Faculty Senate Discusses Coll. Bargaining

The following report, by the Ad Hoc Committee on the Bargaining Process, dated April 12, 1973, was submitted to the Faculty Senate for consideration at its April 18 meeting. The report, and the Senate’s action in response to it, are reprinted in full as submitted to Caudil Campus by the Faculty Senate.

I. Charge to Committee
(from letter from Milton Orchin of March 25, 1974) “Ad hoc committee of the Faculty Senate to consult with Vice President O’Neil with respect to the vote which will be taken by the faculty on collective bargaining. . . . I would hope that your committee might focus on the issues for the Faculty Senate. It may develop that you might come up with a recommendation to the Faculty Senate at their April 18th meeting with respect to how the vote should be conducted. This recommendation might conceivably take the form of various options with one or more recommended by the committee . . .”

II. Background and Significance
The determination of the bargaining unit and the rules for conducting a bargaining process are of great significance to any institution. Under the NLRA and in jurisdictions with statutes covering public employers, bargaining rules may be spelled out concerning an appropriate bargaining unit or indicating what agency is charged with the responsibility of defining that unit. Many factors are considered. Most jurisdictions pay attention to the “community of interest” of the workers, the inter-relationships among sub-units, the wishes of the employers, the interests of the organizations desiring to represent the employees, and the practices in other similar organizations. Some advocate the broadest possible unit consistent with maintaining a community of interest. Others propose placing maximum weight upon the desires of the employees involved. In any case, the determination to include or exclude workers may well determine whether there shall be any bargaining at all and, in cases where two or more groups seek to represent the employees, the particular organization chosen.

U.C. & Pogue’s conduct marketing symposium
Dr. Clyde Voris, Associate Professor of Marketing/Management at University College, is directing a series of seminars for selected Retail Marketing graduating students. Classes will be held every Thursday afternoon during the Spring Quarter at the HKS Pogue Company’s local executive office. Undergraduate credit will be given to those “Education in Action” classes which meet the requirements of the Program’s executive officers. G. R. Berman, Executive Vice President, opened the sessions.

of the by-laws cited shall be included in the unit if the meet the fifty percent requirement. The fifty percent test should be applied as outlined above (the

IV. Recommendations concerning bargaining unit
A. The University Faculty is defined in Article II, Section 4 of the By-Laws as all Directors and in Article I, Section 3 of the By-Laws of the University Faculty. (The Board of Directors By-Laws differ only in failure to replace "vote of five Committing of the University Faculty" with the "Faculty Senate of the University" in subsections (b) and (c). Subsection (a) states "The University Faculty as distinct from that of any individual college or school shall be composed of the President, Vice Presidents and Provosts of the University, Vice Provosts, persons with the title of Dean, and every full-time member of the staff of a college or school holding the rank of professor, associate professor, assistant professor, or instructor." With appropriate modifications and clarifications, we take this to be the basic definition of the faculty. The recommended definition includes the important phrase "full-time." The Committee recommends that this apply to all persons who are appointed on a full-time basis for teaching, research or other scholarly pursuits excepted by his/her academic unit, and those persons holding the appropriate academic title by whose appointments requires that fifty percent or more of their effort be devoted to teaching, research or other scholarly pursuits excepted by his/her academic unit. The academic appointment form (A126) has a space where the appointing officer designates whether the appointment is full-time or not, and, if part-time, the percentage to be devoted to the job in question. We recommend that this designation be followed in determining eligibility; and in cases where this designation is incomplete, that the chief academic officers of the unit certify whether the person is holding an appointment in one of the categories specified (professor, associate professor, assistant professor, and instructor) and is required to devote fifty percent or more of his/her effort to that function.

1. Faculty holding appointments in more than one academic unit may add their teaching and research responsibilities in determining whether or not they meet the fifty percent requirement.
2. Persons on academic or special leave, with a commitment to return to the University, shall be included in the bargaining unit.
3. Those persons holding "salaried" titles such as listed under subsection (b) of the by-laws cited shall be included in the unit if they meet the fifty percent requirement. The fifty percent test should be applied as outlined above (the

Noted violinist, Edusc Shapiro, at CGM
The Cincinnati Alumnae Chapter of Sigma Alpha Iota (SAI), international music fraternity for women, will present Edusc Shapiro, noted violinist, in her first Cincinnati concert Tuesday, April 30, at 8:30 p.m. in the Caudil Auditorium. Miss Shapiro will be joined by CGM Painted-in-Residence Joanne Kirk. Both concert artists are SAI alumni and honorary members.

