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**Written Testimony Submitted to the Maryland House Appropriations Committee
SB823: State Personnel – Collective Bargaining – Faculty, Part-Time Faculty, and Graduate Assistants**

March 6, 2024

Position: FAVORABLE

My name is Shanna Pearson-Merkowitz, and I am a tenured full professor in the School of Public Policy at the University of Maryland College Park, where I have worked for the last three years. Prior to coming to the University of Maryland, I was a professor for 12 years at the University of Rhode Island, which has a unionized faculty, staff, and graduate students. The state of Maryland already grants the right of collective bargaining to nearly every other state employee, as well as the faculty at our community colleges and the non-academic workforce at all public higher education institutions. The right to organize should be extended to all higher ed workers in Maryland. I urge you to vote in favor of this bill.

As a full professor with tenure, I am employed to teach classes in the undergraduate, masters, and PhD programs, and I oversee graduate student Ph.D. projects and undergraduate thesis projects. I conduct research, and perform extensive service and administration for the School, the University, and the community. Last year I served as Associate Dean for Faculty Affairs in the School of Public Policy at UMCP. In this position, I learned exactly why the right to collectively bargain is desperately needed at College Park.

What I witnessed as Associate Dean is a broken system in which faculty are treated very differently depending on their individual ability to self-advocate, the predisposition of their dean, department chair, and colleagues toward their area of expertise, and the faculty member's title. There is little if any oversight or other mechanisms to ensure equal treatment across the University. I want to be clear this is not just about pay inequity. I am sure that exists, but it was not the primary problem I saw. What I witnessed was a lack of equal treatment, unequal access to resources, and, most importantly, no formal systems or representation to address inequalities and unequal treatment. The policies that are needed to ensure everyone is treated fairly are few and far between and usually are developed by the very faculty who perpetuate inequalities without any check that policies follow best practices.

There are three types of faculty on campus: tenured professors with significant job security, tenure track assistant professors (who, if denied tenure usually must leave the University), and professional track faculty who are on time-limited contracts dependent upon renewal. Problems of equity in treatment and lack of access to representation when issues arise exists within and between *all of the ranks*, and there is no formal system of representation to help address issues when they arise. For example, the resources available to assistant professors depend on who they are, how well they negotiate, and their dean's willingness to respond to their requests. As I have seen, this largely falls along lines of gender and race due to systemic racism and sexism. Administrators may not be intentionally discriminatory, but when there are few policies they must follow, unintentional bias thrives and is never addressed.

Extensive research has shown that in and outside of academia, men are more likely to request, and be given, higher salaries and better resources (including lighter teaching loads and smaller classes). But research has also consistently shown that women and faculty from minoritized backgrounds are held to different and higher standards than white men. For example, one study on gender in higher education institutions summarized the existing empirical research on academic pay and review processes as finding that:

- “Male full professors at U.S. institutions earned 15% more than female full professors.”

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- “Women are held to higher standards in the peer review process.”
- “Co-authored publications are more heavily discounted for women.”
- And “gender-neutral ‘clock-stopping’ policies (which extend the probationary period for child birth/adoption) reduce the likelihood that women receive tenure, relative to their male counterparts.”¹

Another study, focusing on faculty of color, summarized the research and noted that compared with white males, faculty of color (particularly female faculty of color) are less likely to be awarded tenure and that extensive research has found this outcome to be due to extra service responsibilities, more time-intensive teaching assignments, undervaluation of nonmainstream scholarship, as well as a host of other factors.² That is just a small sample of how academic institutions unfairly treat female faculty and faculty from minoritized communities. Unions have been shown to help reduce these inequalities and ensure that all faculty, regardless of their race, gender, or personal ability to negotiate, are treated fairly and far more equally.

Critically, faculty unions have been found through empirical research not only to reduce gender and racial pay inequities, but also to increase the hiring, promotion, and retention of women and faculty of color.³ Importantly, researchers find that the reason unionization is a benefit to decreasing racial and gender inequalities is because schools with unions have clearer performance review policies, and because there is formal, professional representation and a clear and formal system for appeal when a faculty member believes they have been treated inequitably or are being held a different standard. No clear policies and no such system for appeal uniformly exists in all departments or schools at the University of Maryland College Park.

