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## Workshop: Training on Organizing and Negotiating for Academic Labor

Mickey Gallagher  
*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***



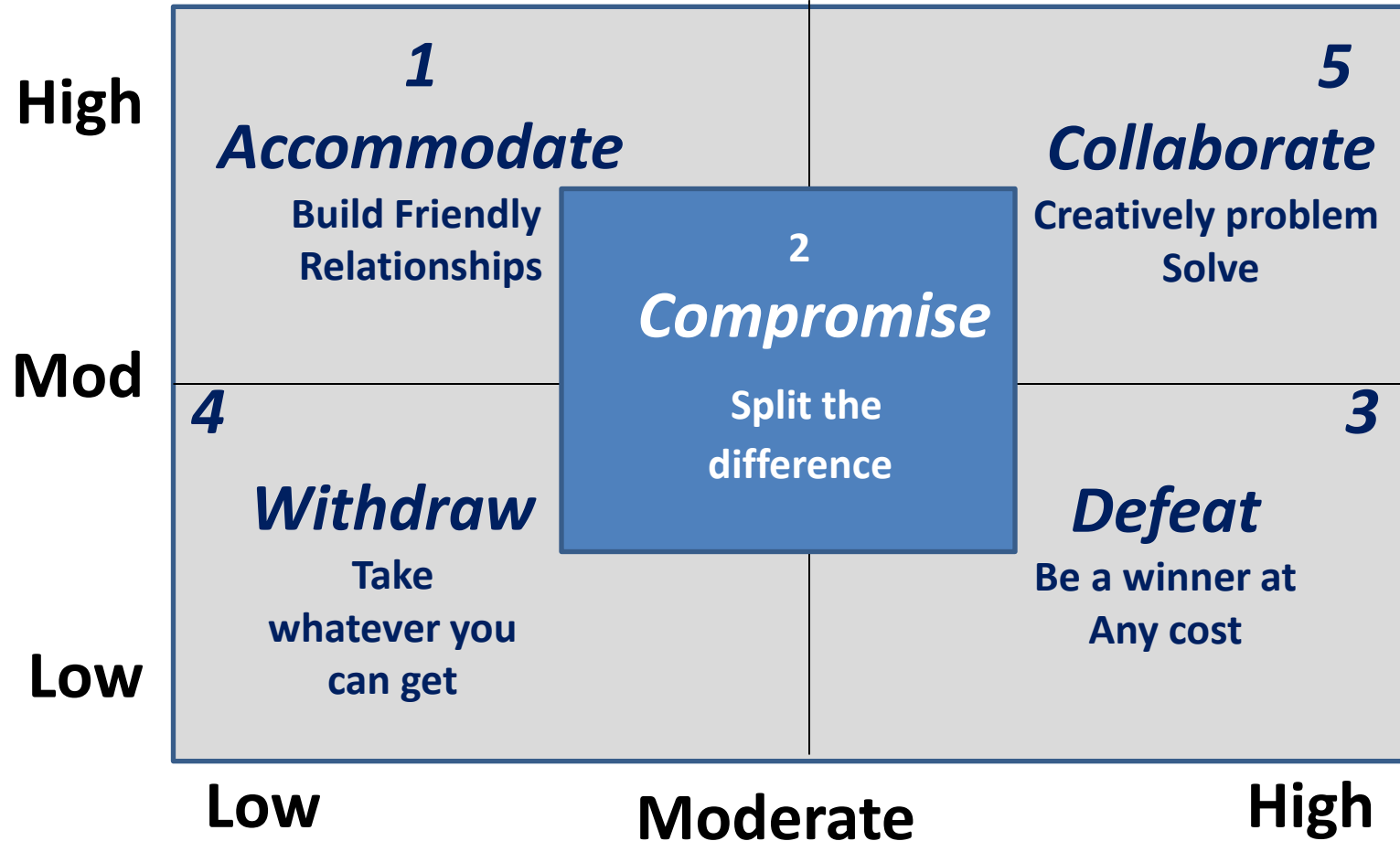
Microsoft Word  
Document

