Workshop: Training on Organizing and Negotiating for Academic Labor

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Massachusetts Teachers Association

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ORGANIZING AND NEGOTIATING

For

ACADEMIC LABOR

Moderator:
J. Philippe Abraham,
First Vice President/Secretary-Treasurer, NYSUT

Presenters:
Mickey Gallagher,
Consultant for Higher Education/MTA
Scott Phillipson,
President SEIU, Local 200
Deborah Williams,
NEA Faculty Association President/Lead Negotiator/JCCC
OVERVIEW
&
INTRODUCTIONS
BARGAINING MODELS

Traditional
Distributive

Principled
Interests - BATNA

Interest Based (IBB)
Integrative
NEGOTIATING STYLES
IN THE ROOM
NEGOTIATING STYLES
Drs. Rollin and Christine Glaser

Focus on Relationship

<table>
<thead>
<tr>
<th>High</th>
<th>Moderate</th>
<th>Low</th>
</tr>
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| High | 1: Accommodate  
Build Friendly Relationships |
| Mod | 2: Compromise  
Split the difference |
| Low | 3: Defeat  
Be a winner at any cost |
|     | 4: Withdraw  
Take whatever you can get |
|     | 5: Collaborate  
Creatively problem solve |

Focus on Substance

Interacting Concerns
$2 Game – a Bargaining Simulation

created by Dr Mary Rowe for her class in ‘Negotiation and Conflict Management’ MIT
Instructions

• This simulation is about win/lose bargaining. You and another person must divide $2 between you today; what you get, the other person loses.

• There may not be any side deals, or "paybacks tomorrow," or cheating of any other kind!

• Please follow your Secret Instructions in each round of this simulation. You will have specific, personal instructions with each new partner; they will be different each time. You may not tell anyone else about these instructions until the bargaining is over.

• You will have a few minutes to consider strategy and tactics; please make notes as to your plans and ideas about how you will bargain.

• It is not possible to ask questions for more instructions; just do as well as you can.

• Each round will run for ten minutes.
Questions - Prep

• What do you want here?
• What is your most optimistic hope?
• What is your realistic expectation what will you settle for?
• What does the other person probably want? How will you find out?
• How will you persuade the other person?
• What will your moves be?
UNIFIED BARGAINING PROCESS

• Independent of Bargaining Model
• Organizing Emphasis
• Focus on Bargaining Principles/Interests
UNIFIED BARGAINING PROCESS

ELEMENTS

Issues
- What’s the problem?
- What’s the story behind the issue?

Standards
- Ratifiable – by all sides
- Movement in the direction of the principle

Principles
- Why is the issue an issue?
  - Ask why again and again ...

Proposals
- Brainstorm options to satisfy principle
STANDARDS

OBJECTIVE CRITERIA THAT CAN BE USED TO MEASURE A FAIR AGREEMENT

- Relevant
- Fair
- Practice
- Law
- Widely Accepted
- Equity
- Ratifiable
- Costs
- Precedent

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STANDARDS

Ratifiable – by all sides

Movement in the direction of the principle
Issue:

When there is a difference between what is and what you want it to be

Who do you believe is involved?

What is happening?

When is it happening?

Where is it happening?

How should it be?
ISSUE DEVELOPMENT
A principle is a kind of rule, belief, or idea that guides you.
INTERESTS

Needs, Wants, Fears, Aspirations

Ask why. Then ask why again.
PROPOSAL VS. PRINCIPLE

- **Proposal**
  - Want
  - Demand
  - Action

- **Principle**
  - Motivation
  - Needs/Concerns
  - Fears/Aspirations
PROPOSAL OR PRINCIPLE?

Salary increase of 2.5%/yr

No merit until ATB > cost of living increase

Prorated compensation for all faculty

Workload credit for teaching a distance education course shall be the same as a synchronous course

Non-tenure track faculty work is a vital aspect of the mission and must be treated as such

Pre-tenure faculty must be provided with opportunities to focus on research activities
BRAINSTORMING PROPOSALS

Ground Rules

No Criticism
No Evaluation
No Attribution
No Commitment
BRAINSTORMING

PROCESS

1. List All Ideas
2. Complete List Before Discussing
3. Work Quickly
4. All Participate Not Required
5. When Process Slows - Stop
6. Originator Clarifies
7. Delete Duplicates
8. Group Like Terms

“There are not more than five musical notes, yet the combinations of these five give rise to more melodies than can ever be heard.” Sun Tzu, The Art of War
UNIFIED BARGAINING PROCESS

ELEMENTS

Issues

Member stories

Standards

Ratifiable – by all sides
Movement in the direction of the principle

Principles

Cohesive message to members
Shared intention
Guidepost for success

Proposals

A means to an end
NEGOTIATING
DISTANCE EDUCATION:

ELEMENTS OF AN AGREEMENT

Mickey Gallagher, Esq.
Consultant for Higher Education
Distance Education Defined

• Instruction
• Education
• Training

Conducted at sites separated by space or time which may utilize technology to facilitate learning.

Mixed Modality
Intention

• Distance Education to enrich and increase available offerings
• No intent to reduce or eliminate course offerings
Class Size

- First two course offerings - 25 limited
- Thereafter same as applicable contract
- \# of sections = Aggregate enrolled in course / max class size
Intellectual Property

• Retain same proprietary rights over course materials as have under law
  • College use fee
  • Commercial venture
    – 50/50
Compensation

Teaching Distance Education Courses

Contractual Assignment
May include Time from non instructional Workload

Course Adaptation Fee
Structure Defined
Minimums Established
NEGOTIATE!

College Use
1st Refusal Established
Use Fee

Commercial Use
Net proceeds from venture
split 50/50
NEGOTIATE!
Course Adaptation Fee: 3 forms of reimbursement

- Reduction - Course or Non-Instruction
- $500 per Credit Payment (Minimum)
- Combination of Reduction & Money ($250 per Credit Minimum)
College Use and Faculty Rights

- Faculty right of refusal 3 times
- 3rd time college can buy right to use course & materials - $500/3 years
- Renewal right - once
Commerical Use

Net proceeds from venture split 50/50 unless negotiated otherwise

• Developing faculty/professional staff guaranteed 50% of net proceeds if decide to commercialize course
Evaluation

- New modality - no evaluation first two offerings
- Distance education evaluation instruments and procedures were negotiated.
Organizing to Win
in Private Colleges & Universities

Scott Phillipson, Esq.
President, SEIU Local 200United
Stages of a Higher Education Organizing Campaign

1. Probe for interest
2. Build an organizing committee
3. List building – who’s in the unit?
4. Pass cards
5. File for an election
6. WIN and begin bargaining!
That might sound easy, but…

A lot of work goes on behind the scenes. Successful campaigns exert pressure to win, and engage stakeholders to help keep the boss in check.

1. Students
2. Alumni
3. Tenured faculty
4. Other unions
5. Faith leaders
6. Elected allies
Countering the Religious Exemption Argument

What if the boss claims that they are a “Religious Organization” exempt from NLRB jurisdiction?

• Defining a “Religious Organization”: The NLRB will not assert jurisdiction over employees of a religious organization who are actually engaged in effectuating the religious purpose of the organization, but…

• Don’t Litigate, hit the streets!
Oligrapher