



Ohio Conference of the American Association of University Professors

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Testimony of John McNay, Ph.D., President
Ohio Conference of the American Association of University Professors
Before the House Finance Committee
Representative Ryan Smith, Chair
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Chairman Smith, Ranking Member Driehaus, and distinguished members of the Finance Committee: my name is John McNay and I am President of the Ohio Conference of the American Association of University Professors (AAUP), the largest faculty organization in Ohio, which represents nearly 6,000 college and university professors at both public and private institutions of higher education across the State of Ohio. I am also a professor of American history at the University of Cincinnati where I teach courses on the Cold War, World War II, and the Vietnam War. I am chair of the history department at the UC-Blue Ash campus.

I come to you today to voice my association's strong opposition to provisions that were added to Substitute House Bill 64 this week that would make changes to Ohio Revised Code Section 4117, Ohio's Public Employees' Collective Bargaining Law.

The bill now says that faculty members of state institutions of higher education would be considered supervisors or management level employees if they participate in decisions with respect to courses, curriculum, personnel, or other matters of academic or institutional policy.

It also states that faculty members would be considered management level employees if they participate in the governance of the institution (either individually or through a faculty senate or like organization), or are involved in personnel decisions, the selection or review of administrators, planning and use of physical resources, budget preparation, and determination of educational policies related to admissions, curriculum, subject matter, and methods of instruction and research.

The result would be that these faculty members would not be eligible to engage in collective bargaining unless the employer elects to do so.

This isn't the first time we have seen language to this effect. Nearly identical language was part of the controversial, divisive, and ultimately defeated Senate Bill 5 of the 129th General Assembly.

I want to be absolutely clear that the work that faculty do as professionals differs in two fundamental ways from the work of university administrators and members of boards of trustees. First, we are professionals who typically have spent five to six years beyond the undergraduate level earning a Ph.D. or other terminal degree and then in many cases have two to four years of additional training as post-doctoral researchers; the work we do – and this is a crucial point – cannot be done by administrators or members of boards of trustees.

Second, we make recommendations about curricular matters, and about the hiring and retention of faculty, based on our knowledge and professional expertise. These are not decisions; they are **recommendations**. Perhaps with one or two exceptions in bargaining units that pre-date the passage of ORC 4117, members of our bargaining units have no supervisory functions, other than supervising our students and research staff in our labs.

To say that faculty are supervisors or managers would be like saying that lobbyists or aides are legislators because they make recommendations and lend their expertise to influence the legislative process.

Provisions that deal with reclassification of public employees have no place buried in a budget bill. This same kind of undemocratic process was followed with Senate Bill 5, and voters showed their resounding rejection of both the process and principles for which SB 5 stood.

We can only assume that this is in HB 64 because some might erroneously think that eliminating faculty collective bargaining is going to save money.

My association recently released a 2015 Ohio Higher Education Report entitled *The Real Problems Deserve Real Solutions*. The report is a response to the various proposals that we have seen over the last four years that do not tackle the real issues and cost-drivers in higher education. Faculty salaries and teaching loads frequently are blamed.

But according to data from the Integrated Post-Secondary Data System (IPEDS) between FY 2002 and FY 2013, Ohio's institutions spent, on average, 23.9 percent of their operating budgets on total instructional compensation (e.g. salaries *and* benefits). Over the 10 year period, total instructional compensation declined by 4.1 percent. In other words, our institutions spent less than a quarter of their budgets employing faculty, and the total amount spent employing faculty declined over that time frame. Faculty salary increases have not kept pace with inflation, and yet we have seen higher education costs out-pace inflation.

One of the recommendations of the report is to change the way college and university boards of trustees are selected and institute guidelines for the types of people who should serve. Trustees are good people who care about the institutions they oversee, but trustee positions are political prizes awarded to friends of, and contributors to, sitting governors. Most trustees hail from the corporate community and know little about the inner workings of colleges and universities. As a result, their inclination is to run a non-profit educational enterprise like a business. This approach has created a pro-management model that favors hiring more and more administrators at corporate-level salaries, while devaluing full-time tenure-track faculty in favor of adjuncts, many of whom do not earn living wages and do not receive benefits.

On average, there is one administrator for every 14 students. Administrative staff now outnumber full-time tenured and tenure-track faculty by a nearly two to one ratio. If you include all full-time faculty, the ratio is closer to one to one. To be clear, our institutions are employing as many administrators as full-time faculty. Research has shown that the ideal faculty to administrator ratio is three to one.

In addition, the report brings to light how heavily universities are subsidizing their athletic programs with student money. Only Ohio State has a self-sustaining athletics department. Students, usually in the form of an activity fee, but also through tuition dollars, are paying a hefty price for the athletics at their institutions. For instance, an *Akron Beacon Journal* article from December revealed that of the \$856 per year student fee assessed at the University of Akron, \$800 of that is being put toward athletics. When the average student debt in Ohio is around \$29,000, can we say that it is acceptable that a student is paying upwards of \$3,200 over a four-year college career to subsidize athletic programs that can't sustain themselves?

Moreover, recent stories in the *Dayton Daily News* and *Columbus Dispatch* point to the folly of the "construction arms race." Certainly, there are times for new buildings and modernization projects, but the seemingly endless borrowing in the name of attracting students has gotten out of control. Our 14 public universities have more than doubled their debt in recent years to \$6.5 billion. Of course, the institutions finance these projects by tacking on extra student fees or raising tuition.

As the *Dispatch* editorial board noted, "Even a small fee tacked onto student loans can snowball. The \$110 per-semester student fee Miami University charges to finance its \$53 million Armstrong Student Center, opened last year, looks manageable enough. But added to a student loan, at 4.5 percent interest over 10 years, this increases the amount to be repaid by \$1,100."

No one wants colleges and universities to be micromanaged, but we should think seriously about instituting guidelines that ensure that state resources and student dollars are being focused on instruction. These are the kinds of things the General Assembly should be considering rather than an aggressive change to Ohio's collective bargaining law.

A recent study published in the *Journal of Collective Bargaining in the Academy*, which used quantitative data over 20 years at over 400 public colleges and universities, showed that institutions where faculty participate in collective bargaining actually are more efficient and effective than institutions without faculty collective bargaining.

Unfortunately, if the anti-collective bargaining provisions remain in the bill and ultimately become law, my members and I become faced with the decision of continuing to provide service to our colleges and universities or engaging in only teaching and research in order to preserve our collective bargaining rights and autonomy as professionals. We can only speculate about how a university might run without *any* faculty input.

Ironically, I just received the Faculty Award for Exemplary Service to UC on Wednesday this week. I take great pride in the service I provide to my institution, and I would hate to have to give that up in order to maintain my worker protections.

The faculty are the heart and soul of our universities and colleges. Can you name one great institution of higher education that does not have a great faculty? Does any parent decide to send their child to a college or university because they have a high ratio of vice-presidents to students, an award winning registrar, or a great director of parking services?

We hope that rational thinking prevails, that these provisions are removed from Substitute House Bill 64, and we can focus on the real problems plaguing our institutions. Now is not the time for another divisive, SB 5-like battle in which no one wins.

Thank you for the opportunity to testify today. I would be happy to answer any questions that the committee may have.