# NEGOTIATING STYLES

*Drs. Rollin and Christine Glaser*

Interacting  
Concerns

Focus on Relationship



# ***\$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

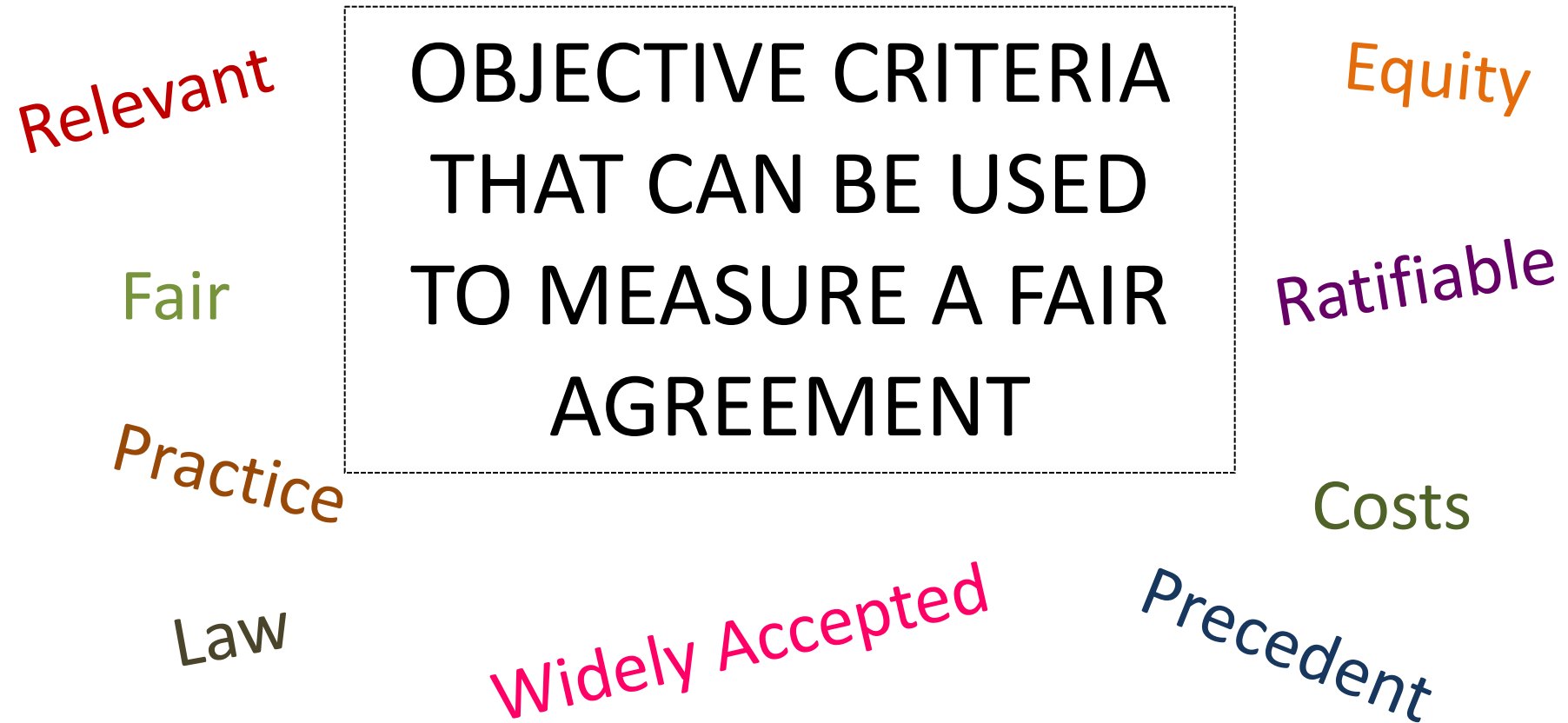
Why is the issue an issue?

Ask why again and again ...

