

**7.19.23 (5:45p.m.) GSU-UE Counter to 7.19.23 (3:45 p.m.) University Counter on
Bargaining Unit Information**

ARTICLE _ – BARGAINING UNIT INFORMATION

Section 1. Information Shared With Union

To the extent permitted by the Family Educational Rights and Privacy Act (FERPA), the University shall provide to the Union by the end of the fourth week of each quarter an electronic file containing the following directory information for each GSE in the bargaining unit:

1. Name;
2. University email;
3. Phone number;
4. Current mailing address;
5. CNET ID;

If the GSE affirmatively consents to the disclosure of such information to the Union as provided for in Section 2 below, the University will also include in the quarterly report the GSEs’:

1. Job title;
2. Work location
3. Dates of employment;
4. Employing Department or Program;
5. Remuneration;
6. Pay frequency;
7. Pay basis;

This report shall be provided to the Union in Excel (.xlsx) format. At the time of delivery, this report shall include all GSEs who entered and remained in the bargaining unit since the production of the prior report and may exclude those former GSEs who are no longer in the bargaining unit. If any item on this report is unavailable at the time of delivery, every effort shall be made to include this information in future reports.

Section 2. FERPA Communication and FERPA Release

In connection with a GSE’s initial hiring into a bargaining unit position, the University shall provide a FERPA Communication and a FERPA Release Form as described below, either in a fillable form which can be completed and submitted to the University electronically, or if a paper form is sent, scanned and returned electronically. The initial version of the FERPA

The Union reserves the right to add to, modify, or withdraw its proposals at any time.

Communication and the FERPA Release form, and any changes to either document, shall be shared with the Union prior to its initial dissemination.

The FERPA Communication will include, at minimum, the following information:

- (A) The Union is the GSE's exclusive bargaining representative;
- (B) The Union has a legal obligation to represent the GSE when they are engaged in bargaining unit work and that to do so, the Union may need certain information about its unit members so that it is properly prepared to enforce the collective bargaining agreement, which covers pay and other terms and conditions of employment;
- (C) In order to avoid any conflict between the Union's right to access this information under the National Labor Relations Act, and FERPA, which regulates the disclosure of certain information in a GSE's education records, the GSE will be asked to complete and sign the FERPA Release Form and return the form along with all other on-boarding paperwork, such as an I-9, etc.; and,
- (D) Contact information of both the Union and the University for the GSE to raise any questions about the FERPA Communication and FERPA Release Form and/or how the information shared with the Union may be used.

The FERPA Release Form will contain, at minimum, the following:

- (A) An option for the GSE to waive their privacy rights under the Family Education Rights and Privacy Act (FERPA) and affirm their consent to release non-directory information that may be sought by the Union for representational purposes and to which the Union would ordinarily be entitled under the National Labor Relations Act. This option will be accompanied by a statement that the Union, if provided access to such information by the GSE, may use such information only for the purposes for which the disclosure was made and may not disclose the information to any other party without the prior consent of the GSE;
- (B) An option for the GSE to decline to waive their privacy rights under FERPA;
- (C) Information about how a student may change their selection in the future.

Section 3. FERPA and Discipline/Discharge

In cases related to Article ____, Discipline and Discharge, if the GSE presents a FERPA Release Form at or before a meeting to issue employment-related discipline or discharge, the University will accept the FERPA Release Form and allow the GSE to have a Union steward present.

Section 4. List of New GSEs

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The Union reserves the right to request a list of directory information, as defined above, of newly matriculating graduate students who are anticipated to be GSEs for the upcoming Autumn Quarter. The Union may request such a list once annually and no sooner than September 1. Consistent with its obligations under FERPA and other applicable privacy laws, the University will provide the list within fourteen (14) business days after the Union's request. The parties understand that information regarding newly matriculating, anticipated GSEs may not be finalized at the time the list is requested.

Section 5. Aggregate Pay Data

In addition to the list of GSEs with their directory information required by Section 1 above, the Union may request once per year a list showing aggregate compensation paid to GSEs within the bargaining unit. In order to comply with FERPA, this list will not include any personal identifying information.

Section 6. Union Responsibilities

The Union agrees not to use any information disclosed pursuant to this Article for any purpose other than internal Union administration and communication with GSEs. The University and the Union shall interpret and apply this Article in accordance with FERPA.

Section 7. Personnel Records

Personnel records are defined as records documenting a GSE's appointment to a position covered under this Agreement, revision or termination of such an appointment, appointment-related evaluations, or disciplinary action related to such appointment. A GSE's admission records, coursework as a student, academic progress, academic discipline, student conduct discipline, funding for activities not related to appointment to a bargaining unit position and any other records not related to the GSE's appointment to a bargaining unit position shall not be considered personnel records.

A GSE shall have the right to review their personnel records upon written request, consistent with the University's Policy on Student Education Records and Directory Information. Where the GSE seeks review of their personnel records in relation to a grievance under Article __, the union steward may be present at the review and examine the documents.

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