



**OFFICE OF THE SENIOR VICE PRESIDENT
AND PROVOST**

**Senate Finance Committee
Senate Bill 247
State Personnel - Collective Bargaining -
Faculty, Part-Time Faculty, and Graduate Assistants
February 16, 2023
Urging an Unfavorable Report**

Chair Griffith, Vice Chair Klausmeier, and Members of the Committee:

Thank you for allowing us to testify on Senate Bill 247, which would authorize faculty and graduate assistants to collectively bargain.

I. Faculty Collective Bargaining

Shared governance

The University of Maryland enjoys a robust tradition of shared governance through its University Senate as well as academic unit governance processes. Faculty (inclusive of tenure track, non-tenure track, adjuncts, and librarians), staff, and students have representation in the University Senate, which openly promotes, develops, debates, and shapes University policies and procedures. Several recent University Senate legislative activities into which our faculty had direct input relate to faculty work-life matters such as merit pay, paid parental leave, family medical leave, tenure delays for tenure track faculty members, a revised structure for the appointment and promotion of non-tenure track faculty (now referred to as Professional Track Faculty), workload, accommodation under the ADA, non-discrimination policies and procedures, and grievance policies and procedures. Our faculty, staff, and students are also part of the University System of Maryland's system-wide shared governance bodies, who annually advise the USM Chancellor on the state of shared governance on their campus. We are deeply concerned that unionization of the faculty would disrupt, and likely harm, our long standing and highly valued shared governance process both in principle and in practice.

Alongside the strong University Senate shared governance culture, all categories of faculty are engaged in the governance of their academic units, including faculty hiring and identification of candidates for department chairs and academic deans. Developed collaboratively by faculty, each academic unit has a formal Plan of Organization that establishes unit-level governance policies and procedures. Importantly, it is unit level policies and procedures that determine the distribution of merit pay through a collaborative and collegial process. Again, we are deeply concerned that collective bargaining would interfere detrimentally with the existing faculty-driven process for merit pay, but also likely in other areas of unit governance.

In addition, faculty members have full control over curricular initiatives and the University's academic programs through our shared governance process. This faculty-driven process is essential to the University's ability to innovate, manage, and implement its educational programs, and we have serious concerns about the impact of collective bargaining on the University's autonomy over its educational programs and the allocation of resources required to meet the needs of those programs.

Each Spring, the University hosts a "meet and confer" session with our adjunct faculty, which provides a venue for them to provide vital input to the University's administration on issues and concerns that they may have. Recent examples of positive outcomes from our "meet and confer" process include modifications to appointment processes to enable more timely access to learning technology infrastructure for course preparation; working with our Division of Information Technology to provide remote University phone service access for adjuncts to facilitate communication with students; modifications to faculty onboarding and orientation processes; and increases in the minimum per course stipend for adjuncts. The "meet and confer" process provides an essential touch point between adjunct faculty and our academic administrators that collective bargaining would likely place at risk.

As an avenue for individual faculty concerns, the University has a Faculty Ombudsperson who provides mediation and other support services to mitigate and resolve potential conflicts, grievances, and/or difficulties faculty may encounter in their professional University activities. As articulated in policy developed through our University Senate, the Faculty Ombudsperson is an essential actor in our University's grievance policy and procedures. We are extremely concerned about the interjection of collective bargaining into our University's established grievance process, which in addition to the Faculty Ombudsperson, can involve a University Senate review committee composed of faculty peers.

Salaries

We would like to sincerely thank the legislature for its support of our state employees in general and our faculty in particular through the cost of living increases and merit pay appropriations during fiscal years 2022 and 2023. In raw percentages, our faculty received an overall 13.5% increase in salaries which, when compounded, actually yielded a salary increase of 14.2%. We are also appreciative of Governor Moore's FY24 proposed budget, which includes an additional cost of living adjustment and salary increment funding. Accomplished through strong partnership with our legislators and the Governor and without faculty union representation or collective bargaining, the investment in our faculty enables us to continue to recruit and retain outstanding and diverse scholars, in service to Prince George's County, the State of Maryland, and beyond. Our faculty are deeply engaged in innovative K-12 educational programs such as providing advanced math classes in local high schools, entrepreneurship that serves as an engine for economic development in emerging areas such as quantum computing, state-of-the-art agricultural practices, and external funding (nearly \$700 million in FY22) that leads to ground breaking research and support for graduate and undergraduate students as well as post-doctoral scholars.

