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### Forum: The Future of Faculty Unions

At a time when unions in general are in decline in the United States, academic unions in particular are under attack, and a large majority of faculty members hold part-time, nontenurable jobs, we asked a group of observers the following question: What is the future of faculty unions? Here's how they responded.

**Lennard J. Davis**, *professor of arts and sciences at the University of Illinois at Chicago and member of a faculty group that recently helped organize a union there:*

UNIONS are under the gun in many states during this economic downturn. Faculty unions face similar critiques. It might seem as if this is a bad time to form a union, but right now at the University of Illinois at Chicago we have organized and voted on a faculty union, which will be the first unit formed at a major research university in Illinois and one of the first nationwide since the wave of unionization in the 1960s and 70s.

Issues around wages, benefits, and working conditions have been important ones to unions, and will continue to be. Indeed, as administrators seek more and more items to cut, a strong faculty union can keep wages competitive so that a major research university can command the best faculty and keep up its research interests.



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Some have said that while tenure-track professors will protect their interests, the larger cohort of non-tenure-track professors will suffer as a result. We at Illinois at ChicagoUIC have chosen to form our bargaining unit to include both tenure-track and non-tenure-track faculty. We see this united move as a positive one for both groups. Tellingly, the administration has contested our election and hired a union-busting law firm because it would like to maintain the distinction between these two groups—presumably to weaken the

claims of either.

Another area that faculty unions can and should influence is the governance of the university. As most of us who have spent any real time in the university know, faculty senates have no power. They are merely bully pulpits from which the faculty can address the largely independent and powerful administration. But a united faculty union has much more power. It has the resources and clout that senates wish they had. Again, tellingly, the provost of our institution UIC has made it clear that he believes governance matters should be addressed by the Campus Senate and not in the collective-bargaining process, and only that he wishes to negotiate only over wages, hours, and working conditions.

So, as the pressure is put on faculty unions to give back economically, those unions can push forward in the areas of shared governance, quality of campus life both in terms of teaching and research, and working conditions in the largest sense.

**Ronald G. Ehrenberg**, *professor of industrial and labor relations and economics at Cornell University and director of the Cornell Higher Education Research Institute:*

MARK TWAIN is often quoted as having said: "The rumors of my death are greatly exaggerated." The same can be said for faculty unions in higher education. In many states, the financial crisis facing state and local governments, reports of large long-run deficits in public-employee retirement funds, and the growing political power of conservative governors and legislators have combined to lead to the passage of laws or executive orders limiting collective-bargaining rights for public employees. But other forces suggest that the death of faculty collective bargaining may not be as imminent as some believe.

Most researchers have concluded that collective bargaining for full-time faculty in public higher education has at best had only a modest impact on the average levels of faculty salaries. The research suggests that faculty unions have had more of an impact on how salary increases are distributed and on faculty governance, including grievance procedures. Limitations on bargaining over the size of faculty raises in some states will have no impact on union bargaining rights on other issues. While research also suggests that faculty unions at public community colleges were more successful in improving faculty compensation, the two states with the most unionized community-college faculty (New York and California) to date have not passed any laws limiting collective-bargaining rights for faculty at public institutions. Finally, if political winds shift, the

political process may restore public-sector collective-bargaining rights in a number of states.

The ability of tenured and tenure-track faculty to bargain collectively in private higher education has long been limited by the Supreme Court's 1980 *Yeshiva* decision, which held that such faculty had managerial duties. However, tenured and tenure-track faculty are now a minority of higher-education faculty nationwide. Even if we exclude graduate teaching assistants, over half of the faculty members employed in American higher education are now part time, and almost another one fifth are full-time, non-tenure-track faculty. There are no limitations on collective-bargaining rights for non-tenure-track faculty in private higher education. Salaries for these positions are much lower than those of tenured and tenure-track faculty, making the unionization of such faculty members a fertile area for the growth of private-sector, and in many states public-sector, faculty collective bargaining.

