

March 9, 2023

Assemblyperson Selena Torres, Chair
Members, Assembly Government Affairs Committee
Nevada State Legislature
Carson City, Nevada

RE: Testimony in Support of AB 224

Dear Chair Torres and Members of the Committee:

My name is Christopher Sinclair and I am the Secretary/Treasurer of the American Association of University Professors. The AAUP is a professional organization consisting of university and college professors, researchers, librarians, instructors and a myriad of others who do academic work in higher education. We support AB 224 and I write to supplement my oral statement to the committee.

Since our founding in 1915, the AAUP has helped to shape American higher education by developing the standards and procedures that maintain quality in education and academic freedom in this country's colleges and universities. We define fundamental professional values and standards for higher education, advance the rights of academics, particularly as those rights pertain to academic freedom and shared governance, and promote the interests of higher education teaching and research. We have chapters (campus level) and state conferences across the country, including the Nevada Faculty Alliance. We are affiliated the American Federation of Teachers (AFT) and the AFL-CIO.

Academic freedom is a central pillar of American higher education and ensures "institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition" ([1940 Statement of Principles on Academic Freedom and Tenure](#), which has been endorsed by more than 250 national scholarly and educational associations). Collective bargaining supports academic freedom by enshrining protections for faculty through clear processes and policies arrived at through collaborative negotiations with university administrators.

There are many general benefits of collective bargaining for workers, but I would like to focus on how collective bargaining in higher education positively impacts the education of our students, academic quality in the classroom, shared governance on campuses and ultimately the common good.

Collective Bargaining in Support of Students

Cliché as it may sound, faculty working conditions really *are* student learning conditions. Instructors are best able to serve their students if their positions are secure, fairly compensated and free from external political influence. Changes to funding mechanisms for colleges and universities have lead to the "adjunctification" of the academic labor force. Many universities rely on contingent labor in order to teach their undergraduate courses. Contingent faculty often have to cobble together positions from multiple institutions, often on a semester-by-semester basis, in order to survive. Contingent faculty are often given no office or other support, and often consist largely of graduates from the very institutions where they now teach. The unstable nature of these positions, the low pay and limited benefits have an impact in the classroom. The best teachers (and researchers) are those with stability and economic security.

To be sure universities do need some flexibility, and contingent labor will remain a part of the academic employment market, but through collective bargaining, faculty can work with their administrations to determine which positions are needed consistently by universities, and those which represent work which fluctuates with student numbers and interest. As an example, at the University of Oregon, where I was recently the President of the United Academics of the University of Oregon (AFT/AAUP/AFL-CIO), our contract stipulates that contingent positions that exist for three or more years should (with some allowable exceptions) be converted to “career” positions with longer contracts or expectation of continued employment. The University of Oregon has seen a drastic reduction in the use of contingent faculty, and the resulting shift has had positive implications for the academic progress of our students, and the quality of our academic departments.

Collective Bargaining in Support of Shared Governance

Shared governance is a mechanism by which faculty have a voice in the academic matters of the university. Shared governance serves an important function in that it ensures that those with the subject-area expertise have control over their curriculum, pedagogical methods, etc. Shared governance operates through a system of university and department-level committees.

You will likely hear arguments that faculty do not need collective bargaining, because their interests are protected through their University Senate and/or other shared governance mechanisms. However, the truth is that University Senates provide a limited forum on non-academic matters, and often their decisions are merely advisory to the university administration or board of trustees.

Collective bargaining can support shared governance by removing from their purview employment considerations (that heretofore may have been adjudicated by the University Senate or its subcommittees). This allows University Senates to focus on the academic and operational matters necessary to maintain the instructional and research mission of the university.

Collective bargaining also supports shared governance by enshrining certain policies into a legally enforceable Collective Bargaining Agreement (CBA). For instance, policies which are duly adopted by the University of Oregon (via the University Senate, and with approval of our administration) become enforceable via our CBA. Policies (or changes to them) that pass the Senate, but are vetoed by the administration can be bargained by United Academics with input from the University Senate. This strengthens the voice of faculty, while empowering administrations to work collaboratively with faculty on academic matters via shared governance mechanisms.

Collective Bargaining for the Common Good

Higher education is currently under attack in several states. Political considerations are being imposed on the teaching and research of certain subjects. Mechanisms protecting faculty from political interference, for instance tenure, are under attack in many states. This changes the discourse on college campuses, and ultimately restricts the knowledge that can be passed on to the next generation.

By allowing faculty to collectively bargain, protections to keep political and other interference out of the classroom and laboratory are further strengthened by an legally enforceable CBA.

In the current climate, where speech on campus has become a political flash point, legal protections via a negotiated CBA will ensure that colleges and universities in Nevada will serve their mission to deliver current, correct and true knowledge to the citizens of Nevada. This is good for the state.

Conclusion

I thank you for the opportunity to give testimony to the Assembly Government Affairs Committee in support of AB 224. There are many good reasons to support collective bargaining for faculty. Central among these, from the perspective of the AAUP, is that collective bargaining protect academic freedom, shared governance and the common good, by ensuring stable working conditions, fair compensation, appropriate participation by faculty in shared governance, and enshrining protections of academic freedom into CBAs. These improve the quality of life, and the quality of work for faculty, which ultimately translates to improved student success and the production and sharing of new knowledge.

I am happy to answer questions, or share specific examples of how collective bargaining has improved faculty and student experiences on my campus, and how it supports the academic freedom necessary for a free society.

Thank you,

Chris Sinclair
Secretary/Treasurer, the American Association of University Professors