

Our Kent State Faculty Union and AAUP

Vol. 1: A deep dive into the history and circumstances leading to our disaffiliation discussions

September 30, 2024

Dear Kent State Faculty,

On April 22, 2024, we sent our members an email with the subject header “[Our Kent State Faculty Union and AAUP](#).” In that email, we discussed some of the history that has led our union to consider the possibility of disaffiliating from AAUP. The discussion we need to have as a union about the possibility of disaffiliation is a complex one—too complex to cover in a single communication. So, this will be **Volume 1 of a series of communications** that I’ll be sending out over the next few weeks that will take a deeper dive into the question facing us. (The April 22, 2024 email might be considered “Volume 0”.) Here, I’ll provide more details concerning the discussions had by our leadership over the years concerning the possibility of disaffiliation and the decision to cap the affiliation dues that we pay to AAUP national and to Ohio Conference AAUP (OCAAUP) at 28% of our revenue. I’ll also explain how AAUP national recently forced our hand on this issue. Future installments of this series will take a deeper dive into the pros and cons of remaining affiliated with AAUP, the pros and cons of disaffiliating from AAUP, and the processes that would need to be undertaken in either case.

A deeper dive into the history of the disaffiliation discussion:

Discussions about potential disaffiliation from AAUP began in AY 2013/2014 after, then-Treasurer of the TT unit, Joel Hughes, raised concerns that the affiliation dues our union paid to AAUP national and OCAAUP was at or near 25% of our dues revenue and growing every year. On April 18, 2014, the TT Executive Committee unanimously passed a **resolution that our union would pay no more than 1/3 of our revenue in affiliation dues to AAUP national and OCAAUP**. Implicit in that motion (and explicit in the discussion surrounding it) was the idea that we would consider disaffiliating from AAUP if we ever reached that threshold. Our Joint Coordinating Board (JCB)—which is chaired by the President of the TT unit and includes the President of the FTNTT unit, the First Vice President of the TT unit, the Secretaries of both units, the Treasurers of both units, and the Grievance Chairs of both units—unanimously passed a similar resolution on May 2, 2014. This resolution came to be known as the “Hughes Rule.”

Between 2014 and 2018, the percentage of our revenue that we paid in affiliation dues to AAUP national and OCAAUP steadily climbed to 28%. Then, on June 27, 2018, the Supreme Court of the United States issued the Janus v. AFSCME decision rendering the collection of fair share fees unconstitutional. Overnight, our union lost approximately 30% of our revenue. Since our affiliation dues to AAUP did not change, our affiliation dues immediately increased from 28% to roughly 40% of our revenue, thereby triggering the Hughes Rule.

In the two fiscal years following the Janus decision, we decided not to radically change the expense side of our budget so that we could see the true financial impact of the decision on our union. For those two years, we allowed ourselves to operate in the red, drawing from our

reserves—something we knew was not sustainable in the long run. We also began to explicitly explore the possibility of disaffiliating from AAUP at this time. Not only was such a conversation mandated by the Hughes Rule, eliminating our affiliation dues would have all by itself addressed the budget shortfall created by the loss of our fair share fee revenue.

We consulted with our attorney who assured us that, given that we were originally incorporated as an independent union back in 1975, it would be possible to disaffiliate from AAUP without decertifying our union. The fact that our union (originally named ‘United Faculty Professional Association’) disaffiliated in the mid-1980s from the Ohio Education Association (which along with AAUP, was one of two larger unions our union voluntarily affiliated with at its founding), made the legal case even more compelling. This information was essential, as we didn’t want to in any way jeopardize our collective bargaining agreements (CBAs) and the rights and protections they provide to our members.

During the 2015 negotiations between the University and our union’s TT unit, we secured the University’s explicit acknowledgement in the *Preamble* of the 2015 CBA that our union was an independent affiliate of AAUP. This too was important, as it headed off the risk of any challenge from the University to our continued role as the exclusive bargaining agent for Kent State faculty were we to decide to disaffiliate from AAUP.

Given that **our union gets very little direct benefit from our affiliation with AAUP national** apart from a brand name, the leadership of our union had relatively little angst about the possibility of ending that relationship. Things were different when it came to OCAAUP. We very much appreciated their lobbying efforts in Columbus on behalf of higher education and the active role they took in the 2011 fight against SB 5—a law that would have completely eliminated our collective bargaining rights. (They’ve also been leaders in the more recent fight against SB 83.) Our union looked into whether or not it would be possible to disaffiliate from AAUP national while remaining affiliated with OCAAUP. Unfortunately, AAUP national’s rules prevented that.

During fiscal year 2019/2020, we began to take steps to reduce our expenses going forward and get our budget back into the black. We cut our rent expenses roughly in half by moving into a smaller office, we reduced the standard hours of our part-time IT staff member, and reduced the workload equivalency provided to our faculty leaders. (Subsequently, we reduced the healthcare benefits provided to our staff, providing them with coverage that more closely approximated what we receive from the University.) However, it was clear that balancing our post-Janus budget would also require action on the Hughes rule.

