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Cover Page Footnote

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Collective Bargaining Leadership: An Adjunct Perspective

Robin Meade¹

“Robin, just because we have diametrically opposed philosophies doesn't mean that we have to be enemies.”

I was told this by a leader of a full-time faculty union. Some may be persuaded by such seemingly peace-seeking words, but these words do not seek peace. These words seek acquiescence. These words seek to maintain a system that works for some but not for all. These are not words that should ever be uttered within a union. There is no reason why diametrically opposed philosophies should exist within the union. There is no reason why full-time faculty and adjuncts in the same union or in separate unions should negotiate to the detriment of the other. Whatever affects one member of a union, affects us all.

The conversation above reminded me of Martin Niemöller's (2015) words:

First they came for the Socialists, and I did not speak out—

Because I was not a Socialist.

Then they came for the Trade Unionists, and I did not speak out—

Because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out—

Because I was not a Jew.

Then they came for me—and there was no one left to speak for me. (para. 23)

Niemöller spoke out at a time when few were willing to speak out. Today, systematic attacks on unions serve only to remove the only barrier between the common worker and the corporation. This combined with the corporatization of higher education, and indeed education in general, should horrify every person who values the freedoms enjoyed in a free society.

At Moraine Valley Community College (MVCC) and, sadly, elsewhere some perceive adjuncts as disposable misfits who cannot find employment anywhere else. This is, of course,

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ridiculous, because if it were actually believed, these people wouldn't be hired to teach the next generation.

Being a business major, I had always had an inherent distrust of unions. I had no real experience with them until I was asked to join the Moraine Valley Adjunct Faculty Organization (MVAFO). Things at Moraine Valley did not appear to be improving for the adjuncts. A few questions and no answers later, I was running for office as secretary of the MVAFO. I won the election and off I went. To begin with, I had no interest in the politics of the Local. During our board meetings, discussions increased about how to change our position with the MVCC administration. There were different points of view. I started writing a newsletter to regularly communicate with the membership. The only point which was clear to me at the time was that change appeared to be an uphill battle. There was a lack of respect for adjuncts on campus and a lack of respect for the MVAFO board. We were not included the way the other campus unions were. Our sister unions made headway on issues with each negotiation while our contract remained some eight pages long. When asked, the full-time faculty union board offered ideas but no actual substantive assistance. When our grievance chair was not offered classes to return for the spring semester, the Local wouldn't fight for him.

In my naiveté, I presumed that the reason for lack of progress was more related to how communications were being presented and by whom. So, I ran for MVAFO president and won. I started by sending personal, hand written notes to fair share members to ask them to join the bargaining unit. About half joined. This increased our voice at the Local. I kept up the newsletter and started a website² for the MVAFO. The administration began to invite me to attend events and meetings. I began to try and build relationships that I hoped would aid us during negotiations.

An adjunct who had taught with no issues for 16 years was assigned a new department chair. Suddenly there were no classes for him. An adjunct who had won the Adjunct of the Year award was told there were no classes for her just two weeks before the semester started. She had been assigned four. An adjunct who had taught for over 20 years and had five student endorsement letters was told there were no classes for him less than two weeks before the semester began. He had been assigned four. Two weeks before her full ukulele class was to start, an adjunct was told there were no classes for her. She was the only one able to teach this course. Six of her students came to an MVCC board meeting to protest. They had already purchased their books and instruments.

² <http://www.mvafo.org/>

These were not situations of bumping. These were situations where adjuncts were deliberately left in a financial lurch. Why? Who knows, but this is what can happen when there is no progressive discipline or evaluation system in a contract. The administration insinuated 'student complaints' and then refused to show proof of any signed complaint citing FERPA (Family Educational Rights and Privacy Act). When questioned as to why the other unions could see complaints, the answer was "it's in their contract." If it's in any contract then, either you're violating FERPA by putting language in the contract or it's not a FERPA issue. The bottom line was facts didn't seem to matter.

We prepped for a year for contract negotiations. We studied other contracts and made our bargaining list, complete with solid proposals for language. We did the math for our wage increase request. We were met with hostility and accusations of bad faith at the outset. The chief negotiators made it clear that all the adjuncts in the bargaining unit could be replaced at any time and that the union had nothing to bargain with. That was, except for the unfair labor practice charge the MVAFO had managed to get the Local to file. The administration went to negotiate with the president of the Local instead. All the time and effort to try and get our union a seat at the table was for nothing.

During the summer in the middle of negotiations, the retiring MVCC president received almost \$400,000 as a severance. This amount would have been more than enough to cover what the adjuncts were requesting in changes to better our working conditions and further student success. The college blatantly lied on three successive AQIP reports³ about adjuncts evaluation at the college. The college blatantly lied about shared governance with the adjunct union.

But none of the facts mattered, and in the end, the president of the Local sent out a letter that I did not have an opportunity to see beforehand, with my electronic signature, to my membership asking for a yes vote on yet another ineffective contract.

