and instructional staff is below the national average. There is also very evident optimism in the community groups and partners. Our alumni who are active in the region are happy with their education here and they contribute much to the community support. It appears that faculty enjoy dialog and there are many issues on which dialog is needed, but it is also difficult to find the time for it in busy schedules. She ended by saying that we do need to face the issue of strategic planning, even though she is fully aware of faculty frustration, especially over past efforts that have not seemed fruitful. She intends to take a few months more to review the record of these efforts and to refresh our collective memory to better face the planning issues.

Speaker Riddle offered a reaction to the point of our ability to get our stories out. From the perspective of someone in the performing arts, there has been a loss of personnel and consequently effectiveness in telling our stories (she singled out the effective work that Mike Heine had done before he left).

The Provost also announced that the search for a Dean of Students is now under way.

**7. University Committee Report.** UC Chair Sutton reported he will be taking on the role of our representative to UW-System faculty rep meetings beginning in January and continuing through next year. He mentioned that the January meeting of the Faculty Senate will be held jointly with the Academic Staff Committee and will include an Open Forum on collective bargaining. The issue of what to do with the Faculty Senate Budget and Planning Committee has resurfaced and there is a planned discussion on how to better define a role for this group. Discussion on honors programs continues in the UC. On the item tabled at the last Senate meeting on a course retake policy, he reported that conversations with the Registrar's office had determined that the policy was likely to affect very few students and that there were significant computer difficulties in implementing a change that needed to count how many times a student was retaking a course. The matter has been dropped unless someone wants to pick it up. He ended up announcing a meeting with area legislators the SGA was sponsoring on November 23.

**8. Open Forum.** The forum was on raising GPA levels that define all-university honors. Senator Meyer reviewed the data that had been presented to the Senate and in particular noted that the percentage of students receiving all-university honors had about doubled in the past two decades and was now about a third of the graduating class. A significant part of the discussion was devoted to collecting the factors that might be behind this increase in GPA. Some of these factors mentioned were: general grade inflation; grade inflation in certain units; increases in transfer students; increases in internships and independent studies where average grades are higher; students taking fewer mathematics and science courses, generally thought to be more

demanding; student perceptions about what constitutes success in a class increasing pressure for higher grades; graduate school aspirations increasing pressure for better grades; an increase in older students; generally better-prepared entering students (based on ACT scores); and pressures for higher CCQs. There were several suggestions for an alternative basis (these are partly aimed at grade inflation in general and partly aimed at ways of determining honors): linking to a ranked percentage instead of a grade level, either generally or by unit; normalizing grades; normalizing grades in classes large enough for it to be significant; making internships (and perhaps independent studies) pass/fail rather than graded; and linking grades with medians. For most of these suggestions the discussants were able to see both strengths and weaknesses. A few side issues also emerged: the residency requirement is a barrier to honors for some; does the administration monitor grade inflation in programs? (yes, but there are no significant consequences); and the need for more data or data interpretation.

**9. Adjournment.** The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Clifford Abbott, Secretary of the Faculty and Academic Staff

## Materials for Discussion of Wisconsin's Disinvestment in Higher Education

### A. a possible resolution

The University of Wisconsin-Green Bay (Faculty Senate? Academic Staff Committee?) expresses its deep concern that Wisconsin's elected officials have for years shown a decreasing commitment to funding higher education in Wisconsin, with the latest manifestation of this trend being the recently-enacted furlough policy.

We grant that given Wisconsin's current budget crisis, a budget-tightening step such as the furlough policy would be understandable—if the State had consistently been providing adequate support for higher education during the better times that preceded the current crisis. But the State has for decades failed to provide adequate support:

- As a resolution passed by the UW-La Crosse Faculty Senate points out, “State funding for the UW System has decreased from 50% of the institution's budget in 1974 to less than 25% in 2009, while at the same time, tuition at the four-year comprehensives has increased by over 100%.” While state officials have been calling for a greater percentage of Wisconsin residents to earn college degrees, they have pursued fiscal policies which make it increasingly difficult for any but the wealthy to attend college.
- As UW-System President Kevin Reilly pointed out in a 2009 speech, from 1999 through 2009 enrollment in the UW System increased by 12% while the number of state-funded employees in the UW System shrank by 1 percent. The State's approach of seeking to increase enrollment in higher education while providing fewer resources will inevitably erode the quality of the education UW System students receive.
- As the UW-La Crosse resolution points out, the furlough policy, which reduces UW-System employees' take-home pay by over 3%, comes on top of the State's having rescinded a promised 2% pay increase for faculty and staff, so that the combined effect is an overall decrease in take-home pay of over 5%.
- And even before this 5% reduction, studies had found that UW faculty salaries were at least 10% behind those at comparable institutions. This makes it more difficult for the UW System to attract and retain quality faculty members, again inevitably eroding the quality of the education UW System students receive.

