



TESTIMONY OF ELIN E. LOBEL, PHD

BEFORE THE

FINANCE COMMITTEE OF THE MARYLAND SENATE

For a hearing on

SENATE BILL 247: “STATE PERSONNEL –COLLECTIVE BARGAINING – Faculty-Part-Time Faculty and Graduate Assistants”

FEBRUARY 13, 2023

**FAVORABLE**

Chairperson Griffiths, Vice Chairperson Klausmeier, and distinguished members of the Finance Committee:

My name is Dr. Elin E. Lobel and I serve as a Professor in the Department of Kinesiology in the College of Health Professions at Towson University. I am also the current President of the TU American Association of University Professors (AAUP)/Faculty Association, which has stood for more than a half century as the longest continuously operating advocacy chapter in Maryland. For decades, the chapter has been a constructive and integral part of our shared governance model: our Senate bylaws include a designated seat for the TU AAUP President, who is *ex-officio* and voting not only to that body, but also to the Resource Planning and Advisory Committee (RPAC). My discussions with past Presidents and the current membership have led to our unanimous endorsement of this bill. We urge this body to pass Senate Bill 247 to strengthen democracy in our workplace and on all of the University System of Maryland (USM) campuses.

Our chapter supports this bill for many reasons; I present here several key ones.

**1. The right to bargain collectively is a justice, equity, diversity, and inclusion (JEDI) issue, integral to protecting academic freedom, as educators reckon with inequalities in our state and beyond.**

As a legacy normal school and teaching comprehensive college, Towson has a longstanding track record of producing the largest number of K-12 teachers in our state, so modeling inclusive pedagogies matters for creating equal access to

educational opportunities. While Towson has always served a majority female-identified student population and a significant first-generation college demographic, we are also now a majority students of color campus; this requires being responsive to the evolving learning dynamics.

Faculty need academic freedom to facilitate discussions about the ongoing challenges facing American democracy; this necessitates equal access to due process rights and robust professional development resources. The Provost has agreed with calls for more holistic teaching assessments and supports, given how research suggests student evaluation(s) may perpetuate other discriminatory dynamics.<sup>1</sup> However, it can still be documented as a “cause” cited in unfavorable promotion, tenure, rank and merit (PTRM) letters and a justification for adjunct faculty being non-renewed, without any means to check for biases. Also, the “aspirational R-2” directions Towson intends to take (cf. point five below) will redistribute workloads unevenly, which impacts course caps and teaching assignments, just as the learning needs become more intense and varied.

## **2. Collective bargaining can enable professional procedures demonstrated to be fair and effective, but currently inaccessible to faculty of all ranks in the USM.**

As President of the TU AAUP/Faculty Association, I field a range of workplace circumstances experienced by faculty at all ranks. The most concerning issues arise when an administrator acts in ways that disregard known shared governance norms and procedures. For instance, faculty have been subjected to *ad hoc* requests for meetings and impromptu class visits with insufficient advance notice, without being told the purpose. This needlessly escalates issues into forms of workplace bullying. As a result, faculty sometimes request accompaniment, to make sure someone can take notes during stressful meetings; however, administrators frequently decline such requests, claiming the issue(s) to be a “private personnel matter.” They assert faculty cannot consent to waive their right to privacy with an administrator during professionally consequential meetings. Some of our College of Education faculty have noted unionized K-12

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<sup>1</sup> Heffernan, Troy. “Sexism, racism, prejudice, and bias: a literature review and synthesis of research surrounding student evaluations of courses and teaching.” *Assessment & Evaluation in Higher Education*. Volume 47, 2022 - Issue 1, pp. 144-154. <https://doi.org/10.1080/02602938.2021.1888075>

schools offer educators such rights. We also have adjuncts who have worked at Goucher, McDaniel and MICA, where SEIU Local 500 has used federal NLRB laws to organize contingent faculty. Our educator colleagues elsewhere throughout the state have access to options for accompaniment at meetings that tenure-line and tenured faculty do not consistently have on the Towson campus.