In short, we express concern that collective bargaining may negatively impact our ability to reward and recognize our faculty members. Further, we see no apparent additional benefit that collective bargaining would yield in terms of salary enhancements for our faculty members.

Benefits eligibility

Our faculty with appointments of 50% FTE or higher have access to a generous benefits package that includes employer-subsidized health benefits, retirement benefits, tuition remission for self, tuition remission for spouses and dependents, paid parental leave and other family supports, adoption leave, sick leave, family medical leave, accident leave, and leave for jury service, among others. This compares to other peer universities which have higher thresholds for benefits eligibility and/or do not provide access to similar benefits such as tuition remission (for example, the Universities of Iowa, Minnesota, Michigan, and Wisconsin-Madison do not provide tuition remission benefits for dependents). Our benefits package remains an attractive recruitment and retention mechanism for faculty members, especially as it includes eligibility for faculty who are less than 100% FTE. We want to ensure that we are able to continue to provide our faculty members with a comprehensive set of benefits in order to remain competitive against both our peers and regional competitors.

Additional Concerns

In addition to the above articulated concerns, the below highlight other areas that require further consideration regarding the impact of collective bargaining:

- We currently have a number of faculty leadership and development initiatives that provide a range of support to our faculty members as their careers progress.
- We support our faculty through the Faculty and Staff Assistance Program, which provides no-fee counseling services to faculty members and their families. These services were particularly essential during the height of the COVID-19 pandemic, often pivoting in real-time to meet the needs of our faculty members.
- We provide our faculty members with flexibility in their work arrangements, teaching loads, service, research, and other areas of their work.

Collective bargaining may interfere with these significant areas of faculty activities, impacting our competitiveness with our peer institutions and universities in our region, as well as erode the quality of the University's work environment.

II. Graduate Student Collective Bargaining

Unlike faculty, graduate assistants are not considered employees; they are students, first and foremost, and their duties as graduate teaching and research assistants are part of their education. Many doctoral programs expect or require all students to teach as part of their education, not only to prepare them as potential future faculty, but to gain experience explaining complex subjects and to understand the subject more deeply by learning to explain it to others.

Research assistantships allow students to learn to do original research and scholarship under the guidance of a faculty mentor—research that is often identical to the research that is required for their degree.

The university's "Meet and Confer" process—where an elected group of GAs meets with the Provost, the Vice President for Administration, and the Dean of the Graduate School at least once each semester to discuss concerns and solutions—has been a productive avenue to address student concerns and solutions for the past 13 years.

In response to concerns about stipend levels, the minimum stipend has increased 32% in the last year and by 58% over the last five years. Most departments set stipends above the minimum—up to \$34,600 (20 hours a week for 9 months) and \$44,000 (20 hours a week for 12 months). Average stipends are \$27,600 (20 hours a week for 9 months) and \$36,900 (20 hours a week for 12 months).

Graduate assistants receive up to 10 credits of tuition each semester and 4 credits during winter term, with a value up to \$42,465 per year. GAs with 12-month appointments also receive 8 credits during summer term, for a total value up to \$56,620 per year in free tuition. GAs have access to the same health insurance plans on the same subsidized basis as faculty and staff. GA stipend and benefits are worth more than \$60,000 per year to the average student.

Other positive "Meet and Confer" outcomes include policies for parental accommodation, time away from duties, and a grievance process. Expectation-setting meetings between GAs and their supervisors are required, and statements of mutual expectation have been developed to guide them. In response to concerns that GAs were working more than 20 hours per week, we commissioned an independent study which showed GAs spend an average of 18 hours per week on their duties—including 6 hours that contribute to a student's own research required for the degree.

The "Meet and Confer" process provides GAs with many of the benefits that collective bargaining offers, including the right to engage a labor organization to assist them in this process. In the 13 years that the "Meet and Confer" process has been in place, GAs have declined to engage a labor organization.

In addition to the "Meet and Confer" process, graduate students serve on the University Senate and on the Graduate Council, which sets policy for graduate education, including graduate assistantships. We also meet regularly with the leadership of the Graduate Student Government.

The Graduate School encourages students to report violations of Graduate School and University policy, including excessive hours, harassment, unacceptable behavior, or unsafe conditions. The Graduate Student Ombuds Officer provides confidential and informal assistance in resolving conflicts and promotes fair and equitable treatment. The Graduate School can take formal action to investigate and resolve problems as needed. Collective bargaining would limit the University's ability to address graduate student problems as they arise and reduce the current flexibility to tailor solutions to the situation of a particular student.