Again, we recognize that the current financial situation renders some belt-tightening measures inevitable. But education is one area where the State's financial expenditures are more than repaid by financial gains, in everything from reduced prison costs to a more robust business climate. Thus, we urge the elected officials of Wisconsin to reverse their decades-long pattern of disinvestment in the UW System.

## **B. a letter from Faculty Senate at UW-La Crosse to President Reilly**

November 18, 2009

Kevin Reilly, President  
University of Wisconsin System  
1720 Van Hise Hall  
1220 Linden Drive  
Madison, WI 53707

Dear President Reilly:

At its meeting November 12, 2009, the Faculty Senate approved the following statement concerning furloughs:

The University of Wisconsin-La Crosse Faculty Senate holds University of Wisconsin System and the Board of Regents accountable for failing to uphold the basic mission of the University of Wisconsin and for compromising the integrity of all faculty and staff who must now implement a fundamentally flawed furlough policy that exacerbates the problems created by the State's ongoing disinvestment in higher education. In particular,

- Students are asked to pay the **same, or higher, tuition** for their education while faculty are **available fewer days**.
- Faculty must prepare the same courses, conduct the same scholarly activities, and participate in the same service activities, but have reduced time to do so. Thus unlike State workers in other sectors, under the furlough plan UW faculty and staff are **paid less for the same amount of work**.
- The UW System has mandated that furlough days for faculty and instructional academic staff take place on non-instructional days. However, **teaching work takes place even on days that classes do not meet**.
- The decision of how to implement the furlough policy was made by UW System **without the full and equal participation of the faculty and staff** - both in defining the details of these policies and in determining how they are to be implemented.
- The UW System furlough implementation policy ultimately results in little visible impact on our educational efforts. This lack of visible impact **leaves little disincentive for the Legislature to implement furloughs** in future years as a budget balancing method. Additional furloughs will further erode the already serious salary problem cited by two UW System studies showing that *before furlough and pay cut implementations in this biennium*, faculty were 10% behind comparable institutions in salary.<sup>1</sup>

As you well know, the ongoing compensation problem makes it difficult to recruit and retain quality faculty and staff. If quality faculty and staff cannot be recruited to and retained at UW campuses, the educational mission of the University of Wisconsin will suffer. If faculty and instructional academic staff have fewer office hours, spend fewer hours preparing for class, and have fewer work hours to devote to staying current in their discipline, then the students educational experience will suffer. The real and adverse effects on the quality of education offered by the UW System schools must not be underestimated.

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<sup>1</sup> <http://www.jsonline.com/news/wisconsin/35220724.html> and <http://www.jsonline.com/news/education/35605129.html>

Ultimately, we feel that the current furlough mandate in combination with the ongoing reduction in funding for UW campuses are acts of political convenience which reflect a profound failure of both leadership and imagination to think about the long-term consequences of these acts.

In light of all the above, we call upon UW System officials to undertake the following future actions:

1. Acknowledge the real reduction in teaching, scholarship and service that will accrue from these furloughs;
2. Argue against recruitment and retention funds as a stopgap measure for mediating salary problems and instead lobby for broad spectrum salary solutions;
3. Fully engage faculty governance groups at UW System schools in the implementation of any future furlough mandates.

