

TESTIMONY OF TINA M. KELLEHER, PHD  
BEFORE THE  
FINANCE COMMITTEE OF THE MARYLAND SENATE  
For a hearing on  
SENATE BILL 823: "STATE PERSONNEL –COLLECTIVE BARGAINING – Faculty-Part-Time Faculty and  
Graduate Assistants"

MARCH 06, 2024

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

My name is Dr. Tina M. Kelleher, and I am a first-generation college scholar deeply concerned about the future of higher education in our state and in America more broadly. I have served in a range of roles for more than twenty-three years as contingent faculty at Towson University: I currently serve as a lecturer or Full-Time Non-Tenure Track (FTNTT) faculty in the Department of Computer and Information Sciences teaching ethics and areas tied to human-computer interactive design. I also have taught interdisciplinary courses for English, the Honors College, as well as Women and Gender Studies. I have been an active member of the American Association of University Professors (AAUP) at the national and state level for more than a decade and currently serve as the Vice President of the Towson AAUP Chapter.

I append at the end of this testimony for ready reference two previous submissions for similar bills (one from 2012, another from last year), as the concerns unfortunately remain ongoing. I also share from the Hornblake archives evidence from 1973 (Appendix C) that faculty voted overwhelmingly when we were Towson State College to affiliate with the AAUP, back when this right was not yet an option for many public employees in Maryland. More than 50+ years later, the academic workforce remains among the few working for the state still denied this basic right.

Notably, the [AAUP Statement on Academic Government for Institutions Engaged in Collective Bargaining](#) (1988) was approved roughly the same year as the formation of the USM; so, it is unclear why exceptions continue to be carved out for academic labor at the institutions within the USM. Their testimony often cites AAUP policies and recommendations for shared governance, but then disregards AAUP's contextualizing reports and statements that urge acknowledging we are now in the 21<sup>st</sup>- century.

I offer below remarks tied to the USM's claims that their unfavorable stance towards the bill should be construed as if a "defense of shared governance," rather than an anachronistic and unsustainable perpetuation of legacy forms of discrimination, which detrimentally impacts public perceptions of higher education's value in our democracy. President Ginzberg has been at Towson for only several months but continually asserts that Towson's greatest asset is its people; the legislature should affirm this conviction by enabling collective bargaining rights, so that the institution's greatest assets have options to be protected -- no matter who is our President and no matter the psychologizing that limits our access to the tools necessary to create collectively a more fair *and* equitable workplace.

I hereby strongly urge a favorable report on SB 823 for the following five reasons:

**1. Existing shared governance models do not consistently or meaningfully include the voices of those less protected in the academic workplace. Contingent faculty (or 75%+ of the academic workforce) have limited involvement in shared governance and often the Senate may not be the most effective forum for addressing their issues.**

Campus senates largely focus on academic policies and other educational matters: deteriorating working conditions means they have increasingly become arenas for complaint and grandstanding. A union would focus, fortify, and salvage shared governance by supporting grievance processes with a legal framework that would be far more efficient and effective for resolving workplace problems.

	N	CUSF Respondents	
		N	% Fac
<b>USM Totals</b>	<b>16,659</b>	<b>1267</b>	<b>7.6%</b>
Bowie State University	571	38	6.7%
Coppin State University	214	37	17.3%
Frostburg State University	323	78	24.1%
Salisbury University	612	81	13.2%
Towson University	1,654	15	0.9%
University of Baltimore	325	24	7.4%
UM- Global Campus	3,605	10	0.3%
UM- Baltimore	3,498	20	0.6%
UM- Baltimore County	1,190	167	14.0%
UM- College Park	4,311	716	16.6%
UM- Eastern Shore	294	28	9.5%
Environmental Science	62	53	85.5%

