



## 2024 Winter Workshop

February 7 – 9, 2024

**01**

# Exploring the Future: Mega Trends in Higher Education Labor and Employment Law

NACUA members may reproduce and distribute copies of materials to other NACUA members and to persons employed by NACUA member institutions if they provide appropriate attribution, including any credits, acknowledgments, copyright notice, or other such information contained in the materials.

All materials available as part of this program express the viewpoints of the authors or presenters and not of NACUA. The content is not approved or endorsed by NACUA. The content should not be considered to be or used as legal advice. Legal questions should be directed to institutional legal counsel.

## **EXPLORING THE FUTURE: MEGA TRENDS IN HIGHER EDUCATION LABOR AND EMPLOYMENT LAW**

### **DeMaris Adeusi**

Senior Associate General Counsel for Faculty Affairs, Employment & Labor Relations  
Howard University

### **Charles Robinson**

General Counsel and Vice President  
University of California System

### **Rob Shomaker**

Senior Vice President  
The College and University Professional Association for Human Resources

### **Keith Sonderling**

Commissioner  
U.S. Equal Employment Opportunity Commission

### **Marlene Tromp**

President  
Boise State University

## **Plenary Session Materials**

### **Recruitment, Retention, and Remote Work**

- [The CUPA-HR 2023 Higher Education Employee Retention Survey](#)  
Jacqueline Bichsel, Melissa Fuesting, Diana Tubbs, and Jennifer Schneider,  
September 2023
- [Keys to Retaining Supervisors in a Time of Turnover](#)  
CUPA-HR Blog, October 3, 2023
- [Hybrid, Remote and Flexible Work: The Secret Sauce for Employee Retention?](#)  
CUPA-HR Blog, September 19, 2023
- [The Top Predictor of Higher Ed Employee Retention May Surprise You](#)  
CUPA-HR Blog, September 12, 2023
- [Multi-State Workforce Survey Results](#)  
CUPA-HR, April 2023
- [Managing a Multi-State Workforce: Key Findings From the CUPA-HR Survey and a Public University's Hybrid Approach](#)  
CUPA-HR Blog, April 19, 2023
- [New Research Finds Higher Ed Institutions Are at Risk of Losing Supervisors to Other Employers](#)  
CUPA-HR Blog, January 11, 2023

- [Mental Health at Work: Managers and Money](#)  
Workforce Institute @UKG, 2023

## Unionization on Campus

- [Blurred Lines: Key Issues in Student Employment](#)  
Derek Ishikawa, Babak Bakhtiari, Dr. Eric Butler, and Martha Kim  
NACUA's 2023 Annual Conference
- [The Graduate\(s\): The Legal Affairs of Graduate Students](#)  
Barbara Lee, Anne Schira, Mishka Woodley; and Zahraa Zalzal  
NACUA's Winter 2023 Virtual CLE Workshop
- [State of the \(Student\) Union\(ization\)](#)  
Priya Harjani, Steven Porzio, Lili Palacios-Baldwin, and Sarah Wake  
NACUA's 2022 Annual Conference
- [Labor Rights and Labor Wrongs: An NLRB Update](#)  
Meredith Dante, Neil Goldsmith, and Gerard St. Ours  
NACUA's Spring 2022 CLE Workshop
- [Labor Action Tracker](#)  
Collaboration between the Industrial Labor Relations School, Cornell University and the School of Labor & Employment Relations, the University of Illinois Urbana-Champaign
- [Union Activity In Higher Education Reached Historic Levels In 2022 And Beyond](#)  
Grant T. Pecor, Aaron Vance of Barnes & Thornburg LLP  
The National Law Review, Volume XIV, Number 27, January 27, 2024
- [New Unions Represent over 40K Grad Students, Postdocs, Researchers](#)  
Insider Higher Ed, January 29, 2024

## EEOC's AI Initiative

- [Artificial Intelligence and Algorithmic Fairness Initiative](#)  
EEOC Page
- [Select Issues: Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII of the Civil Rights Act of 1964](#)  
EEOC Technical Assistance Document, May 18, 2023
- [The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees](#)  
EEOC Technical Assistance Document, May 12, 2023
- [Joint Statement on Enforcement Efforts Against Discrimination and Bias in Automated Systems](#)  
Consumer Financial Protection Bureau, Department of Justice, U.S. Equal Employment Opportunity Commission, Federal Trade Commission
- [The EEOC's Keith Sonderling on job fairness in the age of AI](#)  
"Managing The Future of Work" Podcast, Harvard Business School, September 20, 2023

## DEI in Employment, Post-*SFFA*

- [Colo. Attorney General Formal Opinion No. 23-02](#)  
Philip J. Weiser, October 4, 2023
- [Statement from EEOC Chair Charlotte A. Burrows on Supreme Court Ruling on College Affirmative Action Programs](#)  
EEOC Statement, June 29, 2023
- [The Students for Fair Admissions Decision: The Gutting of Grutter](#)  
Maya R. Kobersy  
NACUANOTE, September 6, 2023
- [Unintended Consequences: Managing Legal Risks of Faculty DEI Programs](#)  
Amanda Cochran-McCall, Darren Gibson, Julie Miceli  
NACUA's Spring 2023 CLE Workshop
- [Free Speech Risks Facing Higher Education in the Next Year, and Advice to Be Ahead of the Curve](#)  
Michael Baughman, Lauren Hartz, Alyssa Rollock  
NACUA's Fall 2023 CLE Workshop
- [DEI Legislation Tracker](#)  
The Chronicle of Higher Education
- [The Supreme Court is poised to drop another DEI shoe next year](#)  
Jonathan A. Segal and Adam D. Brown  
LegalDive | Opinion

## Other

- [The Great Recalibration: Adjusting to the Workforce of the Future](#)  
Andy Brantley, Sharmaine LaMar, Alexandra Schimmer  
NACUA's Spring 2022 CLE Workshop