

Common Questions about the Faculty Association (FA)

1. Is the Faculty Association a union?
2. What impacts does Arizona being a “right-to-work” have on the Faculty Association and our ability to collectively bargain and strike?
3. Do Residential Faculty have tenure?
4. Is the Residential Faculty Policies (RFP) a contract?
5. What does the Faculty Association do with my dues?

1. The Faculty Association IS a union.

One of the most common claims repeated by faculty across the district is that the FA is not a union. The evidence proposed to support this claim is that Arizona is a right-to-work state, and that legislation, it is believed, prohibits forming a union.

Living in a right-to-work state has *no impact* on whether or not one can form a labor union. In the state of AZ there are many labor unions, both in the public and private sectors. In the public sector there are unions for police officers, fire fighters, EMTs, teachers, etc. Right-to-work legislation has nothing to do with the ability to form a union.

Whether we use the term ‘union’ or ‘association’ is irrelevant. The label that we put on our organization does not impact its legal standing. We have all the rights granted to a labor organization under the IRS tax code. As a matter of political expedience, we use the term ‘association’.

2. “Right-to-work” legislation has *nothing* to do with collective bargaining.

“Right-to-work” legislation prohibits forcing employees to join a union against their will. That is, no one can be forced to associate with or pay dues to support an organization if they do not wish to. Residential Faculty cannot be required to join the FA; they must *choose* to do so.

The FA *does* engage in collective bargaining on behalf of its members; we call it “meet and confer”. However, we do not have a legal RIGHT to collective bargaining. There is nothing in the IRS tax code that protects collective bargaining and there is nothing in Arizona law or the Arizona Constitution that protects collective bargaining. Furthermore, Arizona law does not provide public sector employees the right to strike. We have collective bargaining because we have won the right in our contract (i.e., the RFP).

3. Residential Faculty DO have tenure.

What you call something does not change its legal status. Tenure is recognized as a contractual right that grants necessary due-process prior to termination of an employee to whom tenure has been granted. We call it “appointive status” but there is no legal

distinction between the two. The Association has not, and will never, promote policies or processes that may threaten our tenure (appointive status). In fact, recent changes to the RFP strengthen our right and ability to gain tenure in a time when tenure is under attack nationwide.

4. The RFP is a contract.

The Residential Faculty Policies (RFP) is not merely a “policy” nor a “manual” it is a ***legal contract***. Its status as a contract is derived from the fact that it is derived from a process of mutual bargaining and ratification by both parties. A policy can be created, applied, or changed unilaterally, a contract cannot.

5. Dues monies are used to support the goals of the Faculty Association.

The \$325 collected by the FA is used for a number of purposes. Some of the monies collected are directly rebated back to the College Faculty Senates for their use. A significant portion of the dues are used to keep the Faculty Association’s lawyer on retainer, which is probably one of the most important benefits of membership. We also purchase reassign time from the District for the Faculty Meet and Confer Team members to negotiate on our behalf, which ties directly into the rights of members to vote on the proposed changes to the RFP. This benefit was codified in the FEC Constitution and Bylaws, which passed with no dissenting votes this past August. The FA has been involved in legislative efforts, including the successful campaign against the “Guns on Campus” legislation. The Association pays for a lobbyist to assist us in our legislative efforts, most recently on the attacks against public pensions.