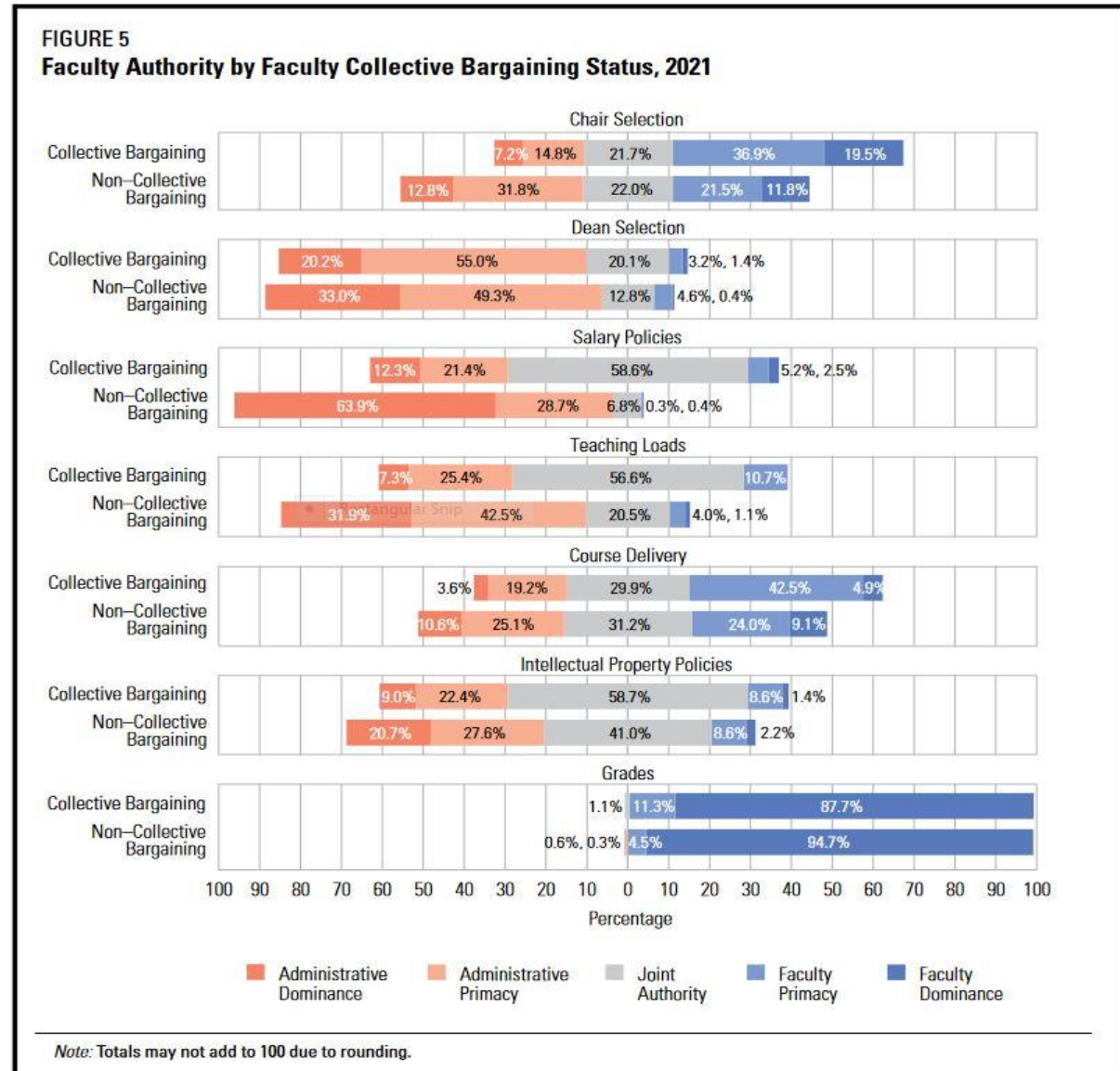
The USM has cited a recent Council of University System Faculty (CUSF) survey on shared governance that generalized a state of “satisfaction” claimed to be applicable to all campuses, but if disaggregating the data, the participation rates were quite low. TU had less than one percent of the faculty fill out the survey -- slightly above the public online university (UM-Global Campus) that has no tenured faculty nor any physical campus and slightly above the USM Chancellor’s own campus (UM- Baltimore), which had nearly no participation in the survey at all.

**2. University policies tied to academic freedom and freedom of speech often fit squarely in the middle between a senate (i.e., a policy-making entity) and a union (i.e., a collective bargaining agent enabling administration and enforcement of policies). In Maryland, for the public higher education academic workforce, legal remedies remain difficult to access and to enforce, which in turn becomes costly to faculty of all ranks, and becomes consequential for students from all walks of life, in ways the USM fails to acknowledge.**

When it comes to defending academic freedom, Senates need to craft clear policies that uphold the principles and practices that enable freedom of expression and thought to thrive, no matter the presumed political lean of faculty members, and no matter the perceived political stakes of the topics being discussed. Such policies, however, often are not enforceable or meaningful without terms for implementation spelled out in a collective bargaining agreement (CBA). This is all the more true as Human Resources (HR) and Diversity, Equity and Inclusion (DEI) initiatives have complicated shared governance procedures in ways that often violate due process rights and displace burdens of proof and costs onto individual faculty as well as marginalized students. The USM misleadingly directs attention at the purported costs, without noting how many lawsuits and out of court settlements happen throughout the system as a result of their Star Chamber version of shared governance.