Sincerely,

Rebecca L. LeDocq, Chair  
Faculty Senate

saw

cc: Joe Gow, Chancellor UW-La Crosse

### **C. letter from Faculty Senate at UW-La Crosse to Governor Doyle**

November 18, 2009

Jim Doyle, Governor  
State of Wisconsin  
P. O. Box 7863  
Madison, WI 53707-7863

Dear Governor Doyle:

At its meeting November 12, 2009, the Faculty Senate approved the following statement concerning furloughs:

The University of Wisconsin-La Crosse Faculty Senate holds Wisconsin elected officials accountable for mandating a furlough policy that exacerbates the problems created by the State's ongoing disinvestment in higher education. In particular,

- Students are asked to pay the **same, or higher, tuition** for their education while faculty are **available fewer days**.
- Faculty must prepare the same courses, conduct the same scholarly activities, and participate in the same service activities, but have reduced time to do so. Thus unlike State workers in other sectors, under the furlough plan UW faculty and staff are **paid less for the same amount of work**.

- In combination with the pay cut associated with the rescinded 2 % raise, the 3% loss in salary represented by the furlough plan results in a **5% decrease overall in take home pay for UW faculty and staff** over this biennium.
- The 5% loss in pay compounds an **ongoing severe compensation problem for faculty and staff at UW System schools**. Faculty have systematically received salary increases that lag behind the rate of inflation. As of December 2008, UW faculty salaries were still at least 10% behind those at comparable institutions,<sup>2</sup> making it increasingly difficult to recruit and retain quality faculty.
- Over the past three decades, State funding for the UW System has decreased from 50% of the institution's budget in 1974 to less than 25% in 2009 <sup>3</sup> while at the same time, tuition at the four-year comprehensives has increased by over 100%. The State's disinvestment in higher education has resulted in a **steady decrease in tenured faculty lines relative to an increase in contingent, academic staff positions that have little or no job security**. For example, UW-La Crosse faculty to instructional academic staff ratios have decreased from 83%:17% in 1995 to 62%:38% in 2009.

If quality faculty and staff cannot be recruited to and retained at the UW campuses, the educational mission of the University of Wisconsin will suffer. If faculty and instructional academic staff have fewer office hours, spend fewer hours preparing for class, and have fewer work hours to devote to staying current in their discipline, the students' educational experience will suffer. The real and adverse effects on the quality of education offered by the UW System schools must not be underestimated. Yet, Wisconsin elected officials have yet to acknowledge the reduction in teaching, research, and service that will accrue from these furloughs.

Ultimately, we feel that the current furlough mandate in combination with the ongoing reduction in funding for UW campuses are acts of political convenience which reflect a profound failure of both leadership and imagination to think about the long-term consequences of these acts.

In light of all the above, we call upon Wisconsin elected officials to undertake the following future actions:

4. Reverse the true, long-term problem of which the latest furlough policy is one small piece: decades-long inadequate state-level funding for the University of Wisconsin System;
5. Recognize that recent legislative actions have caused UW faculty to fall even further behind comparable institutions in compensation, and work towards a solution that is broader and more far-reaching than the inadequate pool of monies supplied in the form of recruitment and retention funds.

Sincerely,

Rebecca L. LeDocq, Chair  
Faculty Senate

saw

cc: Joe Gow, Chancellor UW-La Crosse

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<sup>2</sup> <http://www.jsonline.com/news/wisconsin/35220724.html> and <http://www.jsonline.com/news/education/35605129.html>

<sup>2</sup> <http://www.uwsa.edu/president/speeches/2009/s090317.pdf>

## Academic Affairs Council Report to Senate November 2009

AAC Members: Woo Jeon, Mimi Kubsch, Dennis Lorenz, Cristina Ortiz, Christine Style (chair), Tim Sewall (Administrative Liaison)

