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KATHERINE S. NEWMAN
PROVOST & EXECUTIVE VICE PRESIDENT

Re: Academic Labor Relations Consultant Report

Dear Provost Newman,

At its July 24, 2024 meeting, Academic Council discussed the report from the UCOP consultant who conducted an organizational assessment of academic labor relations at UC and made recommendations for improving organizational and communication structures. The consultant’s report proposes various models for labor relations and human resources and their inter-relationship at the campuses and at UCOP, assigning employee and labor relations (ELR) responsibilities to different campus units for different employee types. It also recommends extensive consultation going forward, and we offer our observations here in the spirit of constructive engagement.

There is a consensus in Council that the lack of timely communication and consultation with faculty during the fall and winter 2022-23 graduate student strike had a negative impact on UC’s collective bargaining efforts. Contracts were finalized without a full or nuanced understanding of the graduate education and research enterprise, faculty labor, and the academic calendar. Implementation now poses a host of challenges for faculty and administrators alike. We read the consultant’s report with these concerns and experiences in mind.

We were gratified to see explicit acknowledgment throughout the report of the need for “faculty involvement” to inform and complement the work of those in administrative roles handling labor relations. We understand and agree that two of the crucial forums for faculty engagement are 1) service as members of an academic labor relations (ALR) advisory committee or committees, and 2) service as subject matter experts who advise bargaining teams. The systemwide Academic Personnel unit has already convened a panel of faculty in the wake of the 2023 contracts, and in preparation for future negotiations. To date, the panel has provided much needed input and insight into not only academic contexts and goals but also many aspects of academic labor per se (e.g., explaining requirements and considerations relative to external grants, delineating academic labor from academic progress). We see this model is working well and suggest formalizing a charter for this ALR advisory committee and looping in systemwide Labor Relations as appropriate. As to bargaining teams, we are generally pleased with the structure and nominations process that has been adopted to ensure faculty are present on such teams in the capacity of “expert advisors” (to use the official term). We are optimistic that increasing and enhancing faculty participation in academic labor relations through the Academic Senate will yield better outcomes.

Regarding the two aforementioned approaches to engaging the faculty, the report suggests “supporting their contributions to these efforts...by, for example, providing stipends or released time for participating in these

activities” (p. 6). Generally speaking, faculty undertake service as part of their fulfillment of the University’s various missions and remuneration comes in the form of merit-based advancement. However, with respect to participation on bargaining teams, where the nature of work is time-intensive and considerable, we agree that salary compensation in some form is warranted. Currently, faculty identified as expert advisors to join bargaining teams has been limited to those on recall status because of the commitments to research, teaching, and other service that active faculty have. We can certainly see the benefits of recruiting active faculty to serve in these roles, and we think that it is well worth exploring how to do so. While the Academic Senate does not have existing funding allocations for such stipends or course releases, as suggested by the consultant, these could be provided through the administration.

We must also remark that the report stresses faculty involvement, but there is only one explicit reference to the Academic Senate. During Council’s interview with the consultant, we emphasized that the Senate is the official representative body for the faculty and that we would therefore expect the Senate to serve as the primary structure through which faculty would participate in academic labor relations. Here we reiterate that nominations of faculty to roles on ALR advisory committees and bargaining teams should come via the Senate, at both the divisional (i.e., campus) and systemwide levels.

Based on the recent reorganization of Academic Personnel and Programs, it seems that the formation of two distinct units—one overseeing academic personnel and academic labor, and the other overseeing faculty affairs and academic programs—follows along the lines of what the report presents. Council recognizes that the activity portfolio of academic labor relations has grown in importance and that your office must find ways to better manage this growth. We are troubled by the reorganization for two reasons in particular. First, it removes an administrator drawn from the faculty for oversight and implementation of the Academic Personnel Manual. Second, the restructuring also does not sufficiently acknowledge the benefits of having an administrator with a faculty perspective and experience leading a systemwide unit dedicated to academic labor relations. The report itself asserts: “Academic Affairs leadership (rightly) wishes to maintain authority over academic personnel matters, as well as to ensure that academic labor relations decisions are made with *a deep understanding of academic norms, values, contexts, and objectives*” (emphasis added) (p. 10). The report notably acknowledges that “faculty and academic administrators have significant knowledge of academic work and contexts” and must be engaged to complement the “specialized skill set” of administrators in labor relations.