The [2021 AAUP Shared Governance Survey: Faculty Roles By Decision-Making Areas](#) comprehensively researched what these current dynamics look like around the country by institutional type as well by collective-bargaining and non-collective bargaining status. I particularly wish to draw the committee’s attention to some bar charts (Figure 5 in the survey, reproduced below) on their aggregate findings on

how a bilateral process and “joint authority” manifests and what aspects of governance may be shared differently, when shared governance and collective bargaining coexist, as faculty would work alongside administrators on their respective campuses to make their workplaces the best they can possibly be in light of differing missions, resources and roles in Maryland’s higher education landscape.



**3. Faculty workload allocation dynamics further highlight grey areas between academic and workplace concerns. For instance, “service,” which includes faculty participation in shared governance, has proportionately less value and is often discounted labor, which leads to other phenomenon, like the gender wage gap and other forms of workplace inequities.**

Many faculty serve in good faith and tirelessly on a range of department, college and university-wide committees, knowing they may be professionally punished during the promotion, tenure and review process, as if “not productive” in more remunerative, research ways. Some faculty also serve local

communities in countless ways, and in the process, find themselves politically targeted by forces external to the campus or within the university administration itself.

Governor Wes Moore spoke to the Board of Regents in December, 2023, about the significance of service, noting: “In this time of political divisiveness, in this time of political vitriol, in this time where many people seem to care more about where did the idea come from [rather] than is it a good idea ... . Service is going to lift us to a higher hill ...” Organized labor serves local communities in inclusive and varied ways, yet the USM and some campus administrators oppose our academic freedom to discuss and to vote upon the possibility of joining a union.

**4. Chairs are faculty, too: the role often puts good people into very challenging circumstances not of their own making, which can adversely impact their careers and well-being.**

As a contingent faculty member, I appreciate Chairs often do not have the information nor the resources they need to make decisions that support all of their faculty. Increasingly, it is hard to persuade good faculty to become Chairs, as a result of the poor working conditions on our respective campuses and as a result of the mounting challenges associated with navigating the learning deficits and mental health issues lingering in the aftermath of the global pandemic.

**5. New technologies like generative AI heighten uncertainties about how such tools will impact administrative decision-making processes, faculty workload expectations and student learning experiences. Faculty are currently not equal partners in these discussions, even though we tend to be far more knowledgeable about the issues on the ground for colleagues and students alike.**

Technological innovations have accelerated in ways that require faculty to demand more transparency about the use of these tools at all levels in our workplace. The USM’s testimonies often feel as if generated by AI because their abstracted views feel so far removed from the lived realities of faculty and graduate students alike in 2024. Further, the USM’s opposition to a bill *merely about the right* to have the academic freedom and freedom of speech to discuss collective bargaining issues, period – as this [bill explainer](#) clarifies, this legislation enables rights to choose an option to form a union, it does not require that anyone in fact join one -- is a shameful stance, which demonstrates profound bad faith in the core tenets of American democracy, in addition to making a mockery of shared governance itself. As was noted in the House Appropriations hearing on Feb. 13<sup>th</sup>, 2024, The Council of University System Faculty (CUSF) voted at the start of Spring 2024 unanimously in support of this bill; our representative colleagues participated in good faith, in a system-wide shared governance forum, voicing the consensus on their respective campuses. Yet the USM sent representatives to Annapolis to argue shared governance could be jeopardized by this bill, disregarding more than a half century of policy research on this topic suggesting otherwise and disregarding a unanimous faculty vote affirming the right to have choices in a democracy. Further, the USM cherry picked evidence and leaned into their own implicit biases, demonstrating why both faculty and graduate students need this right, so they can have clear, bilateral processes and mutually agreed upon rules followed in good faith.

I reaffirm my strong support for this bill and thank you all -- no matter your political stripes -- for serving our democracy during these very challenging times.