1. The AAC approved the following Curricular Forms in November 2009:
  - a. Form B from Environmental Policy and Planning, limited modification of existing Major to allow students at NWTC to continue at UWGB.
  - b. Form D from Interdisciplinary Studies to establish a new area of emphasis: Environmental Policy Studies for BAS and BA
  - c. Form C from Humanistic Studies to modify existing minor requirements in Cultures and Values removing HUS 480 & Form C from Humanistic Studies to modify existing minor requirements to add Eng Comp 105 Expository Writing
  - d. Form A from Social Change & Development to modify existing degree requirements in Anthropology by removing BIO 309 as a requirement.
  - e. Form CMF from Social Work to establish a new course, SOC WORK 250 You & Your Future Living and Working in an Aging Society.
  - f. Form CMF from Art (AVD) to establish a new course, ART 304 Figure Drawing
    - i. Form B from Art to place ART 304 as an option within the upper-level Studio Art electives for the Art major
    - ii. Form C from Art to place ART 304 as an option within the upper-level Studio Art electives for the Art minor
  - g. Form C from Women and Gender Studies to add WOST/FNS 360 Women and Gender in First Nations Communities to the list of electives options for the minor.
  - h. CMF for AVD/WOST 372 Women, Art & Image to establish a new course.
  - i. Form B Urban & Regional Studies limited modification of existing major requirements to drop COMM SCI 301 Foundations of Social Research from the list of required courses for the Urban & Regional Studies major.
  - j. Form C from Human Development: Psychology to modify existing minor requirements to add HUM DEV 302 Developmental Research Methods to upper-level electives for the minor in Psychology.
  - k. Form AA form Humanistic Studies: Philosophy to modify existing major and minor requirements. Two substantial changes: 1) Change the requirements for the philosophy major and minor to a) offer more choices and b) Distinguish between history and issues courses; 2) Update the curriculum by a) slightly modifying four courses (changing their title and/or course description introducing two new courses and discontinuing two others. The appropriate Curricular Forms will still need to be filed for the new courses, course modifications, and discontinuations.
  - l. *The following three Curricular forms were considered together regarding adding AVD/WOST:*
    - i. Form C Women's & Gender Studies minor to modify existing requirements to add AVD/WOST 372 Women to list of electives in The Women's & Gender Studies minor.
    - ii. Form C from AVD: Art to modify existing minor requirements. Add AVD/WOST 372 Women, Art & Image to the list of upper-level art history options in the Art minor
    - iii. Form B from AVD: Art for limited modification of existing major requirements. Add AVD/WOST 372 Women, Art & Image to upper-level art history electives for the Art major.
  - m. *The following two Curricular forms were considered together -- both concerned Dropping GEOG 342*

- i. Form B from Urban & Regional Studies for limited modification of existing major requirements. Drop GEOG 342 Settlement Geography from list of upper-level elective courses for the Urban & Regional Studies major.
  - ii. Form C from Urban & Regional Studies to modify existing minor requirements. Drop GEOG 342 Settlement Geography from list of upper-level electives from the Urban & Regional Studies minor
- 2. The Policy on Credit for Prior Learning reviewed and approved by the AAC.
- 3. Program Reviews:
  - a. Environmental Sciences & Policy Master's Program review discussion continued.

## **Academic Affairs Council Report to Senate December-January 2009**

AAC Members: Woo Jeon, Mimi Kubsch, Dennis Lorenz, Cristina Ortiz, Christine Style (chair), Tim Sewall (Administrative Liaison)

- 4. The AAC approved the following Curricular Forms in December 2009:
  - a. Form CMF from Social Change & Development to create a new course, ANTHRO 214 Introduction to Physical Anthropology.
  - b. Form CMF from Social Change & Development to create a new course, ANTHRO 307 Anthropological Theory.
  - c. CMF to create a new course: BIO 490
  - d. CMF to create a new course: PUENAF 390
  - e. CMF to create a new course: PHILOS 420
  - f. CMF to create a new course: HUS 360
  - g. Form AA modification of Global Studies Minor
  - h. Form AA modifications of Major/Minor Emphasis - MATH 355
  - i. Form AA modification of ENVISCI Major/Minor
  - j. Form AA modification of Anthro Minor
  - k. Form AA modification of HUS Major Emphasis - HUS 497
  - l. Form AA modification of HUS Minor Emphasis HUS 497
  - m. Form C BUA Modifying Existing Minor Requirements
- 5. Beginning in Jan 2010 a naming system for curricular forms will be decided upon and put into place to better organize the digital files as the AAC goes paperless.
- 6. **Program Reviews:**
  - a. Environmental Sciences & Policy Master's Program review was completed and sent out.
  - b. Education Program Review was received.
  - c. Modern Languages Program Review was received.