## Proposals

Brainstorm options to satisfy principle

# ***STANDARDS***



# ***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?

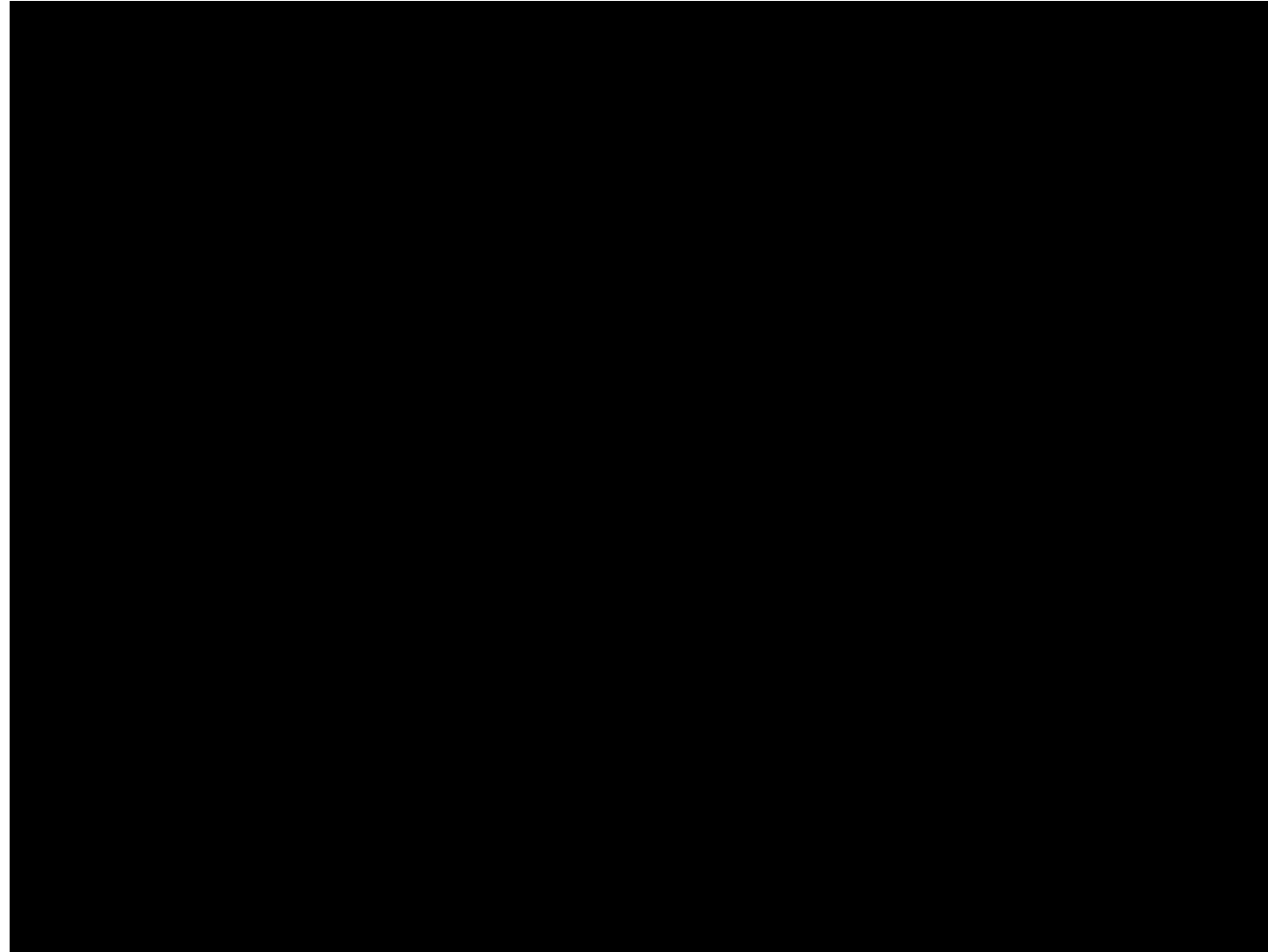
Where is it happening?