The financial impact of collective bargaining would depend on the details of whatever contract is negotiated, but it could be substantial. Advocates of collective bargaining have argued for stipend levels of more than \$46,000 per year. Raising stipends to that level would cause a \$60 million per year increase in instructional expenditure, requiring a 10 percent increase in State

appropriation or a 10 percent increase in tuition. If State appropriations and tuition did not rise to cover this increase, the result would be a 40 percent decrease in the number of GA appointments—and a corresponding decrease in the size of doctoral programs, the production of PhDs, and the contribution of our PhD programs to the Maryland knowledge economy.

In addition to increased stipends, collective bargaining could lead to changes in benefits. GAs already have access to the same health plans as faculty and staff. Their student status exempts them from Social Security and Medicare tax, but adding additional benefits could result in GAs being reclassified as “professional employees,” subject to additional taxes. The University may need to withhold 7.65% from a GA’s taxable compensation and pay an equal employer’s share. Unemployment insurance and union dues are an additional cost. Expenditures for a GA could increase by more than 17% with no increase in student take-home pay. Moreover, students whose duties are not related to teaching or research could be excluded from GA appointments, or much of their tuition benefit could be subject to income tax.

Research assistantships, which are included in HB 275, are particularly difficult to adapt to collective bargaining. There often is a large overlap between the research a student does as a research assistant, and the research a student does for their dissertation and degree. The former is essential training for the latter, and it is often impossible to determine where one ends and the other begins. Completing a dissertation—a piece of original research and scholarship—requires many hours of effort regardless of whether the student has a research assistantship, and the amount of effort required for the degree cannot be affected by collective bargaining. For this reason, most institutions that have collective bargaining for teaching assistants do not extend it to research assistants. Of the five Big Ten institutions with collective bargaining for GAs, only Rutgers includes research assistants, and the contract specifies that it has no impact on the research work needed to satisfy degree requirements.

Finally, collective bargaining takes a long time and stable relationships. This is difficult when the union representation is inexperienced and turns over every few years as students graduate. If collective bargaining is permitted, students who support union membership will leave campus soon after any election is held. A union will already be in place, and students who come after will have no say in whether it should exist. This is very different from the situation with faculty and staff, who remain as university employees for many years.

We are advocates for all graduate students, including GAs. We want all graduate students to succeed and to help resolve any problems that arise. Collective bargaining is not a path to this outcome that is in the best interests of UMD graduate students or the University.



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Minimum Graduate Assistant Stipends and Collective Bargaining Status
Big Ten Public Universities, Spring 2023, 20 hour/week appointment

Institution	Minimum Stipend		Collective Bargaining?		
	Academic Year	Full Year	TA	AA	RA
Rutgers ¹	30,162	33,999	Y	Y	Y
Maryland ²	26,102	32,972			
Michigan ³	24,055		Y	Y	
Penn State	22,005	29,340			
Indiana	22,000				
Ohio State	21,280	28,373			
Wisconsin	21,115	25,808			
Iowa	20,708	25,300	Y	Y	
Illinois	19,300	25,733	Y	Y	
Purdue	18,880	24,124			
Michigan St ⁴	18,085	24,024	Y		
Minnesota	16,177	21,570			
Nebraska	10,930	14,573			

¹Standard appointment is 15 hours per week.

²For doctoral students on 9.5 appointments, which comprise the majority of academic-year appointments; the minimum for master's students is \$25,574. All TAs and 70% of all academic-year GA appointments are 9.5-month appointments. The minimum stipend for 9-month appointments is \$24,228 for master's and \$24,752 for doctoral students.

³No minimum full-year stipend.

⁴For TAs. The minimum academic-year stipend for non-union AAs and RAs is \$15,561.

Average Cost of Attendance and Average Stipend, AY22-23 (9 months)

Cost	Graduate Student	Graduate Assistant
Tuition (10 credits/semester)	\$35,388	—
Mandatory fees	\$1,210	\$1,210
Off-campus rent, utilities, food	\$15,057	\$15,057
Personal expenses	\$1,197	\$1,197
Books and supplies	\$1,000	\$1,000
Transportation	\$3,060	\$3,060
Health insurance	\$2,334	\$950
Income taxes	—	\$2,316
Average cost of attendance	\$59,246	\$24,790
Average academic-year stipend	—	\$27,600

Tuition is at the non-resident rate. Health insurance is the employee portion of the lowest-cost State plan for GAs and the student health insurance plan for other students. Other costs are estimated by the Office of Student Financial Aid according to federal guidelines; see <https://financialaid.umd.edu/resources-policies/cost-attendance>.