

May 18th, 2020

FROM: OT-AAUP (Association) Bargaining Team  
TO: Oregon Tech (Employer) Bargaining Team  
Memo: Regarding permissive articles

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This letter addresses Oregon Tech's bargaining team stand at the bargaining session on 04/27/2020 that the articles proposed by OT-AAUP on Intellectual Property (IP), Appointments (Academic Rank), Promotion for Non-Tenure Track Faculty, and Position Description are permissive subjects of bargaining, and thus the Employer refuses to bargain these any further. It was suggested that in the case of Promotion for NTTF Article, faculty should use the process of shared governance rather than bargaining through Association representation.

The Association is concerned and disappointed about the Employer's stands on these articles.

First, there is clear precedent in the state of Oregon to bargain over these articles. The subjects addressed in the proposed articles are clearly included in many other CBA's throughout Oregon and at other similarly comparable institutions. For example, the University of Toledo includes protections in its CBA that are similar to those proposed in our IP article. Similarly, Portland State University also includes a specific article on IP.

Given the interest our administration has voiced for a more robust research engagement on the part of the faculty, our IP proposal facilitates some clear incentives for faculty to contribute in this area. This is especially pertinent to our STEM majors where students, working along with faculty, develop proprietary products that often are patented after graduating from OIT. Certainly, if students are rewarded in this way, faculty should have similar protections in this area.

Second, the argument put forward by Oregon Tech that faculty promotion shall be developed through the process of shared governance seriously concerns the Association due to the many discrepancies in this process in recent years.

For example, in 2017-2018, a shared governance study commissioned by the administration was never shared with Faculty Senate, except for a short summary - which attested to the fragile state of shared governance at OIT.

Additionally, the policy for NTTF Promotion that Faculty Senate developed, approved, and forwarded to Presidents Council in 2017-2018 was never discussed or voted on by President's Council, thereby bypassing the established process of shared governance. The article we propose on this issue is based on that policy.

In other words, Oregon Tech now operates without a promotion policy of any kind for NTTF precisely because the Employer has bypassed established processes of shared governance. This means that NTTF faculty are denied transparency and clarity on their means of advancement,

and Oregon Tech's faculty retention efforts are harmed.

Again, this is counter to precedent at other Oregon universities. For instance, even when other CBAs, like the one from EOU, refer to a policy on such a subject, there is language to ensure the process outlined in that policy is grievable, making it all more akin to being an article like the one we proposed.

Overall, shared governance so far has not maintained the level of transparency and consistency needed to build the trust that Dr. Nagi mentioned in his opening remarks at the start of contract negotiations. We invite Oregon Tech's team to truly listen to our voices when we ask for clarity and a common purpose through specific proposals on behalf of the faculty on issues including but not limited to "matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedure and other conditions of employment."

Finally, if one reads the list of articles under the most recent SEIU contract, one finds that Position Descriptions and Performance Evaluations are included, which is in line with at least two of our proposals mentioned above, as well as articles related to an employee's classification, changes in classification specifications, as well as provisions regarding re-classifications. These are provisions that Oregon Tech has agreed to with its SEIU-represented employees; the Association would ask for similar types of provisions to be included in OT-AAUP's contract.

Our faculty are asking for fairness and equity in the workplace—equity with other employees at Oregon Tech, equity with faculty at other institutions across Oregon, and equity with all faculty professionals at other comparable universities throughout the nation. Because of this, we contend that the articles we have proposed on Intellectual Property (IP), Appointments (Academic Rank), Promotion for Non-Tenure Track Faculty, and Position Descriptions should be bargained.

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On behalf of the Bargaining Team: *Dr. Cristina Negoita*

On behalf of the OT-AAUP Executive Leadership: *Dr. Mark Clark*

On behalf of the Faculty Senate Executive Leadership: *Prof. Terri Torres*