



HOUSE APPROPRIATIONS COMMITTEE
House Bill 661
State Personnel - Collective Bargaining - Faculty
March 4, 2025
Unfavorable

Chair Barnes, Vice Chair Chang and members of the committee, thank you for the opportunity to offer testimony on House Bill 661. The Chancellor, the Board of Regents and the presidents have the deepest respect for the world class faculty in the University System of Maryland (USM).

House Bill 661 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. We should always be good fiscal stewards of the state's investment in higher education—but during these incredibly challenging budgetary times, it is even more critical than ever.

Why is collective bargaining not necessary for the faculty 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”. Each campus in the USM has a shared governance body for their faculty. As our universities are diverse in structure, each shared governance body operates in a slightly different manner. The key element, however, is that the members of the faculty shared governance body are partners in work related to faculty personnel decisions, selection of administrators, preparation of the budget, and determination of educational policies. At the system level, we have the Council of University System Faculty. This body advises the Chancellor and reports regularly to the Board of Regents. Its responsibility is to consider and make recommendations on matters of System wide professional and educational concern to the faculty and matters to which faculty bring special expertise.

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.

USM BOR Faculty Grievance Policy

The University System of Maryland has a systemwide policy on faculty grievances. (II-4.00-POLICY ON FACULTY GRIEVANCES

This policy requires that each institution adopt procedures whereby faculty grievances may be presented for formal review and resolution. The policy applies to anyone holding a recognized faculty rank, regardless of tenure status or percent time of employment.

The grievance policy is shared by the campuses in the Faculty Handbook and the policy is administered, typically, via a campus faculty senate committee.

Faculty Work

Broadly stated, not all faculty do the same work. The perception that all faculty do is teach, particularly in a system like USM, is not appropriate. Some of our tenured/tenure-track faculty only conduct research, some teach one or two classes per semester and conduct significant research. Others teach 3-4 classes per semester and conduct research appropriate to their discipline. These faculty are all responsible for providing service to their department, college and university, as well as their academic discipline and community.

Adjunct or non-tenure track faculty, whether part time or full time, are typically hired only to teach a set number of classes. They are responsible for all matters related to their classroom instruction (preparation of course materials, instruction and assessment) but they are not required to conduct research or provide service to the university or department. They may choose to do these things, but it is not required.

Why do these distinctions matter? The bill would establish broadly defined bargaining units which lack the requisite community of interest for appropriate and effective bargaining. As described above, there are significant differences in the functions and responsibilities of tenure track/tenured faculty as compared to adjunct faculty. Likewise, there are significant differences in the

expectations for and needs of full-time versus part-time faculty. In establishing proper bargaining units, the general tenets of labor law require that the positions in the unit share a sufficient community of interest such that they may reasonably be grouped together for purposes of collective bargaining. **Further, nothing in this bill would restrict these newly established units from electing to negotiate on a consolidated basis if represented by the same exclusive representative – something we would argue is not appropriate for these units.**

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.

The USM knows you're well aware of the current budget climate as we all are. The recently proposed deductions to our budget of 5% equate to \$111 million. This is in addition to last year's cut and another mid-year cut to the FY25 budget which leaves the USM down over \$180 million cumulatively in FY25 and FY26. The imposition of additional policy changes at this time would be more than challenging for all of our campuses on top of these reductions.

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 House Bill 661.