**University of Wisconsin System**  
**FAQ on Faculty and Academic Staff Collective Bargaining Legislation**  
**Revised 1-20-10**

The 2009-11 budget legislation created a new subchapter of the state labor relations law authorizing faculty and academic staff in the University of Wisconsin System to join a union for the purposes of bargaining collectively with the UW System. The legislation can be found in sections 111.95 – 111.9993 of the Wisconsin Statutes. UW System and the Board of Regents support each employee's right to choose whether to be represented by a union for purposes of collective bargaining. To this end and to assist faculty and staff in understanding the legislation and related issues, UW System Administration has collected the most frequently-asked questions and is providing answers in this document. This document will be updated as additional questions emerge.

**A. ENABLING LEGISLATION**

**1. Is the legislation enabling faculty and academic staff to bargain collectively new?**

The legislation is new, but the idea is not. Bills affording faculty and academic staff the right to bargain collectively have been introduced in several prior legislatures but were not enacted.

**2. What does it mean for the Board of Regents to establish a collective bargaining capacity as has been directed by the enabling legislation?**

The Board of Regents is charged with the negotiation and administration of any collective bargaining agreements. The Board of Regents must ensure that adequate staff and resources are available to carry out its statutorily mandated responsibilities.

**B. AUTHORIZATION CARDS AND UNION ELECTIONS**

**3. Are all faculty and academic staff automatically part of a union now that this legislation has passed?**

No. A union only represents bargaining units in which it has obtained a majority vote in a duly authorized election conducted by the Wisconsin Employment Relations Commission, or WERC.

**4. What does it mean for the UW System Administration and Board of Regents to be neutral on collective bargaining for faculty and academic staff?**

UW System and the Board of Regents support each employee's right to choose whether to be represented by a union for purposes of collective bargaining.

**5. What is the Wisconsin Employment Relations Commission?**

The Wisconsin Employment Relations Commission is the state agency charged with administering public sector labor and employment relations matters across Wisconsin. WERC administers elections for representation, conducts mediations, and issues administrative decisions in labor relations disputes.

## **6. What is a union authorization card?**

A union authorization card is a card indicating that an employee wishes to be represented by a particular union. Union authorization cards, when signed, may be submitted to the WERC with the union's petition for an election in order to demonstrate that there is a sufficient showing of interest in union representation to require an election.

## **7. Do I have to sign a union authorization card?**

It is your choice. If someone asks you to sign a union authorization card, you may sign or refuse to sign, without fear of reprisal from either the union or your employer.

If you have questions about the signing of an authorization card, contact the WERC at (608)266-6930 or visit its website at <http://werc.wi.gov/>.

## **8. Will I be asked whether I have signed a union authorization card by my employer?**

No. Your employer will not ask you whether you signed a union authorization card.

## **9. What happens when I sign a union authorization card?**

If at least 30% of the eligible employees in a bargaining unit sign an authorization card, the union may petition the WERC to conduct an election in that bargaining unit.

## **10. When may an election be held?**

An election regarding a particular bargaining unit may be held only after a union files a petition with WERC which demonstrates a „showing of interest“ on the part of unit employees in being represented by a union. Sufficient interest may be demonstrated if at least 30% of the employees in the bargaining unit sign union authorization cards indicating their desire to be represented by a particular union.

## **11. If WERC decides an election should be conducted, what is the process?**

The WERC administers such elections. If you have questions contact the WERC at (608) 266-6930 or visit its website at [http://werc.wi.gov](http://werc.wi.gov/).

## **12. What will the ballot in a union election say?**

Under the legislation, the ballot in the election will ask: “Shall the employees of the (appropriate bargaining unit) participate in collective bargaining?” If more than one labor organization has demonstrated a sufficient showing of interest, the ballot will contain a second question asking:”Which labor organization do you favor to act as representative of the employees?”

## **13. Who determines the outcome of the election?**

Only those employees in the bargaining unit who vote determine the outcome of the election. If a majority of those employees who actually vote in the election (50% plus 1) vote in favor of participating in collective bargaining, then bargaining will proceed. If only one union has

demonstrated the required showing of interest, then that union becomes the exclusive representative of all employees in that bargaining unit, including employees who did not vote. If the election involves more than one union, then the union selected by a majority of those actually voting becomes the exclusive representative of the entire bargaining unit.

## **C. SUBJECTS OF BARGAINING**

### **14. What issues must be negotiated under a collective bargaining agreement?**

Under the legislation, wages, fringe benefits, and hours and conditions of employment are mandatory subjects of bargaining. This means that matters in these categories must be negotiated with the union in collective bargaining.

