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Academic Labor in the Corporate University: The Challenge for Unions

John Magney

Over the past several decades, a new paradigm of organization has been reshaping higher education in the United States. Most colleges and universities now operate like knowledge factories. Notions of faculty governance have been eroded by the decision-making power of an emergent elite class of professional administrators. These new academic managers pay close attention to costs, revenue streams — and competition. Faculty are viewed as a factor of production, a cost to be managed. As in the private corporate sector, an increasing amount of the work is done by “temps” — poorly-paid contingent faculty with no assured future in the college or university. Full-time faculty members have seen their work life brought under closer scrutiny by their productivity-minded administrators. They’ve seen pay and benefits undercut by inflation. And they’ve seen the tenure system eroded by university policies on “retrenchment” and program change. In the emerging corporate order on campuses, all faculty — from full-timers to temps — have become a subordinate class of “managed professionals.”¹

Faculty response to the corporate model has been a mixture of denial, reluctant acceptance, and active resistance/opposition. Unionization has been the main answer of the opponents. Since the new order first began appearing, there has been a steady growth of unions of college and university faculty. Initially, they were mainly unions for full-time faculty members, but in recent years, there has been a surge of unionization among contingent faculty — especially graduate teaching assistants at large research universities. Overall, close to 300,000 college and university teachers are now represented by unions affiliated mainly with the American Federation of Teachers, National Education Association, and American Association of University Professors.²

The story of faculty unionization — how and why it happened and its impact on campuses — has never received much attention in the general news media. (This is not

surprising, given the media's general disinterest in unions.) About the only time campus unions get any significant press is when there's a contract dispute and a threatened strike. However, the *Chronicle of Higher Education* has done a fairly decent job of reporting on specific events (organizing votes, negotiations, contract disputes and strikes) as well as larger trends. Academic researchers have probed a number of key topics, ranging from why faculty vote for unions to what kind of effect unions have on wages and other work conditions. And those who have organized and led campus unions have generated a valuable literature of observation and commentary. In this essay, I will be reflecting on what I've learned from these sources — and from my thirteen years of experience as a union activist and participant researcher in the Faculty Association, IEA/NEA at Southern Illinois University, Carbondale. My intent is to tell a story, express some activist concerns, and offer some analytical judgments about what has been going on in this struggle for control of our campuses.

The Rise of the Corporate University

It really began with the student protest movements of the 1960s and 1970s. That is where one finds the first focused criticisms of the build up of power in campus bureaucracies. Probably the pithiest expression of student concern was in Mario Savio's famous speech in the Berkeley Free Speech Movement, which noted:

We have an autocracy which runs this university. It's managed... Now, I ask you to consider: If this is a firm, and if the Board of Regents are the board of trustees, and if President Kerr in fact is the manager, then I'll tell you something: the faculty are a bunch of employees, and we're the raw material!³

Savio and other Berkeley radicals often cited President Kerr's 1963 book *The Uses of the University*, which argued that universities were becoming systems of "knowledge production and consumption."⁴ Kerr called these new systems "multiversities" and proposed that they be run in a bureaucratic manner, "a mechanism held together by administrative rules and powered by money." The Free Speech blowup at Berkeley ultimately cost Clark Kerr his job as president of the University of California system (he was fired by a newly elected Governor Ronald Reagan in 1967). But his ideas about

the emerging “multiversity” continued to have widespread influence on higher education policy-makers.⁵

On some campuses, the move towards a corporate style of management came as the result of a change in leadership. This is basically what happened at Carbondale. From the end of World War II through the 1960s, the campus had grown from a small teachers’ college into a university with over 20,000 students and academic offerings that included schools of law, engineering, and medicine and several dozen graduate programs. The school’s president during this time was Delyte Morris, a classic institution-building leader. Morris’ keen understanding of Illinois politics (and charismatic lobbying in Springfield) had generated a huge influx of state funds for new campus buildings and expanded programs. Morris practiced a personal and direct style of management. He was a familiar sight out on campus, talked with everyone, but, when decisions had to be made, left no doubt about who was in charge. Faculty had mixed feelings about Morris. They appreciated his work in building up the university, but many felt that he did not pay sufficient attention to faculty opinion in his decision-making.

Morris left SIUC in 1970 after a tumultuous year of student protest (culminating in a full-scale riot following Nixon’s invasion of Cambodia). His departure brought an end to the “great man” style of campus management at SIUC. For a brief period, under an interim president, faculty actually gained a degree of control over administrative decisions through a newly organized Faculty Senate. But the power of the administrative bureaucracy was quickly reestablished by the next president, David Derge, who vowed he would never grant the Senate any “veto power” over his decisions. Derge’s attitude towards faculty was perhaps best expressed in his “Christmas greetings” of 1973. Fourteen days before Christmas, 104 faculty members received a letter from Derge informing them that they were being terminated. The letter said they were being let go because of cutbacks in state funding. The firings generated a storm of controversy, with the Faculty Senate and student groups passing resolutions censuring Derge. The American Association of University Professors (AAUP) subsequently condemned the firings as “an attack on tenure” (about a quarter of the 104 were tenured) and placed SIUC on its

national list of “censured universities.” Eventually, as a result of various legal actions, most of the 104 regained employment with the university, but some were out of work for over a year.