Works will include Brahms’ Sonata No. 3 in D Minor, Stravinsky’s “Diver- timenti,” and Beethoven’s Sonata No. 1 in G Major.

Tickets are $3 for adults, $1 for students, and are being sold by members of the local SAI Alumnae Chapter or by the student at the door. Following the concert, the audience is invited to meet the artists at a reception in the CGM Brown Room.

A126 designation or a certification by the academic officer in charge of the unit.

4. Those persons holding academic titles listed above employed in the Professional Practice Division shall be included in the unit.

5. Graduate Assistants, Research Assistants, Fellows and persons with similar titles shall not be included in the unit. This is recommended since their connections with the University are not of a continuing nature.

6. Those persons employed under the Vice Provost for Student Affairs shall be included if they meet the test of holding academic rank and devoting fifty percent or more of their effort to an academic school or college.

In all of these cases, the primary factor considered by the Committee was the individual’s involvement in and commitment to the academic mission of the University.

B. Administrative Officers.
Without any sense of singling groups in the University as "management" and "employees", the committee recognizes that some persons, by reason of the positions they hold in the University hierarchy, play an important role in the policy formulation and implementation. Therefore, we recommend that those persons holding offices listed below should be excluded from the bargaining unit:

President
Vice President
Provost
Dean

Those persons holding offices with titles including Associate or Assistant preceding any of the listed titles shall also be excluded from the unit. Persons with titles "Assistant to" one of the titles listed above shall be included in the bargaining unit if they meet the faculty test stated in No. 4.

1. Department Heads. Recent practice in other Universities has shown unusual treatment of the question as to whether or not to include Department Heads (of Academic Departments) in the bargaining unit. The committee recommends that they be included in the unit for the following reasons:

a. In recent years there has been a trend for persons holding that job to retire and teaching and research within a relatively short period of time (3-5 years typically).

b. We view the role of Academic Department Head as being a leader of their faculty who function in a democratic manner and who represent the Department to higher administration rather than representing higher administration to the Department.

2. Heads of Non-academic Departments, Directors, Coordinators and persons holding similar titles.

The committee recommends that such persons be included in the bargaining unit if they meet a variation of the "faculty test," i.e. hold academic titles in an academic school or college; and if more than fifty percent of the professional staff of their unit with whom they work can reasonably qualify for inclusion in the bargaining unit.

C. There are several important areas where the Committee is not unanimous in its recommendation. One concerns the questions of exclusion of one or more schools or colleges from the bargaining unit. A majority of the committee recommends that all schools and colleges of the University should be included in the unit. One member of the Committee recommends that all schools and colleges (Continued on page 2

Donations sought for tornado victims

Employees in the Registrar’s Office and the Registration Division are, and have been, donating money to help people in the Cincinnati area who were affected by the April 3 tornado.

The staff of the Registrar’s Office urges other offices and individuals to join in their efforts to aid the tornado victims. Individual and group donations will be made to the American Red Cross, Cincinnati Area Chapter, 728 Sycamore Street, Cincinnati, Ohio 45202.
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of the College of Law and Medicine which he believes should be excluded from the unit. The arguments advanced for inclusion of those colleges and against exclusion are presented below (as presented by the committee members supporting that position).

For the College of Medicine and Law:
1. The College is integral part of the University and their faculties participate in, and are members of the Uni-
verse faculty.
2. Their faculties hold similar titles and have similar tenure rules as compared to other colleges.
3. They compete with other colleges for the same available resources.
4. The University’s administration is the same as for Pharmacy and Nursing and Health.
5. Their faculties are eligible for membership in the AAUP.
6. Their faculties (who meet the test described in Part A, above) have as their principal commitment, teaching and re-
search.
7. There are many interactions between Medicine and other Colleges, i.e. biological sciences, surgery, etc.
8. The basic science faculty of the College of Medicine does not differ in their qualifications, research method-
ology, etc., from other basic science faculties.
9. (For College of Law) They are located on the same campus and report through the Provost for Academic Affairs.