After contract negotiations, we were asked to write a letter of support for the college's reaffirmation to the League for Innovation in the Community College. Terry O'Banion, former president of the League, spoke at the Spring 2012 MVCC faculty in service about what faculty could do to help increase graduation rates for the big push toward meeting the Obama 2025 college graduation goals. We refused to write a letter of support, but began to consider writing a letter not supporting the reaffirmation. We surveyed the membership on how innovative the college was towards adjuncts. The current MVCC president, Sylvia Jenkins, was responsible for creating the Center for Teaching and Learning on campus. She and the other administrative

³At the time, AQIP (Academic Quality Improvement Program) was part of the Higher Learning Commission of the North Central Association of Colleges and Schools, and reports were given to AQIP answering assessment questions about the campus.

executives talk about this thing like it was the key to a 100% graduation rate. I will agree that the center is a great resource but having one is fairly standard at community colleges in this area. Having one is more like 'keeping up with the Jones's' rather than a spectacular innovation. Few adjuncts use it because there is no incentive and many adjuncts don't have the time because they are coming from or going to other jobs. Plus, this center will only accept its own courses as legitimate so if an adjunct has gone through similar training at another school where they teach, they are expected to do it all over again at Moraine.

The Affordable Care Act (ACA) and its ramifications on adjuncts was also a hot topic at this time. I worked with the Illinois Education Association (IEA/NEA) adjunct groups to speak to the Illinois Community College Trustees Association, (ICCTA), the Illinois Community College Board (ICCB) and the Illinois Board of Higher Education (IBHE) to plead the case of arbitrary cutting of adjunct hours. Our union created and distributed elections flyers which called for fiscal responsibility, comparing the severance package of the outgoing retiring president with the tuitions hikes. The flyers that were posted on the union boards across campus were removed by the campus police. I sent two FOIA (Freedom of Information Act) requests, which were met with derision and denial, but I did finally get the contracts for the administrative executives. Then, right at the end of spring semester finals, the college made a unilateral decision to not allow adjuncts to teach and work hourly. This decision had an immediate impact on about 15% of the bargaining unit. With IEA/NEA help, I drafted and sent a request to bargain over the issue. The letter not supporting the reaffirmation to the League for Innovation in the Community College was also drafted this spring.

At the delegate meeting of the Local in July, I proposed the filing of two unfair labor practice charges, and both were approved. One of them was for the termination of yet another adjunct after classes had been assigned to him and one for the refusal of the college to bargain over not allowing adjuncts to teach and work hourly. The attorney for the law firm representing the Local, advised me to send one more request to bargain before the ULP would be filed. I did so and discussed with my board members, delaying sending the letter to the League for Innovation until we received a response.

As classes for fall semester began, I received the second denial to bargain. I then sent the letter to the League for Innovation board members and president. I did not include the president of MVCC, also a board member of the League, because months earlier I had sent the data from the innovation survey to the MVCC vice president of academic affairs and that effort produced no willingness on the part of the college to address any of the issues raised by the data. This was a Tuesday.

The only response I remember receiving from the letter to the League for Innovation was one stating something along the lines that the League was not going to become involved in a union issue. Right, because we all know that teacher working conditions have nothing to do with student success. How ridiculous.

Wednesday night was the MVCC board meeting. I was surprised that no one pulled me aside to discuss the letter to the League. I remember several students speaking out at that board meeting about not being able to be tutored by their instructors. This was a direct result of the unilateral change of not allowing adjuncts to teach and work hourly.

Thursday morning, I missed a call but I recognized the number as being from the administrative offices. When I called back, I heard the voice of the secretary of the vice president of facilities. She asked if I would be able to come in. I asked the purpose of the meeting. She responded that it was a disciplinary hearing for me. I then informed her that I would have to check with the Local to see if the attorney on staff was available. The secretary made it clear that whether I had representation or not, I was expected to come to campus.

The attorney for the Local called to try and schedule a meeting for the following Monday, but the MVCC administration refused.. So, since I would not agree to meet without adequate representation, the campus chief of police came to my house to hand deliver my notice of termination at about 2:00 p.m. My MVCC email was immediately cut off, and that afternoon the locks were changed on the MVAFO office at the college.

The next day my students were texting me to see what was going on because an assignment was due and they wanted to know what to do. I was supposed to receive my first paycheck, but the college reversed the deposit. The bank charged me a fee for their reversal, which overdrew my account. The day consisted of more phone calls and arranging meetings and trying to work out a plan. There was a Local meeting of the union chapter presidents that evening. I let everyone know that I had been fired and that the letter of termination specifically stated it was because of my activities as union president. There was general support for me, but no outrage or huge outpouring of support. Later I would find out that three attorneys had to convince the president of the Local to file the ULP for my dismissal.

The next week I was still getting texts from students. The college was slow to replace me with other instructors and, it being the beginning of the semester, the students were looking for direction. They were given little; so much for "student success" being the primary objective of the school. I heard from several of them throughout the semester asking questions about the material, wishing I was still teaching the class and wondering what had happened.