SIUC administrators became more adept at managing “faculty resources” following the 1973 firings. When state funding problems loomed (as happened every few years or so), departments were told to fill faculty vacancies with “term” hires (temporary instructors with a semester or year-long contract). This brought costs down, since term instructors were paid at a much lower rate than regular faculty. And they could be easily let go whenever their services were no longer needed. Over time, departments began using more term instructors on a permanent basis, usually to teach less desirable or lower-level courses. By the 1990s, over a third of the faculty at SIUC were employed in these term positions. Another important change occurred in the administrative bureaucracy. Although student enrollment at SIUC changed very little from the 1970s through the 1990s, there was a steady growth in the number of non-teaching technical/professional positions (student advisors, counselors, information technology specialists, program coordinators) and in the ranks of top level administrators. By the 1990s, the university was being run by a force of about 275 “executive-administrators.”

At the level of symbol, SIUC’s move toward a corporate style of management was celebrated by a redesign of the university’s graphic “logo,” which morphed from a large red dot into a large red dot crossed by wavy white lines (remarkably similar to AT&T’s corporate logo). Many faculty sensed they were working in a more controlled environment. And they were. They had to submit formal requests for absences, write “learning objectives” for their courses, attend sessions on “writing across the curriculum,” do assessment studies of student learning, and undergo annual reviews for merit pay adjustments. Some of the scrutiny was due to mandates from outside bodies, like the Illinois Board of Higher Education (IBHE). But university managers generally did nothing to protect faculty from these outside pressures. In the mid 1990s, when the IBHE promulgated a “Priorities, Quality, and Productivity” plan calling for the elimination of all associate degree programs

in the university's large Technical Careers College, SIUC's president offered no objection and instructed the dean of the college to carry out the state board's plan. Faculty resistance resulted in about half of the programs being retained or turned into baccalaureate degrees, but the others were killed off according to plan.⁶ On this issue, and others, the only campus-wide voice for faculty interests was the Faculty Senate. But the Senate acted just an advisory body and its resolutions were easily ignored by the administration.

How should one interpret what emerged at Carbondale and on hundreds of other colleges and universities around the country? Some analysts characterize the new order of control in higher education as "academic capitalism," "a regime that entails colleges and universities engaging in market and market-like behavior."⁷ This analysis is both on-target — and misleading. It misleads in its use of the term "capitalism." Capitalism does indeed involve markets, but at its core, capitalism is a system of production involving privately-held assets. In today's brave new world of higher education, the only real capitalist operators are the for-profit colleges and universities: University of Phoenix, ITT, DeVry, and others. These companies still operate on the margins of higher education, but they are enrolling more students every year. And their stocks (now regularly monitored in a "Higher Education Index" in the *Chronicle of Higher Education*) continue to rise in value. The for-profits are the ultimate academic factories. The work is done by large numbers of poorly paid temps who have no control over what they teach and whose conduct is closely monitored by company managers. Academic labor here is done entirely for the benefit of private investors. No mistake about it, this is capitalism.

Market forces in the mainstream of higher education may be less crass than in the for-profit sector, but measures of revenues and costs now weigh very heavily in the thinking of mainstream administrators. On the income side of the ledger, there has been a noticeable decline in state support for public colleges and universities. A study of census data found that states were allocating 7.3 percent of their funds to higher education in 1970, but this had dropped to 5.3 percent in 2000.⁸ To make up for reductions in state appropriations, colleges and universities have turned to their

“customers” and regularly boosted tuition and other student fees. Between 1980 and 2000, the total share of “revenue” for public institutions coming from student tuition went from 13 to 19 percent.⁹ Administrators have also tried to boost their revenue streams through distance education and corporate training programs, marketing instructional materials, claiming patent rights for inventions from campus research, and leasing campus space to bookstores, fast food chains and other private businesses.

On the cost side of the ledger, the new administrative elite has worked mightily to hold down the costs of academic labor — but has done nothing to contain the overhead associated with running campus bureaucracies. Indeed, according to a study of data compiled by the U.S. Department of Education “the number of full-time non-teaching employees grew by 15 percent between 1993 and 2001 ... [with] administrators [being] the fastest growing class of employees at 40 percent.”¹⁰ To hold down the cost of academic labor, administrators have whittled down the number of full-time faculty (tenured or on tenure track) and expanded the number of those working as temporary or contingent hires. Data from a recent study show that about 61 percent of today’s academic work force hold contingent positions and 39 percent are in tenured/tenure track jobs. Of those who hold temporary positions, about 24 percent teach a “full-time” schedule, with 76 percent teaching on a part-time basis.¹¹ Part-timers in big cities have often described themselves as “academic gypsies,” commuting from one job to another to scrape together a barely livable income. According to a study of national salary data, “part-time/adjunct faculty members are paid relatively little — an average of \$2700 per class — and have few or no benefits.”¹² But life is very rewarding for those running today’s educational bureaucracies; every year seems to bring a new round of healthy salary increases for these functionaries. In its compilation of salary data for 2004, the Chronicle of Higher Education showed annual pay for “chief executives” ranging from \$130,000 at community colleges to \$270,000 at doctoral-granting universities.¹³

Union Organizing, Contracts, and Strikes

The idea of faculty unionization came out of widespread feelings of angst about the new regime of campus management.