**APPENDIX A:**

TESTIMONY OF TINA M. KELLEHER, PHD

BEFORE THE

APPROPRIATIONS COMMITTEE OF THE MARYLAND HOUSE OF DELEGATES

For a hearing on

HOUSE BILL 972: "THE HIGHER EDUCATION WORKFORCE EQUITY ACT"

MARCH 6, 2012

Chairperson Conway, Vice Chairperson Proctor, Jr. and distinguished members of the Appropriations Committee:

My name is Dr. Tina Kelleher and I have served for six years as Full-Time Non-Tenure Track faculty in the Department of English and the Honors College at Towson University in Towson, Maryland; I prior to this served for several years as part-time adjunct faculty in the Department of Women's Studies. In October, 2010, I was elected by my full-time non-tenure track colleagues (consisting of approximately 171 full-time Lecturers and around 55 Clinical Faculty or about 25% of Towson's full-time faculty) to our University Senate and am the first and only contingent faculty representative to have the privilege and responsibility to serve on this body at my institution. As someone who experiences firsthand the precarious working circumstances and the ongoing professional issues concerning my tier of faculty, I urge this body to pass House Bill 972, the Higher Education Workforce Equity Act.

Full-time Non-tenure Track Lecturers (FTNTT's) at Towson University typically hold a 4/4 teaching load with a base pay of around \$34K per academic year (and \$36K if they hold a PhD). As is the case with all Lecturers who serve in the University System "pin" institutions, our access to health care benefits is limited and subject to bureaucratic processes that jeopardize coverage month-to-month. For instance, on a monthly basis we submit by mail coupon subsidies to the Maryland Department of Budget and Management; if we miss the deadline for submission during any given month, we lose our benefits for the remainder of the academic year. FTNTT's do not have an automatic payroll deduction option or a tax exemption for the minimal medical benefits they do qualify to receive. The right to bargain collectively could encourage more consistency about the terms upon which we are able to access and process benefit options.

Lecturers currently have no subsidized prescription drug coverage; we also receive no subsidized health coverage for dependents – these are benefits otherwise available to all full-time staff at our university and all full-time tenure-line faculty. FTNTT's who work at other non-pin institutions in the University System do in fact receive these benefits, often on a lighter teaching load of 4/3, and at a higher base

starting pay (e.g., two years back an adjunct from my department accepted a Lecturer position at UMBC with a starting base pay of \$40K, a 4/3 load, and all benefits, teaching the same exact courses she does at Towson University). On April 13th, 2007, The Baltimore Sun, published an article by Gadi Dechter titled "UM Regents Approve Health Care for Lecturers," which erroneously suggested that all Lecturers in the University System pin institutions would have more comprehensive coverage soon. However, as of March, 2012, we still await access to benefits nearly all other full-time employees receive at the university. The Board of Regents and the University System Chancellor has been aware of this issue for a half decade now. While Lecturers do appreciate the expressions of empathy and good will from campus administrators, this does not at all change the fact that nothing has yet been done to budget accordingly for these necessary (and promised) health benefit options. I and many other Lecturers believe that the right to bargain collectively could make a difference to obtaining follow through on benefits that from year-to-year never in fact materialize for our tier of faculty.

The University President Council at Towson implemented on December 1st, 2011, a Policy on the Employment of Lecturers designed to recommend some basic guidelines to improve our overall professional status. While this marks an important start towards establishing some rights for Lecturers on this campus, it emerged as a consequence of troubling circumstances that would be unimaginable to full-time tenure-line faculty. For example, a PhD Lecturer with twelve years of service received a notice indicating he had to generate two peer-reviewed journal articles within 90-days or his contract would be non-renewed, because of a new accreditation requirement that was never in fact shared with faculty of his rank (but was construed to be applicable to all full-time PhD faculty, regardless of whether or not they received the professional development or material supports of the tenure-track). The requirement did not apply to his non-PhD Lecturer colleagues (though having the same workload and making roughly the same amount of money). The Lecturer lost his job and had no means to contest the decision. Other Lecturers have received non-renewal notices, and in spite of their positive record of teaching and service, their Chair indicated the USM requires no procedure of justification for such decision-making when it comes to this tier of faculty. My further research has revealed this to be true. The University President's office informed me last month that a Chair can non-renew a Lecturer if he or she dislikes the color purple and a Lecturer happens to wear it -- regardless of length and quality of service to the university and regardless of what the President's Council's well-intentioned new policy states. The right to bargain collectively could at the very least remind campus administrators about their responsibility to exercise professionalism towards faculty of all ranks, to support faculty (be they tenure-line or contingent) in their efforts to provide a quality education to each and every student that enters our respective classrooms.

