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To: All Tenured and Tenure-Track Faculty

From: Brian Rosenberg and Kathy Murray  
*BR* *KM*

Date: May 2, 2014

This memo is intended to provide you with a brief update on some of the union developments that have occurred on campus during the past week. As many of you know, union organizers from SEIU (Service Employees International Union) have apparently been working for some months to try to convince members of the non-tenured faculty to form a union and to be represented by SEIU for the purpose of attempting to negotiate a collective bargaining agreement. Because this is new territory for Macalester, the College has retained outside labor law counsel to help navigate through a number of the legal issues this activity presents. Our attorneys are actively engaged with union representatives and the National Labor Relations Board office. We expect to have many more answers and a clearer direction on the steps ahead by mid to late next week. We will keep you updated as we know more. If a vote on the question of unionization is going to occur at some point, we are being told that it may be by mail ballot and that the timing would likely be somewhere around early to mid-June.

While the effort to unionize the non-tenured faculty will undoubtedly have an impact on our tenured and tenure-track faculty, it does not directly involve you. As tenured or tenure-track faculty members, you are not part of the voting process and no union is seeking to represent you. As we will discuss with you in the weeks ahead, however, we certainly believe that this effort will have an indirect effect on your work and on the lives of our students.

This activity raises a number of fundamental issues that we think are appropriate to address with you now:

- Macalester College respects the legal right of our non-tenured faculty members to engage in this process and to explore the possibility of affiliating with a union.
- Despite our respect for the process, however, we believe that this is not the right direction for any of our faculty members, will not strengthen our institution or our governance structure, will not help the faculty who are directly involved, and will not assist our students in any way. As we move forward, we will be providing accurate, timely and important information to the non-tenured faculty and to you as to why the College is opposed to this effort.

- To clarify which of our faculty members are involved in this issue, the Union's petition seeks to represent *all* full-time and regular part-time non-tenured and non-tenure eligible faculty members. This includes Adjunct Professors, Post-doctoral Fellows, Senior Instructors, Senior Lecturers, Visiting Professors and Visiting instructors. It includes all sabbatical replacements and all long-time non-tenure-track faculty members. As we read the petition, it would also include members of the faculty in MSFEO status, as well as all who have signed the MSFEO agreement and thereby relinquished tenure.
- As tenured or tenure-track faculty, you are of course free to have your personal opinions regarding this effort. Please understand, however, that if you choose to share your opinions, you should make it very clear that you are not speaking on behalf of the administration or the College as a whole. You should also bear in mind that under some circumstances, tenured and tenure-track professors could be viewed as being part of management. This means that because of departmental oversight responsibilities or involvement in governance matters, the law would view tenured and tenure-track faculty as closely aligned with administration. Therefore, comments that you as tenured or tenure-track faculty may make, if not accurate or if not consistent with legal limitations, could be viewed as a violation of federal labor law. As a result, we encourage you to exercise caution in the manner in which you choose to share your opinions.
- In all situations where this union organizing effort is being discussed, please take special care that the expression of your opinion does not imply or suggest, in any way, a threat of consequences to an individual for participating in a campaign or voting in a manner that may be contrary to your own perspective. Additionally, it is important that you not solicit from the individuals defined above their opinions on this matter. However, they are free to volunteer their thoughts to you, and you may engage in conversation as long as you adhere to the specific parameters identified here. Finally, in order to avoid the appearance of gathering information or impeding this legal process, please remove yourself from any situations where it appears that private union discussions are occurring among the identified individuals, unless, of course, this would interfere with your ability to perform your job.

Thank you for your patience and interest in these important developments. We will take all steps we can to keep you apprised as more information becomes available. In the meantime, please feel free to contact either of us with any questions or concerns you may wish to discuss.