As Julius Getman, former president of the AAUP, recalls:

At many institutions, professors came to feel alienated, manipulated, and powerless. Many noted that grade and high school teachers had made themselves more formidable through unionization and collective bargaining. This was in keeping with the more radical and egalitarian ideas then sweeping campuses. Many faculty members, particularly younger, more radical ones, argued that collective bargaining would provide better protection for academic freedom, give faculty more say about policy, and raise salaries. During the late 1960s and early 1970s, unionization had strong advocates on almost every campus in the land.¹⁴

Advocates of unionization had a great impact on many campuses, and by the 1980s, faculty unions had been organized at several hundred colleges and universities around the country. Most were unions of full-time faculty, though some also included faculty working on temporary contracts. Virtually all of the organizing in recent years has focused on the needs of those at the bottom of the new regime of academic labor.

Faculty unions have been organized in basically the same way as all unions. There's a surge of dissatisfaction with work conditions, widespread talk of forming a union, and a sequence of collective actions aimed at building solidarity, collecting "show of interest cards" and winning a "representation election".¹⁵ Some campuses have been organized relatively quickly, others have taken years to organize. Unlike the private sector, where management typically does everything it can to oppose organizing efforts, university and college administrators have usually been more restrained in their opposition to campaigns for faculty unions--but not always. In the first effort to organize faculty at SIUC in 1988, campus administrators spent several hundred thousand dollars on an outside team of "labor consultants" to coordinate a hard-hitting propaganda effort to convince faculty to vote against unionization. More recently, drives to organize graduate teaching assistants into unions at several major research universities have resulted in lengthy legal battles over the students' right to organize. At

the University of Illinois, the administration ended its fight against allowing a representation election for the Graduate Employees Organization only after a student sit-in at the administration building and a strike of graduate workers.

Representation elections are preceded by several weeks of intense discussion of the pros and cons of unionization. In leaflets, newspaper advertisements, e-mail messages and at public meetings, unions present key reasons why faculty should vote “yes” — and if there is any organized opposition, administrators and lower-level flunkies offer reasons for voting “no.” Here at SIUC, in the second (and successful) drive for unionization in 1996, there was much discussion of faculty being manipulated and controlled by administrators. A widely read newspaper ad run just before the election took the administration to task for a long list of “failures,” ranging from inadequate support for teaching and research to not seeking faculty input on major decisions. In a post-election survey of faculty opinion, the main reason given for voting in favor of unionization was “empowerment of faculty in university governance” (52%), followed by “salary and benefit issues” (30%).¹⁶ The survey also found, not surprisingly, high levels of discontent with university administrators and key work conditions among the “yes” voters. Discussions with activists on other campuses indicate that the desire for a stronger faculty “voice” has been a key union motivator in most elections, especially so for full-time faculty. On the negative side, the SIUC survey found that faculty who voted against unionization did so because they believed academic unions were “unprofessional,” undermined merit, created conflict and more bureaucracy, and would provide few benefits for faculty.

Most organizing elections have been won by campus union groups. The main exception has been with tenured/tenure track faculty on campuses with large graduate programs and large research budgets; full-timers at a few places (Rutgers, Temple, Wayne State, and the SUNY system, for example) do have unions, but their counterparts on other research campuses either did not respond to organizing drives or voted against unionization. In a 1997 vote at the University of Minnesota, full-time faculty voted against forming a union despite the university’s consideration of a proposal to reduce the traditional protection of tenure.¹⁷ On the big-

time research campuses, the research largesse has basically allowed many full-timers to maintain an ideological stance of being “independent professionals” and, most importantly, to pass on a large share of the teaching load to poorly paid contingent instructors and graduate students. But those at the lower levels are fighting back. Graduate assistants on almost 30 research campuses have successfully organized unions (the only defeat occurred at Cornell in 2002). There has been a similar burst of successful organizing of contingent faculty unions, from big research campuses like the University of Michigan on out to community colleges like John A. Logan in rural southern Illinois.¹⁸

Voting for unionization is just the first step in becoming a full-fledged union. Next, comes the task of negotiating a first contract with the college or university, which can be quite challenging. Leaders of new campus unions often have little or no experience in negotiations; management is likely to look for ways to test their resolve, since the union’s bargaining power is an unknown; and an entire contract has to be drawn up from scratch and approved by both sides. If the governing labor law specifies an “agency shop” (quite common for public sector unions), the new union will also probably be carrying out a membership drive as it bargains for its first contract. The workplace politics surrounding a first contract can be quite complex.¹⁹ All of this was true during the first round of contract negotiations at Carbondale, which went on for almost a year and a half before a settlement was finally reached in the summer of 1998. The SIUC administration was not at all pleased with the existence of the union, despite its hands-off stance during the 1996 organizing campaign, and bargaining sessions were strained and acrimonious. After a year of making no progress in the negotiations, the Faculty Association finally let loose a barrage of leaflets and newspaper ads blasting the university’s “intransigence” and staged an informational picket of the central administration building. This led to declaration of an “impasse” and a federal mediator was brought in to deal with the dispute. Two months later a settlement was reached.