### **15. What issues cannot be negotiated under a collective bargaining agreement?**

Under the legislation, diminution of faculty tenure rights under s. 36.13, Wisconsin Statutes, faculty and academic staff shared governance rights under ss. 36.09(4) and (4m), Wisconsin Statutes, academic staff rights of appointment under s. 36.15, Wisconsin Statutes, and academic freedom are among the prohibited subjects of bargaining, meaning that they cannot be negotiated in collective bargaining.

### **16. Would a collective bargaining agreement between the UW System and a union that represents me include all of the current employment policies and administrative rules that are now in place?**

Not necessarily. Matters negotiated and agreed to in a collective bargaining agreement on the same subject covered by an existing policy or administrative rule would supersede that policy or administrative rule.

### **17. How are my salary and benefits determined now?**

The Board of Regents currently has the authority to make adjustments to faculty and academic staff salaries to adjust for career progression, major change in duties, competitive factors, and equity. The Board also has the authority to establish and adjust vacation, personal holiday, and sick leave benefits for faculty and academic staff. Annual pay adjustments for faculty and academic staff are currently set by a pay plan prepared by the Board of Regents, and submitted to the Office of State Employment Relations (OSER). The pay plan is then presented to JCOER for approval.

### **18. How will my salary and benefits be negotiated if I am represented by a union?**

Under the collective bargaining legislation, faculty and academic staff who are in a bargaining unit represented by a union will have a contract negotiated with the Board of Regents which would address all salary and benefits. The Board must maintain close liaison with the Office of State Employment Relations (OSER) in its negotiations. Any tentative agreement between a union and the Board of Regents, by law, is subject to approval by the Legislature's Joint Committee on Employment Relations (JCOER), the full Legislature and the Governor.

## **D. UNION MEMBERSHIP AND DUES**

### **19. If a union is voted in will I have to pay dues even if I did not vote for the union?**

Maybe. The answer will depend on the dues structure that is set up by the union and whether a fair share agreement or maintenance of membership agreement is in place.

### **20. What is a fair share agreement?**

A fair share agreement is an agreement between the employer and the union that requires each employee in a bargaining unit to pay a proportionate share of the cost of collective bargaining and contract administration measured by the amount of dues required of all employees. A fair share agreement can only be implemented if put to a referendum voted on by employees in that bargaining unit.

### **21. What is maintenance of membership agreement?**

A maintenance of membership agreement is an agreement between the union and the employer that requires any employee whose union dues are being deducted from earnings as of the effective date of the agreement, (and any new employee hired on or after the effective date whose dues are being deducted from earnings) must continue to pay dues for the duration of the maintenance of membership agreement. Incumbent employees not subject to dues deduction as of the effective date of the maintenance of membership agreement would not be required to pay dues.

### **22. If I do not join the union will I be able to vote on union contracts?**

Maybe. Whether members of a particular union who do not pay dues are allowed to vote on contracts is determined by the union's by-laws and constitution.

## **E. BARGAINING UNITS**

### **23. What is a bargaining unit?**

Under general labor law principles, a bargaining unit is composed of persons recognized by the employer and the union as appropriate for the negotiation of employment issues, and having a clear and identifiable community of interest.

### **24. Under the UW System collective bargaining legislation, how many bargaining units can be formed?**

Up to thirty-one (31). The law allows for one bargaining unit for faculty and one for academic staff at each UW institution, and one UW System-wide bargaining unit for academic staff supervisors. Academic staff members in UW System Administration are included in the UW-Madison academic staff bargaining unit.

### **25. Can bargaining units combine?**

Yes. The law allows for bargaining units to combine, across institutions or across faculty and academic staff, if the members of each affected bargaining unit have a sufficient showing of interest

and elect to combine with one another. A 30% showing of interest from each unit is required to petition for an election to combine units. In an election, a majority of those **actually voting** in each unit is required to combine the units.

**26. Are department chairs in the bargaining unit?**

Yes.

**27. Is a faculty member who supervises unionized staff eligible to be in the collective bargaining unit?**

Yes.

**28. Will all faculty be included in a faculty bargaining unit?**

The legislation includes in the bargaining unit anyone who meets the statutory definition of faculty in s. 36.05(8), Wisconsin Statutes, which generally defines faculty as those who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution. Individuals holding academic staff appointments are specifically excluded from the definition of faculty, as are limited appointees and deans.