For exclusion of the Colleges of Medicine and Law from the College of the AAUP:
1. They occupy their own buildings which are rarely used by other members of the University community.
2. Their faculties perform the vast majority of their professional and administrative responsibilities within their own colleges.
3. The colleges seek to comply with professional standards established by the American Medical Association and the American Bar Association respectively as well as the Ohio State Board of Medical Examiners and the Ohio Supreme Court.
4. The full-time medical and law professors have a substantially higher average salary than other full-time professors in the University community “due in major part to the fact that their salary, of necessity must be reasonably competitive” with those received by doctors and lawyers in private practice.
5. A substantial number of the full-time faculty of the College of Medicine receive less than half of their salary from general University funds.
6. The salaries of the full-time faculty of the College of Medicine are not included in the AAUP salary sur-
vey.
7. The Colleges of Medicine and Law are independent of the general University community by maintaining their own academic calendars with their opening and closing dates and vacations not coinciding with those of the re-
mainning colleges of the University.
8. The Colleges of Medicine and of Law are the only professional schools in this University in which are presented the post-baccalaureate degrees; their students bodies in the main have not progressed from the University’s undergraduate college.
9. The desires of the Law and Medi-
cal faculties, the first explicitly stated and both implicit in their unresponsiveness to collective bargaining appeals,

(are those the only two colleges in the University where the AAUP percentages fall below the thirty percent level required by the NLRB to call a collective bargaining election) to remain out of the bar-
gaining election and unit, should be taken to mean that an elec-
tion shall be held and has announced the bargaining unit. Other groups could use the argument that they are special units. Authorization cards, showing signatures of at least ten percent of the members of the designated bargaining unit. It is 10. The AAUP does not seek to in- clude the Law and Medical faculties in a higher bargaining unit.
11. Medicine (Pharmacy and Nursing as well) are not on main campus and report through a different administrative system. (See University of San Francisco . . . and the letter of December 1, 1974, to the College of Medicine, Committee.)
12. See University of San Francisco . . . and Associated Law Professors of the Uni-
versity of San Francisco School of Law, 204 NLRB No. 15—November 7, 1973, 205 NLRB No. 15; New York University . . . and New York University Chapter, American Association of Uni-
versity Professors and NYU Faculty of Law Association . . . Case Nos.

The Committee by a 2-to-1 vote re-
affirms the inclusion of the College of Medical Sciences and the College of Law.

Another area of disagreement in the committee concerns the question of professors vs. librarians. By a 2-to-1 vote the committee favors their exclusion. The arguments for and against exclusion are as follows:

For exclusion of librarians:
1. They do not normally hold aca-
demic titles; nor are they eligible for tenure.
2. They typically work a certain number of specified hours whereas faculty effort is more goal and objective oriented.
3. While librarians are a significant support element in the academic effort, they are not unique in this class of workers among non-faculty groups, (i.e. compu-
ter programmers, counselors, etc.)

Against exclusion of professional librarians:
1. The National Labor Relations Board in its New York University deci-
sion has stated that professional librarians possess a sufficient community of interest to be included in the unit, as a closely allied professional group whose ultimate function aiding and furthering the educational and scholarly goals of the University, converges with that of the faculty, though pursued through different avenues and with different “pur-
pose.”
2. The librarians work closely with the faculty in achieving academic objectives.
3. Some professional librarians are members of the AAUP.

IV. Election Process
The committee recommends that the Board of Directors agree to a bargaining election and to bargain collectively with a bargaining representative, if one is chosen, concerning salaries and compensa-
tion and a majority of the committee would be inclined to go along with the other terms of the contract:

A.A majority of the Committee recom-
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review function.

Those persons who are part of the bargaining unit but who will be unable to be physically present to vote on the designated days, should be permitted to petition the organization supervising the election for an absentee ballot. This ballot should be returned to the organization supervising the election by the day following the date of the poll.