Almost all contract settlements involve compromises; unions rarely achieve everything they set out to win at the bargaining table. The first contract at SIUC gave faculty a substantial wage increase, better than anything received for

over a decade. But it contained only minor concessions on governance issues. The grievance section, for example, gave faculty the right to grieve adverse decisions on promotion and tenure, but did not give outside arbitrators the power to override these decisions. Another section gave faculty the right to draft “operating papers” for their departments and colleges, but it also gave the administration final say over the content of these papers. The contract also did not provide for “fair share” (payments charged non-union members), a key provision in “agency shop” contracts. The union had signed up about 50 per cent of the faculty as members at the time of the settlement; the failure to get “fair share” meant the other 50 per cent could be “free riders” for as long as they pleased. Publicly, leaders of the Faculty Association described the settlement as “an historic turning point,” but privately they expressed concern about what hadn’t been achieved.

Union professionals often talk about the “importance” of a first contract, by which they mean that precedents are set in the language of the contract that develop into patterns in the relationship between the union and management. This was certainly evident with the next two contracts at SIUC; they did not take as long to negotiate as the first contract, but the dynamics at the bargaining table were not greatly different. The negotiations in 2000 dragged on all year, with the administration team repeatedly talking about “management rights,” as it turned down Association proposals on workload and tenure and promotion policies. “Fair share” was also rejected, with the university’s spokesman telling the union team that “fair share is for plumbers, not university professionals.” When the university finally offered a deal focusing on wages (an 11 percent increase over two years), the union bargaining team told a membership meeting they wouldn’t get anything better without a strike. No preparations had been made for a strike, and the deal was accepted by the union.

Negotiations in 2002 also dragged on, with the university team filibustering for weeks before turning down key union proposals. A difference this time, however, was the response of the union. Its leadership approved the formation of a strike committee, and by the end of the year, preparations for a strike were well underway. As the union worked to mobilize faculty, the administration fought back with a series of newspaper ads and e-mail messages vowing to keep

the university open, hire replacement teachers, and cut off health insurance and other benefits for anyone who went out on strike. Several dozen faculty not in the union released a statement saying they would continue working during a strike action because of “our obligations to our students and profession.” Three days before the scheduled strike date, the university came up with a “last and final” offer. It offered only a modest wage increase, but it did guarantee that, absent a strike, no faculty would be laid off because of state budgetary cutbacks for the next three years. It was a clever move. Many faculty had been thoroughly spooked by the university’s threats about replacement workers and losing benefits. And the promise of a guaranteed job in the midst of a recession, plus even a wage increase, was an enticing carrot. The Faculty Association membership voted overwhelmingly to accept the deal.

What happened at SIUC in 2002 was not unusual. Strikes occur relatively infrequently in higher education; records indicate that about 90 per cent of unionized campuses have never experienced a strike.²⁰ On campuses that have had a strike union leaders have often had to work hard to keep dissident faculty from undermining the walkout. As with the rump group at Carbondale, dissidents on other campuses have typically talked about their “professional responsibilities,” and sometimes their actions have had serious consequences. Twice during the 1990s, large numbers of faculty crossed picket lines during strikes at Wayne State University in Detroit and the union got stuck with unsatisfactory contracts. More seriously, the erosion of faculty support for a strike at the University of Bridgeport (in Connecticut) in 1990-92 led to the eventual decertification of the faculty union.²¹ Unions representing graduate students have the most militant record in terms of strike activity. They have struck mostly in contract disputes, but several (like the GEO at the University of Illinois) actually went out on strike before becoming a union, in an organizing action to force a stonewalling university to drop its legal opposition to holding a recognition election.

Protecting Academic Freedom

Academic freedom has been a longstanding concern on U.S. college and university campuses, especially for leftist faculty members. One of the earliest documented violations

of academic freedom occurred at the University of Wisconsin in 1894 when a faculty member was fired for “teaching socialist ideas, promoting unions, fomenting boycotts.” The continuing harassment of scholars holding socialist and other dissident views eventually led to the organization of the American Association of University Professors in 1915. The AAUP began investigating (and publicizing) all reported cases of colleges and universities infringing on the free speech rights of their faculty; in 1938, the organization created its list of “censured administrations” as a means of calling attention to the worst violations of academic freedom.²² The idea of protecting academic freedom by awarding faculty tenure also came out of the AAUP, initially in a policy statement in 1925 and then in the organization’s famous “1940 Statement of Principles on Academic Freedom and Tenure.” The AAUP’s list of specific recommendations on tenure was eventually written into hundreds of college and university policy manuals.²³