What is happening?

How should it be?

When is it happening?

# ***ISSUE DEVELOPMENT***



# ***PRINCIPLES***

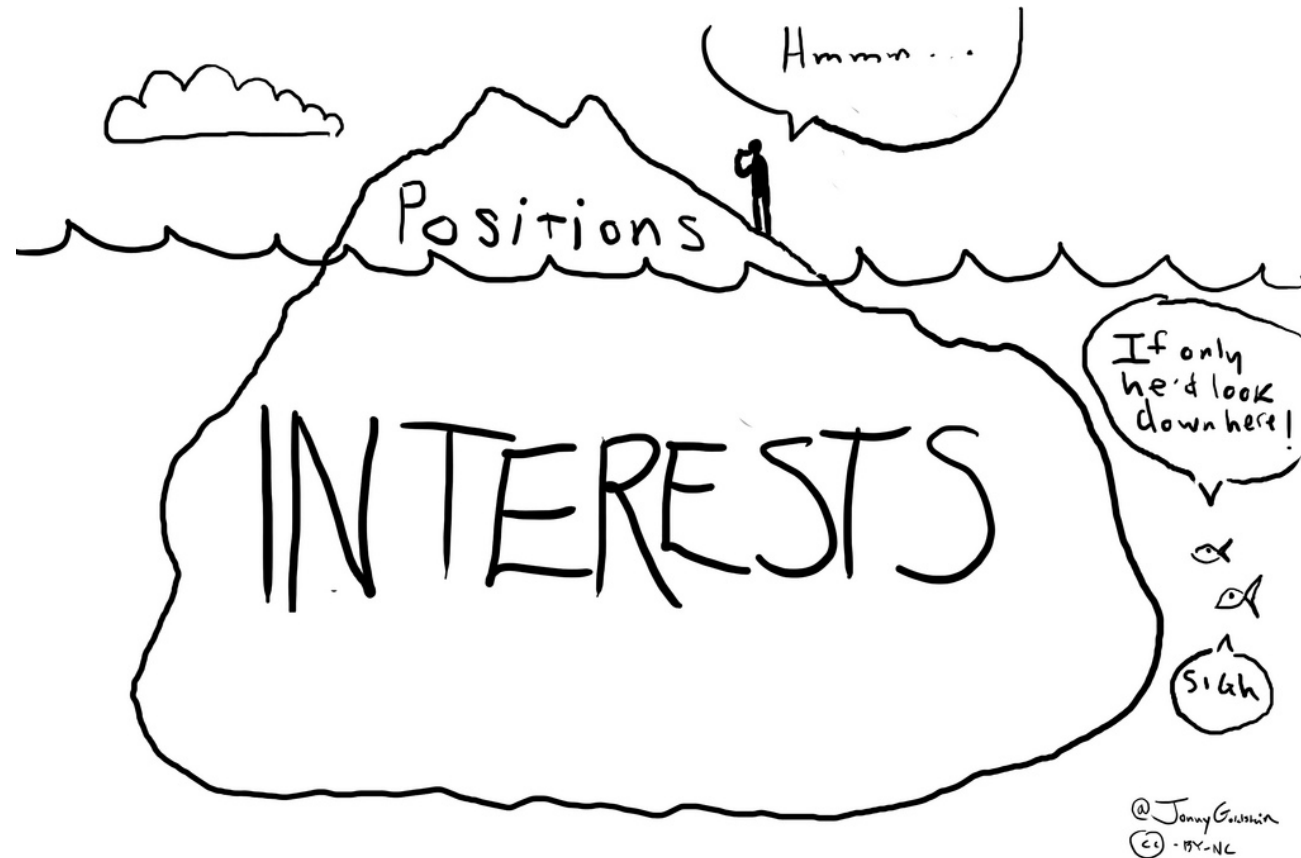
A principle is a kind of rule,  
belief, or idea that guides  
you.



