

Northeastern University

Office of the Provost

Dear Colleagues:

Over the past several years, your college and the university have worked closely with you and our tenured and tenure-track faculty colleagues to build a One Faculty model of shared governance. We have revised Faculty Handbook modules to better align with our One Faculty model to cover all full-time faculty and created a new module (non-retaliation) to address the concerns raised by Full-time Non Tenure-Track (FTNTT) faculty about joining faculty governance.

This ongoing effort to amend the Faculty Handbook is nearly complete. This initiative has brought all faculty together and given everyone a stake in the university's success. Whether you serve on a college committee, plan to represent your colleagues in the Faculty Senate, or participate in college-wide votes, full-time faculty have partnered together to affect meaningful change.

At the same time, the Service Employees International Union (SEIU) has targeted many of the FTNTT faculty for unionization. The SEIU filed an election petition in early November with the National Labor Relations Board (NLRB) seeking to represent a defined subset of FTNTT faculty. Although it has withdrawn that petition, SEIU's organizing efforts have been ongoing, and we expect that the union may soon file a new petition with the NLRB. We will not know until a petition is filed whether SEIU wants to represent a splintered portion of FTNTT faculty, or the entire group. What we ask here is that you consider some of the possible implications for the One Faculty model if a union is elected.

For context, federal law prohibits an employer from dealing directly with unionized employees on all matters that concern terms and conditions of employment, such as compensation, workload policy and working conditions. Instead, all issues relating to terms and conditions of employment must be negotiated with the union, even if employees would prefer otherwise. This is referred to as "direct dealing." This is true whether or not the issue is specifically addressed in a collective bargaining agreement. As a result, the university would not be able to directly engage with unionized faculty on any of these issues unless specifically allowed by a union contract. Such provisions are rare.

Given the legal requirements, it is worth considering the implications of unionization for a One Faculty Senate, which currently has four sitting FTNTT representatives, and likely many more after elections this spring.

Imagine the following scenario. It is typical for the Financial Affairs Committee of the Faculty Senate to bring forward resolutions that have the potential to impact all faculty salaries. Engagement between unionized FTNTT Senate members and other members of administration on the Senate about such a resolution would risk triggering the direct dealing prohibition described above.

In this scenario, the Faculty Senate chair (the Provost) might need to call the resolution out of order and tailor it to apply only to non-union faculty in order to avoid violating federal law. This has the unfortunate effect of nullifying the role of unionized FTNTT faculty in consideration of the resolution, and raises other procedural and substantive questions. If the resolution is then altered to be tailored

only to non-union faculty, would the union faculty vote? If no, would we have a quorum in the Senate? Could unionized faculty even participate in the conversation? More broadly, would only non-union, full-time faculty be eligible for Senate election given federal restrictions? The overriding question is, what are the implications for a One Faculty Senate when the faculty is actually divided into those in the union and those not in the union? It is very likely that unionization would result in a bifurcation of the FTNTT faculty.

These same issues and considerations for shared governance at the Senate level apply to shared governance at the college level. The presence of a union could impact your role as a participant in college governance in the same way.

Instead of shaping your path together with your colleagues through involvement in college governance and the Faculty Senate, union representation would supplant your independent voice. Your employment terms, and those of faculty across other departments and colleges, would be subject to union negotiations where the union bargaining team decides what to prioritize.

There is no doubt that a FTNTT faculty union would greatly complicate the operations and procedures for shared governance at the college level and in the Faculty Senate, and likely lead to a change in how shared governance operates. With a unionized group of FTNTT faculty focusing on an agenda outside of shared governance, and the rest working through the Senate and faculty committees, could we truly be one faculty?

I hope you will consider these issues in the weeks ahead.

Sincerely,

Deb Franko
Senior Vice Provost for Academic Affairs