The widespread recognition of tenure made attacks on academic freedom more difficult. But it certainly didn’t end them. AAUP attorneys have been steadily employed in defending professors who have lost their jobs over an issue of belief or free speech. The possibility of being listed as a “censured administration” also hasn’t been much of a deterrent for some college and university administrators. There have been a total of 183 institutions on the list since it was created, including such places as UCLA, UC-Berkeley, University of Illinois, University of Michigan, Ohio State University, and the University of Texas.²⁴ The early 1950s was a particularly challenging time for the AAUP and other defenders of academic freedom. Cold war fears, initially drummed up by the Truman administration, triggered a wave of rightwing conspiracy-mongering about “communist influences” in all kinds of places, from government agencies to churches to colleges and universities. Left-wing academics around the country were questioned by the FBI, state and local “red squads” and investigating committees about their political beliefs and associations (usually with the Communist Party or some communist “front group”). One landmark court decision came out of this barrage of investigation. It involved the refusal of Paul Sweezy (co-founder of the *Monthly Review*) to answer questions from

the state attorney general about the content of his lectures at the University of New Hampshire. The U.S. Supreme Court ruled that this government inquiry “unquestionably was an invasion” of Sweezy’s First Amendment Rights.²⁵ A number of academics (including two at the University of Michigan) were not as lucky as Sweezy; they gave unsatisfactory answers during government probes and were dismissed from their positions.

The handling of controversies over academic freedom has changed. As in the past, the AAUP continues to provide legal assistance to those who believe their rights have been violated, still investigates especially serious charges of administrative abuse, and regularly updates its list of “censured administrations.” But the AAUP is no longer the only group focused on academic freedom; professors who think their rights of expression have been violated now have other places to seek help. They may look for assistance from the conservative-leaning National Association of Scholars or the Foundation for Individual Rights in Education. Both organizations have been especially vocal defenders of academics charged with violations of speech codes, sexual harassment, and diversity policies. The most important new source of support for academic freedom at many colleges and universities, however, is the faculty union. Organizing drives for these unions have often used the argument that unions provide an even more effective defense of academic freedom. This is an especially relevant argument for contingent faculty, with unionization offering them an opportunity to gain rights of expression traditionally associated with tenured positions. Eric Marshall, a longtime contingent leader in New York, expressed the idea very nicely:

The contingent labor movement is all about academic freedom. While subprofessional working conditions may allow for academic freedom as it is conventionally conceived, they invariably inhibit more fundamental forms. Without using the term, adjuncts have been talking about limitations on and infringements of academic freedom for a long time.²⁶

Once recognized, the vast majority of campus unions have gone on to negotiate language on academic freedom in their contracts. A recent analysis of almost 300 current

contracts in higher education found that 72 percent contained provisions on academic freedom.²⁷

Contractual definitions of academic freedom typically cover the three rights enunciated in the AAUP's "1940 Statement on Academic Freedom" (freedom in research, teaching, and public expression of opinion). In some instances (and not just with AAUP locals), there is an explicit reference to the "1940 Statement" and reproduction of the full text of the AAUP statement in the body of the contract. Many contracts limit their discussion of academic freedom to just a paragraph or two on basic principles and rights. Those with lengthier discussions sometimes focus on basic constitutional rights, as at Seattle Community College:

Academic employees' rights as citizens shall not be diminished or alienated as a condition of employment or retention.... No academic employee shall be required to join or refrain from joining any organization as a condition of employment or retention.... Individual academic employees and organizations shall not be denied the right to state or refuse to state their views before any legislative, administrative or faculty body.

Other contracts focus on classroom practices, with instructors being given explicit control over "conduct of classes," "curriculum matters," "textbook selection," and "assignment of grades." Student work is also sometimes named, as in the Cooper Union agreement which states: "academic freedom shall include the display and publication of work done by a student of a Faculty member which is done under the Faculty member's direction, guidance or advice." A number of contracts specify that academic freedom also applies to the procurement policy of their college or university library, offering statements like "there shall be no censorship of library materials." An interesting example of a contractual limitation of academic freedom is at the University of San Francisco: "Academic freedom of the faculty member and librarian shall not be construed to permit him or her to use the student audience to gratuitously, deliberately, and persistently express views which misrepresent or impugn the authoritative teachings of the Catholic Church."²⁸

As with all contracts, the enforcement of provisions on academic freedom requires union vigilance. Any violations must be investigated and, if necessary, moved into the

grievance process. There isn't much collected data on how campus unions have dealt with problems of academic freedom. But from conversations with faculty union activists on various campuses, it would appear that grievances about academic freedom most often arise over administrative efforts to wield more control over curriculum, grading policies, and other faculty work practices. An example is a recent dispute at SIUC where the Faculty Association cited academic freedom in threatening to grieve enforcement of a new administrative ruling that all faculty must meet with their classes during the scheduled time for final exams. When cases of academic freedom are taken into arbitration, it is crucial that unions have clear, unambiguous language in their contracts. One recent case at a Canadian university was won by the union when the arbitrator ruled that efforts by the University of British Columbia to force a faculty member to sign over copyright to a distance education course she had developed violated explicit contractual provisions giving faculty control over course material.²⁹ But a case involving termination of a part-time faculty member at the City University of New York (who had been indicted by the federal government for his alleged association with an Islamic "terrorist" group) was lost by the union when the arbitrator found that the union's contract did not provide for due process in disciplinary hearings for adjunct faculty and also did not have clear language about how adjunct faculty should be reappointed.³⁰

Do Academic Unions Make a Difference?