# ***INTERESTS***

***Needs, Wants, Fears, Aspirations***

***Ask why. Then ask why again.***



# ***PROPOSAL VS. PRINCIPLE***



# ***PROPOSAL 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.

Video  
Conference

Mixed Modality

Online

# 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*

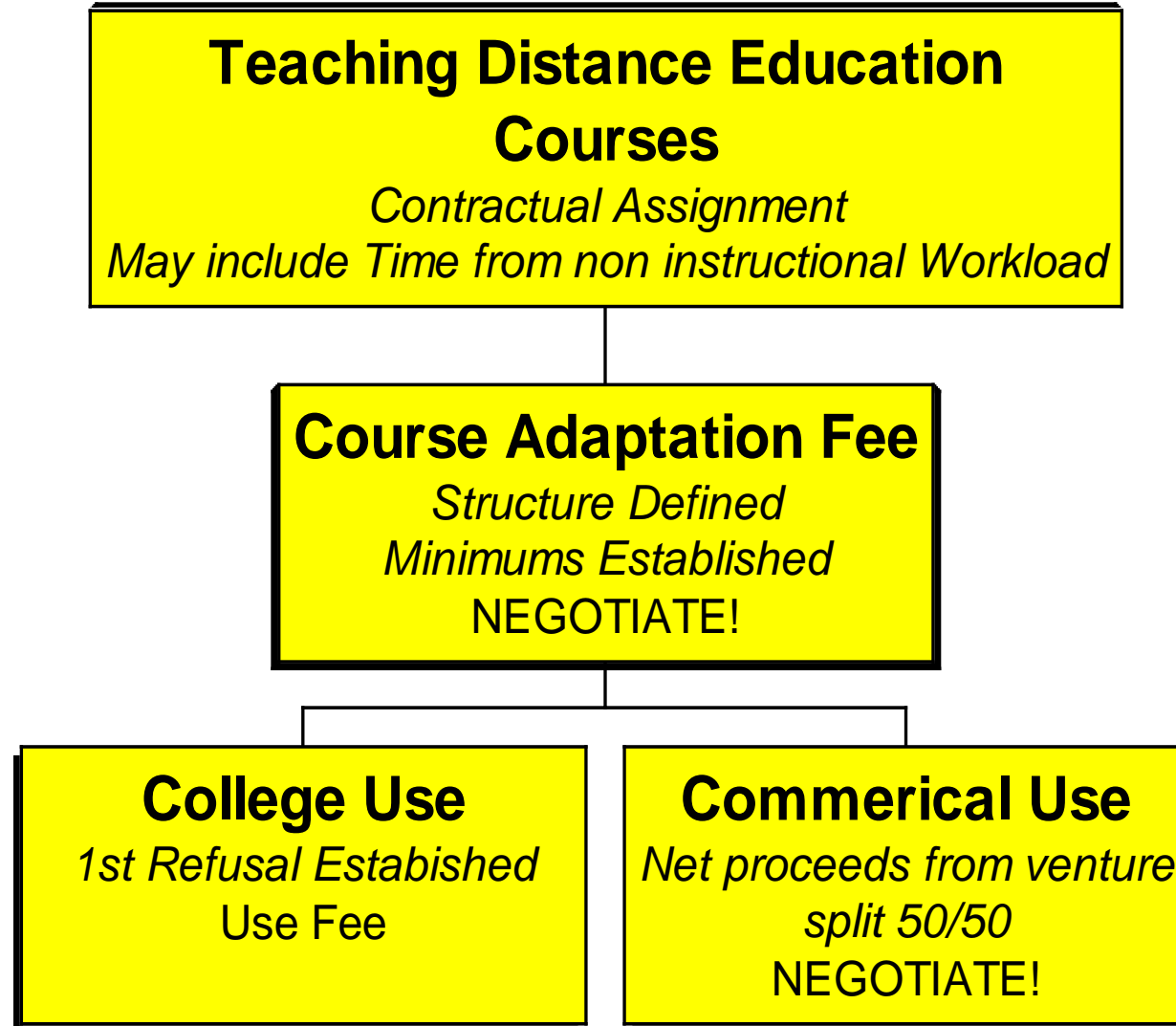


# Intellectual Property

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



# Compensation

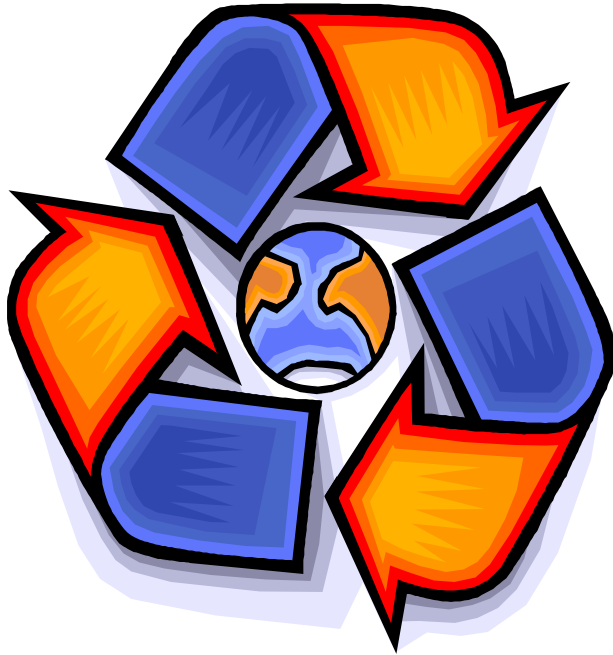


**Course Adaptation Fee**  
*Structure Defined*  
*Minimums Established*  
**NEGOTIATE!**

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



Northern Essex Community College  
Distance Learning  
Evaluation of Instructor

Form DE-3

**Please read first!**  
The purpose of this form is to evaluate your instructor's performance. Please read each statement carefully and then indicate your rating by checking the response you have chosen. After completing the evaluation, click the "Submit" button at the bottom.