Furthermore, at UMCP, shared governance -- a foundational principle of academic institutions -- is ad-hoc and again dependent upon the school or department. In some departments on campus, shared governance is strong and highly effective. But in others, it is all but nonexistent. Faculty unions improve and help ensure that shared governance is equitable, it actually happens, its rules are followed, and administrators do not skip the governance process whenever it suits them.⁴

Empirical independent research also has found that unions “improve collegiality between faculty members and provide a more level position for communication with administrators.” In addition, “public universities and colleges with unionized faculty improve efficiency (core expenses per degree and completion) and effectiveness (number of degrees and completions per 100 full-time students).”⁵

¹ Chen, Joyce J., and Daniel Crown. "The gender pay gap in academia: Evidence from the Ohio State University." (2019): 1337-1352. Page 1337

² Lisnic, R., Zajicek, A., & Morimoto, S. (2019). Gender and Race Differences in Faculty Assessment of Tenure Clarity: The Influence of Departmental Relationships and Practices. *Sociology of Race and Ethnicity*, 5(2), 244-260. <https://doi.org/10.1177/2332649218756137>

³ Perna, Laura W. "Sex and race differences in faculty tenure and promotion." *Research in higher education* 42 (2001): 541-567.

⁴ Porter, Stephen R. "The causal effect of faculty unions on institutional decision-making." *Ilr Review* 66.5 (2013): 1192-1211.

⁵ Dominguez-Villegas, Rodrigo, et al. "Labor unions and equal pay for faculty: A longitudinal study of gender pay gaps in a unionized institutional context." *Journal of Collective Bargaining in the Academy* 11.1 (2020): 2.

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Third (and this is particular, I hope, to the College Park campus), there is currently scant enforcement of mandates that the schools and departments adopt required policies, and there is no formal representation for faculty who believe they are being mistreated or who believe that policies have not been equitably applied.

The University has issued many policies and guidelines to improve faculty governance and ensure equal treatment. This includes, but is not limited to, a merit pay policy, a policy on how faculty and staff are included in governance, and promotion and review policies. However, despite the fact that many of these policies were issued years ago, many departments and schools have never actually adopted these policies. And when they do, there is no system to ensure that they follow best practices. This means that faculty are reviewed, and consequential decisions are made, without the schools abiding by the University's or the System's policy.

For example, last year the University received money from the state that was allocated to faculty merit pay. The University issued merit policy guidance to the schools and departments, at least as early as 2017 and updated it in 2023. However, many schools never adopted a merit pay policy and there was no check from the University that its merit pay policy had been followed in issuing the merit pay. This, I truly believe, would not happen at a unionized school. I am not saying that the merit pay process was inequitable. I have no research to support that. I am simply saying that if there were instances in which it was, there is no way that anyone would know and no way for many faculty to appeal a merit decision given some departments have never enacted a policy.

Some people argue that unions will decrease faculty productivity. However, this has largely been associated in the literature with the fact that many unionized schools historically did not have merit pay or may have lacked other systems that reward outstanding performance. Many unionized schools do have merit pay and other systems that reward good performance. The difference is that at unionized schools how merit pay and performance review conducted follows a transparent and enforceable policy and so there is a system to address issues when faculty have been overlooked or discounted in ways that their peers were not.⁶

Others argue that unions will decrease shared governance. However, the research suggests that unions can actually improve shared governance and ensure that women and faculty of color are involved and represented in shared governance systems. In my own experience, at a unionized school, it was the union who ensured that shared governance—from the creation of policies, to their implementation, happened.

Are unions perfect? Will they fix every problem? No. I have worked at unionized institutions. They have problems too. But my experience and the empirical research suggest unionized schools are far less biased, far less ad hoc, and they do improve the probability that faculty will be treated with fairness, equity, and respect.

Members of the Committee, the research is clear: faculty unionization decreases interracial and gender inequality and improves shared governance, core expenses, and student completion rates. Collective bargaining has long been held up as the best way to ensure that people are treated fairly and that intentional or unintentional bias does not govern workplaces. It is a right granted to many other public higher ed institutions in the nation, and indeed to many private, prestigious institutions in our own state, and it is helping, not harming, the schools. The excuses for exempting four-year public higher ed institutions from collective bargaining simply make no sense. Therefore, I again urge you to vote in favor of this bill.

⁶ <https://www.chronicle.com/article/concept-of-merit-pay-for-professors-spreads-as-competition-among-institutions-grows/?sra=true>

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Sincerely,
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