Here's where the discussion gets a bit tentative. One way union activists (and researchers) deal with the difference question is by contrasting workplace conditions before the union was organized and after negotiating the first contract. Invariably, one always finds change, but the scope of this change may or may not be close to what the union wanted. So the trivial answer to the difference question is always "yes." After the first contract, union activists gradually pay less attention to what life was like "back in the bad old days." Subsequent contracts are typically evaluated by looking at how many of the union's negotiating goals were achieved at the bargaining table. The attainment of bargaining goals may or may not be evidence of a continuing "union difference," however. Research purists would argue that the only way to

get a really good answer to the difference question is to do a comparative statistical analysis of workplace conditions on unionized and non-unionized campuses. Unfortunately, with the exception of salaries, no one has done this type of rigorous research on academic unions.

So, with that as a warning, here are some thoughts on the difference question. The oft-claimed economic edge for unions (higher wages and better benefits for union members) is less apparent in higher education, at least for the older unions of full-time faculty. Some researchers have found unionized faculty doing better than colleagues in comparable non-union settings, but other researchers have found no significant difference.³¹ At Carbondale, even after having a union for nine years, average faculty wages still trail those paid colleagues at a set of “peer institutions” (other minor research universities) around the country. But salaries have definitely improved over what they were before the Faculty Association was organized. In the six years immediately preceding unionization, salary increases averaged 2.6 per cent a year; since then, they have averaged 4.1 per cent a year. Also, before the union came on the scene, there was rarely any open discussion on campus of low faculty salaries. Now, even top administrators publicly admit that “faculty salaries have to be improved,” though they usually go on to add “it will take time.”

Other than salaries, the impact of the SIUC Faculty Association is most evident in the handling of grievances. Those with problems involving merit pay, sabbatical applications, tenure and promotion, and other issues no longer have to fend for themselves. The union is there to help them. So far, several dozen faculty have filed grievances, and even with the weaknesses built into the process most of them have gotten favorable decisions. The grievance process has also had an impact beyond these individual cases, with deans and other administrators tending to follow bureaucratic procedures somewhat more carefully. The “operating papers” have given faculty a better sense of their workplace rights. The union has also gained a degree of influence with the appointment of union representatives to key university advisory committees. However, none of these changes have had much impact on the larger decision-making process in the campus bureaucracy. Budgets, enrollment policies, program changes and other major issues are still tightly controlled by the top of the administrative hierarchy. So far, management

rights have been well protected at SIUC.

The Faculty Association's relatively weak record of achievement on issues of faculty governance has been a disappointment to long term activists. But many other campus unions seem to have done no better. A study of contracts at over two hundred unionized campuses cites numerous instances of contract provisions that undercut or limit faculty rights.³² Among other things, faculty unions have accepted provisions allowing pay increases based on management controlled "merit" (or performance) criteria; program change and "retrenchment" (layoffs) with limited union input; hiring (and firing) of part-time faculty at the complete discretion of management; and the introduction of new instructional technology with little or no faculty involvement. By not addressing such key policy issues, faculty unions are basically ceding control of the academic workplace to management. The study concludes: "Unions... need to more actively negotiate not just wages, benefits and working conditions, but control over work force and forms and product of work (technology). Such provisions critically impact institutions' current and future academic direction and functioning."³³

Leaders of faculty unions are not unaware of the deficiencies in their contracts. Why is it, then, that they accept these relatively weak settlements? Basically this happens because of a lack of bargaining power — not having enough clout when push comes to shove at the negotiating table. Bargaining power is a function of having members unified behind contract goals and willing to carry out disruptive "job actions," including a strike, if a satisfactory settlement isn't achieved. Building membership unity can be a challenging task for unions; it is an especially challenging task for unions of full-time faculty. On many campuses, as at Carbondale, not all of the faculty are in the union. Even if a union has "fair share," and most faculty do belong, there are serious lines of social division on campuses. You have people working in separate departments and colleges, which are often in competition for space and resources. You have the traditional academic pecking order, with those in the higher professorial ranks earning more, sitting in better offices, getting breaks on their teaching load, and making crucial career decisions (on tenure and promotion) about those in

the lower ranks. You often have serious communication problems because faculty don't spend much time with one another in their day-to-day work. And finally, and perhaps most importantly, you always have faculty members who view themselves as "independent professionals" and who are ideologically challenged by the union concept.³⁴

Internal schisms are not the only problems faced by campus unions. The majority of unions are affiliated with either the American Federation of Teachers or the National Education Association. Higher education issues are not a major priority in either of these huge unions of mostly public school teachers. The AFT and NEA (and their state affiliates) also tend to operate in a rather top-down fashion, with campus unions exercising little control over the services they get for their dues. Typically, almost all of the local dues money flows upward to support the state and national staff bureaucracies. The quality of services received by campus unions from the NEA and AFT bureaucracies can be very uneven. Here at SIUC, most of the IEA staffers sent in to help with the organizing and membership campaigns were experienced and talented professionals. Unfortunately, their assistance was withdrawn after the first contract was signed, even though only half of the faculty had joined the union. When the Faculty Association was approaching a possible strike in 2002, the IEA and NEA sent in staffers to assist only after repeated pleas and threats from our leadership. As it turned out, these outside "strike experts" had no sense of how the Association might counter the university's campaign of threats against a strike. They provided no useful assistance, and quickly disappeared once the strike threat was over.