Having the new vice provost for Faculty Affairs and Academic Programs serve in an advisory capacity on academic personnel and labor issues will help offset a lack of faculty perspective and experience on the Systemwide Academic Personnel side, as will your final signoff on such matters. We remain concerned, however, that the division of the previously integrated unit will create unhelpful siloes, especially given that “faculty affairs” is—or seems to us—inextricably tied both to academic personnel matters (including recruitment, advancement, and retention) and to aspects of academic labor relations (such as supervision of student employees) that impact faculty. Overlap between the two units in the form of joint stewardship of certain matters could respond to these issues, although with risks of redundancy and deleterious cross-communication that would need to be mitigated. We are hopeful that an appropriate administrative structure and administrator reporting lines can be determined to address these concerns.

The report states that although “Graduate Divisions will have a critical role to play in the implementation of graduate employee contracts, ...it is not recommended that they become employee relations offices for these employees as this will lead to duplication and require very significant additional resource commitments that are probably not affordable” (p. 11). Council fully agrees and adds that it is important to associate graduate divisions, in as much as possible, solely with the academic side of the enterprise and to maintain clear separation from labor relations and employment. Human Resources units will also presumably require some expansion to cover these new duties. In this regard, we note that an important premise of the entire report is that we will see a significant expansion of administrators to serve as

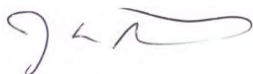
implementation managers and in other labor relations roles. The report does not, however, address the impacts on budgets or on faculty workload. Recommendations from the Academic Planning Council's Workgroup on Faculty Work & Recovery Post-Pandemic, which focused on the problem of faculty "workload creep," should be considered during implementation of consultant recommendations. More generally and in a similar vein, a cost accounting that addresses burdens borne by faculty should be carried out.

Finally, we want to address the consultant's account of communications during the labor actions of 2022-23. We were surprised to read in the report (pages 19-20) that locations were generally pleased with communications during that timeframe. Our experience was quite the opposite and a source of considerable frustration. It often appeared that UC Legal and Labor Relations, out of concerns over liabilities and other risks, were wary of communicating clearly and openly with faculty, especially once negotiations were underway, for fear of liabilities and of encouraging direct dealing (or the perception of direct dealing). Faculty overseeing graduate student researchers and academic student employees were largely left in the dark about how and even whether they could communicate with their graduate student employees in either capacity as students or as employees. There often appeared to be little to no sense of the academic calendar and thus of what urgently needed to be communicated, and when, about how to handle final exams, the filing of grades, and other timely matters.

Meanwhile, the systemwide Academic Senate attempted to provide guidance to fill this gap—and this guidance was often met by UC Faculty Associations providing contradictory viewpoints, further muddying the waters. One key takeaway from this experience is that faculty supervisors must have clear and legally accurate guidance from the administration *in advance* of any labor disruption. This guidance must also be easily accessible. The recent creation of a "Frequently Asked Questions" (FAQs) webpage overseen by the former Academic Personnel and Programs Office that provides guidance for faculty is a welcome development, and one that Academic Senate leadership had been advocating since before the strike activity of fall 2022 began. These FAQs could use clarification and input from the Academic Senate, presumably via the ALR faculty advisory committee and Senate leadership. Of note, we suggest better guidance on the faculty right to strike in sympathy under the Higher Education Employer-Employee Relations Act, partial strikes, withholding of pay, and communicating with graduate students about academic progress. The FAQs cannot substitute, however, timely updates and communications from the administration before and especially during periods of negotiation and strike activities.

Thank you for your invitation to provide input on the consultant's report, and please do not hesitate to contact me if you have any questions.

Sincerely,



James Steintrager, Chair
Academic Council

Cc: Academic Council
Chief of Staff Beechem
Senate Division Executive Directors
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