

Charge of Unfair Labor Practice (ULP) Filed With the National Labor Relations Board (NLRB)
against the University of San Francisco
by the USF Part Time Faculty Association, AFT Local 6590
04 November 2019

Charging Party: USF Part Time Faculty Association (PTFA), AFT Local 6590
Employer: University of San Francisco

Basis of the Charge

The above employer has engaged in activities and conduct within the six month period preceding the date of the filing of this charge, in violation of Sections 8(a)(1); 8(a)(2); 8(a)(3); 8(a)(4)

Details: Restrictions on Conference Participation and Failure to Oversee Designees

On October 11, 2019, The Employer ordered a part time faculty member who is the president of the USF Part Time Faculty Association (PTFA), AFT Local 6590, to withdraw from presenting a paper or attending the OURMedia/NUESTROS Medios conference in Brussels, Belgium, 27-30 November 2019. The president was scheduled to discuss the Union's struggles with the Employer at the conference. The employee's duties with the Employer do not include engaging in scholarly research or attending conferences, nor is the adjunct compensated by the Employer for scholarly research and conference presentations. These activities are undertaken on the employee's personal time using personal funds.

The topic scheduled for presentation by the adjunct faculty was to focus on issues that the part time faculty union was encountering from USF Management and Management's failure to provide appropriate oversight to program directors and department chairs. In particular, the department of Media Studies has revoked adjuncts' rights to attend all department faculty meetings. Local 6590 responded with a resolution against the disenfranchisement of adjuncts in Media Studies. The resolution was posted to the OURMedia and other listservs on or about 1 July 2019 and generated interest by OURMedia participants. This led to the approval of the Union presentation topic by the OURMedia organizing committee.

The Employer stated that the Union president's participation in the conference would be "disruptive of the University."

The Employer also ordered the Union president not to inform the OURMedia conference organizers that conference participation by a Media Studies full time tenured faculty member was the reason for the Employer's order.

The Employer also ordered the Union president to notify the Employer whenever he intended to present at a conference that might be attended by full time tenured faculty members in USF's department of Media Studies.

The Employer's orders to the Union president to withdraw from the Brussels conference and presentation, and to notify and seek approval from the Employer when presenting at conferences negatively affect the part time faculty member and members of Local 6590 as follows:

1. The actions by the Employer are imposed on the activities of an independent scholar, outside of his adjunct duties with the University.
2. The actions by the Employer interfere with the employee's responsibilities as Union president.
3. The actions by the Employer restrict the Union president from fulfilling the duties specified in the PTFA Constitution and By-Laws to "represent the Association before the public, community organizations, and the news media;" [VII(2)q].
4. The actions by the Employer keep the Union from informing the public of issues faced by part time faculty at USF, and organizing sympathetic civil society groups to apply pressure to help lobby for needed changes in the situation of adjuncts at USF.
5. The actions by the Employer restrict the rights of an adjunct and the Union president regarding Academic Freedom, Article 9 of the CBA between the Employer and the Union.
6. The actions by the Employer continue a series of reprisals and retaliation against the Union president for Union activity in the Media Studies department, the College of Arts and Sciences, and the University.
7. The actions by the Employer provide a chilling effect on the willingness of Local 6590 members to engage in protected speech within or outside the University, or to raise issues of concern regarding the situation of adjuncts at USF, or to engage in Union activity at the department, college, or university level.
8. The Employer has failed to properly oversee their "designees," chairs and program directors, resulting in discrimination against part time faculty, including the Media Studies prohibition on adjunct attendance at most department meetings.
9. The Employer has failed to comply with the settlement reached with the Union in NLRB Case No. 20-CA-188489 (2017): "The University will work to provide chairs and program_directors across campus with more information and guidance in applying relevant sections of the [USF PTFA] Collective Bargaining agreement (CBA) . . . "