Ad Hoc Committee on the Bargaining Election

George Engberg
Nathan Gilbert
Gordon S. Skinner, Chairman
April 12, 1974

The Faculty Senate considered the preceding report of the Ad Hoc Committee on the Bargaining Election at its April 18, 1974 meeting and took the following action:

The Senate unanimously approved the definitions of faculty described in parts I, II, and III and IV of the Ad Hoc Committee's report.

Chairman Orchin read into the minutes a statement from the two Senators who are assistant professors of Law, who voted to go on record as opposed to the College of Law participating in the collective bargaining election. The Senate debated the issues and voted to accept the majority recommendation (III c) that the Law school be included in the bargaining unit. The vote was 20 for and 15 against.

After extended debate, the Senate voted to accept the majority recommendation (III c) that the College of Medicine be included in the bargaining unit. The vote was 23 for and 12 against.

The Committee's recommendation to exclude professional librarians from the bargaining unit (III c) was accepted by a vote of 18 to 11. This does not exclude those professional librarians who otherwise qualify for Faculty membership under the terms of the contract.

The Senate, by a vote of 21 to 9, rejected the Committee's majority recommendation that there be only one ballot for the entire university, which would be AAUP, other groups, or no bargaining agent. The Senate then proceeded to consider the minority report. According to the report, a two-stage sequential vote be employed. The first vote would be a simple yes or no on collective bargaining. After the results of this vote were made public and in the event that the Board of Directors voted to proceed with collective bargaining, a second election would be held to choose the bargaining agent. The motion for the two-stage vote was approved 23 to 3.

Finally the following motion was made and unanimously approved:

"That prior to the submission of the Administration's position on collective bargaining to the Board, Vice President O'Neill submit the recommendations to the Faculty Senate Advisory Committee for consideration."

Primary care course

Mrs. Barbara Hort, Director of the continuing education program at U.C.'s College of Nursing and Health, has announced the forthcoming Primary Care: Solutions and Their Problems Program to be held April 19 at Quality Inn-Central at 4747 Montgomery Rd.

New WGUC series on "Must We Grow Old?"

On April 7 at 7:15 a.m., WGUC inaugurated a 15-minute weekly series, "Must We Grow Old?" with Dr. Peter B. Hersey, Co-Chairman of the U.C. Gerontology Council and Professor of Chemical Engineering, as the host. The initial program featured an interview with Dr. Ronald G. Programs, Co-Chairman of the U.C. Gerontology Council and Professor of Neurology. The discussion dealt with the phenomenon of aging in society, the trend towards his approaching retirement and his perception of death and dying.

Bennis Named to Advisory Group

Bennis Wall, Director of Athletics at the University of Cincinnati, will speak on "U.C. and College Athletics" at the YMCA Faculty-Staff luncheon series at noon May 1. Reservations may be made by calling 861-2700.

Wall was appointed athletic director effective Feb. 1. He is a native of Birmingham, Ala., and came to U.C. from Kansas State University where he was an associate athletic director.

In the past seven seasons at Kansas State, football attendance has steadily increased and last fall averaged 36,000. Prior to 1967 the average was only 8,000.

Hindman Wall to Speak at YMCA

President William E. Hindman has been named to the Advisory Group of Scholars of the Chamber of Commerce of the United States.

Members of the group will represent a variety of academic disciplines and a wide range of educational institutions.

Among the group's responsibilities will be to advise the National Commission of development of valid programs that will impact the teaching of economic and business precepts of the U.S., to advise and assist in research concerning attitudes of educational administrators, faculty and students regarding business, entrepreneurship and materials related to economic education and policy and to suggest new programs and materials related to economic education.

Junior volunteers needed at CGH

High school students interested in serving as summer junior volunteers at Cincinnati General Hospital are invited to telephone the volunteer office at 747-8757 for application blanks.

Mrs. Betty Westland, Coordinator of Volunteer Services at General, said applicants must be fifteen years of age or entering the tenth grade in September, 1974.

The applications, along with parent consent, must be returned to the volunteer office by May 15. Volunteer assignments will be considered after that date. Personal interviews with applicants will be held before final acceptance into the junior volunteer program.

Mrs. Westland said a variety of jobs are available, such as clinical and nurse aides who deal directly with patients, and "behind the scenes" jobs such as clerical, central supply, and laboratory aids. All provide useful experience and training.