In March of 2020, our union adopted the following resolution:

AAUP-KSU will cap the combined dues it pays to Ohio Conference AAUP and National AAUP at the pre-Janus percentage of 28% of AAUP-KSU’s dues revenue. Each quarter, AAUP-KSU will fulfill its dues obligations to OCAAUP first and will pay the remainder to National.

This resolution was unanimously approved by the JCB and by the Executive Committees and Councils of our two bargaining units. We informed AAUP national of this decision in a letter dated March 25, 2020. We knew that this decision might cause AAUP to expel us entirely

(thereby making the question of disaffiliation moot), but we hoped it might be a way to remain affiliated while retaining our status as a strong, independent union.

Although AAUP national responded to our decision to fall out of compliance with our affiliation dues obligations by removing our good standing at the national level and denying us delegates to the national meeting, it initially took no further steps. (As of today, we remain in good standing with OCAAUP, but AAUP national could revoke that good standing at any minute.) This situation has remained the status quo for the last four years.

AAUP national disrupts the status quo:

On September 13th, 2024, President of the FTNTT unit Sue Clement, our Executive Director Coleen Taylor, and I met with AAUP national's new leadership to discuss our concern that the recent change to Committee A's stance on academic boycotts had caused some of our faculty to drop their membership in our union. At this meeting, AAUP President, Todd Wolfson, **raised the issue of our non-compliance with our affiliation dues obligations and insisted that we take steps to get into compliance.** Wolfson made clear that he intended to pursue additional sanctions against our union (up to and including disaffiliating us) if we do not reverse our resolution to adopt the Hughes Rule and start repaying what we owe in arrears going back to 2020. I noted that our union was incorporated as an independent entity and had made the deliberate decision not to pay more than a certain percentage of our revenue in affiliation dues. When Wolfson replied that that was not acceptable, I asked whether I was hearing correctly that AAUP would prefer that we disaffiliate rather than continuing with the status quo. Wolfson replied in the affirmative. The meeting ended with Wolfson stating that they would begin the process on their end to expel us and with me stating that we would begin the process of taking a vote of our members on the question of disaffiliation.

At no point during the meeting did Wolfson attempt to present what he took to be the advantages to our union of remaining affiliated and becoming compliant. At no point did he ask if there was anything AAUP could do to facilitate our making that choice. He took an all stick and no carrot approach to the entire discussion. Throughout the meeting, Wolfson made clear that **AAUP national does not respect, and quite frankly does not even acknowledge, that we are an independent union free to make our own decisions about with whom to affiliate.**

The stark choice we now face:

Immediately after meeting with the leadership of AAUP national, I wrote to OCAAUP Executive Director, Sara Kilpatrick, to inform her of what had occurred. She replied a few days later that she hoped we would seriously consider remaining affiliated and becoming compliant with our full affiliation dues obligations. Kilpatrick also shared what she viewed as the advantages to our union of remaining affiliated and becoming compliant with our dues obligations. (Those perceived advantages will be covered in future emails.) This suggests that AAUP national has taken a "wait and see" approach rather than immediately following through with Wolfson's threat to expel us.

Even so, it is clear that the status quo is no longer an option for our union. If we do nothing, I have no doubt that AAUP national will eventually remove our good standing with OCAAUP and move to expel us. Our members have a stark choice:

- **either vote to disaffiliate or vote to significantly raise membership dues so that we can send more money in affiliation dues to AAUP national in Washington DC.**

Obviously, with everything going on with the University and the upcoming negotiations for a new TT contract, this is not an ideal time to have to make such a difficult choice. Unfortunately, AAUP national has left us with no viable alternative.

One of the things that we will likely do in the near future irrespective of any decision concerning affiliation is to change the name of our union to better reflect our independence. (This was mentioned in the [April 22nd email](#) and would be the second time in our nearly 40-year history in which we have changed our name.) We have a few ideas about how to rebrand ourselves and will poll the membership on these options before the leadership makes any decision about any name change.

Coming to the decision about whether or not to remain affiliated with AAUP that is in the best interest of our union will take some time. **We'll need to more fully explore the costs and benefits of the two options.** To that end, I will be sending out additional installments in this series of communications over the next several weeks that articulate what I understand to be the pros and cons of each option. We will also have a number of Townhall meetings this academic year at which members can ask questions and express concerns.

But make no mistake: we will make no decision that compromises our status as a strong, independent union. To that end, it is imperative that we have sufficient local resources to maintain our office and our dedicated staff. It is imperative that we be able to provide course offloads for our Presidents and Grievance Chairs during the academic year, and summer compensation to our Presidents, Grievance Chairs, and bargaining team members without which, they cannot do what they do to protect the contractual rights of our members. **Our Kent State faculty union is strong, and we will remain strong no matter what comes next.** Kent State's faculty deserve no less.

In solidarity,
Deb

Deborah C. Smith
President of Kent State's Faculty Union