Let's conclude this discussion of the effects of campus unions with a brief look at what graduate students and contingent faculty have been getting as their newly organized unions have come away from the bargaining table. From reports in the *Chronicle* and information on the web-sites of these new unions, it's clear that wages and benefits have been a high priority for them (probably higher than for most unions of full-timers). But that's to be expected, given the low wages so many graduate assistants and adjunct faculty have been paid in the past. For the most part, contracts negotiated by these unions seem to have produced decent economic gains for their members. Some examples: The first contract

for adjuncts at Columbia College in Chicago gave everyone a wage increase of 3.5 percent and additional salary awards to those holding advanced degrees; graduate assistants at the University of Illinois got a 3 percent wage increase and a combination of waivers and subsidies for various university fees; lecturers at the University of California saw their minimum annual salary go up (from \$27,000 to \$37,000) and those with more experience got an additional boost in pay. But these new unions of graduate students and contingent faculty have not restricted themselves to economic issues. The website of the Graduate Employees' Organization at the University of Illinois offers a summary of "major highlights from [other graduate union] contracts. This list includes provisions on academic freedom, anti-discrimination, grievance protection/procedure, hours and leave, undergraduate education/teacher training, workload, and workplace safety along with provisions dealing with pay and healthcare."³⁵

The Future

Looking to the future, one would have to be somewhat pessimistic if the older unions of full-time faculty represented the only force of opposition to the new regime of campus management. Up to this point, these unions have followed a path rather similar to the old business union approach championed by Samuel Gompers many years ago. They have focused on satisfying their members' economic needs with better wages and benefits and shied away from confrontations over issues of workplace governance. As a result, university managers have had the freedom to pursue various policies that undermine the long term interests of full-time faculty. This is particularly evident in the increased use of contingent teachers on many campuses. The internal divisions and weaknesses that limit the bargaining power of the older faculty unions are not easily overcome. There are exceptions, of course. Some unions have been able to build strong member unity, organize successful strike actions, and win important concessions at the bargaining table.³⁶ But most have taken the more cautious route.

The majority of older campus unions have tied their interests to the two big teachers' unions. Large sums of dues money have flowed from the campuses into the coffers of

the AFT and NEA (and state affiliates). But neither of these organizations have provided faculty with much support in their efforts to build stronger local unions. The third organizational affiliation for campus unions, the American Association of University Professors, offers a model of unionism that is different from the AFT and NEA. Campus locals affiliated with the AAUP retain most of their dues money, hire their own staff, and manage their own affairs with only occasional assistance from the larger organization. About 70 campuses around the country have chosen this “self-managed” style of unionism offered by the AAUP. These AAUP affiliates have been somewhat more militant than those tied to the AFT and NEA, in terms of strike activity. On some campuses, as at Western Michigan University, they have also been able to develop a more cooperative relationship with the university administration.³⁷

A more optimistic view of the future comes out of an analysis of the massive restructuring that is going on with academic labor. One could even invoke Marx here: these changes are producing a growing class of poorly paid and alienated workers, which is generating continuing movements of opposition to the new model of campus management, and which may eventually culminate in a restructuring of the relations of power. Thesis: antithesis: synthesis.³⁸ The growing organization of contingent faculty — graduate students as well as some permanent part-timers — is creating a more robust union environment on campuses. One sees a militancy in these new groups that has been largely absent in the old faculty unions. The contracts they are getting are raising the costs of using contingent faculty, which is a positive development.

The new unions of contingent faculty seem to be having a revivifying effect on academic unionism. Graduate student workers are increasingly getting a firsthand experience with unionism before they move off into their academic careers. Here in Carbondale, we already have a number of Faculty Association activists who were in graduate student unions. The new unions have certainly raised the level of awareness about problems with the corporate style of management. As these unions continue to organize those at the bottom of the academic pecking order, and gain more power, there is always the possibility of conflict with the older faculty union groups. But there is also the possibility of cooperation,

and a significantly enhanced union voice on our campuses. For the foreseeable future, the struggle of academic labor against the new regime of campus management will surely be a story of continuing interest.

