

MICHIGAN STATE UNIVERSITY

December 17, 2021

MEMORANDUM

To: Board of Trustees

From: Committee on Academic Affairs

Subject: Collective Bargaining

RECOMMENDATION

The Trustee Committee on Academic Affairs recommends that the Board of Trustees adopt the following resolution to ensure the university's position of neutrality on any collective bargaining activities, to be cooperative in the determination and recognition of bargaining units, and to set notification of agreements.

RESOLUTION

BE IT RESOLVED, the Board of Trustees of Michigan State University recognizes and supports the fundamental right of its employees to form unions and bargain collectively.



Board of Trustees

Hannah Administration Building
426 Auditorium Road, Room 450
East Lansing, MI 48824

517-353-4647
Fax: 517-355-4670
trustees.msu.edu

Dianne Byrum
Chairperson

Dan Kelly
Vice Chairperson

Melanie Foster
Renee Knake Jefferson
Pat O'Keefe
Brianna Scott
Kelly Tebay
Rema Vassar

1. **Employer Neutrality.** The University, and all of its agents acting in a supervisory role, shall remain neutral on the issue of union representation in any organizing efforts by employees of the University and shall not express an opinion - positive or negative - about such efforts nor will they provide employees with any information regarding unionization except that required by law. The University may distribute purely factual information to employees that corrects an inaccuracy or misrepresentation published by the union, provided that the union fails to make the correction itself within two days following notification by the University. No University agent shall threaten, intimidate, discriminate against, retaliate against, or take any adverse action against any employee based on their decision to support or oppose forming a union.

2. **Cooperative Determination and Recognition of Bargaining Units.** With regard to the determination of appropriate bargaining units, if a group of employees wishes to form or join a bargaining unit or union, the union representing them may present a proposed bargaining unit to the University. The University will accept the bargaining unit proposed by the union as long as the proposed unit is reasonable. If the University asks for changes in the unit, representatives of the University and the union will work to reach agreement on disputed issues. At any time, either party may opt for a mutually-approved arbitrator to make a finding solely on whether or not the proposed unit is reasonable under the Public

Employment Relations Act. Arguments will be presented to the arbitrator within two weeks following notification of this option (unless both parties agree to an extension) and the arbitrator shall issue their ruling within two weeks following. If the arbitrator determines the proposed unit is reasonable, the University will accept the proposed bargaining unit; If the arbitrator determines the proposed unit is not reasonable, the Union may propose an alternative unit to the University.

With regard to certification of bargaining units, once a bargaining unit has been determined, the University will recognize the union as the bargaining representative of the employees upon a showing of majority support of the employees in the bargaining unit (a practice commonly referred to as “card check”). Majority support will be verified by a mutually agreed upon process.

3. Notification of Agreements. When an agreement is reached with regard to the determination or certification of a bargaining unit, the core elements of the agreement will be jointly communicated by the University and the union to all potential members of the bargaining unit, relevant supervisors, and any relevant third parties.

The University will take all necessary steps to enforce this resolution.

BACKGROUND

Academic collective bargaining includes the unionization of all sectors of the higher education workforce—from tenure-line faculty to graduate student employees, and from academic professionals to support staff. Michigan State University has 10 different unions and bargaining units currently on campus. This resolution is in alignment with collective bargaining policies at a similar research university in Michigan.