Early in the week, I met the attorney that represents the Local, to go over the ULP filing and process. I had notes from the day I was fired. I met with the MVCC police chief to empty out my locker and then with the MVAFO board on campus in the union office to discuss next steps. My board members were badly shaken, and some were worried for their own jobs. We arranged for me to be escorted where I walked on campus so that no false accusations of my purpose there could be made. I was to be arrested for criminal trespass if I were on campus again for any reason except for business related to my own termination. I didn't think they would do it, so I pushed the envelope on that a bit.

The college pushed back. The League for Innovation had a scheduled visit and they did not want me on campus. I received an official notice from the police chief. The Local filed a grievance for my termination. The grievance chair and I went to the meeting. The grievance was denied.

The president of the Local tried to get me to resign, but I refused. A precedent had already been set to allow terminated union officers to finish out the term they were elected to serve. My board wouldn't let me return to campus even though I was willing to be arrested. I couldn't do anything but wait for the ULP to run its course, and that would take time.

At the Local delegate meeting in September, the delegates took a collection for me. It was greatly appreciated, but some of the delegates from the sister unions at MVCC did not contribute. The MVAFO board proposed and wrote a vote of confidence for me to present to the Local. All the officers but the treasurer signed it. My treasurer quit because she feared retaliation for being on the board. I presented the resolution at the Local meeting of the chapter presidents in October. After the meeting one of the other leaders advised me to pursue a First Amendment case. The president of the MVCC full-time faculty union approached me to try and broker a deal for the administration. I wondered whose side he was on. The next week I contacted an attorney to pursue the First Amendment case. The Local would not cover the fees for that case but the attorney was certain I had a good case.

In November at the Local meeting, I was verbally attacked with unfounded lies by another delegate. He said that I was spreading rumors accusing the Local of incompetence and how horrible that was considering the thousands of dollars that had been spent on my defense. At that point, a bill hadn't been sent to the Local for my defense. I hadn't spread any rumors about anyone but had answered directly when asked about the situation. Again, I was in shock. I was upset. I was angry. But I was also becoming numb to the attacks. I determined to finish out my time, serving in my office to the best of my ability.

In January of 2014, the federal judge dismissed my First Amendment case against the college. So an appeal was filed.

The MVAFO was holding elections for its next board. The president of the full-time faculty union tried to interfere and choose his own candidate to run as the president of the MVAFO. I had already chosen not to run. I could've and probably would've been re-elected, but that would not have been in the best interest of the adjuncts. The bargaining unit needed someone who could be on campus and be visible. They needed someone to lead who was not already at odds with the administration.

I attended a mandatory settlement meeting for the First Amendment case in April. In August, I attended a settlement meeting for the Labor Board. The courts want to see if the cases can be settled before moving on to appeal. I heard "don't you want to move on with your life?" too many times. These cases weren't preventing me from moving on with my life. I had moved on with my life. Apparently, too many people have settled when they should be fighting for justice. My depression and all the crap I went through wouldn't be satisfied by me settling, so the next person would have to fight the battle from scratch. When injustice is settled and not challenged, arrogant bullies believe they have done nothing wrong and continue to do whatever they want, unchecked.

At the end of October of 2014, I won the appeal in federal court. The American Association of University Professors (AAUP) contacted me about my case. I was surprised to actually have a group reach out to me. The support was so refreshing after everything I had been through. Until that point, I literally felt all alone. I applied for and received an AAUP grant of \$10,000 to help with the legal fees for my First Amendment case. Through the AAUP, I have been able to connect with a tremendous support network for adjuncts and academic freedom, including the AAUP Committee A, the New Faculty Majority, Precaricorps, and many others.

Currently, I've won my case with the Labor Board, but the college is appealing. The new president at the Local is willing to continue supporting this case. The appeal will probably take another year of legal process. For the First Amendment case, which is in federal court, winning the appeal gave me the opportunity to have a hearing. The Local president contacted the American Federation of Teachers (AFT) and started the ball rolling for the AFT to file an amicus brief on my behalf for this case. The AFT filed the amicus brief in December of 2015. Currently I am waiting for the federal district court to make a decision on my case. I believe that I will win, but more importantly, precedent will be set to help those who fight in the struggle after me. I really could not have gotten through this or continue to fight the good fight without my faith in God.

On the tail of the philosophy comment that I began this article with, I heard an adjunct say that things would not be so bad now if Robin had been willing to compromise. Compromise is that wonderful state where two parties who disagree decide to make room for each other's arguments, with *each* one making concessions for the other. Compromise should not be mistaken for acquiescence. Oppression is being forced to acquiesce. Adjunct union members fired without cause or notice certainly understand the difference. The idea that 'I have it good right now so I should be happy' is one of the great lies destroying our bargaining abilities. 'We' needs to be in that sentence for it to mean anything for unions. We are all in this together.

Reference

Martin Niemöller. (n.d.). In Wikiquote. Retrieved November 26, 2015, from https://en.wikiquote.org/wiki/Martin_Niem%C3%B6ller