**29. Will all academic staff be included in an academic staff bargaining unit?**

The legislation includes in the bargaining unit anyone who meets the statutory definition of academic staff in s. 36.05(1), Wisconsin Statutes, which generally defines academic staff as those who are professional or administrative personnel with duties, and subject to types of appointment, that are primarily associated with higher education institutions or their administration. Academic staff members deemed to be confidential employees are not included in the bargaining unit.

**30. What is meant by a confidential academic staff member?**

A confidential academic staff member is by the nature of her or his job, “privy to confidential matters affecting the employer-employee relationship.”

**F. EFFECTS OF ENABLING LEGISLATION**

**31. How is shared governance affected by this legislation?**

It is unclear how shared governance will be affected by collective bargaining. Under the legislation, faculty and academic staff shared governance rights granted by statute are prohibited subjects of bargaining. It is possible, however, that collective bargaining agreements could have an effect on matters traditionally handled through shared governance.

**32. Can collective bargaining reduce faculty tenure rights?**

No.

**33. Could I be furloughed in the future if I become a union member?**

Maybe. The answer will depend on the provisions of the collective bargaining agreement negotiated with a particular union.

## **G. UNIT CLARIFICATION**

### **34. What is a unit clarification petition?**

A unit clarification petition is a request to WERC to review certain positions to determine whether those positions are more appropriately placed in a particular bargaining unit. Recently several unions have filed such petitions seeking to include certain unclassified academic staff positions in classified staff bargaining units.

### **35. What is the UW System's position on the recently filed unit clarification petitions?**

The UW System is opposed to the petitions because they would place an employee into a union or bargaining unit without that employee being able to vote.

## **H. UNION ORGANIZING**

### **36. How does the law protect employees' right to choose whether to be represented by a union?**

Under the law, both union and management representatives must refrain from practices that interfere with employees' protected rights to choose whether or not to become union members. In particular, the following conduct is prohibited:

- Threatening employees with discharge or other adverse consequences for joining or assisting a union.
- Treating employees engaged in union activities differently from other employees.
- Promising benefits or improved working conditions if employees vote against a union.
- Misrepresenting anything about the union or unionization.
- Asking employees whether they signed a union card or to identify other employees who signed cards.
- Polling employees regarding whether they would vote for a union.
- Engaging in surveillance of employees to see who supports a union.
- Seeking inside information from employees regarding motives of union representatives or internal union matters.

### **37. Is it permissible under applicable law for union or management representatives to provide employees with factual information about unionization?**

Yes, however, managers seeking to provide employees with information about union issues should consult with their institution or the UW System Human Resources Office first to ensure the accuracy of the information.

**38. Is it permissible for faculty and academic staff to discuss among themselves a decision on whether to join a union?**

Yes. The UW System and the Board of Regents encourage open and free discussion among faculty and staff regarding the decision on whether to join a union.

**39. What are examples of organizing activities permissible in the workplace?**

The following are examples of permissible organizing activities in the workplace;

- Distribution of authorization cards to faculty and academic staff as a means to determine a showing of interest in union representation.
- Handing out literature to faculty and academic staff.
- Approaching faculty and academic staff members to set up a time to meet outside work hours to discuss the benefits of joining their union. (Institutions will provide meeting rooms outside regular work hours for union representatives to meet with interested faculty and academic staff.)
- Inviting union representatives to speak to shared governance groups on campus.

**40. What organizing activities are not permissible for union representatives in the work place?**

Organizing activities or any other actions that cause disruption in the work place are not permissible.

**41. To what extent can campus mail be used in organizing efforts?**

The United States Supreme Court has determined that under federal law, a union may not use campus mail delivery to communicate with employees it seeks to organize. *Regents of the University of California v. Public Employment Relations Board*, 485 U.S. 589 (1988). However, unions and other groups may use alternative methods of communicating with employees through the use of directory information that is available to the public in accordance with university policies.

**42. To what extent can campus email be used in organizing efforts?**

Union representatives are able to use employee email addresses to contact employees to the extent those addresses are included in directory information available to the public. Employees' use of email is governed by existing university policy that tolerates incidental personal use.