### **3. The right to bargain collectively can strengthen shared governance by enabling transparent frameworks to negotiate options for conflict resolution.**

Some workplace issues reflect power dynamics relevant to the Office of Inclusion and Institutional Equity (OIIE), particularly when a situation personally and professionally harms faculty, as they are then “gagged” by Human Resources (HR) from publicly discussing the issues. This works at cross-purposes with efforts to train “inclusion advocates” to serve on hiring committees, if little is done to support diverse faculty *after* they are hired. Further, the administration has implemented at TU Faculty Gradual Intervention Guidelines or F-GIGs, which have raised serious concerns. Some assume that Faculty Grievance and shared governance mechanisms adjudicate such situations, but even when they rule by majority vote the F-GIG should not go into a personnel file, the Provost Office can unilaterally overrule a faculty committee decision. If faculty have no equivalent complaint filing option against administrators, F-GIGs should be regarded an unfair labor practice. The TU AAUP/Faculty Association proposed a half decade ago a motion to the Academic Senate recommending that the Provost Office commit to hiring an Ombuds, like they have at College Park. Despite overwhelming support, the administration does not view this as a priority, even though it could make a real difference to a range of workplace culture challenges.

### **4. Collective bargaining rights would prompt clearer decision-making protocols, to discourage inconsistent implementation of health and wellness policies.**

As is true for many workplaces, the pandemic highlighted a range of ways HR fields ADA, FMLA and parental leave issues in inconsistent ways; faculty are then limited in how they can use grievance mechanisms when the issues turn into other PTRM-related issues. The senate Faculty Compensation Review Committee does not currently factor how these issues impact salary compression and

inversion, as well as other benefits and workload considerations. The administration otherwise claims these are mainly a “collegiality” coverage issue, which does not acknowledge situations when someone may be the only faculty member who teaches a specialized topic or subject area, nor does it acknowledge how faculty rank differences lead to unequal access to accommodations otherwise extended to most staff and students on the campus.

### **5. The right to bargain collectively can ensure TU earns its R-2 stripes in responsible and sustainable ways for faculty, staff, and graduate students alike.**

Faculty of all ranks have worked tirelessly to make it possible for the USM to affirm Towson’s aspirational R-2 status.<sup>2</sup> Despite reassurances that the R-2 goals would mainly impact new hires and benefit faculty who prefer reduced teaching loads to focus on research, some are already being subjected to vague standards that require them to formulate professional development plans different from past expectations. Furthermore, R-2 becomes invoked as the impetus for changes, but administrators delegate actual implementation to shared governance entities at the department, college, and university level. This means R-2 peer institution comparisons have not yet been put into relevant context(s) with few specifics on ways to support impacted faculty, staff, and graduate students (i.e., we’re told produce x-PhDs in x-time and document x-research expenditures without knowing yet the qualitative metrics at issue).

Former TU President, Kim Schatzel, who took a position as of February, 2023, at the University of Louisville (an R-1 institution), recently co-authored an *Inside Higher Education* piece, “R-2 for Good,” in which she affirmed “[r]ather than being an either-or choice—teaching students or conducting research—we see rampant ‘anding’.”<sup>3</sup> At a town hall last year, she quoted UMBC’s President

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<sup>2</sup> Towson has in recent decades elevated its research profile in a range of fields of significance to the local economy. In 2018, Carnegie reclassified Towson as a “Doctoral/Professional University” or a D/PU; challenges associated with the global pandemic contributed to our recent loss of that status, though the administration informed us in the middle of the pandemic the USM had thought a next step for our institution should be R-2 status, a direction that surprised even the Board of Regents, who noted we first had to change our institutional mission to include more of a research focus for new doctoral programs to be approved.

<sup>3</sup> Kim Schatzel and KerryAnn O'Meara, “R-2 For Good,” *Inside Higher Ed*, January 04, 2023.

<https://www.insidehighered.com/views/2023/01/04/pursuit-r-2-status-can-expand-opportunity-opinion>

Emeritus, Freeman Hrabowski, noting we should embrace the harmony of the “and” and not the tyranny of the “or,” because R-2 and diversity go hand-in-hand. When faculty agreed but prompted for more specifics given our challenges recruiting and retaining hires, including in her own administrative offices, she then invoked “The Great Resignation” as if the cause, weeks before she herself would resign to take a job for around double her compensation at Towson. The right to bargain collectively could provide important checks and balances on administrators who expect faculty “to do as I say, *and* not as I do.”

On behalf of the TU AAUP/Faculty Association, I urge you to vote for this bill and allow faculty at all and any rank to choose whether or not they want to use collective bargaining to improve their working conditions. You will be demonstrating your commitment to higher education as a public good and acknowledging that employees and employers together know best how to continue developing the institutions that expand and communicate knowledge for the benefit of the entire community.

I thank you for considering these thoughts and enthusiastically reaffirm our chapter’s endorsement of this bill.