The Lecturer policy recently implemented on my campus also contains a variety of other serious inconsistencies. For instance, it requires an annual review of professional performance for the purposes of "merit" consideration (when monies are available). However, it denies Lecturers the right to apply for promotion to the rank of "Senior Lecturer" after 6-years of service, even though the USM allows for the use of this rank on the respective USM campuses. Lecturers are the only tier of faculty in the university who undergo processes of annual review with no possibility of promotion (including part-time adjuncts, who as of this past year, have Adjunct I and Adjunct II designations based on a range of evaluative

criteria). Towson University does in fact employ Senior Lecturers but it is my understanding they were appointed prior to 2005; unlike other Lecturers in the university, they receive a full health care benefits package with deductions taken from their paychecks. All other Lecturers -- regardless of length of service, regardless of qualifications, regardless of excellence in teaching and service -- have no pathway to the comprehensive benefits granted to all other full-time faculty and staff, and indeed, Senior Lecturers, who now exist at a rank suppressed on my campus because of a past precedent (during headier financial times) linking that rank to full health care benefits. The right to bargain collectively could encourage more honesty and transparency about the how and why of such promotion and rank matters for the FTNTT's on my campus.

Finally, the USM stipulates that all Lecturers are entitled to shared governance participation in matters "relevant to them"; however, there's no means to systematically enforce this right at the department or division level. The right to bargain collectively could ensure that university administrators and tenured faculty take more seriously the importance of Lecturer participation in shared governance practices and that we mutually support each other as collegial, higher education professionals.

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 my thoughts on these very important issues and enthusiastically reaffirm my endorsement of this bill.

## APPENDIX B

TESTIMONY OF TINA M. KELLEHER, 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"

**FAVORABLE**

FEBRUARY 13, 2023

Chairperson Griffith, Vice Chairperson Klausmeir and distinguished members of the Finance Committee:

My name is Dr. Tina M. Kelleher and I have served in a range of roles for more than twenty-two years as contingent faculty at Towson University: I currently serve as a lecturer or Full-Time Non-Tenure Track (FTNTT) faculty in the Department of Computer and Information Sciences teaching ethics and areas tied to human-computer interactive design; I also have taught interdisciplinary courses for English, the Honors College, as well as Women and Gender Studies.

Eleven years ago, in 2012, I submitted testimony hoping to pass HB 972 "The Higher Education Workforce Equity Act" (included as an appendix at end for reference). The legislation was not allowed to move out of committee and the outcome was a "[Meet and Confer](#)" document on the Provost Office website never taken seriously by administrators on my or any of the USM campuses. I have experienced the consequences of imagining "Meet and Defer" or "Meet and Suffer," could serve as a meaningful remedy for the festering challenges. To bring Maryland public higher education institutions to the next level of 21<sup>st</sup> century learning and research on our respective campuses, we need equal and transparent access to information that could facilitate regular, clear communication that truthfully represents the interests of the parties involved.

When the global pandemic hit in 2020, lecturers on my campus had no payroll-deduction access to subsidized health care and we had no sick leave, which compounded the stresses. Further, Towson created a confusing classificatory system tied to lecturers, who work 4/4 loads no matter the nomenclature determining payroll-deduction access to benefits: we now have "temporary contingent lecturers" (no access), "regular contingent lecturers" ("opting-in"), and "contingent lecturers" ("opting-out"). Department Chairs were left out of these email communications, which undermined good-willed colleagues and staff, as workloads precipitously surged amid the crises.

Last May a [new "promotion policy" for lecturers](#) surfaced on the Senate without notifying our faculty rank or our tenure-track colleagues; presumably, it was up to Chairs to inform those qualified to apply, even as recent other changes left them out of communication loops. The policy identifies additional



Senior ranks of Lecturer II and III; however, if someone already qualified for the latter status, they inexplicably could not apply for that raise level. I work the same job, but my title changed several times in as many years. The promotion ladder was designed to delay progress, not to support it meaningfully.

There is a bottom line when it comes to this bill; regardless of our job titles: **WE ARE ALL CONTINGENT.**

The USM frames collective bargaining through a glass darkly. But the glass in this case is neither half full nor half empty; it's cracked and warping. I urge ending these "Meet and Observe" practices: Maryland faculty, graduate employees, librarians and academic professionals have already waited too long and deserve better, as do the hundreds of thousands of students that they teach, support and advise.

## APPENDIX C

Below find a screen shot from a 1973 AAUP Maryland Newsletter, confirming faculty at what was then Towson State College overwhelmingly voted to be represented by a bargaining agent, choosing AAUP by majority vote.

