

INITIAL FACTS ABOUT THE “MEET AND CONFER” PROCESS FOR GRADUATE ASSISTANTS AND ADJUNCT FACULTY IN THE UNIVERSITY SYSTEM OF MARYLAND

What is “Meet and Confer”?

It is a process in which groups can choose an outside organization to represent them in discussions with administration.

- Typically, “Meet and Confer” (M/C) is used by employees to engage a labor organization to assist them in discussions with management over issues of concern, often related to compensation, benefits and terms of employment.
- However, the M/C process that will be an option for graduate assistants and adjunct faculty on University System of Maryland (USM) campuses is different from collective bargaining. While collective bargaining is very structured and limits discussion on major issues to formal negotiations between unions and management, M/C will involve open discussion of those issues:
 - There is no “exclusive representative” of graduate assistants (GAs) or adjunct faculty (AF). GAs and AF will be able to share their views with administrators either within the M/C process represented by a single elected labor representative, or as they always have done through shared governance or informal channels.
 - There are no requirements for formal, structured negotiations and no expectation that the discussions will result in a contract. Instead, M/C offers GAs and AF an opportunity to bring a representative into dialog and discussion about matters of concern and possible options for addressing those concerns.
 - Any options agreed to in the M/C process that are amenable to formalization as policy will be documented as such, after review and adoption through appropriate institutional decision-making processes. The institution always will give very serious consideration to the information, views and suggestions gained from the meet and confer process in any relevant policy decisions regarding GAs and AF, but the institution retains final authority over those decisions.
 - The M/C process is available to GAs who are covered by the USM Policy on Graduate Assistants, No. III--7.11, and AF, as defined in USM Policy on the Employment of Adjunct Faculty, No. II—1.07.

Why is the USM establishing an M/C process for GAs and AF now?

For nearly three years, the USM has been making concerted efforts to improve the status of GAs and AF. M/C is a tool that GAs and AF will now have available to them as we work together to meet that goal.

- In 2009, the USM led a legislative task force that included institution leaders, GAs and AF, and staff officials, to evaluate the status of GAs and AF and make recommendations to improve it.
 - The task force identified a number of areas for improvement, e.g., grievance rights, the appointment process, promotional opportunities for AF.
 - One area identified by the task force was the uneven opportunities across our campuses for GAs and AF to participate in shared governance and have their voices heard on issues of concern in a systematic way.
- In response to this finding, the USM developed policies—with strong GA and AF participation in that process—to remedy this and other problems.
 - As a result, USM institutions are now implementing policies (or already have implemented them) to ensure that representative groups of GAs and AF have regular opportunities to meet with administration, either committees of existing shared governance bodies or as distinct advisory groups.
 - However, some GAs and AF on some campuses have expressed the desire to have a union or other organization represent them in those discussions.
- After long deliberations, and in consultation with the Governor’s Office, we have established M/C as a way for institutions to honor that request.

Why is the USM adopting M/C and not collective bargaining?

- USM institutions have worked very well for years with our staff unions, and recognize the value of collective bargaining for staff. However, the USM has serious concerns about the impact that some aspects of collective bargaining could have on its unique relationship with faculty and graduate assistants, especially in shared governance.
 - The USM values its long history of open, candid discussion between administration and faculty, and administration and graduate students, both in our official shared governance bodies and informally in many different contexts.
 - If formal GA and AF collective bargaining were in place, discussions to decide major issues of compensation, stipends, benefits and terms of employment often would be limited to official negotiations with an exclusive representative—and not with our senates or councils or within departments and other groups.
 - That has the potential to so badly disrupt both formal shared governance and our ability to speak openly among each other that we concluded it was too great a risk.
- In contrast, M/C provides a path for GAs and AF who want union representation to have it without incurring any of those risks.

What does this mean for GAs and AF?

- What this means is that, starting in the Fall 2012 semester, GA and AF advisory groups are being formed at every institution, and GAs and AF will have the opportunity to decide if they want the advisory groups to engage a labor representative and who that representative will be.

- The principles guiding this selection process include: appropriate legal parameters, requirements for fairness and adequate representation, fundamental principles of higher education shared governance, and administrative feasibility.
- Once formed, each advisory group and institution administrators will develop a charter for the group's long-term governance and organization, including elections regarding the engagement of an outside labor representative for the M/C process.
- GAs and AF then will be able to decide whether they would like to be represented by an external organization, which may include a union. If yes, they will then have the chance to select a specific representative.

How will the selection process operate?

- To initiate the election process, the institution's GA or AF advisory group will:
 - Contact institution administrators to request an election; and
 - Provide an expression of interest on the part of at least one external organization to serve as their meet and confer representative.
- The institution will collaborate in the administration of the election with the GA or AF advisory group, consistent with USM and institution ground rules that include the following:
 - The election should be held within 60 days of the request, unless the advisory group requests a longer election period.
 - GAs and AF will have a minimum period of 48 hours to vote. Although it is expected that most voting periods will be between 3 and 7 days, an institution can extend the voting period beyond 7 days if needed for specific logistical reasons (e.g., AFs or GAs are geographically dispersed).
 - GAs and AF will be able to participate in the election electronically (email voting) and will not be required to travel to an on-campus location to vote.
 - A minimum of 50% of GAs or AF must participate in the election for it to be valid, although an institution may request that the USM Chancellor approve a lower voting threshold of at least 30% if warranted by logistical circumstances.
 - If a majority of those voting choose to participate in M/C with a labor representative, then the labor representative will be entity that receives the most votes among those under consideration.
- The institution will provide logistical support for the election process, including:
 - Names and institution email addresses of GAs and AF to GA and AF groups and interested unions.
 - A mechanism for holding the election in a manner to allow for remote participation, including email voting.
 - Opportunities for GAs and AF to meet with potential labor representatives.
- AF, GAs and others on USM campuses may be contacted by union representatives who would like to be selected as a representative. GAs, AF and others in the institution community should feel free to meet with and talk to those representatives.

What will happen after an election?

- If 50% of the institution's GAs or AF participate in the election, and a majority of those voting elect to engage a labor representative, then the representative elected will serve as the meet and confer representative for three years from the date of their selection. In exceptional circumstances, the President of the institution may certify the validity of an election with less than 50% participation.
- If this participation threshold is not met, or if a majority of those voting elect not to engage a labor representative, the GA and AF groups will continue to meet periodically with institution administrators, but without an outside representative. There will not be another election for two years.
- Whatever decision GAs and AF make-- if they chose outside representatives or if they prefer not to go with an outside representative—the institution will welcome GAs, AFs, and representatives in regular, serious discussions about their concerns, needs, and recommendations.

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