**Keith Hoeller**, *co-founder, Washington Part-Time Faculty Association:*

*ADJUNCT PROFESSORS of all stripes lag far behind their tenured colleagues in salaries and benefits. Not only have the unions failed to bargain any real job security for their adjuncts, they have often prevented their "part-timers" from working full time and therefore qualifying for tenure. Bill Haywood, the former leader of the Industrial Workers of the World (or Wobblies), would have called the faculty unions "job trusts."*

*The labor movement has spent decades trying to abolish employer-dominated unions and getting supervisors out of the bargaining units, yet academic unions have done just the opposite. While labor unions may dispute the Supreme Court's *Yeshiva* decision, which held that full-time tenured faculty at private colleges were "managers," there is no dispute that the tenured faculty serve as managers of the contingent professors. Putting adjunct faculty with no job security into the same bargaining units as the tenured faculty has been great for the tenured faculty and abysmal for the adjuncts. If tenured faculty were serious about being real unionists, they would divest themselves of all managerial powers. That they have not done so is telling.*

Nothing proves the unlikelihood of reforming the faculty unions more than their refusal to address the contingent faculty crisis. Indeed, all three major unions that represent professors (American Federation of Teachers, American Association of University

Professors, and National Education Association) are united in protecting and increasing the number of tenured faculty, while leaving the adjuncts in the academic ghetto. Exhibit No. 1 is the AFT's Faculty and College Excellence plan (FACE), which argues that since the adjuncts are treated so badly, the only way to have "excellence" is to hire more tenured faculty.

Union solidarity within a two-track system is a pure Catch-22. The "tenure or nothing" philosophy has literally meant nothing for one million contingent faculty members. If the unions do not restructure to allow the adjuncts to represent themselves, "fair representation" will have to be sought through government agencies, legislation, and the courts. It may take a new contingent-union movement committed to abolishing the two-track system and replacing it with something more egalitarian, like that at the Vancouver Community College system in British Columbia.

The mission of a union for adjuncts should be the abolition of the two-track system and equality for all college professors. This new union should not shrink from competition with other unions. It should be willing to explore new forms of job security in addition to tenure. Adjuncts deserve the fundamental labor rights to choose their own unions and their own destiny.

**Daniel J. Julius**, *vice president for academic affairs for the University of Alaska system, and formerly a labor-management representative and chair of CUPA-HR's national board of directors:*

THE QUESTION should be recast to address the future of institutions and systems where the lion's share of faculty unionization occurs—in large, comprehensive public systems in approximately 15 states with enabling labor legislation. At these colleges and universities, in locales where legislators are increasingly unable to finance operating budgets, and also willing to consider repeal of legislation supporting public-sector unions, academic leaders are confronted with serious challenges. These include the need to seek alternative sources of revenue and nurture entrepreneurial endeavors (which, if not managed carefully, will pose new problems to system leaders); competition from the for-profit sector; and demands from students and other constituents for programmatic flexibility, accountability, and lower tuition.

To the extent faculty-union and administrative leaders can, as partners, accommodate what has been referred to as the "new normal," these institutions and their unionized faculty will survive. Accommodation, in my opinion, will entail a reconsideration of

missions, rethinking how courses and programs are delivered, the nurturing of entrepreneurship and fund raising without damaging institutional integrity, and a willingness to confront institutional bureaucracy and entrenched political interests, while respecting the critical role of the faculty in appointment, promotion, tenure, curriculum development, and shared governance.

American labor history may provide some clues about the future of faculty unions. In cases where the parties were able to overcome the temptation to vilify each other and work collaboratively to adapt to changing environments, new technologies, customer demand, and international competition, unionization and the industry survived.

There are alternative scenarios, too. Not long ago it was inconceivable that U.S. Steel, Ma Bell, or General Motors would ever break up. Faced with growing international competition, a changing political and economic environment, fewer tax dollars, a decline in real wealth, expensive union contracts, leaders with short-term vision, and the loss of confidence by the American public, these industrial giants inevitably came undone. Will the same occur at institutions where faculty are unionized? I hope not.

