Faculty Senate Resolution on Collective Bargaining Legislation Criteria

Rationale

The UWM University Committee (UC) has stayed abreast of recent legislative efforts to introduce and pass bills that will provide UWS faculty (and academic staff) with the opportunity to engage in collective bargaining (also called, “enabling legislation”). The Faculty Senate passed a general resolution of support for enabling legislation in March 2001. The UC feels it is now necessary to more clearly articulate general collective bargaining expectations, should legislation be ultimately passed. These are framed around the protection of the Wisc Stats Chapter 36 rights and responsibilities we currently enjoy (eg academic freedom, tenure, faculty/shared governance).

Therefore, we recommend to the Faculty Senate that this resolution be supported.

UWM University Committee

John Johnson, Chair
Janet Lilly
Erika Sander
Donald Solomon
Mark Schwartz
Cindy Walker
Thomas Walker

Faculty Senate Resolution on Collective Bargaining Criteria

Whereas, the UWM Faculty Senate passed a resolution in March 2001 which requested that the Senate and General Assembly of the State of Wisconsin enact legislation that will grant to the faculty of the campuses of the University of Wisconsin System (UWS) the right to engage in collective bargaining (Faculty Document #2272rev); and,

Whereas, the Wisconsin State Legislature continues to consider legislation which would enable UWS campuses to engage in collective bargaining; and,

Whereas, the UWM Faculty Senate fully supports such legislation only if it safeguards academic freedom, protects faculty governance, and recognizes the distinct situation of the UW Milwaukee campus;

Therefore, be it resolved that the UWM Faculty Senate supports the listed seven principles as essential elements of any collective-bargaining legislation affecting faculty employed across the UWS; specifically, that any enabling legislation should:

(1) provide that the Board of Regents shall have sole responsibility for negotiations and administration of any collective-bargaining agreements for faculty;

(2) preserve the independence of the Milwaukee faculty by permitting it to elect whether, as a separate and distinct group of individuals apart from other academic employees and from the faculties of other universities within the system, it wishes to engage in collective bargaining;

(3) permit the faculty of each institution in the system to make the same choices concerning the desirability of collective bargaining and the make-up of the bargaining unit;
(4) subordinate all other provisions of the enabling legislation to the overriding provision that nothing in the law or in bargaining agreements shall be construed or allowed to diminish academic freedom or tenure, or prohibit or restrict the full exercise by the faculty of its functions in any shared-governance mechanisms or practices;

(5) clarify which faculty (e.g., principal investigators, department chairs, center directors) will be considered supervisory or management personnel;

(6) exclude from the definition of unfair labor practices the failure to implement improvements in compensation or working conditions gained at a campus regardless of whether the faculty are represented or not, if such improvements are based upon comparisons with comparable higher education institutions or other competitive practices; and

(7) include effective fact-finding provisions to resolve bargaining impasses.

The Faculty Senate reserves its judgment on the endorsement of any specific bill so as not to contravene the provisions of the following paragraph.

When legislation that seems to meet the above requirements is introduced in the state legislature, a meeting of the UW Milwaukee faculty will, upon the recommendation by the University Committee and a vote of the Faculty Senate, be convened to discuss and determine whether to support such legislation.