- 1 For other descriptions of this paradigm, see: Benjamin Johnson, Patrick Kavanagh and Kevin Mattson (eds.), *Steal This University: The Rise of the Corporate University and the Academic Labor Movement*, New York, NY: Routledge, 2003; Gary Rhoades and Sheila Slaughter, "Academic Capitalism, Managed Professionals and Supply-Side Higher Education," *Social Text* 51, 1997, 9–38; Geoffrey D. White with Flannery C. Hauck (eds.), *Campus, Inc.: Corporate Power in the Ivory Tower*, Amherst, NY: Prometheus Books, 2000; and Michael Yates, "Us Versus Them: Laboring in the Academic Factory," *Monthly Review* 51 (January), 2000, 40–49.
- 2 This 300,000 figure is an estimate based on previous annual counts of unionized faculty reported in the *Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education*, which unfortunately ceased publication with the volume published in 1997.
- 3 Speech given prior to student sit-in; full text of Savio's remarks are on Free Speech Movement website: www.fsm-a.org/stacks/mario/mario_speech.html
- 4 Clark Kerr, *The Uses of the University*, Cambridge: Harvard University Press, 1963.
- 5 For good assessment of the influence of Kerr's ideas, see Jeff Lustig, "The Mixed Legacy of Clark Kerr: A Personal View," *Academe Online* 90:1 (July–August), 2004.
- 6 The IBHE's plan reflected the growing political strength in Illinois of the community college lobby, which objected to SIUC's two-year degree programs as an infringement on their "turf." Not suprisingly, the decision to go along with the state plan resulted in a major loss of student enrollment (and funds) for the Technical Careers College.
- 7 Gary Rhoades and Sheila Slaughter, "Academic Capitalism in the New Economy: Challenges and Choices," *American Academic* 1:1 (June), 2004, 37.
- 8 John Lee and Sue Clery, "Key Trends in Higher Education," *American Academic* 1:1 (June), 2004, 22.
- 9 Lee and Clery, 26.
- 10 Lee and Clery, 29.
- 11 Lee and Clery, 31–32.
- 12 Lee and Clery, 32.
- 13 "Median Salaries of Top University Administrators," *Chronicle of Higher Education* 50:1 (August 27), 2004, 24.

- 14 Julius Getman, *In the Company of Scholars*, Austin, Texas: University of Texas Press, 1992, 100-101.
- 15 Kenneth L. Gagala, *Union Organizing and Staying Organized*, Reston, VA: Reston Publishing, 1983.
- 16 John Magney, "Faculty Union Organizing on the Research Campus," *Thought & Action* 15:1 (Spring), 1999, 119.
- 17 Norman Draper, "U Faculty Rejects Union," *Minneapolis Star Tribune*. (February 13), 1997, A19.
- 18 See Gwendolyn Bradley, "Contingent Faculty and the New Academic Labor System," *Academe Online*, 90:1 (January-February), 2004 and Joe Berry, "Reclaiming the Ivory Tower: Organizing Adjuncts to Change Higher Education," New York: NY, *Monthly Review Press*, 2005.
- 19 See Samuel B. Bacharach and John Lawler, *Bargaining Power, Tactics, and Outcomes*, San Francisco, CA: Jossey-Bass, 1981 and Kate Bronfenbrenner, "Lasting Victories: Successful Union Strategies for Winning First Contracts," *Proceedings of the 48th Annual Meeting*, Madison, WI: IRRA, 1996, 161-167.
- 20 John Magney, "When Push Comes to Shove: Strikes in Higher Education," *Thought & Action* 17:2 (Winter), 2001, 55-72.
- 21 Denis Collins, "The University of Bridgeport Faculty Strikes; Introduction to the Special Issue," *Journal of Academic Ethics* 1:3, 2003, 233-237.
- 22 Jonathan Knight, "The AAUP's Censure List," *Academe Online* 89:1 (January-February), 2003.
- 23 Two relevant documents on the AAUP website, www.aaup.org, are: "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments" and Donna R. Euben, "Tenure: Current Perspectives and Challenges," (October, 2002).
- 24 From document on AAUP website: "Censured Administrations: 1930-2002."
- 25 David M. Rabban, "Academic Freedom, Individual or Institutional?" *Academe* 87:6 (November - December), 2001, 16-20.
- 26 Eric Marshall, "Victims of Circumstance: Academic Freedom in a Contingent Academy," *Academe Online* 89:3 (May-June), 2003.
- 27 This statistic is from research done using the NEA's "Higher Education Contract Analysis System" (HECAS) database; the research will be reported in a paper tentatively titled "Academic Unions and Academic Freedom."
- 28 Citations are from currently existing contracts compiled in the HECAS database.
- 29 "Landmark Academic Freedom Decision at UBC," *Bulletin Online* 51:4 (April), 2004.
- 30 Report on AAUP website: "Academic Freedom and Tenure: City University of New York."
- 31 See Javed Ashraf, "The Effect of Unions on Professors' Salaries: The Evidence Over Twenty Years," *Journal of Labor*

- Research 18:3 (Summer), 1997, 439-450; Debra Barbezat, "Effect of Collective Bargaining on Salaries in Higher Education," *Industrial and Labor Relations Review* 42:3 (April), 1989, 443-455; Randell Kesselring, "The Economic Effects of Faculty Unions," *Journal of Labor Research* 12:1 (Winter), 1991, 61-72; and James Monks, "Unionization and Faculty Salaries: New Evidence from the 1990s," *Journal of Labor Research* 22:2 (Spring) 2000, 305-314.
- 32 Gary Rhoades, *Managed Professionals: Unionized Faculty and Restructuring Academic Labor*, Albany, NY: SUNY Press, 1998.
- 33 Rhoades, 271.
- 34 Victor G. Devinatz, "Unions, Faculty and the Culture of Competition," *Thought & Action* 17:1 (Summer), 2001, 87-98.
- 35 Website is: www.shout.net/%7Egeo/
- 36 Magney, "When Push Comes to Shove: Strikes in Higher Education."
- 37 This information on AAUP unions obtained from interviews with several campus and national leaders in 2003.
- 38 Not to be too dogmatic about it, but this Marxian schema does account for much of what happened with the industrial working class in the U.S as it moved into unions in the last century.

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