**Cary Nelson**, *president of the American Association of University Professors*:

IT'S A HOT FUTURE either way. Faculty collective bargaining at public institutions is paradoxically at once under assault and resurgent. It is under assault by Republican state legislators seeking to curtail or eliminate all public-employee collective bargaining, often with legislation drafted by one or more conservative foundations. Sometimes a special animus toward faculty bargaining rights comes into play, as in the Ohio decision to declare all faculty members managerial employees ineligible for collective bargaining because they are running their institutions. Ohio faculty were generally surprised they had such powers, and they would be hard pressed to confirm them. The move to apply the Supreme Court's flawed (and increasingly absurd) 1980 *Yeshiva* decision (which applied to faculty at private colleges) to faculty at public institutions was spearheaded by an organization representing Ohio university presidents. But as broad fishing-expedition demands for faculty e-mails demonstrate, other faculty rights are also threatened by some of the same conservative groups and public officials, so the assault on collective bargaining is increasingly being seen as part of a comprehensive agenda that all faculty members must resist. That adds to the fervor AAUP members display in the movement to repeal the Ohio legislation.

Of course there have long been scores of private institutions where faculty members would unionize rapidly but for *Yeshiva*. There are more than a few private colleges run in a proto-military, authoritarian style that gives faculty members no role in decision-making.

But the big news over the next few years will be a sea change in the attitude toward collective bargaining among faculty members at public research institutions. As long as there was enough money to go around, faculty members were content to leave budget decisions to administrators.

But long-declining state support is now close to disappearing, and resistance to increased tuition is rising. Meanwhile, faculty members are finding their departments threatened with downsizing or closure; once-universal research funds increasingly and ideologically given to favored disciplines; and support for graduate students in the arts and humanities eroding. Faculty members at research universities are rapidly realizing they must seize substantial control of the budget process or lose any role in shaping institutional priorities and missions.

The challenge is to spend the money campuses already have on teaching and research. The only way for faculty members to make that happen is to unionize. That explains why it was often former department heads and major research faculty members who walked the halls with me signing up union members when I visited the University of Illinois at Chicago this year to support the successful joint AAUP/AFT campaign. They will soon be joined by others across the country.

**Pamela S. Silverblatt**, *vice chancellor for labor relations and chief labor negotiator at the City University of New York; and formerly deputy commissioner in the New York City Mayor's Office of Labor Relations:*

THIS IS a difficult time for unions. Unionization rates on average have been declining for decades. Public-sector unions are increasingly under assault, especially in connection with pension and health-insurance benefits their members have secured over time. And faculty unions at public colleges and universities in particular are under unprecedented pressure.

Support for public institutions had been declining for a couple of decades before the national recession, and the economic downturn has only exacerbated that decline, with many states cutting higher-education budgets, freezing salaries, and raising tuition to offset

revenue losses. At the same time, public institutions like CUNY are serving record numbers of students and must therefore find ways to increase productivity, encourage philanthropy, and become more entrepreneurial—all while continuing to lobby for public support—in order to meet students' needs.

The challenge—for government, for universities, and for unions—is to recognize that while the environment is changing and the pressures are intense, adaptations must be made in ways that ensure that short-term fixes do not compromise sound public policies, such as the right to form associations and collectively bargain. Nor can short-term fixes be allowed to compromise fundamental public priorities, including access to an affordable, high-quality college education, and prudent, long-term financial planning by the government.

In this difficult economic climate, faculty unions face a number of questions about how to define their agenda, including how to determine where they can have the greatest impact, how to maintain relevancy to their membership without alienating government and institutional administrations, and how to position themselves to help universities survive economic droughts. This is a time of reflection and repurposing, with a focus on how to remain vital while acknowledging that public financing is not likely to increase in the near future.

This is also a time for innovation. The mission of public higher education is more important than ever, but public institutions operate in a much more competitive environment today. They must be creative, flexible, and accountable to the public they serve. There is an opportunity now for unions to take a lead in proposing new models. So much of the real work in collective bargaining is in the details, in finding new approaches, new solutions to continuing issues. The future is in those details.


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