Course Number:

CRN Number:

Instructor ID:

Scale:  
5 - Excellent  
4 - Very Good  
3 - Fair  
2 - Poor  
1 - Unsatisfactory  
N/A - Not Applicable

Question	5	4	3	2	1	N/A	Unanswe
1 How well did the course meet the published course description?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2 How well were the instructional objectives of the course explained?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3 To what extent were the instructional objectives accomplished?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
4 How well was the course organized?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
5 How well prepared was the instructor?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Question	5	4	3	2	1	N/A	Unanswe

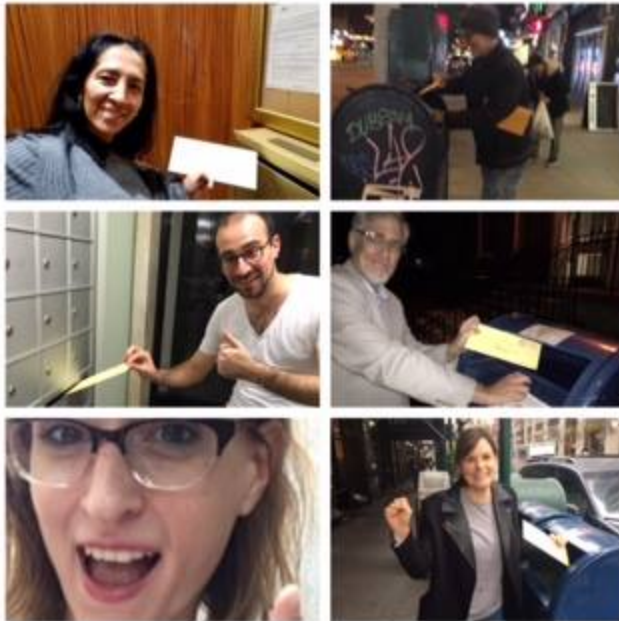
- New modality - no evaluation first two offerings
- Distance education evaluation instruments and procedures were negotiated.

# 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 Exemption”?



## Oligrapher

