



SENATE FINANCE COMMITTEE

Senate Bill 823

State Personnel - Collective Bargaining - Faculty, Part-Time Faculty, Post Doctoral Associates, and Graduate Assistants

March 7, 2024

Unfavorable

Chair Beidle, Vice Chair Klausmeier and members of the committee, thank you for the opportunity to offer testimony on Senate Bill 823. The Chancellor, the Board of Regents and the presidents have the deepest respect for the world class faculty and graduate students in the University System of Maryland (USM). In fact, many of the same USM leaders have not just “walked” in the shoes of graduate students and faculty – they still wear them along with their own doctoral regalia.

Senate Bill 823 simply has the potential to undermine the successful and ongoing support of Academic Freedom and Shared Governance that makes the USM so effective, and the state investment so powerful.

Why is collective bargaining not necessary for the faculty and graduate students in the University System of Maryland?

Academic Freedom

Academic Freedom is a long-standing tradition in American higher education, that has been around since 1940, that the American Association for University Professors (AAUP) defines as:

“...the freedom of a teacher or researcher in higher education to investigate and discuss the issues in his or her academic field, and to teach or publish findings without interference from political figures, boards of trustees, donors, or other entities. Academic freedom also protects the right of a faculty member to speak freely when participating in institutional governance, as well as to speak freely as a citizen.”

According to AAUP—the best protection for academic freedom are:

“...institutional rules and regulations that comport with procedural recommendations developed by the AAUP, specify how and why an institution can terminate a faculty member’s service, and provide for faculty tenure. Tenured appointments should be terminated only for cause and should be considered by an elected faculty committee.”

The USM has such processes at each of its universities. Essentially, academic freedom does NOT rely on the ability of faculty to collectively bargain.

Shared Governance

Shared Governance has been an integral part of higher education for 100 years, and it is a critical way of ensuring meaningful faculty and graduate student participation in institutional governance.

As defined by AAUP, “Shared governance refers to the joint responsibility of faculty, administrations, and governing boards to govern colleges and universities. Differences in the weight of each group's voice on a particular issue should be determined by the extent of its responsibility for and expertise on that issue.”

This process is not just a “theory”. The Council of University System Faculty (CUSF) conducts an annual survey on Shared Governance that emphasizes the importance of faculty involvement in personnel decisions, selection of administrators, preparation of the budget, and determination of educational policies. Shared Governance within the USM is dynamic and nimble.

Here are a few examples from the CUSF survey from Spring 2023—with 1935 total anonymous participants,

- When asked if they were involved in shared governance on their campus about half the respondents said “yes”.
- On the question of whether or not their shared governance representatives have an impact on campus policies that matter—which gets to the heart of the efficacy of shared governance; fewer than a quarter of respondents said “no”.
- When asked if they were happy with their input into academic policies on their campus—nearly half said “yes” while only 30% said “no”.
- Finally, when asked whether or not their campus president supports and advocates for shared governance only 10% said “no”. This is a ringing endorsement for the effective work of our university leaders.

Shared governance begins with the belief that the faculty and administration feel that they are “partners in a common project”. This is what the “shared” in shared governance means. This doesn't imply that there is agreement each time, but there is collegiality and respect.

What about Graduate Students?

We firmly believe that they are students—not workers. The duties they perform are directly related to their status as students. For most, if not all of them, it is aligned with their training as a scholar and instructor. It is virtually impossible to tease apart anything that is not directly related to their training from the activities they do as a graduate assistant or research assistant. Graduate students who are graduate teaching or research assistants typically receive not only a financial stipend but also tuition remission (i.e., free tuition) and benefits.

On all USM campuses with graduate student assistants and researchers, there are regular “meet and confer” sessions. Additionally, our campuses provide training for faculty on mentoring graduate students.

There will always be a small number of people who are unhappy with the system—we don't discount their voices and we want to reach out to them and work with them to ensure the best possible education for our students and the best possible academic environment for our world class faculty.

As my colleagues share specific examples from our campuses on the ways in which shared governance operates successfully you will see why we believe so deeply in this presumption of a shared commitment between the faculty and the administration. We work together in a respectful manner to ensure the best outcomes for our students. We are concerned that with faculty collective bargaining, the role of shared governance will be greatly diminished, and a unique strength of public higher education in Maryland will be lost.

The USM respectfully urges an unfavorable report on Senate Bill 823.

